

Maynard Planning Board Meeting and Public Hearing
August 10, 2021 – 7:00 p.m.
(Held in person at Town Hall with remote participation available via Zoom)

Board Members Present: Greg Tuzzolo – *Chair*; Bill Cranshaw; Jim Coleman; Natalie Robert; Chris Arsenault

Others Present: Bill Nemser – *Planning Director*; Wayne Amico – *Town Engineer*; Justin DeMarco – *DPW Director*; Adam Costa – *Town Counsel*; Tom Morey – *GreenStar Herbals*; Phil Silverman – *GreenStar Herbal*; Mark Bobrowski – *Attorney for MacDonald Development*;

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

Public Hearing – 115 Main Street

Greg Tuzzolo opened the Public Hearing. Town Counsel, Adam Costa, provided some background on the project, noting that there was a previous application before the Board for a Special Permit and Site Plan approval about a year and a half ago. On August 4, 2020, the Board issued a denial of both the Special Permit and the Site Plan. The reasons that the Board had cited in support of their decision were that they did not feel they had sufficient information for certain aspects of the project and that there were inconsistencies between the project plans, site plans, renderings, elevations, and other supporting documents. There was an ensuing appeal by MacDonald Development and its counsel, Mark Bobrowski. The Town entered into settlement negotiations with the applicant shortly after the appeal was filed by the applicant in the fall of 2020. There have been negotiations and Executive Sessions that have taken place over the past year between the Town Staff and Planning Board Members and the applicant with each party's respective counsel involved. As a result of all of those discussions and meetings, as well as the information that was presented and reviewed over the negotiations, there was a joint request submitted by Town Counsel and Mark Bobrowski to the court asking for a remand and for the Board to reconsider its denial on the presumption that the Board would approve the revised project. The Board had provided Town Counsel with a draft decision prior to the current hearing at an Executive Session. There is also a draft Development Agreement, which is referred to in the draft decision and is intended to be an exhibit to the decision.

Mark Bobrowski introduced himself as the attorney representing MacDonald Development. He thanked the Board Members and Staff for their involvement in working through the issues to a resolution. He indicated that his client is satisfied with both the draft decision and the draft Development Agreement and looks forward to the partnership moving forward.

Greg Tuzzolo asked Adam Costa to walk through the draft decision. Adam Costa reviewed each of the sections of the draft decision, noting some minor updates required to reflect the most recent revisions of supporting documents, which the Board has already reviewed. Adam Costa explained that the draft Development Agreement has not been officially brought before the Select Board. That will occur after the Special Permit and Site Plan approval are granted by the Planning Board. However, there have been

two members of the Select Board as part of the Working Group for the Development Agreement. Therefore, the belief is that the Select Board will approve the Development Agreement.

Greg Tuzzolo asked if there were any comments or questions from the Board. Bill Cranshaw asked if the waiver request has been updated and noted that Waiver #2 in the draft decision is not consistent with the proposed site plan. He indicated that the site plan proposes 30 parking spaces whereas the waiver requests 32. Adam Costa agreed that there is an error in the wording of Waiver #2. He noted that it should state that the required number of spaces is 43 and that the waiver would be for 30 total parking spaces (24 residential, 2 handicapped, and 4 retail/flex).

Bill Cranshaw noted that the proposed verbiage for Waiver #1 does not make it clear that in granting the waiver request, the applicant still must comply with Zoning By-law (ZBL) Section 9.4.5. Adam Costa made a suggestion for rewording the Waiver for clarity. Bill Cranshaw suggested that Waiver #7 might be clearer if it noted that the angled parking width will be going from a 9' wide stall to an 8.5' wide stall.

Chris Arsenault pointed out that there are references to Andrew D'Amour as a voting member throughout the draft decision. However he is no longer a member of the Planning Board, and his name should be replaced with Natalie Robert's name anywhere it appears in the decision document. Chris Arsenault also asked for clarification on Conditions #15 and #17.

Greg Tuzzolo asked for public comment. There were no comments from the public.

Greg Tuzzolo made a motion to close the Public Hearing for the 115 Main Street project, which was seconded by Bill Cranshaw.

The Board voted unanimously in favor of the motion.

Bill Cranshaw expressed concerns about the fiscal impact of the project since the application only includes projected gross revenue and not net. It does not present any information related to cost offsetting to the Town.

Greg Tuzzolo made a motion to find that the application satisfies the criteria of a Special Permit, based on the Zoning By-law as well as the Downtown Overlay District, and that the Board grants approval of the Special Permit. The motion was seconded by Jim Coleman.

The Board voted four in favor of the motion and one (Bill Cranshaw) opposed.

Greg Tuzzolo made a motion to vote on the waivers en masse, which was seconded by Jim Coleman.

Bill Nemser reviewed the waiver revisions that were discussed to ensure he had captured them accurately.

The Board voted unanimously in favor of the motion.

Greg Tuzzolo made a motion to grant Waivers 1 through 7 with the amendments as read into the record, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

Greg Tuzzolo made a motion to grant approval for the Site Plan with revisions having been entered into the record, which was seconded by Natalie Robert.

The Board voted unanimously in favor of the motion.

Greg Tuzzolo made a motion to determine that the request meets the criteria for design guidelines as described in Section 10.6, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

Greg Tuzzolo asked Bill Nemser to review the revisions to the conditions of approval. Bill Nemser noted there was a clarification to Condition #15. The Board also agreed that Condition # 17 should state that “during construction, pedestrian access along the north side of Main Street shall be maintained at all times unless otherwise determined by the DPW.”

Greg Tuzzolo made a motion to approve the decision as amended, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

Jim Coleman thanked Bill Nemser, Wayne Amico, Justin DeMarco, Adam Costa, and especially Greg Tuzzolo, for their efforts prior to tonight’s hearing. Greg Tuzzolo added thanks to Katie Young, Megan Zammuto, the MacDonalds, and others who were involved in working together to come to a resolution. Mark Bobrowski offered his thanks as well.

GreenStar Herbals – Traffic Update

Bill Nemser stated that GreenStar Herbals was required, as part of the original approval as well as a subsequent temporary modification, to come back in front of the Board and report on any issues that might have come up with regard to traffic or other concerns. The Police Chief has indicated to Bill Nemser that there have been no issues.

Tom Morey of GreenStar Herbals stated that things have been running smoothly since the temporary extended closing time modifications were put in place. There have been no issues at all. Tom Morey noted that his goal is to be able to increase revenues in order to increase the money Green Star pays to the Town as part of the Host Community Agreement. He indicated that the company’s Dracut location is on track to pay the town of Dracut nearly \$1.5 million this year. He requested that the Board approve the modification as a permanent measure. Phil Silverman of GreenStar Herbals also requested that the appointment-only requirement be removed from the conditions of approval.

Greg Tuzzolo made a motion to make the changes to the hours of operation and the removal of the requirement for appointment-only service permanent, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

31 Main Street -- Lighting Update

Prior to the meeting, there was a request for continuance by the parties representing 31 Main Street.

Greg Tuzzolo made a motion to continue the 31 Main Street Lighting Update to September 14, 2021, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

Minutes Approval

Greg Tuzzolo made a motion to approve the Minutes dated 07.27.21, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

Planner's Update

Bill Nemser stated that there is a party interested in purchasing the property at 16 Waltham Street. He noted that the ZBA agreed with Rick Asmann's determination regarding the property use and that he and Rick Asmann have been in communication with the interested purchaser to explain the implications of the ZBA ruling. The prospective purchaser will likely be coming before the Board in the near future.

There will be ZBL amendments coming before the Board at the next meeting.

Jim Coleman made a motion to close the meeting, which was seconded by Greg Tuzzolo.

The Board voted unanimously in favor of the motion.

Adjourned at 8:12 p.m.