



PLANNING BOARD
TOWN BUILDING
195 MAIN STREET
MAYNARD, MA 01754

Minutes: August 31, 2010

Attending: Greg Price, Jason Kreil, Max Lamson, Mike Bingley and Ken Estabrook and Marie Morando, Planner Assistant

Attending for the applicant: Attorney John Morello, Bill Cunningham, Mark Donohue, Acton Survey

GPrice read the legal notice into the minutes “**A public hearing will be held on Tuesday, August 31, 2010 at 7:00 p.m. at the Maynard Town Building, 195 Main Street, Maynard, to hear all persons for a request for Modification from Site Plan Approval for Parking and for Relief from Site Plan under Section 14.1.A.2 requested by Devin Properties, LLC on 86 – 86 A Powder Mill Road, Assessors Map 10, Parcel 10-0096-10-1097**”

GP went over a summary of the previous weeks meeting and asked the board members that were absent if they had read the previous minutes – yes.

Any comments: - no.

Presentation: Mark Donohue – explained about the parking for ATM – it was 6 spaces for cars and one space for signage; new parking calculations during the day. Some of the stores are not open at all times.

John Morello – Attorney for Devin Properties: explained the clarification of the abutters list; explained the spaces that are available to the applicant if they need them. Quinn’s Auto and John Deere will be allowing them to use their parking lots for valet parking and employee parking. How many spaces are available – maybe 25-32 spaces without the 40x40 square foot – ATM.

John Deere will handle the employee overflow from the restaurant; Quinn’s will have valet parking.

What is the number of spaces of a bank? Calculations are based on a complete build out of the strip.

MB – there are 111 spaces shown 14 spaces to the ATM – if completely built out it will be 32; 240 spaces for the restaurant, pizza and liquor

MB – concerns about how binding the letters are that you received from John Deere and Quinn –

Bill Cunningham: explained that they have had a long relationship with Quinn and Mr. and Mrs. Barnes (Johnny Rays) are continuing to have a relationship with them.

ML: who owns Quinn and Deere; have serious reservations that it is not legally binding; the planning board will have to enforce the adequate parking requirements.

There have been many changes within this property and I prefer to get all documents together so we can make it right this time.

Rick Asmann: I have concerns with the materials submitted; this is outside the downtown overlay district. Under 6F it is required to have a 5 year lease for outside locations. We need to have an enforceable agreement for a period of time.

I have reviewed the alternate parking plan and I am becoming much more comfortable with it. A new bank needs 7 spots – 6 spaces, this is much more realistic with the number of spaces; hours of operation can be changed it is up to the owners to come back to the planning board with changes.

MDonohue: the space required for the bank is 40 x 40 – which comes out to 7.1 spaces – 7 parking spaces. JamTime is said to have parking for 50 spaces; the estimate is high it should be about 30 spaces at peak time.

GP – concerns about how enforceable the parking arrangements will be with the owners of the property - is it with the owners or with the tenants

JMorello: need off site parking at this time for employees and valet parking at Quinn's. If the board receives a complaint about the restaurant then the board would have the owners in front of them.

MB – we need a more legally binding document from the abutters relative to parking; we need to see owners authorizing the restaurant to have permission to use their sites for parking. We need a specially binding agreement with lawyers involved. Abutters would need to be approached to have legally binding agreements set up.

KE – agreement between two owners; we need an enforceable agreement. If we are going to approve this we would need adequate parking on and off the site

Brendon Chetwynd: concerns about the parking requested 14.B.2 – one thing the applicant could make use of is the shared parking 16.3.B – usually this would come under site plan approval application – 5 year lease for off site parking – you could grant 10% reduction of parking this would link this to a special permit application.

Malcolm Steak House – did they have a special permit? This was about 5-6 years ago

MB – the applicant should consider applying for a special permit for parking

GP – how many spaces will 10% of the parking get them

Mark Donohue: 14

KE – we can only reduce parking under a special permit

MB – can we waive the 32 spaces?

RA – no

The agreements that you have with the abutters are not sufficient

RA – shared parking – you would need a 5 year lease for off site parking

A long discussion to reduce the seats in the restaurant but they would have to speak with the tenant. The owner cannot make this decision. What is the total occupancy of the restaurant – RA – 241 seats with the unfinished space – the numbers have been adjusted upwards; what about the loading dock it looks like you used this space for parking.

There are three different spaces – front area and main area, which is close to 200 seats, they have not completed the back area.

Many questions regarding the back space – they have not received an occupancy permit for that space.

John Morello: we are requesting a continuance of this hearing

I would like to speak with my client

GP – the board will take a 5 minute recess

John Morello: we are requesting a continuance so my client and I can have a chance to either apply for a special permit or go forward with a modification of site plan.

ML – hours of operation – what about lunch on Saturday

We would have to get the restaurant to agree to different hours of operation

KE – restriction on hours – the restaurant is currently opens at 4:00 p.m.

RA – This should be under a special permit for shared parking

GP – Motion to continue the public hearing to 9/28/2010 at 7:00 p.m.

Seconded by KE

Any more discussion: Site Plan Modification; Parking Special Permit

All in favor – 5-0 – motion passed.

Discussion: Why the sight visibility didn't make it into the warrant?

The TA – has set rules and there were no allowances for late filings. This is a safety issue and should have had an exception. We will get this submitted for the Spring Town Meeting. He will run this by the Building Commissioner before it is submitted.

Body Art – changed the 300 foot and left the 100 foot set back with a special permit

GP – any additions or comments on this bylaw

Jason Kreil – no

Max Lamson – should we have submitted two different articles to deal with this; what does light, noise and fumes have to do with Body Art do they even have these conditions?

Discussion: about he Body Art and were it should be placed in the Bylaws did anyone else have any other comments –

GP – motion to accept as written the proposed amendment to Body Art Establishments

Second JK –

Any discussion –

ML – should we make it more restrictive

Motion passed – 4-1 (ML voting in against)

JK- motion to adjourn at 9:15 p.m.

5-0

Approved:

Date: _____

Greg Price, Chairman