

APPROVED

MEETING MINUTES

Tuesday, June 27, 2023 Woburn Planning Board Meeting | 7:00 p.m.

Vice Chair Mike Ventresca called the meeting to order at 7:00 pm and asked people to silence their cellphones and stated the meeting is being recorded. Ventresca asked Planner Karen Smith to call the roll.

Mr. Jim Callahan, Mr. Bob Doherty, Mr. Kevin Donovan, Mr. David Edmonds and Ms. Carolyn Turner were present. Chair Claudia Bolgen was absent. Also in attendance were Planning Director Tina Cassidy and Smith.

Ventresca asked Cassidy if there were any ANR's and she replied there were none.

PUBLIC HEARING (CONTINUED): 43 POOLE STREET DEFINITIVE SUBDIVISION PLAN

Seeing the applicant's attorney was not in the Chamber, the Board tabled this item subject to the call of the Chair and moved to the next agenda item.

PLANNING DIRECTOR UPDATE

Cassidy stated the next scheduled meeting is Tuesday, September 12th and noted the agenda will include discussion of expired or expiring completion dates for the Sherman Terrace, Carlson Way, and Baker Way subdivisions. Additional potential items on the agenda will include a zoning amendment submitted by Attorney Tarby in addition to another potential zoning amendment that would define and allow building wall murals in the City. Staff will be prepared to explain the purpose and details of the amendment and will ask the Board if it is willing to sponsor the amendment for formal consideration in the fall.

After discussion, the Board agreed to confer with Chair Bolgen and agreed upon an August date for a virtual meeting. Potential dates included August 15th and August 22nd.

PUBLIC HEARING (CONTINUED): 43 POOLE STREET DEFINITIVE SUBDIVISION PLAN

Attorney James Juliano, of Scafidi and Juliano, 42 Pleasant Street, Woburn, representing 43 Poole Street LLC, stated his presentation will be delayed as he is waiting for the project's engineer, Fred Russell, to arrive. Juliano stated his client is proposing to keep the existing structure that is located at 43 Poole Street and create three new building lots in the back of the property. Juliano acknowledged the application has outstanding issues and stated they've narrowed their request for waivers down to a total of eight. While waiting for Russell to arrive, Juliano summarized the requested waivers and stated there is a small parcel that will be merging with the adjacent parcel at 15 Winter Road. Cassidy stated the Board asked for written proof that the owner of 15 Winter Road is willing to accept the small parcel. She asked if that owner happened to be present this evening. Receiving permission from Ventresca, Mr. Robert Galante, owner of 15 Winter Road, approached the Board, provided his name and address and stated he agrees with the plan and would be willing to accept the parcel.

Referring to comments made in the City's Engineering Department memo, Juliano stated their intention remains to install the fire hydrant as it is currently shown on the plan as the Fire Department did not have an issue with it. Juliano also stated the Police Department did not comment on the proposed location of the street light, so it will also remain as currently shown on the plan per the Rules and Regulations. Juliano stated the Conservation Commission did not hire a peer reviewer during its review of the project and said the Conservation Commission and its Administrator did not have an issue with the drainage nor the jurisdiction of drainage. Moreover, the Stormwater Management handbook does not apply to projects with four or less single-family lots unless it is in a critical area associated with a drinking water supply. Juliano feels this subdivision is similar to Tufts Road which also did not fall under the jurisdiction of the Conservation Commission. Juliano briefly discussed the Homeowner's Association responsibilities, location of tree plantings, difficulty contacting the Postmaster regarding mail delivery regulations, the tree belt easement, drainage, sweeping, and sewer and walkway easements.

Callahan inquired about the number, locations and proper labelling of the proposed and existing sewer manholes on the plan.

Fred Russell, project engineer for the applicant, joined the meeting. He reviewed and clarified the sewer manhole issue with Callahan by discovering some of the plan sheets were not revised and corrections still needed to be made on the plan. Callahan also asked Russell to explain the location of the water connection and any discussion he has had with the City regarding the water looping requirement.

Russell stated the applicant is asking for a waiver on the water looping requirement based on the results of the hydrant flow tests. Russell said he spoke with DPW Superintendent Jay Duran that afternoon about water looping and Russell stated Duran agreed that 58 pounds of pressure results in over 500 gallons per minute which means there is good water flow and great pressure. The only other issue to require looping the water may be water quality and Duran told Russell he received one call regarding dirty water when the subdivision was first filed. Russell suspects the caller was from Winter Street or the Mountain Road vicinity and added by requiring the water to be looped, the only residents that would see an improvement in water quality would be the two houses that are currently on Winter Road now. Russell said there aren't any complaints from those two houses regarding water quality. Currently, on Winter Road there is an 8" water main with no hydrant to flush, according to Russell and their plan includes an extension of the water main and installation of a hydrant which can be flushed for water quality purposes.

Russell stated Cassidy mentioned looking at the potential of looping the water main through the existing property at 43 Poole Street which is a shorter distance and would not require any blasting. Russell's hesitation with that idea is the water main would be twelve feet off the existing foundation of the house at 43 Poole Street and would be extremely close to the house at 41 Poole Street. Having a live water main in between two houses that were built in the 1950's is not the best scenario but is an option that would not require blasting and Russell stated, as an engineer, he sees very little benefit in looping the water main.

Callahan expressed concern as to not setting a precedent for future developments by granting numerous waivers and stressed the importance of the Subdivision Rules and Regulations. Callahan also spoke of his disappointment that the exploration between the applicant and the city departments wasn't further in depth in relation find an alternative and a solution to the water looping issue.

Ventresca opened the PUBLIC HEARING and invited audience members to step forward with any comments they may have concerning the application. No one approached the Board.

Motion by Edmonds to close the public hearing;

Seconded by Doherty;

For discussion, Callahan recommended keeping the public hearing open to provide the applicant more time to resolve the outstanding issues;

Ventresca stated there has been a motion and a second to close the public hearing or was it the wish of the Board to rescind the motion? Board members remained silent.

Motion to close the public hearing 3-3-0 (Edmonds, Doherty and Donovan in favor; Callahan, Turner and Ventresca against).

Cassidy stated the Public Hearing remains open since the motion to close it resulted in a tie vote.

Juliano stated the applicant would like more time to resolve the outstanding issues.

Ventresca said he was hesitant to vote against closing the public hearing and stated the waiver list needs to be shortened. He also stressed the importance of following the Subdivision Rules and Regulations.

Russell interjected and stated the applicant could loop the water main through the property at 43 Poole Street if the Board so wishes and he would revise the plans, even though he feels the consequences far outweigh the benefit. Russell feels the hydrant flow test demonstrates the flow and the static pressure are fine. Russell stated he does not know what else he can do.

Edmonds asked Russell if he supported the Board closing the Public Hearing and Russell stated he does support closing the hearing. After some discussion, Russell stated the applicant can not wait until September for a decision on the application.

Motion by Edmonds to close the public hearing;

Seconded by Doherty;

Motion carried 6-0-0.

Cassidy read the list of waivers for the Board's consideration. The results of the votes were as follows:

The Board voted to grant the following waiver from the Board's Rules and Regulations for Land Subdivision ("Rules and Regulations"):

- The requirement that the roadway right of way must be 50' in width is waived to permit a roadway right of way width of 40 feet (*recorded vote was 5-1-0 Turner, Callahan, Ventresca, Edmonds, Donovan in favor, Doherty against*).

The Board then voted to deny the following requested waivers from its Rules and Regulations (*recorded vote on each noted in italics*):

- A reduction of the minimum required right-of-way diameter of the proposed cul-de-sac from the required 110' to 100' (*2-4-0, Turner and Callahan in favor, Ventresca, Edmonds, Donovan and Doherty against*);

- A reduction of the minimum pavement width of the proposed cul-de-sac from the required 86' to 84' (1-5-0, Callahan in favor, Turner, Ventresca, Edmonds, Donovan and Doherty against);
- Permission to install a sidewalk on only one side of the road rather than on both sides as required (1-5-0, Ventresca in favor, Turner, Callahan, Edmonds, Donovan and Doherty against);
- Reduction of the roadway pavement width from the required 26' to 24' (3-3-0, Edmonds, Ventresca and Callahan in favor, Turner, Donovan and Doherty against);
- The requirement that the water main be looped (0-6-0, no one in favor, Turner, Callahan, Ventresca, Edmonds, Donovan and Doherty against);
- The request to use Advanced Drainage System as the material for the proposed drain lines rather than reinforced concrete pipe (2-4-0, Ventresca and Callahan in favor, Turner, Edmonds, Donovan and Doherty against); and
- The request for approval to construct a roadway layout non-compliant with the Regulations, consisting of a 3 ½ foot grass strip, a 5' sidewalk, and no loam and seed strip between the back of the sidewalk and the edge of the roadway right of way layout. (1-5-0, Callahan in favor, Turner, Ventresca, Edmonds, Donovan and Doherty against).

After voting on the waivers, members of the Board voted unanimously to decline to approve the definitive subdivision plan for the following reasons:

1. The plan fails to meet 7 of the requirements of the Board's Rules and Regulations as noted in the preceding bulleted list;
2. The plan proposes to install the required street trees on private property rather than within the roadway right of way. While it is permissible to install the trees on private property, they must be located within a dedicated 10' wide tree belt which is, in turn, located immediately adjacent to the roadway right of way. No tree belt easement was shown on the plans, and the Board was unable to verify whether the proposed tree locations shown on the plan are all within 10' of the edge of the right of way;
3. The plan proposes the creation of a 16,109 sq. ft. parcel of land (Parcel B) that does not conform to the Woburn Zoning Ordinance. Initially intended to be deeded to the City and then later offered to the City in the form of an easement, the parcel was not depicted as an easement on the plan being considered by the Board on the evening of its vote. Rather, it was shown as a separate non-conforming parcel;

Related to this point, the plan contained several errors with respect to its depiction of Parcel B. The Parcel was clearly shown and labeled on Sheet 3 of the above-mentioned plan set. However, it was labeled on Sheet 4 of 6 but the limits of the Parcel were not clearly shown, and on sheet 5 of 6, Parcel B was not depicted in any way, either by shading or labeling;

4. The project's 3 sewer manholes were labeled correctly as "SMH-1", "SMH-2" and "SMH-3" on Sheet 5 of 6, but on Sheet 4 of 6 all three are labeled "SMH-3";

5. The maintenance obligations that arise from the Petitioner's choice of proposed stormwater management techniques for removing total suspended solids (TSS) would place an undue and unacceptable burden on City departments. Because the road is intended to become a public way, it would fall to the Department of Public Works to frequently and perpetually sweep the road in order to keep the drainage system functioning properly and in compliance with State stormwater regulations. According to the Massachusetts Stormwater Handbook, this would require Woburn's DPW to sweep the street weekly with its rotary sweeper in order to attain the 10% reduction the Petitioner proposes with the system as designed. The Department's current policy is to sweep each City street twice per year. The Board is unwilling to impose on the City the potential financial, labor, and legal obligations that could result from such an arrangement;

The alternative suggestion that a home owners association (HOA) assume the obligation was also unacceptable. It would mean the City would be dependent on private property owners to maintain some aspect of a public way which is inappropriate in the Board's opinion and practice. In addition, an HOA failure to perform could result in failure of the drainage system generally which would potentially impact property owners inside and outside the subdivision. Such an arrangement would also obligate the City to forever expend the resources of its Planning Department multiple times a year to ensure HOA compliance, and perhaps those of the Legal Department at some point(s) to take enforcement action against the homeowners;

6. Although results of a fire flow test were submitted to the Board on June 13, 2023 and distributed to City departments on June 16th, the Board was unable to obtain written feedback from the Public Works and Engineering Departments prior to the deadline for Board action on this filing; and
7. No information was provided to the Board relative to whether the US Postal Service (USPS) will require installation of a centrally-located group mail delivery box ("CBU") or whether it will deliver mail to individual house mailboxes. If a CBU will be required, the plan must include a proposed location for it on one of the lots in the subdivision since it cannot be located within the roadway right of way. The Petitioner was unable to provide evidence that the USPS will deliver to the new houses individually, and the plan did not show a location on one of the subdivision lots where a conforming CBU would be accommodated.

APPROVAL OF MINUTES: May 23, 2023 MEETING

Ventresca stated the next order of business was acceptance of the draft minutes of the last Board meeting on May 23rd.

Motion by Doherty to approve the May 23, 2023 Planning Board draft minutes as submitted;
Seconded by Edmonds;
Motion carried, 6-0-0.

ADJOURNMENT

Ventresca 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 June 27, 2023 Planning Board meeting at 7:55 pm;
Seconded by Edmonds; No discussion;
Motion carried, 6-0-0.

The meeting adjourned at 7:55 p.m.

43 POOLE STREET SUBDIVISION: Formal Waiver list; Hydrant flow test results; revised definitive plan; departmental comments from Inspectional Services, Conservation Commission, and Engineering; Attorney Juliano memo dated June 22, 2023; Letter dated June 23, 2023 from Frederick Russell, project engineer; Email exchange dated June 26, 2023 between Cassidy and DPW Superintendent Jay Duran,

DRAFT MEETING MINUTES: May 23, 2023 meeting

ZONING TEXT AMENDMENT SECTION 20: Petition received June 15, 2023 for Section 20 of the Woburn Zoning Ordinance: Woburn Loop Bikeway / Greenway Overlay District

Respectfully submitted,

Karen Smith

Karen Smith
Planner