

**Maynard Planning Board Meeting and Public Hearing**  
**January 25, 2022 – 7:00 p.m.**  
**(Held remotely via Zoom)**

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**Board Members Present:** Chris Arsenault – *Chair*; Jim Coleman – *Vice Chair*; Bill Cranshaw; Natalie Robert; Bob Brown; Annette Garabedian

**Others Present:** Bill Nemser – *Planning Director*; Julia Miller – *Assistant Town Planner/Conservation Agent*; Wayne Amico – *Town Engineer*; Mark Bobrowski – *Attorney from Blatman, Bobroski & Haverty, LLC*; Sam McCormick – *General Manager of Assabet Co-op Market*; Philip Henry – *Engineer from Civil Design Group*; Michael Coffman – *Coffman Realty*; Wayne Keefner – *Traffic Engineer from BSC Group*

**Called to Order** at 7:01 p.m. by Chris Arsenault

Chris Arsenault conducted a roll call to ensure each Board member was able to hear the meeting and could be heard. He then provided a brief demonstration for all participants of how to access Board Docs.

**Minutes Approval (01.11.22)**

Chris Arsenault stated that he had not had a chance to review the Minutes and chose to abstain from the vote. Bill Cranshaw stated that he feels that the motions and votes should reflect that there was a roll call.

*Jim Coleman made a motion to approve the Minutes of 01.11.22 with amendments indicating the votes were taken via roll call, which was seconded by Natalie Robert.*

***The Board voted unanimously in favor of the motion, with Chris Arsenault abstaining and Annette Garabedian voting as an Acting Board Member.***

**Public Hearing – 86 Powder Mill Road/Assabet Co-op Market (ACM)**

Attorney Mark Bobrowski stated that he was participating in the meeting as a representative of his client, the applicant, as well as the property owner, C&S Maynard, LLC/Coffman Realty. He noted that the purpose of the hearing is to review the applicant's request for a special permit under Section 6 of the ZBL to reduce the overall parking count by one space as well as a review of modifications to the site plan.

Sam McCormick, General Manager of the ACM, presented a brief history of the market to date and the future goals of the ACM and how they align with some of the Town's goals.

Mark Bobrowski noted that the ZBA approved two special permits for the applicant at a hearing held the previous night for the addition of a deck and for a change of use. He asked Wayne Amico to comment on the engineering peer review that was conducted.

Chris Arsenault asked Bill Nemser to provide a frame of reference before Wayne Amico commented on the peer review. Bill Nemser stated that the Conservation Commission and the ZBA have both given their approvals for the project. He recommended proceeding with a review of the engineering comments.

Wayne Amico provided a brief overview of the engineering review. He noted that there was a comment letter, dated January 10, 2022, that had been issued to the applicant. The six-page letter discussed conformance with the ZBL, the PB Rules and Regulations, storm water management, traffic engineering comments, and general engineering comments. After issuance of the letter, Wayne Amico met with the applicant's design engineer, Philip Henry, several times to go through all of the comments. Wayne Amico stated that he feels comfortable with how the design engineer plans to address the comments in the pending resubmittal.

Philip Henry proposed that he present the modifications that were made to the site plan after the engineering peer review was completed, as well as additional changes that he has committed to making that are not yet reflected in the plan. He presented and described the site plan that was proposed, including changes that will be made to the existing property in order to accommodate the ACM. He noted that the pending modifications are not yet ready to be presented and that the goal is to provide a response letter addressing each of the comments from the engineering review, along with a resubmission of the plan. Philip Henry pointed out that there are three existing handicap parking spaces but that their access to the building is deficient. The revised plans will incorporate improvements to the accessibility and striping as well as an additional handicap parking space directly adjacent to the existing three. There will also be a handicap parking space at the front left corner of the building, as noted in the proposed site plan; the revised plans will show a total of five handicap parking spaces.

Philip Henry continued to review the commitments that he made to modifying the plans based on feedback from the engineering review, such as improving pedestrian access to Powder Mill Road along the western side of the site and installation of an additional one-way sign at the eastern side of the angled parking area at the front of the building. In some case, he noted that there were limitations to the existing site preventing him from making the desired modifications, but he plans to address those concerns as best he can, given the constraints. For example, there are limitations to modifying the existing concrete walkway along the front eastern side of the building, but he has committed to improving accessibility via the existing ramp to the building entrance on that side. He has also committed to improving the tip-down ramps along Powder Mill Road to create a smoother transition between the sidewalk and the driveway curb cuts.

Wayne Amico noted that proposed modifications have done a good job of addressing the concerns, even given some of the limitations of the existing site. He will review the revised site plan and accompanying responses to the engineering comments when they are submitted.

Chris Arsenault pointed out that the Fire Department has no concerns with the proposed project and the Health Department has no concerns that would be within the purview of the Planning Board. He also

noted Building and Zoning have no concerns either. He asked for all the PB Members to comment and ask questions before Philip Henry addressed their concerns.

Bill Cranshaw stated that it seemed from the presentation that the fifth handicap parking space would be added next to the existing handicap spaces. He pointed out that the fifth space should be located directly next to the ramp instead. He also feels that the high-activity location is right at the entrance, meaning that with the existing layout, there would be no opportunity for curbside pickup, Uber pickup and drop-off, or other such considerations. He was also having trouble envisioning how a shopper would get their cart out of the building and into the parking lot. He believes the parking waiver should consider the loss of additional parking spaces beyond the one that is proposed.

Jim Coleman expressed concern that the existing parking entrance/exit towards the right-hand side of the building is not currently sufficient to accommodate cars entering and exiting at the same time and wondered whether the opening would need to be widened. He would also like to see the entire length of the sidewalk along the property line improved in accordance with Complete Streets goals.

Natalie Robert echoed Bill Cranshaw's concerns about the level of activity at the entrance.

Bob Brown asked if there is an accessible ramp on the far east side of the concrete walkway at the front of the building. Philip Henry stated that there is no accessibility there and that the sidewalk ends with a five- to six-inch reveal.

Annette Garabedian asked if there are any plans to install trees or any vegetation along the Powder Mill Road sidewalk section of the property.

Chris Arsenault also echoed the comments of Bill Cranshaw and Natalie Robert regarding congestion and safety at the entry/exit of the parking lot and said he would personally be willing to grant a waiver for additional decreases to the number of parking spaces in order to improve safety, accessibility, and traffic flow. He asked Philip Henry to respond to the Board Members' questions and comments.

Philip Henry stated that he understands that the Board is looking at the property as a whole but that the proposed site plan modifications are focused on the applicant's section of the property. He explained the technical limitations that would prevent him from modifying the existing concrete walkway at the eastern front side of the building to accommodate an accessible ramp at the far easterly side. He summarized by saying that making that walkway ADA-compliant would require repaving of at least half of the easterly parking lot. With regard to the pending additional handicap parking space, he noted that it can certainly be located directly next to the ramp but with the understanding that it would not be fully ADA-compliant since the entrance to the ramp would consume a portion of the striped pavement area.

Wayne Amico supported Philip Henry's comments and reminded the Board that the proposal is a retrofit of an existing property, which creates challenges for proposing the ideal engineering plans. He noted that it would not be possible for the applicant to make the concrete walkway area fully ADA-compliant without extensive reconstruction of the site. He stated that he and Philip Henry tried to focus on improvements in front of the main area of the store and along the frontage (i.e. the left half of the building).

Chris Arsenault asked how someone who parks to the eastern side of the building will access the market. Philip Henry stated that someone who parks in the area to the right of the building will cross the parking area to the concrete walkway, then down the ramp and into the front parking area to the striped portion near the market entrance. Philip Henry noted that, although someone can access the building from the eastern concrete walkway, they cannot enter the ACM from there since there is no interior access to that portion of the building from the eastern door. That entrance only provides access to the businesses at the eastern side of the building.

Chris Arsenault expressed concerns about someone navigating through the parking lot to access the market. He asked if there has been any consideration of removing additional parking spots to add pedestrian walkways for better access. Michael Coffman, one of the owners of the shopping center, asked to address that concern. He stated that he understands the safety concerns and the wishes to have the most ideal design for the ACM customers but that, by removing additional parking spaces at the front of the shopping center, there would be a loss of some of the most convenient parking in the shopping center, and he would be in violation of the other tenant leases. He noted that taking parking spaces away from the front would be to the detriment of the wellbeing of all the other tenants in the building. He asked the Board to consider that he already has tenants in the eastern half of the building who are paying rent. Michael Coffman noted that it would be cost prohibitive to make modifications to the property beyond what he has already agreed to do and would potentially put his existing leases at risk. Philip Henry reviewed some of the pending changes to the parking and sidewalk areas that will improve pedestrian access. Michael Coffman pointed out that there was a traffic engineer involved and that both vehicular and pedestrian flow were considered in the proposed design.

Natalie Robert stated that if most of the patrons of the market will be parking in the lot that is located to the eastern side of the building, then the Board needs to consider how those people will get from the parking lot to the market. She wondered whether there are other means of managing the safety of both drivers and pedestrians, such as signage.

Bill Cranshaw revisited the topic of accessibility to the concrete walkway at the eastern side of the building and suggested that the additional handicap parking space be as close to the ramp as possible, not just for people in wheelchairs but for anyone with mobility issues. He also asked that the modified plans clearly indicate where the cart corrals will be located in the parking lot. Michael Coffman stated that there are no current plans for a cart corral to be located in the eastern parking area and that carts will be managed operationally by ACM employees. Sam McCormack noted that cart corrals in parking lots can sometimes create more issues than exist without them and that there is a common practice in co-ops in general to aid shoppers in bringing groceries to their cars. She reiterated that there will be an operational plan to ensure carts are managed by the ACM.

Michael Coffman pointed out that the distance of the driveway between the angled parking stall areas is 20', which he believes is wider than would normally be seen in a one-way parking area. He feels that there is sufficient space for both cars and pedestrians to maneuver through that area of the parking lot.

Natalie Robert asked to see the elevation study for the front entrance. Philip Henry presented the front elevation of the site plan and explained where the parking would be located near the front entrance. He noted that a delineated area of the pavement could be added to indicate the path for pedestrians to access the ACM from the parking area since there is a large distance in the one-way driving path. Chris

Arsenault appreciated that suggestion. Sam McCormack pointed out that one of the considerations in the selection of the Victory Plaza site was that the distance from the entrance of the market to the large parking area to the right of the building is no greater than one would experience walking from the entrance of a large grocery store straight out into a large parking area in front. She reiterated that there was a great deal of thought that went into pedestrian and traffic flow and safety.

Chris Arsenault asked about parking spaces specifically for families with young children. Sam McCormack said the ACM is willing to consider that but would work in conjunction with the property owner to determine whether it is appropriate for the property.

Chris Arsenault asked where pedestrians would be able to cross Powder Mill Road. Wayne Amico indicated that there is a crosswalk a couple properties towards the western side of the property, but his guess is that it is not ADA-compliant.

Bill Cranshaw asked Philip Henry to describe the enclosure for the dumpsters. Philip Henry stated that currently the dumpsters are spread out around the rear eastern portion of the building. He attempted to consolidate them as much as possible in the site plan for the ACM. Due to operational constraints, he was unable to corral the dumpsters into one enclosure. Instead, there will be a fence enclosure on a pad for three dumpsters at the eastern side of the building. There will be another enclosure directly next to the three-dumpster enclosure, and it will contain another dumpster as well as a grease trap. There will be an area at the back eastern side of the building where a set of residential-type bins will be located and emptied via a truck with a mechanical arm. The material for the enclosures will be 6-foot-high black chain-link fencing. Bill Cranshaw noted that dumpster screening was a requirement in the 2010 special permit for the property.

Bill Cranshaw also asked about the maintenance plan for keeping the river edge clean given the proximity of the dumpsters and the deck to it. Sam McCormack indicated that the concern was brought up during the Conservation Commission review process, and regular maintenance is a part of the conditions required by the Conservation Commission; it will also be built into the operational plan for the ACM and will be done, at a minimum, on a weekly basis. Julia Miller confirmed that general maintenance was part of the conditions required by the Conservation Commission. Julia Miller stated that she will likely be checking the property regularly within the first few months of the ACM opening to ensure the condition is being met. Wayne Amico added that he believes there will be a level of “self-policing” since there will be a lot of public activity at the back of the building and the ACM will want to ensure that it remains clean and tidy. Bill Cranshaw noted that he has a greater concern with the area near the dumpsters than the deck. He reiterated that there were conditions in place as part of an earlier special permit for the property and the conditions have not all been met. He wants to ensure that the river is protected. Julia Miller stated that there is now a very specific operation and maintenance requirement built into the conditions for the ACM to ensure that the stormceptors are properly maintained. Michael Coffman stated that property maintenance is something he take very seriously. He noted that the special permit and attached conditions were put in place prior to his ownership of the property; he stated that he met with the previous Conservation Agent over the summer to review some concerns and discuss modifications and clean-up of the area behind the building. He agreed that loitering has been an issue at the back of the building because it has been dark and quiet in that area, but he also believes that by creating an intentionally public area in the back, some of those issues will naturally go away.

Chris Arsenault asked if there will be an exit from the deck to the back of the property. Sam McCormack stated that access to the deck will only be available from inside the ACM, though there will be an emergency-only exit.

Jim Coleman noted that part of the large parking area on the eastern side of the property is owned by someone else. He stated that the owner of that part of the parking lot came to the Board about a year ago to propose a coffee shop where the existing ATM is located. Jim Coleman asked what guarantee the applicant can provide as assurance that all of the parking spaces will continue to be available to patrons of the ACM and the other businesses at the property. Michael Coffman stated that he has a perpetual easement with the owner of that lot to use and maintain it. The easement document addresses the potential redevelopment of the ATM building. He noted that the site plan indicates a maximum building envelope of approximately 40 square feet. The owner of the lot cannot develop anything greater than that size without approval of Coffman Realty. He also noted that any proposal for a different use of that area of the lot would have to come before the Planning Board.

Bill Cranshaw stated that there was a previous permit issued that established the perimeter landscaping of the site. The wording was very specific with regard to maintaining the health of the perimeter landscaping, which has not happened. Bill Cranshaw suggested that the trees that did not survive, particularly on the eastern side of the large parking lot, should probably be replaced in order to be in compliance with the permit. Chris Arsenault asked that Wayne Amico and Philip Henry ensure that the proposed site plan is in compliance with standing permits related to the property and that they notify the Board of any non-compliance for review.

Natalie Robert asked if the applicant's traffic engineer could address the concerns regarding the entrances and traffic flow. Traffic Engineer Wayne Keefner stated that he understands the concerns and will review the current plans with Philip Henry and Sam McCormack to see if they can better address any issues. Sam McCormack stated that the traffic engineer who conducted the study no longer works for BSC and that Wayne Keefner agreed to step in to answer any questions. Sam McCormack noted that the full traffic study is available for review and that the concerns will be addressed in the responses to the engineering comments.

Chris Arsenault asked for public comment. Jason Sobel of 60 Thompson Street spoke as a resident and ACM owner. He stated that he believes the ACM will be a benefit for the community, and he spoke in favor of the project. David Garrett, a resident of Acton and a member of the ACM Board, noted that the owners of the co-op are very committed to the project. He stated that there are 1000 ACM owners from towns outside of Maynard, and he believes that they are very likely to patronize other businesses when they come to shop at the co-op. He feels confident that the ACM will be a successful business in Maynard. Jeanette Millard, an ACM owner from Hudson, stated that there is a long history of the ACM to date and that it is because the people involved have been deliberately cautious to ensure that the co-op is environmentally friendly, town friendly, and people friendly. She believes the ACM will set a high standard for other businesses in Maynard. Leah Ciappenelli, an ACM Board Member and owner, and a resident of Sudbury, echoed the sentiments of the other owners who spoke before her. She stated that the ACM has been very thorough and thoughtful about the values it will bring to Maynard. Jason Kreil of 1 Driscoll Avenue in Maynard stressed the number of goals within the Master Plan that would be addressed by the ACM. He also noted that the ZBL require a 14-foot- wide driveway through a one-way parking area, whereas the existing one-way driveway of the parking lot is 18 feet wide. He pointed out

that the existing layout has been functioning for the property and the businesses in it for quite some time without issue but agreed that there could be further consideration of drop-off and pickup needs as well as accessibility. Regarding planting vegetation at the sidewalk area along Powder Mill Road, he recalled that the topic had been discussed in the past when he was a member of the Planning Board, and there was a concern about sight lines being obstructed.

There was a discussion about the best date for continuance of the hearing, and all parties agreed that the 22<sup>nd</sup> of February would be best.

*Chris Arsenault made a motion to continue the Public Hearing to February 22, 2022, which was seconded by Jim Coleman.*

***The Board voted unanimously in favor of the motion via roll call.***

## **Planning Update**

Bill Nemser stated that there will be a Special Meeting related to the proposed Home Occupation revisions on February 9 at 6:30 pm. There will be an introductory presentation to clear up misconceptions about the intent of the proposed changes.

There will be an MAPC presentation on February 22.

The Town received a grant from the Cultural Council to improve its website.

Bill Nemser is prepared to apply for a grant for professional support services for the Powder Mill Corridor initiative. The response would likely come back within a month of submission. He will also be applying for a larger grant for the initiative.

*Jim Coleman made a motion to close the meeting, which was seconded by Chris Arsenault.*

***The Board voted unanimously in favor of the motion.***

**Adjourned** at 9:07 p.m.