



**129 Parker Street Ad Hoc Committee Minutes
Town Building, Lower Meeting Room (101)
Monday, November 25, 2013
7:00 P.M.**

Committee Members Present: Eric Smith, AICP; Bernard Cahill; Ron Calabria;
Ken Estabrook; Amy Hart; Eugene Redner; Lynda Thayer

Others Present: Angus Jennings, Bob Depietri, Richard Rankin

Mr. Estabrook called the meeting to order.

Review and Approval of November 6, 2013 Minutes: The Committee reviewed the minutes and made corrections.

Motion made to accept the minutes of November 6, 2013 as modified. Motion seconded. The motion passed unanimously.

Update on Issues Since Previous Meeting: Mr. Estabrook stated he has expanded his diagram. He provided copies and a brief overview of the document. He stated the goal of the Committee is to find an optimal solution to the 129 Parker Street development that is economically viable for the developer, protects the interest of Maynard and surrounding neighborhoods, and will pass at town meeting. The Committee has the dual role of advocating its own perspectives, as well as those of the public and the property owner, and to facilitate the decision process collaboratively toward that optimal solution. He stated the public can participate by reviewing documents on the Town website, participating in question and answer sessions, and reviewing recordings of the meetings.

Mr. Estabrook clarified that the purpose of a concept plan is to provide a general conceptual view of the development and serves as a foundation for the more detailed site plan approval process which will be undertaken by the Planning Board. He provided copies of Maynard's ten community development principles, which will assist in the decision making process.

Mr. Estabrook stated a tentative schedule of future meetings has been established. The Committee has held the dates and expects to be meeting each Wednesday, December 4, 11, and 18, January 8, 15, 22, 29, and February 5 and 12; however, one or more of these meetings may not take place and all confirmed meetings will be public posted.

Max Lamson, 10 Russell Avenue, reminded the Committee that site plan review is a public hearing process and the Planning Board will not make changes to the concept plan without public input.

Review and Discussion of Foundation Documents: Mr. Estabrook thanked Mr. Jennings and Mr. Smith for creating the foundation document. Mr. Jennings stated he reviewed a significant amount of the written record and additional documents produced over the past 12 to 16 months. He reviewed all the meeting minutes for the Planning Board, Board of Selectmen, Finance Committee, and Conservation Commission and the meeting tape from town meeting.

His goal was to create a foundation document that would allow this committee to move forward efficiently and minimize the need for duplicative statements on the record. He excerpted the core ideas from the comments on the public record and prepared a matrix of comments organized based on the categories used in the visioning workshops, specifically, fiscal impact, infrastructure, site design, use mix, and program. From this matrix he put together a two page summary.

Becoming Familiar with the Property: Opportunities and Constraints: Mr. Estabrook stated there is a copy of the map in the Committee's packet for review. Mr. Jennings provided a market forecast on lack of growth in the office building market and Ms. Thayer asked if there is a similar document available for retail. Mr. Jennings stated he will follow-up on this.

Mr. Jennings created a map of the existing requirements of the underlying zoning on buffers and setbacks and provided an overview. He stated in reviewing the synopsis of comments interest was expressed in maintaining the setbacks from the NBOD going forward. Bob Depietri from Capital Group Properties stated back when they proposed changes to the NBOD they were trying to reduce the setbacks in certain areas and that became a big issue for a lot of people. They have since looked at this and going forward it is their understanding of the current NBOD that it is a 100 ft. setback to where it abuts a residential zoned piece of land.

Mr. Jennings stated one of the opportunities he has seen with this site is the adjacency to public lands, both the schools and protected conservation land, and this could be an opportunity for the development to enhance public access to trails. He stated the connection to the schools could be left to site plan but is important enough to put some focus on at this level. He stated this would give the people who live next to the property a very clear expectation of what will happen.

Mr. Estabrook stated making this site pedestrian friendly is very important, as children from the neighborhoods will have to get to the school. He indicated on the map an area where there are trails, but stated they are not extensive. He stated the trails go from the 129 Parker site to the ball field, however, there is the constraint of a large wetlands which is not traversable. He stated there is also a National Wildlife refuge nearby and on the right side of the property there are access streets into the neighborhood but they are one lane each way and is very constrained in terms of what you can do traffic-wise.

Mr. Smith stated during the public workshops there were comments about integrating as much of the residential part of the property as possible into the adjacent neighborhoods, however, this is impossible as a practical matter to connect to existing streets because there are house lots that backup to the property on both Field Street and Dettling Avenue so no available access.

Mr. Jennings stated there is a posted meeting on December 3 with the Conservation Commission regarding this property because when the permitting was forward on the northern portion of the site a couple of years ago there had been wetlands delineation for that portion of the site but there is

nothing on file with the Conservation Commission for the entire property. Wetlands flagging is forthcoming and once that becomes accepted by the Commission he will incorporate that into this map. Mr. Smith stated there would be a reduction in traffic impact on Route 27 each morning if students could go directly to the school.

Mr. Cahill stated it would be helpful to have a projection of the map for this discussion. He stated to him integration does not mean grid street. He stated he would like to parallel Field Street with residential across the northern part of the site, with lower density toward Field Street and higher density on the southern portion. He stated at the end of the street there could be a 12 ft. wide easement. He asked what the original plan was for the conservation land.

Mr. Depietri stated they were going to give the Town an easement on the conservation land so it could be used for trails and connection to the project. Mr. Cahill asked what the tax implications are in this situation for both the owner and the Town. Mr. Depietri stated this would not have a big tax impact as it is unbuildable land. He stated once they determined the configuration they had no problem giving the Town that land as long as it did not impact coverage ratios.

The Committee requested a larger map showing some of the surrounding roads which could be put up on a projection screen.

Paul (last name inaudible) – He asked if there could be low density on the side of the road against Field Street and higher density on the other side. Mr. Smith stated it would be hard to get a street directly in from Parker because there is an office building there.

Landowner/Developer Presentation of Updated Information: Mr. Depietri stated on November 12 they had a hearing with the Planning Board with regard to the preliminary subdivision filing, which will create a subdivision of the land into four blocks. This hearing was continued until November 26. Mr. Estabrook stated the land originally had an ANR for two lots and now it is being further subdivided so they will need a copy of the current maps.

Mr. Depietri stated they have an upcoming hearing on December 3 in front of the Conservation Commission regarding their request for an ANRAD. He stated a lot of discussion last spring revolved around the wetlands and this will provide a definitive line of where the wetlands are and how it will impact any future development of the site. He stated they continue to talk with various groups regarding some of the alternative uses discussed during the workshops. They have spoken with three groups regarding assisted living facilities and three additional groups regarding senior independent housing. He stated there is some definite interest in these areas and going forward they may want to scale back the retail to look at this use.

Examination of Strategic Options to Move Forward: Mr. Jennings stated he has been thinking about the regulatory approach and strategies. He has done a lot of work on 40R smart growth zoning and he has seen it be very effective in a number of circumstances. He stated he raised this with the selectmen in the fall as a potential process option but at that time it was not the right venue to be thinking about that. He stated he wanted to review with this committee what 40R is and what the pros and cons would be to looking at that as an alternative to NBOD.

Mr. Jennings provided an overview on 40R smart growth zoning. He stated this is zoning with the same public hearing process with the Planning Board and town meeting approval that would be

required of any zoning, but in addition there is a requirement for state approval both before town meeting and after town meeting. He stated the policy is intended to provide as of right zoning for higher density housing and mixed use. In order to be eligible for the program the zoning has to provide for certain minimum as of right densities. As of right means there is no special permit, if the developer meets the standard they are entitled to the permit.

He stated the benefits to the community are they are statutory authority for design standards and the state will provide unrestricted funding upon adoption of the zoning and a density bonus payment of \$3000 per housing unit constructed under the zoning. He stated another benefit is there is a requirement that before the zoning is adopted the local public works official certifies in writing that the infrastructure is in place to accommodate the zone's development, or there are signed agreements in place to ensure it will be constructed. He stated any housing would have to have 20% affordable units. The biggest disadvantage to Maynard is there is no requirement for a concept plan. He stated this takes additional time and can be done promptly, however, if this were to happen a decision would have to be made quickly.

Mr. Estabrook asked what the advantage of 40R is for the property owner. Mr. Jennings stated the biggest advantage is the as of right zoning, however, in this case where they already own the property and are already going forward with a project so there is not as much of an advantage. He stated the zoning will lock in a specific build out scenario with a stated number of housing units allowed. For nonresidential components it can have a limit on the total square footage allowed. He stated assuming there was an overlay district that applied to the entire 58 acre parcel you would need to have sub-districts as a practical matter because the minimum densities are pretty high, for single family housing it is 8 units per acre and for multifamily it is 20 units per acre.

Ms. Thayer asked what 40S encompasses. Mr. Jennings stated 40S was left out by the legislature and a year and a half later they took it back up. He stated the theory behind 40R was that the state needed more housing and communities do not adopt zoning for high density because they are concerned about size, infrastructure, or school impact. 40S applies to the school piece and says once there is a 40R district in place the town would report annually to the state the number of actual school children in that 40R district that were attending public schools and would multiply that number by the average per pupil spending in that school district. If that total dollar impact is more than 50% of the total tax revenue from the development the state by statute will make up the difference.

Mr. Jennings stated a common question is will the state honor its commitment. He indicated for a development like this where there will be a significant nonresidential component there will probably not be net school costs. There have been 30 40R districts approved, with construction activity in about half of them, and so far no communities have made a claim to the state for the 40S school cost insurance.

Ellen Duggan asked if they should be concerned that there is not much activity at the state level and if this is an indication that 40R is not a great thing. Mr. Jennings responded there was a lot of activity when this was first introduced from 2006-2009. With the downturn in the economy towns did not have the money to hire consultants and the development community was much less interested in putting forward a speculative investment to get zoning in place. He stated if this is something the town wants to look at in more detail he can get more perspectives from people who have done this and whether they feel it is a good program.

Bill Cranshaw asked if they pushed and got this on the agenda for town meeting how would it affect other zoning on this property. Mr. Jennings stated as a practical matter it would not make sense to try to do NBOD zoning and 40R zoning. He stated this is a pretty big undertaking but because of the financial benefit to the town he felt it was important enough to have the conversation. He stated he does not feel there would be the time or resources to do NBOD and 40R.

Karen Sullivan stated her concern is will they get the people to buy or rent these residences and asked if there is some type of indicator available to determine who would be willing to move in. Mr. Estabrook stated that is up to the property owner to do a market analysis. Mr. Smith stated there is market analysis information posted on the town website. Ms. Thayer asked how the developer feels about the 40R. Mr. Depietri stated they have had discussions about this and there are pros and cons to be weighed.

Mr. Estabrook stated there is zoning already in place to put together a project. He stated from the perspective of this Committee there is a decision to make in terms of not changing the zoning, changing the zoning for the NBOD, or to encourage the town to proceed with 40R. They will have to make a recommendation that is viable for the developer, will protect the town and surrounding neighborhoods, and will pass at town meeting. He asked the Committee if anyone feels strongly that they ought to proceed forward and study the 40R smart growth bylaw option. The Committee agreed to set aside the 40R discussion for this property, although it may be something that can be pursued by the Planning Board on a separate track for other properties.

Discussion of Preferred/Recommended Path Forward: Mr. Estabrook stated the Committee will need to start looking at concept plans, with potentially three to five idea plans over the next couple of meetings.

A question was raised on how the current NBOD will be affected by having four separate parcels. Mr. Smith stated the developer is committed to this process and the Committee is planning for the entire site. Mr. Estabrook stated in theory the developer could put two supermarkets on each of the parcels and put it under NBOD, however, the developer has stated they would like to develop the entire property. He indicated moving forward they should keep in mind that there are multiple parcels.

Concern was raised about why the developer was moving forward with a preliminary subdivision plan. Mr. Estabrook stated this is a process that the developer has to undertake to protect their rights relative to developing the property. Mr. Smith stated if the developer did not do the preliminary subdivision plan the town could unilaterally change the NBOD dimensional requirements or get rid of one of the uses, so by doing this the developer freezes the development rights for eight years.

After discussion it was determined that for their upcoming meetings the Committee would like to see pictures, as well as documentation of discussions the developer has had with potential users. They would like to discuss how to encourage certain users to come to town who may be unsure about moving to Maynard. Mr. Estabrook asked the developer to come up with several plans that the Committee can review to help understand what is driving certain decisions and how the zoning needs to be changed. Discussion was held on reaching out to hospitals as they seem to be branching out in other communities.

Open Forum: Question was raised from the audience relative to Mr. Jennings' memorandum which states that bylaw language referring to plans that substantially conform and do not materially conflict with may seem clear enough in intent, but in legal terms is quite subjective. Mr. Jennings responded he has always felt a concept plan is problematic because there are a lot of details in the development proposal and in the public hearing process leading up to town meeting a lot of questions focus on the details, which the applicant may not be able to answer because they are not in the site plan stage. He stated even if there is a good project that everyone likes it creates legal exposure because someone could always appeal and cause years of delays.

Bill Crenshaw stated he is hearing some consensus items in the Committee's discussion and recommended at the next meeting they confirm the consensus items and create a list that can be added to at future meetings.

A recommendation was made that at a future meeting a general discussion be held on housing and the pros and cons of apartments vs. townhouses vs. 40B housing.

Adjournment: *Motion made to adjourn. Motion seconded. The motion passed unanimously.*