

**COMMITTEE ON ORDINANCES, CHARTER AND RULES
MONDAY, NOVEMBER 29, 2021, AT 6:00 P.M.
CITY COUNCIL CHAMBERS
WOBURN CITY HALL**

Voting members present: Chairman Michael Concannon, Councilor Joseph Demers, Councilor Jeffrey Dillon, Councilor Darlene Mercer-Bruen, and Councilor Michael Lannan

Non-voting members present: Councilor Joanne Campbell, Councilor Richard Gately, and President Edward Tedesco. Absent: Councilor Robert Ferullo

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Reading of previous meeting minutes: Motion made by Councilor Demers and seconded by Councilor Dillon to approve the minutes of the meeting of October 25, 2021; in favor, 5-0.

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TDC Development Group, LLC proposed amendment to the 1985 City of Woburn Zoning Ordinance, as amended, to add new Section 32 Life Sciences and Business Mixed Use Overlay District (LBOD): Representing the applicant were Attorney Joseph Tarby, Rubin Rudman, 600 Unicorn Park, Woburn, MA; Kristopher Yetman, Vice President, The Davis Companies, 125 High Street, Suite 2111, Boston, MA; Scott Thornton, Vanasse & Associates, 35 New England Business Center Drive, Suite 140, Andover, MA; and Timothy Williams, Allen & Major Associates, 100 Commerce Way, Woburn, MA. Attorney Tarby said there was a power point presentation made to the City Council. He said the applicant intends to develop an existing 13.49-acre site with two buildings that will house high tech and research and development companies. He said the proposed overlay district is similar to the previously approved TBOD. He said most of the uses will require a special permit. He said this application was not put together haphazardly. He said various city officials were consulted. Chairman Concannon said there is a Planning Board memo dated November 17, 2021, that pertains to the petition. Motion made by Councilor Demers and seconded by Councilor Dillon to accept the memorandum from the Planning Board entitled “Planning Board report/recommendation on proposed Zoning Text Amendment to create a life science and mixed-use overlay district (LBOD) and proposed zoning map amendment to overlay the LBOD on several lots along Middlesex Canal Park Drive/TD Development Group LLC,” and dated November 17, 2021; approved, 5-0. Attorney Tarby submitted a document with proposed revisions of the memo from the Planning Board. He said the Planning Board held two lengthy hearings, after which the board voted, 3-2, to not recommend adoption of the proposed amendment. He said the primary reason for the recommendation was because of a concern about high hazard uses. He said the applicant reviewed the Planning Board recommendation and offered a number of comments. He said a lot of time was spent discussing the 1,500-foot buffer to the closest residential district. He said that recommendation was adopted several decades ago and codes and statutes have evolved since then. He said the applicant’s proposal involves two small scale biomanufacturing uses, for which the 1,500-foot regulation is not necessary and antiquated. He said a number of nearby communities including Waltham, Lexington, Rearing, Peabody, Danvers, Marlboro, Burlington, and Wilmington do not include a distance requirement. He said the benefits of the LBOD include making the city of Woburn bio-ready, along with the creation of 400-450 new jobs. He said the

13.49-acre parcel currently generates \$66,000 in taxes. He said if the proposed overlay district is approved, the site will generate \$2.4 million in new taxes in FY '25. He said drainage improvements will take place. He said the height restriction in the LBOD is 40 feet, while the height restriction in the underlying zoning district is 80 feet. He said among the uses allowed by right in the BI zoning district include a child care facility, a hospital, an extended care facility, retail less than 5,000-square-feet, a bank, a full-service restaurant, and medical and dental offices. He said among the uses allowed by special permit are dwelling units above commercial entities, a physical fitness center greater than 15,000-square-feet, a retail entity above 5,000-square-feet, general offices over 15,000-square-feet, car dealerships and a gas station. Mr. Thornton said the following uses will generate these trips during the morning peak hour: the proposed project – 185; an office building – 304; a shopping center – 168; a medical office – 620; and a discount or home improvement store – 231. He said all of those uses except for a shopping center will generate more traffic. During the evening peak hour, the following uses will generate these trips: the proposed project 179; an office building – 258; a shopping center – 680; a medical office building – 768; and a discount or home improvement store – 649. He said access to the site will be via a signalized intersection on Main Street, with proximity to Route 128. He said there is an expectation that the truck traffic would come off Route 128 and head back out onto the highway. He said the applicant is proposing improvements to the intersection. He said the proposed use is complementary to the movie theater use because the traffic profile is much different. He said the movie theater has off-peak traffic hours. He said the site has a well-defined attractiveness. Attorney Tarby said one of the long-time issues with the site is drainage. He said the drainage issues need to be resolved. He said the improvements proposed by the applicant will help the entire area. Mr. Williams said Allen & Major has been working on this site since day one. He said he is aware of the existing drainage and flooding problems, which extend offsite to the Middlesex Canal. He said the parking lot is like a bathtub that draws to three detention ponds that work toward the Middlesex Canal. He said the detention ponds are clogged by sediment and the pipes are collapsed. He said they are working with the city's Engineering Dept. He said the detention basins needs to be re-established. He said the applicant needs to confer with Engineering and the Conservation Dept. to figure out the best way to arrange the detention basins. He said City Engineer Jay Corey would like the applicant to look at the Middlesex Canal. He said they are going to have to work closely with the Conservation Commission. Motion made by Councilor Demers and seconded by Councilor Mercer-Bruen to allow any member of the council not on the committee to speak; approved, 5-0. Councilor Gately said the drainage system has been useless for years due to a lack of maintenance. He said the entire area has to be cleaned up lock, stock, and barrel. He said the canal has to be dredged and cleared out to make the drainage system work. He said there is an area of the canal near School Street that is blocked and needs to be unblocked. He said he can't see giving anyone permission to do anything until the drainage system is fixed and working again. He said if that doesn't happen, he's not going to vote for this. He said people are going to get buried. He said the retention areas don't work. He said the water has to go somewhere. He said lack of maintenance has caused problems. Attorney Tarby said there is an obligation for the drainage to be repaired. Mr. Williams said the goal is to bring the drainage system to its former glory. He said he is aware of the blockage at the intersection of School and Merrimac streets, and that will be part of the mitigation. He said the Davis Companies has made a commitment to repair the drainage, with Conservation Commission's approval. Councilor Gately said there is an area near Applebee's that needs to be cleaned out. Mr. Williams said the area can be cleaned, but it is a matter of being able to get in

there. He said permission is required to fix the pipes, which he said are in bad shape. Mr. Yetman said it is important to note there will be no development outside the impervious footprint. He said the agreement with the seller requires them to fix the drainage system. He said they will do that. Councilor Demers said the traffic information caught him off-guard. He said with 400 new jobs that means there will be 400 new trips, both in the morning and afternoon, and asked how that will be reconciled. Attorney Tarby said they are assuming different shifts. Mr. Thornton said the traffic figures are based on trips that corroborate generally with the size the building and the number of employees, which he said will work during different time periods. He said a full traffic study has not been done. He said right now they are making assumptions. Councilor Demers said there are a lot of ifs. He said the neighbors will have a lot of questions that he hopes can be fleshed out at a community meeting. He said it will be important to reach out to the neighbors. He said he thinks the appropriate move at this point is to leave the matter in committee so the applicant and the council can communicate with the neighbors. He said a decision will be made when the council resumes the public hearing. He said he will save his questions for the community forum. President Tedesco said if a community meeting is held, the organizers should be cognizant of the Open Meeting Law. Councilor Demers said the intention is for the developer to hold the meeting. President Tedesco left City Council Chambers. Councilor Campbell said the council has been allowing overlay districts to come forward on a regular basis. She said she wants to make it understood that there is a potential zoning change in front of the council right now. She said this is a huge decision for the council. She said this is a big piece of property. She said she is glad the Mayor and the Building Commissioner have been consulted. She said the council is the entity that will ultimately decide that whether changing the zoning is beneficial, especially taking into consideration the proximity to a residential area. She said the council has to consider buffer zones and setbacks that she said are not going to be that big. She said she does not think this is a good change. She said she hopes other members of the council share her viewpoint. Councilor Mercer-Bruen commended Councilor Demers for his hard work. She said she has the same opinion as Councilor Campbell. She said there needs to be a lot more conversation about a buffer zone of 1,500 feet between high hazard uses and residential zoning districts. She said she would challenge the applicant to find a high hazard use in proximity to a residential neighborhood in Lexington or Burlington. She said she does not see anything about how these buildings are going to be built. She said these buildings ought to be green. She said she is looking forward to the community meetings. Councilor Dillon said the bottom line is the council has to feel comfortable with it. He said the council has to consider proximity. He said the locus is close to the ward that he represents. He said he has received a number of calls about this project. He said he is glad the public is involved. Councilor Lannan said something is going to in to that location. He said the council has to be careful. He said the proposed use seems like it will generate a lot of traffic. He said the council has to consider what else could go in there. He said if it is a Home Depot, it would be worse. Councilor Mercer-Bruen said if the applicant wants to put in a Home Depot, there would be a special permit involved. She said the City Council has a right to say no. She said there was some talk about a Home Depot at that site. Chairman Concannon said the purpose of this meeting is to consider whether to change the zoning, not to approve a building or two. He said what is before the committee is a zoning change for something different than what is there now. He said there is a second step that involved a special permit application, and that process involves the imposition of conditions. He said there is some history here as well. He said the cinema complex goes back a long time. He said there is a condition that requires the parking lot to remain a parking lot as long as there is a cinema in operation. He said the applicant

is asking to remove that condition. He said that needs to be addressed. He said he has expressed this opinion before. He said his feeling is there is a deal between the cinema and the neighborhood that the cinema would not be allowed to expand. He said in order for that to change he is going to have to see something that is beneficial to the neighborhood. He said he has huge concerns about the implementation of an overlay district. He said he is going to have to see what the neighborhood gets in the deal. He said there is history that pre-dates the concept of an overlay district. Attorney Tarby said he believes the general condition is there shall be no other use except for a cinema-related use. He said he is not sure that prohibits any building on the property. Chairman Concannon said the committee ought to be thinking about what an overlay district could lead to and what would be fair to the neighbors to make the committee lift the condition. He said these are things the committee should be talking about. Motion made by Councilor Demers and seconded by Councilor Dillon to leave the matter in committee; approved, 5-0.

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MOTION made by Councilor Demers and seconded by Councilor Dillon to adjourn; in favor, 5-0. Chairman Concannon adjourned the meeting at 6:55 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees