

Maynard Planning Board Meeting
July 28, 2020 – 7:00 p.m.
(Held remotely via Zoom due to COVID-19)

Board Members Present: Greg Tuzzolo – *Chair*; Bill Cranshaw – *Acting Vice Chair*; Jim Coleman; Chris Arsenault; Natalie Robert – *Acting Member*

Others Present: Bill Nemser – *Town Planner*; Kaitlin Young – *Assistant Town Planner/Conservation Agent*; Wayne Amico – *Town Engineering Consultant*; Megan Zammuto – *Assistant Town Administrator*; Paul Sullivan – *Lincoln Property Company*; Wayne Robertson – *Lincoln Property Company*; Lance Hatche – *Ryder Trucks*; Taylor Bearden – *Civico*; Paul Kirchner – *Stamski and McNary Civil Engineering*

Called to Order at 7:01 p.m. by Greg Tuzzolo

Determination Major/Minor Modification - Mill and Main

Paul Sullivan and Wayne Robertson of Lincoln Property Company (LPC) and Lance Hatche from Ryder Trucks were all in attendance to present the information related to the modification request. Wayne Robertson stated that the modification proposal is related to temporary truck storage that the applicant would like to set up in a portion of the lower Sudbury parking lot until the buildings are at a higher occupancy level.

Paul Sullivan stated that Ryder Trucks would need about 3 acres of space which would be comprised of 500 parking spaces out of the 2600 that are at Mill & Main, including the Walnut Street lot, leaving 2000 spaces accessible for parking. There are currently about 100 spaces being utilized. Prior to COVID-19, the lot averaged about 750-800 cars per day. The section of the lot that is closest to Sudbury Street would be the storage site for the trucks.

Lance Hatche stated that Ryder's sole intention for usage of the lot would be to park some of its vehicles on site. There would be no maintenance, operations, or cleaning of vehicles on site. The proposal is for storage purposes only, with temporary fencing for the vehicles.

Greg Tuzzolo asked for more specific details of the plans to screen the vehicles. Lance Hatche stated that the plan is for a temporary, un-anchored, six-foot chain-link fence. There is not currently a plan for screening the fence, but the applicant agreed to include it. Bill Nemser stated that the By-Laws do require opaque screening of equipment.

Greg Tuzzolo asked for more details of the pattern of arrival and departure of vehicles to and from the site. Lance Hatche stated that the site would provide overflow parking for three Ryder locations: two in Massachusetts and one in Rhode Island. The trucks would be arriving and departing the lot within the hours between dawn and dusk.

Jim Coleman asked what size the vehicles would be. Lance Hache stated that it would be anything within the Ryder line of commercial vehicles, including tractors, box trucks, and possibly some trailers. Jim Coleman also asked if the vehicles would be prohibited from coming or going during any particular hours. Lance Hache stated that the drivers only work during normal business hours. The drivers would only be Ryder employees.

Greg Tuzzolo asked if there would be any special security measures put in place, such as barbed wire fencing or a gate. Lance Hache stated that there is currently not a plan to use barbed wire. However, if security becomes an issue, he would consider additional security features. There would be a simple non-electric, lockable rolling gate.

Jim Coleman asked if there would be a portable toilet on site. Lance Hache stated that he does not currently have that in the plan. Wayne Robertson said that if that would be a concern of the Board, then LPC can arrange for the drivers to have access to the bathrooms within the Mill and Main buildings.

Bill Cranshaw asked about the route the vehicles would use to access the lot and whether all the trucks would be utilizing the intersection of Rte 117 and Sudbury Street. Lance Hache confirmed that would be the route. Bill Cranshaw also asked about the intent of using a six-foot fence for vehicles that are 13 feet tall. Lance Hache stated that the purpose of the fence would be for security and not complete screening of the vehicles. Wayne Robertson stated that there are not any direct views from abutters other than the church.

Chris Arsenault asked for clarification from Bill Nemser on the Board's role and responsibility with regard to the decision. Bill Nemser stated that the purpose of the review is to determine whether the proposal constitutes a major or minor modification. The Board's role is to determine how the loss of parking would relate to the approved site plan and to determine that the use is consistent with allowed use by right for vehicle storage.

The proposed lease of the space would be done on an annual basis. Bill Nemser recommended that the Board condition any approval with a required annual review. He also noted that the original proposal considered using the upper Sudbury lot, but that lot is in a more residential area and is divided into two different zones: residential and HCI. Bill Nemser stated that if the Board determines that the modification is major, then it would go to a public hearing for a site-plan amendment. Chris Arsenault expressed concerns about possible traffic and safety implications for the proposed use.

Greg Tuzzolo asked about spacing between the curb and the fence. Lance Hache stated that the intent is to maximize the use of the space and that he would want the fence to be as close to the curb as possible. He reiterated that this would be a temporary solution during a time when sales have slowed down and there is an excess of vehicle inventory. Wayne Robertson stated that the section of parking that would be used for the Ryder vehicles could be shifted away from the curb if that's the preference of the Board. Wayne Amico agreed that the proposed location could pose sight distance issues and that he would prefer to see the entire section of fencing shifted one lane over away from the curb. Chris Arsenault stated that he would like to see a more thorough safety review before making a determination.

Greg Tuzzolo asked about the gate location and how it might impact traffic flow. Lance Hache stated that the exact location has not been determined.

Bill Cranshaw stated that he feels the proposal constitutes a major modification due to the required number of parking spaces indicated in the notice of decision for the property. He noted that the requirement for parking spaces at the property is 2200, that the current supply is 2600, and that the storage proposal would utilize 500, making the property out of compliance with the zoning requirements. Greg Tuzzolo noted that the applicant has a by-right use for vehicle storage in the parking lot.

Jim Coleman expressed concern about trucks and trailers going through one entrance/egress that's located close to the street, potentially causing traffic issues. He recommended locating an entrance gate farther into the parking lot as well as adding a second gate for the trucks to exit the storage area. In addition, he recommended having a one-way entrance and a one-way exit for the parking lot to allow for better flow of trucks and employees working at Mill and Main. Wayne Amico suggested moving the storage area even farther East into the parking lot rather than just shifting it over one parking row. Jim Coleman suggested continuing the discussion for two weeks.

The Board discussed whether or not they have enough information at this point in time to make a determination that the proposed modification would be minor. Greg Tuzzolo suggested that the applicant take the next couple weeks to review and consider the comments and concerns of the Board and the public. Chris Arsenault stated that he would like to have feedback from the police and fire departments regarding safety concerns prior to making a determination. Bill Nemser reminded the Board of the scope within which they are making the determination of major or minor.

Wayne Robertson pointed out that the goal of LPC is to find tenants for Mill and Main and that the truck storage would be temporary. He noted that until there are more tenants in the building, they don't have a need for all of the existing parking spaces for tenants.

Jim Coleman asked Bill Nemser what the earliest date of a public hearing could be if the Board determined the modification to be major. Bill Nemser stated that it would likely be in 45-60 days. Jim Coleman stated that he believes the Board should work with the applicant considering the difficult time businesses are having right now. The Board agreed that the temporary loss of parking spaces would not make a significant impact on the site.

Greg Tuzzolo asked for public comment.

Lynda Thayer of 14 Chandler Street asked how many trucks would be going in and out each day. Lance Hatch explained that the initial transfer of trucks into the storage area will be the greatest extent of activity in one day and that thereafter it would depend on when the trucks are sold and moved off of the lot. He doesn't anticipate much daily activity but could not provide a specific amount.

Natalie Robert asked if there is an expected end date to the arrangement between Ryder and LPC. Wayne Robertson explained that the initial agreement is for one year, after which time both parties can terminate the arrangement with a six-month notice. Lance Hatch added that his goal is to sell the vehicles, so Ryder is not looking to be in the space long term.

Bill Nemser stated that he will facilitate meetings between the applicant and the Chiefs of Police and Fire to address the safety concerns.

Greg Tuzzolo made a motion to continue the determination of major/minor modification for Mill and Main Ryder Truck storage to August 11, 2020. The motion was seconded by Jim Coleman.

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

Maynard Crossing Staff Update

Bill Nemser stated that, per the Board's direction, he, Wayne Amico, Natalie Robert, and Capital Group walked the property of Maynard Crossing around 10:00 p.m., including the areas of Field Street and Dettling Road. Natalie Robert also made observations along Vose Hill Road. During that time, there were pictures taken by a drone owned by Capital Group. Those pictures were compared with the observations made on site. Bill Nemser's observation is that the light seems to be contained in a way that is consistent with the photometric plan. Wayne Amico and Natalie Robert both agreed with Bill Nemser.

The applicant has informed the Town that the lights will be turned off at 11:30 p.m., with the exception of random security lights, until the project is near completion. The security lights, which are pole lights, are much dimmer than the regular lights.

Bill Cranshaw asked for clarification of the applicant's commitment to turn off the lights at 11:30 until construction is complete. He noted that grocery stores, for example, can have lights on until midnight and then only go down to 50% at 1:00 a.m. He asked if the applicant is giving up that right and, if so, until what point in time. Wayne Amico stated that there was not a discussion with the applicant about specific buildings.

Bill Nemser said that his understanding is that, once the construction is complete, the property will be bound by the O&M manual. Natalie Robert stated that her understanding is the same. Wayne Amico's understanding is that just the pole-mounted parking lights will be turned off at 11:30 p.m. Bill Nemser agreed to get clarification of the applicant's commitment. Wayne Amico asked Bill Nemser to also get clarification from Danny Ruiz of Capital group about the pole lights versus the building lights. Greg Tuzzolo noted that the Planning Board will continue to monitor the situation to ensure the issues are fully resolved.

Maynard resident Leslie Bryant asked about the specifics of the types of lights being used on site. She expressed concern about the environmental impact of the lighting being used. Bill Nemser stated that he would send the approved plan details including photometric plans to her. Wayne Amico said he believes the lighting is LED versus high-pressure sodium.

Maynard resident Kate Wheeler asked about the height of the pole lights. Wayne Amico stated that he could not recall the specifics from the plan but that he believes they are in the 20 foot range. Kate Wheeler also asked about the color of the lights, noting that the more blue the lighting is, the more of an impact it will have on the abutters, the wildlife, and vegetation growth. She appealed to the applicant to utilize bulbs that cast more of a yellow light to be less like day light at night.

Public Hearing – 12 Bancroft Street (Coolidge School)

Greg Tuzzolo opened the Public Hearing for 12 Bancroft Street (Coolidge School). Bill Nemser provided a summary of the project, stating that the broad goals of the initiative are as follows:

- 1) To keep the façade and maintain the character of the building
- 2) To change ownership and maintenance of the building from the Town to a private entity
- 3) To preserve the sledding hill, including public access to it and the adjacent park
- 4) To create additional affordable housing for Maynard

After the Coolidge School Working Group release an RFP for the project, Civico was awarded the project.

Taylor Bearden of Civico presented an overview of the project and the proposal. He went over the special permit criteria and how the proposed plan addresses all of the criteria. He then introduced Paul Kirchner of Stamski and McNary Civil Engineering to discuss the waivers that are requested as part of the application for a special permit.

The applicant has requested a waiver to allow for 17 parking spaces instead of the required 24 (two per unit). The applicant will also build an additional parking lot with 8 parking spaces for public parking to access the park and sledding hill. The public parking lot will be owned and maintained by the Town with the exception of snow plowing, which will be handled by the applicant. Bill Nemser stated that the Zoning Board of Appeals (ZBA) is apprehensive about allowing a variance for the parking. The ZBA would like to have an understanding of the Board's perspective on the requested waiver.

Greg Tuzzolo asked how the 17 parking spaces will be allocated among the 12 units. The applicant stated that typically each unit is allocated one parking space and the resident has the option to pay for use of that space. That process of managing parking has generally worked very well for the applicant's other managed properties. Greg Tuzzolo asked about street parking. There is currently one marked handicap space in front of the building. Wayne Amico will check on allowable parking on that street.

Ken Estabrook of 28 McKinley Street noted that the applicant would have been able to meet the parking requirements had they not been required to provide public parking and that it, therefore, would be unfair to penalize them for the reduced parking waiver request. He also suggested that the public lot could be shared with the building and that the spaces could be utilized by residents of the building at night when they are not being used by the public for the park. He pointed out that all of the waivers are being requested as a result of requirements the Town has imposed on the project. As Chair of the Finance Committee, Ken Estabrook also added that the Finance Committee views the project as a very important one for the town and that they would like to see it move forward as soon as possible to reduce the negative financial impact that the building has on the Town.

Bill Cranshaw stated that he feels confident that the applicant can find a mix of tenants for which 17 parking spaces will be sufficient but discussion of potential overflow parking in the public lot is contrary to that waiver request. He also noted that the Town does not typically allow overnight parking in public lots and that if the applicant is interested in having that as an option, he would like to have it formally requested as part of the hearing for Board of Selectmen approval. He indicated that he would not want to see routine overnight street parking. Bill Cranshaw asked whether construction of the public lot is part of the \$100,000 park improvement. Taylor Bearden stated that it is part of that expense and that

any remainder, once the parking lot is complete, will be spent on additional park improvements as prioritized by the Town.

Natalie Robert expressed her support for 17 parking spaces.

Chris Arsenault noted that access to the dumpster, which is located next to the handicap parking space in the residential lot, appears to be tight.

Jim Coleman stated that he feels the Coolidge School Working Group did an excellent job with the project and that everything presented in the application is satisfactory. He believes the Board should approve the application and all the requested waivers.

Jim Coleman made a motion to approve the special permit and the site plan with the requested waivers.

Chris Arsenault stated that he would like to see more details prior to making a decision but agreed that it looks positive at this point. Greg Tuzzolo agreed with Chris Arsenault's comments.

Greg Tuzzolo provided the public an opportunity to comment.

Lynda Thayer expressed support for the project. She stated that she lives right near the property and can see the existing parking lot. She noted that it is never used with the exception of the times when the sledding hill is active. She hopes the Board will approve the parking plan and allow the applicant to utilize the public parking lot as needed.

Greg Tuzzolo asked what the plan is in terms of management of the building after it is redeveloped. Taylor Bearden stated that the purchase and sale agreement is structured such that any Planning Board decisions related to the property will pass to subsequent owners who will be bound by those decisions. Civico is obligated to own the building for at least five years due to the use of historic property tax credits. They have no plans to sell the building even after that obligation has ended.

Greg Tuzzolo made a motion to continue the public hearing for 12 Bancroft Street/Coolidge School to August 11, 2020, which was seconded by Bill Cranshaw.

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

Town Planner Update

Bill Nemser stated that the topic of Planning Board Rules and Regulations modifications will be coming up in the second meeting in August.

Bill Nemser asked how many Board members are also members of the Assabet Village Co-op Market. Some of the Board members are. There will be a petition coming in from the co-op and Bill Nemser is in discussion with the state to determine if there are any issues with possible conflict of interest. Greg Tuzzolo noted that he believes the Town's Design Reviewer is also a member of the Co-op.

Bill Nemser had sent out a draft decision for 115 Main Street and received comments back from the Board. He will incorporate the comments and send out a final version for signature from the Board members so the decision can be recorded.

Bill Nemser stated that the Board needs to determine whether or not the no-turn sign should stay at the CVS parking lot on Main Street after the feedback that was given by the Police Chief. Wayne Amico stated that the sign was a condition of approval at the time that the special permit was granted to CVS. The sign was installed to be in compliance with the decision. He believes that the sign should stay there. Chris Arsenault stated that he is hesitant to question decisions that were made by previous Planning Board members. Greg Tuzzolo agreed. Wayne Amico noted that there is a great deal of cut-through traffic in the CVS parking lot and the connecting municipal lot. He feels that any decrease of cut-through traffic that occurs as a result of the sign remaining is a benefit. The Board all agreed that if a prior Board made the decision to require the sign, then the sign should remain in place to be compliant with the special permit.

Jim Coleman made a motion to adjourn, which was seconded by Greg Tuzzolo.

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

Adjourned at 9:42 p.m.