



TOWN OF MAYNARD
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MUNICIPAL BUILDING
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October 21, 2024

Katharine Lacy, Senior Planner
Massachusetts Housing Partnership
160 Federal Street
Boston, MA 02110

RE: AvalonBay Project at 182 Parker Street / Town Comments

Dear Ms. Lacy:

The Town of Maynard thanks you for providing this opportunity to formulate a response to AvalonBay Communities' application for a project eligibility letter (PEL). Please consider the present letter as a summary of the totality of comments from the public, the boards and committees of Maynard, and municipal governments in Maynard, as well as Sudbury. We have attached individual letters and comments from those listed above, which are equally if not more critical to your review, indexing them under "Appendix: List of Complementary Documentation" at the end of this letter.

Maynard prides itself on its progressive stance vis-à-vis affordable housing. The citizens of Maynard believe in affordable housing as a fundamental right, which is why we enshrined the phrase "Expand Housing Opportunities (Principle #5)" in our ten Community Development Principles. These principles adorn the wall of our Select Board meeting chambers, serving as guideposts for our decision making, and are a constant reminder of the duty owed to those who have not yet accessed this right we deem essential in our community. But lofty ideals are only meaningful when coupled with actions that realize them, which is why we have been meticulous in taking concrete steps—from ratifying local legislation like our Inclusionary Zoning and Accessible Dwelling Unit by-laws to making the disposition of municipal real estate contingent upon construction of affordable units—that have increased our affordable housing stock and will continue to do so in the future. (See Document A: Comments from the Town of Maynard Planning Director for a full and eloquent treatment of the steps Maynard has taken.) Despite our efforts, we have not yet attained the statutory minimum of 10% affordable housing stock, a fact we fully acknowledge and for which we assume complete responsibility. Yet, consequent to our actions, Maynard's Subsidized Housing Inventory (SHI) stands at 9.18%; it will be 9.73% before this year's end and is on track to breach the 10% threshold by 2025.

After close consultation with our citizenry and careful deliberation, we believe that the proposed development is neither in the best interest of its potential residents, nor in the best interest of the rest of the town. The Town of Maynard's objection to the proposed development is circumscribed and site-specific: 182 Parker Street is not the right location for multifamily

housing. (Detailed comments to this effect are in Document B: Comments from the Town of Maynard Planning Board.) A comprehensive permit application emanating from the approval of a PEL for AvalonBay's proposed "Kanso Maynard" development would:

- 1) Imperil public safety in manifest ways;
- 2) Threaten the natural environment, with adverse effects to people and wildlife;
- 3) Be inconsistent with Maynard's local needs, as expressed and sanctioned through the democratic process.

Imperilment of public safety

Construction at the scale AvalonBay proposes in its PEL application poses multiple significant threats to the public safety of Maynard's residents. These threats include, but are not limited to, stress to water supply and potential water scarcity; increased likelihood of traffic-related incidents; and overstretching of public safety departments.

Water

The Town of Maynard is currently unable to grant AvalonBay's request to connect to the municipal water supply. (A comprehensive analysis of Maynard's limited water supply was conducted by a third-party engineering firm, see Document C: Maynard Water Capacity Memo – AvalonBay Residential Development, 182 Parker Street, Maynard, MA, dated June 13, 2024 (Stantec)). Since initial contact with the developer, the Town has consistently maintained and justified with evidence its inability to service a large-scale development with municipal water, specifically a 200-unit, 340-bedroom development. Maynard cannot accommodate any new, significant increases in water demand without simultaneously accessing new supply sources, a process that would be finalized no earlier than mid-2029 (or possibly longer if the U.S. Environmental Protection Agency requires additional upgrades for PFAS treatment).¹

Even under the current operational scenario, the Town struggles to meet maximum day demands, as evidenced by our near perpetual outdoor water use restrictions. Despite recent infrastructure upgrades—and in contravention of regulatory requirements—the municipal water supply is incapable of satisfying average demand when its largest water source, at Rockland Avenue, is offline.² Beyond sheer operational infeasibility, adding a "Kanso Maynard" would court a public health catastrophe in the event that any one of the constituent parts of Maynard's water infrastructure were to fail.

Drilling a private well, which is extremely likely given Maynard's definitive inability to supply this project with municipal water, can lead to extremely detrimental impacts on the parcel's wetlands. Site topography (combined with state regulation) limits the area on which the

¹ We take this occasion to note that the situation is due, in no small part, to PFAS contamination of one of Maynard's water supply sources, White Pond, by the Massachusetts Firefighting Academy in Stow, which has rendered the water unfit for human consumption.

² The Rockland Ave. water treatment plant and wells are routinely turned off for maintenance, putting reliable water supply on a precarious footing.

developer can place any well. Due to the site's proximity to the Town's own wells, any construction that increases infiltration into the aquifer feeding the Town's water supply could potentially degrade water quality and quantity townwide.

Traffic

Furthermore, the Town holds major reservations relating to traffic safety. The site's relative isolation—it is on the outskirts of town, far from public transit, downtown, and schools and library, and disconnected from other dense mixed-use and retail areas—renders it unsuitable to high-density, multifamily development, a fact best illustrated by the lack of sidewalk connection.³ The Town has real apprehension over large-scale development at the furthest reaches of town on a highly trafficked state route with a 35-mph speed limit—well above recommended speed limits for thickly settled, business district, and safety zones—that will increase the volume of both pedestrians and bicyclists when mobility infrastructure is not appropriately set-up to safely accommodate it. Extremely concerning to Maynard is the influx of school age children this will insert into this section of the corridor and the attendant increase in road crossings set to occur daily. Were this to be mitigated by reducing speeds along Route 27, congestion in the area would increase as a result, compounding traffic on this part of the artery that has just recently experienced an exponential rise pursuant to the opening of the commercial center at 129 Parker Street.

Public Safety

The proposal incubates a nascent public safety and security threat through the increased pressure it will place on Maynard's overstretched police and fire departments (See Document D: Comments from the Maynard Fire Department and Document E: Comments from the Maynard Police Department.) By analogy, since its opening in mid-2020, the Digital Way commercial complex at 129 Parker Street has been largely responsible for the dramatic increase in calls for service. In the three full years since its construction, Maynard PD has seen an average of 10,000 additional calls compared to the three years prior, while Maynard Fire Department's medical and fire response services have seen a thirteen percent increase on average. This stress has crossed town borders, increasing call volume to mutual aid departments such as Sudbury Fire Department, which is responsible for sending a fire apparatus every time there is a fire alarm at the Digital Way complex (due to the size of the residential buildings there), and which routinely responds to medical incidents in Maynard when Maynard FD is engaged elsewhere. In the past two years, Sudbury Fire has had to respond to 1 out of every 20 calls for fire services in Maynard. In sum, emergency response to "Kanso Maynard's" 200 units/340 bedrooms would not confine itself to Maynard's public safety departments but would affect emergency services in Sudbury and possibly beyond.

³ AvalonBay's PEL application erroneously claims that there is "Sidewalk Access to Site" (Section 2, 1.c). The nearest sidewalk is 950 feet and 1,450 feet north of the two site driveways, and only on the opposite side of Route 27.

Environmental harms

Although the application asserts that the development will protect sensitive land, critical habitats, and wetlands, all evidence points to the contrary. The proposed development is likely to irreparably damage, if not outright destroy, natural habitat and wetlands. The Town anticipates losses in ecosystem services, resiliency to climate change, and biodiversity owing to the environmental degradation the proposed development will occasion. (See Document F: Comments from the Town of Maynard Conservation Commission and Document G: Comments from the Town of Maynard Sustainability Committee.)

The ecosystem services provided at 182 Parker Street are critical to safeguarding the Town wells located north and west of the property, as its wetlands protect the aquifers that, in turn, protect the water at the Old Marlboro Road well (which is already in a precarious state). As the developer's environmental consultant recognizes and states, the property at 182 Parker Street has consisted of densely vegetated wetlands for 70 years, now totaling over 17 acres. The Massachusetts Wetlands Protection Act states that resource areas should not be damaged by alterations to the buffer zone, nor should wetlands be altered long-term by any activity. Yet, the proposed construction will inevitably disturb and reduce this area, including land within the state-regulated 100-foot wetlands buffer zone (not to mention land protected by Town by-law within the 50-foot buffer zone, which the developer seeks to dispense with through waivers).

Relatedly, the wetlands at this site provide a reliable mechanism for stormwater storage and hence climate resiliency, specifically their capacity to mitigate potential flooding. With increasingly unpredictable impacts of climate change on our weather patterns, adapting to the vagaries of severe weather events—of the type experienced across New England and in Maynard itself over the past few years—is critical.

We digress here to note our additional concern from an Environmental Justice standpoint with situating any housing, but *particularly* affordable housing, on this parcel, which has demonstrated itself to be flood prone. Anecdotally, this area has experienced more flooding recently, affecting both Maynard and Sudbury. Stronger climate change-induced storm patterns, coupled with a high water table on the lot (according to the developer's environmental analysis the table is only four feet below grade) leaves little margin of error for catastrophic flooding.

Finally, the project may seriously damage important wildlife habitat. The whole site is a large part of the only remaining corridor linking the sizable wetlands to the north with the Assabet River National Wildlife Refuge. Developing at the order of magnitude proposed will isolate vulnerable populations of fauna, including amphibian species already in decline. The site is also home to beaver families that are integral to creating more wetlands.

Inconsistency with the local needs of Maynard

The Town of Maynard is unified in its opposition to the development at this site. Of the 308 Maynard residents who contributed public comments through the Town's website, 97% stated that they were against the development at 182 Parker Street. (Please see all 389 comments from residents of Maynard, Sudbury and Stow, in Document H: Public Comment to "Kanso Maynard" PEL Application, collected between September 16 and October 4, 2024, via Town website and e-

mail (Excel spreadsheet, attached as separate file).) Over three-quarters of residents cited the town's well-known aging and stretched infrastructure capacity as their main concern, while over half expressed worry over environmental effects; another 4 out of 10 anticipate this potential development's ramifications to traffic.⁴ At a granular level, the primary specific concern categories revolve around the water supply (25% of respondents mentioning) and effects upon the wetlands (19%).⁵ In light of the aforementioned points regarding the perils to public safety and environment harm, but more specifically the evidence and lived experience that supports these points, Maynard's residents have good cause to feel the way they do. To speak candidly, these sentiments are not the knee-jerk reaction of a so-called "Not in My Backyard (NIMBY)" community.

Consequently, Town Hall is deeply concerned over the corrosive effects that approving this development would have on public trust, not just in municipal government, but in State government, as well. Approving Chapter 40B development on this parcel sets a worrying precedent that would ultimately undermine the Commonwealth's response to the affordable housing crisis.

The design of 40B—unaffectionately referred to as the anti-snob law in some quarters—was never intended to, nor should in the present case target a municipality like Maynard. Maynard has been the *bon élève* in its progressive, inclusive, and most importantly, citizen-supported efforts to grow and provide access to housing stock for low- and moderate-income households. Maynard wants more affordable housing. Maynard has designed an enabling environment to foster it. Maynard has followed state guidelines and carefully selected and designated a specific overlay district to facilitate it.

But most importantly, the residents of Maynard discussed and voted to approve all the above.

Similarly, Chapter 40B facilitates exemptions to local by-laws and regulations, which are citizen-sponsored and citizen-adopted through open, transparent, democratic procedures. Popularly supported laws, which predate the present PEL application by years if not decades, and whose intent is to ensure sustainable long-term planning for the precious, limited space within town borders and provide supplementary protection to sensitive ecosystems and their wildlife, will be the first collateral damage should this development proceed. What AvalonBay may gain the Town of Maynard will lose in terms of the citizens' faith in their ability to exert control over how they choose to govern themselves as individuals, as households, and as a community.

⁴ The Town's methodology for quantifying data contained in written (qualitative) responses was to employ a binary rating (0 or 1) according to the mention of an issue (1) or lack thereof (0). As a result, one individual's response could be recorded as having more than one category of concern, e.g., infrastructure and environment (both receiving a "1").

⁵ During the open process, residents of neighboring Sudbury also submitted public comments, expressing deep concern over environmental impacts, specifically ramifications from any construction on stormwater runoff and management, and, relatedly, encroachment upon the wetlands that currently serve to permit water absorption and recharge. The data also shows that Sudbury residents are unanimous in their stance of opposition to development at this site with 70 out of 70 responders against.

To reiterate, the Town of Maynard is against a large-scale multifamily development at 182 Parker Street. Town officials expressed this in clear terms to the developer and went so far as to initiate good faith efforts to explore and facilitate alternative siting. Although it has not materialized, we remain committed to working with AvalonBay, and all potential partners, to bring affordable multifamily housing to areas in Maynard that are most suitable, i.e. those for which we have planned and gained consensus. One such area is the Powder Mill Overlay District, our newly passed and state-accepted MBTA Communities 3A compliant zone. Maynard would much prefer to concentrate its energy into obtaining the resources and infrastructure necessary to create affordable housing in the zones it has worked so diligently and collaboratively to plan for than to divert its limited resources into fighting counterproductive attempts to force construction, cloaked in the flimsy guise of equity, where it ought not go.

Again, we thank you very much for this opportunity, and for considering our perspective, our local needs, and our limitations in your decision.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Swanberg", with a stylized flourish at the end.

Jeff Swanberg

On behalf of the Select Board and People of the Town of Maynard

Appendix: List of Complementary Documentation

1. Document A: Comments from the Town of Maynard Planning Director
2. Document B: Comments from the Town of Maynard Planning Board
3. Document C: Maynard Water Capacity Memo – AvalonBay Residential Development, 182 Parker Street, Maynard, MA, dated June 13, 2024 (Stantec)
4. Document D: Comments from the Maynard Fire Department
5. Document E: Comments from the Maynard Police Department
6. Document F: Comments from the Town of Maynard Conservation Commission
7. Document G: Comments from the Town of Maynard Sustainability Committee
8. Document H: Public Comment to “Kanso Maynard” PEL Application, collected between September 16 and October 4, 2024, via Town website and e-mail (Excel spreadsheet, attached as separate file)
9. Document I: 182 Parker Street, Proposed Residential Development, Overall Site Plan Review (Town Engineer)
10. Document J: 40B Project Considerations from Maynard Public Schools
11. Document K: Comments from the Town of Sudbury