



## PLANNING BOARD REPORTS FOR 2006 SPECIAL TOWN MEETING WARRANT ARTICLES 2 AND 3

### **Planning Board Report on Special Town Meeting Warrant Article 2: Proposed Mixed Use Overlay District**

Pursuant to Massachusetts General Laws Chapter 40A, Section 5, on March 16, 2006 and April 20, 2006, the Planning Board held Public Hearings on proposed amendments to the Town's zoning by-laws that would add a new Article 23 to Chapter 198 of the Code of the Town of Wayland. The proposed amendment would enable the construction of a mixed-use project combining retail, office, municipal and residential uses on a tract of land at least 50 contiguous acres in size, located wholly within the Town of Wayland.

The proposed amendment, referred to as the "Mixed-Use Overlay District", creates a framework for an overlay district that can be placed on top of existing zoning districts and can override the underlying zoning, insofar as it relates to "uses" which are permitted within the underlying zoning district. Zoning for Flood Plain and Aquifer Protection Districts remains in force.

A second and distinct part of the amendment is to overlay this new Mixed-Use District on a specific tract of land (*i.e.*, the former Raytheon property), a portion of which is located in a Limited Commercial District and the remainder of which is located in a Single Residence (30,000 square feet ) District. A map showing this land is attached to the proposed zoning by-law amendment.

Following is a synopsis of statements made by the public, key elements of the Mixed-Use Overlay District ("MUOD") By-Law, comments, and the recommendation of the Planning Board.

### **Public Comments**

The following is a brief summary of comments that were received from the public during public meetings, hearings, forums, and in written submissions.

#### **- Supporters of the Zoning By-Law have noted -**

***A mixed-use development at this site is consistent with what the residents want for the future.*** Many residents would like to have an area like this to gather and shop and have expressed a strong desire for this form of development, especially as contrasted to a pure office use or 40B housing.

***Wayland needs a larger commercial tax base.*** More than 95% of Wayland's taxes are borne by its residents. Creating a larger commercial base would help offset the residential tax burden and might reduce the size of future overrides.

***Potential for net positive revenue for Wayland.*** If prudently planned and developed, a project in the Mixed-Use Overlay District could result in positive net revenue to the Town.

***Sets 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.

***Enables projects that combine residential, commercial and municipal uses on a single, contiguous 50+ acre tract of land.*** Under Wayland's existing zoning regime, there is a separation of areas reserved for residential uses and those reserved for business uses. Adoption of the MUOD By-law would enable the development of a mixed-use project that could include residential uses with retail, service, restaurant, office, and municipal space.

***25% of the housing would be affordable.*** A minimum of 25% of the dwelling units will be affordable, thus helping to grow the Town's stock of affordable housing.

***The developers are proposing to build a mixed-use project.*** Although there is no definitive development proposal before the Town, the current owners of the former Raytheon property on Boston Post Road have expressed a strong desire to re-develop the site consistent with the mixed-use concept.

***A Mixed-Use Project will likely generate more tax revenue than the alternative 40B project.*** After the MUOD Bylaw failed at STM in November 2005, the developers presented a plan to build a 200-unit residential 40B project, with 50 of the units being offered as “affordable.” Residents expressed concern about the number of new children that would be added to the school district and that residential tax revenue would not offset these new students.

**- Opponents of the Zoning By-Law have noted -**

***The lack of an actual development plan hindered the Town’s ability to accurately assess*** impacts (positive and negative) on the Town.

***Increased local traffic, 7 days a week.*** Any fully built out Mixed-Use Project will add significantly to traffic on major routes leading to the project as well as on ancillary side roads through neighborhoods ill-equipped to handle any increased speed or volume. The volume of traffic in the Town will increase throughout the day and evening hours, 7 days a week. The MUOD Bylaw does not allow the Planning Board to downsize the project to mitigate traffic and other public safety concerns.

***The performance standards allow mixed-use projects that are too big for Wayland.*** The 372,500 square foot maximum allowable sizes of the individual retail, service, restaurant, office, and residential uses are more in line with shopping malls with large national chains and apartment complexes and are too large to promote a quaint, small-town feel. Stores this large are typically built near interstates, not 5 miles from a major highway. They will require significant store traffic to generate the sales volume required to sustain large sized stores.

***The overall large size of the combined residential and commercial project will potentially strain Town services*** including public safety and wastewater treatment. The dense housing of 100 units, some of which will have 3 bedrooms, may place an additional burden on the school district, which is over its preferred 85% capacity limit. Although some of the units will be affordable, 100 units increase the burden of achieving Wayland’s 10% affordable housing goal.

## **Key Elements of the MUOD By-Law**

### **Purpose**

- 1) Promote a range and balance of land uses;
- 2) Facilitate integrated physical design and encourage interaction among activities;
- 3) Establish controls which will facilitate development while protecting the public interest by limiting the aggregate amount of development;
- 4) Permit flexible development on individual lots;
- 5) Promote site features and layouts conducive to walking and bicycling; and
- 6) Promote a pedestrian-friendly living and working environment.

### **Multi-Level Review Process**

***Concept Plan:*** A preliminary site plan for the Mixed-Use Project describing the proposed character, uses, site layout, and public amenities incorporated therein. The Planning Board’s review is advisory at this stage.

***Master Special Permit (“MSP”):*** The MSP specifies the design, architectural character, site and traffic improvements, mitigation, location and use categories for buildings, and public amenities of a proposed Mixed-Use Project. The MSP sets the theme of the development and establishes the rules for its subsequent construction and any future changes.

***Phase I Site Plan Review:*** A Phase I Site Plan Review ensures that any proposed building or site improvement is in compliance with the Mixed-Use Project-MSP. A Phase I Site Plan Review, at a minimum, shall include the following components: building design and elevations; signs; landscaping; lighting; parking; and compliance with the MSP.

**Phase II Site Plan Review:** Phase II Site Plan Review considers: (a) the reuse of any structure for a different use category, as long as Table A of the By-law allows such use; and (b) any change in exterior features and site improvements such as signage, facades, landscaping, lighting, parking, so as to ensure that any of those types of changes are consistent with the Mixed-Use Project-MSP, the Phase I Site Plan Approval, and the performance standards set forth in the By-law.

***Additional Levels of Review and Approval – Additional Special Permits:***

- ***Use Special Permit:*** Uses in Table A are allowed subject to issuance of the MSP; those are marked “MSP” in the table. Certain uses also must obtain an additional separate Special Permit; those are marked “SP” in the table.
- ***Dimensional Special Permit:*** A Special Permit is required in order to construct a building in excess of 35 feet in height and up to a maximum of 45 feet in height.
- ***A Special Permit*** is also required for a variation from the minimum setbacks from edge-of-curb and the MUOD perimeter boundary.

**Comparison of Proposed MUOD By-Laws 2005 vs. 2006**

	<b>2005 MUOD Bylaw</b>	<b>2006 MUOD Bylaw</b>
<b>Overall Size of Project</b>	<b>450,000 sq. ft. Gross Floor Area (“GFA”)</b>	<b>372,500 sq. ft. Gross Floor Area (“GFA”)</b>
▪ <b>Non-Residential</b>	<ul style="list-style-type: none"> <li>▪ 200,000 sq. ft. GFA</li> <li>▪ Not more than 10% of such GFA shall be dedicated to office uses</li> </ul>	<ul style="list-style-type: none"> <li>▪ 165,000 sq. ft. GFA</li> <li>▪ Office uses shall not be more than 10,000 sq. ft. GFA</li> </ul>
▪ <b>Residential</b>	<ul style="list-style-type: none"> <li>▪ 210,000 sq. ft. GFA</li> <li>▪ 120 units/240 bedrooms</li> <li>▪ At least 70% (147 units) to be 2 bedroom units</li> <li>▪ 25% of units to be Affordable</li> </ul>	<ul style="list-style-type: none"> <li>▪ 167,500 sq. ft. GFA</li> <li>▪ 100 units/200 bedrooms</li> <li>▪ Up to 15 units with 3 bedrooms</li> <li>▪ 25% of units to be Affordable</li> </ul>
▪ <b>Municipal</b>	40,000 sq. ft. GFA	40,000 sq. ft. GFA
▪ <b>Open space</b>	At least 2 acres	At least 2 acres
<b>Aggregate Limits On Individual Establishments ("Stores")</b>		
▪ <b>Food Store</b>	48,000 sq. ft. GFA	45,000 sq. ft. GFA
▪ <b>Large Stores</b>	Between 20,000 and 30,000 sq. ft. GFA	2 "stores" at between 10,000 and 15,000 sq. ft.
▪ <b>Medium Large Stores</b>	Between 10,000 and 20,000 sq. ft. GFA	3 "stores" at between 7,000 and 10,000 sq. ft.
▪ <b>Medium Stores</b>	Not more than 10,000 sq. ft. GFA	5 "stores" at between 5,000 and 7,000 sq. ft.
▪ <b>Small Stores</b>	Not more than 10,000 sq. ft. GFA	Unlimited "stores" at not more than 5,000 sq. ft.
<b>Significant Performance Standards</b>		
▪ <b>Massing</b>	Buildings shall provide visual relief, generally every thirty (30) feet along the façade; design to promote a traditional New England style, with visual relief, including varying roof lines and roof heights	Same
▪ <b>Stormwater</b>	A Mixed-Use Project must comply with the Stormwater Management Policy of the Commonwealth's Department of Environmental Protection (DEP) as well as other federal, state, and local laws, rules, regulations, and by-laws	Same
▪ <b>Aquifer Protection</b>	The impervious surface of a Mixed-Use Project may not exceed 65% of the upland area of the tract of land to be developed.	Same

Comparison Continued		
	2005 MUOD Bylaw	2006 MUOD Bylaw
<b>Project Controls</b>		
▪ <b>Ability to Reduce Total Aggregate Size of Project to Mitigate for Traffic</b>	Yes	No
▪ <b>Level of Master Special Permitting (MSP) Control</b>	<ul style="list-style-type: none"> <li>Moderate Control</li> <li>Planning Board could exert control over the project in terms of overall size, size of building, and specific uses</li> </ul>	<ul style="list-style-type: none"> <li>Limited Control</li> <li>Essentially the Mixed-Use Project is an as-of-right project.</li> <li>Once categories of interchangeable uses have been established, project can freely change uses within a category</li> </ul>
▪ <b>Ability to Control Access to Rt. 27 (Old Sudbury Rd.)</b>	Yes – through MSP conditions	Yes – through MSP conditions

### Traffic Impact Assessment

An April 19, 2006 Traffic Assessment performed by TEC, Inc. for the Planning Board looked at the differences in traffic generation and possible mitigation scenarios for several potential uses of the former Raytheon property. TEC's analysis focused on comparing three separate and distinct options for use of that property: 1) an assumed full re-occupation of the existing 410,000 square foot office building; 2) the April 2006 MUOD proposal; and 3) a possible 200-unit residential 40B project.

The table below presents a summary of the trip generation characteristics of various proposals for the site:

#### Trip Generation Comparison (Total Trips) – Former Raytheon Site

<u>Time Period</u>	410,000 sf Assumed Existing Office Use (Fully Reoccupied) <sup>1</sup>	April 2006 MUOD Proposal <sup>2</sup>	200-unit 40B Residential Proposal <sup>3</sup>
Weekday Daily	3,954	11,014	1,157
Weekday AM Peak	580	373	90
Weekday PM Peak	538	1,100	106
Saturday Daily	896	13,007	1,152
Saturday Midday Peak	116	1,228	101

- Notes:
1. Based on land uses from *Preliminary Traffic Impact and Access Assessment - Proposed Town Center* by Vanasse & Associates - June 14, 2005
  2. From Wayland Planning Board's 2006 proposed Mixed-Use Overlay District zoning proposal.
  3. Based on MassHousing Development Application for "The Residences at Wayland Center" submitted by Twenty Wayland, LLC on February 16, 2006

TEC's assessment found that "[i]f the April 2006 MUOD is approved and constructed, the morning peak hour should reflect an approximate 30% drop in overall trip generation for the site" as compared to an assumed fully re-occupied existing office use. However, during the weekday evening peak hour, the proposed 2006 MUOD is expected to increase the number of new trips on the adjacent roadways by approximately 66% over an assumed fully re-occupied existing office use. Thus, the 2006 MUOD proposal generates more traffic over the course of an entire weekday.

The traffic assessment showed that "[t]he greatest difference in the number of new trips will occur during the weekend period when the traditional office use generates very few trips. During the Saturday daily and Saturday midday peak hour intervals, the number of trips associated with the 2006 MUOD is expected to increase substantially over the fully re-occupied office building use (>1000% increase)." Construction of a mixed-use

project pursuant to the proposed 2006 MUOD “will elevate the traffic volumes on the adjacent street during the Saturday peak intervals to a level that is closer to that of the typical weekday commuter peak hours.”

The TEC Assessment found that the 40B residential proposal would introduce the lowest number of vehicle trips during the traditional peak hours even when compared with the fully re-occupied office building use. According to TEC, it is highly unlikely that other off-site traffic mitigation measures would be warranted.

Under full-build conditions for the 2006 MUOD proposal, TEC anticipates the need for new traffic signals at three major intersections – Route 20 at Proposed Site Roadway; Route 27 at Route 126 (north of Route 20); and Route 27 at Proposed Site Roadway. At the intersection of Route 20 at Routes 27/126, TEC assumes that the improvements currently under construction by MassHighway will be completed in conformance with the approved plans.

The intersection of Route 20 at Routes 27/126 will operate in an over-capacity situation during the weekday evening commuter peak period. During the weekday evening peak hour, it will continue to operate at a Level of Service (LOS) F as it does today. However, TEC expects the operating condition of this intersection to be better under the 2006 MUOD Proposal than with the full re-occupancy of the existing office building.

If the April 2006 MUOD proposal is accepted and constructed, it is likely that the risk of cut-through traffic along Glezen Lane and Bow Road can be reduced if there are longer delays for motorists attempting to turn left from the proposed Site Roadway onto Route 27 northbound. The introduction of a traffic signal at the intersection of Route 27 at Route 126 will also likely influence motorists leaving the site to use Old Sudbury Road (Route 27) southbound to access Concord Road (Route 126) northbound via Library Lane.

TEC recommends a through road between Route 20 and Route 27 as part of any development proposal for the site to alleviate the strain from the volume of traffic currently making turns to proceed west through the Route 20 at Routes 27/126 intersection in Wayland center.

### **Financial Impact Analysis**

An April 20, 2006 fiscal and economic impact review performed by Community Opportunities Group, Inc. for the Planning Board looked at two proposed development options for the former Raytheon property – the April 2006 MUOD proposal and a 200-unit residential 40B development. The consultant’s scope of work specifically required that the Wayland Board of Assessors (or another consultant to the Town) provide an opinion as to the future assessed valuation of each of the development scenarios. Unfortunately, due to circumstances beyond the Planning Board’s control, the requisite opinion was not provided, thus delaying completion of the report.

In summary, the economic impact report detailed the estimated amount of positive (i.e., surplus) new net revenue that could result to the Town under each development scenario. The analysis included only the direct revenue and general expenses associated with each scenario. It did not take into account one time, non-recurring revenue and expenses nor impacts of “echo-effect” (i.e. housing re-sales activity that may occur due to in-town moves to the new housing units). The MUOD and the 200-unit 40B project generate similar echo-effect or secondary fiscal impacts (approximately 17 school age children could be added to the Wayland school system as a result of Wayland empty-nesters moving to the new housing units on the former Raytheon property or in-town owners moving to the 40B housing).

Estimated revenue to the Town (net of expenses) from a development pursued under the April 2006 MUOD zoning proposal (which would include 25 units of “affordable” housing), could be \$710,110. It must be noted that under existing conditions, the property is currently required to pay \$260,000 in annual property taxes. Thus, the new net revenue to the Town could be \$450,000 – less than 1% of the proposed FY ’07 budget and the equivalent of \$92 per household.

Estimated revenue to the Town (net of expenses) from a development pursued under a 200-unit residential 40B development proposal (which would include 50 units of “affordable” housing), could be \$207,600. After taking into account receipts from the current annual property tax, the development would be roughly break-even for the Town.

Throughout the report, the consultant emphasizes the difficulty in estimating revenue and expenses from development scenarios that are vague and have so little definition. Without a clear build-out program or

commitments from commercial tenants, estimating the impact on the Town's resources for either development scenario poses a considerable challenge and leaves room for revenue and cost swings. At best, each of the proposals reviewed is abstract and will be subject to definition as the development program is fleshed out.

### **Planning Board Recommendation**

The Planning Board recommends approval of Article 2, by a vote of 3 to 2.

### **Minority Opinion**

Despite a desire to support some level of commercial development on this site, the design for this project is still not known. The Town only knows that there will be 372,500 square feet of building space. The continued lack of a defined plan and development program, including tenant mix does not allow voters to understand what will be built if this bylaw is approved.

There was no due diligence to corroborate that this project could be sustainable over the long term and generate sufficient revenues to cover the cost of providing Town services. The developer would not provide market studies, despite repeated requests by the Planning Board both this year and last, which might have demonstrated that such a mixed use project could be successful in Wayland.

In December 2005 the Planning Board, Board of Selectmen and the developers agreed to a process to reconsider a mixed-use zoning bylaw. The Planning Board required: a) the Board of Selectman immediately engage in an inclusive process with other Town Boards and committees to assess critical issues such as waste water, general water consumption, financial impact and the environment; b) the developer agree to minimal changes to the November 2005 bylaw in order to meet the tight time-frame to include a bylaw in the Warrant; and c) appropriate impact studies be completed to assure a comprehensive development agreement to protect the town, which would be signed in concert with the submission of the bylaw. This process was not followed.

Unfortunately, the Planning Board was compelled by intense pressure from the Board of Selectmen and the public (some of whom insisted they simply wanted the option to vote), to accept concessions. These compromises included: the overall size of the project and a distribution of store sizes similar to those of chain store shopping centers located near major highways; and the inability to reduce the project size to mitigate traffic. The compromises resulted in the inability to make material changes to address any potential adverse impacts. Without a collaborative process between critical land use boards and sufficient detail on the project being proposed, the impacts of this project cannot be fully understood. The Development Agreement was negotiated and signed based on a project lacking definition and without the benefit of traffic or fiscal impact studies. The Town has no way of knowing if the financial and other mitigation in the Development Agreement is sufficient to protect the Town.

The information would have enabled voters to assess the true financial, traffic and quality of life impacts and thus make an informed decision whether the perceived benefits of a Town Center plus the net new revenue estimate of \$450,000 (less than 1% of the FY07 proposed budget) outweigh the costs of increased traffic throughout the week and on weekends as well as potential adverse environmental impacts.

Members voting against did not think there was sufficient information to determine that the benefits of this project outweighed the costs, nor that the Development Agreement would adequately protect the Town against adverse impacts.

### **Majority Opinion**

Wayland is best enhanced with a variety of services and uses within its town center. Normally such centers evolve over long periods of time, capturing the nuances and heritage of the community. Wayland lacks this point of focus. However, with architectural attention and layout consideration befitting a New England village, our hope is that a suitable center complex can be constructed on the former Raytheon site. We are presented with an opportunity that is unlikely to arise again.

It is appropriate that the Raytheon site, long a commercial property, continue to have a commercial presence. Adding retail, residential and municipal uses enhances that presence.

The MUOD Bylaw, in conjunction with the Development Agreement, contains controls over traffic, layout, architecture, and environment such that mitigation can be applied as required. An analysis by TEC, a traffic engineering firm engaged by the Planning Board, indicates that traffic volumes can be accommodated, with the mitigation recommended in their report.

Financially, there is a net positive gain for the Town, with enough margin for error that it is unlikely that even a sharp increase in cost of, say, public safety will result in a net loss. The Planning Board emphasizes, however, that while we do not want the Town to incur costs for this project, neither are we driven by enhancing Town revenue in a major way.

The Planning Board recommends passage of this article by Town Meeting.

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**Planning Board Report on Special Town Meeting Warrant Article 3: Amendment to Mixed-Use Overlay District Article**

Pursuant to Massachusetts General Laws Chapter 40A, Section 5, on March 16, 2006 and April 20, 2006, the Planning Board held a Public Hearing on a proposed amendment to the Town's zoning by-laws that would amend the proposed Mixed Use Overlay District as proposed by Article 2 of the 2006 Special Town Meeting Warrant. The proposed amendment would amend Article 23 of the Town's Zoning By-Laws, entitled Mixed-Use Overlay District, by adding a new subsection 2309.6.3: "There shall be no vehicular access to or from Old Sudbury Road permitted other than by emergency vehicles; but use shall be permitted by vehicles of residents or guests of residents of the MUOD or of any property abutting said MUOD, provided that access from the residential portion of the MUOD to Old Sudbury Road is physically segregated from the non-residential portion of the MUOD."

The Board received public comment both for and against the amendment.

There has been much debate and discussion concerning excluding access to the proposed MUOD from Old Sudbury Road, and limiting the "Access Road" for emergency vehicles use only. The board is sensitive to the petitioners' concerns regarding the possible effect of cut through traffic on surrounding streets and neighborhoods if the Mixed Use Overlay District Bylaw is approved. We have been assured by Town Counsel that under the Master Special Permit process the Planning Board will have the power to limit use of this road if traffic studies and if any proposed traffic mitigation warrants it. The developers have also agreed to abide by any Planning Board ruling as to the use of this road.

The Planning Board recommends against approval of Article 3 by a vote of 3 to 2.