

**Maynard Planning Board  
Meeting of August 15, 2017 (Approved)  
7 p.m. 195 Main Street**

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

7:08 p.m. Chair Tuzzolo called the meeting to order

Chair Tuzzolo opened the continued public Hearings for the Site Plan review and Special Permits:

**a. 129 Parker Street (Continued from 07.25.17): 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 07.25.17): 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).**

**c. 129 Parker Street (Continued from 07.25.17) request for Special Permit for relief from Signage Regulations (allow for internally lighted wall signage on buildings) and relief from Parking Standards to allow for: • a reduction in the number of required parking spaces. • fewer than the required number of raised landscaped islands situated throughout the parking field with dimensions, locations and designs variant from those required. • elimination of light poles in certain raised landscape islands and the installation of light poles in paved areas of the parking field, all as depicted on the submitted Development Site Plans and as consistent with the approved Concept Plan.**

Chair Tuzzolo stated that that the meeting of August 8<sup>th</sup>, the board discussed closing the meeting. He asked the applicant is there any additional information needed to discuss, also since the last meeting Town Planner Bill Nemser received some comments from residents, the Board has copies, they will discuss these during deliberation.

Attorney Catanzaro stated they have no further information to add. The applicant thanked the board for all their time and effort thru this review, thank the town administration, Bill Nemser, Town Counsel, Town engineer Wayne Amico, police, fire, DPW for their feedback. Given certain contractual restraints they are looking for a decision tonight or filed with the Town Clerk by August 29th. This project has been thoroughly vetted, this has been to Town Meeting for the concept plan, Board of Selectman have created a Memorandum of Agreement (MOA), Zoning Board of Appeals (ZBA) have issued a Special Permit under Section 10.4, Conservation has issued an Order of Conditions, Massachusetts Fisheries and Wildlife have reviewed and issued conditions, they are hoping that the decision is to grant approval.

Chair Tuzzolo asked if there were any additional town staff comments, there were none.

Chair Tuzzolo asked for any final public comments. A resident stated she wants to make sure they take into consideration the hours of construction.

Chair Tuzzolo asked the Board if they feel they have sufficient information to close the hearing, the Board agreed.

***A motion was made by Greg Tuzzolo to close the hearings for 129 Parker Street for site plan review and 5 special permits, seconded by Andrew D'Amour. The vote was 5 to 0.***

129 Parker Street – deliberations:

Chair Tuzzolo stated that first the Board will discuss the timelines for deliberating; they will try to accommodate the timeline of the applicant. He asked if the board would be available to meet again this week if needed, this is the only possible way to meet the request August 29th filing date for the decision. All members are qualified to deliberate; the voting members are Greg Tuzzolo, Andrew D'Amour, William Gosz, Samantha Elliott, Brent Mathison. Alternate Member Megan Zammuto will participate in deliberations and is eligible to be a voting member if there is another meeting and a member is not present. There is the possibility of a quorum on another date this week if needed, they will discuss more later in the meeting. Chair Tuzzolo said Bill Nemser prepared a packet outlining the process for moving forward, there is a sheet for each Special Permit; a clean copy of the draft decision; a set of comments from the town engineer, they are not incorporated into the decision; consultant comments have been added to draft decision. The proposal is to move thru each request, in addition if there are hot topics that as a group they want to tackle first, they will adjust the order of the conversation, there were no issues brought up from the Board.

The Board began with the Special Permit for multi-family use: The Board discussed the proposed findings as listed on the draft that Bill Nemser prepared. Adequacy of utilities and public services, condition 28 apportionments of sewer improvements, relative to exhibit c (Stamtech memo), Chair Tuzzolo asked for board comments, they have to demonstrate the proportionality, if the Board changes they have to justify. The board agreed to the wording as written. There were some revisions made to the wording in the section on neighborhood character and social structure. Impacts on natural environment, potential fiscal impacts are generally the same on each special permit.

Continuing care retirement special permit: there were minor revisions and edited wording

Drive thru use: A members asked if is there is wording in the condition about revisiting the queuing line down the road to make sure it is appropriate, Bill Nemser stated that is outlined in condition 51. It was discussed to amend the wording to state the one year would be from the effective date of opening or certificate of occupancy.

Relief from parking standards: no comments

Internal illumination: Samantha Elliott stated she does not support it, does not want to give blanket approval, would prefer the signs be externally lit or reverse channel lit. The Market 32 sign that was approved at town meeting is internally illuminated, what happens if Market 32 does not go in, that approval should not carry to another supermarket? Tier 3 is the smallest sign 45 s.f. she thinks this is too

large, the pylon sign is what attracts the customer from the street, proposes max sign for tier 3 to be 32 s.f. Chair Tuzzolo referred to exhibit E is where the s.f. of signage is listed. A member asked if the tier 3 signs are halo lit, will they appear muddled. The Board discussed times of illumination; this would be during hours of operation. Megan stated she supports internal illuminated signs, the applicant is addressing lighting pollution, Town Meeting voted to approve the Market 32 sign, the town has indicated support of internally illuminated signs, she does not prefer the externally or halo lit signs. As far as sizes she supports the sizes as proposed in exhibit E. Andrew D'Amour supports reverse channel lit. Brent Mathison is not in favor of requiring the halo lit, the internally illuminated signs are dimmable. William Gosz agreed the internally lit are dimmable, since the supermarket was approved with channel lit sign from an aesthetic point and continuity the building signs should all be the same. Brent Mathison wants the signs only illuminated during business hours, the board members agreed. Chair Tuzzolo stated that is addressed in the O & M manual. They discussed the intensity after dark being at a reduced lighting level, that all lighting is dimmable. Next they talked about the signs facing Parker Street, that was an issue raised, Wayne Amico stated he had recommended the signs on the building directly facing Parker Street be non-lit, all the signs facing Parker Street are tier 3 signs. The Board asked Bill Nemser to get a copy of the concept sign plan to see the locations of the signs. It was discussed that there is a big difference between direct and indirect light. It was suggested to use the Halo lit signs on the building signs facing Parker Street that addresses the concerns of the abutter across street. The Board reviewed the concept plan which identified the locations of signage on the buildings. Chair Tuzzolo stated if lighted signs are allowed on the Parker Street facing buildings it should be halo lit, size of tier 3. Lighting must be dimmable connected to hours of operation. Town Counsel Barbara Carboni stated that by right externally illuminated signs are allowed, the Board cannot mandate non-lit signs but could condition reduced levels for the buildings facing Parker Street. The Board discussed the suggestion of reducing the size of tier 3 signs to 32 s.f., Samantha, Greg and Andrew are ok with reducing size of the tier three signs to 32 s.f., the tier 3 stores are smaller stores. It was discussed whether the size for the supermarket should be listed on exhibit E. Megan is ok with reducing tier 3 to 32 s.f.. The Board talked about overall illumination, method of illumination, external illumination is by right. The Board discussed reverse channel lit, channel lit and box. All agreed to eliminate box signs. William stated that the lights facing on Parker Street are a concern, these should be halo lit and channel lit on the rest of the project. Samantha asked about wording in exhibit E, it says wall signs should be on one wall, it does not say can only have one sign per tenant. The Board agreed this is poorly worded; this should be reworded to clarify. The Board discussed lighting technique, Chair Tuzzolo is comfortable with the halo it on the Parker Street facing signs and channel lit on the interior building signs that must be dimmable and on during hours of operation. Samantha stated she thinks the channel lit look cheap, it will create a precedent. Another member stated that allowing this lighting will not set precedent; each case is unique to the location.

The next topic the Board deliberated on is the Operations Manual. Section 3 was discussed, uses and hours of operation. There were no issues with the office hours for the residential buildings. They discussed the hours of operation for fast food, retail, and restaurants, hours of site and security lighting; the Board discussed conditioning the lighting to be reviewed at stages of construction and handled by

the town staff to work with the owners to handle complaints. Town Counsel stated the Board needs to try to come up with a condition that is not too stringent that would require the applicant to request modification or too lenient that would cause complaints from abutters. The hours of operation are listed as 7 am to 11 pm, if changes are requested it would be a modification to the site plan. The Board wants the lighting for the grocery store to be consistent with the other retail, fast food and restaurants. There were some changes made to the hours of security lighting hours.

Next topic was the delivery hours for the supermarket. Samantha is concerned with restricting delivery hours too much, it will become an enforcement nightmare, she suggested limiting delivery times at the rear of the store, but allowing deliveries at the front of the store to 24 hours. William is in support of the hours that are listed in the operations manual. Chair Tuzzolo stated the concern of abutters was the noise of the deliveries and mitigation has been provided. Brent stated he finds the proposed hours their compressors and if permissible back-up beepers.

The board changed the trash pick-up times to 8 a.m. to 6 p.m. on Saturdays.

The Board then discussed items that still required discussion, hours of construction, buffers, Site Plan reflecting fence height, Town engineers comments. Wayne Amico stated condition 56 discusses inspections and requirements, the town and applicant have agreed that the Town will visit the site at least once per month and a list of items that the town will inspect. Bill Nemser referenced the section of the decision that discusses buffers and fence heights. The Board reviewed the Town engineer final memo.

Due to the time, the Board discussed when to continue the next hearing. Town Counsel stated that since the public hearing is closed they don't need to make a motion to continue since they are in deliberation phase. The Board will finish Town engineer comments, the Board members will bring list of what they still want addressed or discussed. The Board discussed meeting again on the 16<sup>th</sup>, Samantha is not available, it was agreed to meet Wednesday the 16<sup>th</sup> at 7 p.m.

***A motion was made by Andrew D'Amour to continue the deliberation on the 129 Parker Street site plan and Special Permits to August 16<sup>th</sup> at 7 p.m. at the Maynard Town Hall, seconded by Greg Tuzzolo. The vote was 5 to 0.***

***A motion was made by Greg Tuzzolo to adjourn, seconded by Andrew D'Amour.***

Meeting adjourned at 10:49 p.m.