

**Maynard Planning Board – Meeting and Public Hearing**  
**March 10, 2020 – 6:30 p.m.**  
**195 Main Street, Soup Campbell Room**

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

**Others Present:** Bill Nemser – Town Planner; Kaitlin Young – Assistant Town Planner/Conservation Agent; Wayne Amico – Town Engineering Consultant; Tim Hess – Town Architectural Consultant; Brendon Chetwynd – Master Plan Steering Committee; James MacDonald – MacDonald Development; Jacque MacDonald – MacDonald Development; Candace Ho – MacDonald Development

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**Called to Order** at 6:33 p.m. by Greg Tuzzolo

**Public Meeting – Master Plan**

Brendon Chetwynd provided a brief summary of the Master Plan process to this point and stated that the purpose of tonight’s meeting is to present the current Master Plan proposal to the Planning Board for their feedback and approval. Based on Massachusetts law, the Planning Board has ownership of the Master Plan and is responsible for approving it or not. Brendon Chetwynd stated that there has always been a question of what happens once the Master Plan is approved by the Planning Board and endorsed by the Board of Selectmen. Part of the proposed Master Plan includes information about the “What’s Next” Committee.

Steering Committee Vice Chair, Adam Conn, provided more details about the What’s Next Committee, explaining that the members of that Committee will ensure that the Master Plan continues to evolve and does not just sit on a shelf once it’s been approved. The What’s Next Committee would work with various Town committees to ensure appropriate implementation of the Master Plan, track the status of the Master Plan, and determine appropriate amendments to the Master Plan as needed. The What’s Next Committee would allow the Master Plan to be a “living document” rather than a point-in-time document. The What’s Next Committee would be appointed by the Town Administrator for a single two-year term and would include members of the current Master Plan Steering Committee. The What’s Next Committee would communicate regularly with the Planning Board and would bring any proposed Master Plan amendments before the PB for approval.

Bill Cranshaw asked if, in the two plus years that the Steering Committee has been working on the Master Plan, any ideas came up that could be implemented immediately or if any recommendations have already been acted upon. There have been several recommendations that have been referenced by various Town Committees while enacting decisions.

Chris Arsenault asked what sort of formal check-ins would take place for the What’s Next Committee over the course of the two years the committee is operating. All of the identified implementation

owners will get regular check-ins, and the Committee will have regular meetings. The schedule for those meetings will not be determined until the Master Plan is approved and the What's Next Committee has been appointed.

Jim Coleman asked the Steering Committee Members if they would recommend that the Planning Board considers each proposed project in terms of how it aligns with the Master Plan. The Steering Committee agreed that that would be the intent.

Bill Cranshaw asked if the Master Plan would be in addition to or in lieu of the Community Development Principles. The Steering Committee used the Community Development Principles as the framework for the proposed Master Plan but expanded upon the Principles. The Master Plan should be utilized in conjunction with the Community Development Principles as they are not in conflict with each other.

Greg Tuzzolo asked Bill Nemser to explain the next steps. Bill Nemser stated that the Master Plan Steering Committee is asking the Planning Board to adopt the proposed Master Plan document. Once the Planning Board approves the Master Plan, it will go before the Board of Selectmen and Town Meeting.

*Greg Tuzzolo made a motion to adopt the Town of Maynard 2020 Master Plan, which was seconded by Andrew D'Amour.*

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

## **Update – 42 Summer Street**

James MacDonald and Candance Ho of MacDonald Development provided an update on the project at 42 Summer Street, detailing modifications that have been made to the approved site plan as well as proposed modifications. Bill Nemser explained that the typical process is for an applicant to come before the Board prior to making any changes in order to get a determination of whether the changes are considered major or minor. Bill Nemser stated that if an applicant chooses to make any changes without coming before the Board, they are doing so at risk of having to undo the changes.

Candace Ho stated that the approved plan called for a "yellow raincoat" color for the siding. Candance Ho stated that the selected color is not available from the manufacturer, so the MacDonald Development team attempted to match the approved color as closely as possible with a color that is currently available called "caramelized pear". Candace Ho provided a sample for the Board to view. James MacDonald pointed out that the siding comes pre-painted from the factory. In addition to the siding, there was also a change to the roof shingle that was originally approved. The shingle that the applicant switched to is an architectural shingle that's made by the same company as the approved shingle and is in the same color but comes with a lifetime warranty vs. a 30-year warranty on the approved shingle. The third and final completed change was to the approved trim post. The plan that was approved called for painted wood or Hardie Board siding; however the applicant utilized PVC for the post wrap and post trim because it is more maintenance free and the posts are the most exposed part of the porch areas on the building.

After explaining the completed modifications, Candace Ho reviewed the proposed modifications to the approved plan. The first change is related to the railing that wraps around the exterior porch. The

approved plan called for painted ipe wood. The applicant is proposing to use the Titan Pro vinyl railing system instead of the painted wood in order to have a more durable and maintenance-free porch rail. The second proposed modification relates to the foundation and footing. The applicant is requesting the ability to re-purpose the stones that came from the original building's foundation rather than utilizing the approved red brick over the new concrete foundation as a tribute to the original building.

Greg Tuzzolo explained that he was alerted a couple weeks ago to what appeared to be visible variations in the construction of the building to what was approved in the site plan. There was communication between the Planning Board/Town Planner and the applicant with regard to the changes that were observed, and the applicant was given the opportunity to provide more information on the changes. The applicant is in attendance at the current meeting in order to do that. Greg Tuzzolo stated that Town Design Consultant, Tim Hess, needs time to review both the completed changes and the proposed changes and to confirm that there are no other variations. Tim Hess has not had an opportunity to make a site visit prior to the meeting. Greg Tuzzolo suggested that Tim Hess visits the site, reviews the changes made and the proposed changes, notes any additional changes that have not been discussed, and communicates with the applicant prior to the applicant's next discussion with the Board.

The applicant stated that his interpretation of the rules was that, as long as there were no drastic changes, he could make modifications that he deemed to be minor. Andrew D'Amour pointed out that a determination of major or minor needs to be made prior to any changes to the site plan taking place.

Greg Tuzzolo stated that there should be a process in place for tracking the progress of a project once it has been approved to ensure that the construction of the project is aligned with what was approved. Chris Arsenault asked if that would be the responsibility of Building Commissioner Rick Asmann. Greg Tuzzolo stated that there would be various people involved, including the Building Commissioner, the Town Planner, and the Planning Board, but that it seems pertinent to have the Peer Reviewers involved through the end of the project as well since they are the ones who helped determine the original specifications of the approved site plan.

Chris Arsenault asked where the approved design details reside (i.e. in what document). Bill Nemser pointed out that both the Rules and Regulations and the By-Laws very clearly state that an applicant should come before the Planning Board prior to making any changes so that the Board can determine whether the proposed changes constitute a major or minor modification to the approved plan. He stated that the Design Peer Reviewer should make a final check to ensure the project is consistent with the approved plan. He reiterated that if an applicant makes a change without coming before the Board prior to making the change, that the change could be at risk. Tim Hess stated that the approved design details would reside in both the final approved construction plan as well as the "Conditions of Approval" from the site plan.

Wayne Amico stated that, typically the applicant and peer reviewer will communicate throughout the construction phase of a project, with the onus being on the applicant to bring forward any changes to the approved plan so that the peer reviewer can do an initial assessment of whether the modifications seem to be minor or major.

James MacDonald expressed a great deal of frustration with the peer review process.

There was a general discussion amongst the Board members, the Town Planner, and the Peer Reviewers about the process of monitoring projects to ensure they are consistent with the approved plans. Bill Nemser reiterated that it is the responsibility of the applicant to communicate any desired modifications to the approved plans prior to making the changes or the applicant risks the changes being denied by the Planning Board. Andrew D'Amour suggested ensuring that the language is clear that it is the responsibility of the applicant to notify the Board of any desired modifications to the approved plan but that there should also be a schedule in place for each project to be reviewed for consistency with the approved plans.

A resident asked for clarification on whether a developer needs to bring forward a request to upgrade the approved materials to a higher-level quality material. Greg Tuzzolo stated that the applicant does need to notify the Planning Board of a change to the approved plans. Tim Hess pointed out that an applicant might consider a different building material to be of higher quality when it is not necessarily so.

There was a discussion about which items Tim Hess would feel comfortable assessing during the meeting rather than waiting to review at a later time. Tim Hess stated that he would be able to comment on the siding and roof shingles but would need time to review the three other modifications that are being proposed. Tim Hess stated that his preference would be for the original approved color for the siding but that the substituted color is acceptable, and he would recommend the Board's approval of the modification as minor. Tim Hess also stated that his preference would be for the original approved shingle, as it is more consistent with the design intent, but that the substituted shingle is acceptable. He would recommend the Board determines the modification to be minor.

*Jim Coleman made a motion to accept the change in siding color and roof shingle as minor modifications, which was seconded by Andrew D'Amour.*

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

The applicant asked what the process would be for determining whether the other modifications that were requested are major or minor. After peer review from Tim Hess, the applicant would need to come before the Board at another public meeting for a determination. The applicant stated that he would move forward with the approved designs and withdraw his request for the additional modifications.

### **Public Hearing – 115 Main Street (continued from January 28, 2020)**

Greg Tuzzolo re-opened the Public Hearing for 115 Main Street, which was continued from January 28, 2020. Jacque MacDonald of MacDonald Development reviewed changes that were made to the proposed site plan based on feedback from the previous hearing. Parking spaces were changed to a 60-degree angle to allow for easier entry and exit. The direction of traffic flow was changed. Some of the spaces were bumped out four and a half feet to allow for proper turning. A trench drain was added along parking spaces 20-28. Thirteen bike racks were added. The orientation of the crosswalk was updated on the drawings to reflect what currently exists. The proposed fence is now a wooden guard rail that is rated for cars. The retail access door was moved and a second door was added. The applicant stated that there was a letter from the traffic engineer, Ron Mueller, which was forwarded to Wayne Amico and Bill Nemser, stating that maintaining the existing location of the crosswalk is safer than

moving the crosswalk closer to the intersection of Nason and Main Streets or adding another crosswalk closer to that intersection.

Wayne Amico stated that he feels that the applicant has addressed all of VHB's concerns relative to site plan, parking, and circulation. He mentioned that there was an update to the waiver requests. The applicant noted that there is one additional waiver request that's related to the size of the spaces for the angled parking.

Jim Coleman stated that, unrelated to the subject application, he has concerns about the safety of pedestrians near the intersection of Nason and Main due to the speed at which vehicles travel as they turn right from Nason onto Main Street. Wayne Amico agreed that it something that should be reviewed and considered.

Bill Cranshaw questioned some of the dimensions shown on the revised drawings. He asked for clarification of the usable pedestrian area. Wayne Amico stated that the intent was to have a 10.5 foot dimension for the pedestrian area, but with the guard rail, it might be slightly less (closer to 9 feet). Bill Cranshaw also asked about clarification of a solid line near the perimeter of the property on the drawings. The applicant was unable to specify what the line represents and stated that they would have to follow up on it. Greg Tuzzolo pointed out that the question illustrates the need to have cross-section drawings that are a larger scale to demonstrate details of the plans. He suggested that those cross-section drawings should be made available for the next meeting.

Bill Cranshaw asked about the hatched areas that are shown on the drawings and what the material will be. The applicant stated that it will be brick. Greg Tuzzolo asked if the intent of those areas is to create access to the pedestrian walkway from the parking area. The applicant confirmed that that is the intent.

Bill Cranshaw noted that the guard rail is portrayed backwards on the drawings. He also asked for clarification of the dimensions of spaces 19 and 20 and noted that they are even smaller than a traditional compact size. He asked about space 29 and stated that it appears to block the pedestrian access. Wayne Amico advised the applicant to note the questions and concerns and address them accordingly at the next meeting.

Greg Tuzzolo pointed out that he wants to ensure that it is clear that the Board is not signing off on different steps of the presentation sequentially but, rather, evaluating the application as a whole after it has been completely presented.

Bill Cranshaw asked for clarification of the pedestrian travel from the surface spaces to the commercial space as it appears there is no direct path, for example from space 25. The applicant explained the various options that one would have. Bill Cranshaw also asked about the proposed lighting and whether or not they comply with the requirements. The applicant stated that the proposed lighting has gone through peer review. Bill Cranshaw stated that he feels the proposed lighting at the sidewalk seems to be very dark.

Greg Tuzzolo noted that there is a trench drain along the west side of the parking lot. He asked if there is also a curb in the plans. The applicant stated that there is no curb. Wayne Amico pointed out that the compromise was a guard rail since the applicant wanted all of the surface area (between the parking lot and the promenade) to be flush so that water would drain off appropriately. A curb would not allow for

proper drainage. Greg Tuzzolo recommended that the guard rail should have intermittent openings to allow pedestrians to easily move from the promenade to the parking area and vice versa without having to step over the guard rail.

Tim Hess asked if there will be a screen between the promenade and the parking area. The applicant stated that the original intent was to have one but that the proposal was revised after feedback at the last meeting. Chris Arsenault recalled that the discussion was related to safety concerns and not design feature concerns. Wayne Amico concurred that there was a discussion about screening but that it did not seem to be the most desirable option overall. Tim Hess stated that he believes the landscape regulations require parking to be screened for a certain number of cars.

Andrew D'Amour pointed out that there did not seem to be enough walking space near one of the light poles indicated in the designs. Everyone agreed that the light pole would need to be moved.

Bill Cranshaw stated that he feels the overall design plan is trying to accommodate too much parking as a result of the number of additional residential units being proposed. He also pointed out that the revised design proposal cuts down on the size of the promenade, making it not much more than a sidewalk. He does not feel that the design offers any special benefits to the downtown area. James MacDonald stated that, if the Board agrees with Bill's comments, the promenade can be eliminated from the plan altogether as it would save the applicant money to do so. Bill Cranshaw stated that the design could be improved if there were fewer units. The applicant stated that even if he removes one unit from the plan, it would not be financially viable. He asked the Board to tell him if they intend to oppose the proposed number of units. Bill Cranshaw stated that he would not vote in favor of the current plan.

Jim Coleman stated that he would hate to see the promenade removed from the design and feels that having it would be a great benefit to the town of Maynard.

David Mark of 10 Maple Street stated that there are so few places in town where one can actually see the river and that it would be worth retaining the promenade in the plans.

Chris Arsenault stated that he feels the challenges of the property extend beyond the bounds of the property. He feels that the applicant has tried to address those challenges and accommodate the feedback of the Board and the public, but that the challenges persist.

James MacDonald stated that the other buildings that he owns in town have tighter parking than what is being proposed at the subject property, but he has not had any complaints in 15 years. He has been working on the project for two years and feels that he has tried to accommodate all the requests of the Planning Board to create an acceptable design proposal.

Chris Arsenault asked Jim Coleman to comment since he has a great deal of experience. Jim Coleman stated that he does not necessarily have concerns with the parking as it is being proposed. He referred to the Master Plan and noted that several components of the Master Plan relate to taking advantage of the river. He believes that a compromise on the design of the parking might be necessary in order to provide the town with a promenade along the river to be consistent with the intent of the Master Plan.

Bill Cranshaw asked for the next discussion to focus on the details of the proposed promenade, with drawings, dimensions, sketches, etc. to understand what it would look like and how it would be used.

Tim Hess pointed out that one of the previous iterations of a design proposal called for a two-level parking garage, which would require digging deeper into the property but would resolve some of the issues being discussed with regard to the tight parking area. The applicant stated that it will not be feasible to have a two-level parking garage due to water table issues and other challenges.

Greg Tuzzolo stated that he is reserving a final opinion until a complete proposal is brought before the Planning Board. He agreed that there will need to be some compromises due to the challenges presented by the particular site, but that the benefits and values of the proposal will need to be weighed against the trade-offs and concessions that would need to be made.

The resident of 14 Euclid Avenue stated that she has not heard anyone talk about the retaining wall for CVS. The applicant stated that the retaining wall is on CVS' property and that the construction fence would be on the applicant's side of the wall. Greg Tuzzolo pointed out that it would be the applicant's responsibility to ensure the stability of the retaining wall during construction on the subject property.

David Mark of 10 Maple Street stated that between Summer Street and Florida Street, the only way to get from the Rail Trail to Main Street is to cut through the municipal parking lot and the CVS parking lot and that there needs to be a way for pedestrians to get from the Rail Trail to Main Street without walking through the parking lot. He doesn't feel like the access needs to be a 30-foot wide promenade but rather a well-lit, pedestrian-friendly connection.

Bill Cranshaw asked if the project can be constructed without closing a section of sidewalk in front of the parcel near the crosswalk. Greg Tuzzolo stated that it would be important for the applicant to present any conditions of construction that the Board will need to take into consideration such as sidewalk closings, etc. Wayne Amico agreed that the sidewalk cannot be closed without having some other temporary method for pedestrians to safely cross the street.

*Greg Tuzzolo made a motion to continue the hearing for 115 Main Street to April 28, 2020, which was seconded by Andrew D'Amour.*

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

## **Public Hearing – Zoning By-laws**

Greg Tuzzolo called to order the public hearing for a review of the Zoning By-laws. The Planning Board will determine if it will recommend approval of the six amendments noted in the agenda to the Town Meeting on May 18, 2020. The Board members, Bill Nemser, and Tim Hess discussed the verbiage of the amendments and agreed on various revisions.

*Andrew D'Amour made a motion to recommend the proposed slate with adjustments as noted for the warrant for Town Meeting. The motion was seconded by Jim Coleman.*

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

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

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

**Adjourned** at 9:31 p.m.