

**Maynard Planning Board
December 8, 2015- 7 p.m.
195 Main Street, Room 201**

Members present: Chair Bernie Cahill, Greg Tuzzolo, William Gosz, Linda Connolly

Chair Cahill opened the meeting 7:05 p.m.

Chair Cahill stated that tonight is Linda Connolly's last night on the Board and thanked her for all her hard work on this Board and all the town other committees she had been involved with. There will now be two positions open a regular member, one alternate. Three people interested in the positions and were present to introduce themselves to the Board.

Samantha Paull stated she has lived in town for 1 ½ years, works in Historic Preservation, has worked as a Zoning Coordinator in Florida, has experience dealing with Boards and public hearings.

Brent Mathison introduced himself, he moved to Maynard 2 1/2 months ago, has talked with Bill Nemser about the Planning Board functions and the vision for Maynard, and wants to become involved in the community.

Todd Schneider introduced himself, has lived in Maynard for 7 years, technical background, no civic experience looking for a way to contribute to the community, moved here from Cambridge.

Public Hearing - Zoning Bylaw Amendment Currently the Neighborhood Business Overlay District (NBOD) is the zoning designation for 129 Parker Street. The proposed amendment is being sponsored by the Board of Selectmen. The Planning Board will determine if it will or will not recommend approval for the proposed amendment on the January 11, 2015, Town Meeting warrant. The proposed amendment to the Zoning Bylaws revises the current NBOD regulations by including increased allowances of residential uses, including the allowance of a "continuing care" residential community and an increase the intensity of commercial uses and structures allowed by special permit and allowed without need to obtain a special permit. The proposed amendment includes revisions to the current NBOD regulations regarding maximum height of residential structures and includes additional use definitions not currently contained within the Zoning Bylaw.

Chair Cahill stated he will ask Bill Nemser and Town Counsel Jon Witten to explain the context of the changes, the public has the final say at Town Meeting, the Planning Board makes a recommendation to the Board of Selectmen.

Town Planner Bill Nemser stated that most of the proposed Neighborhood Business Overlay District (NBOD) changes are for the Parker Street project, but tonight is about the zoning designation. The Planning Board has the option to make recommendations, regardless of whether they approve or deny it still goes to Town Meeting.

Bill gave an overview of the process for 129 Parker Street. NBOD changes have to do with Parker Street development, tonight is to discuss changes to the NBOD, the Planning Board will listen to changes, they

have the option to make recommendations and regardless of if the Board approves or denies it goes to Town Meeting, should it pass at Town Meeting the next step is a development agreement between the Board of Selectmen and developer, next is presentation of a conceptual plan, additionally there is a signage plan last step is actual site plan and special permit approval before the Planning Board, before anything is constructed have to go thru the five steps.

The proposed amendments to the zoning bylaw require a 2/3 vote at Town Meeting, the changes are summarized in the table in the handout, the entire text is available on the website.

<http://www.townofmaynard-ma.gov/wp-content/uploads/2010/07/pb-notice-nbod-20151208.pdf>

Town counsel Jon Witten stated that the Public hearing is a statutory requirement; the Board has 30 days to make recommendation. The Board will go down the right hand side of the comparison chart and explain what is being proposed to change. Maximum s.f. is 310,000 s.f. non residential use which is defined in the bylaw. Many of the proposed uses require a Special Permit which have to be approved by the Board. The residential units total cap is 180 units, 175 units will trigger 17 affordable units, if over 175, 176-80 will all be affordable, the units are deed restricted and go toward the affordable housing quota, the question of number of bedrooms came up, the Bylaw does not reference the bedroom count that will be dealt with in the development agreement. 180 rental units are the ceiling under the bylaw plus the continuing care facility. Fast food restaurant has added a distinction between fast food restaurant and restaurant, all require Special Permits. Drive up and drive thru, there are four total drive up or drive thru facilities allowed, including restaurants and bank. Assisted living facility on the concept plan carves out a portion of the site different from the rental units. These are not uses by right, many are by Special Permit, the Planning Board will review and condition. What Town Meeting is being asked is to approve the bylaw for proposed uses, there is no guarantee that any or all of the uses will occur.

Chair Cahill opened to questions from the Board.

Greg Tuzzolo had questions on s.f. allowed, the magnitude of what is potentially buildable area and concern that the bylaw does not cap the maximum of units for the assisted care that is covered in the development agreement. Town counsel responded that the Continuing care is a special permit use, first the development agreement would set the stage for the maximum number of units. Parameters set in the development agreement and conceptual plan. The board worked on and reviewed the NBOD uses and recommended changes, started with residential density, the applicant has been to BOS meetings over the last several months. Thru the visioning meetings the Board listened to what the residents would support, number size of units, height the changes were brought about thru negotiations, so that the proposal at Town Meeting is something that the people want.

The Board reviewed the uses that have been added by right. Principal permitted uses being proposed health care facility, business, professional or other office, child care center bank restaurant, not including fast food. Chair Cahill read all the new proposed uses which would be permitted by special permit. Bill Nemser stated that the draft of the Parker Street development agreement should be ready by town meeting. The language in Section 9.3.7 Special Permit language, use by right if it meets zoning

a building is entitled to a building permit, if it requires a special permit this section creates the level of difficulty that makes clear that the proposed use is consistent with the 3 tests listed in the section.

There were several questions from the public about clarification on the chart about maximum height, maximum retail size, a typographical error in section n9.3.5, the detail required in the concept plan, what the procedure for special permits are .

Town counsel stated that the concept plan has to be approved at Town Meeting.

Greg Tuzzolo asked about the possibility of there being multiple concept plans, Attorney Witten stated that voters at town meeting can approve a concept plan, if there are changes it needs to go back to Town Meeting. The developer stated that there is an approved concept plan and site plan approval for 1/3 of the site, they want to get rid of that with one concept plan under the NBOD and in negotiations with the Board of Selectmen have agreed to strong control by the Planning Board, and entering into an Memorandum of Agreement(MOA) with strict parameters, the new concept plan that the Town Administrator and BOS have seen gives the town more control than seen in any municipally but gives the applicant flexibility to present proposals that are good for the community.

Greg Tuzzolo asked about the previous Approval Not Required plan and is this still going to be multiple parcels. The developer stated that the new concept plan is as one parcel under a condominium clause built in phases governed by a master condo association mixed use in separate units.

Chair Cahill opened the hearing to questions from the public.

Tric Saunders asked for clarification on the comparison chart, regarding the s.f. of building PK3 the largest building. Linda Thayer expressed concern that the continuing care facility units would add to the housing inventory but there are no affordable units, she then stated that the Adhoc committee recommendations was that the change in percentage from the assisted living facility should be made up on the residential units, so that the affordable number does not decrease. Greg Tuzzolo asked about there being no limit on size, height dimensional constraints for the continuing care facility. Attorney Witten stated it falls under Section 9.3.10, height of structure for residential. Ron Calabria stated that there is only a certain amount of real estate here, there is not a lot of s.f. to build huge facilities, the developer will have to pick and choose to a mixture of office, retail and residential. The developer added that the concept plan that will be presented will be definitive as to what they are proposing. There were questions on if in the NBOD is fast food currently allowed. The existing dev elopement agreement lists only one restaurant use with a drive up. Attorney Witten stated the allowance to grant the applicant more flexibility in the development agreement, allows market to dictate what will happen there.

The Board took a brief recess.

Chair Cahill reopened the discussion:

Chair Cahill asked if there were any more comments or questions from the Board or the public.

A motion was made by Linda Connolly to close the public hearing, seconded by William Gosz. The Board voted 4 to 0 in favor of the motion.

The Board began deliberations. Chair Cahill stated the Board can vote to recommend as is, with changes, not to recommend. Linda stated she is inclined to approve, influenced by process work of Attorney Witten, the Board of Selectmen and the applicant to come up with a plan that is good for the town. William Gosz agreed, the new plan has adequate protection built in, town has given input. Greg Tuzzolo stated the Planning Board will have control thru the Special Permit process down the road, but thinks as proposed it is ready for public to vote on it. Bernie Cahill asked if the Board felt there should be recommendations for changes regarding the affordable housing % increase due to the continuing care facility, height maximum of 50 ft and maximum individual retail size of 65,000 s.f. The Board was comfortable with the proposal as is. There are four layers of protection the MOA, the development agreement, site plan approval and special permit approval.

A motion was made by Linda Connolly that the Planning Board recommend approval of the Zoning Bylaw NBOD changes as written, without changes, seconded by Greg Tuzzolo. The Board voted 4 to 0 in favor of the motion.

Town Planner updates: Bill Nemser reminded the Board of the Housing Production Plan meeting on Thursday.

Review of Minutes: The Board reviewed the minutes of October 13 and 27, 2015.

A motion was made by Bernie Cahill to approve the minutes of October 13 and 27, 2015 as presented, seconded by Greg Tuzzolo. The Board voted 4 to 0 in favor of the motion.

The members of the Board again thanked Linda Connolly for her service to the town and good luck on her move.

A motion was made by Linda Connolly to adjourn the meeting, seconded by Bernie Cahill

Meeting adjourned at 9:36 P.M.