

**Maynard Planning Board Meeting &
Joint Meeting of the Select Board and the Planning Board
July 26, 2022 – 7:00 p.m.
(Hybrid – Town Hall and Zoom)**

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

Select Board Members Present: Jeffrey Swanberg – Chair; Justine St. John – Clerk; David Gavin; Chris DiSilva; Armand Diarbekirian

Others Present: Bill Nemser – Planning Director; Megan Zammuto, Asst. Town Administrator; Nicholas A. Gomes, Esq.; Elizabeth Lydon, Mead, Talerman & Costa, LLC; Brad Schultz – 11 Glendale St.

1. Joint Meeting of the Select Board and the Planning Board to discuss the draft of Development Agreement (DA) for proposed mixed use development located at 2 Powdermill Road/ 2 Waltham Street.

NOTE: THIS PORTION (AGENDA ITEM # 1) OF THE PLANNING BOARD MEETING WILL BE HELD IN TOWN HALL IN THE MICHAEL J GIANOTIS MEETING ROOM (NO. 201) AND VIRTUALLY. THE REMAINING PORTIONS OF THE PLANNING BOARD MEETING WILL BE HELD IN TOWN HALL IN THE SOUP CAMPBELL MEETING ROOM (NO. 101) AND VIRTUALLY.

Select Board Chair Swanberg opened the meeting and asked for public comment. No public comments were entered.

Planning Board Chair Arsenault opened the Planning Board Meeting at 7:02 p.m.

Chair Swanberg asked Megan Zammuto, Asst. Town Administrator, to give an overview of the project. Ms. Zammuto stated that the project contains many elements, including redevelopment of 2 parcels abutting the river. To ensure that the project meets the town vision, a working group of 2 members of the Planning Board and 2 members of the Select Board was formed to draft a development agreement. The project includes infrastructure improvements to the intersection (Powdermill and Waltham); 28 housing units (maximum) and commercial space. In the event that the development does not move forward, a 300k surety bond is in place that would revert to the town. Any studies and reports conducted would also be accessible to the town.

1

Once the Select and Planning Boards approve the Development Agreement (DA), a special permit application and site plan review would go before the Planning Board, as well as Conservation and Affordable Housing Trust, Conservation Commission and possibly Zoning Board of Appeals. Seven of the 28 units would be designated affordable housing however all units in the development will count against the Town's Subsidized Housing Inventory (SHI).

Mr. Cranshaw asked for clarification on the current concept plan – specifically, which of the three concept plans did the Development Agreement team use?. Mr. Gavin stated that the plans keep changing, which raises significant issues in trying to approve the Development Agreement. Chair Swanberg added that many of the changes are in response to the Board's comments.

Chair Arsenault asked about the relationship between the Concept Plan and the Development Agreement and how they inform one another. Mr. Nemser stated that the DA allows for a Concept Plan to establish certain facts such as number of units, square footage, retail space and general amenities. He pointed out that a Concept Plan should allow for some flexibility based on input during the plan review process. Tim Hess (the developer's representative attending) agreed it is a high-level document to guide the process. More granular discussions will take place in the future.

Chair Swanberg asked Chair Arsenault for an overview of the Special Permit process through the Planning Board. Chair Arsenault replied that they will review compliance with section 9.4.5 of the zoning bylaws (ZBL), as well as the Development (section 3), site plan review and congruence with goals of the Downtown Overlay District (DOD) in section 9.4.

Mr. Cranshaw asked for clarification around the numbers presented in Section 3 and whether they are minimums or maximums (ex. Approximately 3,000 sf on 1,500 sf footprint of retail/restaurant). Chair Arsenault replied that they are best estimates based on the Concept Plan. Attorney Lydon pointed to Section 13 – Modifications and stated that what is in the Agreement is what is allowable. Final decisions regarding the floor plan will be made when it goes to the permit granting authority.

There was a discussion of the order of approvals for the Development Agreement and the Special Permitting process. Mr. Nemser stated that if the density bonus in Section 9.4.5 of the ZBL is utilized, the Development Agreement must be executed by the Select Board and the Planning Board before the project's Special Permits would be effective.

Mr. Gavin stated that sustainability and green energy should be considered in the project plans, for example mandated EV charging stations and solar panels.

Ms. St. John asked for clarification on the concept plan and the location of the marijuana delivery business. The developer's representative described the location in the rendering. Ms.

St. John questioned the intensity of traffic from the initial proposal of a Marijuana Delivery business to the current mixed-use proposal.

Ms. Robert stated that the developer's meeting with the Affordable Housing Trust to explore a below 60% AMI unit is of particular importance to her. 80% is the standard definition, but we would appreciate exploring very low-income housing.

Mr. Brown noted that there is a need for 3-bedroom affordable housing units. Mr. Gavin agreed but added that density of housing is important for bringing people downtown.

Mr. DiSilva stated that this version of the concept plan is completely different from anything that has come before and asked when a final version would be submitted. Mr. Diarbekirian agreed.

Chair Swanberg asked Chair Arsenault how he wanted to proceed. Chair Arsenault suggested that Ms. Zammuto and town counsel discuss if it would be more helpful to approach the Development Agreement as a Memorandum of Understanding (MOU), this could outline a path for success for the developer. In that regard Chair Arsenault stated that the DA could be useful to highlight the way the developer can be successful and that Section 3 could be rewritten with less specificity. The third issue is whether the Planning Board should be signing now when typically, special permits are in place before the Planning Board signs off on the DA.

Attorney Lydon stated that a DA is required by section 9.4.5. An MOU would not satisfy that requirement. Chair Arsenault responded that the MOU would come first, then the special permitting, then the DA.

Mr. Nemser asked both Boards to consider what level of detail they will need on the development to move forward.

At this point the two Boards separated to conduct their own meetings.

2. Election of Planning Board Chair for FY23

Mr. Coleman nominated Mr. Chris Arsenault to continue as Chair. Ms. Robert seconded the nomination.

The Board voted unanimously in favor of the nomination.

Mr. Coleman nominated Mr. Bob Brown as Vice-Chair. Ms. Robert seconded the nomination.

The Board voted unanimously in favor of the nomination.

3. Approval of Minutes

Mr. Cranshaw made a motion to approve the minutes of June 28, 2022, which was seconded by Chair Arsenault.

The Board voted unanimously in favor of the motion.

4. Planning Board discussion of Potential Zoning By-law Amendments. Including but not necessarily limited to: Home Occupation Bylaw (Sections: 3.2.5), Mixed Use and Multifamily Reduced Area Requirement; Development Agreement (Sections: 9.4.5) and Body Art (Sections: 3.1.2 Table "A", 7.2, 11.0).

The Board discussed altering the zoning by-laws so that Body Art does not have its own section and be more in line with General and Personal Services. Mr. Brown and Mr. Nemser will edit the document for review by the Board.

Brad Schultz, 11 Glendale St., asked if the Live/Work dwelling unit designations would change under 3.1.2 Table A - Use Regulations. Chair Arsenault invited Mr. Schutz to submit his comments for review by the Board.

The Board discussed Mixed Use and Multifamily Reduced Area Requirement; Development Agreement (Sections: 9.4.5). Mr. Cranshaw and Mr. Brown will submit their changes to Mr. Nemser to present to the Select Board.

The Board then discussed the Home Occupation Bylaw (Sections: 3.2.5). Board members will send their comments to Chair Arsenault. ZBA Chair Scheiner will also be asked for input. Both Boards feel that time is of the essence in this matter.

Planning Updates

The second grant for the Powdermill Corridor initiative was received.

There was a brief discussion of a Notice of Intent to Sell (NOI) received for 182 Parker St.

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

The Board voted unanimously in favor of the motion.

Meeting closed: 9:35 p.m.

5

Meeting minutes of the PB &
Joint meeting of SB & PB
July 26, 2022 – 7:00 p.m.
Hybrid – Town Hall and Zoom