

Maynard Planning Board – Meeting and Public Hearing
October 16, 2018 - 7 p.m.
195 Main Street, Room 101

Board Members Present: Greg Tuzzolo – Chair, Andrew D’Amour – Vice Chair, Megan Zammuto, Bill Cranshaw, Jim Coleman, Chris Arsenault – Alternate Member

Others Present: Bill Nemser – Town Planner, Wayne Amico – Town Engineer, Bill Depietri, Bob Depietri, Angelo Catanzaro – Attorney, Jon Witten – Town Special Council, James MacDonald – MacDonald Construction

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

Approval of Minutes

The Board reviewed the Minutes of September 25, 2018.

Megan Zammuto made a motion to approve the Minutes of September 25, 2018, which was seconded by Jim Coleman.

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

Maynard Crossing (129 Parker Street) - Request for determination of minor/major modification to site plan

Attorney Angelo Catanzaro, representing the developer of the Maynard Crossing project at 129 Parker Street, stated that as a result of the original primary tenant, Market 32, opting out of the contract and a new tenant, Market Basket, signing on, some minor revisions of the site plan were required in order to accommodate the needs of the new tenant. Prior to the meeting, Mr. Catanzaro had submitted written documentation of the revisions to the Town and had reviewed the proposed changes with the Town Planner, the Town Engineer, and Special Town Council.

The developer’s engineer reviewed the proposed revisions for the meeting’s attendees. The planned pharmacy drive-thru has been removed and the outline of the building has been revised. Parking has been moved from behind the building to in front of it. There will be 19 additional parking spaces as a result of the drive-thru removal; however, there was a reduction to the overall paved area. There will be no impact to the drainage or utilities other than a slight shifting of a basin location.

Town Council, Jon Witten, explained that section 9.3.12 of the by-laws of the NBOD allow for the Board to approve a minor modification if the Board determines that the revision remains consistent with the approved concept plan. The developer is requesting a determination from the Board that the proposed revision is a minor modification and that the proposed revised site plan would remain consistent with the approved concept plan. If the Board determines that the revision is minor, it does not waive the

right to apply the special permit criteria to the revised site plan. If the Board approves the revision, the applicant would submit a request for a new special permit for the new layout and withdraw the special permit for the previous site plan.

The Board reviewed the approved concept plan in relation to the proposed site plan revision, which includes a shift of one building and an increase of approximately 1900 square feet to the size of the supermarket. Bill Cranshaw pointed out that the revised site plan has a couple areas that encroach into the setback space. The applicant said they can make the appropriate changes to correct that.

A resident of Summer Street asked where deliveries would be made to the building that the applicant is proposing to move and expressed concern about truck traffic. The applicant indicated that truck traffic for the building in question would be minimal -- a couple times a week.

Marie Gunnerson of 119 Parker Street asked for clarification about the need to go back to Town Meeting for any changes to the concept plan. Town Council clarified that if a revision is within the four corners of the approved concept plan that there is some flexibility allowed if the Board determines that a change is considered minor.

Ken Estabrook of 28 McKinley Street, and a former Planning Board Chair, stated his understanding of the requirements for determination of a minor revision with regard to the NBOD's intent to minimize the impact on the surrounding neighborhoods and with regard to the will of town voters at Town Meeting.

The applicant pointed out that even though the revised proposal shifts the building, it would still sit well within the required setbacks.

Wayne Amico stated that he believes that the proposed changes are consistent with the approved concept plan and that the change is minor.

Bill Cranshaw asked if there was a change to the height of the building. There is not.

The Board deliberated on the request and agreed that the request is considered a minor change.

Andrew D'Amour made a motion that the Board finds that the proposed changes to the site plan for 129 Parker Street constitute a minor modification to the approved site plan, contingent upon the filing of the appropriate special permit changes and revised buffer documentation. The motion was seconded by Jim Coleman.

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

Public Hearing – 115 Main Street (Continued from September 11, 2018)

Repairs need to be made to the retaining wall at the river. James MacDonald will provide details of the planned repair to Wayne Amico once it's finalized by his engineer. The Conservation Agent is reviewing waterway regulations to determine what the Conservation Commission will require from the applicant as well.

Greg Tuzzolo made a motion to continue the Public Hearing for 115 Main Street to December 11, 2018, which was seconded by Andrew D'Amour.

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

Public Hearing – 42 Summer Street (Continued from September 11, 2018)

Greg Tuzzolo opened the Public Hearing for 42 Summer Street, continued from September 11, 2018. The developer, James MacDonald, was present at the hearing and indicated that he had followed the Board's recommendation to pursue resident feedback outside of the public hearing process. He presented his revised plan to the Board and attendees. The revised proposal changes the building from a four-story building to a two-story building with attic space that will include bedrooms. He had reviewed the revised plan with the building inspector prior to the hearing. The number of units would be 20 instead of 26. His request for 44 parking spots remains the same – 22 below the building and 22 outside the building.

Wayne Amico indicated that he had met with the applicant prior to the hearing and reviewed all the materials related to his application for the revised plan. He feels that the applicant has made significant changes to address the concerns of residents, the town, and the Board. Just prior to the meeting, he sent a memo to the applicant detailing a list of items the applicant needs to address as part of his application.

The revised plan would require some variances from the zoning by-laws:

- The applicant would need a special permit for a density bonus according to section 9.4.5 of the zoning by-laws for the Downtown Overlay District. The proposed plan of 20 units would entail 1047 square feet of lot area per unit.
- Parking setback variances to allow for 14 additional parking spaces beyond what is required for the residents of the proposed building

Wayne Amico pointed out that the applicant is abiding by the 24-foot aisle dimension requirement and that it might be better for the applicant to request a variance for the aisle in order to increase the side-yard setback and providing a greater buffer to the adjacent property. He suggested that 18 feet might be reasonable. The Board members expressed serious concerns about the applicant's request for a parking setback variance to allow for parking spaces that would potentially be used for another future residential project of MacDonald Construction rather than for the proposed apartment building.

Greg Tuzzolo indicated that he would like to see a first-floor plan integrated with the site plan, pointing out that it appears that traffic would be passing by approximately four feet outside of the first-floor bedrooms.

Bill Cranshaw stated that it appears from the plans that the handicap-accessible aisle is lined up with inaccessible stairs. Greg Tuzzolo asked how one would enter the building accessibly. The applicant stated that there will be two handicap parking spaces and the entire first floor of the building will be accessible from the parking lot. Each unit will have its own entrance and there will be no elevators in the building. There is an inconsistency with the elevation plans showing three to four steps up into the building, but the applicant agreed that all of the first floor units would have to be handicap accessible. Chris Arsenault asked for clarification on whether there is a requirement for a certain number of

handicap parking spaces relative to the total number of parking spaces as well as whether or not a handicap-accessible parking space is required in the below-ground parking. Wayne Amico will find out.

Greg Tuzzolo asked about the south side of the property, adjacent to the rail trail. He referred to the property map where the applicant has a dot, dot, dash. The applicant was unable to clarify what was meant by those symbols. Greg Tuzzolo asked for more of the rail trail to be shown on the site plan. He also asked for the applicant to indicate on the plan which features are existing and which ones are being proposed. He would like to see details of the scale of the building in relation to the rail trail, proposed maintenance plans for the rail trail side of the building, a roof plan, additional details of the south-side elevation, and additional details in the landscape plan. Bill Nemser noted that the town would be happy to meet with the applicant's landscape architect.

A resident of Euclid Avenue expressed concerns about the integrity of the oil tanks behind the property as the applicant removes trees and disturbs the land to create parking spaces near the existing retaining wall. Wayne Amico stated that the applicant should address that question in his application materials, including detailed information about planned landscape changes.

A resident asked for clarification of the third-floor bedroom configurations. The applicant stated that the attic space will be used for upstairs bedrooms for the second-floor units, which would be two-bedroom apartments.

Natalie Robert of 48 Summer Street, whose property abuts the proposed project, asked where new trees would be planted as a privacy buffer between the two properties if the proposed parking lot would go all the way to the property line. She asked if the new trees would be planted on her property. She is opposed to the additional parking spaces without having specific details of what they would be used for. Greg Tuzzolo asked the applicant to provide details on which existing trees would be coming down and which ones would remain, pointing out the need for a detailed, professional landscape plan.

The Board reiterated concerns about granting setback relief for additional parking spaces that would be unrelated to the proposed project. James MacDonald stated that he believes it would be a benefit to the town of Maynard to have the additional parking spaces due to limited parking available downtown.

Sandy Waye-Lawton of 50 Summer Street expressed concerns about the applicant's request for a variance for 14 extra parking spaces since they would be located in a residential area but potentially could be used by anyone.

Lynda Thayer of 14 Chandler Street asked for clarification of the applicant's intent to utilize the DOD and related density bonus, and whether or not that would constitute a mixed-used project by default. Bill Nemser explained that a density bonus does not require that a project be mixed use; the bonus is only related to residential use. Based on the affordable housing calculations, five of the 20 units would need to qualify as affordable housing.

Greg Tuzzolo stated that he wants to see feedback from Mark Rosenshein. Bill Nemser will follow up.

Greg Tuzzolo made a motion to continue the Public Hearing for 42 Summer Street to November 27, 2018, which was seconded by Andrew D'Amour.

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

Peer review fund release

Bill Cranshaw made a motion to approve the peer review fund release request dated October 16, 2018 for 109 Powdermill Road in the amount of \$723.85. The motion was seconded by Megan Zammuto.

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

Bill Cranshaw made a motion to approve the peer review fund request dated October 16, 2018 for 49-51 Waltham Street in the amount of \$928.01. The motion was seconded by Megan Zammuto.

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

Mixed-use commercial/residential ratio discussion

The Board reviewed the proposed verbiage related to a mixed-use commercial/residential ratio.

Bill Cranshaw pointed out a discrepancy in the sequence of Table H in the Zoning By-law and stated that the proposed verbiage should be a complete replacement of Section 9.4.3.

Bill Cranshaw requested a change in the proposed language from “unless authorized by the Planning Board” to “unless other non-residential uses are authorized by the Planning Board”. He also suggested adding “Medical Office” to the verbiage.

Bill Nemser will incorporate the proposed changes.

Town Planner Update

The Conservation Agent has created an Open Space and Recreation survey that Bill Nemser will send to the Board to complete and forward to others for additional public input.

Greg Tuzzolo made a motion to adjourn the meeting, which was seconded by Megan Zammuto.

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

Adjourned at 9:24 p.m.