



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

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AUG 15 2019

Town Clerk's Office
MAYNARD, MA 01754

Maynard Planning Board
Notice of Decision

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

July 7, 2019

Re: Site Plan and Special Permit approval for the plan entitled "42 Summer Street" (latest revision date June 24, 2019) drawn by LALA Associates Engineers LLC, 37 Old Village Road, Acton, MA 01720. Planning File # PB18-05.

Dear Ms. Sokolowski:

Please accept this Notice of Decision for 42 Summer Street, Maynard, MA. (Map 14, Parcel 171). This is for Site Plan approval with a Special Permit and it is ready for recording by the Maynard Town Clerk's Office.

I. General

On March 26, 2018, James MacDonald of MacDonald Development Inc. (hereinafter referred to as "the Applicant") submitted to the Maynard Planning Board (hereinafter referred to as "the Board") an application requesting Site Plan (with Waivers) and Special Permit approval for a Multi-Family Dwelling to be located at 42 Summer Street, Maynard, Ma. 01754. The project proposes new construction of 24 residential units utilizing the Downtown Overlay District regulations.

The Planning Board is designated as the Special Permit Granting Authority (SPGA) for each of the required permits or approvals required for this project.

Consistent with Section 9.4.5 of the Zoning By-laws (ZBL) the petitioner requested a reduced minimum lot area for the project to allow for nine "bonus units" making a total of 24 units (1,500 sf of lot area required per unit. Applicant's proposal provided 800 sf per unit).

In order to receive a density bonus, the ZBL require 25% of the bonus units (six units) be dedicated as "affordable" in perpetuity. Additionally, two other actions (separate from Site Plan and Special Permit) must occur. The applicant must:

- a. Execute a Development Agreement (DA) with the Town, and dedicate 25% of the units as affordable (Section 9.4.5 calls for 15% affordable however the Town's Inclusionary Zoning By-law requires 25%).
- b. Make a Donation to Community Preservation Fund or equivalent fund dedicated to open space or recreation land (\$9,400 cap per bonus unit per Planning Board Regulations).

The applicant also requested waivers from applicable provisions of the Zoning By-laws (ZBL) and the Planning Board's Rules and Regulations (PBRR). The Applicant's list of requested waivers is contained in "Exhibit 'A'"

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.

Document	Prepared by	Date
Application for Site Plan Approval with list of requested waivers	MacDonald Development, Inc.	March 30, 2018
Site Plan	Lala Associates Engineers LLC	Original date: February 2, 2018 Final revision date: June 24, 2019
Application for Special Permit Approval for Multi-family use in GR Zoning District	MacDonald Development, Inc.	March 12, 2018
Maynard Point, 42 Summer Street Elevation Plans	Peter J. Karb Architect	Original date: May 20, 2019 Final revision date: June 25, 2019
42 Summer Street Planting Plan.	Elizabeth Hanna Morss, LA	Original date: May 3, 2019 Final revision date: June 21, 2019
Stormwater Report, 42 Summer Street, MA	Lala Associates Engineers LLC	Original date: April 18, 2019 Final revision date: June 24, 2019
Development Agreement		Approved and executed by the Planning Board in a separate action.

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 Downtown Overlay District (DOD) zoning regulations. The project required Town approvals for:

- a. **Site Plan:** Site Plan review is required per Section 10.5.1 of the ZBL.
- b. **Special Permit:** The proposal is for a multi-family dwelling use in the DOD. The Special Permit criteria are located in Section 10.4 of the ZBL.
- c. **DOD Special Permit:** The Planning Board shall apply Section 9.4.6 of the ZBL for projects within the DOD criteria in addition to those located in Section 10.4 of the ZBL.
- d. **Design Review:** The project is subject to Design Review per Section 10.6 of the ZBL.
- e. **Waivers:** The applicant is requesting waivers from the ZBL and the PBRR as contained in Exhibit "A".

Internal Review

- a. Health Agent: No comment
- b. Building Commissioner: No comment
- c. Conservation Administrator: Revisions made based on input. Stormwater Management permit issued by the Conservation Commission on July 9, 2019.
- d. Town Engineer: Revisions made based on input.
- e. Police: No comment.
- f. Fire: Comments addressed.
- g. Design: Comments provided. Applicant revised elevations based on input.

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

The Planning Board began Public Hearings for the project on May 8, 2018 and closed the Public Hearing on June 25, 2019. Notice for the public hearing was published in the Beacon-Villager on April 19 and April 26, 2018. It was sent to abutters of the property and other interested parties by certified mail according to the Assessors' Certified Abutters List.

In order to reset the hearing and allow for new Planning Board members to participate, a second notice for the public hearing was published in the Beacon-Villager on February 12 and February 21, 2019. It was sent to abutters of the property and other interested parties by certified mail according to the Assessors' Certified Abutters List.

a. Special Permit for Multi-family Residential in the GR Zoning District:

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.

Board Findings:

1. **Social, economic, or community needs which are served by the proposal;**
The project provides six (6) units designated to Affordable Housing, benefiting both the accessibility for high-quality, new rentals in the downtown area, as well as the Town of Maynard's Affordable Housing obligation.

2. **Traffic flow and safety, including parking and loading;**
This location is a pre-existing Downtown location. The project creates a modest increase in traffic flow on Summer Street, which will be addressed by safety measures such as a stop sign on the property, adequate setbacks for site distance when entering/exiting the property, and newly constructed sidewalks. Site will also include 34 parking spaces, an adequate supply for the demand of the 24 units.

3. **Adequacy of utilities and other public services;**
This site is currently served by utilities. All utilities will all be newly constructed and built to meet current code.

4. **Neighborhood character and social structures;**
This location is in a pre-existing Downtown mixed-use (residential/business) location. It is sited in a location consistent with the requirements of the Zoning By-laws. The Planning Board's Conditions of Approval include mitigation measures to ensure minimal –if any– disruption to the social structure. Public input was incorporated into the final design. The design compliments the neighborhood character by utilizing a modern design of a classic “shaker” style home. The design keeps with the current style of siding, the pitched roof, and the color yellow to respect and embrace what the neighbors and residents admire about the current dwelling.

5. **Impacts on the natural environment;**
The project improves current stormwater runoff conditions by creating a closed system that allows for no stormwater runoff the site, effectively preventing runoff onto neighboring properties and from flowing into the Assabet River.

6. **Potential fiscal impact, including impact on town services, tax base, and employment.**
The project benefits the Town by yielding Property Taxes (estimated annual taxes are between \$50,000-\$90,000 based on similar projects in Town owned by the Applicant), as well as creating more housing for potential entrepreneurs and/or employees of local businesses.

Planning Board Vote: to GRANT a Special Permit to allow a Multi-family Residential in the GR Zoning District.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
Jim Coleman	Yes

William Cranshaw
Christopher Arsenault

Yes
Yes

b. Special Permit for the Downtown Overlay District

The Board determined the following Special Permit requests are consistent with the requirements for the issuance of Special Permits within the Downtown Overlay District as described in Section 9.4.6 "Criteria" of the ZBL.

Board Findings:

1. Section 9.4.6.1: The proposal meets the standard constituting a high quality development in regards to construction materials, architectural design, which will enhance the downtown and immediate neighborhood and provide a significant benefit to the residents of Maynard.

The building has been designed to foster a vibrant, attractive, and durable downtown by establishing a new residential development built with high quality materials. It has been designed to include site and architectural features consistent with the properties that the Town has articulated as the "best" developments within the DOD, in partnership with the Town appointed "Design Review Consultant." Building design has been modeled after the "shaker" style, in an effort to keep consistency of the spirit and style of the neighborhood, which consists of both larger 2.5 to 3 story residential homes as well as commercial properties. By designing a 24 unit building in the shape of a "shaker" style home (uniquely simple, regularized windows, focus on functionality), the proposed building design bridges the gap between the commercial and residential ends of Summer Street. The building enables a modest increase in density of the downtown area with a 24 unit building, including 15 by-right units, and 9 bonus units. The building increases the effectiveness of the allocation of parking spaces due to its proximity to downtown, allowing the residents to use their residential parking rather than public parking when visiting the downtown area.

2. Section 9.4.6.2: When applicable, the proposed development will provide effective protection of the Assabet River from storm water runoff from new impervious surfaces being proposed.

The proposal, although not directly abutting the Assabet River, provides effective protection of stormwater runoff from reaching the Assabet River, or any other property. The proposal includes an engineered closed stormwater system, creating essentially no stormwater runoff. This is an improvement from the current site's stormwater runoff impact on surrounding properties as well as the Assabet River.

3. Section 9.4.6.3: The proposal shall improve the function of the downtown by at least one of six means outlined in ZBL 9.4.6.3. The proposal improves the function of the downtown in four of the six means:

9.4.6.3.A - The proposal will improve the usage of public parking spaces in the downtown area by developing a downtown building in close proximity to the shops, restaurants, and other downtown attractions, allowing the residents of the building to navigate to, and throughout, the downtown without a vehicle. By using their residential parking instead of public parking, public spots are freed up for additional downtown visitors/customers.

9.4.6.3.C - The proposal shall significantly improve the pedestrian experience in downtown Maynard by creating a brand new, vibrant, attractive, and tastefully designed piece of real estate, designed in conjunction with the Town-appointed Design Review Architect to meet the standards outlined in section 10.6 "Design Review"; the reconstruction of the Summer Street sidewalk along the North end of the property (aligning with the Town's Complete Streets section of the Master Plan); and attractive landscaping (designed by licensed Landscape Architect Elizabeth Hanna Morss of Concord, MA) adjacent to the Rail Trail. The proposal shall improve the pedestrian experience by maintaining the landscaping on the Town owned parcel of land situated along the Rail Trail / retaining wall, indefinitely, in the same manner and with the same care as the Owner's property adjacent to it. In addition to the already evidenced improvements to the pedestrian experience, the Applicant will also improve the pedestrian experience in the Downtown Area by redeveloping the Thomas Street parcel, as part of the Development Agreement between the Applicant and the Town of Maynard. As outlined in the proposal's Development Agreement, the Applicant will transform the town-owned Thomas Street parcel from an unused, inaccessible river front property to a visitor friendly, public use amenity which capitalizes on both access to and views of the Assabet River, aiding in the Town's goal of reclaiming riverfront access.

9.4.6.3.E - The proposal shall significantly increase views and access to the Assabet River by improving the town owned parcel of land on Thomas Street in the following ways:

- Demolishing and removing the current dilapidated garage and shed.*
- In partnership with the Conservation Commission, designing an open space area with community bike racks, benches, picnic tables, pathway to the Assabet River, and parking.*
- Constructing this community amenity area, highlighting and capitalizing on the unique access and view of the Assabet River.*

9.4.6.3.D - Although not directly abutting the Assabet River, the proposal, provides effective protection of stormwater runoff from reaching the Assabet River and abutting properties, by an engineered closed stormwater system, where there will essentially be no stormwater runoff. This is an improvement from the current site's stormwater runoff.

9.4.6.3.F - The proposal shall provide a significant improvement to the functioning of the downtown area by aiding in the Town's development of downtown rental housing

market, whereby creating residential units attracting working-class professionals to shop, work, eat, and/or open new businesses in the downtown. Continuing to diversify housing options in the downtown will increase consistency in overall foot traffic and profit for our local downtown businesses, aiding in both the functionality and sustainability of downtown.

Planning Board Vote – Special Permit: to GRANT a Special Permit to allow development within the Downtown Overlay District.

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

c. Waivers from Zoning By-laws and Planning Board Rules and Regulations
The Board considered each of the Applicant's Waiver requests:

Planning Board Vote – Waiver #1: The Board hereby GRANTS a waiver from ZBL Section 9.4.10 to allow a total of 34 rather than 36, parking spaces for the project.

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

Planning Board Vote – Waiver #2: The Board hereby GRANTS a waiver from ZBL Section 6.1.10.3 providing relief from the required 20 foot front yard parking space setback to allow a setback of 6.9 feet and relief from the required 10 foot side yard parking space setback to allow a setback of 2.0 feet.

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

Planning Board Vote – Waiver # 3: The Board hereby GRANTS a waiver from ZBL Section 6.1.10.6 to allow an 18 foot interior driveway width (24 feet required).

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

Planning Board Vote – Waiver # 4: The Board hereby GRANTS a waiver from ZBL Section 6.1.11.1 to allow utilization of parking spaces with a reduced size of 8 feet x 18 feet (9 feet x18.5 feet required).

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

Planning Board Vote – Waiver # 5: The Board hereby GRANTS a waiver from ZBL Section 9.4.4 to provide relief from the minimum required lot area of 1,500 square feet per residential unit, to allow 24 units at (956 square feet per unit). Note: the applicant has met the requirements for a density bonus by complying with ZBL Section 9.4.4.

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

Planning Board Vote – Waiver # 6: The Board hereby GRANTS a waiver from ZBL Section 9.4.4 providing relief from the maximum 10 foot front yard setback to allow a setback of greater than 10 feet in parts of the structure.

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

Planning Board Vote – Waiver # 7: The Board hereby GRANTS a waiver from PBRR Section A.8 allowing a 1'=10' scale on sheets C2.1, C3.1, C4, and C5.

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

Planning Board Vote – Waiver # 8: The Board hereby GRANTS a waiver from PBRR Section D.4 requiring a traffic circulation/impact study.

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

Planning Board Vote – Waiver # 9: The Board hereby GRANTS a waiver from PBRR requiring a survey plan be prepared by a Professional Land Surveyor. The survey is prepared and stamped by a Professional Engineer (PE).

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

d. Site Plan Review

The Board determined the Site Plan is consistent with Section 10.5 of the ZBL and the PBRR.

Planning Board Vote: to GRANT Site Plan Approval for the plans entitled "42 Summer St. Maynard" with a revision date of June 24, 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
Jim Coleman	Yes
William Cranshaw	Yes

e. Design Guideline Approval

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
Jim Coleman	Yes
William Cranshaw	Yes

V. Conditions of Approval

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

1. Project shall be developed consistent with the Development Agreement, Clerk date-stamped July 15, 2019 (Exhibit "B").
2. The Applicant shall provide additional material requested by the Town Design Consultant for final approval. Applicant shall provide the Planning Board with materials describing any and all architectural/design changes, clarifications or other modifications made to overall design. This includes seating under the tree

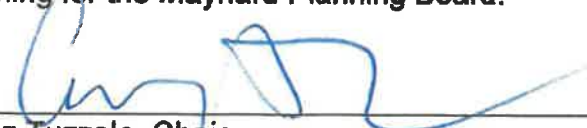
- (front yard on Summer Street) adjacent to the existing stone bench feature on the northeast portion of the property to enhance gathering space.
3. The Final Plans shall incorporate all requested changes provided by the Town Engineer. A revised set of plans shall be submitted and shall be stamped by the Engineer.
 4. The Engineer shall provide a detailed cross section of the proposed drainage line and infiltration system with all pavement and materials above the proposed pipe and infiltration systems dimensioned with elevations for clarity. If adequate coverage is not provided the pipe or infiltration system, the Applicant shall return to the Planning Board and Conservation Commission with a modified design.
 5. The Applicant shall provide a photometric plan prior to the start of construction the shows light levels as they relate to the property lines.
 6. A bike rack shall be provided on site near the proposed seating areas for the use of the bike path patrons.
 7. Additional test pits shall be provided prior to construction to determine if soil is consistent within areas of proposed infiltration. If any design changes are required based on this additional information the Applicant shall return to the Planning Board and Conservation Commission with a modified design.
 8. The Applicant shall comply with all comments received from Stantec in the Stantec Memos on Water and Sewer dated January 31, 2019 and May 7, 2019.
 9. All outstanding Peer Review balances incurred by the Town shall be paid prior to the issuance of the Planning Board Decision.

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 June 25, 2019
Date



Andrew D'Amour June 25, 2019
Date



William Cranshaw June 25, 2019
Date



Jim Coleman June 25, 2019
Date

Exhibit "A"
Requested Waivers

LALA ASSOCIATES ENGINEERS LLC

EIN 83-0920782

M.ASCE, M.SEI, M.NSPE, M.I.E.(India), M.AMWS, M.ACI, M.ICC

37 OLD VILLAGE ROAD, ACTON, MA 01720

I.C.# 40460-C(MA), 13350(MI), 09227(NI I), 084611(NY), 007736(VT)

www.lalaengineers.tk

Ref:12293.33

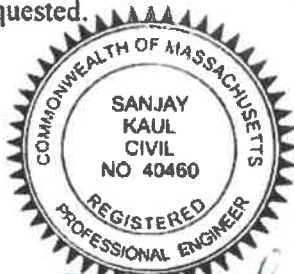
June 20,2019

Mr. Greg Tuzzolo, Chair
Town of Maynard Planning Board
195 Main Street
Maynard, MA 01754

Re: Application for Special Permit and Site Plan Approval - 42 Summer Street
LIST OF WAIVERS REQUESTED

Following is the list of waivers requested from the zoning requirements:

1. **9.4.10** - For the 24 units proposed, the parking spaces as required are 36 at the rate of 1 ½ spaces per unit; 34 spaces are proposed. A waiver is requested from the regulation.
2. **6.1.10.3** - Proposed front yard setback to the 1st parking space is a minimum of 6.9ft, and a maximum of 11.2ft. The side/rear yard setback is 2ft. A waiver is requested from the regulation requiring 20ft front yard setback for the 1st parking space, and 10ft side/rear yard setback, for the two handicap parking spaces.
3. **6.1.10.4** - Proposed 18ft minimum, 26.6ft maximum driveway width for two-way traffic next to parallel parking. A waiver is requested from the 24ft minimum.
4. **6.1.11.1** - Proposed spaces are 8x18 parallel and perpendicular parking. A waiver is requested from the standard size requirement of standard size 9x18.5. (Compact parking is 8x15. None of the proposed parking stalls are smaller than 8x18).
5. **9.4.4** - Minimum Area of 1,500 SF per residential unit is not met with current proposal. For providing less square footage i.e. 24 units at 956sf per unit proposed, a waiver is requested from the 1500 sf requirement.
6. **9.4.4** - Maximum front yard setback of 10-feet is not met with the current proposal. The angular setting of the building has varying setbacks at the front property line and is greater than 10-feet in some areas. A waiver is requested from this requirement.
7. **A.8** - Four (4) sheets (C2.1, C3.1, C4, and C5) are drawn at 1'=10' scale for clarity. A waiver is requested from the regulation.
8. **D.4** - A traffic circulation/impact study has not been provided for both the site and surrounding areas. A waiver is requested from the regulation.
9. **4.2.1** - The survey plan is stamped by a P.E. - not a Professional Land Surveyor. A waiver is requested.



Sanjay Kaul

(978)337-5252

lalaengineers@gmail.com

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Exhibit "B"
Development Agreement