

Minutes of the Planning Board Meeting  
6:00 PM Tuesday, March 28, 2017  
Maynard Town Hall, Room 201

Chair Tuzzolo called the meeting to order at 6:03 p.m.

Members present: Greg Tuzzolo - Chair, Andrew D'Amour (7:00 p.m.), Samantha Elliott, Brent Mathison, William Gosz (6:20 p.m), and Megan Zammuto.

Also present: Barbara Higgins Carboni, Special Town Counsel and Wayne Amico (Town Engineer).

**Water Supply Protection District Map adoption: Discussion for placement on warrant of Town Meeting of May 15, 2017 and scheduling of public hearing.**

Chair Tuzzolo opened the discussion. Town Planner Bill Nemser stated that the goal of the presentation is to have the Board become familiar with what DPW was proposing for updates to the water supply plan (located within the Zoning By-laws) and the associated map, this will require a public hearing, but requires approval from the Planning Board in order to be placed on the warrant for Town Meeting. Aaron Miklosko, Director of the DPW stated that one of the conditions of the 2009 permit is that it requires the bylaw be updated. The Water Supply Protection District Map with overlay has been updated, but the map was never adopted: the Town wants to have the new map adopted (after Town Meeting approval).

*A motion was made by Greg Tuzzolo to recommend adoption of the Water Supply Protection District Map on the Town Meeting warrant, seconded by Brent Mathison. The Board voted 4 to 0 in favor of the motion.*

**109 Powdermill Road: Board determination Minor vs. Major Modification to Site Plan.**

Chair Tuzzolo opened the discussion. The applicant Jonathan Hall and his engineer from Landtech were present. The proposed changes to the parking lot were described: due to a drafting error, they are requesting the Board approve an amendment to the Site Plan reflecting the as-built placement of the structure in which the building was shifted from its previously proposed position by 5 ft and also added an additional 800 s.f. Despite the additional square footage, the structure still is under the maximum allowable building coverage. The Board had questions about curbing, drainage, vehicle storage inside the buildings. Town Engineer Wayne Amico had no issues with the change and recommended that the change was a minor modification.

*A motion was made by Greg Tuzzolo that this proposal constituted a minor modification to the Site Plan, seconded by Samantha Elliott. The Board voted 4 to 0 in favor of the motion.*

**Approval of Minutes (1-25-17):**

The Board reviewed the minutes; Samantha Elliott had some edits to the minutes.

*A motion was made by Greg Tuzzolo to approve the minutes of 1-25-17 as edited, seconded by William Gosz. The board voted 4 to 0 in favor of the motion.*

**Town planner update:**

Town Planner Bill Nemser thought it would be a good idea to have the Board help the Cultural Council support their plans toward development of the Cultural District, Brent Mathison is also a member of the Council. Town meeting is May 15, will have bylaw updates discussed later tonight.

The Board recessed until 7 p.m.

Chair Tuzzolo reopened the meeting at 7:03 p.m.

**7:00 PM Public Hearings: a. Mill and Main Site Plan and Special Permit Amendment:**

Chair Tuzzolo opened the public hearing. The applicant Lincoln Properties were also requesting to amend the Special Permit for the subject property. They were also requesting Site Plan approval for Phase 1B. The improvements included changes to: the site entry area between Main St. lower garage level and new Building 2 entry, the access drive and parking area proximate to Building 3 and the interior courtyard. Richard Casner representing Mill and Main introduced the other members of the team presenting: Michael Bernstein, Matt Brassard, Charlie Walsh and Jade Cummings.

Michael Bernstein gave an update on the progress of the last few months, building population was about 1,700 people, the Brew Pub was doing well, this request should be one of the last requests as they continue to invest and improve the property. Mr. Bernstein thanked the Board for all their time and comments throughout the permitting process. Jade Cummings presented the major site improvements for the areas referred to as the Common and the Gateway, three primary goals are pedestrian accessibility, programs and aesthetics. Ms. Cummings gave a presentation showing the proposal.

Matt Brassard had submitted the engineering plans to the town which were reviewed by VHB, the plans were revised per the comments of the VHB review, with waiver requests based on the review. The waiver requests are to propose reduced width of the Main Street entrance to 20 ft wide two way passenger vehicle access with two way pedestrian access, minimum 25 ft curb returns at driveway intersections with roadway, and reduce the landscaped 50 ft setback on Main Street, to allow access in that zone. He said they met the requirement that all the abutters within 300 ft of the site shown on the plan, they have provided an abutters list. Town Engineer Wayne Amico reported that the applicant had submitted an amended site plan with the requested waivers; they have reviewed all the comments and responses. Mr. Amico had no issue with the last three waiver requests but wanted to discuss the first request for reduction of access width. Although technically adequate for two way traffic, he recommended maintaining the 24 foot width as it was a two way road with pedestrian access and would prefer to see the 24 ft. Mr. Brassard responded that the 24 ft width is for a subdivision roadway, the amount of traffic that will utilize this entrance is for the base level of the garage, and he expected the vehicle access to be very minimal and the goal was to minimize the traffic into that entrance. It was asked if they would prefer it to be one way access, Mr. Amico stated if it was a single lane it could be reduced to probably 18 ft. The sight distance in that area is difficult, if it were changed to entrance only, the parking spaces on Main Street could be retained.

Chair Tuzzolo asked for questions from the Board. William Gosz asked about the 50 ft setback and how the parking flowed in that area. Mr. Brassard explained in that area it is one way traffic flow. Samantha Elliott asked about the access only being used as emergency access, Mr. Brassard showed where the emergency access was, which was approved by the Fire Department. Chair Tuzzolo asked about whether the crosswalk on Main Street was existing or proposed, and also asked if there were plans for sidewalk replacement on Main Street. Mr. Brassard showed the area of sidewalk and curbing to be removed and replaced along the site entrance. Chair Tuzzolo asked about lighting. Charlie Walsh described the proposed lighting was for pedestrian and vehicular circulation, and explained the types of lighting to be used in the various areas.

Chair Tuzzolo explained that Town design consultant Mark Rosenshein, had advised the Board on the previous design proposal; site lighting changes should be reviewed with him to make sure the plans are still in compliance. Town Planner Bill Nemser stated Mark Rosenshein had reviewed the plans and he felt these changes were in-line with the intent. Design review of the overall campus was more the architectural features; the proposed changes were more circulation. It is not out of the scope of what had been approved; his comments were submitted to the Planning Board.

Chair Tuzzolo stated the existing conditions plan was the original plan, and did not reflect current site conditions, the Board will review the waiver request, Wayne had some more comments: Chair Tuzzolo will continue the hearing to the next meeting. Bill Nemser talked about clarification of the waiver request relative to abutters, and noted notice was not necessary. The timeframes for getting the revisions done were discussed to be heard at an upcoming meeting.

Mr. Amico asked about the width of the access drive, he recommended 20 feet, but wanted the board to comment on it. Greg and William felt a one-way 18 ft wide was sufficient, all other members agreed. Samantha Elliott said the way the landscape was designed on the vehicular pathway; pedestrian access appears to stop at one point. The original plan showed a continuous pedestrian walkway, she stated she would like to see some landscaping to maintain the pedestrian connection. Jade Cummings stated they can remove the trees and maintain the walkway connection maintained, will revise in that area.

Chair Tuzzolo asked for public comments.

A resident from Park Street asked about fencing, Ms. Cummings stated the fence will remain, it will be shown on the revised plan.

*Chair Tuzzolo made a motion to continue the hearing to April 11, 2017 for Mill and Main Site Plan Special Permit amendment seconded by William Gosz. The board voted 5 to 0 in favor of the motion.*

**b. 129 Parker Street: The Petitioner, Maynard Crossings JV, LLC - Capital Group Properties, 259 Turnpike Road, Southborough, MA 01772, is requesting Site Plan approval for a mixed-use development at 129 Parker Street. Chair Tuzzolo opened the public hearing for the site plan approval and reopened the continued public hearings for drive thru, supermarket and multi-family dwelling up to 180 units and continued care retirement community**  
**c. 129 Parker Street (Continued from 02.14.17): The Petitioner, Maynard Crossings JV, LLC - Capital Group Properties, 259 Turnpike Road, Southborough, MA 01772, is requesting three, separate Special Permit approvals for a mixed-use development at 129 Parker Street. The Special Permit requests are to allow: i. a Drive-Thru Use (supermarket pharmacy). ii. a Multi-family Dwelling (up to 180 units). iii. a Continuing Care Retirement Community (143 units).**

Chair Tuzzolo reminded the Board that all four public hearings will be held concurrently as many of the issues related to all four applications, and then four independent decisions will be issued. Bill Nemser stated that Special Town Counsel Jon Witten was not present, his associate Attorney Barbara Carboni was here, and she was up to speed on the project. Also present tonight was Jared Green, from Fish and Wildlife and Michelle Grenier, Conservation Agent.

Chair Tuzzolo stated they had feedback from VHB on internal traffic issues, Memorandum of Agreement (MOA) conformance, Conservation and Fish and Wildlife. Attorney Angelo Catanzaro agreed with the topics to be discussed and asked that the Board first hear the update from the developer of the multi family project, Tom Hayden who came in from Florida.

Tom Hayden of LeCesse Development gave an update. The building layouts had been changed, elevations showed, enlarged windows, the carriage homes were eliminated, and new detached garages were added, trash bins were located in each building. He pointed out the clubhouse with a fitness center, theater, outdoor firepit concierge package delivery, kitchen and great room for gathering. The plans removed the entry gate. After the presentation of the plan changes, Mr. Hayden asked for questions. Samantha Elliott asked about hatched lines on the plans where a garage previously was. Mr. Hayden stated that would be parking spaces. Samantha asked what the exterior of the garages would be; Mr. Hayden the garage would be the same siding as on the buildings.

Chair Tuzzolo asked if the project was subject to design review; Attorney Catanzaro responded that he feels it falls under design review. Town Planner stated that consultant for the Town, Mark Rosenshein should review these plans. Attorney Catanzaro agreed that having comment from the consultant would be helpful.

Chair Tuzzolo asked if there was a study prepared pertaining to conformance with the concept plan. Attorney Catanzaro stated there was an overlay to show proposed with the concept plan. Town Counsel Barbara Carboni stated the public should be able to view the overlay plan. The Board then discussed conformance with the concept plan. John Kucich of Bohler Engineers stated there had been minor changes from the concept plan. He described the changes to the plan, noting that the Supermarket parking spaces had shifted slightly, apartments carriage houses have been removed and some parking shifted, trash moved into the buildings, the existing building to remain has some parking space changes, the bank building is shifted back 10 feet, due to issue with site lines pedestrian paths around the site have been shifted slightly for accessibility and landscape areas, buffers around the site were moved in two areas to enlarge the buffer. Mr. Kucich stated what was shown in black was the site plan, red was the concept plan as submitted. Town Engineer Wayne Amico commented that the plan seems in general compliance with the concept plan. Chair Tuzzolo thanked Mr. Kucich for the clear demonstration, nothing stands out as a big issue. Chair Tuzzolo asked for public comments on housing or the proposed site.

Ken Estabrook asked if internal and external traffic study had been done, and if the Conservation Commission had reviewed this yet. Mr. Estabrook stated that Conservation should look at the wetlands, there is nearby public water well, and there may be issues about storage of chemicals and salt as most of the property drains into the wetlands. Mr. Estabrook also had questions about the buffer. Chair Tuzzolo stated that right now the Board was focusing on whether the site plan was in conformance with the concept plan; the board will discuss details for each item later. Town Planner Bill Nemser commented that buffers are part of the landscape plan.

Attorney Catanzaro stated they would like to address the VHB March 3<sup>rd</sup> comments, that have been responded to, would like to go thru these. Wayne Amico stated that most of the civil issues have been addressed; most concerns remaining will be resolved thru Site Plan process for traffic. Mr. Amico stated they received a memo yesterday on the revisions, has not had a chance to review yet. The Special Permit issues have been addressed and they are comfortable that they are in compliance with the Concept Plan. Attorney Catanzaro responded that the comments from the March 3 memo for the Special Permit have been adequately addressed except for traffic and water concerns, Mr. Amico agreed.

Chair Tuzzolo commented that the review of the Special Permit applications was in advance of the Site Plan being filed. Chair Tuzzolo asked that the Site Plan be the next topic discussed.

Wayne Amico from VHB stated that they have focused on site plan elements, how the site complied with zoning etc, now will look at internal circulation issues next. They have not gotten into the traffic study/impacts, and have not looked at landscaping or water/sewer issues. VHB issued initial comments on the site plan last night, about conformation with Zoning and Planning Board and stormwater, on site traffic design.

Attorney Catanzaro stated they had received the letter, upon a quick review they thought most could be addressed; applicant would like a working meeting with engineers before revision and response to the Board instead of going through all the items that had not been reviewed. The Board was in agreement that the engineers would get together to review the latest comments and revised plans.

Patrick Dunford of VHB traffic engineer, gave a report to the Board. A traffic study had been submitted, and was still under review, consistent with the scope of what should be studied, design details, the internal site traffic, there were about 3 pages of comments including: groundabout entrance, intersection questions, some design details still needed to be addressed, size, radius, island will discuss in working meeting. Around the site were four major quadrants, cross walk placements and internal driveways throughout site were set back further than internal road, loading area, other

detail on the site were reviewed, some sight lines of concern were to be addressed at site design meeting, the drive thru had no objection to, would like at little more info, the use will not be as high as a bank or restaurant drive-thru, some queuing comments, access entrances are shown on the plans, the plans appear to address the issues adequately.

The Board next discussed what topics to be discussed at the next meeting. The Board will discuss the off-site traffic study. Chair Tuzzolo also asked about a component of the onsite study that addresses truck delivery times. The engineer stated there was only one traffic study, would only be looking for projected loading activities talked about in trip generation section. Chair Tuzzolo asked about off site traffic, if there were specific design plans for the intersections at Parker Street, do you review for compliance with the MOA, Wayne Amico stated that the applicants engineer were working on those designs and he understands that after the TIAS study was approved they will be working on design plans and submitted to the town and reviewed by Town counsel. Patrick Dunford (traffic engineer) stated that in the TIAS there are conceptual plans, may be asking for a little more detail, review for consistency, operational elements, don't get into road, curbs etc, once project is approved the details for road designs are worked with DPW for approval, it is not part of our review to design plans.

Chair Tuzzolo asked if there was a plan to provide drawings that show the concept. Jason Sobel, the Traffic engineer for the applicant stated that the engineered design plans had roadway profiles and cross sections that the town engineer would review and approve.

Chair Tuzzolo asked for comment from public regarding traffic. Ken Estabrook had a question about the north entrance, trucks entering and delivery spots need to be looked at, traffic onto Parker Street. Chair Tuzzolo stated that operations delivery and servicing to be talked at next meeting.

Chair Tuzzolo discussed the items for discussion at the next meeting – operations, landscape plans, continuing care facility update, traffic, next meeting is scheduled for April 11. In the meantime the applicants should have another working meeting with the Town engineers and Town consultant Mark Rosenshein for architectural review.

Chair Tuzzolo introduced Jarrad Green the representative from Fisheries and Wildlife. Mr. Green gave an update on the turtle barrier around the property, a temporary fence during construction, then permanent chain link fence. Dan Goddard the applicant's consultant stated the nesting habitat area needs to be redesigned or will need to be monitor to keep coyotes from digging the nests up.

Chair Tuzzolo asked for questions from the Board. It was asked if there was appropriate access to maintain the fence. Mr. Green stated it was up to the property owner to maintain the fence and habitat area, Fish and Wildlife would monitor and inspect, but does not do maintenance unless hired by the property owner. Attorney Catanzaro stated they would have a habitat maintenance plan that complied with the fencing and nesting requirements.

Chair Tuzzolo asked for an update from the Conservation Administrator. Michele Grenier stated there is a temp fence up now, this will fall under Conservation conditions. The applicant had been before the Conservation Commission for a temporary fence, expecting a Notice of Intent to be filed shortly. Chair Tuzzolo stated that if items come up that affect the Site Plan they need to be brought to the Board's attention.

Board of Selectman member Jason Kreil stated that stormwater overlaps between Conservation and Planning Board. Conservation oversees the stormwater bylaw, runoff addressed in the NOI, BMP, maintenance plans, regarding Mr. Estabrook comments regarding chemicals that falls under Watershed Protection, storage of flammables falls under Fire Department.

Attorney Catanzaro asked if April 11 they can we go to weekly meetings or will schedule stay twice per month. Wayne stated to meet weekly requires a timely exchange information and that two weeks is better, Chair Tuzzolo agreed with

every two weeks, that is the regular schedule for the Board, if going to every week may not have a full board, each member can only miss one meeting in order to vote.

*A motion was made by Greg Tuzzolo to continue the four public hearings for 129 Parker Street to April 11, 2017 at 7 pm, seconded by Samantha Elliott. The Board voted 5 to 0 in favor of the motion.*

**d. Zoning By-law Amendments: The Planning Board, is considering sponsoring, and recommendation to the Town Meeting of May 15, 2017, amendments to the Zoning By-laws. The Board will discuss proposed amendments that include use table additions, updates and definitions for three, separate warrant articles: i. Farmer Brewery, Microdistillery/Microwinery and Cocktail Lounge. ii. Dwelling and Manufactured Home (also included in the proposed amendments is elimination of Section 7.4 “Trailers” which is proposed to be replaced with “Manufactured Homes”). iii. Water Supply Protection Zone.**

Chair Tuzzolo opened the public hearings on the three proposed zoning bylaw amendments: “Farmer Brewery”, “microdistillery/microwinery” and “cocktail lounge”. Town Planner Bill Nemser described the proposal which is to add to the use table the definition which offers option of on-site brewery and limited distribution, consistent with downtown area, each of the three uses were not currently in the use table, would be by Special Permit by the Planning Board. Chair Tuzzolo asked if there were any questions from the Board or public. Samantha Elliott asked if there was a definition for nightclubs, Bill Nemser responded that nightclub was a separate category and not part of this amendment.

*A motion by Samantha Elliott for the Planning Board to recommend approval and support of the definition of farmer brewery, microdistillery/microwinery and cocktail lounge to be added to the use table, seconded by William Gosz. The Board voted 5 to 0 in favor of the motion.*

ii. Dwelling and Manufactured homes. Bill Nemser stated this is a request from the Building Inspector to clear up the definition because people are using trailers as homes.

*A motion was made by Greg Tuzzolo to recommend approval and sponsor the recommendation to update the definition for dwelling and manufactured homes, seconded by Andrew D’Amour. The Board voted 5 to 0 in favor of the motion.*

Water Supply Protection Zone – Mr. Nemser said this was a state mandated update as was discussed earlier in the meeting.

*A motion was made by William Gosz to recommend approval and sponsor the Water Supply Protection Zone amendment, seconded by Samantha Elliott. The Board voted 5 to 0 in favor of the motion.*

**e. Veterans Memorial Park: The Town is requesting Site Plan approval to add an ADA compliant access ramp to Veterans' Memorial Park (located at the southeastern intersection of Nason Street and Summer Street) as well as additional ADA-compliant improvements to the park's interior.**

Chair Tuzzolo opened the public hearing for Site Plan approval to add an ADA compliant access ramp to Veterans Memorial Park, noting the only sticking point was the loss of 6 parking spaces, by moving the ramp to the SW corner between Nason Street and the basin resulted in only 2 spaces lost. This varies from the Master Plan, Chair Tuzzolo would like more time to review, the change from what was originally approved. Bill stated that the parking was going to be an issue which could sabotage the bulk of the project; he also stated the original ramp in the Master Plan was in the middle of the park. He felt the current design represented a minimalist approach to keep parking. The improvements are ADA compliant, which makes it eligible for grant money.

*A motion was made by Greg Tuzzolo continue the hearing to April 25, 2017, seconded by Andrew D'Amour. The board voted 5 to 0 in favor of the motion.*

*A motion was made by Andrew D'Amour to adjourn, seconded by Greg Tuzzolo  
Meeting adjourned at 9:46 p.m.*