



PLANNING BOARD  
TOWN BUILDING  
195 MAIN STREET  
MAYNARD, MA 01754

Meeting: October 12, 2010

Attending: Greg Price, Mike Bingley, Ken Estabrook, Max Lamson, Jason Kreil and Marie Morando, Planner Assistant

MM to the board: in front of the board we have two applicants for façade improvement grants, they went through the review of the committee and they are at the next stage with the planning board for relief from site plan approval. We have Pleasant Café and Monsoon Restaurant both on Main Street. The committee agreed to give each applicant \$3,900.00 for the second round.

Pleasant Café: Frank Dzerkacz

He will be replacing all of the clapboards, full view glass on the front door with the name and the hours of operation. With the help of the town the entire first floor of the building will be renovated. He is hoping to install a sprinkler system in the coming months. We will have no access issues.

KE – you will replace all of the front clapboards? Yes  
On the corner of River Street that will also be replaced;  
with the same colors that are on there now.

There will be no changes to the 2<sup>nd</sup> floor – vinyl will stay  
We are installing new flashing.

JK – will the details around the windows stay the same –  
yes not changes

When do you plan on doing this work – as soon as I get the  
contractor – it is entirely up to his schedule.

Any comments for the board or the public

No.

GP – motion to endorse site plan waiver for the Pleasant

Café -

2<sup>nd</sup> KE

Any further discussion

No

Motion passed 4-0

Monsoon Bistro

Narinder Gumania

I am replacing the front part of the building; no seating  
outside, entrance from both sides of the building; portion of  
the work has already been completed. Steps are done. The  
applicant explained that he received the building permit  
from the town. He applied for the grant, applied for the  
permit and awarded the grant. He was going to do the  
work before he found out about the grant. The pedestrian  
access has been changed.

KE – just to clarify this – this will only address the exterior  
improvements – yes;

We are changing the name. You know that you will have  
to go to the building commissioner regarding a new sign  
and he feels that you need to come for a special permit you  
might have to come in front of the board for that – yes. I  
am changing the lighting – please go to the building  
commissioner first. The color is creamy yellow.

MB – motion to endorse site plan waiver and to endorse the pedestrian access changes at 155 Main Street, Savorying Indian Cuisine

Seconded by JK

Any discussion: yes – JK – are the details staying the same – yes only if they need to be touched up

You will have to appear in front of the planning board if your changes in the lighting or signage need a special permit –

Motion passed – 5-0

MM – explained to both applicants that they will have to appear in front of the BOS when notified and they will grant you the \$3900.00

Devin Properties

86 Powder Mill Road

John Morello, Attorney for the Applicant and Mark Donohue representing Acton Survey attended.

Public hearing was opened at 7:20 p.m.

GP read he two public hearings into the minutes

**“A public hearing will be held on Tuesday, October 12, 2010 at 7:00 p.m. at the Maynard Town Building, 195 Main Street, Maynard, Conference Room, to hear all persons in a request for Site Plan Approval/Special Permit for parking and for relief under Section 14 and 16 requested by Devin Properties, LLC on 86 Powder Mill Road, Assessor’s Map 10, Parcels 10-1097A and 10-1097B.”**

And

**A public hearing will be held on Tuesday, October 12, 2010 at 7:00 p.m. at the Maynard Town Building, 195 Main Street, Maynard, to hear all persons for a request for Modification from Site Plan Approval for Parking and for Relief from Site Plan under Section 14.1.A.2 requested by Devin Properties, LLC on 86 – 86 A Powder mill Road, Assessors Map 10, Parcel 10-0096-10-1097.**

On September 17, 2010 the applicant submitted revised set of plans.

We left the spaces there for a bank that doesn't exist. The capacity for 240 seats in JRays they do have an occupancy permit by the building commissioner.

MB – Read the e-mail by the building commissioner and the commissioner states that the parking is adequate with the revised plans and numbers. If we agree to have the shared parking how would it be sustainable?

JMorello: there are two parcels of land – ATM is owned by Leo Bertalami – he split the property and kept this parcel for himself. He knows that there is an easement with the land to allow for parking. This easement cannot expire or be altered unless the two parties agree and enter into another agreement.

This agreement is legally bounded to the deed.

In the daytime the restaurant is full it would need 10% reduction in parking standards.

Right now there are 116 seats in the restaurant and we have adequate parking.

ML – my concerns are the Sunday schedule. They are focusing on Sunday afternoon with the sports. On Sundays the hair salon is closed.

KE – previously the board asked for agreements in place instead of letters. We don't know who the signatories are and if they are speaking on behalf of the owners. The letters provided were on 8/25 and 8/26/2010.

The plan looks like it is adequate for the parking.

ML – the off site parking is no longer need; with the 10% reduction in parking with special permit.

MDonohue: Yes. We took the opportunity and included the spaces with the new site plan.

The change of use was permitted when it went from the retail to restaurant and now it needs to go back to retail.

We would have to approve a change of use –

Discussion: Table of Uses – stay away from educational; this is a public use. The board agreed to business or professional office.

Sims: No primary day care at first.

Vic Tomyl: We need activity in that part of town; who will be monitoring this; that the planning board is stretching it and the elastic might break. He feels that the when the road was completed and Victory built the building they went closer and closer to the river. How do you justify using the loading dock in the evenings. There is no fire lane in front of the building.

Mark Donohue: The 1924 County property lines are presently what we used; there is a 18 foot lane in front for a fire truck. An ambulance can pass through out the site.

Parcel 102 is 200' feet from the River edge.

ML - should we be looking at 16.3.B

JMorello: We went to conservation first because we are so close to the river.

Discussion: about the egress would they be blocking it.

Any further questions – no

Does the applicant have any other documents.

No.

GP – motion to close the public hearing on 86 Powder Mill Road

2<sup>nd</sup> MB

Any further discussion

No

Motion passed – 5-0

Deliberations: 86 Powder Mill Road

KE – remaining concerns hours of operation for the restaurant – If it opens for lunch on the weekends would there be enough parking? You would need 30 spaces if 90 seats are filled at lunch. MD – we presented a solution and we are confident that it would work.

ML – hours of operation – the restaurant has the largest parking; has the tenant committed to the hours of operation. Yes as stated on the plans and this will leave an excess of 30 spaces. Trigger point is if the owner of the parcel decides to put up a bank and they would have to come in front of the planning board.

KE- special permit 10% would apply for the night time use of the restaurant –

MD – yes 13 spaces –

We did reserve the spaces for the future bank at night – have you ever seen 12 cars at a bank at night.

KE – motion to approve site plan modification from under Section 14.1A.2 and approve parking special permit under 16.2.C the change of use from retail to business professional use conditioning such approval on shared parking arrangement described on the site plan at such time that the share parking arrangement changes from what was submitted the planning board reserves the right to require the applicant to submit it an application form for modified parking special permit.

2<sup>nd</sup> MB

Any further discussion – no

Motion passed 5-0

Discussion: About the warrant articles: Christmas Trees bylaw that was passed in the spring – and Body Art Establishment. A meeting has been set up by the TA with Town Counsel to discuss different amendments.

GP – motion to adjourn 9:15 p.m

2<sup>nd</sup> JK – any further discussion – no.

Motion passed -5-0