

COMMITTEE ON ORDINANCES, CHARTER & RULES
MONDAY, OCTOBER 24, 2022, AT 6:08 p.m.
CITY COUNCIL CHAMBERS
WOBURN CITY HALL

Voting members present: Chairman Joseph Demers, Councilor Darlene Mercer-Bruen, Councilor Lou DiMambro, Councilor Richard Gately, and Councilor Robert Ferullo

Non-voting members present: President Michael Concannon, Councilor Charles Viola, Councilor Joanne Campbell, and Councilor Jeffrey Dillon

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Reading and approval of previous meeting minutes: Motion made by Councilor Mercer-Bruen and seconded by Councilor Ferullo to approve the minutes of the meeting of September 12, 2022; approved, 5-0.

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Order to amend Woburn Municipal Code Sections 2-160 through 2-162A regarding the Council on Aging: Chairman Demers asked if anything related to the order has been received from Mayor Galvin. Clerk said Mayor Galvin was notified of the meeting but he did not submit anything related to the order. Chairman Demers said he was hoping to have some input from the mayor about his rationale for the proposed changes. He said the matter will be left in committee.

TDC Development Group, LLC to amend the 1985 City of Woburn Zoning Ordinance, as amended, to add new Section 32 Life Sciences and Business Overlay District (LBOD) located at Woburn Assessors' Map 29, Block 01, Lot 2; Map 29, Block 01, Lot 3; Map 29, Block 01, Lot 4; and Map 29, Block 01, Lot 5; and to amend the zoning map for the four parcels of land known as Middlesex Canal Park (29-01-02), Middlesex Canal Park (29-01-03), 25 Middlesex Canal Park (29-01-04), 15 Middlesex Canal Park (29-01-05), together containing approximately 32.96 acres of land as shown on a plan entitled "Zoning Amendment Plan" dated July 6, 2022 from the B-I zoning district to Life Sciences and Business Overlay District (LBOD) proposed zoning district: Representing the petitioner were Attorney Joseph Tarby, Rubin Rudman, 600 Unicorn Park, Suite 7, Woburn, MA; Timothy Williams, Allen & Major Associates, 100 Commerce Way, Woburn, MA; Scott Thornton, Vanasse & Associates, Joshua Philbrook, DENS Facility Services, 265 Medford St., Suite 200, Somerville, MA; Michael Cantalupa, Chief Development Officer, and Chris Mora, Vice President of Development, Davis Companies, 125 High Street, Suite 2111, Boston, MA, and Dr. Antonia Pugliese, Safety Partners, 19A Crosby Drive, Suite 300, Bedford, MA. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to receive and make part of the permanent record the following document: "Davis Proposed Development Project Middlesex Canal Park Drive, Woburn, MA;" approved, 5-0. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to receive and make part of the permanent record the following document: "Life Sciences Basics for Municipal Leaders;" approved, 5-0. Dr. Pugliese said the committee has been provided with a list of all possible chemicals that may be used in the life sciences complex. She said the exact identity of the chemicals will depend upon who the

tenants are. She said permits would be required for chemicals. She said more information will be provided about specific chemicals once they are known. Mr. Philbrook said the quantities of chemicals will vary depending upon what processes a tenant employs. He said cleaning chemicals comprise a portion of the flammable quantities and will be calculated as part of the overall storage. He said the engineering firm Arup provided details of a sample client of a similar size to the proposed facility. He said the in-process use is 264 gallons per batch. He said there are typically 2,300 gallons of raw materials in storage to support two weeks of manufacturing. He said about 3,000 gallons of materials are shipped to a disposal facility. Mr. Williams said the existing stormwater management system which mitigates stormwater from both the Showcase site and abutting parcels will be brought into compliance with state stormwater management standards and city of Woburn requirements for both quantity and quality. He said the intent is to rehabilitate the existing detention ponds within the adjacent wetlands areas as outlined in a settlement between NAI and the city of Woburn. He said runoff from Ellen and Francis roads discharges into the detention ponds, which were constructed in the 1980s. He said fixing the detention basins will create a dramatic improvement. He said it is a two-fold process. He said the existing parking lot has a lot more impervious surface than the as-built conditions. He said the applicant hopes to work with the Conservation Commission on stormwater mitigation. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to suspend the rules to allow any member of the council not on the committee to address the applicant; approved, 5-0. Councilor Campbell asked how much more impervious surface there will be. Mr. Williams said there will be less impervious surface. He said he may have misspoken. He said there will be a decrease in impervious surface. In response to a question from Councilor Campbell, Mr. Williams said a bioswale is a method of managing runoff. He said the plan for a bioswale will have to be presented to the Conservation Commission. Councilor Dillon said Ward 3 is farther downstream along the Middlesex Canal. He said he spoke to City Engineer John Corey because he wants to know if the proposed mitigation will help downstream. He said Engineer Corey said he feels the mitigation will help. Mr. Williams said he agrees with the notion the mitigation will help. He said the applicant intends to reduce the rate of runoff. He said he spoke to Engineer Corey more than a year ago. He said there may be blockage at the intersection of School and Merrimac streets. He said they may have to do an investigation. Councilor Dillon said he is talking about downstream. Mr. Williams said that is the direction of the flow. Councilor DiMambro asked if the waterway can be unblocked. Mr. Williams said the applicant will work with the Engineering Dept. Councilor DiMambro asked if once the flow is unblocked, will the waterway be able to handle the runoff. Mr. Williams said any work the applicant does off-site will be beneficial to everyone. Councilor Mercer-Bruen asked if any mitigation that is being proposed will be part of a special permit application. Mr. Williams answered affirmatively. Councilor Mercer-Bruen said there is no mitigation language before the committee now. Mr. Williams said the applicant will agree not to develop the parcel until the detention basins are fixed. He said all the drainage work will be subject to a Notice of Intent. Councilor Mercer-Bruen said what is before the council right now is an ordinance change, but she is aware Mr. Williams' client is the entity that wants to develop the parcel. She said she wants to clarify that anyone who applies for a special permit will have to comply with the ordinance. Chairman Gately said there are also drainage issues on Dartmouth Street. He said the applicant ought to be aware that needs to be addressed. Mr. Williams agreed there is definitely some study and investigation that needs to be done. Attorney Tarby said the settlement agreement between the city of Woburn and NAI indicates all drainage work has to be completed. He said the City

Council also has the authority to order peer review. Councilor Mercer-Bruen asked if the Planning Board was aware there is mitigation in place. Mr. Williams said the applicant notified the Planning Board the drainage is being upgraded. He said it was made clear there will be improvements. Attorney Tarby said one of the Planning Board members questioned the City Solicitor's decision to settle the case. Councilor Demers said it is highly irregular for a member of the Planning Board to contact another city official without contacting him or her first. Councilor Mercer-Bruen said she is aware there were several councilors who were at public meetings about the NAI issues and asked if any Planning Board members were there. Councilor Demers said no Planning Board members attended. Mr. Mora said he wants to address setback distances. He said the applicant has prepared a graphic with a football field superimposed to provide context. He said the shortest distance from the proposed buildings and a residential house is 332 feet, to Ellen Road. He said after discussions with neighbors, the buildings were moved away from the residences. He said it is now 215 feet from the residential zoning district boundary to the closest house. He said there have been discussions with an abutter on Ellen Road about a natural buffer. He said the applicant has committed to work with the neighbors about the type of buffer, perhaps evergreen trees. He said the applicant intends to have further discussions as part of the special permit process. He said they want to go back once the leaves fall off the trees and take some pictures. He said the open space of the parcel will actually increase from 30 percent to 37 percent post-development. He said the pavement area will be reduced from 70 percent to 36 percent. He said the intent is not to have solid concrete walls. He said the goal is to have an aesthetically pleasing building. Councilor Campbell said the maximum building height is 40 feet, but there is an allowance of 35 feet for structures on top of the building. She asked if there will be structures that are 75 feet high. Councilor DiMambro asked if the bushes and other flora along the property line will be removed when the drainage is addressed. Mr. Mora said they want to use that area for a buffer. He said the drainage runs along a portion of the site that is farther back. Mr. Williams said the applicant is going to need some space for a buffer. Councilor Viola asked about the condition of an existing stockade fence. Mr. Williams said the stockade fence is in pretty good condition. He said if there are parts that need repair, he's sure the developer will fix them. Attorney Tarby said the maximum height of buildings in the LBOD is 40 feet, but there will be structures like HVAC equipment and solar panels that may exceed the maximum height of the roof but by no more than 25 feet with the exception of a 7 percent aggregate area of the roof that can be 35 feet above the roof line. He said the underlying zoning allows a building that is 80 feet high. Councilor Campbell said 75 feet is about double the height of the building. She said Councilor Mercer-Bruen asked for the applicant to provide information about what the neighbors will be looking at. She said the building looks nice, but she said anything that extends higher than 25 feet from the top of the roof may look unsightly. Attorney Tarby said the City Council can impose whatever conditions it wishes. He said the height of the structures on top of the building will really depend upon the tenant. He said the underlying zoning regulations have no restrictions on these types of things. Councilor Campbell said she would like to hear why the structures on top of the building need to be 35 feet high. Attorney Tarby said there are structures that high all over the city. Mr. Cantalupa said the underlying zoning regulations allow for 80 feet in height. He said the proposed buildings will be 40 feet high with a 25-foot penthouse. He said there will be an actual reduction in height. He said they are trying to prepare for the needs of potential tenants like mechanical systems and air intake systems. Councilor Campbell asked Mr. Cantalupa to explain the setbacks. Mr. Cantalupa said if the roof area was 1,000-square-feet they could only use a limited area of the roof for a structure

that has a wedding cake effect. Councilor Campbell asked if any structure on the roof has to be in the middle of the roof. Mr. Cantalupa answered affirmatively. Councilor Campbell said it is still concerning. She said she is worried the roof structure will be too prominent. Mr. Cantalupa said the applicant has worked with the neighbors. He said there will be a berm that will create a natural piece of topography. Councilor Mercer-Bruen said she is a visual learner. She said she is imagining herself living in the neighborhood and what the neighbors see is very important. She said three dimensional pictures are very important to her. She said she needs to see it. She said the applicant has to take pictures and manipulate them into 3D technology. Mr. Cantalupa said they are taking that seriously. He said they will provide pictures once the leaves fall off the trees. Councilor Dillon said the applicant must have a good idea of a target tenant for the facility. He asked if the applicant knows what's going in there or if there is a gray area. Mr. Cantalupa said he is confident the biomedical uses will be less than 60 percent of the occupancy. Councilor Viola asked if there will be any renewable energy on the roof. Mr. Cantalupa said they have not gotten that far. He said if it makes sense, they will consider it. Councilor Viola said he would be concerned about the reflection off of solar panels. Mr. Cantalupa said if that will be a problem, they won't do it. Councilor DiMambro said he is concerned about the equipment on the roof. He said compressors are operational all the time. He said he is kind of okay with the penthouse but he is concerned with the mechanical systems on the roof. Mr. Cantalupa said the penthouse and the mechanicals are interchangeable. He said typically any mechanical equipment on the roof will be screened. He said any noise emanating from equipment on the roof will comply with the city's ordinance. Mr. Philbrook said any compressors and motors on the roof will be on drives. He said no one is going to hear them. Councilor Gately said lights and lighting are very important to the neighbors. He said the lighting is going to have to be shielded from the neighbors. He said the applicant will have to be careful. He said the council hears more complaints about lighting than traffic. Chairman Demers said the applicant has been willing to work with the neighbors. He said the developer has committed to making the project aesthetically pleasing. He said the city does not want a concrete jungle. He said the council is deliberating about an ordinance at this point. He said he appreciates everyone's concern, but he anticipates a robust discussion about lights and landscaping if they get to the point of a special permit. He said some of the neighbors may not be aware of how much work has gone into the process already. He said the deliberations thus far have had a calming effect on the neighbors. He said when we start to put mechanical elements on the ground we start to talk about noise pollution. Councilor Campbell asked if the applicant is proposing a normal height for mechanical equipment. Chairman Demers said he is sure the applicant will show the mechanical components on the roof. He agreed with Councilor Mercer-Bruen that renderings may be helpful. He said he has been pleasantly surprised at how cooperative the applicant has been thus far. President Concannon said there may be a number of neighbors in the audience and asked if the committee wants to open the meeting to the public. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to allow members of the public to address the committee; approved, 5-0. Stephen and Judith Lilley, 17 ½ Hart Place, said they have lived in their home for 47 years. Mr. Lilley said it was his understanding the parcel could not be subdivided after it was used for a theater. He said they have no idea what the buildings are going to look like. He said he has gotten the impression the new buildings are going to be taller than the hotel and the theater. Chairman Demers said the council entered into a legal agreement for a settlement to allow a subdivision if the council was given special permit authority for drainage repair. He said the council was advised by the City Solicitor that the judge would rule in favor of the petitioner and

the council would not have any control. Mr. Lilley said he is concerned about 40-foot-high life sciences buildings that may be spewing exhaust into the neighborhood. Mrs. Lilley said she is worried that is what they're getting rammed down their throats. Chairman Demers said there have been multiple meetings about the ordinance change and there is another public hearing next week. He told the Lilleys to feel free to contact him. Mr. Lilley said the project is in proximity to the brand new Hurd-Wyman Elementary School. Councilor Ferullo said the council has been trying to retain as much control as it can over the project. He said it was made clear to the council that the judge in the appeal would rule in the applicant's favor. Shauna Hoge, 668 Main Street, said what she has heard about the project so far is amazing. She said she has a master's degree in science and wondered if the life sciences business would be willing to offer educational opportunities for students. Chairman Demers said they haven't gotten that far in the discussions, but he said he hopes the Davis Companies will be willing to listen to that sort of thing. Ms. Hoge said she hopes there can be opportunities for young women. Cynthia Tocci, 16 Lowell Street, said life sciences is a vague term. She said she is aware there are life sciences facilities in Lexington, Waltham and other communities that have a lot of safeguards. She said she found out the water supply is coming from the MWRA and Woburn is not pulling water from our ground anymore. She said life sciences is one of the better uses. She said they pay well. She said this is the kind of thing that will be good for Woburn. She said short of conservation land this is the one of the best uses we can see. Joseph Flaherty, 17 Boyd Road, said the proposal has come a long way. He said the Davis Companies has solicited feedback and made changes. He said in January he attended a meet your local government day sponsored by the Woburn Chamber of Commerce and asked what type of businesses they wanted to attract. He said the mayor and the building commissioner said life sciences. He said this development is in alignment with the vision of city officials. He said this will be a great use of a historically underutilized property. He said it will bring good paying jobs. He said he is in support. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to return to the regular order of business; approved, 5-0.

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MOTION made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to adjourn; in favor, 5-0. Chairman Demers adjourned the meeting at 7:14 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees