

**Town of Maynard
Planning Board meeting, Room 101
August 18, 2015 7:00 pm**

Members present: Chair Kevin Calzia, Bernie Cahill, Andrew D'Amour, Linda Connolly, Greg Tuzzolo, William Gosz.

Chair Calzia called the meeting to order at 7:01 p.m.

Keene Ave Subdivision – A. ANR Request

The Board reviewed the ANR, Town Planner Bill Nemser stated when the subdivision was presented the applicant stated there would be a 7th lot created. Engineer Bernard Hamel and Jay Berglund were present. Mr. Hamel stated they are continuing with the subdivision, the seventh lot had been discussed during the subdivision process, the lot meets zoning requirements. The Board had no questions on the plan.

A motion was made by Andrew D'Amour to endorse the ANR plan, the plan is consistent with the criteria for an ANR, seconded by Bernie Cahill. The Board voted 5 to 0 in favor of this motion.

B. Request for release for Lots 1-3 for Building Permits. Keene Avenue subdivision, ANR request and lot release: Mr. Hamel stated that the applicant is requesting a release for Lots 1-3 so that building permits can be issued. Mr. Hamel updated the Board on the status of the subdivision, the sewer system and most of the water system are complete, the delay has been they are waiting for the manufacturing of the drainage system, it is being delivered next Tuesday and should take 2 to 3 days to install, they have a meeting with Conservation for erosion control methods during this process, currently there is a partial lot release 1,2 and 3, so far applicant has done about 170k of work on the storm drainage another 100k to finish it, the entire subdivision total is about 470k. The applicant is requesting building permits, they could bond the road and then apply for all seven building permit without any base coat or completed drainage but they don't want to do that. They are asking for the right to start building, there would be no occupancy until the drainage and base coat are done and then will bond the remainder of the work because they will want occupancy and the rest of the building permits. The applicant is showing his commitment to this subdivision is bigger this way, he is building homes he can't sell until the road is at base coat.

Chair Calzia asked for comments from the Board and Town Engineer. Town Engineer Wayne Amico stated that he issued an email objecting to the release of these lots; it is a public safety issue the road should be at least at binder so there is public safety access. This has been discussed with the Building Inspector, Fire Chief and applicant. The applicant is trying to get the foundations in so they can build during the winter so houses are ready to sell in spring, but the Town would like to see the binder down by November 15. The Building Inspector is willing to issue permits for the foundations and then let the developer show some progress in the next 60 days, if satisfied that infrastructure is going along, building permits will be issued if Wayne and DPW are satisfied with the progress. Mr. Hamel stated that safety does not come into play here if workers can get to a particular site then Fire Department can in an

emergency, and if they bond the road right now all the permits can be pulled with no drainage, paving etc. it comes down to financial liability. The applicant is making progress on the road, they have shown a commitment, have been slowed down by manufacturing issues, understand the concern with getting to the site, but they have driven a car up there, this is not a safety issue. The comments from the Fire chief stated that access for an emergency is the biggest concern, if they are going to get the road done it will be accessible for winter, don't want to damage equipment.

Mr. Hamel stated they are behind because of drainage manufacturing, once all structures are in, 100 ft of sewer left, a few lines in the road and binder coat, they expect all this done well before November 15, financially it helps to be able to get the foundations in the ground.

Chair Calzia asked for questions from the Board. Greg Tuzzolo asked Bill and Wayne is the foundation permits are granted would the applicant have to come back or would the Building Inspector then expedite. Wayne responded that the applicant would not have to come back as long as DPW, engineer and Fire are satisfied with progress. Chair Calzia asked Wayne, what would be considered satisfactory progress. Wayne stated completion of sewer and water, water tested, acceptance by water dept installation and completion of drainage, rough grading of road.

A motion was made by Linda Connolly to release the foundation permits for lots 1, 2 and 3 for Keene Ave. subdivision contingent on progress of completion of sewer, water completion and testing, drainage and rough grading of road as approved by Town Engineer, DPW and the Fire Chief, seconded by Andrew D'Amour. The Board voted 5 to 0 in favor of this motion.

Determination - "Substantial vs. Non-substantial" –Request for site plan modifications for 10 -20 Main Street.

Chair Calzia asked the owner James McDonald to present his request to the Board. Mr. McDonald handed out a drawing showing the proposed new dumpster location, he would like to move it to the left because he rented the space to a dentist which requires a separate dumpster, a 13 x 40 dumpster enclosure is requested, fire apparatus can get around the building. Bill Nemser stated the Board needs to determine first whether the request is substantial or insubstantial, if substantial then it requires a public hearing.

Wayne Amico commented that currently there is one access a second emergency access would be great, not a bad thing to have the path, if can provide emergency access, show on as-built it is a minor change.

There was discussion on if the second opening provides too much open view, an emergency gate could be put up so everyone doesn't use it, recommended to see what is built before requiring closing it off.

A motion was made by Bernie Cahill that the site plan modification is a non-substantial change to the approved plan seconded by Andrew D'Amour. The Board vote 5 to 0 in favor of this motion.

129 Acton Street – Continuation of hearing - Distinctive Acton Homes, Inc. is proposing 18 town homes 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). 3. Water Supply Protection District (Section 9.2.6.7 and 9.2.6.8 of the Zoning By-laws)

Chair Calzia opened the continued hearing. Richard Harrington of Stamski and McNary Inc. and Jim Fenton the owner were present. Chair Calzia asked Bill Nemser to give an update. Bill stated that since the last meeting the Attorney General has approved the zoning amendment, there are still a few engineering issues, he handed out the latest comments, landscape plan requirements. Wayne Amico went over his comments from 7-8, 7-14 and 7-28 the final revisions have been made the applicant has submitted a final letter today. What is highlighted is still outstanding, standard entry and post lighting will be provided, details were not yet added to the plan; Wayne recommend they be added to the plan, landscaping will be talked about separately, stopping site distance measurements, retaining wall, traffic numbers and stopping numbers no ISD numbers, this needs to be done. Drainage analysis outputs not approved by Mass handbook, Wayne wants them rerun not in compliance w/handbook can be provided as a supplement. The riprap stone calculations are not provided, supplemental ok. Sidewalk plans and specs will need to be provided to DPW prior to construction, doesn't affect this permit. Landscape buffering for Rail Trail, final details will be up to Conservation, note needs to be added to plan. Wayne stated that none of these should hold up closing the hearing, they are minor points. Mr. Harrington agreed to make all the changes from Wayne's comments. Since last meeting have updated landscape plan added the planting still working with conservation on details of plantings.

The Board members had more discussion on the screening and questioned if they can specify the types of screening, fencing, lawn in the decision. Linda Hanson from the Conservation Commission came into the meeting, she stated that there will be a split rail fence with low shrubs in the rail trail area and will work with the owner on the plantings such as a vegetative strip or wildflowers that will grow all summer and be mowed once or twice a year. Chair Calzia stated the Board would like to see a more visual buffer at the top of slope like a low hedge row. Greg asked Linda if the existing vegetation to remain or just remove invasive species. Linda stated the contractor will only want to remove the trees they have too, there are a lot of invasives that will be removed, the detention basin is very important.

Mr. Harrington stated he will revise the plan to show trees and shrubs and summarized the changes they will make. He then described what the sight and stop distances are, proposing an easement to provide a grass shoulder to catch runoff, stop and sight at the intersections were discussed. Wayne explained site and intersection what is required is stopping distance. What is provided seems reasonable, he wants the information provided supplementary. The sidewalk in the development agreement will be done separately, the applicant is choosing not to include construction of the sidewalk in this decisions they will deal directly with DPW.

Town Planner Bill Nemser stated he started a draft decision, the applicant and legal have reviewed, the applicant will revise the plan and there will be conditions, and supplemental information submitted.

Chair Calzia asked if there were any other public comments: there were none.

Bill then reviewed the site plan and special permit approval requirements.

A motion was made by Bernie to close the public hearing for 129 Acton Street site plan and special permit approvals for proposal for 18 townhomes, seconded by Andrew D'Amour. The Board voted 5 to 0 in favor of this motion.

The board began deliberations: Bernie wants to go to conditions, supplemental lighting detail, ISD numbers and calculations, stormwater, riprap, stonewall specs before constructions, sewer type to DPW, plantings subject to Conservation Commission, easement Mass DOT, final landscape plan, no heavy construction on Sundays. Wayne went over some edits on the decision, sewer plan reference added, date references need to be added page 9 now NA, additional recommendations light fixtures, landscape plan and notes referring to easement, ISD calcs and sightlines added to plans amended plan to be filed, recharge calcs, Mass state handbook method amended site plan provided, riprap detail appropriate stone size. Bill is going to have all these notes and incorporate into the decision.

A motion was made by Bernie Cahill to grant the Site Plan approval for 9 two family residential units at 129 Acton Street, with conditions stipulated and revised plans, seconded by Andrew D'Amour. The Board voted 5 to 0 in favor of this motion.

A motion was made by Andrew D'Amour to grant the Special Permit for multifamily use in a General Residence District, seconded by Bernie Cahill. The Board voted 5 to 0 on favor of this motion.

A motion was made by Linda Connolly to grant the special permit approval for total gross s.f. threshold 10000 s.f seconded by Andrew D'Amour. The Board voted 5 to 0 in favor of this motion.

A motion was made by Greg Tuzzolo to approve the Special Permit for more than 10,000 s.f impervious surface in a Water Supply Protection District, seconded by Linda Connolly. The Board voted 5 to 0 in favor of this motion.

Other Business: Wayne stated that he met with developers of Fowler Street Extension regarding a minor site plan modification. They have built one of the five houses and are having trouble marketing it due to the cemetery in the rear, they would like to put up a 6 ft vinyl fence in addition to the chain link fence. Chris and Wayne did a site visit, this would require 3 or 4 trees be taken down, should they come forward with a letter whether this is a minor modification, or is a fence under town department purview. Bernie stated it is a minor modification, but because it is developer owned it is part of the project, they should send a letter with the request and come before the board, the board can grant the modification, so it cannot be challenged.

Chair Calzia informed the members he will be stepping down from the Board, he has taken a new job and will not have the same availability to attend meetings, there are some large filings coming in that will be time intensive that require having a full board. The Board members thanked Kevin for all his work on the Board.

Bill stated that the proposed modification to the Planning Board regulations are almost done and will be sent out for review. The Landscape Regulations will become part of them, there was a lot of repetitive parts, he is also redoing the forms and applications and fee schedule.

Bill stated that the Board of Selectmen have been meeting with the Parker Street developers and are negotiating a development agreement.

Bill updated the Board on Mill and Main. They are working with the state and 495 Metrowest Committee on increased trips to get a shuttle going back and forth on the Fitchburg line. The Mill and Main current Development Agreement does not allow retail under 10 thousand s.f., that condition needs to be removed, the amendments to the development agreement go thru the Board of Selectmen. The applicant has agreed to come in prior to their submittal and have a pre-application meeting. The Battle Road Brewery was at Board of Selectmen for their liquor license which they were granted.

Minutes:

The minutes of April 28 and July 14 were reviewed.

A motion was made by Bernier Cahill to approve the minutes, seconded by Andrew D'Amour. The Board voted 5 to 0 in favor of this motion.

A motion was made by Kevin Calzia to adjourn, seconded by Andrew D'Amour.

Meeting adjourned at 10:20 p.m.