

Maynard Planning Board – Meeting and Public Hearing
February 26, 2019 - 7 p.m.
195 Main Street, Room 101

Board Members Present: Greg Tuzzolo -- Chair, Bill Cranshaw, Jim Coleman, Chris Arsenault – Acting Member

Others Present: Bill Nemser – Town Planner, Wayne Amico – Town Engineer, Tim Hess – Town Design Review Consultant

Called to Order at 7:02 p.m by Greg Tuzzolo

Approval of Minutes (1.22.19)

Greg Tuzzolo made a motion to approve the Minutes dated 1.22.19, which was seconded by Bill Cranshaw.

Bill Cranshaw proposed the following changes to the Minutes of 1.22.19 as submitted:

- The Approval of Minutes section heading noted a date of 12.11.18 whereas the motion was to approve the Minutes dated 1.8.19. The subject heading date should be changed to 1.8.19.
- There was one abstention noted in the approval of the Minutes from 1.8.19. Bill Cranshaw stated he would prefer to have the name of the abstaining member noted.
- Bill Cranshaw noted that two of the Board Members were not allowed to vote on 115 Main Street or 42 Summer Street, yet the votes for the motions to continue those hearings indicated 5-0. Bill requested that it be changed to 3-0.

The Board voted 4-0 in favor of the motion, with the above changes made.

Public Hearing – Zoning By-law Amendment – Hotel

Greg Tuzzolo opened the Public Hearing. Robert Buckley, attorney for David and Laura Veo, stated that his clients would like to open a boutique hotel at the property they purchased at 25 Nason Street, as was explained in his presentation to the Board several months ago. The purpose of the Public Hearing is for the Board to determine whether they recommend the proposed amendment to Town Meeting allowing for the use of hotels in the Central Business district by special permit from the Planning Board.

There were no comments from the public.

Bill Cranshaw pointed out the need for supporting language related to zoning by-laws for the use of hotels, motels, and extended-stay facilities for future planning purposes.

Greg Tuzzolo made a motion to close the Public Hearing for the Zoning By-law Amendments for a hotel, which was seconded by Bill Cranshaw.

The Board voted 4-0 in favor of the motion.

Greg Tuzzolo made a motion to recommend the approval of the Zoning By-law Amendments for the hotel language as presented, which was seconded by Jim Coleman.

The Board voted 4-0 in favor of the motion.

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

The developer presented the two proposed changes:

- 1) Bringing the lighting pole height down from the approved 28 feet to a residential height of 16 feet with a residential look rather than a commercial look
- 2) Adding a driveway connection between 129 Parker Street and 141 Parker Street.

Wayne Amico had reviewed the proposed lighting changes prior to the meeting with no concerns and feels that the proposed change is consistent with the approved site plan design.

The attorneys for 129 Parker Street and 141 Parker Street have been in conversation regarding the proposed driveway change. In addition, Wayne Amico reviewed the proposed change prior to the meeting and provided the developer with a list of his concerns. The developer indicated that they feel they have adequately addressed those concerns. Wayne Amico stated that he recommends the driveway connection allows for one-way traffic only, in order to protect the owner of 141 Parker Street from drivers using his property as a cut-through. Wayne had discussions with the 141 Parker Street owners who want the driveway width to be approved for two-way traffic for future purposes but with signage and striping allowing for only one-way traffic at this time. Wayne Amico reiterated his recommendation for the connection to be one-way only but is okay with the plan as proposed, with a 20-foot wide driveway, if both property owners are in agreement.

Greg Tuzzolo asked for public comment on the proposed changes. There were no public comments.

Greg Tuzzolo made a motion to determine that the two proposed changes -- for lighting and a driveway connection -- are minor modifications to the site plan. The motion was seconded by Chris Arsenault.

The Board voted 4-0 in favor of the motion.

Public Hearing – 31 Main Street (Continued from February 19, 2019)

Greg Tuzzolo re-opened the Public Hearing for 31 Main Street, continued from February 19, 2019. The applicant stated that he has submitted some additional waiver requests: one for the requirement of a photometric plan since the Planning Board deemed that it is not necessary in this instance; one for the requirement to show the 300-foot abutters on the locus plan, as a list of abutters was previously provided; and one for the requirement that all utilities be located underground in order to minimize the disturbance to Main Street. The driveway width has been reduced from roughly 21 feet down to 18 feet allowing some space for landscape adjacent to the building. The landscape plan has been adjusted to reflect the change. Lighting and downspout locations are now reflected in the plan.

The applicant presented the proposed lighting. The Board discussed whether or not the proposed lighting would be adequate, particularly the lighting along the sidewalk.

There were no comments from the public on the proposed lighting. Wayne Amico stated that the applicant has addressed all his concerns.

Bill Cranshaw asked about a previous conversation regarding improvements in the right of way for the entire width of the shared driveways. He asked if that is reflected in the plan. The applicant agreed to include that detail and submit an updated plan.

Bill Cranshaw asked for clarification on the waiver request to allow for a four-year lease for off-site parking. Bill Nemser agreed that the waiver should specify that the Planning Board is waiving the requirement for a five-year lease to allow for a four-year lease, as it is not a complete waiver from off-site parking.

Bill Cranshaw expressed concerns about the waiver request related to underground utilities. The applicant wants to utilize the existing utility pole that is located in the municipal lot behind the property. Bill Cranshaw wants to ensure that the language specifies that if the town ever takes down the utility pole to convert to an underground utility line at that location, the property owner is responsible for converting their own utility connection to underground. Wayne Amico suggested that the applicant could consider contacting the utility company to provide a riser at the pole to allow for an underground connection from the pole rather than from the street. Jim Coleman stated his preference for the applicant to utilize underground utilities at this point rather than moving to underground at a later date.

Greg Tuzzolo made a motion to close the Public Hearing for 31 Main Street, which was seconded by Jim Coleman.

The Board voted 4-0 in favor of the motion.

Greg Tuzzolo made a motion that the Board grants a waiver to allow allowing a 5' parking setback from property lines (Bullet Point 1), which was seconded by Chris Arsenault.

The Board voted 4-0 in favor of the motion.

Greg Tuzzolo made a motion that the Board grants a waiver for the requirement that each lot shall have one access driveway (Bullet Point 2), which was seconded by Chris Arsenault.

The Board voted 4-0 in favor of the motion.

Greg Tuzzolo made a motion that the Board grants a waiver for the requirement that the entire front yard setback area, except for driveway, shall be landscaped (Bullet Point 3), which was seconded by Chris Arsenault.

The Board voted 4-0 in favor of the motion.

Greg Tuzzolo made a motion that the Board grants a waiver for the requirement that parking shall be provided on the same lot and indicate that, in lieu of five years, the Board will require the lease term to be four-years, which was seconded by Chris Arsenault.

The Board voted 4-0 in favor of the motion.

Greg Tuzzolo made a motion that the Board grants a waiver of granting relief from this section requiring details of abutters and parties within 300' to be submitted to the Planning Board as stated in Bullet Point 5, which was seconded by Chris Arsenault.

The Board voted 4-0 in favor of the motion.

Greg Tuzzolo made a motion that the Board grants a waiver for the requirement of a photometric plan, which was seconded by Chris Arsenault.

The Board voted 4-0 in favor of the motion.

Greg Tuzzolo made a motion that the Board grants a waiver for the requirement that all utilities be located underground, with the condition that, should Town-owned services be changed or altered, the applicant would be responsible for remedying their own utilities.

The Board had a discussion about the motion related to underground utilities. Greg Tuzzolo stated that he is comfortable granting the waiver. Jim Coleman stated that he feels that the utilities should be located underground. Chris Arsenault feels that granting the waiver would not be good for long-term planning and that the waiver is not necessarily required. Bill Cranshaw agreed with Chris Arsenault.

The Board voted one in favor of the motion and three against; the waiver is not approved.

The applicant asked what would happen in the event that they are unable to tie in underground utilities to the existing utility pole and they need to revisit the waiver request. Bill Nemser believes that another hearing would be required but will check with legal to determine whether a waiver can be granted as a minor modification.

Greg Tuzzolo made a motion that the Board grants a waiver for the requirement of a traffic circulation impact study, which was seconded by Chris Arsenault.

The Board voted 4-0 in favor of the motion.

Greg Tuzzolo made a motion that the Board determines that the request meets the criteria for a special permit as defined in 10.4.2. The motion was seconded by Chris Arsenault.

The Board voted 4-0 in favor of the motion.

Greg Tuzzolo made a motion that the Board determines that the request meets the criteria for a Downtown Overlay District special permit, which was seconded by Chris Arsenault.

The Board voted 4-0 in favor of the motion.

Greg Tuzzolo made a motion that the Board determines that the request meets the criteria for design guidelines, which was seconded by Chris Arsenault.

The Board voted 4-0 in favor of the motion.

Greg Tuzzolo made a motion that the Board approves the site plan for the mixed-use project on the property 31 Main Street, as presented, with conditions as provided to the Town Planner. The motion was seconded by Chris Arsenault. The conditions are as follows:

- *The applicant will return six months after the date of Certificate of Occupancy, and the Board will determine at that time if the property's exterior lighting is adequate.*
- *The applicant will meet with DPW to ensure adherence to DPW's new regulations.*
- *The applicant will comply with the illicit discharge condition related to storm water management as provided by Wayne Amico.*
- *The applicant will provide a final set of stamped plans to include all revisions as discussed, including driveway reconstruction the full width of sidewalk with curb cut, addition of signs, etc. consistent with the Town Engineer's letter dated February 22, 2019.*
- *The parking waiver that has been granted will stipulate a four-year lease term rather than five-year.*

The Board voted 4-0 in favor of the motion.

Greg Tuzzolo made a motion that the Board approves the special permit allowing off-site parking for 31 Main Street, which was seconded by Chris Arsenault.

The Board voted 4-0 in favor of the motion.

Public Hearing – 42 Summer Street (Continued from November 27, 2018)

Bill Nemser explained that due to changes of Board Members as well as quorum issues, the hearing was re-advertised to allow the applicant to have a full quorum.

Greg Tuzzolo re-opened the Public Hearing for 42 Summer Street as a reset to re-introduce all the evidence related to the application.

James MacDonald stated that, since the last meeting, his engineer has made some minor revisions to the drawings but that every effort was made to maintain the look and shape of the building as presented.

Wayne Amico stated that he has not fully completed his review of the revised plan but has completed about 90%. He agreed to meet with the applicant and his engineer immediately upon completion of the review to go over his areas of concern and discuss at that time how the applicant will address each area of concern. Wayne Amico pointed out that one area of particular concern is related to the size requirements of handicap parking spaces and how those requirements would impact the parallel parking that is shown in the applicant's plans. Wayne Amico found conflicting information related to handicap parking space size in the zoning and planning requirements and will be looking to the Board for guidance in interpreting the requirements.

Wayne Amico pointed out that there's not enough information or detail on the retaining wall that will be adjacent to the Dunn Oil Company's property. In addition, he stated that the proposed dumpster location would prevent a car from easily accessing the adjacent parking space. Wayne also pointed out that the slope of the dumpster location appears to be graded too much. Wayne will need a turning template to understand how a trash truck can maneuver through the parking area. Wayne also noted the requirements related to an ADA access to the property; he has concerns about the ability of the applicant to meet those requirements given that he cannot claim ownership of the public sidewalk and bike path though they do meet the accessibility requirements and connect to the property. Tim Hess proposed consideration of an easement from the applicant to the Town. The applicant will consider that and have further conversations with Wayne Amico. Bill Cranshaw stated his preference that the applicant complies directly with ADA requirements through site design rather than creating a workaround through an easement.

The owner of the Knights of Columbus building on the opposite corner asked for clarification on what input the public will be able to provide on a guard rail versus a fence at the back side of the property. Wayne Amico pointed out that a guard rail would be required for protection of vehicular and pedestrian traffic as a fence would not be sufficient protection for the retaining wall. Greg Tuzzolo stated that the requirements for the structural properties of the guard rail are very specific but that the aesthetic design can be discussed and that the public will continue to have the opportunity to provide input throughout the hearing process.

Greg Tuzzolo made a motion to continue the Public Hearing for 42 Summer Street to March 26, 2019, which was seconded by Jim Coleman.

The Board voted 4-0 in favor of the motion.

Public Hearing – 170 Main Street (Continued from November 27, 2018)

Greg Tuzzolo reopened the Public Hearing for 170 Main Street, continued from November 27, 2018.

The applicant stated that a revised plan was submitted to the Town prior to the meeting. The applicant summarized the following updates:

- The locus plan was updated to reflect all the properties within the 300-foot zoning district map
- Added site operational hours of 6:00 a.m. to 10:00 p.m.; fuel delivery hours between 11:00 p.m. and 5:00 a.m.; trash removal hours between 10:00 a.m. and 12:00 p.m. (noon)
- Site distance information was provided
- Two-way access at Sudbury Street was changed to a one-way exit only with Do Not Enter signage
- Updated plans to reflect the shift of the crosswalk on Main Street along with proposed signage
- Updated drainage report

Wayne Amico stated that he had met with the applicant and the applicant's engineer prior the hearing and, from that meeting, generated a comprehensive comment and action letter dated January 31, 2019. Wayne Amico reviewed with the Board and hearing attendees the applicant's request for special permit and related waiver requests.

There was a discussion about the applicant's request for a traffic study waiver. Wayne Amico stated that it is customary to have a traffic study done for this type of project and that, whether or not the Board decides to waive the requirement for a traffic study, he will need more information on traffic flow around the site in order to address the concerns of his traffic engineer. The applicant agreed to schedule a traffic engineer to review the site and, in the meantime, meet with Wayne Amico to have a more detailed discussion of the traffic information.

Bill Cranshaw wants to better understand the crosswalk realignment as it relates to parking in front of Town Hall. The applicant stated that the intention is to take the parking space that will be eliminated when the new crosswalk is put in and move it to where the existing crosswalk is located so that there is no net loss in parking. Wayne Amico asked for that detail to be noted on the plans.

Bill Cranshaw asked about the existing utility pole and whether or not it would be in the way of any improvements, safe in the landscaping, etc. The applicant stated that it is an anchor for one of the poles across the street and cannot be removed. Therefore the sidewalk will go around the pole.

Greg Tuzzolo made a motion to continue the Public Hearing for 170 Main Street to April 9, 2019, which was seconded by Jim Coleman.

The Board voted 3-0 with one abstention from Chris Arsenault.

Public Hearing – Municipal Fire Station (Continued from January 8, 2019)

The applicant requested a continuation to March 12, 2019.

Greg Tuzzolo made a motion to continue the Public Hearing for the Municipal Fire Station to March 12, 2019, which was seconded by Jim Coleman.

The Board voted 4-0 in favor of the motion.

Town Planner Update

Bill Nemser updated the Board on correspondence the Town has received from the counsel of the Parker Street developers and ongoing communications between the parties. The communications are related to who is responsible for the traffic details for off-site traffic improvements. Town Counsel, John Witten, is involved in the discussions. Bill will keep the Board updated.

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

The Board voted 4-0 in favor of the motion.

Adjourned at 10:11 p.m.