

Maynard Planning Board Meeting

August 9, 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; Natalie Robert

Others Present: Bill Nemser – Planning Director; Elizabeth Lydon – Mead, Talerman & Costa

Chair Arsenault opened the meeting at 7:04 p.m.

1. Approval of Minutes

Mr. Cranshaw and Chair Arsenault suggested changes to the minutes for clarification purposes.

Mr. Coleman made a motion to approve the minutes of July 26, 2022 as amended, which was seconded by Chair Arsenault.

The Board voted unanimously in favor of the motion.

2. Discussion - Planning Board discussion on the draft of Development Agreement (DA) for proposed mixed use development located at 2 Powdermill Road/ 2 Waltham Street.

Chair Arsenault remarked that the Development Agreement has been presented before the application for special permit. The Board discussed the timeline and Chair Arsenault asked Counselor Lydon for her input. Counselor Lydon stated that under the bylaw, the DA must be approved prior to the issuance of special permits. Counselor Lydon removed any reference to parking from the DA; parking will be left to the Planning Board entirely. She also added language to the DA stating that if there are restrictions placed on the project that are more restrictive than the DA, the DA will be automatically amended to include those requirements without further revision. Public Hearings will be held as part of the special permitting process.

Mr. Cranshaw asked for clarification around items outside the Board's jurisdiction. For example, if the developer wanted to make a donation to the Council of Aging, would that be allowed. Counselor Lydon responded that such an act would be voluntary and there is nothing preventing the developer from donating. Mr. Cranshaw asked if the DA would have to be

modified in that case. Counselor Lydon responded that it could be amended. The DA can be modified at any time, including after issuance of the special permit, if it's mutually agreed to.

Mr. Coleman asked why the DA must be signed now. Chair Arsenault replied that the developer and the Select Board seek to mutually agree to the conditions of the Host Community Agreement.

Ms. Robert stated that having the DA and the special permit application at the same time allows the Board to consider them together as they inform one another and the impacts on the community. Mr. Nemser added that this project did not start as a mixed-use project, it started as a marijuana delivery business. The town pushed for the mixed-use project. Therefore the HCA and the DA are linked.

The Board discussed whether restrictions would be placed on their authority if they sign the DA. Counselor Lydon responded that it does not restrict the Planning Board's authority. Mr. Nemser asked if the marijuana delivery project could go forward without the mixed-use aspect. Counselor Lydon responded that location is a major component of the HCA. IF the location changes, the HCA is no longer valid. The delivery project cannot go forward if the development as a whole does not go forward.

Mr. Coleman asked if the Board was asked to sign the DA to ensure financing for the project. Chair Arsenault replied no. The DA arose from the fact that the town did not want the marijuana delivery project without the mixed-use project. Mr. Arsenault commented that the existence of the DA can benefit both parties. Mr. Coleman stated that signing it before the public hearing is premature.

Mr. Arsenault asked Counselor Lydon if the Planning Board need to sign at this time since the Select Board has already signed. She responded that it's not executed until both boards have signed and that the public hearing would be attached to the special permit, not the DA. Mr. Coleman said it gives the impression that it's a done deal without considering public comment.

Counselor Lydon stated that the risk of opening the public hearing before signing the DA is the statutory deadline for approving the special permit. Because the PB cannot unilaterally sign the DA without input from the SB, and the DA needs to be executed prior to the issuance of the special permit, the timeframe could be tight.

Ms. Robert expressed concern that the DA is too vague and that the stipulation of 28 units, though a maximum, may not reflect the Board's wishes. Therefore it does not seem like a genuine agreement. Mr. Cranshaw added that the project requires a lot of relief and waivers. The inference the Board is approving waivers is problematic. Mr. Nemser pointed out that it's in line with the DOD bylaws, which are very clear. The bylaws outline a regulatory framework for a certain type of design.

The Board then discussed the contents of the DA, point by point. Several suggested amendments were made, including an easement for public accessibility to the river (Section 2, vi). The Board would like to ensure that the Town would not be responsible for maintaining the riverwalk.

The Board seeks clarification if the Surety (6), guarantees that the developer will develop the whole site and not just the marijuana delivery warehouse. Mr. Nemser will check with Counselor Lydon.

Mr. Nemser stated that a preapplication meeting will be held with the developer on August 16, 2022, and requested a member of the Board be present.

Town Planner Updates

Mr. Nemser invited Board Members to the kickoff virtual meeting for Powdermill corridor project.

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.