

**Minutes of the Maynard Planning Board
Room 201 Maynard Town Offices
January 10, 2017**

Members present: Greg Tuzzolo-Chairman, Samantha Elliott, Bernie Cahill, Brent Mathison

Also present: Town Planner Bill Nemser, Special Town Counsel Jon Witten and Town Engineer Wayne Amico

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

119 Great Road and 2 Taylor Road: Attorney Sherrill Gould appeared on behalf of the applicant for the Approval Not Required plan which was previously approved in 1983, the plan was never recorded so just asking for the plan to be endorsed so that it can be recorded. The Board reviewed the plan and found it met the criteria for an ANR.

It was moved by Greg Tuzzolo to endorse the ANR plan finding it meets the criteria requirements, seconded by Brent Mathison. The Board voted 4 to 0 in favor of the motion.

Approval of Minutes

The Board reviewed the minutes of 8-9, 9-27, 10-25 and 11-22

It was moved by Bernie Cahill to approve the minutes of 9-27-16, 10-25-16 and 11-22-16 as written, seconded by Brent Mathison. The Board voted 4 to 0 in favor of the motion.

It was moved by Samantha Elliott to approve the minutes of 8-9-16 as written, seconded by Brent Mathison. The Board voted 4 to 0 in favor of the motion.

Neighborhood Overlay Zoning District – Process Review with Special Town Council Jon Witten

Chair Tuzzolo opened the discussion, he stated that the intention of having Special Town Council Jon Witten present tonight is for the Board to ask general questions about the NBOD overlay district and general questions about site plans for large sites that the Board has not had much experience with. This discussion is not about a specific project or specific plans. Chair Tuzzolo opened the discussion to the Board to ask questions.

Attorney Witten gave an overview of what the Board can discuss. Chair Tuzzolo stated that typically in site plan review there is not a preliminary plan. He noted that with the NBOD there is an approved concept plan and then a site plan; the site plan will have a strong relationship to the concept plan. Attorney Witten stated the first step is to make sure that the application that comes in matches up with the concept plan as far as footprints, parking, access/egress, the Board makes a finding that the plan submitted is consistent with the concept plan. Attorney Witten continued, the special permit plan addresses use, density and the physicality of the project, the powers of the Board lie in the special permit, and are more constrained with the site plan. If the special permits are reviewed separately from the site plan, the special permit is conditioned on the site plan approval. During the special permit process the Board should ask questions about details that are addressed with the site plan. The Board

can ask that any needed information be submitted for review or set conditions in the special permit decision.

Attorney Witten stated the Board should be considering criteria specific to the NBOD; he listed the three criteria and stated that the Board has to make findings of fact to write the decision. The Board should be asking themselves: “how do I review the project?” and “what are my obligations?.” Findings have to be in the affirmative, it is the applicant’s burden to show and it is the Planning Board’s job to make the findings and ensure the application meets the criteria.

Kenneth Estabrook advised that the Board should look at the concept plan to ensure that the site plan is in conformance. He continued: the Board cannot issue a site plan approval unless the plan substantially conforms. The Planning Board is the one that determines conformance; the Board can permit minor modifications, decide if it conflicts with the general intent. There is a series of criteria in the general zoning bylaws and specific to the NBOD. The NBOD was designed to allow commercial development with low impact on surrounding neighborhood. Mr. Estabrook stated his opinion that the Board cannot look at special permit without a site plan.

Greg commented that it is incumbent on the applicant to provide the information and then the Board will make the determination whether or not the information is sufficient. Bernie asked if the site plan should be done as a whole or in phases. Samantha stated that most large projects she has been involved with were not done piece meal.

Attorney Witten went over the timelines from opening the hearing to rendering a decision; he reminded the Board that they should not close the hearing until they feel all issues have been addressed and there is a draft decision to work with the applicant and the public, once the public hearing is closed no more input can be given, only discussion by the Board is permitted.

The Board asked about public hearings being held together for different special permit requests on the site and advertising requirements. Attorney Witten reviewed what triggers re-notifying abutters versus a continued hearing. The Board then discussed the Mullin rule which states a member can only miss one hearing in order to be able to vote.

The Board then discussed performance guarantees. Attorney Witten stated for a special permit they are a little different from a subdivision but the scope and value are generally determined by the Town Engineer. Attorney Witten described the criteria for project “performance guarantees” and also explained that requested mitigation for project impacts must be proportional and demonstrate a nexus between the proposed project and the affected infrastructure.

Introduction and informal discussion Jack Thomas of Winsor Development Corporation

Chair Tuzzolo opened the discussion and Jack Thomas of Winsor Development and Dan Lewis, architect were introduced by Bill Nemser. Bill stated he had met with Mr. Thomas twice and suggested he come before the Board to discuss a potential project at is 115 Main Street (former Gruber Furniture building). The project that they are envisioning is a mixed use development, retail first floor, and residential on the second floor. They wanted to informally come before the Board to ask questions about parking and if this use is what the town is looking for. Samantha asked how tall they were looking to go and Mr. Thomas stated four stories. The Conservation Administrator stated because it is redevelopment they

can go up, but not closer to the river. Samantha asked about the height limit downtown, Bill responded under DOD 45 ft.

Greg asked about the condition of the wall along the river, noting the site is a good location bordering downtown, the bike path and the river. Greg added he would like to see the streetscape stay balanced with the neighboring buildings. The developers stated the structure is in poor condition. Samantha thought four stories was too large, but a mixed use building would be appropriate and wants to see it consistent with the height in the immediate area. Developer not sure a smaller building would be financially feasible.

Bernie commented that in terms of perspective the Board would like to see renderings from different directions, as design is crucial for downtown. He added that he was in favor of limiting egress onto Main Street as it is a very dangerous intersection. Mr. Thomas asked how much flexibility there is under zoning for waivers from parking and density. Bill stated the Downtown Overlay District is designed to allow for waivers from parking requirements. Bill added that an affordable provision for residential units would allow for increased density coverage under the By-laws and could result in additional units. If this in fact incurred the Town's housing consultant and the Affordable Housing Trust could assist with an agreement for dedication of affordable residential units. Bill stated the Planning Board has a design consultant, he can work with the applicant (for a fee) prior to formal submittal. Mr. Lewis asked about traffic patterns in the area. Samantha felt that entering from Main Street would be better than egress echoing Bernie's concern.

Town Planner Updates

Next meeting there will be community redevelopment hearing for the basin area.

It was moved by Samantha Elliott to adjourn the meeting, seconded by Bernie Cahill.

Meeting adjourned at 8:57 p.m.