

Maynard Planning Board Meeting and Public Hearing
December 8, 2020 – 7:00 p.m.
(Held remotely via Zoom due to COVID-19)

Board Members Present: Greg Tuzzolo – *Chair*; Bill Cranshaw – *Acting Vice Chair*; Jim Coleman; Chris Arsenault; Natalie Robert (alternate).

Others Present: Bill Nemser – *Planning Director*; Wayne Amico – *Town Engineering Consultant*; Bill Depietri – *Capital Group Properties*; Norman Martin – *Market Basket*; Walter Eriksen – *Developer (Wisteria Lane)*; Jesse Johnson – *Bohler Engineering*

Called to Order at 7:01 p.m. by Greg Tuzzolo

Approval of Minutes – 10.27.20 and 11.10.20

Greg Tuzzolo made a motion to approve the Minutes dated 10.27.20 and 11.10.20, which was seconded by Jim Coleman.

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

Determination of Major or Minor Modification - Maynard Crossing (129 Parker Street) Pylon Sign Illumination

Bill Depietri summarized the proposed modification of a change in the time frame allowed for the pylon sign illumination. The current approval is for the light to come on at dusk and go off at 11:00 p.m. The applicant is requesting allowance of the sign to be illuminated from 5:50 a.m. to 7:00 a.m. and then again from dawn until 11:30 p.m. The original time frame that was approved did not take into consideration the time change for daylight savings time nor did it account for early shopping hours offered to Market Basket's senior customers during the pandemic.

Maynard resident Trish Saunders of Dettling Road noted that the list of requested modifications has grown over time for the site. She suggested that the Board consider reciprocity when granting minor modifications to the approved plan. For example, she noted that due to COVID-19, stores are required to close at 10 p.m. so perhaps the lights could go off at that time rather than 11:30 p.m.

Bill Depietri stated that the site plan approval allows for the lights to be on until 1:00 a.m. but that Capital Group decided to turn them off earlier given the earlier closing time of the businesses. He is not opposed to revising the operations manual to indicate that the lights will be consistent with the hours of operation of the businesses on site. Greg Tuzzolo suggested revising the approved hours to allow the lights to come on 15 minutes prior to Market Basket's opening until sunrise and again from sunset to 11:30 p.m.

Bill Nemser pointed out that there will be forthcoming changes proposed for the operations manual since Market Basket was not the planned tenant at the time the manual was written.

Greg Tuzzolo made a motion to find the modification to the pylon sign illumination to allow the lights to come on 15 minutes prior to Market Basket's opening until sunrise and again from sunset to 11:30 p.m., as noted during the meeting, to be minor, which was seconded by Jim Coleman.

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

Bill Nemser stated that there was also a staff-sponsored modification recommending that all site light restrictions are lifted during inclement weather events for safety purposes. Bill Dipietri stated that he would not be opposed to such a modification. There was a discussion about the specific language of the modification and how it would be managed on site. Greg Tuzzolo suggested modifying the language to state that lights may be turned on between dawn and dusk at the discretion of the property manager due to severe weather events.

Jim Coleman made a motion to approve the modification to allow for lights to be turned on between dawn and dusk at the discretion of the property manager due to severe weather events, which was seconded by Greg Tuzzolo.

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

Wayne Amico stated that the Town was notified by some abutters of the property that there were trash compactors that were cycling on several times a day. Bill Nemser noted that there is not specific language in the site plan approval allowing for trash or recycling compactors. Wayne Amico stated that the outline of a trash compactor and recycling compactor did appear in the plans but they were not called out as such. The Town has audio of the compactors while they are active, and Wayne Amico noted that the noise is loud. He recommended that there be a discussion about mitigation. When the R9 dumpster was relocated, there was a specific question about whether there would be any compactors being used and the response from the applicant was that there would not be any compactors. Wayne Amico stated that the issue does need to be discussed either during the meeting or at a future meeting.

Greg Tuzzolo suggested that the discussion is scheduled for a future meeting and that in the interim, the equipment can only be active during operating hours. He asked for feedback from others. Bill Cranshaw said that he would like to see noise readings from the nearest residential property line at the next discussion. Trish Saunders asked for clarification on the frequency of active status of the compactors. Bill Depietri said it's based on demand and not a specific schedule. When the dumpster becomes full, the compactor turns on. Norman Martin of Market Basket stated that the compactor is not to be turned on until 7:00 a.m. and can be used throughout the day until closing hour (or shortly thereafter) for Market Basket, which is 8:00 p.m. He also noted that although the operations manual allows for trash to be collected as early as 5:30 a.m., Market Basket has instructed their trash contractor, EL Harvey, not to come until 7:00 a.m.

According to Bill Depietri, each compacting cycle takes approximately 30-45 seconds to complete. Trish Saunders stated that there is a very loud noise that she is hearing for 5-10 minutes at a time throughout the day. Abutter John Bresnahan stated that it's at least 2-3 minutes per time and it happens about a dozen times a day, beginning well before 7:00 a.m. Bill Cranshaw recommended setting up a 48-hour recording in order to determine frequency, duration, and specific times of operation. Greg Tuzzolo asked that the topic be added to the agenda for the next Planning Board meeting.

Greg Tuzzolo asked if there any other discussions related to 129 Parker Street. Jim Coleman stated that he had received an email from Bill Nemser regarding a concern of resident Marie Gunnerson. The concern relates to traffic on the access road next to 110 Grille. The concerns expressed by Marie Gunnerson are that there are large trucks entering and exiting the access road next to Field Street as well as passenger cars. Jim Coleman suggested that Capital Group not allow any traffic on that access road until construction is done.

Wayne Amico stated that he is equally concerned and thought that there were adequate protections in place, such as signs coming out of 110 Grille that say "Do Not Enter" as well as "No Right Turn" signs. Wayne Amico had also requested a "No Left Turn" sign be installed on northbound Parker Street advising drivers not to turn onto the access road. He asked that Bill Depietri ensures that the sign gets installed. The sign was not part of the plan as it was requested after the plans were approved. Greg Tuzzolo asked Wayne Amico to create a sketch so that it can be submitted as part of the record. Wayne Amico also suggested that the Police Chief might need to have an officer monitor that access road. Jim Coleman pointed out that there will still be violations that occur and that having a police officer monitor the access road is an unnecessary expense to the Town. He reiterated his suggestion to completely block the access road to make it inaccessible. Bill Depietri stated that he has no issue with doing so. Wayne Amico stated that his understanding is that the access road is required for construction trucks and he wants to make sure it will not be an issue for the construction team to completely block the access road. Wayne Amico asked if it would be possible to put a manual gate in place or some other non-permanent barrier that would still allow access for the trucks.

Wayne Amico asked Bill Nemser if he would follow up with the Police Chief to have an officer take a look as they're on their normal route to see if they notice any cars coming or going on that access road and report back to Bill Nemser. Bill Nemser agreed.

Bill Cranshaw stated that the email also noted excessive queuing issues at Dunkin Donuts. It was his understanding that there was a condition in the drive-thru approval that addressed excessive queuing. Greg Tuzzolo agreed that that was part of the special permit approval for the drive-thru, and he asked Bill Nemser to look into the details of that decision. Bill Depietri noted that the lines might be longer than typical due to COVID and customers wanting to stay in their cars rather than going inside.

Natalie Robert noted that there was also mention in the resident's email that there are concerns about traffic not stopping for pedestrians at the crosswalk at the entrance of the shopping center from Parker Street. She suggested that perhaps the police can be on the lookout for those violations.

Trish Saunders asked for clarification of approved deliveries outside of the operations manual's approved hours. Greg Tuzzolo stated that no exceptions to the delivery hours have been approved and that deliveries should occur within the approved delivery time frame unless otherwise approved by the Board.

Public Hearing - Wisteria Lane Subdivision/0 Parker Street (Continued from November 10, 2020)

Walter Eriksen stated that he believes that his team has addressed all the issues noted by the peer reviewers. There were some minor modifications made to the plans to address the concerns. Jesse

Johnson of Bohler Engineering stated that the revised plans have been submitted and include the tactile warning pads that were requested at the last hearing. There is also an exhibit for sight distances and changes to the screening for the abutting property. The applicant will be able to preserve most of the existing trees that are along the abutting property line in addition to planting new trees. He reviewed the landscaping plans for the Board and attendees.

Wayne Amico agreed that the applicant did adequately address the concerns of the peer review. He noted that there will be some conditional requirements, such as perpetual maintenance, included as part of the approval process.

Bill Cranshaw stated that there are conditions he would want to include related to the affordable housing unit.

Wayne Amico noted that the bond amount that was recommended by his team was \$393,000 for the construction of the subdivision road. Walter Eriksen agreed to the recommended amount.

Greg Tuzzolo made a motion to approve the bond for the Wisteria Lane subdivision in the amount of \$393,000, which was seconded by Natalie Robert.

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

Greg Tuzzolo made a motion to approve the definitive subdivision plans for Wisteria Lane – Maynard, dividing the property into five subdivided lots, as presented in the revised plans with the following conditions:

- *In lieu of street lighting, the applicant is to provide one solar-powered LED street light near the intersection with location and style to be determined by DPW*
- *The affordable housing unit is allowed on the ANR property if it is part of a LIP application approved by the Town, BOS, and the Affordable Housing Trust*
- *No building permits are allowed for the subdivision units until there is one approved for the affordable housing unit*

Chris Arsenault seconded the motion.

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

Bill Cranshaw made a motion to close the Public Hearing for Wisteria Lane, which was seconded by Greg Tuzzolo.

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

Public Hearing - Planning Board Rules and Regulations (Continued from October 27, 2020)

The Board agreed to move the discussion for the proposed changes to the PB Rules and Regulations to January 12, 2021.

Town Planner Update

Bill Nemser stated that on December 9, 2020 at 5:30 p.m., there will be a Public Hearing for the housing production plan. He encouraged the Board members to attend if possible.

Jim Coleman made a motion to adjourn, which was seconded by Greg Tuzzolo.

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

Adjourned at 9:01 p.m.