



**TOWN OF MAYNARD**  
**Office of Municipal Services**

MUNICIPAL BUILDING  
195 Main Street  
Maynard, MA 01754

Tel: 978-897-1302 Fax: 978-897-8489  
www.townofmaynard-ma.gov

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

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To: Michelle Jenkins, Town Clerk  
From: Bill Nemser, Town Planner  
Date: March 26, 2020  
Subject: Maynard Crossing (129 Parker Street) Minor Modification to Site Plan – Site R-10 (Market Basket)

**Background**

At the Planning Board meeting of March 24, 2020, the representative for Nittany Construction, Inc. Andrew Gollenberg, Project Executive, 905 B South Main Street Suite 204, Mansfield, MA 02048, requested a Board determination of minor/major modification to the approved site plan for the project.

The modification to the Maynard Crossing Site Plan for Building (R-10, Market Basket) requested would extend the Planning Board's authorized jobsite hours beyond 6PM for two specific construction-related actions that do not otherwise affect any other aspect of the approved site plan (Exhibit A):

- To accommodate slab pours at Market Basket;
- After the building is substantially enclosed allow spray insulation to be applied to the refrigerated cooler and freezer.

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

- The Concept Plan was approved by Town Meeting on October 6, 2016, and is dated June 28, 2016.
- The original Site Plan was approved by the Planning Board on August 16, 2017, and is dated February 15, 2017 with a final revision date of August, 10, 2017.
- The original Site Plan and Special Permit Decision for the project was approved by the Planning Board on August 16, 2016. It was

recorded at the Middlesex Registry of Deeds in Book 01466, Page 70, Certificate No. 258594.

- Table "A" contains all of the minor and major modifications to date.

<b>Table 1: List of Modifications to Approved Site Plan</b>				
<b>PB Project #</b>	<b>Date Approved</b>	<b>Modification Proposed</b>	<b>PB Determination: Major or Minor</b>	<b>Revised Site Plan Required?</b>
18-11	December 11, 2018	Removed Drive-thru	Major	Yes
N/A	October 16, 2018	Shifted and increased size of Bldg R-9	Minor	Yes
N/A	October 16, 2018	Increased size of Bldg R-10	Minor	Yes
N/A	February 26, 2019	Changed Lighting	Minor	-
19-02	February 26, 2019	Driveway connection to 141 Parker St	Minor	Yes
N/A	October 22, 2019	Screened Truck Bays at Market Basket	Minor	Yes
19-09	November 14, 2019	Bldg R-8 Drive-thru (Dunkin)	Major (Special Permit Required)	Yes
N/A	November 14, 2019	Misc. Building R-8 modifications	Minor	Yes
20-04	March 24, 2020	Bldg R4 Drive-thru (Bank)	Major (Special Permit Required)	Yes
N/A	March 24, 2020	Hours of Construction at Market Basket (R-10)	Minor	No
N/A	March 24, 2020	R4-R7 Various Site changes	Minor	Yes

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

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

The Planning Board determined by a 5-0 vote that the request constituted a Minor Modification as defined by Section 9.3.12 of the Zoning By-laws and the Planning Board Regulations subject to the following conditions of approval:

1. All remaining conditions, provisions, or other stipulations of the Decision dated August 16, 2016 shall remain in effect.
2. The applicant shall notify abutters via mail, post at Town Hall, and have posted on the Town website at least two (2) weeks prior to the estimated dates where work will occur beyond 6:00pm.



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Bill Nemser, Town Planner

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



**NITTANY**  
Construction, Inc.

905 D South Main Street Suite #204  
Mansfield, Massachusetts 02048

T : 508-339-4747  
F : 508-339-4743  
NittanyInc.com

January 29, 2020

Attn: Bill Nemser  
Town Planner  
195 Main St.  
Maynard, MA 01754

MEMO

Recap of the meeting between Bill Nemser (Maynard Town Planner) and Andrew Gollenberg (Nittany Construction, Inc. – Market Basket’s General Contractor), conducted 1/29/20, 11:00AM @ Maynard Town Hall.

- Andrew Gollenberg inquired about the proper protocol in the event that weekday jobsite hours need to be extended beyond 6PM, in particular as it relates to concrete slab pours at Market Basket. A marked up plan with approximate dates for said concrete slab pours (attached) was provided.
  - o The Planning Board will make the final decision whether permission for extended jobsite hours is granted. Bill Nemser believes that extending jobsite hours on occasion will not be a problem as long as the following are provided; advanced notice of requested date for extended jobsite hours (+ 2 weeks), details on the work being performed, specific hours that differ from the Decision, a mailing to abutters, and a posting on the town website. Specifics of said requirements are to be discussed further at a later date.
  - o Bill Nemser suggested that Nittany Construction, Inc. attend an upcoming Planning Board Meeting. Date and time to be confirmed via email.
- Andrew Gollenberg also mentioned that once the building is substantially enclosed and the backroom concrete floor slab is installed, refrigerated cooler and freezer spray insulation is typically installed during 2<sup>ND</sup> Shift for multiple reasons.
  - o The Planning Board will make the final decision whether permission for select 2<sup>ND</sup> Shift work is granted. Bill Nemser did not think this would be an issue as long as these operations were limited to the inside of the building and not creating a disturbance outside of the building. Potential for this exception to be made will be reviewed in more detail at a later date.

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Andrew Gollenberg  
Project Executive

CC: File



