

**Maynard Planning Board – Meeting and Public Hearing**  
**March 24, 2020 – 7:00 p.m.**  
**Meeting Held Remotely via Conference Call due to COVID-19**

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

**Others Present:** Bill Nemser – *Town Planner*; Kaitlin Young – *Assistant Town Planner/Conservation Agent*; Megan Zammuto – *Assistant Town Administrator & OMS Director*; Wayne Amico – *Town Engineering Consultant*; Linde Ghery – *Coolidge School Working Group*; Taylor Bearden – *Coolidge School Working Group*; Andrew Gollenberg – *Market Basket*; John Kucich – *Bohler Engineering*; Bill Dipietri – *129 Parker Street*; Bob Depietri – *129 Parker Street*

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

**Approval Not Required (ANR) – 12 Bancroft Street (Coolidge School)**

Bill Nemser provided a brief summary of the ANR request, stating that the request relates to separating the Coolidge School parcel into two distinct and separate parcels: one parcel to be dedicated to the Town for use as Open Space (including the sledding hill) and the other parcel to keep the remaining structure of the old school building for the purpose of remodeling it for residential units. There is currently a proposal from Civico Development for the reuse project. They will be bringing a site plan before the Planning Board to request a special permit at an upcoming meeting. The purpose of the current meeting is to determine whether the request meets the criteria for ANR. Bill Nemser asked the Board to note that if they do determine the request meets the criteria for ANR, that it is contingent upon approvals as necessary for variance from the Zoning Board of Appeals (ZBA) and that the ANR would not be recorded until the necessary variance approvals have been obtained from the ZBA. Otherwise, the ANR would be creating a non-conforming lot, which the Planning Board cannot do.

Bill Cranshaw asked for clarification of who the applicant is. Bill Nemser said that the property is owned by the Town of Maynard, but the applicant for the ANR is Civico. Bill Cranshaw also asked if the condition of approval that Bill Nemser had mentioned would be only for the variance to the setback and not the density bonus. Bill Nemser confirmed that the condition would be related to variance of a rear setback of less than 15 feet. However, he also stated that there is a third variance request for a non-conforming lot. He explained that the ANR approval would be subject to the setback variance approval as well as the non-conforming lot approval. The ZBA has continued their variance hearing until next month.

Chris Arsenault stated that he has no concerns about the ANR request but that he would like to see better coordination between the Planning Board and the ZBA so as not to delay the project any further.

*Greg Tuzzolo made a motion to find that the ANR request is consistent with the criteria, subject to the following condition: that the ANR determination is valid only with the necessary approvals from the ZBA for a dimensional variance of the rear setback that will create a non-conforming lot. Bill Cranshaw seconded the motion.*

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

### **Determination – Market Basket Maynard Crossing (129 Parker Street)**

Greg Tuzzolo asked the applicant to provide a summary of the application. Andrew Gollenberg of Nittany Construction Inc. stated that the proposal is for a modification to the working hours as presented in the decision for Maynard Crossing. He stated that there will be a couple instances during construction when the crew will need to extend their time on site past the approved time of 6:00 p.m. during the week. The first instance will be for the pouring of the concrete floor slabs. The second instance will be for the spray insulation inside the coolers and freezers. The applicant provided an exhibit with the proposed dates for the work to be done. He stated that when concrete slabs are being poured, the operation typically starts in the early morning hours and extends through the evening due to the magnitude of the pours that Market Basket requires, the conditions, and the way the concrete sets. There are five dates for which the applicant is requesting extended working hours.

The applicant stated that he has communicated with Bill Nemser and understands that the protocol would entail notifying the abutters of the dates and times of the extended hours as well as posting the information on the website. The spray insulation would occur approximately two weeks after the first slab pour, which is April 14, 2020. The spray insulation operations typically occur during a second shift timeframe (3:00 p.m. until midnight) due to safety reasons. The applicant stated that disruption to the abutters would be limited since the all the work will occur inside the building and the truck with the generator as well as the compressor will all be located inside the building. The estimated time frame to complete all the work inside the building is two weeks.

Greg Tuzzolo asked if the proposed dates of work are suggested or confirmed. The applicant stated that, barring any delays in construction due to COVID-19, the start date for the first slab pour on April 14 is firm. The subsequent dates are target dates. If there is an adjustment needed for any of the subsequent dates, there would be a two-week advanced notification.

Greg Tuzzolo asked if the walls and roof have already been constructed and, if so, what activity would be seen from outside the building. The applicant confirmed that the walls and roof have been constructed and stated that it's likely that the only thing that would be seen from the outside would be lights that are on inside the building. He doesn't anticipate any noise nuisance.

Greg Tuzzolo asked the applicant if the work would be completed by a specific time at night. The applicant stated that there are many variables that determine when the concrete will finish and be ready, including ambient temperature, relative humidity, ground temperature, etc. The best estimate he could make based on past experience would be three to six hours past 6:00 p.m. One pour of concrete could theoretically take from 7:00 a.m. until midnight.

Chris Arsenault asked if there would be concrete trucks and pumps running after 6:00 p.m. The applicant stated that the trucks and pumps would be gone by that time. He also stated that all insulation work will take place inside of the building, with no noise from insulation work outside of the building.

Jim Coleman stated that he is familiar with both types of operations (concrete pour and insulation) and has no concerns.

Greg Tuzzolo asked for public comment or questions.

Resident Trish Saunders of 11 Dettling Road asked if the building would be fully enclosed, including all doors, windows, and load dock areas, to limit noise and pollutants from coming into the abutting neighborhoods. The applicant stated that the building will not be fully enclosed at the time of the first concrete pour. Trish Saunders asked if it would be fully enclosed when the spray insulation takes place. The applicant stated that the goal will be to have it fully enclosed. However, he also stated that there is to a risk to the public from the spray insulation. Trish Saunders referred to the building as an “echo chamber” with noise echoing into the neighboring residential area. She feels that noise is a concern and asked the Board to require that the building be completely enclosed prior to the work being done. She questioned the applicant’s assertion that there is no risk to the public if the workers need to wear protective masks.

Chris Arsenault stated it is in the applicant’s best interest to ensure minimal to no impact to the public from the work being conducted. He feels that the request is a minor modification.

Trish Saunders stated that if the Board votes the request as a minor modification, they would be allowing work to be done until midnight for 20 days, which she feels is not in the spirit of the NBOD. She reiterated the request for the Board to require the building to be completely enclosed prior to the concrete and insulation work being done.

Greg Tuzzolo noted that if the applicant is in violation of their special permit by creating a nuisance or a hazard, the Planning Board has recourse regardless of the time the nuisance or hazard occurs. Therefore, it is in the best interest of the applicant to mitigate any potential nuisance.

Trish Saunders expressed concern that, if the Board approves the extended hours and there is a noise issue from the neighbors’ perspective, there will be no officials around to make that determination since it would be after hours. She asked for the applicant’s commitment to have the building fully enclosed prior to the work being done or at least for 75% of the expected 20-day time frame. The applicant stated that it is their intent to have the building fully enclosed as soon as possible and that they will do everything possible to do so. He was unable to commit to a specific percentage within a certain timeframe.

Chris Arsenault asked for Wayne Amico’s input. Wayne Amico stated that he is happy to meet with the applicant on site to review the project and provide feedback on noise mitigation possibilities. He also offered to walk the site with the neighbors to address any areas of concern.

Jim Coleman offered to conduct one or two site visits after hours during the operations to assess the conditions and determine if there are any nuisance concerns.

The Board agreed that the memo from the applicant with the specifics of the request could be included in the record should the Board vote in favor of a minor modification.

*Greg Tuzzolo made a motion to find that the request is deemed a minor modification, which was seconded by Chris Arsenault.*

***The Board voted 4-0 in favor of the motion, with one recusal from Bill Cranshaw.***

### **Determination – Maynard Crossing (129 Parker Street)**

John Kucich of Bohler Engineering summarized the request of Maynard Crossing for the Board to determine whether their revised site plan constitutes a major or minor modification. The revisions relate to configuration changes to buildings R4 through R7. John Kucich reviewed the proposed changes as well as how his team addressed the comments from Wayne Amico.

The Board asked for clarification of a couple items on the revised plans. Greg Tuzzolo asked Wayne Amico if there were any areas of concern for him. Wayne Amico stated that the applicant adequately addressed all of the comments he had sent in a comment letter dated mid-late February.

Bill Nemser asked the applicant to include a Table of Changes when he submits the final revised plan.

Greg Tuzzolo asked the public for comments or questions.

Trish Saunders of Dettling Road asked for clarification of how the increases in building sizes over time is being tracked to ensure that the total square footage is not more than what is allowed. Bill Nemser stated that the net increase in square footage for this particular revision brings the total square footage from 302,040 square feet to 307,085 square feet, which is still less than the maximum allowed within the NBOD (310,000). The applicant confirmed that the total square footage of 307,085 includes the previous increase to buildings R9 and R10.

Bill Cranshaw asked for clarification of whether the number of drive-thru lanes and parking spaces are both decreasing. The applicant stated that building R6 was originally approved for three drive-thru lanes, but the revised plans call for just two. Although there was a reduction in parking for the particular area around buildings R4-R7 with the revised proposal, the total number of parking is in line with what was originally approved due to previous revisions to other areas of the property.

*Greg Tuzzolo made a motion to determine that the proposed changes constitute a minor modification to the site plan, which was seconded by Chris Arsenault.*

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

## **Public Hearing – Maynard Crossing (129 Parker Street)**

Greg Tuzzolo opened the Public Hearing and stated that the applicant is requesting a special permit approval for a drive-thru use at the bank at Maynard Crossing in building R6. If approved, the drive-thru would be the second of a maximum of four allowed drive-thrus at the property.

The applicant reviewed the proposed drive-thru plans. Greg Tuzzolo asked for clarification on whether both lanes are service lanes or if the outer lane is a pass around lane. The applicant stated that the inner lane is full service while the outer lane is for a drive-up ATM.

Bill Cranshaw asked Wayne Amico whether it makes a difference in the analysis whether the two lanes are both full-service or one of the lanes is for ATM service. Wayne Amico stated that he does not believe it makes a difference and that his team is comfortable with the proposal, including changes based on feedback from his team.

Greg Tuzzolo asked Bill Nemser whether the double-lane drive-thru constitutes one or two drive thrus with regard to the maximum number allowed at the property. Bill Nemser stated that he believes it would be one drive-thru.

Greg Tuzzolo noted that there have been some work site violations reported. Bill Nemser stated that those were related to work being done at Market Basket and that a letter of apology had been sent to the Town. Greg Tuzzolo asked if there are any outstanding peer review fees related to the project. Kaitlin Young stated that she believes the applicant is current on peer review fees. Wayne Amico stated that there are still ongoing discussions related to an agreement with the applicant to split mitigation costs above and beyond what was covered by a grant for sewer reconstruction. The amount that the applicant is responsible for is still under discussion. The applicant agreed with Wayne's comments and stated that the information is under final review. Once the review has been finalized, the applicant will discuss the calculations with Wayne Amico. Wayne Amico stated that his team conducted a clear and concise breakdown of the costs and had the information reviewed by a third party to ensure there was no bias. He feels that the number they arrived at, which is approximately \$229,000, is fair and accurate.

Bill Nemser asked if the applicant believes they will come to an agreement on the number within the next 30 days. The applicant agreed they would.

*Greg Tuzzolo made a motion that the application for a drive-thru at 129 Parker Street, building R6, is consistent with the special permit criteria laid out in Section 10.4 of the Zoning By-laws. The motion was seconded by Chris Arsenault.*

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

*Greg Tuzzolo made a motion to grant the special permit for one drive-thru for the R6 building as presented with the condition of a satisfactory resolution to the matter of the sewer reconstruction costs. The motion was seconded by Chris Arsenault.*

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

*Bill Cranshaw made a motion to close the Public Hearing, which was seconded by Chris Arsenault.*

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

### **Public Meeting – Planning Board Rules and Regulations**

Bill Nemser reviewed the draft revisions. The Board all agreed that they need more time to review everything in detail. They agreed to continue the meeting until April 14, 2020.

*Greg Tuzzolo made a motion to continue the Public Meeting for the Rules and Regulations to April 14, 2020, which was seconded by Chris Arsenault.*

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

### **Town Planner Update**

Bill Nemser stated that he hopes to have the next Planning Board meeting via Zoom.

*Greg Tuzzolo made a motion to adjourn, which was seconded by Chris Arsenault.*

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

**Adjourned** at 9:17 p.m.