



**129 Parker Street Ad Hoc Committee Minutes
Town Building, Lower Meeting Room #101
Wednesday, February 12, 2014
7:00 P.M.**

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

Not Present: Bernard Cahill

Others Present: Angus Jennings; Bob Depietri; Ryan Debin

Mr. Estabrook called the meeting to order.

Review and Approval of Minutes:

The Committee reviewed the minutes and made changes.

January 22, 2013 - *Motion made to accept the minutes of January 22 as amended. Motion seconded. The motion passed unanimously.*

January 29, 2013 - *Motion made to accept the minutes of January 29 as amended. Motion seconded. The motion passed unanimously.*

Update on Issues Since Previous Meeting: Mr. Smith stated they have revenue information from the Assessor's Office which indicates \$1.7 million based on the development program. He stated he is going to work with the Assessor's office and other financial officials and try to work on the cost side of the equation.

Mr. Smith stated the fire chief sent an email out to other towns in Massachusetts to get information on calls for service for independent living, assisted living, and regular apartments. He did not get much response, however, it appears the average calls are coming in at about 0.89 calls per unit per year for assisted living. Independent living tends to be a little lower at approximately 0.82 calls per unit per year. He also assessed the existing complexes in Town. Apple Ridge and Deer Hedge are at approximately 0.21 calls per unit per year and Oak Ridge is approximately 0.625 calls per unit per year.

Mr. Jennings stated he and Mr. Estabrook appeared before the Planning Board on February 4. Mr. Estabrook stated Ms. Thayer also attended this meeting and they were there at the request of

Mr. Cahill who wanted the Planning Board to have an update since he would be absent for much of the month of February. Mr. Estabrook stated he did not do a comprehensive review of the issues, but rather provide a sense of some of the issues being discussed. Mr. Jennings stated they also had a brief discussion about the importance of distinction between assisted living and independent living and that would be something the Planning Board would look for more certainty on which type of facility would be selected and Town Meeting would want to know the fiscal impact of both facilities.

Mr. Smith stated he provided to the Board information on examples of the uses allowed in an industrial district. He stated the zoning bylaw that exists online right now is not in keeping with what was voted in the October 2011 Town Meeting. He stated there is not allowed by right live work dwelling units or garden apartments in the industrial district and they are trying to get this corrected in the zoning bylaw.

Mr. Redner stated that during a previous discussion Mr. Smith indicated there was a discrepancy between the Collins Report and the Assessor's report relative to projected revenue on the last go around and he wondered why. Mr. Smith stated the Assessors use comparable values based on other similar uses to do their analysis, whereas the individuals who prepared the Collins Report factored in development improvements.

Mr. Depietri advised the Committee that Oliver Robinson is no longer with Hudson Advisors and Ryan Debin from Hudson is sitting in on this meeting.

Discussion of Committee Recommendations: Mr. Jennings presented a document summarizing the Committee's discussion points from the last two meetings. He highlighted any changes that were made from the previous version. He provided a comparison of the 2009 site plan, what was proposed last spring at Town Meeting, and the current option.

Mr. Estabrook stated there needs to be greater clarity of what is allowed under current NBOD and what is going to be asked to be allowed at Town Meeting. Mr. Estabrook stated the fiscal impact of the zoning bylaw amendments needs to be clear for Town Meeting.

Mr. Estabrook stated the Committee has discussed the number of rental housing units that should be considered under proposed option 2B and he would like to look at that language and determine if they are comfortable with the numbers in this document. Mr. Smith stated that he asked the Assessor and all units are classified as residential whether they are rental or owner occupied, they are treated the same.

Mr. Jennings stated the Department of Housing and Urban Development has certain rules they hold developments to in order for units to be added to what they recognize as affordable housing. The State as a policy matter is concerned about the lack of family housing so they have been holding comprehensive permit developments to have a certain percentage of three bedroom units. He stated there is a potential that the State would not recognize affordable units unless there are some with three bedrooms. Mr. Estabrook asked Mr. Jennings to make a note saying something to the effect that if the State mandated more bedrooms that would be something the Planning Board might want to consider if it would allow the Town to meet its affordable housing goal.

Mr. Calabria stated he is comfortable with a range of 150 to 250 housing units. Ms. Thayer stated 200 units would be the maximum amount she is comfortable with. Mr. Redner stated he is fine with

the range as written. Ms. Hart stated her maximum units would be 200. It was decided to change the language to reflect a range of residential units from 150 to 250.

Mr. Estabrook referenced language regarding public space which stated “the Committee also feels that there may be feasible means of advancing this objective, even in the absence of the PK2 building, such as through inclusion of dedicated building space within the development for public uses.” He asked the members to clarify this recommendation. Mr. Calabria stated it was his feeling that the assisted living facility may have a recreational space that could be made large enough to incorporate a public senior center area. Mr. Estabrook asked that Jennings incorporate more specific language in this area.

Mr. Jennings stated the Committee expressed concern with drive through facilities and incorporated language recommending the Planning Board focus carefully on this issue. He stated this could be a development agreement issue. Mr. Estabrook stated it is going to be challenging to try to define one restaurant, such as McDonald’s as being fast food, and another like Panera not being fast food.

Megan Cole, audience member, asked if the Board considered situations like Sonic, where the servers deliver the food. Mr. Estabrook provided clarification that there is a specific definition in the zoning bylaws of what fast food is, and it does not differentiate McDonald’s from Panera.

Mr. Jennings referenced a comment which came in but has not been discussed recommending that every use be a special permit use. He cautioned the Committee that this may not be lawful. Mr. Estabrook stated there are specific uses, such as multifamily dwelling, that are already permitted by special permit, and the Committee had discussed continuing this. Ms. Thayer asked how to determine what is by right and what is by special permit. Mr. Estabrook stated this is determined through the zoning bylaw use definitions. Mr. Jennings explained there can be clear and enforceable performance standards for an as of right use. He stated if an applicant meets all the standards they need a majority vote and they are entitled to the permit, whereas with a special permit the courts have said the Board has the discretion to deny an applicant even if it meets all the standards. They would have to articulate why they are denying the permit but they can do this.

Mr. Jennings asked if the Committee wants to say simply this is something the Planning Board needs to focus on, or do they want to determine of the uses proposed which may be appropriate for special permit. He stated he could work on this for the next meeting.

Ms. Thayer asked how the enforcement of the development agreement is carried out. Response was given by Kevin Sweet that this is a legal binding document and is sometimes tied to occupancy issues or surety block issues. She asked if there is a review process for older development agreements. It was determined there is no formal process but if someone files a complaint it would be investigated and there would be a formal enforcement mechanism. She stated she is asking this because they are putting a lot into the development agreement and it should be enforceable. Mr. Estabrook stated when site plan review was completed they incorporated what was in the development agreement into the site plan approval.

Public Comment:

Peter Falzone, 15 Dettling Road – He asked if tax revenue is based on the number of units or building size. Response was given that it is based on building size.

Bill Cranshaw, Mockingbird Lane – He suggested the Committee check out the Baystate Commons development in Westboro for the feel and look, as it has a lot of the same components as this proposed development.

Discussion of Next Steps in Process:

Mr. Estabrook asked if any of the Committee members are ready to move to a vote. Mr. Calabria and Mr. Redner were the two only members who indicated they are prepared to vote.

Mr. Estabrook stated the Committee's last scheduled meeting is Wednesday, February 26. He stated he feels the Committee has identified the issues they want to have in their recommendation. He suggested they could give Mr. Jennings a week or so to incorporate the changes, review them and let him know if there are any wording changes, and come to the next meeting ready to vote on whether to accept the recommendations or not. If the Committee votes to accept the recommendations they will be sent on to the Planning Board, if not they can continue to meet. The Committee was in agreement with this plan.

Mr. Depietri indicated he can supply a final map that goes along with the Committee's recommendations. It was agreed he will provide this map to Mr. Jennings for inclusion with the recommendation document.

The next Committee meeting is scheduled for Wednesday, February 26, 2014 at 7:00 p.m.

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