



City of Woburn, Massachusetts

Planning Board

City Hall, 10 Common Street
Woburn, MA 01801

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June 26, 2020

The Woburn City Council
City Hall, 10 Common Street
Woburn, MA 01801

RE: TECHNOLOGY AND MIXED-USE BUSINESS OVERLAY DISTRICT (TBOD) SPECIAL PERMIT APPLICATION FOR THE DELANEY AT THE VALE / LCS WOBURN, LLC

Dear Council:

The Planning Board and its staff reviewed and considered the above-referenced application which seeks special permits pursuant to Section 28.6.2.2. of the Woburn Zoning Ordinance (WZO) to allow development of 103 congregate elderly housing units, and pursuant to Section 28.6.2.9 to allow for an Extended Care Facility having 84 assisted living units and 36 memory care units. In addition, the Petitioner is seeking special permits in accordance with Section 28.3 of the WZO to:

- Reduce the amount of required parking from 281 to 193 (Section 28.8.4. of the WZO);
- Allow certain sections of one (1) retaining wall to exceed 6' in height (Section 5.3.4. of the WZO);
- Authorize overnight parking for two (2) passenger vans (Section 5.1(57b) of the WZO); and
- Grant relief from the requirement that "access to the buildable portion of a lot shall be gained from a lot's legal street only. Access to lots by so-called 'common driveways' or access easements shall be prohibited."

The Board respectfully defers comment on Stantec's stormwater management memo and VHB's traffic impact memorandum in favor of the Engineering Department which will be submitting its own communication to you on this application. Similarly, the Board defers review of the proposed signage for zoning conformance to the Inspectional Services Department.

CONFORMANCE WITH MAXIMUM RESIDENTIAL DENSITY LIMITATION

This application seeks special permits pursuant to Section 28.6.2.2. of the Woburn Zoning Ordinance (WZO) to allow development of 103 congregate elderly housing units, and pursuant to Section 28.6.2.9 to allow for an (Hospital,) Extended Care Facility having 84 assisted living units and 36 memory care units.

This is one of two pending special permits seeking approval for construction of residential units in the District, and taken together they appear to exceed the maximum number of residential units allowed by Section 28.6.2.2 (300 units). A pending Special Permit application from Pulte Homes calls for construction of 197 condominiums on a site adjacent to this development. The 197 units at Pulte, when added to this Petitioner's 103 congregate elderly housing units and 84 assisted living units equals 384 units. The issue centers on how one "classifies" the 84 assisted living units planned for this project.

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The definition of Hospital, Extended Care Facility expressly includes Assisted Living residences, but Assisted Living is defined in Section 2 of the WZO as “Residents require significant personal care/assistance with Activities of Daily Living (ADLs) such as bathing, dressing/undressing, using the restroom, eating, walking/wheeling, medication management, etc.” There is nothing in the application to indicate that the units being called “assisted living units” will meet this definition. One might infer otherwise from the plans, which show these units to have their own kitchens, bathrooms, and bedrooms. The definition of Assisted Living contrasts sharply with the definition of Assisted Living/Continuing Care, which is not permitted in the TBOD and which is defined as housing “...for able bodied senior citizens and/or housing with various degrees of medical and life support services to people over the age of 62 years of age (sic).”

Finally, the definition of Dwelling Unit is “One (1) or more rooms arranged, intended, or designed to be occupied by one (1) family and to provide complete facilities for living, sleeping and eating.” The units proposed as “assisted living units” would seem to meet the definition of Dwelling Unit by virtue of their design (full kitchen, bathroom, bedroom, living room) and if so, should count toward the total number of residential units on the TBOD site.

The Council must determine whether the aggregate number of residential dwelling units on the two sites meets or exceeds the maximum number of units that can be permitted.

TBOD PROVISIONS ARE STAND-ALONE

Planning staff informed the Board that Section 28.5 was included to ensure that, with few exceptions, the provisions of the TBOD chapter alone would control development within the District. Section 28.5 reads as follows:

“Except as specifically provided herein, uses and provisions of the Zoning Ordinance relating to the underlying zoning district not otherwise impacted by this Section 28 shall continue to remain in full force and effect with the exception of 5.2.1.4 and, provided further that the City Council shall in all cases be the Special Permit Granting and Site Plan Approval Authority, as applicable. Notwithstanding the foregoing, this Section (§28) of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken at any TBOD and supercedes any other provision of the Zoning Ordinance except Section 9 (Floodway and Flood Plain Districts). If any activity requires one or more Special Permits under said Section 9, a special permit application may be submitted to and considered by the City Council as the sole Special Permit Granting Authority concurrently with any Special Permit or Site Plan Review application submitted pursuant to Section 28. In the event of any conflict between the provisions of this Section and any other provision of the Zoning Ordinance, the provisions of this Section shall govern and control.”

LCS’s application includes requests for several other special permits, in addition to those needed for the proposed residential uses:

- A reduction in the amount of required parking from 281 to 193 (Section 28.8.4. of the WZO);
- Allowing for certain sections of one (1) retaining wall to exceed 6’ in height (Section 5.3.4. of the WZO);

- Authorization for overnight parking of two (2) passenger vans (Section 5.1(57b) of the WZO); and
- Relief from the requirement that “access to the buildable portion of a lot shall be gained from a lot’s legal street only. Access to lots by so-called “common driveways” or access easements shall be prohibited.”

The request for relief from the requirement for access to the buildable portion of a lot over its frontage should not be a Special Permit request, but rather an acknowledged waiver/authorization by the City Council, in accordance with Section 28.11.6.1.

A special permit for retaining wall height may be unnecessary, since the TBOD does not limit the height of retaining walls and given the language at Section 28.5 regarding exclusivity of the TBOD provisions. The Planning Board recommends the segments of wall that exceed 6’ in height be identified on the plan for the Council’s information, and that the Building Commissioner be consulted to determine if a special permit is in fact necessary.

Overnight parking of vehicles associated with business operations does not require a special permit. It can be a use permitted by right with site plan review, so long as “...one additional on-site parking space is provided for each such vehicle”. Unfortunately, it does not appear that additional spaces have been provided for the vehicles for which permission is being sought. In fact, the Petitioner is seeking permission to provide less than the minimum parking the Ordinance requires for the residential and institutional uses (see paragraph below).

The Petitioner is seeking a Special Permit to reduce the number of parking spaces provided on-site. The Petition indicates a total of 281 parking spaces are required and seeks a special permit to reduce the number to 193, which would equate to a one-third reduction in the amount of parking. The application package contained a summary of parking and unit data entitled “Delaney Rental IL/AL/MC Community Project Data 4.29.20” which listed unit types/beds and parking types at six Petitioner-owned facilities in Texas and New Jersey, one or two of which are not yet operational. The Planning Board suggests that summary does not provide sufficient justification for a waiver of the magnitude being sought. The Board recommends the Petitioner be required to submit a revised summary of conditions at other facilities that includes only those facilities which have been open for at least a year, and which simplifies the information for comprehension purposes. Bedroom counts should be eliminated, since parking for Extended Care Facilities and Congregate Units are computed by unit, not by the number of beds. A total number of units of each type should be included and the parking information simplified by reclassifying “covered surface” spaces at other facilities as “surface” spaces.

OTHER PARKING ISSUES

Parking calculations should be clarified by listing, for each unit type, the number of parking spaces required and proposed to be provided. The table on the cover page has limited utility in that it lists visitor parking twice and provides no information on the number of spaces required by the WZO. The parking “table” on the cover sheet should be revised to mirror the parking table provided on Sheet C-101.

PEDESTRIAN AND BICYCLE ACCOMMODATIONS

The overall master development plan for the TBOD District includes a number of elements to accommodate bicyclists and pedestrians, including sidewalks on Hill Street and the main interior access road, and an extension of the Tri-Community Bikeway into the site. The proposed site plan for The Delaney at The Vale shows a pedestrian walkway around the building that winds through several courtyards. However, the walkway does not physically connect with the sidewalk planned for the main interior access road, nor does it connect with any other pedestrian path of travel off the site. In addition, there are no crosswalks or bicycle accommodations shown on the Special Permit plans.

It is the opinion of the Planning Board that the envisioned development overall, and the individual development plans of both Pulte and LCS, fall short of their potential with respect to pedestrian and bicycle accommodations. One, the design of the district generally could be improved to better capitalize on the property's proximity to the Tri-Community Bikeway, which crosses Hill Street at the entrance to the site. The site development master plan includes a pathway through a portion of the property that will be wide enough to accommodate both bicycle and pedestrian traffic, but it is wide enough to accommodate both only to a point. The shared pathway narrows to a standard sidewalk width at a location well short of the LCS project, and in fact before reaching the Pulte site. The residential portion of the TBOD development should be provided with more robust alternative transportation accommodations, to ensure the residents, employees and visitors of/to the Pulte and LCS projects have adequate and safe paths of travel to other parts of the district and off-site destinations.

Two, the designs of specific development parcels should incorporate site elements that will not only accommodate but also encourage the use of forms of transportation other than a car. Three, the designs of all projects and of the overall site should cohesively work together to ensure the adequate and safe passage of pedestrians and bicyclists throughout the development, and to and from each project.

The Planning Board strongly encourages the Council, the Petitioner and Leggat McCall to work together to incorporate into the various project designs additional site features and construction standards that encourage the safe use of alternative transportation methods. Examples include coordinated wayfinding signage throughout the district, pathways that provide complete (not partial) access for multiple users simultaneously, and separation/demarcation of bicycle lanes to maximize safety against vehicular traffic.

With respect to this Special Permit plan specifically, the Board recommends, at a minimum, the following:

- A connection to the sidewalk on the main access driveway;
- The provision of crosswalks wherever walkways cross driveways (such as at the garage entrance and at the trash/loading area); and

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- Installation of one or two outdoor bike racks, in addition to secured bicycle storage in the garage for use by tenants, employees and visitors.

SNOW STORAGE

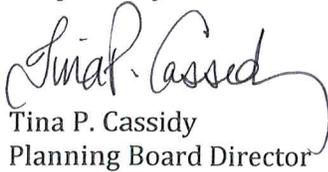
There appear to be eight areas identified for snow storage on Sheet C-101 but not all of them are labeled as such and should be for future reference. Are they of adequate capacity to serve the snow storage needs for the entire lot/parking lot?

LANDSCAPING INFORMATION

Information on proposed landscaping is sparse and therefore inadequate. Although locations of proposed plantings are included in the plan set, no information on species, quantities, or sizes at time of planting has been provided. The Council should consider requiring the Petitioner to provide more detailed landscaping information relative to proposed species and sizes.

If you have any questions relative to the Planning Board's recommendation, please do not hesitate to contact me.

Respectfully,



Tina P. Cassidy
Planning Board Director

TPC/tc

cc: Attorney Joseph Tarby
Chris Manning, LCS Woburn LLC
Chad Reynolds, Leggat McCall Properties
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