

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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