

# MEETING MINUTES

Tuesday, September 13, 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, Mr. Michael Ventresca and Chair Claudia Bolgen were present. Planning Director Tina Cassidy and Planner Karen Smith were also in attendance.

Bolgen stated the first item on the agenda would be taken out of order and the Board would discuss the Preliminary Subdivision application for 6 Fryeburg Road with the petitioner being Marion Cain.

## **6 FRYEBURG ROAD PRELIMINARY SUBDIVISION PLAN**

Patrick Cain, 27 Intervale Street, Woburn, petitioner Marion Cain's grandson, stated he, along with his cousin, Meredith Wells, would like to build their forever homes on their family's land.

Engineer Mark Sleger of Alan Engineering, representing the Cain family, stated his clients are interested in subdividing the land to create one additional lot. Sleger is interested in receiving feedback from the Board and stated the applicants are proposing a 40' wide right-of-way with 24' of pavement width along with a grass paver turnaround. Sleger noted similarities in recently-approved subdivisions such as Sherman Terrace and Downs Court. The lot has less than 200' of frontage on Fryeburg Road resulting in the need to create a new roadway to allow for enough frontage for the new lot.

Sleger noted Building Commissioner Tom Quinn mentioned concerns regarding a curb cut that would possibly violate the zoning ordinance and the Fire Chief expressed a concern with the ability to access around the corners if cars were parked on Fryeburg Road.

Callahan asked for an explanation regarding the applicant's choice of a grass strip versus a hammerhead or cu-de-sac. Sleger stated there was not enough land area for a cul-de-sac unless they were able to acquire additional land from a neighbor. Sleger mentioned the possibility of the subdivision remaining a private roadway that would be privately maintained.

Ventresca discussed concerns regarding lot size, the number of waivers being requested, the necessity for a sufficient radius for a turnaround, front and side setbacks, and the importance of public safety.

Sleger discussed a shared driveway situation, delivery trucks, trash pickup, proposing narrower pavement, eliminating curb cuts, and appropriate signage.

Callahan inquired about the proposed length of the driveway from Fryeburg and Sleger stated roughly 200' to 205'.

Cassidy asked Sleger the diameter of the water and sewer mains. Sleger responded 8" for both water and sewer and Cassidy reminded him the City's regulations require a minimum of 12" for a sewer line.

Bolgen stated this proposal appears to be similar to a "pork chop" type lot development that was very prevalent twenty years ago in the city. The Board and City, at that time, reviewed the subdivision rules and regulations and made a policy judgement not to be in favor of these types of lots as they were not the City's vision for its future.

Cassidy stated she spoke with the applicant's attorney, Mark Salvati, and cautioned the Board that turf area turnarounds for the fire department and other drivers, including deliveries, are often invisible and not effective as once they are installed the grass grows through it and it appears to be part of the lawn and is not obvious to users that it is available. In this situation, it seems clear that there is not enough land here to do a conforming roadway and it would require many waivers. Cassidy recommend the Board not approve the Preliminary Subdivision as it not an existing right of way, it would be a substandard roadway, it would create two potential zoning violations and the requested waivers are numerous. Cassidy explained if the Board denies the preliminary subdivision plan, it does not preclude the applicant from filing a Definitive Subdivision Plan.

Motion by Doherty to accept the Director's recommendation to deny the Preliminary Subdivision application for 6 Fryeburg Road for the reasons cited;  
Seconded by Edmonds;  
Motion carried, 7-0-0.

Bolgen stated the Board will resume the order of the agenda as posted.

**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, 600 Unicorn Park Drive, Woburn, MA stated he has submitted a request on the applicant's behalf to continue the public hearing to September 27, 2022 to hopefully provide ample time for the peer reviewers to make a recommendation to the City Engineer who in turn can write a memorandum to the City Council and Planning Board relative to the appropriate mitigation.

Bolgen stated into the record that Ventresca executed a Missed Hearing Certification Form on this petition and so is eligible to participate and vote in the hearing and consideration process going forward.

Cassidy recommended the Board grant the applicant's request to continue the Public Hearing to the September 27, 2022 meeting at 7:00 p.m.

Motion to accept the Director's recommendation. made by Edmonds;  
Seconded by Turner;

The motion carried, 6-0-1 (Doherty abstained).

**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 copies to the Board of the PowerPoint presentation they will giving this evening.

Motion by Edmonds to accept the petitioner's submission;  
Seconded by Callahan;  
Motion carried, 7-0-0.

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. The four themes include petition changes and LBOD District; traffic, wetlands, and shadow impact mitigation; safety controls and noise mitigation; and economic and infrastructure benefits.

Tarby summarized the project, the extensive permitting process, and recapped all documents that have been submitted to date. Tarby explained the differences between the original submission in July of 2021 compared to the most recent version being discussed. The current submission has placed the focus on advanced light manufacturing and research and development; includes the addition of clear definitions as suggested by the Planning Director relevant to Advanced Light Manufacturing, Life Science, and Group H-2 or H-3 Use; Restriction of potential Biomedical facilities to Biolevel-1 and Biolevel-2 as defined by the National Institute of Health; City Council may impose conditions to ensure that uses of surrounding property are adequately safeguarded; the minimum required set back increased from 125' to 200'; the removal of "Mixed Use" from the Life Science and Business section name; and specifics regarding High Hazard Use such as there is no high hazard use that is a primary use, Group H-2 and Group H-3 uses will be accessory and limited to Life Science, Laboratory, Advanced/Light Manufacturing and Research and Development Uses, and those accessory uses will be limited to ten percent of the gross floor area of each floor within the building. Tarby noted there are currently 54 permits issued within the City by the Board of Health's Biomedical Oversight Committee for Life Science manufacturing and lab uses.

During Tarby's presentation, Edmonds asked for clarification regarding primary high hazard use and what is defined as a secondary use. Tarby stated those specific answers will be addressed later on in the presentation.

Thornton presented their plan to mitigate the impact on traffic. If the overlay is approved, a full traffic study will be coordinated and planned with the City Engineer. The traffic signal equipment at the intersection of Middlesex Canal Park Drive and Main Street has been upgraded by the City and minimal impact is expected with the Fire Station. If the project is approved, Thornton stated they

would anticipated looking at intersections to the north part of the rotary including True Place and Fisher Terrace, and locations to the south including Eaton Avenue as well as other locations. Thornton presented hypotheticals regarding trip generations of the proposed development in comparison with other uses that are allowed by special permit such as office space, shopping center, medical office building, a discount store and a home improvement store. This proposed Life Science development would generate less traffic during the weekday morning time period in comparison to any kind of use with the same size development of 200,000 square feet with the exception of the shopping center because that is retail use with later starting times. The evening comparison shows the proposed use would generate less traffic than all other potential uses, specifically in some cases, up to four times less traffic than some of the uses that would be allowed by a Special Permit.

Williams discussed the impact of the proposed development on the wetland area and how they intend to maintain the wetlands. Williams stated the proposal will not directly impact wetland resource areas as the work will remain within the existing paved surfaces. The existing stormwater management basins will need to be reconstructed in coordination with the Woburn Conservation Commission who will take jurisdiction over this work. The proposed development will require filing a Notice of Intent and subsequently an Order of Conditions establishing both pre and post construction requirements. William stated they have made commitments to fix the drainage issues that have been ongoing for many years and reiterated there will be no direct impacts or alterations to the wetlands.

Williams presented slides showing shadow studies from the proposed buildings to the adjacent properties on Ellen Road were conducted and noted during the winter solstice, which tends to be the time when the most amount of shadow will be cast by a building onto a surrounding property, the line of trees on the back side of the properties on Ellen Road were studied and compared to the proposed building shadows. The results show the shadows possibly resulting from the proposed buildings are not projected to reach the Ellen Road properties.

Philbrook spoke of safety controls and noise mitigation. He stated a gas station uses more flammables than the proposed development, specifically the proposed development would be limited to 1.5% to 3% of a class 1B Flammable Liquid compared to that of a local gas station.

Pugliesi addressed the safety issues regarding these types of facilities being located close to schools and daycare centers. Pugliesi spoke of the required Federal, State, and Local regulations and permits that are required and monitored. The owners of the buildings and the tenants must be compliant with all regulations to keep the building and community safe.

Morra stated the setbacks from the residential properties to the proposed building on the closest lot is more than a football field's length in distance. Slides were presented comparing neighboring communities that have this type of development near residential areas. For example, this proposal has 216-222 total housing units within a ¼ mile radius. A similar development in Waltham is approximately 90' from the closest home and 262 total housing units with a ¼ mile radius. Other comparisons included various projects in Watertown, Cambridge and Lexington. In summary, this proposal falls right in line with the metrics, if not actually less than other suburban communities, in terms of the number of housing units and total population living in close proximity to the facility.

Philbrook discussed controlling effluents in the facility. All lab and manufacturing effluent would require permitting through the MWRA and be monitored and treated in accordance with MWRA requirements. MWRA will conduct periodic testing to ensure the system is properly monitored.

Liquid spills and releases from the building will be mitigated by spill controls within the building design and/or licensed waste haulers.

Williams emphasized the site will be required to adhere to MWRA regulations and oversight, and will be required to implement a laboratory chemical management plan to control the storage and discharge of regulated materials. Williams addressed another common concern heard from residents regarding the sewer system. He stated there is a large trunk line that runs through the center of the cinema site and noted they will work with the City Engineer and the Department of Public Works and do whatever they require to investigate and preserve that pipe. If they ask to flow monitor the sewer line and put a camera down to inspect the condition of it they will comply. If any mitigation measures are required to rehab, line or repair the sewer line it'll be incumbent on the developer to make those repairs.

Pugliese stated the MWRA has oversight of the discharge into the sewer and the landlord or tenant must apply for that permit which would detail what is being done at the facility as well as anticipated discharge and treatment plans of the laboratory discharge.

Philbrook stated the building will fully comply with all air leakage regulations and requirements. All systems will be controlled and monitored by digital building automation systems with redundant exhaust and make-up air.

Edmonds inquired about emergency release, specifically external release of something into the air and is there a backup system to push the air out of the building, and if so, where does that air go? Philbrook replied that if it is chemicals that scientists are working on, they will be using a fume hood that is filtered and exhausted out of the facility. Depending on the use, there may be HEPA filtered exhaust that would be determined based on the permitting for the use of that specific tenant, and there would also be redundant air systems that would be in place for exhaust as well as for makeup air and air handlers. These systems are monitored 24/7 through the building's automated monitoring systems.

Edmonds asked if the neighbors will ever smell anything. Philbrook replied they will smell nothing from this facility. Edmonds stated he grew up in a world where you could smell everything being manufactured and know how bad it was and wants to confirm "if I can smell it, there is something there." Edmonds spoke of being in the safety industry and referenced the situation of last resort and will there be a capture system to ensure nothing leaks in to the air that would be noticed or affect the neighbors. Philbrook stated there would be HEPA filtration on the exhaust. Philbrook stated his firm manages 230 employees and manage over 10 million square feet of strictly life science and lab space in Greater Boston and can assure Board members that the concerns of smell and discharge are not present at any of these facilities.

Tarby stated, at the request of the City Council Ordinance Committee, they reviewed the zoning ordinances of other communities such as Waltham, Watertown, Lexington, Cambridge, and Burlington. According to Tarby, the term high hazard does not appear in their zoning ordinances. As a result, the communities govern the specific use based upon the tenant and the building through local, state, and federal use regulations.

Morra stated the Greater Boston area is the #1 market for Life Sciences and Woburn can benefit economically if they welcome this type of industry. Also noted was the fact that the developer is willing to work with the City to establish easements of parcels to and contribute to sidewalks being constructed from its terminus at the Middlesex Canal bridge to Main Street.

Bolgen noted two members, Doherty and Ventresca, have submitted their Missed Hearing Certification Forms and are both eligible to participate in discussion and vote on this Public Hearing.

Ventresca asked for clarification on subsurface parking and Morra stated all parking will be at grade level. Ventresca also inquired about the use and handling of solvents in a relatively dense area located near residential units. Cantalupa responded by using Skyworks as an example and how they are able to manage their facility by limiting the quantities of solvents and chemicals moving through the manufacturing floor by adhering to federal, state, and local regulations and limits.

Callahan asked Tarby if this overlay amendment includes the hotel and if so, considering the overlay has a height restriction, what is the existing height of the hotel. Callahan stated he believes the hotel exceeds the height limitation proposed and therefore, the hotel would not meet the proposed zoning criteria. Tarby stated the hotel would have to be leveled if it exceeds the criteria. Callahan inquired if any investigation has taken place into the water table problem in the area of the cinema and surrounding areas. He would like the area water table elevations to be documented prior to construction and modifications of the drainage area. Williams stated they have yet to do any geotechnical explorations to determine the water table but noted he has plans from the 1970's that may be used for reference. Williams acknowledged the high water table, the flooding issue, and the lack of maintenance of the detention basin.

Callahan stated their preliminary traffic study only considers the project based on the two buildings the Davis Companies is proposing and is not taking into account any potential new development of the cinema and/or hotel. Thornton replied that they haven't prepared a full traffic study yet and what was presented was an estimation of the trip generation of the proposed facility in comparison with other uses that currently exist. Thornton said a thorough, conventional traffic study will be prepared at the time of the Special Permit application when a tenant has been identified and it will also be reviewed by the City Engineer, its peer reviewers and Mass DOT. Callahan also expressed his concerns about how the effluent will be addressed as he feels it has only been addressed in terms of waste water and solid matter. He is concerned about what will be discharged into the air.

Edmonds discussed the overlay as a whole which includes a total of four lots and the possibility of new uses being developed on the cinema and hotel sites theoretically creating traffic up to three times the number they are predicting. Edmonds stated his role is to plan ahead for the community if the overlay becomes maximized. Tarby discussed peer reviews and potential mitigation in addition to the scenario of other possible land uses that would maximize the site for office park, shopping center, medical office uses, etc.

Seeing no other questions or discussion from the Board members, Bolgen opened the continued public hearing and invited any members of the audience to step forward to speak for or against the project.

## **PUBLIC HEARING**

Louise O'Connell, 26 Park Drive, Woburn spoke against the project by expressing her concerns regarding her ongoing flooding problem in her basement and stated the water problem in the area will worsen if additional buildings are created. She also is concerned about the safety of children and senior citizens in the area given the road conditions and the traffic.

Cynthia Tocci, 16 Lowell Street, Woburn thanked the Board for taking their responsibility seriously and appreciates their concern for the community. Tocci stated she spoke with a neighbor that works at Lincoln Labs who informed her that the protocols and levels of security for safety in labs are extremely high. Tocci stated she is not concerned with the proposed project. She acknowledged that traffic is an issue everywhere and other projects that may go in by-right may possibly create an increased volume in traffic. Tocci feels this proposal will benefit the community financially.

Mr. Joe Flaherty, 17 Boyd Road, Woburn stated he feels The Davis Companies has shown a capability to listen to the feedback and concerns of the neighbors and have been accommodating to those concerns. Flaherty feels there have been many improvements in the design development. Flaherty noted he is in support of this project and feels it is a great development that will provide the highest and best use for the currently underutilized site.

Ms. Maureen McGann, a resident of 8 Marion Avenue, Woburn stated she was researching Life Science things and came across an article about the Town of Brookline that describes a tax structure to protect large commercial assets with the potential for tax exempt ownership and the developers seek zoning changes requiring any further tax-exempt owners to make payments based on a 100% of the assessed value. The resident stated these tax agreements cannot be negotiated. She stated the tax revenues will become the responsibility of the residents if the corporation is tax-exempt. She mentioned Life Science buildings are targets for cyber attacks which becomes a safety issue if dangerous things are released. She asked the Board if they'd like a copy of the article she referenced.

Motion to accept McGann's submission into the public record made by Edmonds;  
Seconded by Donovan;  
Motion carried 7-0-0.

Discussion continued regarding the issue of requiring a developer to guarantee they do not sell to a non-profit resulting in a loss of revenue to the city.

Ms. Marie Leen, 6 Marion Avenue, Woburn expressed concern regarding the number of parcels and potential number of Life Science buildings; the water table; wetlands to Lowell Street; close proximity to an elementary school and a nursery school; discharge from the roof; the dropping of "Level 3 and Level 4 which includes Ebola" research; community and worker risk; number of jobs; and traffic. Ms. Leen feels "Woburn residents deserve to live with no risk because no amount of tax money that would come from this project can make up for the fact that people's quality of life will change."

Bolgen asked if there were any other members of the public who wished to address the Board. She then noted no other audience members chose to speak.

Tarby rebutted some of the statements that were made during the Public Hearing. The property is not residential, it is in the Business Interstate District. The district allows buildings that are 80' high and seven stories tall. The potential for development includes non-profit medical facilities. Five buildings were never proposed, it has only been two. The applicant never suggested PL4 would ever be used on this site.

Tarby acknowledged traffic concerns will be reviewed and addressed through peer reviews. Regarding this issue of potential tax relief, Tarby stated he has never seen Mayor Galvin provide tax relief to potential projects and noted Mayor Galvin consistently holds the best interest of the City of Woburn in mind, in terms of fiscal responsibility.

Bolgen inquired of Tarby the prospect of a type of tax certainty structural agreement theorizing a property is developed and occupied by a for-profit entity and then sold to a non-profit organization, such as a university. Is it possible for a property be bound to be taxable in perpetuity despite the owner?

Tarby stated, in the case of The Vale project, MGH Brigham received a Special Permit to build a medical facility, as a non-profit exempt from taxes, the Mayor negotiated an agreement with them that they would pay annual taxes to the City of Woburn. Cantalupa stated any parcel in the city can be sold to a non-profit and that is not their intention to lease this site to a non-profit entity. He added that they would prefer to maximize their profit after going through this process and that is not the type of tenant they are targeting.

Bolgen summarized the possible reasoning behind the concern was the applicant's slide showing the potential tax revenue benefit to the city. That benefit would possibly disappear if sometime in the future the proposed property was sold to a non-profit. Tarby stated the same scenario applies to any and every parcel in the city.

Doherty stated he is not in favor of overlay districts. He complimented the applicant on their presentations. He stated he realizes this particular project is better than a shopping center or discount store. He acknowledged the dangerous rotary and the current traffic issues stating that area has become like East Woburn. Doherty stated he is not comfortable with the distance from the houses while acknowledging this project is better in that respect compared to several other communities. He is disappointed in the lack of public participation and would like to hear from residents in the area. He is torn deciding and is worried about safety controls.

Ventresca acknowledged this is an opportunity to address and improve many issues such as traffic, water and flooding, He stated a new building would be built to current standards that would maintain all runoff on site. He praised the applicant for their due diligence and excellent presentations.

Cassidy recommended the Board continue the hearing to its meeting on September 27, 2022 at 7:00 p.m. This would allow additional time needed to work with the petitioner's attorney and the City Solicitor to review the specific text of the proposed zoning amendment before making a recommendation to the City Council.

Motion by Doherty to accept the Director's recommendation;  
Seconded by Edmonds with discussion;

After discussions regarding previous neighborhood meetings, public hearing notices being mailed and resident attendance at hearings, the Board decided to hold the next meeting in person. Tarby stated the applicant has been very cooperative and diligent in addressing every concern brought forth by residents, the Planning Board, its staff, and the City Council.

Tarby expressed his disappointment in not receiving a recommendation this evening and stated the same type of facilities currently exist all over the city and many are located next to residential neighborhoods. The only reason the current labs they don't qualify as high hazard use is they schedule deliveries to stay under the on-site quantity limits.

Motion carried, 7-0-0.

The Board took a five-minute recess at 9:12 p.m. and readjusted at 9:17 p.m.



### **3 SHERMAN TERRACE: Expiration of construction completion date / William Scire**

Bolgen stated the Director received a letter from the developer's attorney stating that neither he nor his client would be available to attend this meeting. Attorney Salvati asked that discussion of the matter be postponed to the next Board meeting on September 27, 2022 at 7:00 p.m. Cassidy stated that she recommended the postponement, given the circumstances (no representation of the developer).

Motion by Doherty to accept the Director's recommendation;  
Seconded by Edmonds;  
Motion carried 7-0-0.

### **CROSSMAN ROAD SUBDIVISION: Expiration of construction completion date, review of bond amount posted as surety to guarantee project completion / Fred Cialdea**

Bolgen stated the Director received a letter from the developer's attorney stating that neither he nor his client would be available to attend this meeting. Attorney Salvati asked that discussion of the matter be postponed to the next Board meeting on September 27, 2022 at 7:00 p.m. Cassidy stated that she recommended the postponement, given the circumstances (no representation of the developer).

Motion by Doherty to accept the Director's recommendation;  
Seconded by Edmonds;  
Motion carried 7-0-0.

### **HIGHVIEW ESTATES DEFINITIVE SUBDIVISION: Update on status of litigation and discussion of expiration of the construction completion date**

Attorney Roshan Jain, representing Sanco Builders and Michael Santullo, stated they have reached an agreement with Eversource regarding their conditions for initial test blasting work that includes employing a third party qualified to monitor the blasting. The developer intends to commence blasting in the Spring of 2023, utility installation completed by July 2024, and home construction completed by July 2025 with the final roadway construction completed by October 2025. As-built and street acceptance plans would be completed by December of 2025.

Callahan commented on the aggressiveness of the timeline noting previous discussions anticipated a three-year development plan upon completion of the blasting. Callahan would prefer a realistic, accurate timeline. Callahan spoke of lengthy pre-blasting surveys that are time consuming and need to be re-done several times. It is important to provide the neighbors with accurate timelines and expectations.

Cassidy spoke of recent complaints from the neighborhood including City Councilor Charles Viola regarding the lack of maintenance on the site resulting in flooding issues, specifically the Storm Water Pollution Plan (SWPP) was not in compliance. After a series of emails with staff, Santullo and the Building Commissioner, the developer removed the silt sack so that everything could flow freely into the catch basin. That was not the correct thing to do, and Santullo returned to the site, cleaned out the catch basin and re-installed silt sacks so he would be in compliance. Santullo stated in an email that he had not been visiting the site to monitor the SWPP measures because he didn't consider it to be an active subdivision since he was not working on it and stated he had not been doing regular maintenance. Cassidy informed Santullo the city considers it an active subdivision and he must

remain in compliance to all conditions which includes cleaning and maintaining the silt sacks and maintaining the fencing around the site. Cassidy stated there are portions of the perimeter fencing that have fallen down. Cassidy stated she spoke with the city engineering department and noted there has been some stabilization of the slopes with vegetation growth that's occurred over the passage of time, but that department considers it to be an active subdivision too.

Jain confirmed Santullo has reinstalled the silt sacks and they will continue to be maintained. Jain stated conditions at the site have changed and it has become substantially overgrown so the propensity for there to be runoff from the site has been substantially reduced. The developer's engineer, Jack Sullivan of Sullivan Engineering visited the site and provided an email stating he agrees that the silt sacks in the catch basins must be maintained no matter what but, in his opinion, doesn't see that repairing the fencing on the property makes sense at this point. The ground that was once disturbed has now been stabilized with overgrowth and trying to access the fence would actually create more potential damage than it would to leave matters alone.

Motion by Doherty to accept Engineer Sullivan's email into the record;  
Seconded by Edmonds;  
Motion carried 7-0-0.

Santullo stated six years have passed and the site has changed and feels it would do more damage going forward putting up fencing and hay bales at an inactive site because the ground cover has grown back along with trees and brush. Santullo feels the site is stable and it would become unstable if he put in erosion controls at this point. He stated he will install all erosion controls measures and have them inspected before he continues construction.

Bolgen stated she reviewed the status of the litigation and the court case against Eversource notes a status date in December. Bolgen understands the main details of the blasting have been resolved but if all details of the agreement were resolved, they would have firm date for blasting and would be finished with the courts. Bolgen suggested setting the completion date for a short period of time with hopes a firm agreement as to a blast start date will emerge from the court case.

Santullo discussed Eversource wanting a third-party monitor due to specific insurance requirements with the blasting and stated they are working out the agreement and waiting for the final permit to begin blasting. Ventresca and Turner discussed the agreement, pre-blasting surveys and realistic timeline expectations.

Ventresca and Cassidy discussed the fencing that Viola mentioned was sagging and needed repair. Cassidy stated the developer should have been following the SWPP and maintaining the fencing. Santullo stated he will repair the fencing but said the overgrown trees and grass have created natural erosion controls and feels it would be a wasted effort and would disturb the ground if the repair work were done now.

Callahan stated he couldn't agree more with the Santullo and said erosion control need to be in place prior to the disturbance of vegetation. Callahan feels the vegetation has been fully restored in the past six years. The silt fence has to be in place before the bucket hits the ground. Until that point, you'll read verbatim, that there is no need, in any specification that you do, vegetation disturbing starts the point when erosion control has to be in just prior to it. Have to be in for something that's reestablished so at the tail end of it when you're removing your silt fence is when the growth is back in. This is the part when you know that some people may be talking out of school, they should be talking with the Engineering Department. Callahan stated they have a better background in it.

Callahan stated he would like to see a letter of intent regarding the retention of professional services and third parties by Eversource and the applicant in addition to detailed timelines for pre-blasting surveys and blasting.

Bolgen suggested extending the construction completion date which expires on September 30, 2022 to January 31, 2023 and having the developer appear at the January 10, 2023 Board meeting to provide a detailed status update of the litigation and drilling and blasting agreements between all involved parties.

Motion by Turner to extend the construction completion date to September 30, 2022 to January 31, 2023 and the developer appear at the January 10, 2023 meeting to provide a detailed status update;  
Seconded by Ventresca;  
Motion carried, 7-0-0.

### **PLANNING BOARD DIRECTOR UPDATE**

Cassidy stated the Board's next meeting is scheduled for September 27<sup>th</sup>. Agenda items include a continued public hearing on 216 New Boston/225 Merrimac Street special permit/site plan review filing; the continued public hearing on the Life Science Overlay District; and discussion of expired construction completion dates for 3 Sherman Terrace and Crossman Road.

Cassidy stated the City will be updating its Open Space and Recreation Plan over the next several months. The first of two public workshops is scheduled for this Thursday evening, September 15, 2022 at the Woburn Public Library and there will be a second public workshop on October 27<sup>th</sup> and a survey will be distributed between now and then.

Cassidy stated the State's Office of Housing and Economic Development has issued the final guidelines for the Housing Choice Law, MGL Chapter 40A, Section 3A. Cassidy said several changes were made to the draft guidelines and new information provided, but feels none of the changes or new information are significant enough to affect Woburn's current (negative) view of the impact of the law and its guidelines. Edmonds mentioned his disappointment in the new law as he feels it negates all the work the City has done to create affordable housing.

Bolgen asked Cassidy if, after meeting with the City Solicitor to further understand what the specifics of the law requires, that she also summarizes what consequences the City might face in relation to future grant opportunities by choosing to be non-compliant.

### **APPROVAL OF MINUTES: August 23, 2022 MEETING**

Bolgen stated the next item on the agenda is approval of the Board's July 26, 2022 draft meeting minutes and asked if there were any comments or corrections. There were none.

Motion by Edmonds to accept the August 23, 2022 Planning Board minutes as drafted;  
Seconded by Callahan;

The motion carried, 5-0-2 (Doherty and Ventresca 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 September 13, 2022 Planning Board meeting;

Seconded by Edmonds;

The motion carried, 7-0-0

The meeting adjourned at 9:52 p.m.

*Table of Documents Used and/or Referenced at Meeting*

<b><u>PUBLIC HEARING (CONTINUED): SPECIAL PERMIT/SITE PLAN REVIEW</u></b> application to authorize <b>33,514 sq. ft. of light manufacturing space within a two (2) story, 133,738 sq. ft. building at 216 New Boston Street</b> ; 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;
<b><u>ZONING AMENDMENT TO CREATE A LIFE SCIENCES AND BUSINESS OVERLAY DISTRICT AND OVERLAY THE NEW DISTRICT ON SEVERAL LOTS ON MIDDLESEX CANAL PARK DRIVE / TD DEVELOPMENT GROUP LLC</u></b> : Planning Board Recommendation to City Council on Proposed LBOD zoning amendment dated November 17, 2021;
<b><u>3 SHERMAN TERRACE SUBDIVISION</u></b> : Letter from Attorney Salvati dated September 8, 2022 requesting to move discussion to next Board meeting on September 27, 2022
<b><u>CROSSMAN ROAD SUBDIVISION</u></b> : Letter from Attorney Salvati dated September 8, 2022 requesting to move discussion to next Board meeting on September 27, 2022
<b><u>HIGHVIEW ESTATES</u></b> : Various emails dated between July 2022 and September 2022 from Councilor Viola, Cassidy, Quinn, Santullo and Jain along with photos; Timeline and letter submitted by Jain dated September 13, 2022; Highview Road Construction Storm Water Pollution Prevention Plan dated August 15, 2015
<b><u>DRAFT MEETING MINUTES</u></b> : August 23, 2022 meeting

Respectfully submitted,

*Karen Smith*

Planner