APPROVED
MEETING MINUTES

Tuesday, March 8, 2022 Woburn Planning Board Meeting | 7:00 p.m.
Meeting held virtually via Zoom Platform

Cassidy stated the meeting was being recorded by audio and video.

Chair Claudia Bolgen called the meeting to order at 7:00 pm and asked Planner Karen Smith to call the roll.

Mr. Jim Callahan, Mr. Bob Doherty, Mr. Kevin Donovan, Mr. Dave Edmonds, Ms. Carolyn Turner, Mr. Michael Ventresca and Chair Claudia Bolgen were in attendance. Planning Director Tina Cassidy and Planner Karen Smith were also in attendance.

RUSSO DRIVE: Expiration of construction completion date / William Scire

Cassidy summarized the status of the subdivision noting the construction of work in the field was completed in December of 2021. The only outstanding items at this time is the submission of an acceptable As-Built plan and a letter from the developer's engineer certifying the subdivision road was constructed as designed on the approved plan. The project does not require an Acceptance Plan as it was approved prior to the requirement. An As-Built plan was submitted to the city's Engineering Department in January 2022 and was lacking approximately one half of the Board's requirements for plan contents. The developer is requesting an extension to April 30, 2022 to submit an acceptable As-Built Plan.

Developer William Scire addressed the Board and apologized for the incompleteness of the plan prepared by his surveyor and engineer. The Board discussed the importance and responsibility of committing to construction completion dates in addition to the extra work Planning staff incurs with each extension of time request. Discussion also centered around the knowledge that local engineers and surveyors that frequently work within the city are more than well aware of the city's requirements for plan submission.

Cassidy asked Scire to please try his best to honor his commitment and submit an acceptable As-Built Plan on or before April 15, 2022 to the Planning Department and City Engineer Greg Rheaume for review and noted Russo Estates will on the May 10, 2022 Planning Board agenda.

Motion by Doherty to extend the construction completion date for Russo Estates from February 28, 2022 to April 30, 2022;

Seconded by Ventresca;

Roll call vote on the aforementioned motion:

Doherty-Aye
Callahan-Aye
Donovan-Aye
Edmonds-Aye
Turner-Aye
Ventresca-Aye
Bolgen-Aye

The motion carried, 7-0-0.

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PLANNING BOARD DIRECTOR UPDATE:

FILING FEES

Cassidy and Board members discussed that fact that it has been five years since the Board last comprehensively revised the fees it charges for various filings. Cassidy noted there have been increases in the costs of legal ads and in the hourly rates of municipal staff involved in processing the submissions. Cassidy proposes recommending modest increases to many of the fees and noted increases should be borne by the project proponents and stated if the Board supports some or all of staff's recommendations, it will be necessary to schedule a public hearing to formally consider/adopt them because the revisions will constitute amendments to the subdivision rules and regulations.

The Board also discussed the number of times certain subdivisions repeatedly come before the Board to ask for an extension to their construction completion dates. The Board emphasized the need for developers to create a realistic and accurate timeline for completion of their subdivisions and adhere to it and discussed the need for a penalty (fee) to be imposed with each extension request that would perhaps work as a deterrent. The discussion concluded with the possibility of adding a "gate review" as a condition of approval that would require the developer to provide updates to the Board during construction to keep projects on track.

The Board pondered if a provision could be imposed in the Subdivision Rules and Regulations that stated no further bond releases would be approved for subdivisions with expired completion dates until the subdivision is completed. Interim and continued bond reductions would not be granted and hopefully, this provision would act as an incentive for the developer to complete with subdivision as soon as possible. Cassidy stated she would consult with the City Solicitor regarding the potential provisions the Board could consider imposing in regards to completion dates, interim reviews, and incorporating incentives to encourage developers to comply to their construction completion dates.

THE HOUSING CHOICE ACT

Cassidy discussed *The Housing Choice Act.* Chapter 358 of the Acts of 2020 was adopted in 2021 and included a new Section 3A to Mass. General Laws Chapter 40A, the Zoning Act. The new law requires communities serviced by the MBTA to have at least one zoning district of "reasonable size" in which multi-family housing is allowed by right, and which meets other criteria set forth in the statute. The intent of the law is to spur multi-family housing in all communities that have or benefit from MBTA service. Cassidy and Mayor Galvin recently spoke to the City Council in Committee regarding the Act and their wishes for the city to pursue creating such a housing district. The Council's answer was a resounding no and there was no support of the notion of creating a by-right district that would allow anything like the magnitude of the units the city would have to allow to comply to the law. The City will be writing a comment letter to the State that will be discuss the accomplishments Woburn has made in terms of reaching the 10% affordable threshold and meeting housing production guidelines and/or simply the magnitude of the number of units Woburn has created over the past decade. Cassidy feels the City's accomplishments warrant some exemption or consideration in the regulations that are currently absent from the *Act* as of now.

At the moment the law and regulations would require Woburn to have a zoning district that: Allows multi-family development as a "by right" land use (e.g. not by special permit), and which is not age-restricted but rather suitable for families with children; Is at least fifty (50) acres in size and located either within a half-mile of the Anderson/Woburn Transportation Center or some other area "of concentrated development, including town and city centers and other existing commercial districts"; Allows a density of at least fifteen (15) dwelling units per acre (subject to further limitations that may be imposed by the Wetlands Protection Act and/or title 5 of the state environmental code); and has the capacity to support at least 2,631-3,508 housing units.

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By statute, the penalty for failure to comply with this new law would be a prohibition on applying for certain State grants in the future such as the MassWorks Infrastructure Development Program, Local Capital Projects funds, and all grants associated with the Housing Choice Initiative.

Cassidy explained the work required to create acceptable, conforming zoning district would include acceptable action plan that must be submitted and approved by March of 2023. Just one of many tasks would include identifying a 50-acre area in vicinity of Anderson/Woburn RTA that may meet all requirements for density, size, and proximity and completing build-out analyses for each lot within a potential district to ensure compliance with law's density and build-out capacity mandates. City Council would have to adopt a conforming district no later than December 2023 and request certification from DHCD that community is in compliance with the law.

The Board discussed the Housing Choice Act and had the same consensus as the City Council, the Planning Director, and the Mayor. The Board feels strongly they've done their due diligence creating housing plans and affordable units and achieved Safe Harbor. They acknowledged by not being compliant with the law they might not receive bonus points in certain grant applications and may be at a slight disadvantage in the future. However, they felt that was a moot point as they city has zero support for the program.

VENUE FOR UPCOMING BOARD MEETING

The Board's next discussion included the pros and cons of virtual versus in-person meetings. Weighing heavily in the decision was the recent request from an individual interested in the Village Street subdivision where the residents specifically asked the Board to consider meeting in person to accommodate other citizens who have no experience participating in virtual meetings and therefore, decided that the next meeting on March 22, 2022 will be in-person in the Council Chambers.

APPROVAL OF MINUTES: FEBRUARY 22, 2022 MEETING

Motion by Callahan to accept the February 22, 2022 Planning Board minutes as drafted;
Seconded by Edmonds;

Roll call vote on the aforementioned motion:
Doherty-Abstained
Callahan-Aye
Donovan-Aye
Edmonds-Aye
Turner-Aye
Ventresca-Aye
Bolgen-Aye

The motion carried, 6-0-0 (Doherty abstained).

ADJOURNMENT

Bolgen asked if there were any other business matters that may legally come before the Board not known at the time of posting. Cassidy replied there were none.

Seeing no further business, Doherty made a motion to adjourn the march 8, 2022 Planning Board meeting at 8:07 p.m.;

Seconded by Turner;

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Roll call vote on the aforementioned motion:
Doherty-Aye
Callahan-Aye
Donovan-Aye
Edmonds-Aye
Turner-Aye
Ventresca-Aye
Bolgen-Aye

The motion carried, 7-0-0

The meeting adjourned at 8:07 p.m.

Table of Documents Used and/or Referenced at Meeting

RUSSO DRIVE DEFINITIVE SUBDIVISION: City Engineering Department's memo dated February 1, 2022; List of requirements for As-Built Plans (Section II.E.12) per Subdivision Rules and Regulations.
PLANNING BOARD FILING FEES: Proposed table of updated filing fees drafted by Planning staff.
Housing Choice Law: Mayor Galvin's letter to City Council dated February 10, 2022; Summary of Multi-Family Residential Projects approved between January 2012 and January 2022.MBTA Community Multi-Family Housing PowerPoint prepared by MMLA dated February 16, 2022.
DRAFT MEETING MINUTES: February 22, 2022 meeting

Respectfully submitted,

Karen Smith

Karen Smith
Planner

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