

Amend Article IX, the Zoning Bylaw, Section 4700, Mixed-Use Overlay District

To see if the Town will vote to:

Amend Article IX, Zoning Bylaw, to add a new Section 4700, Mixed-Use Overlay District, as follows; and to amend the Zoning Map of the Town of Sudbury by including approximately 50 acres located at 526 and 528 Boston Post Road, Town Assessor Map K07, Parcels 0011 and 0013, as shown on a plan entitled "Mixed-Use Overlay District No. 1, May 5, 2016, Prepared by the Sudbury Engineering Dept." into the Mixed-Use Overlay District;

or act in any manner relating thereto.

4700. MIXED-USE OVERLAY DISTRICT

4710. Purpose. The purpose of the Mixed-Use Overlay District (MUOD) is to (a) encourage redevelopment along the Route 20/Boston Post Road /Union Avenue commercial corridor that exhibits a blend of complementary land uses, thereby promoting an active streetscape, enhancing the vitality of businesses, and spurring the revitalization of underutilized commercial properties which build the Town's commercial tax base; (b) establish a set of development controls that allows for greater flexibility and development alternatives and promotes creative, efficient, and appropriate solutions for the redevelopment of complex sites; (c) improve the aesthetic character of the Route 20 commercial corridor and its surroundings and encourage efficient and organized layout of buildings, circulation and open spaces; (d) diversify and expand the Town's economy and local job opportunities through economic activity and private investment in commercial and residential uses; and (e) implement many of the goals for the Route 20 commercial corridor proffered by numerous planning studies, including *The Sustainable Sudbury Master Plan* (2001), *A Community Vision for the Old Post Road* (2002); *The Sudbury Route 20 Zoning Project* (2012), and *Route 20 Corridor: Urban Design Studies and Zoning Evaluations* (2015).

4720. Overlay District. The MUOD is hereby established as an overlay district superimposed over, rather than replacing, the applicable underlying zoning district(s). Notwithstanding anything to the contrary in this Zoning Bylaw, for any land subject to Section 4700, a Proponent may choose to have its project conform to either, but not both, all of the controls and processes which govern the underlying zoning district(s) or to all of the controls and processes contained in Section 4700. Except as explicitly provided elsewhere in Section 4700, the provisions and requirements of other applicable zoning districts, and any rules, regulations, approval processes and/or design or performance standards contained elsewhere in this Zoning Bylaw, shall not apply to any project developed pursuant to Section 4700.

The Mixed-Use Overlay District shall consist of the following parcel of land:

526 and 528 Boston Post Road, Assessor Map K07, Parcels 0011 and 0013.

The MUOD boundary shall not be extended to other parcels unless approved at Town Meeting by an amendment to this Zoning Bylaw and the Zoning Map, and only to the extent such other parcel(s) are wholly or partially located within a Business, Limited Business, Village Business, Industrial, Limited Industrial, or Industrial Park District, and have frontage on either Boston Post Road, Union Avenue, or Station Road.

4730. Definitions. As used in Section 4700, the following terms shall be defined:

Master Development Plan - a master development plan approved at Town Meeting in accordance with Section 4700.

MUOD Project Area - the geographic area for a project delineated on a Master Development Plan.

MUOD Project - a project that is depicted on a Master Development Plan.

Proponent - the applicant or developer of a proposed MUOD Project or any phase or portion thereof.

Rules and Regulations – the rules and regulations adopted by the Planning Board for the administration of Section 4700.

4740. Master Development Plan. A project developed pursuant to Section 4700 must have a Master Development Plan adopted by a two-thirds vote of a Town Meeting in accordance with the procedures for adoption or change of zoning ordinances or bylaws set forth in M.G.L. Chapter 40A, Section 5.

4741. Master Development Plan Requirements. At least sixty (60) days prior to the close of the warrant for the Town Meeting at which approval of a Master Development Plan is sought, the Proponent of the MUOD Project shall file with the Planning Board a package of Master Development Plan materials that includes, at minimum, the following information:

- a. A plan of existing conditions showing the area of land proposed to be developed under Section 4700, including topography at 2-foot contour intervals and the location of existing roadways, buildings, and other site improvements;
- b. A map showing the general condition and topography, at 2-foot contour intervals, of the land and improvements located within 200 feet of the MUOD Project Area, based on available Town geographic information system (GIS) data;
- c. A scalable development plan of the MUOD Project showing:
 - i. Location and areas of proposed development, including building envelopes, approximate sizes of all buildings, parking areas, areas proposed for stormwater and wastewater facilities, and other proposed site improvements;
 - ii. Proposed open space areas;
 - iii. Location and width of the proposed roads and ways (including private ways and driveways);
 - iv. Proposed setbacks of buildings to exterior property lines;
 - v. Proposed preliminary subdivision plan of land, if applicable.
- d. A table showing the following information:
 - i. Total land area of the MUOD Project Area;
 - ii. Total land area of each development or use area by acreage and percent of total lot area;
 - iii. Total unit count for residential uses;
 - iv. Parking schedule for each proposed use;
 - v. For each development or use area, the following pre- and post-development calculations shall be provided by percent of total proposed lot area and percent of the development/use area: total building square footage and building coverage; total impervious surface area; total open space area;

- vi. The MUOD Project's conformance with the dimensional requirements contained in Section 4780;
 - vii. The underlying zoning of the MUOD Project Area.
- e. Elevations showing the planned architectural approach for the proposed structures;
 - f. Accompanying technical reports and studies, consisting of a (i) preliminary stormwater and drainage report, (ii) preliminary wastewater management system report (iii) traffic study, (iv) utilities and infrastructure report, (v) fiscal impact report, and a (vi) draft construction management/phasing plan;
 - g. Certified list of abutters within 300 feet of the MUOD Project Area;
 - h. Such other materials as may be required by the Rules and Regulations adopted pursuant to Section 4764.

4742. Conformance Recommendation. A Master Development Plan for a MUOD Project shall receive a Conformance Recommendation from the Planning Board as a prerequisite to Town Meeting consideration and approval. By super-majority vote of the Planning Board, and after a public hearing has been held with noticing requirements as required in MGL c. 40A, s. 5, the Planning Board shall recommend consideration and approval of the Master Development Plan at Town Meeting if it finds that the final plans and materials (i) materially conform to the approved Master Development Plan standards and requirements set forth in Section 4700, and (ii) promote the purposes of the Zoning Bylaw as noted in Section 4710. No vote to approve a MUOD Project shall be taken by Town Meeting until a report setting forth the Planning Board's Conformance Recommendation has been submitted to Town Meeting. Considering the preliminary nature of a Master Development Plan, the Planning Board's Conformance Recommendation may include reasonable conditions, limitations, and safeguards concerning adequacy of (i) utilities, wastewater disposal, and stormwater drainage, (ii) pedestrian accommodations and traffic improvements, (iii) parking and circulation, (iv) fire and service equipment access, (v) lighting and noise protections, and (vi) general massing and architecture. Approval of the Master Development Plan at Town Meeting shall serve to ratify the Planning Board's Conformance Recommendation and any conditions, limitations, and safeguards contained therein.

4750. Modifications to an Approved Master Development Plan. Following approval at Town Meeting of a Master Development Plan for a MUOD Project, modifications to such Master Development Plan may be made as follows:

4751. Minor Modification. The Planning Board may, in its discretion, approve minor modifications to an approved Master Development Plan without requiring a public hearing. For purposes of this subsection, a plan modification is "minor" if the changes proposed, considered in the aggregate with any previously approved minor modifications:

- a. Do not involve the construction of an additional building not included in the approved Master Development Plan;
- b. Do not increase by more than five percent (5%) the total gross floor area of any land use included in the approved Master Development Plan;

- c. Do not change the square foot percentage of land uses between commercial and residential uses by more than five percent (5%);
- d. Do not increase or decrease the proposed number of parking spaces by five percent (5%) of the total number approved; and
- e. Do not alter the proposed roadways or access points significantly, as determined by the Planning Board.

4752. Project Modification Review. A MUOD Project shall undergo Project Modification Review for any proposed modification of the approved Master Development Plan that exceeds one or more of the thresholds identified in Section 4751, a “Project Modification.” No new building permit shall be issued with respect to a MUOD Project prior to the issuance of a decision by the Planning Board approving such Project Modification.

- a. Submittal Requirements. An application for Project Modification Review shall be filed with the Planning Board in the manner and quantity specified in the Rules and Regulations.
- b. Review Procedure. An application for Project Modification Review shall require a public hearing with noticing requirements as required in MGL c.40A, s.11. The Planning Board’s review and consideration of an application for Project Modification Review shall be in accordance with the Rules and Regulations.
- c. Waivers. In connection with Project Modification Review, the Planning Board, in its discretion, may waive application of one or more of the requirements of Section 4700 if it determines that (i) the waiver will substantially improve the MUOD Project; (ii) the project or applicable phase thereof advances the purposes of the MUOD as set forth in Section 4710; and (iii) the granting of a waiver will not nullify or substantially derogate from the intent or purpose of Section 4700.
- d. Criteria. The Planning Board shall issue a decision approving a Project Modification of the MUOD Project if it finds that the following criteria have been met with respect to the project or the phase or portion thereof for which a building permit is being sought: (i) the final plans materially conform to the Master Development Plan requirements, and are compliant with the standards and requirements set forth in Section 4700; and (ii) the project or applicable phase or portion thereof does not pose material adverse impacts to the neighborhood. The findings required under clause (ii) above may be satisfied through the Planning Board’s imposition of mitigation measures and other requirements pursuant to Section 4761 that, if satisfied, are designed to cause the project or applicable phase thereof to conform to these criteria.
- e. Decision. The Planning Board shall issue a decision on the proposed Project Modification within 120 days of the application submittal, unless mutually extended. A majority vote of the Planning Board shall be required for approval or denial of a Project Modification.
- f. Denial. In the event that the Planning Board finds that a proposed Project Modification to an approved MUOD Project does not satisfy the criteria set forth in Section 4752d, the Proponent may, at its option, (i) withdraw the Project Modification proposal; (ii) modify its plans to make them consistent with the Planning Board’s findings and

submit the modified plans to the Planning Board for reconsideration in accordance with this Section, or (iii) seek approval of a revised Master Development Plan at Town Meeting.

4753. Notwithstanding the foregoing, minor adjustments in the location and configuration of the buildings, parking areas, and other site features shown on a Master Development Plan shall not require Planning Board approval provided that such minor adjustments do not exceed any of the thresholds set forth in Section 4751 and a qualified professional certifies to the Building Inspector that such adjustments comply with the dimensional limitations and other controls contained in Section 4700.

4760. Administration. The following administrative regulations shall apply in the MUOD:

4761. Development Agreement. A MUOD Project shall mitigate the impacts of the development to the satisfaction of the Town. The Proponent's mitigation and other general project commitments shall be memorialized in a Development Agreement entered into between the Proponent and the Board of Selectmen, which shall be submitted in recordable form binding upon the Proponent. No building permit shall be issued for any phase or portion of the MUOD Project requiring approval under Section 4700 until the Development Agreement has been executed.

The Development Agreement shall include, at a minimum, consideration of the following:

- a. Required mitigation to address the impacts arising out of the use and occupancy of the MUOD Project;
- b. Restrictions on development areas and such other development limitations as may be agreed upon;
- c. Proposed phasing of the MUOD Project;
- d. Obligations with respect to pedestrian and vehicular interconnectivity within and proximate to the MUOD Project Area to facilitate pedestrian access and parking efficiencies;
- e. The authority of the Town to retain the necessary professionals at the Proponent's expense to assist in their review of development applications.

4762. Phased Development. An approved MUOD Project may be constructed in one or more phases in accordance with a construction management/phasing plan submitted pursuant to Section 4741.

4763. Application of Requirements to Individual Lots. The requirements of Section 4700, including the dimensional requirements set forth in Section 4780, shall not be applied to the individual lots or ownership units within the MUOD, but shall be applied as if the entire MUOD were a single conforming lot, whether or not the same is in single or multiple ownership. Violations of this Zoning Bylaw shall be enforceable only against the owner of the specific lot on which such violation occurs within the MUOD.

4764. Rules and Regulations. The Planning Board may adopt rules and regulations for the administration of Section 4700, which may include but not be limited to defining the

application and submittal requirements, fees, reimbursement for consultants, performance guarantees, and procedural requirements for any approvals required pursuant to Section 4700.

4765. Issuance of Building Permit. Following approval of a Master Development Plan at Town Meeting, the Proponent shall submit a building permit application and such other materials and fees as may be required, along with evidence of any Planning Board approval required under Section 4750, to the Building Inspector and a building permit may thereafter be issued for the approved project or any individual component thereof. Building permits may be sought and issued for individual components of an approved project. Except as may otherwise be required by a Development Agreement, nothing in Section 4700 shall obligate the Proponent to construct all or any portion of the improvements shown on an approved Master Development Plan.

4766. Transfer of MUOD Approvals. Approval of a MUOD Project, or any individual portion thereof, may be freely transferred between owners, provided that the transferee complies with the provisions of Section 4700 and the Planning Board is notified of the transfer.

4767. Lapse. An MUOD approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within five (5) years following the date the Master Development Plan is approved at Town Meeting. Substantial use, including, without limitation, the issuance of a building permit for construction of all or any portion of the approved Master Development Plan, shall vest the Master Development Plan, provided construction on that phase of the Master Development Plan for which the building permit was issued is commenced within one (1) year of issuance of the building permit. The Planning Board may extend such approval, for good cause, upon the written request of the Proponent.

4770. Uses. The land and buildings shown on an approved Master Development Plan may be used as of right for any use listed below and, to the extent not listed below, any Permitted Use in the underlying zoning district(s), as set forth in the table of principal use regulations (Section 2230, Appendix A) of the Zoning Bylaw.

4771. Principal Uses Permitted As of Right. The following principal uses shall be permitted as of right within the MUOD:

a. **Commercial Uses.**

1. Bank, Financial Agency.
2. Business or Professional Office.
3. Child care facility.
4. Drive-in establishments regularly dispensing merchandise or money from inside a building to persons outside, but excluding the dispensing of food or drink.
5. Major Commercial Project, provided no single building exceeds 45,000 gross square feet.
6. Medical Center or Clinic.

7. Nursing or Convalescent Homes and/or Assisted Care Facilities, including facilities providing specialized care for residents needing memory care for dementia or other cognitive impairments.
8. Personal Service Establishment.
9. Restaurant.
10. Retail Stores and Services not elsewhere set forth.

b. Residential Uses.

1. Age-Qualified Housing: the provision of independent living arrangements in one or more buildings constructed on a single lot of not less than five (5) acres, containing not more than sixty (60) dwelling units in the aggregate, whether rental or ownership, all of which are restricted to households with at least one member fifty-five (55) years of age or older.

c. Open Space Uses.

1. All areas unoccupied by buildings, including, without limitation, areas containing utilities and/or stormwater infrastructure; sidewalks and paths; ice rinks, farmers' markets, music festivals, and other seasonal outdoor uses and facilities; and green, landscaped, and open space areas.

d. Miscellaneous Uses.

1. Utilities and related infrastructure improvements, whether subterranean or aboveground, including, without limitation, wastewater treatment works, streets, parking, access drives, directional signage, lighting, pipes, conduits, manholes, and other appurtenances necessary for the transmission of gas, electricity, telephone, water and sewer service, and related utilities.

4772. Prohibited Uses. Any use(s) not expressly allowed either under Section 4771 or within the underlying zoning district(s) shall be prohibited unless the Building Inspector determines that such use is substantially similar in both its characteristics and its impact on abutting properties to a use listed as permitted as of right under Section 4771 or within the underlying zoning district(s).

4773. Accessory Uses. The following accessory uses shall be permitted as of right:

- a. Outdoor display, sales, and seating.
- b. Automated Teller Machines (ATMs), kiosks and similarly sized service booths and detached structures.
- c. Uses supporting approved Commercial and Residential Uses, including, without limitation, cafeterias, dining rooms, and other places serving food or beverages; beauty salons; patio cafés and other outdoor food services areas; halls, conference rooms, auditoriums and other places of assembly or meeting function purposes; health and fitness centers and swimming pools; dry cleaner drop-off service; retail kiosks;

commercial or public parking lots and parking garages; indoor or outdoor markets, festivals or other limited duration special events; and similar establishments and services of the same general character as the above.

- d. Accessory off-street parking, whether at grade or in a covered garage, including overnight trailer parking accessory to and reasonably proximate to a Commercial Use.
- e. Accessory renewable energy resources, including but not limited to wind, solar, hydroelectric, methane, and wood alcohol facilities, but not including biomass incineration, for use within the MUOD which are designed to meet the total actual yearly energy needs of the MUOD Project; however, excess energy may be delivered to the energy market for sale or credit as long as the excess energy sale or credit is ancillary to the actual energy needs of the MUOD Project. Such accessory renewable energy resources not identified on an Approved Master Development Plan shall be required to undergo Project Modification Review by the Planning Board.

4774. Accessory Use Not Located on the Same Lot as Principal Use. The MUOD Project provides for a comprehensive site design that may include supporting parking areas, access ways, driveways, infrastructure and utilities which may extend into any lot or other area within the MUOD. In addition, an accessory use may be located on a different lot from its associated principal use within the MUOD provided that the accessory use remains reasonably proximate to the principal use. The location of an accessory use on a different lot than the principal use, other than any accessory parking spaces provided as described in Section 4773, shall require the Building Inspector’s determination that such accessory use is generally compatible with the surrounding development area and is reasonably proximate to the principal use it serves. For purposes of Section 4774, accessory uses located within 1,000 feet of their principal uses shall be presumed to be reasonably proximate to such principal uses. This presumption shall not be construed to limit the Building Inspector’s ability to exercise his/her discretion to allow accessory uses at greater distances from their principal uses. Miscellaneous Uses defined in Section 4771 are exempt from this provision, however Miscellaneous Uses serving the MUOD Project shall be located within the MUOD.

4780. Dimensional Standards and Requirements. No MUOD Project shall be approved, and no principal or accessory building or structure shall be erected in a MUOD Project unless said MUOD Project and the buildings and structures proposed therein conform to the following requirements, calculated in accordance with Section 4763:

Table of Dimensional Requirements

<u>Maximum Building Height</u>	3 stories; 45 feet (or 50 feet, in the case of pitched roofs); 4 stories, 60 feet if set back more than 500 feet from Boston Post Road
<u>Maximum Building Coverage</u>	30% of the MUOD Project Area as a whole
<u>Minimum MUOD Project Area</u>	100,000 square feet

<u>Minimum MUOD Project Area Street Frontage</u>	50 feet
<u>Minimum Front Yard Setback</u>	20 feet
<u>Minimum Side Yard Setback</u>	20 feet [see Section 4783]
<u>Minimum Rear Yard Setback</u>	30 feet

4781. Subdivision. The owner of any lot shown on an approved Master Development Plan shall be entitled to lawfully divide such lot, including, without limitation, by virtue of plans endorsed by the Planning Board pursuant to M.G.L. Chapter 41, Section 81P, without modifying the approved Master Development Plan and without the need for other approvals under Section 4700, provided that any such lot must have minimum frontage of fifty (50) feet at the street line and a minimum lot area of 40,000 square feet.

4782. Two or More Buildings on One Lot. Notwithstanding anything to the contrary in this Zoning Bylaw, more than one (1) building or structure, including those intended solely for use as residential dwellings, shall be permitted on any lot within the MUOD.

4783. Proximity to Residence Districts. Notwithstanding anything to the contrary in Section 4700, within the MUOD, the setback requirement of Section 2600 of the Zoning Bylaw and the buffer and screening requirements set forth in Section 3500 of the Zoning Bylaw shall not apply. Instead, to minimize the MUOD Project’s visual impact on any existing adjacent residence districts, there shall be maintained a minimum building and structure setback of fifty (50) feet wherever the MUOD abuts the boundary line of a residence district located outside the MUOD.

4784. Screening and Landscaping. Screening and landscaping, both internal and perimeter, for the MUOD Project shall be substantially as shown on an approved Master Development Plan, rather than by reference to Section 3500 of the Zoning Bylaw.

4790. Parking and Loading. The alternative parking requirements set forth in Section 4790 shall be used for the MUOD Project rather than the requirements and/or regulations set forth elsewhere in the Zoning Bylaw, including, without limitation, Section 3100.

4791. Parking Schedule. The number of expected parking spaces for the MUOD Project shall be as set forth on a Parking Schedule included with the Master Development Plan. The number of spaces contained within the MUOD Project may change from time to time, based upon changes in use and tenant requirements. Following adoption of a Master Development Plan at Town Meeting, adjustments in the number of spaces required for the MUOD Project may be authorized by the Planning Board through the procedures described in Section 4750.

4792. Location. Parking may be provided anywhere within the MUOD as shown on an approved Master Development Plan, except that no parking stalls shall be allowed within twenty feet (20’) of a public way. On-street parking within the MUOD may be utilized in determining satisfaction of the requirements set forth in the Parking Schedule.

4793. Shared Parking. Shared parking arrangements shall be permitted and may be located on contiguous lots or on separate lots within the MUOD.

4794. Design. Each parking space within the MUOD shall comply with the applicable dimensional regulations set forth in Section 3130 of the Zoning Bylaw. The number of entrances and exits shall be the minimum necessary for safe and efficient traffic circulation, in accordance with the traffic study submitted pursuant to Section 4741.

4795. Loading. To ensure that adequate areas are provided to accommodate all delivery vehicles expected at a given premises at any one time, an off-street loading area shall be provided for any use that (i) contains more than ten thousand (10,000) square feet of net floor area and (ii) is regularly serviced by tractor-trailer trucks or other similar delivery vehicles. Where required, loading areas shall be shown on the Master Development Plan, shall be located at either the side or rear of each building, and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites.

4790A. Signs. Except as otherwise provided in Section 4790A, the alternative signage requirements set forth below shall apply to the MUOD Project, rather than the requirements and/or regulations contained in Section 3200 of the Zoning Bylaw.

4791A. General Regulations. All signs authorized by Section 3250 of the Zoning Bylaw shall also be permitted as of right within the MUOD. All signs prohibited by Section 3240 of the Zoning Bylaw shall also be prohibited within the MUOD. For all other signs, the standards and procedures set forth in Sections 4792A and 4793A shall apply.

4792A. Comprehensive Signage. In recognition of the interrelated nature of signage in mixed-use projects, and the importance of clear, adequate, and effective signage to the safe and efficient operation of such projects, the Planning Board may approve a comprehensive signage program for all or any portion of (or building within) the MUOD Project. Appropriate design, dimensions, lighting and materials for all signs included in a comprehensive signage program shall be determined by the Planning Board in the course of its review pursuant to Section 4793A.

4793A. MUOD Signage Review Procedure. A comprehensive signage program shall require Planning Board approval, in consultation with the Design Review Board and in accordance with the Rules and Regulations, either (i) in connection with the Planning Board's Conformance Recommendation issued pursuant to Section 4742, in the case of signs submitted for approval concurrently with the Master Development Plan; or (ii) through Project Modification Review pursuant to Section 4752, in the case of signs submitted for approval after the adoption of a Master Development Plan. The Planning Board shall approve such sign(s) if it determines that the proposed signs adequately address the needs of the MUOD Project and are generally consistent with the design guidelines contained in Section 3290A of the Zoning Bylaw. Unless otherwise provided in Section 4790A, the requirements and procedures set forth in Section 3230 of the Zoning Bylaw shall not apply to the MUOD Project.

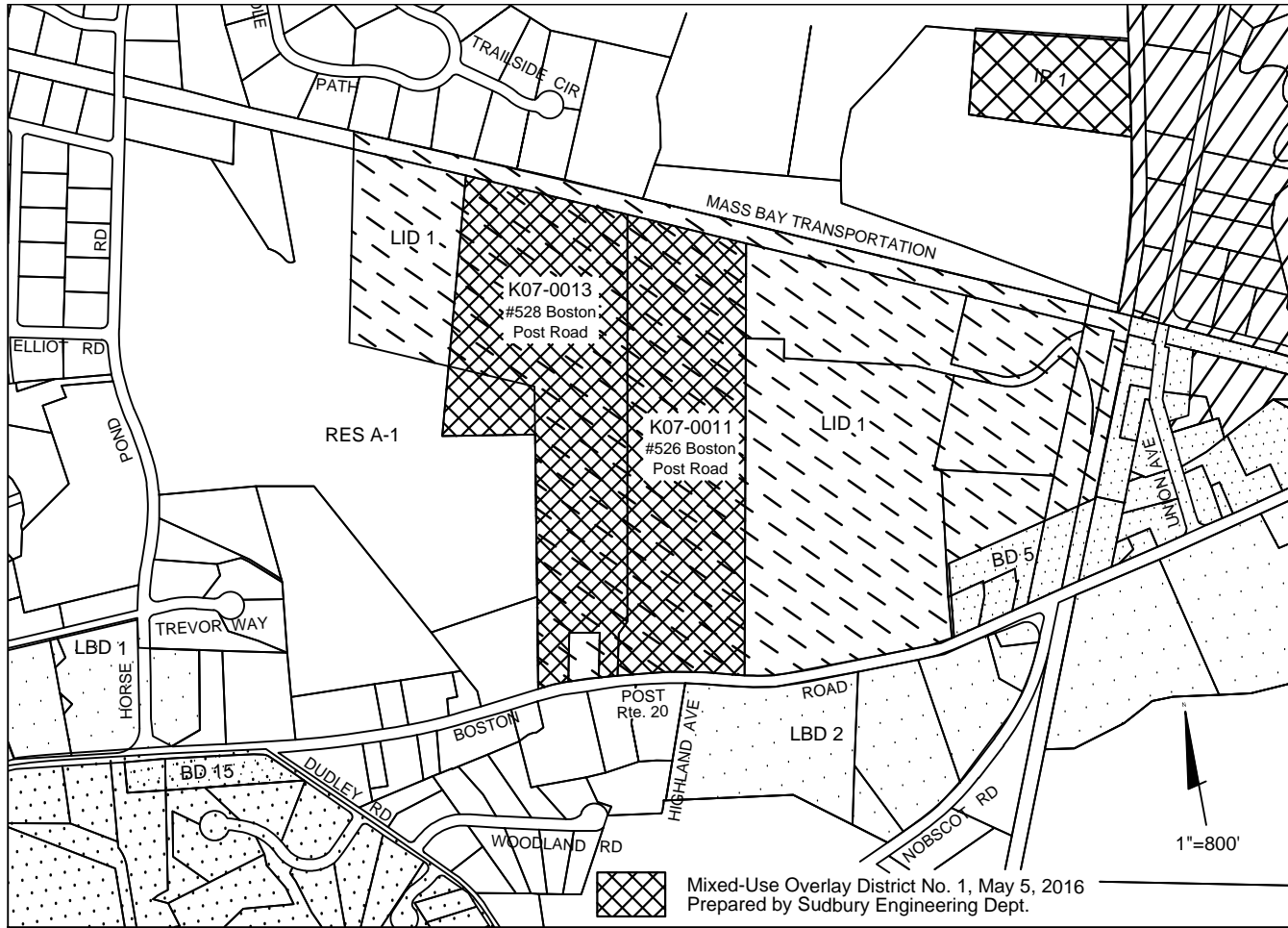
4790B. Water Resources Protection Overlay District. For a project developed pursuant to Section 4700, the requirements provided in Section 4200 of the Zoning Bylaw, Water Resource Protection Overlay District (WRPOD), shall apply as modified by Section 4790B.

4791B. Application. In recognition of the demonstrated improvement to water quality through conformance with the Sudbury Stormwater Management Bylaw and Regulations, natural resource conservation, and environmental protection secured through the comprehensive public reviews and mitigative measures required for any MUOD Project

developed pursuant to Section 4700, the requirements of Section 4790B shall supersede any of the requirements of Section 4200 of the Zoning Bylaw that are inconsistent with Section 4790B.

4792B. Allowed Uses and Activities. All uses authorized by Section 4770 and all activities performed in connection with the construction and operation of the MUOD Project (including, without limitation, earth removal and earth moving activities) shall be allowed as of right in any portion of the MUOD located in the WRPOD, provided that a qualified professional certifies to the Building Inspector that (i) a minimum of thirty-five percent (35%) pervious area is provided within the MUOD Project Area as a whole; and (ii) all stormwater Best Management Practices designed for the MUOD Project meet applicable Massachusetts Department of Environmental Protection stormwater guidelines.

4793B. Review Procedure. The Building Inspector shall review and confirm the MUOD Project's compliance with the foregoing standards and requirements prior to issuing a Building Permit or Certificate of Occupancy, as applicable, for any use or activity subject to Section 4790B.



Mixed-Use Overlay District No. 1, May 5, 2016
 Prepared by Sudbury Engineering Dept.

June 13, 2016 STM

Planning Board Report:

This article creates a new Mixed-Use Overlay District Zoning Bylaw aimed at permitting innovative redevelopment on the Route 20 commercial corridor, and establishing the former Raytheon property as an eligible property in this new Overlay District. The Planning Board has been studying how to create and implement economic development opportunities along Route 20 for several years. This article enables such envisioned re-use of commercial properties and provides a process by which the former Raytheon property can be redeveloped accordingly.

One of the key goals of the most recent Planning Board study (*Route 20 Corridor: Urban Design Studies and Zoning Evaluations, 2015*) was to promote appropriate redevelopment of underutilized land in order to alter existing development patterns so that they will become more efficient, valuable and attractive. The findings in that report concluded that if zoning and other changes occur, some parcels along the core Route 20 corridor (such as the corner of Nobscot Road and Chiswick Park) may have significant additional potential for mixed-used development. Additionally, incremental improvements to existing development may be encouraged on sites that are largely occupied by viable retail and commercial buildings (such as Sudbury Crossing and Shaw's Plaza) if certain requirements, such as parking, setbacks and building coverage, become more flexible. The study listed objectives that could be accomplished with an Overlay District Bylaw:

- Incentivize reinvestment in existing buildings and site improvements, and attract appropriate new development on these sites.
- Promote more coordinated development patterns.
- Maintain and establish site design and building compositions that are consistent with Sudbury's traditional character that will enhance economic value for the area.
- Provide enhanced pedestrian connectivity that is safe, convenient and accessible.
- Promote improved traffic circulation and safety along Boston Post Road.
- Integrate open space and landscaping into the site planning and design of the area.

The proposed bylaw supports redevelopment of the corridor as envisioned in prior planning studies. The impetus for proceeding at this particular time comes from the recent shutdown of Raytheon's Sudbury operation, our largest taxpayer for nearly 50 years. The bylaw creates a new zoning Overlay District which allows for additional uses and flexibility to develop a project under it, but which does not change the underlying zoning of any property. The article before this Special Town Meeting will designate the boundary of the Overlay District to be the former Raytheon property. Only by Town Meeting vote can other properties be added to the Overlay District.

The main provisions of the bylaw (1) permit consistent land uses on any property in the Overlay District (such as restaurants, personal service establishments, retail and office), (2) permit age-restricted housing and assisted living facilities on any property in the Overlay District (the bylaw does not permit non-age restricted housing), (3) vary certain dimensional requirements (yard setbacks, height, etc.), (4) vary other zoning provisions including parking, screening and landscaping, signage and certain provisions of the Water Resource Protection Overlay District, (5) set minimum parameters for building coverage, open space and pervious area requirements, (6) set up a process for approval of a Master Development Plan by a 2/3 vote of Town Meeting, and (7) require any developer to mitigate the potential impacts of the

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proposed development to the satisfaction of the Town in a Development Agreement to be negotiated by the Board of Selectmen. The permitting process is comprehensive and requires in-depth traffic studies, stormwater management plans, and fiscal impact reports, and does not negate the need to apply for local permits from the Conservation Commission and Board of Health. The Planning Board is responsible for reviewing the project, holding public hearings, and making, by supermajority vote, a recommendation to Town Meeting. Town Meeting is the ultimate permit granting authority for any plan developed under the Bylaw.

Any future redevelopment utilizing this new bylaw will likely be quite different from the Raytheon project. Numerous factors make the proposed redevelopment of the Raytheon property unique, but chiefly its large size, and the substantial existing wastewater treatment and stormwater management infrastructure on the property set it apart from other commercial properties in Sudbury. The Planning Board has spent over 18 months planning for the sale of the Raytheon property, and reviewing the development proposal. The approval of this article is a deciding step in the advancement of the proposed Meadow Walk Sudbury Master Development Plan, which could have a significant positive influence on the future redevelopment of other properties along the commercial corridor. We are confident that the benefits will outweigh the impacts and that this unique opportunity for Sudbury is in the Town's best interest. The Planning Board unanimously supports this article.