

Maynard Planning Board Meeting
May 19, 2020 – 7:00 p.m.
(Held remotely via Zoom due to COVID-19)

Board Members Present: Greg Tuzzolo – *Chair*; Andrew D’Amour – *Vice Chair*; Bill Cranshaw; Chris Arsenault; Jim Coleman; Mike Uttley – *Alternate Member*

Others Present: Bill Nemser – *Town Planner*; Kaitlin Young – *Assistant Town Planner/Conservation Agent*; Tim Hess – *Town Design Consultant*; Wayne Amico – *Town Engineering Consultant*; Chief Noble – *Maynard Police Chief*; Danny Ruiz – *Maynard Crossing Landscape Designer*; James MacDonald – *MacDonald Development*; Jacque MacDonald – *MacDonald Development*; Candace Ho – *MacDonald Development*

Called to Order at 7:00 p.m. by Greg Tuzzolo

Approval of Minutes

Bill Cranshaw made a motion to approve the Minutes dated April 28, 2020, which was seconded by Jim Coleman.

The Board voted 5-0 in favor of the motion.

Andrew D’Amour made a motion to approve the Minutes dated February 11, 2020, which was seconded by Jim Coleman.

The Board voted 5-0 in favor of the motion.

Discussion – Chief Noble (CVS turn sign)

Chief Noble stated that he understands the reasoning behind the original decision to prohibit left turns into the CVS parking lot from Main Street. However, he pointed out that despite the fact that the sign had not been installed as it should have been, there have been no issues related to cars making a left turn into the parking lot. He went on to say that there have been unrelated accidents within the CVS parking lot and that the entrance/exit at Summer Street is a greater hazard. He feels that enforcement of the no left turn could pose more issues if an officer pulls someone over in the parking lot just after they’ve made the left turn. He does not feel the sign is necessary at that location and that re-directing cars to the Summer Street access will cause more of a hazard.

Bill Nemser stated that if the Planning Board decides to remove the sign requirement from the special permit, it will require a public hearing and a determination of a major modification.

Wayne Amico pointed out that the requirement for a sign was discovered during discussions related to traffic circulation for the project at 115 Main Street and concerns about traffic cutting through the CVS parking lot.

Bill Cranshaw asked if the property owner is requesting the removal of the sign. No one is aware of a request from the property owner. He also asked if there is any data available on the amount of traffic that utilizes the CVS parking lot as a cut-through. No one is aware of any such data.

Greg Tuzzolo made a motion to direct the Town Planner to advertise a public hearing for a change to the decision for the CVS property at a time to be determined by the Chair. The motion was seconded by Andrew D'Amour.

The Board voted 5-0 in favor of the motion.

Maynard Crossing

Bill Nemser explained that there is a disagreement between an abutter and the developer about what one of the plantings should be at Maynard Crossing along the buffer. The original landscape plan was approved some time in 2015. It has since been amended and is currently under review as of last week. The landscape designer for Maynard Crossing, Danny Ruiz stated that after the landscape designs was submitted and approved, there were additional concessions made for abutter Trish Saunders. There were three trees added to the plan and the type of tree was changed to her preference. There is currently a disagreement with Trish Saunders regarding the timing of the planting and the height of the trees. The current proposal is to plant trees that are 10-12 feet high and to plant them when the R-9 area of the project is completed. At that time, the applicant would also address any of the trees along that landscape buffer that have died.

Trish Saunders pointed out that it was the Planning Board's decision that the four rows of landscape buffer evergreen trees were to be planted prior to construction to provide protection for the abutting neighbors. She also stated that, as part of the Operations Manual, all trees are to be checked on an annual basis for replacement of any that have died. She was told by the site manager a year ago that the dead trees were going to be replaced but that there were stock issues. Danny Ruiz clarified that the intent is not to wait until the end of the entire project but just until the R-9 section is complete. The applicant anticipates being finished with R-9 around July/August time frame. A second abutter on Dettling Road concurred that there have been three trees that died and were pulled but not replaced and there is at least one other tree along the buffer that is dying.

Bill Cranshaw stated that it seems that the buffer trees should be replaced immediately and not at the end of a phase of the project. He pointed out that it seems clear that some of the trees died more than a year ago and have yet to be replaced when, according to the Operations Manual, they should have been. Danny Ruiz stated that now is not a good time to plant the trees since it's June and they will likely die again anyway. Bill Cranshaw stated that that is not an acceptable response and that the trees should be planted now, and if they die they should be replaced again. Andrew D'Amour agreed.

Bill Nemser stated that it is very clear from the Operations Manual that the expectation is that the developer will replace dead trees on an annual basis. The only thing he said should be clarified is

whether or not there is a distinct window of time for planting new trees. Greg Tuzzolo stated that a reasonable window would be March 1 – July 1 and September 15 – Thanksgiving. Danny Ruiz stated that he will speak with the site supervisor to get the issue resolved and will remain in contact with Bill Nemser and Wayne Amico.

With regard to the eight additional trees on the opposite side of the retaining wall from the evergreen buffer trees, Greg Tuzzolo stated that his understanding is that the trees were added to the plan as a result of the configuration changes that were made to accommodate the Market Basket. Trish Saunders stated that when the changes were made to accommodate the Market Basket agreement, the plans were adjusted to move the R-9 building closer to the abutting property line and the building size was increase by 30%. The developer agreed to mitigate the impact by providing additional buffer. She assumed that that meant the additional buffer would be considered part of the landscape buffer and completed prior to work being started on the building. She would like to have the details of the landscape plans finalized and committed to, including the time frame for planting the additional eight trees and the height of those trees.

There was a discussion about whether the additional eight trees are considered part of the landscape buffer or not. Danny Ruiz stated that the landscape buffer plan was agreed to at Town Meeting and it has its own plan. Wayne Amico agreed that the landscape buffer is separate from the eight additional trees even though they are meant as an additional buffer. Bill Nemser pointed out that the Operations Manual refers to perpetual maintenance of all the trees on the property and not just the ones that are part of the landscape buffer plans.

The applicant agreed to provide a letter to the Planning Board and the Town Planner stating when the trees will be planted. The three trees that were added to the plan are a different species than the original five and the height of those three trees will be 10-12 feet. Kaitlin Young and Wayne Amico agreed to do a site check in the near future.

Public Hearing – 86A Powdermill (continued from February 11, 2020)

There was a discussion about continuing the hearing. Jim Coleman stated that he objects to continuing the hearing since it has been continued so many times. However, there is an automatic continuance of the hearing due to COVID-19.

Wayne Amico pointed out that the applicant still owes the town for Peer Review fees and has been asked several times for payment in full for the outstanding balance.

Bill Nemser stated that he has spoken with the applicant, who understands that there are outstanding bills they need to pay. Bill Nemser suggested asking the applicant to attend the Planning Board meeting next week on the 26th to have a discussion with them regarding the continuances and the outstanding bills. The Board agreed.

Determination Major/Minor Modification – 42 Summer Street

Tim Hess reviewed the variances he noted between the approved site plan and the actual construction based on a site visit he completed prior to the meeting. He went through each variance in detail but said that, although he feels the variances create a small loss to the building overall, they do not diminish the appearance of the building.

Jim Coleman made a motion to determine that the changes that were made constitute a minor modification, which was seconded by Greg Tuzzolo.

Greg Tuzzolo stated that he has concerns about the developer deviating from the plans with regard to the railing on the outside of the building. He asked the other Board members about particular areas of concern. Bill Cranshaw stated that the missing pediments are of concern. The Board and James MacDonald discussed the following specific changes: the doors and the door casings. James MacDonald agreed to change the door casings and add transoms above. The Board and James MacDonald discussed additional items on the list that Tim Hess had prepared from his site visit. The Board agreed that there were too many items to go through one by one during the meeting. The Board was in general agreement that many of the individual items might be minor modifications but, when considered as a whole, might be major.

Candace Ho of MacDonald Development pointed out that Tim Hess noted in his documentation the modifications that he felt affect the overall visual impact of the construction. She asked if the Board would consider just going over those items since the others were deemed to be minor from Tim Hess' perspective.

The Board voted 4 against and 1 in favor of the motion (determining that the modifications do not constitute a minor modification).

The Board and the applicant agreed to meet again next week after reviewing the items on Tim Hess' list in detail. The applicant will also go through the list to determine which items they could more easily change to match the original plan and which ones would be more difficult and costly to change. The discussion will continue next week.

Public Hearing – 115 Main Street (continued from March 10, 2020)

The hearing is automatically continued to May 26, 2020 due to COVID-19. The applicant has agreed to hold the hearing via Zoom next week.

Public Hearing – Zoning By-laws Amendment

The hearing is automatically continued to May 26, 2020 due to COVID-19.

Public Hearing – Planning Board Rules and Regulations (continued from April 14, 2020)

The hearing is automatically continued to May 26, 2020 due to COVID-19.

Town Planner Update

Bill Nemser said that the Town has received some grants for projects and he will email the Board members with more information after the meeting.

Andrew D'Amour made a motion to adjourn, which was seconded by Jim Coleman.

The Board voted 5-0 in favor of the motion.

Adjourned at 10:06 p.m.