

**CITY OF WOBURN
CITY COUNCIL
COMMITTEE ON LIAISON
WOBURN CITY HALL
COMMITTEE ROOM
MONDAY, JULY 29, 2024, at 6:35 p.m.**

Voting Members present: President Jeffrey Dillon, Councilor Robert Toro, Councilor Robert Ferullo, Councilor Joanne Campbell, Councilor Lou DiMambro, Councilor Charles Viola, and Councilor Joseph Demers. Absent: Councilor Darlene Mercer-Bruen and William Pappalardo

Also present: Mayor Michael Concannon

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Reading of previous meeting minutes: Motion made by Councilor Campbell and seconded by Councilor Ferullo to waive the reading of and approve the minutes of May 28, 2024; approved, 7-0.

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Order authorizing the mayor to accept deed for Lot 2 Marcy Street: Representing the owners of Lot 2 Marcy Street were Michael Aveni, Senior Project Architect, and Steven Rebelo, Corporate Counsel, Cummings Properties, 200 West Cummings Park, Woburn, MA. Mr. Aveni said their goal is to construct a single-family dwelling on Lot 1. He said there are four lots there. He said the project started in 2023 when he applied to the Zoning Board of Appeals for a variance. He said that plan was withdrawn in the summer of 2023 and he reapplied for a variance for a reduction in the lot size. He said Lot 1 is a buildable lot and Lot 2 has a significant vegetative buffer that Bill Cummings planted in the 1970s. He said their intent is to build a single-family home on Lot 1 and leave Lot 2 as is. He said the original application for a variance was withdrawn and he instead filed a petition with the Planning Board. He said after multiple public meetings, Cummings Properties and the neighbors came to an agreement with which they were comfortable – that Cummings would deed Lot 2 to the city and cede its rights to Marcy Street. He said they then went back to the ZBA for a variance to reduce the lot size. He said there was input from the former Planning Director and the former chair of the Planning Board in favor of the proposal. He said the ZBA granted a variance with a condition that the property owner deed Lot 2 to the city. He said the vegetative buffer is all trees. He said the neighbors were very concerned about retaining that buffer. He said Cummings Properties is trying to be a good neighbor. He said the biggest challenge has been condition #3 of the Planning Board's decision, which he read as follows: "Prior to the issuance of a building permit, the applicant shall have offered to the City, at no cost to the City, all of the rights, title, and interest in the right-of-way known as Marcy Street that are associated with Lots 1 and 2 and the parcel owned by New Horizons Beverly, Inc., on the south side of Marcy Street (Assessors Map 54, Block 11, Lot 1) and the City Council shall have accepted them. The areas being referenced in this condition are depicted in Areas A, B and C on the attached plan." He said the Planning Board is asking the property owner to relinquish its rights to Lot 2. He said they communicated with the City

Solicitor on this issue. Attorney Rebelo said there are technical issues with complying with condition #3 of the Planning Board memo. He said while there have been discussions with the City Solicitor they have not yet figured out a path forward to accomplish their goals. Mr. Aveni said this property will have rights to half of Marcy Street. Attorney Rebelo said every lot owns half of the private way. He said the lots can't be cut off and conveyed to the city. He said they have conferred with the City Solicitor and have not been able to come up with a way to accomplish what the Planning Board wants to accomplish. Mr. Aveni said one idea is to make Marcy Street a public way and have the other property owners cede their rights. Attorney Rebelo said that would require all owners on Marcy Street to enter into a restrictive covenant. He said the second step of the process is putting part of Lot 2 and the easement at 2-8 Henshaw St. as a no-cut buffer zone. Mr. Aveni said ultimately, if the City Council approves of this proposal, they still would have to go back to the Planning Board. He said there are a couple of possible outcomes, and he suggested the City Council ask City Solicitor Salvati to provide a specific outcome. He said there are a lot of moving pieces. Councilor Demers asked what the rationale of the Planning Board for wanting Area A to be turned over to the city. Mr. Aveni said the neighbors are staunchly in favor of maintaining the trees in the buffer zone. He said the buffer will be between the adjacent industrial property. He said technically Lot 1 has no legal access. Councilor Demers asked if there was any discussion about access to Henshaw Street from Lot 2 to Lot 1. Mr. Aveni said it becomes a more appealing project if there is no access onto Marcy Street. Councilor DiMambro said he may be the only member of the City Council who understands this situation. He said he lives on School Street in an area adjacent to an industrial zone. He said the trees do provide a screen. He said he can see why the neighbors favor that buffer at the end of Marcy Street. He said he also understands if the buffer remains there will not be a cut through to the adjacent industrial area. He said he would like to see the whole strip given to the city as a buffer. Mr. Aveni said the applicant wants the buffer to remain. He said he wants to cooperate with the neighbors. Councilor DiMambro asked if there will be a cul-de-sac at the end of Marcy Street. Mr. Aveni said there will not be a cul-de-sac. He said he met with officials from the fire department who said they would have to back a truck down Marcy Street anyway. Councilor DiMambro said deeding Lot 1 to the city would be an act of good faith. He said he thinks the neighbors would appreciate that. He said he would ask for the buffer to be extended straight down and for more trees to be planted. Councilor Campbell said she is confused why the Planning Board has complicated this matter so much. She asked if a variance was needed because the lot size is only 8,000-square-feet. Mr. Aveni said the minimum lot size is 12,000-square-feet. He said they also had to ask for relief from the Planning Board of the requirement of a turnaround and that 100 feet of frontage needs to be paved. He said they asked for relief for a requirement for a cul-de-sac. Councilor Campbell said the applicant is willing to give up that area to the city and there will be no negative impact on the neighbors. She said she likes Councilor DiMambro's idea about going down all the way. Councilor Demers asked why there was initial push back from the neighbors. Mr. Aveni said the neighbors did not trust the applicant. Councilor Demers asked if a deed restriction would be a better option than turning the land over to the city. Mr. Aveni said that is what he proposed initially, a deed restriction. Councilor Viola asked if there is a fence along Henshaw Street. Mr. Aveni answered affirmatively. Councilor Viola asked if that will be deeded to the city as well. Mr. Aveni said he is not sure whose land it is on. Councilor Viola asked if the trees in the buffer zone look healthy. Mr. Aveni said they do. He said they stay the way they are all year long. He said the neighbors were concerned the person who bought the land could tear down the trees. Councilor Viola asked

Mr. Aveni if he could find out who owns the fence. Councilor Toro asked if there is any opposition to a deed restriction. He said it makes sense because it gives the neighbors some sort of assurance the buffer is going to stay. Mr. Aveni said you never know what the next owner will want to do with the buffer area. Councilor Toro said even if the council authorizes the mayor to accept Lot 2 the applicant still has to go back to the Planning Board. He said he would be in support of deeding Lot 2 to the city. He said he would also like to ask the City Solicitor if there is any way to provide some sort of assurance. Councilor DiMambro said he does not see any reason why the Planning Director would find any fault with the proposal to turn the land over to the city. Mr. Aveni said he has met with the new Planning Director and brought him up to speed. He said maybe the next step is asking the City Solicitor to weigh in. He said he thinks that request is going to have to come from the committee. Councilor Ferullo said in sum the neighbors want the buffer to stay and for the street to not be opened. Mr. Aveni said that is correct. Councilor Demers said the committee should be completely aware of what is being asked of it tonight. He said the committee does not want to wade too far beyond its jurisdictional limit. Motion made by Councilor Demers and seconded by Councilor Viola to suspend the council's rules to allow Mayor Concannon to address the order; approved, 7-0. Mayor Concannon said he agrees with the idea that the committee should inquire with the City Solicitor. He said he is sure the City Solicitor would confer with the Planning Director. Councilor Demers asked if the timeline for this transfer of land is the end of the summer. Mayor Concannon said he would think so. Councilor Demers said he would make a motion to send the order "back for action" so the committee can receive input from the City Solicitor and Councilor Pappalardo. Mr. Aveni said he is okay with leaving the matter in committee until the City Solicitor has a chance to weigh in. Councilor Campbell said she would support sending the matter back for action. She said that might put a little fire under the order. Motion made by Councilor Demers and seconded by Councilor DiMambro that the matter be sent "back for action," with a communication to the City Solicitor asking him what the best way for the applicant would be to transfer Lot 2 to the city, with a copy of the communication sent to the Planning Director; approved, 7-0. Councilor Viola asked for the applicant to find out who owns the fence and provide that information to the council by the council's meeting next Tuesday.

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Motion made by Councilor Campbell and seconded by Councilor Viola to adjourn; approved, 7-0. President Dillon adjourned the meeting at 7:22 p.m.

Attest: _____
Gordon Vincent
Clerk of Committees

