

**Town of Maynard Planning Board**  
**May 13, 2014**  
**195 Main Street, Room 101**

7:00 p.m. Chair Bernard Cahill opened the meeting.

Members present: Bernard Cahill, Chair; Max Lamson, Vice-chair; Jason Kreil, Greg Tuzzolo, Kevin Calzia

**7:00 P.M. Review minutes from March 25, 2014 and April 8, 2014 Planning Board Meetings.**

The board reviewed the minutes of March 25 and April 8, corrections noted.

*A motion was made by Bernard to accept the minutes of March 25 and April 8, 2014 as amended, seconded by Kevin. The board voted 4 to 0 in favor of this motion with Greg abstaining.*

**7:05 P.M. Public hearing: Mammoth Acquisition Company – 86 Powdermill Road**

Chair Cahill read the public hearing notice for a Special Permit to allow a new shared parking arrangement and to install a new sign for a new tenant, Advanced Auto Parts, replacing the existing Peyton's Restaurant sign located at the Victory Plaza, 86 Powdermill Road, Maynard, Map 10, Parcel 97, in the Business Zoning District, pursuant Sections 6.1.3 and 6.2.11 of the Maynard Protective Zoning Bylaw.

John and Michael Kaufmann appeared before the Board. Michael explained that the application is for two special permits, one for shared parking, the other for an individual wall sign replacing the existing Peyton's sign with Advanced Auto Parts sign. Mr. Kaufmann handed out the Acton Survey & Engineering Inc. plan dated April 4, 2014 revised April 7, 2014 showing the shared parking calculation table and explained how they came up with the calculation of providing 98 spaces. The special permit was previously granted for a much more intensive use, the only change is the calculation for the Advanced Auto Parts sign and losing one space for previously approved monument sign.

Building Inspector Rick Asmann noted that under the requirements for the special permit the applicant must demonstrate that at each time period the parking requirements are met. He also stated the Board can condition the special permit on the applicant having to revisit the board if complaints of overcrowding are received. Jason stated that the applicant had previously met with former Town Planner Eric Smith on the parking requirement and calculation, they came up with 98 available spaces this includes the currently vacant retail space.

Chair Cahill opened the hearing to public comments:

Malcolm Zimm, owner of Jamtime stated that Peyton's restaurant had different hours than his peak hours so parking was not an issue, his business has been there 3 ½ years and he has received no complaints from patrons that they can't find parking spaces. He doesn't assume at any time that Advanced Auto Parts is going to take up 20 spaces. There may be issues on certain days of year that are very busy at Jamtime such as during February vacation, also on rainy days, but he is not worried that there will be that much of a conflict. Chair Cahill thanked Malcolm for his comments, stating it is good to have feedback from someone who is there every day and sees what the parking is like firsthand.

There were no other public comments.

It was noted that the parking requirements in the bylaw for retail areas should be re-visited at a later date for revisions.

The Board discussed the request for special permit from 6.1.3 and 6.1.4.

*A motion was made by Jason to close the hearing on the special permit requested for shared parking, seconded by Greg. The Board voted 5 to 0 in favor of this motion.*

8:05 p.m. Chair Cahill opened the hearing for the special permit for the Advanced Auto Parts signage.

Michael Kaufmann stated that they are requesting a special permit for an 88 s.f., internally illuminated Advanced Auto Parts sign to replace the existing 148 s.f. Peyton's sign. He introduced **Brett?last name?** to describe the detail and design.

Brett presented a handout of the proposed 88 s.f. internally illuminated sign artwork and layouts to the Board and members of the public. He explained the request for the waiver is based on being a legible size, the letters are 30" if required comply with the 50 s.f., the lettering would be 22" which would be very difficult to read. Brett further explained that what is proposed is not out of character with the area, Jamtime lettering height is 41" and the current Peyton's sign is 48", the other signs in the area with the exception of Jamtime are all internally illuminated. The company prefers to design with the internal illumination because there is less light spillage, each letter is illuminated and has an ambient sensor which detects the brightness around it so the lighting does not bleed onto other properties. Bernard thanked Brett for the detail and handout and asked if they were to get complaints about illumination, Advanced Auto Parts could lower it, noting that there are homes directly across the street. Brett replied that the illumination can be dimmed.

The Board discussed the internal illumination and size of the sign. Several members expressed concern about granting of the waivers.

Brett replied to the Board concerns stating that he is authorized to propose a smaller sign with 27" letters, reducing the overall size by 17 s.f. and the length to 32.8 ft, a handout of the smaller sign was given to Board to review. Mr. Kauffmann stated that all the other signs are internally illuminated, they want to keep consistency this is an existing building, a good portion of the year the store closes before the sun sets, asking for consistency on the façade.

Chair Cahill opened the hearing to public comments:

Donald Foss of 88 Powdermill Road addressed the Board stating he is all for the sign, no problem with the proposal, wants to see something go in there that will be successful.

Bridgette Mensey of Powdermill Road stated her daughter lives across from the pylon sign which is absent from the print, if you put it in here it is going to block from the road, this is not a true reflection of what the lot looks like, she referred to page 9 specifically, she does not see what the problem is with abiding with the bylaw on illumination, we are surrounded by very historic towns all of which Maynard broke away from, town should reflect some common sense and abide by the laws we have established.

Building Commissioner Rick Asmann stated this is not the only site where waivers have been granted for illumination and size, once you start to shrink it down it is a traffic hazard, the size of lettering is important.

Rose Mensey of 85 Powdermill Road talked about accidents, are they reading signs on monument or façade.

The Board clarified that the tenant sign identifies the entrance and what is there, signage on façade identifies the location of the tenant space. The Board further discussed the request.

*A motion was made by Kevin to close the hearing on the special permit request for a wall sign, seconded by Greg. The Board voted 5 to 0 in favor of this motion.*

**8:33 p.m. Approval Not Required (ANR) – Waltham/Walcott Parcel ID 15-219 to divide into two lots for owner Skylight, LLC, 20 Main St, Acton, MA.**

Chair Cahill asked owner John Anderson to give an overview of plan by Stamski and McNary. John stated it is currently a parking lot, the ANR is to divide the lot into two lots.

*A motion was made by Jason to endorse the ANR for parcel 15-219 Waltham/Walcott Street, seconded by Max. The Board voted 5 to 0, in favor of the motion. The Board endorsed the mylar and prints.*

8:40 p.m. The board voted to move to deliberation on 86 Powdermill Road special permit requests.

The special permit request for shared parking was discussed. The Board agreed on conditions to re-visit if complaints of overcrowding occur. The findings can be copied from the previous decision, and refer to 6.1.3 and 6.1.4, ambiguity of current bylaw and estimated parking requirements are between what would be required, add wording to clarify the calculation.

*A motion was made by Greg to grant the special permit for the shared parking at 86 Powdermill Road Pcl 97, with said findings as discussed, the motion was amended by Jason to add, including the calculations dated 4/4/14 revised 4/7/14 as submitted, seconded by Kevin . The Board voted 4 to 1 in favor of this motion, Max opposed.*

The Board then deliberated on the special permit request for replacing the Peyton's sign with Advanced Auto Parts. After discussion by the Board on the size and illumination, the Board agreed to the conditions that the sign only be on during hours of operation and dimmable. The Board discussed the sign and agreed that the smaller size 71 s.f. with 27" letters was reasonable, internal illumination is consistent with other signs and this sign is dimmable so no issue with intensity, the size is in scale with the façade of the building, the red letters fit with the conformity, must by LED lighting.

*A motion was made by Bernard to approve the special permit for the Advanced Auto Parts sign at 86 Powdermill Road with findings and conditions discussed, seconded by Jason. The Board voted 4 to 1 in favor of this motion, Greg opposed.*

*A motion was made by Jason to adjourn the meeting, seconded by Max.*

Meeting adjourned at 9:22 p.m.