

PB Meeting Minutes 5/15/2013
Town Hall, 195 Main Street Room 201
7:03 P.M.

Attending; Max Lamson, Chair (ML), Greg Price (GP), Jason Kreil (JK), Bernie Cahill (BC), Kevin Calzia (KC), Greg Tuzzolo (GT) Associate Member, Lisa Mead, Town Counsel, Steve Wood, Interim Planning Assistant, Clerk.

ML opens meeting by reading advertised notice, we are here to discuss Article Number 1- Amend Protective Zoning ByLaws-9.3 NBOD. There are several agenda items including a joint meeting with BOS. Reminds everyone to allow Proponents to present, then will open for Public comments and questions.

Myron Fox (MF) introduces self as representing Capital Group LLC. Developer has accommodated most of the Planning Board recommendations. There are two additional provisions. One provision has to do with one retailer abutting another. And the other provision has to do with 40 foot setbacks from residential driveways. Prevails upon the Planning Board (PB) to include in Development Agreement. He wants to make the NBOD consistent with the Zoning By-Laws for simplicity. Wants to avoid confusing the voters at Sunday's Special Town Meeting (STM), May 19, 2013. The developer has made changes recommended by the PB to Concept Plan "B". 1. Move one residential building out of wetlands. 2. Four changes added to Concept Plan "B" including: adding sidewalks, crosswalks, bike racks, and walk trails. 3. These changes will be added to Concept Plan "B" marked May 8th 2013. This is considered the substantive Concept Plan "B".

ACTION TO BE TAKEN: Will place this Concept Plan (B) on the Town's website tomorrow (May 16, 2013). 4. Finally, Developer has reduced parking 173 spaces but want to study this reduction further to consider allowing an extra number of spaces for large events, holidays, etc.

Lisa Mead, Town Counsel, (TC) will review recommendation for the Recommendations on Article 1, Amendment to Section 9.3 of the Town of Maynard Protective Zoning By-Laws and Article 2, Concept Plan "B" item by item. (See Draft of recommendations added to Record.) There was a discussion on Item 8 with regard to Affordable Housing (AH). ML Asked if AH could be included. TC said that this would be "substantive" change and would require re-advertising. MF said AH unable to add AH component at this time. Neighbors early in process opposed AH. The rents would be reduced and would mean an entire re-vamping of the Concept Plan. If Development were sold Ah might adversely affect the sale. In addition timing is bad. ML wants to table discussion on AH until later. Opens discussion to the PB members. Concern about driveways and buffer was raised by letter and this is addressed on page 9 of the Recommendations.

Discussion followed on enforcement issues. TC said if this DA is approved, there is a requirement that it be enforced. MF mentioned that this DA will be recorded at Middlesex Registry of Deeds and will "Run with the land" that is, will be enforced regardless of who owns it. GP spoke against making an amendment on the floor of the STM, the responsibility of the PB is to present the least complex recommendation as possible. Important to avoid making a floor amendment. KC expressed concern about changes. TC said unilateral changes can't happen. Changes must go through the Town Councils and Boards.

Article 2- Concept Plan "B". Need to hear from PB to complete this. TC can make it clear that the Concept Plan "B" marked May 8th is submitted on May 15, 2013. KC Appreciates the effort Capital Group has made to clarify the language on Concept Plan "B". ML Any questions comments from the PB. ML states that last meeting (May 8th) was a little late to raise AH issue. He wants to encourage a closer look at this matter. MF AH does have a great impact. We were advised by neighbors not to include AH. ML AH would be a good thing for the Town. If there are no other PB comments, will open to Public with parameters: Let's focus on the Zoning Amendment. Let's stay on point.

Mr. Marty Sobota, Taylor Rd. Discussed concern about the inadequacy of PK2 building and that combining two stores into one building can mean a big box store can move in. Also commented on the Developer's "treat" to build 2000 apartments and a big box store if Article 1 isn't passed. Mary Ellen Baraby, Field Street would welcome AH. Developer ads are confusing people. MS. Duggan, Parker Street concerned about PK2 becoming a money pit. Thanked ML for holding line on AH.

Sandy Lu, Maple Street compared 129 Parker Street with other shopping centers.

Trish Saunders, Dettling Road said ads have stated that Developers would resort to a kind of plan B. Asked PB what is allowable under Industrial Underlying District.

ACTION TO BE TAKEN TC said she would have an opinion by Friday, May 17th on this matter. Ms. Saunders asked how this would be communicated.

Elizabeth Milligan, Lincoln Street, Asked TC to explain Item 6 as to what sub-dividing the parcel could mean regarding setbacks.

TC if there are substantive changes meetings must be planned and these must be re advertised.

BC wanted to eliminate the Industrial Zone.

TC can't be done at this Town Meeting. This is a substantive change must be re-advertised.

Terry Short, Brooks Street, any comments/responses from Chief of Police and Fire Chief?

ML read from a statement from each of these Officials. They stated it would be difficult to comment without a Sute Plan.

ACTION TAKEN: GP motion to close the hearing on the MBOD Amendment.

KC Second. Vote 5-0 in favor.

Dawn Capello (DC) Chair of BOS, then declare to all that the Board of Selectmen (BOS) will now join the PB. Attending: Dawn Capello (DC), Chair, Brendon Chetwynd BC, Jim Busemi (JB), David Gavin (has recused himself from 129 Parker Street issues)DG.

ML states that this meeting is recorded and asked anyone else is recording. Reported from Beacon Villager stated she may record.

DC asked TC to discuss changes to the Draft Development Agreement. (See Record for copy)

TC discussed changes to Development Agreement. TC asked for questions. DC stated that most concerns have been addressed. BC asked what costs to Developer would be. MF over \$1.5 million. The trade-off is to finish PK2 and not do AH. ML would Developer consider less than 10% AH? Developer- would change financial component of project. KC asked if BOS would comment. DC. AH not a deal breaker and is comfortable that the Town is near 10% now. When new planner is hired, will be able to document where Town is with AH. BC stated to add Ah is too challenging regarding the timing. JB agrees we need to move on to STM. Ms. Saunders asked if walls would be removed in PK2. DC stated PK@ is one of the better maintained buildings. Discussion on proposed modification of interior of building. DG mentioned as a private citizen there were no costs borne by the Developer for moving costs and concerned that AH is not addressed in Development agreement. KC stated he understands the need to create

statement on AH and new construction. BC Community deserves a clear statement. Discussion around possibility of hiring a project manager for construction. She is concerned about lack of Town oversight. Could Developer pay for this overseer?

Kevin Sweet (KS) Interim Town Administrator stated that Town has asked State to assist with construction oversight.

TC the Town will budget a person to assist with project. Refer to Site Management in Development Agreement. See pages 10 and 11.

Nancy_____ Crane Ave. Heartened that 10 % AH is not part of Development Agreement. ML seems we cannot legally add AH to Development Agreement.

Bob McCarthy, Tobin Drive asked what constitutes impacts on health, safety mitigation. TC Please refer to Exhibit H. Any traffic, storm water concerns can be re-opened if there are further issues.

John___ Field Street. Questions the process and questions the need for secrecy of Development Agreement. 40 B should be included.

Elizabeth Mulligan, Lincoln Street. Glad to see specifications for PK2 renovation Do they comply with Stretch Codes?

TC We must comply with local regulations.

Terry Short, Brooks Street. Would you consider a reverse 911 to inform us about opinion of By-Right development if this Zoning Amendment is not passed at STM?

DC Entertains a motion.

ACTION TAKEN Brendon Chetwynd makes motion to approve the Development Agreement as discussed and request that Town Counsel finalize accordingly. Further, that the Board of Selectmen will execute the final Agreement after the Developer and Owner has executed same.

DC Second. Vote 3-0 in favor.

ACTON TAKEN. ML makes motion to approve the Development Agreement as approved by the Board of Selectmen (above)

GP Second. Vote 5-0 in favor.

Regarding the joint BOS/PB meeting:

ACTION TAKEN: Brendon Chetwynd makes a motion to adjourn.

DC Second.

Vote 3-0 in favor.

Discussion on procedure on how to handle Article 1 and Affordable Housing. TC states that PB is charged with making recommendation. We endorse it or not. You must act as a Board. ML states, if we move to approve, this would require a majority vote.

TC assists with the wording of Motion.

ACTION TAKEN: GP makes motion that "The Planning Board recommends the NBOD Zoning agreement in Article 1 of the Special Town Meeting, May 19, 2013 as advertised on April 16 and April 23, 2013.

In the future however, the Planning Board would recommend that the Town undertake to incorporate an affordable housing provision in the Zoning By-Laws generally.

However given the benefits provided as a part of this Development these benefits outweigh the need to include such a provision in the proposal."

ML Second. Vote 4-1 Motion carries.

ACTION TAKEN JK makes motion to recommend the full Concept Plan package dated March 26, 2013 and with substitute Concept Plan "B" dated May 8 2013.

KC Second. Vote 4-1 in favor.

ACTION TAKEN GP made motion to adjourn

KC Second.

Vote 5-0 in favor.