

**COMMITTEE ON ORDINANCES, CHARTER AND RULES
MONDAY, NOVEMBER 25, 2019 AT 6:25 P.M.
COMMITTEE ROOM
WOBURN CITY HALL**

Voting Members:

Present: Chairman Lindsay Higgins, Alderman Michael Concannon, Alderman Mark Gaffney,
Alderman Darlene Mercer-Bruen, and Alderman Edward Tedesco

Non-Voting Members:

Present: President Michael Anderson, Alderman Joanne Campbell, Alderman Robert Ferullo,
and Alderman Richard Gately (participating remotely)

Also present: Ward 3 Alderman-elect Jeffrey Dillon

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VOTED to dispense with the reading of the minutes from the previous meeting and to approve;
5-0.

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Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to take
collectively the two matters on the posted agenda; approved, 5-0.

Alderman Gaffney and Alderman Tedesco to amend the 1985 Woburn Zoning Ordinances by adding a new Section 31 entitled “Railway Overlay (ROD) District”: Representing 8-10 Green Street LLC were Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park, Woburn, MA; George Gately, G.W. Gately Inc., 1 Summit Street, Woburn, MA; Hans Strauch, HDS Architecture, 625 Mount Auburn Street, Cambridge, MA; and Mark Sleger, ALAN Engineering, 47 Elm Street, Wakefield, MA. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to accept and make part of the permanent record an email dated November 25, 2019 and entitled “ROD & Proposal” from Christopher and Mary Owen, 3 Florence Terrace, Woburn, MA; approved, 5-0. Motion made by Alderman Tedesco and seconded by Alderman Concannon to accept and make part of the permanent record the following documents: A memorandum from Planning Director Tina Cassidy dated November 22, 2019, regarding a request from the Ordinance, Charter & Rules Committee for review and comment; A memorandum from Chairman Higgins entitled “Section 31 Railway Overlay District (ROD)” and a red line version of the same document; approved, 5-0. Motion made by Alderman Tedesco and seconded by Alderman Concannon to use Alderman Higgins’ so-called “clean version” of the ROD document as a working draft; approved, 5-0. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to change the term “TBOD” to “ROD” in Section 31.8.1 in the working draft; approved, 5-0. Chairman Higgins referenced Director Cassidy’s memo and said she incorporated her comments into the working draft. Alderman Tedesco said he has no issue with recommending the zoning ordinance and map ought to pass tonight but he will defer to the rest of the committee. Alderman Concannon said the petitioner has planned a presentation

and he will be interested to learn if anything has changed. Alderman Mercer-Bruen said she maintains concerns about density and wants to know if any of her concerns with density have been addressed. She said she appreciates the efforts to improve a dilapidated site but added the zoning change has to benefit the entire community. She said she wants to know how the density and height are going to be addressed. Alderman Gaffney the adopting of the zoning ordinance will allow 8-10 Green Street LLC to convert a poor site and upgrade the entire neighborhood. Motion made by Alderman Tedesco and seconded by Alderman Gaffney to suspend the committee's rules to allow Attorney Tarby and other representatives from 8-10 Green Street to address the committee; approved, 5-0. Attorney Tarby said he has reviewed the proposed revisions and said Chairman Higgins did a good job with that. He said the committee made two requests at its meeting on November 12, 2019: To provide the estimated costs of cleaning 8-10 Green Street and to provide the committee with the height of the buildings on Prospect Street. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to accept and make part of the permanent record a document from Matthew Steele, GZA GeoEnvironmental Inc., 144 Elm Street, Amesbury, MA, to Ed Hovsepian, 8-10 Green Street LLC, estimating the cleanup costs for 8-10 Green Street; approved, 5-0. Attorney Tarby said cleanup of the site will cost approximately \$1.5 million plus engineering costs. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to accept from the petitioner a map along with photographs and height measurements of nine homes on Prospect Street, opposite 8-10 Green Street; approved, 5-0. Mr. Gately said there is a difference in elevation of 9.5 feet between his proposed building and the corner of Prospect and Green Street. Mr. Gately enumerated the following building numbers and heights: 69 Prospect Street – 32.5 feet; 67 Prospect Street – 28.2 feet; 65 Prospect Street – 26.9 feet; 63 Prospect Street – 29.8 feet; 59 Prospect Street – 25.6 feet; 57 Prospect Street – 30.8 feet; 53-55 Prospect Street – 36.0 feet; 51 Prospect Street – 25.6 feet; 49 Prospect Street – 32.1 feet. Mr. Strauch said if one adds the square footage of the footprints of the existing buildings, the area would exceed the area of the proposed building, and the proposed building would provide more open space than the dilapidated buildings in the area. Alderman Campbell asked if there is a reason why the proposed building wasn't put further down on Green Street. She said there are no houses along Main Street. Mr. Strauch said the building was placed where it was placed to satisfy parking requirements and to minimize impact. Alderman Campbell said if the building is shifted further down, it will impact businesses only. President Anderson asked to be reminded about the height of the building. Mr. Gately said the building is 46 feet high. President Anderson said if we assume Prospect Street is level and 32 Prospect Street is 41 feet high, then it would be about the same height as the proposed building. Alderman Gately said the proposal is a beautiful project that should go through. He said the environmental cleanup alone is worth it. He said he has no issue with the height, parking or access and egress. He said he would like to see the project built because it will clean up a blighted, disgusting area. Alderman Mercer-Bruen said the applicant has the right to clean up the building without installing 54 units. Attorney Tarby said the height of the proposed building has been reduced from 49 to 46 feet and will change the use, which he said was formerly tannery operations, then a foundry and then the various uses that are there now. He said the property is screaming for redevelopment. Alderman Mercer-Bruen asked if it is appropriate to have it developed because of the contamination. Attorney Tarby said the property will be cleaned before it is developed. Alderman Mercer-Bruen said the W.R. Grace site on Washington Street was redeveloped but no one would be allowed to live there full-time. Attorney Tarby said he's not sure that's true. Alderman Mercer-Bruen asked what will happen if the proposed project isn't allowed. Attorney

Tarby said the petitioner will go to Plan B. Alderman Concannon said the underlying zoning is still available. Alderman Campbell said the proposal is close to spot zoning. She asked where the proposal stops short of spot zoning. She said the height of the building is bothering her. She said she does not like the density but the height is really bothering her. She said she does not know if this is the right thing to do. She asked how many townhouses would be allowed by right. Attorney Tarby said about 30 townhouses would be allowed. Alderman Campbell said she would prefer the maximum height to be 35 feet. Chairman Higgins said she would like to insert Section 28.3 of the TBOD into the ROD text and make that section 31.3. She said that would make the City Council the special permit granting authority. Motion made by Alderman Tedesco and seconded by Alderman Concannon to add Section 28.3 of the TBOD as Section 31.3 of the ROD and then re-numbered each successive section sequentially; approved, 5-0. Alderman Gaffney disputed the notion there is spot zoning involved because each parcel along the railroad bed can use the ROD. He said any parcel all the way Giovanni's on Fowle Street is eligible to use the overlay district. Alderman Campbell said the proposed height of the building would set a precedent. She said she lived on Prospect Street and it would be nice to get the area cleaned up. She said the density is not bothering her as much as the height. Attorney Tarby said the proposal is clearly not spot zoning and cited case law to that effect. He said his client is not the only property owner that can come forward. He said there are other property owners that can do that. He said the proposal will provide homes in accordance with an MAPC suggestion there will be a higher demand for housing. President Anderson said he is not going to buy into everything MAPC says. He said if the property remains S-1, then there will be significantly less units, 17 by his estimation. He said there is a significant difference. He said the council has to be concerned about adjacent zones adopting similar density regulations. He said obviously cleanup costs are going to be an issue. Chairman Higgins said she wants to confirm there will be 44 percent open space. Mr. Gately said there will be 41 percent open space. Attorney Tarby said the open space ratio will be in the 40 percent range. Chairman Higgins said the TBOD calls for 25 percent open space, and if the council is going to give people extra height in the ROD, it ought to require similarly-ratioed open space. Alderman Concannon said he thinks a 25 percent open space ratio is reasonable. Alderman Ferullo said the proposal calls for 44 percent open space and 17 percent building coverage. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to require a minimum open space ratio of 25 percent in the ROD; approved, 5-0. Kenneth Lee, 58-60 Prospect Street, asked which district involves the TBOD. Chairman Higgins said Director Cassidy suggested incorporating some of the dimensional requirements of the TBOD in the ROD. Mr. Lee asked another question but was advised the meeting was not open to comments from the audience, only to the petitioners and their representatives. Alderman Tedesco said the committee could open the meeting to the public by suspending the rules. President Anderson said the TBOD is the Atlantic Gelatin site in East Woburn. Alderman Tedesco said the density at the Woburn Mall is 20 units per acre and that the committee should keep that in mind. Chairman Higgins noted the Woburn Mall project is a 40R project and asked what the densities are of the other 40B or 40R project that have been approved. Alderman Tedesco said generally the density for 40B/R projects is around 20 units per acre. Alderman Concannon said this section of the city is zoned for a certain district. He said when there is a section of the city, not just this one, where development isn't occurring, the council can try to do something to jump-start it. He said there is a difference between spot zoning and overlay districts. He said this is a section of the city where the existing zoning doesn't seem to be working. He said there is a person before the council who has an idea to make the area better. He said he does not see this as spot zoning.

He said he's looked pretty deeply at this area and it is in desperate need for improvement from Giovanni's to the Martignetti building. He said he thinks an overlay district can make things happen. He said the proposed height of the building is a little bit higher than the buildings on Prospect Street, and that doesn't bother him. He said he thinks this is a good idea. He said he isn't worried about someone else using the overlay district. He said he hopes someone does. He said he thinks the project is a good project. Chairman Higgins asked if anyone in the audience wished to address the committee and if so they would need to identify themselves. Mr. Lee said he would like to address the committee. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to suspend the rules to open the meeting to comments from the audience; approved, 5-0. Mr. Lee asked if the original ROD proposal has been modified. Chairman Higgins said most of the changes involved formatting. Mr. Lee asked if any parcels have been removed from the original ROD map. Chairman Higgins said no parcels have been removed. Mr. Lee said the overlay district is located in a densely-populated area. He said based on the dimensions of the ROD, there will be 1,750-square-feet per unit, based on 54 units. He said if the ROD is six acres, then there will be 149 units allowed. He said 32 of the units are 2-bedroom units, which to him indicates families with children will be moving in. He asked if the school system, particularly the local elementary school, can accommodate 32 new students. He said the Greenway overlay district would allow a maximum of nine units per acre. He said if the council adopts this overlay district, people who own property in proximity will want to re-zone their property similar to the ROD, which is going to turn the whole strip into apartment buildings. He said he does not think this is right for the city. Chairman Higgins asked if anyone else in the audience wished to address the committee. There were no respondents. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to return to the regular order of business; approved, 5-0. Motion made by Alderman Tedesco and seconded by Alderman Gaffney that the ROD and zoning map ought to pass, as amended. Alderman Tedesco withdrew his motion. Motion made by Alderman Tedesco and seconded by Alderman Gaffney that Section 31, as amended, and the zoning map ought to pass; approved, 4-1, with Alderman Mercer-Bruen opposed.

Alderman Gaffney and Alderman Tedesco to amend the Zoning Map of the City of Woburn by establishing the ROD Zoning District over the properties in the S-1 District between Green Street and High Street that about the abandoned Boston & Maine Railroad Line located on Main Street, Green Street and High Street: See preceding item.

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Motion made by Alderman Tedesco and seconded by Alderman Concannon to adjourn; all in favor, 5-0. Chairman Higgins adjourned the meeting at 7:08 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees

