

Planning Board Minutes: October 8, 2013

Attending: Bernie Cahill (BC), Chair; Max Lamson (ML), Vice Chair; Chuck Shea (CS); and, Gregory Tuzzolo (GT). Absent: Kevin Calzia (KC) and Jason Kreil (JK), Alternate. Also attending representing the Town of Maynard, Eric R. Smith, AICP, Town Planner.

At 7:00 P.M. BC called the meeting to order.

Approval of Minutes of Previous Meetings

Approval of September 10, 2013 meeting minutes

CS noted a correction on page 2: it should read “sloped” granite versus “soft”. GT made a motion for the Planning Board to approve the September 10, 2013 minutes as amended. Seconded by CS. Vote 4 to 0 for the September 10, 2013 meeting minutes as amended.

Old/New Business

Discussion of Preparing for Presentation of Proposed Zoning Bylaw Amendments at the November 4th Special Town Meeting

ES handed out copies of the printed November 4, 2013 Special Town Meeting Warrant to help facilitate the Board’s discussion.

BC indicated to the other Board members of his appearance at the Finance Committee yesterday evening, October 7, 2013 and noted there were two questions that came up related to the Registered Marijuana Dispensary (RMD) Proposal. One was why the Board was proposing to allow the RMD use in the Business District and not just the HCI and I Zones. Board then held discussion related to the opportunities for RMDs for land in the HCI and I zoning districts. The Board also noted their rationale for not including the CB Zone.

BC then asked the Town Planner if he had provided an answer to the Finance Chairman’s question related to the setback question, which is 500 feet from a building. ES noted he had provided the exact language from the proposed RMD Zoning Bylaw, which states that *“The 500 foot distance under this section shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD.”* Board confirmed it is 500 feet from building to building.

The Board then held discussions regarding what constitutes the *“facility in which children commonly congregate”* and indicated they would look into more clarification before the Special Town Meeting. ES would look into this matter via MAPC’s new Medical Marijuana website and perhaps via the MassPlanners ListServe.

ES noted he received a phone call from Selectmen Chairman Brendon Chetwynd today with a couple concerns he had regarding the proposed article regarding Special Permit for New Buildings Greater Than 25,000 square feet. The Chairman’s concerns related to the 20,000 square foot

figure and not clear if applies to new or existing buildings. ES noted he then found out that Brendon was reading older version of that proposal and was able to work with the Selectmen's office to get the correct version in the Printed Warrant.

BC then recalled the other matter from the Finance Committee, which had to do with the retail/Supermarket articles and their effect on 129 Parker Street. For the new article regarding retail cap it was noted that retail is not allowed in the Industrial District, thus it would not impact 129 Parker. CS: There is more than one Industrial Zoning District. BC noted we are still waiting for answers on Town Counsel on impact of the zoning articles on 129 Parker Street. The Board and Town Planner then discussed their knowledge of Case Law related to this matter and reiterated their need for Town Counsel's Legal Opinion.

BC then focused discussion on Planning Board members presenting the various Warrant articles at the November 4th Special Town Meeting. BC: I am willing to present explanations for the first 3 articles and then handout of the last two. CS noted there are six Planning Board articles. BC I had looked at the 2 Medical Marijuana as one. Then I would do Article #8 and #9 So I was looking at help with Article #10 and Article #11. CS: I told you I would help with that (Maximum building size retail establishments in all districts). GT: Sure I will do #10 that was my idea. BC asked for Max's help for the first two Medical Marijuana Bylaws.

GT: I know we will have our Explanations. But if there are questions from the floor, would we provide any other thoughts and information from our deliberations that are relevant to that? GT gave an example if someone said they do not want to include the Business District in the Marijuana Bylaw. Can we provide any other facts or as Town Citizens providing our opinion? The other Board members and the Town Planner provided input on GT's question.

ML asked question regarding role of the Finance Committee and to the Town Meeting Warrant Zoning Bylaw recommendations and if there is some limitation to their purview and are they supposed to look at economics of a zoning change versus questioning a zoning setback proposal. Board discussion ensued.

CS asked what was the status of Finance Committee recommendations for the Zoning Bylaws. BC said he did not stay for the whole meeting. ES noted he spoke with Selectmen Chetwynd, who indicated Finance Committee is making a recommendation in favor of all the Planning Board's Zoning Bylaw Warrant Articles.

Discussion of 129 Parker Street 2nd Visioning Session and Next Steps

BC asked the Town Planner to provide a summary of the 2nd Visioning Session and what came out of that Session and then next steps of what came out of the October 1st Board of Selectmen's meeting.

ES indicated the 2nd Visioning Session was held back on Thursday, September 26th. About 40-45 people were in attendance. ES: It was driven more by Angus Jennings presentation format versus a more interactive process than I had hoped for. The developer did present some different use mix

proposals, which were in rough sketch, just showing blocks, as they did not go through design iteration process.

ES: Some of the uses they were showing included a Senior Center, Community Center. One showed a Senior Assisted Care Facility with Senior Housing. One that had a little bit more residential with townhouses. One had an indoor sports facility, such as indoor soccer, fitness center. All had showed location of Supermarket which the developers were indicating they were looking at a 60,000 square feet Supermarket.

ES: Angus discussed zoning changes involving mixed use development that he had experience with in the past and the process they went through, such as was there a Town Review Committee, what kind of zoning did they use to make it happen and what were the elements that made the project successful.

ES: The latter part of the meeting made use of key polling, which are electronic voting devices that all participants could use. ES noted the questions included asking participants if they were at Town Meeting, did they know their vote coming in, and something like 70% said yes. ES noted that Angus asked a question around the 4 topics he organized the Workshops around (Fiscal concerns, Infrastructure concerns, use or design) what was each participant's biggest issue. There was almost a ¼ split of each issue identified as a top issue..

ES: About half the people attending the 2nd Workshop were not at the first. There was some conflicting responses, such as at the first, at least in my breakout group there seemed to be support for more housing. But at the 2nd Workshop there was some vocal opposition for any and/or more housing above the NBOD. Even key polling showed conflicting answers.

ES noted he was hoping to have an interactive breakout group session for folks could have provided input for design elements on the site, such as folks showing where they may have wanted a Common with ice skating pond, connections to the High School, etc. But unfortunately that did not happen.

ES indicated that one of the Recommendations to come out of the Visioning Workshops is the idea of having a Working Group to help facilitate moving this process forward. That idea was the subject of the Board of Selectmen meeting last week, focusing on whether the Selectmen could act as the Working Group or create a new, separate Working Group to be appointed by the Selectmen. Angus is going to work on a new Scope of Service to assist in moving the planning process forward. The concept would be for the Developer to propose 2 or 3 visions/use mixes that could be vetted by the Working Group for the fiscal impact, transportation/infrastructure impact, review the uses mixes and design considerations. Eventually try to work towards 1 concept that any zoning changes would be based on and move forward with in-depth peer reviews of fiscal and infrastructure impacts as well as design. Angus will be preparing a Scope of Services for the Board of Selectmen to review at their next meeting.

CS: Angus is still going to submit a Final Report? ES: Yes. It is expected in a couple of days and will be put on the website. That will include the key polling results.

CS asked if the proposed mix of uses were on the whole parcel or for one parcel? ES said the concepts were showing the whole site.

CS: per rezoning amendments. Are we talking about uses being added (to existing zoning)? ES noted that question is part of the discussions and that Angus was recommending the Town consider adopting a Chapter 40R Zoning District. They could tweak NBOD, as Senior Housing and Assisted Care Facilities are not allowed uses currently and residents have expressed support for those uses. The developer still would like more than 100 units, which is the maximum allowed under NBOD currently.

CS: In any of the housing proposals the developer presented were any affordable? ES and BC said the developers did not indicate. BC: I think your questions are getting ahead of where we are in the process of 129 Parker.

BC: the Working Group being proposed, it is not going to be open ended. There will be deadlines and dates for the Working Group to accomplish certain tasks. Angus indicated longest 6 months. BC referenced the timeline document regarding 129 Parker Street that put together.

BC noted he did not think he was able to meet the Board of Selectmen's meeting next week. CS: Were they looking for our input? BC: Not necessarily, but if I can't be there it would be great if someone else could go. CS: I told them I could go.

BC: I thought the first Visioning Session was better. Moving forward I think we need to get a better cross section of the Town represented. It skews older in these groups. Be great if we could talk to Angus about engaging younger participants. ES: we are talking about two Public Workshops with the new process. We should find a way to target date and time to get the younger families.

BC asked if anyone had any questions for Eric.

ML: do the developers seem patient with the process right now? Or does it appear that they are going to say this is going to be another year so let's do a 40B. ES: You have two camps. You have the developer, Capital Group Properties, and then the owner, Lone Star Financial. Conversations with the owners indicates they are on a February/March timeframe to go through a Town Meeting Vote.

CS: Do you get a sense from the owners that there is a purpose to this and it is worthwhile? ES: Yes. I did talk to the developer and owner after the 2nd Visioning Workshop. Even though they were getting beat up over those designs, they were glad to have the input. They are supportive to keep Angus on board to continue the facilitated planning process. The Selectmen support that too. The Developers did say on a conference call today that the timeframe is important to them in order to have an early Spring Town Meeting.

GT: You mentioned that different uses were mentioned (at the 2nd Workshop). What about the total magnitude of the project? Was it kind of even throughout. I thought one of the biggest sticking points was put out by the public was that the proposal was just too big and not that the mix was off.

Stephen Kulik, 1 B Street: That is exactly right. You just hit the point dead on.

John Kulik, 6 Field Street: Regarding these Visioning Sessions, some of the questions were asked, I don't know what significance they had. We have had these Visioning Sessions. By this time I would think the developer has a pretty good idea of what the people want. To repeat what Greg said, we don't want anything gigantic. We want a nice little business area there. I think we all agree to that. They have yet to give an idea would they go along with something small. They have gotten feedback from people, but they are silent.

ES: I do know Supermarket at 60,000 square feet. That is one specific thing I have heard from the developer of interest from a Supermarket chain.

ML: I think they are sensitive to the fact that they proposed something that the Town didn't like before and now they are trying to not make assumptions. They are trying to get all the input first. I think they did get good feedback through the first process and probably have some better ideas of what the Town wants. I think it is calculated on their part to go slow this time.

BC: I think it is worth noting that they had a designer there. That is the first time I have seen that from them. That was encouraging.

Vic Tomyl: I think one thing the townspeople forget the developer is not going to try to develop that area unless he can make money. The first time I saw the concept with 250 apartments, my first comment was that they got it loaded. None of those were subsidized units I recall; all at market. My argument has always been, "What the best thing for my Town?" I don't agree with that Visioning concept anyways. I think you shouldn't have a developer pay \$5,000 for a planner to come and have a series of meetings. The \$5,000 taints the process even though the (Mass.) General Law allows that to be done. The developer is not going to do anything unless he can make a profit. In the meantime if he gets enough ideas to satisfy enough people, he will have a viable project.

GT: I have not had the opportunity to go (to a Visioning Session), but I will certainly read the Report. I am curious where is the flex point? ES: Can I give an example of Assisted Care Facility. There seems to be a need for Assisted Care Facility, as noted in the 2004 Maynard Community Development Plan, 2006 RKG Market Analysis for the Walter project at 129 Parker and I have received emails in support of such a Facility. The developers have hired a housing consultant who have indicated they recently built an Assisted Care Facility in Wayland. So now the housing consultant is saying now since there is one in Wayland there may not be the market viability to make it work in Maynard at the 129 Parker site. ES gave a second example related to Senior Housing.

CS asked ES if he has worked with Chapter 40R. ES indicates he has not. It was considered in Ashburnham, but density requirements deemed too high.

Planning Board vacancy on Maynard Community Preservation Committee

The Planning Board reopened their discussion regarding the vacancy of a Planning Board member to serve on the CPC Committee. ES read from Page 14 of the September 10th meeting minutes, which was an email from the CPC Chair: *the CPC meets 2nd and 4th Wednesday of the month @7p.m.* (which we have noted is the night after the Planning Board's meetings) *and a typical meeting lasts for an hour and a half. We usually meet once a month in the summer and sometimes we don't meet at all during a month.* ES spoke with the Town Administrator, and it was noted Town Counsel indicated that the Planning Board can't have a revolving member on the CPC. ES noted that the Town Administrator indicated it is important to get the Planning Board member appointee but so far he has not received any feedback about having the CPC meeting night changed.

BC: Who was our last person? Board indicated it was Greg Price.

CS indicated it is a 3-year appointment. So the person would not just serve through the end of the Fiscal Year. BC: The person could step down.

BC: Let me check with me family and I will get back with the Town Planner tomorrow or the next day. You can put me down as a tentative yes.

Town Engineer/DPW Memo re: Taylor Road Subdivision

BC indicated the Town Planner has a memo from the Town Engineer, Wayne Amico regarding the Taylor Road Subdivision. ES: It is literally hot off the presses. BC: Can we just take that and read it? Or is there something to be said about right now? ES noted he hasn't even read it yet and suggested the Board could take it under advisement and place the matter on the next meeting agenda. ES noted he believed the figure was \$130,000. Board reviewed Memo. CS noted there seemed to be a page missing. ES said he would speak to Wayne about ensuring the Board gets a correct and complete Report. Board further discussed memo and process of holding onto Lot 10 from the Taylor Brook Subdivision.

Other

Vic Tomyl inquired regarding status of compliance of setback from the new High School to the 129 Parker Street property.

Vic Tomyl requested the Board to look into the status of the vacant building at 109 Powder Mill Road.

CS: Motion to adjourn the meeting. Second by GT. Vote 4-0 in favor to adjourn.

Prepared by Eric R. Smith, AICP, Town Planner

List of Documents Entered into the Records
On file at the Office of Municipal Services

1. November 4, 2013 Special Town Meeting Warrant
2. Memo from Wayne Amico, VHB, Town Engineer related to Taylor Road Subdivision