

APPROVED

MEETING MINUTES

Tuesday, November 9, 2021 Woburn Planning Board Meeting | 7:00 p.m.

Meeting held virtually via Zoom Platform

Vice-Chair Claudia Bolgen called the meeting to order at 7:00 pm and asked Planner Karen Smith to call the roll.

Ms. Claudia Bolgen, Mr. Bob Doherty, Mr. Jim Callahan, Ms. Carolyn Turner and Mr. Michael Ventresca were in attendance; Chair Kevin Donovan and Mr. Dave Edmonds were 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 (Cont'd): PROPOSED ZONING AMENDMENT:

Bolgen stated the proposed zoning amendment is a continued public hearing 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.

Cassidy stated the petition seeks to create a new zoning overlay district focused on Life Science businesses to be located on several parcels of land along Middlesex Canal Park Drive. The Building Commissioner has provided additional information for the Board's consideration: a.) There is a provision in the zoning ordinance related to wireless communication links that might be appropriate to include in the new overlay, given the concern about rooftop structures. It reads "Any antennae or satellite dish shall have a fifteen (15) foot setback from all sides of the building"; b.) Proposed Section 32.6.1.5 contains two different lines relative to maximum building height with no difference in the number (e.g. "8. maximum building height" and "9. maximum building height within 150' of a residential zoning district on the Zoning Map"). Subsection 9 seems superfluous; c.) He wonders if there should be specific provisions in the LBOD relative to required screening of rooftop mechanical equipment, from noise and visual perspectives.

During the discussion, Cassidy corrected an inaccurate statement that was made during the last meeting. She stated the language of the proposed LBOD does in fact call for LBOD applications to be referred to the Planning Board, for reviews/recommendations to the City Council as it does for projects in the TBOD.

Attorney Anne Reynolds of Rubin and Rudman LLP, representing the applicant TD Development Group, LLC in place of Attorney Joseph Tarby, introduced the applicant's team including: 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. Reynolds 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 this area will provide significant employment opportunities as well as significant real estate and personal property tax revenues. Reynolds continued to state that TD Development Group has entered into an agreement 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. Reynolds noted the zoning amendment has been drafted so it does not impact the underlying zoning district.

Yetman shared a conceptual rendering on the screen during which Reynolds summarized concerns raised during the previous Board meeting including the aesthetics of the mechanical structures on the roof. Reynolds spoke of the possibility of requiring a setback from the edge of the roof similar to the current requirements of the rooftop wireless structures in the city. A second concern from the previous meeting included the heights of the building and Reynolds noted the maximum would be 40' and the applicant has agreed to the proposed revision to the bylaw that the height would include any parking under the buildings. Thirdly, Reynolds noted Woburn is platinum rated by the Mass Bio Tech organization in regards to Life Science businesses and recognized the Board's concern in relation to accessory high hazard uses that coincide with the Life Science industry. Reynolds stated the applicant has done excessive research into eight surrounding communities concluding those communities do not regulate Life Science accessory high hazard uses and rely on the strict building, fire and safety codes that specifically regulate those concerns, specifically regarding protection of residents and first responders.

Eisenberg discussed the code evolution over the past twenty years in terms of advancement and the depth added to the requirements. He emphasized that accessory use is less than 10% of the floor area in square feet within the building. This project will be very small scale manufacturing and will comply with regulations and Good Manufacturing Practices (GMP) and FDA requirements. Eisenberg stated GMP and FDA requirements exceed local building and fire codes. Once specific tenants are identified, specific studies will be conducted to determine design in relation to air dispersion, noise and acoustics.

Callahan asked for an explanation in regards to the driving factor behind 20" wide drive aisles. Williams responded the drive aisles are projected to be 24' wide and if necessary, one-way movement aisles would be 20' wide. Callahan stated narrower drive aisles allow for increased building size and therefore, resulting in closer proximity to residential dwellings.

Callahan asked for clarity on the spec building and how they are able to pre-determine the height of the stacks. Eisenberg explained the process of designing Life Science and Research and Development buildings including their understanding of their manufacturing and processing requirements and spoke of The Davis Companies providing a package to prospective tenants that can occupy the space and adjustments can be made for the shell and core model to accommodate their needs. Eisenberg stated they have to design base buildings under benchmarks and industry standards.

Eisenberg explained the permitting process stating that Building and Fire permits are obtained separately. Cantalupa discussed the fact that noise and air dispersion studies will be performed at the Special Permit stage once a specific tenant and their needs are identified.

Ventresca asked for clarity in regards to high hazard use versus accessory high hazard use in addition to the fact that he is concerned about reducing the 1500' distance from the nearest residential zoning district. Cassidy responded the City currently requires high hazard uses to be located at least 1,500' from the nearest residential zoning district, and the LBOD would reduce that distance to 125'. Cassidy stated accessory high hazard use is less than 10% of the total floor area.

Doherty inquired about the distance to the nearest house on the proposed site plan. Yetman stated the pinch point from the closest building is approximately 130' from the property line. Doherty expressed his concern as to the lack of definitions in the Zoning Ordinance regarding Life Sciences and Research and Development. Cassidy noted the need for the City Council to create general definitions for those categories.

Bolgen stated her concerns regarding accessory high hazard use within the life sciences and research and development industries and pondered if this an appropriate overlay to be located this close to residences. Bolgen questioned as to why the Board has not been presented with this situation before, specifically the issue of the 1500' setback from a residential area. Bolgen feels the bigger policy question, under these circumstances, is this particular type of life science and research and development use appropriate in this location.

Turner referenced the proposed section requiring high hazard use to be setback 250' from a residential structure as of a specific date and noted, in addition, there is also a 120' setback from the zoning district. Turner asked for clarification to the situation if a resident chooses to put an addition on their house and therefore imposes upon the setback requirement of the Overlay District. Cassidy stated the potential scenario would result in the fact that the industrial building and/or the tenants uses would become non-conforming.

Bolgen and Turner noted the applicant has provided information showing other communities do not regulate accessory high hazard uses in life science and research and development buildings like Woburn does, adding that perhaps the 1500' setback is left over from the days of the tanneries operating in the city.

Callahan inquired as to why the proposed amendment measures to the residential structure versus to the lot line and stated his preference would be to the lot line, not the residential structure. Cassidy clarified that in this particular case the rear property lines are the zoning district boundary lines.

Doherty asked Cassidy if she heard from the Bio-Medical Committee. Cassidy stated she spoke with the Board of Health which staffs the Committee who stated the Committee reviews applications that are completed by bio-medical companies and the Committee uses the same thresholds as the IBC. If it is something that needs to be reviewed by the Committee, they attend their meeting for additional information. If not, they are referred to the Building Commissioner under the guidelines they meet all zoning requirements.

Cassidy noted if the Board recommends the elimination of the 1500' setback for the LBOD to the City Council, there are other properties currently within the city that are closer than 1500' to residential neighborhoods that may also want to come forward with life sciences and research and development type uses. Cassidy stated a separate zoning amendment would be needed for that to happen. Cassidy stated a current life science building in the city, located within 1500' of a residential neighborhood, practices materials management to control the threshold amount of high hazard material within the building at any one time.

Reynolds stated the IBC guides how Life Science and Research and Development businesses operate. Reynolds also added the City Council and Planning Board will review and/or approve any Special Permits that are applied for once a specific tenant is identified.

Cantalupa stated he met extensively with city officials before this application was filed and feels they are being extremely transparent in their proposal and possible tenant activity. The proposed zoning provides an envelope within which a Special Permit proposal would provide a specific building, and further a specific tenant whose uses would be assessed to meet all code and zoning requirements. Cantalupa stated Skyworks Solutions, directly across the highway, abuts a residential neighborhood and the chemicals used in their processes are limited to the satisfaction of the zoning officer and the fire department. Cantalupa stated in a process like GMP, the chemicals their potential tenants will use are not primary, but are limited, and will support the manufacture of drugs or medical devices. All chemicals will be kept at appropriate quantities to comply with all codes.

Eisenberg stated he informed the Davis Companies the likelihood is high that a bio-pharma company requires a high hazard use. Eisenberg noted storage needs almost always trigger a high hazard use due to quantities along with processing needs due to space. He noted all will fall within the 10% floor space limit that defines accessory use. In terms of the distances, the prescriptive requirements in the codes have evolved in depth over the past 20-25 years and stated today's codes and standards are utilized by the communities the applicant studied. He emphasized that is the reason the studied communities do not require a minimum distance as a deterministic point of reference. Eisenberg spoke of his work as the Code Consultant at 19 Presidential Way in 2003 with Arqule when they installed a high hazard use on the first floor as they needed larger quantities of materials and noted it was permitted through the Building Inspector and the Fire Department.

Bolgen pondered why the zoning requirement regarding the 1500' setback from residential has not been an issue previously.

Eisenberg referenced a meeting he attended a few months ago with city officials including the Building Inspector and the Fire Department that discussed high hazard use and the management of quantities, deliveries, and frequencies. The ability to be able to manage quantities under the thresholds that would otherwise trigger a high hazard use is a key component to complying within the zoning.

Seeing no further questions from the Board, Bolgen 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, Bolgen asked the Board if there was any further discussion.

Doherty asked if Skyworks and Arqule operate(d) under a Special Permit. Doherty stated in the past he has voted for Overlay Districts if they improve the area and the land. He does not see any benefit to the City turning this site into an Overlay District for the sole purpose of just putting something in there other than what can go in there now.

Ventresca stated he feels changes are need to the proposal as written such as defining the use within the terms Life Science and Research and Development. He would be in favor of the setback being measured to the lot line and not the residential structure and spoke of his mindfulness of the close proximity to the residential neighborhood. Ventresca also noted it is a prime site that is located directly on Route 128, also known as Technology Highway and it has easy access on and off the highway which would result in less congestion through the main streets of the city.

Bolgen inquired of the Board if this location is the best place "policy wise" to put a Life Science and Research and Development Overlay District, or is it a policy question for the City Council and not the Planning Board.

Ventresca spoke of pros and cons of the project. Doherty stated he does not feel this is the best location for this project and stressed the Board is being asked to send a recommendation to the City Council that allows this use that is not allowed under the current zoning. Doherty stated he is not in favor of proposing anything that will allow this use to be there. Callahan stated he does not feel this Overlay District is the best application for the area and is concerned about air patterns in the area, the proximity of residential houses to the site, and is not in favor of access through a neighborhood to get to industry.

Bolgen stated to the Board, knowing that the ultimate policy choice as to whether or not it is appropriate to put this Overlay District in this particular spot is not the Board's to make, but if the Board votes that it does not think this is an appropriate spot, however the City Council does feel it is, then here is a list of concerns the Board suggests the Council considers and requires of the applicant before going forward with the Overlay.

Callahan stated he would like to see what other applicants are out there for this location.

Turner does not feel it is the appropriate application for this site and would like to see what other options are out there. Turners biggest concerns are the proximity to the neighborhood and the rooftop structures.

Bolgen summarized there are concerns for this particular site, however, there is an acknowledgement this project may be the best option for this site. There is a concern that what the Board recommends to the City Council, regarding setback, may have an effect on other parcels within this city which could be precedent setting in regards to accessory high hazard use.

Cassidy recommended to close the Public Hearing and if the majority of the Board feels this location is not appropriate place, the Board formulate a report to the Council that outlines their concerns as mentioned above.

Doherty made a motion to close the PUBLIC HEARING;

Ventresca stated he is hesitant to close the Public Hearing until the Board is ready to make a recommendation to the City Council with a specific list of concerns and conditions. The Board discussed their preference to have a Draft Recommendation to vote on.

Doherty stated the public is not showing any interest in participating in the public hearing. Doherty stated there are many uses currently allowed in this specific area and that he is supportive of sending a negative recommendation to the City Council and against a new Overlay District.

Callahan motioned to continue the PUBLIC HEARING to an interim meeting.;

Seconded by Turner;

Cassidy suggested a date and time of November 16, 2021 at 7:00 p.m.

Callahan amended his motion to continue the PUBLIC HEARING to November 16, 2021 at 7:00 p.m.;

Seconded by Turner;

No discussion on the motion.

Roll call vote on the aforementioned motion:

Callahan-Aye

Doherty-Aye

Turner-Aye

Ventresca-Aye

Bolgen – Aye

Motion carried, 5-0-0.

RUSSO ESTATES:

Cassidy stated Attorney Salvati, representing the developer, William Scire, filed a request to extend the construction completion date to December 31, 2021. The curbing has been installed, but the final paving, installation of stone bounds, and preparation of acceptable as-built and acceptance plans remain outstanding.

Cassidy recommended the Russo Drive completion date be extended to December 31, 2021.

Motion by Doherty to accept the Director's recommendation;

Seconded by Callahan;

Roll call vote on the aforementioned motion:

Callahan-Aye

Doherty-Aye

Turner-Aye

Ventresca-Aye

Bolgen – Aye

Motion carried, 5-0-0.

ALAN R. GERRISH DR. (88-92 PEARL ST):

Cassidy stated the developer, Mr. Doug Ahearn of Cattle Crossing LLC, submitted a request seeking a reduction in the amount of surety posted to guarantee completion of the subdivision. The request was submitted to the Engineering Department for review and following his site visit, Assistant City Engineer Greg Rheaume recommended the Board consider reducing the current bond amount of \$91,362 to \$22,998, reflecting a release of \$68,364. Cassidy stated that in the course of reviewing the bond reduction request, Mr. Rheaume noted that a street light was not installed at the end of the cul-de-sac as was shown on the approved plans but said the street light on Pearl that was relocated as part of the project may provide sufficient lighting for the subdivision because it is installed within 300' of the end of the new roadway. After some discussion, the Board noted that before deciding to enforce the requirement for a new light at the end of the cul-de-sac, prior to the December Board meeting, several members will drive by to determine whether the existing street light provides adequate illumination.

Motion by Doherty to accept the Director's recommendation to reduce the bond being held to guarantee completion of the Alan R. Gerrish Drive subdivision to \$22,998;
Seconded by Turner;

Roll call vote on the aforementioned motion:

Callahan-Aye
Doherty-Aye
Turner-Aye
Ventresca-Aye
Bolgen - Aye
Motion carried, 5-0-0.

DISCUSSION:

Cassidy and the Board discussed the schedule and format (in-person and/or virtual) of upcoming Planning Board meetings for balance of 2021 and calendar year 2022. Bolgen asked each member for their preference and after some discussion, the Board proposed to meet virtually for the remainder of 2021 and re-visit the subject in-person at the Board's meeting on January 11, 2022.

Motion to accept the above reference proposal regarding the meeting schedule made by Callahan;
Seconded by Doherty;

Roll call vote on the aforementioned motion:

Callahan-Aye
Doherty-Aye
Turner-Aye
Ventresca-Aye
Bolgen-Aye

Motion carried, 5-0-0.

APPROVAL OF MINUTES:

Motion to approve the October 26, 2021 virtual meeting minutes, as submitted, made by Turner;
Seconded by Ventresca;

Roll call vote on the aforementioned motion:

Callahan-Aye
Doherty-Aye
Turner-Aye
Ventresca-Aye
Bolgen-Aye

Motion carried, 5-0-0.

PLANNING BOARD DIRECTOR UPDATE:

Cassidy stated the December 14th Board meeting be held as a virtual meeting. The agenda may contain a public hearing on the Legacy Lane subdivision modification as the developer may request to allow it to remain a private way versus it becoming a public way as originally envisioned. The December meeting may also include discussion of as-built/acceptance plans for Alan R. Gerrish Drive (88-92 Pearl St).

ADJOURNMENT

Seeing no further business, Ventresca made a motion to adjourn the November 9, 2021 Planning Board meeting at 9:23 p.m.;
Seconded by Turner;

Roll call vote on the aforementioned motion:

Callahan-Aye
Doherty-Aye
Turner-Aye
Ventresca-Aye
Bolgen-Aye

Motion carried, 5-0-0.

The meeting adjourned at 9:23 p.m.

Table of Documents Used and/or Referenced at Meeting

<u>PUBLIC HEARING (cont'd): PROPOSED ZONING AMENDMENT</u> Memo from Attorney Tarby dated November 4, 2021 re: LBOD; Davis Life Science Uses Abutting Residential Areas dated October 2021; ARUP letter dated November 1, 2021 re: Woburn Group H Design and Operational Requirements; Attorney Tarby memo to Planning Board dated November 4, 2021 re: Distance from Residential Uses in Comparable Communities; Excerpts from Zoning Codes – Burlington, Danvers, Lexington, Marlboro, Peabody, Reading, Waltham and Wilmington; Example Code Requirement Compliance Report by ARUP.
Russo Estates: Requests from Attorney Salvati dated November 9, 2021 and October 19, 2021 for extension of time.
LEGACY LANE SUBDIVISION: Request from developer for bond reduction dated November 1, 2021; Engineering memo dated November 5, 2021
List of 2022 Proposed Planning Board Meeting dates
Draft Meeting Minutes: October 26, 2021 virtual meeting

Respectfully submitted,

Karen Smith

Karen Smith
Planner