

Maynard Planning Board Meeting and Public Hearing
April 13, 2021 – 7:00 p.m.
(Held remotely via Zoom due to COVID-19)

Board Members Present: Greg Tuzzolo – *Chair*; Andrew D’Amour – *Vice Chair*; Bill Cranshaw; Jim Coleman; Chris Arsenault; Natalie Robert – *Alternate Member*

Others Present: Bill Nemser – *Town Planner*; Wayne Amico – *Town Engineer*; Quan Tat – *VHB Audio Analyst*; Normand Martin – *Market Basket*

Called to Order at 7:00 p.m. by Greg Tuzzolo

Maynard Crossing: ATM Drive-thru

The petitioner, Bohler Engineering, requested a continuance to the hearing of May 11, 2021, to allow for the completion of additional material requested by the Town. The request is for Special Permit approval for a Drive-Thru use (Chase Bank ATM) at the Maynard Crossings mixed-use development.

Greg Tuzzolo made a motion to continue the petition to the hearing of May 11, 2021 which was seconded by Natalie Robert.

The Board voted unanimously in favor of the motion.

Maynard Crossing: Market Basket Compactor

The Board reviewed the results of the compactor sound study report.

Bill Nemser suggested that the Board make a determination of whether the mitigation of the sound is satisfactory and reasonable and then move forward with making official changes to the Operations Manual. The Board discussed the options for proceeding based on the new information from the audio recording results and analysis. Greg Tuzzolo asked to hear from the abutters before deciding how best to proceed.

Trish Saunders of 11 Dettling Road wanted to note for the record that there are two compactors, only one of which was measured for audio. She pointed out that the audio measurements for the one compactor appear to be just shy of violating MassDEP regulations. She asked the Board to recognize that the discussions have been related to just one compactor but that there are two, which could impact the sound level and disturbance. Because one of the measurements was only one decibel under the MassDEP regulations, she asked that the Board consider ongoing monitoring of the noise level for potential violations. She did indicate that moving the motors inside has improved the noise level. She also asked Normand Martin if it would be possible to alter the process of changing out the dumpsters, which currently takes about 15-20 minutes each time and is very noisy and disturbing throughout the process.

Chris Arsenault joined the meeting at 7:15PM.

Normand Martin stated that there is not a way to change the process other than to take the full dumpster away and come back with an empty dumpster, which would take about three hours. He noted that there are four pickups per week: three for the recycling and one for the trash. Trish Saunders reiterated that the noise is very bothersome, particularly when it happens at dinnertime. Normand Martin pointed out that the dumpsters are never changed in the evening hours. It occurs in the mornings. Jim Coleman agreed that, based on his observations, it always happens before noon but that it is a noisy process.

Trish Saunders asked if the process can be formalized in the Operations Manual, specifying that the process can only take place between 8 a.m. and noon and that there can only be three pickups per week for the cardboard and one pickup per week for the trash. She feels that the noise that is created by the process is not in keeping with the NBOD. Normand Martin stated that he cannot guarantee only four pickups per week. Greg Tuzzolo stated that the negotiations of the Operations Manual terms will be discussed at a future date.

Marie Gunnerson of 119 Parker Street stated that she has the same issue with noise nuisance from the dumpster changing process for 110 Grill. She noted that the noise is very disturbing and that her house shakes when the dumpsters are dropped on the pad.

Greg Tuzzolo recognized that there is a broader noise issue site wide that needs to be taken into consideration in future Public Hearing discussions. The Board all agreed that the determination of a major modification to the site plan should stand and that there needs to be a site plan amendment as such. Bill Nemser asked who would be the owner of the amended proposal. Greg Tuzzolo pointed out that, since Capital Group Properties submitted the site plan that requires the revision, it should be Capital Group Properties that submits a revised site plan with the details and specifications of the compactors called out.

Bill Cranshaw asked for clarification of the scope of the upcoming Public Hearing for the Operations Manual. He noted that the advertisement for the hearing only mentions hours of operation, site lighting hours, and delivery hours. Bill Cranshaw stated that the hearing should be re-advertised in order to allow for a broader discussion of the topics mentioned during the current meeting. Bill Nemser pointed out that the Board cannot change the scope of the advertised hearing since the application for it was submitted by Capital Group Properties. Andrew D'Amour suggested staying within the scope of the topics advertised for the upcoming hearing and conducting a subsequent hearing as needed to address additional issues and concerns. Bill Nemser noted that the Operations Manual falls under the special permit that was granted by the Planning Board for the site and, therefore, the Planning Board has the authority to make revisions to the Operations Manual within the scope of the special permit.

Town Planner Update

Bill Nemser stated that there was a condition for both Greenstar Herbals and Mass Wellspring that there be a 45-day post-opening discussion to determine if there have been any issues that require action. He noted that for one property, the Planning Board indicated that the follow-up discussion should be in the form of a Public Hearing and for the other one it was decided that it should be a Public Meeting. Bill Nemser requested that both of the 45-day follow-up discussions be in the form of a Public Meeting with

a subsequent Public Hearing scheduled only if required. The Board Members all agreed to have Public Meetings for both of the discussions.

Bill Nemser stated that Town Meeting will happen on May 15. The article related to allowing an Alternate Member to vote on a subdivision approval had to be pulled since it would contradict Massachusetts state law.

The second Powder Mill Corridor workshop took place and there was a good amount of public participation and input. Bill Nemser will send a recording of the workshop to all of the Board Members.

Bill Nemser introduced Bob Brown, who is interested in joining the Planning Board. Bob introduced himself to the Board and provided some of his background information, which includes a career in environmental protection.

Approval of Minutes – 02.23.21 and 03.09.21

Greg Tuzzolo made a motion to approve the Minutes date February 23, 2021 and March 9, 2021, which was seconded by Andrew D'Amour.

The Board voted unanimously in favor of the motion.

Greg Tuzzolo made a motion to adjourn, which was seconded by Andrew D'Amour.

The Board voted unanimously in favor of the motion.

Adjourned at 7:55 p.m.