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MEETING MINUTES
Tuesday, September 10, 2024 Woburn Planning Board Meeting | 7:00 p.m.

Chair Robert Doherty called the meeting to order at 7:00 pm and asked everyone to silence their cellphones and noted the meeting was being recorded. Planner Karen Smith called the roll.

Chair Doherty, Ms. Claudia Bolgen, Mr. Jim Callahan, Mr. Rob Klein and Mr. David Edmonds along with Planning Director John Cashell and Smith were present. Ms. Carolyn Turner and Mr. Kevin Donovan were absent.

Doherty asked if there were any ANR plans for Board review and Smith replied there were none.

PUBLIC HEARING: to amend the 1985 Woburn Zoning Ordinance, as amended, for a proposed zoning amendment to Section 5.2.1.4, by adding the following sentence to the end of said section: "Notwithstanding the foregoing, the reconfiguration of the New Boston Street Bridge and the associated permanent easements by the City of Woburn created access to abutting lots by so called 'common driveways' or access easements and said lots and their access thereto are to be deemed conforming for purposes of legal frontage and legal access."/ 317 New Boston Development LLC

John Paul Martignetti, representing 317 New Boston Development LLC presented the reasoning behind the proposal to amend Section 5.2.1.4. Martignetti explained that access to the buildable portion of a lot shall be gained from a lot's legal street frontage only. Access to lots by so called "common driveways" or access easements shall be prohibited. Temporary access to the buildable portion of the lot by way of a common driveway or access easement is permitted, but only when such temporary access is required due to adjacent roadway construction which prohibits or prevents safe physical access over a lot's legal street frontage. Use of such temporary access shall not commence until construction on an adjacent roadway effectively prohibits or prevents safe use of the permanent access, and use of the temporary access shall cease immediately upon completion of the roadway construction and restoration of safe physical access over the frontage. Notwithstanding the foregoing, the reconfiguration of the New Boston Street Bridge and the associated permanent easements by the City of Woburn created access to abutting lots by so called "common driveways" or access easements and said lots and their access thereto are to be deemed conforming for purposes of legal frontage and legal access."

Martignetti continued to state that Section 5.2.1.4 was initially modified during the New Boston Street Bridge project to provide access to 315 New Boston Street (Howland Development). He is proposing to add to the end of that section, not foregoing the reconfiguration of the New Boston Street Bridge. Permanent easements by the City created access to abutting lots by so called common driveways or access easements. Those lots and their access were deemed to be conforming for purposes of legal frontage and legal access. The reason for this request is that 317 New Boston Street contains 3.7 acres of land and has been used as a commercial building since the 1990's. The Martignetti family purchased the property in 2002 and undertook a major renovation of the building. When you look back to the Order of Taking by the City in 2021 for the New Boston Street Bridge project, there was a permanent easement taken of 2,847 square feet and a temporary easement of

2,252 square feet for the construction of the project. At the time of the taking, the property owners expressed concerns with the Mayor and City Solicitor that the takings created access by common driveways which would make the access non-conforming. The City indicated they were supportive and agreed that the City should take the necessary steps to amend the Ordinance as proposed. This amendment allows access to this site to be deemed conforming for purposes of legal frontage and/or legal access. If it remains as is, a Special Permit will be required for any future modifications to the site. This amendment does not allow further development of the site without a Special Permit, rather it only provides conforming access to the site.

Bolgen stated it was a benefit to the city to create this non-conformance essentially burdening the Martignetti property with the understanding the effected parcels would be corrected on the back end of the development of the New Boston Street bridge. The construction is delayed causing a further disadvantage to the affected properties. Bolgen does not agree with spot zoning but stressed her understanding of the unique situation these businesses are confronted with and the need for a unique solution to the concerns regarding the non-conforming access situation. Bolgen does not have an issue with the proposed language in the revised amendment but stressed the importance of being mindful of things that may benefit one particular party in the city and to distinguish the unique circumstance of the unique situation in providing essential adequate access to these properties due to the delay of the bridge construction.

Doherty opened the PUBLIC HEARING. No one stepped forward to speak.

MOTION by Bolgen to close the PUBLIC HEARING;
Seconded by Edmonds;
MOTION carried, 5-0-0 (Turner and Donovan absent).

Cashell recommended the Board send a favorable recommendation to the City Council on the proposed amendment as written.

Bolgen stressed the recommendation needs to reflect in detail the unique circumstances that support this zoning change.

MOTION by Bolgen to accept the Director's recommendation in addition to reflect in detail the unique circumstances that support this zoning change.
Seconded by Callahan;
MOTION carried, 5-0-0 (Turner and Donovan absent).

PUBLIC HEARING: to amend the 1985 Woburn Zoning Ordinance, as amended, for a proposed zoning amendment for proposed zoning as follows: 1. Amend the definition of Mixed-Use Hotel/Restaurant in Section 2 by inserting after "one" on the second line with "or more contiguous." In addition, amend "lot" on the second line to "lots; and 2. Amend Section 6 Dimensional Regulations, Footnotes to 6.1.6 Table of Dimensional Regulations by adding the following footnote 6 (iii): "(iii) Woburn Landing i.e., the parcel of land located at 369 Washington Street containing a Mixed-Use Hotel/Restaurant Use."

Doherty stated there has been a request to continue the Public Hearing to the Board's next meeting as the City Council has expressed concerns as to possible implications with Tower Office Park and the abutting property owner (Cummings Properties). After speaking with Building Commissioner,

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Tom Quinn, who recently met with Councilors Bruen and Dillon, the Council may consider requiring a site plan review to show an accurate boundary survey to see how this proposal may impact abutters. Another concern of Commissioner Quinn's is the potential impact this zoning amendment may have on any of the existing Special Permits that have been issued and/or modified at 369 Washington Street and whether or not they will need further review.

Doherty opened the PUBLIC HEARING and no one stepped forward to speak.

MOTION by Bolgen to continue the PUBLIC HEARING to September 24, 2024 at 7:00 pm to allow the applicant to submit a site plan to the City Council for further review;
Seconded by Edmonds;
MOTION carried, 5-0-0 (Turner and Donovan absent).

SUBDIVISION UPDATES

The Board briefly discussed the status of the Sherman Terrace Subdivision in relation to resolving easement issues. Highview Estates has an expiration date of April 2025 but would like to meet with the Planning Director to discuss the future of the site.

OTHER BUSINESS THAT MAY LEGALLY COME BEFORE THE BOARD

Cashell stated the City Solicitor has reviewed the documents submitted by the developer's attorney and found them to be acceptable. The documents include the Homeowners Association Declaration and By-Laws, Covenant and the Drainage and Landscape Easement Agreement in addition to the mylar.

In reference to the endorsement of the mylar plan by four members, Bolgen suggested she be a signatory in addition to Callahan, Doherty and Edmonds whereas Klein was not an active member of the Board when the subdivision was originally approved. Bolgen noted she was not at the meeting when the plan was approved, however she participated in all of the other Public Hearings, discussions and site visit regarding the Cliffside Definitive.

Cashell recommended the Board accept the Homeowners Association Declaration and By-Laws and covenant documents as presented, and accept the Drainage and Landscape Easement Agreement subject to the condition that the Agreement be executed by a representative of the HOA. Staff recommends the Board endorse the Mylars but not release them to the Attorney until all executed and required documents have been received. The Attorney will be responsible for recording all legal documents in addition to the Mylar plan.

MOTION to accept the Director's recommendation made by Bolgen;
Seconded by Callahan;
MOTION carried, 5-0-0 (Turner and Donovan absent).

PLANNING BOARD DIRECTOR UPDATE

Cashell stated the next Board meeting will be on Tuesday, September 24, 2024 at 7:00 p.m. in the City Council Chamber.

Cashell updated the Board on the efforts to revitalize downtown, parking initiatives and the parking management plan to be developed.

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APPROVAL OF MINUTES

Doherty asked members if they had reviewed the draft minutes of the August 13, 2024 meeting and were prepared to make a motion.

MOTION to approve the August 13, 2024 Planning Board draft minutes made by Edmonds;
Seconded by Bolgen;
MOTION carried, 4-0-1 (Klein abstained).

ADJOURNMENT

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

Seeing no further business, Bolgen made a MOTION to adjourn the Planning Board meeting of August 13, 2024 at 7:39 p.m.;
Seconded by Klein;
MOTION carried, 5-0-0.

The meeting adjourned at 7:39 p.m.

Table of Documents Used and/or Referenced at the September 10, 2024 Meeting:

PUBLIC HEARING: Zoning Amendment: 317 New Boston Street Petition to Amend Section 5.2.1.4 received July 17, 2024;
PUBLIC HEARING: Zoning Amendment: 369 Washington Street Petition to Amend Section 2, Section 6 and Section 6.1 dated July 17, 2024; Email dated September 6, 2024 from Councilor Bruen regarding petition.
CLIFFSIDE TERRACE: Legal Documents: Homeowners Association Declaration and By-Laws, Covenant Drainage and Landscape Easement Agreement; Mylar plan
Draft Meeting Minutes: August 13, 2024
Copy of Director's Report for the September 10, 2024 Planning Board meeting; Updated notes on MBTA-3A Non-Age Restricted Multi-Family Housing along with Proposed May of MBTAOD; Copy of Board recommendation to City Council regarding MBTA-3A zoning ordinance; Exhibit to Director's Report re: 3A Guidelines; Copy of MBTA3 Zoning and Map Amendment submitted to City Council June 13, 2024

Respectfully submitted,

Karen Smith

Karen Smith
Planner

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