

**COMMITTEE ON ORDINANCES, CHARTER AND RULES
OCTOBER 9, 2018 AT 6:07 p.m.
COMMITTEE ROOM
WOBURN CITY HALL**

Voting Members:

Present: Chairman Michael Anderson, Alderman Michael Concannon, Alderman Mark Gaffney,
Alderman Darlene Mercer-Bruen, and Alderman Lindsay Higgins

Non-Voting Members:

Present: Alderman Richard Gately, President Richard Haggerty, Alderman Edward Tedesco, and
Alderman Joanne Campbell

Also present: Planning Director Tina Cassidy

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Order to amend the 1985 Woburn Zoning Ordinances relative to gross floor area and net floor area: Alderman Tedesco said the Planning Board is meeting tonight on the matter. He said he will be meeting with Director Cassidy and Building Commissioner Thomas Quinn about the matter. He said the Planning Board had a comment about what the term “hallway” refers to in the definition. Chairman Anderson said there will be no action taken on the petition.

President Haggerty to amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new Section 30 entitled “Smart Growth Overlay Districts” in accordance with the purposes of G. L. Chapter 40R; 2. By amending the City of Woburn Zoning Map by overlaying the Smart Growth Overlay District zoning provisions over one parcel of land at 300 Mishawum Road; 3. By adopting the Woburn Mall Smart Growth Overlay District Design Standards; and 4. By adopting the Smart Growth Overlay District Plan Review and Special Permit Application Form and the Smart Growth Overlay District Regulations and Submission Requirements: Alderman Concannon announced he was recusing himself and left the Committee Room. Alderman Higgins asked if the council has the correct draft of the proposed ordinance. Chairman Anderson said the correct draft is the one that was supplied by City Clerk William Campbell. Director Cassidy said she submitted an older version of the ordinance to the City Clerk and there have been three or four amendments since then. She said the two versions are virtually the same but there are differences that are important. She said the correct version is the one that indicates the maximum number of residential units is 425 (page 30-47). She said the original version indicates the density component is 20 units per acre, but that was amended to the 425 number. She said there are a couple of other changes. Chairman Anderson said he is in possession of the most recent version of Section 30 and he will make sure the correct version is emailed to everyone. He said he will send it to the Clerk of Committees, who will distribute it to all. Alderman Anderson asked about the size of the Woburn Mall parcel. Director Cassidy replied it is approximately 20 acres. Director Cassidy said the Planning Board has continued its hearing until its meeting on October 23. She said the board last deliberated the matter at its meeting on September 25. She said she hopes the board approves the meeting minutes when it meets later tonight. She said if the board approves the minutes, she will forward them to the committee. She said there was no video recording of the meeting. Alderman Mercer-

Bruen said she tried to get video of the meeting on her phone but was unable to access it. She asked if it would be available on her computer. Director Cassidy replied there was no video because the meeting was held in the engineer's conference room. She said the board's primary concern during the September 25 meeting was the design standards. She said one of the board members expressed a concern about what would happen, for example, if someone wanted to paint a building bright purple, and could that be grounds for denying the project. She said that question was posited to the Dept. of Housing & Community Development, and the board is awaiting a response. She said there were also general concerns about traffic and bicycle amenities. She said she had a conversation with Alderman Mercer-Bruen about making sure the traffic studies were not done during the summer or immediately after a snow storm, when traffic might be lighter than normal. Alderman Mercer-Bruen said aspects of the mitigation ordinance can also be incorporated into Section 30. Director Cassidy said a Planning Board member expressed concerns about the establishment of Airbnb. She said the board member would like to find a way to prevent rentals. Alderman Higgins said there is a memo from City Solicitor Ellen Callahan Doucette suggesting the rental use might be prohibited. Alderman Higgins said City Solicitor Callahan Doucette viewed Airbnb as a commercial entity and the city might not have to do anything to restrict it in the ordinance. Planning Director Cassidy said she has been asked why the Commerce Way area doesn't look more like Burlington's Wayside Commons. She said Burlington has a process, and she is trying to get information that describes how the process is different in Burlington than it is in Woburn. Chairman Anderson asked if DHCD has looked at the Woburn Mall project yet. Director Cassidy replied DHCD has made an initial review of the ordinance and has offered recommendations, one of which is regarding solar voltaic installations, as the 40R ordinance must take into consideration any regulations regarding items like solar panels and signage. She said rather than including the entire list of solar regulations into the text of Section 30, the city can include a reference to solar regulations, give DHCS a certified copy of the regulations and have them on hand for future reference. Alderman Mercer-Bruen asked if Section 30 will be applicable to any 40R project. Planning Director Cassidy said when a community adopts its first 40R, it should make the first part of the ordinance specific to all 40Rs and the last 30 percent of the ordinance can be specific to the Woburn Mall site. Alderman Gately asked about the status of a walkway from the mall to the Anderson train station. Director Cassidy said she and the mayor have made a pitch for the walkway and she needs to think about a conceptual design. She said she does not think there is room for a walkway within the existing right-of-way. She said the city will have to confer with property owners and the environmental agencies that have jurisdiction in the area. Chairman Anderson asked if the design standards are approved by DHCD or subject to its approval. Director Cassidy said she will have to double-check. Chairman Anderson said the council may want to consider adding some language about a bridge to Mishawum Station. Alderman Mercer-Bruen asked if Chris Kuschel from the Metropolitan Area Planning Council expressed some concerns with the design standards. Director Cassidy replied the development team asked for more flexibility with the orientation of the buildings, and Mr. Kuschel told the city to hold the line. President Haggerty asked if Director Cassidy could provide the committee with the total number of affordable housing units in the city. Director Cassidy said she has compiled numbers that are close and she is working on a detailed breakdown that she could give to the committee this week. She said she is unsure about the status of the project at 120 Commerce Way, and that she heard the property has been sold, and she has also heard the Chapter 40B project on Mill Street with 73 affordable units is not moving forward. Alderman Mercer-Bruen said she wouldn't mind if the Mill Street project

didn't go forward. Director Cassidy said the issue is the city won't be able to calculate the 73 affordable units. She added the 40B numbers only count when a building permit is granted. President Haggerty asked if DHCD will allow the affordability component for the Woburn Mall project to be counted in perpetuity. Chairman Anderson said the affordability component can be counted for no less than 30 years. Director Cassidy said she will have to talk to City Solicitor Callahan Doucette about the terms of the affordability component. President Haggerty said Kimball Court's affordability component will be coming off the rolls soon. Chairman Anderson suggested sending a communication to City Solicitor Callahan Doucette about the length of the term of the affordability component. Motion made by Alderman Mercer-Bruen and seconded by Alderman Higgins to send a communication to City Solicitor Ellen Callahan Doucette asking: "What is the maximum length of time that the City can require Affordable Housing restrictions to be maintained. The draft 40R ordinance states: 'The term of the Affordable Housing Restriction which shall be in perpetuity or for the longest period customarily allowed by law but shall be no less than thirty (30) years,'" approved, 4-0. Director Cassidy left the Committee Room. Chairman Anderson said the underlying zoning district is Business Interstate. He said this is about whatever the council is going to with an overlay district. Alderman Mercer-Bruen said the council is going to have to be mindful with the language in the zoning amendment. She said there has been some reticence on the part of the petitioner to provide drawings to the Planning Board. She said it is important for the applicant to have input but ultimately the project should reflect the council's vision. She said if the owner of the property is reluctant to show a rendering to the council, the aldermen should keep that in mind. Brad Dumont, Managing Director, Edens, requested time to address the committee. Motion made by Alderman Mercer-Bruen and seconded by Alderman Higgins to allow Mr. Dumont to address the committee; approved, 4-0. Mr. Dumont said his firm wants to work cooperatively and wants input from the city. He said he thinks the Woburn Mall can be a beautiful place. Alderman Mercer-Bruen asked Mr. Dumont if he would prefer there not to be a 40R component to the project. Mr. Dumont said he wants to make the project work for everyone. He said as the property owner, his firm is in the background and it not the applicant and is not able to control the process. He said his firm has not been able to provide renderings because they do not know what the guidelines are. He said his firm is not trying to hide anything from the council. He said the architect released some renderings to the media and his firm was upset about that. He said his firm wants to build a gathering place for the city, and that his firm's interests and the city's interests are aligned. He said there are things out of their control, like Market Basket's long-term lease. Alderman Mercer-Bruen said it is good to hear from the property owner. She said it is important for everyone involved to have the same vision. She said it will be important for the council to take its time. She said she is concerned there is a push to get this off the floor because eviction notices were issued to some of the mall's tenants. She said there is no arbitrary time line for the process. Mr. Dumont said there have been discussions with representatives from the two anchor stores in the mall and eviction notices for other stores have been issued for December but doing so was not an attempt for force the city's hand. He said Edens will work with every single tenant to do right by them. Alderman Mercer-Bruen said the status of the tenants is Edens' business, but it's the council's business to make sure it gets the project right. She said she hopes everyone is on the same page. Mr. Dumont said there are certain limitations, such as the project won't have Italian marble, but there will be time and effort put into the design. Chairman Anderson asked if Edens is involved in any projects in the area. Mr. Dumont replied Edens is involved in projects in Acton and Burlington, with the latter located at the former Roche Brothers site off Middlesex Turnpike. Mr. Dumont said Edens

is also handling the expansion of the South Bay shopping center in Boston and suggested that site would be a good representation of what the firm plans for the Woburn Mall. President Haggerty said he thinks everyone involved is going to have to partner to improve the Woburn Mall site. He said the council wants to hear comments from Edens about its vision for the site. Chairman Anderson said Edens isn't necessarily needed at the table yet, but its input will be required at some point. Mr. Dumont said Edens has gotten mixed signal thus far. He said if the council wants Edens to come forward, it will. He said if the council requires a 25 percent affordability component for the housing units, it doesn't make economic sense without an increase in density. Chairman Anderson said that will be something the council is going to discuss. Alderman Campbell said she wants to hear what Edens envisions for the site. Alderman Tedesco left the Committee Room. Motion made by Alderman Mercer-Bruen and seconded by Alderman Higgins to return to the regular order of business; approved, 4-0. Chairman Anderson said the Planning Board still has a lot of work to do, and the council's work will start in earnest once the Planning Board is finished. He said the council must determine if a 40R district will work better than the underlying zoning district. He said the council must adjudicate the ordinance itself as well as the design standards. Alderman Mercer-Bruen said most of Section 18 may be gone by the time the council approves the project. Chairman Anderson said the council can still talk about the density of the project. Alderman Higgins said it will be up to the council to determine findings of fact whether it denies or approves, because there is nothing in there now, and she does not want to handicap the council moving forward. Chairman Anderson said this is not a special permit process and once all the boxes are checked off, the project goes forward. President Haggerty said he feels strongly that the developer ought to perform any mitigation associated with the project, rather than having the city doing the improvements. Chairman Anderson said suggested requiring some type of bond from the developer to make sure the mitigation work is done. He said the council can stipulate the denial of an occupancy permit on the basis that the mitigation is incomplete. He said he does not like the idea of just taking money, but there may be certain circumstances where that is applicable. Alderman Mercer-Bruen said some research has already been done in regard to the density component and under Chapter 40R the gross area of the residential component must be at least 51 percent because the commercial component cannot exceed 49 percent. President Haggerty said he definitely does not want to see solar carports become part of the project. He said the solar carports on Wildwood Avenue look terrible. Chairman Anderson said state law prevents more than 20 units per acre. Alderman Mercer-Bruen said the council absolutely can add language to allow the Planning Board to ask for the design standards to be reviewed by a professional. Chairman Anderson agreed peer review is allowed. President Haggerty asked if pedestrian safety improvements could be considered as mitigation. Chairman Anderson said mitigation will be much broader. Alderman Mercer-Bruen agreed pedestrian safety should be a consideration. Chairman Anderson said the order will be left in committee until the committee hears back from the Planning Board. Mr. Dumont asked if Edens could present a version. Chairman Anderson said if Edens can present something if they are able to whip it up in time for the public hearing on Tuesday. Mr. Dumont said it won't be the whole thing, but it will be a vision. Chairman Anderson said he would love to see it.

Motion made by Alderman Mercer-Bruen and seconded by Alderman Higgins to adjourn. Chairman Anderson adjourned the meeting at 7:03 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees