

RECEIVED

APR 24 2019

TOWN CLERK'S OFFICE
MAYNARD, MA 01754



TOWN OF MAYNARD
Office of Municipal Services
MUNICIPAL BUILDING
195 Main Street
Maynard, MA 01754
Tel: 978-897-1302 Fax: 978-897-8489
www.townofmaynard-ma.gov

Maynard Planning Board
Notice of Decision

To: Michelle Sokolowski, Town Clerk
195 Main Street
Maynard, MA 017

April 18, 2019

Re: Site Plan and Special Permit approval for 170 Main Street, Maynard, Ma. 01754. Planning File # PB18-10.

Dear Ms. Sokolowski:

Please accept this Notice of Decision for 170 Main Street, Maynard, MA. (Map 14, Parcel 130). This is for Site Plan and Special Permits approval and is ready for recording by the Maynard Town Clerk's Office. The Planning Board is designated as the Special Permit Granting Authority (SPGA) for each of the required permits or approvals required for this project.

I. General

On June 30, 2018, The Dimopoulos Realty Trust, 170 Main Street, Maynard, MA 01754 (hereinafter referred to as "the Applicant") submitted to the Maynard Planning Board (hereinafter referred to as "the Board") an application requesting Site Plan approval for the property located at 170 Main Street, Maynard, MA, to allow development of a project (the "Project" and the "Site") consisting of a gas station and convenience store with drive-thru. The requested Special Permit applications are to:

- a. Modify the existing Special Permit (Exhibit "A") allowing "motor vehicle light service" use.
- b. Allow one drive-thru use.
- c. Provide relief from sign regulations of the Zoning By-laws (ZBL) consisting of a reduced sign setback from 15 feet to four (4) feet from the property line.

The applicant also requested waivers from applicable provisions of the Zoning By-laws (ZBL) and the Planning Board's Rules and Regulations (PBRR) consisting of relief from the following regulations:

- a. **ZBL 6.1.10.3:** No parking space or other paved surface, other than access driveway(s) or walkways, shall be located within 20 feet of the front lot line or 10

feet of any other lot line. Notwithstanding the foregoing, no parking space or other paved surface, other than access driveway (s) walkways, shall be located within the limits of a landscape buffer area required under this Section.

- b. **ZBL 6.1.10.4:** Each lot shall have one access driveway, which shall be at least 24 feet wide at its narrowest point but not more than 40 feet wide at its widest point. Each lot shall have one additional access driveway for each 200 feet of frontage provided all such access driveway(s) shall be at least 200 feet apart on the lot measured from the center line of each access driveway. In the case of an access driveway which shall be used for one-way traffic only, the minimum width may be reduced to 14 feet at its narrowest point.
- c. **PBRR C.9:** Proposed storm water drainage system shall conform to designs based on a 25-year storm record.

II. Plans and Documents Submitted in Support of the Application

The following documents (hereinafter referred to as the “The Plans”) and supporting documents were submitted to and reviewed by the Planning Board either with the associated application, or during the Public hearing process, and form the basis of this Decision.

Table 1		
Document	Prepared by	Date
Application for Site Plan Approval	Lakeview Engineering Associates, PO Box 787, Hudson, MA 01749	March 6, 2018
Site Plan entitled “Proposed Site Plan 170 Main Street Maynard Massachusetts”.	Lakeview Engineering Associates, PO Box 787, Hudson, MA 01749	Original date: July 5, 2018 Final revision date April 15, 2019
Application for Special Permit Approvals	Lakeview Engineering Associates, PO Box 787, Hudson, MA 01749	March 6, 2018
Elevations	Studio InSitu, 63 Main St, Maynard, MA 01754	July 11, 2018
Traffic Impact and Access Study	Ron Müller & Associates 56 Teresa Road, Hopkinton, MA 01748	March 26, 2019

The Planning Board reviewed these materials and subsequent revisions of the same, during the application, public hearing and deliberation processes.

III. Review Criteria

The project is located within, developed under, and subject to, the "Business" zoning district regulations.

The project requires and is subject to Town approvals for:

a. Site Plan

Site Plan approval is required per Section 10.5 of the ZBL. Site Plan review includes Design Review per Section 10.6 of the ZBL for this location. Site Plans are also subject to the PBRR and the Planning Board Landscape Regulations.

b. Special Permits

1. A Special Permit is required for "Motor Vehicle Light Service" use; per Section 3.0 of the ZBL. The applicant obtained a Special Permit for this use on April 23, 2013 (Exhibit "A"); this Special Permit requires an amendment for the new Site Plan. Section 10.4.2 of the ZBL provides the criteria that must be considered in order to issue a Special Permit.
2. A Special Permit is required for "Drive - Through" Facility use; per Section 3.0 of the ZBL.
3. A Signage Special Permit is required for relief from signage regulations; per Section 6.2.11 of the ZBL.

c. Design Guideline Consistency

Section 10.6 of the ZBL states that in order to grant Site Plan approval within the Business zoning district, a project must demonstrate consistency with Section 10.6 Design Review of the ZBL and the PBRR.

d. Waivers

The proposed Site Plan requires relief from requirements of the ZBL and the PBRR. The Planning Board's authority to grant waivers from the ZBL's Parking and Loading Standards is contained in Section 6.1.3, and for the PBRR within "Conditions Requiring Site Plan Approval".

IV. Public Hearings(s) and Vote(s) of the Planning Board

The Planning Board began Public hearings for the project on August 28, 2018 and closed the Public hearing on April 9, 2019. Notice for the public hearing was published in the Beacon-Villager on August 2 and August 9, 2018. It was sent via U.S. Mail to abutters of the property and other interested parties by certified mail according to the Assessors' Certified Abutters List.

No one at the public hearings spoke in opposition to the project.

a. **Site Plan with Waivers, Review and Vote:**

After conducting the public hearings, and after its own analysis and deliberation relative to the proposed project and the supporting documents and plans described above and herein, the Board finds that the project complies with standards for the issuance of Site Plan Approval pursuant to Section 10 of the ZBL and the PBRR, subject to the conditions of approval imposed by the Planning Board below:

Planning Board Vote – Waivers: The Board hereby GRANTS waivers from the following regulations:

1. ZBL 6.1.10.3 allowing an 11' parking setback from property lines (due to existing site constraints).
2. ZBL 6.1.10.4 reducing the centerline requirement between driveway centerlines from 200 feet to 130.5 feet.
3. PBRR C.9 allowing the use of a 25 year storm event for design of the protective drainage conveyance system.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
William Cranshaw	Yes
Jim Coleman	Yes

Planning Board Vote: to GRANT Approval for the plans entitled "Site Plan "Proposed Site Plan 170 Main Street Maynard Massachusetts" originally dated July 5, 2018 with a final revision date of April 15, 2019 and containing the waivers granted above and subject to the Conditions of Approval as contained in Section V of this Decision.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
William Cranshaw	Yes
Jim Coleman	Yes

b. **Special Permits, Findings and Vote:**

After conducting the public hearings, and after its own analysis and deliberation relative to the proposed project and the supporting documents and plans described above and herein, the Board determined the following Special Permit requests are consistent with the requirements for the issuance of Special Permits as described in Section 10.4.2 "Criteria" of the ZBL.

Planning Board Vote: to GRANT a Special Permit to for a "Motor Vehicle Light Service" use; per Section 3.0 of the ZBL. This approval amends the existing Special Permit approved on April 23, 2013 (Exhibit "A") and is subject to the Conditions of Approval as contained in Section V of this Decision.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
William Cranshaw	Yes

Jim Coleman Yes

Planning Board Vote: to GRANT a Special Permit to allow a Drive-Through Use at 170 Main Street, subject to the Conditions of Approval as contained in Section V of this Decision.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
William Cranshaw	Yes
Jim Coleman	Yes

Planning Board Vote: to GRANT a Special Permit to allow a relief from sign regulations of the Zoning By-laws (ZBL) by allowing a reduced sign setback from 15 feet to four (4) feet from the property line, subject to the Conditions of Approval as contained in Section V of this Decision.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
William Cranshaw	Yes
Jim Coleman	Yes

c. Design Guideline Approval

After conducting the public hearings, and after its own analysis and deliberation relative to the proposed project and the supporting documents and plans described above and herein, the Board determined the project demonstrated consistency with Section 10.6 (Design Review) of the ZBL and the PBRR.

Planning Board Vote: to determine if the request meets the criteria for Design Guidelines as described in Section 10.6 of the ZBL.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
William Cranshaw	Yes
Jim Coleman	Yes

V. Conditions of Approval

The following conditions apply to the Planning Board's approval of this project:

- a. If site operational issues arise, the Planning Board reserves the right to revisit hours of operation and delivery schedules at a posted meeting of the Planning Board.
- b. The applicant shall address any comments arising from analysis of the applicant's Traffic Impact and Access Study dated March 26, 2019, as directed by the Town Engineer. If in the opinion of the Town Engineer or Town Planner, a major modification

to the site plan is required based on the analysis, the applicant shall submit an application for a site plan amendment and associated public hearing.

- c. The Applicant shall conduct additional soil test pits to confirm soil condition consistency with samples obtained in the limited test pit information provided as part of the site plan application.
- d. The Applicant shall coordinate with DPW to ensure the site is in compliance with the new Town Water and Sewer regulations.

THIS SECTION INTENTIONALLY LEFT BLANK

VI. Planning Board Endorsement

The Planning Board's approval is hereby approved with the Findings and Conditions contained herein.

Signing for the Maynard Planning Board:



Greg Tuzzolo, Chair

April 9, 2019
Date



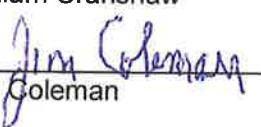
Andrew D'Amour

April 9, 2019
Date



William Cranshaw

April 9, 2019
Date



Jim Coleman

April 9, 2019
Date

Exhibit "A"
Special Permit approved April 23, 2013

Exhibit "A"



Maynard Planning Board
Maynard Town Building
195 Main Street
Maynard, MA 01754



To: Town Clerk
Maynard Town Building
195 Main Street
Maynard, MA 01754

To: Dimopoulos Realty Trust
170 Main Street
Maynard, MA 01754

DECISION OF THE PLANNING BOARD

SPECIAL PERMIT APPLICATION

Motor Vehicle Light Service
Assessor's Map 14 Parcel 130
170 Main Street
Maynard, MA 01754

April 23, 2013

Members Present and Voting: Max Lamson, Chairman
 Kevin Caizia
 Jason Kreil
 Gregory Price

On February 7, 2013, the Petitioner filed an application with the Maynard Planning Board for a Special Permit in accordance with Maynard Zoning Bylaws, pursuant to Sections 3.1.2 and 10.4 to change a Pre-existing Non-Conforming Use to a Permitted Use.

"Parties of interest" were verified by the Board of Assessors. Notice of Public Hearing was mailed by the recording secretary of the Planning Board to the "Parties of interest" and said notice as advertised, all according to statute.

Exhibit "A"

The hearing was held on March 12, 2013, as scheduled and advertised. The Board considered the request in the light of statutory criteria and the requirements of said Bylaw. The petitioner, Nicholas Dimopoulos, and his engineer, Stephen Poole spoke on behalf of the application.

It was established that a Gasoline Service Station has been operating on this site since 1962. The subject Property is located entirely within the Business District and the Downtown Overlay District. Subsequent to that, the Town of Maynard Protective Zoning By-Laws established that this use is only permitted in this District by the issuance of a Special Permit by the Maynard Planning Board, pursuant to Section 3.1.2, 4. Business Uses, Motor Vehicle Light Service.

After discussion the Planning Board determined that the granting of a Special Permit will not have:

- 1) Adverse effects to the community,
- 2) Adverse effect to traffic flow, safety, parking or loading,
- 3) Adverse effect to the adequacy of utilities or other public services,
- 4) Adverse effect on neighborhood character,
- 5) Adverse impact on the environment, or
- 6) Potential fiscal impact on Town.

The Planning Board of the Town of Maynard (Acting under the Maynard Protective Zoning By-Laws, Maynard General Town By-Laws and Massachusetts General Laws, Chapter 40A) by a **Vote of 4 in Favor to 0 Opposed**, Hereby **GRANTS** the requested Special Permit to the conditions and limitations contained herein.

This decision does not relieve the Petitioner or any other person of the necessity of complying with all other applicable federal, state and local laws or by-laws.

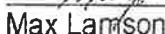
Any appeals of this Decision shall be made pursuant to M.G.L. Chapter 40A, Sec. 17 and a copy of the appeal shall be filed in the Town Clerk's Office within twenty (20) days after the date of the filing of the Decision with the Town Clerk.



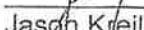
Gregory Price

4-25-2013

Date:



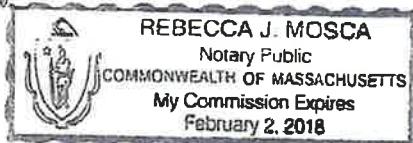
Max Lamson



Jason Kreil



Kevin Calzia



Rebecca J. Mosca



Exhibit "A"

Office of the
TOWN CLERK
195 Main Street – Town Building
Maynard, Massachusetts 01754
Telephone (978) 897-1300

May 15, 2013

Re: Decision of the Planning Board
Special Permit Application
170 Main Street
Maynard, MA 01754

Date of Decision: **April 23, 2013**

Applicant: **Nicholas Dimopoulos**
Dimopoulos Realty Trust
170 Main Street
Maynard, MA 01754

I hereby certify that this decision and any authorized signatures are true copies of the original and that 20 days have elapsed from the filing date of the decision and that no appeal has been filed in this office.

Attest: A True Copy

Michelle L. Sokolowski, Town Clerk

Seal

Registry of Deeds, South Middlesex District
208 Cambridge Street
East Cambridge, Ma 02141
(617) 679-6300

Exhibit "A"



Petition of Dimopoulos Realty Trust

Premises: 170 Main Street, Maynard (Map 14 Parcel 130)

Case No. 2013 SP-5

Date of Decision: October 22, 2013

On August 13, 2013, the petitioner, Dimopoulos Realty Trust, whose establishment known as Jimmy's Garage is located at 170 Main Street, Maynard, filed an application with the Maynard Zoning Board of Appeals for a Special Permit pursuant to Section 5.1, to allow for a reconstruction and expansion of a nonconforming structure.

"Parties in interest" were verified by the Board of Assessor's. Notice of Public Hearing was mailed to the "Parties in interest" and said notice was published in the Beacon Villager on August 29 and September 5, 2013, all according to statute.

The hearing was held on September 16, 2013, as scheduled and advertised. The petitioner, Nicholas Dimopoulos of Dimopoulos Realty Trust, and his engineer, Stephen Poole of Lakeview Engineering, spoke on behalf of the application. The Public Hearing was closed on the same date it was opened. After the Public Hearing was closed the Zoning Board of Appeals held deliberations related to the merits of the proposal and in rendering a Special Permit Decision. The Board considered the request of the Special Permit in the light of statutory criteria and the requirements of said Zoning Bylaw.

WHEREFORE, the Board hereby grants the requested Special Permit pursuant to Section 5.1.3. and MGL C. 40A § 9, based upon the following findings:

1. It was established that a Gasoline Service Station has been operating on this site since 1962.
2. The subject Property is located entirely within the Business District and the Downtown Overlay District.
3. The Gasoline Service Station use is only permitted in this District by the issuance of a Special Permit by the Maynard Planning Board, pursuant to Section 3.1.2, 4. Business Uses, Motor Vehicle Light Service. The Petitioner was granted said Use Special Permit by the Planning Board on April 23, 2013.
4. Approval of this Special Permit will provide relief to the Petitioner to reconstruct and alter / extend the existing structure on the Property, subject to the Condition of this Approval. Said

Exhibit "A"

relief includes reconstructing the canopy structure in front of the Gasoline Service Station building to a 10.5-foot front-yard setback dimension.

After discussion the Zoning Board of Appeals determined that the granting of this Special Permit WILL NOT HAVE:

1. Adverse effect to the community.
2. Adverse effect to traffic flow, safety, parking or public loading.
3. Adverse effect to the adequacy of the Town's utilities or other public services.
4. Adverse effect on neighborhood character.
5. Adverse effect on the environment, or
6. Potential negative fiscal impact on the Town.

Condition of Approval:

1. No construction shall occur until the Petitioner has received Site Plan Approval from the Planning Board, pursuant to Section 10.5 of the Maynard Zoning Bylaw.

THEFORE, the Zoning Board of Appeals votes 4-0 to APPROVE the requested Special Permit to the conditions and limitations contained herein.

MEMBERS: Attending and voting as follows on the within petition: Paul Scheiner, Chair; Marilyn Messenger; Carlos Perez; and, Leslie Bryant. Vote 4 to 0 to Approve.

Paul Scheiner, Chair _____

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, and a copy of the appeal shall be filed in the Town Clerk's office within twenty (20) days after the date of the filing of the Decision in the office of the Town Clerk.

Dated: October 22, 2013