

Minutes of the Planning Board
March 10, 2015 - 7:00 PM
195 Main Street, Maynard - Room 201

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

7:05p.m. – Chair Calzia called the meeting to order

Additions/deletions/reordering of agenda, minutes will be approved later.

Public Hearing:

a) Proposed changes to the Maynard Protective Zoning Bylaws: Section 3.1.2, Table A, Use Regulations, Part 4, A modification of Table A – Use Regulations in Section 3.1.2 modifying the table entry under Section 4, Business Uses to allow a “Brewery with ancillary food service” by Planning Board Special Permit, in the Central Business District.

Chair Calzia stated that the Board of Selectmen had requested the proposed change and asked Selectmen Bill Cranshaw to present the request. Selectmen Cranshaw stated that the Board of Selectmen have decided to withdraw the article and are requesting that the hearing be closed.

Chari Calzia asked if there was any public comment.

Resident Vic Tomyl commented that this should be changed to cover all business districts in town, there are places in town that are more conducive that the downtown business district.

There were no further public comments.

A motion was made by Kevin Calzia to close the hearing, seconded by Max Lamson. The Board voted 5 to 0 in favor of the motion.

b) A petition filed by Distinctive Acton Homes, Inc., 25 Westford Lane, Acton, MA 01720 to change the Zoning Map designation of the property located at 129 Acton Street (Map 5, Parcels 72, 73 and 95) from Industrial and S1 Single Residence District to a General Residence zoning district.

Chair Calzia stated this was an article on Fall Town Meeting 2014 which was not approved and that the applicant is present to provide new information and a concept plan.

Scott Hayes of Foresite Engineering appeared before the Board. Mr. Hayes stated that 129 Acton Street is a 4.29 acres site currently undeveloped zoned Industrial land the proposal is to rezone to General Residence. The plan presented is a concept plan of what could be put in the location if the zoning change were allowed. Town Planner Bill Nemser added that what the Planning Board has to consider is whether to recommend the request should to go to Town Meeting.

Mr. Fenton of Distinctive Acton Homes described that this is the entryway from Acton to Maynard and they would like to put attractive signage: to put a warehouse or other industrial building would be a detriment to the abutting over 55 housing (Marble Farm). He stated these housing units will be attractive.

Chair Calzia asked for questions from the Board. Bernie is recusing himself from this hearing, Andrew is the voting member.

The Board asked several questions about the density, the concept plan does not include Parcel 95, location of wetlands, location of buildings in relation to cell tower, if parcel 95 not part of the concept stated that the Board can add conditions to the wording of the article. The staff comments were read and the Board was in agreement with many of the comments regarding use of the property: less impact on wetlands with residential than commercial or industrial, there was concern about the impact on the schools with proposed 18 units. Town Engineer Wayne D'Amico concerned with location of proposed driveway, not convinced about fall radius of cell tower.

Bill Nemser stated that the board should address density, number of units, number of bedrooms, acknowledgment that rail trail exists that town is trying to obtain access for public use, at the last Board of Selectmen meeting the topic of a development agreement was brought up, this is an agreement between BOS and developer with certain conditions that have to be met before development can go forward. Town Counsel and the applicant's attorney have laid the foundation for a development agreement. The Board felt it should be made clear that Parcel 95 is requested to be rezoned but not part of the developed area but would be used in calculations for density.

Chair Calzia opened the hearing to public comment:

Selectmen Bill Cranshaw stated that the BOS have three points:

1. The development agreement is being worked on and the BOS are in agreement that it should be in place before Town Meeting, this gives the voters idea of what is happening
2. Consistency with community development principles
3. Towns completed streets policy all projects have to take into consideration pedestrian, vehicle and bicycle access or for access to the Rail Trail

The resident from 22 Acton Street asked why not looking at single family homes.

Vic Tomyl stated there should be a sidewalk on at least one side of the street, asked how is a cell tower that is legal if the property is rezoned residential? Mr. Tomyl stated there should be a development agreement with specific timelines that are enforced because there are several other projects in town with agreements that have not been completed. Chair Calzia stated that the cell tower would become a legal pre-existing use. Mr. Fenton responded that there has never been a project in town that they have not finished.

A resident commented that Town Meeting voted down because of the density and access to the rail trail, having a development agreement would temper that concern, guaranty to access the rail trail the request will probably pass.

The Board members felt it was important that at Town Meeting the presentation be more positive, a stronger presentation will be really important to get the support of the voters. Mr. Fenton stated he will

bring concept plans, details of units, a landscape plan, entranceway design, , would be happy to get up and speak at TM but has to be asked to because not a resident of Maynard.

Chair Calzia summarized that the article is for rezoning the parcels, having a development plan in place would address many of the issues residents had last time, this site is small he is not sure what Industrial use would be beneficial there, the surrounding area is residential

The public comment portion of the hearing was closed at 8:34 p.m.

The board began deliberations. A draft of the development agreement was reviewed by the Board. *A motion was made by Max Lamson to endorse the change of zoning map designation of the property located at 129 Acton Street (Map 5, Parcels 72, 73 and 95) from Industrial and S1 Single Residence District to a General Residence zoning district to be presented at Town Meeting subject to the development agreement with Board of Selectmen with conditions discussed during this public hearing, seconded by Andrew D'Armour. The Board voted 5 to 0 in favor of this motion.*

A motion was made by Kevin Calzia to sponsor the endorsed changes of Map 5, parcels 72, 73 and 95 to General Residence, seconded by Linda Connolly. The Board voted 5 to 0 in favor of this motion.

c) Neighborhood Business Overlay district (NBOD) project update.

Bill Nemser stated that the NBOD draft for next meeting, he is trying to get rules and regulations for review.

MAPC wants the Board to be comfortable with the scope the Phase 2 of the housing production plan. MAPC will be at next the meeting.

Review of minutes: The Board reviewed the minutes of December 18, 2014.

A motion was made by Max Lamson to approve the minutes of December 18, 2014 as written, seconded by Andrew D'Armour. The Board voted 5 to 0 in favor of this motion.

A motion was made by Linda Connolly to adjourn the meeting, seconded by Andrew D'Amour

Meeting adjourned at 9:26 p.m.