

Present: Chairman Michael Hunter, Christopher Morely, Pat Brown, Craig Lizotte (arrived 8:20 p.m.), Peter Abair, Martin Long (Associate Member) and Jody Kablack (Director of Planning and Development)

At 7:39 p.m., Chairman Hunter called the meeting to order.

Joint Meeting with Route 20 Sewer Citizens' Advisory Committee (CAC) Zoning Subcommittee – Discussion

Present: Route 20 Sewer Citizens' Advisory Committee (CAC) Zoning Sub-Committee Chair Peter Abair and members Jon Danielson and Steve Eppich

Chairman Hunter welcomed members of the Route 20 Sewer Citizens' Advisory Committee (CAC) Zoning Subcommittee to the meeting. The Board was previously in receipt of copies of the Zoning Subcommittee Report and minutes of July 15, 2013. In addition, the Board was in receipt of copies of a Planning Board Draft Overlay District bylaw dated 10/10/12, a letter dated February 14, 2013 and accompanying survey sent to Sudbury Business Owners, the Route 20 Zoning Survey Results dated March 27, 2013, the minutes of the 11/22/11 meeting with MAPC representative Cynthia Wall and members of the Planning Board, and a handout dated August 21, 2013, which was prepared by Jon Danielson entitled, "Arguments against the Sewer and Sewer-related Zoning Changes" were distributed tonight.

Route 20 Sewer CAC Zoning Sub-Committee Chair Peter Abair briefly explained that the Route 20 Sewer CAC and the Route 20 Sewer Steering Committee have been working jointly over several months to make recommendations regarding a sewer project in anticipation of an article being presented to a future Town Meeting. Mr. Abair noted the groups have discussed several aspects of this project. He stated the Zoning Sub-committee has been created to focus attention on how a sewer project's value could be maximized under current and/or new zoning to achieve full value from the sewer system implementation. Mr. Abair stated tonight's joint meeting is meant to help determine if current zoning provides what would be needed by the Town and how the project should move forward.

Mr. Abair briefly summarized the Zoning Sub-committee Report and minutes of July 15, 2013, which reflects a position that zoning changes need to be made to maximize improvements to be made to Route 20, which will ultimately help to create a more pedestrian and business-friendly corridor.

Ms. Kablack stated another goal of tonight's joint meeting should be to discuss the goals and perspectives of both groups so that as recommendations evolve they will complement each other for a more cohesive project proposal.

Ms. Kablack noted the results of the Planning Board survey on Route 20 zoning, which was sent earlier in the year to over 200 businesses and commercial property owners within the proposed Route 20 sewer district. She stated it is clear wastewater is a big issue for business people, but height did not seem to be a concern.

Mr. Danielson questioned if there are enough restrictions within the current zoning to protect the community.

Mr. Morely stated this project would likely be based on a best-use proposal, which would be better than what currently exists, rather than a highest and best use proposal.

Chairman Hunter stated Planning Board members are in agreement that current zoning is not tight enough, and that a zoning overlay should be proposed, which would consist of several components, including, but not limited to, allowing housing, increasing building height, possibly decreasing parking requirements, and streetscape components. Chairman Hunter stated it is time to start addressing the “nuts and bolts” of a potential proposal.

Mr. Morely stated the Board has also discussed including incentives for the business community in the plan. Although Route 20 is nearly fully developed, he noted it is poorly developed with properties which do not relate well to each other. Mr. Morely stated property owners will need to be encouraged to combine properties for a better outcome.

Mr. Abair asked what conditions currently restrict the potential combination of properties. Ms. Kablack indicated there are no zoning provisions which restrict this, but most property along Route 20 is already developed.

Mr. Lizotte suggested an overlay district could have a form-based component. He emphasized this would give developers the flexibility they need for density which will be profitable for them, but it will also allow the Town flexibility for control within the Special Permit process.

Mr. Abair referred to the MAPC report done in December 2012, which recommended businesses be brought closer to Route 20 and that parking be in the rear. However, he stated there does not seem to be consensus for this concept.

Ms. Brown stated putting buildings closer to the street is in the reports, but the public always chooses the less-dense and lower-profile scenarios. She believes intense use is an issue which must be further discussed before a zoning scheme is proposed.

Mr. Lizotte stated the difference is probably only a matter of 30-40 feet between stories. Ms. Kablack stated the current bylaw is for two stories up to 35 feet.

Mr. Lizotte reiterated the vision for the corridor is to move buildings closer to the road to provide a more pedestrian-friendly environment.

Mr. Morely noted parking space guidelines have not been revised in decades, and many of the large Route 20 parking lots are never full. He believes a review of these guidelines would need to be considered. The consensus of the Board is that thought would need to be given to how adjacent parking lots could be better coordinated.

Mr. Morely also noted that studies have shown people do not necessarily walk between locations, even when opportunities exist. Mr. Abair stated there is more that would need to be done to change this mentality by encouraging the activity aesthetically.

Mr. Eppich asked if there are examples of other towns moving shops closer to roadways. Linden Square in Wellesley and downtown Natick were noted.

Mr. Abair asked how do we get to this vision - is a 10-year plan needed? He stated the sewer system and zoning are means to this end, but a plan is still needed.

Mr. Lizotte opined that, the vision will come to be, but not immediately. He stated it could take 20 years, but he believes it will happen if the sewer and zoning changes are implemented.

Ms. Brown noted that in towns like Lexington people are able to walk because there are municipal parking areas. The consensus of the group was that municipal parking options should be a consideration of zoning reform.

Ms. Kablack stated the Town owns very little land in the commercial area and thus municipal parking may be difficult to create. However, shared private parking can be explored.

Mr. Lizotte asked what uses are allowed by current zoning. Ms. Kablack stated there are seven districts, and that the zoning is protective in some aspects, but many times variances need to be granted to accommodate new development.

Mr. Lizotte stated that, if the zoning requires requests for variances, many developers will choose to go elsewhere where they can build by right.

Ms. Kablack stated she and the Board had done some preliminary work on a zoning overlay concept, which she referenced. A brief discussion ensued regarding the potential use of the 26 acres owned by Raytheon and its existing infrastructure, if the company were to move/close.

Mr. Danielson reviewed the arguments presented in his minority report against the sewer project. Although he believes Route 20 could have a better look, over time, he has become opposed to the sewer project because he does not believe there is evidence of a demonstrated and/or documented quantifiable need for it. Mr. Danielson noted the Sudbury Water District stated the Town's wells are not endangered, thus he does not believe there is a public safety need. He is not convinced the sewer will bring businesses to Town because Wayland is struggling to fill their new development, which he believes is in a better location. Mr. Danielson also stated statistics indicate that there are not widespread septic system failures in the commercial district. He emphasized that he believes the sewer system will be a calling card for Chapter 40B developers.

Mr. Danielson also believes a disproportionate number of Sudbury's 40B developments are in South Sudbury, which he does not believe is fair. He believes these developments should be equitably spread throughout the Town. Mr. Danielson disclosed he lives in South Sudbury.

Mr. Morely stated that he believes Route 20 is Sudbury's main street for all residents, and that it does not belong to South Sudbury. He also stated Route 20 is precisely the type of location Chapter 40B developers favor. Mr. Morely stated the Town has not put the 40B developments on Route 20, but rather this is where the market decides to put them.

Ms. Brown stated the Town needs to be mindful not to proceed in a manner which will turn Chapter 40B developers loose on Route 20.

Mr. Lizotte stated the situation is already loose because Sudbury has not attained its 10% affordable housing quota. He highlighted that, if Raytheon were to move/close, this location would be a prime

Chapter 40B target. Mr. Lizotte stated this is exactly why the Town needs to decide where some affordable rental properties could go, and to actively pursue such developments to attain the 10% goal as soon as possible.

Chairman Hunter returned the discussion to focus on Route 20 zoning, which he believes will need to have mixed uses to achieve a village-type atmosphere.

Ms. Brown questioned whether Route 20 will ever be able to have the type of village atmosphere which is possible in more urban settings.

Mr. Abair stated Mr. Danielson is correct in assuming that higher density will be a result of a sewer system. However, Mr. Abair believes the Town has only two choices: 1) to do nothing and thereby allow Chapter 40B developers to go wherever they want, or 2) to be proactive and designate certain areas for targeted density.

Chairman Hunter stated that, if the Town designates an area, the 40B developers will have to justify to the State why they need to pick locations outside of these areas. A brief discussion ensued as to how to enlist the support of State legislators. The consensus of the group was that the Town cannot rely solely on support from the relevant State agencies to deter 40B developments because they have failed Sudbury in the past, i.e. Johnson Farm.

Mr. Lizotte reiterated the Town needs to create 310 more units of affordable housing to be free from 40B development pressure. He believes the sewer project can help to achieve this goal.

Mr. Morely stated the Town may create 310 units long before a sewer system is implemented, since it is expected to take many years to come to fruition.

Mr. Abair stated that, much as tonight's discussion reveals, it will be difficult to pass a sewer-related article at Town Meeting without a substantive plan. Mr. Lizotte concurred, stating this Board and Town officials will need to be honest with the citizens about the potential downsides and upsides of the project and why it is important for the long-term to pursue it.

Chairman Hunter stated the Town's Master Plan identified uses it favors such as sit-down restaurants. However, he noted it is nearly impossible to attract these types of restaurants without a sewer.

Ms. Kablack stated the Planning Board prioritized attaining the 10% affordable housing goal and Route 20 zoning reform as its two most important goals for the coming year. However, she noted housing is not on the Selectmen's preliminary goal list for the year, and, at this time, the sewer project ranks low on their list.

The consensus of the Board was that development of affordable rental units is the preferred approach to reaching the 10% goal.

Mr. Eppich asked what the timing is for the sewer project. Ms. Kablack and Mr. Abair stated the intent was for an article to be presented at the Annual 2014 Town Meeting, but at this point, this seems unlikely, until the Chapter 40B issues can be better clarified and resolved. Ms. Kablack noted Mr. Danielson is not alone in his beliefs, and these concerns will need to be addressed.

Mr. Abair opined that, since the business community is going to benefit most from the sewer system, this group should then support the project in a unified manner.

Mr. Danielson stated businesses do not seem to be clamoring to push the project forward, which is why he believes there is not the kind of support for the project which is needed. He also does not believe that a sewer in the commercial district will alleviate the residential tax burden in any noticeable way.

Mr. Lizotte stated it will take decades for this project to pay for itself, but residents will need to understand that it is a long-term infrastructure investment. Mr. Morely concurred, stating that, if the project is done well, businesses will want to buy these properties. Mr. Lizotte stated the implementation of the sewer in the commercial district will immediately increase those property values. Mr. Abair reiterated there is a need for a Sudbury business group to advocate for the sewer project.

At 8:51 p.m., Chairman Hunter thanked everyone for their input, and he closed the discussion.

Miscellaneous

Stormwater Management Permit – Brewster Road Lot B – Set and Accept Bond Amount and Release Occupancy Permit

At 8:52 p.m., Chairman Hunter announced he would need to recuse himself from this discussion.

Ms. Kablack distributed copies to the Board tonight of a letter from Stamski and McNairy, Inc. dated August 20, 2013 and a letter from Department of Public Works Director and Town Engineer Bill Place dated August 21, 2013, proposing a bond amount. She explained the conditions of the Permit Decision which are incomplete at this time, noting the developer has requested an Occupancy Permit. Ms. Kablack stated she informed the developer there could be no issuance of the Occupancy Permit without the conditions being satisfied or submission of a performance bond. She recommended to the Board that the request be approved to set and accept a performance bond in the amount determined by the DPW Director in lieu of completing all conditions of approval of the Stormwater Management Permit, in order to facilitate the issuance and release of the Occupancy Permit.

Ms. Brown asked how long the bond will be held. Ms. Kablack stated there is no time limit, and it will be held until the Board votes to release the funds upon being satisfied that all conditions have been met.

Ms. Brown asked if the site has been stabilized. Ms. Kablack stated it has been covered with jute netting. Hydroseeding has not occurred yet.

Mr. Abair asked if a landscape plan was submitted. Ms. Kablack stated a landscape plan was submitted, even though it was not required.

On motion duly made and seconded, it was unanimously:

VOTED: To set and accept a performance bond in the amount of \$55,710 as recommended by Department of Public Works Director and Town Engineer Bill Place in a letter dated August 21, 2013, and to release the lot for occupancy subject to the condition of receiving a cash bond in the amount of \$55,710.

FY14 Planning Board Projects and Priorities

The Board was in previous receipt of copies of a draft “FY14 Planning Board Projects and Priorities” listing.

The consensus of the Board was that the Community Housing section should be amended to reflect that the identification of parcels should be done using the Housing Production Plan as a guide. It was also agreed that the Economic Development section should be amended to reflect that the Zoning Overlay Bylaw would be presented in conjunction with a Route 20 Sewer Project article at a future Town Meeting.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the FY14 Planning Board Projects and Priorities as reviewed and amended tonight.

Minutes

Ms. Kablack noted one revision to be made on page two.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the meeting minutes of July 31, 2013, as amended.

Draft Planning Board Procedures – Discussion

The Board was previously in receipt of copies of draft Town of Sudbury Planning Board Procedures, and a revised version amended by Chairman Hunter, which was distributed tonight.

Chairman Hunter reviewed the areas covered by the draft document, noting it memorializes how the Board operates, and the many recommendations discussed by the Board through the years.

Ms. Kablack stated she will further review Chairman Hunter’s version, eliminating any references which are subject to frequent change, such as fees, and revising page two regarding attendance for these elected positions. She stated the final document would be noticed as an appendix to the Board’s various rules and regulations. Ms. Kablack will also ask Town Counsel to review how quorums are handled when a Board member must recuse himself.

Mr. Abair suggested expanding Section 5.11 on Page 6 to explain how members in the audience should participate in the meeting and through whom.

The consensus of the Board was that the draft procedures should be further reviewed, and discussed at its next meeting on September 4, 2013.

2014 Annual Town Meeting – Potential Articles

Ms. Kablack and Ms. Brown are working to developing parameters for a marijuana dispensary bylaw, which would address several issues, including, but not limited to, legal, planning and public safety issues and other impacts.

Miscellaneous

Ms. Kablack stated she is actively seeking candidates for the Housing and Stormwater Management consultant positions. Mr. Lizotte offered his assistance to interview candidates for the Stormwater Management consultant position.

Upcoming Meeting Schedule

The next meeting will be held September 4, 2013, at 7:30 p.m. at the Flynn Building in the Silva Conference Room.

The meeting was adjourned by Chairman Hunter at 9:33 p.m.