

COMMITTEE ON ORDINANCES, CHARTER AND RULES
NOVEMBER 13, 2018 AT 8:20 p.m.
COMMITTEE ROOM
WOBURN CITY HALL

Voting Members:

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

Non-Voting Members:

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

Also present: Christopher Kuschel, Senior Regional Planner, Metropolitan Area Planning Council (MAPC), 60 Temple Place, Boston, MA

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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. Chairman Anderson said Alderman Gaffney is absent but said the committee still has a quorum of three and will proceed with the meeting. Chairman Anderson said there have been three new documents submitted since the public hearing: A memo from City Solicitor Ellen Callahan Doucette dated October 22, regarding affordable housing; an email from Mr. Kuschel to Planning Director Tina Cassidy regarding the proposed Woburn Mall development; and a chart compiled by Director Cassidy entitled “Planning Dept. Estimates and Projections of Subsidized Housing Inventory in Woburn, as of November 2018.” Motion made by Alderman Higgins and seconded by Alderman Mercer-Bruen to accept and make part of the permanent record the three aforementioned documents; approved, 3-0. Chairman Anderson said one of the benefits of the proposed Woburn Mall project is that all the units will be counted as affordable. He said if the project contains 400 units, the city will still have a surplus of 135 units above the 10 percent affordable housing stock ratio, though that assumes the construction of other developments that have not yet been built. He said 400 units is a significant number. He said the bare minimum number of units is 277, according to Mr. Kuschel. He said the council will thus settle on a number between 277 and 425. He said the bare minimum is 20 units per developable acre. He said he has done his own calculations and he is trying to figure out if there is a number that makes sense. Alderman Mercer-Bruen said she also hopes there is a quantity of units that makes sense. She said everyone is in favor of re-booting the Woburn Mall, but the big discussion is why there needs to be so many units. She said she doesn’t think 400-plus units is appropriate for the community. She said she hopes the discussion is not driven by the pay-out. She said the concerns expressed at a Public Safety & Licenses Committee meeting earlier in the

evening about an influx of residents in the Commerce Way are real. Chairman Anderson said the council has a petitioner before it who wants to develop the property. He said the council wants the property developed. He said there are concerns, but there is a carrot for the city of being able to exceed the threshold of affordable housing stock to eliminate a Ch. 40B filing. Alderman Mercer-Bruen asked rhetorically if a 40R filing isn't in fact a friendly 40B. She said the council does not necessarily have to accept the highest number of units, just because the petition is filed under 40R. Alderman Higgins said it would be beneficial for the city to have a few extra affordable units over the 40B threshold. She said she expects there will be a discussion tonight but nothing final coming out of committee. Chairman Anderson said it might be prudent to ask Director Cassidy to prepare the figures in the chart she presented with alternate quantities of units, like 350 or 375. Alderman Mercer-Bruen said it would seem looking at a range in the number of units is a good way to start. Alderman Gately said he thinks 350 units is the number the council should be looking at. Representing the developer of the proposed Woburn Mall project was Attorney Mark Vaughan, Riemer & Braunstein, 700 District Avenue, Burlington, MA. Attorney Vaughan said he attended the Planning Board meeting earlier in the evening and the board voted to issue a favorable recommendation for the Woburn Mall overlay district. He said the board did include a provision in its recommendation asking the City Council to look holistically at the Commerce Way corridor to determine if the mall project is in sync with what's happening there. He said a Ch. 40R filing requires a 20 percent affordability component, and his client is proposing a 25 percent affordability component, so all the units in the development can be counted toward the city's affordability quotient. He said the number of units at 400 does have a lot of benefit to the city. He said he doesn't think the money should be lost in the equation. He said the city will reap \$1.5 million from the project if there are 400 units. He said there are 23 acres, and at 400 units the density will be 17.3 units per acre, which does fall below the 20 units per acre threshold. He said the project density is well within what the City Council has discussed before. He said if the 40R route is chosen, the developer will have to go through the plan approval process. He said the city's Safe Harbor status in relation to Ch. 40B expires in August, and that a project of 400 units would provide a significant buffer to the 40B threshold. He said he is unsure if the Woburn Heights project will go forward, and if it doesn't, then the city's affordable housing deficit increases. He said the Woburn Mall project complies with the requirements for a mixed use, transit-oriented development, and his client is willing to work with the MBTA to explore the possibility of restoring Mishawum Station to its full stop status, as there was discussion prior to the project that became Northern Bank's new headquarters and a new apartment building on the site which eventually became Dave & Buster's. Alderman Mercer-Bruen asked if there have been any conversations between Attorney Vaughan's client and the MBTA. Attorney Vaughan said there have been none because his client did not want to seem presumptive. Alderman Mercer-Bruen noted during the deliberations for the Northern Bank/apartment building project, there was talk about restoring Mishawum Station but no actual contact with the MBTA. She told Attorney Vaughan if the restoration of Mishawum Station is something that can be worked out, the council would keep that in mind. Alderman Tedesco reentered the Committee Room at 8:37 p.m. Alderman Mercer-Bruen asked if the Planning Board made any changes to the overlay district proposal. Attorney Vaughan said some modifications were incorporated, and some of the language requested by his client was also included. He said the board approved the most current version of Ch. 40R. Alderman Gately said the council discussed the creation of a pathway behind the building at the mall to the Anderson Regional Transportation Center. He said the path would be about 8-10 feet wide. He said the

path is a critical component for him. He said if the petitioner could add a couple of bike racks, that would be awesome. Attorney Vaughan said he thinks the city's interests and his client's interests in the path are aligned. He said he thinks adjacent property owners view the mall proposal as a benefit to them. Alderman Gately said he wants the path to tie into Cabot Road. Mr. Kuschel said MAPC met with EPA regarding environmental issues. He said there are three different property owners along the riverfront for the path. He said one of the next steps for the city is pay for a feasibility study for the design of the mile-long path. He estimated the cost of constructing the path at \$1 million. He said that was a semi-educated guess. President Haggerty asked if there would be any restrictions on funding. Mr. Kuschel replied there would be no restrictions on the funding. Chairman Anderson said he would like to vote on the proposal by the end of the year. He said the Planning Board must send a draft of the overlay district and then there will be another committee meeting to select a number of units. Motion made by Alderman Higgins and seconded by Alderman Mercer-Bruen to send a communication to Planning Director Cassidy asking her for a further breakdown of the impact on the city's affordable housing situation if the council were to approve a project at the Woburn Mall consisting of 375, 350 or 325 units; approved, 3-0. President Haggerty said there is some uncertainty about whether the proposed 40B project on Mill Street goes through. He said every part of the city has been susceptible to 40B projects. He said the walking path to the Anderson Center is really, really critical and re-activating Mishawum Station would be great. Alderman Mercer-Bruen said the regulations indicate the development must be pedestrian-friendly. She said the only person who can appropriate funding for the path is the mayor. President Haggerty said it is important to communicate the council's vision for the project to the administration and the public. Alderman Mercer-Bruen said she thinks the mayor would be supportive. Catherine Shaughnessy, 31 Scott Street, Woburn, MA, asked if the council can cap the number of residential units. Chairman Anderson said the council can cap the number of units, but he added at least 51 percent of the project needs to be residential. Ms. Shaughnessy asked if the Woburn Mall project has anything to do with the project at Fitzgerald Tile at the end of Commerce Way. Chairman Anderson said the two projects are not related. Ms. Shaughnessy asked how many units were approved for the Fitzgerald Tile project. Chairman Anderson said 289 units were approved. He said the saving grace of the Fitzgerald Tile project is its proximity to Anderson Station. Ms. Shaughnessy said she would not call Anderson Station a huge success. Ms. Shaughnessy asked how many units away the city is from being safe from a 40B filing. Chairman Anderson said the city is in Safe Harbor status right now. He said factoring the 40B component is very complex. President Haggerty said there are a number of variables involving in factoring the 40B equation. Lori Medeiros, 9 Marietta Street, said she is the former general manager of the Woburn Mall. She said an upgrade to the mall is long overdue and she said the current proposal seems to be a good one, though the number of units concerns her. She said restoring Mishawum Station to full-time status is a critical component not just in terms of the mall project but for all of East Woburn. She said there is a new hotel being built on Washington Street and it is likely some of the employees will use public transportation.

Motion made by Alderman Mercer-Bruen and seconded by Alderman Higgins to adjourn.
Chairman Anderson adjourned the meeting at 8:53 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees