

**Maynard Planning Board  
August 16, 2017 - 7 p.m.  
195 Main Street, Room 101**

**Members present: Chair Greg Tuzzolo, William Gosz, Andrew D'Amour, Brent Mathison, Megan Zammuto. Also present, Special Counsel Barbara Carboni, Town Engineer Wayne Amico and Town Planner Bill Nemser Representing capital group attorney David Glick and Robert Depietri.**

7:10 PM - Chair Tuzzolo reopened the Public Hearings for 129 Parker Street (continued from August 17, 2017). This was for site plan approval with five associated special permits. Chair Tuzzolo noted that in public hearing portion of these applications had been closed and this was strictly deliberation of the Planning Board.

Town planner Bill Nemser noted that with Samantha Elliot's absence, Megan now would be the final voting member. He continued that each of the board members has used their One absence permitted by the Mullin rule" and this is Samantha second absence.

Chair Tuzzolo asked about any outstanding fees owed by the Applicant. Attorney Glick and Bob Depietri stated they had a check for an outstanding balance for peer review funds and presented it to Bill Nemser.

The Board began a review of all proposed the conditions of approval. A question was raised by the Board about vehicle idling times. Bill Nemser pointed out that Mass law limits any vehicle to 5 minutes. Chair Tuzzolo asked if construction vehicles were also subject to the 5 minute law idling - Attorney Carboni replied she thought so. Because of uncertainty Chair Tuzzolo proposed a condition limiting construction vehicles to idling for a maximum of one half hour or state law if more stringent and the Board concurred.

Chair Tuzzolo noted that several abutters had questions about the retaining wall height varying from the Concept Plan along several of the Field Street properties. Wayne Amico stated while the Concept plan showed a wall, the actual engineering may adjust the height of the wall as the purpose is to hold the ground. He stated that the wall should follow the contour of the land.

Chair Tuzzolo asked if there were sign regulations in the Conceptual Sign Plan and supplementary signage regulations in Exhibit "E" of the draft decision. Bill Nemser said there was and that the supplementary regulations were drafted by Town Design Consultant Mark Rosenshein and the applicant.

The Board continued their review of the Conditions. Chair Tuzzolo asked if the Board had any more questions or felt they were ready to conclude deliberations and vote of the Site Plan and Special Permits. The Board indicated they were ready to vote.

Attorney Carboni noted that because of the role of the NBOD Zoning designation in the project area, "findings" of the Special Permit must address several unique issues in addition to the standard criteria for Special Permit findings located in Section 10.4 of the Zoning By-laws. Attorney Carboni noted that for all five Special Permits, the Board must find that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the

neighborhood, in view of the particular characteristics of the site. She then stated Section 9.3.7 of the Zoning By-law required that in the NBOD, the Board must also find the three Special Use permits (Multifamily Use, CCRC, and Drive-thru) have met the following criteria: 1) The proposed use or structure is consistent with the Concept Plan approved by Town Meeting. 2) The cumulative impacts from the proposed use or structure, including but not limited to, impacts on traffic and public infrastructure will be sufficiently minimized and mitigated through on and off site improvements. 3) The proposed use or structure, when completed, will be in harmony with the purpose and intent of NBOD and not otherwise inconsistent with the purpose and intent of the Zoning By-laws.

Lastly she pointed out that Site Plan Approval requires an additional finding that the proposed Site Plan substantially conforms to the Concept Plan approved by Town Meeting. The Board indicated they understood how motions would be framed.

Chair Tuzzolo stated that he would read the criteria for each Special Permit to the Board and ask if they found the application was consistent with each requirement. He then would ask for a motion.

Chair Tuzzolo began with the Multi Family Use Special Permit and read the criteria. For each criterion the board indicated they found it had been met. Andrew D'Amour made a motion to approve a Special Permit to grant a Special Permit to allow a Multi-Family Residential Use subject to the Conditions of Approval as modified in the draft Decision. Chair Tuzzolo seconded and the Board voted 5-0 to approve.

Next was the Continuing Care Retirement Community Special Permit and Chair Tuzzolo read the criteria. For each criterion the board indicated they found it had been met. Andrew D'Amour made a motion to grant a Special Permit to allow a Continuing Care Retirement Community subject to the Conditions of Approval as modified in the draft Decision. Chair Tuzzolo seconded and the Board voted 5-0 to approve.

Following was the Special Permit request to allow a Drive-Thru Use. Chair Tuzzolo read the criteria. For each criterion the board indicated they found it had been met. Andrew D'Amour made a motion to grant a Special Permit to allow a Drive-Thru Use subject to the Conditions of Approval as modified in the draft Decision. Brent Mathison seconded and the Board voted 5-0 to approve.

Chair Tuzzolo stated the next request was for a Special Permit to Provide Relief from Parking Standards: specifically for 1. A reduction in the number of required parking spaces within the Project. 2. Fewer than the required number of raised landscaped islands situated throughout the parking field with dimensions, locations and designs variant from those required. 3. Elimination of light poles in certain raised landscape islands and the installation of light poles in paved areas of the parking field. Attorney Carboni continued that for the Parking Special Permit, in addition the criteria required for the previous Special Permits, the Board must also find under Section 6.1.4 of the Zoning By-laws, the applicant has demonstrated to the Board's satisfaction that there is no possible way to provide the parking required or that doing so would both render the

project infeasible (including the shared parking option) and that a lack of compliance will not adversely affect either the use proposed (and its users) or the parking situation downtown. Chair Tuzzolo read the criteria. For each criterion the board indicated they found it had been met. Brent Mathison made a motion to approve a Special Permit to GRANT a Special Permit providing relief from Parking Standards of the ZBL. Specifically the Applicant is granted relief from strict compliance with Sections 6.1.5, Section 6.1.10.9 and Section 6.1.15 of the Zoning By-laws so as to allow for relief as requested subject to the Conditions of Approval as modified in the draft Decision. William Gosz seconded and the Board voted 5-0 to approve.

Next was the Special Permit request to provide Relief from Signage Regulations: specifically from strict compliance with Sections 6.2.8.3. Attorney Carboni stated there are no additional findings required for a Sign Special Permit. Chair Tuzzolo read the criteria. For each criterion the board indicated they found it had been met. Brent Mathison made a motion to grant a Special Permit to allow a Relief from Signage Regulations subject to the Conditions of Approval as modified in the draft Decision. William Gosz seconded and the Board voted 5-0 to approve.

For the Site Plan approval, Attorney Carboni pointed out that Site Plan Approval requires an additional finding that the proposed plan substantially conforms to the Concept Plan approved by Town Meeting. Chair Tuzzolo asked the Board found the proposed Site Plan was consistent with Concept Plan: the board indicated they found it was consistent. Brent Mathison made a motion to grant a Special Permit to allow a Relief from Signage Regulations subject to the Conditions of Approval as modified during public hearings and in the draft Decision. Brent Mathison seconded and the Board voted 5-0 to approve.

Attorney Carboni and Bill Nemser discussed how they would work on incorporating modifications into the Decision. Bill stated he expected it would be a joint effort with Attorneys Witten and Carboni to complete the Decision. Attorney Carboni stated the Applicant must provide an updated OMS Plan with modifications as made during the hearings and the applicant concurred. She noted they would be included in the Decision Conditions.

Andrew made a motion to adjourn, seconded by William Gosz.

Meeting adjourned at 8:50 p.m.