

Sudbury Route 20 Zoning Project

Funding provided by the
District Local Technical Assistance
program

Prepared for

Town of Sudbury Planning Board
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Executive Summary

The Town of Sudbury requested MAPC's assistance to develop options for land use controls along a two mile portion of Route 20, the Town's major commercial center, in anticipation of the installation of a decentralized wastewater treatment system. Prior to funding and constructing a treatment system to serve the approximately 1 million sq. ft. of commercial development along Route 20 (Old Post Road), Sudbury wished to explore land use control options. The Town's objectives included developing providing opportunities for mixed use development; redevelopment to discourage sprawl; attracting development consistent with the vision for Route 20 and the Town's character; and controlling overdevelopment.

Community Forum

The first step was to conduct a Community Forum to determine a vision for Route 20, including additional land uses. Currently, development and redevelopment for commercial properties along Route 20 is constrained by the individual on-site disposal and treatment systems and the need to protect the Town's aquifer. With a wastewater treatment system, existing businesses could expand and new development could occur. Forum participants were asked to confirm the goals in the 2001 Master Plan related to the treatment system, and to evaluate various densities and building designs for new projects that might be built once wastewater treatment is available.

Key Forum Results

- Most desired uses for Route 20: Restaurants, offices, hair salons, spas, continuing care facilities.
- Mixed use development was popular with 69% of attendees
- Multi-family use was supported by 43% of attendees

A summary statement of design preference for new construction or major rehabilitation was: "We like gable roofs, true divided windows, clapboard siding. We like styles congruent with what we have in Town."

Regulatory Review and Recommendations

Using the information from the Community Forum, MAPC reviewed Sudbury's existing land use regulations to determine if the desired types of development could be accomplished under the regulations. Zoning options included a new zoning district consolidating the several of the existing zones or an overlay district. The Director of Planning and Community Development and the Planning Board directed MAPC to draft the following zoning documents: an Overlay Zone for the Route 20 Study Area; Design Criteria; Inclusionary Zoning bylaw, and updating Site Plan Review.

Key Concepts in the Sudbury Overlay District

- The overlay is optional, administered through a special permit process
- The Planning Board is the special permit granting authority (SPGA) for the overlay
- A Mix of Uses is defined, and encouraged
- Buildings with a minimum 2 story height are preferred along Route 20 frontage
- Three and a half story, 45 ft. height limit in the overlay
- Sidewalks must be provided as part of development/redevelopment
- Planning Board conducts site plan and design review. All permitting/reviews conducted concurrently.
- Uses are limited and conducive to a vibrant, pedestrian-friendly village setting
Incentives for development are available

Chapter One: Introduction and Background

The Town of Sudbury requested District Local Technical Assistance to develop options for land use controls in anticipation of the installation of a decentralized wastewater treatment system on Boston Post Road (Route 20), the Town's primary commercial corridor. MAPC worked with Jody A. Kablack, AICP, Sudbury's Director of Planning and Community Development and the Sudbury Planning Board to conduct a Route 20 Community Forum, and to prepare a draft Overlay Zone for Route 20, Design Criteria, and Inclusionary Zoning Bylaw, recommendations for modifying the existing Site Plan Review regulations and Zoning/Regulatory Enhancements for Environmental Protection.

Sudbury's drinking water is supplied by an underground aquifer. Most of the Route 20 commercial area lies within the Zone II Aquifer Protection Area, which limits some land uses. More importantly, the on-site septic systems for the disposal and treatment of wastewater potentially pose environmental problems and severely limit commercial expansion opportunities. Sudbury has devoted significant resources to evaluating the options to address these issues. The preferred solution is the installation of a decentralized wastewater treatment system for the commercial corridor only. Engineering studies have verified suitable locations on Town properties have been identified for the treatment plant and the leaching field. One of the obstacles to Town support of a limited sewer system is that increased development that would be enabled by this system may not be compatible with the traditional character of Sudbury. At the same time, there is a desire to include mixed use development along the major commercial corridor and discourage sprawl.

Community Forum: "With sewers, what could be built along Route 20, and what would it look like?"

The first phase of the project was to work with the Planning Director and Planning Board to prepare for, and conduct a Community Forum. The goal of the Forum (advertised as a "Zoning Forum: A fun and interactive discussion of various regulatory and design issues") held on October 26, 2011 was to discuss the different types of land uses that would be possible with a decentralized wastewater treatment system (Sewer Service Area), and the potential design of structures to accommodate those uses. Over 50 people attended the Forum and voted on desired uses for Route 20. The most desired were restaurants and offices, with a mix of uses supported by more than half of the attendees. A Memorandum summarizing the Forum and the PowerPoint presentation with voting results is included in Chapter Two, beginning on Page 8.

Regulatory Review and Recommendations

The second phase of the project was to review the existing Sudbury Zoning and other land use regulations and to make recommendations to promote smart growth for the Sewer Study Area consistent with the community's preferences expressed at the Community Forum.

MAPC met with the Director of Planning, the Planning Board to develop regulatory options. These options were informed by previous studies and plans, including *Sustainable Sudbury-2001 Master Plan*; *Town of Sudbury Community Vision for the Old Post Road*, prepared by the Cecil Group; information received at the Community Forum, the Scope of Work, and the expertise and knowledge of the Planning Board members and Director of Planning.

After discussing options, the Sudbury Planning Board requested that MAPC draft an overlay zone. MAPC was also asked to provide Design Criteria for inclusion in the Overlay zone, an Inclusionary zoning bylaw for affordable housing, and to review and make recommendations to update the existing Site Plan Review zoning provisions. The draft zoning and accompanying Technical memo to the Planning Board is in Chapter 3, on Page 12.

Chapter Two: Community Forum

Following is the Memorandum summarizing the Community (Zoning) Forum held on October 26, 2011 and the PowerPoint presentation.

TO: Sudbury Planning Board
 Jody A. Kablack, AICP Director of Planning and Community Development

FROM: Cynthia Wall, MAPC Senior Regional Planner
 Julie Conroy, AICP, MAPC Environmental Planner

DATE: 8 November 2011

RE: Route 20 Zoning Project

This Memorandum outlines regulatory options available to assist the Town of Sudbury achieve desired development for those portions of Route 20 included in the Sewer Service Area. These options include recommendations for both zoning and environmental controls.

Context: Forum Results

The Community Forum held in Sudbury on October 26, 2011 provided citizen input for what kinds of new uses are desired in the Sewer Service Area. The Forum also provided guidance as to what types of design elements would be appropriate to include in any design guidelines developed for the business zone/downtown area.

Results of Voting on Potential Uses

Voting Results: Potential Uses for Route 20 with Sewer			
Use	% Voting Yes (The Use is Appropriate)	% Voting No (The Use is Not Appropriate)	Slide #
Restaurants	98%	2%	23
Offices	94%	6%	22
Hair Salon/Spa	83%	17%	24
Continuing Care	77%	23%	26
Boutique/Small Hotel	70%	30%	25
Mixed Use	69%	31%	28
Multi-Family/Live Work	43%	57%	27
OTHER Suggested Uses: Greenspace Bike trail Senior Housing Recreation: ice skating rink, bowling Entertainment Community Center	76%	24%	NA

Summary Statement of Design Preferences

“We like gable roofs, true divided windows, clapboard siding. These are styles congruent with what we have in Town now.”

Options for Land Use Control

The following table outlines potential regulatory changes recommended by MAPC.

Table of Potential Zoning and other Regulatory Modifications			
Zoning Concept	Definition/Description	Purpose/Applicability	Comments
Overlay District	A separate zone that supplements the existing zoning district(s) by providing additional controls and/or incentives to achieve specific purposes. It is “on top of” existing zoning.	Provide unified regulations for the six different existing districts in the Rte 20 Study Area.	<ul style="list-style-type: none"> • Additional uses can be included • Flexible- only portions of existing zoning districts can be included, as desired
Mixed Use	To be developed with Town; One definition: A combination of residential and commercial uses, arranged vertically in multiple stories of a building, or horizontally, adjacent to one another in one or more buildings on a lot.	New use item in “Definitions” section.	<ul style="list-style-type: none"> • Permits additional development options • 69% of Forum attendees support this use
Inclusionary Housing	Requires affordable housing units within new developments.	Affordable units are built at the same time as other housing is added. Applicability determined by Town: 10 units or more, etc.	<ul style="list-style-type: none"> • Helps to achieve 10% affordable goal • Provides housing options
Transfer of Development Rights (TOD)	Allows the development potential (sq. ft., ht, etc.) to be sold to another parcel, often in exchange for preserving open space or resource.	Transfers development into more desired parcels (within or outside of study area) to attain desired goals	<ul style="list-style-type: none"> • Best as a separate bylaw • Town needs to establish sending and receiving areas
Design Guidelines	Criteria to use in evaluating outside appearance of new structures, large additions.	The goal is development consistent with the community’s vision.	<ul style="list-style-type: none"> • Could be included in the Overlay, or as a separate bylaw

Zoning Concept	Definition/Description	Purpose/Applicability	Comments
Site Plan Review	Criteria to use in evaluating development site plans where required by zoning.	Augments existing BOS Procedures for Site Plan Review	<ul style="list-style-type: none"> Existing Zoning Bylaw Section 6380 "Approval" does provide general guidance and flexibility. Additional criteria could incorporate Low Impact Development.
Environmental Concept	Definition/Description	Purpose/Applicability	Comments
Drinking Water Protection	Increase minimum protective radius around wellhead	Ensures that wellhead contamination from new and grandfathered uses does not occur	<ul style="list-style-type: none"> From 400 ft to 1,000 (source: Cape Cod Commission Model Bylaw)
	Specify prohibited uses within the Zone I	Ensures that wellhead contamination from new and grandfathered uses does not occur	<ul style="list-style-type: none"> E.g., Encouraged uses, Special Exceptions (nonconforming), Prohibited Uses
	Add Performance Standards for uses in Zones 1 and 2	Ensures that allowed uses within the Water Resource Protection Overlay District eliminate possible sources of contamination from practices	<ul style="list-style-type: none"> Can include containment systems, double walls and inspectable sumps, etc.
	Add regulatory thresholds for the transport, storage and use of mobile chemicals that are Halogenated Solvents, Hazardous Substance, Hazardous Waste, or Petroleum Products (including Fuel)	Ensures that allowed uses within the Water Resource Protection Overlay District (WRPOD) eliminate possible sources of contamination from practices	<ul style="list-style-type: none"> Can be done in either in the Zoning or General Bylaws, or Public Health Regulations
Stormwater Management/LID	Require a hydrologic analysis based on updated rainfall records for Massachusetts	Accounts for climate change; increased frequency and intensity of storms, protects (re)development from flooding	<ul style="list-style-type: none"> Source: Extreme Precipitation in New York and New England" by the Northeast Regional Climate Center, Cornell University and the Natural Resources Conservation Service (http://precip.eas.cornell.edu/)

Environmental Concept	Definition/Description	Purpose/Applicability	Comments
Stormwater Management/LID	Specify recharge rates within WRPOD	Replenishes drinking water sources	<ul style="list-style-type: none"> • Post development site annual recharge = pre-development site conditions
	Include provision regarding Sensitive Areas	Protects drinking water sources from contamination	<ul style="list-style-type: none"> • Need to first specify/define sensitive areas, • Can include additional criteria and specific LID Management practices
	Credit system for development that reaches recharge goals through better sites design practices	Sustainable Site Design	<ul style="list-style-type: none"> • Example: MA Smart Growth LID Model Bylaw

Next Steps

Consistent with the Town of Sudbury/MAPC Scope of Services for this project, the Planning Board and Director of Planning and Community Development will determine which of the above regulatory changes MAPC will draft. The Board and Director will provide guidance to MAPC on specific provisions to include or exclude from draft regulations.

We look forward to working with you to complete this project.

Power Point Presentation and Results of Keypad Polling are in the Appendix

Chapter Three: Regulatory Review and Recommendations

Using the information from the Community Forum, MAPC reviewed Sudbury's existing land use regulations to determine if the desired types of development could be accomplished under the regulations. Zoning options included a new zoning district consolidating the several of the existing zones or an overlay district. The Director of Planning and Community Development and the Planning Board directed MAPC to draft the following zoning documents: an Overlay Zone for the Route 20 Study Area; Design Criteria; Inclusionary Zoning bylaw, and updating Site Plan Review.

Following is the package of draft zoning changes sent to the Sudbury Planning Board.

Memo to: Sudbury Planning Board
Jody A. Kablack, AICP Sudbury Director of Planning and Community
Development
From: Cynthia Wall, Senior Regional Planner Metropolitan Area Planning Council
RE: Sudbury Zoning Project
Date: 26 March 2012

Accompanying this memo are draft documents prepared as part of the Sudbury Route 20 Zoning Project. These documents are:

- Overlay Zone for Route 20 Study Area
- Design Criteria is included in the Overlay Zone
- Inclusionary Housing Bylaw
- Site Plan Review

Context

The Town of Sudbury contracted with the Metropolitan Area Planning Council (MAPC) using District Technical Local Assistance grant funds to accomplish the following tasks:

1. Conduct a Community Forum

The purpose of the Forum was to solicit input from residents, business owners and other stakeholders relative to the **types of land uses** they would like to see along the Route 20 commercial corridor. Stakeholders were also asked to **confirm the goals** related to the wastewater treatment project described in Sudbury's 2001 Master Plan and the Cecil Group's *A Community Vision for the Old Post Road*.

Deliverable: A vision for the Old Post Road developed by Community Forum attendees to answer the question: "With sewers, what could be built, and what would it look like?"

The Community Forum did confirm the goals related to the wastewater project identified in the 2001 *Sustainable Sudbury Plan*, including those identified in the Land Use, Economic Development

and Natural and Cultural Resources Elements. A listing of the specific objectives and strategies identified with these goals, and confirmed by responses to keypad questions and in the general discussion is included on Page 16.

VISION

Forum attendees expressed a desire for better site and building design as properties are redeveloped. Architecturally, renovations and new construction that mirror traditional New England styles ranked very high on the design preference voting. Pedestrian connectivity and managing traffic were high priorities. Attendees supported mixed use development in the commercial area, but did not vote for examples of multi-family housing.

The elements in this vision confirm the recommendations outlined in the Cecil study, such as:

- Develop site plan and design standards to ensure compatible, high quality design in Sudbury's commercial center.
- Create special use and dimensional standards in an overlay zone.

2. Review Existing Regulations; Research and Develop Regulatory Options

MAPC met with the Director of Planning, Planning Board members, and the Planning Board to develop regulatory options. These options were informed by previous studies and plans, including *Sustainable Sudbury-2001 Master Plan*; *Town of Sudbury Community Vision for the Old Post Road*, prepared by the Cecil Group; information received at the Community Forum, the Scope of Work, and the expertise and knowledge of the Planning Board members and Director of Planning. After discussing options, the Sudbury Planning Board requested that MAPC draft an overlay zone.

A zoning overlay district:

- Utilizes a special permit process to allow for appropriate level of review
- Consolidates regulations across several existing zones, or portions of zones
- Allows overlay boundaries to be adjusted over time to include/exclude specific areas without changing underlying zoning
- Permits greater density of development than could be achieved in the existing zoning

3. Finalize Draft Regulations

MAPC has drafted an overlay zone which the Planning Director and Planning Board will review and revise for final form. The town's process will include meetings with other town officials and with the public. The draft overlay includes the following key concepts:

Key Concepts in the Sudbury Overlay District

- The overlay is optional, administered through a special permit process
- The Planning Board is the special permit granting authority (SPGA) for the overlay

- A Mix of Uses is defined, and encouraged
- Buildings with a minimum 2 story height are preferred along Route 20 frontage
- Three and a half story, 45 ft. height limit in the overlay
- Sidewalks must be provided as part of development/redevelopment
- Planning Board conducts site plan and design review. All permitting/reviews conducted concurrently.
- Uses are limited and conducive to a vibrant, pedestrian-friendly village setting
- Incentives for development are available

Comments Pertaining to the Overlay District

Denser development is needed to create a vibrant, pedestrian friendly commercial center (or series of commercial nodes), to provide the financial incentive to redevelop properties and to expand the tax base. Denser development will only be possible with improvements to the current method of wastewater disposal. As stated in the *Route 20 Business District Wastewater Management Plan Update, August 2010*, by Weston & Sampson Environmental Consultants: "...septic systems are a limiting factor in the economic development of existing businesses along the Route 20 corridor..."

Sudbury has an opportunity to build a limited wastewater treatment facility to serve the Route 20 study area. However, the community is concerned about overdevelopment if a wastewater system is built. The challenge is to direct the additional growth and redevelopment in ways that achieve the goals of creating a vibrant, pedestrian-oriented commercial center without compromising the community's character.

If the current zoning is not modified, and the wastewater system is constructed, heights will remain capped at 2.5 stories or 35 feet. Maximum building coverage as percent of the lot will remain at 60%.¹ A mix of uses, including residential uses ("Residential apartments on 2nd or 3rd floors") would be Allowed only in the Village Business zone. Uses that are currently constrained because of water uses, such as restaurant, will likely expand. With no changes in the zoning, the status quo will remain.

The draft overlay zone, which is administered by a special permit from the Planning Board, manages the economic development opportunities so that the commercial area is not overdeveloped, or developed in a fashion incompatible with the community's goals. The overlay provides for mixes of uses, including housing, and increases maximum building height to 3 ½ stories or 45 feet. It provides for variable front and side yard setbacks to allow for development closer to Route 20, creating an active street frontage conducive to walking and inviting to pedestrians. A minimum height of 2 ½ stories is encouraged fronting on Route 20. The goal is to "repair" the current automobile-oriented shopping design of many of the shopping areas. In addition, a consolidated permitting process conducted by the Planning Board includes the overlay

¹ The Water Resource Protection Overlay District also limits expansion of existing structures to impervious coverage of no more than 15% of the lot, with modifications through a Special Permit.

special permit, site plan and design review, and review pursuant to the Water Resource Protection Overlay District.

A limited wastewater treatment plant offers tremendous opportunity for Sudbury to achieve several of the community's goals. Primarily, it will offer an enviable level of protection for the aquifer, one that many communities would like to achieve, but for various reasons, cannot. A treatment plant also offers economic development opportunities not currently available, such as the creation of a more pedestrian-friendly commercial center, including the redevelopment of key parcels, such as the Sudbury Farms and the Star Market parcels. Additional uses, including health-related uses, could expand the tax base.

Other Recommendations

Re-Design of Route 20

If the wastewater project proceeds, a re-design of Route 20 should be funded. The assumption is that construction of the system will require digging up Route 20 to lay the main sewer line and laterals to individual properties. By developing a new design for the highway, several steps to creating a downtown center will be accomplished: establishing a right-of-way that includes provision for sidewalks on both sides of Route 20; the type of curbing to be used; determining how to enhance the pedestrian/walking experience by slowing traffic, such as providing on-street parking for critical portion(s) of the road or requiring a planting strip between the roadway and sidewalk. In addition, decisions can be made about placing the overhead wiring underground and developing a new standard for street lighting, and benches and trash receptacles. This will require a lengthy community process, and many years to actually implement, but if the planning is not undertaken in conjunction with the wastewater project and subsequent repaving, when would it be done? By designing the improvements, the project could be available for Transportation Improvement Program (TIP) or other funding.

It will also be an opportunity to determine if some sort of "compensation" would be required, via an extra development incentive, for property owners who might lose portions of their frontage if a sidewalk needed to be constructed outside of the existing Route 20 right of way.

A village-friendly design for Route 20 would provide a foundation and incentive for all of the private investment to follow. The opportunity to provide the infrastructure for the commercial center is incalculable.

Zoning/Regulatory Enhancements for Environmental Protection

Julie Conroy AICP, Senior Environmental Planner has reviewed the existing Sudbury regulations for Drinking Water and Stormwater. Those recommendations are on Page 18.

Sustainable Sudbury ~ 2001 Master Plan

Sudbury Land Use Goals, Objectives and Implementation Strategies

Goal 1: Strive for comprehensive, integrated land use decisions which attempt to achieve environmental, economic and aesthetic sustainability.

Objective A: Protect and preserve critical natural resources and wildlife habitat in all land use decisions and policies.

Strategy 4: Ensure that all new development is compatible with the purposes of the Water Resource Protection District Bylaw and the Sudbury Wetland Administration Bylaw.

Objective B: Maintain the community's traditional, historic character.

Strategy 2: Review and revise standards for scale of development, use and intensity in residential and commercial districts.

- FAR in commercial districts should be considered.

Strategy 5: Improve the appearance of the Route 20 commercial districts. To more closely resemble the character of a traditional New England town center; reverse suburban sprawl and bring scale of development towards a more pedestrian oriented, livable and usable environment.

- Create new standards for architectural and site plan review.
 - Zoning issues: eliminate single lot development requirements: yard setback requirements, parking on each lot; more flexibility for projects that meet identified community goals.
 - Enhanced design requirements, better landscaping and architectural standards.
- Provide amenities in the business district to encourage pedestrian use and create a user-friendly scale and character for the area.
 - Integrated system of walkways and crosswalks for pedestrians.
- Amend the Zoning Bylaw to require that off-street parking be screened from streets and abutting properties.

Objective C: Encourage land use options that are directed toward economic sustainability in all sectors (commercial/industrial, housing, open space) in order to balance growth with the Town's ability to provide services.

Strategy 1: Investigate flexible zoning requirements in commercial districts to allow development that meets identified community goals.

Strategy 2: Re-write the Zoning Bylaw to ensure that the type of development desired in Sudbury is permitted.

Strategy 5: Rezone residential parcels to increase the amount of commercial/industrial land in Sudbury.

Sudbury Economic Development, Objectives and Implementation Strategies

Goal 1: Promote economic development that sustains Sudbury's natural resources and traditional, semi-rural town character, and balances sources of revenue among residential, commercial and industrial sectors.

Objective A: Create and maintain a variety of revenue sources in Sudbury

Strategy 4: *Expand and/or redefine the types of uses allowed in business, industrial and research zoning districts to encourage types of industries that are compatible with Sudbury's goals and allow for potential growth in those areas.*

- To avoid further sprawl along Route 20, strive to accommodate desirable growth in the existing business areas.

Objective B: Provide adequate infrastructure to support the Town's current and future economic development goals.

"In order to retain existing businesses and attract a mix of industries in the future, essential services such as enhanced wastewater disposal must be provided."

Strategy 1: *Explore alternative wastewater disposal options in the central business district to determine the most feasible implementation option.*

Goal 2: Create a plan to establish a centralized business district.

Objective A: Develop a pedestrian-friendly, concentrated business district generally around the Route 20/Union Avenue area, including public amenities, adequate traffic circulation and parking that will enhance Sudbury's existing and future businesses.

Strategy 2: *Investigate transfer of development rights to create more centralized shopping districts along Route 20.*

Sudbury Natural and Cultural Resource Goals, Objectives and Implementation Strategies

Goal 1: Ensure the preservation of the town's natural resources.

Objective A: Protect and maintain surface and groundwater quality and quantity

Strategy 1: *Assess alternative wastewater treatment options along Route 20.*

Zoning/Regulatory Enhancements for Environmental Protection

Drinking Water

Town of Sudbury Zoning Bylaw:

- Article 7000, Definitions
- Article 4200, Water Resource Protection Overlay Districts

Recommendation 1: The Zoning Bylaw Definitions, Article 7000, for the Zone I drinking water wellhead protection area only include the minimum 400 foot protective radius regulated by the Massachusetts Department of Environmental Protection (DEP). It is recommended that this definition be increased to 1000 feet; the area within the 6-month time-of-travel distance mapped around the public water supply well(s).

Recommendation 2: Currently, the Town of Sudbury (Town) does not have Use Regulations for Zone I within Article 4200. I recommend that the Town consider specifying prohibited uses within the Zone I, such as those found in the Model Groundwater Protection Bylaw developed by the Cape Cod Commission:

- a. Encouraged Uses. The following uses are encouraged within Zone 1 provided they meet the appropriate performance standards outlined in 3.1.c below and are designed so as to prevent any groundwater contamination.
- Parks, greenways, or publicly-owned recreational areas such as foot, bicycle and/or horse paths, and bridges.
 - Necessary public utilities/facilities including the construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels...
 - Conservation efforts for soil, water, plants, and wildlife;

- b. Special Exceptions. The following uses are permitted only under the terms of a special exception and must conform to provisions of the underlying zoning district and meet the performance standards outlined in 3.2.(c) below.

Expansion of existing nonconforming uses to the extent allowed by the underlying district. The applicant should consult the local zoning plan to confirm nonconforming uses. The (zoning authority) reserves the right to review all applications and shall not grant approval unless it finds such expansion does not pose greater potential contamination of groundwater than the existing use.

- c. Prohibited Uses. The following uses, unless granted a special exception, are prohibited within Zone 1, the 6- month time-of-travel zone. (NOTE: this is typically within about 1000 feet of the public water supply well.)
- Automobile body/repair shop;
 - Gas station;
 - Fleet/trucking/bus terminal;
 - Dry cleaner;
 - Electrical/electronic manufacturing facility;

- Machine shop;
 - Metal plating/finishing/fabricating facility;
 - Chemical processing/storage facility;
 - Wood preserving/treating facility;
 - Junk/scrap/salvage yard;
 - Mines/gravel pit
 - Irrigated nursery/greenhouse stock
 - Confined animal feeding operations
 - Land divisions resulting in high density (>1 unit/acre) septic systems;
 - Equipment maintenance/fueling areas;
 - Injection wells/dry wells/sumps, except for single-family residences directing gutter downspouts to a drywell;
 - Underground storage tanks, (except those with spill, overflow, and corrosion protection requirements in place);
 - All other facilities involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste having potentially harmful impact on groundwater quality;
- All uses not permitted in the underlying zone district

Recommendation 3: Performance Standards for uses in Zones 1 and 2 should be added, following permitted uses (Article 4241), for items such as:

- Secondary containment system to intercept any leak or release from the primary containment vessel or structure.
- Buried pipes or carrying such materials must have double walls and inspectable sumps for Underground tanks
- Plugging of all abandoned wells
- An acceptable contingency plan for all permitted facilities (preventing hazardous materials from contaminating the shallow/surficial aquifer should floods, fire, or other natural catastrophes, equipment failure, or releases occur):
 - (a) For flood control, all underground facilities shall include but not be limited to a monitoring system and secondary standpipe above the 100 year flood control level, for monitoring and recovery. For above ground facilities, an impervious dike, above the 100 year flood level and capable of containing 100 percent of the largest volume of storage, will be provided with an overflow recovery catchment area (sump).
 - (b) For fire control, plans shall include but not be limited to a safe fire fighting procedure, a fire retarding system, effective containment of any liquid runoff, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are pipes, liquids, chemicals, or open flames in the immediate vicinity.
 - (c) For equipment failures, plans shall include but not be limited to:
 - Below ground level, removal and replacement of leaking parts, a leak detection system with monitoring, and an overflow protection system.
 - Above ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.
 - (d) For any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the groundwater protection coordinator designated by the (local government authority).

Recommendation 4: It appears that existing activities allowed in grandfathered land uses (Article 4243 –Special Permit) within the Zone II area are unregulated, in terms of the handling of hazardous materials. It is recommended that the Town consider including regulatory thresholds either in the Zoning or General Bylaws, or Public Health Regulations for the transport, storage and use of mobile chemicals that are Halogenated Solvents, are a Hazardous Substance, are a Hazardous Waste, or are Petroleum Products (including Fuel), as well as definitions. In addition, the Bylaw should then be amended to include specific provisions with respect to handling hazardous materials, as shown in the example below.

Example Language: (Columbia South Shore Well Field Wellhead Protection Area, City of Portland)

2.2 Existing Facilities

Annually, facility owners, operators, or tenants at existing facilities shall review whether it handles Hazardous Materials, Petroleum Products, or Fuels, and determine whether the requirements of WHPA apply:

- 1) Review Hazardous Material Inventory completed pursuant to methods described in Section 5.1 – Annual Hazardous Material Inventory Report.
- 2) A Determination of the quantity of Hazardous Materials or Fuels inventoried as provided in subsection (1) above shall be completed pursuant to Section 1.3.1, 1.3.2, and Section 1.4.
- 3) If the determination made in subsection (2), above indicates that the quantity of any Hazardous Materials or Fuels exceed the thresholds defined in Table 1, the facility is subject to the applicable requirements of Section 3- Requirements and Recommendations.
- 4) The onsite functional area(s) defined in Section 3.2 used for the storage, handling, use, or transportation of Hazardous Materials or Fuels that exceed the thresholds defined in Table 1, but do not conform to the applicable requirements of Section 3 are considered to be non-conforming use(s) at the time they become subject to the requirements of Section 3.
- 5) Within 60 days of determining that an existing facility has non-conforming use(s) as defined in (4), above, the owner, operator, or tenant must (a) remedy all non-conforming use(s) or (b) submit a Compliance Plan to the City that details how the facility will correct its non-conforming uses. The Compliance Plan must establish a reasonable timeframe for correcting all non-conforming uses or the implementation of alternative storage, handling, use, transportation, or containment practices that are capable of satisfying the requirements of Section 3. If a development permit is necessary to remedy non-conforming use(s), the facility must also follow the applicable requirements of Section ____.

Stormwater

Recommendation 1: The Town has a very robust and up-to-date- Stormwater Management Bylaw Regulations. However, the Town could consider making a few changes that would protect the Town from issues relating to flooding, as the current specifications for stormwater management permits requires a hydrologic analysis that does not account for climate change; increase frequency and intensity of storms. The Bylaw currently suggests using the TR 55/TR-20 methodology, which uses historic rainfall records for Massachusetts, while recent studies show that rainfall data have changed, for example:

Storm Event	24-Hour Precipitation (Inches)
2-year	3.2
10-year	4.9
25-year	6.2
100-year	8.9

This information developed by the Horsley Witten Group for the Town of Winchester, was adopted from the web tool “Extreme Precipitation in New York and New England” by the Northeast Regional Climate Center (NRCC) at Cornell University and the Natural Resources Conservation Service (NRCS), as available at <http://precip.eas.cornell.edu/>.

Recommendation 2: The Zoning Bylaw, Article 4242 – prohibited uses – states that “any use that will render impervious more than 155 of any lot or 2,500 square feet, whichever is greater, unless a Special Permit pursuant to Section 4243(b) has been granted” is prohibited. However, the Stormwater Management Bylaw Regulations do not specify recharge rates within the Water Resource Protection Overlay Districts (WRPOD) nor does it point-out specific types of best management practices that should be considered for the WRPOD. It is recommended that the Town consider enhancing this language within the Stormwater Management Bylaw Regulations, such as:

“Annual groundwater recharge rates shall be maintained, by promoting infiltration and recharge through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall equal the annual recharge from pre-development site conditions.”

Furthermore, to ensure appropriate recharge occurs in appropriate locations within the WRPOD, the Town should consider including a provision in both the Bylaw and Regulations regarding Sensitive Areas, as follows (regulation language):

“Stormwater discharges to critical areas with sensitive resources (i.e., public swimming and fishing areas, aquifer recharge areas, water supply reservoirs) may be subject to additional criteria, or may need to utilize or restrict certain LID Management practices at the discretion of the *Planning Board*. The *Planning Board* may designate sensitive areas and specific criteria for these areas after conducting a public hearing in accordance with the provisions of Section **XX** of the Town’s Stormwater Management Bylaw.”

Lastly, the Town may want to consider employing a credit system for development that reaches this recharge goal through better sites design practices, as outlined in the Massachusetts Smart Growth/Smart Energy Toolkit LID Model Bylaw and Regulations, Appendix A: http://www.mass.gov/envir/smart_growth_toolkit/bylaws/LID-Bylaw-reg.pdf.

Sudbury Center Site Plan and Design Overlay District DRAFT Concept Language

SPECIFIC LANGUAGE AND PROVISIONS TO BE DETERMINED BY THE SUDBURY DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT AND THE SUDBURY PLANNING BOARD

Purpose

The Sudbury Center Site Plan and Design Overlay District provides for additional development opportunities, and enhanced site plan and design review in the commercial center of Sudbury.

The purposes of the Sudbury Center Site Plan and Design Overlay District (OD) are to: (a) facilitate the development of a strong and vibrant village center; (b) attract development consistent with Town character; (c) provide for redevelopment that discourages sprawl; (d) control overdevelopment; (e) provide opportunities for development that includes a mix of retail, restaurants, offices and housing; (f) increase the variety of housing and (g) provide for uses, redevelopment and development consistent with the opportunities available with the construction of wastewater treatment along Route 20.

Overlay District

The Overlay District provides alternative land use controls to those in the underlying zoning districts. Uses, dimensions and incentives are authorized by special permit granted by the Planning Board. The Overlay District shall not restrict the rights of owners that choose to develop any lot pursuant to an underlying zoning district. If an owner elects to use the Overlay District, the development shall conform to all applicable requirements of this bylaw, including any regulations or guidelines that may be developed to support this bylaw.

Sudbury Center Site Plan and Design Overlay District is comprised of two areas: *Area A*, and *Area B*. *Area A* is designed to encourage revitalization of existing shopping plazas to reduce auto dependency and enhance connectivity for pedestrians. This area allows the highest density of use, requiring first floor retail and commercial/or residential on upper floors. *Area B* is designed to promote housing and mix of uses where feasible at a lower density than allowed in *Area A*.

Location

The Sudbury Center Overlay District is generally described as overlaying the existing Industrial, Business and Limited Business (ID 8) zoning districts north and south of Route 20, south of Station Road on the east to Highland Avenue on the west. The Overlay is divided into two Areas: *Area A* is the land currently zoned Business, Limited Business and Industrial (ID 8) north and south of Route 20 and (*FOR EXAMPLE* *Area B* is comprised of the land zoned Limited Business south of Route 20).

The Sudbury Center Overlay District and the two Areas are delineated on a map at a scale of 1 inch to 1,000 feet entitled: "Map of Sudbury Center Overlay district, Town of Sudbury, Massachusetts, _____, as amended by Town Meeting. This map is hereby made a part of the Sudbury Zoning Bylaw and is on file in the office of the Town Clerk.

Authority; Conflict Provision

The Planning Board (“the Board”) shall be the Special Permit Granting Authority (SPGA), and conduct Site Plan and Design Review within the Overlay District. To streamline the permitting process, the Planning Board shall endeavor to manage the Site Plan and Design Review process concurrently with other required special permits, including a special permit pursuant to the Water Resource Protection Overlay District.

The Planning Board may adopt or amend, after a public hearing, rules, regulations or guidelines to support this bylaw.

If the provisions of this bylaw are in conflict with any other section of the Sudbury Zoning Bylaw, (SZB) the regulations of the Sudbury Center Overlay District shall govern.

Use Regulations

The following uses (and none other) shall be authorized by a Sudbury Center Overlay District Special Permit, pursuant to this bylaw. More than one use may be located in a single building, or located in separate buildings on a development site (more than one lot).

Residential Uses

“Residential apartments on 2nd or 3rd floors, above ground floor business uses” i.e. mixed use

[NOTE: “Residential apartments on 2nd or 3rd floors, above ground level business uses” is described in the Sudbury Zoning Bylaw, Section 2230 Appendix A Table of Principal Use Regulations under the Village Business Zone. **Add a Definition for “Mix of Uses”** See “Definitions” Page 10

Artist studio/residence (See “Definitions” Page 10

Townhouses (limited to 6 per cluster) (Area B)

Senior Residential Community/Incentive Senior Development - revise min. lot size (Area B)

Buildings with no more than four dwelling units per building

Commercial Uses

Farm stand, nonexempt

Bank, financial agency

Business or professional office

Personal service establishment

Retail stores and services not elsewhere set forth in Industrial and Limited Industrial Districts

Restaurant

Club or lodge

Motel or hotel, now limited to **50 rooms**

Indoor commercial recreation

Pools, private

Medical Center or Clinic (currently in bylaw)

Health Facility (See Definitions Page

Exempt/Institutional Uses allowed in all zones

Prohibited Uses

All uses prohibited by Article 4200 Water Resource Protection Overlay District.

- Single Family Dwelling
- Boarding house
- Child care facility
- Funeral Home
- Kennel
- Motor vehicle sales and rental
- Motor vehicle general and body repair
- Motor vehicle light service
- Nursing or convalescent home
- Incentive Senior Development
- Adult Uses [Not in current Sudbury Zoning Bylaw]

Dimensional Requirements

To meet the purposes of developing a strong village center, front, rear and side setbacks need to be flexible to reflect existing conditions, as well as to meet the requirements of providing sidewalks on both sides of Route 20, even if those sidewalks must be built on private property. Therefore, the Board may vary the dimensional and parking requirements of this section if, in its opinion, such change will result in an improved project design.

Setback: Front Yard

Minimum building setback from the back of the sidewalk: 5 ft.

Maximum building setback: 15 ft.

Setback: Side Yard

Minimum side yard: 0 ft.

Maximum side yard: 15 feet

Setback: Rear Yard

Same as existing - no required rear yard setback

Existing bylaw **Section 3531** Landscaping Requirements for Property Lines shall apply for screening non-residential uses from residential uses.

Minimum Lot Frontage

100 feet

Height Limits: Along Route 20 frontage, it is preferable that new buildings be a minimum of two stories or 25 feet in height. In Area A, a maximum height of 40 feet or 3 ½ stories; in Area B, 45 ft. or 4 stories to accommodate first floor parking for housing construction at least 1,000 ft. back from Route 20 (Rear of LI zone, adjacent to the railroad ROW/proposed Trail.)

Parking

Off-street parking shall be provided in accordance with the following minimum and maximum requirements.

Use	Minimum Parking Spaces	Maximum Parking Spaces	Comments
Dwelling units Studio/1Bedroom	1.5 per unit 1 per unit	2 per unit 1 per unit	Reduction for smaller units
Eating and drinking establishments	1 space for each 4 seats <u>or</u> 2 spaces for each 150 s.f. of gross floor area, excluding basement storage area	One space for each 3 seats <u>or</u> one space for each 50 square feet of gross floor area, excluding basement storage area	Use the “seats” number for “Restaurant” and “floor area” for “fast-food restaurant”
Motels, hotels	0.75 space for each guest room, plus 1 space for each 500 s.f. of meeting, banquet or restaurant area	1 space for each guest room, plus 1 space for each 400 s.f. of meeting, banquet or restaurant area	
Medical, dental or professional building	1 space for each 350 s.f. of gross floor area, excluding basement storage area	1 spaces for each 200 s.f. of gross floor area, excluding basement storage area	
Offices	1 space for each 350 s.f. of gross floor area, excluding basement storage area	1 space for each 200 s.f. of gross floor area, excluding basement storage area	
Retail business and service establishments	1 space for each 300 s.f. of gross floor area on the first floor of a building, and one space for each 500 square feet of gross floor area thereafter for all floors use businesses, excluding basement storage area	1 space for each 200 s.f. of gross floor area on the first floor of a building, and one space for each 400 square feet of gross floor area thereafter for all floors used for office, retail or service businesses, excluding basement storage area	
Theaters, auditoriums, assembly halls	1 space for each 4 seats or for each 100 s.f. of auditorium area, if there are not fixed seats	1 space for each 3 seats or for each 50 s.f. of auditorium area, if there are not fixed seats	
Mix of uses in a single building or a development		Spaces required will be the sum of the requirements of the various individual uses	If decided condo parking, may not apply.

Shared Vehicle Parking: Shared use of motor vehicle parking is strongly encouraged. Parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it is demonstrated to the Planning board that the need for parking occurs at different

times. A shared parking agreement shall be submitted to the Planning Board and shall be made a part of any special permit granted pursuant to the Overlay District bylaw.

Sudbury Zoning Sections 3146 and 3147 shall apply within the Overlay District.

Incentives

NOTE: Providing Incentives to re-develop sites within the Overlay is a challenge because of the generous Maximum Building Coverage in the underlying districts: 60% of the lot. The provisions of Section 42453 b. of the Water Resource Protection Overlay District allow by special permit uses that will render impervious more than 15% of any lot, or 2,500 sf whichever is greater, provided it is demonstrated that a net improvement to existing conditions is made with respect to water quality and groundwater recharge. Discussions with town officials revealed that these permits are granted and can result in 50% impervious coverage, depending on degree of mitigation and the existing conditions of the lot. Nevertheless, following are some techniques that could be considered, particularly if the Town decides to utilize Floor Area Ratio (FAR) limits in the Overlay. Incremental increases in FAR (from .3 to .6, for example) could provide the incentive.

One of the best strategies to deal with site coverage is by managing parking. Communities such as Sudbury are reluctant to contemplate structured parking (although Nantucket is going to construct a municipal garage with rooftop function area for weddings, etc.). The alternative is underground parking, but the high water table from the Town's aquifer would make this expensive, if it was allowed at all.

Following is a description of how incentives might be utilized, primarily to increase housing.

Housing

The Planning Board may authorize an increase in the residential density as identified below:

- a) A density bonus of 2 dwelling units per 1 affordable dwelling unit provided that parking is available in perpetuity for all dwelling units in accordance with the parking requirements of this bylaw, and provided that said affordable unit(s) is restricted as such in perpetuity.

- b) A density bonus of 1 dwelling per 2,500 square feet of Open Space which exceeds the required of open space.

- C) a density bonus of 1 dwelling unit if the applicant agrees to reconstruct and maintain any existing storm water drains located within the lot to a more natural state using current best management practices for stream restoration that are endorsed by MA DEP or other relevant environmental protection body; OR
 1. Reduce the existing lot coverage by at least 10 percent; AND
 2. Remove at least some, and if not all, of the existing non-water supply activities and structures from Zone 1 areas within the lot; AND
 3. Incorporate landscape design and construction techniques that accord with current LEED standards and current Low Impact Development practices.

Transfer of Development Rights

The Planning Board may allow a development proposed pursuant to this by-law to increase the existing impervious site cover on a lot, even if this is greater than 50% of the total lot area, provided that:

1. The applicant removes impervious site coverage on another site that is within the Zone II to enable ground water recharge on this site. The offsite ground water recharge area shall be equal or greater in area than the proposed impervious site cover.
2. The applicant provides documentation from a certified hydrologist stating that the offsite ground water recharge area will provide the same degree of ground water recharge as the subject site.
3. A legally binding agreement from the owner of the subject property containing the proposed off site ground water recharge area is submitted to the Planning Board with the Special Permit request. This agreement shall state that development restrictions will be provided for the offsite ground water recharge area upon issuance of a Special Permit.
4. All Special Permits granted pursuant to this by-law shall require that development restrictions be provided for all off site ground water recharge areas. Completed documentation is subject to the review and approval of Town Counsel and shall be presented to the Planning Board prior to issuance of a Building Permit, and shall be filed in the Registry of Deeds.

Site Plan and Design Review

The Planning Board shall consider the following criteria in conducting Site Plan Review and Design Review for projects in the Overlay District. The Planning Board may adopt additional design provisions to advance the goals of the Overlay District.

Site Plan Goals

The Planning Board shall consider the degree to which a proposal in the Overlay District achieves the following goals:

Includes a balance of land uses

Increases the range of housing options

Promotes integrated physical design and interaction among activities

Encourages compatibility with the historic character of the Town

Enhances pedestrian access to buildings and between sites and promotes site features and layouts conducive to walking and bicycling

Includes best practice provisions for energy and environmental design, including low impact development (LID) practices for stormwater management

Design Goals

Buildings and renovations shall be of a design similar to or compatible with traditional architecture in the Town of Sudbury in terms of scale, massing, roof shape, spacing and exterior materials. The design standards are intended to promote quality development consistent with the Town's sense of history and the goals of developing a pedestrian-oriented village center while lessening automobile-oriented development.

Building Scale

The size and detailing of buildings shall reflect the community preference for structures that resemble houses or barns and do not resemble "big box shopping centers." New buildings and/or substantial alterations shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Such features include varied facades, rooflines, including gables, roof heights, materials, and details such as shutters or awnings.

Buildings shall relate to the pedestrian scale by:

- Including appropriate architectural details to add visual interest along the first (ground) floor of all facades that face streets, squares, pedestrian pathways, parking lots, or other significant pedestrian spaces.
- Differentiating the base, middle and top of the facade using cornices, string cornices, set-backs or other similar features.

Continuous lengths (in excess of 20 ft) of flat, blank walls adjacent to street, pedestrian pathways, or open spaces shall not be permitted.

Roof Form

New construction, including new development above existing buildings and/or substantial alterations, shall have a gable, hip or other traditional roof form which is consistent with the historic architecture of the Town of Sudbury. Roof pitch shall be a minimum of pitch of 4:12. Flat roofs are to be avoided. It is preferable that new structures fronting on Route 20 shall be at least 2 stories or 25 ft. in height

Mechanical equipment, including elevator head houses shall be screened, organized and designed as a component of the roof design, and not appear to be “left-over” or add-on elements.

Entrances

Commercial and residential building entrances shall be designed to accommodate pedestrians. Buildings shall have an entrance visible from the right-of-way and the sidewalk, with an entrance accessible from the sidewalk. If parking is located behind the building, an entrance from the parking area shall also be provided. Any entrance from the parking area shall be designed to be welcoming to pedestrians, and not appear to be merely a “second means of egress”.

Doors shall not extend beyond the exterior façade into pedestrian pathways.

External Materials and Appearance

External building treatments shall relate to and be in harmony with surrounding structures. Predominant wall materials shall have the appearance of wood, brick or stone. Cladding materials should be consistent on all facades with the exception of special design elements such as gables or dormers.

Awning and canopies shall be compatible with the architectural style of the building. Colors and patterns used for awning and canopies shall be subdued and compatible with existing awnings on adjacent buildings.

Except for minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal. Window panes shall be non-reflective.

Ground floor commercial building facades facing streets, squares or other significant pedestrian spaces shall contain transparent windows totaling a minimum of 60 percent of the faced surface.

Historic Resources

Wherever possible, existing historic structures on the site shall be preserved and renovated for use as part of the development.

Any alteration of or addition to an existing historic structure shall utilize materials, colors and textures as well as massing, size, scale and architectural features that are compatible with the original structure. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

Site Amenities and Landscaping

To the maximum extent possible, projects shall provide amenities, such as sidewalks/pathways, outdoor seating, patios, porches or courtyards. The amenities shall be designed to maximize ease of pedestrian access and use.

A minimum of 10 percent of the site shall remain open space that is designed and intended for public use, such as landscaped sitting areas. This category of open space shall be usable, unobstructed space that is not used for vehicle parking, vehicle circulation, loading spaces or pedestrian pathways or landscaping within parking lots. This category of open space shall not include streams, wetlands, ponds, rivers, certified vernal pools or other resource areas, or their associated buffer zones as identified Town of Sudbury Wetlands Administration Bylaw.

All developments shall be landscaped with appropriate low-water native vegetation.

Connectivity

Sidewalks and/or pathways designed to connect parking areas with adjacent developments are encouraged to further the goal of providing safe pedestrian access to businesses in the Sudbury center.

Curb cuts shall be minimized.

Sidewalks shall be constructed along the abutting street(s).

Service Areas, Utilities and Equipment

Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets or public open spaces and shall incorporate techniques for noise buffering from adjacent uses.

Parking

Motor vehicle parking shall be located behind or beside buildings wherever possible. Parking located directly between the building and the street alignment shall be discouraged.

Sustainable Building Design

It is desirable that new buildings constructed in the Sudbury Overlay District comply with the current Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council to the maximum extent feasible.

Design Review Board

The Planning Board shall seek advice from the Sudbury Design Review Board and shall encourage the Design Review Board members to participate in all meetings held by the Planning Board in conjunction with Site Plan and Design Review.

Definition to be Added to Article 7000 DEFINITIONS

Additional Definitions: either within the bylaw, or to be included in Article 7000 Definitions

Artist Studio/Residence: A place of work and residence occupied by one or more persons actively engaged, either professionally or an avocation, in: commercial graphic arts; fine arts, including but not limited to painting, printmaking, sculpting or ceramics; art and document restoration; the performing and visual arts, including but not limited to dance, choreography, photography or filmmaking or the composition of music.

Mix of Uses: A combination of residential and commercial uses, arranged vertically (in multiple stories of buildings), or horizontally (adjacent to one another in one or more buildings within a lot). First floor street front uses shall include uses such as retail, restaurant, bank, personal service, etc.

Health facility: A building or portion thereof used for health-related purposes, such as acupuncture, sports medicine, physical therapy, exercise studios.

Verify that the existing definitions could include these uses:

Medical center of clinic: A building [ADD: or portion thereof] designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Would this definition allow for day surgery facilities?

DRAFT INCLUSIONARY HOUSING BYLAW

Purpose

The purposes of this By-law are:

- a. to increase the supply of housing in the Town of Sudbury that is permanently available and affordable to low and moderate income households;
- b. to encourage greater housing diversity to meet the needs of our workforce; and.
- c. to develop and maintain a proportion of the Town's housing stock as affordable housing units.

Definitions

- a. **Affordable Housing Trust Fund** (the "Fund"):
USE Definition of Sudbury's Affordable Housing Trust/Fund
- b. **Affordable Housing Unit**: a housing unit that by Deed Restriction is and will remain:
 1. available for sale and sold at a selling price that will result in an Annual Housing Cost of not more than thirty percent (30%) of the annual income of a Qualified Affordable Housing Unit Purchaser; or
 2. available for rental and rented at an annual rent, including mandatory or unavoidable fees, that will result in an Annual Housing Cost of not more than thirty percent (30%) of the annual income of a Qualified Affordable Housing Unit Tenant, or rented to a tenant receiving rental assistance pursuant to a state or federal rental assistance program; and, in either case;
 3. affordable to and occupied by a low or moderate income household, meet the definition of low or moderate income housing at 760 CMR 30.02, and eligible for inclusion in the Chapter 40B Subsidized Housing Inventory through the Local Initiative Program (LIP) under G.L. c. 40B sec. 20-23.
- c. **Annual Housing Cost**²
 1. For owners, the aggregate of annual charges for debt service on a mortgage, real estate taxes, homeowner's insurance, and condominium fees, if applicable.
 2. For tenants, the aggregate of annual charges for rent, utilities (except telephone and other telecommunications) and renter's insurance.
- d. **Deed Restriction**: A provision, acceptable in form and substance to the Town Counsel of the Town of Sudbury, in a deed of real property that runs with the land in perpetuity or for the longest period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. The Deed Restriction shall limit the resale price of any ownership units, and shall bind all subsequent purchasers in perpetuity, consistent with Massachusetts Department of

² The annual housing cost is adjusted for household size.

Housing and Community Development’s (“DHCD”) regulations and guidelines under Chapter 40B of the Massachusetts General Laws. Subsequent resale prices shall be determined based on a percentage of the area median income at the time of resale as determined by the United States Department of Housing and Urban Development (“HUD”) and adopted by DHCD. The resale price will be determined in accordance with the Deed Restriction and will be established based on the same percentage of the area median income that was used to set the price for which the unit was originally sold. Notwithstanding the foregoing sentence, the resale price of an Affordable Housing Unit shall not exceed that amount which will require a household earning 80% of the most recent area median income number, as published by HUD and adjusted for the household size that corresponds with the number of bedrooms in the Affordable Housing Unit, to spend a maximum of 30% of the household’s annual income on Annual Housing Cost. The method of resale price calculation shall be included as part of the Deed Restriction. The Town of Sudbury shall not be held responsible for any future fluctuations in market price or median income that may affect the resale price of any unit subject to a Deed Restriction. Any restriction created under this By-law shall survive any bankruptcy or insolvency or other actions and shall not be subject to nullification for any reason.

- e. **Qualified Affordable Housing Unit Purchaser or Tenant:** An individual or family with household income that does not exceed 80% of the local metropolitan statistical area median income, with adjustments for household size, as reported by the most recent information from HUD and/or DHCD.

Priority Populations

- f. **Sudbury Resident:** for purposes of this By-law only a Sudbury Resident is an individual or family maintaining a primary residence in the Town of Sudbury.
- g. **Veteran?**

Applicability: This section needs to be tailored to Sudbury –these are some numbers that have been used in the MAPC region in various communities.

The requirements of this section apply to

- any proposed multifamily residential development that would create five or more attached or detached housing units on a single parcel of land;
- a. any proposed subdivision of land for residential development that would permit construction of five or more attached or detached housing units, including land divisions under G.L. c. 40A, sec. 9 (Special Permits), as well as conventional subdivisions allowed by G.L. c. 41, sec. 8K-81GG (Subdivision Control Law).
- b. any planned multi-density residential or cluster residential development under Section _____ of this Bylaw that would permit construction of five or more attached or detached housing units; and
- c. any application to the Zoning Board of Appeals for a variance or a finding that would permit construction of five or more attached or detached housing units.

No affordable housing construction or payment is required for any new housing unit that replaces a pre-existing, legal housing unit as part of a residential development or redevelopment project. [Is this applicable to Sudbury?]

Segmentation

Developments may not be segmented or phased to avoid compliance with this Bylaw. Parcels held in common ownership as of the passage of this Bylaw cannot later defeat the requirements of this regulation by segmenting the development.

Requirements

- a. Cluster Residential Developments
Ten percent (10%) of the housing units in any cluster residential development shall be Affordable Housing Units.
- b. Subdivisions
Ten percent (10%) of the housing units in any subdivision or other residential development as described above shall be Affordable Housing Units.
- c. Fractions: In determining the total number of affordable units required, a fractional unit more than 0.5 shall be regarded as a whole unit.

General Provisions

a. Consultation with Affordable Housing Trust

Developers whose projects are subject to this Bylaw are encouraged to consult with the Sudbury Affordable Housing Trust or any other future Town committee dedicated to the creation of affordable housing early in the development process concerning the Town's affordable housing needs and the optimum manner in which the Town's needs and the developer's affordable housing requirements can be met by the proposed development consistent with any affordable housing planned production plan then in effect in the Town. The Sudbury Affordable Housing Trust may consult with and give advice to the Planning Board and/or the Zoning Board of Appeals during the development process and, as a part of the process, may submit written reports to the board reviewing any proposed development subject to the Bylaw.

b. Comparability

Unless otherwise approved by (a) the Planning Board or (b) the Zoning Board of Appeals in the case of residential developments requiring a finding or variance, all on-site Affordable Housing Units shall be dispersed throughout the site and shall be indistinguishable from market-rate units except in interior finish, fixtures and appliances. For both on-site and off-site units that are part of any development proposal, the number of bedrooms in Affordable Housing Units shall be comparable to the bedroom mix in market-rate units in the development.

c. Selection Process

The selection of Qualified Affordable Housing Unit Purchasers or Tenants shall be conducted as follows:

1. The selection process shall include a plan for marketing the Affordable Housing Units created under this Bylaw, which describes how the Affordable Housing Units will be marketed to potential homebuyers. This plan shall include a description of the lottery or other process to be used for selecting buyers and/or renters. The marketing plan must describe how the applicant will accommodate local preference requirements of this Bylaw in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the Local Initiative Program.
2. Sudbury Residents shall be given local preference of the maximum number of the Affordable Housing Units created in any development subject to this Bylaw that is permitted under DHCD guidelines (currently, up to seventy percent (70%)²
3. Developers may sell affordable for-sale units to the Sudbury Affordable Housing Trust or to a private nonprofit entity serving Sudbury for the purpose of providing affordable housing opportunities and to permit such entity to market the Affordable Housing Units and manage the choice of buyers.

Alternative Methods of Affordability (Off-site locations and in lieu of payments shall not apply to any rental unit developments.)

a. Off-Site Location:

1. The Planning Board or the Zoning Board of Appeals may approve at a public hearing upon formal written request of the applicant some or all of the required affordable housing units on an alternative site or sites suitable for housing use.
2. In granting such approval, the Planning Board or Zoning Board of Appeals shall consider the location of the development, access to transportation, the type and character of the units proposed, and (if applicable) the number, quality and type of off-site affordable units proposed. The alternate site must be suitable for residential development and must be within the Town of Sudbury; the project must add to the town's stock of affordable housing units, and must be in the best interests of the Town of Sudbury.
3. To have such a request considered, the burden of proof shall be on the applicant, who must make full disclosure of all relevant information. In order to assist in their review, the Planning Board or the Board of Appeals may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Board. All results and reports shall be made part of the record before the Board.
4. Affordable off-site units shall either be newly created or located in an existing structure. If located in an existing structure, the units shall be lead-free and in marketable condition. In determining compliance with this Bylaw, affordable off-site units that are newly created

²Developers must provide the Planning Board with a Marketing and Outreach Plan to comply with this subsection.

and are not replacing existing legal housing shall be counted in the total number of housing units created by a proposed development. Unless otherwise approved, Affordable Housing Units provided under this subsection shall comply in all respects other than on-site location with the requirements of this By-law.

b. Housing Contribution Payments in lieu of On-Site Units

1. Approval

a. The Planning Board or the Zoning Board of Appeals in accordance with the provisions of Section 15.3 may approve at a public hearing upon formal written request of the applicant housing contribution payments to the Sudbury Affordable Housing Trust in lieu of building Affordable Housing Units provided that the applicant makes a binding, written agreement with the Town of Sudbury (with appropriate payment security arrangements).

b. To have such a request considered, the burden of proof shall be on the applicant who must make full disclosure of all relevant information. In order to assist in their review, the Planning Board or the Board of Appeals may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Board. All written results and reports shall be made part of the record before the Board.

2. Amount

For ownership developments, the financial contribution for each affordable unit shall be equal to the difference between the median single-family home sales price in Sudbury as determined by the Board of Assessors or the Warren Group and the selling price of an affordable housing unit. The maximum per unit Housing Contribution Payment amount shall be adjusted annually by the Sudbury Affordable Housing Trust as set forth herein.

3. Adjustment

The Sudbury Affordable Housing Trust shall adjust the maximum Housing Contribution Payment annually.

The annual adjustment shall be equal to the percentage change in the median sale price of single family homes in the Town of Sudbury during the previous calendar year, as reported by The Warren Group (or the Town of Sudbury Assessors Office provided the information is current or another independent reporting agency selected by the Sudbury Affordable Housing Trust), and rounded to the nearest tenth of a percent. The adjusted maximum payment amount shall apply to all Housing Contribution Payments made on or after July 1st of any year until the last day of June of the following year.

Regulations

Affordable housing production, Housing Contribution Payments and rental and resale restrictions required by this section shall be governed by regulations recommended by the Sudbury Affordable Housing Trust for purposes of carrying out this By-law and shall not be inconsistent with the Massachusetts Department of Housing and Community

Development's ("DHCD") regulations and guidelines under Chapter 40B of the Massachusetts General Laws.

Compliance

a. Building Permit Conditions

All contractual agreements with the Town of Sudbury and other documents necessary to ensure compliance with this Section (Article)____ shall be executed and delivered to the Planning Board, the Sudbury Affordable Housing Trust, and the Town Counsel prior to and as a condition of the issuance of any approval to commence construction. The Building Inspector shall not issue a building permit with respect to any project or development subject to this Section 15 unless and until the Planning Board and the Sudbury Affordable Housing Trust have certified in writing to the Building Inspector that all conditions of this Section, including any conditions that may be established by the Planning Board or Zoning Board of Appeals in any decision or approval, have been met.³

b. Occupancy Conditions

1. Compliance

No certificate of occupancy shall be issued for any market-rate units in a development subject to this Section 15 until all Deed Restrictions, agreements with the Town of Sudbury and/or other documents necessary to ensure compliance by the applicant (and any purchasers of the Affordable Housing Units) with the requirements of this By-law have been executed and recorded.

2. Housing Contribution Payments

Prior to the issuance of a final occupancy permit for any unit in the project, the housing contribution shall be payable in full.

3. Timing of Construction

Where feasible, Affordable Housing Units shall be provided coincident with the development of market-rate units, but in no event shall the development of affordable on-site or off-site housing units be delayed beyond the following schedule:

<u>Market-Rate Unit %</u>	<u>Affordable Housing Unit %</u>
Up to 30%	none required
30% to 50%	at least 10%
Over 50% to 75%	at least 40%
Over 75% to 90%	at least 70%
Over 90%	100%

Fractions of units shall not be counted.

³ Any and all Deed Restrictions or related Regulatory Agreements must be recorded at the Registry of Deeds and returned to the Planning Board and the Sudbury Affordable Housing Trust prior to issuance of any and all permits for the development.

Severability

In the event that one or more of the provisions of this by-law are found or determined to be illegal or unenforceable by the Massachusetts Attorney General or any Massachusetts Court of competent Jurisdiction then the illegality or unenforceability of any such provision shall not affect the validity of any other provision of this by-law which provisions will remain in full force and effect.

Site Plan Review

Memo to: Sudbury Planning Board
Jody A. Kablack, AICP Sudbury Director of Planning and Community
Development
From: Cynthia Wall, Senior Regional Planner, Metropolitan Area Planning Council
RE: Site Plan Review
Date: March 26, 2012

One task in the Sudbury Zoning Project is to evaluate and propose modifications to the Site Plan Review regulations.

Existing Regulations

Currently, Site Plan Review is conducted by the Sudbury Board of Selectmen. The Review is guided by Sudbury Zoning Bylaw Article 6300 and the Board of Selectmen Policies and Procedures: Site Plan Review Rules and Regulations adopted 11/10/97 and most recently revised 3/3/04. **In addition**, Article 3400 Performance Standards sets additional criteria that must be met including Section 3427, Site Development Criteria before an “activity shall be permitted”. The Building Inspector is responsible for ensuring that these provisions are met.

MGL Chapter 40A does not explicitly authorize site plan review, but case law has established the legitimacy of site plan review.

The Site Plan Review criteria cited in Section 6380 Approval are listed below, in a bulleted format.

Site Plan approval shall be granted upon determination by the Board of Selectmen that the plan meets the following objectives.

Any new building construction or other site alteration shall:

- Provide adequate access to each structure for fire and service equipment;
- Provide adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board’s Subdivision Rules and Regulations

New building construction or other site alteration shall be designed in the Site Plan after considering:

- Qualities of the specific location
- Proposed land use
- Design of building form
- Grading
- Egress points

So as to **minimize**

- Volume of cut and fill
- Number of removed trees 6” caliper or larger

- Length of removed stone walls
 - Area of wetland vegetation displaced
 - Extent of stormwater flow increase from the site
 - Soil erosion
 - Threat of air and water pollution
 - Obstruction of scenic views from publicly accessible locations
- Visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned
 - Glare from headlights and other light sources from the site onto other properties
 - Unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places
 - Contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling or containment of hazardous substances

Also, to

- Maximize pedestrian and vehicular safety both on the side and egressing from it
- Ensure compliance with the provisions of this Zoning Bylaw including parking and landscaping

Special provisions in the Village Business Districts Section 6390:

- Pedestrian circulation shall be safe and easy between all abutting properties, as well as within an individual property
- All new structures and alterations to existing structures shall be respectful of the scale and visual character of the existing neighborhood
- All plans shall be reviewed by the Design Review Board, in a public hearing

Evaluation

The existing Site Plan Review zoning article is very similar in content to site plan review bylaws in use at this time. The Performance Standards provide more explicit and detailed regulations for water quality, air quality, noise, solid waste storage, etc. as well as the Site Development Criteria for natural features, vehicular and pedestrian circulation, siting of structures, etc.

The Pre-Application Procedures outlined in the Rules and Regulations are very detailed and helpful.

Recommendations

Two provisions in the Sudbury Site Plan Review process should be reviewed and possibly revised because they are a bit of an anomaly: having the Board of Selectmen conduct the review, and allowing for a 120-day timeframe. The goal is to shorten total project review time, while ensuring that the project meets the site plan criteria.

In many communities the Special Permit Granting Authority (SPGA), usually the planning board conducts site plan review concurrently with its review of a special permit application. These combined reviews may take 120 days, but there is no additional requirement to undergo a second six month review process. If the planning board is conducting site plan review only, this is typically a 60-day process and depending on the community, may be done at a public meeting or even administratively for smaller projects. (Sudbury's Site Plan Review Section 6370 does provide for Minor Site Plan Review). In Sudbury, the Zoning Board of Appeal is the SPGA for many of the special permits, so having the Planning Board conduct site plan review for these projects would not necessarily reduce total project review time. Designating the Planning Board to conduct Minor Site Plan Review, and Site Plan Review when it is the SPGA could further the goal of a more expedient, but thorough, review process.

For the proposed overlay district on Route 20, it is proposed that the Planning Board be the SPGA, and conduct site plan and design review. The goal is to provide consistent review for this specific area. There are some additional site plan criteria in the draft overlay zoning article.

Consider revising the Site Plan Review zoning article, and the Regulations, to reference the Performance Standards. Ideally, the Site Plan Review would be updated to include the Performance Standards language, because this language is more inclusive.

Other recommendations:

- The format for listing the approval criteria could be revised to list the criteria in bullet form, or could be provided separately as a check list to assist applicants and reviewers.
- Additional criteria that could be included:
Minimize impacts on adjacent property through limitations on hours of operation, deliveries, noise, rubbish removal and storage.

Chapter Four: Next Steps

It is anticipated that the Sudbury Planning Board and Director of Planning and Community Development will review and revise the draft Overlay zone for the Route 20 Study Area, Design Criteria, Inclusionary zoning bylaw and the updated Site Plan Review information. For any of these drafts to be finalized and submitted for Town Meeting adoption, additional community meetings will be necessary to incorporate the suggestions and concerns of residents and business owners.



Town of Sudbury Community Forum *Route 20 Zoning Project*

October 26, 2011

Funded by MA District Local Technical Assistance Program

1



Tonight's Agenda

Project Context

A sewer on Route 20 would create business opportunities and further protect the environment

1. How can the Town guide development?
2. What kinds of redevelopment would you want?
3. What do you want the redevelopment to look like?

How much redevelopment would you want?

Environmentally-sensitive redevelopment

Next Steps

2



What Opportunities Will Be Created?

- Expand existing businesses
- Attract new businesses
- Create mixed use development
- Upgrade commercial/industrial properties
- Improved site design/denser development
Low Impact Development and “Green Streets”
- Increase pedestrian connections
- Develop and revitalize public spaces
- Increase the tax-base

5



How Can the Town Guide Development?

Existing Town Bylaws:

- Zoning

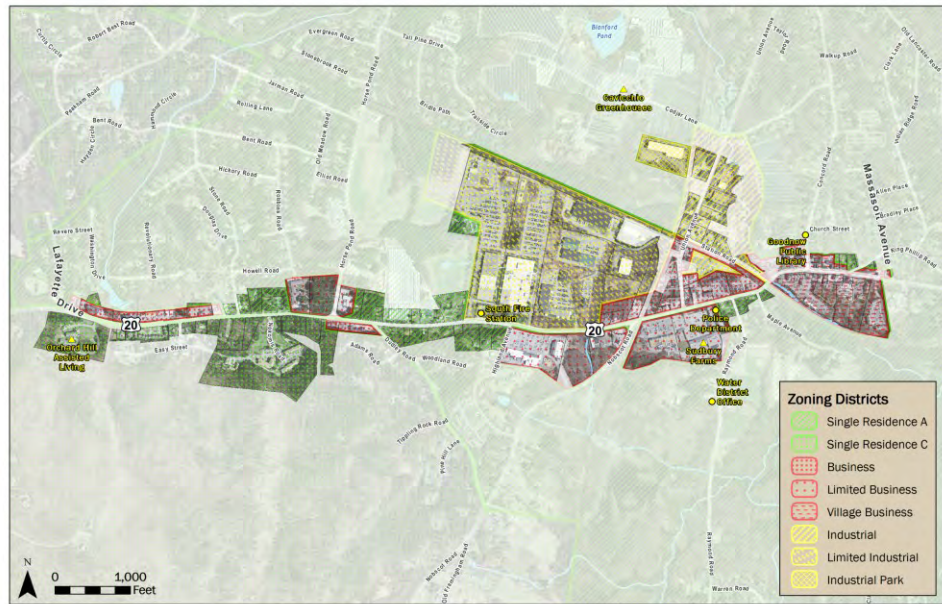
Physical Attributes and Natural Resources to Protect:

- Drinking Water Resources (Wellheads)
- Wetlands
- Flood Plain
- Stormwater Management

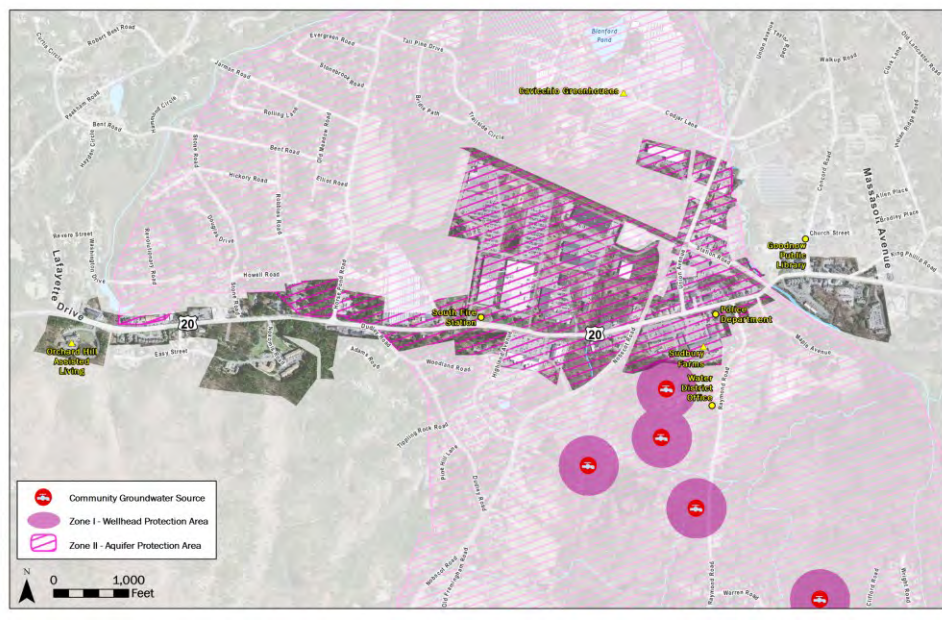
6



Existing Zoning

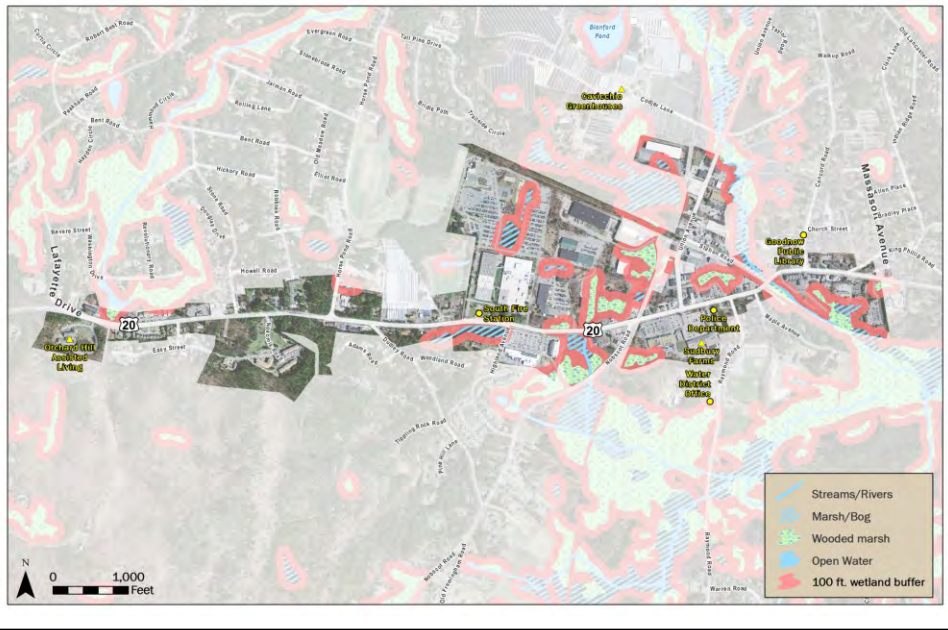


Drinking Water

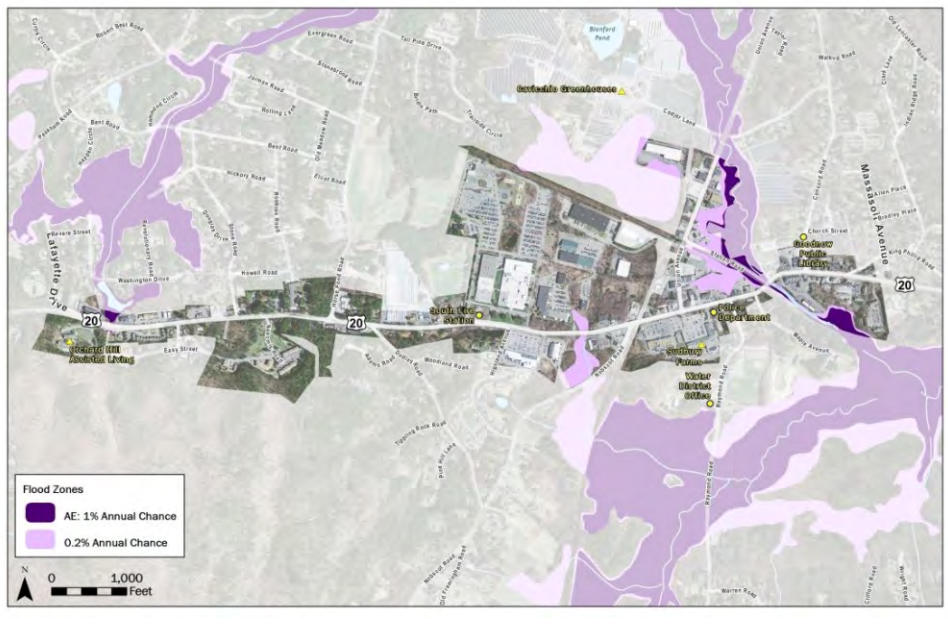




Wetland Resources

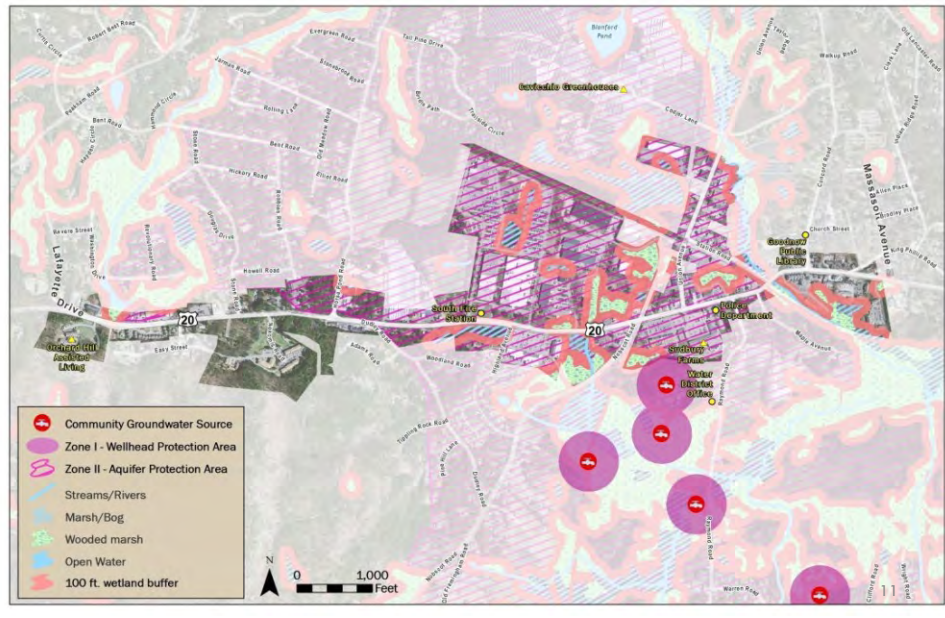


Flood Zones





Environmental Issues



Future Uses

What kinds of uses are appropriate for Rte. 20?

1. Commercial/Retail: **20?**
 - Office
 - General Retail (Clothing, Shoe, Gifts)
 - Restaurant
 - Bakery
 - Hair Salon
2. Lodging
 - Boutique Hotel
 - Continuing Care Facilities
3. Housing
 - Multi-Family
 - Live-Work
4. Mixed-Use
5. Agricultural
6. Industrial



Keypad Polling

- Introduction to Keypads
 - Demographic Questions
 - Not Binding, Anonymous
- Discussion of Uses
- Design Preference

13



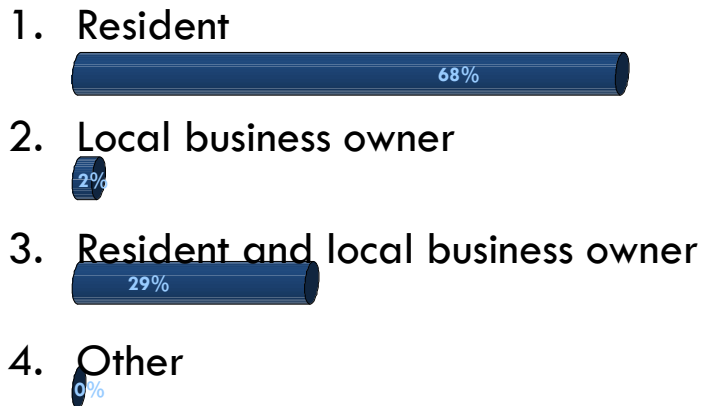
What is your favorite Fall activity?

1. Apple picking
20%
2. Attending children's sports games
18%
3. Gardening
7%
4. Cleaning the gutters
7%
5. Other
48%

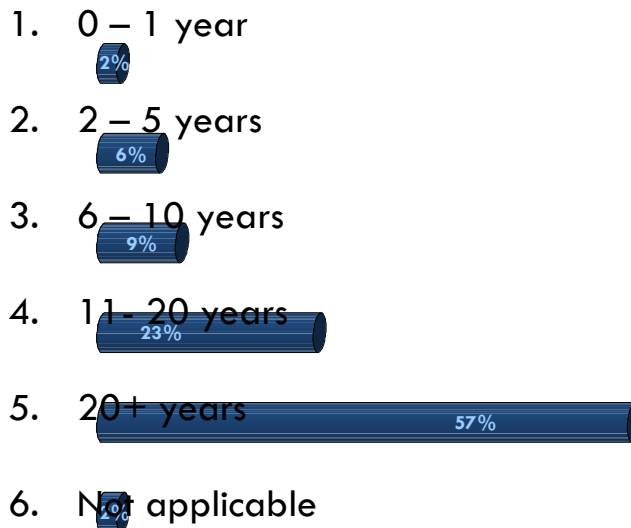
14



Which category below best describes you?

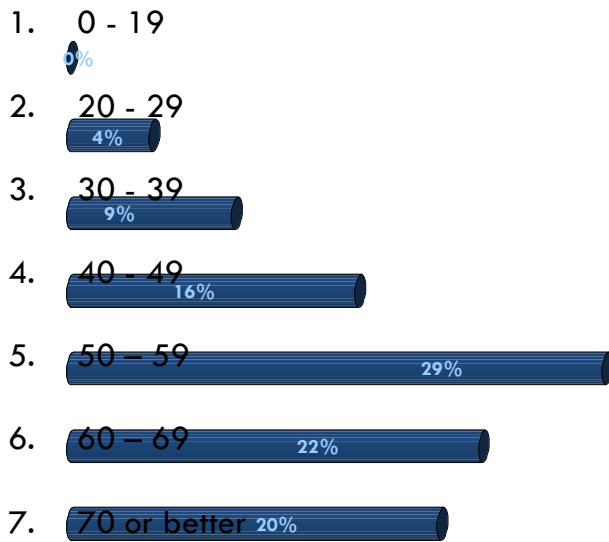


How long have you lived or owned a business in Sudbury?

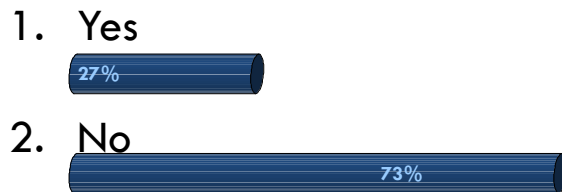




What is your age?

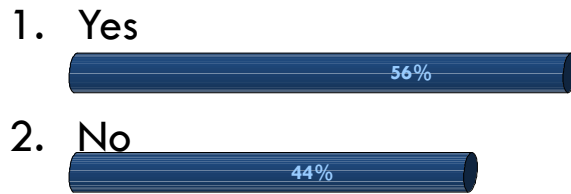


Did you participate in the Master Plan process between 1995 and 2001?

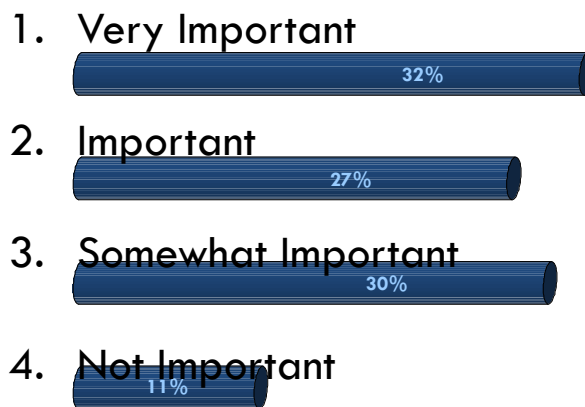




Did you participate in any of the sewer planning meetings?



How important is it that existing businesses be able to expand?





Future Uses

What kinds of uses are appropriate for Rte.

20?

1. Commercial/Retail:
 - Office
 - General Retail (Clothing, Shoe, Gifts)
 - Restaurant
 - Bakery
 - Hair Salon
2. Lodging
 - Boutique Hotel
 - Continuing Care Facilities
3. Housing
 - Multi-Family
 - Live-Work
4. Mixed-Use
5. Agricultural
6. Industrial

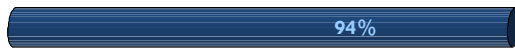
21



Are these uses appropriate for Route 20?

Offices

1. Yes



2. No



22



Are these uses appropriate for Route 20?

Restaurant, Bakery

1. Yes



2. No



Are these uses appropriate for Route 20?

Hair Salons, Day Spas

1. Yes



2. No





Are these uses appropriate for Route 20?

Boutique Hotel

1. Yes



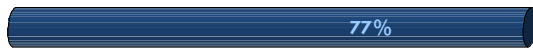
2. No



Are these uses appropriate for Route 20?

Continuing Care Facility

1. Yes



2. No





Are these uses appropriate for Route 20?

Multifamily, Live-Work

1. Yes



2. No



Are these uses appropriate for Route 20?

Mixed Use (retail/office and residential)

1. Yes



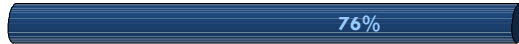
2. No





Are there other uses appropriate for the Rt. 20 Corridor?

1. Yes



2. No



Discussion

29



like?
How much development would you
want?

- Density
- Design
 - Buildings
 - Streetscape
 - Pedestrian connections and amenities

30



Intensity of Uses

The Town can allow developers to:

1. Reduce setbacks from the street
2. Design higher buildings
3. Provide mixed uses
4. Develop housing in/adjacent to a commercial district
5. Reduce parking

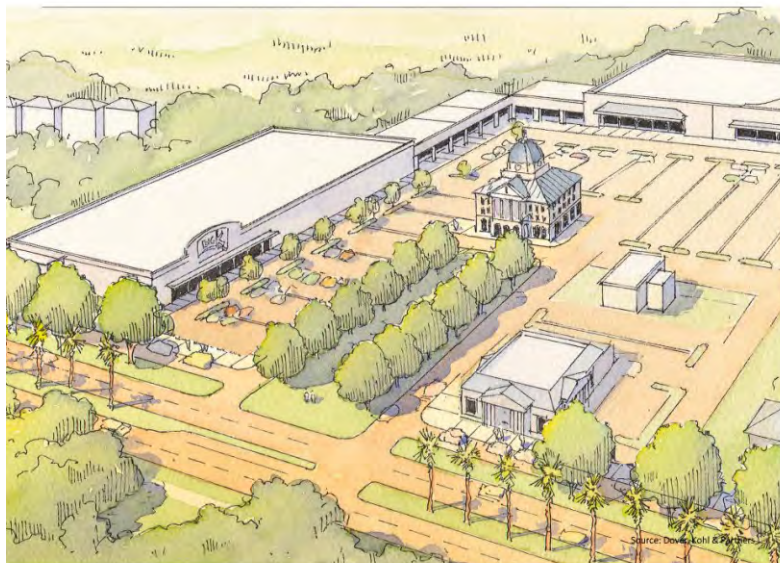
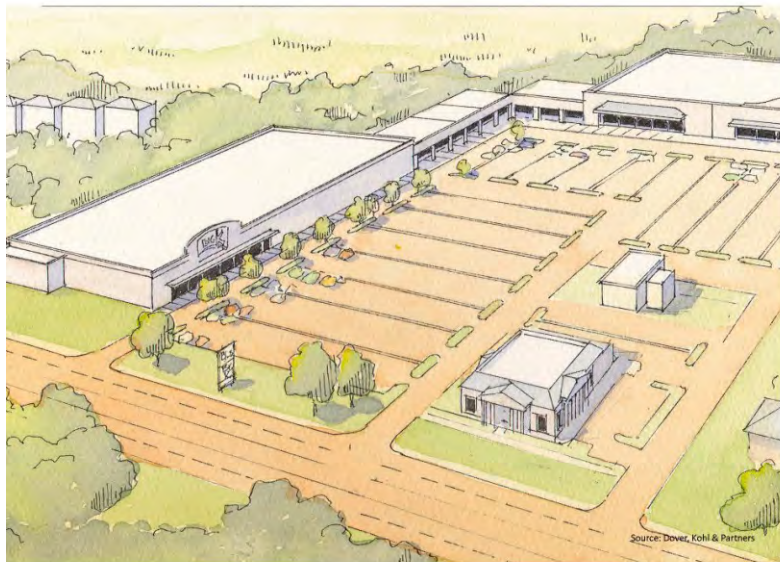
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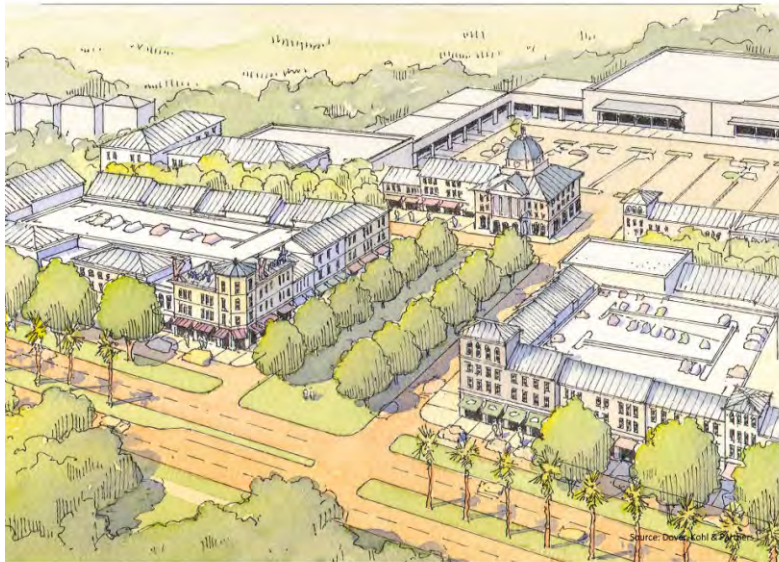


Incentives

1. Environmental Protection - Low Impact Development
2. Open Space Preservation
3. Green Building (LEED Certification)
4. Desired Architectural Design
5. Affordable Housing

32





Connectivity



37

Public Spaces



38



<http://www.pps.org>

39

Design Preference Poll

Purpose of the Design Preference Poll:

1. Building Design – height, intensity
2. Site Design

40

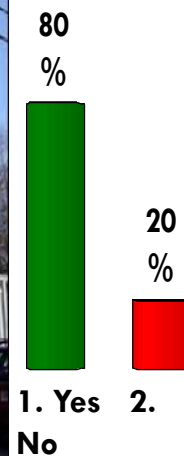
For each photo, focus on:

- Building styles
 - Height
 - Massing
 - Materials
- Signage
- Public amenities

Please don't focus on:

- Context of the photo
- Where the parking is located
- Proximity to other buildings or uses

Is this appropriate for Route 20?

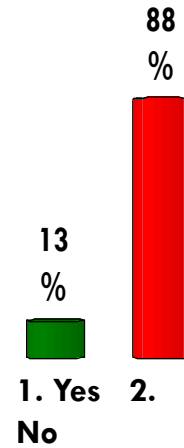




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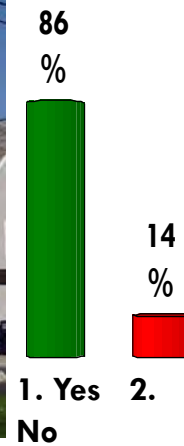
<http://oakdev.com>



43



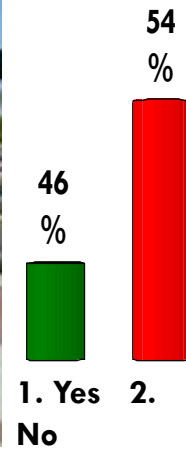
Is this appropriate for Route 20?



44



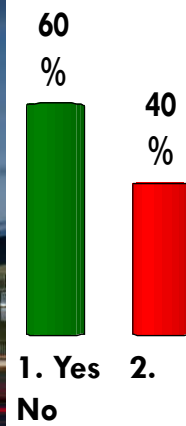
Is this appropriate for Route 20?



45



Is this appropriate for Route 20?



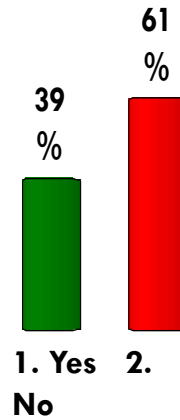
46



Is this appropriate for Route 20?



<http://oakdev.com>



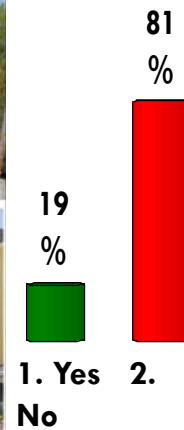
47



Is this appropriate for Route 20?



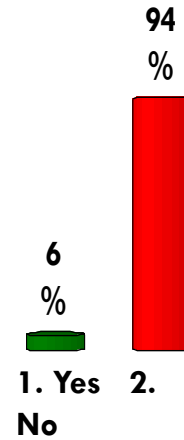
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48



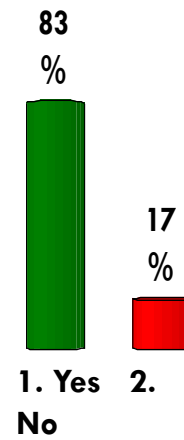
Is this appropriate for Route 20?



49



Is this appropriate for Route 20?

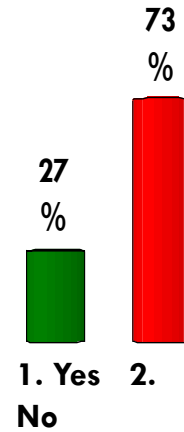


Source: Duany, Plater-Zyberk, and Co.

50



Is this appropriate for Route 20?

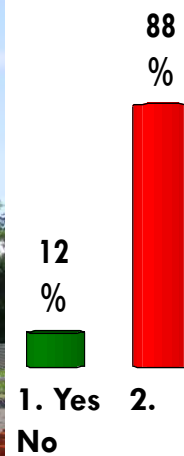


Source: Duany, Plater-Zyberk, and Co.

51



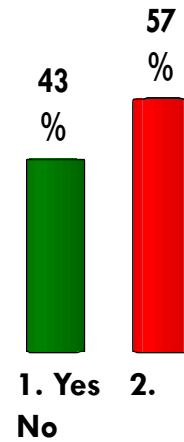
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52



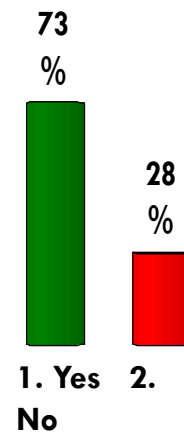
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53



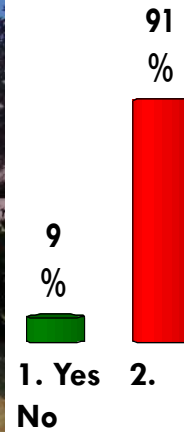
Is this appropriate for Route 20?



54



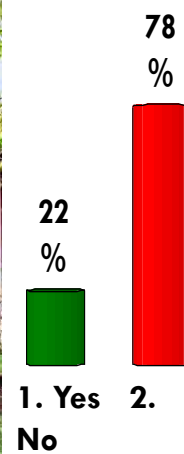
Is this appropriate for Route 20?



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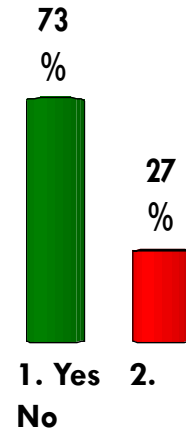
Is this appropriate for Route 20?



56



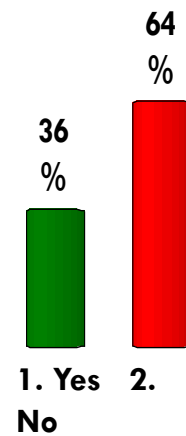
Is this appropriate for Route 20?



57



Is this appropriate for Route 20?



58



Is this appropriate for Route 20?



78
%



22
%



1. Yes
No

2.

Source: Horsley Witten Inc.

59



Is this appropriate for Route 20?



74
%

26
%



1. Yes
No

2.

Source: Horsley Witten Inc.

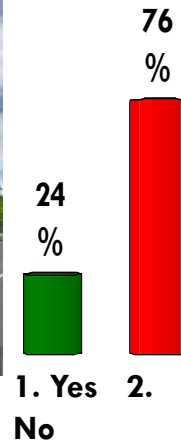
60



Is this appropriate for Route 20?



Arborpoint at Woodland Station, Newton



61



Design Preference Review

- What design elements do you like about the top 3 designs?
- What design elements don't you like about the bottom 3 designs?
- Other comments about design

62



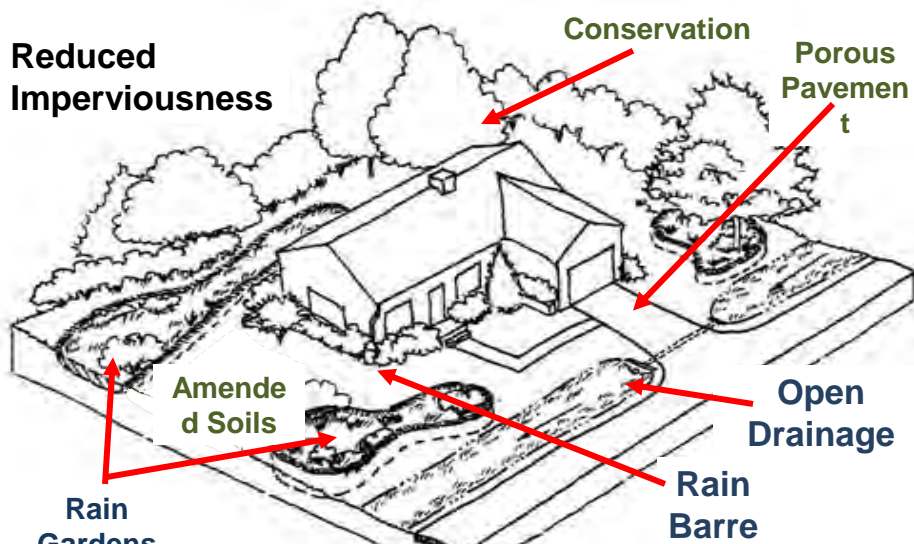
Environmentally-sensitive Design

1. Maintains Water Balance
2. Reduced Impervious Cover
3. Preserves Natural Areas
4. Treats Stormwater Locally

63



Low Impact Design



64

Low Impact



Low Impact





Next Steps

- Review results of the Forum
- Draft revisions to the Zoning Bylaw

If you have further questions or comments
please contact MAPC at:

cwall@mapc.org

jconroy@mapc.org

Or, Sudbury Planning Board

planningboard@sudbury.ma.us

- THANK YOU