SECTION 23

COMMERCE WAY CORRIDOR OVERLAY DISTRICT (CWCOD)

1. **Purpose of District**

The CWCOD is hereby established to permit mixed use development, office, research, commercial, retail and accessory uses as described herein. Specifically, it is the purpose of the CWCOD;

a. To promote the health , safety and general welfare of the community by encouraging the redevelopment of underutilized and / or obsolete commercial and industrial sites to allow for uses such as mixed use, office, research, retail and multi-family uses.

b. To promote CWCOD related development in an orderly and sustainable fashion, such that no future development proposal will be precluded from utilizing the CWCOD in a manner allowed by this section.

c. To encourage the development of mixed residential, retail, office and research uses in order to increase the opportunity for development in transit served areas of the community.

d. To encourage the development of comprehensive projects of appropriate scale in an area that provides proximate access to major highway and public transportation.

e. To provide a desirable mix of land uses, including both residential and commercial development that will serve the community and regional interest in housing, employment, and net positive tax revenue.

f. To promote creative, efficient and appropriate solutions to the development of complex and / or environmentally challenged sites.

2. **Establishment and Applicability**

2.1 Establishment

The Commerce Way Corridor Overlay District (CWCOD) is established as an overlay district superimposed on portions of the existing Industrial Park (I-P), Industrial Park 2 (I-P2), and the Interstate Business (B-1) Zoning District as shown on the City of Woburn zoning map as CWCOD dated

December 23, 2009 and as may be amended from time to time. (amended 12/23/2009)

2.2 Applicability

The CWCOD shall permit mixed use development, office, research, commercial, retail, and multi-family uses and accessory uses as described in Section 5.0 herein.

The CWCOD shall not affect the zoning regulations associated with the underlying zoning district if property owners decide not to employ the CWCOD. However, if property owners elect to use the CWCOD they shall be subject to all CWCOD requirements and shall not be permitted to revert to the underlying district regulations. Further, only uses allowed in the CWCOD by right, by special permit or as an allowed accessory use shall be permitted (see Section 5.0 herein), all other uses shall be deemed as prohibited.

3. Project Review Procedures

3.1 Concept Plan Review

All projects proposed for initial construction shall be required to submit a Concept Plan to the CWCOD Concept Plan Review Committee (Committee). The Committee shall review the Concept Plan to insure that it is consistent with sub-Sections 3.5 and 3.6 below, as applicable.

3.2 Establishment and Authority: The Concept Plan Review Committee

A Concept Plan Review Committee shall be established by the Woburn City Council and shall be comprised of three members of the City Council and two members of the Planning Board. The primary role of the Concept Plan Review Committee (Committee) shall be to review all CWCOD proposals and provide a written report to both the Planning Board and City Council regarding their findings. (amended 1/19/2012)

3.3 Report

Upon written receipt of the Concept Plan, the Committee shall have up to 90 days to prepare its written report to the City Council, Planning Board and applicant. An additional 90 days may be permitted upon mutual consent of the applicant and the Committee. Such extension shall be in writing and shall be filed in the office of the City Clerk.

3.4 Effect

The written report shall be advisory in nature. The issuance of a written report or the failure of the Committee to issue a written report shall not prevent the submittal of an application for site plan approval and/or special permit to the City Council.

3.5 Minimum Concept Plan Review Criteria.

The report to the City Council, Planning Board and applicant shall contain, at a minimum, a discussion of the following issues:

a. Is the project consistent with the purposes of the CWCOD as set forth in Section 1 herein?

b. Does the proposed project allow for the abutting parcels to be developed consistent with the objectives of the CWCOD set forth in Section 1 herein?

c. Does the proposed project enhance the regional roadway and transit transportation features within and abutting the CWCOD? Specifically, does the proposed project assist in the improvement of Commerce Way or other key transportation features identified by the Concept Plan Review Committee?

d. Does the proposed development, create visual and or operational harm to abutting residential uses; if so what mitigation is proposed?

e. How does the proposed project impact roadway or infrastructure services in the CWCOD; and do improvements by either the City of Woburn or the developer or from both parties need to be made in order to insure safe and efficient operation of the proposed project?

f. If the proposed project has a residential component, how does it address the need to provide at least 10% of the total units as affordable housing consistent with Chapter 11of the Woburn Zoning Ordinance?

3.6 Concept Plan Submission Criteria

An application for a CWCOD Concept Plan Review shall be accompanied by the following materials:

a. Name address, and telephone number of applicant.

b. Statement certifying ownership of the premises involved, or evidence that the applicant has permission of the owner to make such application.

c. Legal description of, and street address, if there is one, of the location of the premises.

d. Narrative summarizing the purposes and intent of the Project, the planned uses, and the development phasing strategy. A graphic and or tabular presentation, as is appropriate, of items e through q below on a combined site plan or individual elements as appropriate.

e. A preliminary site design executed to a level of specificity and scale such that all buildings are clearly shown with their intended orientation to rights of way; an indication of the intended uses for each building (including graphic and / or tabular information) indicating the limitations of total building area, stories, height, floor to area ratios, general building elevations, paved or natural surfaces, open spaces and the total amount of open space area provided.

f. A preliminary plan indicating the proposed internal and external street pattern, approximate locations and dimensions of rights of way, on site vehicular access and connections, parking lot and garage locations with preliminary parking totals.

g. A preliminary plan indicating all intended pedestrian and bicycle circulation elements and amenities.

h. A plan indicating preliminary landscaping and screening plans with examples of plant species, fencing, walls and retaining walls to be used.

i. Identification of nearby or abutting residential properties and any known visual or operational impacts to said properties.

j. A plan indicating the location of all known utilities, public or private easements, cell towers, or any public or private infrastructure component on the premises, on the abutting properties, or within the CWCOD that may be germane to the

successful development of the Project. An indication, if appropriate, of the infrastructure improvements proposed by the applicant.

k. A preliminary drainage and storm water plan for the premises likely to comply with DEP's Stormwater Management regulations and applicable City ordinances with consideration given to adjoining properties.

l. A preliminary presentation of any energy efficiency and / or environmentally sensitive technologies intended to be employed.

m. Identification of major sign locations and scale.

n. A preliminary traffic analysis that includes estimated average daily traffic, peak hour volumes, identification of key intersections that may be impacted, traffic calming or mitigation proposals, an indication of improvements that may need to be made the existing roadway circulation system of the CWCOD to insure safe roadway conditions after Project development, including improvements to the existing public roadway system that the applicant intends to provide.

o. A preliminary analysis of the impacts to the existing public infrastructure within or supporting the CWCOD that will result from the development of the proposed Project.

p. For multifamily development, information and graphic presentation regarding the preliminary estimate of the total number of units, percentage of affordable units, unit by bedroom type, floor to area ratio, the location of open space and parking, preliminary building elevations, the relationship to transit facilities, and all other items listed above that the Committee deems appropriate.

q. Other information that the Committee may deem appropriate to insure a complete concept plan review.

4. **Application for Site Plan Approval or Special Permit; Initial Project Construction**

Upon completion of the Concept Plan Review Process, the applicant may submit to the City Council an application for the initial construction of the project, in accordance with the following:

4.1 Application for Site Plan Approval

When a project contains only uses available by right, an application for site plan approval consistent with Sections 11.3 (Procedures for Special Permits) and Section 12 (Site Plan Review) shall be submitted to the City Council.

4.2 Application for Special Permit(s)

When a project contains one or more uses or conditions that require a special permit from the City Council, an application for site plan approval together with an application for a special permit shall be submitted to the City Council which shall serve as the special permit granting authority. The application shall be consistent with the procedures and requirements of Section 11 (Special Permits and Variances) and Section 12 (Site Plan Review) as applicable. Further, when a project requires more than one special permit from the City Council all applications shall be heard simultaneously.

4.3 Required Findings

In their deliberations as either the site plan review or special permit authority the Woburn City Council shall be required at public hearings to address all findings of the Committee's written report relative to the submitted Concept Plan in addition to other statutory requirements relative to site plan review and special permit review as provided by this Ordinance.

4.4 Lapse of Concept Plan

The applicant shall have up to one year from the date of submission of the concept plan to submit an application under the CWCOD with or without a special permit as may be appropriate; after said period the applicant shall be required to re-submit the Concept Plan for Concept Plan Review.

5. Permitted Uses

In the CWCOD uses shall be permitted as of right subject to site plan approval, by special permit, and as accessory uses**.**

5.1 Uses by Right

The initial construction of the following uses shall be allowed as of right in any Project up to a Floor to Area Ratio (FAR) of 1.0, and subject to site

plan approval and any additional restrictions on use or intensity of use as noted below. For any initial construction above a FAR of 1.0, all uses listed in this section (5.1) shall require a special permit. Parking lots or parking structures above or below grade shall not be calculated as part of the FAR. Further, multiple uses may be contained within a single building or structure constituting a Project.

a. Mixed Use Retail. (Permitted as of right if the total gross building area of the initial construction project exceeds 150,000 sf.)

b. Child Care Center. (Allowed as either a primary use or as an accessory use).

c. Sports or Fitness Clubs. (Except that all outdoor facilities or activities shall require a special permit).

d. Private Membership Clubs.

e. Hotel.

f. Hotel Complex. (Permitted by right if the hotel component is at least 50% of an initial construction project having a total building area of more than 150,000 square feet.

g. Supermarkets. (Except that supermarkets over 50,000 gross square feet, not including basements, shall require a special permit).

h. Retail. (Allowed by right if the initial construction project includes more than 150,000 sf. of combined retail, personal service, and/ or restaurant use in any combination; for initial construction projects with less than 150,000 gross sf. of combined retail, supermarket, personal service, and/or restaurant use; retail use shall require a special permit. Further, no individual retail establishment except for a supermarket in the CWCOD shall exceed 30,000 gross square feet unless allowed by Special Permit.

i. Personal Service Establishments.

j. Financial Institutions.

k. General and Professional Offices.

l. Research Laboratory.

m. Business Sales and Services. (Allowed by right up to 15,000 gross sf., over 15,000 gross sf. shall require a special permit).

n. Restaurants Full Service. (Shall include take out service by right, but drive up windows shall require a special permit).

o. Fast Food Restaurants. (Allowed by right as part of an internal food court or similar setting).

p. Medical, and Dental Offices.

q. Muscular Therapy.

r. Veterinarian Facilities and Offices.

s. Printing and Publishing of Newspapers

t. Repair Establishments

u. Municipal Buildings and Essential Public Utilities.

v. Public Schools.

w. Bus or van transportation (shuttle) services including the associated shuttle bus stops and shelters.

5.2 Uses by Special Permit

For the initial construction only, the uses set forth below each shall require the issuance of a special permit. Multiple uses may be contained within a single building or structure constituting a Project.

a. Multi-family Housing. All residential development in the CWCOD shall be consistent with the City's affordable housing requirement; See Section 11.11", also consistent with the map defining areas for multi-family housing.

b. Mixed Use Retail. (Permitted by special permit if the total gross building area is less than 150,000 sf.)

c. Mixed Use Residential.

d. Theaters, Live or Motion Picture. (Not permitted as a primary use; permitted only if said use is not more than 50% of the floor area of a larger commercial project that employs shared off street parking requirements consistent with Section 7.0 of the CWCOD.

e. Fast Food Restaurants. (Free standing restaurants with or without drive up service windows).

f. Assisted Living / Continuing Care Community

g. Golf Driving Range. (Only indoor electronic golf driving ranges or similar virtual sports activities shall be considered as Recreation, Gainful Business.

h. Recreation, Gainful Business

i. Private Elementary or Secondary Schools including Recreation Facilities.

j. Extended Care Facility.

k. General and Special Hospitals.

l. Business or Trade School.

m. Trade Center.

n. Light Manufacturing.

o. Sale or Rental of Automobiles or Trucks. (In all instances the use must be entirely indoors)

p. Gasoline Service Stations.

o. Helicopter Pads

p. Rail Terminal for Freight. (Not including trash transfer station).

q. Passenger Transportation Terminals

r. Off –Site parking (See Section 8.3 of the CWCOD)

A. Accessory Uses By right

a. Community Center. (See Section 2.0 Definitions of the Woburn Zoning Ordinance)

b. Automatic Teller Machine

c. Recreation, Gainful Business

d. Accessory outside sales (Excluding industrial uses).

e. Accessory off street parking lots and buildings including overnight parking as described in Section 8.9 below.

f. Accessory repair and interior storage related to the conduct of a permitted use.

g. Kiosks permitted by right in all areas except within parking fields; the square foot area of the kiosk shall not be counted toward the total permitted floor area. One kiosk per 10,000 square feet of ground-level leasable space.

5.3 Accessory Uses By Special Permit

a. Accessory building such as a private garage or pool.

b. Private garages for use of residents on premises.

c. Communication towers, dishes or antenna on buildings. (Not permitted on multi-family buildings)

d. Accessory diagnostic imaging trailer.

e. Accessory outside storage for businesses. (Excluding industrial uses).

5.4 Hours of Operation

Except by the grant of a special permit by the City Council, the hours of operation for supermarkets, retail uses, fast food restaurants and gasoline service stations shall be from 5:00 a.m. to midnight. (added 12/10/2009)

6. **<u>Re-tenanting After Initial Construction</u>**

After the initial establishment of a use which requires a special permit, the

subsequent reuse of the same floor area authorized by the initial special permit shall not require a new special permit for the same use or by right use that does not cause any of the following changes:

a. An increase in the number of parking spaces as required by the original Special permit or site plan review.

b. A change to the external façade of the building. (A change in accessory signs shall not constitute a façade change if the sign area remains the same or remains otherwise in compliance with Section 13 Signs of the Woburn Zoning Ordinance).

7. **Dimensional and Density Regulations**

In the CWCOD, subject to applicable laws and regulations governing fire and safety, the following dimensional regulations shall apply. Building setback requirements shall not apply to the portions of a building or structure that are completely below grade. Further, parcels created for the purposes of financing or separated by a private or public right of way of less than 65 feet, shall not be required to comply individually with the following criteria; said criteria shall only apply to the entire lot. However, no two parcels may be more than 500 feet apart.

a. Minimum Lot Size: 100,000 square feet.

b. Minimum Lot Frontage: 100 feet.

c. Minimum Lot Width 40 feet.

d. Maximum Lot Coverage: 80% for mixed use and commercial projects; 60% for exclusively residential projects.

e. Minimum Open Space: 20% for mixed use residential and mixed use commercial projects; 40% for exclusively multi-family residential projects.

f. Minimum Front Yard Setback: 25 feet; parking permitted within 15 feet of front lot line.

g. Minimum Side Yard Setbacks: 20 feet; parking permitted within 10 feet of side lot lines.

h. Minimum Rear yard Setback: 20 feet; parking permitted within 10 feet of rear lot line.

i. Minimum Building setback from I-93 right of way: 50 feet.

j. Maximum Height: 130 feet but not to exceed 10 stories. See Section 2 Height of a Building) of the Woburn Zoning Ordinance.

k. Maximum Height within 150 feet of a Residential District: 3 stories and 45 feet.

l. The maximum residential density shall not exceed 25 residential units per acre unless:

a. Non-residential uses comprise a minimum of 60% of the total net floor area of all buildings in the entire development, in which case the maximum number of residential units may exceed 25 but in no event shall be more than 35 residential units per acre; or

b. Non-residential uses comprise a minimum of 65% of the total net floor area of all buildings in the entire development, in which case the maximum number of residential units may exceed 25 but in no event shall be more than 40 residential units per acre.

This density limitation shall not apply to Assisted Living/Continuing Care, General and Special Hospitals or Extended Care uses.

At the time of Site Plan Review or Special Permit, the City Council may grant a special permit for relief from the Dimensional Regulations set forth herein but no relief may be granted from the maximum residential density requirement.
(added 8/16/2018)

8. **Off-Street Parking Requirements**

The following parking standards shall apply in the CWCOD. If a specific use is not listed below then the Off –Street parking Regulations Parking of the Woburn Zoning ordinance shall apply (see Section 8)

8.1 Residential Parking Standards

a. 1.25 spaces per studio and one bedroom dwelling unit.

b. 1.75 spaces per 2 bedroom dwelling unit.

c. 2.00 spaces per three bedroom dwelling unit and one additional space for each bedroom thereafter.

d. Assisted Living / Continuing Care Community: 0.75 spaces per dwelling unit.

8.2 Commercial Parking Standards

Parking requirements shall not apply to basements if no public access is available or to any mechanical penthouse, or similar rooftop appurtenances.

a. Retail: 1 space / 250 feet of gross floor area.

b. Personal Service Establishments: 1 space/ 300 feet of gross floor area.

c. Office: 1 space / 350 sq ft. of gross floor area.

d. Research and Laboratory Space: 1 space / 400 sq ft. of gross floor area.

e. Fast Food Restaurant: 12 spaces per 1,000 sq ft of gross floor area.

f. Restaurants: 12 space per 1,000 gross sq. ft.

g. Restaurants located in a hotel: 6 spaces per 1,000 gross square feet.

h. Hotel: 1.0 spaces per hotel room.

i. General Assembly Conference: 1 space per 3 seats; for General Assembly or Conference Space within a hotel: 1 space per 4 seats. (Capacity to be determined by Fire Department).

j. Theatre or Cinema: 1 space per 3 patron seats. (Capacity to be determined by Fire Department).

k. Light manufacturing or repair businesses: 1 space / 500 square feet of gross floor area.

l. Medical or Dental Offices: 1 space / 250 square feet of gross floor area.

8.3 Off-Site Parking

For mixed use and commercial projects off-site parking (lots or structures) shall be permitted by a special permit granted by the City Council. The City Council must find that the off-site lot is within 500 feet of the lot accommodating the primary use, find that safe pedestrian access can be provided to the primary use, and that the off -site lot or parking structure constitutes not more than 25% of the required off street parking for the primary use (s); and further that the lot of land where the off-site parking is to be provided is either controlled as a long term lease acceptable to the City Council or is under the same ownership of the principal use(s) it is intended to serve.

8.4 Parking on Internal Roadways

At the time of Site Plan Review the City Council may permit all legally designed parking spaces located on internal private roadways to be counted towards the total number of off-street spaces if it can be shown that said calculation will improve overall operational efficiency and not generate traffic or pedestrian hazards.

8.5 Minimum Parking Space Design Standards

Type of Parking	Parking Bay	Aisle Width	Max. Compact Cars
180 degree	22 ft. by 8 ft.	12 ft. (one way)	NA
90 degree	18 ft by 9ft (standard)	24 ft. (two way)	30%
	16 ft by 8 ft (compact cars)		
60 degree	18 ft by 9ft (standard)	18 ft. (one way)	30%
	16 ft by 8 ft (compact cars)		
45 degree	18 ft by 9ft (standard)	12 ft. (one way)	30%
	16 ft by 8 ft (compact cars)		

8.6 Shared Parking and Parking Reduction:

For mixed use residential projects or mixed use commercial projects, the City Council may grant a special permit to reduce the shared parking off-street parking requirements as determined by section 8.7 below, if the applicant can demonstrate a management plan whereby a lower amount of off street parking area is feasible.

8.7 Shared Parking Methodology:

Multiply the minimum parking requirement for each individual use by the appropriate percentage for each of the five designated time periods and then add the sums of the vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.

	Weekday		Weekend		
Night	Day	Evening	Day	Evening	Use
Midnight /7AM	7AM/5PM	5PM/MID - -	6AM/6PM	6PM/MID	
100%	60%	90%	80%	90%	Residential
5%	100%	10%	10%	5%	Office
5%	100%	10%	10%	5%	Industrial
5%	100%	10%	10%	5%	Research
5%	80%	90%	100%	70%	Retail
70%	70%	100%	70%	100%	Hotel
10%	50%	100%	70%	100%	Restaurant

	Weekday		Weekend		
Night	Day	Evening	Day	Evening	Use
Midnight /7AM	7AM/5PM	5PM/MID - -	6AM/6PM	6PM/MID	
10%	40%	100%	80%	100%	Theaters.
5%	100%	10%	20%	5%	Day Care

8.8 Off Street Loading Requirements:

At the time of Site Plan Review or Special Permit the City Council may be requested to waive or modify by Special Permit specific loading requirements of Section 8.7 of the Woburn Zoning Ordinance in order to generate more effective and efficient on site operational conditions and/or to improve the visual quality of the overall site plan.

8.9 Overnight Vehicle Parking:

The following shall be permitted by right to provide the following overnight parking, provided that all vehicles permitted are licensed in the City of Woburn:

Table 1 – Overnight Vehicle Parking Allowed By Right (1)(2)

Use	# Vehicles Allowed By Right	Comment
Hotel Rental Car Service	10	Can be increased by 100% if contained within a garage.
Service Use	4 vehicles per 1,000 gsf	Typical uses such as "Zoots", cleaning company, etc.
Professional Uses	4 vehicles per 1,000 gsf	Typical uses such as a surveyor, engineer, government agency, etc.
Supermarket or Retail	4 vehicles per 30,000 gsf	

(1) Truck vehicle is defined as a trailer and cab.
(2) Other vehicle overnight parking uses may be allowed by Special Permit.

9. **Signs**

At the time of Site Plan Review or Special Permit the City Council may grant a special permit in relation to the Sign requirements of the Woburn Zoning Ordinance (See Section 13) by authorizing additional signs; larger signs; the relocation of signs in order to promote pedestrian and traffic safety; the setback of signs; signs that are more in keeping with building scale and/or visual relationship to major roadways such as I-93; or to improve the visual quality and operational efficiency of the overall site plan.

10. **Utilities and Easements**

a. Utility and Drainage Easements

Easements for Public utilities and enclosed or open drainage ways shall be retained in all CWCOD developments in widths and locations deemed necessary by the City Engineer. To the extent practicable, easements for waterlines, waste water lines, and storm sewers shall be located in the street right of way, and easements of all other utilities should be located in the rear lane rights of way or at the rear lot line. All easements shall be dedicated to public use for the named purpose and shall be aligned to minimize construction cost.

b. Underground Utilities

Utilities shall be located underground, unless proven unfeasible.

c. Easements in Areas Adjoining CWCOD developments.

If the city incurs costs obtaining easements from areas adjoining a proposed CWCOD development that are necessary to provide adequate drainage or to serve a CWCOD development with utilities, the costs shall be billable to the developer.

d. Storm water retention and infiltration.

Storm water shall be managed in accordance with the Massachusetts DEP Stormwater Management Standards.

11. **Development Impact Mitigation**

All uses developed in the CWCOD shall meet the requirements of Section 18 of the Woburn Zoning Code, except that the 3% contribution required by Section 18, shall be 4% for projects approved using the CWCOD. All moneys generated by projects approved for the CWCOD development shall be expended within the CWCOD to improve and/or provide necessary infrastructure and public safety improvements.

(added 9/23/2009; amended 12/10/2009; 12/23/2009; 1/19/2012)

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