

**Planning Board Meeting Agenda**  
**7:00 PM July 14, 2015**  
**195 Main Street, Maynard - Room 201**

Members present: Kevin Calzia, Chair, Bernie Cahill, Greg Tuzzolo, Linda Connolly

7:10 p.m. Chair Calzia called the meeting to order

**Request for a modification to a site plan decision: Skylight, LLC will be requesting a modification to the site plan (consistent with Section 10.5.6.2 of the Zoning By-laws) at 49-51 Waltham Street, request will be to change the color scheme on the residences.**

Chair Calzia stated that the applicant Skylight, LLC has asked for a minor modification to the decision to change the color scheme on the residences. Owner John Anderson appeared before the board, he explained that several abutters had approached him expressing concern that they did not want all three units to be gray. Based on the input the owner is requesting the Board modify the May decision to allow the units to be a different color. Mr. Anderson presented twelve color options for the Board to review. This property fell under design review because it is located in the business district.

Resident Vic Tomyl commented that these decisions are made at the public hearings when the residents are there to give input, and by changing a decision he does not feel the residents input is being addressed.

Mr. Anderson stated the approved color in the decision was deep gray, he is trying to address the neighbors concern by changing the color.

Greg Tuzzolo stated that there is wording about façade details in the design review, however he does not think the Board should be making the decisions on what colors buildings should be; that is a design decision better left to the architect and applicant, however this is not the procedure for design review, there should be schematics and details. Chair Calzia stated he agrees with Greg in theory, but this request has come up because the neighbors have asked for the change, at this stage of construction it needs to be decided in a timely manner. Building Inspector Rick Asmann stated that this is unprecedented that the Planning Board is selecting colors, he cannot think of another case that the color has been set by the board.

Linda Connolly who was in the room for this hearing as an abutter, stated the neighborhood does not want all three buildings the same color.

Chair Calzia stated that this vote must be unanimous since there are only three voting members for this discussion. The members reviewed the situation, the applicant is willing to change and has provided colors, the members agreed that it was better for the architect to make the right color choice. Based on public comment, the abutters do not want all the buildings the same color or grey. Greg stated this is a relatively easy issue, it however, detects a flaw in the design requirements which the Board should look into going forward. Greg stated that the issue of color should not be made by the Board, the wording should be stricken from the decision, if going to reference design review it should be done right.

*A motion was made by Bernie Cahill to strike the color language in original decision and reference the design review standards and colors and materials in the rules and regulations, seconded by Greg. The vote was 3 to 0 in favor of the motion.*

Chair Calzia closed the hearing.

**Public Hearing: The petitioner, Distinctive Acton Homes, Inc. is proposing 18 town homes at 129 Acton Street with a maximum of 45 bedrooms on approximately 4.4 acres. The petitioner is requesting: A. Site Plan Approval B. Special Permit Approvals for: 1. Multifamily Use in a General Residence District (Section 3.1.2 Table A of the Zoning By-laws). 2. Total Gross Square Feet Threshold (Section 4.1.4.1 of the Zoning By-laws). Water Supply Protection District (Section 9.2.6.7 and 9.2.6.8 of the Zoning By-laws).**

Chair Calzia opened the hearing.

Resident Vic Tomyl asked for a point of clarification if the Town Meeting amendment had been approved by the Attorney General.

Town Planner Bill Nemser stated that he has been in contact with Attorney General office, however that office has not yet given final approval for the zoning amendment from spring Town Meeting, the decision is expected in about 39 days. Bill has talked with Town Counsel and been advised that the Board can open the public hearing, but cannot close the hearing until AG decision has been received. Secondly the applicant, as of yesterday, had not completed several required steps in the process of the easement for rail trail, that has been delayed but the development agreement terms have not been entirely fulfilled, the applicant is hesitant to dedicate the rail trail land until the AG decision is final. Third, when this request went to TM in Spring it was allowed to, because there was Planning Board approval, the statute allows requests to be heard at two consecutive hearings

Vic Tomyl asked the board to provide him with a copy of Town Counsels opinion, he stated he had doubts that if article was turned down it could be on subsequent warrant, and he also requested the AG decision when it comes in.

Chair Calzia asked the applicant to proceed with the presentation. Richard Harrington, engineer from Stamski and McNary addressed the Board, applicants Mike Jeanson and Jim Fenton were also present. Mr. Harrington went thru the three sets of plans, site plan approval plans, design and landscape plans and sewer connection plans. Mr. Harrington stated the original design plans were done by Foresite Engineering. Stamski and McNary have prepared the plan which has been revised to show curb cuts, building locations, elevations and drainage. Town Engineer Wayne D'Amico has reviewed the plans and sent the engineer a review letter. Mr. Harrington when thru the plans and described the proposed project to include 9 duplexes, the improvements to be made to the water and sewer connections, proposed easements, sidewalks, parking and stormwater management. Mr. Harrington stated they had met with the Conservation Commission and are revising the plans per the comment from that public hearing including grass swales, details on cleaning up the debris along the common line with the rail trail, the storm water recharge requirements have been met. The Landscape plan showing plantings, walls, typical detail plan. The Board asked about the building heights, Mr. Harrington stated it would comply with the zoning bylaw less than 35 ft. There was discussion about lighting, the consensus was that some lighting should be provided such as light posts near the dwellings and possibly some street lighting along the sidewalk, especially the section leading to the rail trail. This project has an approved development agreement with the Board of Selectmen which supercedes some of the requirements of the site plan regulations. The Board asked about the easements specifically along Acton Street, Mr. Harrington stated that easements are primarily for the town for drainage water and sewer easements, drainage on to the private property, to protect residents there will be an architectural wall for physical barrier.

Chair Calzia opened the hearing up to public comment, he described the procedure of a public hearing, open the hearing, ongoing conversation with the town engineer, address the concerns and review at next meeting, ongoing communication to address issued and get plans in alignment with town departments and boards comments before any decisions are made.

Vic Tomyl stated he is concerned whether the wastewater facility has adequate capacity, he also feels that the sidewalk on one side should have street lighting for safety , and asked if the utilities are underground.

Richard Harrington stated there is some lighting in parking lot, he will look at existing street lighting, and agreed there should be some lighting and the utilities are underground. Wayne added that although the impact to the wastewater treatment is minimal he asked the engineer to do a capacity calculation so it can show minimal impact on the system. Wayne stated that the applicant is doing a drastic sewer improvement, there is a sewer manhole that has severe backup issues, they are bypassing. Selectmen Jason Kreil stated that the flow is minimal, water treatment plants still have plenty of capacity available for water, and sewer, the anticipated flow for the project is approx. 4000 gpd.

Several abutters had question and comments, they want to make sure lighting shielded from going into their back yard, Acton Street. There was discussion between abutters and the Board about the need to light the rail trail because it can encourage (unwanted) activity after dark. There was general concern about building heights, the Board would like elevations shown on the plans, there are height limits in town, some recent projects have heights that are too tall for the areas. Mr. Harrington stated the buildings have no basement, one foot to first foot slab, eight foot ceilings; room over garage is master bed approx. 27 ft to peak of roof.

The Board discussed dates to continue the hearing, the applicant stated they meet again with Conservation in a few weeks, the engineer will make changes and recommendations will be put in place and review again. It was decided to meet in two weeks to go over the landscape plan in detail and then meet in four weeks to go over the revisions to the site plan, at that time the AG decision should be received. Since additional changes will be made to the plan, the public comment session will remain open.

*A motion was made by Linda Connolly to continue the public hearing for 129 Acton Street to July 28, 2015, seconded by Greg Tuzzolo. The vote was 4 to 0 in favor of the motion.*

**Other business:**

Bill stated that Stratus has signed on at the Mill, 102,000 s.f. of area  
Economic Community Development workgroups are always in need volunteers to help  
The Board of Selectmen have received letters of interest from three people for the alternate member position. Andrew will be the fifth regular member.

Greg asked that the landscape regulations discussion be placed on the next agenda

*A motion was made by Greg Tuzzolo to adjourn the meeting, seconded by Bernie Cahill.*

Meeting adjourned at 9:27 p.m.