

**MINUTES OF THE MAYNARD PLANNING BOARD
MAY 24, 2016 7 P.M.
ROOM 201, 195 MAIN STREET, MAYNARD TOWN OFFICES**

Members present: Chair Bernie Cahill, William Gosz, Greg Tuzzolo, Samantha Paull, Brent Mathison

07:00 PM- Chair Cahill called the meeting to order

Approval of minutes (02-23-16)

A motion was made by Bernie Cahill to approve the minutes of 2-23-16 as written, seconded by William Gosz. The vote was 4 to 0, Greg Tuzzolo abstained as he was not present at the meeting.

Determination of Modification – 49-51 Waltham Street John Anderson of Skylight, LLC, is requesting the Planning Board make a determination if the addition of a privacy fence to the subject property constitute a major or minor modification to the approved Site Plan and associated Special Permit.

Chair Cahill asked the owner John Anderson to present the request. Mr. Anderson stated that there was a privacy fence approved as part of the Site Plan and Special Permit approvals, one of the potential owners wants to put a privacy fence between units, there is also a old fence along Hayes Street, the neighbor wants replaced. Samantha asked if the fence would be tapered, Mr. Anderson stated he would keep the fence back so that backing out of the neighboring driveway would not impact view. The white stockade fence is installed, the post and rail along Waltham Street still needs to be installed. The Board asked that the fence as proposed be shown and labeled on the plan.

A motion was made by Bernie Cahill that the three changes shown on the plan presented tonight are a minor modification to the Site Plan and Special Permit approval at 49-51 Waltham Street, seconded by Samantha Paull. The vote was 5 to 0.

Public Hearing – 33-37 Main Street The petitioner, Open Table Inc., in conjunction with Site Plan approval request is seeking a Special Permit for relief from parking standards for the subject property (formerly a retail business: Aubuchon Hardware). The petitioner is proposing to utilize the subject property for various assembly uses with limited hours of operation.

Chair Cahill opened the hearing by reading the public hearing notice. The applicants are requesting a special permit for parking the site was formerly a retail commercial site and is now assembly. There are slight modifications to the building. The Open Table was previously located at the Mill, currently the food bank is at the Coolidge School and the dinner at the United Methodist Church in Sudbury. Monday is the busiest day, as that is the food delivery day and the dinner is on Monday, they will possibly add another dinner on Tuesday. The library will allow volunteers to park in their lot on Mondays. Greg asked how many volunteers, it was responded 22 people maximum. The space accommodates 100, Brent asked what the parking requirements are; Town Planner Bill Nemser stated the code calculates as 18

spaces required, the applicant has calculated that 34 spaces are required. Greg asked about the renting of space for other events. The applicant stated the Council on Aging wants to offer exercise classes, caterers have expressed interest in using the commercial kitchen space for preparation, civic groups having dinners if approved by the Board of Health. Greg asked about the dumpster location,

Chair Cahill opened the hearing to the public.

Eamon Moran owner of the building stated all previous tenants were retail tenants open 7 days per week, what they are requesting is much more limited time of activity and will be a good use of the space. Tim Hess asked what portion of the building was being used. George Drizos owner of 39-43 Main Street commented that an article from 2015 states that the Open Table serves over 1000 guests per month, a google search states they serve 300 guests, another article states they service over 120 guests and 75 zip codes, he thinks they will not meet fire code, there is already a parking issue in downtown. Jack McKean stated they started at the Union Church in the middle of town then went up to the Mill, so doesn't seem as though they have had parking issues, the kitchen is a significant investment so the decision should not be so stringent as to affect the businesses success, urge the Board to support the request. A resident stated she had been involved when the Open Table was at the church and they would serve up to 80 people plus volunteers, she asked if other areas of assembly such as Knights of Columbus also had conditions for renting out their facilities. Patty Chambers works at Middlesex Savings Bank has not had customers complain about lack of parking in downtown.

The Board discussed conditions they would like put into the decision. Greg wants reassurance that this can be revisited if the parking issue becomes a problem. Bill Nemser stated the Board can issue the special permit with conditions and timelines. The Fire Department and Zoning Enforcement Officer are in charge of occupancy issues. Greg would like to see a business plan if they plan on using the facility for other functions, the applicant stated they do not require the rental income, they wanted to offer the space to help the community as many groups are looking for spaces to use for one time events. Chair Cahill asked if there was going to be signage.

Chair Cahill went thru the criteria for Special Permits, the only issue is the parking. Bill Nemser stated they should clarify with the applicant exactly what they are requesting. The applicant stated they want the Special Permit to cover the Monday and Tuesday night dinners, do not want the pantry hours limited, as far as rental to the Maynard community that is the purview of the Board.

A motion was made by William Gosz to close the public hearing, seconded by Bernie Cahill. The vote was 5 to 0.

Deliberations on the site plan approval. Board would like to see the compressor labeled on the plan.

Deliberations on the special permit request. Chair Cahill stated that any restaurant coming into this space would have a parking problem. William stated it is only once or twice a week ok with that, it is possible other functions could create a greater impact. Chair Cahill doesn't think it will be overly used for other activities. Greg is not concerned about dictating the number of events or hours, just want to be

able to revisit the issue in a year or if it becomes a problem. Samantha stated the conditions agreed upon so far: primary use for Open Table is limited to two dinners per week, permitted to rent to third party according to fire and other regulations, approval of the third party rental shall be revisited in one year from date of the special permit, volunteers will use the library parking area and the building will be separated. Brent thinks the benefit of what Open Table brings to the community far outweighs the impact on parking, would like the outside events for larger groups require approval.

A motion was made by Bernie Cahill to grant the site plan approval for Open Table at 33-37 Main Street subject to the plan being revised to show the condensers and compressors, seconded by Greg Tuzzolo. The vote was 5 to 0.

A motion was made by Samantha Paull to approve the special permit for Open Table at 33-37 Main Street that the meets the criteria in Section 10.4.2 subject to the following conditions:

- 1. the primary use by Open Table and activities associated with running the organization is permitted. Community Dinners shall be limited to two dinners per week***
 - 2. approval of the third party rental shall be revisited by the Planning Board one year from date of the special permit,***
 - 3. permitted to rent to third party according to fire and other regulations,***
 - 4. volunteers will use the library parking area as permissible,***
 - 5. the building will be separated.***
- seconded by Brent Mathison. The vote was 5 to 0.***

Public Hearing – Planning Board Rules and Regulation: The Board will consider adopting revised Rules and Regulations, applications and fee schedules including those for subdivision.

Chair Cahill opened the public hearing. The Board discussed the latest version and had no more changes.

A motion was made by Bernie Cahill to close the public hearing on the Planning Board Rules and Regulations as presented tonight, seconded by Greg Tuzzolo. The vote was 5 to 0.

A motion was made by Bernie Cahill to adopt the Planning Board Rules and Regulations as presented tonight, seconded by Samantha Paull. The vote was 5 to 0.

Other Business –Discussion items from Board

Tim Hess was present to discuss 213 Main Street, he lives across the street within 300 feet but not a direct abutter. He was surprised to hear the project was approved, he did not attend the public hearing but he feels the project is not in scale and character of the neighborhood. Bill Nemser explained what triggers design review, this was an amendment to the previously approved application.

The Board discussed there may be some sections of the bylaw that should be looked into amending. Bill reminded the Board that they cannot deviate from the bylaw as written unless the bylaws go thru the steps to amend. There was discussion of what falls into fits into neighborhood character.

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A motion was made by Bernie Cahill to adjourn, seconded by William Gosz

Meeting adjourned at 9:59 p.m.