

**Maynard Planning Board – Meeting and Public Hearing
October 22, 2019 - 7 p.m.
195 Main Street, Room 101**

Board Members Present: Greg Tuzzolo – Chair, Andrew D’Amour – Vice Chair, Bill Cranshaw, Jim Coleman

Others Present: Bill Nemser – Town Planner; Wayne Amico – Town Engineer; David Click – Attorney

Called to Order at 7:07 p.m. by Greg Tuzzolo

Approval of Minutes (09.24.19)

Bill Cranshaw pointed out that he had previously recused himself from any voting related to Market Basket due to a possible conflict of interest, but the Minutes of 09.24.19 do not reflect that. The Minutes were changed to reflect his recusal.

Greg Tuzzolo made a motion to approve the Minutes of September 24, 2019 with corrections as noted, which was seconded by Andrew D’Amour.

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

Public Hearing – 115 Main Street (Continued from 09.10.2019)

Applicant James MacDonald was present and requested a continuation.

Greg Tuzzolo brought up the topic of outstanding peer review fees for 115 Parker Street and asked for a plan of action on those fees by the next meeting.

Bill Nemser explained that typically the Peer Reviewer will send invoices to the Town and the Town will forward those invoices to the applicant for payment. The Town maintains an escrow account, with money provided by the Applicant, in order to pay the invoices as they come in. If there is an issue with any of the invoices, the issue is to be resolved between the Applicant and the Peer Reviewer. In the case of this project, there is a balance that needs to be paid on outstanding invoices. If they remain unpaid, the next hearing will be continued until the balance has been paid.

James MacDonald stated the he does not believe the Town reviews the invoices as they come in. Bill Nemser explained that the invoices are reviewed and logged but that the Town does not review each line item on the invoice. James MacDonald stated that his understanding from the last meeting was that someone from the Town would be looking over the invoices. Greg Tuzzolo asked that the Applicant present his concerns about specific invoice line items in writing so that they can be addressed. The concerns that James MacDonald brought up were related to the invoices for 42 Summer Street. Bill

Nemser asked the Applicant to take a look at the invoicing for 115 Main Street. Greg Tuzzolo reiterated that any concerns should be addressed in writing.

Town Design Consultant, Tim Hess, stated that he would be happy to speak with the Applicant regarding the invoices and go through them line by line. He also pointed out that there are a number of line items that are specified as pro bono or no charge.

Greg Tuzzolo made a motion to continue the Public Hearing for 115 Main Street to November 12, 2019, which was seconded by Andrew D'Amour.

The Board voted 4-0 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 (Continued from 09.24.2019)

Attorney David Click summarized the history of the property to date, including approval of the concept plan and subsequent minor modifications. David Click also reiterated the current request which is to put a roof enclosure over the existing loading dock area. He showed the attendees an image of an existing Market Basket in Westford with the same type of proposed roof over the loading dock area of that store. The proposed loading dock enclosure would stand at a height of 23 feet 9 inches at the store and slope down to a height of 18 feet 6 inches at the farthest point from the store, which is approximately 5 feet lower than the roof height.

Abutter Pete Falzone of 15 Dettling Rd stated that he is fine with the proposed modification.

Bill Nemser stated that Wayne Amico had made the suggestion to fly some balloons at the site in order to give the abutters a sense of the proposed height of the loading dock roof. Representatives of Market Basket and the Town went to some of the abutters properties to see what was visible from their properties. There is currently a white fence along the property line. They observed that part of the loading dock canopy would be visible from the deck of one of the abutter's property.

Greg Tuzzolo pointed out that the decision to be made is whether the modification is considered major or minor. He also clarified that the Building Commissioner has confirmed that the loading dock enclosure constitutes a structure rather than a building.

Tricia Saunders of Dettling Rd stated that she is not opposed to this particular modification but is concerned about this modification setting a precedent for future setback intrusions. It was her understanding that the original concept plan called for two areas for trucks to back into and that the current plans allow for four trucks to back up to the store. She also said that her understanding of the current proposal is that the canopy would only be for the two double bays and not the dairy dock. She requested that the dairy dock also has the screening provided.

A representative of Market Basket stated that they would not be able to provide the same type of enclosure for the dairy dock as it would interfere with tractor trailers being able to back in to the

standard loading docks. He also stated that coverage of the dairy dock is not as critical as there will just be one or two deliveries per day to that dock versus multiple deliveries per day at the other loading docks.

Greg Tuzzolo made a motion to determine that the proposed change constitutes a minor modification, which was seconded by Jim Coleman.

The Board voted 3-0 in favor of the motion. (Bill Cranshaw has recused himself from the Market Basket votes due to a possible conflict of interest).

Town Planner Update

Bill Nemser stated that Jim Coleman will be back-up moderator at Town Meeting on October 28, 2019. The Planning Board is bringing forward one article: for-profit schools. Bill also mentioned that October 30, 2019 is the final forum for the Master Plan. All applicable material is available online. The Master Plan Steering Committee is hoping to have everything finalized by the beginning of the new year and ready for the next Town Meeting.

The Town did receive a grant from Urban Land Institute (ULI) for reimagining of the basin. There will be a team of experts coming in to look at the basin and make a series of recommendations. Bill Nemser will forward the application and goals to the Planning Board Members for review. There will be a Planning Board meeting on December 11, 2019 at which time the recommendations of ULI will be presented.

The Town was confirmed for the Powder Mill grant for a Powder Mill Corridor study. On October 23, 2019, a number of Town Hall staff members will meet with colleagues in Acton as well as representatives of MAPC to lay out the scope of the Powder Mill Corridor revitalization. The goal is to review outstanding issues such as the sidewalks to newer topics such as infrastructure related to the Beijing Royal School, etc. It will be a wide-range study that will be fully funded by MAPC. It will take approximately 6-8 months to complete the study. The Planning Board will have the opportunity to meet with the team for the study as well. The bounds of the study are the Stop and Shop in Acton to Waltham Street.

Bill Cranshaw asked about water and sewer capacity for new projects. Bill Nemser stated that as new projects come in, they will have to be reviewed on a case-by-case basis and there will have to be mitigation to address the capacity. Wayne Amico explained what typically happens is that Stantec reviews each project independently and looks at the project's needs based on the proposed use as well as the town's requirement for water and sewer. The Board agreed that it would be helpful to have Stantec and DPW come meet with the Planning Board to discuss additional data that Stantec can provide with regard to a system-wide capacity study. Bill Nemser agreed to set up that meeting.

Linda Thayer asked if Stantec has a running list of the projects that are coming before the Board. Wayne Amico said that Stantec does do that and that it was less than two years ago that new water and sewer regulations were created requiring that those types of analyses be done as part of the Planning Board review. It hadn't been done prior to those regulations being put in place. Bill Nemser pointed out that the Master Plan will be critical for future planning in areas such as water and sewer capacity.

Trish Saunders asked if there is a plan for the Board to check in with Market Basket regarding their delivery expectations. The Board explained that Market Basket is bound by the decisions that were made with regard to deliveries, or else they will have to request a modification. Trish Saunders asked for clarification on those numbers since they were based on a smaller footprint that was originally approved with the concept plan. She asked for confirmation of the number of deliveries allowed. Bill Nemser and the Board said they will have to go back and look at the specifics of the decision that was made. Greg Tuzzolo reiterated that Market Basket will be bound by whatever decisions were made with approval of the concept plan and that any changes will have to be determined by the Board as minor or major.

Greg Tuzzolo made a motion to adjourn, which was seconded by Andrew D'Amour.

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

Adjourned at 8:17 p.m.