

Planning Board Minutes: November 12, 2013

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

At 7:05 P.M. ML called the meeting to order.

7:05p.m. Public Hearing, Fowler Street Extension Definitive Plan

ML re-opened the Public Hearing indicating this was a continuation of the Fowler Street Extension Definitive Plan that was held on Tuesday, October 22, 2013.

ML addressed Mark Donohoe (MD), Acton Surveying and Engineering, to have him provide an update on the Fowler Street Extension.

MD: It remains as presented at the last meeting. We have exchanged letters, providing answers to both Eric and Wayne's letters. We will be asking specific waivers from the Board. One being the 18' wide pavement, which we believe is sufficient. The Fire Chief has indicated 18' is sufficient.

MD: At the end of back of my letter is an illustration of 20-foot wide pavement, which has two fire engines passing, one has outrigger spread out.

MD: My client has agreed to repave the full length of Fowler Street existing, instead of the other improvements that may be required, including sidewalk. There was some talk of giving money to a sidewalk fund, but my client feels if he paves the length of the street, that he cannot afford to do that at this time.

MD: I think all the other waivers we have agreed upon. Wayne believes we should have Cape Cod berms. I'd rather eliminate the Cape Cod berms. We show vertical granite curbing at the turnaround. We would rather put sloped granite curbing. So that's a decision for the Board. The difference in cost is about \$20/linear foot.

ML: I had a quick question, and would like to hear from Wayne, I didn't quite follow the discussion on the curbs / Cape Cod berms in your letter. What happens to the Stormwater without the curbs?

MD: We are cross-sloping our road, so that we can collect it at one point at the tree box filters to simplify the drainage system. We do meet all the State's Stormwater Guidelines.

MD: We usually put Cape Cod berms in for two reasons: 1) to control vehicles. And this will be a very low speed road. 2) Gutter flow, to keep water in the gutter. We are recharging all our roof and driveway runoff, so the only water that won't be here (pointing to plans) and flowing across the road is lawn runoff. The site is so well drained there will be very little of that. MD further explained the Stormwater design to the Board and rationale for eliminating the Cape Cod berms.

ML asked the Board if they had any questions for the Applicant at this time, before the Chair asked Wayne Amico (WA), Town Engineer, VHB, to run through his comments. There were none. ML turned over the discussion to WA.

WA: We provided a comment letter on November 6th, which followed the format of our previous submittal and comment letter, understanding the configuration of the Plans have changed. Mark did provide a response letter today, but have not had the opportunity to read this today. So I would like to run through comments that we don't feel were either addressed adequately in this submittal or we had comments and disagree. Mark can just give us a response, which you probably echo in your letter anyhow.

WA: On Page 2 of the letter, we talk about Performance Bond. Not sure if that has been discussed at all. MD: No. WA: That still has to be worked out, that's fine.

WA: Waivers. According to the Regs, they need to be added to the Definitive Plans. MD: To the Final Plans we will do that.

WA: Utility Poles and Lighting. The issue we had there, you do show at least one utility pole, our thought to be consistent with the road; we recommend cobraheads to be consistent with the rest of the street. MD: If the Town wants. Most towns have eliminated street lights. WA: This Town is constantly replacing street lights to keep them lit. MD: We can provide the type you want. ES: A lot of them are being replaced with LEDs that are much more energy efficient.

WA: A comment about silt socks, this is just engineering stuff that Mark can address.

WA: We talked about vertical granite curbs. My understanding that is staying. MD: It is on the Plans, but we have asked for waiver. WA and MD indicated they would defer to the Board. WA: My recommendation is that vertical granite curb is going to last longer than sloped granite edging on the radial. It is the Board's decision though.

WA: I'm on Page 4. Pavement Width. Personally I feel that 20 feet is a little more reasonable. Again I will defer to the Board if you think that 18 feet is more consistent with the character of the neighborhood.

WA: On Page 6. Mark, comment about the location of the garage, will you able to address that? MD: We will be filing Notice of Intent. These houses are just illustrative to just show what could be there. Marty and Frank are now developing plans for specific houses. (pointing to plans) This is where he would put the garage on this lot and this lot and we will have to file with Conservation. WA: We all know how much that ice contact slope was talked about so we should just stay away from that. That is all.

WA: A comment about utilities, which I am sure you (MD) will address.

WA: On Page 6 at the bottom, talk about the berm. I don't have an issue either way, depending on how the Board feels, if it feels the lack of curbing is more consistent with the neighborhood and

that is fine. Fortunately I am a fan of having some type of treatment whether is it berm or curb just to drainage. I understand the way your (MD) drainage system is working.

WA: Same comment applies to the sidewalk. I think it would be better to have a sidewalk, even if just for this section. If it is felt from the Board and the Public that it is not desired, I have no issue with that.

WA: Trees. It seemed to us that maybe we should have some trees proposed from our perspective understanding the Regulations. MD: What I indicated in my letter is time the subdivision is completed that Eric or Tree Warden, if you have one, would walk out there and see if we need any additional trees. The Regulations call for two trees per lot. The existing house has many trees in the front. We are providing 5, preserving a 6th, so we are really only short two trees. Then are providing 8 boxwoods in the tree box filter.

WA: Is it the intent of the Applicant will preserve trees, if they can? MD: Yes. Taking out trees costs money. WA: Eric, just add a Condition that we would be re-evaluating prior to acceptance if additional trees are necessary the Applicant would add some.

WA: Mark, I think we requested the size of the water and sewer lines. I think we provided that to you? MD: You did. WA: I think just for the record some sort of calculation showing usage just for DPW and the Board showing that these additional houses will only generate so much per capita. I think that would be good to have on record. I agree that 4 houses are not going to break the bank.

WA: There are a couple of Stormwater comments on Page 10. Just kind of a note to the Town and DPW that this will be a Public roadway and will be maintaining the roadway. It will probably good to have the O&M (Operation and Maintenance) Plan on the Plans because administration often changes. MD: We can put the O&M on the Plans.

WA: At the end of my letter we talk about each waiver that is requested and our recommended action. When the time comes for discussion we can run through those if you want.

ML: I tried to go through our Rules and Regulations to make sure we have everything that we are supposed to have. Did you cross reference that at all and see if we have the right Plans that are specified? WA: We went through the Regulations and crosschecked that.

ML: I saw something about an Environmental Impact Assessment (EIA). MD: That was submitted early on. ML asked for electronic version of the EIA.

ML indicated he would ask for Board comments and questions at this time, perhaps focusing on width and curbing.

JK: I don't think 18 feet is inconsistent with some of the other neighborhoods in town. I suggest it is not a huge issue on the two feet. As far as the curbing, I will point out that the neighborhood over off 117, down by the Mobil and where I live, the Town decided to pave it all last year and proceeded to not put curbs back. I can tell you now it is already washed out. A good section we had a waterfall running through somebody's yard. Where they put Cape Cod berm in 3 places has

already been ripped off by trash trucks, snow plows from last year. I don't think the berm would be acceptable.

MD: Cape Cod berm is allowed by your regulations. Look at your cross-section and it is Cape Cod berm, not granite curbing. Granite curbing is the best, it is much more expensive. Cape Cod berm properly installed lasts as long as the pavement on the road. MD then described how he would typically have Cape Cod berm installed. WA indicated that is correct.

ES: Maybe when we update the Board's Subdivision Rules and Regulations we can change that Cape Cod berm standard.

JK: Regarding vertical versus sloped. It looks like the Plans have changed a little since the last time I saw them, which is no big deal. What is the radius or the diameter on that turnaround?
MD: The turnaround is just a paper-turnaround. The actual turnaround is right here (pointing to plans). We have 30 feet radiuses.

MD: What we did is we moved the turnaround back here, so as to not be near the ice-contact slope. I met with the Building Commissioner, we had a square end. He said that was unacceptable. For the Zoning regulations a circular end is acceptable. JK was able to then see the pavement on the Plans. MD noted the paper portion of the circular end provides space for snow storage and trees.

JK: So the curbing is going to go on the heavy dashed line? It is reasonable I guess. That's where if a truck comes down and wants to turn around they are going to run off the road and that's what going to need the protection.

WA: One thing I don't think we noted in our comments, I can't recall if you had a granite transition curb detail showing? MD: We don't, but we will add that.

JK: Do we have a curb lock detail? MD: Yes, we have one, which I think we got one from Wayne.

JK: I think the sloped one is reasonable.

KC: I have a comment on the road width. I recall the current Fowler width is 18' correct? MD: 16 feet in some places. 16'-18' it varies. KC: To keep in character with the existing neighborhood 18' is fine with me. Since it is a low speed road, I agree with what Jason said.

KC: I am a little confused on the curbing on what Wayne is proposing versus what Mark has proposed. You are suggesting to have a sloped curbing at those corners of the turnaround? MD: Correct. KC: But no curbing at all on the straight section, so it just flows from the road to whatever landscaping there. KC asked WA for clarification of his recommended curbing treatments. WA: I'd deter to the Board...in keeping with the character of the neighborhood.

KC: I think the street currently has no curbing up to that point. WA: Correct. KC: If it is sufficient to not have curbing, I guess I would be comfortable to have it be in keeping with the character of

the neighborhood. At the corners, if the sloped curbing can be done correctly and will last, I don't have a preference one way or the other. My preference is to make sure it's done correctly and last.
MD: Your detail shows no concrete backing the curbing. We will put concrete in front and in back of the curbing. So that it will have something to lock the concrete in place. Also it will stop the weeds from growing up.

KC: As long as will not create a large problem in terms of water runoff and safety on the road does not seem a huge issue cause it's so low speed, I lean towards keeping it the current character of Fowler Street.

WA: I would probably be stronger in my position if this was a brand new subdivision. This is just an extension, either is fine.

KC: I would imagine that 99% of the people going back to this Extension are going to be the residents. It's not going to see a lot of use. WA: Agreed.

GT: Generally I support the elimination of the Cape Cod Berm. Don't have a preference on vertical or sloped granite. But would like to see the concrete. I am happy with sloped as long as it has concrete backing.

GT: I was wondering if Wayne could walk us through his email with reference to Waiver #11, which talks about financial contribution in lieu of constructing a sidewalk. The email I am referring to breaks down some of the estimated costs of the asphalt restoration. WA: I have to find that. I had sent that to Eric a while ago. ES provided his copy to WA.

GT: I guess the assumption we are getting at was said before. The proponent is putting forth a substantial amount of money for the road reconstruction and that should balance against the potential contribution to the sidewalk fund. Your calcs here try to establish what that cost is.

WA: I gave Eric a breakdown what asphalt curb or Cape Cod berm and asphalt sidewalk costs per foot versus what concrete sidewalk and granite curb costs. I can give you the breakdown.

WA: I have done an evaluation that if you were to put curbing and sidewalk for the existing 200 feet of Fowler Street, which we know there are issues with right-of-way. If you did that you would have approximately \$6,300 worth of costs. For the 360 feet of Extension, that would be \$11,300. That's both asphalt sidewalk and asphalt curbing.

WA: The other part of the email talks about if you were to do a concrete sidewalk with granite curb. Respectively, the first section would be \$16,500. The new section would be almost \$30,000.

GT: Do have a separate dollar cost estimate on the cost of their contribution of repaving the road?

WA: I don't think we looked at that. We could provide you something based on average bid prices for repairing that 200 foot section of roadway.

GT: So it is a 200-foot section of roadway. WA: Plus or minus.

GT: I am just trying to think about if we are more or less accepting the street pavement money for that improvement in lieu of a sidewalk. MD: The street is considerably more. WA: If that is the question. Is it more than \$6,300? It is more than \$6,300. GT: I just wanted to know, in order to put some numbers to that.

GT: On Item #12, this relates to the trees, VHB does not support the waiver request to allow the provision of three street trees within the right-of-way instead of two per lot. I am reading this because I agree with it: "VHB does not support this waiver request, but does support the Applicant's suggestion that 'the Board stipulate that the need for providing the street trees be determined after the road is constructed.'" You are agreeing to that? MD: Yes. GT: We will just have to work out that language. MD: Put a Condition in there. ES: In Ashburnham we did something similar. Some of the Conditions were required before Building Permit or CO. We can try to work out something here.

GT: The last thing we have not talked about is #7. I just wanted to raise it. I know it'll be a cost. The waiver request to provide overhead utilities in lieu of underground utilities. It would be consistent with the neighborhood to keep them above ground. If were starting fresh without a context to extend an existing road. WA: The Subdivision Regs call for underground utilities. The cost of putting underground utilities is significantly higher, like 10-15 times higher, than putting overhead lines in. If this was a new subdivision and not an extension we would have not even supported this Waiver.

MD: Part of the reason we asked for that is we are going to be reconstructing the existing portion and removing a pole. If were to put everything underground two of the existing houses would have to be reconnected, which then requires everything to be brought up to current code. Then there is a conflict on who pays for that. We are trying to avoid that.

GT had further discussion with WA and MD about utilities installations and comparisons of above-ground versus underground installation.

GT: Eric has some comments too. Should we go through those too?

ES: I think most of my comments have been addressed. I appreciate Mark taking the time to through my comments to. The Applicants did provide a check for the extra \$300 today. It was deposited with the Town today.

ES: I know that the Open Space requirement had not been discussed. But Mark did provide a narrative on page 2 of his comment letter today regarding open space.

ES: Mark noted that Waivers will be added to the Final Plans.

ES: He also addressed the signage situation. It would be kind of weird to have a sign a street sign for "Fowler Street Extension" but I was reading the Regulations and that is what says. I liked Mark's reply: "The existing Fowler Street sign will be replaced. Other signs will be provided as required by the Board." I noticed that a lot of the newer signs have the Town's Seal on some of the

signs now. So maybe we could get one of those. MD: Maybe a Dead End Street sign. ML: That is a good idea.

ES: The only other thing is for the Board to consider approving the sidewalk waiver as is. I was hoping there could be some sort of "in lieu of" still. They are getting the roadway reduction waiver. It is 24 feet what the standards are. MD: 26 feet. ES: It is going to be 18. Plus there is the adequate access consideration under the Subdivision Control Law.

ES: I spoke to Karen Sullivan, whose husband is here tonight, last week about perhaps having some sort of crosswalk across Parker at the Fowler intersection. But she was not in favor of that idea. I am just throwing out some ideas out there without a carte blanche waiver of that request. Bernie mentioned a sidewalk in poor condition by the Boys and Girls Club. It is up to the Board ultimately, but I am advocating for pedestrian uses as one of my roles as the Town Planner.

WA: What was the negative comment about the mid-block crossing? ES: Karen did not think it was really useful as there are enough crosswalks nearby. One is up by the School Administration building area, where they just rehabbed the park.

Rosemary Lent (RL), 10 Fowler Street: There is a crosswalk right by the entrance to the cemetery. That has been there for years. Another one at the lights. WA: And there is one by Coolidge Park.

KC: On this crosswalk discussion, is there a sidewalk across from Fowler Street on Parker? RL: The only place it stops is when you are on the other side of the street. Is when you come out of Fowler Street and the house right to the left. It stops right there. And then it continues down a little ways down by Butler Lumber. Unidentified Person: There is solid sidewalk from Great Road right down to Walnut Street. There was question if this was on both sides of Parker. Discussion ensued.

KC: At one of the earlier Public Hearings, there was the gentlemen who talked about the space behind the slope, behind all these lots. I can't recall what that is classified as? Is it open space now? MD: It is owned by the Town. ES: It is owned by the Town DPW, not Conservation land. Not sure history of DPW ownership of it. WA: Isn't most of it wet anyhow? "Yes" heard from more than one respondent. WA: It must be an extension of the cemetery somehow.

KC: The concern from the person who brought it up that land was going to end up with extra drainage on it, snow piling down on it. Is that not a concern? WA: All the drainage is going to come to the road, I think. MD: Correct. And we are recharging all our runoff.

ML: Are there storm drains on existing Fowler Street? MD: No. ML: So the Stormwater just drains off to the side? MD: Correct. For 150-200 feet in this direction (pointing to plans), we are sloping everything to be taken into the Stormwater recharge system. ML: For your drain system where does the water go? MD: We have 2 tree box filters. Water flows on the surface of those goes through a filter medium with roots and so forth. Then it drains out the bottom. Low flows will go directly into the ground. Intensive storms will flow across the street to the recharge trench. That trench is buried and has capacity for a 25-year storm.

ML: I think I saw those features on your Site Plan. Is there a separate drainage plan? MD: There is a Street Profile and a Road Plan. Then there is the detail sheet showing all the details. ML: So there is not a Grading and Drainage Plan? MD: That is correct. ML: Is that something we are supposed to have, the Grading and Drainage Plan? MD: I think the site plan is that. WA: I don't think it is a specific requirement as long as the content and information is shown on the plans somehow. ES: That is how I read your Rules and Regulation too.

ML indicated that of the 4 Subdivision Plans to be submitted one is the Grading and Drainage Plan. MD indicated he would re-label the Site Plan accordingly. There was discussion about items required on the Grading and Drainage Plan and it was noted they were all provided on submitted plans under review for tonight.

ML: If you were to put a curb on, Cape Cod berm, it would basically push more water towards those filter boxes? MD: That's correct. They do have the capacity.

ML: How do you feel about the 20' width that Wayne proposed? MD: I showed you examples at the back of the letter with 20' road with two fire engines passing each other. One has their outrigger out. The Board and Applicant reviewed the photo. WA: This looks like it is 26-feet wide. Fire Trucks are at least 10 feet wide normally. They fit comfortably in a 12-foot lane on a highway.

MD: Eighteen-foot width is standard in many towns. Though I don't like to play that game. Acton, Littleton. The Stormwater Drainage system for Fowler Extension was designed for 24 feet wide road, cause I didn't want to go back and redesign it. It really is up to the Board. Maybe Eric could talk it over the Fire Chief. ML: I did read an email from the Fire Chief.

ES: Yes, I did receive an email from the Fire Chief. He says the 18 feet is fine as long as there no parking. One of things I said in my Memo is that perhaps "No Parking" signs could be put up. In his email he asked about snow storage. I said they have provided no storage. So my only comment was for the snow storage area you have in the cul-de-sac to show it being a little larger. MD: We also have snow storage in the driveway. ES: I am happy to go back to the Fire Chief again, but I think he is happy with the 18' with comments we rec'd from him.

JK: How many additional utility poles are going in? MD: One is being replaced and there will be two additions. JK noted consideration of underground utilities and request to install street lights, which would require a pole.

JK: For the tree box filters, is the loading rate sufficient for six hour intensity? MD: Yes. JK: Or is it going to pond and then slowly drain into the filter? MD: It is going to pond for 3" on average. There is a pipe that allow overflow directly into the subsurface. The Policy is to capture the first one inch.

ML opened up the Hearing for Public Comment.

Alexandra Howard, 9 Fowler Street: Is there any discussion about what the houses will look like? Or is that not the domain of this group? ML: In our Subdivision Rules and Regulations there is some details that should be provided. Basically, general location and size and scale. As far as what

they are going to look like, that is kind of more by-right situation. It would be through pulling your Building Permits through the Building Commissioner.

Marty Maria (MM): I am one of the buyers of the property. It hasn't been mentioned tonight, but we are going to tie-in the cemetery with electricity. At the end of the telephone pole, we will dig underground and give a stub right on the cemetery property entrance. So they can have electricity if they want it.

WA: Would it be possible for you guys to run at least a spare conduit? In case DPW wants to run Internet connection. Just an extra 1"-2" conduit. MD: We currently show the easement here and we will move it down to here (pointing to the plans). WA: Whatever size you are using is fine, so you don't have to buy something else. Just add capability to do that. MM: Done. WA: Thank you.

Steve King, 7 Fowler Street (SK): I have heard a lot of talk over the past few meetings about curbing. Today was the first time I ever heard the term Cape Cod berm. I am not familiar with that. MD: It is a black rolled curb that is slanted. One type is almost vertical. Cape Cod is slanted. So it rises 6 inches for 12 inches length. SK: Is that asphalt? MD: Yes.

SK: For a layman's point of view, you mentioned 3 different types of curbing that are only going to appear on those curves for the T-turnaround? MD: Correct. SK: From my regular guy's point of view, I would say since it's not running throughout the neighborhood and you have the appearance of the vertical just at these curves it would be in area...it would be there because vehicles might not negotiate that turn properly for the corner. Since they are not expecting something to be there, perhaps vertical curbing could catch a tire, bend a rim or cause someone to get a flat tire. I imagine those angled ones someone would kind of roll up on them a little more, is that right? MD: Yes. WA: you are absolutely correct. My only request for the vertical curve is only in the eyes of the Town for long term maintenance. It is pure economics. Every statement you made is correct.

Frank Dentino, Developer (FD): There was mentioning of bonding a little while ago. Do you guys allow Tri-Party Bonding? Have you ever? I know we usually have done cash bonds here. The Board, WA and ES reviewed the Rules and Regulations, Section IIIB.1F. MD: I think it is established in the State Law. Maybe we can look into it. FD: I like the idea. ES: If that is something you want to do, I will look into it.

KC: To Eric's comment about some additional compensation for the waiver on sidewalks. I am curious on the Board's opinion to address that. Do you want to think about it more? I saw where Greg was going with the decreased costs because of the Waivers versus the costs they are incurring for repaving the length of the street. Is it equal? Does the Developer gain? Does the Town gain? I think I need to think about it more.

MD: Why don't we give the Board an estimate then you can debate it amongst yourselves. The Board and WA discussed possible estimated costs for the repaving road. WA indicated he would provide the road construction costs to Eric. ES indicated we would need the road construction costs for the performance guarantee.

KC: Not looking at it from cost perspective, but also pedestrian perspective. If we are neglecting the pedestrian aspects by not having a sidewalk on Fowler Street, should there be some compensation by providing increasing pedestrianism in another location. Originally I thought maybe the crosswalk was a good idea, but the public feels it is not needed or desired. Or maybe a nearby sidewalk could get a little bit of work.

WA inquired as to the feedback ES received on crosswalk, was it from just one person. WA: I kind of feel different it. You are building 4 new houses. What if they all have kids and want to walk across the street?

John Sullivan, 11 Fowler Street: Putting a crosswalk at the end of Fowler Street across Parker is a bad idea. That is where traffic that is coming from 117 down physically, literally Parker Street. That's where the road crests. It is difficult for pedestrians to see an oncoming car approaching from the cemetery. It is difficult for a car accelerating past the cemetery to see a pedestrian at that particular point. If the kids want to go, and my son has lived there for 13 years, and we want to go Downtown, we walk down Parker Street and we either cross at the Playground or the best place is at the corner store you are on high ground and can see traffic approaching from both directions. Putting a crosswalk across Fowler and Parker Street is a really bad, blind spot.

Further discussion ensued regarding location of another mid-block pedestrian crossing.

ML: We are probably not going to be able to do a full study of the neighborhood for the best use of the X amount of dollars is. So if we do a fund that they would contribute to, maybe we could do the study later. That is just my personal opinion.

GT: Could we just reiterate what is the base condition that the developer is typically on the hook for? WA: A 26-foot roadway. Asphalt berm, curb on both sides. Sidewalk on one side. ES: Actually two-sides. The Board is allowed to grant one side for sidewalk, but they have to give their opinion on that, that only one side is necessary. Board had further discussion of requirement of sidewalk on one side versus two based on character of the neighbored.

ML: Have we come to consensus on the 18' versus 20' as a Board? Consensus of all Board members in attendance is for 18' road width.

KC: I had another comment on trees. You are proposing 3 trees in the right-of-way plus the 2 in the tree box filter. Then leaving a few on the property. MD: Right. KC: You said you are short 2 on what would be required? Or is it 5, cause 10 are required? MD: I guess if you consider it a 5-lot subdivision, but we have the existing house, which is heavily landscaped. ES: I was using for the base 8 trees, if you saw the comment in my Memo. MD: This will be a Waiver, including a Condition to look at some time in the future. KC: I guess that what I was getting it. Did we capture that it was going to be looked at as it was being constructed? MD: Yes. ES: I will work on language for the Board to review in the Draft Decision. KC: I am fine with that.

ML asked for any other comments. ML: It sounds like there are still final plans you have to draw up with the details that Wayne has addressed in his letter and comments tonight, including streetlights, having on the waivers on the Plans, etc. MD: We can't add the Waivers until you grant

them. When we present plans for endorsement that, at that time, will have them. ES: The decision will have them.

WA: (To MD) Since I have not read your letter yet, should I wait for revised plans before I review that? MD agreed.

KC asked for reminder on the decision deadline. ES: They did provide a second extension last time, which gets you through December 10th. You have the next meeting and then you have that (12/10) meeting. Hopefully at the next meeting we will have moved through the process to get closer working out all the issues. So that hopefully we can come before the Board to act as the arbitrator to all the issues that are outstanding. I don't think it is possible to come with a full Draft Decision for the 26th, but certainly I think it is possible for the 10th. We will probably need a 48 hour extension to December 12th. As we will have the Draft Decision for Board review on the 10th. Then the next business day I will have to go and finalize the Decision with changes from the meeting and submit it with the Town Clerk's Office. We can talk about that at the next meeting. MD: We can make it for the end of that week.

The Board discussed with MD and WA submission of revised plans and having enough time for peer review to occur before the 26th. MD indicated he could put requested waivers on the revised plans for review.

ML asked if we had anything on the docket for the 26th. ES indicated nothing so far.

GT made a Motion to continue the Public Hearing for the Fowler Street Extension Definitive Plan to Tuesday, November 26th @ 7:05p.m. Seconded by KC. Vote to approve 4 to 0.

7:45 p.m. Discussion: Review of Preliminary Plan of Land, filed by Capital Group entitled Preliminary Subdivision Plan, LSREF2 CLOVER RE02, LLC, Map 25 Lot 152, 129 Parker Street, Maynard, Middlesex County" filed on October 11, 2013 showing four (4) lots.

ML opened up the discussion of the 4-lot Preliminary Plan for 129 Parker Street. ML asked the Applicant to come up and present the Plan.

Peter Holden of Holden Engineering (PH), distributed copies of the Preliminary Plan for the Board and members of the Public. PH: I am Peter Holden of Holden Engineering. We are here tonight to discuss the subdivision plan we submitted. It is a four lot subdivision. This is the former Digital Equipment Corporation site. PH showed location of former buildings on the property and noted that only the building known as PK-2 remains.

PH: There is an existing roadway that we plan to use. The intent was that it would be a public street. It would be maintained by the people who occupy these lots. There would be some sort of association. To service this lot in the rear, we do have a dead-end street with a cul-de-sac that is 1,200 feet long. We have requested a Waiver to the 500-foot maximum cul-de-sac length. We thought because no one lives here, it is not full of houses and basically retail and maintained by the people using these lots, we thought it was reasonable to ask for the cul-de-sac length.

PH indicated they had a concept showing a 500-foot layout by changing lot layout (pointing to plans). But noted that given the Town was not going to maintain it (the road), we moved the cul-de-sac back here.

PH: We are going to meet with the Conservation Commission in the near future.

PH: We don't exactly know what the uses are going to be. So we have not shown proposed uses because they (The Developers) are still negotiating with people. An end user may say, "well, how do we know what the lot is going to look like? So come back and talk to us after you know what the lot will look like." So it's kind of a chicken and egg situation right now. That's why we decided to move forward and subdivide the property up.

ML: Do you foresee any other waiver requests at this time? PH: At this time I don't know of any we would be requesting.

ML opened up the discussion for questions and comments from the Planning Board members.

GT: I am personally hung up on this idea and not sure how I feel, just the idea of this becoming a Town road. I understand there would be an association or maintenance entity that would take care of this. I never heard of a private entity maintaining a Town road. I have heard of those entities for private roads obviously. Why could this not just be a private road?

PH: The only reason we were suggesting it be a public street, so that we would have frontage on a public street.

ES: You could have a private street and get frontage from a private street. That shouldn't really matter for zoning purposes. As long as the road is constructed to meet the subdivision standards, it doesn't matter if it is public or private.

Angelo P. Catanzaro, Attorney at Law: Hello, I'm Angelo P. Catanzaro, I represent the developer. I totally agree with Eric. We called it a public road, but it depends, ultimately, on what the Town when we go to Site Plan Approval or whatever other permits for developing (the site), whether it remains private or whether the Town wants to accept it as a public way. There is no need for this to become a public way. It can remain a private way and it satisfies our purposes of protection of zoning and you can subdivide off of a private way. I don't think the issue of public versus private is even before us tonight. That will be for another time. Our inclination at the moment is that whatever the Town is going to want it to be, is what it is going to be.

GT: Not knowing what uses there will be here, it begs the question to me regarding the size of the lots that certainly Lots 3 and 4, based on configuration of the road, will be served by one single access point to Parker Street. I guess there is an opportunity for an additional curb cut in Lot 2 in the future. It feels like a lot of land potentially to be serviced by one single road. These are just my initial feelings.

GT: I understand there are limits to the process that is under way right now. I'm just throwing out my thoughts. I understand with Lot 3 you have wetlands and a pond. Accessing Parker Street is difficult without going around to the north side of that pond. GT pointed to wetland on the Plans.

ML indicated he doesn't have any comments for now and noted that we do have Wayne Amico, Town Engineer's comments.

KC: I was just wondering if you could remark on the shape of the lots and Lot 1 is significantly smaller than the others. But Lots 2, 3 and 4 they are all roughly the same size. Lot 4 a lot of it is unusable cause it is wetland. So I was wondering if you could make any comment as why it was proposed to be subdivide as shown.

PH: We've put the uses on and then we've taken the uses off. It seemed like it was closest we could get without knowing what users are going to want. We might find ourselves adjusting a boundary line. We needed to get to a point where we have something. Otherwise, we can't start discussions with people.

KC: It is a placeholder essentially. PH: Right. And hopefully we get it right.

JK: Peter, you are submitting this as a preliminary subdivision plan? PH: Yes. JK: My only question will probably be covered by Wayne, do you feel this meets the preliminary subdivision plan? PH: It does.

WA: We have a couple comments we do want to go over. Understanding it is a preliminary subdivision plan. It was noted there was a request for a waiver for the roadway. It looks like it exceeds it by 700-800 feet. PH: It is a total of 1200 feet long. ES: So it exceeds the cul-de-sac limit by 700 feet.

WA: Another comment is that the existing building in Lot 2 is nonconforming for the rear lot setback.

WA: Schematics for sewer, water and drainage have been shown. But at the preliminary level it is tough to tell whether it is sufficient to serve this site.

WA: A couple other comments that we didn't put in here (comment letter) because it is not really related to the requirements of the Preliminary Plan, but just from listening to the comments of the Board. You (to developer/Applicant) talk about reusing the existing roadway. Have you guys done a determination to see if the pavement is adequate in structure and width to meet subdivision standards, if it does go to a public way?

PH: We do want to take some test pits out there. We haven't done that yet. The pavement is overly wide. We actually have to get rid of some pavement. WA: So it is greater than 26 feet? PH: yes.

WA: Normally for the waiver of the length, have you guys talked to the Fire Department yet? A lot about the 500-foot width limit is usually limited by what the Fire Department is willing to do with hoses, etc. PH: We have not done that yet. Part of our thinking was about shopping centers.

There are a lot of shopping centers that are made up of lots or made up of condominium units and people drive over each other's property. We as customers don't know where the property lines are. I think if you drove into this site, you would not know there is a street or there are lots here.

WA: If this was a Definitive Plan you are probably right. It would show a lot of the lot layouts.

ES: The Fire Chief has not seen these plans yet because your Preliminary Plans Regulations require Board of Health, DPW and Conservations Commission and those are the only 3 Boards. The Definitive Plan submittal there are more Boards/Commissions/Departments that see it, including the Fire Chief.

WA: Two more quick things. The Subdivision Requirements do have a curb or berm and sidewalks on both sides. I am assuming that will be provided. PH: Right. We would proposed a typical cross-section.

WA: Relative to the length and Fire Department, is there adequate water systems and hydrants and so forth for fire protection along this section of road? PH: Remember there was a 400,000 square-foot building that was sprinkled. There was another building here (pointing to plans). There are real water and sewer pipes out here. We are going to reuse as much as we can. Even the drainage system, there is drainage all over the place.

ML asked the Town Planner if he had any comments.

ES: In my review I had noted some missing and incorrect abutter information. They submitted revised Plans with the correct abutter information. One thing I saw still was the location of buildings. They have presented their argument today about why they have not done that. So you could note that in your decision. Also before the Definitive Plan submittal they should talk to the Fire Chief about the dead-end road exceeding 500 feet.

ML asked ES about the Preliminary Plan process.

PH: Mr. Chairman may I just make a comment. I don't believe, even at the Definitive Level, that we are required to show the location of buildings. We are planning to file the Definitive Plan in the next 3 or 4 months. We are not going to locate buildings on any of these parcels until we know who are client and end users are. And we are going to be building to suit.

ES: We should review the Rules and Regulations together. We just had this conversation in the last hearing and the Board asked about house locations on lots. They are required to show in a general location. Not what the actual houses will look like, whether it is Colonial, Cape, etc. There is the requirement for location of buildings and driveways. Look at our requirement closely.

JK: It is in our subdivision requirements.

PH: That is something I never encountered before having to show, in a commercial subdivision, the exact location under Chapter 41. ES: I have never seen necessarily either, but it is in their (the Town's) Rules and Regulations.

ML: Yes you can look at Section III.A.3.h., *“The approximate boundary lines of proposed lots, with approximate areas and dimensions and approximate locations of proposed buildings in a general manner.”*

PH: In a general manner. So you are looking for a building envelope. ES: Exactly. That is a good word to use.

ML opened up for any public discussion of the Preliminary Plan.

Michelle Booth (MB), Field Street: This might be something for another time. But how does the NBOD come into play, now that we have 4 parcels?

ML: I think if this goes through, each parcel would be potentially in the NBOD-zoned district. So any one of those 4, all 4 or any combination could be developed under the NBOD.

MB: So we could have 4 NBODs? JK: There would be one NBOD District. There would be now 4 lots under that District. So the same as a general residence district. If you bought every house in that district it would one big lot. Or it would be many separate parcels that are in there now.

MB: So the 8-year protection on what’s on there now and we are going to change the NBOD, does that work for them? Why would we even bother doing that if there is an 8-year freeze on zoning?

ML: They could develop under the new zoning as well as the previous zoning. That is my understanding.

John Kulik, 6 Field Street: On this sketch, am I reading it correctly at just about South Street and Parker Street, is that showing an entrance in and out? Or am I reading it wrong? JK: It’s showing the existing entrance, the existing gated entrance that is there right now. Mr. Kulik: That’s got nothing to do with the main entrance, ok. Mr. Kulik then reviewed the preliminary plans with the Board.

ML: If I may, this is essentially an existing conditions plan with just lot lines carved in. So there are no proposed features on this Plan, besides the lot lines and the new roadway right-of-way.

ML asked for any additional questions or comments.

JK: I have one additional comment in reviewing the preliminary subdivision. I would like to see Field Street and at least Cutting Drive shown as the bordering roadways. Field Street just to the top of the drawing showing the parcels and Cutting on the bottom of the drawing. Those will be the additional two closest roadways bordering the site as requested in Section III(A)(3)(e).

ML: Is that something you can provide? PH: That is no problem.

ES: The 45 days from when this Preliminary Subdivision Plan was filed, which was October 11th, comes up either the day before or the day of your (Planning Board) next meeting. Obviously now I

have some input here from the Board to put a Decision together, but the full Board would haven't had the opportunity to review before the next meeting, would the Owner/Applicant be willing to give an extension?

PH: When is the next meeting? ES: Two weeks from today, the 26th. PH: And you said the 45 days expire on the 25th? ES: Yes. Angelo P. Catanzaro: We would be requesting an extension through the 26th. ML: Would it make sense to have to the end of the week as well? Attorney: That is Thanksgiving, which is the 28th. Want the extension to the 27th? It sounds like Eric will have it ready for action at the next meeting. ES: Yes, make it the next day. I could come in and get it finalized, have it signed and get it to the Clerk's Office.

Atty. Catanzaro: We would request an extension then for the 27th. Letter submitted to the Planning Board from William Dipietri.

ML: I would like to now extend the discussion of the Preliminary Plan for 129 Parker Street until November 26th. ML made a motion to extend the discussion of the Preliminary Plan filed by Capital Group to 7:45pm on Tuesday, November 26, 2013. Seconded by JK. Vote 4 to 0.

Approval of Minutes

Approval of October 8, 2013 Minutes

ES indicated he had provided a set of Draft October 8th Planning Board meeting minutes to the Board for review. The Board and ES noted there was not a quorum of members present from October 8th at tonight's meeting so there was no vote taken. KC suggested the Draft October 8th minutes be posted on the Planning Board website. ES indicated he would do so.

Old/New Business

Update of 129 Parker Street and the 129 Parker Street Ad Hoc Working Group

ML asked ES how the 129 Parker Street Ad Hoc Working Group was going.

ES noted, besides himself, that there is another member from the Committee in attendance tonight, Linda Thayer. ES indicated to Ms. Thayer if she wanted to add anything about the last meeting, feel free to do so and also noted that Bernie Cahill, Planning Board's Chairman, is a member of the Committee but home sick tonight.

ES: It was a kick-off meeting, so part of it was an orientation to the Committee. Ken Estabrook was voted in as Chairman of the 129 Parker Street Ad Hoc Committee. Mr. Estabrook requested a summary inventory document of all previous comments/review from the last planning effort. The goal is to have this document prepared by the next meeting, which will be Monday, November 25th.

ML asked how many people showed up at that meeting. ES indicated including the full Committee members, we had about 12-15 people in the room, including the developer and owner.

ML: Is part of their charge to talk about the Development Agreement? ES: That would come under the purview of the Selectmen. This Committee's purview is to review what uses could be acceptable to the Town and also to the Developer. Then try to come up with different scenarios or options of plans that have that mix. Then start to tighten that out for issues such as infrastructure, traffic impacts, fiscal impacts, and design considerations. Then try to get that down to one single vision plan that can then be pushed forward to the Planning Board for any zoning changes and to the Board of Selectmen for Development Agreement.

ML discussed the Development Agreement process last time.

Lynda Thayer: I attended that meeting and my two sense is this: Angus was tasked of getting all the data collected at the Visioning Sessions. I heard the Developer say that retail is still risky. Housing, various types of housing, assisted-living, apartments, 40B is probably very viable. Commercial is out. Tough piece of land cause of location with access and a single-lane road.

John Kulik: The Developer wasn't interested too much at that meeting about commercial buildings. There is no market now for that. He was pushing mostly housing. My impression from that meeting we are getting away from anything else but kind of keying in on housing. It will be interesting for the next meeting when Angus Jennings will be bringing all the things that people discussed and thought about at the Visioning Meetings.

Town Engineer/DPW Memo re: Taylor Road Subdivision

ES: Next thing under Old/New Business is the Town Engineer/DPW Memo re: Taylor Road Subdivision. I know we have discussed that matter a couple times.

JK asked if the Town Planner had the Planning Board decision for the Taylor Road Subdivision. ES indicated yes he did.

ES: So the amount is \$130,000 for the estimate that provides the amount to fix the road and infrastructure at that subdivision. That is the bottom line. You still have Lot 10 under Covenant. The idea is you have this information in your hand now and can use it when the developer comes to get this house lot released. ES discussed the performance guarantee process. After Board review it was agreed to not put this matter on the next Agenda.

McDonald's Temporary Exit onto Main Street

JK asked if the Town Planner found the McDonald's decision. ES: I got that Decision.

ES: I remember Max was the one who had brought this matter to my attention via email. There was talk of a temporary exit and then when the bridge is done, there would be the requirement for them to go back in (and complete exit on Waltham Street). I have read the decision twice and did not find that requirement in there anywhere.

JK: After that decision was rendered, they came back because after the decision, the landowner had leased space to the State in order to put the staging area there to build that bridge.

JK: We told them it has to go in the way it was designed and shown on all the plans in that decision. What we need to do is find that Plan. Then put them on notice that it needs by April 30th cause I think there is landscape involved. Or even before that.

ML: So yes, absolutely right. I think it was after decision was rendered that the bridge project came up. The State may have even taken some land by eminent domain as a temporary lease.

ML: I think we did so something in writing where they could do the temporary exit but within x number of months construction is completed they would have to put the exit back. ES asked when this discussion was had so he could review the meeting minutes. ML: I feel like it was a month or so after that decision. JK: It would have been very near the time the decision was rendered. ES would find the McDonalds Plans and the meeting minutes for the temporary exit discussion and provide for the next Planning Board meeting.

Town of Maynard Scenic Roads

ES asked if any of the Planning Board members were familiar with the Town's Scenic Road and the Scenic Road Act. Then asked if they knew Maynard had Scenic Roads. JK: If they are not published in our Bylaws, then no.

ES: I was requested by the Golf Course Reuse Committee to look into the idea of putting community gardens on part of the golf course that is on the eastern side, off of Concord Street. There is currently a curb cut for the maintenance facilities, including an above-ground diesel tank. This little cart path that goes into this area, if there is going to be public use, would probably have to be improved especially for visibility. There are sight distance issues, especially if you are coming out of this area and looking left onto Concord Street. Concord Street has a big curve and the exit does not meet the site distance criteria for a road of that speed, which is 30 MPH. So you would have to do some trimming. And you would have to expand the apron for people exiting and entering the site. If you did that, under Mass. General Law, Chapter 40, Section 15C, Concord Street is one of four Scenic Roads (Old Marlboro Road, Puffer Road [it was noted that there is only one section still in use] and Summer Street [from Concord Street to the Stow Town Line] are the others). I am familiar with Scenic Roads from my experience in Ashburnham. When people wanted to put in a driveway / curb cut in and interrupt a stone wall, the Planning Board would hold a Public Hearing under the Statute and issue a Decision with construction design, what can be disturbed, what can be preserved or maintained on-site.

ES: Who knows how long that the Town has not been following this? It was approved by the Town in 1974 or 1975 (the correct date is the April 28, 1975 Annual Town Meeting). When I get that info I will work to put the Scenic Road information on the Town's website to help educate the Townspeople that we have these scenic roads and that any work is going to be done within the right-of-way leading up to the private property may require a Scenic Road Hearing and Permit from the Planning Board. I have template Scenic Road application and Rules and Regulations I could share with the Board.

The Board then held some further discussion regarding Scenic Roads.

Keene Avenue

ES started the discussion by asking the Board members if they are familiar with Keene Avenue.

JK: Where is it? ES: It is off of Great Road, where Taylor Road and that subdivision that goes to Boeske Avenue and White Pond Road. JK: I live there and I don't know Keene. Oh yes, Keene Avenue is a paper street and a Town Drainage Easement.

ES and JK discussed the original name of the subdivision, which is Great Road Park and JK noted he has the original subdivision plans. The subdivision goes back to 1918. ES: Somehow Keene Avenue was never built out.

ES: There is a developer interesting in buying a parcel of land, Lot 49. A previous developer had proposed a Preliminary Plan to the Planning Board in 1998, which was denied. Then during the housing boom, they came to the Zoning Board for a one-lot driveway. ES asked if JK called the ZBA proposal. JK: I know they shot down the last thing that went in there. ES: The Zoning Board approved it and then the Planning Board sued the ZBA. Then the matter died when during economy downturn came.

ES: Meanwhile across the street there is Lot 52, which is Town-owned. The Developer wants to try work out an arrangement. But he can't just buy that land. It has to go out to auction, or request for proposals. The Town can't just sell it. JK: The other piece of it, it's currently drainage. That's where all the drainage off of Taylor, that end of Sheridan all flows down through that Paper Street. ES thanked JK for that information indicating that a meeting was held on this matter with the Town Administrator, DPW Director and Town Engineer noting that both the DPW Director and Town Engineer are still relatively new and that we did not know about those drainage issues. ES: Stormwater management would have to be addressed obviously.

ES: The Developer is willing to build a road to meet your subdivision standards. JK: I don't think you can get a full sized road down there. There is not a lot of space. Have you been out there? ES: I've only driven by but have not done site walk. The Developer is saying if he can get the Town-owned land and make 6 house lots, he thinks it would be economically feasible to build that roadway. I just wanted to give the Board an update on the meeting I had and will keep you posted.

Other

- GT discussed the Fowler Street Extension Definitive Plan rear lot lines of Lots 2, 3 and 4 and the shape of said lot line and asked the Board to consider developing a Lot Shape/Lot Regularity Zoning Requirement. ES indicated he would add item to the next meeting under Old/New Business and bring some examples from other communities for such zoning. Further discussion ensued.

- ES noted comment from the Conservation Agent related to last minute submission of items to the Planning Board. ES noted that as part of the planned update to the Board's Rules and Regulations, the Board could consider a policy for submission for items before their meeting. ES asked ML about the rule in Andover or North Andover about submission of items to their Planning Board. JK thought the Board had a policy already, indicating if something was not in the Wednesday before, it does not get on the next meeting. ES: has it been an unwritten policy? ML clarified it was North Andover, based on his consulting work, and he had to provide info to the Town Engineer to give them a week to review the materials prior to the meeting. The Board supported ES working on some Draft policy language to bring back to the Board.
- ES indicated to the Planning Board that their 2nd meeting date in December is Christmas Eve. JK noted in the past the Board would cancel and have only one meeting, but it would always depended on if the Board knew that stuff going on or not. ES noted the next regular Board meeting would then be January 14th. ML indicated the Board could always meet on the 7th if there something pressing.

JK made a 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 6, 2013 Letter from Wayne Amico, VHB, Review of Fowler Street Extension Definitive Subdivision Proposed street extension and five lot subdivision.
2. Wayne Amico, VHB, Sidewalk Costs Estimates Fowler Street Extension Definitive Subdivision
3. Town Planner Memo to Planning Board. Town Planner Review of Fowler Street Extension
4. Letter dated November 11, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., addressing the comments contained in the November 7th Town Planner Memorandum and the November 6th Town Engineer letter concerning the Fowler Street Extension Definitive Plan.
5. Letter from Wayne Amico, VHB, Review of 129 Parker Street Preliminary Plan
6. Letter from Bill Dipietri, Capital Properties Group, for Extension for 129 Parker Street Preliminary Plan decision to November 27, 2013.