

## Minutes of Joint Meeting

### Route 20 Sewer – Citizen’s Advisory and Steering Committees

Wednesday, September 18, 2013

CAC Attendees: Craig Blake (Chairman), John Baranowsky (Clerk), Kirsten Roopenian, Jonathan Lapat, Peter Cramer, Scott Nassa and Stephen Eppich

Steering Committee Attendees: Eric Poch (Co-Chairman) arrived at 8:00 P.M., Bob Haarde (Co-Chairman) arrived at 7:38 P.M., Lisa Eggleston, Stephen Grande, Ted Pasquarello and Rich Robison

Staff: Jody Kablack

Conference Call: Andrew Sullivan (Steering) 7:50 P.M.

Early Departures: Jonathan Lapat, Rich Robison

At 7:36 P.M. the meeting was called to order.

#### Old Business:

- Review of Minutes – July 17, 2013

Draft Minutes were circulated beforehand. Craig Blake, Lisa Eggleston and Jody Kablack offered comments. Discussion ensued and edits made. A MOTION was MADE, SECONDED and unanimously VOTED for approval as edited.

#### New Business:

- Reports from Subcommittees
  - *Sewer Alternatives (East Marlborough Update)* – Following Mr. Blake’s July 30, 2013 presentation to the BOS, the Sub-committee met (September 6, 2013) with Town Manager Maureen Valente.

In the absence of Chairman Andrew Sullivan, Jody Kablack reported.

The BOS voted in favor of pursuing the East Marlborough alternative.

Several “action items” in need of attention have been identified. A meeting with the Mayor of Marlborough is being scheduled for October 8<sup>th</sup> or October 9<sup>th</sup> to address these.

The Mayor of Marlborough initiated a call to Sudbury suggesting that they are ready to begin negotiations on the proposed Inter-Municipal Agreement (IMA) to provide the mechanism for sharing of wastewater treatment plant services with the Town of Sudbury at their East Marlborough Facility.

The City of Marlborough also benefits from tourism in the vicinity of the Wayside Inn and the Wayside Country Store and sees fostering the project as a positive for both municipalities.

Similarly, the City benefits from the employment opportunities offered residents at the Sudbury Raytheon Facility.

Past concerns of the Hop Brook Protection Association due to effluent water quality problems have been overcome with the approval of the EPA permit. Andrew Sullivan will be liaison to the Hop Brook Protection Association.

All prior projected flow rates (see June 19, 2013 Minutes of Meeting - Attachment I) must be reviewed and recalculated since the IMA cost structure depends directly on relative flow-rate (as a percentage for both parties).

Specific parameters requiring verification include confirmation of the proposed Route 20 District base-flow rate of 0.2 million gallons per day (mgd) and maximum-flow rate of 0.4 mgd proposed for inclusion in the IMA.

While the Easterly Marlborough WWTP facility has a design flow capacity of 5.5 mgd, presently the plant is running at approximately 67 percent of capacity according to notes taken and compiled (see Sub-committee June 13, 2013 Draft Report to the CAC presented on June 19, 2013).

As reported on prior occasions, the portion of Marlborough served by the Easterly plant has very limited future build-out flow potential originating from properties within city limits.

The Town of Sudbury purchase of 0.4 mgd capacity out of the excess plant capacity would partially defray Marlborough's capital cost for the Easterly upgrade.

It was noted that Mr. Peter Tunnicliffe, a Sudbury resident employed by CDM Smith, has experience in formulating these inter-municipal agreements and has volunteered to assist the Town of Sudbury during the development of the Marlborough/Sudbury IMA. CDM Smith has been retained by the City of Marlborough to provide professional services during the Easterly Plant upgrade project.

Craig Blake expanded on existing problems between the Town of Northborough and the City of Marlborough concerned with their IMA at the Westerly Plant. Jody Kablack has obtained a copy of the framework for this agreement which shows a straight flow-based percentage fee by Northborough to Marlborough (approximately 30 percent).

Craig Blake stated that the Marlborough/Northborough IMA has a provision whereby Northborough septage from unsewered septic systems is treated at the Marlborough Westerly plant. As part of the IMA, Northborough pays an additional fee to Marlborough to cover the capital and operating costs associated with treating the Northborough septage. An

option that may warrant evaluation relative to any Sudbury/Marlborough IMA would be to include the treatment of Sudbury non-sewered septage. This could provide more revenue to the City to offset additional capital costs associated with the Easterly Plant upgrade. It would also provide a potential town-wide benefit to Sudbury residents as part of the Route 20 sewer project.

Potential savings to non-sewered Sudbury residents could be realized if through negotiations with Marlborough and competitive bidding of septic tank pump-outs the cost to residents to pump out their septic systems was reduced.

Comments on the concept centered around the cost per pump-out, organizational questions, waste-water treatment process questions, where Marlborough stands on the matter, whether any efficiencies of scale serve to help or hurt individual property owner and the small septage hauler industry should a centralized haul-out plan be implemented.

Lisa Eggleston suggested that the pump-out service and septic hauling could be provided by more than one hauler as is the present case.

Ted Pasquarello spoke against the proposal commenting that the volumes pumped from these on-site out of district properties is too small to be of interest to large Contractors and that furthermore no one cares about creating an entirely new district for this purpose as the system now in place works well.

Craig Blake stated that even if the Marlborough alternative was selected, there would still be the need to create a sewer district to manage the infrastructure associated with the sewer connection.

- *Outreach/Public Education* – Although this Sub-committee has not met recently, a handout was distributed at the July 7, 2013 Joint-Committee Meeting (attached to Meeting Minutes). A lengthy discussion transpired.

Craig Blake commented that although the Sub-committee has outlined proposed outreach activities, the Sub-committee needs to present an outreach program at the next CAC for committee discussion and approval.

Andrew Sullivan (via conference call) elaborated that at this point we have no project. Content will be rendered once the preferred project alternative has been selected.

Scott Nassa felt that the key to a successful program is to find a way to reach out to the undecided voters. A small percentage generally those retired and on fixed income will turn out to vote “no” regardless of the program. Likewise, a small percentage can be counted on to vote “yes”. But 75 percent of the registered voters generally do not take the time to vote. We need to find a way to appeal to this group for success.

Ted Pasquarello asked for member response to a hypothetical question. What would happen if the recalculated implementation cost for the Marlborough alternative IMA upon return to the Joint-Committee is astronomically higher than originally presented? Would the CAC still push ahead with the project?

Stephan Grande followed up by reminding those present of a cost allocation (non-users/users) vote taken earlier by the CAC which allocated 100 percent of the capital cost to be funded by general taxes. This must remain fixed at this level for his continued support.

Craig Blake responded stating that the CAC charge is to bring forward the “best possible sewer alternative” to Steering Committee considering this and all else. The Steering Committee would then deliberate and vote on the CAC recommendation. If voted in favor, Steering would bring the matter forward to the BOS, who in turn would deliberate and cast their vote before ultimately bringing an Article to Town Meeting for the Town’s consideration.

John Baranowsky questioned whether the Steering Committee could remand such recommendation back to the CAC for further deliberation should they fail to reach consensus on the CAC recommendation.

Lisa Eggleston followed up further along these lines suggesting that additional member input with respect to the cost allocation/sharing arrangement may yet be required.

Jonathan Lapat expressed concern that the alternative plan review process has been too slow causing him to be frustrated. Other members disagreed with his assessment.

- *Zoning Sub-committee Update* - Peter Abair presented the Sub-committee update.

Peter Abair, Steve Eppich and Jon Danielson (Zoning Sub-committee members) met with the Planning Board on August 21, 2013. As shown (Agenda - Attachment I) the Sub-committee presentation was the first order of business at the Planning Board meeting.

Mr. Abair presented a handout (Attachment II) to the CAC/Steering Committee as the September 18, 2013 Zoning Sub-committee Report (six pages). The Summary lists attendees, consensus opinions and challenges. Following that are Draft Minutes for the portion of the Planning Board Meeting covering the Route 20 Sewer CAC Zoning Sub-committee discussion only and subject to change. The Planning Board has not yet finalized their August 21, 2013 Meeting Minutes including the portion of that meeting concerned with the Route 20 Zoning initiative.

The report further references the July 15, 2013 Sub-committee Update (to Joint Route 20 CAC/Steering Committees) and other reports and surveys (see Attachment II, pg. 2)

As a group, the Planning Board has reached a consensus opinion in four areas; 1) support better and higher density use in the corridor, 2) support for the sewer through creating the

overlay district (a Planning Board priority), 3) changes in zoning that would support the vision of the Route 20 corridor and 4) make provisions for zoning-based incentives to leverage and help meet the redevelopment vision for the corridor.

Jody Kablack referenced a letter written by the Planning Board to the Board of Selectmen dated August 12, 2013 wherein their goals for the year are itemized. She will provide members with an electronic version of this letter.

Steve Eppich spoke indicating that based upon comments made during the Planning Board discussion he felt as though the Planning Board generally agrees with the effort made to date by the Zoning Sub-committee.

Craig Blake asked the Sub-committee to state what the group felt they are aiming for or expect to achieve.

Peter Abair replied that by gathering feedback from the Planning Board the support needed for continued progress in development of the draft overlay district bylaw can be achieved and that this piece is needed to compliment the proposed sewer in a way that the vision of a more vibrant commercial corridor can be realized.

However, there is much work to be done including development of streetscape renderings, delineation plans, visuals, maps and models that go beyond simply the exercise of drafting the narrative of the Overlay Bylaw document.

Jody Kablack agreed stating that such visuals are more readily understood and appreciated when bring forward the vision to the public. These visuals make for a better understanding (a picture is worth more than words).

A constant theme throughout the discussion was fear of intrusion of additional hostile 40B projects made possible by the sewer as an unintended consequence.

Stephan Grande stated that the inclusion of 40B housing or the perception that the sewer project would invite 40B housing “would kill the project”.

Jody Kablack noted that this issue will be addressed further by the Planning Board.

Peter Abair reminded attendees of the safe-haven condition now in place by virtue of acceptance by the State of Town of Sudbury’s Housing Production Plan. However, unless continued progress is made in implementing the plan, the fix provided is of finite duration.

Eric Poch commented that there are two components at work here with some overlap between them. The first is having the housing production plan, but that has nothing to do with this group. Secondly, there can be spot zoning within the proposed sewer district which would allow limited residential dwelling space in a floor above commercial use.

It was decided that addressing the 40B issue would be a joint effort of the Zoning Sub-committee and the Planning Board.

Craig Blake brought the discussion back on the focus of developing “the best sewer project”.

John Baranowsky suggested that filing an Environmental Notification Form (ENF) is the best way to solidify formal support for the project to bring together the various parts (sewer, utilities and proposed Overlay Zoning) and perhaps this strategy could be discussed at a future meeting.

Lisa Eggleston commented that this would be done by the Consultant as an early task of design/permitting process.

Jody Kablack commented that no funding or resources are available to accomplish the ENF task as part of the work completed by the CAC.

Peter Cramer believes that the best path to successfully avoiding the hostile 40B projects is to closely flow the housing production plan.

John Baranowsky commented that in reviewing the Sub-committee report and draft minutes he observed references to Jon Danielson’s presentation to the Planning Board concerning “Arguments Against Sewers and Sewer-Related Zoning Changes” (Attachment III). Mr. Danielson raised a number of questions about findings from various sewer studies and reports previously commissioned by the Town. Pat Brown (Planning Board) also expressed concerns and raised questions concerning the proposed zoning changes during the Planning Board Meeting as noted in the draft minutes.

Peter Abair believes that the key to a successful sewer project is to have the 40B issue be fully evaluated and have the CAC address “friendly 40B housing” as part of the overall “vision for Route 20” before Town Meeting. He stated that commercial interests must come forward in full support of the project because if they do not support the sewer project then success at Town Meeting cannot be assured.

Craig Blake commented that the Zoning Sub-Committee must take the lead in further solidifying the “visioning”. The questions and concerns raised in the Minority Report by Jon Danielson must be dealt with directly and resolved.

Scott Nassa asked who would be paying for the costs of educating the children in the rental units and how much would that cost be?

Rich Robison replied that the SPS is taking the lead on this matter. They plan to analyze and report back findings.

- *Utilities* – Craig Blake opened the discussion. The Sub-committee has not met since their last report to the Joint-Committee on July 17, 2013.

Bob Haarde asked whether the previously anticipated cost estimate had been delivered. Craig Blake answered that it has not. From the earlier meeting we have learned that there are lots of questions and obstacles that must be overcome before the utility burial effort can be accomplished. One possibility to move ahead would be to set up another meeting with the utilities to obtain the required cost estimate.

Stephen Grande commented that he feels the utility relocation has been ruled out for further consideration by the Joint-Committee.

Andrew Sullivan believes that utility burial needs a couple of months more consideration before rendering the concept infeasible. Perhaps as more becomes known about costs and complexities, a more favorable picture will emerge.

Bob Haarde believes that the sewer and the utilities are very clearly linked as essential components of the Route 20 redevelopment.

Andrew Sullivan and Stephen Grande continued to debate the merits of separate vs. combined projects (sewer with utility burial vs. without). Since the East Marlborough facility is not expected to come on line until 2015, the notion that we must act before 2014 Town Meeting is an overly optimistic timeline.

Bob Haarde replied that we cannot scrap the utility burial project at this point simply because we do not yet have firm construction cost estimates.

Peter Abair asked Bob Haarde if he saw a way forward with the utilities. Bob replied in the affirmative. Bob Haarde stated that he would contact the utilities to request that they provide the required cost estimate.

Lisa Eggleston felt that the utility relocation may indeed be a part of an overall visioning for the Route 20 corridor.

Craig Blake commented that during the previous meeting with the utilities it became clear that the utility work and the sewer installation must be completed by separate contractors. There is an option that the separate contractors could be subcontractors to one general contractor responsible for both the sewer and utility work.

Andrew Sullivan affirmed that the utilities can be brought in as a project component, but acknowledged that there is a political aspect that must be addressed by the BOS. He believes that without the aesthetic component the sewer project is doomed to failure.

Bob Haarde felt that utility burial, aesthetics and the sewer together are required to create the type of shopping center and business district that the vision seeks to identify.

Kirsten Roopenian suggested the Board of Selectmen must provide further guidance on this issue.

Craig Blake believes we have to decide whether to make the utility inclusion in the sewer project a part of the recommendation to bring to Steering and beyond (to the BOS).

Bob Haarde noted that similar projects have been done all over the State and nationally.

Craig Blake asked for specific methods to address a process of describing how and what steps are needed to make this happen.

Eric Poch commented that by pursuing the utility burial we are going down the wrong path. This component should be left out. This is still by the mission statement a sewer committee unless the BOS authorizes expanding the mission statement to include the utility burial component.

Stephan Grande offered that the beautification component will come later but initially the sewer needs to go first.

Craig Blake commented that in looking at how the proposed Route 20 business district could become a Town-wide benefit, the utility burial "beautification" component was brought forward for evaluation.

Craig Blake asked Stephen Grande what he would need to know more about the utility burial alternative in order to support combining the utility burial as part of the sewer project.

Stephan Grande replied that he would need to know what the connection cost to property owners would be for each utility user beyond the common cost along the corridor for tie-in. Also, he would like to understand how two consecutive projects running close together would be possible considering traffic maintenance and detouring. For instance, should the sewer contractor's trench be open 100 feet ahead with another utility trench following behind, would traffic be required to flow between these open excavations? How would this be possible?

Kirsten Roopenian MOTIONED "That the Board of Selectmen expand the Citizen's Advisory Committee mission to include overhead utility relocation to underground to compliment the Route 20 Sewer District Improvement project".

The MOTION received a SECOND and was discussed.

Craig Blake questioned whether the BOS has sufficient information at this time to discuss this mater.

John Baranowsky stated that the most recent vision for an improved Route 20 corridor may have originated through the Budget Review Task Force (BRTF) hearings four or five years ago.

Others traced the plan back further crediting other groups or task forces.

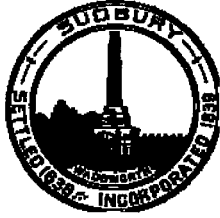
As no clear consensus was likely, the MOTION was TABLED.



The Steering Committee will meet soon to discuss the scope of the project and provide guidance to the CAC, reaching out to the BOS if necessary.

- *Cost allocation/Financing* – No report was given by the Cost Allocation/Financing Sub-committee.
- *Facility Operations/Management* – No report was given by the Facility Operations/Management Sub-committee.
- Next Meeting Date – October 16, 2013

At 9:25 P.M. MOTION to ADJOURN was made, SECONDED and VOTED unanimously.



## ATTACHMENT I

# Town of Sudbury

Planning Board

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<http://www.sudbury.ma.us/services/planning>

## AGENDA PLANNING BOARD

Wednesday August 21, 2013

7:30 PM

**Flynn Building, 2<sup>nd</sup> Floor Conference Room**  
**278 Old Sudbury Road**  
**Sudbury, MA**

7:30 p.m.

- ◆ **Joint meeting with RT 20 Sewer Citizen's Advisory Committee Zoning Sub-Committee**
- ◆ **Discuss Draft Planning Board Procedures**
- ◆ **Discuss Potential Bylaws for 2014 Annual Town Meeting**
- ◆ **Vote FY14 Planning Board Projects & Priorities**
- ◆ **Minutes for Approval:**
  - **July 31, 2013**
- ◆ **Miscellaneous**
  - **Set bond amount for Brewster Road, Lot B, Stormwater Permit**
  - **Accept bond and release Occupancy Permit for Brewster Road, Lot B, Stormwater Permit**

# ATTACHMENT II

## Report of the Zoning Sub-committee to the combined CAC and Sewer Steering committees

September 18, 2013

The Sudbury Planning Board provided for the inclusion of the CAC/Steering Zoning Sub-committee in the first hour of its regularly scheduled Planning Board meeting on Wednesday, August 21. The purpose was to conduct a joint discussion on zoning issues as they relate to the potential sewer project. Peter Abair, Steve Eppich, and Jon Danielson were representatives of the sub-committee in attendance.

The draft minutes for this portion of the Planning Board meeting are provided below.

### *Summary*

The Planning Board expressed its support for the concept of a sewer in support of a vision for the corridor that includes higher value uses, restaurants, better aesthetics, and more pedestrian-friendly infrastructure.

The Planning Board holds the following consensus opinions:

- The Planning Board supports higher and better uses in the corridor,
- Supporting the sewer project, through the recommendation of an Overlay District, is one of the priorities of the Planning Board,
- Changes in zoning could be made to support the vision for the target area. For example, parking space requirements should be revised to allow for fewer spaces psf of development,
- An overlay district approach would provide zoning-based incentives to leverage the types of redevelopment envisioned for the corridor.

As you will note in the draft minutes below, there was a significant amount of discussion about 40B housing projects. As 40B trumps local zoning anyway, zoning changes in the corridor via an overlay are not seen as encouraging 40B projects. However, the consensus at the meeting was that the sewer itself *would* better enable 40B projects to occur in the corridor. This being the case, in order to carry a vote at town meeting for the sewer and overlay district, members of the Planning Board believe that the community needs to see a vision for the corridor, be satisfied that the town is pursuing a policy that will allow it to remain in the 40B 'safe harbor' or actually attain the 10% requirement, and know that commercial interests in the corridor are acting in a collaborative fashion (e.g. sharing parking assets, marketing in unison, making façade and streetscape investments, etc) in supporting the vision for the corridor.

DRAFT Minutes  
Planning Board  
Wednesday, August 21, 2013  
Flynn Building- Silva Conference Room

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.



# ATTACHMENT III

## Arguments against the Sewer and Sewer-related Zoning changes

Jon Danielson – August 21, 2013

### **Sewer is not needed**

- There is not widespread septic failure in the commercial district along route 20
- Among ~100 properties, only about 1 maintenance issue/replacement per year in the past 12 years
- Weston & Sampson report is flawed
  - it's a survey, not a scientific study
  - scoring methodology is arbitrary and not specific to actual field conditions
- Commercial community not clamoring for more waste-water capacity
  - no significant proposals on the table for development
  - very little interest from commercial community in supporting Betterments to finance the sewer

### **Sewer is not desired**

- There is little actual demand for commercial growth/build-out redevelopment
  - irrespective of waste-water capacity
  - Wayland Town Center is better location and has struggled for tenants
- Without strong commercial demand (even with), a sewer route 20 could be over-run with large-scale, undesirable 40B housing projects
- Expensive - \$15 million capital cost assumption (could be lower with Marlborough option)
- Current Route 20 Commercial tax revenue (ex-Raytheon) is a tiny percentage of Town budget - it would require dramatic new build-out to "move the needle" in alleviating residential tax burden
- Beautification efforts (most importantly, burying utilities) are more complex/expensive than anticipated - without these, little reason for residents to support
- Residents have little interest in exacerbating the route 20 traffic situation
- Many residents opposed to development in general

### **Proposed Sewer-related Zoning changes are not desirable**

3.5 story zoning by right is very tall, out of scale with Sudbury, not necessary

- Residents consistently preferred more modestly scaled structures than larger ones in the Planning Department outreach forum
- Very few, if any, comparable communities have 3.5 story zoning (Wayland Town Center is 2.5 stories)
- Little commercial demand now to fill current 2.5 story zoning; lack of evidence for 3.5 story demand
- Will embolden 40B developers to go even higher than 3.5 stories and Beacon Hill will let them

Targeting a Town-sponsored 40B in the route 20 zone is unfair

- South Sudbury has enough 40Bs
- North/East/West Sudbury need to share the burden

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