

**Town of Maynard Planning Board**  
**July 8, 2014**  
**195 Main Street, Room 101**

Members present: Chair Bernard Cahill, Kevin Calzia, Greg Tuzzolo, Linda Connolly and alternate Andrew D'Armour

7:20 Chair Cahill opened the meeting.

The first order of business is the annual election for new officers.

*A motion was made by Bernard Cahill to nominate Kevin Calzia as Chairman, seconded by Greg Tuzzolo. The Board voted 5 to 0 in favor of this motion.*

*A motion was made by Greg Tuzzolo to nominate Bernard Cahill as Vice-chair, seconded by Kevin Calzia. The Board voted 5 to 0 in favor of this motion.*

Bernard Cahill turned the meeting over to the Chair Kevin Calzia.

Chair Calzia introduced the new members of the Board appointed by the Board of Selectmen last night, member Linda Connelly and associate member Andrew D'Armour. Andrew will be a voting member for tonight's public hearing. Next Chair Calzia introduced the new Town Planner Bill Nemser. Also present for the public hearing are Jon Witten, Town Counsel hired for the 129 Parker Street hearing.

**7:25 p.m. – Public Hearing for approval of a Definitive Plan Subdivision entitled “LSREF2 Clover REO2, LLC Subdivision” dated June 5, 2014 showing three (3) lots, filed by Holden Engineering and Surveying, Inc. on behalf of the owners, LSREF2 Clover REO2, LLC, 129 Parker Street, Maynard, MA, being Map 20 Parcel 197 on the Maynard Assessors Map.**

Attorney Angelo Catanzaro, Developer Robert DePietri and Peter Holden engineer appeared before the Board. Attorney Catanzaro stated that the proposed development of this property has been ongoing for 9+ years, this site is multi use area including retail, industrial lot also which can be used as retail and a residential area. Before the Board tonight is the proposal to subdivide the parcel into three lots so that the project can be phased for development of potential purchasers, developers and financial institutions. The applicant is not looking for approval of development of any of these lots during this public hearing, they seek approval for subdivision of land into three lots. Lot 1 is the front right currently industrial zoned, Lot 2 lot to the rear which shows residential multifamily dwellings and Lot 3 area already approved thru Site plan approval by the Planning Board and Town Meeting as a NBOD area. Industrial zoned site is permitted for supermarket use, they have a major supermarket chain ready to sign lease. Because this site is the subject of so many public studies there has been a multitude of info already presented to the town traffic studies etc., the applicant will obtain and update any info needed.

Engineer Peter Holden presented a three lot subdivision plan the 11 ac, 3 ac, 22 ac interior proposing to have approved a street that is 500 feet long, max street length and off that street develop three lots, industrial lot will have a grocery store, overlay district which allow retail, back lot some kind of residential. The existing building and proposed building approved are shown on the Site Plan, the ordinance asks for location of proposed building, building setback, they have also shown what has been approved. The utilities consist of a sewer line to a pump station and drainage, existing man made pond. The Conservation Commission deems this area not a wetland, used as a detention pond that runs into a pipe that discharges onsite, the improvements include --- use of the existing road and future road and create frontage as shown on the plan. They are not proposing to construct a new road, but propose to overlay new pavement, and as part of the development propose to construct a sidewalk along one side of the street. The other proposal is to change the curbing, expect get subdivision approval for the three lots then construct the curbing, sidewalk etc. This is not a typical subdivision, the proposal of the three lots is for purposes of financing for construction and phasing of the construction, segregate the uses and tenants for purposes of developing. Alternate option is to create a condominium association, however that comes with complications, easier as a freestanding lot. When preparing the application, did not submit a lot of info, the ordinance asks for a lot that does not apply to this site, did not submit soils info because not building

road, didn't submit a lot of the information because it has been previously submitted. Peter stated he got a letter from the town engineer stating what was not submitted with the application and response. Peter stated that with the existing situation it was not clear what to submit, they submitted what they thought should be included to review this application, would like to go thru letter and see what the Board wants or waivers looking for feedback to make a complete application.

Chair Calzia opened up to questions from the Board. Kevin asked has the town determined whether this is a complete application. Attorney Witten stated that if waivers are needed the applicant should ask for them, it is not up to board to say what is needed, the Board should not approve a plan that shows footprints of proposed buildings that will be recorded, the plan should reflect only existing footprints, not proposed, then the Board can decide if it falls is a Definitive Plan under the Subdivision regulations then pursue the three lot development as a comprehensive permit; to mix and match is not acceptable.

The Board advised the applicant that they require a separate recordable vote on recorded waivers that go along with the definitive plan. The schematic is helpful but not appropriate for a definitive plan. The Board will want a list of waivers, the plan contains information that is confusing for a Definitive Subdivision, the Board requests that it be removed from the plan so it is clear on what is being accepted.

The applicant stated that the buildings are shown because they have been approved, would prefer to show three lot, this is a subdivision because not constructing a road, pavement is there, drainage is there, we would be seeking waivers of almost every requirement, that is why it is presented this way. The curbing, parking drainage would be part of site plan approval. The grading and drainage will be lot sensitive, not part of this submission because of development happening, would be a waiver request.

Chair Calzia stated the applicant needs to submit the list of requested waivers and revised plan.

Town counsel advised that because this is a definitive plan it must comply with the regulations listed for a definitive plan and the ramifications of endorsing a plan that does not include what is required.

The Board asked about the Approval Not Required plan that was endorsed by the Board a year ago showing a different layout of lots, was the purpose to freeze the zoning.

The applicant stated that the first ANR was an initial attempt at developing, the plan is recorded, a preliminary plan has since been filed. The applicant stated they have no intention of developing on the ANR plan, but they can convey lots once recorded. The Preliminary Plan consists of three lots with a road, additional frontage the primary motive at that time was to freeze zoning.

There was discussion between Town Counsel, the Board and the applicant on the filing dates, decision dates and what uses are frozen under the approvals. There was disagreement on whether the time requirements were met with the Definitive Plan submittal and the Preliminary Plan. There was further discussion about the road, erosion and sedimentation control and drainage. Another question was raised about the frontage on Lot 2, the Board again explained to the applicant that the plan has to be viable if all lots were sold, this is problematic that there is no feasible access to parcel 2.

Chair Calzia opened the hearing to public comment:

There were several questions about that the Planning Board has to determine if this application is complete, since applicant is depending on the 2009 site plan, traffic study is old, is old site plan still valid, have police, fire, DPW and Board of Health weighed in on this plan. John from the Conservation Commission asked if there will be three separate stormwater filings.

Libby of US Wildlife Service stated that this comment is more for site plan, they have documented that blanding turtles use this site for nesting did see in the letter from Holden Engineering, did not list endangered species, want to bring to attention of the Board, there should be a 250 foot buffer zone to protect priority habitat and endangered species. Libby stated she is not here for or against, but concerned about the drainage and official drainage easement, stormwater management will be reviewed carefully to make sure no adverse effects on the wetlands on and contiguous to the property.

Town counsel stated that the Board of Health has to review every subdivision plan and comment within 45 day, approval from BOH is important. Town Counsel does not suggest doing a traffic study until the applicant is proposing actual usages of the building, what would it be for, it is self defeating for an analysis until a formal project, right now three blank lots.

The applicant confirmed they are considering the application as if the MOA is in existence for parcel 3. The 2009 approval referenced parcel 3, there was language in the MOA which implies it refers to the four corners of the plan. Town Counsel responded that the Planning Board can ask for stormwater for the roadway, cannot ask for the buildings, so yes, there could be three separate entities filing with cons comm. The board has the right to determine if this division changes prior approvals if it does it is a different lot configuration, applicant does so at own risk. The Planning Board stated that the application before the Board tonight is solely on the three lot subdivision only. Building Inspector Rick Asmann stated that the regulations are for residential subdivisions, he cannot recall a non-residential subdivision, such as this, the applicant should request waivers from sections, want applicant to go away with what they need to take action on.

Chair Calzia closed the public comment session.

The Board agreed that the applicant should go thru each item and if not relevant to a subdivision of this nature state why. The Board agreed to keep the hearing open, ask the applicant to revise the plans, provide a list of waivers and have the Town Engineer review again, then there may be some additional required information. Town Counsel advised not to change the plan at this time, wait and see what waivers will the board grant, rather than continually changing, rule on the waivers, this will dictate required revisions to the plans.

*A motion by Bernie to continue the hearing to July 22 (applicant stated he doesn't think they can get information submitted for review in that time), the motion was amended to continue the hearing to July 29 at 7:05, seconded by Greg. The Board voted 5 to 0 in favor of this motion.*

9:04 p.m. Miscellaneous Business:

Community Preservation Committee needs a member, meets once per month, Linda maybe interested.

MAPC has been looking committee member, generally is Town Planner, asked Bill if he would serve on this committee.

Town Planner Bill Nemser wants to come up with a more structured package that members get, firm timeline on applications have to be received by, if not next meeting, internal use, advertising deadlines, package will include the project packet and updating the website, simplify. He is also not happy with the applications will go thru, goal in mind that proper applications are submitted so staff is not doing work of the applicant.

Foresite Engineering will come to next meeting, they need a spec on the light. Bill will contact DPW on street light specifications and time for meeting.

Motion to adjourn the meeting by Bernie, seconded by Greg.

Meeting adjourned at 9:27 pm.