

**Maynard Zoning Board of Appeals – Meeting and Public Hearing**  
**May 22, 2017 - 7 p.m.**  
**195 Main Street, Room 101**

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**Board Members Present:** Paul Scheiner – Chair, Marilyn Messenger, Leslie Bryant, Jerry Culbert, John Courville

**Others Present:** Bill Nemser – Town Planner, Jon Witten – Special Town Counsel, Wayne Amico – Town Engineer

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**Called to Order** at 7:00 p.m. by Paul Scheiner

**Public Hearing – 129 Parker Street Special Permit Request**

Paul Scheiner opened the public hearing by reading the legal notice. He asked for a status update from Bill Nemser on the other town committees involved in the special permit request for the 129 Parker Street development and for clarification of the ZBA's role in the process. Bill Nemser indicated that the Planning Board, the Board of Health, and the Conservation Commission are all obligated to respond to the special permit request. He explained what the criteria are for granting a special permit and what additional requirements exist for a special permit within the Water Supply Protection District. The ZBA's role is to issue a finding of whether or not the petitioner's application meets the criteria.

Ken Estabrook of 29 McKinley Street stated that he was Chair of the Planning Board in 2009 during the review of the original site plan for 129 Parker Street and was Chair of the Ad Hoc Committee for 129 Parker Street. He added to Bill's comments that the adverse affects of the proposed use must not outweigh the potential beneficial impact of the project to the community or else a special permit cannot be granted. The onus is on the developer to provide evidence that the benefits will outweigh the adverse impact.

Vic Tomyl of Powder Mill Road asked if the Water Supply Protection District by-laws protect both existing and future wells. Town Counsel stated that they do.

Attorney David M. Click, representing Maynard Crossing, JV, LLC presented a history and summary of the proposed project and application for special permit for development within the Water Supply Protection District.

An engineer for the proposed project presented information to demonstrate how the proposed development would satisfy the requirements for a special permit within the Water Supply Protection District and how it would comply with the by-laws of that district. The Board asked several question related to the presentation and the engineer addressed those questions. One question that was not directly answered was the content of "Magic Salt", the product that would be used for de-icing the paved areas of the development. The engineer agreed to follow up with the specific ingredients of that product. The Board asked for clarification on how the developer would handle road salt brought into the

parking area from cars. Paul Scheiner asked about traffic flow/turnover and the potential contamination of the water supply from all the vehicles entering and exiting the development.

A Board member asked what happens with long-term maintenance of the property should the developer become unable to finish the project due to bankruptcy or other event. Town Counsel indicated that the Planning Board and/or the ZBA can include a perpetual surety bond condition as part of the special permit.

A Board member asked for future clarification of the developer's proprietary water treatment system, which the developer will provide.

Ken Estabrook stated his support of the project overall but expressed concern about water drainage in one part of the development. The developer's engineer clarified the grading and drainage flow.

Two residents expressed concerns over the location of the proposed well that would be conveyed to the town and the quality of the water in that location.

Marie Gunnerson of 119 Parker Street expressed several concerns about the project.

Wayne Amico indicated the even though the developer is offering to convey land to the town for a well, there are no specific plans to build a well at this time. Some of the Board members asked if there is adequate water supply to support the planned residences. Wayne Amico stated that an analysis was done and there is an adequate supply.

A resident asked what the process is for the ZBA being notified in the event of a water treatment system failure. There will be a regular maintenance and testing schedule in place, performed by a third party, and the reports would be submitted to Town Staff. Town Counsel indicated that at any point that the applicant is in non-compliance with the conditions set forth in the special permit, the permit can be immediately revoked by the Building Commissioner and the project shut down. Wayne Amico stated that the developer's proposed water treatment system is consistent with state stormwater policy and MassDEP standards and regulations.

*Jerry Culbert made a motion to continue the 129 Parker Street Project topic to the next meeting on June 26, 2017, which was seconded by John Courville.*

***The Board voted unanimously in favor of the motion.***

*Marilyn Messenger made a motion to adjourn the meeting, which was seconded by Jerry Culbert.*

***The Board voted unanimously in favor of the motion.***

**Adjourned** at 8:44 p.m.