

**Maynard Planning Board – Meeting and Public Hearing
September 24, 2019 - 7 p.m.
195 Main Street, Room 101**

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

Others Present: Bill Nemser – Town Planner; Wayne Amico – Town Engineer; Bob DiPietri – Capital Group (129 Parker Street); David Click – Attorney; Carmine Tomas – LT Development

Called to Order at 7:04 p.m. by Greg Tuzzolo

Approval of Minutes (06.11.19, 09.10.19)

Mike Uttley stated that he was present at the June 11, 2019 meeting but was not listed as a present Board Member.

Bill Cranshaw made a motion to approve the Minutes of June 11, 2019 with the amendment of adding Mike Uttley to the list of Board Members present. Chris Arsenault seconded the motion.

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

For the submitted Minutes dated September 10, 2019, Bill Cranshaw asked that all references to “A&R” be corrected to “ANR” and that the reference to a “traffic study” on page 4 be changed to “traffic safety study”.

Greg Tuzzolo asked that all misspellings of Linde Ghere’s name be corrected from Linda to Linde.

Greg Tuzzolo made a motion to approve the Minutes of September 10, 2019 with corrections as noted. Chris Arsenault seconded the motion.

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

Request for determination of minor vs. major modification for Market Basket, Maynard Crossings (129 Parker) by David M. Click, Esq., 1253 Worcester Road, Suite 303 Framingham, MA 01701

Bill Cranshaw recused himself because of a potential conflict. Attorney David Click explained the proposed modification to one particular area of the south-facing side of the supermarket in relation to the loading dock. There are no changes being proposed to the physical structure of the supermarket

that was previously approved. The proposed change would be to add a physical enclosure for the loading dock area consisting of an open-ended metal canopy and a metal louvered “screen” wall on the south side. The purpose of the enclosure would be to create a noise barrier and to create a more aesthetically pleasing loading dock area. The proposed enclosure would not change any of the impermeable surface area.

David Click presented an example of what the proposal would look like by showing the attendees another store that has the same type of enclosure in proposed. He indicated that the enclosure would extend approximately ten feet beyond the setback area. Bill Nemser pointed out that the setback area is for buildings, not other structures. Chris Arsenault asked if there is a particular noise concern the applicant is attempting to address. There is not.

Greg Tuzzolo asked for comments from the public.

Abutter John Bresnahan of 11 Dettling Road expressed concerns over the number of modifications that have taken place. He stated that he does not understand why a structure would be different than a building with regard to the setback area. He feels that the change would impact the abutters and asked if the abutters would be able to request changes to the barrier fence that was installed (i.e. increase the height of it).

Abutter Peter Falzone of 15 Dettling Road also expressed concern and asked if anyone has considered the sight line and whether or not abutters would be viewing the enclosure if the fence height is not increased.

Chris Arsenault asked if the change would impact truck patterns. David Click stated that it would not.

John Bresnahan pointed out that the setback regulations were originally set at 200 feet and that it took years to change the setback to 100 feet. He asked what other modifications would be made and if the abutters can modify their requests based on modifications that are approved for the plans.

Bill Nemser stated that modifications of a project this size are very common. He reminded the Board that their determination should be based on whether the proposed modifications change the intent of the approved concept plan.

Greg Tuzzolo pointed out that the applicant is requesting a change that isn't necessarily required and asked how important the modification is to the applicant. The representatives of Market Basket stated that the applicant feels it would be an improvement both aesthetically and in terms of noise control rather than having all the loading occur out in the open.

The proposed structure would be approximately one foot lower than the roof of the building.

Bob DiPietri of Capital Group also pointed out that minor modifications to an approved concept plan for a development such as the one at 129 Parker Street are very common once individual tenants and specific accommodations for their respective businesses are determined. He stated that there have only

been two modifications so far and he estimated that there will likely be around ten modifications required for the whole project.

The abutters expressed their main concern that each modification request seems to be infringing upon the 100-foot setback requirement without any discussion of adjustments to the buffer plans (e.g. increasing the height of the fence). Although the abutters agree that the enclosure improves the

aesthetics of the loading dock area, they are requesting that the fence height be increased to account for setback variance.

Greg Tuzzolo stated that, given the concerns, supporting documentation or information that the applicant can provide with regard to visibility, sound attenuation, etc. would be helpful to demonstrate and clarify the visual impact with regard to the abutters' properties. The applicant can provide that information at a future meeting.

Greg Tuzzolo made a motion to continue the determination of major or minor modification to October 22, 2019, which was seconded by Jim Coleman.

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

Master Plan Discussion – Internal Strategy Session

The Board had a lengthy conversation about revisions that should be made to the Land Use Goals. Bill Nemser recommended that he send out the revisions that were discussed during the meeting to all the Board Members for review prior to the next meeting. The revisions that were agreed to during the meeting resulted in the following draft goals:

Goal: Ensure that the Town's zoning fosters future land-use patterns that promote the goals and objectives of the Master Plan.

- a. The Planning Board shall annually conduct an analysis to:
 - a. Regularly assess Maynard's constantly evolving landscapes, developing economic trends, and the fluidity of social structures, to
 - b. Gauge the effectiveness of the Zoning By-laws in promoting Master Plan and proactively initiate amendments if warranted.
- b. Ensure publically owned properties reflect current Town and community needs.
 - a. Regularly evaluate Town-owned properties for consistency with Master Plan, community development principles, and other adopted Town planning documents.
 - b. Identify opportunities for improvements/adjustments/modifications of use to maximize benefit to the Town and community.

Goal: To cultivate sustainable economic development, the Town shall strive to ensure its “Employment Centers” (large scale commercial areas) contain the highest and best opportunities for the Town.

- a. The Planning Board shall continuously pursue land use/zoning strategies to attract and retain high-quality employment and educational opportunities within Employment Centers.
- b. The Economic Development Committee or body as designated by the Town Administrator shall be responsible for initiating a meeting with key personnel from “Employment Centers” to coordinate efforts in recruitment and retention to evaluate zoning effectiveness.

To be added to the Implementation Chapter: Ensure goals, objectives, and policies of the Master Plan are implemented.

- a. A Master Plan Implementation Committee reflecting a cross-section of Town interests shall continually evaluate and quantify Master Plan progress.
- b. The Master Plan Implementation Committee shall submit an annual report to the Town Administrator and Board of Selectmen at a public meeting detailing Master Plan progress and contain specific recommendations to assist in further implementation.

Goal: Ensure the optimization and enhancement of the aesthetic, economic, and environmental features of the Assabet River.

- a. A body as designated by the Town Administrator shall assess and provide to the Planning Board, Conservation Commission and Community Preservation Committee, a list of current uses and conditions along the Assabet River within Maynard.
- b. The Planning Board, Conservation Commission, and Community Preservation Committee shall create and assist in the implementation of an “Assabet River Enhancement Plan” to develop recommendations for future development and preservation.

Town Planner Update

Greg Tuzzolo asked to discuss the topic of peer reviews based on conversations he has had with Bill Nemser and Megan Zammuto regarding the policies that are currently in place. The first point is related to setting a threshold amount that would prompt a check-in meeting to discuss the status. The amounts that were discussed were \$2500 for design review and \$5000 for engineering review. The amounts would not be intended as a cap, but as a “not-to-exceed” amount until a check-in occurs. Bill Cranshaw feels that those numbers are too low for large projects. Greg Tuzzolo suggested that the appropriate amounts could be considered per project. Bill Cranshaw stated that the suggested amounts might be sufficient if the reviewers are merely reviewing submitted material and commenting on the material. Chris Arsenault feels that there should be higher standards for applicants to meet.

Greg Tuzzolo also stated that the policies should include the requirement for the peer reviewers to submit monthly bills and for the breadth of design review to be limited to reviewing and commenting on what is submitted by an applicant.

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

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

Adjourned at 9:37 p.m.