



TOWN OF MAYNARD
PLANNING BOARD
Town Hall
MAYNARD, MASSACHUSETTS
01754

Minutes: February 21, 2012

Attending: Jason Kreil (JK), Greg Price (GP), Bernie Cahill (BC), Max Lamson (ML) and Mike Bingley (MB), Marie Morando (MM), Planner Assistant and Richard Asmann (RA)
Building Commissioner

7:00 p.m. GP opened the public hearing by reading the legal notice into the minutes “A public hearing will be held on Tuesday, February 21, 2012 at 7:00 p.m. at the Maynard Town Hall, 195 Main Street, Maynard, Room 202, to hear all persons for Sign Special Permit requested by Peyton’s, 86 Powder Mill Road, Maynard to install four signs approximately 152.2 square feet. This is subject to Section 10.9B of the Maynard Protective Zoning Bylaws of the Town of Maynard. Copies of the applications are available in the Town Clerk’s Office and the Planning Board office for inspection during normal business hours.”

We ask the applicants to present to the board and then the board will ask questions and then we will open it up to the public for their statements; tonight once we have all the information we will close the public hearings and we will perhaps deliberate at a later date. Once the public hearing is closed we cannot accept new information. Next hearing is March 13, 2012.

Attending for the applicant was Jason Carron and William Gavigan from View Point Signs

JC started by asking if everyone has the proposal. No pylon sign on that property and it is a very dark spot, when you have a nighttime business we went to the building commissioner office and he told us we could have 32 square feet – no it is 50. The sign bylaw states 50 square feet in this district we are requesting 152 square feet that is needed to catch attention. A sign that is back lit would provide more light than a sign that is lit from the front. It is not over powering if it fits the building well. We understand that other restaurants have failed in that space and we need to bring people to the restaurant. We need adequate signage to make it work; the awnings are already up and we are looking for relief for the size of the sign and we want it to be internally illuminated, they would be LED lights, no florescent signs, no neon and we are actually proposing a 20% energy efficient sign, you could say that the sign is green. The awnings are over the main entrance of the building, and they are not lit. There is one light over the main

entrance. There is a lot of glare from signage from the outside. More light out there from signs that are front lit.

Do you have any data that proves that? No. It is my belief that having internally illumination on signs attracts more patrons. We need to catch the eye of people driving by.

ML – Parking lot and building are not that far from the street. How much frontage do you have?
JC ? - about 80 feet it needs a bigger sign. You need your eye to register, it is not a big sign
please look at the drawings. If the sign is readable, the sign is doing its job. It should be pretty visible from the street. We need something that is readable as the patrons are driving by. ML – concerned about the neighbors across the street. It is not going to be bright. LED are pretty bright. Jason Carron stated that the lights in the parking lot are on until 1:00 am with bright lights; are you suggesting that you use goose lights and they actually have more glare. Glare bothers people. Is the size needed – 152.2 square feet, Do you need that size; the bylaws say that you could have 50 square feet without internally illumination. JC – that is why we are here for a special permit. 600 hundred feet off the road, you have a better chance of reading the sign that is smaller. If the building with the signage is further away from the street you might have a better chance of see it from the street with a smaller sign.

MB – Main entry is under the middle arch, is there another entry? – no. You actually have two store fronts? (This is Unclear) – yes – Bar, Restaurant. Lounge – are more decorative than it is informative this is what we have here on the site, your? label, your name and your logo, BRL could you take this away, can decrease the size of the panel with no illumination. We are actually 50 feet from the street and about 100 feet across the street to the neighbors. Mr. Gavigan – submitted three different drawings with three different options; we could try to balance out the signage across the building. When you have walking traffic, the sign is designed to fit that need, but when you have a restaurant without walking traffic you need the signage to attract the patrons from their vehicles. Which part of the signage is more important? Do you really need it the second signage and it doesn't look right it makes it look like an empty store. Square footage could cut the signage down on the (BRL) we could make it a panel without illumination.
Internally lit, my understanding about LED are pretty bright I am concerned about the neighbors across the street. We are looking down the road not just who is living in the neighborhood now.

Which is more important the total size or the internally illumination – more important is the internally illuminated.

Mr. Gavigan – either side of the building there are three signs that are on all night and are very bright, Enterprise, Bank of American and MV Pizza. They look pretty new. Jam Time is a daytime business.

RA – comments site is unique it has a fairly large front building there is not sufficient buffer area and you need to attract attention to the restaurant Discussion about LED and internally illuminated lighting. He suggests that the board revisit the sign bylaw and he is willing to help with this undertaking.

GP – concerns about the internally illuminated signs and concerned with it downtown and not as much at this location; size less concern about the overall size, it has to be in reason. Three different drawings – case A, B, C.

Mr. Gavigan – we need the Peyton’s signage we could do without the other sign, but we need this sign to make it work.

GP – your concerns that you need an internally illuminated signs, Traffic you need to have illuminated signs and there is no foot traffic. We have the special permit granting authority to waive this. Do you have data to back this up – it is suggestion that you submit to Marie to back up our decision if that is made.

JK – has the applicant considered a protection sign – where would you put it – yes you could, but it is nice building and it would take away from the front of the building. RA - projection signs are more limiting.

ML – I want you to succeed as a business – parking challenges – all glass at the MV Pizza location, round the corner, we cannot put signs because it is all glass, is there anywhere to put a sign there – no it is all glass. I agree with RA – outside downtown you might not need the goose neck sign lighting; it might be the best place across from the neighborhood. How bright are the lights? how much of issue (What is this?), is there brightness or is out and off?; the other signs on the building are much brighter. If the neighbors are not complaining about the other signs they will not complain about these new signs. The other signs stay on. Peyton’s sign will be lighted but no lighting on the other sign. If the concern is about total brightness on the other side, the white light might travel further than the colored light. The board wishes that they had data to back this up. How far the light will be cast? do you have particular light picked out; yes there is data, externally illuminated will it hit the wall, if we had data, it would help.

MB – motion to continue to the next meeting is March 13, 2013 7:45 PM, you have it until March 6th to get the data to Marie.

MB – motion to continue the hearing until March 13, 2013 at 7:45; ML is the time frame on this we are waiting for a call from the State; the other option is to close the hearing and make decision, if you had more information, I would rather wait until I had more information, on the 13th I would hope that we could wrap it up – on the 13 decision and decision has to be drawn and filed with the town clerk and wait for the appeal; please submit the data by the 6th; 2nd BC – motion passed to continue to March 13, 2012 at 7:45 p.m.

8:05 – GP noted that the public hearing is being recorded and read the legal notice into the minutes “The Maynard Planning Board will hold a public hearing on Tuesday, February 21, 2012 at 7:30 pm, Maynard Town Hall, Room 101, 195 Main Street, Maynard, relative to the application filed by Robin Bradshaw and Lauren Elkind, 187 Main Street, for a special permit pursuant to Section 7.6 for a commercial kennel permit at 179 Main Street, Map 14, Parcel 108.

The location is in the Business District. Copies of the application are available in the Town Clerk's office and the Planning Board office for inspection during normal business hours."

MM stated that she received a letter from Helen Jones and she stated in her letter that she is an abutter and was not notified. I had the Assessor Angela Marrama recheck the abutters list and she confirmed that the original list prepared is correct. Her address is 1 Riverbank Road. Ms. Jones is not an abutter to the property.

Robin Bradshaw and Lauren Elkind both appeared.

Went over the procedures of this hearing.

Robin Bradshaw and my sister Lauren Elkind, owner of Wags to Whiskers, are applying for a kennel license to have two four-hour training/daycare sessions and this does not mean that the dogs will be over night they are just during the day with four hour sessions play learning and training session, they will not be in crates, but I will have them if necessary. Went over the procedures for taking the dogs outside. Poop station for outside the building, went over her pictures, we have On Doody Calls to pick up the poop. Went over the outside kennel and they can go to the bathroom and that is where they could go and in the back of the building. Poop station out front for our clients if their dogs have accidents and we will keep it clean. We could put a poop station out front on the grass to be neighborly. For every 6 dogs we will need another employee and we have out grown our current space. All surrounding towns come to our groomer. Explained her operation. We want to expand our business.

GP – thank you for providing all the information that we were asking for at the last meeting. A lot of the questions from the last meeting have been answered.

BC- thank you for redesigning the entrance, my concerns on that have been answered and the outside facility.

MB – how many dogs per day – grooming and how much for day-care

Grooming – 15-25 dogs per day for the doggie day care – 4 hour shifts – 12 in the morning and 12 in the afternoon that would be approximately 24 dogs per day. What will you do if the dogs need to go out – we take them across the street and we clean up after the dogs. We picked up after our dogs and others.

GP – Where you need to walk them you are now taking in back of the store – and not across the street – we are going to have an outside enclosure and the dogs will not be unattended. We stayed away from the right of way – they will not be sitting in there if they have to go, they will go? behind the property. How many indoor pee stations? - they are indoor for the small dogs – they are just for the smaller dogs. We are taking big dogs they are probably under 50 pounds. They are going to running around. You mentioned that you would have 24 crates and that is the maximum and they are not going to be in the crates only if someone can watch them. If a dog cannot get along with other dogs, they will be in a crate. Once you put them in the crate they bark. Limit for the number of dogs- which are your maximum /minimum – 12 dogs – you

would be ok with it, depend on how long the dogs will stay – they might overlap. I don't think that there is a limit – How many dogs at any given time – I put that amount to be on the safe side.

MM – after this process they have to go to town clerk and they get kennel license from her, I think that when I talked with the town clerk there would be max – up to 10 and then up to 20 dogs at a time.

GP – 12 is the magic neighbor – why do you want this at the front door – just in case the client's dog would have an accident, maybe residents would take advantage of it, I don't have a problem doing this – convenience factor there and maybe having it at your store front - store it internally, being right outside on a hot summer day. Would it fit right in the front door? So they could see it right inside the door, I have issues right outside your front door and there is a restaurant right next door. Last meeting the concerns that the dogs were going to be walked out front or on the grass across the street, it looks like you have addressed the concerns about having the dogs go outside in the kennel or on the pee stations inside. The number of dogs affects the noise level, you have addressed that with 14" walls, with insulation and brick and if dogs are noisy they would not be asked to return.

ML – thank you for your information it is a better layout. Most of everything is being covered. Noise level – separation from 183 Main and three other sides and businesses and people, there is an apartment upstairs and the owner said it is not a problem. I don't think that would be a concern and he is not concerned and I guess he doesn't care if the other people can hear us. I guess the people upstairs are loud. The loud dogs we have now we try to get them out as soon as possible.

Robin – where we are right now there are 6 apartments upstairs and our landlord doesn't want us to leave. We have just grown out of the space. Right now our hours of operation are 8 a.m. to 6:00 p.m. The training will be at night approximately 6-8:30 pm this is giving us time if it should change. Max limit is 6-8 dogs and they go on a rotation of 6-8 weeks of training. There will be no dog care at that time. The owner said that it wouldn't be problem – he came to us.

Open to the public:

Ray St. Hiliare – at this point Ray's attorney filed an appearance for Ray and Sons Bicycle Shop and Raymond St. Hiliare, Attorney is Keith W. Michon, he submitted a letter to the board why the board should deny the special permit.

Mr. Michon contended that the application doesn't meet the requirements; went over his letter; health and safety of the neighborhood; tracking bacteria to Maynard residents; the noise, the amount of dogs on the premises; the back area needed for parking, the information received does not cover this.

Ray St. Hiliare – the plan detailed shows 4-5 tables and 24 crates, where are they going to put the dogs down stairs with the crates and they are going live upstairs with their dogs and there will be dogs on the deck.

Robin – I am not going to live upstairs and there will be no dogs sleeping over except for my dogs. RSt. Hiliare - I have a petition of about 51 people from the surrounding area. You are going double the amount of crates that you have because of the dogs. You will take them over to the land across the street; I could submit 19 pages of bacteria and diseases that you can get from pooh and pee.

Robin – I don't know where you getting your information, but that is not true, we are not moving upstairs and I have three dogs that are licensed.

Fred Crafts – 10-4 Oak Ridge Drive, I am a retired attorney and a commercial broker I am familiar with the building at 185 Main Street, this is a congested area and understand that it is in the downtown overlay district; this is a nuisance in this area, could you please clarify the kennel license. Has the board of health weighed in on this this not reasonable this area.

Lisa Gagnon – 6 Riverbank Street

My husband owns the Cast Iron and we own the property right behind it at 6 Riverbank, we will be able to hear all the dogs coming and going and the barking; and the property value of my house will go down and we will not be able to sell our property. It is so tight back of the building.

Paul Tyler

I have lived in Maynard for 25 years and I am impressed with the Town and how has improved, many friends are afraid of aggressive dogs and they feel threatened. This is right near a restaurant, variety store and the bike shop, concerned about the bacteria and fungus it is a main area, this should be located in another part of town, maybe off of Rte 117.

RA – site visit concerns about the congestion in that area.

Tom Tobin – 19 Sudbury Street

Not everyone is as considerate as you are and they walk up and down Sudbury and leave their dog waste

Alise Tobin – 19 Sudbury Street

This is too much in a crowded area. I am terrified of dogs and afraid for the children in the area.

Rick Crafts – 10-4 Oakridge

What about the exercising the dogs; has the board of health weighed in on this; there is a farmers market in summer and we should have an opinion of the BOH. There is very limited space in the winter with the snow and there is less space.

Attorney Michon – the facility is next to a fish store and the restaurant and the board of health should weigh in on this. This should be a requirement.

Jack Crafts – example of the kennel should be like Buddy Dog – this should be all business and not residence. Section 139A – requirements look into it.

Jacob Egan – are you saying that the dogs are not going to be walked in the neighborhood. And that all the training will be done inside the facility.

Robin – we have been in our present location for 5 years and we will not be having overnights and the doggie day care will be held within 4 hour sessions; no complaints.

GP – we could close the public hearing and if we do no further information will be able to be submitted; this is allowed use with a special permit by the planning board. Will there be a special permit for one or two years and it will be renewed after the duration of the special permit.

Jennifer Condon – I am the state inspector and Tom Natoli is the dog officer. Every year the state will come out and inspect the business.

Paul Tyler - you should get some information from the BOH and long term by the humane society.

ML – public space for parking in the back on their property – clients will not be parking in the back. In the back we will only be parking not the customers.

Robin – I would add that we cannot control our clients. GP asked the applicant if she would like to keep the public hearing opened she said no, close it.

MB – motion to close the public hearing on 179 Main Street 2nd by BC - motion passed – 5-0

- GP – read into minutes legal notice for 0 Pine Street / Spring Street “A public hearing will be held on **Tuesday, February 21, 2012 at 8:00 p.m.** at the Maynard Town Hall, Room 101, 195 Main Street, Maynard, to hear all persons in a Site Plan Approval request by Northeast Building and Renovation, to construct residential housing at Pine Street, Assessor’s Map 18 Parcel 70. This is subject to Section 14 of the Protective Zoning Bylaws of the Town of Maynard. A copy of the Site Plan is on file with the Town Clerk’s and the Planning Board Office during normal business hours for inspection.”

9:10 p.m. The applicant has applied for a stormwater permit with cons/com.

Scott Hayes – representing the applicant - This is a 5 unit apartment building at Pine and Spring Streets, went over the outstanding issues from the previous hearing and had submitted changes; looked at the drainage redesign, conservation had issues with the pervious and asphalt, if it was not maintained properly. They now went to pavement and conventional pipe and drain system added two catch basins; they are meeting all the requirements of the stormwater bylaws; added a retaining wall; plus a fence along the top of the wall, 4 feet high;

Meridian – Mark Beaudry responded to the new design – went over the waivers that were requested by the applicant, the handicap accessible space and if they need to convert a space into a handicap one, if needed.

SH – dumpster is enclosed by a fence with a swinging gate; there has been talk with the owner that there might not be a dumpster they might have large barrels with wheels; added the lighting detail with residential fixtures.

Waivers requested: 5C5; 5 F 7 – traffic study may be required and the applicant does not think that because of the location a traffic study is not needed.

Required space for handicap accessible;

MB – that the pervious payment was not changed on the walkway as stated; SC – it has been adjusted; revised documentation addressed the storm water concerns of the previous meeting.

DPW – new plans are acceptable if constructed as proposed.

Things that remain: grading behind the units; new grading in the design; sewer connection unit #2 – it does not have a slope and we need to have pitch on the pipe. – 2 year, 10 year and 100 year storm; have been addressed;

Lighting – sensitive to the neighbors; they board could waive the handicap space; SH – we are asking for a waiver from the traffic study – neighbors disagree; if they run into problems with the earth removal they will come back for a special permit. Waiver from the width of the driveway.

BC – dumpster – pick up times for the dumpster will it be the same as the town's trash day; would it be every two weeks. SC – we have talked about the dumpster pick up – every two weeks but it might have separate containers for each of the units. If you go with rolled containers will you do away with the enclosure for the dumpster – no we will have an enclosure and the schedule will be determined that it won't be a nuisance to the neighbors. The fence will be drilled into wall. The reason for the stockade fence is safety and the screening of headlights for the neighbors.

ML - Grade change how will that effect 11 Spring Street – it will not that his the highest; green space for the residents; that is approximately 100 feet from 11 Spring Street They will add 6 more plantings.

JK - Right of way – part of the deed shows the right of way – where does it terminate; not referred to on the plan – the right away is 10 feet; about 1/3 of the paved driveway is not part of the easement.

RA - The right of way is ambitious as then come and that doesn't specify end of point; this should go right around to the back of the house. It is unclear about vehicular traffic.

Opened to the public:

Ed Doherty – 12 Pine Street; this is very busy street; blind corners a lot of traffic from 117.

Paula Demers – 11 Pine Street; this is a very dangerous corner; it is very difficult because of the lack of plowing in the winter, what about the stonewall dropping off the rail road, is it going to make my property flood, it is a narrow street and renters don't care where they park and what condition the property is.

Gertrude Loretta - 14 Pine Street – concerns about the blind corner; this was going to be a two family house and now it is 5 units, no real yard, it drops off the rail road, not appealing, congested area, tiny yards, we have all small houses and this is not going to fit in, it is too big; too much traffic, and I park on that lot for the past 36 years and now I have to have a driveway.

Tom Foley – 12 Spring Lane, concerns about the storm drainage and the pipe that goes to the end of my property; I will not be able to back out of the driveway onto the right of way; this is a serious issue I will have to relocate the end of the driveway; what will happen during construction; SH – we do not plan to alter the driveway; TF issues the parking lot, drainage line and parking area, this will have negative impact to the abutters; if I have to move my driveway it will be hazardous to my 88 year old mother who I take care, dumpster will cause a lot of problems with rodents; is the applicant willing to continue the fence and replace it with a 6 foot fence – approximately 120 feet to the end of the property; SC – I cannot make that decision it will have to be made by the applicant.

MB – what about design review 14.4.4 –this does not apply to a single family residence.

Gertrude Loretta - how many bedrooms – 3 – are they selling or are they renting – they are not selling at this time, they will be rentals. This is out of scale with the neighborhood;

RA – minor adjustments to the fence changes, screening for Foley property line, you could close the hearing. Minor changes to the man hole, could you incorporate these changes into the decision and close the hearing – please get a letter from the police department about the traffic.

Paula Demers – it is a local street, narrow and tiny houses and lots on the street

GP – motion to close the public hearing – 2nd ML – Motion passed 4-1 vote (MB voted in the negative.)

11:35 p.m. Kennel deliberations

Ray Hiliare attorney the application has many holes. Is this location the best fit for the kennel. It is an allowed use by special permit.

JK – look at the letter that was submitted by the attorney he has valid points; first is this a real site plan; it is a real stretch and are we leaving it opening for an appeal of the decision. Rick opinion the space behind is not the best spot for the animals. Issue with walking dogs near the rail trail. It is public land and private and Clock Tower is not taking an official position. We could have rejected the application as incomplete; and the restaurant is nearby.

ML – setback to residence, congestion area, families are upstairs with kids, couple of dozen dogs, not the right fit, it will be profitable for the business.

MB – size requirements and limitations is not the right fit for the area. She had to prove her case to the board; space concerns , exterior space, sufficient concerns, especially in the back, parking customer parking concerns, noise impact to the neighbors, interior space is it adequate security/ safety for the pedestrians, this particular site is beyond the applicant control, didn't make it work

Information gathered for a denial:

- Overall lack of detail
- Exterior space concerns
 - Rear of building
 - Parking for customers
- Adequacy of interior space; concern of interior space; corner regulations of lack of information
- Security/safety – people and dogs
- No location of residents on the plans

BC – motion to approve – 2nd GP – 0 affirmative

JK – motion to deny – 2nd GP – 5 -0

Public Meeting closed: 11:50 p.m.

