

Town of Maynard Planning Board
April 30, 2014
195 Main Street, Room 101

Members present: Bernard Cahill(BC) Chair; Max Lamson(ML)(arrived at 7:15), Vice-chair; Jason Kreil(JK), Greg Tuzzolo(GT), Kevin Calzia(KC)

Chair Bernard Cahill opened the meeting.

Continued public hearing 86 Powdermill Road

7:05 p.m. Chair Cahill opened the continued public hearing of Mammoth Acquisition Company for a sign special permit at Victory Plaza, 86 Powdermill Road, pursuant to 6.2.11 of the Maynard Protection Zoning Bylaw. Alternate member Jason Kreil will be the fourth voting member for Max Lamson who will be arriving later. Chair Cahill stated that this request is for a special permit and requires 4 out of 5 votes, since only 4 members are present, the vote must be unanimous to be granted. Building Inspector Rick Asmann was also present on the request of the applicant. Chair Cahill reviewed the procedure, first the applicant will present an update to the Board, the Building Inspector will comment, the Board will comment and then open up to question from the public.

Applicants Michael Kauffman and John Kauffman appeared on behalf of Mammoth Acquisition Company. The applicant stated they initially presented a request for a special permit for internally illuminated sign approx 45 s.f. Based on input from the April 8, 2014 meeting they have redesigned the sign to keep more in line with the bylaw and the neighborhood. The original request was for a traditional shopping center pylon sign, one central pole, the sign has been redesigned to a monument style sign similar to the Shaw's plaza sign in Stow, with goose neck lighting on top. The height has been reduced substantially from 180" to 120", width about the same, overall size is 31 s.f. Mr. Kauffman stated they are trying to move forward with acquiring this property and sign is important for tenants, hope this is more in keeping with what the board wants to see and public wants.

BC read an email from Wayne Amico the engineering consultant for the town, in response to a request for opinion on the proposal currently before board, including Acton Survey & Engineering letter and 2 spec sheets.

Max Lamson arrived at 7:15 p.m. he stated he has reviewed the information, Jason Kreil will now be the fifth voting member as Chuck Shea is absent from meeting.

Mr. Kauffman stated that the new sign will require two waivers property line setback 7.2, and size 31 s.f., the revisions were based on comments from the board, not able to get the 15 ft setback required by the bylaw, some plantings along the front of the property which inhibit site distance, the sign is back from that area.

Building Inspector Rick Asmann commented that the original special permit required the plantings, have had them trim back, as far as site line, the cars not the sign are blocking site line, the problem is with the parking lot not the sign, a normal vehicle can pull out far enough to see, maintenance of vegetation is needed to be kept low and cutback.

BC thanked the applicants for taking consideration of the comments and making revisions and opened up hearing to comments from the Board. The members discussed the size of the sign, overall sign s.f. allowed and what areas are included in the total, the gooseneck and ground lighting proposed.

BC reviewed the waivers requested 18 to 31 s.f on the individual sign, total allowed for the site is 300 (6 tenants at 50 s.f./tenant), other waiver is the setback 15 required to 7.2 ft provided. The sign is now externally illuminated so

no waiver is required, total to 300 s.f. to 265 s.f when Peyton's sign 148 s.f is replaced with a proposed 88 s.f . sign for Advanced Auto Parts, waiver for height is not required anymore.

BC opened the hearing to public comment.

A resident asked why the sign can't be located more toward Glenview Terrace it would be easier to see. The applicant responded that parking that is directly in front of the building and angled, the common practice for shopping centers is to have sign at main entrance, they are taking up a parking spot with this sign, parking is already limited and angled if the sign were perpendicular they would lose parking spaces.

The owner from 57 Powdermill road asked if flow going to change in the parking lot, BC responded that there is another application by the developers to deal with the traffic flow, that is not part of this special permit request. The applicant added that the other special permit request is for the Advanced Auto sign and change of use of shared parking calculation not planning on changing the traffic circulation pattern.

Bernie made a motion to close the hearing on the special permit request for 86 Powdermill Road, seconded by Greg, the vote was unanimous 5 to 0.

The Board began deliberations on the waiver requests. Waivers are for s.f. 18 to 31, they felt this was acceptable, like that the sign is now external illumination, monument style sign, don't think the setback is an issue 15 to 7.2. ft minimum setback from property line and the sign will be shown in the first parking space. The Board found that the property is in the business district, scale of sign in scale with overall layout of building and site, the signage is necessary to be effective from the roadway to attract businesses, illumination is consistent with current bylaw, illumination during hours of operation, Granting of this special permit for proposed signage will not derogate from the intent or purpose of the bylaws applicable to this district which includes promoting economic development while encouraging use of aesthetic attractive or appropriate signage.

The conditions if granted are no upward lighting, 36" below the floating signs are not included in the total s.f. of the sign, that area shall not be used for signage, 7.2 ft from the property line based on the site plan position shown and located on the first parking space entrance on the eastern side and no upward lighting, the sign shall only be illuminated during hours of operation.

Bernie made a motion to approve the special permit for Mammoth Acquisitions for the sign at Victory Plaza at 86 Powdermill Road with said findings two waivers 7.2 setback and s.f. from 18 to 31, seconded by Max, the vote was unanimous 5 to 0.

Old/new business:

The Board discussed the minutes, want to have the minutes be more condensed with hearing information and the vote, for certain meetings they will request more detailed minutes, for transcription purposes members need to state their name for the record.

The Board discussed the ongoing job search for Town Planner.

Continued public hearing Taylor Brook Subdivision:

8:20 p.m. Vice-chair Max Lamson acting as chair, Bernard Cahill recused himself from hearing.

The applicant asked if the Board received clarification from town counsel on some of the items discussed at the last meeting, they feel 81W not necessary in this case, lots can be extended under 81O. The applicants are proposing to reconfigure the open space on three lots all owned by Distinctive Acton Homes, proposing that

Conservation be deeded the open space. This was proposed as an Approval Not Required (ANR) last year and was rejected. Scott Hayes stated he did bring an ANR if the Board will consider endorsing. The other request is to change the covenant which is for retaining Lot 10 to 7A.

The legal opinion was that the applicant be allowed to withdraw the 81W and ask the Board to endorse the ANR plan under 81O. The Board discussed the information from town counsel and a letter from Chuck Shea and agreed that the applicant should request to withdraw the application under 81W and propose as ANR 81O.

A motion was made by Jason to allow the applicant to withdraw the 81W application for Taylor Brook subdivision without prejudice, seconded by Kevin. The vote was unanimous, 4 to 0.

ML stated that the Board would proceed under 81O. The lots are proposed to be adjusted, by adding approximately 3,000 s.f. to each lot, this will make the lots more valuable and will enable the developers to slightly increase the size of the house within the same building envelope. Parcel D-1 the open space area will be transferred to Conservation.

A motion was made by Jason to vote to endorse the plan of land on Boeske Ave and Gabrielle Circle under section 81O to permit the addition of s.f. as shown on the plan as revised 4/30/14, seconded by Greg. The vote was unanimous, 4 to 0.

Scott Hayes requested that the covenant lot be changed from Lot 10 which is under construction to Lot 7A.

The Board discussed the request, ML read comments from town counsel.

A motion was made by Jason to transfer the surety lot from lot 10 covenant for the Taylor Road subdivision to lot 7A, seconded by Kevin. The vote was unanimous, 4 to 0.

Rick left the meeting at 8:40. The board signed the mylar and two copies of the ANR plan.

New/old business:

The members discussed an email regarding a settlement on 213 Main St lawsuit, describing a modification to the parking lot design, this requires the Board to take action, the Board needs some direction on what the mechanism is to make this change, does this qualify as the request for modification. They will get clarification from town counsel.

JK reported he will be presenting the Flood Plain map amendment at town meeting.

Motion to adjourn at 9 p.m.