Meeting Minutes
October 23, 2018 Planning Board Meeting
7:00 P.M. | Engineering Conference Room, Woburn City Hall

Chair Dave Edmonds called the meeting to order at 7:00 pm. and asked City Planner/Grant Writer Dan Orr to call the roll.

Ms. Claudia Bolgen, Mr. Bob Doherty, Mr. Jim Callahan, Mr. Michael Ventresca and Chair Dave Edmonds were present; Mr. Kevin Donovan and Ms. Carolyn Turner were absent. Also present were Planning Director Tina Cassidy and City Planner/Grant Writer Dan Orr.

Edmonds stated that this meeting is being recorded (audio only).

Edmonds asked if there are any Approval Not Required (ANR) applications before the Board this evening. Cassidy responded that there are none.

PROPOSED ZONING TEXT AND MAP AMENDMENTS TO (i) ADD NEW SECTION 30 TO ZONING ORDINANCE ENTITLED SMART GROWTH OVERLAY DISTRICTS; (ii) REVISE THE ZONING MAP BY APPLYING THE SMART GROWTH OVERLAY DISTRICT TO 300 MISHAWUM ROAD (MAP 20, BLOCK 1, LOT 1); AND (iii) DESIGN STANDARDS APPLICABLE TO PROJECTS UNDERTAKEN IN A SMART GROWTH DISTRICT (City Council President Richard Haggerty)

Cassidy provided an overview of the public hearing proceedings thus far and reviewed the Board's discussion points and outstanding questions/concerns related to: a) traffic analysis/mitigation; b) authority for the City's oversight when a site plan deviates from the adopted design standards; c) an example of design standards that were adopted in a neighboring municipality; and d) short-term rental activity in the proposed apartment units.

Cassidy further stated that she has addressed each of these requests for more information in the intervening weeks and provided example design standards guidelines from Burlington, as well as a modified zoning text amendment prohibiting short-term rentals. The topics of traffic analysis/mitigation and design standard enforcement will require further time and discussion to reach more conclusive answers.

Cassidy posed the question to the Board as to their preference for ordering the topics of discussion for the meeting. The Board opted to hear the applicant's presentation first.

Attorney Mark Vaughan, of Riemer & Braunstein, 7 District Ave # 800, Burlington, MA, approached the Board representing the petitioner to provide background on the efforts and vision of the developer for the site and the types of elements that are being incorporated into the design.

Attorney Vaughan further reiterated that the site plan review process is distinct from the zoning code amendment process.

Mr. Brad Dumont, of EDENS, project developer, 21 Custom House Street, Boston, approached the Board to provide an overview of the developer's approach its intentions for developing the site. The presentation to be shown will provide a clearer picture of the overall vision.

Chair Edmonds stated that in past occurrences a developer has presented a concept plan/site plan that has not come to fruition, due to, as an example, an inadequate business plan. For that reason, the Board likes to see as much up-front and accurate information as possible.

Dumont stated that the developer has every intention of developing the Woburn Mall site as it is depicting and wants to reassure the Board that it will take this approach.

Mr. Keith Hague, project manager of EDENS, approached the Board to reiterate that the developer is fully prepared to execute this project in terms of its internal company staffing, how it manages a major project, and how it conducts its research to ensure that something such as a traffic analysis is done correctly.

Callahan asked if there is any other effort to purchase/acquire any adjacent properties in a different iteration of the site plan. Dumont responded that EDENS explored the possibility of acquiring adjacent properties immediately after their purchase of the Woburn Mall property but this did not come to fruition. However, he and Hague noted that they are working with the abutting restaurant property owner on tying-in potential property improvements independent of their mall redevelopment effort, in addition to working with other abutters on improvements related to site connections.

Bolgen asked about the national trend of an oversupply of retail and how this comports with the proposed redevelopment of the site. Dumont responded that that the issue of overabundant retail is often misunderstood, as there are certain segments of the retail industry that continue to do very well financially (i.e., discount or high-end/experiential retail). The Woburn Mall site presents an opportunity to upgrade the site in a fashion that is much more aligned with the local demands of Woburn and surrounding towns, and to accommodate the growing segments of retail.

Dumont and Hague continued to present the vision and design for the site relative to the retail mix, the architectural details, community engagement, local attributes, and efforts to incorporate local character. The overall goal is to drive more traffic to retail sites and make it inviting enough for patrons to spend more time onsite. Avalon Bay, the residential development partner, shares the vision and long-term investment for this site.

Dumont and Hague further presented more detail for the greenspace that the developer intends to introduce to the site that will facilitate space for public gathering and special events that will engage with the local community. Similar local engagement is envisioned with local artists to commission specific design elements for the site, such as bike racks, street furniture and murals to retain a connection to local residents and cultivate character.

Dumont further reviewed the site plan relative to what is envisioned for new and existing anchor tenants that are to remain long-term (i.e., Market Basket, DSW and TJ Maxx) and new restaurants that will be added to the site. The site plan is largely driven by the existing anchor tenants and the parking they require. Generally, the public spaces and connecting sidewalks are designed to encourage pedestrian accessibility and activity.

Edmonds asked about the presence of liquor licenses on the site. Dumont and Vaughn responded that they only possess one liquor license (UNO's restaurant) but would like to petition the city for additional licenses. Despite the preliminary labeling on the site plan, the developer envisions a mix of restaurant options to support the long-term viability of the project.

Edmonds asked for clarification about the parking composition. Dumont continued to review the parking that will be provided on the site and the parking requirements that have been found to work well for this type of mixed-used arrangement.

Callahan asked about the addition of a curb cut fronting Commerce Way. Dumont responded that the addition of a curb cut on Commerce Way is for the purpose of traffic alleviation in connection

with Market Basket-related traffic. This is being explored as an option with the City Engineer, which would incorporate pedestrian striping.

Edmonds asked about the type of landscaping that will be implemented onsite. Dumont stated that EDENS would invest substantially in landscaping and provided an example of another property where they planted trees of at least a 5" caliper.

Callahan asked whether there are any other types of tenants that will remain on the site. Dumont responded that, although EDENS could have handled the tenant eviction process more smoothly, it is difficult for the smaller "mom and pop" stores to commit to an approximately 2-year redevelopment waiting period and thus must look elsewhere for business space.

Doherty asked about the traffic circulation for the site and how that will change from the current arrangement. Dumont responded that tractor trailers servicing the Market Basket are proposed to enter at the rear of the property, completely separate from the Mishawum Road entrance, with sufficient turnaround space in the rear pavement area. Technical review of aspects such as turning radii will be explored during the site plan review process.

Ventresca stated that the current parking lot configuration/traffic circulation surrounding the Market Basket will be highly scrutinized during the site plan review phase and that he would recommend looking into relocating or eliminating the additional curb cut.

Edmonds inquired about sufficient space for truck turning at the rear of the property. Hague responded that they have conducted a comprehensive truck turning analysis to support this arrangement.

Callahan stated that the bank that is proposed for the corner of the property appears out of place. Dumont responded that the bank proposed for the site is what is most appropriate given the site's restrictions at that particular location.

Doherty asked about how the current traffic and pedestrian configuration compares to the concept site plan. Dumont clarified where parking is to be added and the circulation of the site is modified. The project intends to prioritize pedestrian connections where they can be incorporated within the site and to identify off-site connections, as well.

Dumont and Hague further reviewed the retail mix, proposed building designs that will improve pedestrian experience, and plaza element for the site, as well as the residential component. All pedestrian areas are ensured to be ADA-compliant.

Edmonds asked about the number of residential units envisioned for the site. Dumont responded that the zoning proposal would permit up to 425 units. However, this subject to further discussion that will take into consideration the economic feasibility of dedicating 25% of units to affordability.

Julia Winyard, of Avalon Bay, residential partner to the project developer, approached the Board to provide an overview of the affordable units and how they incorporate accessibility. At least 5% of units are fully-accessible, and 100% of units are considered "adaptable" should the need to be outfitted for accessibility arise.

Dumont reiterated that entire residential component of the project will be counted as affordable under the proposed 40R Zoning District, and 70% of the units are going to be dedicated to a local resident preference. Short-term rentals will not be permitted at the site by the property manager.

Ventresca stated that this is the right concept of the site, but the details will need to be explored further via the site plan review process.

Edmonds inquired about the timeline for the site if groundbreaking occurred theoretically by tomorrow. Dumont reviewed the steps that need to undertaken to begin the project and site demolition, including infrastructure work and arrangement allowing Market Basket and TJ Maxx to remain open during the construction phase. The anticipated timeline for constructing the retail and residential phases would take place between summer of 2019 and 2021, with the retail portion being prioritized.

Vaughan and Dumont stated that the company is fully capitalized for this project, although they are incentivized to complete the retail portion as soon as possible due to lost revenue from anchor tenant disruption.

Callahan asked about what kind of contact the developer has had with MassDOT regarding roadway connections and proximity to the I-93 and I-95 interstates due to the regional significance and potential traffic congestion associated with a project of this scale. Dumont responded that they would like to begin those conversations with the City and State, particularly as this type of (40R) project aligns with state infrastructure grant priorities.

Bolgen asked about how the developer intends to handle utility connections in light of widespread difficulties/delays with service. Dumont responded that their hope is that this issue is resolved by the point of construction and believe they can deliver on their timetable as a result of their relationships with the utility companies, strikes notwithstanding. Their utility planning/meetings are well underway.

Callahan asked about how the logistics of existing lines will be handled and whether they will remain above ground. Dumont and Hague responded that the Eversource prefers above-ground utilities on the perimeter of the property, but utilities will remain below-ground onsite.

Edmonds opened this matter for a public hearing and asked any members of the audience who would like to step forward to address the Board to please do so.

PUBLIC HEARING

No members of the audience stepped forward.

Cassidy stated that at this point the Board can discuss some of the topics raised at the last meeting. Specifically, she reviewed the types of protections ensuring sufficient design oversight, such as solicitation of comments from multiple departments, the authority of the Council to request a peer-review of the design, and the ability to amend the design guidelines to specifically mention prohibition on a range of colors.

Cassidy further stated that, based on her correspondence with the Department of Housing and Community Development (DHCD), the Council also has the authority to issue a decision that incorporates a condition of approval limiting color choices to those depicted in the approved project design renderings.

Cassidy further reviewed the Board's previous points-of-concern on traffic analysis and her conversation with the City Engineer about what an upcoming City-sponsored traffic study is slated to include. The precise Scope of Work is still being defined in consultation with the City Engineer and will be undertaken as a proactive measure. Any peer review requested by the Council of the

developer's traffic analysis would be funded by a fee to the developer to complete a Scope of Work (to be defined).

Cassidy further noted that an eTOD study is soon to be completed in the Commerce Way vicinity and that its eventual recommendations could be incorporated into the elements of Woburn Mall redevelopment site plan, such expanded bus/shuttle service and widespread enhancement of pedestrian connections. Seeing these types of measures implemented would require additional efforts on behalf of the City, independent of the developer.

Cassidy further stated that there are additional efforts to try to introduce "complete streets" elements where appropriate in Woburn (i.e., considerations for pedestrians and bikes) as a result of policy recently adopted by the Council.

Bolgen stated that there would likely have to be consulting work done to determine the feasibility of incorporating a bike lane on Mishawum Road. She would like to be aware of any City-sponsored study or initiatives in this regard in order to feel more comfortable with this scale of development at the site. Cassidy responded that an analysis would have to be conducted by either the City Engineer or a consultant to determine the right-of-way required for implementing a bike lane. Edmonds added that speed limits would have to be appropriate in the area to permit biking activity.

Ventresca stated that the developer's traffic analysis and seeking of grant funding could potentially incorporate infrastructure for biking. Cassidy stated that developer's traffic analysis will be more specific to the project site with traffic counts being its focus, but the VHB study that the City is undertaking will likely be broader in scope and identify aspects such as traffic light coordination, connectivity to surrounding properties, and gaps related to pedestrian connections.

Doherty stated that car traffic will continue to be an issue for this site plan, and it seems that automobiles will continue to comprise the bulk of transportation demand.

Cassidy stated that the City-commissioned traffic study may not take the form of an official report product; more likely, the findings will be reported to the Council/City Engineer via memos and periodic meetings to identify what needs to be done in the form of mitigation in the coming months.

Doherty stated that, given the projected longer-term timeline for traffic findings, it may be prudent for the Board to consider sending a recommendation to the Council that recommends conditional adoption of the zoning text change and design standards, subject to receiving traffic analysis and information relative to mitigation opportunities from the City-commissioned study.

Cassidy stated that the she is recommending that the Board consider continuing discussion of this matter until its next meeting. During the intervening time, she will be sure to ask for an update on the Scope of Work and anticipated work product of the upcoming traffic study in the Commerce Way area for the Board's information.

Vaughan stated that, as part of the special permitting process for site plan approval, the developer will need to conduct and submit a traffic analysis for the project and has already engaged a traffic engineer. Additionally, the mix of uses envisioned for the site is intended to encourage more pedestrian activity due to proximity to one another.

Edmonds stated that the Board will need to take into consideration past project applicants who have indicated that they have taken sufficient care to study traffic impacts but then resulted in significantly increased congestion. The City needs assurances that the result will not displace current traffic into surrounding neighborhoods to the detriment of current residents. Dumont

responded that EDENS is willing to ensure that that the Mishawum Road corridor is sufficiently analyzed. Additionally, they are willing to entertain an independent, peer-review of the results of their traffic study to provide more credibility.

Ventresca asked Attorney Vaughan to indicate if there is a scope in mind for the developer's traffic impact study at this point. Vaughan responded that, to date, they have met with the City Engineer to get a sense of what the study focus should be.

Edmonds asked the Planning Director for her recommendation. Cassidy responded that she would recommend a continuance of the public hearing and board discussion of this matter until the Board's November 13th meeting, at 7:00 pm.

Vaughan asked if the Board may be in position to offer a recommendation at the November 13th meeting. Edmonds responded that the Board will have to make that determination on the night of November 13th, pending more information to be provided.

Bolgen asked for a summary of the outstanding information at this point. Cassidy responded that she will be working to: a) obtain the City-commissioned traffic analysis scope of work and anticipated work products from the Engineering Office; b) contact Chris Kuschel at MAPC to determine the best way to incorporate design-specific restrictions into the draft 40R zoning text; and c) to provide a final draft proposal of the 40R text incorporating mitigation-related amendments. Callahan added that he would appreciate information on the intersection parameters that will be incorporated into the City-commissioned traffic study scope, and Edmonds requested the updated 40R zoning text amendment-related information as soon as possible.

Bolgen stated that she would like clarification of the zoning text modifications that were made by Alderman Mercer-Bruen related to mitigation. Cassidy responded that Alderman Mercer-Bruen's comments begin in Section 10 of the draft (p. 30-35) and that further on in the draft text (pp. 30-36 and 30-39) identify the parameters of the traffic study. Additional consideration will need to be made regarding what the enforcement mechanism will be for a developer finishing mitigation-related work, in addition to requiring the posting of a bond.

Cassidy stated that she will additionally send a modified version of the proposed text amendment to the Board only identifying the amendments to the development impact section of the draft ordinance.

Attorney Vaughan stated that he would likely be requesting further zoning text amendments on behalf of the developer regarding the express allowance of rooftop dining and accommodation of temporary events (i.e., art shows) to cultivate a more vibrant type of development.

Edmonds asked if a temporary event, such as an art show, would require a City permit if conducted on private property. Cassidy stated that this issue has been explored preliminarily but will require further discussion with the Building Commissioner and the applicant to delve in to the details for oversight of that activity.

Cassidy further reviewed some of the comments made by Alderman Mercer-Bruen regarding what she would like to modify related to mitigation and the components of a traffic analysis study.

Callahan stated that it is the City Engineer who should be responsible for handling correspondence with the state regarding substantial upgrades to infrastructure. Cassidy responded that she would touch base with the City Engineer prior to the next meeting to clarify this point.

Motion to continue the public hearing until the November 13th Planning Board meeting, made by Bolgen;
Seconded by Doherty;
Motion carried, 5-0-0.

PROPOSED ZONING TEXT AMENDMENT TO REPLACE THE EXISTING DEFINITIONS OF FLOOR AREA, GROSS AND FLOOR AREA, NET IN SECTION 2 OF THE ZONING ORDINANCE WITH DEFINITIONS FOR THESE TERMS FOUND IN THE 2015 INTERNATIONAL BUILDING CODE (Alderman Tedesco)

Bolgen stated for the record that she has reviewed the September 11, 2018 meeting video containing the prior meeting and filed the required certification form.

Cassidy reviewed the updates to the zoning text after having met with the Building Inspector and Alderman Tedesco. She explained that the three of them met and reworked the proposed amendments.

Cassidy further stated that she would recommend approval of the proposed zoning text amendments, as modified and provided to the Board.

Motion to adopt the Planning Director's recommendation to recommend to the City Council adoption of the proposed zoning text amendments, made by Doherty;
Seconded by Bolgen;

Ventresca stated that this matter should be opened for a public hearing.

Motion withdrawn by Doherty;
Second withdrawn by Bolgen.

Edmonds opened this matter for a public hearing and asked any members of the audience who would like to step forward to address the Board to please do so.

PUBLIC HEARING

No members of the audience stepped forward.

Motion to close the public hearing, made by Doherty;
Seconded by Bolgen;
Motion carried, 5-0-0.

Motion to accept the Planning Director's recommendation, made by Doherty;
Seconded by Bolgen;
Motion carried, 5-0-0.

LEGACY LANE DEFINITIVE SUBDIVISION: SET BOND AMOUNT, REVIEW AND ACCEPT HOA AND EASEMENT DOCUMENTS, ACCEPT TRI-PARTITE AGREEMENT AS SURETY TO GUARANTEE PROJECT COMPLETION, RELEASE LOTS FROM LANGUAGE OF RESTRICTIVE COVENANT AND EXTEND THE SUBDIVISION CONSTRUCTION COMPLETION DATE (Michienzi Construction & Development, Inc.)

Bolgen asked Mr. Frank Michienzi how much progress has been made in terms of site work. Mr. Michienzi responded that the binder coat, lighting and utilities are installed. The top coat and curbing will be installed following home construction activities.

Given the progress of construction of the project, Cassidy recommended: a) the Board set bond amount at $68,239; b) accept Tri-Partite Agreement as surety to guarantee project completion; c) release the lots from the language of the restrictive covenant; and d) extend the subdivision construction completion date from December 13, 2018 to May 1, 2019.

Motion to adopt the Planning Director's recommendation, made by Bolgen;
Seconded by Doherty;
Motion carried, 5-0-0.

APPROVAL OF MINUTES (October 9, 2018 Planning Board meeting)

Motion to approve the October 9, 2018 meeting minutes, as drafted, made by Callahan;
Seconded by Doherty;
Motion carried, 4-0-0, with Bolgen recusing due to an absence at the October 9th meeting.

PLANNING DIRECTOR UPDATE

Cassidy reviewed the matters of the upcoming public hearings and the East Dexter Avenue as-built plan acceptance.

Cassidy stated that the Planning office has reviewed the status of subdivision completion dates and provided members with a summary.

Callahan stated that his recollection is that the developer of the Russo Estates subdivision is coming close to his completion date expiration.

Members held a brief discussion about ensuring adherence to completion dates set by the Board.

Edmonds asked for Cassidy to contact the City Solicitor to withhold approval of a developer's subdivision application if any obligations about another project remains outstanding.

ADJOURNMENT

Seeing no further business, Bolgen moved to adjourn the meeting at 9:21 pm;
Seconded by Doherty;
Motion carried, 5-0-0.

Meeting adjourned at 9:21 pm.

Table of Documents Used and/or Referenced at Meeting

Planning Board Staff Report
Staff Report Attachment: Overview of the permitting process and zoning requirements for Northwest Park (Third Avenue), The District (formerly New England Executive Park) and the Burlington Mall
Staff Report Attachment: Revised zoning amendment text for proposed 40R District
Staff Report Attachment: Revised zoning amendment text for definitions of Floor Area, Gross and Floor Area, Net (in Section 2)
Staff Report Attachment: Developer Seaver's letter of request to accept As-Built Plan and Plan
Staff Report Attachment: Copies of Developer Michienzi's request/bond estimate, Mr. Rheaume's recommendation memo, unsigned copies of the HOA and easement-related documents and the developer's request for a construction completion date extension
Staff Report Attachment: Updated subdivision spreadsheet of completion dates
Draft Planning Board Meeting Minutes: October 9, 2018

Respectfully submitted,

Dan Orr

Dan Orr
City Planner/Grant Writer