# APPROVED
## MEETING MINUTES

Tuesday, October 26, 2021 Woburn Planning Board Meeting | 7:00 p.m.
***Meeting held virtually via Zoom Platform***

Chair Kevin Donovan called the meeting to order at 7:00 pm and asked City Planner Karen Smith to call the roll.

Ms. Claudia Bolgen, Mr. Bob Doherty, Mr. Jim Callahan, Ms. Carolyn Turner, Mr. Michael Ventresca, and Chair Kevin Donovan were in attendance; Mr. Dave Edmonds was absent. Planning Director Tina Cassidy and Planner Karen Smith were also in attendance.

Cassidy stated the meeting was being recorded by both video and audio.

**PUBLIC HEARING (CONTINUED): SPECIAL PERMIT APPLICATION to authorize 37,728 sq. ft. of light manufacturing floor space at 32 Cabot Road (CONTINUUS Pharmaceuticals, Inc.)**

Chair Donovan missed the October 12th public hearing and confirmed he submitted a certification form in order to continue participating in this matter.

Cassidy stated the Oct. 12th public hearing segment was continued because there were several departments that had not had an opportunity to provide updated comments reflecting review of the new information submitted and, in the case of DPW, to provide positive comments.

The petitioner's attorney, Joseph Tarby of Rubin and Rudman LLP, introduced his team: Ernie Penachio. Vice President of Technical Operations at CONTINUUS Pharmaceuticals; Joseph Weed, Project Engineer at PARE Corporation; and Ed Flagg, Project Manager at Integrated Project Services. Tarby informed the Board that he and the Petitioner had a very productive meeting with Engineering and DPW. Attorney Tarby stated that several revisions were made to the plans to address DPW's concerns. Tarby noted the Board of Health submitted a communication stating development of the site will include the involvement of the EPA given its environmental history. The applicant is also currently before the Conservation Commission.

Weed summarized revisions made to the site plan since the last Board meeting and detailed some changes such as expanding the pavement rehab limits, updating the existing water and gas alignments, replacing the existing sewer lines with new lines to insure the proposed water crossing for the new water services has a 5' cover in addition to the separation of the sewer being lower than the water to prevent contamination. Weed stated the site will still have 144 total parking spaces on the site. Changes to the grading and utility drawing show revisions in response to the DPW's concern with the water, sewer, and gas services. Water will have a 4" domestic water service into the building and the fire service will have an 8" line.

Tarby stated the Engineering Department indicated satisfaction with the site plan and may have additional comments relative to traffic that will be made to the City Council as part of its review.

Ventresca asked Tarby to confirm that all of DPW Superintendent Duran's comments from his October 21, 2021 memo have been addressed. Tarby stated all comments and concerns have been addressed and any outstanding concerns will be addressed during the permitting process and construction such as: individual manholes (sanitary sewer and laboratory wastes), installation of gas services indicating

APPROVED

that the applicant will be responsible for all repaving and roadway restoration costs to the satisfaction of Mr. Duran.

Cassidy asked for Weed's clarification of the changes made to the area around the double dumpster pad and the infiltration system to the north. She noted parking spaces were eliminated at the request of the fire department to accommodate their truck turning radii. Weed confirmed the deletion of 13 parking spaces while noting the current 144 spaces meet zoning, adding that it exceeds the minimum number of parking spaces needed by zoning by 5 spaces.

Cassidy recommended the Board grant the requested special permit and grant site plan review for the construction reflected in the current plan set, subject to the following conditions:

1. The final design(s) of all water connection(s) must be approved by the Department of Public Works and Water Superintendent, and installations of same are subject to the issuance of water connection permits by that Department;
2. If any changes are made to the proposed gas service and those changes require excavations in either Cabot Road or Commerce Way, the Petitioner (Continuus Pharmaceuticals, Inc.) shall be responsible for the costs of restoring either or both roadways to the satisfaction of the DPW Director;
3. Following installation of water services, the Petitioner shall mill (two [2] inches) and overlay a portion of Cabot Road in order to restore it to pre-construction condition. The minimum limit of area to be restored is shown in gray shading within the Cabot Road right-of-way layout on Sheets C3.1 and C4.1 of the above-referenced plan set; and
4. The words "NO PARKING" must be stenciled on the pavement along the curb-line between the double Dumpster pad and the generator to its northeast, and at least two MUTCD-compliant "No Parking" signs shall be erected in the same location.

Seeing no further questions from the Board, Donovan opened the PUBLIC HEARING and asked if any audience members wished to speak. Cassidy provided instructions as how to use the 'raise hand' function in a Zoom meeting. Seeing no interested parties wishing to speak, Donovan asked the Board if there was any further discussion.

Turner asked Weed to clarify the water and sewer service lines. Weed noted the fire service line will be 8" and the domestic demand will be serviced via a 4" line.

Seeing no further comments from the Board;

Motion by Ventresca to close the Public Hearing;
Seconded by Doherty;

No discussion on the motion.

<u>Roll call vote on the aforementioned motion:</u>
Bolgen – Aye
Callahan-Aye
Doherty-Aye
Turner-Aye
Ventresca-Aye
Donovan – Aye
Motion carried, 6-0-0.

APPROVED

Motion by Ventresca to accept the Planning Director's recommendation to grant the requested special permit and grant the site plan review to authorize 37,728 sq. ft. of light manufacturing floor space at 32 Cabot Road (CONTINUUS Pharmaceuticals, Inc.) subject to the four (4) conditions listed above;

Seconded by Doherty;

No discussion on the motion.

Roll call vote on the aforementioned motion:
Bolgen – Aye
Callahan-Aye
Doherty-Aye
Turner-Aye
Ventresca-Aye
Donovan – Aye
Motion carried, 6-0-0.

**PUBLIC HEARING: PROPOSED ZONING AMENDMENT to (a) amend the City of Woburn Zoning Ordinance by adding a new Section 32 entitled Life Sciences and Business Mixed Use Overlay District (LBOD) and (b) amend the Woburn Zoning Map to overlay the new LBOD district onto the parcels shown on Woburn Assessors Maps as Map 29, Block 1, Lot 1; Map 29, Block 1, Lot 2; Map 29, Block 1, Lot 3; Map 29 Block 1, Lot 4; and Map 29, Block 1, Lot 5**

Attorney Joseph Tarby of Rubin and Rudman LLP, representing TD Development Group, LLC introduced the applicant's team for the presentation: Michael Cantalupa, Chief Development Officer for the Davis Companies; Christopher Yetman, Vice President of Development for the Davis Companies; Tim Williams of Allen and Major; Scott Thornton, Site Engineer of Vanasse and Associates; and Jonathan Eisenberg, ARUP Fire Protection and Chemical Engineer.

Tarby noted a collaboration of people have spent approximately six months working on this amendment with input provided by Mayor Scott Galvin, Planning Director Tina Cassidy and Building Commissioner Thomas Quinn. Tarby stated the primary purpose of the amendment is to promote the development of life sciences, research and development, advanced manufacturing, light manufacturing, research and testing, and the accessory office that accompanies these uses. Developing in this area will provide significant employment opportunities as well as significant real estate and personal property tax revenues.

TD Development Group has entered into an agreement with National Amusement to purchase approximately 25.6 acres of land adjacent to the cinema site. If the Zoning Amendment is adopted, the applicant will proceed to file a Special Permit with the City Council to seek approval of uses in the area of life sciences, research and development, advanced manufacturing, light manufacturing, and research and testing as set forth under the zoning amendment. Tarby noted the zoning amendment has been drafted so it does not impact the underlying zoning district.

Tarby summarized the proposed zoning amendment by listing the majority of the uses allowed by right with Site Plan Review, uses allowed by Special Permit with Site Plan Review, uses not permitted, density and dimensional regulations; Off-Site Parking Requirements; Design Standards, Sign Regulations; Development Impact Mitigation, Permitting and application requirements, and procedures for approval. Tarby concluded stating that Mass Bio Technology Council submitted a letter of support stating that Woburn is platinum rated. These types of uses can help a city in terms of low traffic and low development impacts in the area.

APPROVED

Bolgen inquired about the height of the roof structures and the percentage of the roof they will occupy. She asked Tarby if having up to 15% of the total roof area extending as much as 35' above the roofline is necessary for a life science building and if so, is it non-negotiable?

Cantalupa stated they are attempting to provide some flexibility to companies that typically have higher mechanical requirements and that the suggestion of the 15% roof area restriction relates to the planning for stacks that could come from the mechanical equipment. He added if he were to narrow in on the kind of use, such as the manufacturing of certain types of drugs, the reason for the proposal as structured is that they are trying to create an envelope that allows for tenants' individual and mechanical intake and exhaust requirements.

Bolgen expressed concern regarding proximity to the residential neighborhood, potential noise issues, the extra height of rooftop structures, in addition to the high hazard use close to residential zoning.

Cantalupa stated mechanical equipment is typically screened to be visually unobtrusive. Mechanical equipment is also insulated from an acoustic perspective to minimize the decibel distribution. How the wind moves through the area is also studied so that any associated noise is contained, and any exhaust is organized in a way from both commercial and residential neighbors. Technical procedures are part of the development of the buildings to protect the neighbors. Visual, noise, and entrainment issues are routine design factors in designing and developing a building and reacting to a tenant's specific proposal to occupy the building.

Bolgen inquired of Tarby the proximity of the nearest residences to the location of the proposed overlay.

Tarby stated the closest structures to the residential neighborhood range from 260' to over 600' away, in addition to dense vegetation on the site. Tarby noted there is a landscaped buffer that was required with the cinema's Special Permit years ago. Fencing has also been erected on the National Development side of the property to increase the buffer.

Callahan inquired why the engineers were not considering a low profile roof application that is typically used versus having a 40' height limitation on this proposal and the potential to go up an additional 25' above that for exhaust equipment for the roof.

Cantalupa stated there isn't a prescribed mechanical exhaust that they are trying to attribute to the site. These are potentially multi-tenant buildings that will need to provide flexibility for specific manufacturing processes. The first zone of 25' is just for equipment and not necessarily exhaust to provide flexibility to respond to an individual tenant's mechanical requirements. The 2nd zone is an additional 10' and is significantly smaller than the roof area that we've allowed for mechanical equipment, and it is to allow for some stacks and exhaust to come up and penetrate that significantly above the roof line.

Jon Eisenberg commented that they want the conical type fans and discharge to get the best dispersion and is typically used in the life science industry. Cantalupa confirmed Eisenberg was speaking to conical fans providing the best dispersion and less impactful which also addresses Bolgen's concern as to how the neighbors are affected in the surrounding area.

Callahan expressed his lack of support for the zoning amendment as he emphasized that 25' is over half the height of the building, which seems out of balance for just the mechanical systems. He is also concerned about the proximity of the neighborhoods, the density of the neighborhood, the wetlands, Middlesex Canal Park, and the nearby elementary school.

APPROVED

Donovan stated this is a public hearing and asked if any audience members would like to speak. Cassidy provided directions on how to participate in the Zoom meeting hearing by using the raised hand option.

Mr. Shawn Sullivan, 387 Massapoag Ave in Sharon, MA, Senior VP of Real Estate and US and International Legal and Business Affairs for National Amusements Inc. which is the owner and operator of the cinema asked to speak. He stated the Woburn Cinema has been operating in Woburn for 50 years. Sullivan noted that the movie industry has changed over the years, attendance has decreased and they have redesigned the theater by decreasing the seats by 65% down to 926 seats. He stated they have 1774 parking spaces noting that the property to be sold is truly excess property. Sullivan began to market this property in 2015 and received significant interest from car dealerships, big box users, multi-family housing developers and remarked that none of these uses were acceptable to the city. Therefore, when they shifted marketing to biomedical with the Davis Companies, the City was interested, sparked by the substantial tax benefits to city in real estate and personal property taxes.

No other members of public raised their hands to participate in the Public Hearing.

Ventresca expressed concerned about impact on the abutting residential neighborhoods and with the size of the proposed building footprints.

Callahan questioned the interior roadway width.

Tim Williams noted that it is currently only a conceptual layout plan. All driveway widths are 24' wide. Zoning ordinance allows for less than 24' wide on way traffic movement currently.

Donovan asked if the Planning Director had a recommendation. Cassidy responded by clarifying some points to the discussion such as potential height of a building and compared the proposed LBOD to the TBOD. Cassidy also discussed the concern regarding the setback on the high hazard uses in a building in relation to residential districts. In particular, the LBOD states 250' from a structure that is primarily residential that is located in the zoning district and exists as of September 1, 2021. LBOD would also require a minimum of 125' setback from the residential zoning district. In all other areas of the city, including the BI district, a high hazard use must be located at least 1500' from a residential zoning district.

Bolgen noted that the Mass Bio letter that was sent to the Mayor stated that Woburn is competing for biotech companies with Burlington, Waltham, Lexington, Wilmington, Reading, Marlboro, and Peabody, and that Woburn's restrictions on high hazard use are significantly higher. The advocacy letter states restrictions are significantly less in other communities, noting there aren't any restrictions over 500' with many communities much less. Bolgen noted she is struggling with policy issue, specifically, to what extent is the current 1500' high hazard requirement still useful in protecting residents from the hazards of today versus tanning factories of the past? Bolgen questioned if this high hazard boundary line was appropriate and noted the importance of trying to moderate the conflicts between the residents needs and the needs of businesses and acknowledged both the pros and cons of the well-thought out proposal. Bolgen feels if the 1500' distance is kept in place, this proposal will be unable to proceed and added that sound planning and sound policy judgment is important.

Cassidy questioned the rationale used during the 1980's in deciding on the 1,500' distance. Advances in science and technology have improved over the course of time, adding that perhaps the number is much greater than it needs to be at the current time. Cassidy noted the Building Inspector is open to the possibility that 1,500' might not be the correct distance today given today's uses and technologies, and is open to information that shows that a lower number may be appropriate. Cassidy would like to see

APPROVED

specificity and research on the other communities' requirements as to how and why they chose their distances.

Tarby recalled that the 1934 Woburn Zoning Laws did not mention any distances but zoning required manufacturing processing uses had to provide a written statement or other exhibits attached to the application stating the activity would not be obnoxious, offensive, or detrimental to the neighborhood or city by reason of special danger of fire or exposure of pollution, emission of corrosive or toxic fumes, etc. In 1970, a Zoning Ordinance was adopted that was the first time that high hazard use showed up in the Zoning Ordinance as a principal use with the 1,500' requirement. In the current proposed Zoning Amendment, high hazard use is proposed as an accessory use and not as a principal use. Therefore, it is the applicant's position that 1,500' is too excessive. Tarby stated the applicant completed research in September and reviewed ordinances from Burlington, Waltham, Wilmington, Lexington, Reading, Peabody, Danvers, and Marlboro, and noted that none of their ordinances have any language that requires high hazard uses to be located within so many feet from a residential district and that some communities do have language that consists that requires buffer zones, similar to what is being proposed in this current zoning ordinance.

Tarby stated that fire and building code regulations and control will protect neighbors with any issues and emphasized they are only proposing high hazard as an accessory use – not as a principal use and stated that the current zoning only addresses high hazard as a principal use.

Bolgen asked Tarby if there are biomedical uses in the Trade Center and other places in the City, and if so, do the neighbors have concerns. She also asked for a definition of high hazard use.

Tarby stated Skyworks is a manufacturing company that uses chemicals and their property abuts residential. Tarby also mentioned that some high hazard uses are exempt under the International Building Code.

Bolgen asked if high hazard use is a subset of the biomedical lab use or are they two different things.

Cantalupa responded to Bolgen's question by stating current good manufacturing practices (CGMP) are used in the Life Sciences to attract developers. They are hoping, for example, to attract a company in a developed stage that produces a drug to treat a disease. There is a juxtaposition between something that might be high hazard and something that might be flammable in what they use in the manufacturing process but yet it is something that is being injected in the body, such as a shot into the arm. In that regard, it is somewhat of a "subset" of the full manufacturing process.

Eisenberg added that in high hazard use the end product is not hazardous. It is for human consumption. By code definition, they can be flammable liquids, even though they are dilute. At a CGMP level, the projects with this type of operation would need at least, a relatively small high hazard use in the building. It could be for storage of said flammable liquids, could be for a small process base, and stated the building and fire codes have quantity limits within them for these type of areas. The two most often seen high hazard uses for this type of facility would be H-2 and H-3.

Eisenberg noted he sits on the State Hazard Materials Committee and writes chapters in the Fire Code for hazard material storage and use, and stated that in comparison the 1,500' separation distance comes from an era of large-scale chemical manufacturing and that is not the situation they are talking about here. The Davis company is not looking for full scale manufacturing in this Overlay, it's use will be proof of concept and manufacturing product for trials. The areas of the buildings that are being contemplated here are small. Eisenberg stated the International Building Code (IBC) definition of accessory high hazard use is less than 10% of the total floor area.

APPROVED

Eisenberg stated over the past 20 years, Life Science codes and standards have been clarified and evolved. He added that one of the reasons some of the existing buildings are not currently considered high hazard use is that they may not have been required to or at the time the codes and standards were not understood enough to say what the thresholds of meeting high hazard uses were.

Bolgen stated Woburn perhaps does not have a highly developed zoning code to accommodate the types of Life Science uses that would qualify as high hazard and Eisenberg agreed. Bolgen read the current proposal states "…7. A building that contains an accessory *high* hazard use shall be located a minimum of 250'…" and presumed that although *high* hazard use may be defined in our zoning code somewhere, *accessory* high hazard use perhaps is not.

Tarby stated that high hazard use is not defined in Section 2 of the zoning ordinance; Section 5 references high hazard uses as defined in the International Building Code (IBC). Accessory high hazard use is also defined in the IBC, and Eisenberg agreed with Tarby's statements.

Bolgen asked if accessory high hazard use, as defined in the IBC, is the relevant standard that goes to the points we've been discussing.

Eisenberg, in his opinion, agreed with Bolgen and stated that The Mass State Building Code is based on the 2015 IBC.

Bolgen asked for confirmation from Eisenberg, that in relation to his statements, the Woburn Zoning Code has appropriately evolved to the Life Science use you are discussing today. Tarby agreed and Eisenberg stated it is the correct reference.

Cantalupa acknowledged the Board's concerns in relation to the residents and stated there is a standard of protection. Eisenberg added that levels of protection include structural mechanical ventilation, electrical controls, secondary containment, special protection suppression and containment requirements that have all been incorporated into Building and Fire Codes for high hazard spaces. A main reason you won't find a distance requirement in the Building or Fire Codes between high hazard and, for example, a residential district is that there are layers of protection that have been put into today's building codes and standards. Throughout the Commonwealth all jurisdictions that have high hazard uses in buildings must go through the building, fire and City Council permitting processes. All different layers of high hazard use must be vetted in order for any material to come into a building. In Eisenberg's opinion, it is the reason why something like a 1,500' separation distance requirement is no longer seen, as there are already the levels of protection needed to protect the building occupants, the first responders, and adjacent property and neighborhoods.

Bolgen commented that it is not that the definition is defective, it is the juxtaposition of the definition and a 1,500' requirement together that is not clear.

Cantalupa stated this proposed zoning change creates the playing field from which we will create the building as it will allow us to attract tenants. Following that, we will be proposing a specific building to a specific tenant and then all the layers of protection will be properly addressed.

Tarby stated language has been added to the proposed Ordinance that the City Council has to make specific findings under Section 32.14.9 and 10 to allow for accessory high hazard use to ensure safety and minimize negative impact on adjacent properties and to safeguard the neighborhood.

Ventresca asked Cassidy to confirm that the Planning Board would not be involved with site plan review in this proposed overlay. Cassidy stated he was correct and all Special Permits would be issued through the City Council and noted the Planning Department Office would have an opportunity to submit a

APPROVED

review the plans and make comments to the Council. Ventresca stated it provides comfort knowing the IBC standards exist for hazards are defined and categorized 1 through 5. Ventresca said it is a red flag to him to see high hazard use, but after discussion, he feels better but he may need more time to digest the information to form a better decision.

Bolgen and Ventresca discussed current businesses in the city that use high hazard material and abut residential districts and recalled Woburn's Biomedical Review (Oversight) Committee. Bolgen suggested Cassidy reach out to the Committee and to ask their opinion of the current zoning distance of 1500' to residential for high hazard use, specifically if it is not appropriate in this instance, is it appropriate in any instance and should the City Council be changing that definition across the board.

Turner requested clarification from Eisenberg if the high hazard use in this instance is considered an accessory use and it would be estimated at less than 10% of the floor area. Eisenberg confirmed her statements are correct. Turner followed asking if the 10% of the floor area is specific to this particular proposal or is it mandated or regulated in the IBC. Eisenberg confirmed it is codified and mandated in the IBC and stated in the Building Code, that is the definition of an accessory high hazard use.

Ventresca stated he is not ready to vote on the proposal tonight and suggested Cassidy solicit some input from Woburn's Biomedical Oversight Committee.

Motion by Bolgen to continue the above Public Hearing to November 9, 2021 at 7:00 p.m.;
Seconded by Ventresca;

No discussion on the motion.

Roll call vote on the aforementioned motion:
Bolgen – Aye
Callahan-Aye
Doherty-Aye
Turner-Aye
Ventresca-Aye
Donovan – Aye
Motion carried, 6-0-0.

**PUBLIC HEARING: PROPOSED ZONING AMENDMENT to add the following to Section 2 of the 1985 Woburn Zoning Ordinances, (Definitions), "OUTDOOR DINING: the use of an adjacent, outside area by a Restaurant, Full-Service establishment for the same eating and drinking activities that occur within that establishment, operating in the same manner thereof including hours of operation, and which is continuously supervised by management or employees of the establishment. The outdoor dining use is not permitted at a Restaurant, Fast Food."**

Cassidy stated this zoning amendment was sponsored by Alderman Tedesco and drafted by City Solicitor Ellen Callahan Doucette and its creation was a recommendation of the Planning Board's, in connection with review of a different zoning amendment earlier this year. Cassidy noted she has made several minor revisions to the author's original submission which the Solicitor has no objection.

Cassidy recommended the definition be adopted, but with several minor revisions and should read as follows:

> OUTDOOR DINING: the use of adjacent, outside area(s) by a Restaurant, Full-Service establishment for the same eating and drinking activities that occur within that establishment, operating in the same manner thereof including hours of operation, and which is continuously

APPROVED

supervised by management or employees of the establishment. Outdoor Dining use shall not be permitted at a Restaurant, Fast Food establishment.

Ventresca asked for clarification of the last sentence, "Outdoor Dining use shall not be permitted at a Restaurant, Fast Food establishment' and expressed his concerns as to how it relates to a restaurant such as McDonalds or Bill and Bobs. Cassidy responded they were in existence; they would be grandfathered.

Donovan opened the public hearing and Cassidy explained how to participate in the public hearing using the virtual Zoom functions. No audience members indicated they wished to comment.

Motion by Bolgen to close the above Public Hearing;
Seconded by Turner;

No discussion on the motion.

Roll call vote on the aforementioned motion:
Bolgen – Aye
Callahan-Aye
Doherty-Aye
Turner-Aye
Ventresca-Aye
Donovan – Aye
Motion carried, 6-0-0.

Motion by Bolgen to adopt the Planning Director's recommendation;
Seconded by Doherty;

No discussion on the motion.

Roll call vote on the aforementioned motion:
Bolgen – Aye
Callahan-Aye
Doherty-Aye
Turner-Aye
Ventresca-Aye
Donovan – Aye
Motion carried, 6-0-0.

**LEGACY LANE SUBDIVISION: EXTENSION OF CONSTRUCTION COMPLETION DATE**

Cassidy summarized the status of the Legacy Lane subdivision. In the fall of 2020, the developer of this four lot subdivision asked the Board to accept draft As-built and Street Acceptance plans and release the remaining bond money posted as surety. However, at this time, outstanding work includes restoration of a portion of Middle Street, submission of tree belt easement document and several confirmatory deeds, revision to the existing Homeowners' Association (HOA) document, along with final As-Built and Street Acceptance plans. When approved, Legacy Lane was to be constructed as a public way. Since then, the developer has expressed interest in seeking a modification to the Board's approval in order to maintain the road as a private way. Though the interest was expressed months ago, and staff provided detailed information as to how to pursue that avenue, the developer has not filed a modification request to make it happen.

APPROVED

Cassidy stated the developer has erected a non-compliant "Private Way" sign and installed orange traffic cones with yellow "caution" tape across the end of the street to deter anyone from using the road. Residents have called and emailed the office recently to complain about the unsightliness of the cones and tape, and provided pictures.

Attorney Tarby noted he recently became involved with this subdivision and stated his main job for Mr. Michienzi is to bring a close to the subdivision and complete all necessary paperwork and outstanding documents. Tarby is waiting for Michienzi to execute and return some of the documents. He confirmed the developer does want to pursue private way status. Tarby intends to meet with Michienzi and engineer Mark Sleger within the next 30 days and file a request to modify the approved subdivision plan.

Bolgen stated her confidence in Tarby's ability to expedite the process and suggested a status update on the subdivision and hopefully a modification submission at the December meeting. Tarby agreed.

Bolgen motioned to continue the discussion for status of Legacy Lane with the intention for the developer to submit a modification request prior to the December 14, 2021 meeting;
Seconded by Ventresca for discussion;

Callahan asked Tarby if he was aware of any delay the applicant was having with the incomplete roadwork involving utilities. Tarby stated he will follow up on that item.

The Board was aware there was a resident interested in speaking but Cassidy explained it was not a Public Hearing. Donovan asked the will of the Board and the Board chose not to waive its policy to suspend its rules to allow someone to speak due to the precedent it may create.

Cassidy mentioned a neighbor's communication regarding the issues surrounding Legacy Lane and Bolgen acknowledged she was aware of Nancy Brosnan's email and pictures. Bolgen stated allowing Attorney Tarby to do his fine work is the best way to get results and get the subdivision completed.

Ventresca questioned if making the road a private way only favors the developer as the city is responsible for maintenance regardless of the private way designation. Cassidy responded that if it is a private way, the HOA document will be revised to indicate that the members of the HOA will be responsible for maintenance. Ventresca asked about plowing responsibility and Cassidy said plowing will need to be discussed as the City Solicitor does not categorize snow plowing as maintenance, as it is more of a life safety issue. Cassidy stated she could not say absolutely there would be no plowing of the street, but certainly no maintenance of the utilities or the pavement or the curbing. Ventresca inquired about trash pickup. Tarby said he believes the city does pick up the trash, but the maintenance is covered by the developer.

Turner supported continuing the discussion and asked to what extent does the Board need to address the current situation regarding cones and private road sign. Cassidy stated it has not yet been accepted as a city street and one could argue it is in fact still privately owned. Cassidy noted the possibility of speaking to Michienzi along with Tarby and urging him to remove the signs, tape and cones that close off that roadway. Cassidy also noted, if necessary, she could follow up with the city solicitor to see if there were any issues from her perspective, but added she hopes that would not be necessary after speaking with Michienzi and requesting that he remove the signs, etc. Tarby said he will drive by the property and speak with Michienzi within the next few days.

Donovan asked for a roll all on the motion above made by Bolgen and seconded by Ventresca;

APPROVED

Roll call vote on the aforementioned motion:
Bolgen – Aye
Callahan-Aye
Doherty-Aye
Turner-Aye
Ventresca-Aye
Donovan – Aye
Motion carried, 6-0-0.

**RECOMMENDATION TO CITY COUNCIL: SITE PLAN REVIEW WITH SPECIAL PERMIT APPLICATIONS TO DEVELOP +/- 1,041,620 SQUARE FOOT LIFE SCIENCE CAMPUS WITH A MIX OF R&D LAB BUILDINGS, A cGMP BIOMANUFACTURING BUILDING AND AN AMENITY BUILDING (IN ADDITION TO FIRST FLOOR RETAIL/AMENITY SPACE WITHIN THE R&D LAB BUILDINGS) AT THE FORMER KRAFT SITE ON HILL STREET**

Cassidy summarized the application and noted the Board has until November 1, 2021 to forward its comments to the City Council. Cassidy noted issues remaining outstanding after the last meeting include: Plan revisions that show loading zone locations and design details; Plan revisions that shows specific locations where integrated concrete curbing will be used; and more information on the proposed text and location of signage/pavement markings that will be used to encourage use of bicycles on the site and the intended 8' wide multi-use path. Cassidy also noted the outstanding concern/objection from City Engineer Jay Corey to placing a building directly over a sewer line.

Tarby introduced his team including Bill Gause and Chad Reynolds, Executive Vice-Presidents for Leggat McCall Properties, George Ryan, Civil Engineer with Stantec, Theo Kindermans, Stantec Site Planner and Christine Trearchis, VHB Traffic Engineer.

Tarby noted since the last meeting, the engineer for the project submitted supplemental information on curbing, bicycle accommodations, lighting, truck turning movements, and traffic and planned amenity space.

Ryan of Stantec shared a PowerPoint presentation providing detail on items the Board wanted additional information for since the previous meeting. Detail was provided on loading zone locations and design, integrated concrete curbing, and text and wayfinding signage (including sharrows) to encourage bicycles on the property to name a few.

Callahan questioned the trucking route on the site, specifically asking about accessibility for 40' trucks and 53' truck in the roadway systems.

Ryan described the roundabout and access road noting there may be some tight points for a larger trucks noting they expect mostly 40' trucks, depending on their tenants.

Bolgen complimented the bicycle signage and positive response to the bicycle racks near the common area and amenity building.

Turner asked for response to Mr. Corey's concern regarding the sewer line directly underneath the building. Tarby replied the sewer lines will be re-routed when the parking garage gets constructed which was confirmed by Kindermans.

Donovan asked Cassidy for a recommendation.

APPROVED

Cassidy stated her recommendation letter to the City Council will include various city departments comments including the following:

The Inspectional Services Department recommended the plan note the heights of any and all retaining walls on site, to ensure they are authorized by the City Council as part of its special permit review process/decision.

The Conservation Commission noted that it will be necessary for the developer to submit a request to amend the Order of Conditions issued by the Conservation Commission.

Cassidy also noted that the Board will be deferring to the Engineering Department relative to comments on the subject of traffic and drainage.

Cassidy continued to that The Planning Board offers the following comments and recommendations for the Council's consideration:

> The Fire Department should be consulted separately, to confirm it has no issues/concerns with the proposed site plan or uses or if it does, to determine the details;
>
> The Petitioner should be required to relocate the planned sewer line in such a way that it is not located under a proposed building and is in a location that meets the approval of the Engineering Director;
>
> The off-premise sign proposed on Hill Street should be deleted from the plans as it would constitute a zoning violation if included (off-premise signs are not permitted by the Woburn Zoning Ordinance [WZO]); and
>
> The location and text of proposed signage and pavement markings relating to the multi-use path should be submitted to and approved by the City Council as part of the filings currently before it, and incorporated into the plans for future installation.

Cassidy stated that some of this information was presented to the Planning Board this evening in the form of the Powerpoint presentation given by Mr. Ryan, and that presentation will be referenced in the minutes of this meeting. Supplemental information regarding the lighting standards and fixtures that will be used on site were also provided and will be appended to the communication sent to the City Council.

Ventresca suggested an amendment to the proposal regarding signage to insert text to include "pavement markings" as shown.

Ventresca made the motion to accept the Planning Director's recommendation to the City Council as amended;

Callahan questioned the height consideration that no buildings on the campus would exceed the height restrictions presently in the City ordinance. Callahan stated one of the five story buildings in the middle is proposed to be 79'-80' high to the roofline plus penthouses. Callahan emphasized that his concern is that we are not approving any buildings that are outside the 80' height restriction in this proposal.

Kindermans stated they will be within the zoning height requirements for the TBOD. He stated 80' is the limit and they are just under that and penthouses up to a certain square footage are exempt from that and stated again that they under that square footage.

APPROVED

Callahan responded to Kindermans saying that is his concern right there. The penthouses are referenced on the drawings are not depicted for future use they do not give limitations for both vertical or horizontal dimensions at this point so they should not be considered if they need to be addressed at a later point they'd have to be done separately

Kindermans said the drawings, as depicted, meet all the zoning requirements. Tarby confirmed all of the building shown on the site plan are all under the height requirement. All of the buildings on the site plan, except for the parking garage uses allowed by right subject to site plan review. Tarby said it is set forth as an allowed use in the TBOD.

Callahan said in the previous meeting he mentioned the 79' height to the roof level to which the applicant had over run for elevators and mechanical penthouses on the roof. He noted they did not include vertical or horizontal dimensions to determine if they meet that criteria. Callahan said he would like that information that was missed on the document somewhere this evening. Callahan added if they go beyond the limitations of our zoning ordinances you will have to come back to the Board to re-address them.

Tarby said they do not go above the zoning requirements. There is a height maximum of 80' and under Section 28.7 General Provisions it addresses the structures on top of the roof. The TBOD area can't exceed 3% of the total roof area (noting the LBOD proposes 15%).

Callahan asked Tarby to confirm that the roof area penthouses, currently shown on the submitted drawings, are less than 3% of the total roof area of that building. Tarby read an excerpt from the zoning ordinance Section 28.7.3.

Callahan stated again that there are no dimensions on the roof structures that Tarby mentioned that meet that criteria for either horizontal or vertical dimensioning to be confirmed. Tarby reiterated that they do not know who the tenants are going to be or what their requirements are and they must comply with zoning.

Kindermans stated the Building Inspector will be the arbiter of this issue. Callahan replied that is what he wants to prevent, and wants it ironed out before putting the shovel in the ground.

Ventresca referenced Section 28.7.3 stating it provides the building envelope based on the zoning ordinance and asked Callahan if he was looking for specific dimensions Callahan stated he is looking for a maximum height of the tallest penthouse or appliance on the roof that meets that criteria and the size of the overall rooftop equipment. Ventresca said it reads no more than 35' above the roofline and that it must fall within the ordinance. Callahan stated that is what the ordinance says, however, it says nothing on the drawing. Ventresca responded that it does not have to as long as it conforms with zoning and falls within that envelope.

Seeing no other questions from the Board, Ventresca recommended the Board forward the Planning Director's recommendation to the City Council as amended to insert text regarding pavement markings;

Seconded by Bolgen;

Roll call vote on the aforementioned motion:
Bolgen – Aye
Callahan-Aye
Doherty-Aye

APPROVED

Turner-Aye
Ventresca-Aye
Donovan – Aye
Motion carried, 6-0-0.

**APPROVAL OF MINUTES:** September 26, 2021 (virtual) meeting

Donovan stated the next item of business is approval of draft minutes of previous meetings. He asked if there were any comments or corrections to the September 26th draft minutes. There were none.

Motion to approve the September 26, 2021 meeting minutes, as submitted, made by Callahan; Seconded by Bolgen;

Roll call vote on the aforementioned motion:
Bolgen-Aye
Callahan-Aye
Doherty-Aye
Edmonds-Absent
Turner-Aye
Ventresca-Aye
Donovan-Aye

Motion carried, 6-0-0.

Donovan asked if there were any comments or corrections to the October 12th draft minutes. There were none.

**APPROVAL OF MINUTES:** October 12, 2021 (virtual) meeting

Motion to approve the October 12, 2021 meeting minutes, as submitted, made by Doherty; Seconded by Turner;

Roll call vote on the aforementioned motion:
Bolgen-Aye
Callahan-Aye
Doherty-Aye
Edmonds-Absent
Turner-Aye
Ventresca-Aye
Donovan-Abstain

Motion carried, 5-0-1 (Donovan abstained).

**PLANNING BOARD DIRECTOR UPDATE:**

Cassidy stated the upcoming Board meetings will be held on November 9, 2021 and December 14, 2021 and mentioned possible agenda items. Cassidy also suggested the Board will discuss the schedule and format (in-person, or virtual) of upcoming Planning Board meetings for the balance of 2021 and for calendar year 2022.

APPROVED

Donovan asked if there was any additional topics of discussion for tonight's meeting. There are none.

**ADJOURNMENT**

Seeing no further business, Bolgen made a motion to adjourn the October 26, 2021 Planning Board meeting at 9:36 p.m.;
Seconded by Doherty;

Roll call vote on the aforementioned motion:
Bolgen-Aye
Callahan-Aye
Doherty-Aye
Edmonds-Absent
Turner-Aye
Ventresca-Aye
Donovan-Aye

Motion carried, 6-0-0.

The meeting adjourned at 9:36 p.m.

*Table of Documents Used and/or Referenced at Meeting*

| |
|---|
| **SPECIAL PERMIT APPLICATION to authorize 37,728 sq. ft. of light manufacturing floor space at 32 Cabot Road (CONTINUUS Pharmaceuticals, Inc.): Email dated October 25, 2021 from Project Engineer detailing revisions to plan; Revised plan dated October 22, 2021; Comment letter dated October 21, 2021 from DPW Jay Duran; Comment letter dated October 19, 2021 from City Engineer Jay Corey; Comment letter dated October 21, 2021 from BOH Jack Fralick.** |
| **PROPOSED ZONING MAP AND TEXT AMENDMENT LBOD: Petition to Amend Zoning Code; Map of Area; Letter to Mayor Galvin from Mass Bio CEO Joe Boncore dated October 22, 2021** |
| **PROPOSED ZONING AMENDMENT "OUTDOOR DINING: Petition to Amend Zoning Amendment by Alderman Tedesco** |
| **LEGACY LANE SUBDIVISION: EXTENSION OF CONSTRUCTION COMPLETION DATE: Update on Subdivision status submitted by developer; Emails and photos from concerned resident dated October 5, 2021, October 12, 2021 and October 22, 2021** |
| **SITE PLAN REVIEW WITH SPECIAL PERMIT APPLICATIONS AT THE FORMER KRAFT SITE ON HILL STREET**: Letter from Theo Kindermans dated October 20, 2021; Sternberg Lighting material; PowerPoint Presentation by George Ryan of Stantec. |
| **Draft Meeting Minutes: September 28, 2021 and October 12, 2021 virtual meetings** |

Respectfully submitted,
*Karen Smith*
Karen Smith
Planner

APPROVED