

CITY OF WOBURN
WOBURN CITY COUNCIL
ORDINANCES CHARTER & RULES COMMITTEE
COMMITTEE ROOM
WOBURN CITY HALL
MONDAY, SEPTEMBER 9, 2024 – 7:28 P.M.

Voting members present: Chair pro tem Robert Toro, Councilor Robert Ferullo, Councilor Lou DiMambro, and Councilor Mercer-Bruen. Absent: Chair Joseph Demers

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

Also present: Mayor Michael Concannon and Planning Director John Cashell

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Reading and approval of previous meeting minutes: Motion made by Councilor Ferullo and seconded by Councilor Mercer-Bruen to waive the reading of and approve the minutes of the meeting of August 12, 2024; approved, 4-0-1.

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The 1985 Woburn Zoning Ordinance, as amended, by: a. adding new Section 34 – Non-Age Restricted Multi-Family Housing Overlay District (MBTAOD): Director Cashell said this legislation has been around since March. He said the Planning Board held a public hearing and took final action, issuing a recommendation to the City Council dated August 22, 2024. He said the recommendation is rather complicated. He said it took some time to put the document together though it is only a page and a half. He said the goal was to create a legally tenable position with what the city already has in its zoning ordinance. He said any proposed MBTA 3A application would have to be a multi-family, non-age restricted housing development within the proposed overlay district. He said the overlay district has been pretty well-defined. He said Councilors DiMambro and Mercer-Bruen came up with this idea for the overlay district. He said the overlay district is located on the easterly side of the MBTA commuter rail line, with 10 parcels comprising 54 acres of land. He said each community is required to come up with 50 acres. He said there is a potential for 2,634 units but in all likelihood that will not happen. He said the district will probably be developed as a multi-use project as the city has seen for the past 20 years in the Commerce Way area. He said you can't really grow an economy without the availability of housing, with an affordability component. He said there are people who say there is nothing affordable about affordable housing in Massachusetts. He said many people with sizeable incomes can't afford adequate housing in this region Massachusetts. He said the state guidelines for the MBTA Communities Law have been revised three times, most recently in August of 2023. He said the city has until December 31 to take final action on this matter. Councilor Mercer-Bruen urged the City Council to not be so quick to act on this matter. She said

there are a few things that are still undetermined. She said there is a lawsuit that is to be determined. She said she appreciates the creation of the map and the time that it took to create it. She said she is still in agreement, but she has a lot of heartburn over 39 of the 54 acres being owned by the MBTA. She said the council has heard nothing is going to get built, but the MBTA has reached out for a meeting. She said that says to her the MBTA has a plan in hand. She said she would like to hear from Scott Bosworth from the MBTA. She asked if Director Cashell has heard from the MBTA. Mayor Concannon said Mr. Bosworth reached out to the city. Councilor Mercer-Bruen said it would be great to hear from him. She said the MBTA clearly has something in mind. Mayor Concannon said he is going to have a discussion with Mr. Bosworth on Thursday and he can ask. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to send a communication to invite Scott Bosworth, MBTA Chief of Transit Oriented Development and Innovative Delivery, to the City Council's meeting on Sept. 17, 2024; approved, 4-0-1. Director Cashell said everything in the underlaying IP-2 zoning district as well as the overlay district would be available for development. Councilor Mercer-Bruen said development in the IP-2 district would require a special permit, and development in the proposed overlay district does not. Director Cashell said the overlay district would provide an opportunity for an applicant to develop the property in accordance with the primary or overlay district. He said the law only requires the city to create the district. Councilor Mercer-Bruen said she will not shut up about this and if she is proven wrong, she will say she is sorry. Councilor DiMambro asked if there is a 25 percent or 10 percent affordability requirement. Mr. Cashell said he is not advocating for any of this. He said he is opposed to the state taking away a community's right to home rule. He said this is an overreach. He said this statute harms the city. He said the MBTA owns property in the city of Woburn and has the right to develop it, however. Councilor Mercer-Bruen said the development is in accordance with the current law. Director Cashell said the state guideline is anything higher than a 10 percent affordability component has to be approved by the Executive Office of Housing & Livable Communities. Councilor DiMambro said he recalls Gov. Healey saying she is indifferent to the affordability component and that she just wants housing, without consideration for the cost of rent. Director Cashell said the Planning Board agrees with the City Council that the affordability component should be 25 percent. Councilor Mercer-Bruen said the reason the state does not care about the affordability component in the MBTA Communities Law is because if a community dips below its 10 percent ratio of affordable housing it would default to Ch. 40B. Director Cashell said for every market value house that is built in Woburn, the city gets closer to the 10 percent threshold. He said if the city does not keep up, it will be prone to another 40B filing. He said it is important for the city to require 10 percent affordability. He said the district formed in response to the MBTA Communities Law is strictly for housing, not mixed use. He said he finds it hard to believe the MBTA would build a strictly residential housing district. He said he sees a mixed-use development instead. Motion made by Councilor DiMambro and seconded by Councilor Mercer-Bruen to suspend the City Council's rules to allow any member of the council not on the committee to address the petition; approved, 4-0-1. President Dillon said he finds this discussion very interesting. He said he expects the lawsuit is going to come to a head in October. Councilor Mercer-Bruen said the council is under no obligation to expedite this matter. She said it would be great to hear from the MBTA. Councilor Campbell said she agrees there is no need to rush it until the council hears from the MBTA. She said she agrees with the idea that the affordability component should go to a higher percentage. She said the rents in Woburn Village are over \$3,000. She said thankfully the council passed a requirement that any new development must provide 15 percent affordability

component. She said she hopes this remains in committee. Chair pro tem Toro said the matter will be left in committee.

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317 NB Development, LLC for a proposed zoning amendment to Section 5.2.1.4 of the WZO to include language regarding New Boston Street Bridge permanent easements and allowing such access easements to be deemed conforming for legal frontage and legal access: Representing the applicant was John Paul Martignetti, Martignetti Real Estate, 304 Cambridge Road, Woburn, MA. Councilor DiMambro said his understanding is the zoning amendment is being offered because there will be land takings of the property for the New Boston Street bridge project. He said if any of those parcels should be sold in the future, the lots are still conforming. He said pieces of certain properties were taken in order to complete the bridge. Mr. Martignetti said that is correct. He said it is not just a future proposition but a current proposition. He said there is an easement that is swinging across what used to be their front lawn. He said because of the elevations, essentially they are unable to have a conforming driveway. City Engineer Jay Corey's office came up with a design for a shared driveway, and when the bridge is done they will not be entering over their own property. He said they are unable to create an entrance on their own property because there is a 16-foot elevation to their parking lot. He said there is a 3,000 or 4,000-square foot tenant that is going into the existing building and the Building Commissioner is saying now they need a special permit based on the oddity of the entrance. He said they just want to keep the status quo. He said they are not looking for anything different. He said they have some wonderful tenants in place and they want to retain what they have now. President Dillon said the petitioner is trying to protect its property rights. He asked Mr. Martignetti if he is just trying to protect his property. Mr. Martignetti said this is something they looked at because they are going to become non-conforming and they want to remain in conformity. He said they have asked the city to address this. He said their entrance will be over a permanent easement. Motion made by Councilor DiMambro and seconded by Councilor Mercer-Bruen that the zoning amendment "ought to pass;" approved, 4-0-1.

MOTION made by Councilor Ferullo and seconded by Councilor DiMambro to adjourn; in favor, 4-0-1. Chair pro tem Toro adjourned the meeting at 8:05 p.m.

A TRUE RECORD ATTEST

Gordon Vincent

Clerk of Committees

