



**TOWN OF MAYNARD**  
Office of Municipal Services  
MUNICIPAL BUILDING  
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MAYNARD TOWN CLERK

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**Maynard Planning Board**  
**Notice of Decision**

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To: Michelle Jenkins, Town Clerk  
195 Main Street  
Maynard, MA 017

December 9, 2019

Re: Special Permit approval for a Drive-Thru use (Dunkin Donuts) at the Maynard Crossings (129 Parker Street) mixed-use development. Planning File # PB19-8.

Dear Ms. Jenkins:

Please accept this Notice of Decision approving a Special Permit for the above-referenced property. This Decision is ready for filing by the Maynard Town Clerk's Office to begin the 20 day appeal period as required by Sec. 11 of MGL Ch. 40A.

**I. General**

On November 20, 2019, Maynard Crossing JV, LLC, (Capital Group Properties) 259 Turnpike Road, Suite 100, Southborough, MA 01772 (hereinafter referred to as "the Applicant") submitted to the Maynard Planning Board (hereinafter referred to as "the Board") an application requesting Special Permit approval for a Drive-Thru use (Dunkin Donuts) to be located at Building R8 within the Maynard Crossings (129 Parker Street) mixed-use development. This request is pursuant to Sections 3.0, 9.3 and 10.4 of the Zoning By-laws and the Concept Plan approved by Town Meeting on October 5, 2016.

**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:

Document	Prepared by	Date
Application for Special Permit Approval	Capital Group Properties	October 9, 2019
"Revised Site Plan D"	Bohler Engineering	Originally dated February 15, 2017, latest

Document	Prepared by	Date
	352 Turnpike Road Southborough, Ma. 01772	revision date November 13, 2019.
"Truck Turn Exhibit"	Bohler Engineering	November 13, 2019.
"Drive-Thru Stacking Exhibit"	Bohler Engineering	November 13, 2019.

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

### III. Review Criteria

The subject property is located within the Neighborhood Overlay Zoning District (NBOD). The regulatory framework requires a project developed under the NBOD to be consistent with a project's Concept Plan and Site Plan. The Concept Plan was approved by Town Meeting on October 6, 2016, and is dated June 28, 2016.

The original Site Plan was approved by the Planning Board on August 16, 2017, and is dated February 15, 2017 with a final revision date of August, 10, 2017. The revised Site Plan is contained as Exhibit "A" and an overlay detailing the change is attached as Exhibit "B".

#### **Site Specific Approval Criteria**

The original Site Plan and Special Permit Decision for the project was approved by the Planning Board on August 16, 2016. It was recorded at the Middlesex Registry of Deeds in Book 01466, Page 70, Certificate No. 258594.

Prior to the Public Hearing and deliberation regarding a Special Permit, the Planning Board is required to determine if the use requested is consistent with the aforementioned Concept Plan approved by Town meeting and the Memorandum of Agreement executed by the Board of Selectman on July 26, 2016.

A Drive-Thru Use requires a Special Permit from the Planning Board. Additionally, per Section III-Q Terms of Agreements: Use Restrictions, of the Memorandum of Agreement (MOA) (signed September 6, 2016 and amended June 19th, 2018), the number of Drive-Thru businesses shall be limited to four (4); and no more than two (2) restaurants shall provide Drive-Thru services. Only one (1) of the two (2) individual pads closest to Parker Street shall be used as a fast food restaurant, excluding establishments whose primary menu items are coffee, similar beverages, and baked goods (such as Dunkin Donuts or Starbucks). On November 12, 2019, the Board voted to remove the Special Permit for the proposed pharmacy Drive-Thru (approved by the Planning Board on August 16, 2017), therefore other than the Drive-Thru authorized by this Decision, there are no Drive-Thru Special Permits issued for this property.

#### **Special Permits**

A Special Permit is required by Section 9.3.7 of the Zoning By-laws (Uses allowed by Special Permit within the NBOD) for a Drive-Thru Use.

Section 10.4.2 of the Zoning By-laws provides the criteria the Special Permit Issuing Authority must consider when issuing a Special Permit, and also states that 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.

The Planning Board may impose additional conditions and limitations as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.

#### **IV. Public Hearings(s) and Vote(s) of the Planning Board**

The Planning Board opened Public Hearings for the project on November 12, 2019 and closed the Public Hearing on November 26, 2019. Notice for the Public Hearing was published in the Beacon-Villager on October 25 and November 1, 2019. It was sent via U.S. Mail to abutters of the property and other interested parties by certified mail according to the Assessors' Certified Abutters List.

#### **Special Permits, Findings and Vote:**

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 has considered and determined the Special Permit request is consistent with the requirements as described in Section 10.4.2 "Criteria" of the ZBL:

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

*The proposed use is consistent with the criteria for Special Permit issuance. The tenant utilizes Drive-Thru service for a significant portion of its sales. This will provide the Town with additional revenue.*

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

*The traffic flow and safety requirements have been addressed for the Drive-Thru (Exhibit "C").*

3. Adequacy of utilities and other public services:

*There is adequate capacity for utilities and other public services.*

4. Neighborhood character and social structures:

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

5. 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.*

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

*The project's 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, the drive-through use will have a positive impact on the Town's tax base and 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 Board 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 on November 26, 2019:** to GRANT a Special Permit to allow a Drive-Through Use at Building R-8 of Maynard Crossing (129 Parker Street) as presented in the amended Site Plan dated November 13, 2019 (Exhibit "A") and subject to the Conditions of Approval as contained in this Decision.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
William Cranshaw	Yes
Jim Coleman	Yes
Christopher Arsenault	Yes

## **V. Conditions of Approval**

The following conditions apply to the Planning Board's approval of this project:

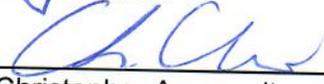
- a. The hours of operation and delivery schedules shall be consistent with the Operations and Maintenance Manual.
- b. Drive-Thru queuing shall not inhibit two-way traffic into and out of the site.

- c. Plantings shall be placed to prevent Parker Street pedestrian access to the rear portion of the Drive-Thru area and building.

**VI. 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, Chair	<u>November, 26, 2019</u> Date
 _____ Andrew D'Amour	<u>November, 26, 2019</u> Date
 _____ William Cranshaw	<u>November, 26, 2019</u> Date
 _____ Jim Coleman	<u>November, 26, 2019</u> Date
 _____ Christopher Arsenault	<u>November, 26, 2019</u> Date

\*\*\*\*\*

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**\*\*NOT VALID UNTIL CERTIFIED BY THE TOWN CLERK OF MAYNARD\*\***

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Law, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Maynard Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest: Michelle Jenkins

Michelle Jenkins, Town Clerk

Date: Jan 7, 2020

**Exhibit "A"**  
Revised Site Plan dated November 13, 2019



**Exhibit "B"**  
"Drive-Thru Stacking" and "Truck Turn" Exhibits



**Exhibit "C"**  
"Drive-Thru Stacking" and "Truck Turn" Exhibits



