

Planning Board Minutes: September 10, 2013

Attending: Bernie Cahill (BC), Chair; Max Lamson (ML), Vice Chair Chuck Shea (CS); Gregory Tuzzolo (GT); Kevin Calzia (KC) and Jason Kreil (JK), Alternate. Also attending representing the Town of Maynard, Eric R. Smith, AICP, Town Planner.

At 7:00 P.M. BC called the meeting to order.

Approval of Minutes of Previous Meetings

Approval of June 11, 2013 and August 6, 2013 meeting minutes

CS noted correction required under “Old/New Business”. CS: It says here “we can change rules and regulations at the Town Meeting.” That is not what I said. I meant it is not quite right, we were discussing rules and regulations that were actually in the bylaw then we would have to go to Town Meeting and change them. Otherwise we change them with a public hearing and just vote on it.” Town Planner recalled the discussion and would make the changes so noted.

CS made a motion for the Planning Board to approve the June 11, 2013 minutes as presented and the August 6, 2013 minutes as amended. Seconded by GT. Vote 4 to 0 for the June 11, 2013 meeting minutes (CS could not vote, not a member at that time) and Vote 4 to 0 (ML abstain) for the August 6, 2013 minutes.

7:05p.m. Public Hearing, Fowler Street Extension Definitive Plan

BC noted the time was 7:05p.m. and opened the Public Hearing by reading the legal notice:

“In accordance with the provisions of M.G.L. Chapter 41, Section 81T and 81U, the Maynard Planning Board will hold a public hearing on Tuesday, September 10, 2013 at 7:05 p.m. at the Maynard Town Building, 195 Main Street, Maynard, Room 101, to hear all persons interested in an application filed by Acton Survey & Engineering, Inc. on behalf of the owners, David L. and Rosemary L. Lent, 10 Fowler Street, Maynard, MA, Map 20, Parcel 197, for approval of a Definitive Plan Subdivision entitled “Fowler Street Extension Definitive Subdivision, Maynard, Massachusetts” dated June 19, 2013, located at the end of the existing Fowler Street and showing five (5) lots.”

BC indicated we would first begin by hearing from Acton Surveying and Engineering representative, Mark Donohoe (MD).

MD: Good evening, I am Mark Donohoe with me is Marty Maria and Frank Dentino of Orchard Valley Construction. The subdivision involves a 1.8 acre parcel at the end of the Fowler Street (Shown were Fowler Street currently ends on Site Plan.). We proposed to extend Fowler Street to a total of 540 feet from this point to Parker Street and provide for a Tee-shaped turn-around.

MD: At the site there is an existing house, existing garage, and several out buildings throughout the site. Create a house lot for the existing house and four additional residential lots. We did ask for seven waivers: 1) reduce the width of the pavement from required 26’ under Subdivision Rules and Regulations to 18’ as Fowler Street presently is less than 18’ wide n sections. We feel that 18’ is adequate to provide access for pedestrian, vehicles and fire equipment. 2) Your subdivision

rules and regulations propose a maximum of 500 feet (for dead-end streets). We are proposing 540 feet and this would help to keep lots 1 and 2 away from the steep slope. 3) Instead of using a circular turnaround, as required by the Bylaw, we want to use a T-Turnaround. Bylaw stipulates a radius of 43'. Standard radius for a box truck is 42'. We find T-Turnaround is easier to plow, provides better access for fire engines. 4) Propose to eliminate the Cape Cod berms. Since the Subdivision Rules and Regulations were written the Commonwealth has rewritten the stormwater regulations, now getting away from the standard catch basin and pipe approach. Proposing recharge systems to allow a low impact development project. 5) Want to use slope granite instead of vertical granite; we think it is more in keeping of a residential subdivision of this kind. 6) Eliminate the sidewalk as there is no sidewalk on Fowler Street.

MD: The Fire Chief supports to lengthen this leg (pointing to site plan) of the Tee-turnaround. He has accepted this Tee-Turnaround and the 18' pavement width (*Town Planner notes that Fire Chief's memo accepted this proposal with stipulation: "As long as there are signs that show no parking."*). Extend the roadway to 555 feet. And the wider T-turnaround so that a large fire truck can turnaround. This T-turnaround will allow large fire truck, bucket, and ladder truck to turnaround. It will allow other larger trucks (tractor trailer truck, ambulance, school bus) to turnaround with one back maneuver.

MD: We also extended the T to the Cemetery so that electric service we extend in Fowler Street can be extended to the building in the cemetery. We are providing Town Water and Sewer. Proposing a fire hydrant at the T-Intersection.

In this section of Fowler Street (pointing to site plan) the existing edge of pavement is actually on the property of house #9 and #11, and to a lesser extent #7. We propose for #11 to move the pavement and grass this area in front of #9. Showed location of proposed reconstruction.

We have not redesigned the drainage system for the new roadway as we wanted to get some input from the Board first.

BC asked for Planning Board input and questions.

GT: I counted six waivers not seven. 1) 26 feet down to 18. MD: Correct. 2) The total length of the cul-de-sac. MD: Correct. 3) The circle cul-de-sac. 4) No curbs. 5) sloped granite. MD: sloped granite instead of vertical granite. GT asked for location of the proposed slope granite location. 6) No sidewalk. GT: What is the 7th? Wayne Amico, Town Engineer: It is the roadway cross section. MD: The roadway cross section requires a crown, but we are sloping one side, to the south.

GT asked for a conceptual description of how the stormwater management will work. MD: Here will be 2 or 3 catch basins on the southside of Fowler St. That will accept the stormwater and be piped to a bioretention area that will have some infiltration for smaller storms. Larger storms will then flow out of the basin into an infiltration trench on the southside of the road. This will extend along the length of the roadway. GT: Does it empty into existing system? MD: No it is completely independent, provides for complete recharge.

GT: It is required or is it possible to suggest where the curb cuts for where the driveways will be?
MD: On this plan we prohibit curb cuts for driveways at the end of the T-Turnaround. He then showed location of curb cuts. GT: For Lot 3, it will be sandwiched between two ends of this T-turn-around? MD: Correct. We don't want the end of the driveway to interfere with moving vehicles.

GT: I have a thought of using a different material on the T-Turnaround. A more free draining material perhaps. MD: We have designed for porous pavement, maybe. GT: It is a pretty shaded area now. Do you have a plan that shows the trees you will be removing? MD: For the road construction we can document that.

GT: You show a lot line running between the existing structures. Mr. Donohoe: All these structures will be removed. GT: Do you have a plan that shows where the development pads will be? MD: The property is in two zones (showed location of General Residential and S-1). Property (front) setbacks are 25 feet in both. S-1 30-foot side yard setback; GR 15-foot side yard setback. GT: Do the existing footprints of buildings have any bearing on future footprints? MD: No.

ML: Noted we recently received comments back from Wayne Amico, Town Engineer. I know we will be reviewing those at some point and they raise few issues that I am looking at. So it might make sense to review these altogether.

BC: It might make sense to ask Wayne to go through his comments now. Board concurred.

Wayne Amico: Noted he wasn't able to complete report until yesterday. Asked if Mark had a chance to review his comment letter yet. Assume Mark will respond to each one of these comments in his next submittal. We are also aware there are comments from Fire Department, Conservation Commission, Town Planner and DPW that should be addressed in his next submittal as a formal response.

Wayne Amico: Mark made his submittal in late June. He met with Eric (Town Planner) and I in the beginning of August. At that meeting he presented his revised Tee-Turnaround. There was a supplemental plan filed a couple weeks after Mark's meeting with the Fire Chief that extended the limits of the Tee-Turnaround. In our comment letter, we reviewed the most pertinent and most recent sheet info. Mr. Amico then walked through his review with compliance of the Subdivision Rules and Regulations picking out the ones that are the most pertinent:

III B.1.(f) - Performance bond. Will need to talk about that at some point, as no value was provided.

III B.2.(a)(10) - Waivers. Need to be endorsed by the Board.

III B.2.(b)(1) - Roadway Profile. Needs to be provided on the Plan.

III B.2.(b)(2) - Water Main. Should be added to the profile.

III B.2.(b)(4) - Plans do not show any proposed street lighting. There are two lights on existing poles. We request the applicant review the proposed roadway work to see if another light is feasible or recommended.

On Page 3 of the review letter, III B.2.(c)(3) - Erosion and Sedimentation control details. Silt fence and silt barriers are not shown on the Plan. That needs to be shown.

III B.2.(c)(4) - Test Pit information. Needs to be provided.

Mr. Amico: Mark, this is something you should explain to the Board. Our understanding looking at the stormwater calculations you are calling this a four-lot subdivision. Our interpretation is that this is a 5-lot subdivision. So maybe we need to talk about that. So the stormwater regulations to comply with 5-lots. MD: We will have that discussion.

III B.2.(d)(1) - Roadway Profile, cross section. Discussed sidewalk berm.

Mr. Amico: We do recommend a sidewalk be provided on at least one side and that a normal crown cross section be provided. Or maybe the cross section can be reviewed and agreed upon. From our perspective, a berm should be provided on the T. Mr. Amico noted he is not a fan of slope granite edging in that application.

Mr. Amico: Under Design standards, it sounds like Mark resolved issues with the Fire Department, under Section IV.A.1. MD noted he had not heard back either way. Mr. Amico confirmed that Mark did meet with the Fire Chief. Wayne noted we will need something from the Fire Chief that he endorses this plan.

Mr. Amico: This is one of the biggest discussion items, is the width of the road. The subdivision regs call for 26 feet. There may be some compromise there given the situation and that the fact the existing Fowler Street is less. So it possible that something can be worked out and discussed with the Board and the Applicant.

Mr. Amico: From our perspective the 555' Mark is now proposing for the subdivision seems reasonable as long as one of the other Boards doesn't disagree and it seems the Fire, which seems most pertinent, seems to be OK with that.

Mr. Amico: We provided comments to the Board regarding driveway locations, building footprints. Tough for the Board to evaluate this proposal without this information. We are aware that there is a very steep slope in the back of that. Be good to show on the Plans that construction is staying outside that slope.

Mr. Amico: Cross section believes it can be worked out, except some type of berm should be applied.

Mr. Amico: Page 5, stormwater standards we need to discuss that. I echo concerns of the Board relative to tree removal. Be good to have some kind of clearing plan, with limits of clearing and showing any trees the applicant good save with any proposed plantings.

Mr. Amico: General Engineering comments. Given the various utility cuts on the existing section of Fowler Street, we recommend that the applicant evaluate mill and overlay the existing Fowler Street as part of the project.

Mr. Amico: Now onto page 6. Mark, this part is generic, although it is a 5-lot subdivision; we should confirm water and sewer capacity.

Mr. Amico: It does appear there is adequate sight distance is available at the existing intersection of Fowler and Parker Streets. Actual distance and speed measurements should be provided by the engineer.

Mr. Amico: Stormwater Standards. We reviewed as if it were required to comply with Massachusetts Stormwater Standards. We need to have documentation on how the 10 standards are met or not met. A long-term pollution prevention plan is required; TSS treatment train calculations; An O&M Plan; MSMR Checklist; test pit information having to do with seasonal high groundwater; soil profile; Rawls rate used in the hydraulic calculations; calculations for the 25-year storm; proposed basins should be shown on the Plan. This summarizes the identified issues at this stage.

BC then reopened Board discussion.

KC: I have a couple questions. Asked the Applicant's engineer to explain the rationale for a T-turnaround versus cul-de-sac. MD: 43' is the outside diameter of the pavement. SU-30 vehicle, which is a standard box truck requires 42 feet minimum turning radius. You really can't turn around a larger vehicle with the 42' radius. And who is going to maintain the middle of the cul-de-sac, DPW? And if we pave the whole thing, it is one very large paved area with concrete, increases runoff, heat during the summer. T-turnaround does allow the very large fire truck to turn around with one back movement and turn up. KC: I also ask for aesthetic purposes. I don't know what the neighbors want to see for Fowler Street. MD: I think that there is question for 26' street width of the pavement and the need for a sidewalk. It is not a subdivision road. Have a big black blob or be able to preserve more trees.

KC: Other question relates to the history of the lot. So Lot 5 right now is the current of all the land out there.

CS: First question, so a length of a dead-end street is 500 feet. Can you get the frontage of the five lots on a 500-foot long street? MD: Yes I can. It would put the houses on lots 1 and 2 in a disadvantageous location.

CS: Also I would be interested to hear your argument that it is not a 5-lot subdivision. I believe it is a 5-lot subdivision. The five lots are going to have need deed descriptions with new metes and bounds and as such you are short \$300. CS: For Rules and Regulations requires 14 copies of the Plans, including the different departments. So for the revised plan...I Share the engineer's comments and I wonder if this incomplete. So are you saying that a fire truck cannot make the radius turn on the required 43' cul-de-sac? MD: Yes I believe that is correct.

CS: So it is now 555 feet proposed roadway now? MD: Yes. CS: So that would be 55 feet over the maximum.

CS; Regarding the request for waivers. If I look at the purpose of Subdivision Control, there is not currently the best access to the currently existing lots. We are making it worse by adding the five lots. It is unique it is different. I wish there was some way we can the maximize the existing

Fowler? What does that measure on the right of way you shown me? MD: It varies from 20' there (pointing to plan) to 17' across from Lot 9 before the new roadway.

CS: There is no reason for it to stay at 17 feet as the land on the south side is yours. MD: pointed to the angle point where the right-of-way is around 17 feet showing with my scale and we don't own either side of the street there.

Eric Smith (ES), Town Planner, noted that a meeting held in August with the engineer and developer, and reflected in letter provided the late August submission is a proposal for the developer to give the Town money in lieu of constructing the sidewalk.

ML: Returning to the truck turning radius for a minute, to support the waiver asked Mark to provide a spreadsheet with radiuses. Mark stated there are AASHTO and MassDOT standards and we could provide those to the Board.

ML: Could we consider widening the existing Fowler Street? Mr. Amico: By looking at existing conditions that maybe difficult to do. From his perspective he would like to see the Applicant review the possibility of putting the sidewalk in if that is what the community wants. On behalf of the DPW, we want to have more sidewalks accessible and that is a long term goal for the Community. Rather see a small sidewalk on one side of the roadway than widening existing Fowler Street. MD: I don't think we need a sidewalk; we will look at it.

GT: Sidewalk down Fowler doesn't necessarily to me, right away, to a pretty good use of money. I would consider as an alternative improvements to the Parker and Fowler intersection. I don't know if there is a crosswalk there now. Or someway to get residents across Parker safely if they want to go Downtown. Member in audience noted they would have to go to the Cemetery. Or down to the Coolidge School.

ML: If a sidewalk is not feasible that is ADA-compliant, maybe there could be compromising on the existing road with new road; maybe the whole thing could be 22', with enough width to get a bicycle down there with a car going by.

ML: Echoing some of the comments of the building footprints. That is a steep slope and there are wetlands back there. Has this gone to Conservation? MD: We have filed with Conservation for building demolition and site cleanup. ES: Noted also that the Conservation Agent has sent her comments to the Board for the Definitive Plan submission.

ML: Regarding demolition, will there be any environmental work out there. MD: My client will be doing environmental review before buying the property.

BC: To clarify the vertical granite at the end of the T; it will remain vertical on the inside of the T? MD: Yes. Just inside the radiuses. BC: If there was some sort of reconstruction of existing roadway, has it been considered to bury those utilities as well? MD: The more you add on, the less economical the project becomes. My client will look at it. BC: Building size and footprints, location of drives. We need to know that information, even if square on the plans.

BC: After visiting the site today and seeing the steep slope, I have safety concerns. Has cluster or conservation housing development been considered? So you could locate the housing on the southside of the property and avoid the cliff, to leave that part more open. MD: No, it has not. ES: I don't believe you have that (Cluster/Conservation Zoning) in your zoning bylaws right now. GT: I would be curious from the developer/engineer to see if there is the opportunity to something like that, meaning in terms of the practicality of the site. MD: The answer is it would work here. BC: I think of the Concord Riverwalk Cluster Development off of 62, a prime example of cluster development done perfectly. I am just going to throw that out there, given the characteristic of the neighborhood and the slope on the property.

BC opened up the Public Hearing to the Public.

Rosemary Lent, 10 Fowler Street: I am Rosemary Lent and I live at 10 Fowler Street. I have been there for over 40 years but it has been in my husband family for longer, much longer than that. I heard Greg say he wanted to visit the site. If I see anyone I don't know walking through and in the back of the property I will have to call the Police. Just know on my back door to let me know you want to visit the site.

Karen Sullivan, 11 Fowler Street: My name is Karen, and this is my husband John. My concern is my neighbor, Alexandra at 9 Fowler, and she does not have a driveway. She uses a little area across the street from her house (for parking) and with the widening of the road, she would lose that space. I don't think that would be fair to her. There must be a way around it. BC asked MD to point out location of 9 Fowler and the parking area.

Alexandra Howard, 9 Fowler Street: I think it is one of the most beautiful places in Maynard and I think the idea of co-housing or cluster housing would be great to preserve the ambience. I want to see something that is thoughtfully done.

Mrs. Sullivan: Most of the houses are circa early 1900's.

Ms. Lent: If Maynard taxes were not getting so bad I would not even be thinking of selling the land.

Peter Keenan, 263 Great Road and member of the Conservation Commission: We at the Conservation Commission have a Wetlands Protection Bylaw and a good part of 3 of those lots are in the wetlands buffer zone. Location of the houses will be very important to us. MD showed location of the proposed house lots in relation to the wetlands buffer zone.

Mr. Keenan: The Town has a Stormwater Protection Bylaw. We have to issue a permit for that as well. The Bylaw covers this project in its entirety. We will have to look at the whole project, not just the road, but where other impervious areas create stormwater runoff. Need to know driveways, slopes. Please keep that in mind. MD: Our calculations deal with the individual lots. We provided sizing for groundwater recharge. There was discussion regarding size of the proposed houses.

Ed Rose: I represent the BLB Conservation Trust and we are the receptacle of all the runoff from there. That area is also a wildlife area. All the ducks you see down in the River, they mate and

have their babies down there. So what's running in there matters because there a lot of algae blooms even now from there, but more from Parker Street. I am concerned. There also lots of animal trails. How close are the houses to those slopes?

ML: Asked if the NOI application is going to request to do houses in that 100-buffer area. MD: The NOI goes with the land, we will file individual ones for each house as they will be sold at different times. ML: Are you planning to file after subdivision approval? MD: Correct.

Mr. Keenan: I see some potential problems coming up here. One could file a NOI for the entire site.

Ed Rose: I like Mr. Cahil's suggestion of development on the south side.

JK: I have 2 or 3 things I would like to add to what Wayne and you guys already included. 1) I think that everyone wants to see some curbs cuts (on the Plans). Just to see that the driveways are the appropriate distance from one another. 2) Lighting. I will put the question out there. You have a non-standard turnaround that I think some lighting will be appropriate so that people do not drive into somebody's yard. 3) (To MD:) You mentioned the potential putting together a plan of trees you may be keeping. MD: We will attempt to do that. We will locate those that are specimen trees worthy of keeping. 4) (To MD:) Are you considering of putting together a planting plan? MD: We are planting the bioretention areas pretty heavily (showed locations on plans). JK asked question of Mr. Amico: have you guys been developing construction and cross-section standards. Have they been conveyed to Mark? Mr. Amico: That has not been communicated.

JK: Two more things: 1) You (MD) mentioned the hydrant is straight north of the T. Any concern of anyone hitting that? MD: There is always the concern. JK: I try not to put right across from the driveway. MD: We can ask the Fire Chief or DPW where they want it.

Mrs. Sullivan: Right now in the winter, at the end the snow plow piles up the snow at the end of the street. My concern is with the turn-around, where would the snow go. MD showed location to where snow storage would go. MD noted T-turnaround easier to plow versus standard cul-de-sac.

BC: Asked if Mark Donohoe had any examples of T-Turnarounds. MD: I have some examples I can share with the Board from Acton. ES: I am aware of one recently constructed in the Town of Shirley.

JK: My last comment relates to snow storage. (To MD) If that is your intention for that area, it would be appropriate to mark that area as such on the Plan.

Marty Maria: Noted that the Board approved a small T off of Concord Street. Hird Street. I think it may be 4 years old.

Ed Rose: My concern is with salt. At the end of the roadway is where lots of salt tends to be built up. If we don't slope all these lots away from that slope, it will end up in that wetland.

ES noted the Applicant did not file a Preliminary Plan. Under the Mass. Subdivision Control Law there are 135 days from filing of Definitive Plan until decision must be rendered, unless an

extension is agreed upon. Applicants filed the Plan on June 19th and the 135 days would be Halloween, October 31st.

Mr. Amico: Is the Applicant amenable to extending the deadline? MD: Let's wait until the next hearing and I would like time to talk over with my client.

KC: Since there are several neighbors here and I haven't heard any comments, I would like to hear on 18' roadway width or what the bylaws require (26')?

Steve King, 7 Fowler Street: I have been listening and do agree with some of the things Alexandra was saying. Preserving the character of the road as much as possible would be my preference. I am at the beginning of the narrowest part of the street. I see very little room for expanding the roadway there without losing frontage on my and mine Alexandra's house, her parking lot and Tom's garage. In my opinion I would rather it be kept as is if possible.

Mrs. Sullivan: Is it feasible to expand after Alexandra's parking space and maybe some of the tree line. There is not really any room.

Ms. Howard: Having the road narrow helps slow people down.

ML made a motion to continue the Fowler Street Extension Definitive Plan Application Public Hearing until Tuesday, September 24, 2013 @ 7:30p.m. Seconded by CS. During discussion on proposed motion, MD: Noted he would try to get his comments back to the Board by September 19th. Wayne: Noted he may not have time to conduct his review for the 24th if receive info on the 19th. Vote to extend the hearing approved 5 to 0.

BC opened up the Continuation of the **Public Hearing on Proposed Changes: Zoning General Definitions and Table of Uses.**

"Proposed Changes: Zoning General Definitions – To amend Section 11.0 by replacing the existing definition of Supermarket with the following definitions. Changes are in bold and underlined.

Supermarket: A retail establishment or full-service grocery store **occupying a space no greater than 75,000 square feet**, primarily selling **primarily** food and grocery items not limited to, fresh meats, fresh poultry, fresh seafood, organic foods, bakery products that are baked on the premises, a fresh produce department and a deli department offering freshly prepared foods and counter service. A **Supermarket** may contain a pharmacy and may sell other ~~merchandise such as~~ convenience items **such as** household supplies and **cleaning products**, hardware, **food preparation materials**, and personal care and health products.

Proposed Changes: Table of uses – To amend the Table of Uses in Section 3.1.2 Table A, Use Regulations, Principal Uses 4. Business Uses, by changing Supermarket under the Industrial district from "Y" to "Special Permit" with approval by the Planning Board."

BC noted this hearing was continued from August 27th. BC asked if everyone had the most current version. ES distributed latest version of the proposed Supermarket definition. The Board reviewed the definition.

GT: I would like to see one piece of information added to the explanation. Where it says "the Board liked the recently approved definition of Somerville's". Maybe instead something like "the Board modeled this Supermarket definition re-write based on a recently approved definition."

BC: I had some comments related to this proposal versus this one. Why isn't the word retail included? ES: Noted we are now using the Somerville model not using the existing definition from Maynard. Board then discussed to include retail or not. ML supported to keeping it out.

BC: When did we think of getting other parts related to pharmacy and baked goods? ES again noted we are using the Somerville model.

BC: Concerned with use of 'complete re-write' in explanation section. Board had discussion of this matter and the explanation sections in general.

KC: Do we want to say re-definition? Board discussion followed. GT supports the most concise description. Board noted some grammar changes required to the explanation section. BC for the proposed re-write discussed adding a second paragraph to the explanation, including rationale for why we went with 85%.

GT asked for process of submitting articles for Town Meeting Warrant.

ES noted that he received information from the Andover Town Planner, which indicated the Attorney General has approved the Town of Andover's Supermarket definition, which uses a figure of 70% of the area devoted to food items.

BC asked for input from the Public. Linda Thayer indicated she thinks it is great and you guys have done a great job.

The Town Planner and the Board reviewed latest Proposed Amendments to the Section 3, Use Regulations, of the Maynard Zoning By-Law regarding Supermarket in the Industrial District. Town Planner re-wrote to simplify the table with just two rows. BC: I think it is tight and something that I can explain.

Town Planner read BC's comments received by email: *"My only question is in the explanation section and whether we should perhaps add something about why the "Y's" had to be carried down to the next row in the table?"* ES: My thought is, see your problem your other hearing is not opening to the 24th for the B, CB and HCI zones. My thought it is to make it one article to include the changes to all four zones. BC asked for procedural on moving forward with the Industrial. CS: Noted that the Board of Selectmen will be forwarding to Town Counsel for review. BC noted to change the Explanation section to include the B, CB and HCI zones as well by adding a second paragraph. The Board had discussion and had consensus to have one article.

BC then asked for Board discussion on the current Industrial Zoning district proposal to allow Supermarket by Special Permit up to 50,000 square feet. ML: What if someone came in and they had a larger proposal in 50,000 square feet in the Industrial Zone? BC: Under NBOD they could do 75,000 square feet. ML: But there 3 other Industrial Districts. BC: That is correct for a Supermarket. ML: What if we had a 55,000 square feet Market Basket proposed elsewhere we want? Board held discussion on size of Supermarkets in other communities and then the Town's other Industrial Zoning Districts.

Town Planner noted the 129 Parker Street developer called today with his concerns. He did note that the Board was trying to incentivize use of NBOD as the 75,000 square-foot Supermarket would still be allowed in NBOD. The Board then held discussions regarding Supermarket size limit, including process of amendment at Town Meeting for a size above 50,000 square feet.

KC: Back when we started this in May I was against putting a size limit. I came around as I asked what is the feel you want for Maynard and from discussion of last several months, we wanted to draw a line on a smaller size.

ML: Noted he just wanted to not see the pendulum swing too far the other way.

BC Made a Motion to Close the Public Hearing. Second by CS. Vote to Approve 4 to 0. ML abstained.

BC the opened up the continued **Public Hearing for Proposed Changes to the Maynard Protective Zoning Bylaws related to Dimensional Regulations and Building Coverage, Use Regulation and Special Regulations related to Registered Marijuana Dispensaries and Extension of Temporary Moratorium on Medical Marijuana Treatment Centers:**

“Proposed Changes: Zoning Dimensional Regulations. To amend Section 4.0, Dimensional Regulations, by adding further requirements related to Building Coverage on a lot. Proposed Changes: Special Regulations To amend Section 7.0, by adding a new Section 7.7, Registered Marijuana Dispensary, and amend Section 3.1.2 Table A, Use Regulations, Principal Uses 4. Business Uses, by adding the use “Registered Marijuana Dispensary” as an allowable use by Planning Board Special Permit only in the B, HCI and I zoning districts. Proposed Changes: Special Regulations To amend Section 7.0, by amending Section 7.9.3. Temporary Moratorium on Medical Marijuana Treatment Centers, by replacing the existing Temporary Moratorium expiration date as follows: “The moratorium shall be in effect through ~~November 30, 2013~~ **June 30, 2014.**” (Strike out text represents deleted language and bold font represents the new expiration date.) A copy of the Proposed Zoning Bylaw Changes are on file with the Town Clerk’s Office, the Planning Board office and the Town’s website (www.townofmaynard.net) under Planning Division.

BC noted this hearing was continued from August 27th and began by asking for discussion on revised language to the Proposed Extension to the Temporary Moratorium Medical Marijuana Treatment Centers By-Law. The Town Planner distributed this document and then noted he put in the correct existing moratorium ending date of October 31, 2013.

GT: Asked if does it matter that the Town Meeting is the (November) 4th? ML: That will be after the Moratorium will have expired. BC: Would only matter between those 4 days and someone comes in. The Town Planner noted the odds of someone coming in to apply within those 4 days are slim to none as there still is the Mass. DPH review process ongoing. GT: I noticed that 2nd and the 3rd are Saturday and Sunday.

ML: Asked if the Moratorium expires on October 31st, is this a new Moratorium? BC: Would that be a Town Council call. GT: Would we need a new article to start a new Moratorium? The Board discussed Moratorium extension timeframes and directed the Town Planner to seek Town Council Legal Opinion on the October 31st Moratorium expiration date and the Town Meeting date of November 4th.

BC indicated he was ready to discuss the proposed new Registered Marijuana Dispensary By-law with the Planning Board. ES then distributed Proposed Registered Marijuana Dispensary By-Law. GT: Is this footnote (related to State Spacing Requirements) to be in the bylaw? ES indicated he did put that in the Explanation but for the purposes of the Board discussion wanted to leave it in there. ES noted would take out for the Warrant Article.

ES reviewed revised 500-foot plot from Clock Tower Place (CTP) showing that the day care center is outside the 500-foot radius from the CTP Medical Building fronting Main Street. The Board discussed the map and showing the actual location of the day care center. The Board also discussed showing the area that is 500-feet from the day care. Town Planner noted that he had prepared that map for the last meeting, but did not have with him this evening. There were discussions of what areas in CTP (HCI Zoning District) would allow the RMD uses. The Planning Board discussed having these graphics available for Town Meeting.

The Planning Board then held discussion of where RMD uses would be allowed in the HCI, as well as in the B and I Zones, based on the 500-foot separation requirement. ES noted that the State would likely be reviewing the 500-foot separation from "*a school, daycare center, or any facility in which children commonly congregate*" requirement for any RMD applications.

BC asked the Board did they see anything in the language, typos. ES noted he added the three new sections: 1) Term, the two-year term for a RMD Special Permit before renewal. 2) Term related to new owner and 3) allowing the Board authority to do Rules and regulations. BC thought it looked good and asked for Board input.

BC then asked the Board to review the next set of proposed articles, which are the proposed dimensional changes.

ES noted he has separated the two dimensional changes into two separate articles, per direction of the Board at the last meeting. The Town Planner handed out these out: a) Proposed Amendments to the Section 4, Dimension Regulations, of the Maynard Zoning By-Law, to add a new Section 4.1.4, Maximum Total Gross Square Feet and Special Permit and b) 7. Proposed Amendments to the Section 4, Dimension Regulations, of the Maynard Zoning By-Law for Maynard Planning Board September 10, 2013 Public Hearing, new Section 4.1.5. Maximum Building Size Retail Establishment in all Districts.

CS: In our research we found that many towns did have even lower thresholds than this. This includes the Town Planner research that was sent to us. ES noted that 20,000 square feet was consensus of the Board. CS: We didn't have gross square feet defined and wanted to include roof overhangs and outdoor storage. BC: So basically we are saying that anything over 20,000 square feet needs a Special Permit. CS: Yes. BC: And then #2 and #3 define what gross square feet is. CS: Yes. When I drafted it together I allowed development under NBOD to be bonus for somebody.

GT: In #4 why are talking about Table G. CS: That's in Section 9.3 now and that allows the 75,000 square feet now. BC: To Greg's point, could we make it any simpler. ES noted other uses allowed in NBOD that exceed 20,000 square feet. The Planning Board directed Town Planner to clean up language of subsection 4 and provide for the next meeting something like: "*Nothing in Section*

4.1.4. of this Zoning Bylaw will apply to Section 9.3.8. of Maynard Protective Zoning By-Laws, Table G." The Board then discussed the applicability of this proposed requirement of a Special Permit for new building that exceeds 20,000 square feet.

BC then initiated discussion of the other proposed dimensional requirement: 4.1.5. Maximum Building Size Retail Establishment in all Districts. Board then reviewed "*Proposed Amendments to the Section 4, Dimension Regulations, of the Maynard Zoning By-Law for Maynard Planning Board September 10, 2013 Public Hearing, new Section 4.1.5. Maximum Building Size Retail Establishment in all Districts*" document. BC noted that for subsection 4 the same language would apply as discussed for the 4.1.4. proposal and directed the Town Planner to change such language here.

The Board then discussed the applicability of this proposed maximum building size of 50,000 square feet for retail establishment. CS: This is not for all buildings, it is just retail. ES noted it does not prohibit a R&D or Industrial or Office Park.

Linda Thayer: Question, does the 35% kick in at some point? The Board noted you would still have that, which is 35% building coverage.

BC asked for Board feedback on the proposal starting with ML.

ML: I like it. I love the Community Development Principles, but have we referenced them in the Bylaws before? Think they were approved by an ad hoc board, not sure if the Planning Board ever voted on them. CS: It was in the packet that was given to me when I joined this Board. ML: It is kind of a Guideline. CS: When I read them, it cited the NBOD as an example of the Community Development Principles, so I used and thought they couldn't complain if I threw it in there. ML: I think we could use it as we craft law, but not sure if we can refer back to it as law. ES: Suggested it could go in the Explanation. BC concurred. Board agreed.

BC suggested grammar-related changes to subsection 2. Town Planner would make changes and provide to Board.

BC asked for Public Input and there was no further Public Input.

BC Made a Motion to Close the Public Hearing. Second by CS. There was no further discussion. Vote to Approve 4 to 0. Max Lamson abstained.

Old/New Business

Planning Board Meeting Room Scheduling

ES noted that he was able to have the Planning Board meet upstairs in this room (Room #201) for the month of September, but he was advised that if the Selectmen need to meet on those Tuesdays when the Planning Board meets, they would have to go back downstairs. ES also noted to the Board some convenience factors related to meeting downstairs, given location of copier and files in Office of Municipal Services are directly adjacent to the lower meeting room. Board noted the

upper room has more comfort and also gives more an aura of authority. The Board concurred with their preference to meet in Room #201 when it is expected to be available.

Update of Planning Board Special Permit and Subdivision Application Forms

ES noted we are going to update our Rules and Regulations over time. But speaking to the Building Commissioner and some of the Staff, there is nothing on our Application forms that shows the Town Clerk receiving the applications necessarily. It is not very explicit. ES passed an example from an Ashburnham Planning Board Special Permit and directed the Boards attention to the bottom portion, which shows like a checklist. It shows a box for "Town Clerk Received" and then next box is date showing hearing scheduled (which is 65 days), etc. ES recommended that when we update application forms the Board consider adding similar information.

ML: Is there way we can get materials submitted in advance. I feel like when we get stuff a few days in advance before a meeting and then we are supposed to get it and review it. So is there a way we can ask for materials for a meeting on say the 13th have to be submitted on the 3rd, 10 days before the meeting? ES: That could be a Board policy. For the Public Hearing process, there is the application process which has materials submitted based on statutory requirements. I always try to get the Board materials Thursday or Friday before the meeting. But the Board could adopt a Policy for ANR to have a week before, for example. ML: I was doing some work in North Andover and I was an applicant they made me file stuff a week before, including peer review. ES: Asked if ML could get the language to share with the Board. The Board discussed matter of having materials, including peer review, well in advance of the meeting.

The Board discussed process of updating Rules and Regulations. BC directed the Board to give ideas/input to the Town Planner. Town Planner noted he has Zoning Board of Appeals next week and with other tasks, it would be best to start this Rules and Regulations work after the November Town Meeting.

BC also brought up idea of the working on the Conservation / Cluster Subdivision Zoning Bylaw. CS also brought up idea of including an Inclusionary Housing Zoning provision.

Other

BC noted that the Public Hearing for Proposed Changes to the Maynard Protective Zoning Bylaws related to changing the allowed use of Supermarket in the Business, Central Business and Health Care/Industrial zoning districts is scheduled for September 24, 2013 @ 7:05p.m.

Correspondence

The Planning Board revisited the matter of the vacant of the Planning Board member to serve on the CPC Committee. ES read email from the CPC Chair, indicating the CPC meets 2nd and 4th Wednesday of the month @7p.m. and a typical meeting lasts for an hour and a half. We usually meet once a month in the Summer and sometimes we don't meet at all during a month. ES noted Mike Chambers, the CPC Chair, provided his phone number if there were further questions. CS

will review information and report back on the 24th. The Board noted the CPC meetings are the night after the Planning Board's meetings.

ES noted there is a Chapter 40B Training Conference being held in Lowell on Friday, September 20th and he would be attending.

Other Correspondence brought to the attention of the Board by the Town Planner included documentation by the Appellants of 213 Main Street regarding an initial case management conference on November 5, 2013. Town Planner would bring this to the attention of Town Counsel, via the Town Administrator and forward the information to the Planning Board.

ML suggested we bring the Maynard Housing Authority representative to a future Planning Board meeting.

CS: Motion to adjourn the meeting. Second by ML. Vote 5-0 in favor to adjourn.

Prepared by Eric R. Smith, AICP, Town Planner

List of Documents Entered into the Records
On file at the Office of Municipal Services

1. Wayne Amico, VHB, Town Engineer's Fowler Street Extension Review Letter, dated September 9, 2013.
2. Proposed Amendment to Section 11 – New Supermarket definition
3. Proposed Amendments to the Section 3, Use Regulations, of the Maynard Zoning By-Law regarding Supermarket in the Industrial District
4. Proposed Extension to the Temporary Moratorium Medical Marijuana Treatment Centers By-Law
5. Registered Marijuana Dispensary By-Law Proposal for Maynard Planning Board September 10, 2013 Public Hearing
6. Proposed Amendments to the Section 4, Dimension Regulations, of the Maynard Zoning By-Law, to add a new Section 4.1.4, Maximum Total Gross Square Feet and Special Permit
7. Proposed Amendments to the Section 4, Dimension Regulations, of the Maynard Zoning By-Law for Maynard Planning Board September 10, 2013 Public Hearing, new Section 4.1.5. Maximum Building Size Retail Establishment in all Districts.
8. Ashburnham Planning Board Special Permit Application Example