
Minutes of the Planning Board Meeting
7:00 PM November 12, 2014
195 Main Street, Maynard - Room 101

Members present: Bernard Cahill, Max Lamson, Andrew D'Amour, Linda Connolly, Greg Tuzzolo

7:00 p.m. – Acting Chair Bernard Cahill called the meeting to order, Andrew D'Amour will be the fifth voting member for the hearings tonight.

7:01 p.m Continued Public Hearing: for the petition filed by Skylight, LLC., 20 Main Street, Acton, MA 01720 for the property located at 49-51 Waltham Street (Map 15, Parcel 230) for a Special Permit allowing construction of multi-family dwellings within the Business Zoning District, hearing opened September 23, 2014.

The applicants engineer Richard Harrington of Stamski and McNary was present on behalf of the owner John Anderson. Mr. Harrington stated that they have submitted a request for a continuance to the December 9, 2014 meeting but would like to update the Board on the status of the project. In response to comments from the Board and abutters, the owner and engineer are working on a new concept plan, Mr. Anderson has been working with abutters to come up with an amenable proposal. He has parcel 23 under agreement, once purchased an Approval Not Required (ANR) plan to swap two pieces of property will be prepared, the new proposal will have access only off Waltham Street and will be for three two-family dwellings. Due to the additional parcel and the change in the scope of the project, the applicant will re-notify abutters of the new concept plan to be presented at the December 9, 2014 meeting. Town Planner Bill Nemser stated that town counsel has advised that the continuation be considered a recommencement hearing, a hearing notice will be placed in the paper, abutters notified and the timelines for holding the hearing and decision will begin again, new staff comments and review will be provided. A resident asked how this new plan will affect the Notice of Intent filed with Conservation, Chair Cahill stated that Board will address and render their own decision.

A motion was made by Bernard Cahill to the close this hearing and recommence the public hearing to a date certain, December 9, 2014 to consider the amended petition filed by Skylight, LLC., 20 Main Street, Acton, MA 01720 for the property located at 49-51 Waltham Street (Map 15, Parcel 230) for a Special Permit for construction of multi-family dwellings within the Business Zoning District, seconded by Andrew D'Amour. The Board voted 4 to 0 in favor of this motion, Linda Connolly abstained as she is an abutter.

7:13 p.m. Continued public hearing: for the petition filed by H-Star Engineering, Inc., 200 Greenville Road, North Ipswich, N.H. 03071, requesting approval of a Definitive Subdivision Plan for property identified on Property Assessor's Map 19, Parcels 49, 52 and Keene Avenue (Paper Street). The applicant is requesting creation of six residential lots.

Chair Cahill stated that Andrew D'Amour will be the fifth voting member for this hearing, Linda Connolly has signed the certification pursuant to G.L.c. 39, SECTION 23D and may participate as a voting member for this hearing. Bernard Hamel of H-Star Engineering appeared on behalf of the owner Bergman Homes, he stated they left the last hearing with a number of action items, primarily stormwater drainage, he has a memo from the Conservation Commission there are a few outstanding items but they are satisfied with the stormwater design. The operations and maintenance manual for the drainage system has been prepared, who will assume maintenance and ownership needs to be determined, cost estimates have been obtained for this and what should be done vs. what is actually done. The other issue needing further discussion is the intersections, Keene and Great Rd, Keene Ave on other end. Mr. Hamel stated he looked at initial numbers, have reapplied the standards did some calculations with some sight distances, had a conversation with Wayne D'Amico on design of intersections provided a plan that both the reviewing engineers agree on, this goes above and beyond what would normally be done, very comfortable with mitigation and sight distances. The engineer also made some changes to the buffer zone, grading changes, did what was asked from the Board at the last meeting.

Mr. Hamel addressed the intersection of Keene Ave and Great Road, observed traffic flow during peak traffic, compared to DOT study, with Scott Miller came up with a stop sign and an crosswalk from Keene Ave to Great Road six foot wide, this provides connection from sidewalk to sidewalk. Wayne D'Amico stated this was not enough, he felt signage should be on both sides of road showing a pedestrian crossing for the crosswalk. Posted speed limit is 35, average speed was 40. At the other intersection with Boeske, Sheridan, Keene and Taylor – five way stop sign, looked at roundabout the intersection would be too cluttered issue with snow removal, they measured during peak hours, traffic was minimal (30 cars) when coming down Sheridan there is a rise in the road which reduces sight distance, three stop signs, right turn only going down Sheridan and take right out onto Great Road, helps with Boeske which needs better sight distance, helps with Sheridan sight distance, provide a sidewalk from Keene Ave tying into Sheridan and Taylor St. These improvements are

shown on the plans before the Board tonight. The signage, crosswalks, pedestrian crossing signs, vegetation removal of 111 Great Rd. are also shown on plans.

Chair Cahill asked for questions from the Board:

Greg Tuzzolo asked if in looking at the Keene/Taylor intersection, since you cannot enter Keene, would the engineer consider reducing the width of the payment. Mr. Hamel responded that he would like to reduce pavement width, but have not talked with Fire Chief he needs to get equipment down. By providing additional sidewalk provides a little better sight line from Sheridan. The board discussed different scenarios with the crosswalk location and reduced pavement width.

Andrew D'Amour was concerned about the site distances at the Keene Ave/Great Rd intersection, the average speed is 40-45 mph, and the posted speed is 35 mph. Mr. Hamel responded that they are limited by geometry to improve the sight distance already 14 ft back, agree that would be nice if could apply 45, limited by major clearing from Great Road, have to modify the shoulder to maintain the sight line. Chair Cahill read an email from Kevin Calzia aloud, regarding the sidewalk and crosswalk locations. Mr. Hamel stated this was recommended by town engineer. Connor Nagle from VHB responded there should be a connection to a crosswalk, but it does need to be safe. There was more discussion about the safest location for a crosswalk on Great Road. Town Planner Bill Nemser stated he had requested data from the Police Department but has not received it yet. Chair Cahill asked Bethany Santangelo from Haley and Ward who is present on behalf of Scott Miller tonight to comment on the road width and crosswalk issues. Bethany stated on the issue of narrowing Keene Ave. this needs to be discussed with the Fire Chief, but keep in mind how the fire trucks would leave. On Great Rd stopping distance, are there accident reports for O'Moore Ave it is a similar area, is there potential to look at grade and sight distances along the east side if don't go all the way to next cross walk might come to a spot to put a safe crosswalk.

Resident Vic TomyI asked the Board to go to public comment. Chair Cahill indicated the Board can discuss the public safety issues for whatever time is required. Connor Nagle stated that on Great Road you don't want too many crosswalks. The Board continued to discuss different locations for crosswalks and sidewalks.

Chair Cahill opened the hearing up to the public comment at 8:16 p.m.

The neighborhood association submitted a list of questions. The first related to street offset waivers, the Board received an interpretation by the building commissioner that the paper street has been accepted by the town, this makes the geometry a pre-existing condition. Mr. Hamel stated this subdivision was approved prior to zoning, it is by right that they can put in the road, but are trying to work with the town to do what is in best interest of the neighborhood. The Board will check with Town Counsel on whether a waiver is still needed. Abutters had concerns about sight lines, locations of signs and poles, there was extensive discussion about the end of Keene at Sheridan, Taylor, Boeske. Several options were presented by several abutters and responded to by the Board and the traffic consultants. Mr. Hamel stated that of the 7 waivers, 5 are about existing geometry, effectively could withdraw the waivers and redesign, these waivers are on because of comments from town staff. There were questions about runoff, surveyors stakes, retaining wall locations.

An abutter asked what the next steps are if the Board approves this, are there administrative or appellate processes to go thru. Bill Nemser stated the public hearing is to have the dialog, respond to the residents questions if the request meets the requirements of the subdivision law the Planning Board must approve it, they don't have to grant waivers.

Chair Cahill stated they must stop this conversation should not be discussing legal issues during a public hearing.

The question as to whether site plan approval was required was addressed. Mr. Hamel stated what is shown is what will be built houses, grading, driveways, roadways, lighting, signs based on plans prepared using the subdivision rules and regulations, disagrees with Section 10.5 as these are single family dwellings. He asked if the Board felt they would be ready to close the hearing at the next meeting, the applicant has had two meetings with Wayne D'Amico and Public Works this is the direction they pushed us, have accommodated every request made by the town, in doing so, we are looking for a timeline for a decision. Chair Cahill stated the time limitations are 135 days from date of submittal because no preliminary plan was filed. The Board felt they still needed time to review the revised plans get some answers from Wayne and Town Counsel, the Board still needs to go thru the list of waivers. The Board agreed to start drafting a decision as they will need to go thru each item.

A motion was made by Bernie Cahill to continue the hearing to November 25, 2014, seconded by Max Lamson. The Board voted 5 to 0 in favor of this motion.

Meeting adjourned at 9:35 p.m.