

Town of Maynard Planning Board
March 25, 2014
195 Main Street, Room 101

7:00 p.m. Chair Bernard Cahill opened the meeting

In attendance : Chair, Bernard Cahill(BC); Vice-chair Max Lamson(ML);Gregory Tuzzolo(GT); Chuck Shea(CS); Kevin Calzia(KC); Jason Kreil(JK) alternate.

BC stated the Board will review the minutes later in the evening

7:00 pm Update of the 129 Parker Street and the 129 Parker Street Ad Hoc committee

BC asked Ken Estabrook, Chairman of the 129AHC to provide an update to the Board. Ken Estabrook distributed a copy of the report entitled 129 Parker Street Ad Hoc Committee's Final Recommendations dated March 12, 2014 addressed to the Board of Selectmen and Planning Board. Ken Estabrook noted that also present tonight were committee members Lynda Thayer and Bernie Cahill.

Ken Estabrook stated he would give a summary tonight of the report, the philosophy the committee followed was to put together a concept plan that the Planning Board can look at that says this is a concept plan that citizens of the town got together and made a set of recommendations for. The concept plan that the developer will submit to the Board along with number of bylaw amendments that they will need to propose to pass a town meeting is next step.

The recommendations are broken down into four sections;

Use Mix/Development Program – the size of the Commercial side is down to 250,000 s.f. which only 75,000 s.f. more than what is allowed now, this is significantly smaller 100,000 s.f. less than what was proposed last spring . The Residential component is larger than the allowed 100 units, current proposal was 250 units, the consensus of the committee is that 250 units was too large, they felt the number should be between 150-250, the final determination is left to the Planning Board and the studies you will do to look at that . The applicant proposes to increase the building height in order to accommodate the additional units. Overall the committee feels the Commercial side is much better, the Residential side the Board needs to take a look at. Another component of the project is a proposed Assisted Living/Independent Living facility , as shown on the plan, this returns back to current setbacks that are allowed under the Neighborhood Business Overlay District (NBOD) zoning, abides by traffic mitigation encompassed in the 2009 site plan review, in terms of usage, recommend uses that are now allowed in the NBOD district, bank, professional office, assisted living, independent living, reduce the scale of the commercial and residential side, fill with office use if not filled with retail, these uses are allowed by Special Permit again the approved uses will be up to the Planning Board. Affordable housing component is significant because there is currently a new ruling that if affordable units are proposed, there needs to be three(3) bedroom units. More bedrooms equal more students, which impacts capacity of current

school facilities, however the affordable housing units make progress in adding units to the Subsidized Housing Inventory (SHI) towards the 10% state requirement.

Site Design: The plan does not include the use of the PK2 building. The location of building D was another issue, building D is one of the large buildings on the Southern part of the property along the Dettling Road properties. The committee looked at different options for moving away from the road, but movement is constrained by wetlands, there are not a lot of options to move the building, conditions should be set for screening and maintaining buffers between the Commercial side and Dettling Road neighborhood.

Infrastructure: The Planning Board will have to do a preliminary Traffic Impact Analysis Study(TIAS), will have to figure out what you need, not a full traffic study, not defined by NBOD. The previous TIAS was for the traffic focus on the external of the property, immediate neighborhood, the Board should also look at internal traffic flow as well, and the entrance as soon as come into the property, where traffic could back up. The impacts on infrastructure, water would also need to be looked at.

Fiscal impact: The recommendation is that the development will result in a positive impact on the town based on an independent fiscal impact analysis.

The next steps the developer will submit a concept plan and proposed Zoning bylaw amendments, there potentially may be a Chapter 40B project combined with an Industrial Zoning proposal. Ken stated that the developer is trying to maintain options, they are hoping that NBOD zoning passes, but it is prudent to investigate other alternatives. A lot of people will view that as dishonest, the Planning Board will need to assure the public that this is part of the process where zoning changes may or may not be approved.

Lynda Thayer added that the developer was at all the 129ADHOC meetings, along with the committee and community members and was a very active participant.

Ken Estabrook asked if the Board members had any questions.

JK asked if the request for additional building height is that a trade off to footprint?

Ken Estabrook responded that they were determined to put forward a proposal for 250, the committee did not have information to determine whether the site and neighborhood and infrastructure could support that, they based the decision on that, in order for them to have 250 within the footprint and normal setbacks the plan ended up with six buildings, they wanted to increase the building height, relatively close to Field street, by moving the housing units next to Field Street it reduces the impact of the retail area on the existing residential area. The proposal could only fit only six buildings, this might force a compromise down from 250, not a compromise on our part. The committee also talked about minimum store size to not compete with downtown. GT asked Ken Estabrook to clarify that the committee recommends plan 2B. Ken Estabrook responded yes, the 2B Concept Plan is the closest thing to what is recommended.

The Board members thanked Ken Estabrook and Lynda Thayer for their work and the recommendation

report

7:20 p.m. **Public Hearing: Proposed changes to the Maynard Protective Zoning Bylaws related to Section 9.1 Flood Plain District, Section 9.1.1 Location;** by amending the references to the FIRM flood plain map panels numbers and date and the FIS report date with the updated map panel numbers and date and report date as well as amending Section 9.1.4 Development Regulations, subsection 1 to delete an outdated reference to the Flood Resistant construction Regulations no relocated elsewhere in the 8th edition of the Massachusetts Building Code.

BC asked Town Planner Eric Smith what changes have been made to the maps. Eric Smith reported that last year the government did a updated flood zone study, this led to new flood zone maps under Flood Insurance Rate Maps(FIRM) for Middlesex County, Maynard has 8 panels new effective date is July 7, 2014. The changing of subsections g not in there anymore, there are not a lot of changes to the maps.

CS asked if the language deleted is language that was requested by the state.

BC looking for typos, changes are bolded and strikethrough, read thru wording.

JK stated this is routine done every few years, updated map with a new date anything we adopt is just indicating what these new maps are.

BC asked Eric Smith, so these amendments are adopted at Town Meeting and is there time to get on this years Town Meeting. Eric Smith stated the warrant article has already submitted, just need to give a final version.

BC opened the hearing to public discussion.

Resident Paul McCarthy asked if there is a way to know who affected owners are

JK stated that affected individuals are contacted by insurance companies and banks, they have probably already been notified.

BC asked Eric Smith to give the contact information for Colleen Bailey to Mr. McCarthy, and asked if he gets an answer to share with the Planning Board.

Eric Smith stated that is vote is adopting, not agreeing or endorsing, they must be adopted and on file with the town.

A motion was made by Chuck Shea to vote on the flood plain district bylaw update amendments as amended this evening, seconded by Jason Kreil,. the vote was unanimous.

7:30 p.m. **Public Hearing for Mammoth Acquisitions Company, for a Sign Special Permit at 86 Powdermill Road**

BC read the legal notice of the Public Hearing for a Sign Special Permit to install an internally illuminated multi tenant sign approximately 45 square feet that would be located at 86 Powdermill Road in the Business Zoning District pursuant to Section 6.2.11 of the Maynard Protection Zoning Bylaw.

Applicants Michael Koffman and Jonathan Koffman appeared before the Board. They currently have Victory Plaza under a Purchase and Sale agreement, they want to update the plaza, give it a facelift. They explained that their plan is to replace Peyton's sign with new tenant Advanced Auto Parts and make other improvements over several years. Michael Koffman stated he has given Eric Smith the renderings of the sign, on the agenda for April 22 meeting is an additional Special Permit request relating to parking and the Advanced Auto Parts signage, but they didn't make the filing deadline for this meeting.

Latest version of drawing Graphic Sign Comparison sheet by SignDesign, and a to-scale "Proposed Parking and Pylon Sign" site plan by Acton Survey and Engineering that came in today was handed out to the Board members. Eric Smith stated the site plan had some setback issues that go along with the parking issue. BC asked if the proposed placement of the sign, is different than what is seen here. Michael Koffman described the existing building signs analysis, what is before the Board tonight is the request for the multi-tenant sign. They are trying to determine the waivers that are needed; setback, s.f., illumination and size. BC read sign regulation, the Board had discussion of the s.f. of the total permitted sign area of the lot and number of businesses that could be listed.

Michael Koffman explained how they had calculated the allowable s.f. stating that when all the changes were made the total will be 280 s.f., these requests will be part of the April 22 hearing, tonight they are hoping to focus on the location on the sign, waiver of setback, waiver of s.f, waiver on illumination and waiver on pylon size. Michael Koffman stated that the plaza next door has freestanding illuminated signs, John Deere, Enterprise and Quinn's Auto Body. Freestanding illuminated, thinks in keeping with businesses in the general area.

BC recapped that the waivers requested are for setback of sign, s.f of sign, illumination of sign, and size of pylon. Michael Koffman agreed but don't think they will need total s.f. that will be determined on April 22nd. he believes the total will be 280.

BC asked for questions from the Board. GT asked if the Peyton's was a SP, Eric Smith stated that a Special Permit was granted. The board discussed the sizes of previously approved signs in the plaza, referenced Section 6.2.10.2 maximum allowable s.f., there were questions about how many entities were in the plaza, seven were counted. Michael Koffman said they were not advertising the garage space. The Board felt that splitting this into two hearings is a challenge for this site.

ML stated that he appreciates bringing in new tenants, but this plaza is across from residential homes, they need to be sensitive to the illumination and the size. Wondering if consideration given to a smaller size. The applicant responded that they are more sensitive to size of the sign than whether illuminated internally or externally. The sign box is only 6 ft high X 7 1/2 ft wide, they don't want it too small not effective. ML asked if it could be more of a mounted sign off ground only 10 feet off ground externally illuminated why does it have to be 15 feet high. Michael Koffman responded they tried to meet the 8 ft minimum distance off the ground, total height and clearance off the ground better for vehicular visibility. ML stated he is more likely to consider setback waivers, min height and setback more than size, to limit impact on neighborhood, external illumination better.

KC had question on illumination, minimizing impact, lenient on height and setback as opposed to lower and wider. CS did a night visit to site to see what was internally lit, Enterprise was not on, John Deere was on, small sign though; total stretch to Waltham Street other than the gas station all the signs were externally lit, this would be the biggest internally lit sign in the area. The biggest concern is the residential across street, concerned about the location of the sign in the parking lot with no buffer from anybody hitting it, seems like a traffic and safety issue. What prevents someone from running into the sign. The applicants responded that they will place bollards or curbing whatever the Board suggests. The location of the sign is as close to bylaw as far as setback allows, to be placed in the landscaped area it would not require a setback, want Boards feedback.

There was discussion about the total height of the sign. Eric Smith stated they had raised it to be above the minimum clearance. The applicant stated it was at 14 ft but in order to meet minimum clearance raised it up. CS recalled when looking at minutes for the Peyton's sign they tried to do a directory sign, the determination made was that there was not enough room, Board gave sign relief on face of building, but not on street signage. Eric stated this is a separate issue don't recall a directory sign discussion on this site, don't want something blocking visibility on the lot, plantings are a challenge, have to be trimmed, does recall request that illuminated sign be limited to the main establishment on a dimmer.

BC asked the applicant why do you feel the need for this sign? Are you thinking having this sign will increase business? Michael Koffman responded that new tenants need advertisement, focus on greater area people coming from other towns, as landlord everyone of the plazas they own have pylon signage, have a tenant here tonight to state the importance to success of their business.

BC shares concern about external illuminated sign, Special Permit has been heading in that direction, waiver for setback needs to be discussed. ML asked about widening the entrance two lane entrance /exit with sign in middle instead of post mounted sign, this might be aesthetically better, there is a need to protect the base of the sign, first parking space is probably eliminated for space for the sign. Eric stated that the signage and parking are coupled, can give feedback, but this is not a hearing on the parking and parking will be a long meeting, the discussion is drifting outside scope of hearing.

BC opened the hearing to public comment.

Bridgett Mensey of 57 Powdermill Road addressed the Board. She stated she has lived here since 1971, the pizza, liquor and hair salon have always been popular, Jam time popular doesn't need the sign. There are too many illuminated signs already, going to turn residential area into a circus. It seems as though they are putting the cart before the horse, parking should be discussed first then the signs.

Auora Mensey of 57 Powdermill Road wanted to clarify that the pizza and liquor store have illuminated signs that are on 24/7. Eric Smith stated that town bylaw set operation hours for signs, she should file a complaint with the building inspector and he will address that, also for internal neon signs, should not be on outside of operating hours. The sign would be directly across from my house, shine right into my house.

A butter from of 79 Powdermill Road stated he is all for seeing the plaza succeed ,but don't think they need the sign, size would be an eyesore, plaza sign would be better aesthetically, referred to the Shaws plaza in Stow.

BC asked the applicant to reply to concerns of the public and board.

The applicants responded that they would like clear guidance and maybe consensus on what the Board wants and next time they come before the Board they would like approval. They stress that they understand these people live across, but this is a shopping center, critical component is adequate advertising not a lot of shopping centers that don't have freestanding signs that are in the plaza, otherwise drivers have to take eyes off road to see who is there, every tenants one request was better signage, want to keep plaza full and successful, respect residents comments but this is a commercially zoned property. They are limited to what can be altered, do not have ability to alter Lot A on this map, the width of entrance can be looked at but don't think putting a monument sign in the middle of the driveway is the safest thing to do, a monument sign would be in the one parking spot and deep into the lot, that snowballs into parking adequacy.

KC would like to see lower profile sign or alternate style sign

JK asked the tenant Malcolm from Jam Time, what are your thoughts. Malcolm would like an illuminated sign, want a pylon sign to catch eye of passerby in slower times.

GT suggests reconfigure parking and move sign location relocated vehicular circulation. Michael Koffman replied that they thought about many different scenarios, typically centrally located and wanted it as close to main entrance.

BC suggested to the Koffman's that the public hearing be continued to April 22, after the other public hearing on the parking and then signs. The Board will leave both open and then deliberate. Koffman will work with Eric to modify application for waivers, ML asked if the information could be submitted a week in advance for review. Eric Smith's last day s Friday, he will give applicant's BC and Debs contact info.

A motion was made by ML to continue the hearing for Mammoth Acquisitions of 86 Powdermill Road to April 22 at 7:15, seconded by GT , the vote was unanimous.

9:00 p.m. Old/new business:

15 Pine Street a request for a minor modification to a previously approved Special Permit pursuant to Section 10.4.5 of the Maynard Protective Zoning Bylaws for a landscaping change with a proposed stone wall and pillar on each side of the entry drive, modification of site lighting, relocation of handicapped access ramp and relocation of mailbox as submitted by Stephen Poole, Lakeview Engineering Associates.

Stephen Poole appeared before the Board, as part of the existing Special Permit they would like to ask for a landscaping modification on the entrance 2' high stone wall with stone pillars on each side, they took the suggestions and revised the proposal so all on our property, also relocated handicap ramp and moved the mailbox onto the site, 20 ft walkway, sidewalk will continue up to the property this will, allow planting in front of the wall.

BC thanked the engineer for making the changes as proposed by the Board.. The Board members agreed with the changes, CS asked if the pillars are 30 ft apart, does mailbox present any problem with cars stopping and traffic flow, if there are more units he would want to see mailboxes moved. Pillars should be spread so that a 24' road could get in there. The Board was satisfied with the changes.

A motion was made by BC that the Planning Board finds this to be a minor modification of the Site Plan at 15 Pine Street and to approve the modifications requested of the Special Permit on file, seconded by Max, the motions was amended to state this is a modification to a Special Permit pursuant to Section 10.4.5 of the Zoning Bylaws of the Town of Maynard.

Zoning Bylaw Correction and Update Status:

Eric Smith just completed 2.1 version sent on March 21, he passed out highlighted text of changes, hopefully this can go out for review. Page 1 of the bylaw, zoning map amendment, cover with new date, table of contents , page numbering once changes are all confirmed, page 1 memo needs to be signed ,Eric Smith will get documents out to members and Town Administrator and clerical staff and bldg commissioner, once reviewed, will make it a pdf file. Will have ready to sign at April 22 meeting.

BC asked for clarification, so we have to sign but don't go to Town Meeting or Attorney General?

JK everything is clerical, was not transferred correctly from warrant, does not require town meeting, mostly grammar and capitalization. Sign bylaw had a typo 25% and 20, measurement of the sign face needed a reference of the subsection, all changes are highlighted in red for review.

BC thanked Eric Smith and Chuck Shea for working so hard on the changes.

Fowlers Street Extension Definitive Plan Status Update

Eric Smith have not heard from them, besides the numbering issues, there are some conflicts with the covenant, want to go over with CS so Planning Board is aware of them differences from standard covenants. Developers still owe money for the review, still working with Conservation.

McDonald 10-20 Main Street Special Permit

Eric Smith updated the Board, met with Wayne last week, gave copy of decision, 13 items recommend 8 inspections, estimate for each inspection, recommend total budget be \$5K. The Board discussed how the amount is determined, what if there are more inspections, this was supposed to be signed prior to the building permit being issued. The building permit has been issued, fee paid \$68000. The money to be escrowed is for different inspections Wayne ??or VHB would be agent for town, Wayne ??make sure conditions of the site plan are followed. Accept proposal with the language in the letter, if something goes wrong will need Wayne?? to report.

BC in general agreement, with escrow idea as presented tonight. Have to work it out with Wayne Amico as far as schedule goes.

Muldoon Analysis:

CS handed out a ruling relative to a Site Plan review, Land court denied a Marblehead Planning Board because their sideline setback for a house was 8 ft, in the site plan review they moved it 30 ft based on the way the bylaw was written, language is in the court decision, Mass LC upheld it. Example to use in a site plan down the road, better protections to residential areas abutting 129 Parker, 100 setback 45 buffer is our bylaw is good enough certainly can enhance the 45 ft. BC discussion came up during Adhoc committee meetings.

Correspondence:

None discussed

Other Information:

Public Hearing for modification to Taylor Rod/Brook Definitive Plan Subdivision scheduled for Tuesday April 8, got comments from assessors and conservation, taking the lots for open space, wrote a rebuttal back to Eric Smith, comments from DEP/Wayne. BC asked what Conservation Commission had ruled. Eric Smith stated they had filed with Conservation to meet April 1, maybe one member could work with Linda ?? to get an update of that hearing. BC has to recuse himself from that hearing, if Conservation Commission says no does the April 8 meeting get put on hold for lot changes and sizes or does it nix it. Like any subdivision, doesn't matter what cons comm. does, Planning Board deal with our issues/bylaws, Board of Health is the only Board they have to listen to. JK said he had downloaded a bunch of documents for files, there is one doc that town counsel reviewed in 2012 for Taylor Rd, amended town counsel decision revising water main from 4" to 8" has not been done as of 2012. The amended decision that JK found came a week after the initial decision, which was not in the file, want the original decision. JK said at one point there were covenant issues, found that one lot would not cover road work drainage and sewage if they defaulted. Once covenant released you can't go back. Eric Smith stated that is the Board is worried about security a modification is like a new subdivisions 7A, 8A and 9A there is the option of taking additional lots for outstanding improvements that need to be done. 81W approval of the purchased lot, not done.

Eric Smith stated Friday is his last day, his position has been advertised, if any of the Board members are interested in the interview process, contact Town Administrator.

The Board thanked Eric Smith for his work.

BC stated minutes will be reviewed at the next meeting.

BC made a motion to adjourn at 10:05 p.m, seconded by ML

Documents handed out or discussed during the meeting:

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129 Parker Street Ad-Hoc Committee's Final Recommendations

Graphic Sign Comparison sheet by SignDesign, and a to-scale "Proposed Parking and Pylon Sign" site plan by Acton Survey and Engineering.