



PLANNING BOARD
TOWN BUILDING
195 MAIN STREET
MAYNARD, MA 01754

Minutes: August 24, 2010

Attending: Mike Bingley, Acting Chair, Ken Estabrook, Max Lamson and Marie Morando, Planner Assistant.

Absent: Jason Kreil and Greg Price

7:06 p.m.

Mike Bingley opened the public hearing on a Sight Visibility and we hope we have public input.

Section (e) was added to this version of sight visibility and that there will be exceptions. I added e and f to the bylaw. If they use a post and rail fence it should be a certain number of rails and they should be 3 feet apart. Discussion: it should be about 24" apart and not 36". F – is an alternate design. The board would look at an alternate design and may deem it responsible. Chain link fence has a solid wall; visual obstruction.

KE – is this a standard post and rail fence size – 3 feet?

MB – (f) a design that would be adequate maybe adequate is correct – better facilitate and determined by the board. What materials – maybe an exception and not alternate; Facilitate the public safety.

MM – told the board that the Town had hired new Town Counsel. Blatman, Borrowski and Mead. That they were meeting with town officials to go over Town Meeting. I explained that they have received a copy of our bylaws and were reviewing and they had suggested that we hold off with any new bylaws for the Fall Town Meeting.

KE – no. Both of these bylaws are new and they do not tie into any other bylaw.

MB – agreed that we should go forward with these two new bylaws.

As soon as we have a good bylaw, please submit for review.

MB – Motion to close the public hearing on sight visibility.

Seconded: KE

Any discussion – no

Motion passed – 3-0

Thomas Bray
39-43 Main Street

Site Plan Waiver request:

MB – read the legal notice into the minutes “On Tuesday, August 24, 2010 at 7:30 p.m. the Maynard Planning Board will hold a public hearing at Maynard Town Hall, 195 Main Street, Maynard, relative to an application filed Thomas Bray, 39-43 Main Street. The applicant has requested a Site Plan waiver under Section 14.1.A.3 any exterior alteration of a building or structure, except for signs, or the expansion of the footprint of a building or structure, pursuant to Site Review Regulations, Appendix A, A-II of the Maynard Zoning Bylaws.

The applicant: Thomas Bray

I would like to replace the parapet which is approximately 3 feet. It is a flat roof, with clapboard – like Main Street liquors.

KE – you are proposing to use cedar wood – yes – not vinyl. I would like to, but I am not. No change in the signage. I do not plan to make changes at this time.

MB – colors and materials fit in the downtown very well. It looks like you have one sign on the parapet, yes, but I will not be putting that sign up. If you have to put new signs you will have to go to the building commissioner for a sign permit.

KE – motion to endorse site relief at 39-43 Main Street in accordance with Maynard Zoning Bylaws, Section 14.1.A.3.

MB – 2nd the motion

Any discussion – none

Motion passed 3-0

Devin Properties – 86-98 Powder Mill Road –

The owner, Bill Cunningham present. John Morello, Attorney and Mark Donohue from Acton Survey.

MM – Planner Assistant: Informed the board regarding the incomplete abutter’s list and that the applicant had not paid all of their fees.

MB – stated after the applicant said he would pay the fees by tomorrow and Attorney Morello stated that the abutter that was not on the abutter’s list was present. He would allow the applicants to go ahead with the presentation.

Mark Donohue – explained what was happening with the vacant space at 86 Powder Mill Road. That next to the restaurant they are proposing Jam Time. The restaurant will not open until 4:00 p.m. and it will only overlap for a small period of time each day. He read from the plans the spaces allotted for each business in this plaza. He explained that the owner had arranged for an additional 75 spaces at John Deere and Quinn’s Automotive. He had met with the building commissioner and he stated that there is a max of 75 children on that space. With the additional 75 spaces that would be for employee and valet parking.

KE – asked if they were asking for relief of 10%

The applicant stated there are letters from John Deere and Quinn’s Automotive, but he didn’t have them with him.

Attorney Morello – he would have the letters for the board.

Mandy Sims – owner of the proposed Jam Time – she stated that there more minimal hours of operation that the business would overlap the restaurant.

During the maximum operation – she said that there could be 30-50 children, but she isn't open yet and cannot estimate what would be the busiest time and day of the week. Four staff members are required on open play time.

KE – what would happen if it surpassed 30-35 – how could we determine how many people you have at your business and if you have sufficient parking for that number.

MB – would need the input of the building commissioner re: the overlapping of parking. If we enter into a new agreement re: this will override the previous agreements.

BC – gave the board a history of the property; some of the spaces were allocated for Acton/Lincoln and Malcolm's Steak House; we had modified the agreement back then.

Attorney Morello: We had allowed for stack parking on the right hand side of the building. That JoJo's had changed their hours from lunch to not having lunch, that would make more parking spaces available.

KE: Mr. Cunningham how many parcels do you own? The ATM parcel is owned by Victory Center, LLC. There is an easement that allows them to building 1600 square foot bank – This parcel is 86A (LLC) and 86 is owned by Devin Properties.

ML – this easement runs with the land and he needs access for parking.

MB – does Victory Centre LLC support the petition for parking

Leo Bertolami, Manager – Victory Plaza, LLC – 86A is a buildable lot; he conveyed this parcel to Devin Properties. He has 7 deeded parking spaces

KE – the board needs to clarify the easement

Discussion: centered around Devin Properties using all the spaces on Lot 86A for the businesses at 86 Powder Mill Road; we need to know how many spaces they are using for their businesses and how many spaces are in the easement – Did anyone bring the easement? We know find out there have been two agreements filed with the Registry of Deeds. Original deed was signed over 10 years ago and another one three years ago.

KE – this has not been reflected on the plans twice. KE – question to Mark Donohue –

In the easement document presented it notes that a plan prepared by Acton Survey – do you have that plan – no. I will research but I am telling you no. Can you define the building envelope? 86 does not have full rights – as the engineer how do you define the building envelope?

MB – parking on the site is very complex – we need to see copies of the agreements with Deere and Quinn this will show how you overcame the 75 spaces for off site parking.

We need to see the table on the plans showing the modification of spaces including weekend hours. The downtown only has allowances for off site parking. We need clarification of the parking and clarification of the agreements, the building commissioner needs to way in or this. We need to be creative with the restriction of hours of operation for each business.

KE – motion to continue site plan modification of 86 Powder Mill Road to August 31, 2010 at 7:00 pm.

Seconded – MB

Motion passed 3-0

McDonald's Restaurant – 2-4 Main Street

Myron Fox, Attorney representing McDonalds
John Cusiak, Bohler Engineering and Tessa Bernstein, from McDonalds

We are here tonight requesting a temporary delay of three years to complete the Acton Street driveway. We will use the existing driveway on Main Street. This is not a change of site plan, but because DOT has an easement on that property for bridge reconstruction This is a temporary easement to DOT granted by the property owner; our lease agreement is recorded with the registry of deeds. The building is closed we do not want to delay the construction of the new building, just the exit onto Acton Street. Read an e-mail he received from Fred King, Conservation Chair; that this is not a modification but a phasing of construction. This is not a substantial modification to site plan it is just a delay. We are starting demo of the building and it will reopen in late fall. There is no change to site plan just a delay and nothing to do with special permits or waivers. We are looking at trucks making the right turn – What about deliveries – deliveries are made about every 5 days. Could you temporary move the signage. We understand that this is for along time, but our hands are tied by the DOT.

KE – could you make the left turn onto Acton Street safer

JC – no, there is not too much room

KE – reduce traffic speeds, this is going to confuse drivers.

Brendon Chetwynd: they will have to go to the BOS to change the traffic regulations; They have agreed to hire a police detail when the restaurant opens; no right hand turn on red;

Discussion: pedestrian traffic Is there going to be a crosswalk across the entrance; we are working with DOT for temporary crosswalks, we cannot commit until the DOT fences off their area. It will be gated area with the DOT project. This entire project is dictated by the DOT;

KE – motion to grant modification deemed it not substantial

Seconded MB

Any discussion – no

Motion passed -5-0

KE – motion to grant modification deemed not substantial to McDonald’s USA, LLC with the following conditions:

1. to request from the Board of Selectman to add a sign no right hand turn on red onto Main Street to Acton Street.
2. no left hand turn onto Acton Street with the exception of deliveries for 30 foot trucks or larger.
3. an addition of a pedestrian crosswalk and signs at the northeast corner of the lot.
4. that the entrance on Acton Street will be completed within six months after the release of the Department of Transportation easement.

MB – motion to adjourn

Seconded by ML;

Motion passed 3-0

APPROVED: September 29, 2010
Signed Chairman Greg Price

