

Maynard Planning Board – Meeting and Public Hearing
June 25, 2019 - 7 p.m.
195 Main Street, Room 201

Board Members Present: Greg Tuzzolo – Chair, Andrew D’Amour, Bill Cranshaw, Jim Coleman, Michael Uttley – Acting Member

Others Present: Bill Nemser – Town Planner; Wayne Amico – Town Engineer; Kate Feodoroff – Town Counsel; Joe Clermont – Attorney for Greenstar Herbals; Corinne Tobias - Traffic Consultant for Greenstar Herbals; Tom Morey – CEO of Greenstar Herbals; William Murray -- Landscape Architect for Greenstar Herbals; James MacDonald – MacDonald Development; Kaitlin Young – Town Conservation Agent

Called to Order at 7:00 p.m by Greg Tuzzolo

Public Hearing – 22-24 Main Street -- Greenstar Herbals, Inc. (Continued from June 11, 2019)

Greg Tuzzolo re-opened the Public Hearing for 22-24 Main Street (Greenstar Herbals, Inc.). Jim Coleman discussed the Board’s interest in Greenstar Herbals having a “soft start” for the opening of the establishment. Tom Morey expressed concerns about limiting the amount of transactions he can conduct when the business has the capacity to handle more. Bill Cranshaw pointed out that the capacity would be limited by what was considered in the traffic study since the Board would not know the impact beyond what was considered in the study. Wayne Amico asked the applicant for details on the plans he has in conjunction with the Police Chief for traffic control, etc. The applicant said Greenstar Herbals is willing to do whatever is necessary. He will speak with the Police Chief about a plan and will also have his own security detail. The applicant expressed concern about being limited by appointments while his competitors in other towns don’t have the same limitations. He is willing to open by appointment only for the first month and to monitor the impacts during that time frame.

Greg Tuzzolo asked if the Board had all the information needed with regard to a traffic study. Bill Cranshaw stated that the study would justify 60 -65 appointments per hour but not 80. It’s not clear from the study what the impacts of 80 appointments per hour would be in terms of traffic.

Wayne Amico stated that as far as he is concerned, all the engineering issues have been resolved by the applicant and the applicant’s engineer. Wayne Amico wants to ensure that the Board discusses the tree-planting program, the proposed signage and/or gate on River Street, and the proposed signage and striping plan that was proposed by the traffic consultant.

Bill Cranshaw asked about the Municipal Parking Program, which would include the municipal parking lot on River Street. Bill Nemser explained that municipal parking permits are issued for the time frame of the overnight parking ban, which is from December 1 to March 15 of each year. The program is intended for residents who do not have other off-street parking available to them. Bill Cranshaw stated that he is opposed to having Greenstar Herbals utilize the River Street municipal lot beyond the first month of

opening as the applicant has stated there is excess parking available on site. The applicant stated that they do in fact have enough parking on site but can also park off-site if needed.

Jim Coleman asked when the applicant would expect to open if they were to get approval tonight. The applicant stated that it would take about six months from approval by the Board until opening. Their application for state approval was submitted in December.

A resident asked about deliveries. Specific delivery times are not publicized for security purposes and will occur randomly. The truck will arrive and enter a garage, with the garage door closing after entry. The truck is not a commercial-weight vehicle and the product will be in plastic bins. The applicant stated that there will not be a lot of noise during the deliveries, which will only occur during operating hours because security has to be present.

Greg Tuzzolo made a motion to close the Public Hearing for 22-24 Main Street -- Greenstar Herbals, which was seconded by Andrew D'Amour.

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

Greg Tuzzolo reviewed the Staff Report, including staff recommendations, issues, conditions, and six waiver requests. Bill Cranshaw pointed out that the signage and striping recommendations do not appear to be in the report. Greg Tuzzolo said that Wayne Amico can provide a final recommendation on signage and striping based on the new proposal for a gate at the River Street access. Wayne Amico agreed and stated that his new recommendation would entail less signage than originally proposed. Bill Cranshaw suggested eliminating some signage at the intersection of Main Street and Summer Street since the applicant is proposing new lane assignment signage for that intersection. Wayne Amico agreed to look at that as there should not be duplicate signage. Greg Tuzzolo stated that signage and tree mitigation have been discussed as part of the requirements to satisfy the Downtown Overlay District (DOD) special permit criteria. Bill Nemser said that's correct and is included in the Staff Report.

Greg Tuzzolo asked if the Board was satisfied with the gate proposal. Bill Cranshaw asked about the fire department's ability to get past the gate if it would be pad-locked. The applicant stated that it will not be pad-locked but will have a latch so that any of the neighbors who are entitled to utilize the easement can do so. The latch will also allow the fire department access through the gate, and the Fire Chief has approved the proposed gate system.

The Board discussed the proposed hours of operation and whether the closing time should be consistent for all retail marijuana establishments. Bill Nemser stated that the hours that were authorized for the other establishment were 10:00 a.m. to 8:00 p.m. seven days a week. Kate Feodoroff suggested language that states "8-8 unless further reduced by the Board of Selectmen". The Board agreed that other approving authorities may further restrict the operating hours. The Board also agreed that trash pickup should be limited to the hours of operation. Greg Tuzzolo clarified that operations, deliveries, and trash pickup should all occur within the operating hours of 8:00 a.m. to 8:00 p.m.

Greg Tuzzolo asked the Board how they felt about staff parking in the on-site parking lot and how that would impact traffic and overall parking for the business. Bill Cranshaw pointed out that the traffic study assumed the employees would park in the site parking lot. He would like to see a condition that the employees park on site. There was a discussion about how that would be effectively enforced. Kate

Feodoroff pointed out that enforcement is always an issue with any condition that's set but that conditions are the best way to address any issues/concerns of the Board. Bill Nemser stated that parking permits that were issued to the applicant in error for the municipal parking lot should not be considered as part of this discussion and that those parking permits would be addressed outside of this meeting. The Board agreed that on-site parking for employees should be a requirement.

The Board discussed the parameters of a soft opening. There was some language in the recommended conditions that provided the Police Chief the authority to remove the appointment-only requirement, but Kate Feodoroff pointed out that it should be solely the Board's determination. In order to create a specific time frame for the soft opening, Kate Feodoroff suggested that the Board could require the applicant to notify the Board in writing on opening day that the business is open, which would trigger a countdown for the Planning Board to re-notice a hearing in 30 days from that time, for example (or whatever time frame the Board chooses). The Board needs a two-week time frame to advertise a hearing.

The Board agreed that there should be a maximum of 60 appointments per hour.

The Board spent time discussing various changes to the verbiage of the draft conditions.

With regard to tree planting, Wayne Amico asked that, regardless of the number of trees that are required to be planted as part of the conditions, the applicant plants them according to the sketch and the planting details that were provided. The work should be done by the applicant and not by DPW. Bill Cranshaw asked if there is a specific size required for the trees. Wayne Amico said there is a specification provided in the sketch and details. The Board reviewed a diagram of the existing and proposed trees.

Greg Tuzzolo made a motion to find that the proposal meets the criteria for a special permit as described in Section 10.4 of the Zoning By-Laws, which was seconded by Andrew D'Amour.

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

Greg Tuzzolo made a motion to determine that the proposal meets the criteria for a DOD special permit as described in Section 9.4.6 of the Zoning By-Laws, which was seconded by Andrew D'Amour.

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

Greg Tuzzolo made a motion to grant the requested waivers for the special permit as listed in the Staff Report and the application. The motion was seconded by Andrew D'Amour.

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

Greg Tuzzolo made a motion to approve the issuance of a special permit to allow a marijuana retailer use to be located at 24 Main Street, for the business known as Greenstar Herbals, Inc., with the modified conditions (contained as "Exhibit A"). The motion was seconded by Andrew D'Amour.

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

Public Hearing – 42 Summer Street (Continued from June 11, 2019)

Mike Uttley abstained from voting on any of the motions for this hearing as he was not a member of the Board when the Public Hearing was initially opened.

Greg Tuzzolo re-opened the Public Hearing for 42 Summer Street, continued from June 11, 2019. James MacDonald stated that he believes they have met all the conditions for a special permit. Greg Tuzzolo asked the applicant to go over the changes since the last meeting. The applicant stated that the development agreement has changed and that a graphic has been added to the application to show the cost of the proposed work at Thomas Street vs. paying a donation for acquisition and preservation of open space or recreation land per the PB Rules and Regulations. The applicant will also be covering the cost of a survey of the site at Thomas Street. The applicant will be maintaining the town-owned piece of land above the retaining wall but did not include that value in the cost analysis. The total cost that the applicant estimated is \$104,500 for the Thomas Street improvements vs. a maximum required donation of \$84,600. The applicant pointed out that the analysis indicates the cost and not the value of adding a park to the town. The development agreement also includes a density bonus for nine bonus units as well as dedicating six units to affordable housing. The applicant stated that, based on feedback from Town Counsel, there was language added to the development agreement related to deadlines the applicant will need to meet at various stages of the project.

Wayne Amico reviewed the cost analysis during the meeting and stated that the numbers seem reasonable based on industry costs.

The Board had a discussion about assessing the value of the proposed completed park vs. the money the Town would receive from a donation instead.

The applicant met with the Conservation Commission prior to the hearing and received their approval of a concept plan. A survey needs to be completed to determine grading requirements, appropriate placement of park benches, etc. Wayne Amico reviewed the proposed park during the meeting and provided some verbal feedback. Greg Tuzzolo pointed out that the land is steeply sloped and asked about accessibility, as it would be ideal for the park to be ADA compliant. Wayne Amico stated that it would be difficult, though possible, to make the path handicap accessible. Kaitlin Young stated that the Conservation Commission is also evaluating the feasibility of making the site accessible. She pointed out that because the majority of the site is in a flood plain and on the river, there are certain limitations in what can be done there.

Greg Tuzzolo stated that his understanding is that the Board has the discretion to consider the gift amenity of a public park as part of the satisfaction of the DOD requirements.

Wayne Amico stated that he, his engineer, and the applicant have gone back and forth over the past couple weeks reviewing the site plan and discussing feedback. There was a final comment letter from VHB to the applicant dated June 18, 2019. The applicant provided responses to all the comments in that letter. Wayne Amico reviewed the responses prior to the hearing and stated that the applicant has addressed everything with the exception of two items, which he will recommend as conditions of a

permit for the Board to consider. Both items are related to the underground infiltration system, one underneath the parking lot and one underneath the parking garage. He recommends conditions that require the applicant to show a cross-section in the plans in order to detail the proposed elevations and that if the elevations are not sufficient, they should be corrected.

The applicant went through the changes that have been made to the landscape plan.

Greg Tuzzolo asked for comments from the public.

Kate Wheeler of Harrison Street suggested that planting trees in the empty tree wells along the downtown streets would enhance the downtown area and possibly satisfy some of the density bonus requirements.

Tim Hess stated that he had passed on a series of notes to the applicant following the previous hearing. The applicant responded with information that appears to be consistent with the design guidelines. Tim Hess reviewed each of the criteria for a special permit as well as the by-law related to the DOD. He discussed the project's satisfaction of the following special permit criteria: to provide a significant improvement to the effectiveness of the parking space allocation of the downtown area. He believes that the project will provide increased patronage of the downtown business from the residents of the property without increasing demand for downtown parking as they will have on-site parking at the property. Bill Cranshaw pointed out that that does not impact the current parking situation in the downtown area. Tim Hess also addressed the proposed public park at the Thomas Street parcel. He stated that the parcel of land is not located downtown, in the DOD, in the cultural district, or in the business district and that, although he is not opposed to the proposed park, he does not believe it meets the applicant's obligation to enhance the downtown area and the immediate neighborhood.

Tim Hess went through the design guidelines and whether or not the applicant's project meets the guidelines. He provided examples of other properties in town that are consistent with the design guidelines but stated that he does not see the design aspect of this project being consistent with the guidelines. Greg Tuzzolo asked for clarification that Tim Hess' comments were related to the site design and not the architectural features of the proposed building. Tim Hess stated that that is accurate. He stated that he believes the application substantially satisfies seven of the eight Design Review Guidelines from the Planning Board Rules and Regulations. He pointed specifically to number five, "Central Pedestrian-Scale Features". He believes that there is substantial opportunity to meet that guideline with this particular project but that the proposal as currently presented does not meet it.

The applicant responded to Tim Hess' comments, stating that they would be open to keeping the existing patio which is adjacent to the Rail Trail. The applicant said it could be cleaned up and landscape added around it.

Kate Wheeler suggested the addition of benches under the shade trees on the property behind the sidewalk on Summer Street. Wayne Amico said that, as long as it's not impeding access on the sidewalk, he is okay with the applicant installing benches. There was general agreement with the idea of keeping the patio and adding benches with a connection to the sidewalk.

Tim Hess reminded the applicant that there are specific design features that they have not discussed and which should be specified in the design plans if they exist, such as the following: lighting on the façade, signage, mechanical features, etc.

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

The Board voted 4-0 in favor of the motion, with one abstention from Mike Uttley.

The Board deliberated.

Greg Tuzzolo made a motion to grant the waivers as requested in Exhibit A of the application, which was seconded by Andrew D'Amour.

The Board voted 4-0 in favor of the motion, with one abstention from Mike Uttley.

Greg Tuzzolo made a motion to determine that the request meets the criteria for a special permit as described in Section 10.4 of the Zoning By-Laws. The motion was seconded by Andrew D'Amour.

The Board voted 4-0 in favor of the motion, with one abstention from Mike Uttley.

Greg Tuzzolo made a motion to determine that the request meets the criteria for a DOD special permit as described in Section 9.4.6 of the Zoning By-Laws. The motion was seconded by Andrew D'Amour.

The Board voted 4-0 in favor of the motion, with one abstention from Mike Uttley.

Greg Tuzzolo made a motion to find that the proposal meets the criteria for design guidelines as described in Section 10.6 of the Zoning By-Laws, with conditions as amended. The motion was seconded by Andrew D'Amour.

The Board voted 4-0 in favor of the motion, with one abstention from Mike Uttley.

Greg Tuzzolo made a motion to find that the site plan for the mixed use project for 42 Summer Street, per site plan dated 6.24.19, with modifications as agreed by the Town Engineer and the applicant. The motion was seconded by Andrew D'Amour.

The Board voted 4-0 in favor of the motion, with one abstention from Mike Uttley.

Greg Tuzzolo made a motion to grant the special permit that will allow multi-family use in the DOD with conditions as discussed. The motion was seconded by Andrew D'Amour.

The Board voted 4-0 in favor of the motion, with one abstention from Mike Uttley.

Greg Tuzzolo made a motion to endorse the Development Agreement dated 6.25.19, which was seconded by Andrew D'Amour.

The Board voted 4-0 in favor of the motion, with one abstention from Mike Uttley.

Town Planner Updates – Board Docs

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

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

Adjourned at 9:41 p.m.

“Exhibit A” to Planning Board Minutes of June 25, 2019
Greenstar Conditions of Approval

1. Hours of operation authorized by this permit are 8AM - 8PM seven days a week. Other approving authorities may further restrict these hours.
2. Applicant shall appear before the Planning Board in a Public Hearing within 45 days after the opening of the establishment for review by the Planning Board to determine if modification of the Special Permit and/or additional Conditions of Approval are necessary. The applicant shall be responsible for the advertising costs of the Public Hearing.
3. The Planning Board retains all authority to modify or otherwise address all aspects of the Permit at any time. This includes, but is not limited, to the Planning Board's determination if there are circumstances the Board deems problematic, dangerous, hazardous or that otherwise require modification to comply with the intent of the Permit or the Zoning By-law.
4. The applicant shall modify the exterior of the subject property based on Police Department recommendations to ensure security of the premises, of other properties, its employees and the public at all times. This includes the Police Department's consideration of exterior security for all times including times the establishment is, or is not, open to the public, or accepting deliveries, disposals, transfers or other activities associated with the use of the subject property.
5. Unless/until authorized by the Planning Board at a Public Hearing, retail business at the subject establishment shall be by appointment only. Appointments shall be in 15 minute blocks consisting of no more than 15 customers per block; thus not to exceed 60 maximum appointments per hour.
6. At the Police Chief's discretion, a detail shall be provided by the Maynard Police Department (at the applicant's expense) to ensure there is limited traffic congestion during hours of operation. *The Maynard Police Chief shall have the authority to discontinue Police Details, change the schedule, or increase the number of Police Details, at his discretion if determined that they are no longer needed.*
7. The Applicant shall ensure any outside queuing remains on the subject property and in such a designated location to ensure the safety of customers from vehicular traffic. In the event the Police Chief feels queuing is resulting in unsafe conditions, the Chief has the authority to redirect queuing to a secondary location on the subject property.
8. The Applicant shall at his/her own expense: a) provide and install signage, as needed for the entire period the Special Permit is valid (as determined by DPW). b) provide and install seven trees and mulch in Town-owned sidewalk wells. The initial tree installation shall be consistent with attached Exhibit "B". The species, design, size and other specifications of tree plantings shall be as directed by DPW. c) Install signing and striping consistent with revised plan produced by Green International (Exhibit "C") and by the plan produced by VHB (Exhibit "D").
9. Garbage collection shall be limited to weekdays from 8AM to 8PM.
10. The Applicant shall conduct a Traffic Assessment six months after the establishment has opened and provide a summary memorandum of current traffic conditions and any recommendations to improve any persistent traffic problems. The Assessment shall be completed in conjunction with the Town Engineer and be presented to the Planning Board during a regularly scheduled Public Meeting in which the project is advertised on the agenda.
11. This Special Permit is valid for two (2) years from the granting of a certificate of occupancy. The applicant shall be required to file a renewal request and appear before the Planning Board at a Public Hearing.