

**Maynard Planning Board Meeting**  
**May 10, 2022 – 7:00 p.m.**  
**(Hybrid – Town Hall and 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 Flanary – Assistant Town Planner; Ethan Wishnick – Belmass4, LLC; Heidi Schofield – Belmass4, LLC; Michael Cunniff – General Contractor; Kai Peters – Attorney; James Vazza – Leasing Manager, Capital Group Properties; Marie Gunnerson – 119 Parker St.

**Called to Order** at 7:06 pm by Chair Arsenault

**Public Hearing – Jersey Mike's (Maynard Crossing)**

The Petitioner is requesting Special Permit approval for a fast-food restaurant (Jersey Mike's) at the Maynard Crossings mixed-use development.

Mr. Brown stated he wished to recuse from the hearing as he is an abutter to the Maynard Crossing project. Mr. Nemser stated that Planning Board Alternate Ms. Garabedian would be participating in the hearing as a voting member.

Ms. Schofield outlined the benefits of adding Jersey Mike's to the community, including fundraising, high quality food and employee development programs. She has been in the food services industry for over 30 years and she and Mr. Wishnick chose to partner with Jersey Mike's because of their business model, commitment to community and superior quality food.

**Chair**

Chair Arsenault asked for comments from the Board. Mr. Cranshaw mentioned that there is a limit of five restaurants at Maynard Crossing per the development agreement, and that this would be number five.

Chair Arsenault reviewed the peer review report. There are no outstanding issues or comments from peer reviewers, including the Fire Department, Police Department and Town Engineer.

Ms. Robert inquired what are the proposed hours of operation. Ms. Schofield replied 10 a.m. – 9 p.m., 7 days a week.

Chair Arsenault asked for details around deliveries to the restaurant. Ms. Schofield stated that deliveries would come between 7-11 a.m. and 2-4 p.m. in small trucks. The two vendors are Pepsi and Cisco, with Pepsi coming once a week and Cisco twice a week. Deliveries will be made to the rear of the building.

Ms. Robert asked if deliveries would occur on weekends and Ms. Schofield replied that usually they occur on Wednesdays and Saturdays. Chair Arsenault asked if any lights would be added. Mr. Wishnick replied that the lighted sign would be the only addition. Mr. Coleman asked for the approximate opening date of the business. Mr. Wishnick replied 10-12 weeks from the start of construction, or around mid-September, 2022.

Mr. Cranshaw asked if there are pending items with the site overall, but particularly the maintenance of the buffers and landscaping. Mr. Vazza said that he would check with the property manager, but that they are usually conscientious about that. Chair Arsenault asked Mr. Vazza to relay the Board's wish to upkeep the landscaping as per the Operations and Management agreement. Mr. Vazza said that he would bring it up at the next ownership meeting.

Chair Arsenault opened the meeting to public comment. Ms. Gunnerson of 119 Parker St. asked for clarification of which building is R7. Ms. Flanary shared a site plan with the location, which is across the entrance road from Dunkin' Donuts. Ms. Gunnerson opposes the permit, stating that originally the developers promised there would be no fast food due to traffic, litter, and the overall character of the development. She added that it competes directly with downtown businesses like Subway. She is concerned with the addition of heavy trucks to the area, fire and police services coming several times a day, and the extremely bright lighting at the Crossing.

Chair Arsenault asked the applicant again if they are adding exterior lighting. Mr. Wishnick replied that the lit sign will be the only addition and will be lit to the specifications of the property lease. Mr. Nemser added that any additional signage must be approved by the Building Commissioner. Chair Arsenault asked for clarification if fast food is allowed under the agreement. Mr. Nemser replied that the applicant's proposal is consistent with the MOA. Ms. Flanary added that fast food in Maynard is defined by type of utensils and seating capacity. There was a discussion of the definitions of "restaurant" and "fast food restaurant." Ms. Flanary and Mr. Nemser will work with Capital Group to clarify these definitions going forward.

Ms. Gunnerson noted that she considers Jersey Mike's to be a fast-food restaurant.

Mr. Cranshaw stated that the operating agreement does not allow deliveries on Saturday. Ms. Schofield agreed that they could work with that schedule.

*Chair Arsenault made a motion to close the Public Hearing, which was seconded by Mr. Coleman.*

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

*Chair Arsenault made a motion that the applicant's proposal meets the criteria outlined in 10.4 of the Zoning By-laws and the Concept Plan approved by Town Meeting on October 5, 2016, which was seconded by Mr. Coleman.*

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

*Chair Arsenault made a motion to issue a special permit for operation of a fast-food establishment in Building R7, 3-8 Digital Way, which was seconded by Mr. Coleman.*

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

### **Approval of Minutes**

Chair Arsenault invited comments on the minutes of the April 26, 2022 Planning Board meeting. Board members noted several corrections to the minutes.

*Mr. Coleman made a motion to table the minutes to the next meeting, which was seconded by Chair Arsenault.*

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

### **Discussion - Downtown Overlay District Review**

The Board discussed issues relating to development of the DOD. Mr. Nemser and Ms. Flanary provided background on meetings with the DPW and their goals for the DOD, as well as the ADA Transition Plan. There is a need for ramps and other structures in the DOD to make it ADA compliant. DPW would prefer to have a discrete fund for DOD improvements, instead of on a project or applicant basis. This fund could cover many projects, including improvements and maintenance. Applicants for special permits in the DOD would contribute to the central fund. The Planning Board is tasked with figuring out how to distribute the funds equitably to businesses in the DOD. This type of funding would allow for more control over improvements in the DOD, and proactive planning.

Chair Arsenault suggested drafting a proposal for review by the Select Board and possibly the Maynard Business Alliance. The goal would be to create a cohesive vision for the DOD, which would then inform a priority project list. This would be a high-level concept plan with a vision statement and objectives to direct the fund. Ms. Flanary suggested applying for a grant towards this project. Chair Arsenault will coordinate with Ms. Flanary to discuss formulation of a concept plan for the DOD improvement fund.

Mr. Cranshaw pointed out that the DOD criteria for special permits is somewhat lacking. Chair Arsenault stated that a complete overhaul of the DOD criteria is not out of the realm of possibility, with the ultimate goal of improving the downtown area. Ms. Flanary explained that the DOD overlay criteria is optional in Maynard; the applicant can go with the base zoning.

Mr. Cranshaw suggested reviewing and possibly amending the boundaries of the DOD, which includes ancillary residential parcels; as well as reviewing both the Affordable Housing Trust criteria and Special Permit criteria (Sections 9.4.5 & 9.4.6)

Mr. Nemser asked the Board to consider if we want to keep the DOD criteria as optional, which is somewhat unusual. Chair Arsenault suggested thoroughly reviewing the benefits and drawbacks of the optional DOD designation.

The Board agreed to review the special permit criteria in the DOD (9.4.5.) as a first step.

Ms. Flanary presented the DOD boundary map. There are discrepancies between two different maps of the DOD, as well as arbitrary demarcations of the CBD and DOD. Some of the zoning lines cut across parcels. Ms. Flanary will work on aligning the CBD, DOD and Cultural District maps to present to the Board at a future meeting.

### **Planning Updates**

The annual Town Meeting is approaching. Chair Arsenault is required to be there as the Chair of the Committee. Other members are encouraged to attend as residents.

115 Main will go in front of the Conservation Committee and hopefully be demolished by the end of June.

The development agreement for 2-4 Powdermill Road is in process.

There will be a meeting of The Minuteman Advisory Group on Interlocal Coordination (MAGIC) held at the Sanctuary.

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

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

**Meeting end: 9:24 p.m.**