

**Maynard Planning Board Meeting and Public Hearing**  
**January 12, 2021 – 7:00 p.m.**  
**(Held remotely via Zoom due to COVID-19)**

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**Board Members Present:** Andrew D’Amour – *Acting Chair*; Bill Cranshaw; Jim Coleman; Chris Arsenault (*joined at 7:50 p.m.*); Natalie Robert – *Acting Member*

**Others Present:** Bill Nemser – *Town Planner*; Wayne Amico – *Town Engineering Consultant*; Doug Andrysick – *Andrysick Land Surveying*; Bill Depietri – *Capital Group Properties*; Danny Ruiz – *Capital Group Properties*; Marc Wallace – *Tech Environmental*; Steven Venstresca – *Nitsch Engineering*; Brian Creamer – *Nitsch Engineering*

**Called to Order** at 7:39 p.m. by Andrew D’Amour (*The meeting started later than scheduled due to technical difficulties.*)

**ANR Determination – 117 Concord Street Map 6, Parcel 11**

Doug Andrysick of Andrysick Land Surveying was on the call representing the applicant. He stated that the subject property is at the corner of Concord Street and Ethelyn Circle. There is an existing house on the property. The request is to divide the property into two lots: Lot 1A with over 20,000 square feet and more than 150 feet of frontage along Concord Street (where the existing house is located), and Lot 1B which would consist of over 20,000 square feet of land and 163 feet of frontage along Ethelyn Circle. The division of property would also include a Lot Z, with approximately 2000 square feet of non-buildable land, which would be conveyed to an abutter on Ethelyn Circle.

Bill Nemser noted that the request meets the criteria for an ANR and that the Staff recommends approval of the request for ANR.

*Andrew D’Amour made a motion to find that the request does meet the requirements of the ANR by-law, which was seconded by Natalie Robert.*

***The Board voted 4-0 in favor of the motion.***

**Maynard Crossing Updates**

Bill Nemser provided an update on the issue related to noise coming from a trash compactor behind Market Basket, which was mentioned in a previous meeting. He stated that Staff met with the developer, Capital Group Properties (CGP), who had brought an audio engineer on site to conduct sound tests. A report, dated January 11, 2021, was provided to the Staff by Tech Environmental.

Danny Ruiz of CGP stated that in addition to the sound engineer, Town Planner Bill Nemser and DPW Director Justin DeMarco were present when the short-term sound tests were conducted on January 7, 2021. There were three different readings taken from three different distances from the compactor: 30, 60, and 90 feet.

Marc Wallace, Vice President and Project Manager for Tech Environmental, stated that there was also a sound analyzer installed for a 48-hour recording at the property line. It collected one-minute measurements over the 48-hour period beginning Friday, January 8, 2021 and continuing through Saturday, January 9, 2021. He explained the details of how the sound measurements were conducted and reviewed the results of the report.

Wayne Amico stated that, although he has had a chance to review the report, his sound specialist has not yet had a chance to do so. He would like to compare the results of the recent analysis with one that was done earlier in the construction phase of the project.

Bill Cranshaw noted that the report indicates spikes in the decibel level at various times throughout the night and early morning hours. He asked Marc Wallace if he's confident that those spikes cannot be attributed to the compactors. Marc Wallace stated that, as best as he can tell, it does not seem to be related to the compactor. Bill Cranshaw also noted that the report indicates that the decibel range from delivery trucks is 66-71. He pointed out that the June 2017 memo related to sound-fence effectiveness indicates the predicted maximum sound from the delivery trucks would be 49-61. Bill Cranshaw asked what type of compactor is being used, as some are known to be quieter than others. Norman Martin stated that the ones being used by Market Basket are industry-standard hydraulic rams by Marathon. Bill Cranshaw asked if the compactors being used can be monitored remotely. Norman Martin stated that they cannot be.

Bill Depietri noted that the sound measurements were taken on the project side of the fence and not the neighbor side of the fence. He feels that the measurements indicate that Market Basket is actually under the predicted noise levels.

Abutter Trish Saunders of 11 Dettling Road pointed out that the buildings did not exist at the time of the theoretical estimates, which were based on a design that was later significantly changed by adding truck bays with a cover. She does not feel that the 2017 report is relevant to the existing issue of noise from a compactor that she described as unapproved.

Chris Arsenault stated that he feels the Board needs to see the technical review from VHB prior to commenting.

Abutter John Bresnahan of 11 Dettling Road noted that the study indicates that 50 dBAs is equivalent to a freight train in the distance whereas the compactor sound was recorded at 58.60.

Andrew D'Amour stated that there are a few pieces of critical information missing from the discussion:

1. A technical review from VHB
2. Possible attended measurements to clarify exactly what is creating the various noises being measured
3. Measurements from Dettling Road

Trish Saunders pointed out that the number of cycles that the compactor is running doesn't seem to be relevant and that it's the amount of cumulative time that the compactor is creating noise within each

hour that is the problem for abutters. She reiterated that the compactors were not approved as part of the plan.

John Bresnahan noted that several days prior to the sound measurements being taken, he noticed that there was a mechanism placed over the engine of the compactor that seems to be acting as a muffler. He believes that the numbers indicated in the report are skewed as a result of that “muffler” on the compactor.

Chris Arsenault asked if there had been any modifications made to the compactor. Bill Depietri stated that there was an issue with the functioning of the compactor and that a service call was made to fix it. In addition to fixing the issue, there was an insulated sound enclosure installed over the motor, which will remain in place.

Trish Saunders stated that the sound enclosure appears to be a temporary structure made of plywood. She asked that there be consideration for scheduled monitoring of the noise if the Board intends to allow the compactors to remain in place.

Natalie Robert asked for clarification of whether the compactors were left off of the plans in error or if their use was required after the plans were submitted and approved. Bill Depietri stated that he would have to go back and look at the plans.

Bill Cranshaw asked for clarification of the cumulative time that the compactor is running and whether or not the running time is controllable. Bill Depietri stated that the employees turn the compactor on when the receptacle entry is full, not on a set schedule. The cycle runs for approximately one and a half minutes.

Jim Coleman asked the abutters if they would be opposed to the recording equipment being set up on their properties. Trish Saunders stated that she would not be opposed, but she would ask that careful attention is paid to where the equipment is placed as most of the living area of the abutters is above the fence line. She suggested that the recording equipment be placed on the deck at her property.

Abutter Peter Falzone of Dettling Road asked that there be a recording from both the deck and the ground of his property as he is closer to ground level.

Wayne Amico stated that his sound engineers could coordinate with the Tech Environmental to ensure that the recording equipment is placed in the most appropriate location.

There was a discussion about the most appropriate next steps. Andrew D’Amour recommended that VHB sound engineers review the results of the sound tests that have already been conducted and then coordinate with Tech Environmental to record new data based on the most effective recording times, places, and other factors, after which time the Board can reconvene to review the new results.

Trish Saunders asked if the new testing will take into account both decibel level and the cumulative amount of time that the sound is coming from the compactor. Bill Cranshaw suggested that the attended monitoring of the sound needs to happen over a 12-hour time frame to get the most accurate picture of how frequently the compactor is running in order to determine cumulative time. Wayne Amico will coordinate with Tech Environmental to determine the specifics of the sound test.

Everyone involved agreed that the new test will be conducted prior to the next Board meeting and that the results will be discussed at that meeting on January 26, 2021, assuming that the ability to properly conduct another sound evaluation is not impacted by weather events prior that date.

### **Maynard Firehouse (30 Sudbury Street)**

Steven Ventresca and Brian Creamer of Nitsch Engineering were on the call as a follow-up to conditions that were set by the Board to review the landscaping and fencing plans. They have gone before the Conservation Commission already and did received approval from ConsCom. Brian Creamer reviewed the revised landscape plans with the Board and attendees. He also went over the details of the proposed fence. There was an abutter, Tony Lisa, on the call who noted that he is in favor of the proposed fence, which is made of black powder-coated aluminum.

There was some question as to whether the sample picture shown matched the specifications listed on the plan. Wayne Amico recommended that Nitsch Engineering revise the plans to indicate the specifications of the three manufacturers of the fence that the Board would need to approve.

It was noted that there are two small alcoves along the walkway that included some plantings in the original plan. Those plantings were removed in the revised plan to better allow for ADA compliance at the end of the walkway and due to concerns about the viability of the plants in those alcoves.

Tony Lisa, who works in landscape contracting, expressed concerns about drainage behind the retaining wall and wanted to ensure that is done properly. Steven Ventresca indicated that those concerns are addressed with the proposed plan. He also noted that the drainage design features that were proposed and approved in 2019 go above and beyond what is required based on an assessment from a geo-technical engineer that was consulted by the applicant. Andrew D'Amour noted that the Building Commissioner would ensure that the construction is consistent with the approved plans.

*Bill Cranshaw made a motion to approve the fence design as proposed in the revised plans, subject to the condition of Bill Nemser receiving the updated drawings, which was seconded by Andrew D'Amour.*

***The Board voted 5-0 in favor of the motion.***

*Andrew D'Amour made a motion to find that the changes to the landscaping on the south side of the property, removing the small sections of vegetation, constitutes a minor modification to the site plan, which was seconded by Jim Coleman.*

***The Board voted 5-0 in favor of the motion.***

*Andrew D'Amour made a motion to adjourn, which was seconded by Jim Coleman.*

***The Board voted 5-0 in favor of the motion.***

**Adjourned** at 9:32 p.m.