

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

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

**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 (11.23.21)**

*Jim Coleman made a motion to approve the Minutes of 11.23.21, which was seconded by Chris Arsenault.*

***The Board voted unanimously in favor of the motion. (Natalie Robert abstained from voting due to her absence from the 11.23.21 meeting. Annette Garabedian voted on the motion.)***

**31 Main Street – Update on Lighting**

Bill Nemser reminded the Board that the approved plans for the subject property required three of the same style lanterns to be installed at the front of the building to illuminate the sidewalk. When it was discovered that one of the three lights had not been installed, the developer installed an exterior light; however, the light is more of a flood light and not the same lantern style as the other two lights. Bill Nemser indicated that the Board has a to decide how to proceed. He reviewed the Board’s options as follows:

- 1) Determine that the currently installed lighting does the job of sufficiently illuminating the sidewalk and accept that the third light does not match the other two.
- 2) Determine that the third light (at the far-left front of the building) should be a lantern, as was originally approved, and require that the existing light be changed to match the other two.

Chris Arsenault asked the Board to discuss the options. Jim Coleman pointed out the third light that was installed by the developer not only does not match the others but was also installed in a different location than what was approved. It was installed higher than it should be. It is not aesthetically what was approved and does not look appropriate. He would like to see the light be installed per the approved design.

Kara Walsh of the 31 Main Street Condominium Board provided a picture of the front of the building to show the flood light that was installed versus one of the lanterns that could be seen in the picture.

Bill Cranshaw stated that he is fine with the flood light since it achieves the objective of illuminating the sidewalk.

Bob Brown noted that the schematic of the building's exterior clearly showed that three lanterns should have been installed at the front of the building. The approval of the plan included a waiver for the requirement of submitting a photometric evaluation. He noted that the applicant received the waiver but then did not install the lighting as was approved. Therefore, the Board asked the applicant to go back and install the third lantern. However, instead of installing a lantern, the applicant installed a spotlight. Bob Brown recalled that the Board was going to ask the developer to come in for a discussion but noted that that has not happened. (Bill Nemser stated that he did ask the developer to come in.) Bob Brown wondered whether the Board should request that the developer come before the Board to discuss the situation. Bill Cranshaw pointed out that the developer no longer owns the property and is therefore no longer a party to the discussion.

Chris Arsenault asked Kara Walsh if she had anything to add. She stated that there was an annual HOA meeting last week and the topic was discussed. They understand that the developer was to install a lantern but did not. However, she noted that the building has lanterns framing the doors on both the front and the back of the building and that the back has a similar flood light to illuminate the parking lot. The homeowners have been in the building for a year, and they are happy with the way the lights look overall. She reiterated that their building is easily one of the most well-lit buildings on the street. The HOA is requesting that the PB approves the lighting as is. She pointed out again that the homeowners were unaware when they took over ownership that the lighting was not installed according to plan.

There was a discussion among the Board Members and Kara Walsh about the potential of switching the lantern at the back door with the flood light that was installed at the front. Kara Walsh stated that the HOA is willing to do what they need to do to move on from the issue. Natalie Robert stated that she thinks the building looks fine as is and that the homeowners might want to keep the lantern that's installed at the back door where it is. She questioned how this type of issue can be prevented from happening again since the resolution is now on the onus of the HOA when it should not have been. Bill Nemser noted that this type of issue does not typically arise but that it was simply missed in this case by multiple people who either misread the plans or did not catch that the third light (a lantern) should have been installed.

Chris Arsenault stated that he does not feel it needs to be corrected urgently but that the lighting should match what was approved in the plans.

Bob Brown asked Kara Walsh if she has investigated the cost of acquiring the third lantern. Kara Walsh stated that she has not. After the last meeting, she received a call from the developer stating that he would take care of the light situation. She did not realize that he would be installing a flood light. Bob Brown stated that he does not think the building looks good with the flood lights at the front.

*Chris Arsenault made a motion to deny the modification request for the lighting and require that the lighting be installed according to plan with a lantern at the front left side of the exterior of 31 Main Street within the next six months. Jim Coleman seconded the motion.*

Bill Cranshaw expressed concerns that if a lantern replaces the flood lights, it will not create enough illumination. Kara Walsh noted that the flood light that was installed is solar powered.

Bob Brown asked Bill Nemser to confirm that there is no recourse through the developer at this point in time. Bill Nemser stated that he believes that is true but is not absolutely certain. Jim Coleman asked whether the original plan was to have rental units at the property, not condominiums. Bill Nemser agreed that was the original plan. Jim Coleman noted that if the units were maintained as rentals, as originally planned, the builder would be responsible.

***The Board voted three in favor (Jim Coleman, Bob Brown, and Chris Arsenault) of the motion and two (Natalie Robert and Bill Cranshaw) against.***

Natalie Robert asked that Bill Nemser remind the Board of this issue if the developer comes before the Board with any future special permit requests. Jim Coleman recalled that the same developer had agreed to provide off-site parking spaces for tenants of the building but failed to do that as well. The Board expressed a lack of trust in future projects with the developer of the property (Greg Adams).

Bob Brown asked Bill Nemser if he can check with Town Counsel to see if there is any recourse at all with regard to the developer, for example denying any future applications until the building is brought into accordance with the plans.

### **Public Hearing – Special Permit Request for Veterinary Clinic at Maynard Crossing**

Due to a delay in the advertising of the Public Hearing, Bill Nemser requested a continuance to January 11, 2022.

*Jim Coleman made a motion to continue the Public Hearing to January 11, 2022, which was seconded by Natalie Robert.*

***The Board voted unanimously in favor of the motion.***

### **Planning Update**

The next PB meeting is January 11, 2022, and the only agenda item is the Veterinary Clinic special permit request.

The Board discussed whether on-site signage notifying the public of an upcoming Public Hearing makes sense for the veterinary clinic at Maynard Crossing. Chris Arsenault had directed Bill Nemser not to post the signage at Maynard Crossing. The Board agreed that was the right decision given the location of the project at the back of the property and the fact that the abutters will be notified individually.

Bill Nemser stated that the new Conservation Agent/Assistant Town Planner has started and was conducting her first Conservation Commission meeting at the same time as the Planning Board meeting in the adjacent room. Natalie Robert asked Bill Nemser to share some information about the new employee. Bill Nemser stated that her name is Julia Miller, and she comes from the private sector with

an environmental background. She is very familiar with conservation issues. She is an AICP (American Institute of Certified Planners) candidate. Her expertise is in environmental issues. She is a Maynard resident. Her first day of work was on Monday, December 13.

There is also a new Health Agent, John Robertson, who has already set up a COVID clinic.

There are no new updates on the Powder Mill Corridor.

The lawsuit from 16 Waltham Street was dismissed today. The applicant will be coming before the PB soon.

Chris Arsenault asked for an update on the Home-Based Businesses (HBB) revision draft. Bill Cranshaw stated that the working group had conducted a beta test of the survey and are currently working to revise the survey based on the feedback.

Chris Arsenault stated that, in the spring, he would like the PB to begin looking at their goals for the next fiscal year. He would like to be able to communicate the goals to other town entities in order to align objectives. Bill Nemser noted that meeting with the Master Plan Implementation Committee (MPIC) will be key. Chris Arsenault stated that he had committed to a follow-up meeting with John Cramer of the MPIC. Bill Nemser suggested that he and Chris Arsenault draft the Planning Board report for Town Meeting which could then be distributed to other groups such as the MPIC as a summary. Chris Arsenault asked for additional feedback from the other PB Members. Bill Cranshaw suggested that the Board should be working on more action items other than just the HBB revisions. Natalie Robert asked about Accessory Dwelling Units. Bill Nemser stated that he would introduce Natalie Robert and Peter Winnett via email so they can begin discussions on the topic.

Chris Arsenault stated that he gets the sense that some of the other town Boards are looking for guidance from the PB on big-picture planning goals and master plan implantation items. He suggested that the PB Members can think about that over the break.

Bill Nemser stated that there will be a site plan amendment coming before the PB for Maynard Crossing. The applicant wants to divide one of the future buildings into two separate structures with a courtyard in between. Bill Nemser also stated that next Tuesday, there will be a Select Board hearing, during which Attorney Kate Federoff will be answering questions during open session regarding the potential Host Community Agreement for a marijuana delivery business at the intersection of Waltham Street and Powder Mill Road. He encouraged the Board Members to tune in to that meeting.

*Jim Coleman made a motion to close the meeting, which was seconded by Natalie Robert.*

***The Board voted unanimously in favor of the motion.***

**Adjourned** at 8:17 p.m.