



TO: Board of Selectmen
Planning Board

FROM: 129 Parker Street Ad Hoc Committee

DATE: March 12, 2014

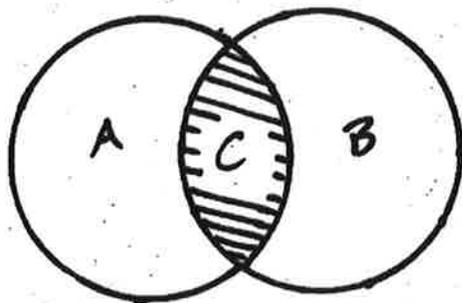
RE: Recommendations based on Committee Completion of Charge

The 129 Parker Street Ad Hoc Committee ("129AHC") was appointed by the Maynard Board of Selectmen in October 2013 in order to advance the ongoing planning process, between the Town, the Landowner/Developer, and Maynard residents (including directly abutting and nearby neighborhoods). The Board of Selectmen Charge to the Committee is attached to these recommendations.

Much of the Committee's work was focused on physical design issues associated with one or more potential Concept Plans expected to be submitted to the Planning Board by the Owner/Developer pursuant to the Neighborhood Business Overlay District ("NBOD") Bylaw. However, our discussions also included issues that will be relevant to consideration of potential Zoning Amendments and execution of a Development Agreement.

These Recommendations are provided to the Board of Selectmen and the Planning Board in support of what we expect will be an ongoing effort to arrive at a positive outcome to redevelopment of the subject property.

Our Workspace:



- A. What the residents of Maynard want/need
- B. What the property owner wants/needs
- C. Intersection of A and B: We may be able to move new ideas into C, or existing ideas from A or B into C, but we cannot spend time in A and B.

The Committee Chair drafted a Venn Diagram early in the process in the context of an overall memo, attached as an Exhibit to these Recommendations, to set out the 129AHC's Goal, Role, Process and Workspace.

Overview of Committee Process, Overall Process, and Committee Recommendations

In the time since our appointment, the 129AHC has held twelve public meetings, undertaken independent research regarding certain matters related to the subject property and the Board of Selectmen Objectives for Committee (dated Nov. 6, 2013), and held a site walk of the subject property on December 7, 2013.

The Committee is aware that the property is the subject of an ongoing public hearing before the Conservation Commission regarding an Abbreviated Notice of Resource Area Delineation (“ANRAD”), which will determine the location and boundaries of regulated Resource Areas including wetlands, streams, vernal pools, protected species habitat, etc., and that any development proposed will be subject to all applicable Conservation Commission regulations including the Wetlands Administration Bylaw. The Committee understands that the specific location of elements of the Option 2B Concept may be revised as needed to meet such Regulations (and, in general, that whatever Concept Plan may be approved by Town Meeting would also likely change, within reasonable parameters, if and as such plan proceeds through detailed Site Plan Approval).

It is also the Committee’s understanding that additional analyses will be undertaken as the process moves forward, including one or more updated fiscal impact analysis, and updated infrastructure analysis. As you’ll see, our recommendations are in some cases conditional upon the as-yet-unknown results of such future analyses.

The Committee is also aware that, in addition to reviews to be undertaken by the Board of Selectmen and the Planning Board, that Municipal Department Heads will be working in coordination with the Town Planner’s office to ensure that they receive the information they may need in order to support the eventual consideration, by Town Meeting voters, of a proposed Concept Plan and Zoning Amendments.

On the basis of its work, the Committee offers the following recommendations for consideration by the Board of Selectmen and the Planning Board as this process moves forward. These recommendations are based in part on the site plan drawing entitled “Site Plan, Option 2B (“Option 2B Concept”)” prepared by ci design, inc. and dated January 8, 2014.¹

These recommendations are organized into four topics:

1. Use Mix / Development Program.
2. Site Design.
3. Infrastructure.

¹ On the residential portion of “Site Plan, Option 2B Concept,” the six apartment buildings plus the two additional buildings total 278,800 SF while the summary table entitled “129 Parker Street SITE CONFIGURATION OPTIONS) shows 325,000 SF in total residential square footage for a difference of 46,300. SF. As stated in an email by Bob Depietri dated March 6, 2014, the difference represents common areas, garages, and decks.

4. Fiscal Impact

These topics correspond to the subject matter organization of last fall's visioning workshops, and are intended to clearly articulate the issues, the Committee's Recommendation(s), and discussion regarding the Recommendation(s) as appropriate.

Topic 1: Use Mix / Development Program

In the Committee's deliberations leading up to these Recommendations, the Committee members wanted to ensure that a clear understanding exists among all parties regarding what land uses are presently allowed by-right or by Special Permit in the NBOD, and in the underlying Industrial Zoning, and regarding how these land use allowances would need to change in order to accommodate the Use Mix / Development Program shown on the Option 2B Concept.

Based on information considered by the Committee within its duly posted public meetings, we respectfully offer the following Recommendations:

Recommendations

The Committee has not been presented, nor has it reviewed, a comprehensive list of land uses that may be proposed as part of the Landowner/Developer's submittal of a proposed Concept Plan to the Planning Board pursuant to the NBOD Bylaw.

Within its discussions, and on the basis of information before it, the Committee expresses its support for uses (in addition to those already allowable under the NBOD Bylaw) including, but not limited to:

- Bank
- Professional Office
- Medical Office
- Drive-through (as accessory use), by Special Permit, subject to specific performance standards relative to, without limitation, aesthetics, traffic/pedestrian interface and pedestrian safety, and approval of a property maintenance/litter management operations and maintenance plan.
- Independent Living
- Assisted Living

Specific uses that the Committee does not support include automotive repair.

In addition, the Committee offers the following Recommendations regarding potential Use Mix / Development Program:

- The Committee recommends inclusion of the Independent/Assisted Living and the Medical Office² Uses shown on the Option 2B Concept, neither of which were included in the Concept Plan approved by Town Meeting in 2006 and presented to Town Meeting (and not approved) in May 2013. It should be understood that the Independent/Assisted Living Use is shown in addition to the proposed rental housing units.³

Discussion: The Committee is aware that the projected service cost impacts to the Town may differ between Independent Living or Assisted Living. The Committee qualifies its recommendation of either use provided that either use, combined with an overall Development Program, will result in a revenue positive impact to the Town budget.

- The Committee is comfortable with the 250,000 SF of retail shown on Option 2B Concept, provided that a Supermarket of no more than 75,000 SF is included in that total, and provided any related impacts are appropriately mitigated (more detail later). The Committee recognizes that the amount of non-residential development will have a direct impact on projected tax revenues to the Town of Maynard.
- Maximum number of rental housing units.

Recommendation: The Committee urges the BOS and PB to gather and consider fully information about the development's fiscal, environmental, and other impacts on the Town and on the neighborhoods that surround the 129 Parker St. development in order to ascertain an appropriate maximum number of rental housing units.

Discussion: The Committee acknowledges the documented need for multi-family housing in the Boston region.⁴ Nevertheless, the Committee believes that the 250 rental housing units shown on the proposed Option 2B Concept are more than is likely to receive approval by Town Meeting without compelling and persuasive information that validates residential development on such a scale. It is worth noting that the Committee is not unanimous in its collective recommendation regarding the maximum number of housing units, with individual members supporting maximums between 150 and 250

² Note: The Maynard Protective Zoning By-Laws Section 11 Definitions includes definitions for both "Medical, Dental or Psychiatric Offices: A building designed and used as an office for the diagnosis and treatment of human patients that does not include overnight care facilities or licensing as a clinic." and for "Healthcare Facility: A Clinic or Hospital"). Neither use is currently permitted in the underlying Industrial zoning district; the current NBOD bylaw only permits a Healthcare Facility, and is recommended for amendments to allow for Medical, Dental or Psychiatric Offices.

³ If the Assisted/Independent Living units are "counted" as year-round housing units under the SHI, the number of affordable housing units should be set to achieve at least 10% affordable units for the overall project as a whole. If affordable units are not included in the assisted/independent living portion of the project, achieving this standard would require an increase in the percentage of affordable units within the multi-family housing component.

⁴ See especially 2013 Greater Boston Housing Report Card published by The Boston Foundation, The Warren Group and Northeastern University, online at: <http://www.tbf.org/-/media/TBFOrg/Files/Reports/2013%20GBHRC.pdf>

units. With regard to the housing mix of the rental apartments, the Committee had proposed a recommendation related to conditioning the limitation of housing unit mix to one bedroom, two bedrooms, and two bedrooms with a den, as proposed by the Landowner/Developer. However as further discussed in our recommendation related to inclusion of affordable housing units, the Committee notes that there may be a requirement for 10% of the Project's rental housing units to include more than two bedrooms in order for any housing units to qualify as Affordable under state guidelines.⁵

The Committee believes that determining an appropriate maximum number of housing units requires objective data—regarding the fiscal, environmental, and other impacts of such a large-scale development—that were not available during the Committee's deliberations. These impacts include, but are not limited to, those related to the capacity of the Town's traffic infrastructure, schools, water/sewer system, and other municipal services and infrastructure. The larger scale of the residential component would also be expected to generate additional tax revenues; the extent to which the revenues of the overall proposed development would exceed projected service demands remains to be seen. It is the Committees' understanding that more detailed impact analyses to support an objective impacts-based recommendation will be completed as the process moves forward with the BOS and PB as they develop their recommendations regarding a proposed Concept Plan. The Committee is also aware that the most detailed impact analyses will be done during the Site Plan Approval process (assuming, of course, Town Meeting approval of a Concept Plan).

- The Committee had initially considered a recommendation that any housing development include at least 10% affordable units eligible for inclusion on the Town of Maynard Subsidized Housing Inventory ("SHI"), and would favor inclusion of more affordable housing in the interest of making progress toward, or achieving, the State requirement of 10% affordable housing.⁶
- The Committee would favor inclusion of so-called Local Preference for affordable units to the extent allowable by law.
- The Committee recommends that at least 10% of housing units be considered as affordable under the SHI for the Assisted/Independent Living units, if the Assisted/Independent Living units are "counted" as year-round housing units under the SHI.

⁵ The Committee learned recently of a new Massachusetts Department of Housing and Community Development (DHCD) Bedroom Mix Policy, adopted on January 17, 2014, that now requires for any developments that include any affordable housing to provide for 10% of the units in the development as three (3)-bedroom units.

⁶ Note: According to the DHCD Ch. 40B Subsidized Housing Inventory dated May 10, 2012 (which is based on the 2010 Census), the Town of Maynard has 4,430 total year-round housing units, of which 363, or 8.2%, are affordable. In order to achieve the State-mandated 10% affordable housing, the Town would need an additional 80 affordable units. With the release of the 2020 Census in ~2022, this number would increase as a function of additional year-round housing units created during the 2010s.

- On the basis of information considered within its public meetings, the Committee acknowledges that present market conditions do not appear to support construction of new Office uses in this location (in addition to the ~17,000 SF Medical Office Building shown on the plan). However, the Committee would support the inclusion of allowance for Office uses, provided the total combined Office/Retail SF does not exceed the 250,000 SF (minus the square footage dedicated exclusively for a supermarket), in amended Zoning in order to provide the Owner/Developer these Use options in the event of supportive market conditions.
- Amended Zoning should specifically allow Indoor Athletic and Exercise Facility to provide for a potential private for-profit Sports Center or Recreational Use. (The Committee recommends that the Planning Board specifically review the definition of this use in the current Zoning Bylaw to ensure that it is written in such a way as to allow the type of indoor recreation uses that the Committee would favor).
- In consideration of supporting the continued vitality of existing businesses in Downtown Maynard, the Committee recommends consideration of minimum per-square-foot limitations on individual retail locations so as to ensure differentiation between this development site and the retail locations in Downtown Maynard.⁷
- Option 2B does not include the preservation and reuse of the PK-2 building. The Committee feels that the removal of PK-2 from the Option 2B Concept reflects reduced “public benefits” requested of the Owner/Developer to correspond to the reduction in the scale of the proposed Development Program (from what was brought to May 2013 Town Meeting). The Committee also received documented concerns about the condition of the building and potential one-time and continuing costs that the Town would incur upon its acceptance as a public building. Further, the Committee feels that, if project mitigation / public benefits are to include space for one or more public uses, that such planning should take into account and reflect the documented need for, and prioritization of, such facilities based on the work of the Capital Planning Committee. The Committee recommends that the Board of Selectmen and the Planning Board explore innovative ways to advance this objective even in the absence of the PK-2 building, such as through the inclusion of dedicated building space within the Development for public uses.⁸

⁷ Information considered by the Committee indicates that many retail locations in Downtown Maynard are in the range of 1,000 sq. ft. or less; however it is recommended that this information be further verified, with a retail size “minimum” established accordingly for 129 Parker Street.

⁸ The Committee understands that a similar provision to this was included in the Wayland Commons Project [whereby it was stated that land would be “Set aside land for Municipal use. Forty thousand (40,000) square feet of Gross Floor Area in each Mixed-Use Project must be dedicated to municipal uses]” and in the Lynnfield Market Street project (the Development Agreement for which provides for 3,500 SF of constructed, finished space to be provided for community space).

- Maximum Building Height. In the proposed Option 2B Concept, the property owner intends to build up to three four-story buildings that appear to be taller than the height allowed by the current Zoning By-Laws. Although the Committee acknowledges that four-story buildings can accommodate a larger number of housing units with a comparable “footprint” to three-story buildings, such tall buildings represent design challenges. For example, they are more difficult to shield from surrounding neighborhoods; they may also represent unknown and unintended challenges to municipal services and infrastructure (for example, fire protection services).

Accordingly, the Committee recommends that the BOS and PB examine whether the construction of buildings taller than currently allowed by the Zoning By-laws is in the best interest of the Town and the neighborhoods that surround the 129 Parker St. development. (The Committee notes that the Town Planner has reviewed this issue with the Fire Chief and that this issue can reasonably be expected to be the subject of additional review during the Planning Board review of any proposed Concept Plan).

- During its meetings, the Owner/Developer indicated their intent that the retail “pad sites” adjacent to Parker Street would not include “drive-through” restaurants or gas stations (although a drive-through window may accompany another use such as a bank or pharmacy). The Committee recommends including language to reflect this limitation in proposed Zoning and/or Development Agreement, as appropriate. The Committee is more concerned about “fast food” type drive-through restaurants than drive-throughs for other uses, including more “upscale” dining that may offer this option. The Committee acknowledges the complexity of this issue from a zoning standpoint, and suggests that this will need careful consideration as the process moves forward in order to ensure that the constructed project meets this objective without prohibiting potential land uses that may be beneficial.
- Type of Permit Required. The Committee discussed the Planning Board’s review authority, and how it differs under state law between the Site Plan Review and the Special Permit processes. The Committee believes that the Special Permit authority is appropriate for the new potential land uses at 129 Parker Street to ensure that the Board has adequate review authority to ensure that development of the property as a whole conforms to the Town’s vision, and is in the best interest of the Town and its residents.

Topic 2: Site Design

- Of the many conceptual plans and drawings reviewed by the Committee, it favored the “Option 2B Concept” referenced above. However, the Committee offers the following recommendations where it believes that there may be opportunity for improvements to this design:
 - The Committee would like the Concept Plan to achieve a “Public Green” idea. In other words, the Committee would favor creation of one (or more) significant

areas of landscaped open space and park that is functional as an outdoor open space for all members of the Maynard community.⁹

- During the Site Walk, the Committee joined the Developer/Landowner for a walk through the adjacent trails, and noted the proximity of the subject property to both The School Woods, and to the Assabet River National Wildlife Refuge. The Option 2B Concept shows dedicated parking and connections to existing trails to The School Woods. The Committee welcomes this enhancement to an existing amenity and anticipates that details of this connection would be agreed within Site Plan Review.
- The Committee would like the Concept Plan to achieve certain performance standards relative to project design and architecture. While the project should not strive to replicate Downtown Maynard, the “Main Street” feel discussed by the Committee (and in the Visioning Sessions) is characterized by building design with the pedestrian in mind (rather than drivers passing by); enhanced walkability (i.e. strong pedestrian connections between this space(s), new buildings on the property, and adjacent land uses including residential neighborhoods and the Schools); and pedestrian amenities such as benches and sitting areas.
- Location of “Building D”. The Committee collaborated closely with the property owner’s developer to consider and make improvements to previous proposed Concept Plans, most visibly by moving the site’s residential development along the Field Street (i.e., north) side of the property. This change allowed commercial buildings to be moved to the south and west sides of the property, reducing the overall impact of the development on the adjacent Field Street neighborhood. However, in the proposed Option 2B Concept Plan, Building D is located adjacent to several homes on Dettling Road, and the Committee is concerned that the required setbacks and buffers will be insufficient to shield these properties. The Committee considered various ways to move the building to another location but was unsuccessful in finding a satisfactory solution.
- **Recommendation:** The Committee urges the PB to consider options – including but not necessarily limited to screening (site/buffer screening; and screening of loading/service areas and ground mounted and rooftop mechanical/HVAC equipment), relocation and/or reorientation of buildings (including consideration of buildings with multiple “front” facades – that would serve to reduce the impact of the development on the adjoining Dettling Road properties.

⁹ This may include a covered pavilion or gazebo, playground, etc). Both the Planning Board and Board of Selectmen might consider a minimum open space acreage by-law as achieved in the Wayland Commons Development, which mandates a minimum of 2 acres of open space; or the Marshfield Planned Mixed-Use District bylaw, which requires a 1.5 acre “public green”.

- Zoning for the site should include clear, objectively determined performance standards for the property buffer area relative to year-round (i.e. incl. evergreen and/or fencing) screening of the property from adjacent properties, taking into account visibility, lighting and sound/noise. The Committee recommends that particular attention be paid to ensure understanding of the potential visual impact of site development as viewed from Vose Hill and any adjacent residential neighborhoods. For this reason (and others), environmentally sensitive design features such as “green roofs” should be allowed in the Zoning.
- Any Concept Plan submitted to the Planning Board for consideration pursuant to the NBOD Bylaw should clearly indicate the 100’ setback and 45’ buffer from adjacent residentially zoned land.
- The Development Agreement and/or conditions on Site Plan Approval should include limitations on business hours of operation, hours of employee presence, and delivery hours as needed to minimize potential noise impacts on abutting homes.

Topic 3: Infrastructure

- Traffic analysis should include review of traffic routes both external to the property, and traffic circulation internal to the site. External traffic analysis should include review of all intersections included in the analyses undertaken during the circa 2006-07 era, and should include Old Marlboro Road, Concord Road (at intersection of Route 27), etc. (Improving coordination of the timing of existing traffic signals in town was identified as one need, in addition to others) Internal traffic analysis should include attention to truck traffic and delivery routes, especially as it relates to adjacent homes on Dettling Road and Field Street (as applicable).
- Determination of what traffic mitigation will be needed should be based on technical analysis undertaken by a third party traffic engineer (i.e. a consultant retained by the Town, to supplement reviews undertaken by the Owner/Developer’s consultants). It is recommended that required traffic mitigation should include those improvements that were agreed to and included as part of the 2006 Development Agreement, and those improvements required as part of the prior Site Plan Approval in 2009, in addition to those improvements that were agreed to and included as part of the DRAFT 2013 Development Agreement.
- The Committee understands that, during its review of a proposal for Site Plan Approval, the Planning Board may identify the need for additional infrastructure improvements based on its review of detailed analysis by third-party engineers (traffic, water, sewer, public safety and services, etc.). The Committee also understands that the Planning Board’s review during a Site Plan Approval hearing would take into account the actual impacts of other development (both on- and off-site) that had already taken place at the time of their review. If development of the site is completed in phases, it is our

understanding that this would include review of actual infrastructure impacts of any previously constructed phases.

- Infrastructure improvements determined to be needed should be specified in the Development Agreement, and there should be a requirement that, as a condition of issuance of permit, the Town hold surety/bonding to ensure timely completion of needed infrastructure improvements relative to project occupancy.¹⁰

Topic 4: Fiscal Impact

- The Committee recognizes the importance of the development of this property to the strength of the Maynard tax base, and during its review considered information regarding the recent increases in the tax burden on Maynard residents. Therefore, the Committee offers these recommendations conditional upon a finding, based on an independent fiscal impact analysis, that the development would result in a revenue positive impact to the Town budget, taking into account both projected revenues and the cost of projected demands on public services. The Committee is aware that the Finance Committee will have an important role in this review.
- The Board of Selectmen should ensure that they and the Planning Board receive adequate professional and legal support needed to ensure that the Town enters a strong, binding development agreement relative to the property, as well as whatever technical support will be needed including third-party fiscal and traffic reviews. The Committee recommends that this include, without limitation, legal counsel with specific expertise in zoning and development agreements in order to provide support to the Planning Board and the Board of Selectmen, respectively.
- It is recommended that any approved Development Agreement run with the land to ensure enforceability in the event of change of ownership. Acknowledging that the Development Agreement is renegotiable by the BoS and the developer without Town Meeting approval and that the Town will most likely be dealing with more than one developer, it is the Committee's recommendation that all appropriate issues be addressed through zoning.

With its endorsement of these Recommendations, the undersigned members of the duly appointed 129 Parker Street Ad Hoc Committee hereby express our opinion that we have completed the work with which we were charged. We respectfully request the concurrence of

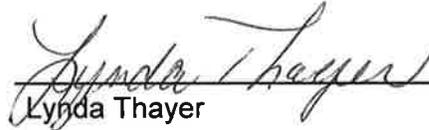
¹⁰ Note: It was discussed that traffic mitigation would be sequenced with project construction such that traffic mitigation would be in place prior to project occupancy. It is customary for a Town to withhold a Certificate of Occupancy ("CO") for a project until mitigation is in place; or, if remaining work is needed at the time of issuance of CO, that the cost of any such remaining work be bonded. The amount of such bond should be determined based on conservative cost estimates, including contingency.

the Board of Selectmen that the Committee's work is complete, and that the Board upon this finding takes action to dissolve the Committee. We hope that our work has been helpful.

Signed,



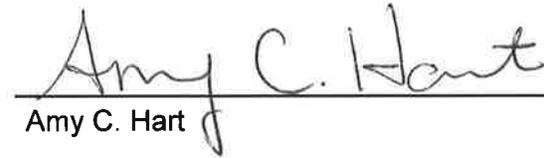
Ken Estabrook, Chair



Lynda Thayer



Ron Calabria



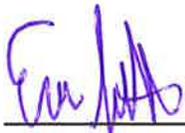
Amy C. Hart



Bernard Cahill



Eugene Redner



Eric R. Smith, AICP, Town Planner

Attachments

- I. "Site Plan, Option 2B ("Option 2B Concept") prepared by ci design, inc. and dated February 18, 2014
- II. 129 Parker Street Ad-Hoc Committee, Board of Selectmen Objectives for Committee
- III. 129 Parker Ad Hoc Committee (129AHC), The Committee's Goal, Role, Process and Workspace, Version 2 dated 11/25/13 (prepared by Chair Ken Estabrook)
- IV. Summary table comparing Option 2B Concept with May 2013 Concept Plan and allowable uses/development under the current NBOD By-Law.
- V. 129AHC Approved Meeting Minutes: 11/6/13, 11/25/13, 12/4/13, 12/11/13, 12/18/13, 1/8/14, 1/15/14, 1/22/14, 1/29/14, 2/12/14, 3/5/14 (pending).