

**MINUTES OF THE MAYNARD PLANNING BOARD  
MEETING OF MONDAY MAY 1, 2017 – 5:30 P.M.  
MAYNARD TOWN HALL, FINANCE CONFERENCE ROOM**

Members present: Chair Greg Tuzzolo, Brent Mathison, William Gosz, Megan Zammuto

5:30 P.M. Chair Tuzzolo called the meeting to order

**Request for extension of Site Plan and Special Permit Approval: The Petitioner, Maynard Crossings JV, LLC - Capital Group Properties, 259 Turnpike Road, Southborough, MA 01772, is requesting an extension of the approved Site Plan and approved Special Permit for a development at 129 Parker Street. The existing approval (approved in 2011) expires May 3, 2017.**

Chair Tuzzolo opened the public hearing. The applicants Attorney Angelo Catanzaro and applicant Bob Depietri were present. Attorney Catanzaro stated the request was to seek an extension of the current Site Plan and Special Permit which expires on May 3, 2017. When they were preparing the Memorandum of Agreement with the Board of Selectmen it was with the understanding that these permits would remain valid until they had superseding permits for this project, at that time the applicant thought the new project would be approved by the expiration of the permit. It is the applicant's intention to build the current project that they are proposing, however, they have to protect their interests in case approval is not granted, they are asking for a six month extension.

Town Planner Bill Nemser stated that the Board can grant one extension up to two years.

Attorney Catanzaro stated if that is the case, they would like to amend the request to be a two year extension.

Chair Tuzzolo asked for comments from the Board or the public:

Ken Estabrook stated that he does not think an extension can be granted, approval was originally given in 2009 for two years, then the state permit extension act allowed automatic extension, he does not know what the basis is for granting this extension. Secondly Mr. Estabrook stated this is a very different project than originally permitted, does not know what the legal allowance would be. There has already been one extension granted for two years from 2009 to 2011.

Attorney Catanzaro stated there was no extension by vote of the Planning Board, the extension was granted by the state, the case was in appeal and then the state permit extension act went into effect. Attorney Catanzaro stated he had a conversation with Town Counsel who opined that the request for extension should be in writing, which was done by a letter sent to the Town dated April 25, 2017. Bill Nemser stated he had a conversation with Town Counsel Barbara Carboni who agreed that the Board could grant the extension provided they were comfortable that there was good cause for granting an extension.

Attorney Catanzaro replied that cause is the amount of time it has taken to get approval for the current project which is what they want to build, the request was to have the continued right in the event that

this Board does not allow them to build the current project. They are very committed to the new project, feels this is good cause, they have shown good faith in negotiations with the Board of Selectmen and this Board.

William Gosz stated if Town Counsel has reviewed his concerns have been addressed, it is appropriate to have the Planning Board grant the extension.

Bill Nemser asked what are the significant differences, the decision calls out what was requested and what was approved, if for any reason the old version goes forward it is with the original MOA.

Attorney Catanzaro reiterated it is not their desire to build the old plan, just protection, they thought they would have approval by now for the current project.

*A motion was made by Greg Tuzzolo to grant an extension of the approved 2009 Site Plan and approved Special Permit for a development at 129 Parker Street for two years, seconded by William Gosz. The board voted 4 to 0 in favor of the motion.*

*A motion was made William Gosz to adjourn, seconded by Megan Zammuto.*

Meeting adjourned at 5:55 p.m.