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TOWN OF MAYNARD TOWN CLERK

MUNICIPAL BUILDING
195 MAIN STREET
MAYNARD, MASSACHUSETTS 01754
Tel: 978-897-1300 Fax: 978-897-8553

September 19, 2017

Decision of the Planning Board

*Decided
Owned*

Applicant: Maynard Crossings, JV, LLC
Site: 129 Parker Street
Planning File Number: PB16-11, PB16-12, PB16-13, PB17-04, PB17-08, PB17-09
Date of Decision: August 16, 2017

I hereby certify that this decision and any authorized signatures are true copies of the original and that 20 days have elapsed from the filing date of the decision and that no appeal as been filed in this office.

Attest: A True Copy

Michelle L. Sokolowski
Michelle L. Sokolowski
Town Clerk

Seal

Registry of Deeds, South Middlesex District
208 Cambridge Street
East Cambridge, Ma 02141
(617) 679-6300

LOT 618462

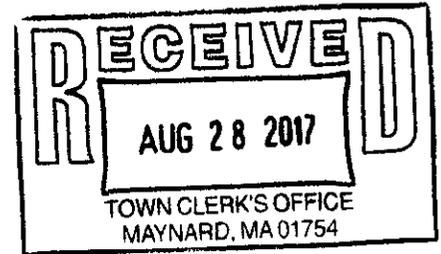
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MS



TOWN OF MAYNARD
Office of Municipal Services
 MUNICIPAL BUILDING
 195 Main Street
 Maynard, MA 01754

Tel: 978-897-1302 Fax: 978-897-8489
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Maynard Planning Board
Notice of Decision

To: Michelle Sokolowski, Town Clerk
 195 Main Street
 Maynard, MA 01754

August 28, 2017

Re: Site Plan and Design Review approval with five Special Permits for the plan entitled "Maynard Crossing" (latest revision date August 10, 2017), Owned by Maynard Crossings JV, LLC - Capital Group Properties, 259 Turnpike Road, Southborough, MA 01772, drawn by Bohler Engineering, 352 Turnpike Road, Suite 201, Southborough, MA 01772. Planning File #'s: PB16-11, PB 16-12, PB 16-13, PB 17-04, PB 17-08 and PB 17-09.

Dear Ms. Sokolowski:

Please accept this Notice of Decision for the Maynard Crossing (AKA "129 Parker Street"). This is for Site Plan approval with five (5) Special Permits and is ready for recording by the Maynard Town Clerk's Office. The Decision also includes waivers from the Planning Board for specific requirements, as discussed below.

I. General

On February 22, 2017, Maynard Crossings JV, LLC - Capital Group Properties (hereinafter referred to as "the Applicant") submitted to the Maynard Planning Board (hereinafter referred to as "the Board") an application for Site Plan approval to allow development of the proposed "Maynard Crossing" mixed-use project at 129 Parker Street (the "Project" and the "Site"). The Applicant also applied for a total of five separate Special Permits (dates listed in Table 1)(collectively the "Application"). Waivers from applicable provisions of the Planning Board Rules and Regulations were also requested. The Special Permit applications seek approval for:

- a. A 143 unit Continuing Care Retirement Community (CCRC)
- b. A Drive-Thru Use (supermarket pharmacy)
- c. Multi-family Dwellings (up to 180 units)
- d. Relief from Parking Standards
- e. Relief from Signage Standards

The above noted Applications have been submitted pursuant to Sections 9.3 and 10.4 of the Zoning By-laws (ZBL) and the Concept Plan approved by Town Meeting on October 5, 2016. The subject property is zoned "Neighborhood Overlay Zoning District" (NBOD). The underlying zoning district is "Industrial".

The 58-acre former Digital Equipment Corporation complex at 129 Parker Street is being developed by Capital Group Properties as "Maynard Crossing." The site is directly abutting residential properties at Field Street and Dettling Road (on the north and south sides respectively). To the east is Parker Street (Highway 27) and to the west are wetland resources subject to regulation pursuant to state and Maynard jurisdiction. A portion of the Site is also subject to jurisdiction of the Massachusetts Endangered Species Act.

The Application includes:

- a 68,000 square foot supermarket
- a congregate care retirement community (143 units)
- residential uses (180 units with 22 dedicated as affordable to qualified tenants)
- retail uses and restaurants

Regulatory Framework:

Five instruments locally control site development:

- a. The Town's Zoning By-laws ("ZBL"). The property zoning designation is "Neighborhood Business Overlay District" ("NBOD").
- b. The Planning Board Rules and Regulations.
- c. Planning Board Landscape Regulations.
- d. The Memorandum of Agreement between the Town and the Applicant (signed September 6, 2016), attached hereto and incorporated herewith as **Exhibit A**.
- e. The Concept Plan and Signage Plan approved by Town Meeting on Oct 5, 2016, attached hereto and incorporated herewith.

NO exhibits

All phases of the project development were required to be consistent with the above noted five documents and in accordance with the procedures as provided for in the Zoning Act (hereinafter "Chapter 40A"), the ZBL, and the Planning Board Rules and Regulations.

II. Plans and Documents Submitted in Support of the Application

The following documents (hereinafter referred to as the "The Plans") and supporting documents were submitted to and reviewed by the Planning Board either with the associated application, or during the Public Hearing process, and form the basis of this Decision.

- Materials denoted with a * were provided by the applicant.
- Materials denoted with a # were prepared on behalf of the Town.

Relevant document date information is also noted within Table 1. Certified Abutters Lists with Assessors Maps were also received. All applications were processed simultaneously or incorporated into the process as received.

Application for Site Plan Approval*	Capital Group Properties	February 22, 2017
Application for Special Permit Approval of Multi-Family Residential) *	Capital Group Properties	December 29, 2016
Application for Special Permit Approval of Drive-thru*	Capital Group Properties	December 29, 2016
Application for Special Permit Approval of CCRC*	Capital Group Properties	January 17, 2017
Concept Plan*	CI Design, Inc.	June 28, 2016
Signage Concept Plan*	Gamble Design	July 11, 2016
Application for Special Permit Approval for Relief from Signage Standards*	Capital Group Properties	June 26, 2017
Application for Special Permit Approval for Relief from Parking Standards*	Capital Group Properties	June 26, 2017
Memorandum of Agreement #	Maynard Board of Selectman and Capital Group	September 6, 2016
Fiscal Impact Projection #	RKG Associates	September 9, 2016
Site Development Plans *	Bohler Engineering	1. February 15, 2017 Original 2. Date of Latest Revision August 10, 2017
Engineering Analysis*	Onsite Engineering	July 19, 2016
Stormwater Drainage Report*	Bohler Engineering	1. February 15, 2017 Original. 2. Date of Final Revision June 28, 2017
Traffic Impact and Analysis Study*	Green International Affiliates, Inc.	January 2017
Water and Sewer* Capacity Analysis	Onsite Engineering	March 27, 2017
Water and Sewer * Capacity Analysis	Stantec	April 11, 2017

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Decision - Site Plan approval with Special Permits for Maynard Crossing (AKA 129 Parker Street)

Planning File #'s: PB16-11, PB 16-12, PB 16-13, PB 17-04, PB 17-08 and PB 17-09.

Final

Proposed Roadway Reconstruction of Parker Street (Route 27) Offsite improvements*	Green International Affiliates, Inc.	August 14, 2017
Proposed Roadway Reconstruction of Parker Street (Route 27)*	Green International Affiliates, Inc.	August 14, 2017
Sound Fence Effectiveness Report*	Tech Environmental, Inc.	June 22, 2017
Operations Manual	Capital Group Properties	Latest Revision, July 24, 2017
Architecture Elevations CCRC*	Lenity Architecture	March 14, 2017
Architecture Elevations Retail*	HFA	May 2017
Architecture Elevations Residential*	Lecesse Development (5G Studio)	March 18, 2017
Noise Study*	Tech Environmental, Inc.	June 22, 2017
Photometric Plans (Site layout Lighting Plan, Site Photo Metric Plan, Lighting Cut-sheets and lighting after 1AM. *	HFA	May 5, 2017
Grading Plan*	Bohler Engineering	1. March 21, 2017 Original. 2. Date of Final Revision June 16, 2017
Letter Requesting Waivers from the Planning Board Rules and Regulations and Landscape Standards*	Capital Group Properties	June 26, 2017

Site Development Plans include (a) through (j) below, each incorporated in this Decision:

- | | |
|------------------------------------|--|
| a. Demolition Plan | g. Internal Landscape Plan, Landscape Plans (includes Buffer Plan) |
| b. Overall Site Plan | h. Construction Detail Sheet |
| c. Grading and Drainage Plan | i. Lighting Plans |
| d. Utility Plan | j. Sewage Pump Station Plans |
| e. Soil, Erosion and Sediment Plan | |
| f. Fire Truck Exhibit | |

The Planning Board reviewed these materials during the application, public hearing and deliberation processes.

III. Applications

The Applicant submitted the following applications for approval for the Site and the Project including therein requests for certain waivers from the Planning Board's Subdivision Rules and Regulations:

- a. **Site Plan Review.** Site Plan Approval is required per Sections 9.3.12 and 10.5 of the ZBL. Site Plans are also subject to the Planning Board Rules and Regulations and the Planning Board Landscape Regulations.
- b. **Special Permit Request.** A Drive-Thru Use (supermarket pharmacy): a Special Permit is required for a Drive-Thru Use per Section 9.3.7 of the ZBL.
- c. **Special Permit Request.** Multi-family Dwellings (up to 180 units): a Special Permit is required for Multi-family Residential Dwellings per Section 9.3.7 of the ZBL. Section 10.4.2 of the ZBL provides the criteria that must be considered in order to issue a Special Permit.
- d. **Special Permit Request.** Continuing Care Retirement Community (CCRC) with up to 143 units: a Special Permit is required for a CCRC per Section 9.3.7 of the ZBL. Section 10.4.2 of the ZBL provides the criteria that must be considered in order to issue a Special Permit.
- e. **Special Permit Request.** Relief from Parking Standards of the ZBL: Sections 6.1.3 and Section 6.1.3 allow the Planning Board to grant Special Permit relief from Parking Standards. Section 10.4.2 of the ZBL provides the criteria that must be considered in order to issue a Special Permit. Section 6.1.4 provides the additional criteria that must be met for issuance of a Special Permit for Parking Relief:
 1. A demonstration by the applicant to the satisfaction of the SPGA that there is no possible way to provide the parking required; or that doing so would (1) render the project infeasible (including the shared parking option), and (2) that a lack of compliance will not adversely affect either the use proposed (and its users) or the parking situation downtown.
- f. **Special Permit Request.** Relief from Signage Standards of the ZBL Section 6.1.11 allows the Planning Board to grant Special Permit relief from Sign Regulations. Section 10.4.2 of the ZBL provides the criteria that must be considered in order to issue a Special Permit.

IV. Review Criteria

A. Site Plan Approval

The Site Plan must demonstrate compliance with Sections 9.3.12 and 10.5 of the ZBL as well as with the Planning Board Rules and Regulations and the Planning Board Landscape Regulations. Under Section 9.3.12 of the ZBL, the Site Plan must also demonstrate consistency with the approved Concept Plan for the development.

B. Special Permit Approval

A Special Permit shall be granted only upon determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition, the determination shall include consideration of each of the following:

- a. Social, economic, or community needs which are served by the proposal.
- b. Traffic flow and safety, including parking and loading.
- c. Adequacy of utilities and other public services.
- d. Neighborhood character and social structures.
- e. Impacts on the natural environment.
- f. Potential fiscal impact, including impact on town services, tax base, and employment.

Additionally, Section 6.1.4 provides the additional criteria that must be met for issuance of a Special Permit for Parking Relief as follows, "A demonstration by the applicant to the satisfaction of the SPGA that there is no possible way to provide the parking required; or that doing so would (1) render the project infeasible (including the shared parking option), and (2) that a lack of compliance will not adversely affect either the use proposed (and its users) or the parking situation downtown".

The Planning Board's authority to grant waivers from the Planning Board Rules and Regulation are authorized within "Conditions Requiring Site Plan Approval" within the Planning Board Rules and Regulations.

V. Public Hearings(s) and Vote(s) of the Planning Board

- a. The Planning Board opened the Public Hearing for a Special Permit to allow a Drive-Thru Use (supermarket pharmacy) on January 25, 2017 (continued to February 14, 2017) and closed the Public Hearing on August 16, 2017. Notice for the public hearing was published in the Beacon-Villager (January 5 and January 12, 2017) and sent to abutters of

the property and other interested parties by certified mail according to the Assessors' Certified Abutters List.

- b. The Planning Board began Public Hearings for a Special Permit to allow a Multi-family Residential Use (up to 180 units) on January 25, 2017 (continued to February 14, 2017) and closed the Public Hearing on August 16, 2017. Notice for the public hearing was published in the Beacon-Villager (January 5 and January 12, 2017) and sent to abutters of the property and other interested parties by certified mail according to the Assessors' Certified Abutters List.
- c. Planning Board began Public Hearings for a Special Permit to allow a Continuing Care Retirement Community (CCRC) on February 14, 2017 and closed the Public Hearing on August 16, 2017. Notice for the public hearings was published in the MetroWest Newspaper (January 27 and February 3, 2017) and sent to abutters of the property and other interested parties by certified mail according to the Assessors' Certified Abutters List. A Special Permit is required for a CCRC per Section 9.3.7 of the ZBL. Section 10.4.2 of the ZBL provides the criteria that must be considered in order to issue a Special Permit.
- d. The Planning Board began Public Hearings for the Site Plan on March 28, 2017 and closed the Public Hearing on August 16, 2017. Notice for the public hearing was published in the Beacon-Villager (March 9 and March 16, 2017) and sent to abutters of the property and other interested parties by certified mail according to the Assessors' Certified Abutters List.
- e. The Planning Board began Public Hearings for a Special Permit to allow Relief from Parking Standards of the ZBL on July 19, 2017 and closed the Public Hearing on August 16, 2017. Specifically the Applicant requested relief from strict compliance with Sections 6.1.5, Section 6.1.10.9 and Section 6.1.15 of the Zoning By-laws so as to allow for (1) a reduction in the number of required parking spaces within the Project; and (2) fewer than the required number of raised landscaped islands situated throughout the parking field with dimensions, locations and designs variant from those required; and (3) elimination of light poles in certain raised landscape islands and the installation of light poles in paved areas of the parking field, all as depicted on the submitted Development Site Plans and as consistent with the approved Concept Plan. Notice for the public hearing was published in the MetroWest Newspaper (June 30 and July 7, 2017) and sent to abutters of the property and other interested parties by certified mail according to the Assessors' Certified Abutters List.
- f. The Planning Board began Public Hearings for a Special Permit to allow Relief from Signage Standards of the ZBL on July 19, 2017 and closed the Public Hearing on August 16, 2017. Specifically the Applicant requested relief from Section 6.2.8.3 of the ZBL to allow for internally lighted wall signage on buildings within the development. Notice for the public hearing was published in the MetroWest Newspaper (June 30 and July 7, 2017) and sent to abutters of the property and other interested parties by certified mail

according to the Assessors' Certified Abutters List.

VI. Site Plan Review and Approval

After conducting the public hearings, and after its own analysis and deliberation relative to the proposed project and the supporting documents and plans described above and herein, the Board hereby makes the following Site Plan determinations:

- a. In addition to the conditions imposed herein, the Project approved by this Decision is governed and controlled by:
 1. The Town's Zoning By-laws (As Amended January 11, 2016).
 2. The Planning Board Rules and Regulations (May 24, 2016).
 3. Planning Board Landscape Regulations (July 28, 2015).
 4. The Memorandum of Agreement between the Town and the applicant dated September 6, 2016 (Exhibit "A").
 5. Operations and Maintenance Plan (Exhibit B).
 6. Schedule of Improvements and Repairs to the Town sewer infrastructure (Exhibit C).
 7. The Concept Plan and Signage Plan approved by Town Meeting on Oct 5, 2016 (Exhibit D).
 8. Sign Permit Regulations for Signage not included in the Approved Concept/Signage Plan (Exhibit E).

- b. The subject property affected by this application is within the zoning overlay district designated as "Neighborhood Business Overlay District" (NBOD).

- c. The Conservation Commission issued an Order of Condition for the Project on June 27, 2017.

- d. With the incorporation of the conditions of approval imposed by the Planning Board below, the Planning Board finds that the proposed Project complies with standards for the issuance of Site Plan Approval pursuant to Section 10 of the ZBL, as follows:
 1. The Project will protect adjoining premises and general neighborhood from detrimental use of the lot.

Adequate buffering of the site has been provided by landscaping features including vegetation, fences, and walls and minimizing light/noise intrusion upon adjacent properties.

 2. The Project will provide for the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties and improvements.

The Applicant has designed internal circulation patterns that ensure pedestrian and vehicular safety, and is providing improvements to the neighboring streets and signalization.

3. The Project will provide adequate methods of sewage disposal, refuse and other wastes, and provide for adequate control and retention of stormwater runoff.

The project will utilize Town wastewater. The Applicant's stormwater drainage/management system conforms to state requirements and was approved by the Conservation Commission. The project will utilize private refuse and recycling collection.

4. The Project will provide adequate methods of underground drainage.

The Applicant's drainage plan utilizes an underground chamber filtration system and was approved by the Town Engineer.

5. The Project will provide adequate off-street loading and unloading of vehicles.

The Applicant has designed internal roadways and circulation patterns to serve the uses within the project area. Deliveries will conform to these plans and to the schedule as depicted in the O & M Manual. The site will utilize private refuse and recycling collection.

6. The Project will provide adequate municipal facilities relative to fire and police protection and other municipal services to meet the needs of residents housed on the site.

The Fire and Police departments reviewed the project and have determined there is adequate capacity to serve the site and ensure public safety.

The Board further finds under Section 9.3.12 of the ZBL that the Site Plan substantially conforms to the Concept Plan approved by Town Meeting.

The Board grants the following waivers:

- A. Planning Board Rules and Regulations, Section C.3 "Location of Fire Alarms and Terminal Boxes". Allows the applicant to delay depiction of Fire Alarms and Terminal Boxes locations on plans until the building permit phase of construction.
- B. Planning Board Landscape Regulations, Section 5.6 "Planted Buffers and Visual Screening". Allows the applicant to space deciduous trees more than 20 feet apart along the front buffer due to utility conflicts and other obstructions.

- C. Planning Board Landscape Regulations, Section 5.9.6 requiring pole mounted exterior lighting be mounted no higher than fifteen (15) feet above grade. Allows the applicant to construct light fixtures that are 20 feet in height and are placed atop a three (3) foot concrete bollard.
- D. Planning Board Landscape Regulations, Section 5.11.6 requiring mulch be edged with wood, stone or steel edging when adjacent to sidewalks. Allows the applicant to eliminate the edging requirement project-wide.
- E. Planning Board Landscape Regulations, Section 5.11.8 requiring proposed developments are required to comply with regulations related to the control of Asian Longhorn Beetle. Allows a limited number of suitable parking lot trees that are host trees for the Asian Longhorn Beetle to increase species diversity project-wide.

Planning Board Vote – Site Plan

- A. To GRANT Site Plan Approval for the Plans dated August 10, 2017.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
William Gosz	Yes
Brent Mathison	Yes
Megan Zammuto	Yes

VII. Special Permits – Findings of the Planning Board:

After conducting the public hearings, and after its own analysis and deliberation relative to the proposed project and the supporting documents and plans described above and herein, the Board hereby makes the following written determinations, for each Special Permit requested. The following findings comply with the requirements for the issuance of Special Permits as described in Section 10.4.2 “Criteria” of the ZBL:

Special Permit: Multi-Family Use

- A. Social, economic, or community needs which are served by the proposal:

- *Meets community needs as identified in the Town's Housing Production Plan adopted in 2016: specifically Strategies 1.2 (production of mixed-income housing on vacant parcels) and 1.3 (creation of affordable units).*
- *Meets community and social needs consistent with the Town's Community Development Principles adopted in 2012. Specifically, Principal 1: (Concentrate*

Development and Integrate Uses) Principal 3: (Redevelop and Reuse), Principal 4 (Use Natural Resources Wisely) Principal 5: (Expand Housing Opportunities).

- *The project Concept Plan was approved by Town Meeting.*

B. Traffic flow and safety, including parking and loading:

The proposed project layout, proposed site plan and on/off site mitigation measures, promote safe traffic flow including parking and unloading generated by this use.

C. Adequacy of utilities and other public services:

The applicant has demonstrated there is adequate capacity for utilities and other public services. Additionally the board finds the proposed mitigation benefits the Town's existing utility infrastructure.

D. Neighborhood character and social structures:

- *The multi-family use provides a transitional zone between project and adjacent residential areas. Additionally the buffering and landscaping as proposed soften the transition to the adjacent single family neighborhoods.*
- *The proposed project is located on an industrially zoned site: this Special Permit will allow residential units to be developed in an industrial site, thereby providing a consistent residential component compatible with the surrounding residential areas. Additionally, the services and amenities will provide more integration with the surrounding neighborhoods than an industrial use.*

E. Impacts on natural environment:

This project provides state-of-the-art stormwater management, zero irrigation landscaping and updated de-icing methods. Additionally the project utilizes measures to protect endangered wildlife on the adjacent wetlands.

F. Potential fiscal impact including impact on town services, tax base and employment:

The project fiscal analysis performed by RKG associates and subsequent analysis by this Board have demonstrated the proposed use and overall project provide a net positive impact to the Town.

Additionally, in order to issue a Special Permit for a Multi-Family Use, Section 9.3.7 of the ZBL requires the SPGA to conclude:

1. The proposed use or structure (a Multi-Family Use) is consistent with the Concept Plan approved by Town Meeting.

The Board has concluded the proposed Multi-Family Use is consistent with the Concept Plan approved by Town Meeting.

2. Cumulative impacts from the proposed use or structure, including but not limited to, impacts on traffic and public infrastructure will be sufficiently minimized and mitigated through on and off site improvements.

The Board has concluded the impacts of the proposed Multi-Family Use on traffic and public infrastructure will be sufficiently minimized and mitigated through on and off site improvements.

3. The proposed use or structure, when completed, will be in harmony with the purpose and intent of NBOD and not otherwise inconsistent with the purpose and intent of the Maynard Zoning By-law.

The Board has concluded the proposed Multi-Family Use is in harmony with the purpose and intent of NBOD and not otherwise inconsistent with the purpose and intent of the Maynard Zoning By-law.

Planning Board vote: to GRANT a Special Permit to allow a Multi-Family Residential Use subject to the Conditions of Approval below.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
William Gosz	Yes
Brent Mathison	Yes
Megan Zammuto	Yes

Special Permit: Continuing Care Retirement Community

A. Social, economic, or community needs which are served by the proposal:

- *Meets a social and community need. Senior housing was specifically identified by the community in the 2014 Ad Hoc committee as a desired use for the project site. Additionally, the Town currently has no senior care facility.*
- *Meets community and social needs consistent with the Town's Community Development Principles adopted in 2012. Specifically, Principal 1: (Concentrate Development and Integrate Uses) Principal 3: (Redevelop and Reuse), Principal 4 (Use Natural Resources Wisely) Principal 5: (Expand Housing Opportunities)*
- *The project Concept Plan was approved by Town Meeting.*

B. Traffic flow and safety, including parking and loading:

The proposed project layout, proposed site plan and on/off site mitigation measures, promote safe traffic flow including parking and unloading generated by this use.

C. Adequacy of utilities and other public services:

The applicant has demonstrated there is adequate capacity for utilities and other public services. Additionally the board finds the proposed mitigation benefits the town's existing utility infrastructure.

D. Neighborhood character and social structures:

- *The multi-family use provides a transitional zone between project and adjacent residential areas. Additionally the buffering and landscaping as proposed soften the transition to the adjacent single family neighborhoods.*
- *The proposed project is located on an industrially zoned site: this Special Permit will allow residential units to be developed in an industrial site, thereby providing a consistent residential component compatible with the surrounding residential area. Additionally, the services and amenities will provide more integration with the surrounding neighborhoods than an industrial use.*

E. Impacts on natural environment:

This project provides state-of-the-art storm water management, zero irrigation landscaping and updated de-icing methods. Additionally the project utilizes measures to protect endangered wildlife on the adjacent wetlands.

F. Potential fiscal impact including impact on town services, tax base and employment:

The project fiscal analysis performed by RKG associates and subsequent analysis by this Board have demonstrated the proposed use and overall project provide a net positive impact to the Town.

Additionally, in order to issue a Special Permit for a Continuing Care Retirement Community (CCRC), Section 9.3.7 of the ZBL requires the SPGA to conclude:

1. The proposed use or structure is consistent with the Concept Plan approved by Town Meeting.

The Board has concluded a CCRC is consistent with the Concept Plan approved by Town Meeting.

2. Cumulative impacts from the proposed use or structure, including but not limited to, impacts on traffic and public infrastructure will be sufficiently minimized and mitigated through on and off site improvements.

The Board has concluded the impacts of a CCRC on traffic and public infrastructure will be sufficiently minimized and mitigated through on and off site improvements.

3. The proposed use or structure, when completed, will be in harmony with the purpose and intent of NBOD and not otherwise inconsistent with the purpose and intent of the Maynard Zoning By-law.

The Board has concluded a CCRC is in harmony with the purpose and intent of NBOD and not otherwise inconsistent with the purpose and intent of the Maynard Zoning By-law.

Planning Board vote: to GRANT a Special Permit to allow a Continuing Care Retirement Community subject to the Conditions of Approval below.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
William Gosz	Yes
Brent Mathison	Yes
Megan Zammuto	Yes

Special Permit: Drive-Thru Use

- A. Social, economic, or community needs which are served by the proposal:

The proposed use: is consistent with the criteria for special permit issuance. A grocery store was specifically identified by the community in the 2014 Ad Hoc committee as a desired use for the project site. The tenant grocery store model utilizes a pharmacy with drive-through service. Currently, the Town is limited to one pharmacy located in downtown. This will provide residents an additional opportunity for obtaining prescription medications.

- B. Traffic flow and safety, including parking and loading:

The traffic flow and safety requirements have been addressed through design improvements for the proposed drive thru. Additionally, the site plan and decision allow for additional drive thru queuing space should the need arise in the future.

C. Adequacy of utilities and other public services:

The applicant has demonstrated there is adequate capacity for utilities and other public services. Additionally the board finds the proposed mitigation benefits the town's existing utility infrastructure.

D. Neighborhood character and social structures:

This use is consistent with the mixed-use community in which it is located and it is buffered from the surrounding residential properties.

E. Impacts on natural environment:

This project provides state-of-the-art stormwater management, zero irrigation landscaping and updated de-icing methods. Additionally the project utilizes measures to protect endangered wildlife on the adjacent wetlands.

F. Potential fiscal impact including impact on town services, tax base and employment:

- *The project fiscal analysis performed by RKG associates and subsequent analysis by this Board have demonstrated the proposed use and overall project provide a net positive impact to the Town.*
- *The grocery store and the drive-through use will have a positive impact on the town's tax base and create employment opportunities. Additionally it will result in the capture of local dollars that might be spent outside of Maynard.*

Additionally, in order to issue a Special Permit for a Drive-Thru Use, Section 9.3.7 of the ZBL requires the SPGA to conclude:

1. The proposed use or structure is consistent with the Concept Plan approved by Town Meeting.

The Board has concluded a Drive-Thru is consistent with the Concept Plan approved by Town Meeting.

2. Cumulative impacts from the proposed use or structure, including but not limited to, impacts on traffic and public infrastructure will be sufficiently minimized and mitigated through on and off site improvements.

The Board has concluded the impacts of a Drive-Thru on traffic and public infrastructure will be sufficiently minimized and mitigated through on and off site improvements.

3. The proposed use or structure, when completed, will be in harmony with the purpose and intent of NBOD and not otherwise inconsistent with the purpose and intent of the Maynard Zoning By-law.

The Board has concluded a Drive-Thru is in harmony with the purpose and intent of NBOD and not otherwise inconsistent with the purpose and intent of the Maynard Zoning By-law.

Planning Board vote: to GRANT a Special Permit to allow a Drive-Thru Use subject to the Conditions of Approval below.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
William Gosz	Yes
Brent Mathison	Yes
Megan Zammuto	Yes

Special Permit: Relief from Parking Standards

The requested relief is to allow:

1. A reduction in the number of required parking spaces within the Project.
2. Fewer than the required number of raised landscaped islands situated throughout the parking field with dimensions, locations and designs variant from those required.
3. Elimination of light poles in certain raised landscape islands and the installation of light poles in paved areas of the parking field.

Pursuant to Sections 6.1.5, Section 6.1.10.9 and Section 6.1.15 of the ZBL that state a request for Special Permit allowing parking relief must provide a demonstration that there is no possible way to provide the parking required; or that doing so would (1) render the project infeasible (including the shared parking option), and (2) that a lack of compliance will not adversely affect either the use proposed (and its users) or the parking situation downtown (Required for Relief from Parking Standards only). The Board makes the following findings:

By meeting required setbacks, the proposed parking lot modifications provide additional green/open space. This layout creates a Zoning By-law compliant and aesthetically improved project. By meeting this requirement, the Applicant has demonstrated there is no possible way to provide the quantity of parking spaces required by the ZBL.

A. Social, economic, or community needs which are served by the proposal:

- *The proposed waiver reduces the total amount of parking on the site and offers additional greenspace.*
- *Eliminating several landscape islands in the parking lot allows for a more compact development pattern and provides the community more greenspace in the portion of the site abutting Parker Street.*
- *The proposed lighting provides safety lighting and is minimally intrusive to the surrounding area*

B. Traffic flow and safety, including parking and loading:

The proposed waiver has no negative effect on traffic flow and safety.

C. Adequacy of utilities and other public services:

The applicant has demonstrated there is adequate capacity for utilities and other public services. Additionally the Board finds the proposed mitigation benefits the town's existing utility infrastructure.

D. Neighborhood character and social structures:

Particularly when viewing from Parker Street, the proposed waiver results in a more aesthetically pleasing design due to front setbacks. This benefits the surrounding neighborhoods.

E. Impacts on natural environment:

This project provides state-of-the-art storm water management, zero irrigation landscaping and updated de-icing methods. Additionally the project utilizes measures to protect endangered wildlife on the adjacent wetlands.

F. Potential fiscal impact including impact on town services, tax base and employment:

The proposed waiver has no negative effect on town services, tax base, and employment.

Planning Board vote: to GRANT a Special Permit providing relief from Parking Standards of the ZBL. Specifically the Applicant is granted relief from strict compliance with Sections 6.1.5, Section 6.1.10.9 and Section 6.1.15 of the Zoning By-laws so as to allow for relief as requested above subject to the Conditions of Approval below.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
William Gosz	Yes
Brent Mathison	Yes
Megan Zammuto	Yes

Special Permit: Relief from Signage Regulations

The requested relief is to provide relief from Section 6.2.8.3 which prohibits internally illuminated signage. The Board makes the following findings:

A. Social, economic, or community needs which are served by the proposal:

The proposed waiver is consistent with the intent of the Zoning By-laws for granting of a Special Permit for signage: an internally illuminated sign is an economic benefit for a project of this scale.

B. Traffic flow and safety, including parking and loading:

The proposed waiver does not affect traffic flow or safety, including parking and loading.

C. Adequacy of utilities and other public services:

The proposed waiver does not affect utilities or other public services.

D. Neighborhood character and social structures:

The proposed waiver only addressed signage facing interior of the project. It should not affect the surrounding neighborhoods.

E. Impacts on natural environment:

The lighting is not a negative effect on the natural environment. The proposed lighting is not anticipated to contribute to light pollution.

F. Potential fiscal impact including impact on town services, tax base and employment:

The proposed waiver has no negative effect on town services, tax base, and employment.

Planning Board vote: to GRANT a Special Permit providing relief from Signage Regulations of the ZBL. Specifically the Applicant is granted relief from strict compliance with Sections 6.2.8.3, subject to the Conditions of Approval below.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
William Gosz	Yes
Brent Mathison	Yes
Megan Zammuto	Yes

IX. Conditions of Approval

Pursuant to votes taken during the August 16, 2017 meeting, the Planning Board voted to approve the above-referenced Site Plan and Special Permit applications with associated waivers, subject to each of the conditions set forth below. In addition to the enumerated conditions set forth below, the Planning Board adopts and imposes the entirety of the conditions and requirements of the Memorandum of Agreement between the Town and the applicant dated September 6, 2016 and found at Exhibit "A" attached hereto and incorporated herein. In the event that this Decision imposes more stringent requirements than those contained in the Memorandum of Agreement, the requirements of this Decision shall control. In addition, the Planning Board adopts and imposes the entirety of the conditions and requirements imposed by the Board of Appeals and Conservation Commission regarding decisions pertaining to the Project. In the event that this Decision imposes more stringent requirements than those contained in the relevant decisions of the Board of Appeals or the Conservation Commission, the requirements of this Decision shall control.

A. Compliance with State and Federal Requirements

1. The Project, and all construction, dwelling units, utilities, ways, drainage, earth removal or relocation of structures and all related appurtenances with respect to the Project, shall comply with all applicable state and federal regulations. The Applicant shall promptly provide the Board with copies of all permitting requests and other correspondence directed to any applicable state or federal agency and of all correspondence, approvals or disapprovals received from any such agency. This Decision applies only to the requested Site Plan and Special Permit approvals. Other approvals or permits required by other governmental agencies or Town boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
2. The Project shall comply with all rules, regulations, filing and permit requirements and certifications pertaining to any and all federal and state laws and regulations and all Town of Maynard rules, regulations and filing requirements not waived by this Decision.
3. The Project shall comply with all rules, regulations, permit and filing requirements, and certifications of the Maynard Board of Health and Department of Environmental Protection with respect to wastewater disposal, storm water disposal, resource protection, water supply and low impact development best management practices.
4. The Project shall comply with the rules and regulations of the Maynard Board of Health in effect at the time of application not otherwise granted a waiver herein, and

dwelling floor plans shall be provided for review and approval by the Board of Health for consistency with the terms of this Decision.

5. The Project shall comply with all decisions of the Maynard Board of Appeals and Conservation Commission governing development of the Project.
6. The Project shall comply with all rules, regulations, filing and permit requirements and certifications required by the regulations adopted by the Executive Office of Environmental Affairs pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, § 61-62H), if and as applicable.
7. Copies of all approvals/permits required from Federal State and local agencies shall be submitted to the Town prior to recording of final plans.

B. Local Requirements

8. Except as expressly waived by this Decision the development of this Project shall comply with the Maynard Zoning By-Law in effect at the time of the Application.
9. Except as waived by this Decision or a decision of the Maynard Board of Health, the Project shall comply, in all respects, with the rules, regulations, filing and permit requirements and certifications of the Maynard Board of Health governing private wells, storm water disposal and wastewater disposal.

C. Limitations on Number of Dwelling Units and Square Footage of Non Residential Structures

10. The total number of dwelling units available for rent, and perpetually restricted from sale, shall not exceed one hundred and eighty (180).
11. The total number of units contained in the Independent Living or Continuing Care Retirement Community available for rent, and perpetually restricted from sale, shall not exceed one hundred and forty three (143).
12. The maximum gross floor area of structures not containing residential units or units contained within the Independent Living or Continuing Care Retirement Community shall be three hundred and ten thousand (310,000) square feet.

D. Affordable Dwelling Units

13. Not less than seventeen (17) dwelling units constructed and rented shall be affordable to individuals and/or families earning no more than eighty (80%) percent of the annual area median income as determined by Department of Housing and Community Development ("DHCD"). If the Project contains more than one hundred and seventy five (175) dwelling units (but in no event greater than one hundred and eighty (180) dwelling units), each dwelling unit constructed beyond the one hundred and seventy fifth dwelling unit shall be an affordable dwelling unit (the "affordable dwelling units" or "affordable units"). The calculation of what constitutes the allowable median

income for the purposes of renting the affordable dwelling units shall be based on formulas or the methodology published by the DHCD, as revised but in no event shall the rental price be higher than that price permitted for the dwelling units to be included in DHCD's Subsidized Housing Inventory ("SHI") for the Town of Maynard. Compliance with this condition of approval requires that the affordable dwelling units be included within the SHI for the Town of Maynard.

14. The affordable units will be evenly distributed within residential structures and shall be substantially indistinguishable in architectural style, exterior finish materials, and exterior appearance from market units.
15. Each affordable unit shall be rented pursuant to an affordable housing restriction, more fully described below.
16. The Applicant or its assigns shall execute an affordable housing restriction pursuant to G.L. c.184, ss.31-33, approved and enforceable by the Town of Maynard and consistent with any requirements and approvals from DHCD to ensure that the dwelling units are contained within the SHI for the Town of Maynard, requiring that the affordable units remain affordable in perpetuity.

E. Management Documents

17. The property will be professionally managed consistent with industry standards in perpetuity, and the landscaping and site infrastructure will be continuously maintained.
18. The Applicant submitted an "Operations and Maintenance Manual (the 'O&M Plan')" dated July 24, 2017. The O&M Plan shall be revised as follows below and following review by the Town Planner for consistency with this Decision, the updated O&M Plan shall be recorded as "Exhibit "B" to the Decision. Section Three of the O&M Plan shall be modified as follows:
 - Grocery Store Area, Site Lighting shall read: "On at dusk, dim to 50% from 11:30pm to 1:00am, security lighting from 1:00am to 5:00am, all on from 6:00am until dawn (may be all on at 5:00 am if business open)."
 - Grocery Store Area, Delivery Hours shall read: "Grocery and Frozen Food – 10:00am to 9:00pm - 48 foot tractor trailers – smaller delivery trucks by Direct Store Delivery (DSD)."
 - Misc General Property, Trash Pick Up Hours shall read: "Monday through Friday 6:30am – 6:00pm, Saturday 8:00am – 6:00pm."

Compliance with the updated O&M Plan is incorporated herein as an independent condition. Should the updated O&M Plan conflict with any of the enumerated conditions contained in this Decision, the more restrictive of the two shall control. All activities not otherwise provided for in this Decision shall be in conformance with the O&M Plan. The O&M Plan includes, but is not limited to, de-icing standards, water monitor well testing, delivery hours and hours of operation. Substantial revisions to the O&M Plan shall require revisions to this Decision. A determination of what constitutes a "Substantial Revision" is within the sole discretion of the Planning Board.

19. The Applicant shall provide an annual stormwater report and bi annual monitoring well analysis to the Planning Board and the Conservation Commission as detailed in the O&M Plan. Annual due date shall be the effective date of the Decision.

F. Conditions Precedent to Commencement of Project

Introduction: The Site Development Plans (the "Approved Plans") prepared by Bohler Engineering dated February 15, 2017 and revised August 10, 2017 as approved herein, (the "Approved Site Plans") are the Plans which control and define the development of this Project as conditioned by this Decision. So as to assure compliance with the Approved Site Plans and this Decision, the conditions below are conditions precedent to site disturbance. In particular, and without limitation, no grading, land disturbance, or construction/demolition of any structure or infrastructure shall commence until each of the following conditions have been satisfied.

20. The Project Applicant shall submit a final set of compiled site plans that incorporate all agreed upon revisions made during the peer review and Planning Board public hearing process, including but not limited to updates and revisions to: Storm water design / Drainage System.
- a. Parking
 - b. Lighting, Site, Emergency and Building
 - c. Traffic Improvements
 - d. Landscaping, etc.
21. Five full-scale sets and 10 CD's of the Approved Site Plans have been filed with the Board, including underground utilities plans, water system, stormwater system, gas, telephone, electric and cable systems (to the extent available to the Applicant from various utility companies) and have been received and reviewed by the Town Engineer and Building Department and determined to be consistent with this Decision.
22. A NPDES Storm Water Pollution Prevention Plan, erosion control plan and stormwater management systems operations and maintenance plan has been submitted pursuant to established requirements to the U.S. Environmental Protection Agency.
23. A construction phasing schedule identifying the various phases of construction has been submitted to the Board.
24. The Applicant has filed with MEPA unit of the Massachusetts Executive Office of Environmental Affairs an Environmental Notification Form adequately describing the Project as permitted by this Decision and has received all necessary permission from the Executive Office of Environmental Affairs.
25. The Applicant has executed and the Town has accepted for recording, easements granting the Town the right to enter the locus to repair and maintain water and sewer

lines as necessary to ensure the health and safety of the invitees and residents within the Project. The easement locations are those shown on the Approved Site Plans.

26. Final Permanent Highway Easement Plans shall be prepared and submitted to the Town for review and approval and shall be recorded by the applicant at the appropriate Registry of Deeds. These Permanent Highway Easement Plans shall be prepared for any of the proposed project improvements that convey the public to the project site that are currently located outside the Town of Maynard roadway/property layouts.
27. All zoning district lines have been identified on the Approved Site Plans for reference purposes.
28. The Applicant has obtained all necessary private utility permits and final designs but not limited to gas pipeline, electric, telephone and cable service required by the respective utilities prior to the commencement of construction. Documentation of all Permits/approvals issued by private utilities (or proof of application if approval not issued) pertaining to the development of the Project shall be provided to the Board prior to any construction.
29. The approved Site Plans shall indicate the location and design (including materials to be used) of all retaining walls, fences or other structural devices to be used within the Project.
30. The Applicant has made formal and binding arrangements for payment to the Town of Maynard in that amount that equals no less than thirty three percent (33%) of the Total Actual Approved Cost (incurred or to be incurred, less any grant or other subsidy obtained) of the Project's sewer flow impacts and service requirements to the Maynard sewer system and infrastructure, the same being the amount that has been determined to be specifically and uniquely attributable to the impacts of the current project and the percentage agreed to by the Applicant during the public hearings held in this matter. A copy of the anticipated Schedule of Improvements and Repairs with Applicant's allocable share is attached hereto as **Exhibit C**. The thirty three percent (33%) contribution required by this condition was derived from reports and analysis prepared by the Board's consulting engineers and responses from the Applicant; accordingly, the Board has concluded that this proportionate share adequately pays for the Project's specific and directly attributable impacts to the Town's wastewater disposal system. The thirty three percent (33%) payment accounts only for the Project's direct impacts and does not include payment for any pre-existing deficiencies—those in existence prior to the approval of the Project—within the Town's sewer infrastructure. Accordingly, the Planning Board concludes that the required payment has been calculated to ensure that the Applicant is paying only for the measureable and attributable impacts resulting from the approved Project. The final Total Cost from which Applicant's proportionate share will be derived (the "Applicants Final Dollar Amount") shall be determined by the Director of Public Works in his/her sole discretion, after consultation with the Applicant, shall be consistent with **Exhibit C**, and will be paid at the same time as the payment of the sewer connection fees required by the Memorandum of Agreement attached hereto as **Exhibit A**.

G. Conditions Precedent to Making Application For Building Permit(s)

31. The Applicant shall pay all fees incurred arising from review of the project by all consultants to the Town, as well as legal fees incurred by the Town, during project review and through the issuance and recording of this Decision with the Maynard Town Clerk.
32. All buffers landscape and otherwise, shall be installed prior to commencement of any construction activity on the site. In the event of seasonal weather restrictions, buffer landscaping shall be installed as soon as feasible as determined by the Town Engineer.
33. Fence installation/tree clearing/proposed buffer planting at the residential abutting property lines shall be coordinated and presented to each of the neighbors in the field at a mutually convenient time prior to construction to minimize unnecessary tree clearing.
34. All conditions precedent to commencement of the Project have been fulfilled as per this Decision and to the reasonable satisfaction of the Board which determination shall be made within forty-five (45) days following the filing any Building Permit application. The Planning Board's determination may be made at anytime upon confirmation of the following information and shall not require a public hearing:
 - A. A copy of the request for a building permit. The building permit application must include a complete set of engineering drawings, plans and specifications (hereinafter "Complete Plans") for use by contractors, inspectors and permit compliance officers. These drawings, plans and specifications shall be stamped by a Registered Architect or Professional Engineer, as appropriate, licensed in the Commonwealth of Massachusetts.
 - B. A copy of site layout plans shown at scales considered adequate for review purposes. The Building Commissioner on behalf of the Board, shall review the layouts for conformance with this Decision. A copy of site layout plans, and final and detailed architectural drawings (including plans and elevations) shown at scales considered adequate for review purposes, of all dwelling units and structures as approved by this Decision, including interior floor plans, if applicable, current and finished elevations, construction type and exterior finishes to the detail required for use as on-site construction drawings and/or to obtain a building permit in accordance with the State Building Code, whichever requirement is more detailed (hereinafter "Structure Plans"). No structures (as defined by the Maynard Zoning Bylaw) other than those permitted by this Decision are allowed on the locus.
 - C. Final and detailed utilities plans including properly labeled drainage components and all site utilities including water supply lines, wastewater disposal connections and appurtenances and dwelling unit connections thereto, and when available from respective utility companies, electric, gas and telephone, indicating that all utilities servicing this Project shall be underground within the locus of the Project and to the detail required for use as on-site

construction drawings and/or to obtain a building permit in accordance with the State Building Code, whichever requirement is more detailed.

- D. All required landscaping, fencing and related improvements to the Site where the Site abuts residential properties have been installed or, relating to landscaping only, will be installed in the next appropriate growing season.

H. Conditions Relating to Construction and Compliance with Site Plan and Special Permit Approvals

35. At least forty-eight (48) hours prior to any initial site work, a pre-construction meeting shall be held with the Applicant, Applicant's contractor, and representatives of the Town departments having an interest in the plan. Said meeting shall be for the purpose of familiarization with the project, the conditions of approval, and the project's construction sequence and timetable. A representative of the Planning Board may attend in the Board's discretion. During construction, the name and mobile telephone number of the site manager or clerk of works employed by the Applicant shall be filed with the Building Department, the Board, and the Maynard Police Department, and such name and mobile telephone number shall be kept current.
36. Prior to commencement of construction, the Applicant shall provide the Board with copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Site have been paid.
37. During construction, the Applicant and its agents and employees shall conform to all local, state and federal laws regarding noise, vibration, dust and use of Town roads and utilities. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. No construction or noise-generating activities shall commence before 7:00 AM Monday through Friday or on Saturday before 9:00 AM. Construction or noise-generating activities shall cease by 6:00 PM on all days. No construction or noise-generating activity whatsoever shall take place on Sunday or Federal holidays.
38. Storm water management systems shall meet the design and performance requirements of the Maynard Subdivision Rules and Regulations unless otherwise waived by this Decision, and shall meet the requirements of the DEP Storm Water Management Policy and Handbook (Vols. 1 & 2), as revised.
39. Consistent with the Mass DEP Stormwater Handbook, oil separating hoods shall be installed on all outlet pipes from proposed Catch Basins located on the property
40. Utilities -All electric, cable and telephone utilities shall be underground, and shall conform to the private utility companies' requirements.
41. Water system design and construction shall meet the requirements, standards and regulations of the Maynard Department of Public Works and the Massachusetts Department of Environmental Protection's Guidelines and Policies for Public Water Supplies.

42. The Project shall not worsen drainage conditions on any adjacent property.
43. All stumps, brush, and other debris resulting from any clearing or grading shall be removed from the locus. No stumps or other debris shall be buried on the locus.
44. A written submission shall be submitted to the Board describing all utility easements and covenants affecting the use of the Site, referring to such covenants and locating such easements if not already shown on the Approved Plans or those thereafter approved by the Town Engineer consistent with the conditions of this Decision. The Applicant also shall submit to the Board copies of written or recorded instruments granting or agreeing to such easements and covenants.
45. Final Permanent Highway Easement Plans shall be prepared and submitted to the Town for review and approval and shall be recorded by the applicant at the appropriate Registry of Deeds. These Permanent Highway Easement Plans shall be prepared for any of the proposed project improvements that convey the public to the project site that are currently located outside the Town of Maynard roadway/property layouts.
46. To ensure compliance with the terms and conditions of this Decision and any approval or order by any federal or state agency, the Applicant shall, no less than thirty (30) days prior to the request for an occupancy permit for any individual structure approved in this Decision, submit to the Board a complete and detailed "As-Built" Plan(s) of the roadway and associated infrastructure as it relates to the structure for which application is being made. Such "As Built Plan(s)" shall be reviewed and approved by the Town Engineer or designee together with a certification, provided by the Applicant or its assignee, prepared by a Professional Engineer or Architect registered in the Commonwealth of Massachusetts that the Project "As-Built Plan" complies in all substantive respects with this Decision and any other approval or order by any federal, state or local agency. Progress as-built plans may be submitted for the extent of roadway and associated infrastructure serving those structures for which certificates of occupancy are sought. Any damage to public roads and walkways shall be repaired and/or replaced to the satisfaction of the Town Engineer or designee.
47. Temporary certificates of occupancy may be granted at the discretion of the Building Inspector. The Fire Department shall not sign the occupancy permit until all required fire prevention and detection systems are installed and operating, carbon monoxide detectors are installed and operating, if applicable, street signs and house numbers are in place and all required inspections have been completed by the Fire Department.
48. The Applicant may demolish existing structures on Site provided that compliance with the condition precedent requirements of this Decision have been met and the Building Commissioner has issued a Demolition Permit for the same.
49. The Applicant and its assigns shall be responsible for the perpetual maintenance of all landscaping, fencing and related matters on the Site as required by this Decision

50. Snow storage shall not encroach in the 45 foot buffers adjacent to residential areas and the Approved Plans shall be revised consistent with this condition.
51. Deicing Chemicals-Based on the proximity of the proposed redevelopment project to the one of the Town's existing bedrock wells, the Applicant shall only apply the required amount of Deicing Chemicals to ensure adequate Public safety for the users of the site.
52. The Applicant shall construct a lighted walkway to the Maynard High School. The walkway shall be constructed with asphalt (minimum 4 inches thick) and shall be six (6) feet wide and subject to Conservation Commission approval if applicable. The walkway shall be installed prior to the issuance of the first/initial occupancy permit for a retail use. It is anticipated that the Town of Maynard will provide written authority for the construction of that portion of the walkway located on Town property.
53. All curbing and walkways shall be constructed as shown on the Approved Site Plan.
54. The Applicant shall be responsible for removal by street sweeper on a regular basis of any material deposited on public or private ways in Town as a result of construction operations at the subject site. Material shall be removed whenever there is an accumulation of material on Town ways, however the Planning Board or its Agent may require more frequent sweepings at any time during construction if deemed necessary.
55. The Project shall utilize private refuse and recycling collection.
56. Dust on or adjacent to the construction site or as a result of the construction at the site, shall be controlled so as to not impact neighboring land owners. Any non-stabilized areas shall be stabilized with hay mulch/loam/seed if left for more than 14 days.
57. No parking of construction vehicles shall occur on a public or private off-site roadway overnight or for longer than one hour during construction of the development. No idling of construction-related vehicles shall occur for a period longer than 30 minutes, subject to any more stringent state law.
58. The building elevations and materials shall be substantially consistent with the building elevations submitted as part of the Site Plan and Concept Plan approval process. Any significant deviation as determined by the Building Inspector from such shall require the submittal of revised architectural plans for review and approval by the Board prior to the issuance of a building permit.
59. An "as-built" plan accurately showing exact locations of all project improvements associated with this Decision, including roadways, curbing, utilities and their locations with elevations on storm drainage structures and sanitary sewer systems components must be furnished to the DPW prior to issuance of an Occupancy Permit for that building. Said plan is to be prepared by an engineer or surveyor registered in the Commonwealth of Massachusetts. The plan must be on Mylar with six (6) sets of prints, and must be suitable for recording at the Registry of Deeds.

60. Any and all plans that may be approved by the Conservation Commission, pursuant to an Order of Conditions and the Town's Stormwater Management Bylaw are incorporated herein. If there is any inconsistency between this Decision and the plans as may be approved by the Conservation Commission, the Applicant shall submit amended plans and applications for amendment to the Planning Board for approval.
61. The Planning Board or its designee reserves the right to review compliance with the terms and conditions of this Decision at any time.
62. The Board retains authority at its sole discretion to require reasonably minor modifications to lighting on the site and activities under Section 3 of the O&M Plan to mitigate the project's impacts on the neighborhood. Such modifications may be made following receipt of public comment and shall not entail a Public Hearing.
63. The Town Engineer shall provide the Planning Board, within one year from the issuance of the Certificate of Occupancy for the Pharmacy Drive-Thru, with an opinion as to the safety and adequacy of queuing room as proposed within the approved Project. The Planning Board reserves all rights to require an alternative design to accommodate additional stacking of vehicles in the event the design as depicted on the approved site plan is determined to be inadequate.
64. The project shall comply with the Sign Permit regulations contained in **Exhibit "E"** for all signage for the project not included in the Concept Plan approved by Town Meeting on October 5, 2016.
65. Upon the issuance of any Certificate of Occupancy, the Applicant shall consult with the Chief of Police to review the adequacy of the site security lighting and thereafter, the Applicant shall report to the Planning Board. No modification of the site lighting may be inconsistent with the recommendation of the Chief of Police with respect to public safety.
66. The Applicant shall modify the signal equipment to replace the existing circular green signal indicator facing the westbound Main Street approach to the intersection of Great Road and Main Street with green right-turn arrow signal heads prior to issuance of first occupancy permit.
67. All applications for building permits shall be accompanied by a certified letter from a professional engineer attesting that the subject of the permit application can achieve a 30% reduction in water consumption over a baseline calculation as defined by USGBC, LEED BD+C v4 WE – Indoor Water Use Reduction.
68. Compressors on delivery vehicles shall be shut off prior to entering the site.
69. Delivery vehicles backing audio warning devices shall be switched off as legally permitted and equipment permitting.
70. "Jake Brakes" are prohibited within 500' of the project property line.

I. Administrative

71. The Applicant, through its registered professional engineer, shall routinely inspect all aspects of site construction and certify to the Town that same has been completed in conformance with the Approved Site Plans. The Town of Maynard its officials, employees or contractors are not responsible for such inspections, will not certify construction compliance and disclaim any liability therefore. Once construction has commenced, the Applicant, through its registered professional engineer, shall provide regular monthly written reports to the Town Engineer/DPW Director detailing the progress of construction and the results of all inspections. In the event that such report is not timely received by the Town Engineer/ DPW Director, after written notice to cure and no report being provided within five (5) business days thereafter, the Applicant shall immediately cease any site activity other than to make the site safe and secure and shall deposit the sum of \$20,000.00 as an advance deposit into a special account established by the Town Treasurer for this Project prior to the continued construction of the Project. Thereafter the Applicant shall pay the reasonable expenses deemed appropriate by the Town Engineer/DPW Director for the review and inspection of all site and construction activity through that date. The Applicant will also pay any additional costs to the Town as required; and if at any time the amount of the above noted advance deposit is reduced below \$5,000, the Applicant, upon request, shall within five (5) business days pay to the Town an amount sufficient to increase the amount of the deposit to \$5,000, and if the Applicant fails to pay such amount within such period all work on the project shall cease until such amount has been paid. Any excess remaining in this account with the Town Treasurer at the completion of the Project will be returned to Applicant.

The Town Engineer or his duly authorized agent may, at any time, make periodic visits to the site to confirm construction is proceeding in general conformance with the approved design, Site Plan and Special Permits.

Inspections by the Town, may include but shall not be limited to:

- a. Site clearing and sedimentation control (silt fence, entrance, silt sacks)
- b. Drainage and storm water measures, water, sewer and other utility construction (first to confirm correct installation procedures and then periodic inspections to monitor installation)
- c. Grading (random visits to assure correct drainage patterns)
- d. Sub-base material for roadway, parking lots and sidewalk areas (periodic visits) (compaction tests, proctor number and gradation tests required for Town-owned roadway and sidewalks)
- e. Detention basin/infiltration System construction (bottom area and periodic visits)
- f. Paving operations (first to confirm correct methods then periodic inspections to monitor construction)
- g. Pavement markings, if applicable (periodic visits)
- h. Sidewalks/wheelchair ramps, if applicable (periodic visits)
- i. Erosion control measures and soil stabilization, if applicable (periodic visits)
- j. Lighting and landscaping (periodic visits)

- k. Construction of structural walls or other structural items if applicable (as needed)
- l. Utility testing or traffic control testing (as required)
- m. Minimization of adverse impacts to the residential abutters.

The establishment of the special account noted above shall be made pursuant to G.L. c. 44, s. 53G and the authority of the Planning Board pursuant to G.L. c. 40A, s. 9 and provides for the reasonable fees for engineering reviews and the Town's construction oversight of the Project, and any legal fees arising in the course of such oversight, for whatever period the Project takes for completion as provided hereinabove. No site disturbance or construction shall commence and no site disturbance or construction shall continue, until all fees required by this condition have been paid.

In addition to the foregoing, the Applicant shall conform to the requirements of the Department of Public Works for all sewer and water inspections and any inspection fees that are applicable based on the Town's standard operating procedures as well as the payment of any and all fees established by the Memorandum of Agreement found at Exhibit A.

- 72. The Applicant shall post a performance guarantee to the satisfaction of the Town Engineer for offsite mitigation and work to be completed within or on, Parker Street or any other public way, prior to the commencement of any offsite work. Any construction related damage to adjacent roads shall be repaired by the Applicant in a manner satisfactory to the Town Engineer. This performance guarantee is to be received by the Town prior to the issuance of any occupancy permit.
- 73. The applicant will conduct a post-opening traffic monitoring program as specified in the Town's final review (June 13, 2017) of the Traffic Impact and Access Study for the project listed in Table 1.
- 74. The applicant will construct the site-access and off-site traffic improvements as shown on the material listed in Table 1, with any required additions or modifications as noted in the Town's final review of these documents (dated August 7, 2017). Traffic-related improvements and /or commitments not depicted on these plans will be implemented as specified in VHB's final review documents for the Traffic Impact and Access Study (June 13, 2017), Site Plans (latest revision August 10, 2017), and Off-Site Improvement Plans (August 14, 2017).
- 75. If warranted by field conditions observed by the Town during construction of the off-site roadway improvements, the Applicant shall complete full-depth reconstruction of the Parker Street/Old Marlboro Road intersection if deemed necessary by the Town considering observed pavements conditions at that time relative to the additional burden placed upon this infrastructure by project-generated traffic.
- 76. Time limit to build: except for good cause as determined by the Board, the Applicant shall complete the majority (no less than 50% of the square footage approved by the Decision) of the Project approved by this Decision within five (5) years from the date of this Decision and the expiration of the relevant appeal period. Upon request of the

Applicant made within the five-year period, the time limit to build may be extended for an additional five-year period upon a finding of good cause. All areas not under development shall be loamed and seeded.

77. The Applicant shall keep the site and the adjoining existing roadway area along Parker Street and abutting properties clean during construction. Upon completion of all work on the Site and prior to As-Built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations.
78. Construction, once commenced, shall progress through to completion as continuously and expeditiously as possible and in accordance with the construction sequence and timetable approved within the O&M Plan.
79. No storage or stockpiling of construction materials shall occur within 150 feet of the Project property lines.
80. All areas to be protected under the Wetlands Protection Act or other regulatory requirements from encroachment by construction shall be marked on the ground as shown on the approved construction plans. These barriers shall be maintained by the Applicant throughout the construction phase of the project.
81. No dwelling unit or non residential structure shall be occupied or used until the improvements specified in this Decision and set forth on the plans of record are constructed and installed so as to adequately serve said building or adequate security has been provided, reasonably acceptable to the Board, to ensure such completion.
82. No dwelling unit, unit within the Independent Living or Continuing Care Retirement Community or non residential structure, shall be occupied until the building utilities specified in this Decision and set forth on the plans of record are constructed and installed so as to adequately serve said dwelling unit or non-residential structure.

J. Performance Guarantees

83. Prior to full surety release, satisfactory As-built Plans shall be provided to the Board. All sureties shall contain the following provision: "The Principal shall fully and satisfactorily observe and perform in accordance with the qualifications and time schedule set forth herein specified all the covenants, conditions, agreements, terms and provisions set forth in the Decision of the Board dated August 25, 2017. The amount of the required surety for offsite work is: \$_____". In determining the amount of the surety, the Board has been guided by those sureties normally required for a bond in the Town of Maynard and has considered the following formula in setting the sum of the security: (1) An estimate of the cost to complete the work that is satisfactory to the Board; plus (2) a ten percent margin of error; plus an appropriate rate of inflation over a five-year period.

X. Planning Board Endorsement

The Planning Board's Approval is hereby approved with the Findings and Conditions contained herein.

Signing for the Maynard Planning Board:

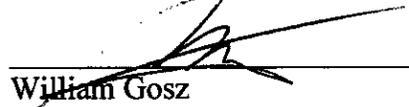


Greg Tuzzolo, Chairman

August 16, 2017
Date

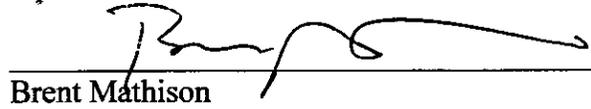
Andrew D'Amour, Vice-Chair

August 16, 2017
Date



William Gosz

August 16, 2017
Date



Brent Mathison

August 16, 2017
Date



Megan Zammuto

August 16, 2017
Date

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