

Maynard Planning Board Meeting
September 14, 2021 – 7:00 p.m.
(Held in person at Town Hall with remote participation available via Zoom)

Board Members Present: Chris Arsenault – *Chair*; Jim Coleman – Vice Chair; Bill Cranshaw; Natalie Robert; Bob Brown

Others Present: Bill Nemser – *Planning Director*; Kara Walsh – *31 Main Street HOA*

Called to Order at 7:00 p.m. by Chris Arsenault

Minutes Approval

Bill Cranshaw noted an error in the spelling of Wayne Amico's name in the Wisteria Lane Bond section of the Minutes. He also noted that the votes for Chair and Vice Chair were not reflected in the Minutes but needed to be. The two corrections were made.

Bill Cranshaw made a motion to approve the Minutes dated August 24, 2021 with the corrections as noted. The motion was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

31 Main Street – Request for Determination

Chris Arsenault asked for confirmation from Bill Nemser that the agenda item is a request for determination and not a Public Hearing. Bill Nemser confirmed that it is not a Public Hearing and explained that at a Planning Board meeting earlier in the summer, it was discovered that there was supposed to be a third lantern on the front of the building at 31 Main Street, according to the approved plans. The President of the condominiums' HOA, Kara Walsh, has requested a modification to relieve the HOA of the requirement to add the third light. If the Board determines that the modification is minor, then the change would be administrative. If the Board determines that the modification is major, then there would be the option to go to a Public Hearing at a future date.

Kara Walsh of the 31 Main Street HOA presented some pictures of the exterior of the property. She clarified a concern that had been raised at a previous meeting that the exterior lights were not turned on at night. She stated that there had been a glitch with the timer, which has been fixed. The lights will now be turning on automatically at dusk and off at dawn. Kara Walsh has contacted the builder, Greg Adams, who is not willing to install the light because he doesn't believe it makes sense aesthetically to add a light to the left of the awning. The HOA agrees with him. Greg Adams also indicated to Kara Walsh that the building is consistent with current building codes, which requires a light outside of each entryway. In addition to the builder's comments, Kara Walsh added that the HOA believes that the existing lights provide adequate lighting to the exterior area of the building and the adjacent sidewalk. She stated that she is unsure if businesses are held to a different standard than residences but that

there are neighboring businesses that do not have adequate exterior lighting, and she provided pictures to demonstrate the exterior of those buildings at night. She also noted that the HOA has limited budget and reserves at this time, and the expense of the lighting installation was not accounted for in the budget. The HOA feels that it should have been addressed with the builder in his final punch list with the Town prior to ownership of the property transferring to the homeowners.

Bill Nemser noted that the building code is not pertinent because the requirement was based on design standards for downtown. He indicated that there was a misinterpretation of the plans during the inspection process, when the requirement for the third light was missed.

Bill Cranshaw pointed out that, regardless of whether three lights should have been installed or not, the Planning Board was bound to revisit the adequacy of the lighting as a condition of approval. He asked Bill Nemser to display the picture of the building that was taken directly facing the front of it rather than from the side, as was displayed by Kara Walsh. Bill Cranshaw stated that he noticed a distinct difference in the illumination of the sidewalk at the left side of the building where the third light should have been installed. Jim Coleman agreed that the illumination is inconsistent as you look from one side of the front of the building to the other. He also noted that the aesthetics are not what was originally agreed upon and approved as part of the plan. Natalie Robert stated that she remembers the discussion of the lighting very clearly and that the third light is what the Board approved.

Bob Brown noted that, although he was not on the Board at the time, he read through the decision and noticed that the builder requested, and was granted, a waiver from a photometric analysis. Bob Brown suggested that perhaps the reason the Board granted that waiver was because they felt that three lights would have been sufficient.

Chris Arsenault asked for clarification of whether or not the builder still has any responsibility for the special permit. Bill Nemser stated that the special permit runs with the property and would therefore be the responsibility of whoever owns the property at this time, which would be the homeowners. Chris Arsenault noted that there is often a warranty period for a new home and that perhaps the builder does still have the responsibility for installing the light under the obligations of a warranty.

Natalie Robert stated that she feels the plans were very clear and that she does not feel comfortable putting the onus on the HOA to correct the omission of the light when it should have been part of the punch list for the builder to complete.

Bill Nemser suggested continuing the topic to give him an opportunity to reach out to the builder. Jim Coleman recommended that Kara Walsh and the HOA look into the legal aspects of any warranty that might be in place, whereby the builder would still have responsibility for completing the lighting requirement. Bill Cranshaw pointed out that the topic had already been continued for 120 days prior to the current meeting and that he is concerned about it being extended even more. The Board discussed the options of continuing or making a determination immediately.

Chris Arsenault made a motion to continue the discussion until October 12, 2021, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

Housing Production Plan Prep for Joint Meeting

Bill Nemser stated that there will be a joint meeting with the Select Board next week to discuss the Housing Production Plan update recommendations. There was a working group made up of various residents and Board and Committee Members who worked on the update recommendations. If the recommended updates are adopted, the revised plan would be in effect for five years. Affordable housing has gone from 4% to 9.6%. The goal is to maintain Maynard's safe harbor status in order to be able to prevent a "40B" from happening, which would allow a builder to bypass the Planning Board and only go before the ZBA.

The Board discussed some of the demographic changes that are occurring in Maynard with regard to various age-group populations. Bob Brown noted that growth of the Town is limited by some of the water management issues that are present. Bill Nemser provided some background on a presentation that Justin DeMarco had given to the Board at a previous meeting addressing the concerns and the plans related to Maynard's water.

Bill Cranshaw noted that the plan does not address the loss of rental housing that has occurred in Maynard, mainly due to conversion of rental properties to condominiums. Bill Nemser recommended bringing up the concern at the joint meeting.

Jim Coleman asked Bill Nemser for his assessment of what might happen with the buildings at Mill and Main. Bill Nemser's perspective is that the current owners of the property are not well-versed in mill conversion to housing but that there will likely be new owners of the property within the next several years. He noted that the development agreement allows for one half of the property at Mill and Main to be converted into one-bedroom apartments.

Maynard resident, David Gavin, stated that he was glad to hear the Board discussing broader topics related to the future of the Maynard community. He thanked the Board for the discussion.

Discussion of PB Goals for FY22

Chris Arsenault stated that he joined the Board three years ago and that, since that time, he has noted that the Planning Board meetings devote a significant amount of time to applicants rather than long-term planning. He presented a draft list of goals and special projects that he would like the Board to discuss on a monthly basis going forward. Chris Arsenault had also asked Bill Nemser, prior to the meeting, to list his top five priority goals for the Planning Board to work towards. He asked the Board for their input on the draft he presented.

Bill Cranshaw stated that there has not been much time available to discuss special projects but he agrees that it should be done whenever there is time to do so during the meetings. Natalie Robert agreed. Everyone agreed to use the meeting on September 28 as a planning session.

Bill Nemser reviewed in detail each of the five priority topics that he had provided to Chris Arsenault and discussed all of them with the Board. Bill Cranshaw suggested adding the topic of construction standard details to the draft. Chris Arsenault stated that he would like to determine at the meeting on the 28th a prioritization of the goals and a schedule for the remainder of the year.

Discussion of PB Goals for FY22

Bill Nemser stated that there is a serious buyer interested in purchasing 16 Waltham Street. He will have them attend a future Planning Board meeting when they are ready.

Bill Nemser met with the Assabet Valley Co-op Market team. He will have a weekly meeting with them to help prepare them before they come before the Planning Board.

Chris Arsenault made a motion to close the meeting, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

Meeting Closed at 9:09 p.m.