

SECTION 28

TECHNOLOGY AND BUSINESS MIXED USE OVERLAY DISTRICT (TBOD)

28.1 Purpose and Objectives of District

The purpose of the Technology and Business Mixed Use Overlay District (TBOD or District) is to encourage the redevelopment of vacant or underutilized properties and former manufacturing sites into mixed use projects that:

1. Promote the health, safety, and general welfare of the community by encouraging the redevelopment of vacant, underutilized or decommissioned facilities and sites into productive use;
2. Promote the health, safety and general welfare of the community by encouraging uses and site development that minimizes the amount of impervious paved parking areas through the use of shared parking lots and driveway curb cuts, and improves air quality by reducing traffic congestion and automobile trips;
3. Consist primarily of research and development and/or office space with associated accessory light manufacturing and retail uses;
4. Provide significant employment opportunities for residents of Woburn and nearby communities at salaries above minimum wage;
5. Have limited residential development that, if included, is designed and intended to complement the commercial uses by comprising no more than an accessory, supporting role to the primary commercial uses; and
6. Are appropriate in scale and located in an area that provides proximate access to major highways and to public transportation.

(amended 7/30/2019)

28.2 Establishment and Applicability

This District may only be applied to parcels shown on Woburn Assessors' Maps as Map #54, Block #5, Lot #4; Map #54, Block #5, Lot 1; and Map #62, Block #1, Lot #29. The TBOD must contain a minimum of 50 acres, but may be subdivided into smaller lots. (amended 7/30/2019)

1. For the purposes of this section, the TBOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the TBOD.
2. For the purposes of the Zoning Ordinance, a TBOD may include any use set forth in Sections 28.6.A and 28.6.B, below, which uses may be commingled

into a single structure with other eligible uses or may be located in separate structures on the site subject to any restrictions and/or limitations set forth in the Development Agreement described in Section 28.4.5 below. (amended 7/30/2019)

28.3 Authority of Permit Granting Authority

The City Council shall be the Permit Granting Authority for both Special Permits and Site Plan Review approval where applicable. The City Council may elect to vary the dimensional and parking requirements of this Section by Special Permit if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose and objectives of this section. This authority continues subsequent to occupancy.

28.4 Master Concept Plan

The property owner/developer of any TBOD Mixed Use Development shall, simultaneously with a request to rezone property to a proposed TBOD, file the following with the City Council for approval:

1. A Master Concept Plan (“Master Plan”) which shall in a general manner show:
 1. The location and areas of proposed development;
 2. Proposed open space (usable or natural);
 3. Proposed site access curb cuts public/private ways; and
 4. Proposed building “envelope(s)” where construction is anticipated to occur (excluding internal site driveways).
2. A table showing approximate acres and calculations of the following:
 1. Total land area of each development area (building envelope area);
 2. Total development limitations, if any, of uses in any developable area;
 3. Total maximum development (gross square footage/use limitations); and
 4. Approximate number of parking spaces for the entire TBOD.
3. The Master Plan shall be approved by a two-thirds vote of the City Council at the time of rezoning and shall thereafter become the general development plan governing development at the TBOD. The Master Plan may be amended from time to time by a two-thirds vote of the City Council by application from the property owner/developer to reflect changing development conditions.
4. Upon approval of the Master Concept Plan or amendment thereto by the City Council, the development of all parcels within the TBOD shall be in accordance with the approved Master Concept Plan. In the event that individual parcels comprising the TBOD are under the ownership of different entities, each such entity shall be permitted to seek the approval of a modification to the Master Concept Plan and Development Agreement as it

applies to each such parcel. Similarly, the City Council may require changes to a previously-approved Master Concept Plan and/or Development Agreement as conditions for approving subsequent Special Permit(s) or granting subsequent Site Plan Review(s); provided that, (a) with respect to any previously-approved Master Concept Plan, only to the extent reasonably necessary to align such Master Concept Plan with material changes to the design and program of the parcel(s) subject to such Special Permit(s) or Site Plan Review(s), and (b) with respect to any previously-approved Development Agreement, (i) only with respect to the obligations of the developer of the parcel(s) subject to such Special Permit(s) or Site Plan Review(s), and (ii) only to the extent reasonably necessary to align such Development Agreement with material changes to the anticipated impacts of the development of such parcel(s). (amended 7/30/2019)

5. Projects in a TBOD shall not be subject to the provisions of Section 18 of the Woburn Zoning Ordinance entitled "Development Impact Mitigation", in recognition of the requirement for a Development Agreement.

A Development Agreement in recordable form binding upon the developer/property owner. The Development Agreement shall serve in lieu of a Development Impact Statement and shall be approved by a two-thirds vote of the City Council prior to the issuance of the first Special Permit or Site Plan Review approval for development within the TBOD, which shall contain, without limitation:

- (1) Required mitigation (including traffic demand management initiatives), to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the TBOD premises.
- (2) Restrictions on development areas and such other development limitations as may be agreed upon.
- (3) Proposed phasing of the development of the TBOD.
- (4) Obligations with respect to pedestrian and vehicular interconnectivity within the TBOD to facilitate pedestrian access and parking efficiencies.
- (5) The authority of the City Council to retain the necessary professionals to assist in their review of development applications. The Development Agreement shall govern the implementation of the Master Plan and development at the TBOD. To facilitate the development of individual parcels comprising the TBOD the Development Agreement may include, wetland limitations, phase development provisions and obligations applicable to individual parcels."

(amended 7/30/2019)

28.5 Exclusivity/Control

Except as specifically provided herein, uses and provisions of the Zoning Ordinance relating to the underlying zoning district not otherwise impacted by this Section 28 shall continue to remain in full force and effect with the exception of 5.2.1.4 and, provided further that the City Council shall in all cases be the Special Permit Granting and Site Plan Approval Authority, as applicable.

Notwithstanding the foregoing, this Section (§28) of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken at any TBOD and supersedes any other provision of the Zoning Ordinance except Section 9 (Floodway and Flood Plain Districts). If any activity requires one or more Special Permits under said Section 9, a special permit application may be submitted to and considered by the City Council as the sole Special Permit Granting Authority concurrently with any Special Permit or Site Plan Review application submitted pursuant to Section 28. In the event of any conflict between the provisions of this Section and any other provision of the Zoning Ordinance, the provisions of this Section shall govern and control.
(amended 7/30/2019)

28.6 Uses

1. Uses Allowed By Right with Site Plan Review

1. Business, professional and general offices;
2. Advanced Manufacturing;
3. Research and testing laboratory including vivarium use;
4. Manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological and behavioral sciences and technology, environmental science, toxicology, genetic engineering, including but not limited to, comparative medicine, bioengineering, cell biology, human and animal nutrition, including production of equipment, apparatus, machines and devices for research, development, manufacturing and advance and practical application in any such field or area, and including, office, administrative support facilities related to any of the foregoing activities. All development proposals shall comply with applicable Federal, State and local laws, regulations and ordinances including, without limitation, regulations and ordinances governing air pollution, water pollution control, noise and illumination;
5. Hotels or inns;
6. Mixed Use Hotel/Restaurant;
7. Retail and service uses in connection with the operation of a hotel or inn that are located within the hotel structure;
8. Biomedical facilities defined by the National Institute of Health as a Biolevel-1 (BL-1) or Biolevel-2 (BL-2);

9. Child care and adult day care centers;
10. Medical and dental offices dedicated to general outpatient care and diagnosis, subject to additional off-street parking requirements in Section 28.8;
11. Residential units provided that the total number of residential units shall not exceed 150 units of which there shall be a maximum of 112 apartments (including Congregate Elderly Housing units located in garden apartment and/or elevator apartment buildings) with the remainder being townhouses, and provided that at least 15% of the non-age restricted units are affordable as defined by M.G.L. Chapter 40B Section 20, and provided that certificates of occupancy for all market-rate residential units in a building must be obtained proportionately with certificates of occupancy for any affordable residential units in such building;
12. Retail and personal service establishments, full service restaurants and fast food restaurants, provided (a) the total gross floor area of all such establishments permitted in the entire District does not exceed 60,000 square feet; (b) that only one establishment may exceed 10,000 square feet in gross floor area and be no more than 20,000 square feet in gross floor area, and (c) that the one (1) retail establishment exceeding 10,000 square feet in gross floor area shall be a grocery store;
13. Financial institutions;
14. Free standing automated teller machines (ATMs), except no other type of drive-up customer service facility shall be permitted;
15. Business sales and business service establishments;
16. Physical fitness training and recreational facilities that are accessory and incidental to either (a) business(es) in a permitted office or manufacturing building and which facilities are open to and used only by employees of the business(es) of the building in which it is located or (b) accessory and incidental to a permitted residential development and which facilities are open to and used only by the tenants of the residential development in which it is located;
17. Municipal uses;
18. Essential public services;
19. Accessory uses normally incidental to a permitted use including high hazard and other uses accessory to a permitted principal use;
20. Parking facilities below grade; and
21. Overnight parking of vehicles associated with business operations, provided that one additional on-site parking space is provided for each such vehicle.

(amended 7/30/2019)

2. Uses Allowed By Special Permit with Site Plan Review

1. Retail, personal service establishment(s), full-service and fast-food restaurants and physical training and recreational facilities that are not accessory and incidental to either (a) business(es) in a permitted office or manufacturing building and which facilities are open to and used only by employees of the building in which it is located or, (b) to a permitted residential development and which facilities are used only by the tenants of the residential development in which it is located, provided:
 - (i) The cumulative total gross floor area of all such establishments authorized in the entire District under 28.6.2 (ii)(a), (ii)(b), and (ii)(c) below shall not exceed a maximum of 250,000 square feet;
 - (ii) In order to avoid having multiple large establishments in the District, the following limitations shall apply:
 - (a) There shall be no more than two establishments in the District which exceed 20,000 square feet of gross floor area and are no more than 50,000 square feet of gross floor area, one of which shall be a grocery store; and
 - (b) In addition to the establishments permitted in ii(a) above, a physical training and recreational facility shall also be allowed provided the total gross floor area of such facility is no more than 80,000 square feet.
 - (c) All other establishments must contain less than 20,000 square feet of gross floor area.
2. Residential units provided that the total number of residential units shall not exceed 300 of which there shall be a maximum of 225 apartments (including Congregate Elderly Housing units located in garden apartment and/or elevator apartment buildings) with the remainder being townhouses and provided that at least 15% of the non-age restricted units are affordable as defined by M.G.L. Chapter 40B Section 20, and that no more than 104 Congregate Elderly Housing units shall be allowed, and provided that certificates of occupancy for all market-rate residential units in a building must be obtained proportionately with certificates of occupancy for any affordable residential units in such building;
3. Wireless communication links, commercial radio or television transmission antenna(e);
4. Parking facilities above grade;
5. Pet Care Facilities;
6. Printing and publishing;
7. Accessory storage or parking of storage container or storage trailer;
8. Accessory Diagnostic Imaging Trailer.
9. Hospital, Extended Care Facility (added 7/3/2018)
(amended 7/30/2019)

3. Uses Not Permitted

1. Wholesale or retail sales of vehicles of any kind;
2. Heavy Manufacturing; and
3. Any use not expressly authorized by this Section.

28.7 Density and Dimensional Regulations

1. General Provisions

1. The maximum building height of 35 feet within 150 feet of a Residential 1 (R-1), Residential 2 (R-2) or Residential-3 (R-3) zoning district in the City of Woburn may be varied by Special Permit, in accordance with Footnote 8 to Section 6.1, Table of Dimensional Regulations.
2. Parking facilities contained within a building shall be included in the calculation of a building's height, notwithstanding the definition of HEIGHT OF A BUILDING in Section 2 and the provisions of Section 6.1, Table of Dimensional Requirements.
3. Structures erected on a building and not used for human occupancy, such as but not limited to, air and exhaust equipment, chimneys, heating-ventilating or air-conditioning equipment, solar or photovoltaic panels, elevator housings, antennae, skylights, cupolas, spires, mechanical and acoustical screening and the like ("rooftop structures") may exceed the maximum height of a building in feet provided no part of the rooftop structure(s) is more than 25 feet higher than the maximum permitted height of the building and the total horizontal coverage of such rooftop structures on the building does not exceed 60%, with the exception of an aggregate area not to exceed three percent of the total roof area which shall be allowed to have rooftop structures which extend no more than 35 feet above the roof line.
4. Except with respect to maximum height, the specific dimensional requirements of Section 28.7.2 below shall apply only to the District as a whole and not to individual lots. (amended 7/30/2019)
5. The Minimum Street Frontage requirement set forth in Section 28.7.2 below may be satisfied by the aggregate Frontage of any non-contiguous parcels within the District. (added 7/30/2019)

2. Specific Requirements

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| 1. Minimum District Size: | 50 acres |
| 2. Minimum Street Frontage: | 100 feet |
| 3. Minimum Landscaped Useable Open Space: | 25% |
| 4. Minimum Front Yard Setback: | 25 feet |
| 5. Minimum Side Yard Setback: | 30 feet |
| 6. Minimum Rear Yard Setback: | 25 feet |
| 7. Maximum Building Height: | 80 feet |
| 8. Maximum Building Height within 150' of a residential zoning district on the Zoning Map: | 35 feet |
- (amended 7/30/2019)

28.8 Off-Street Parking Requirements

1. Off-street parking requirements shall be as set forth in Section 8 of this Zoning Ordinance entitled Off Street Parking and Loading Facilities Regulations, except as noted in Section 28.8.2. below.
2. Medical and dental offices shall provide parking at the ratio of one space for every 200 sq. ft. of net floor area.
3. The minimum pavement width for any road, driveway or access aisle shall be 20 feet for one-way traffic and 24 feet for two-way traffic.
4. Notwithstanding anything to the contrary in this Section 28, the use of shared parking to fulfill parking demands that occur at different times of day is strongly encouraged. The minimum parking requirements in this Section 28.8 may be reduced by the City Council through Site Plan Review if the applicant can demonstrate that shared spaces will meet parking demands by using acceptable methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies). (added 7/30/2019)

28.9 Design Standards

1. All utility and site construction details shall conform to the standards of the City of Woburn's Zoning Code, where applicable, and in the case of a subdivision the Woburn Planning Board's Land Subdivision Rules and Regulations, unless otherwise waived thereunder. (amended 7/30/2019)

28.10 Sign Regulations

1. Signage in a TBOD shall be as authorized by the City Council via an approved Site Plan or Special Permit Plan of Record.

28.11 Permitting Requirements

1. All uses listed as being allowed by right with Site Plan Review shall obtain Site Plan Review from the City Council in accordance with the requirements of this Section. Site Plan Review approval shall require a majority affirmative vote of the City Council.
2. All uses listed as being allowed by Special Permit with Site Plan Review shall obtain both from the City Council in accordance with the requirements of this Section. In cases where both a Special Permit and Site Plan Review are required, the applications shall be processed concurrently. Approval of a Special Permit with Site Plan Review shall require a two-thirds vote of the City Council.
3. An application filed under this Section may be filed coincidental with an application for variance(s), and/or during an appeal period associated with a variance that has been granted, notwithstanding the provisions of Section 11.3.
4. An application package for either Site Plan Review or a Special Permit with Site Plan Review in accordance with this Section shall contain all of the material listed in 28.12 and 28.13 and shall be delivered to the Woburn City Clerk at City Hall during regular business hours or to the City Council at a regular or special meeting thereof.
5. An application that fails to meet the requirements of Sections 28.12 and 28.13 shall be deemed incomplete and shall not be assigned for public hearing. In the event the City Council (or City Clerk on behalf of the City Council) deems an application incomplete or inadequate to provide a proper understanding of the matter, the applicant shall be advised of same and given an opportunity to submit additional information, revise the plan, or substitute new one(s). An application may be dismissed for failure to comply with these requirements within 30 days after notice of such failure. The statutory time frames of M.G.L. Chapter 40A Section 11 and for Site Plan Review shall not start until an application is deemed complete.
6. The City Council may authorize/waive the following when granting Site Plan Review or approving a Special Permit with Site Plan Review under this Section:
 1. Section 5.2.1.4. (access to the buildable portion of a lot)
 2. Section 5.2.4 (use of land in different districts for access)

7. The City Council shall not be authorized to grant a Special Permit to permit the substitution of compact car parking stalls for more than ten percent of the required number of parking spaces (Section 8.2.3). (amended 7/30/2019)
8. The City Council may impose conditions on any Special Permit or Site Plan Review decision for manufacturing uses that require (a) all resulting odors, gases and particulate matter from proposed operations be effectively contained on the property or so disposed of so as not to have an adverse impact on surrounding outside air quality; (b) all noise, vibration, flashing or lighting (which is continuous and not the result of short term operation of emergency generators or other equipment) from manufacturing operations shall be perceptible normally without instruments either at the boundary line of the property adjacent to a residential zoning district on the Zoning Map or at any point within the nearest occupied residential lot within the City of Woburn more than 150 feet from the location of such activity on the property, whichever is closer to the intended use. (amended 7/30/2019)

28.12 Application Requirements

A complete application package for either Site Plan Review or a Special Permit with Site Plan Review shall contain all of the following:

1. Twenty-four (24) copies of a Technology and Business District Site Plan Review/Special Permit with Site Plan Review Application and two copies of an Application Checklist for Technology and Business Mixed Use District Development, both of which shall be in forms approved by the City Clerk; (amended 7/9/2020);
2. Two copies of a deed certifying ownership and, where applicable, a statement certifying prospective ownership of the premises involved as well as evidence that the applicant has permission of the owner to make such application if the applicant is not the owner;
3. Legal description, street address(es) and/or other description of the location of the premises involved;
4. Two sets of mailing labels showing the names and addresses of all "parties in interest" as defined by M.G.L. Chapter 40A Section 11 (this list must be certified by the Woburn Assessors' Office);
5. 24 copies of plans meeting all of the requirements of Section 22-10, at a minimum size of 24"x36", drawn to scale and dimensionally correct. Required plans are all those applicable to the establishment of the findings and conditions specified in Section 28.11.5 below. Such plans shall include

6. building floor and façade plans, plot plans showing existing conditions and lot lines, traffic circulation, landscaping and topographical plans.
7. Evidence as required to show the effects of the proposed project upon traffic, drainage, road capacity and city utilities, including studies such as traffic generation and parking utilization analyses;
8. Evidence as to the status of all permit applications to/decisions from other City, State or Federal agencies concerning the project including the Woburn Board of Appeals, Woburn Conservation Commission and MassDEP;
9. Any information not listed herein but which is required in order to properly consider all of the requested special permit(s) and waiver(s);
9. A filing fee of \$1,500.00; and
10. An electronic copy of the entire application package (including all documents and plans) in Word and pdf format.

28.13 Plan Content Requirements

Plans submitted as part of an application for Site Plan Review or Special Permit with Site Plan Review in accordance with this Section shall contain the following information:

1. A locus map drawn at a scale of 1" = 800' that shows the subject property and all zoning and historic district boundary lines that lie within the locus;
2. The location and name of all streets in the immediate vicinity of the proposed project with a notation as to whether the street is a public or privately-owned right-of-way;
3. The location and dimensions of all existing and proposed buildings on the site and the general location of buildings on abutting properties;
4. Existing and proposed setbacks of all existing and proposed buildings;
5. Existing and proposed contour elevations in two foot increments;
6. A table calculating the amount of parking required for all existing and proposed uses, and the location, size and type of parking spaces, parking areas, loading and unloading and service areas;

7. Information sufficient to demonstrate that satisfactory arrangements will be made to facilitate vehicular and pedestrian movement to, from and within the site including information on driveways, parking lot aisles, walkways, and sidewalks;
8. Information on the location, size, and capacity of existing and proposed utilities which will service the project (water and sewer service, hydrant locations, drainage, electrical, cable, etc.);
9. Information on the method of surface and subsurface drainage disposal;
10. Location, size, type and number of existing and proposed landscaping features, including trees to be retained or removed;
11. Information on the type, number, and intensity of lighting;
12. A table displaying all applicable use and dimensional regulations and corresponding specifications of the proposal;
13. Provisions for refuse removal and snow removal/storage;
14. Any additional information the City Council deems necessary to evaluate the proposed project as it relates to any of the special permit or waiver requests, surrounding areas, anticipated traffic and public safety issues and the intent of the Zoning Ordinance.

28.14 Procedures for Approval

1. A Site Plan Review or Special Permit with Site Plan Review application for land in a Technology and Business District shall include requests for any special permit(s) and/or waiver(s) that may be required by the Woburn Zoning Ordinance. Applications will be processed by the City Council in accordance with the notification procedures and time line outlined in M.G.L. Chapter 40A Section 11.
2. Within three business days of receipt of an application for Site Plan Review or Special Permit with Site Plan Review under this Section, the City Clerk shall distribute eight copies of the application to the Planning Board and one copy each to the City Engineer, Building Commissioner, Conservation Commission, Board of Health, and Police and Fire Departments for review and comment. The City Council may forward copies of the application to other City agents and agencies as well, for review.

3. City agents and agencies to whom an application has been referred shall transmit comments and recommendations to the City Council within 60 days of receipt of the application. Failure to provide comments shall be deemed lack of an objection.
4. The City Council shall not issue a Special Permit unless it finds the proposal will meet the following conditions:
 1. The ways providing vehicular and pedestrian access have the capacity to provide safe ingress and egress to property and proposed structures thereon and uses thereof with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and emergency access in case of fire, emergency or catastrophe.
 2. Adequate water, sewerage and drainage facilities exist or will exist to service the proposed use.
 3. Adequate off-street parking and loading areas have been provided where required and will not result in undue noise, glare, or odor effects on adjoining properties or on properties generally in the district.
 4. Satisfactory provision has been made for snow storage/removal to ensure safety and for refuse collection, disposal and service areas to minimize negative impacts on adjacent uses.
 5. Exterior lighting has been designed to minimize glare and any negative impacts on abutting roadways and properties and to be compatible and in harmony with other properties in the immediate area.
 6. Appropriate yards and other open space and landscaping have been provided as required and reasonable steps have been taken to insure the privacy of adjacent existing uses.
 7. The proposed use is generally compatible in scale and character with adjacent properties and other properties in the district.
 8. The proposed use(s) or structure(s) will not detract from the general purposes of this ordinance and either comply in all respects with the provisions of the Woburn Zoning Ordinance or has obtained relief (i.e. waiver, special permit or variance) as may be required.
 9. The proposal incorporates additional conditions and requirements as the City Council finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this Ordinance, including but not

limited to the following: Front, side or rear yards greater than the minimum required by this ordinance; requirements for screening, buffers, planting strips, fences or walls; modification of proposed exterior facades of the structure; limitation upon the size, number of occupants, method and time of operation, or extent of facilities; regulation of the number, size and location of drives, access ways, or other traffic features, and off-street parking or loading, or other special features beyond the minimum required in the ordinance.

5. When approving an application under this Section the City Council may attach all reasonable and necessary conditions to ensure that uses of surrounding property are adequately safeguarded and that the purpose of both the Zoning Ordinance and the Technology and Business Mixed Use Overlay District (TBOD) are maintained.

28.15 Validity of Decision

1. No Special Permit granted under this Section shall be valid until it is recorded at the Middlesex Registry of Deeds and a copy of the approved Plan of Record is filed with the Building Commissioner.
2. Approval of a Site Plan or a Special Permit with Site Plan Review shall remain valid and shall run with the land indefinitely, provided that a valid building permit has been issued within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval. This two year period may also be extended for a specific period of time by majority vote of the City Council if it finds the project proponent is actively pursuing other required permits for the project or that there is other good cause for the failure to commence building construction within the two year period. Requests for extensions must be filed with the City Council prior to the expiration of the two year period.

If building construction has not commenced within two years after the decision is issued (or any City Council-approved extension of the two-year period), then Site Plan Review approval or a Special Permit with Site Plan Review shall be null and void, and no construction shall thereafter commence unless a new Site Plan Review or Special Permit with Site Plan Review is approved in accordance with the provisions of this Section

(Added 9/8/2016; amended numbering 12/8/2016)