



## TOWN OF MAYNARD Office of Municipal Services

MUNICIPAL BUILDING

195 Main Street

Maynard, MA 01754

Tel: 978-897-1302 Fax: 978-897-8489  
[www.townofmaynard-ma.gov](http://www.townofmaynard-ma.gov)

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New England Living for everyone

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### ***Planning Board Determination of Minor Site Plan Modification***

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To: James Mullin, Town Clerk  
From: Bill Nemser, Town Planner  
Date: October 28, 2019  
Subject: Maynard Crossing (129 Parker Street) Minor Modification to Site Plan – Market Basket Loading Dock.

#### **Background**

At the Planning Board meeting of September 24, 2019, the representative for Demoulas Super Markets, Inc. (Market Basket) David M. Click, Esq., 1253 Worcester Road, Suite 303 Framingham, MA 01701, requested a minor modification to the approved site plan for the project.

The modification to the Maynard Crossing Site Plan for Building (R-10, Market Basket) proposed to screen the exterior of each loading dock by adding a roof and two louvered walls while keeping both bays completely open on the receiving ends for deliveries. The proposal maintains the existing loading dock footprint, and does not otherwise affect any other aspect of the approved site plan (Exhibit "A").

The subject property is located within the Neighborhood Overlay Zoning District (NBOD). The regulatory framework requires a project developed under the NBOD to have a Concept Plan and a Site Plan.

- The Concept Plan was approved by Town Meeting on October 6, 2016, and is dated June 28, 2016.
- The original Site Plan was approved by the Planning Board on August 16, 2017, and is dated February 15, 2017 with a final revision date of August, 10, 2017.
- The original Site Plan and Special Permit Decision for the project was approved by the Planning Board on August 16, 2016. It was recorded at the Middlesex Registry of Deeds in Book 01466, Page 70, Certificate No. 258594.
- Table "A" contains all of the minor and major modifications to date.

**Table 1: List of Modifications to Approved Site Plan**

<b>PB Project #</b>	<b>Date Approved</b>	<b>Modification Proposed</b>	<b>PB Determination: Major or Minor</b>	<b>Revised Site Plan Required?</b>
18-11	December 11, 2018	Removed Drive-thru	Major	Yes
N/A	October 16, 2018	Shifted and increased size of Bldg R-9	Minor	Yes
N/A	October 16, 2018	Increased size of Bldg R-10	Minor	
N/A	February 26, 2019	Changed Lighting	Minor	
19-02	February 26, 2019	Driveway connection to 141 Parker St	Minor	
N/A	October 22, 2019	Screened Truck Bays at Market Basket	Minor	

Section 9.3 of the Zoning By-laws (NBOD) requires that the Site Plan must maintain consistency with the Concept Plan as approved by Town Meeting. Section 9.3.12 of the Zoning By-laws allows the Planning Board to make minor modifications to the approved Site Plan provided that the Planning Board determines, in its reasonable discretion and in writing that any such modifications do not materially conflict with the general intent of the Concept Plan as approved.

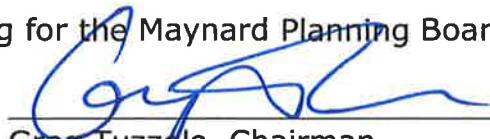
The Planning Board Regulations (Section G) state that a request deemed by the Planning Board to be a Minor Modification to a Site Plan can be made at a regularly posted meeting of the Planning Board.

The Planning Board determined by a 3-0 vote that the request constituted a Minor Modification as defined by Section 9.3.12 of the Zoning By-laws and the Planning Board Regulations subject to the following conditions of approval:

1. A revised site plan page(s) shall be submitted to the Town detailing the revisions. Table "A" shall be placed on revised plan pages.
2. All remaining conditions, provisions, or other stipulations of the Decision dated August 16, 2016 shall remain in effect.

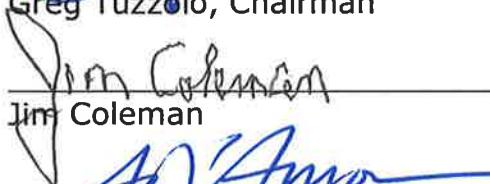
**\*This section intentionally left blank\***

Signing for the Maynard Planning Board:



October 22, 2019

Greg Tuzzolo, Chairman



October 22, 2019

Jim Coleman

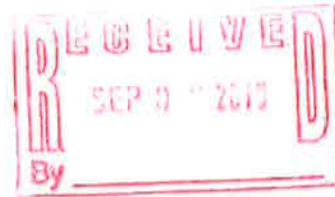


October 22, 2019

Andrew D'Amour

**Exhibit "A"**  
**Request for Modification**

**DMC** Law Office of  
David M. Click  
1253 Worcester Road, Suite 303, Ashland, MA 01701  
Tel: (508) 561-1554  
Email: dmclick@davidclicklaw.com



September 10, 2019

VIA FIRST CLASS MAIL

Richard A. Asmann  
Building & Inspections Division  
195 Main Street  
Maynard, MA 01754

Re: ***Market Basket – Maynard Crossing, 129 Parker Street***  
**Request for Meeting to Discuss Partial Enclosure**

Dear Mr. Asmann,

I write you with regard to Demoulas Super Markets, Inc. (“DSMI”) who has sought representation from this office concerning its recent supermarket location at Maynard Crossing in the Town of Maynard. DSMI proposes one minor revision to the approved design. There are currently two loading docks located in the rear side of the building. DSMI proposes to screen the exterior of each loading dock by adding a roof and two louvered walls while keeping both bays completely open on their receiving end for deliveries. The proposal maintains the existing loading dock footprint and does not otherwise implicate any other aspect of the approved site plan. A copy of a portion of the supermarket site plan and proposed screening is enclosed herein at Attachment No. 1. DSMI makes this request given its newly implemented policy to incorporate side walls and a roof/canopy to all supermarket loading bays for the purpose of screening abutting land, minimizing acoustic impacts while also shielding abutters from the loading dock and adding to the aesthetic character of the building.

I have advised my client that the proposed change is a minor revision to the Planning Board approved Site Plan and remains fully compliant with the Concept Plan approved by Town Meeting as the addition of a roof and louvered walls does not convert the loading docks to structures that violate the setback buffer requirement of Section 9.3.12(3) of the NBOD Bylaw. Indeed, we have advised DSMI that the partial enclosure of the loading docks actually advances the very purpose of the Bylaw as DSMI’s proposed additional screening measures “*reasonably and substantially [will] shield abutting land from parking and loading areas and buildings*” and will enhance and improve the as-approved loading design bringing the project closer to compliance with the NBOD Bylaw. In addition, I understand Mr. Depietri has had discussions with abutters who are in favor of the proposed modifications because of the enhanced screening proposed.

Prior to engaging in formal architectural design change and/or Site Plan modifications, my client and I would like to meet with you and Town Planner Bill Nemser within the next two weeks to confirm that we can proceed as set forth. I will contact your office to finalize arrangements.

Should you care to discuss in advance please do not hesitate to contact me. Thank you for your time and consideration, I look forward to hearing from you.

RECEIVED  
S P  
By \_\_\_\_\_

Very truly yours



David M. Click

cc: William Nemser  
Carmine D. Tomas, Esq.  
Angelo P. Catanzaro, Esq.  
Robert Depietri

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# ATTACHMENT NO. 1

RECEIVED  
SEP 19 2019  
By [Signature]

COORDINATED WITH LOCAL POSTMASTER.

PROP. MCC (TYP.)

PROP. WALL WITH HANDRAIL (DESIGN BY OTHERS).  
COORDINATE WITH ARCHITECTURAL PLANS.

END PROP. VGC  
BEGIN PROP. MCC

PROP. VGC (TYP.)

PROP. CONC. LANDING AND STAIRS (TYP. OF 3).  
REFER TO ARCHITECTURAL PLANS.

PROP. DOOR (TYP.)

PROP. VGC (TYP.)

PROP. HEAVY DUTY  
PAVEMENT (TYP.)

PROP. 12-FT. HIGH VINYL FENCE

5' BOLLARD (TYP. OF 16)  
WITH YELLOW PIPE COVER

45' LANDSCAPE BUFFER

PROP. SNOW

OP, 26' WIDE EMERGENCY GATE (SEE DETAIL)

INDUSTRIAL  
DISTRICT

END 8' HIGH VINYL FENCE.

BEGIN 12-FT. HIGH VINYL FENCE

ZONE LINE (TYP.)

SINGLE  
RESIDENCE  
DISTRICT