



**129 Parker Street Ad Hoc Committee Minutes
Town Building, Lower Meeting Room (101)
Wednesday, January 8, 2014
7:00 P.M.**

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

Others Present: Angus Jennings; Richard Rankin, CI Designs; Bob Depietri

Mr. Estabrook called the meeting to order. Committee members introduced themselves.

Review and Approval of Minutes:

The Committee reviewed the minutes and made changes.

December 11, 2013 - *Motion made to accept the minutes of December 11, 2013 as amended. Motion seconded. The motion passed unanimously.*

December 18, 2013 – *Motion made to accept the minutes of December 18, 2013 as amended. Motion seconded. The motion passed unanimously.*

Brief Overview of Process to Date: Mr. Estabrook stated the Committee's goal is to find an optimal solution that is economically viable for the developer, protects the interest of Maynard and the surrounding neighborhoods, and will pass town meeting vote. He provided an overview of the process to date. He stated the main purpose of this meeting is to get public input, perspectives from the property owner, and begin to refine the Committee's proposal.

Mr. Estabrook explained that this project will go through detailed site plan review by the Planning Board, and he explained that process and the fact that the public will have an opportunity to provide commentary at that level as well. He stated the Committee has determined the Neighborhood Business Overlay District (NBOD) option modified is what they would move forward with. He stated they reviewed 18 plans provided by the developer and provided feedback. They then reviewed seven plans and decided on two final plans to consider. He stated it will not be this Committee's plan that goes to the Planning Board, but the property owner who would put forward a plan.

He stated this Committee's recommendation will consist of a concept plan, or plans, bylaw changes that are required to implement those, and input to the development agreement, particularly around

traffic mitigation. They will discuss the scale of the project and may give an exact recommendation or a range. They may provide recommendations on the concept plan process.

Update on Issues Since Previous Meeting: Mr. Estabrook stated he appeared before the Board of Selectmen yesterday, along with Angus Jennings, and reported out what the Committee has worked on to date.

Mr. Jennings stated this Committee's process is largely focused on physical planning and onsite issues and they are aware that the larger issues need to be advanced well in advance of going to town meeting. He stated he has been working with the Town Planner and Town Administrator to set things up so they are in a position to initiate updated studies very quickly.

Presentation of Updated Concept Drawings:

Mr. Rankin stated since November they have gone through about two dozen plans. He stated the items discussed were zoning requirements, setback issues, buffer issues, mix of uses on the site, discussion of alternative uses, site access, site circulation, open space, and site amenities.

He presented the two plans and stated there is not a great deal of difference between the two. He stated they have discussed two options to access the site, through an existing curb cut or an alternative access point, however, they are limited by the amount of site frontage. He provided an overview of the two plans. He stated the lower buildings indicate pad sites that could be multitenant pads, single tenant pads, restaurants, a bank, drugstore, etc. The green building indicates a potential medical office use. There is an assisted living or independent living building and approximately 225,000 to 230,000 sq. ft. of retail space with a grocery anchor. He stated discussion was held on site amenities and the ability to circulate through the site, as well as open space, community space, and connections to trails and the school.

Mr. Estabrook stated the 250,000 sq. ft. retail is 75,000 sq. ft. more than what is currently allowed. He stated 175,000 sq. ft. is currently allowed in the NBOD and this would require an amendment to the zoning bylaw.

Mr. Calabria stated in the NBOD that was originally passed in 2007 about 450,000 sq. ft. of office was going to be retained, however, the landowner has indicated this is not viable. He stated because of this the space has to be replaced with something and a lot of his concern centers around what to replace it with. He stated either of the plans presented are okay, but he prefers 2B mainly because he is interested in trying to have the residential area not be something where you have to drive through a parking lot to get to your house, but something that will fit into Maynard and have walking access to school, and this plan has a clear separation between the residential space and the retail space. He stated on Plan 1B there are backs of buildings and loading docks facing the housing.

Ms. Thayer asked for clarification on the size of specific buildings within the plans and Mr. Rankin reviewed the dimensions, for an approximate total of 250,000 sq. ft. of retail. Ms. Thayer stated she is trying to determine how much structure would be backing up to the residential buildings. She stated she feels 250 residential units is a large amount for Maynard.

Mr. Redner stated these plans have 2.5 times the housing units than previous and he does not feel they are ready to discuss the numbers of units. Ms. Hart stated she did not realize the residential was going to be three to four stories and she is a little dissuaded to hear that. She stated she was a

proponent of option 1B but is now leaning toward option 2B as the layout with the retail and residential on separate sides would be better.

Mr. Cahill stated he is in favor of Plan 2B as the entrance to the site is more appropriate, he likes the integration of the older people in the assisted living facility being near the younger people in the apartments and condos, and he likes not having the residential in one corner behind retail. He hopes there will be a pedestrian and bicycle connection between the residential neighborhood and the school.

Mr. Smith stated he also prefers Plan 2B. He stated he has read articles on how seniors want to be integrated in the community and want to be near schools in order to attend sporting events and plays and this plan with a pedestrian connection would be facilitate this. He advocates having the developer provide a pad space for a school administration building or community center.

Mr. Estabrook stated he likes the scale of Plan 2B and the fact that the commercial is together, which will make it easier to mitigate its impact on the Dettling Road residents. He likes the integration of the senior housing and residential next to Field Street and next to the high school.

Residential and Retail Testimony: John Flynn from LeCesse Development, the residential development partner on the project was present, along with Pat Gibbs, from Patricia Gibbs Associates, who is handling the assisted living/independent living aspect of the project. Also present were Peter Montesanto and John Roche from the Dartmouth Company to discuss the retail portion of the project.

Mr. Flynn stated for this plan they are discussing rental apartments, not condos or for sale. He stated 250 units is pretty much down the middle in size. He stated anything less than 250 would create efficiency problems. He stated when 250 units are built they program in amenities and site work that are fixed cost for the most part. He stated when the number of units is reduced the cost per unit increases and there is a lower return on cost.

Mr. Cahill stated that Maynard is 80 units short of their 40B 10% and the bare minimum he would accept would be 10% within the 250 units, however, he learned that under 40B if 25% of the residential units were affordable all 250 would count toward the 40B. If they stick with the minimum of 10% they would stay even, but at a different industrial site someone could add up to 200 affordable housing units. He stated if they could hit the target now they could work together to do this as a 40B to count all 250 units. Ron Calabria asked the developer about inclusion of affordable housing units. Mr. Depietri indicated he would commit to having 10% of the units be affordable.

Mr. Flynn stated they have not looked at 40B as part of a business plan. They are familiar with the program but nothing has changed from their original plan. He stated this would change income and expenses as well as density, and may be something to consider but is certainly a different program. He stated based on the original plan the breakdown was 40% of the units would be one-bedroom, 40% two-bedroom, and 10% 2-bedroom dens.

Ms. Gibbs stated she met with assisted living and elderly retirement communities to see if there is an interest in this site. She stated they have had an expression of interest from a number of companies, one that is strictly retirement living and does not provide assisted living medical care. She stated the typical size is generally running between 100 and 130 suites, which do not have kitchens. These facilities are generally geared toward people who are 75 and older and the total building is about

80,000 to 100,000 sq. ft. She stated this would provide the elderly members of the community with a place to live that is secure. She stated there is minimal impact as there is not much traffic and the facility is self-contained and does not rely much on the services provided by the Town.

Mr. Montesanto stated they have been retained for the retail component of the project. He stated on this plan 60,000 sq. ft. will be a supermarket with a 17,000 to 18,000 sq. ft. end cap unit. He stated either plan would work for the retail component. He stated there would be a junior anchor space of 20,000 to 25,000 sq. ft. and two to three additional junior anchor spaces of the same size. He stated the pad site is simply a freestanding building. He stated in the front there will probably be fast casual dining and quick serve, such as Applebees or Chilies, and another aspect would be something like Chipotle, Qdoba, or Five Guys. There would also be a QSR which would be Starbucks or Dunkin Donuts. He stated these would most likely be chain businesses as they pay the highest rent and they know how to build. He stated they are not averse to having a local operator.

Mr. Montesanto recommended people take a look at the new Market Basket in Westford, as it has the feel of what they are trying to do in Maynard, with the integration of national and local. He stated that site is tighter and in Maynard they will be able to do more aesthetically pleasing things with more landscaping. He stated it is difficult to get around in the Westford site.

Public Comment:

Sam Dernas, 5 Apple Ridge – He asked how much return on investment they are looking for and what the average rental cost would be per unit. He also asked if there has been a study on the effects to the downtown retail area. Mr. Flynn stated they look for a percentage and the return on cost is relative to other things such as interest rates. He explained how the cap rate works. He stated their market study shows that one-bedroom will be \$1400, 2-bedrooms \$1700, and the larger bedrooms higher. Mr. Smith stated he does not believe a study has been done relative to the impact on the downtown, but he did submit a grant application for a downtown market study, as the last one was done in 2001.

Trish Flanders, Dettling Road – She stated she is happy the impacts to Field Street will be limited, however, she is surprised how quickly the Committee has dismissed the impact on the Vose Hill side. She stated there are five to seven homes that immediately abut and backup to the retail. Given the small buffer and limited mature vegetation in the area and the hill nature of the entire neighborhood she estimates that three to four times the number of homes will have a serious impact. She hopes the number of direct abutters being smaller on the Dettling Road side does not limit the consideration of the number of homes that will actually be impacted. She stated the hill actually exacerbates the sound and the site line, as was experienced when the building was torn down last year. She encouraged the Committee to visit her neighborhood and look into the property from halfway up Cutting or halfway up Dettling. She encouraged the Committee to reconsider locating the retail in the middle or front of the parcel.

Elizabeth Steiner-Milligen, 4 Lincoln Street – She asked why the parking area is larger in 2B and asked if the buildings could be pulled in more to allow more of a buffer between the retail and Vose Hill. Mr. Estabrook indicated scaling will probably be done during the concept plan process once the more final numbers are done. Mr. Depietri stated the parking for both plans will be the same. She asked that the plan contain more green space.

Al Whitney – He stated there are 352 cities and towns in Massachusetts and Maynard has the sixth highest percentage increase in property taxes. He stated this is a big reason they need this

development. He stated the elderly are not getting any return on their tax money. He stated disregarding PK2 is ludicrous. He stated the value of that property by independent appraisal was approximately \$7 million. He stated looking forward he hopes this Committee considers these factors.

Mr. Estabrook stated there was a larger scale development and as part of that development a building was going to be renovated. He stated people wanted the scale of this project reduced and part of reducing the scale makes it less viable for the developer to renovate PK2. So to do this there would have to be a larger scale development with PK2 renovated, or a smaller scale development without PK2.

Karen Grimes – She thanked Mr. Smith for the impact analysis that may be forthcoming for this site. She stated a previous study showed \$980,000 of services that had to be provided to the property. She stated Cornerstone Square in Westford is very tight and if you take a wrong turn at what is supposed be a four-way stop, it is whoever is the biggest or fastest that gets through. She stated that project has a four lane roadway and Maynard only has a two lane roadway. She is concerned that the site not be too dense.

Jon Dwyer – He is a member of the Conservation Commission. He stated the Conservation Commission as a whole has a concern about the concept plans and the concept plans are going to have permitting problems. He stated on the western side there is a great deal of wetland and a stream which comes up close to the existing pavement. He stated they have been meeting with the consulting engineer on this project but there has been no discussion with any town boards. Mr. Estabrook stated this discussion typically happens when there is a definitive site plan put forward and this will take place. He stated his concern is going forward to town meeting with a concept plan that is going to have permitting problems. Mr. Estabrook stated no matter where the lines are drawn the Conservation Commission is going to have an opportunity to impose limitations.

Dave Gavin – He stated he is a member of the Board of Selectmen. He stated last year he was required to recuse himself from the process of 129 Parker Street and this year he has the blessing of the Ethics Commission to participate in this process. He congratulated the Committee as he advocated it be created to form a process that would move this project forward so they can get a yes vote. He feels the process that has begun is quite good and he is very heartened to see the retail size has been reduced. He is concerned about the size of the residential component, feels it is too large for the location, too large for the community, and will have a problem at town meeting. He encouraged everyone that if they want to get to yes the size of the residential must be decreased.

Amy Gay, 37 Old Marlborough Road – She is a member of the School Committee. She stated she is concerned about maintaining a fair and equitable level of service for all members and the burden it puts on the tax rate. She stated a lot of people feel the taxes have gone up too much, too fast. She stated looking at the school budget the schools are running fairly leanly. She stated looking long-term this could create more revenue and lessen the burden on the residential taxpayers.

Steve Pomfret – He is a member of the Board of Assessors. He stated they must make sure this process moves along because they took down buildings on the site that cannot be taxed any longer, so the town will have less taxes until something else is built. He stated everyone else will have to make up the difference in this tax revenue loss.

Peter Campbell – He asked if the medical building at 17,000 sq. ft. is the limitation of that building or could it be larger with less residential or less commercial. He asked if it is viable to have two

assisted living buildings. He stated those two uses seem to be more benign than other uses, with less impact on the town. Mr. Depietri stated they could possibly support a larger medical building but it is early on in the process, and the same would hold true of the assisted living.

Jack McKeen, Country Lane – He stated one of the goals of the Committee is to have a project which is economically viable for the developer and he has not heard this addressed. He asked if the suggested projects are economically viable for the developer. Mr. Estabrook stated right now the proposals being put forward are economically viable.

Bill Cranshaw, Mockingbird Lane – He asked if Town Meeting approves a concept plan that is 2B could it later morph into 1B during all the later planning approval processes. Mr. Estabrook stated the concept plan, once it is laid out, is subject to modification. The Planning Board may permit minor modifications to the proposed development in connection with its site plan review provided that the Planning Board finds in its reasonable discretion that any such modifications do not materially conflict with the general intent of the concept plan.

Mr. Cahill stated last year he had a similar concern in that he wanted to change the plan more but was pushed back by Town Counsel who indicated they could not deviate too much from the concept plan that was approved. He stated the Planning Board could deny a site plan approval if there are deficiencies with the application, such as if they do not conform with various parts of the bylaws, so if it is not setback far enough from a wetland they can say no.

Name Inaudible – She stated from a citizen's point of view it is really easy to figure out 100 feet from a wetland zone so he asked that the architect just put that line in the plan so it matches the law, otherwise she feels the plans are misleading the citizens.

Mr. Jennings stated the Conservation Commission process is a two-step process and what is currently in hearing before the Conservation Commission is an ANRAD, an abbreviated notice of resource area delineation. He stated this is not a proposal to build anything, it is simply where the landowners and Commission agree on what are the regulated resources, where are the wetlands lines, is there river front, vernal pools. Once this is done and the Commission issues a finding this information could easily be added to the plans. He stated this information is likely to play out in the next six to eight weeks. He stated the second step is if and when the developer brings forth a proposal to build something an order of condition is needed and reviewed in detail.

Marie Gunnerson – She asked when they will know the tax revenue versus cost of this project. Estabrook stated the concept plan process requires a traffic impact analysis to be done, but what is not required is a fiscal impact study, although it has become a practical requirement. He stated the Planning Board may ask for this again as part of the concept plan. She stated she feels plan 2B is more logical. She stated she not only sees traffic issues with Parker Street, but traffic issues within the site.

Judy Burgess – She asked if the grocery store is a real grocery store, or a big box store selling groceries. Mr. Estabrook stated it is an actual grocery store.

Sally Bubier – She asked if the assessment tool used is nuanced enough to take into account the nuance of Maynard, such as the small school system. She stated the more units added the more the tax burden of capital projects is reduced for the individual taxpayer. Mr. Smith stated the way the tool is designed is it uses actual information from the Town. Mr. Estabrook stated the School

Committee as a whole is not concerned about the additional families coming in for this size project based on their initial look. He stated the revenue would actually be beneficial.

Mary Brennelly, Vose Hill – She stated she is really pleased with the plan and is grateful to everyone for giving so much time. She stated she is concerned with the number of residential units. She is also concerned with the retail because there is so much retail happening all around them that they may not be able to fill the spaces. She asked if there could be a contingency to increase the medical use and decrease retail if the spaces cannot be filled.

Name Inaudible – He recommended considering the competition that the new units might give to existing rental units in town, in addition to the rental units that are part of the condos. He stated there are at least 200 condo units in town and a certain percentage are rented.

Bill Cranshaw – He asked the Committee to consider if they want fast food type restaurants. He asked about home improvement and pharmacy uses, as there are several in the downtown area. Mr. Estabrook stated they have discussed very little restriction on uses. He stated the NBOD does have restriction on uses which may be a little too restrictive and the Committee will be discussing this as part of the process.

Margaret Dyer – She stated she has been a resident for over 20 years. She knows at town meeting one issue that will definitely come up will be the senior facility. She stated the town does not have money to maintain its current buildings and she does not foresee it happening. She stated she is disappointed to see the number of apartments and finds it scary. She stated she would like to see a little open space for all ages.

Sandra Liu – She stated there is a lot of interest in trying to make the site more pedestrian friendly and there were some earlier plans from December 4 that was a more village design with the main throughway more like a streetscape. She wondered if some of the retail could be more of a village.

Name Inaudible – He asked whether the range of new students would be considered and the net tax benefit if more students were enrolled.

Michelle Booth – She asked if they will be amending the NBOD or will it be rewritten for town meeting. If so, will they be writing it along with special counsel, rather than the developer. Mr. Cahill stated he is hoping for special counsel and they are in the beginning stages of discussing this, however, he will have to discuss this with the Board of Selectmen. He stated any changes made to NBOD are going to be less drastic than last time.

Karen Morse, Brook Street – She stated she was at a meeting prior to town meeting and the question was asked whether the tax on the project would affect residential taxes and Town Counsel said absolutely not. She stated she thinks people believe their taxes are going to go down but they will not.

Elizabeth Steiner Milligen – She stated she hopes that the downtown and the businesses in town are considered and as the spaces are being filled they seek to complement more than not. She stated she has been working with the Cultural Council and this development and downtown could complement each other.

Bill Cranshaw – He suggested that the Route 27 and Concord Street intersection be part of the traffic study, as they were not included in the last study. He stated consideration has to be given toward protecting the Old Marlborough Road neighborhood from cut through traffic.

Ms. Thayer pointed out that 200 units of housing, whether 40B or not, is considered a large project.

Discussion of Next Steps in Process:

Mr. Estabrook asked if the Committee feels it needs another public comment meeting or should the Committee begin to close in on its set of recommendations. Ms. Thayer stated if there are no changes as a result of tonight's questions the public is not going to want to keep discussing the same items. Mr. Cahill stated that this Committee is tasked with making a recommendation so they can make any recommendations they feel appropriate. Mr. Estabrook stated the Committee is at a point where they can start to talk about what their recommendations might be. He stated there are a lot of issues that need to be covered relative to bylaw changes, development agreement input, scale, affordable housing, and traffic impact study. Mr. Calabria stated he would not preclude public comment but move ahead with making these decisions.

Mr. Estabrook stated he is hearing a lot of consensus around Plan 2B as it is laid out. He is also hearing there is a fair amount of consensus about the 250 unit number. Ms. Thayer stated she would have to give more consideration to whether she requires more information. Mr. Redner stated he was surprised at the amount of rent anticipated for the rental units. Ms. Hart stated she is a little disheartened. She stated she feels David Gavin is correct that in order to get a yes vote the residential will have to be decreased.

Mr. Cahill stated if they could come to an agreement and do 25% affordable housing units in this project it would prevent another project from coming into town. He stated he would recommend trying to figure out a way to make it viable for the developer and the town to do this with the 25%. He stated for the next meeting the Committee should do the development agreement and try to come to some consensus on the plan.

Mr. Cahill asked if the developer's 40B plan is its Plan B by right plan if nothing else happens. Mr. Depietri stated if they cannot get anything past town meeting this time they will go with a plan that falls within the scope. He stated it may not be exactly that plan. Mr. Cahill stated he would like to know what the developer plans to do as a point of fact if this does not pass town meeting. Mr. Estabrook stated a range of options was discussed the last time and things were misinterpreted. Mr. Depietri stated he would say with almost 100% certainty that nothing would move forward under the existing NBOD because they could do the grocery store but would not be able to get the supporting people to come under this zoning. Ms. Thayer stated she understands this and feels the whole community understands it.

Mr. Jennings clarified there is so-called friendly 40B which is a LIP project that is endorsed by the selectmen, however, units can also be included in the subsidized housing inventory without that which are local action units. He stated this is a more streamlined way to have units included.

Mr. Estabrook recommended the Committee come to the next meeting prepared to talk about their recommendations and then take some time accepting public comment. He stated they will probably need at least one more meeting after that to finalize the plan. He asked the members to keep on their calendars January 29 and February 4 should these meetings be needed. He stated he is not trying to close out this process and wants to allow for enough time to discuss all the pertinent issues.

Ms. Thayer asked when the for sale units were removed from the plan. Mr. Depietri stated after the December 4 discussion the rental units were included on the plan. He stated for sale units would work, but were not being considered because they would have a more negative impact on the town. Mr. Estabrook stated the for sale units included a significant number of bedrooms and he was concerned about what the impact in numbers would be on the school system.

The next Committee meeting is scheduled for Wednesday, January 15, 2014 at 7:00 p.m.

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