

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, MARCH 1, 2011
Town Hall
DRAFT MINTUES

**Joint Meeting with the Sudbury Planning Board – Potential Articles for 2011 Annual Town Meeting –
Route 20 Sewer System, Inclusionary Zoning and Expansion of the Wireless Overlay District**

Present: Director of Planning and Community Development Jody Kablack, Planning Board Chairman Michael Fee and Planning Board Members Chris Morely, Michael Hunter, Eric Poch, Joe Sziabowski, Associate Member Craig Lizotte and Technical Advisory Committee (TAC) Chair Lisa Eggleston

At 8:58 p.m., Chairman Drobinski opened a joint meeting with Sudbury's Planning Board. The Board was previously in receipt of copies of a draft 2011 Town meeting article regarding expansion of the wireless overlay district and copies of the 1994 Town Meeting Inclusionary Zoning Bylaw article, a draft Inclusionary Zoning Bylaw modeled after Lincoln dated February 23, 2011 for the 2011 Town Meeting, notes from Ms. Kablack dated February 10, 2011 regarding Inclusionary Zoning Bylaw Parameters for review and the Capital Expense Request form for \$1million for the Route 20 Sewer System .

Route 20 Sewer System Design and Permitting

Present: Weston and Sampson engineers Blake Martin and Kent Nichols, TJ Maxx owner Hal Garnick

The Board was previously in receipt of copies of a memorandum from Sudbury's Planning Board dated February 11, 2011, expressing its unanimous and strong support for the advancement of the \$1 million Route 20 sewer design article. Director of Planning and Community Development Jody Kablack reviewed that the Selectmen discussed this potential article at its January 27, 2011 meeting and were hesitant to advance a \$1 million article at this time. Ms. Kablack reported that the Sudbury Water District (SWD) was contacted to determine if it was interested in helping to fund the project. The SWD stated it is not interested in establishing a joint water district. Ms. Kablack expressed her disappointment, given that a large benefit of the project would enhance protection of the Town water supply. She further reported contacting State Representative Conroy's office regarding legislative assistance, which is unlikely. Ms. Kablack stated Town Manager Valente suggested a temporary tax shift funding idea, which could be further explored. She also stated that it seems unrealistic in the current economy to ask businesses for contributions. Ms. Kablack noted that the Technical Advisory Committee conducted a door-to-door campaign with business in 2000 and only collected \$35,000. She further stated there do not appear to be any grants available for planning and design stages of the project.

Ms. Kablack introduced Weston and Sampson consultants Blake Martin and Kent Nichols in attendance tonight, and TJ Maxx business owner Hal Garnick. Copies of a handout entitled, "Project Approach and Timeframe" were distributed to the Board. Mr. Martin provided a brief overview of the project to date, noting the Curtis Middle School has been identified as a viable site for subsurface disposal of highly-treated effluents. He stated the Project Engineering Report is in the process of being drafted, which will be critically important for accessing State funding.

Mr. Nichols explained the strategy for drafting the original \$1 million proposal for the design and permitting phases, which would require one Town meeting appropriation, followed by another appropriation estimated at \$14 million for the construction phase in 2013. The firm has reviewed options to reduce the initial expenditure this year. Mr. Nichols emphasized the importance of pursuing State Revolving Fund (SRF) funding and conducting a public participation program to educate the residential public on the value of the project which is already known by commercial property owners. He estimated that \$350,000 could be sufficient to complete the initial steps required to advance the project to a preliminary design. Mr. Nichols

further explained that a second Town Meeting appropriation for the remaining \$650,000 could be pursued next year, or it could be requested in combination with the anticipated construction-phase appropriation.

Selectman Haarde thanked everyone involved with getting the Town to this point in the process. He also commended Ms. Kablack for pursuing alternative options. He asked what percentage of the project would be funded from SRF funds and how much would be traditionally bonded. Ms. Kablack noted State funds currently exist to allow eligibility for SRF funding for the entire \$14 million of construction costs, but one cannot be sure those funds will exist in the future. Mr. Nichols concurred that the Department of Environmental Protection does not have a history of funding the design stage.

Selectman Haarde referenced pro forma models presented by the Budget Review Task Force, and he asked if further analysis has been completed regarding whether the SRF funds could be paid back by user fees and not from residential taxpayers. Ms. Kablack stated the analysis has not been completed yet, but additional information should be available by May 2011. It was asked if access fees and usage would pay for a majority of the project. Technical Advisory Committee (TAC) Chair Lisa Eggleston stated it depends on how the project is structured. Ms. Eggleston noted that a Citizens' Advisory Group will soon be established to evaluate these and other issues.

Chairman Drobinski stated the timing of this project for Sudbury is important to consider. He reported plans for the Raytheon facility in Wayland to be converted to a wastewater treatment facility. Thus, he is concerned that Sudbury businesses will have options nearby and may choose to relocate. Chairman Drobinski stated, if Sudbury wants a vital and sustainable business community, it needs to consider how it will compete with Wayland. Ms. Eggleston stated many commercial properties in Sudbury are currently underutilized due to sewer constraints.

Selectman Haarde stated the goal in Town should be to increase the business tax base and an education campaign should be conducted to help the public see this as an investment rather than an expenditure. He asked for clarification on the business area to be covered by the proposed design. Ms. Kablack stated from Mill Village to Lafayette Drive is proposed.

Planning Board member Eric Poch stated it is important to consider different funding options to pass along the tax burden for the project. Mr. Poch opined that the Town currently has a failed infrastructure which cannot meet the needs of the community. He noted many issues, including zoning and the bylaws, which need to be concurrently explored while creating the technical plan.

Selectman Haarde asked if the \$350,000 option presented tonight costs the Town anything else and/or delays the project. Planning Board member Chris Morely and Ms. Eggleston stated the Town will lose a year in the process. Mr. Nichols clarified that possibly three or four months could be lost. It was noted that the Massachusetts Environmental Protection Agency (MEPA) review will take about a year to complete.

Vice-Chairman O'Brien asked if the timeline for this year's Town Meeting is realistic. He also noted that zoning should be concurrently determined as to whether it should be expanded, and he questioned whether a sufficiently detailed plan could be prepared for Town Meeting. Ms. Kablack stated there is an immediate need for many properties on Route 20. She emphasized that there is adequate time to resolve zoning considerations prior to 2015, and thus she does not see those issues as constraining the project at this time. Given the current status, Mr. Poch highlighted businesses have no opportunity for expansion without this project coming to fruition. Vice-Chairman O'Brien concurred. Ms. Eggleston noted, if the initial \$1 million appropriation is pursued this year, it would likely produce more information to be available and the Town would be further in the process when requesting the construction appropriation from the public. Mr. Nichols

concurred that in order to determine the full construction costs, a full design plan must be completed. He also noted that more public participation could be completed with the \$1 million appropriation this year.

Selectman Haarde stated there are ecological reasons to pursue this project, along with reasons to support the need for local businesses to expand and to increase the commercial tax base. He believes there are a lot of reasons to do something to keep this project moving forward and thinks it is important to educate the public about it.

Mr. Morely stated that the majority of Finance Committee members also thought the project should be advanced to Town Meeting. Chairman Drobinski noted a Warrant article has been bookmarked. Town Manager Valente noted the Board could choose to report its position at Town Meeting.

Inclusionary Zoning Bylaw

Chairman Michael Fee expressed the Planning Board's excitement regarding the Selectmen's consideration of an Inclusionary Zoning bylaw, which it perceives as a component of a more comprehensive housing plan for the Town. However, Mr. Fee stated the Planning Board is hesitant to endorse bylaw modifications which have not been adequately vetted with all stakeholders. He emphasized the Planning Board's willingness to consider this issue at its next meeting. Mr. Fee stated his preference to take a broader look at this issue, to garner input, and to build a constituency over the next few months which can develop a thorough bylaw for presentation at next year's Town Meeting.

Chairman Drobinski stated the Selectmen also need to determine if this is the right time to advance the issue or whether more time is needed to study the topic.

Selectman Haarde expressed his appreciation for the Planning Board feedback on this proposed article. He stated he would defer to the opinion of the Planning Board, but questioned if something could still be presented this year, which could be modified next year. Mr. Fee expressed his apprehension for doing so, noting his fear that it might have the unintended consequence of encouraging developers to choose Chapter 40B options as more profitable rather than pursuing the more flexible option of submitting a subdivision plan application. Mr. Fee referenced the recent example on Old Lancaster Road, where the Planning Board was able to work with the developer through the subdivision process to reach a mutually acceptable end, which might not have been possible had an Inclusionary Zoning Bylaw been in place. He emphasized that pushing a bylaw through which has not been adequately researched could possibly result in the exact opposite happening from what the Town desires.

Vice-Chairman O'Brien stated the Planning Board seems enthusiastic to work on this issue. He suggested the Planning Board include in its work this year the preparation of a 2012 Town-Meeting-ready proposal. Vice-Chairman O'Brien recommended postponing the article this year and formally asking the Planning Board to prepare one for the 2012 Town Meeting.