

Maynard Planning Board Meeting and Public Hearing
August 22nd, 2023 – 7:00 p.m.
(Hybrid – Town Hall and Zoom)

Maynard Planning Board Members Present: Chris Arsenault – Chair; Jim Coleman; Bill Cranshaw; Natalie Robert; Annette Garabedian.

Others Present: Bill Nemser – Maynard Planning Director; Bob Depietri, Capital Group Properties; James Vazza; Capital Group Properties; James Riley - President, Red Barn Dog Properties; Kayla Seely - Executive Vice President, Red Barn Dog Properties; James Vazza - Leasing Manager, Capital Group Properties, Jen Condon - Animal Control Officer (remote)

The meeting was opened at 7:03 p.m. by Mr. Arsenault. A roll call of attendance was taken.

1. Public Hearing - Zoning By-Law Amendment (Commercial Kennels)

The Planning Board will consider a request by Maynard Crossings JV, LLC to recommend approval and potentially sponsor, proposed amendments to the Maynard Protective Zoning By-laws to allow Commercial Kennels in the Neighborhood Business Overlay District (NBOD) by Special Permit. The NBOD encompasses the Maynard Crossing Mixed-Use project at 129 Parker Street. The potential amendments are anticipated for the October 10, 2023, Special Town Meeting.

Mr. Nemser opened discussion for the sponsorship stating that the board is being asked to consider an amendment to the Zoning By-laws (ZBL) to allow Kennels by Special Permit in the NBOD - currently it is allowed in the (underlying) Industrial zoning district. This is a request by the Maynard Crossing owners – the Capital Group. Mr. Nemser stated the purpose of tonight is to collect information and determine if the board would sponsor the article and recommend approval at the town meeting. Mr. Nemser stresses that the board vote was not to enact the ZBL but to decide if the board would sponsor and recommend. Mr. Nemser also noted that while this request is at the from Capital Group for a particular business, the ZBL could apply to other businesses located in the NBOD.

Mr. Depietri addressed the board and presented the request asking that the planning board recommend the change to accommodate “Dogtopia” a dog daycare and proposed to be located in the R-2 building (adjacent to the existing Maynard Veterinary Clinic). He introduced James Riley and Kayla Seeley both of Red Barn Dog Properties which manage Dogtopia facilities.

Chair Arsenault asked Maynard animal control officer 4 her thoughts on a proposal and what issues if any she felt would need to be addressed. Ms. Condon stated that she worked in other jurisdictions where there were concerns potential issues. She believed the main potential problems dealt with noise; overnight boarding and barking; the number of dogs in the facility and the ratio of staff to dogs; whether dogs will be walked outside and in groups especially given proximity to the school. While there were some issues initially in her other jurisdictions, they have all been addressed and she felt with proper planning this could be done in Maynard. She was concerned because as animal control officer she would be dealing with any complaints and remedies.

Mr Cranshaw asked for clarification on the number of dogs boarded at one time and whether they will be accompanied overnight. He also asked Ms. Condon if she felt there were any extraordinary conditions for this location. Ms. Condon replied that as long as attention is paid to criteria in place and followed, there were no problems anticipated. Mr. Rielly and Ms. Seely stated it was not clear what the demand would be yet for boarding but that Dogtopia boards dogs as only one of the components of their business. Mr. Nemser pointed out that “Commercial Kennel” was the closest use the town could find for the business and that’s why it was brought forward as such. Mr. Rielly and Ms. Seely Dogtopia stated they have safeguards

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in place for noise and odor and have had no issues with noise or odor or other disturbance at their other locations, including one operation located on the first floor of a residential building. They pointed out favorable letters of reference from other commercial landlords currently working with Dogtopia contained in the board's packets.

Mr. Arsenault asked Ms. Condon if a kennel wanted to go into other districts in their downtown would there be the same or different concerns. Ms. Condon said there would be the same because Maynard is small and densely populated.

Mr. Coleman asked Ms. Condon if she would be willing to help with recommendations of the Special Permit if approved at Town Meeting and she said yes, including recommendations for sound proofing.

Ms. Robert asked for the definition of a Commercial Kennel which was provided by Mr. Nemser along with the definition of a Private Kennel according to the state regulations.

There was discussion about the definition of Kennel, Grooming, and Daycare and it was concluded that grooming, daycare, and training do not fall under the category of Kennel, while overnight boarding and sales do.

Mr. Arsenault opened public comment:

Resident Marie Gunnerson expressed concern about noise from the facility considering that there is already considerable noise from the area with trucks and traffic going in and out. She is concerned about the potential of outdoor pens and whether dogs will be walked outside. She also expresses concern about the waste from dogs being walked outside and the environmental impact and has questions regarding the size because her public notice states a maximum size of 65,000 SF. Mr. Nemser clarified that the 65K Sq. Ft. is part of the NBOD zoning and that the proposed operation would be a little over 6K Sq. Ft.

Mr. Arsenault stated that there is no intention of having a Kennel of 65,000 SF but will have the language to ensure define the maximum square footage.

Resident Trish Saunders emphasized the concerns raised by Ms. Condon. Specifically stating that there were already considerable noise concerns that were not anticipated related to the HVAC system at Market Basket as well as concern that there is no noise ordinance in town.

The Board questioned Red Barn Dog Properties concerning several issues resulting in the following:

Regarding Noise:

Dogtopia has 3 locations in MA and 29 in total; many locations are near residential or office spaces; Dogtopia works with acoustical engineers to solve for noise pollution; there is no exterior operations in most locations and that will not be proposed in Maynard; the facilities consist of three indoor playrooms where dogs are separated by size and temperament, each room encapsulated by an "acoustic envelope." Before occupation each room is tested with replications of barking dogs and compared to outdoor ambient noise and then sound-proof construction is added to reduce noise by 25-30 decibels below outdoor noise; Dogtopia has close neighbors at 90% of their locations so noise-reduction is a major part of their operations.

Regarding waste management:

Dogtopia is an entirely indoor facility; dogs relieve themselves inside the facility and it is addressed immediately by staff; Liquid waste is addressed with a mop and buckets with a digester that breaks down the matter immediately and treats odor; Solid waste is immediately picked up by canine coaches, double bagged and placed into a container that is placed into an enclosed dumpster for pickup.

Regarding staff to dog ratio and number of dogs on site:

There are no specific numbers but generally are four to five times at a higher ratio compared to the standard requirement for square footage and dogs; On average 42 dogs a day that are separated by size into three different rooms; About 15 dogs per room with one canine coach in each room as well as one rover and one manager who travel between the three rooms depending on need which is established in advance; dogs are monitored 100% of the time.

Regarding overnight boarding:

80% of the business is daycare; Overnights account for less than %15 of business; dogs that spend the night are clients whose owners are traveling or on vacation; typical lengths of stay are 2.5 nights but can be up to a week and on average there are 7 dogs a night; there is a canine coach there until 10:30/11 in the evening and one returns at 5am; the property is monitored with phone alerts to the canine coaches and staff overnight.

Regarding outdoor activity:

Generally, no activity outside but it is monitored; Curbside pickup from clients allows for the pickup/drop off to be done within 90 seconds limiting the possibility for dog walks or other activity outside the facility; there can be designated space for drop off and pick up.

Misc:

There is an emergency management kit and protocol with a safety officer inside the facility; there is isolation and evacuation protocol in the case of a dog getting sick; no injection medication is administered on site; occasional oral medication administered on site; all staff is certified in canine CPR and all facilities have support staff including a veterinarian and environmental biologist.

Mr. Arsenault suggested that there be a review of specific amendments. Mr. Nemser stated that the amendment would:

- a. Amend Section 9.3.7, Use Regulations Permitted by Special Permit of the Planning Board within the Neighborhood Business Overlay District (“NBOD”), to add the use “Kennel, commercial” to the list of uses allowed by Special Permit of the Planning Board within the Neighborhood Business Overlay District so as to allow such use in the NBOD located at Maynard Crossing (129 Parker Street) the Concept Plan for which was approved by Special Town Meeting on October 5, 2016.
- b. Amend Section 9.3.8, Dimensional Requirements, “Table G NBOD Dimensional Requirements” to add “Kennel, Commercial” to the list of Principal Uses with a “Maximum Gross Floor Area of N/A” so as to provide for such use in the NBOD.

Mr. Cranshaw suggested adding the words to the effect of “indoor only” after “Kennel, Commercial limiting Special Permit grants to indoor use. Mr. Nemser stated he would wordsmith language to that effect.

Mr. Arsenault, Mr. Cranshaw, and Ms. Robert discussed the square footage limit of 65K sq. ft. and suggested amending to add a limit of 7,500K sq. which they felt would be helpful at Town Meeting. Mr. Depietri stated that the average size of their properties is between 1-10K sf and they would have no problem with a 7,500K limit.

Mr. Arsenault and Ms. Robert both stated that they don't see how this is much different than the other businesses on the list regarding traffic patterns and assuming that the noise and waste management is mitigated which could be done via Special Permit criteria.

Ms. Saunders stated for the record that as much as these facilities are stating they will manage sound through their engineering, if they do it wrong, she is told that the town will not be able to respond to noise complaints because they do not have noise ordinance or monitoring equipment to respond.

Ms. Gunnerson expressed concern that as things keep getting added to the property there is increased traffic which brings an increased safety risk for pedestrians.

Ms. Robert agreed that it is frustrating there is no noise ordinance but that is taken into consideration when granting Special Permits.

First article was amended to read "For indoor use only and provided there are no exterior activities associated with the business."

Mr. Arsenault moved to accept the proposed changes and was seconded by Mr. Cranshaw.

Motion passed unanimously by show of hands vote.

Second article amended to allow for a maximum square footage of 7,500.

Mr. Arsenault moved to accept the proposed changes and was seconded by Mr. Cranshaw.

Motion passed unanimously by show of hands vote.

Mr. Arsenault moved to sponsor the articles discussed tonight as amended. Mr. Cranshaw seconded.

Motion passed unanimously by show of hands vote.

Mr. Arsenault made a motion to continue the hearing (regarding the recommendation of the Commercial Kennel) to the September 12, 2023 meeting.

Motion passed unanimously by show of hands vote.

2. Determination of Major/Minor Modification - Maynard Crossing

The board is being requested to decide if the use of a proposed Garden Center outdoor merchandise display (as permitted under Sections 9.3.6 and 9.3.12 (4) of the Zoning By-laws) of the Zoning By-laws constitutes a Major or Minor Site Plan Amendment. The reason for the request (for a permitted use) is to allow for the review of the proposed parking and circulation in the project area.

Mr. Nemser introduced the request stating the original NBOD imagined a garden center allowing for exterior storage of materials for specific businesses to use for merchandise. The concern here is that the placement of materials outside would result in a temporary loss of parking and may be something that the board would want to consider ensuring that the traffic is not impacting the approval as originally issued.

Bob Depietri presented that the focus of the plan is that the prospective tenant wants the right to use 14 of spaces for outdoor display area - mainly trailers they would be selling inside the store. It would reduce parking by 14 spaces. He stated that there is currently sufficient parking and that the requirement for the locations is 1,567 and there are currently 1,662 so that even with the loss of 14 spaces there would still be 86 spaces over the requirement.

Mr. Arsenault clarified that the request is to make a major/minor determination on whether the reduction of 14 spaces requires a hearing.

Mr. Depietri clarified that it would not be permanent removal of spots and the lines would be maintained and the trailers could be pulled if necessary.

Mr. Arsenault suggested rewording the amendment to unregistered vehicle or something else to reflect specifics to trailers so that it doesn't become some other display that has not been discussed.

Resident Ken Estabrook stated that during the original site plan review there was a significant amount of discussion about outdoor storage for a garden center and anything chemical, or otherwise that could get into the runoff and that there should be an assessment to determine that there is no impact from runoff that would have an effect downstream.

Arsenault moved that proposed modification be considered minor mod and was seconded by Mr. Cranshaw.

Motion passed unanimously by show of hands vote.

3. *Planning Update*

Mr. Nemser discussed a site walk at Maynard Crossing with the new property manager to review security lights.

Mr. Depietro stated that they were in the process of changing the whole system of parking and security lights that will be tested at the end of the month.

Mr. Arsenault stated there was a site visit in February and he would like to see movement on both the light and the noise complaints particularly regarding Market Basket.

There was a discussion of the lack of noise ordinance in Town. Mr. Nemser stated that was a topic that he would like to speak at an upcoming meeting that included the Building Commissioner.

4. *Approval of August 8, 2023 meeting minutes*

Suggested Amendments:

Page One: Adjust April to August 18th.

Page 3: Wording of the motion is close rather than adjourn.

Page 2: paragraph 5: the word "reviewed" is redundant.

Page 2, paragraph 7: strike the words "and the approved".

Mr. Arsenault moved to approve the minutes from August 8th as amended, which was seconded by Mr. Cranshaw.

Motion passed unanimously by show of hands vote.

There was discussion regarding MBTA Communities and zoning would need to be updated to stay in compliance to be eligible for 13 grant opportunities and that Maynard must become compliant by May 15th.

There was a discussion of the next meeting agenda, specifically 2-6 Powdermill and 115 Main Street.

Mr. Nemser stated there are currently 4 and soon to be 6 peer review engineering firms under Town contact. They will initially be used for 2-6 Powdermill and 115 Main Street.

Mr. Arsenault asked if Greg Johnson wanted board members for a subcommittee to discuss the development agreement with 2 Powdermill Road.

Mr. Nemser answered that yes, for 2 Powdermill we initially had a sub-group to work out the development agreement since at the time there would be marijuana retail that has since been removed. He would inquire and provide the board with details.

Mr. Coleman moved to adjourn the meeting which is seconded by Ms. Robert.

Motion passed unanimously by show of hands vote. Meeting adjourned at 9:39PM.