

Maynard Planning Board
June 19, 2017, 7 p.m.
195 Main Street, Room 201

Members present: **Greg Tuzzolo - Chair, Andrew D'Amour - Vice Chair, Samantha Elliott, Brent Mathison and Megan Zammuto**

7:07 PM - Chair Tuzzolo opened the Public Hearings for 129 Parker Street:

a. 129 Parker Street (Continued from 05.23.17): 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.

b. 129 Parker Street (Continued from 05.23.17): 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).

Attorney Catanzaro listed the items to be discussed tonight, sound issues, final changes to the Operations and Maintenance Plan, Lighting Plan and Signs approval and illumination.

Peter Guldberg of Tech Environmental, Inc. did a study on the effectiveness of the sound fences. Mr. Goldberg described the proposed locations and uses of the fences. They performed acoustic testing in the various areas as presented in a report submitted for the Board to review. Mr. Goldberg reviewed the testing results in the various areas, which indicate the fences will be effective in controlling the sound to the allowable decibel levels for the surrounding properties.

Chair Tuzzolo asked Town Engineer Wayne Amico to provide comments on the report. Mr. Amico stated that VHB did review the findings of the sound report and provided a letter. VHB indicated the testing followed standard industry practice, there were two comments about a few differences in decibel levels, he provided a copy of the response to Mr. Goldberg. Mr. Goldberg reviewed and comments and offered responses. Mr. Amico stated that the engineer and client should discuss the findings and work out any final details. Mr. Goldberg stated that they did a test at an existing Market 31 that abutted a residential area. Chair Tuzzolo asked if there was a fence detail on the plan, Attorney Catanzaro stated the fence was approved at Town Meeting. Chair Tuzzolo asked for questions from the Board. Andrew asked that there be responses to the comments from VHB to ensure that the proposed fencing is adequate. Chair Tuzzolo asked about whether wood fence is a better fencing type than vinyl. Mr. Goldberg responded that it is more the mass than the material, the proposed vinyl fencing is heavy duty commercial grade fence. Chair Tuzzolo asked for questions from the public. A resident asked about the type of trucks that were used in the testing, it was clarified that trucks entering at night for the grocery store will enter thru the main entrance. There were additional questions about the heights of the fences in various spots and clarification on the sizes of trucks used in the study. Chair Tuzzolo asked about the mechanical equipment and levels it would create, Mr. Goldberg stated mechanical equipment is generally lower than trucks; however roof top units can create higher levels during the days but still within allowable levels.

The next topic discussed was the Operations and Maintenance Plan. The comments from the last meeting were addressed. The updated O & M manual was presented, the manual listed the hours of operation, site lighting hours and security lighting. Andrew D'Amour asked about lighting in the rear locations and restricting as much as possible to reduce impact on the abutting residential areas, Samantha Elliott agreed. Megan

Zammuto expressed concern about safety if the lighting is reduced too much. The applicant is amenable to install the lighting and have the Board and Town review and request modifications to the lighting. Chair Tuzzolo asked for comments from the public. A resident stated it would be good if the lighting hours could be conditioned and reviewed after installation. The next item discussed was the frequency of deliveries and hours of delivery. An updated report was presented, the hours haven't changed from the last report more information was added including employee hours, hours of operation. A resident stated that it is unacceptable to have truck deliveries throughout the day and night. Another resident stated the hours of operation are out of sync with other businesses within the town. A resident asked about when a determination would be made on the delivery times of perishables, it seems as though the supermarket is setting the times, the town should have a say. Chair Tuzzolo stated the public hearings are to hear information from the applicant and questions from the town, then the hearing is closed and the Planning Board deliberates. There were some changes to the snow removal plan which were reviewed with the Board. The construction area plan was provided which shows the proposed construction phasing and times of construction. Chair Tuzzolo asked for questions from the Board or public. Andrew D'Amour asked Town Planner Bill Nemser what typical construction times are and suggested Saturday times be amended to 9 to 5 instead of 7 to 3. There were no additional questions on the Operations and Maintenance Plan revisions.

The next topic discussed was signage. Mark Rosenshine consultant for the Town had submitted proposed changes. Attorney Catanzaro stated they can go thru the changes but does not know if the comments from Mr. Rosenshine had been circulated. Chair Tuzzolo stated they had heard from Mr. Rosenshine at the last meeting, the discussion tonight is about building signage and illumination. Attorney Catanzaro stated there needs to be a discussion about the illumination, there has not been substantive changes about the issue of internal illumination needs to be discussed. Town Counsel Barbara Carboni stated that on the concept plan there was town meeting approval of internal illumination on the pylon and panel signs, but the bylaw does not allow for internal illumination of the wall building signs but the Board can thru the Special Permit process allow for internal illumination. Attorney Catanzaro stated that their interpretation of the NBOD bylaw is that the internal illumination is allowed. Mr. Rosenshine stated that nowhere in the wording of the plan does it indicate that the wall signs will be internally lit. Attorney Catanzaro referenced sections of the NBOD, stating he believes that approval for the internal illumination can be done thru this same Site Plan review process. Town Counsel stated she agrees with Mr. Rosenshine's report and believes the request has to be done by a separate Special Permit. There was discussion about what was required. Attorney Catanzaro asked to clarify that the Board is requesting a Special Permit to allow for internal illumination for all wall signs within the development, not separate Special Permits for each individual sign. Chair Tuzzolo agreed that this would be done as a global Special Permit. Attorney Catanzaro talked about the timelines for these hearings to have these heard at the July 11 meeting. Town Planner will contact him tomorrow with the soonest date that the hearing could be held. Attorney Catanzaro stated they will also submit the Special Permit applications for parking. They will be seeking a waiver from 6.1.10.9 for fewer than the required number of landscape islands and a reduction in the number of parking spaces and elimination of the light poles in certain landscape islands. Chair Tuzzolo asked if it makes sense to discuss the internal illumination, Town Counsel stated it should not be discussed until the Special Permit has been filed. Attorney Catanzaro stated there will be other waivers they are requesting from the regulations and landscape regulations; these will be sent out in the next day or two for discussion at the next meeting.

Wayne Amico gave an update to the Board on issues that they have been handling. Mr. Amico stated that they are satisfied with offsite Traffic Impact Study and do not anticipate further discussion. Off site mitigation revisions have been addressed, final comment letter will be sent, does not anticipate further discussion. Landscaping revisions have been addresses, issues have been resolved, they will submit a final letter to the Board. Site plan comments, drainage, onsite traffic issues. Site Plan and onsite traffic issues have all been resolved. As far as drainage there has been significant progress. Griffin Ryder of VHB gave an update on the status of the storm water design. There have been several revisions and discussions between VHB and the applicant regarding meeting the storm water standards and water quality, the proposal will be a significant improvement to what is there now, expect a set of final plan and report next week and will provide a letter to the Board. Wayne Amico stated that the original plan they did not feel adequately addressed storm water the applicant has worked with them to improve the original design.

Chair Tuzzolo went thru some other outstanding issues. All set with Operations and Maintenance, design and architecture has been addressed, photometric, noise may have to be revisited, signage will require Special Permits, the biggest outstanding issue is water and sewer capacity. Wayne Amico stated Stantech have completed the review and will be meeting with town staff and then meeting with the applicant to discuss their findings. Stormwater design is near completion.

Chair Tuzzolo then went thru the criterion that has to be met in granting the Special Permits. There are a few outstanding issues but want to give the applicant a clear picture of what is needed and working toward closing the Public Hearings. Chair Tuzzolo asked for comments from the public on the outstanding issues. A resident stated she still feels there needs to be more discussion on the turning lanes and radius' for trucks entering and exiting, she does not feel it addresses public safety and that as proposed trucks will have to use both lanes. Wayne Amico stated they were satisfied with the traffic impact analysis. Town Planner Bill Nemser stated that this has been reviewed by traffic engineers and the safety of the public has been taken into consideration. Chair Tuzzolo asked the applicant to issue a formal response to the residents' comments that had been submitted.

Chair Tuzzolo made a motion to continue the public hearings to June 27, 2017, seconded by Samantha Elliott. The Board voted 5 to 0 in favor of the motion.

Approval of Minutes (03.28.17, 04.11.17, 04.25.17 and 05.01.17)

A motion was made by Samantha Elliott to review the minutes at the next meeting, seconded by Andrew D'Amour.

Town Planner Updates:

Bill Nemser stated there will be upcoming discussion on inclusionary zoning

The Board discussed availability of members for upcoming meeting dates

A motion was made by Andrew D'Amour to adjourn the meeting, seconded by Brent Mathison

Meeting adjourned at 9:35 p.m.