

Maynard Planning Board Meeting and Public Hearing
July 27, 2021 – 7:00 p.m.
(Held in person at Town Hall with remote participation available via Zoom)

Board Members Present: Greg Tuzzolo – *Chair*; Bill Cranshaw – *Acting Vice Chair*; Jim Coleman; Natalie Robert; Chris Arsenault; Bob Brown – *Alternate Member*

Others Present: Bill Nemser – *Planning Director*; Kaitlin Young – *Assistant Town Planner*; Wayne Amico – *Town Engineer*; Danny Ruiz – *Capital Group Properties (CGP)*; Katie Keefe – *CGP*; Michael Lannan – *Tech Environmental*; Carmine Tomas – *LT Development*; Jim Lamp – *LT Development*; Normand Martin – *Market Basket*

Called to Order at 7:03 p.m. by Greg Tuzzolo

Greg Tuzzolo welcomed new Alternate Board Member, Bob Brown.

Public Hearing – Maynard Crossing (continued from 07.13.21): Request to Amend Operations Manual

Greg Tuzzolo asked Danny Ruiz for an update since the last meeting. Jim Coleman asked to provide the update. He stated that he met with Bill Depietri, Danny Ruiz, and the site manager for Maynard Crossing last Thursday, July 22, 2021 for about an hour and a half to discuss the lighting, hours of operation, and delivery hours. Their new proposal reflects the changes that all the parties involved agreed upon. He commended Market Basket and the developers for their willingness to listen to requests of the abutters and the Town and try their best to accommodate everyone’s concerns. Jim Coleman stated that Bill Depietri informed him that the material to enclose the dumpsters, which was ordered many months ago, has finally arrived and will soon be installed.

Danny Ruiz stated that the meeting occurred last Tuesday, July 20, 2021. There were a couple changes to the proposed revisions to the Operations Manual as a result of that meeting. The delivery hours for General Retail Tenants and Restaurant Tenants are now proposed as Monday through Friday from 7 a.m. to 6 p.m. and on Saturdays from 7 a.m. to 1 p.m. with no Sunday deliveries. Under the section for Grocery Store Tenant, Sunday delivery hours were removed and there will be no deliveries allowed on Sundays. Delivery vehicle size was changed from 48-foot tractor trailer to semi-trailer. For Fast Food Tenants, the delivery hours are now proposed as Monday through Saturday from 5 p.m. to 6 p.m. for buildings R1 and R5 through R8. Perishable deliveries will be allowed Monday through Saturday from 3 a.m. to 5 a.m. Buildings R2, R3, R4, and R9 will have delivery hours of Monday through Saturday from 7 a.m. to 6 p.m.

Bill Cranshaw stated that his recollection from the previous meeting was that the perishable delivery hours for Fast Food Tenants were related only to the R8 building, which Dunkin’ Donuts currently occupies. Danny Ruiz stated that those hours as written were suggested by Jim Coleman but would mainly apply to the existing Dunkin’ Donuts. Bill Cranshaw questioned why the Operations Manual would allow those hours for businesses in other buildings.

Natalie Robert asked if there would be any information in the Operations Manual related to parking for overnight grocery employees. She noted that it is called out on the lighting plan but is not mentioned in the Operations Manual. Danny Ruiz indicated on the lighting plan where the overnight Market Basket employee parking is located, which is all in front of the store with no employee parking behind the building. Danny Ruiz reviewed each section of the lighting plan, including the addition of an area specified for the compactor switch out/drop off. Greg Tuzzolo questioned why the “green” section of the lighting plan, which indicates the areas with dusk to dawn lighting, was shown all the way to the property line. He said he would like to see the section that’s between the buildings and the property line indicated in blue instead, which signifies dusk until 11:30 p.m. lighting. Danny Ruiz stated that he would make that change.

Greg Tuzzolo asked Danny Ruiz to review the new compactor language that has been proposed. Danny Ruiz introduced Michael Lannan from Tech Environmental, who stated that his team has gone back and forth with VHB’s noise consultant to discuss the sound methods that will be used. He presented the draft language that is being proposed. The compactor operations will be limited to 7 a.m. and 9 p.m. seven days a week. There will be no broadband sound pressure level of more than 10dBA above the ambient and/or no “pure tone” condition (e.g. a specific hum that’s loud in one octave band vs. another). Market Basket will agree to do another sound test in the near future and then another one after 12 months to show evidence that there has been no change over time. If the compactor is ever changed out, Market Basket will conduct another sound test at that time to ensure compliance with the sound requirements.

Bill Nemser stated that the proposed language would be included in the decision. He recommended that it be included in the Operations Manual and the major modification decision as well. Chris Arsenault asked for confirmation from Wayne Amico that he approves of the proposed language. Wayne Amico stated that he agrees with the proposed language. Wayne Amico noted that any future sound studies should be consistent with the parameters of the studies already conducted by Tech Environmental. Danny Ruiz confirmed that the proposed language would replace the noise level verbiage that was previously proposed for the Trash Compactor section of the Operations Manual. Bill Cranshaw noted that the language references the “site plan” for the compactor switch out/drop off location. He asked that that be changed to refer to the correct document. Danny Ruiz stated that he would make that change.

Trish Saunders pointed out that the lighting plan is not exhaustive in its representation of all of the security lights that stay on overnight. She noted that there are also lights on the side of each building that stay on at night. Danny Ruiz stated that he believes that the lights Trish Saunders is referring to are the lights above each of the exit doors for security purposes. They were originally shown on the lighting plans for the initial site plan review. Michael Young of 12 Dettling Road stated that the decorative sconces on the sides of the buildings are very bright. He believes they are LED lights and reiterated that they are on the sides of the buildings and are extremely bright. Danny Ruiz stated that he was not aware of the issue and he asked for information about the specific buildings where the exterior lights are on all night. Trish Saunders said that it is happening at every building.

Greg Tuzzolo asked Danny Ruiz if the lighting plan he was showing is representative of all the lights for each section of the property. Katie Keefe offered to check the site after hours to determine what is happening with the exterior building lights after 11:30 p.m. and whether there are lights being kept on

in error. Greg Tuzzolo noted that, although that would be helpful, ultimately the lighting that is designated as security lighting should be acting under the rules of security lighting, and lighting that is not designated as security lighting should be functioning according to its category rules. Wayne Amico recommended that CGP update the lighting plan to indicate where the security lighting of each building is located on the building so that it is clear to everyone. Katie Keefe agreed to facilitate that process with Danny Ruiz.

Greg Tuzzolo stated that he would be willing to consider that plan as a condition of approval if there is consensus with doing so. He asked for feedback from the Board and the public. Natalie Robert stated that she agrees with conditioning the approval with an updated lighting plan to indicate security lighting on the buildings.

The resident of 12 Dettling Road asked if all security lighting is down lighting. Danny Ruiz stated that all the lighting of the property is Dark Sky compliant. Katie Keefe reiterated that she needs to check the site after 11:30 p.m. to see which lights are on and whether or not they should be on based on the security lighting plan. Trish Saunders pointed out that the sconces on the sides of the buildings shine light horizontally, not downward.

Trish Saunders noted that all of the buildings that are located within the purple area of the lighting plan close at 9 p.m. or earlier, yet the lights for those buildings are currently allowed to stay on until 11:30 p.m. She proposed for consideration that the lighting for the purple area reads, "On from 5 a.m. to dawn, off one hour after latest closing or 11:30 p.m., whichever is earlier."

Danny Ruiz stated the he understands Trish Saunders' proposal but that he feels CGP has made considerable concessions already and that Market Basket employees are at the store much later than the closing time. He stated that he would like to maintain the lighting hours as proposed in the revisions. Katie Keefe stated that there are two retail shops in the purple area that stay open later than 9 p.m. Trish Saunders countered that, although the businesses can stay open beyond 9 p.m., they are currently closing at 9 p.m.

Greg Tuzzolo asked for any additional comments. Trish Saunders expressed appreciation for Market Basket's willingness to limit the delivery hours in order to mitigate the sound impact on abutters. However, she reiterated her request for consideration of sound absorbing material to be installed in the truck bays and asked what the best venue for having that discussion would be.

Bill Cranshaw asked if the proposed revisions replace the Operations Manual in its entirety or just some pages of it. Danny Ruiz stated that the proposed revisions are just for the first four pages of the Operations Manual. The rest of the document will stay the same. Bill Cranshaw noted that some exhibits that are referenced in the document are being proposed with changes. Danny Ruiz stated that the only exhibit that would include revisions would be the lighting plan.

Greg Tuzzolo made a motion to close the Public Hearing, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

The Board began their deliberations by discussing the proposed Delivery Hours for Fast Food Tenants. Bill Cranshaw remembered from the previous discussion that there was mention of adding an early

delivery time for perishables for Dunkin' Donuts, specifically. However, the proposed change is for several buildings and not just the Dunkin' Donuts building. Greg Tuzzolo asked Bill Nemser if there is a limit to the number of fast food tenants there can be at Maynard Crossing. Bill Nemser stated that there is a limit to the number of fast food drive-thrus. Bill Nemser stated that he would need to check the decision and the Memorandum of Agreement (MOA) to determine the specifics. Jim Coleman noted that he had lengthy discussions with CGP about the proposed changes and that he was adamant about the earlier delivery hours of perishables only being related to the Dunkin' Donuts building. He stated that CGP felt that it would limit their ability to attract other prospective tenants who require earlier delivery hours for breakfast perishables. He recommended allowing the 3 a.m. delivery time just for Dunkin' Donuts and considering allowing the early delivery time for prospective tenants on a case-by-case basis. Danny Ruiz confirmed that the MOA limits the number of fast food restaurants on site to five.

Greg Tuzzolo indicated that it is up to the Board to determine their general stance as to whether the delivery hours should be specific to Dunkin' Donuts or to be open to prospective fast food tenants in the proposed buildings. Greg Tuzzolo stated that his preference would be to allow the 3 a.m. deliveries for Dunkin' Donuts only and take each prospective tenant under consideration as they come up. He asked for feedback from the other Board Members. Chris Arsenault stated that he cannot imagine a situation in which he would be opposed to granting the 3 a.m. delivery hour to a prospective fast food tenant and that, in the interest of creating ease of business for CGP, he would be more inclined to allow the earlier delivery hours for the additional buildings as proposed. Greg Tuzzolo pointed out that the limitation on drive-thrus (which is four total, with two for fast food) creates a restriction on the businesses that could potentially lease space in the subject buildings anyway. Natalie Robert agreed, especially since the buildings are not located along Field Street and, therefore, would not be receiving deliveries directly next to abutters. Bill Cranshaw asked that the exhibit for delivery truck routes through the property be double checked to see if it needs to be adjusted for the very early deliveries. The way he interprets that current diagram is that all deliveries for the North section of the property must happen via Field Street. Chris Arsenault suggested conditioning the approval with the stipulation that the early morning deliveries (i.e. 3 a.m.) must be made via Digital Way. The Board agreed.

The Board reviewed the proposed lighting plan. Greg Tuzzolo reviewed the additional changes that need to be added to the plan as follows: 1) the area behind the 24-hour fitness building will be changed to a blue color, and 2) the location of legitimate security lighting will be denoted on each building. Jim Coleman asked for clarification of the definition of security lighting. Bill Cranshaw stated that he thought that, other than areas of the lighting that are specifically called out, the definition is left up to the Police Chief. Natalie Robert referred to a letter from the abutters in which it notes that the exterior wall lighting of 100 Grill and Market Basket are not as bothersome as exterior wall lighting of other buildings on the site and that there appears to be a variation in the sconce lighting from building to building.

Greg Tuzzolo asked Wayne Amico if the definition is at the Police Chief's discretion or if there is some other standard that should be used. Wayne Amico stated that the Board should defer to the Police Chief's judgment but that security lighting should be considered as lighting that ensures the safety of the building and the people entering and exiting the building. Greg Tuzzolo noted that the applicant has heard the Board's concerns and the public's concerns and that the applicant would not want to be paying for lighting that's unnecessary. He pointed out that the applicant has already agreed to review the site lighting after hours to determine any circuit errors and adjust accordingly. He suggested allowing them the opportunity to do that and go from there. Jim Coleman and Chris Arsenault agreed. Bill Nemser stated that he found a definition of security lighting from the Illumination Engineering

Society of North America. Greg Tuzzolo stated that the standard could be referenced as a target but that the Police Chief has the ultimate discretion.

Bill Cranshaw asked to review the proposed changes to the noise language and respective references. The Board reviewed the language and suggested some minor changes. They agreed that the “Compactor Language” could be added to the Operations Manual as an exhibit that is referenced in the Trash Compactor section of the Operations Manual.

Greg Tuzzolo made a motion that the proposed changes to the Operations Manual, as amended and conditioned during the meeting, are consistent with the concept plan, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

Greg Tuzzolo made a motion that the proposed changes to the Operations Manual, as amended and conditioned during the meeting, satisfy the criteria for a special permit, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

Greg Tuzzolo made a motion to approve the changes to the Operations Manual, as amended and conditioned during the meeting, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

Public Hearing (continued from 05.03.21): Site Plan and Special Permit Modification Request for Market Basket Trash Compactor Location

Greg Tuzzolo reopened the Public Hearing, continued from May 3, 2021, regarding the modification to the Site Plan and Special Permit decision for Market Basket. He asked Carmine Tomas for an update.

Carmine Tomas pointed out that the topic stems from the noise issues related to the compactors and that the issues have since been addressed. He requests that the Board vote to approve the modification, consistent with the conditions that were determined for the changes to the Operations Manual. Jim Lamp stated that the modification is simply labeling compactors that had already been identified in the site plan in order to clarify their location.

Greg Tuzzolo questioned whether or not the plan should indicate that the motor of the compactor is located inside of the building. Bill Nemser agreed that a note or callout could be added to the site plan to indicate that the motor is located on the interior of the building. Chris Arsenault stated that he feels the performance criteria that will be specified in the Operations Manual should suffice and that it is not necessary to specify the location of the motor on the site plan. Jim Coleman and Natalie Robert agreed.

Greg Tuzzolo made a motion to close the Public Hearing, which was seconded by Chris Arsenault.

The Board voted unanimously in favor of the motion.

Greg Tuzzolo made a motion to find that the proposed changes to the Site Plan for the Market Basket property are consistent with the Concept Plan, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

Greg Tuzzolo made a motion to approve the amendment to the Site Plan as presented, which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

Minutes

Jim Coleman made a motion to approve the Minutes dated 07.13.21, which was seconded by Natalie Robert.

The Board voted unanimously in favor of the motion.

Election of Chair and Vice Chair

Jim Coleman proposed continuing the election of a new Chair and Vice Chair until the decision for 115 Main Street is complete in order to maintain continuity with Greg Tuzzolo as the Chair. The Board agreed.

Town Planner Update

Bill Nemser stated that the final Housing Production Plan meeting is currently being scheduled. He anticipates a number of recommendations coming before the Board related to the Housing Production Plan.

Bill Nemser introduced Brad Schultz, who has expressed interest in possibly joining the Planning Board. Brad Schultz introduced himself to the Board and stated that he has been a resident of Maynard off and on for a total of 12 years over the past 35 years. He is a real estate owner and has owned several properties in the area. He stated that he keeps coming back to Maynard as his home. He has also lived in Concord and Sudbury but is back again in Maynard.

Jim Coleman made a motion to close the meeting, which was seconded by Greg Tuzzolo.

The Board voted unanimously in favor of the motion.

Adjourned at 9:20 p.m.