



TOWN OF MAYNARD
Office of Municipal Services
MUNICIPAL BUILDING
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Planning Board Meeting Minutes
Tuesday, September 8, 2020

Held Remotely Via Zoom (This public meeting was recorded)

Present:

Greg Tuzzolo, Chair
Andrew D'Amour, Vice Chair
Jim Coleman, Member
Bill Cranshaw, Member

Christopher Arsenault, Member
Natalie Robert, Alternate Member
Bill Nemser, Town Planner
Kaitlin Young, Assistant Town Planner ~ Absent

Guest:

Carmine Tomas, LT, Development
Trish Saunders
Kelly Kane

Angelo Catanzaro, Capital Group
Wayne Amico, VHB
Betsey Gardstein

Meeting Opening

Mr. Tuzzolo called the meeting to order at 6:45 pm.

1. Executive Session

Convene in Executive Session: To discuss strategy with respect to litigation, namely MacDonald Development, Inc. v. Town of Maynard Planning Board and its Members, Land Court Docket No. 20 MISC 000344 (GHP), where an open meeting may have a detrimental effect on the litigating position of the Town

2. Reconvene in Open Session

Mr. Tuzzolo return the board to open session at 7:27 p.m.

3. Acceptance of Minutes

A motion was made by Mr. Tuzzolo and seconded by Mr. Cranshaw to accept and approve the August 25, 2020 Meeting Minutes as amended.

Voted: By roll call. Mr. Tuzzolo - AYE, Mr. Cranshaw – AYE, Mr. Coleman – AYE, Ms. Robert – AYE, Mr. D'Amour – Abstained, Mr. Arsenault – Abstained, Motion carried.

4. Correspondence

There was no Correspondence presented to the Board.

5. Election of Chair 2020/2021

A motion was made by Mr. D'Amour and seconded by Mr. Cranshaw to nominate Mr. Tuzzolo as Chair of the Planning Board with a term of September 23, 2020 – June 30, 2021.

Voted: By roll call. Mr. Tuzzolo - AYE, Mr. Cranshaw – AYE, Mr. Coleman – Abstained, Mr. D'Amour – AYE, Mr. Arsenault – AYE, Motion carried.

A motion was made by Mr. Tuzzolo and seconded by Mr. Cranshaw to nominate Mr. D'Amour as Vice Chair of the Planning Board with a term of September 23, 2020 – June 30, 2021.

Voted: By roll call. Mr. Tuzzolo - AYE, Mr. Cranshaw – AYE, Mr. Coleman – Abstained, Mr. D'Amour – AYE, Mr. Arsenault – AYE, Motion carried.

6. PUBLIC HEARING: 129 Parker Street. Amendment to the Special Permit Decision: Pursuant to Massachusetts General Laws, Chapter 40A s.5 and s.9, the Maynard Planning Board will hold a REMOTE public hearing on Tuesday, September 8, 2020 at 7:00 p.m. to consider the application filed by the owner and petitioner Maynard Crossings JV, LLC - Capital Group Properties, 259 Turnpike Road, Southborough, MA 01772. The Petitioner is requesting to amend “Exhibit E” (signage) of the Special Permit Decision dated September 19, 2017 for the Maynard Crossings (129 Parker Street) mixed-use development. Exhibit “E” of the Decision defines internal tenant signage system within the project and not addressed in the Concept Plan. The request proposes amending the Planning Board’s original guidelines to allow additional internal tenant signage, and provide clarification of several definitions and ensure the internal signage is modified to address changed conditions. The request does not affect, and will remain consistent, with the Town approved Concept Plan for the Project. This request is pursuant to Sections 9.3 and 10.4 of the Zoning By-laws and the Concept Plan approved by Town Meeting on October 5, 2016.

Mr. Tuzzolo opened the public hearing at 7:28 p.m.

Angelo Catanzaro, speaking for the applicant (Capital Group) requested an amendment to the Planning Board decision of September 19, 2017, on the signage for the Market Basket supermarket at 129 Parker Street. Mr. Catanzaro asked the Board to revise its decision by allowing Market Basket to design a front building sign of approximately 352 square feet, as seen on all Market Baskets. The concept plan approved in October 2016 did not provide any measurements. Mr. Catanzaro reviewed the Town Meeting vote, and there were no dimensions assigned for Market 32. However, the concept plan, which was incorporated into the Board’s decision, contained numerous pictorials showcasing signage on site. Town Meeting approved the concept plan which showed roughly 850 square feet of signage.

Mr. Catanzaro requested that the Board exercise its authority to amend Exhibit E to allow both the overall signage area and largest sign to be up to 352 square feet. All materials are in the packet that was presented to the Board.

Mr. Tomas, LT Development, Real Estate Manager for Market Basket, stated that everything Mr. Catanzaro shared prior was correct. Every Market Basket has this sign size or bigger on all of their buildings.

Mr. Tuzzolo recapped that the applicant is suggesting that the concept plan was silent on the size of the signage. The size of the signs came into discussion during the site plan review process, and the area limit was set lower than anticipated. The applicant is asking the Board to exercise their judgment again to allow the increase of the sign size.

Mr. Nemser, Town Planner, shared that the sign Zoning By-laws state that it is to be approved by the Planning Board. Mr. Nemser agreed with the applicant’s statement that Market 32 did not have any dimensions on the concept plan. Mr. Nemser found the request by the applicant for the Board to review the scale of the signage request submitted by Market 32 was reasonable.

Mr. D'Amour thinks the applicants request is reasonable.

Mr. Arsenault requested that the applicant present the presentation prepared for the board.

Mr. Catanzaro provided the presentation to the Board which showed what was approved on the concept plan. The concept plan was submitted and approved by Town Meeting for Market 32 on October 5, 2016 and incorporated into the PB Decision as Exhibit D on September 17, 2017. Item number 4 is the concept signage plan, which locates the signs by type, but does not provide measurements.

Ms. Saunders, Dettling Rd, shared her concern that the Board was setting precedent. She believed that the Market Basket is different from others in that it resides in the middle of three residential neighborhoods. She said that she would like the Board to be consistent in its sign measurement rulings.

Mr. Nemser explained that signage is under the review of the building inspector.

Board Member Mr. Cranshaw recused himself from this agenda item, leaving Ms. Robert to vote in her alternate position.

A motion was made by Mr. Tuzzolo and seconded by Mr. D'Amour that the proposal as presented to increase the signage for 129 Parker St is consistent with the Town Meeting vote and execution by the Board of Selectmen.

Voted: **By roll call. Motion carried unanimously.**

A motion was made by Mr. Tuzzolo and seconded by Mr. D'Amour to amend Exhibit E of the Decision to increase the overall supermarket signage from 250 to 352 square feet.

Voted: **By roll call. Motion carried unanimously.**

7. Recommendation of Acceptance of Keene Ave

Mr. Nemser recommends approval subject to no liens being held on the applicant's title.

A motion was made by Mr. Tuzzolo and seconded Mr. Cranshaw to recommend Town acceptance of Keene Ave as constructed, conditional on Town Counsel's review and approval of missing titles.

Voted: **By roll call. Motion carried unanimously.**

8. Town Planner Updates

- Mr. Nemser requested that Mr. Arsenault sign the Coolidge site plans.
- Mr. D'Amour and Mr. Tuzzolo authorized Mr. Nesmer to use their stamps to sign the Coolidge site plans.
- Fall Town Meeting is being held on Saturday, October 3, 2020, at 1:00 pm
- September 22, 2020, Public Hearing for 129 Parker Street, canceled, applicant paid all debts.
- September 22, 2020, Executive Session will be at 7:00 pm.

Board Comments:

- Mr. D'Amour asked that the signage on River Street be looked at and placed on an upcoming agenda item. Mr. Tuzzolo recommends that Wayne Amico review the signage. Mr. Coleman has recommendations as to where the signs could be placed if removed from River Street.
- Mr. Coleman is concerned about the appearance at 31 Main Street. Mr. Nemser shared that the DPW and Building Inspector are working with the developer on the property. The DPW and developer are working on sewer negotiations and lighting.
- Mr. Tuzzolo spoke to Mr. Coleman's request pertaining to meeting in person in place of Zoom. Mr. Nemser informed the Board that Town Hall is currently closed to the public. Mr. D'Amour suggested that someone on the zoom call monitor the Zoom participation list and make sure the Board is acknowledging anyone participating in the call and utilizing the raised hand featured.

9. Adjournment

A motion was made by Mr. Tuzzolo and seconded by Mr. D'Amour to adjourn the meeting at 8:40p.m. p.m.