

**CITY OF WOBURN
WOBURN CITY COUNCIL
ORDINANCES CHARTER & RULES COMMITTEE
COMMITTEE ROOM
WOBURN CITY HALL
MONDAY, NOVEMBER 13, 2023 – 6:05 P.M.**

Voting members present: Chairman Joseph Demers, Councilor Lou DiMambro, Councilor Robert Ferullo, Councilor Darlene Mercer-Bruen, and Councilor Richard Gately

Non-voting members present: President Michael Concannon, Councilor Joanne Campbell, Councilor Jeffrey Dillon, and Councilor Charles Viola

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Reading and approval of previous meeting minutes: Motion made by Councilor Ferullo and seconded by Councilor DiMambro to approve the minutes of the meeting of October 10, 2023; approved, 5-0.

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JDC Realty Trust petition to amend Section 10 Cluster Development of the WZO by revising Section 10.2.1, 10.4.2, 10.4.6 (preexisting, nonconforming lots), and 10.4.10 (minimum lot size), and adding new Section 10.4.11 (to allow for up to four units):

Representing the applicant were Attorney James Juliano, 42 Pleasant St., Woburn, MA; and Christopher Natale, 17 App Court, Woburn, MA. Councilor Gately said Attorney Juliano is his lawyer and he is going to abstain from any votes. Attorney Juliano said there have been a couple of discussions in committee. He asked if the committee has any further questions or feedback. Councilor Mercer-Bruen said she has been very vocal about her opposition to the ordinance change. She said she does not see benefits for the entire city. She said she sees this as benefiting only one or two developers. She said she will not support the proposed amendment. Attorney Juliano said the last cluster development was built about 40 years ago, at Quail Run. He said they did the math and the adoption of this proposed ordinance change will not yield more units. He said it would benefit the city by yielding more open space and more aesthetically pleasing development. Councilor DiMambro said he has talked extensively to Building Commissioner Thomas Quinn about this order. He said he is not necessarily opposed to the concept of a cluster development but he does not like the idea of three and four-unit buildings. He said he thinks the R-2 district should remain R-2. He said once the council starts allowing clusters, even with a minimum 5-acre parcel, the door will be open and it is not going to close. He said developers will gobble up land and go for four-unit buildings, not twos or even threes. He said this is not a good fit for Woburn. He said Quail Run was built however many years ago. He said land assessments in Woburn are starting to get crazy and developers will be looking to maximize density. Mr. Natale said it is not economically affordable for developers to gobble up land. He said the city gets 30 percent green space. He said the current version of the ordinance has not been used in 30-35 years for a reason. He said there is no economic benefit. He said he is trying to do a small residential development. He asked why he would want to tear up his property when

he can build a nice cluster development. Councilor DiMambro said he has heard from residents who don't mind an R-2 project but are opposed to threes and fours. Mr. Natale asked if the council would be amenable to a project with a maximum of four threes and the rest twos. He said the City Council would still have oversight and retain the open space benefit. He said part of his property is the B&M rail bed and there can be a half-mile walking path. Chair Demers reminded the applicant and the councilors that the committee is debating the zoning change, not any future development plans. Mr. Natale said the future development plans will factor into the council's decision on the zoning amendment. He said all he is asking for is a little residential development. Councilor Mercer-Breun said there are plenty of opportunities for this project that already exist. She said there is no benefit from this open space toward the city's Ch. 40B calculations. She said the open space is going to only be for the people who live there. She said the council has to think about the entire city. She said she is worried this zoning amendment will open a can of worms. She said she heard there is another major developer who is interested in this zoning amendment. She said that means there may be others who are interested. Councilor DiMambro said he confirmed with Commissioner Quinn that there is another developer out there who is interested. He said he is worried about the possibility of this getting out of control. Mr. Natale asked why a developer would give up half of their units and 30 percent of their land to do a cluster development. He said the present regulation is not written properly. Councilor DiMambro said he imagines the open space would be ledge or swamp or wetlands, or perhaps an easement for a sewer or a brook. Mr. Natale said that is not the case with his property, and there is no brook that travels through his property. Councilor DiMambro said these are the things that he has to take into consideration. Mr. Natale said the current legislation is not written properly. Attorney Juliano said as a matter of right this parcel can contain 34 units. He said there is no scenario where they can get more than 34 units with a zoning change. He said the zoning amendment will allow for flexibility for aesthetics and other things like conservation. Mr. Natale said there has to be access to the public for the whole city. He said everyone has a right to access that land. Councilor Mercer-Bruen said the open space land won't count toward the city's Ch. 40B calculations. She said no one is going to go to the public area. Mr. Natale asked how she knows that. Councilor Mercer-Bruen said it is unlikely. Mr. Natale asked if everyone uses Horn Pond. Councilor Mercer-Bruen said any comparison to Horn Pond is a bit of a stretch. She said in her opinion the ordinance change does not provide benefits to the entire city. She said she has also heard from residents who are very concerned about this. She said she is thinking about Ward 5 as well as the entire city and there is no way she is going to put her name on this. Motion made by Councilor DiMambro and seconded by Councilor Mercer-Bruen to suspend the council's rules to allow any member not on the committee to address the proposed zoning amendment; approved, 4-0. President Concannon asked if the Quail Run development was built under the existing Section 10 legislation. Attorney Juliano said he believes Quail Run was built around the same time frame the legislation was adopted. Mr. Natale said he believes the legislation was changed after Quail Run, about 1989. He said they have not been able to find documentation in regard to the rationale for the change. President Concannon said it would be nice to know what the changes were. Councilor DiMambro said he would prefer to leave the ordinance the way it is, with no changes. Motion made by Councilor DiMambro and seconded by Councilor Mercer-Bruen that the zoning amendment "ought not to pass;" in favor, 4-0.

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Order amending WMC 12-56 Special Event Permit insurance minimum coverages:

Chairman Demers said he spoke to City Clerk Lindsay Higgins about this proposal to amend the municipal code as it relates to insurance coverage for special events. He said the current application has different mandatory minimum insurance requirements than what is in the municipal code. He said the City Clerk's office is hoping to get some clarity. He said the amendment to the municipal code would reflect the current requirements. He said it may be prudent to leave the matter in committee to get some feedback. Councilor Dillon asked if the insurance coverage is difficult to obtain or if it is cost prohibitive. Chairman Demers said there are not a lot of local insurance companies writing this type of policy. Councilor Dillon said the cost of insurance has gone crazy. He said everyone has seen the cost of their homeowner policy rise. He said he thinks the council needs to nail this down. He asked if the city is exposed. Chairman Demers said the issue is more that not a lot of companies are writing this type of policy. Councilor Mercer-Bruen suggested polling the people who apply for special event permits about the insurance regulations. She said she would like to hear from them. Councilor Ferullo asked if the city is listed as an also insured party on the insurance binder. Chairman Demers answered affirmatively. President Concannon said he would like to know if a cookie cutter approach for insurance coverage is appropriate. He said the council may want to look at a sliding scale. He said a road race is a lot different than a parade. Chair Demers said there is room for discussion. He said he would like to hear from representatives from Massachusetts Interlocal Insurance Agency (MIIA) and the City Solicitor so the council can determine if the order will create any hardships. Councilor DiMambro asked if the city can establish a relationship with a local insurance company to provide coverage for special events. Chair Demers said he does not think the city should be establishing relationships with private companies. Councilor Ferullo agreed with the notion that the council may want to look at a tiered approach for what it requires for different events. Councilor Gately said this is not the first time the council has gone through this. He said there was an insurance company that wouldn't cover events. He said there have been instances where the cost of the insurance was more than the cost of the event. Councilor Ferullo said there was such an instance when the police department tried to conduct an athletic tournament for Sept. 11. Councilor Dillon said there is a balance between making sure the city isn't exposed and the need to hold these events, which he said is part of what makes Woburn a community. Chair Demers asked members of the council to submit pertinent questions to the clerk by the end of the week.

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President Concannon, per request of the Mayor, to amend WZO Title 26, Solar Photovoltaic Systems, Section 26.2 and revising WZO Section 5.1(87) to allow roof-mounted solar energy systems in the O-S zoning district:

Chair Demers said the committee has received a report from the Planning Board. He said the Planning Board suggested two amendments and asked if anyone on the committee has comments. President Concannon said the memo from the Planning Board emphasized the mayor's request to adjust the zoning ordinance to reflect present day circumstances. Chair Demers said the Planning Board discussed the memo with the City Solicitor and Building Commissioner Quinn. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro that the amendment "ought to pass;" with the changes recommended by the Planning Board; in favor, 5-0.

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MOTION made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to adjourn; in favor, 5-0. Chairman Demers adjourned the meeting at 6:41 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees