

APPROVED MEETING MINUTES

Tuesday, September 27, 2022 Woburn Planning Board Meeting | 7:00 p.m.
Virtual Meeting via Zoom

Chair Claudia Bolgen called the meeting to order at 7:00 p.m. and noted the meeting was being recorded. Planner Karen Smith called the roll.

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

PUBLIC HEARING (CONTINUED): SPECIAL PERMIT/SITE PLAN REVIEW application to authorize light manufacturing use of approximately 33,514 sq. ft. within a new two (2) story building containing approximately 133,738 sq. ft. of net floor area at 216 New Boston Street / CCF New Boston Property Company LLC

Attorney Joseph Tarby, Rubin and Rudman, 500 Unicorn Park Drive, Woburn, MA stated they are still waiting on the peer review process to run its course and will request a continuance to the next Board meeting. Mr. Nick Dellacava of Allen & Major Associates and Mr. Scott Thornton of Vanasse Associates updated the Board with a brief PowerPoint presentation on behalf of the applicants.

Motion to accept the handout from the petitioner made by Edmonds;
Seconded by Doherty;
Motion carried, 6-0-0 (Ventresca absent)

Dellacava summarized the plan updates made as a result of comments from City department heads and peer review consultants. They have filed a Notice of Intent with the Conservation Commission. Some changes made to date include: The water line has been upsized to an eight-inch service with a loop connection around the site; minor updates to the stormwater management system were insignificant; the City will require a portion of the municipal sewer to be cleaned and inspected with CCTV and flow monitoring; and the proposed subsurface investigation work plan was submitted to the EPA for review and approval.

Thornton provided an update on the traffic study relating to on-site wayfinding signage; queuing on New Boston Street; and operations at the intersection of Commerce Way with Atlantic Avenue and the ramp to Route 93.

Callahan requested information from Thornton regarding the distance noted in the traffic study via the roadway from the site to Commerce Way. Thornton estimated approximately one mile. Callahan asked for the distance between Eames St and Woburn Street (in Wilmington) noting this intersection was not included as part of the study and Thornton responded that location is further up New Boston Street and perhaps closer. Callahan noted Eames & Main will be a major intersection once the New Boston Street bridge is reopened. Thornton stated he does not expect this project to have a large impact at Eames & Main in Wilmington.

Tarby referenced Section 18 of the Zoning Ordinance which requires a meeting with the traffic engineer prior to beginning his traffic study to determine what scope of review the City Engineer would like included in the study. Tarby explained that the list of intersections to be included in the study was dictated by the City Engineer, and that the applicant does not determine the scope of a traffic study. Callahan stated he wanted to clarify that he had his own facts correct and stated to Tarby that where the applicant gets his direction from, whether it is accurate or inaccurate on the assessment, to give the applicant the direction to follow. Callahan also requested confirmation that conversations were being held with Department Heads regarding the evaluations of stormwater and drainage. Dellacava stated they have done a thorough evaluation and will be improving the area.

Bolgen opened the PUBLIC HEARING and asked any audience members if they would like to speak for or against the petition. No members stepped forward.

Cassidy recommended the Public Hearing be continued to Tuesday, October 11, 2022 at 7:00 p.m.

Motion by Edmonds to accept the Director's recommendation;
Seconded by Callahan;
Motion carried, 5-0-1 (Doherty abstained, Ventresca absent).

PUBLIC HEARING (CONTINUED): PROPOSED ZONING AMENDMENT to (a) amend the City of Woburn Zoning Ordinance by adding a new Section 32 entitled Life Sciences and Business Mixed Use Overlay District (LBOD) and (b) amend the Woburn Zoning Map to overlay the new LBOD district onto the parcels shown on Woburn Assessors Maps as Map 29, Block 1, Lot 2; Map 29, Block 1, Lot 3; Map 29 Block 1, Lot 4; and Map 29, Block 1, Lot 5

Attorney Tarby representing TDC Development Group LLC, which is a subsidiary of The Davis Companies of 125 High Street, Boston, asked permission to submit a paper copy of the PowerPoint presentation that will be made to the Board this evening, as well as copies of several emails he has received from residents (Leen, Flaherty, Ferullo, Ferlisi, Lennon, Mawn) and confirmed with Cassidy which emails staff had yet to receive.

Motion by Doherty to accept the petitioner's submission;
Seconded by Turner;
Motion carried, 6-0-0 (Ventresca absent).

Attorney Tarby stated the petitioner is the applicant for both the proposed zoning map and zoning text amendments. Attendees for the presentation included Michael Cantalupa, Chief Development Officer of The Davis Companies, Christopher Morra and Pat Noone, Vice Presidents of Real Estate for The Davis Companies, Tarebi Joseph of the Davis Companies, Civil Engineer Tim Williams of Allen and Major, Traffic Engineer Scott Thornton of Vanasse and Associates, Consultant Safety Officer Dr. Antonia Pugliesi of Safety Partners and Joshua Philbrook of DENS Facility Services.

Tarby stated the PowerPoint presentation addresses the most recent questions that have been posed to the Planning Board and City Council. They addressed responses to questions from the September 13th Planning Board meeting relative to traffic, ground water impact, and safety controls mitigation.

Thornton stated the traffic projection includes the existing hotel and cinema along with the proposed two Life Science buildings. Comparison charts were shown depicting traffic generation for permitted uses on site such as a shopping center, medical office building, discount store, or home improvement

store. Proposed charts show the applicant's requested use generates less traffic on a square footage basis than any other proposed use. The only exception was the shopping center that is not generally open during the morning time period. Thornton stated this project only assumes development of this one lot and retention assumes retention of the cinema and the hotel. Thornton stated no other development is contemplated at this time and to assume some other development level would be speculative, as Tarby has stated as well. The City Council, Planning Board and traffic consultants will review additional lots proposed for development and the associated traffic studies at the time of any new proposal.

Edmonds questioned Thornton on the use of the term "speculative" stating the Planning Board does forward thinking and it is their responsibility to the community to look at the bigger, long-term picture. Edmonds feels the term *speculative* sounds like it's an uneducated emotional response to a situation without any real thinking that goes into it and Edmonds would like Thornton to understand that this Board, which he has been on for eighteen years, does not do that. Edmonds said it thinks about the well-being of the people of this city only. It is not speculation, it is forward thinking.

Thornton stated it was not his intent for his language to imply anything, it was to state there is nothing proposed at this time.

Dellacava responded to previous concerns regarding how ground water will be impacted during construction and stated a full geotechnical evaluation will be prepared prior to design and construction and will be included in future submissions to the city. Water table impacts will be mitigated during construction.

Philbrook addressed concerns as to what is going to happen with the air that's exhausted out of the proposed facility. All systems will be controlled and monitored by a digital building automations system with redundant exhaust and makeup air. Exhausted lab air will be odorless and colorless. Air emissions in the state are regulated by the Environmental Protection Agency (EPA) through the Clean Air Act and the Massachusetts Department of Environmental Protection (MA DEP) through 310 CMR 7.00. He stated all lab exhaust will be colorless, odorless and is carbon neutral so there will not be smoke stacks.

Edmonds emphasized odorless and colorless and wanted confirmation that the exhaust would not be harmful. Philbrook stated it would be based on whatever is being exhausted and it would meet the requirements as established by the EPA and DEP. Edmonds stated it was important for Philbrook to tell the community that just because you can't see it or smell it doesn't mean that there is not "something" there. Philbrook stated that, in terms of design, there will be no impact on the community and can guarantee the design will meet all safety parameters as required.

Tarby discussed Marie Leen's email dated September 23, 2022 that referenced a Boston.com article and clarified the article is not comparable to this project as the facility discussed in the article was located on the opposite side of a party wall within a condominium building whereas this proposed project is 300' away from the nearest residential house. Tarby clarified the proposed overlay only consists of a total of 4 lots and noted other discrepancies in various email from different residents. Tarby stated, in terms of effluents, the development will comply with all regulations before any discharge into the system. Tarby also stated it is not for the applicant to address the infrastructure in place to enforce regulations imposed on the land, it is up to the City to enforce these regulations.

Callahan asked questions about the traffic evaluation, specifically trip generation of the proposed project versus by-right uses of the entire overlay district.

Bolgen opened the PUBLIC HEARING to any audience member that would like to speak for or against this project.

Carol Nagle, 723 Main St, Woburn inquired if this is the first Overlay District of its kind in the city. Cassidy asked for a clearer definition of "kind", noting there are seven or eight different overlay districts in the City. Nagle stated she was inquiring about this exact Overlay, Life Science, and noted there are other Biotech companies in the City that are Biomedical Life Science by-right in Industrial and Commercial areas that are not jammed in the middle of residential homes. Nagle does not understand why the City would even consider this project with a petitioner who has not held up their end of the bargain made 25 years ago when they came before the City Council and Planning Board. They are allowed to change their plans, made everybody happy, and never stuck with what they said they were going to do. Nagle feels within a year the hotel and cinema will be gone and ginormous buildings will be eating up the neighborhood. Nagle is also concerned about what is going into the wastewater and is concerned about traffic.

Cynthia Tocci, 16 Lowell St, Woburn, Massachusetts spoke in favor of the project and feels it will have the lowest impact on the area and also provide the best dollar value in tax revenues to the City. She believes in the companies being vigilant following regulations and protocols.

Jessica Wheaton, Lake Avenue, Woburn, a 20-year resident of the city is concerned about water problems and traffic. She feels labs will be a risk for the City and children and stated she is opposed to this project.

A resident at 56 Beach Street, Anastasia Budinskaya, is a biomedical engineer and has worked in the Life Science industry most of her career. She understands the risks that go into GMP facilities and stated she is not opposed to Life Sciences as a whole. She feels the petitioner should address the public's concerns regarding traffic patterns, explain the types of both water and vapor waste that may be discharged from the proposed facilities.

Dr. Antonia Pugliese, 6 True Place, Woburn spoke as a resident and disclosed she is also a consultant for this project for the Davis Companies. She told of her personal story saying her husband originally thought a shopping mall was going on this site and she was disappointed thinking about the increased traffic. When he learned the project was going to be a Life Science complex, she was enthused because GMP manufacturing is the most tightly regulated and self-regulated type of laboratory. She spoke of safety built into regulations, internally motivated employees with high regards for safety protocols, and feels this project will have less impact on the area versus other uses.

Joe Flaherty, 17 Boyd Road, spoke in favor of the project. He stated Davis has listened to the community's feedback and has incorporate their concerns into their revised proposal. He attended an event hosted by the Woburn Chamber of Commerce and heard Mayor Galvin, Building Commissioner Tom Quinn, and City Council President Michael Concannon's vision for the future as they stated they wanted to see more Life Sciences as well as clean high-tech manufacturing research and development. Flaherty said Quinn spoke highly of Biosafety Level One and Level Two labs that are exactly what The Davies Companies are proposing. Flaherty stated this proposed use is a great use of a historically underutilized property that would bring tremendous value and opportunity to the City.

Bolgen stated she felt it was perhaps time for the Board to make a decision and move this matter to the City Council and asked the Board if there was any additional information that it would like to hear.

Callahan stated he would like to hear what the applicant's relationship and responsibility is for the taking over the existing conditions of National Amusements drainage issue and how it will be rectified prior to construction.

Tarby explained the recent settlement between the City and National Amusements and spoke of the executed agreement. Callahan discussed the applicant's relationship and responsibility for taking over the existing drainage conditions for this proposal. After much discussion, Bolgen recapped that the comprehensive agreement that Tarby summarized stating the City Solicitor, representing the City, entered into a binding court order that allows National Amusement not to repair the existing drainage issue until a buyer/developer is found for Parcel 12, potentially The Davis Companies. Callahan stated he would like to lock in a timetable for the drainage work to be done that National Amusements reneged on 25 years ago. Bolgen summarized Callahan's statements by asking him if the piece of information he is missing, allowing him to formulate his position on this matter, is an explanation from the City Solicitor of the agreement that was entered into and made a court order between the City and National Amusements as to what the party's relative obligations are under this agreement and what the timetables are. Callahan responded in the affirmative.

Doherty stated he does not have an issue with a Life Science Overlay District and stated the City could probably use a couple of them and this type of business would be great for the City. Traffic will be created no matter what type of business goes into this area and agreed that this proposal would perhaps be the least invasive. Doherty believes the drainage issue will be resolved and improved with the new development. Doherty's concern is the safety of the residents that live in close proximity to the proposed overlay and that is why he cannot vote for this project.

Bolgen stated the Public Hearing is still open.

Carol Nagle, 723 Main St, approached the Board again and stated she found it interesting the City entered into an agreement and what they got out of it was the drainage and catch basins. The water control and the water retentions were in their original Special Permit 25 years ago. Nagle stated they have not "done it" the whole time yet that is all the City got out of it. She asked the Board to "take a minute to think about the fact that it is close to all the neighbors and there are so many other options that could go down there."

Anastasia Budinskaya, 56 Beach Street, re-approached the Board and stated there are a number of pharmaceutical companies in Woburn that have more hazardous materials than the low-level labs envisioned for this site. She mentioned there are radioactive pharmaceutical products and companies in Woburn within walking distance from her house and stated L.E.A.F. Pharmaceuticals, located in Cummings Park, is also located near a residential neighborhood.

Doherty made a motion to close the Public Hearing;
Seconded by Edmonds;

Callahan for discussion stated he would like to reiterate his request for the City Solicitor to weigh in;

Motion to close the Public Hearing carried, 6-0-0 (Ventresca absent).

Bolgen asked Cassidy for a recommendation.

Cassidy stated she has been supportive of the notion of a Life Science District. She recognized members questions and concerns. Any new development will bring traffic, however, the lots at this proposed location will be developed at some point, and stated this type of use tends to generate less traffic, especially compared to shopping centers and home improvement stores. Cassidy acknowledged the traffic questions will be vetted further in the process when the specifics of a project are detailed during the Special Permit review process the City Council will conduct. The proposal will create new jobs with excellent wages and increase the tax revenue generated by the site. There are many different agencies involved in the permitting process for Life Science buildings regarding safety protocols and regulations. There are multiple businesses of this type currently existing within the City without frequent, unexpected releases of air or pollution. Cassidy stated she is in favor of the LBOD but would recommend the text be amended in numerous ways, including resolving the issue of adding a number of new definitions to the zoning ordinance versus relying on existing definitions. She would recommend striking some of the multiple provisions that would allow the City Council to waive or vary some of the dimensional requirements of the proposed district. Cassidy stated there have been representations made about maximum building heights and minimum setbacks that she would not like to see changed or varied by six members of a future City Council. Cassidy noted she reviewed the draft ordinance text with the City Solicitor and the Building Inspector and found a number of “housekeeping” items that need to be cited and specifically stated so that there’s clarification moving forward. Cassidy recommends some very specific suggestions about text amendments and recommends they be sent along to the Council with the Planning Board’s recommendation on the question of adopting a new LBOD district.

Edmonds asked Cassidy for clarification as to whether she is recommending the Planning Board issue a positive recommendation on the petition. Cassidy stated she recommends the idea of adopting the Life Science Overlay District, conditioned on the proposed text changes she created with the City Solicitor and Building Inspector.

Doherty motioned to send an unfavorable recommendation on creating a Life Science Overlay District to the City Council, but if the Council elects to approve the LBOD, they accept the recommendations/suggestions on the draft text changes noted by the Planning Director, City Solicitor and Building Inspector;

Second by Edmonds;

Motion carried, 5-1-0 (Bolgen opposed; Ventresca absent).

3 SHERMAN TERRACE: Expiration of construction completion date

Attorney Salvati, representing 3 Sherman Terrace LLC and developer William Scire, stated he submitted a detailed timeline for completion of the work that remains outstanding and a request to extend the construction completion date to June 30, 2023. Salvati discussed the difficulty of obtaining granite curbing and spoke of an agreement Scire is in the process of making with developer Fred Cialdea to swap shipments of material, so that construction can continue expeditiously.

Callahan discussed neighbors’ concerns regarding periodic lack of activity on the site. Salvati stated there were delays regarding the foundation which required approval from the Board of Appeals. Salvati stated a neighbor to the rear did some excavating and took down some trees and changed the grade, which caused Scire to have to build the retaining walls that exist back there at this time. Scire was planning to have it all sloped down to the neighbor’s property but the neighbor was using a bit of the land, which Salvati stated Scire is going to continue to allow him to use, but it forced Scire to

have to build the retaining walls. Salvati said Scire intends to frame the second house in October and hopefully has rectified the problems with the neighbors.

Callahan stated June 30, 2023 is his final extension on this project. Cassidy said she is disappointed in the time this project has taken and she hopes the developer adheres to the timeline discussed this evening.

Motion by Doherty to extend the construction completion date for the Sherman Terrace subdivision to June 30, 2023;

Second by Edmonds;

Motion carried, 6-0-0 (Ventresca absent).

CROSSMAN ROAD SUBDIVISION: Expiration of construction completion date, review of bond amount posted as surety to guarantee project completion

Cassidy stated the review of the bond amount posted as surety to guarantee project completion is no longer an issue. City Engineer Greg Rheume stated a significant amount of work has been completed and he no longer has any concerns regarding the bond amount.

Attorney Salvati filed a new construction completion timeline and a request to extend the construction completion date to October 30, 2023. Cassidy stated she verbally spoke with Greg Rheume and he feels this request is reasonable. Cassidy noted there have not been any neighbors contacting the office with issues regarding this subdivision.

Motion by Turner to extend the construction completion date for the Crossman Road subdivision to October 30, 2023;

Second by Doherty;

Motion carried, 6-0-0 (Ventresca absent).

GERRISH PLACE SUBDIVISION (88-92 PEARL STREET): Request for bond reduction and extension of time for subdivision completion

Cassidy stated Assistant City Engineer Greg Rheume recommends the Board consider reducing the surety to \$5,200.00 which will be enough to cover the outstanding work task which is getting Eversource to install the light fixture on an existing pole. Eversource has contacted the City's DPW about completing the work. An as-built plan has been submitted and reviewed by Engineering which reports there are a couple of plan changes needed, but the Department is confident no additional money needs to be held to guarantee completion of that task because the nature of the changes is such that the engineer would do them routinely. Mr. Ahern has also asked for a forty-five (45) day extension of the construction completion date from September 30, 2022 to November 15, 2022.

Callahan asked if the utility pole has been placed with the transformer. Callahan stated Ahern's communication dated September 26, 2022 noted relocating the utility pole with the transformer is worth \$10,000 and is still outstanding. Callahan stated without having that, it would not be wise to reduce the contingency to \$5,200. Callahan stated if that question of the discrepancy with the pole and transformer can be resolved after the meeting through the Planning Director, he would be in favor of reducing the bond to \$5,200.

Cassidy recommended the Board extend the construction completion date to November 15, 2022 and reduce the surety to the amount confirmed and approved by the City Engineer after bringing the transformer line item issue to his attention.

Motion to accept the Director's recommendation made by Callahan;
Seconded by Turner;
Motion carried 5-0-1 (Edmonds abstained; Ventresca absent).

PLANNING BOARD DIRECTOR UPDATE

Cassidy stated the Board's next meeting is scheduled for October 11th. The only scheduled agenda item at this time is a continued public hearing on the 216 New Boston/225 Merrimac Street special permit/site plan review filing. The Board decided the October 11, 2022 meeting would be held virtually.

After discussion, the Board stated their upcoming schedule will include meetings on October 25th, and November 15th due to Election conflicts and City Council meeting schedules. The November 15th meeting will be held virtually and the previously scheduled meetings on both November 8th and November 22nd will be cancelled.

Cassidy stated the City will be updating its Open Space and Recreation Plan over the next several months. The first of two public workshops was held on September 15, 2022 at the Woburn Public Library and there will be a second public workshop on October 27th and a survey will be distributed between now and then.

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 September 27, 2022 Planning Board meeting at 8:58;
Seconded by Edmonds;

The motion carried, 6-0-0

The meeting adjourned at 8:58 p.m.

Table of Documents Used and/or Referenced at Meeting

PUBLIC HEARING (CONTINUED): SPECIAL PERMIT/SITE PLAN REVIEW application to authorize 33,514 sq. ft. of light manufacturing space within a two (2) story, 133,738 sq. ft. building at 216 New Boston Street; Letter dated September 2, 2022 from Allen & Major; Drainage Report dated April 25, 2022; Plan set Revised September 2, 2022; Attorney memo requesting continuance to September 27, 2022;

ZONING AMENDMENT TO CREATE A LIFE SCIENCES AND BUSINESS OVERLAY DISTRICT AND OVERLAY THE NEW DISTRICT ON SEVERAL LOTS ON MIDDLESEX CANAL PARK DRIVE / Redline version of proposed zoning amendment; James Mawn letter of support dated 9.27.22; PowerPoint Presentation by applicant dated 9.27.22; Laura Ferlisi public comment email dated 9.26.22; Marie Leen emails dated 9.22.22 and 9.23.22 including Globe article dated 9.16.22
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3 SHERMAN TERRACE SUBDIVISION: Letter from Attorney Salvati dated September 8, 2022 requesting to move discussion to next Board meeting on September 27, 2022; Salvati letter dated 9.26.22 including Sherman Place update and timeline.

CROSSMAN ROAD SUBDIVISION: Letter from Attorney Salvati dated September 8, 2022 requesting to move discussion to next Board meeting on September 27, 2022; Salvati email dated 9.27.22 extension request and timeline

GERRISH DRIVE (88-92 PEARL ST) SUBDIVISION: Ahern email dated 9.26.22 bond reduction request; Cassidy email dated 9.26.22; Rheame email dated 9.26.22; Engineering Dept memo dated 9.26.22 with Cost Estimates

City of Woburn Open Space and Recreation Plan Update Workshop #1 (9.15.22) Outline

Respectfully submitted,
Karen Smith
Assistant Planner

APPROVED