Protective

Zoning By-laws

The Town of Maynard, Massachusetts 01754

Zoning As Amended Through
Special Town Meeting, November 4, 2013

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MEMORANDUM

To: Michelle Sokolowski, Town Clerk
From: Maynard Planning Board
Date: April 30, 2014
Subject: Amended (and corrected) Zoning By-laws

The undersigned, being members of the Maynard Planning Board, hereby submit the attached copy of the Zoning By-laws as amended through Special Town Meeting of November 4, 2013 *and the Planning Board Meeting of April 30, 2014...Also address required corrections reflected in the printed Zoning Bylaw that was supposed to be based on the zoning amendments through the Special Town Meeting of October 26, 2011 but were incorrectly published.*

Bernard Cahill, Chairman — April 30, 2014

Max Lamson — April 30, 2014

Greg Tuzzolo — April 30, 2014

Kevin Calzia — April 30, 2014

Charles T. Shea — April 30, 2014

PROTECTIVE ZONING BY-LAWS
Town of Maynard, Massachusetts
Zoning as Amended Through Special Town Meeting, November 4, 2013

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PROTECTIVE ZONING BY-LAWS
Town of Maynard Massachusetts
Zoning as Amended Through November 4, 2013

SECTION 1.0 PURPOSE AND AUTHORITY

1.1 PURPOSE. These regulations are enacted to promote the general welfare of the Town of Maynard, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the town, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, G.L. c. 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.2 AUTHORITY. This Zoning By-Law is enacted in accordance with the provisions of the General Laws, Chapter 40A, and any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.3 SCOPE. For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

1.4 APPLICABILITY. All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning By-Law. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this By-Law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this By-Law shall control.

1.4.1 Applicability; Nonconformities. Except as herein after provided, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or a structural change to a single or two family residential structure does not increase the nonconforming nature of said structure.

1.4.2 Commencement of Construction or Operation. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Bylaw, unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

1.5 AMENDMENTS. This By-Law may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

1.6 SEPARABILITY. The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision herein.

SECTION 2.0 DISTRICTS

2.1 DISTRICTS

The Town of Maynard is hereby divided into the following districts:

Single Residence Districts	S-1
Single Residence Districts	S-2
General Residence Districts	GR
Business Districts	B
Central Business Districts	CB
Industrial Districts	I
Garden Apartment Districts	GA
Open Space Districts	OS
Health Care/Industrial District	HCI

2.2 OVERLAY DISTRICTS

The Town of Maynard is hereby divided into the following overlay districts:

Neighborhood Business Overlay District
Downtown Mixed-Use Overlay District
Water Supply Protection District

2.3 MAP

Said districts are on a map entitled "Zoning Map of Maynard", dated October 5, 1959 as revised thereafter, which map is signed by the Planning Board and is on file with the Town Clerk.

SECTION 3.0 USE REGULATIONS

3.1 PRINCIPAL USES.

No land shall be used and no structure shall be erected or used except as set forth in the following Table of Use Regulations, including the notes to the Table, or as otherwise set forth herein, or as exempted by General Laws. Any building or use of premises not herein expressly permitted is hereby prohibited.

3.1.1 Key. In the Use Table the following symbols are employed:

Y	Yes; an allowed or permitted use
N	No; a prohibited use
BA	Use available by special permit from the Board of Appeals
PB	Use available by special permit from the Planning Board
SB	Use available by special permit from the Select Board

3.1.2 Table A - Use Regulations.

Principle Uses									
1. Residential Uses	**S-1**	**S-2**	**GR**	**B**	**CB**	**HCI**	**I**	**GA**	**OS**
Single family dwelling	Y	Y	Y	Y	N	N	N	N	N
Two family dwelling	N	N	Y	Y	N	N	N	N	N
Multifamily dwelling	N	N	PB	PB	N	Y[166]	N	N	N
Garden Apartment	N	N	N	N	N	Y[167]	N	Y	N
Health care/elderly housing, Assisted living Residence	BA	BA	BA	N	N	Y	N	N	N
Nursing and convalescent home	BA	BA	BA	BA	N	Y	N	N	N
Live/work dwelling unit[168]	N	N	N	Y	Y	Y	N	N	N

Principle Uses									
2. Government, Institution and Public Services Uses	**S-1**	**S-2**	**GR**	**B**	**CB**	**HCI**	**I**	**GA**	**OS**
Municipal facilities	PB	PB	PB	Y	Y	Y	Y	N	PB
Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y
Child care center	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cemetery	BA	BA	BA	BA	N	N	N	N	N
Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y
Essential Services	PB	PB	PB	PB	PB	PB	PB	PB	PB
Wireless Telecommunications Towers and Facilities	N	N	N	PB	PB	PB	PB	N	N
Public Market	N	N	N	N	Y	Y	N	N	N
Public Transportation Facility	N	N	N	Y	Y	Y	Y	N	N

3. Agricultural and Outdoor Uses	**S-1**	**S-2**	**GR**	**B**	**CB**	**HCI**	**I**	**GA**	**OS**
Agricultural, exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y
Farm stand, exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y
Agricultural, nonexempt	Y	Y	Y	Y	N	N	N	Y	Y
Farm stand, nonexempt	BA	BA	BA	BA	N	N	N	N	N
Nonprofit recreational use, passive	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garden Center[169]	N	N	N	Y	Y	Y	N	N	N

Principle Uses									
4. Business Uses	**S-1**	**S-2**	**GR**	**B**	**CB**	**HCI**	**I**	**GA**	**OS**
Private Club	BA	BA	BA	BA	BA	Y[170]	N	N	N
Retail Businesses	N	N	N	Y	Y	Y[171]	N	N	N
Business or Professional Office	N	N	N	Y	Y	Y	Y	N	N
Bank or Financial Institution	N	N	N	Y	Y	Y	Y	N	N
Medical Office	N	N	N	Y	Y	Y	N	N	N
Clinic and Healthcare facility, with ancillary uses	N	N	N	N	N	Y	N	N	N
General or personal service establishment	N	N	N	Y	Y	Y[172]	BA	N	N
Funeral home	BA	BA	BA	Y	Y	N	N	N	N
Theater, halls, clubs, or other places of entertainment	N	N	N	BA	BA	N	N	N	N
Hotels, motels, extended stay facility	N	N	N	BA	N	Y[173]	N	N	N
Restaurants or other food service uses not including fast food restaurants	N	N	N	Y	Y	Y[174]	N	N	N
Fast food restaurants	N	N	N	PB	PB	N	N	N	N
Motor vehicle light service	N	N	N	PB	PB	N	N	N	N
Motor vehicle repair or body work	N	N	N	PB	PB	N	N	N	N
Motor vehicle sales, new or used	N	N	N	PB	N	PB	N	N	N
Car wash	N	N	N	PB	N	N	Y	N	N
Lumber, feed, ice establishments	N	N	N	Y	N	N	N	N	N
Fuel distribution facility	N	N	N	PB	N	PB[175]	N	N	N
Printing shops	N	N	N	Y	Y	Y[176]	N	N	N
Veterinarian office or animal hospital	N	N	N	PB	PB	PB	PB	N	N
Kennel, commercial	N	N	N	PB	N	N	PB	N	N

Principle Uses									
4. Business Uses	**S-1**	**S-2**	**GR**	**B**	**CB**	**HCI**	**I**	**GA**	**OS**
Adult entertainment	N	N	N	N	N	N	SB	N	N
Body Art Establishments	N	N	N	PB	N	N	PB	N	N
Supermarket[177], up to 25,000 square feet Floor Area, Gross[178]	N	N	N	Y	Y	Y	Y	N	N
Supermarket, greater than 25,000 square feet Floor Area, Gross and up to 65,000 Floor Area, Gross[179]	N	N	N	PB	N	PB	PB	N	N
Supermarket, greater than 65,000 square feet Floor Area, Gross[180]	N	N	N	N	N	N	N	N	N
Fitness Club[181]	N	N	N	Y	Y	Y	Y	N	N
Brewery with ancillary food service[182]	N	N	N	N	N	Y	N	N	N
Registered Marijuana Dispensary (RMD)[183]	N	N	N	PB	N	PB	PB	N	N

Principle Uses									
5. Industrial Uses	**S-1**	**S-2**	**GR**	**B**	**CB**	**HCI**	**I**	**GA**	**OS**
Research laboratories w/ incidental assembly or manufacturing	N	N	N	N	N	Y	Y	N	N
Manufacturing, light manufacturing, development or engineering	N	N	N	N	N	Y	Y	N	N
Parking areas or garages for use by employees, customers, visitors	N	N	N	N	N	Y	Y	N	N
Warehousing	N	N	N	N	N	Y	Y	N	N
Screened storage, accessory buildings and accessory uses	N	N	N	N	N	Y	Y	N	N
Garaging incidental to any industrial use	N	N	N	N	N	Y	Y	N	N
Mini or self storage facility	N	N	N	PB	N	Y	Y	N	N
Wholesale business	N	N	N	Y	Y	Y	N	N	N
Ground mounted solar photovoltaic facility	N	N	N	N	N	N	Y	N	N
Solar photovoltaic facility mounted on building	N	N	N	N	N	Y	Y	N	N
Emerging energy technology	N	N	N	N	N	Y	Y	N	N
Hydroelectric power generation	N	N	N	N	N	Y	Y	N	N

Other Uses									
6. Accessory and Other Uses	**S-1**	**S-2**	**GR**	**B**	**CB**	**I**	**HCI**	**GA**	**OS**
Accessory Apartment	BA	BA	BA	BA	N	N	N	N	N
Customary Home Occupation	Y	Y	Y	Y	Y	N	N	N	N
Customary Home Occupation, with nonresident employees(s)	BA	BA	BA	Y	BA	N	N	N	N
Trade shop	BA	BA	BA	Y	Y	N	Y[184]	N	N
Hairdresser, novelty shop, antique shop in home	BA	BA	BA	Y	Y	N	N	N	N
Family day care home, small	Y	Y	Y	Y	Y	N	N	N	N
Family day care home, large	BA	BA	BA	BA	BA	N	N	N	N
Adult day care	BA	BA	BA	BA	BA	N	BA	N	N
In-home real estate office	BA	BA	BA	Y	Y	N	N	N	N
Overnight outdoors parking of one commercial vehicle not to exceed 25,000 gvw	Y	Y	Y	Y	Y	Y	Y	N	N
Overnight outdoors parking of more than one commercial vehicle not to exceed 25,000 gvw	BA	BA	BA	BA	BA	Y	Y	N	N
Overnight outdoors parking of one or more commercial vehicles in excess of 25,000 gvw	BA	BA	BA	BA	BA	Y	Y	N	N
Accessory agriculture	Y	Y	Y	Y	N	N	N	N	N
Kennel, private	BA	BA	BA	BA	N	BA	N	N	N
Accessory nonresidential uses	N	N	N	Y	Y	Y	Y	Y	N
Drive-in or drive-through facility	N	N	N	PB	PB	PB	PB	N	N
Temporary sales (See Section 7.8)*	N	N	N	Y	Y	Y	Y	Y	Y
Seasonal and Charitable sales	PB	PB	PB	Y	Y	Y	Y	N	N
Recreational use	BA	BA	BA	Y	Y	Y	Y	Y	Y

* - Requires Board of Selectmen Approval

3.2 ACCESSORY USES

3.2.1 General. An accessory use located on the same lot with, and customarily incidental to, any of uses set forth in the Table of Uses as allowed or allowed by Special Permit shall be permitted; provided, that such accessory use shall not be detrimental to a residential neighborhood and shall not change the outward character of the district.

3.2.2 Letting of Rooms; Taking of Boarders; Preparing Food for Sale. The letting of rooms, taking of boarders, or preparing food for sale shall be a permitted accessory use.

3.2.3 Outdoor Parking of Commercial Vehicles. Not more than one commercial vehicle of 25,000 gross vehicle weight (g.v.w.) or less may be regularly parked outdoors and overnight in a Residential District, except on a farm. By Special Permit, the Board of Appeals may authorize more or larger vehicles.

3.2.4 Home Occupation. Any of the customary home occupations shall be allowed as of right, conducted by resident occupants only, including, but not limited to, the work of any member of a recognized lawful profession, subject to the following:

1. Hairdressing; Certain Sales. The Board of Appeals by Special Permit may authorize the use of a room in a dwelling for hairdressing or the sale of gift novelties and antiques by a resident occupant only, provided the residential character of the premises is not changed.

2. Real Estate Office. The Board of Appeals may authorize by Special Permit the use of any portion of a dwelling for the use as a real estate business office subject to the conditions imposed by the board; provided, however, that said business shall be owned, managed and operated exclusively by residents of said dwelling, and employ no persons who are nonresidents of said dwelling, and provided that further said office is unassociated with the operation of any other real estate office.

3.2.5 Trade Shop. A builder, carpenter, mason, painter, plumber, tinsmith, upholsterer, machinist, or other craftsmen who lives and maintains a home on the premises or building may use said home or building thereon in connection with his trade by annual Special Permit from the Board of Appeals.

3.2.6 Family Day Care Home. A family day care home may be allowed as set forth in the Table of Uses.

3.2.7 Adult Day Care. Adult day care may be allowed as an accessory use as set forth in the Table of Uses.

3.2.8 Seasonal and Charitable Sales. The Planning Board may authorize by Special Permit seasonal and charitable sales by a non-profit charitable organization (such application shall include written permission from the property owner for the sales), if such sales do not, in the judgment of the Maynard Building Commissioner, constitute a significant and unreasonable impact on neighboring properties as regards to parking, traffic, light, noise, fumes, etc.

SECTION 4.0 DIMENSIONAL REGULATIONS

4.1 STANDARDS

4.1.1 General. No building or structure shall be erected except in accordance with the Table B - Standard Dimensional Requirements. No alterations or additions shall be made to any existing building or structure that would make any dimension affected by its alteration or addition out of compliance with the requirements of Table B.

TABLE B
Maynard Zoning By-Law
Dimensional Requirements

Item	S-1	S-2	GR	B	CB	HCI	I	GA	OS
Minimum Lot Requirements									
Area (square feet)	10,000[1]	20,000[1]	7,000[1, 2]	7,000[1,2]	0	40,000	40,000	43,560[3]	40,000
Frontage (feet)	100	130[5]	75	75	0	150	150	100	150
Width (feet)	80	104	70	70	0	120	120	0	80
Minimum Yard Requirements									
Front (feet)	25	25	25	30	0	50	50[9]	25	60
Side (feet)	15	15	15	15[8]	0	30[13]	30[9]	30[8]	50
Rear (feet)	30[7]	30[7]	15[7]	15[8]	0	30[13]	30[9]	30[8]	50

[1] For Elderly Housing 2,000 s.f. / unit (under the jurisdiction of the Maynard Housing Authority), and 10,000 s.f. minimum lot area. Minimum lot size increased to 20,000 sq. ft. for lots with a commercial kennel.
[2] For multiple dwellings; 5,000 s.f. / dwelling, and 10,000 s.f. minimum lot area
[3] And 10,000 s.f. / unit
[4] (Removed)
[5] Per building.
[6] [Reserved]
[7] No accessory buildings shall be placed or erected within five (5) feet of the rear lot line. No accessory buildings shall occupy more than 30% of the back yard area.
[8] Increase by 35 feet when abutting a S-1 or S-2 district. At least 25 feet of any or all yards abutting S-1 or S-2 district shall be landscaped open space with screening.
[9] Increase by 70 feet when abutting a residential district. At least 40 feet of any or all such yards abutting a residential district shall be landscaped open space with screening.
[10] [Reserved]
[11] (Removed)
[12] (Removed)
[13] Provided that the minimum required side and rear yards between a Lot Line and an existing building shall be 15 feet.

TABLE B
Maynard Zoning By-Law
Dimensional Requirements

Maximum Coverage	**S-1**	**S-2**	**GR**	**B**	**CB**	**HCI**	**I**	**GA**	**OS**
By Building (%)	15	15	40	35	N/A	35	35	25	10
By Impervious Surface (%)	60	40	75	N/A	N/A	N/A	N/A	N/A	N/A
Maximum Building Height (feet)	35	35	35	35	40	70[14]	40	40	35
Minimum % of Lot Area									
Landscape Open	0	0	0	30	0	30	30	30	70
Located in front yard	0	0	0	10	0	10	10	10	25

[14] In addition, a building may have no more than five floors, excluding the basement level.

4.1.2 Building Coverage. Building coverage shall be determined by dividing the total ground area of all buildings on a lot, including roof overhangs extending more than two feet from the exterior building wall, carports, and canopies, whether or not such carports or canopies are part of a building, by the "lot area" as defined in Section 11.0, including all limitations on lot area imposed by same.

4.1.3 Height in Feet. The following definitions shall apply:

1. Height in Feet; Structures. Height in feet shall be the vertical distance measured from the mean of the finished ground level adjoining the entire structure to the highest extension of any part of the structure.

2. Height of Building. The height of a building shall be the vertical distance measured, in the case of flat roofs, from the mean of finished ground level to the level of the highest point of the roof beams adjacent to the street wall, and, in the case of pitched roofs, from the mean of finished ground level to the midrafter span of the highest roof slope. Where no roof beams exist or there are structures wholly or partly above the roof, the height shall be measured from the curb level to the level of the highest point of the building.

3. The provisions of this Section governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, cupolas,

spires, steeples, elevator bulkheads, skylights, ventilators, wireless facilities and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy.

4.1.4 Total Gross Square Feet Threshold for Special Permit[185]

1. On any Lot, any new building or combination of new buildings exceeding 25,000 (twenty-five thousand) "Total Gross Square Feet" as hereinafter defined, of space shall be required to obtain a Special Permit from the Planning Board in accordance with Section 10.4 herein.

2. " Total Gross Square Feet" shall mean the gross square feet of the building(s) that is measured from the exterior face of the outside wall to the exterior face of the opposite outside wall for length and width, times the number of habitable levels of space. The Total Gross Square Feet does not include attics with a ceiling height of less than 6' or basements that are unfinished or uninhabitable. The Total Gross Square Feet shall include roof overhangs extending more than two feet from the exterior building wall, garages, carports, canopies, and other structures whether or not such garages, carports, canopies, and other structures are part of the building or combination of buildings.

3. This section 4.14 shall not apply to Section 9.3.8 Table G. herein

4.1.5 Maximum Building Size Retail Business in all Districts[186]

1. Notwithstanding Table B in Section 4.1.1., Section 4.1.2. Building Coverage, Table G of Section 9.3.8. and Section 9.3.9 District Total, of these Zoning Bylaws, in all zoning districts, no single retail business, whether located in a single building or combination of buildings, shall exceed 65,000 (sixty-five thousand) square feet of Gross Retail Area in the aggregate on a single and /or adjoining lot.

2. For the purpose of Section 4.1.5. the term Gross Retail Area shall include indoor and outdoor space utilized for retail display and sale of goods. The Gross Retail Area of adjacent stores shall be aggregated in cases (a) where the stores operate under common ownership or management, (b) are engaged in the selling of similar or related goods, wares or merchandise; (c) share checkout stands, a warehouse, or a distribution facility or (d) otherwise operate as associated, integrated or co-operative business enterprises.

3. For purposes of this section, a "Wholesale Club" or similar use for which a majority of the customers make their purchase at the site shall be considered a retail use.

4. This section 4.1.5 shall not apply to Section 9.3.8. Table G herein.

4.2 REDUCED FRONTAGE LOTS

4.2.1 General. In S-1, S-2, and I Districts, lot frontage may be reduced by 20% from each of the respective minimum frontages required, provided that each such lot fronts entirely on a cul-de-sac, and provided that there are no more than three such reduced frontage Lots on the cul-de-sac.

4.2.2 Applicability. The reduction in frontage defined above in Section 4.2.1 is the only reduction in the frontage requirements shown in Table B that is allowed under these By-laws. The applicant is not required to seek a Variance from the Zoning Board of Appeals for reduced frontage pursuant to Section 4.2.1.

4.2.3 Grandfathered Lots. Certain grandfathered lots may qualify as the locus for a single or two family dwelling. See G.L. c. 40A, §6, para. 4.

4.3 PRE-EXISTING BUSINESS, CENTRAL BUSINESS, INDUSTRIAL AND HEALTH CARE/ INDUSTRIAL DISTRICT LOTS

4.3.1 General. In the Central Business, Business, Industrial and Health Care/Industrial districts the Planning Board may grant a Special Permit for a building (other than a residential dwelling) to be erected on a lot having less area or frontage, or both, than the minimum requirements specified in Table B, if at the time of the adoption of said minimum requirements such lot was lawfully laid out and recorded by plan or deed and did not adjoin other land of the same owner available for use in connection with such lot, provided that the Planning Board determines that such permission can be granted without substantial derogation from the original intent and purpose of this Bylaw.

4.3.2 Existing Buildings and Structures in the Health Care Industrial District.[187] The standards set forth in Table B, Dimensional Requirements, shall apply only to new construction in the Health Care Industrial District. Existing buildings and structures shall be considered conforming for the purposes of this By-law, and shall not be subject to the provisions of Section 5.0, herein.

SECTION 5.0 NONCONFORMING USES AND STRUCTURES

5.1.1 Applicability. This Zoning By-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this zoning by-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

5.1.2 Nonconforming Uses. The Board of Appeals may award a Special Permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

1. Change or substantial extension of the use;

2. Change from one nonconforming use to another, less detrimental, nonconforming use.

5.1.3 Nonconforming Structures. The Board of Appeals may award a Special Permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

1. Reconstructed, extended or structurally changed;

2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;

5.1.4 Variance Required. Except as provided in subsection 5.1.5, below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity shall require the issuance of a Variance; provided, however, that the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a Special Permit from the Board of Appeals.

5.1.5 Nonconforming Single and Two Family Residential Structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon the issuance of a building permit by the Building Commissioner provided that such proposed reconstruction, extension, alteration, or change does not increase the gross floor area of the existing structure by more than 25% **<u>and</u>** that either subsection, 5.1.5.1, 5.1.5.2 or

5.1.5.3, below, applies:

1. alteration to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements,

2. alteration to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements.

3. alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements, or where the alteration increases the volume of the nonconforming structure but does not increase the gross floor area of the nonconforming nature of the structure.

If the Building Commissioner determines that no subsection referenced above applies **or** that such proposed reconstruction, extension, alteration, or change will increase the gross floor area of the existing structure by more than 25%, the Board of Appeals may, by Special Permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a Special Permit from the Board of Appeals.

5.1.6 Abandonment or Non-Use. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this zoning by-law; provided, however, that by Special Permit the Board of Appeals may re-establish a nonconforming use or structure otherwise abandoned or not used.

5.1.7 Reconstruction after Catastrophe or Demolition. Any nonconforming structure may be reconstructed after a catastrophe or after demolition in accordance with the following provisions:

1. Reconstruction of said premises shall commence within two years after such catastrophe or demolition.

2. Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure and shall have the same gross floor area as the original nonconforming structure.

3. In the event that the proposed reconstruction would (a) cause the structure to exceed the gross floor area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a Special Permit shall be required. In the case of voluntary demolition. The Special Permit shall be obtained from the Board of Appeals prior to such demolition.

5.1.8 Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

SECTION 6.0 GENERAL REGULATIONS

6.1 PARKING AND LOADING STANDARDS

6.1.1 General Provisions.

1. No building or structure shall be located upon any lot and no activity shall be conducted upon any lot unless the required parking facilities are provided in accordance with this Section.

2. Change of Use. The use of any land or structure shall not be changed from a use described in one section of Table A to a use in another section of Table A nor shall the floor area of a building be increased in any manner unless the number or parking spaces required for the new uses are provided.

3. Undetermined Uses. In the case where the use of a building or buildings has not been determined at the time of application for permit or special permit, the parking requirements applicable to the most intensive use allowed in the zoning district where such undetermined use is to be located shall apply.

6.1.2 Special Permit Granting Authority (SPGA). For the purposes of Section 6.1 of this Bylaw, unless otherwise noted, the Planning Board shall be the Special Permit Granting Authority.

6.1.3 Relief from Parking Standards. Relief from these parking and loading standards may be granted via special permit by the SPGA.

6.1.4 Special Permit Review Criteria. In evaluating the Special Permit request, the SPGA shall use the following review criteria in addition to the criteria identified in Section 10.4.2 of this Bylaw.

1. A demonstration by the applicant to the satisfaction of the SPGA that there is no possible way to provide the parking required; or

2. That doing so would (1) render the project infeasible (including the shared parking option), and (2) that a lack of compliance will not adversely effect either the use proposed (and its users) or the parking situation downtown.

6.1.5 Parking Space Requirements. Parking shall comply with the following Table C:

TABLE C – PARKING SPACE REQUIREMENTS

Type of Use	**Minimum number of parking spaces to be provided**
Single Family, Two-family, Multi-Family Dwelling	2 per dwelling unit
Home Occupation	2 per nonresidents employed, or where retail sales are conducted Board of Appeals shall have the authority under Section 3.2 to require the number of parking spaces which it deems to be adequate and reasonable.
Hotel, Inn or Motel Space	1 per bedroom plus 1 per each employee on largest shift
Educational	1 per staff member plus 1per for each 5 persons of rated capacity of the largest auditorium plus 1 per student vehicle which can be expected at the maximum use time on the premises
Nursing Home, Convalescent Home and Clinics and Health Care facilities providing In-Patient medical services.	1 per two beds plus 1 per each employee on largest shift
Business or Professional Offices, Office Building and Office of a Wholesale Establishment including Sales Space	1 per 225 sq. ft. of gross floor area
Function rooms and places of Assembly	1 per 50 sq. ft. of assembly area
Medical and Dental Offices and Clinics and Clinics providing In-patient medical services	1 per 200 sq. ft. of gross floor area
Motor Vehicle service station, or body shop	3 per service bay plus 1 per employee on largest shift
Research and Development	1 per 300 sq. ft. of gross floor area excluding permanent storage areas, utility areas, staircases, restrooms and common corridors.
Manufacturing	1 per 450 sq. ft. of gross floor area
Warehouse	1 per 2,000 sq. ft. of gross floor area for the first 20,000 sq. ft., plus 1 per additional 10,000 sq. ft. of gross floor and 1/employee on largest shift
Elderly Housing or Medically Assisted Housing	1 per every two dwelling units plus 1 per employee on the largest shift

6.1.6 Comparable Use Requirement. Where a use is not specifically included in Table C, it is intended that the regulations for the most nearly comparable use specified shall apply.

6.1.7 Mixed Use Requirements and Shared Parking. The use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged, and allowed through Site Plan Approval.

1. Parking requirements for a proposed development may be met if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other generally accepted studies).

2. A request for shared use parking to meet minimum parking requirements must be made through the site plan review application

6.1.8 Design; General. Parking areas shall be arranged to provide an adequate, safe and convenient arrangement of roadways, driveways, off street parking and loading spaces and pedestrian facilities. Parking areas containing more than five (5) parking spaces shall meet the dimensional standards specified in Section 6.1.11. Parking plans shall be submitted sufficient for the Building Commissioner to determine if the proposed layout properly complies with these standards, or to the Planning Board if Section 10.5 is applicable.

1. All parking spaces shall meet the minimum geometric standards prescribed in this Section. No portion of any parking space shall intrude into the required aisle width. Parking lots shall be designed to permit each motor vehicle to proceed to and from all unoccupied parking spaces without requiring the moving of any other parked motor vehicle. Spaces shall be designed to prevent motor vehicles from backing onto a public street in order to leave the lot.

6.1.9 Compact Car Parking. In parking facilities containing more than 40 parking stalls, 20 percent of such parking stalls may be for small car use, except for retail store, retail service business or restaurant uses. Such small car parking facilities shall be grouped in one or more contiguous areas and shall be identified by sign(s).

6.1.10 Design Requirements for Parking Facilities.

1. Central Business District: All parking shall be located behind buildings, to preserve the sidewalk storefront character of this district.

2. Required parking spaces, loading areas and driveway shall be provided and maintained with suitable grading, paved surfaces and adequate drainage.

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 within 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.

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.

5. The access driveway design standards for horizontal and vertical geometry shall be comparable to public streets of similar function. The parking area should have a minimum slope of 0.75% and a maximum of 5%. Shared access easements shall be considered to minimize the number of access driveways on the same side of the street.

6. Interior driveways may be reduced to no less than a 20 foot width for two-way traffic and a 14 foot width for one-way traffic. The stacking area (throat storage) for the access driveway shall be between 25 and 50 feet long between the right of way line and the interior driveway depending on the site use.

7. The intersection curb radius shall be 25 feet or larger depending on the type of service vehicles entering the site. Internal radius shall be a minimum of 10 feet in the maneuvering aisle.

8. Pedestrian walks shall not be blocked by parking.

9. Raised landscape end islands shall be required at the end of all parking aisles. Raised landscape dividers shall be required every third row. Light posts shall be part of the raised landscape islands and dividers and not located in the middle of the pavement.

10. Lighting shall be designed to complement and enhance the intended use. Lighting shall be directed such that it is non-intrusive in cases where it may be deemed a nuisance to abutting property.

6.1.11 Dimensional Requirements.

1. Standard Parking Dimensional Regulations. Off street parking facilities shall be laid out and striped in compliance with the following minimum provisions:

Table D - Standard Parking Dimensional Regulations

Angle of Parking	Width of Parking Stall	Parking Stall Length of Line	Width of Maneuvering Aisle
90 degrees (two-way)	9.0'	18.5'	24'
60 degrees (one-way)	10.4'	22.0'	18'
45 degrees (one-way)	12.7'	25.0'	14'
Parallel (one-way)	8.0'	22.0'	14'
Parallel (two-way)	8.0'	22.0'	18'

2. Small Car Parking Dimensional Regulations. Off street small car parking facilities shall be laid out and striped in compliance with the following minimum provisions:

Table E – Small Car Parking Dimensional Regulations

Angle of Parking	Width of Parking Stall	Parking Stall Length of Line	Width of Maneuvering Aisle
90 degrees (two-way)	8.5'	15.0'	24'
60 degrees (one-way)	9.8'	18.5'	18'
45 degrees (one-way)	12.0'	21.5'	14'
Parallel (one-way)	8.0'	18.0'	14'
Parallel (two-way)	8.0'	18.0'	18'

6.1.12 Handicapped Parking. Parking facilities shall provide specifically designated parking spaces for the physically handicapped in accordance with 521 CMR Rules and Regulations, as amended, of the Architectural Barriers Board as follows:

Table F – Handicapped Parking Requirements

Total Number of Spaces	Handicapped Spaces
6-25	One Space
26-40	Two Spaces
41-100	5% of the total spaces
101-300	4% of the total spaces
301-800	3% of the total spaces
Greater than 800	2% of the total spaces

Handicapped spaces shall be clearly identified by a sign that states that these spaces are reserved for physically handicapped persons. Such spaces shall be located in that portion of the parking

facility nearest the entrance to the use or structure which the parking facility serves. Handicapped spaces shall have a minimum width of twelve (12) feet and a minimum depth of twenty (20) feet for all angle parking and twenty-four (24) feet for all parallel parking.

6.1.13 Loading Areas. One or more off street loading areas shall be provided for any business that may be regularly serviced by tractor-trailer trucks or other similar delivery vehicles, so that adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each building and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites. Loading areas shall be 12 feet wide and 50 feet long. The Building Commissioner may authorize loading areas with reduced dimensions provided the service vehicles normally associated with the business do not require the dimensions herein.

6.1.14 Construction. All access driveways and off street parking and loading areas shall be paved with nine inches of gravel base and two and one half inch layers of bituminous concrete, or equivalent reinforced concrete. All parking spaces shall be designated with a four inch white or yellow stripe painted the entire length of each space. The surface shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks. The access ways shall have construction requirements similar to an equivalent public road. Curbing shall be vertical concrete, or vertical or sloped granite curbing with a six-inch reveal. Curb radii shall be vertical concrete or granite with a six-inch reveal.

6.1.15 Landscaping. All parking areas shall be properly screened and landscaped to protect adjacent property from undesirable effects of parking lots such as lighting and view of cars, and to preserve the appearance and character of the surrounding neighborhoods.

1. The entire front setback area, except for driveways, shall be landscaped and there shall be a landscaped strip at least five (5) feet in width from other property lines.

2. Excluding the areas required by subsection 1, above, the landscaped area within the parking lot shall not be less than five (5) percent of the surface area of the parking lot, except for parking lots with two bays or less of single rows, no interior landscaping shall be required. Areas provided for interior landscaping shall be a minimum of ten (10) feet in width.

3. A minimum of two (2) trees shall be provided within the landscaped areas for each ten (10) parking spaces. Existing trees and natural vegetation shall be retained wherever practicable in addition to the addition of new trees, shrubs, walls or fences in order to effectively screen the parking lot.

6.2 SIGNS

6.2.1 Purpose. This Section is designed to provide standards for the installation of signs so as to further the objectives of the Community Development Plan; promote the general welfare of the community; protect public health and safety; reduce traffic hazards; protect property values; and promote economic development. This is accomplished by encouraging the creation of an aesthetic appearance throughout the Town of Maynard, through the use of attractive and appropriate signage.

6.2.2 Applicability. Flags and temporary signs for political or charitable purposes, for public organizations, for states and political subdivisions thereof, and international and national flags are exempt from the provisions of this section, as are interpretative signs, provided that said signs, in the opinion of the Building Commissioner, do not create an undue safety or traffic hazard by reason of impeding minimum sight distance requirements as established by the American Association of State Highway Transportation Officials (AASHTO).

6.2.3 General Regulations.

1. Signs shall not project above the roof or front parapet of a building.

2. Prohibited Signs. Pennants, streamers, advertising flags, spinners, balloons, windsocks or aerially supported devices will not be allowed, except as may be specifically allowed by an approved Site Plan Review and/or Special Permit from the SPGA.

3. Movement or Moving Parts. No sign shall move or contain any moving parts, except portions of a sign which indicated date, time and/or temperature.

4. Off-Premise Signs. No off-premise signs will be allowed, except as allowed by the provisions of Section 6.2.12.

5. Traffic Safety. No sign shall be erected in such a way as to create a traffic hazard in the opinion of the Building Commissioner.

6. Support by Utility Poles or Vegetation. No sign will be allowed to be attached to utility poles or vegetation.

7. Vehicles. No truck or other vehicle will be used as a sign.

8. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months from the date of the permit provided, however, that the Building Commissioner may, in his discretion, issue extensions covering a period not to exceed one year from the date of issue of the

original permit.

9. Inspection. Any sign may be inspected periodically by the Building Commissioner for compliance with this bylaw and other requirements of law.

6.2.4 Existing Signs. Existing signs are defined as those erected before the adoption of this bylaw, and are classified into one of four separate categories. These are:

1. Conforming signs which comply with all provisions of this bylaw in its most recently amended form.

2. Prohibited signs, as specified in Section 6.2.3.

3. Non-complying signs are signs that were not lawfully erected subsequent to the adoption of this bylaw.

4. Nonconforming signs as described in Section 6.2.5.

6.2.5 Modification of Nonconforming Signs.

1. Non-conforming signs which are enlarged, reworded, redesigned, replaced, or altered in any way including repainting in a different color or re-lettering, shall comply immediately with all provisions of this Bylaw.

2. Any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement value of the sign at the time of replacement shall not be repaired or rebuilt or altered except to conform to the requirements of this Bylaw.

3. Existing nonconforming protected signs may remain, and may be altered with the exception of increasing their size, unless the cost of any such alteration shall exceed 50% of the replacement cost for a new conforming sign, or, if enlarged, reworded, redesigned, replaced or altered as provide in Section 6.2.5.2, above.

6.2.6 New Signs. Any sign erected after the adoption of this bylaw shall be considered a new sign and shall conform to the provisions of this Section.

6.2.7 Removal of New Signs. The Building Commissioner shall order the removal of any new sign erected or maintained in violation of this bylaw. Fourteen days notice in writing shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the bylaw.

6.2.8 Illuminated Signs. Illumination of signs shall be subject to the following provisions:

1. Lighted signs may be illuminated only by a steady, stationary light without causing harmful glare for motorists, pedestrians or neighboring premises. Lighting designs shall also protect the night sky from unnecessary ambient light.

2. Sign illumination is permitted only during those hours in which the associated establishment(s) is/are open to the public.

3. Internally lighted signs are not permitted. All lighting for signs shall be external to the text and graphics of the signs.

4. All flashing, changing, or intermittent illumination is prohibited.

5. Exceptions to 1-4, above, shall include: time/temperature signs, holiday decorations, and exposed neon "open" signs. Exposed neon "open" signs shall be restricted in size to a maximum of 20 inches tall and 30 inches wide.

6.2.9 Residential Districts. In Residential Districts only the following types of signs may be erected or placed.

1. Real estate sign advertising rental, lease, or sale of premises and not exceeding twelve (12) square feet in area.

2. Sign or bulletin board incidental to a permitted use and not exceeding twelve (12) square feet in area.

3. Sign advertising accessory use and not exceeding four (4) square feet in area.

4. Temporary construction signs shall not exceed 16 square feet in area and shall not be left in place more than 14 days after the issuance of a Certificate of Occupancy, nor for a period of time exceeding 12 months.

5. Setback: The furthest edge of any freestanding sign shall be a minimum of five (5) feet from any lot line.

6.2.10 Nonresidential Districts; Total Sign Area.

1. Lots. In all Non-Residential Districts, the total area of all Wall Signs erected on a Lot shall not exceed twenty percent (20%) of the total first floor building(s) façade area. The first floor building façade area shall be calculated by multiplying the lineal frontage of a building or storefront by its total first floor or entrance level height. Signs proposed in conjunction with a development requiring site plan approval may, by special permit, be increased in size to a maximum of twenty-five (25%) percent of the total first floor

facade area as described above.

2. Individual Establishments. In the Central Business District and the Downtown Overlay District, the maximum allowable total permanent sign area for each establishment shall be thirty (30) square feet, except as provided for in Section 6.2.10.4 In the Central Business District and the Downtown Overlay District, no individual permanent sign shall exceed sixteen (16) square feet.

In all other Non-Residential Districts, the maximum allowable total permanent sign area for each establishment shall be fifty (50) square feet, except as provided for in Section 6.2.10.4 In all other Non-Residential Districts, no individual permanent sign shall exceed twenty-four (24) square feet.

3. Principal Signs. No more than three principal signs shall be allowed for each business establishment. A principal sign may be a wall sign, a projecting sign, a free standing sign, a permanent banner or permanent sandwich board.

4. Secondary Signs. If a business establishment consists of more than one building, or if a building has secondary frontage on a street or parking area, a secondary sign may be affixed to one wall of each building or to the second side. Secondary signs shall not exceed sixteen (16) square feet.

5. Directories. Where there are three (3) or more businesses on a lot, or there are businesses without an entrance on the street frontage, a directory may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet plus one and one-half (1½) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.

6. Height. The maximum height of any portion of any free standing sign shall not be more than 15 feet above the average grade of the ground at the base of the sign prior to its' installation.

7. Setback. There is no setback requirement in the Central Business District. In all other Nonresidential Districts, the furthest edge of any freestanding sign shall be a minimum of fifteen (15) feet from any lot line.

6.2.11 Relief from Sign Regulations. The Planning Board may grant relief from the provisions of Section 6.2 through the granting of a special permit. An application for a Special Permit shall comply with the procedures specified in Section 10.4 of this By-law. The fee for a Special Permit which involves only signage and relief from this Section 6.2 shall be identified in the Schedule of Fees as established.

1. The Planning Board may not waive the requirements for clearance or projection distance for a Projecting Sign.

2. The Planning Board may not waive any requirements of the Massachusetts State Building Code, current edition.

6.2.12 Offsite Signage on Town Owned Land. An applicant may apply for the installation of a sign on town owned land only through a special permit application with the Board of Selectmen acting as the Special Permit Granting Authority.

SECTION 7.0 SPECIAL REGULATIONS

7.1 ADULT ENTERTAINMENT

7.1.1 Purpose. It is the purpose of this Section, the Adult Entertainment By-law, to address and mitigate the secondary effects of the Adult Uses and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. All of said secondary impacts are adverse to the health, safety and general welfare of the Town and its inhabitants.

1. The provisions of this By-law have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this By-law to restrict or deny access by adults to Adult Uses or to sexually oriented matter or materials that are protected by the Constitution of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this By-law to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

7.1.2 Prohibition of Obscenity. Except as permitted in the manner and in the locations permitted herein, All Obscene Entertainment, including, without limitation, all Adult Entertainment Uses that make available obscene materials, is prohibited within the Town.

1. No merchandise or service prohibited as obscene or indecent but not encompassed by the definition of Obscene Entertainment shall be disseminated or made available within the Town, except as permitted herein.

2. No pictures, publications, videotape covers, or other implements, items, advertising or lettering that fall within the definition of Obscene Entertainment or that are erotic, prurient, related to sadism, sexual exploitation or which refer to or describe any of the above shall be displayed in store windows or be visible from areas used by the general public.

7.1.3 Spacing Requirements. An Adult Entertainment Use may not occur or be located within 600 feet of any other Adult Entertainment Use or within 600 feet of;

1. Any Residential or Garden Apartment District;

2. Any private or public school or place of learning including but not limited to, kindergarten and day care centers;

3. Any Church, Temple, or other place of worship;

4. Any playground or athletic fields;

5. Any establishment licensed under the provisions of G.L. c. 138 § 12;

6. Any building, structure or area used for public purposes; and

7. Any boundary line of the Town.

7.1.4 General Standards.

1. The restricted activities described herein specifically include the dissemination or offering to disseminate Adult Entertainment materials to minors, and allowing minors to view displays in any Adult Entertainment Use Establishment.

2. No Special Permit may be issued to a person convicted of violating the provisions of G.L. c. 119 § 63 or G.L. c. 272, § 28 as may be amended from time to time.

3. Any existing Adult Entertainment Use shall be permitted to exist after the adoption of the by-law, but any expansion, increase, change or alteration in such use shall first require a Special Permit.

7.1.5 Location. Adult Entertainment Uses are permitted only within an Industrial Zoning District of the Town, subject to the spacing requirements of Section 7.1.3.

7.1.6 Application. Special permits applied for hereunder may be obtained in accordance with the following procedures. Any applicant for permission to operate an Adult Entertainment Use must file an application form with the special permit granting authority and the Town Clerk. Such application shall contain information required by the rules and regulations established by the Special Permit Granting Authority for the issuance of special permits hereunder and shall include but not be limited to, the following minimum information:

1. Name, business address and legal residence of the legal Owner of the Adult Entertainment Use, together with certified copies of all organizational documents, such as articles of organization and by-laws, or trusts, or partnership documents.

2. Name and address of all persons having any direct or in-direct ownership, equity or security interest in the Adult Entertainment Use;

3. Name and Address of the manager;

4. The number of proposed employees;

5. Proposed security precautions; and

6. Physical layout of the premises owned or proposed to be leased for the Adult Entertainment Use, in a format established by the Special Permit Granting Authority.

7.1.7 Term. The Special Permit Granting Authority may limit the duration of any Special Permit and may impose conditions on any Special Permit allowing an Adult Entertainment Use.

7.1.8 Regulations. The Special Permit Granting Authority shall adopt and may from time to time amend rules and regulations relative to the issuance of special permits hereunder, and shall file a copy of said rules and regulations in the office of the Town Clerk. Such rules and regulations shall prescribe the size, form, content style and number of copies of plans and specifications to accompany the application; the information required in the application; the procedure for submission of applications and approval of such special permits; and other reasonable rules and regulations governing the issuance of such special permits.

7.1.9 Criteria for Approval. In addition to the criteria set forth in Section 10.4, the special permit granting authority shall insure that any proposed Adult Entertainment Uses are at all times consistent with and conform to the then existing community standards for such uses within the Town.

7.2 BODY ART ESTABLISHMENTS

7.2.1 General. Body Art Establishments as defined in the Section 11.0 shall not be considered a customary home occupation.

7.2.2 Spacing Requirements. A structure containing a Body Art Establishment shall not be located in or within 100 feet of any structure containing a dwelling unit, or in an establishment where liquor is sold or consumed or as an accessory use to any other use permitted in this By-law.

7.2.3 Standards.

1. Body Art Establishments in no case shall operate between the hours of 10:00 P.M. and 10:00 A.M.

2. Body Art Establishments shall not operate without a valid permit from the Board of Health.

3. Body Art Establishments shall comply with all dimensional requirements of this By-law.

4. Body Art Establishments shall have a minimum of two (2) parking spaces unless there is a public parking lot within 500 feet of the establishment.

5. Body Art Establishments shall comply with all the sign provisions of this By-law.

7.3 EARTH REMOVAL

7.3.1 Applicability. Unless otherwise provided in this by-law, the removal of soil, loam, peat, sand, gravel, stone or other earth material (herein, "material") from any land shall be prohibited in all districts, except when such removal is incidental to and in connection with the authorized construction on such land of a building, street or other project for which a permit has been granted, or is incidental to utility or road construction authorized by the Maynard Department of Public Works. All removal operations regulated under the provisions of this by-law shall require the issuance of an Earth Removal Permit (herein, the "Permit") or Special Permit prior to the commencement of any such operations.

1. The moving of material within the limits of a lot or contiguous lots in the same ownership shall not be deemed to constitute removal, and no permit for such moving of material shall be required, provided that no such moving shall take place across or within a public way.

7.3.2 Permitted Earth Removal. Earth removal is permitted without a Special Permit if such removal is at the site of, incidental to, and in connection with the excavation and grading necessary for the construction on any land involved in a municipal purpose or use which is limited to 500 cubic yards of material. The Building Commissioner shall, upon written request, authorize the removal of less than 500 cubic yards of material, in the aggregate, for the duration of a particular construction project under the following conditions:

1. A valid building permit shall have been approved and issued within the six months (6) period immediately preceding the date of request, for the land from which the material is to be removed; and

2. Such removal is at the site of, incidental to, and in connection with the excavation and grading necessary for the construction authorized by said building permit; or

3. A valid definitive subdivision plan has been approved for the land from which the material is to be removed and such removal is necessary for the construction of streets, the installation of utilities, and the grading of lots in accordance with such approved subdivision plan.

7.3.3 Earth Removal by Special Permit. Earth removal in excess of 500 cubic yards of material for a purpose set forth in Section 7.3.2 (except municipal) shall require a Special Permit

from the Planning Board.

7.3.4 Special Permit Application. An application for a Special Permit shall be filed with the Planning Board upon such forms as the Board shall provide, signed by (1) the record owner of the land and (2) (if applicable) any lessee, licensee, agent, subcontractor, or other party which will conduct the removal operation. The Application shall be accompanied by plans, drawn to scale and specification prepared by a Registered Professional Civil Engineer or Registered Land Surveyor setting forth the following information:

1. The specific area of land from which the material is to be removed (herein, the "Site:) and, in addition all surrounding land within one hundred (100) feet of the Site (together, herein, the "Removal Area"); the proposed finish grade and final treatment of the premises shall be shown for the entire Removal Area;

2. All lot lines bordering upon the Removal Area with a computation of the total area of the land included therein; existing or proposed buildings and improvements; elevation contour lines having intervals of not more than two (2) feet;

3. Soils logs indicating they type of material expected to be removed and the estimated amount thereof;

4. If applicable, the form of bond; and

5. Such additional information as the Board may determine necessary or relevant to the proposed excavation.

7.3.5 Criteria. In determining whether to grant a Special Permit, the Planning Board shall consider the following in lieu of Section 10.4:

1. Whether the volume proposed for the removal exceeds the minimum practical amount required to accomplish the construction development or improvement in accordance with the plans thereof;

2. Whether the plans submitted in connection with the removal are designed to minimize changes in existing contours and to enhance attractive land utilization, effective drainage, suitable road gradients, access, or other design considerations;

3. Whether the Board and Chief of Police have approved the days and hours of operation, the route of trucks to be used on any public way for the removal of earth, the estimated duration of the operation, the types of vehicles to be used and proposed travel routes for such vehicles, the destination of all material, and the proposed treatment of land during operation to minimize dust, mud and siltation;

4. Whether the removal will be detrimental or injurious to abutters or the neighborhood, either by alteration of existing topography or by substantial change in the use of the public ways in the neighborhood;

5. Whether all applicable municipal permits and/or approvals have been obtained or are in the process of being obtained;

6. Whether suitable provisions have been made for the stockpiling of material removed from the Site but not yet transported from the Removal Area. Such provisions shall include a condition imposed by the Board that, should stockpiled material remain within the Removal Area for a period exceeding thirty (30) days, such material must be re-deposited in the Site and the area of Stockpiling returned to its original condition; and

7. Whether suitable provisions have been made for restoration of the Removal Area. Upon the expiration or withdrawal of a permit or upon the voluntary or involuntary cessation of earth operation for a period in excess of thirty (30) days, such provisions shall include but shall not be limited to the following:

a. The Site and all other affected portions of the Removal Area shall be graded, leaving no slopes in excess of one (1) foot vertical to two (2) feet horizontal;

b. Adequate surface drainage shall be provided;

c. Boulders shall be either buried or disposed of and stumps shall be disposed of in a manner satisfactory to the Planning Board;

d. The entire area shall be covered with not less than six (6) inches of topsoil; and

e. Adequate cover vegetation shall be planted; all conditions of restoration shall have been fully completed to the satisfaction of the Planning Board prior to release of any bond by the Planning Board.

7.3.6 Conditions. If a permit is granted, the Planning Board shall impose limitations on the time and the extent of the permitted removal and such other appropriate conditions, limitations, and safeguards as the Board may deem necessary for the protection of the neighborhood and the public health, safety, convenience and welfare of the Town. The Planning Board shall require sufficient security, including necessary covenants, to ensure compliance with the terms, conditions, and limitations of the permit.

7.4 TRAILERS

7.4.1 General. No trailer shall be placed upon any land, or used for dwelling or business purposes, within the Town except as hereinafter provided.

7.4.2 Special Permit for Storage. The Board of Appeals may issue a Special Permit to store not more than one trailer per lot in a garage, other accessory building or in the rear yard of a lot occupied by the owner of the trailer.

7.4.3 Special Permit for Temporary Occupancy. The Board of Appeals may authorize the use of a trailer for dwelling purposes or as a temporary office only if such uses are incidental to construction of a building on the premises or development of the premises. Such authorization may be granted for a period not exceeding twelve (12) consecutive months, subject to approval of safeguards to insure proper sanitation. In no case shall such authorization be renewed for more than six (6) consecutive months.

7.4.4 Special Permit for Guest Occupancy. The Board of Appeals may issue not more than one permit per calendar year to an owner of a lot for the occupancy of such lot for dwelling purposes by a guest owned trailer. Such permit may be issued for a period not to exceed two weeks.

7.5 WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

7.5.1 Purpose. The purpose of this Section is to establish general guidelines for the siting of wireless telecommunication towers, antenna(s), satellite dishes greater than three (3) feet in diameter, and appurtenant structures. The intent of this By-law is to 1) require the location of towers on land in zoning districts other than residential or open space districts, and in areas where the adverse impact on the community is minimal, 2) minimize the number and overall height of towers in Maynard, 3) require the co-location of different telecommunication companies' antenna(s) on towers as much as possible, 4) encourage the siting of towers and appurtenances to minimize their visibility to the public, including if possible location of antenna(s) in or on existing buildings, 5) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently, 6) prohibit satellite dishes greater than three (3) feet in diameter in residential zones, and 7) to make available all wireless telecommunication towers and facilities to local municipal agency use upon their request.

7.5.2 General Requirements. No wireless telecommunications facility, which shall include towers of any type greater than twelve (12) feet in height, satellite dishes over three (3) feet in diameter, antenna(s), panels, and appurtenant structures, shall be erected or installed except in compliance with the provisions of this Section. The foregoing provision shall also apply to antennas to be added to an existing tower, which specific antennas were not previously approved during a Special Permit process. In all cases, a Special Permit is required from the Planning Board in accordance with the requirements set forth herein. Granting of a Special Permit is required prior to the approval of a Site Plan by the Planning Board.

1. Only free-standing towers not requiring guy wires for support are allowed.

2. Tower height shall be limited to the minimum height necessary, as determined from objective technical evidence presented by the applicant. In all cases, tower height shall be limited to less than the Federal Aviation Administration height limit beyond which lighting would be required for the particular siting area proposed, or 125 feet, whichever is less, except that a 190' limitation, rather than a 125' limitation shall apply for those buildings or structures already in existence within the Town of Maynard on January 1, 2000. Any Additional height added to an existing structure above 125' will be considered a new structure.

3. Wireless telecommunications facilities shall be located zoning districts other than residential or open space zoning districts, and shall be suitably screened from abutters and residential neighborhoods. Towers may be allowed on a lot as an accessory use to a main building, however no more than one tower may be sited on any parcel of land.

4. There shall be a presumption by the SPGA that the applicant's service can be provided by location of antenna(s) in or on existing buildings or structures. This presumption may be re-buttable by hard evidence to the contrary that such location is not feasible.

5. When utilizing existing buildings or structures for antenna(s) location, antenna(s) shall, wherever possible, be enclosed within an existing structure such as a church steeple or clock tower. Antenna(s) may only be placed on the exterior of existing buildings or structures upon the determination by the SPGA that placement within existing buildings or structures is not feasible, and that the placement of such antenna(s) does not materially detract from the historic value or traditional view of buildings or structures in the vicinity. The height limit imposed by Section 7.5.2.2 above shall also apply to antenna(s) placed on existing buildings and structures, and shall be measured from the lowest ground elevation adjacent to the existing building or structure.

6. There shall be a presumption by the SPGA that co-location of multiple service providers now seeking, or anticipated to be seeking a tower location within the next 3 years within 2 miles of the proposed site, is possible and will be included in any Special Permit application. This presumption may be re-buttable by hard evidence to the contrary that such co-location is not feasible. Once a Special Permit has been granted, in the interest of not burdening the public process, no application for an additional tower on any portion of the site in question will be accepted until a period of three years has elapsed from the granting of the Special Permit.

7. All wireless telecommunications facilities shall comply with all applicable standards and regulations of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), the American National Standards Institute, the Massachusetts Aeronautics Commission, and the Massachusetts Department of Public Health. The Special Permit Granting Authority (SPGA) may require annual certification

demonstrating continuing compliance with regulations and requirements of any or all of the above regulatory agencies as a condition of the Special Permit.

7.5.3 Design Requirements

1. All towers shall be designed to have sufficient structural capacity to support antenna arrays for a minimum of 3 separate wireless telecommunications companies.

2. Any tower shall be set back from any lot line by a minimum distance equal to the height of the tower above the lowest surrounding grade, but in no case less than the minimum required setbacks for the district in which it is situated. Appurtenant structures shall also conform to the minimum required set backs for the district in which the facility is located.

3. Notwithstanding the provisions of Section 7.5.3.2, facilities shall be sited such that, at a minimum, a 50 foot undisturbed buffer zone is provided between the nearest edge of the fencing surrounding the facility and any abutting property line.

4. Lighting at all wireless telecommunication facilities shall be limited to low intensity lighting intended for security purposes and installed at or near ground level. The source for such lighting shall not be directly visible from any residential property in the area of the site.

5. Fencing shall be provided to control unauthorized access to the tower. Such fencing shall not be of the barbed wire or razor wire type, but shall be a minimum of 8 feet in height with an added section of anti climber returning to the exterior. Said fencing shall be appropriately screened and colored to blend in with the surrounding landscape.

6. Towers shall be colored so as to blend in with the surrounding landscape, including different colors to cause the structures to blend with the landscape below the tree-line horizon, and the sky above the tree-line horizon. The SPGA may impose reasonable conditions to ensure the facility will have the minimal impact on the surrounding neighborhood, visually and from noise generated by it. Conditions may include grading, screening by plantings and otherwise, and painting, as well as increased setbacks if noise from the facility is a concern, which in the sole opinion of the SPGA, is not adequately addressed by the applicant.

7. Access to the tower site shall be provided by a driveway designed to cause only minimal disturbance to the natural terrain, and provide emergency access at all times, the adequacy of which shall be determined by emergency services personnel and the SPGA. Wherever beneficial in the opinion of the SPGA, said access driveway shall be laid out so as to have sufficient turns to prevent passers-by from having direct line-of-sight visibility to the facility.

8. There shall be no signs, except for no trespassing signs discreetly placed, and a required sign giving a phone number where the owner or legal operator of the facility can be reached on a 24-hour basis. All signs shall conform with the sign requirements of this By-law, and shall be the minimum size necessary in the opinion of the SPGA to accomplish the purpose of the sign.

9. The height of satellite dishes (greater than three (3) feet in diameter as regulated under this By-law) located on property abutting property(s) upon which residential structures are sited, shall not exceed the height of the tree-line on the lot, and shall not be visible from any street.

10. There shall be one parking space only for each tower site to be used solely in connection with maintenance of the facility, and not to be used for the permanent storage of vehicles or other equipment.

11. There shall be only one building allowed to be constructed at the base of the tower, and it shall be for the purpose of housing the necessary support equipment for the tower transmission and receiving antenna(s). Said building shall be no higher than 12 feet above the surrounding grade to its highest point, shall have a peaked roof (minimum 6 Vertical:12 Horizontal pitch) and architectural features consistent with the zoning district and with surrounding existing buildings, shall have a maximum footprint of 400 square feet, and shall be screened from abutting properties as much as is feasible in the opinion of the SPGA and/or the Planning Board. Multiple story buildings are permitted only if additional stories are below grade.

12. All network interconnections and other support equipment required to be sheltered shall be contained within the single support building allowed at the base of the tower. Other equipment shall be shown on the site plan, and may be subject to conditions or being placed within the support building. This determination shall be made by the SPGA based upon individual site conditions and the ability of the exterior equipment to be screened from abutting properties. The intent is to minimize visible clutter at the base of the tower to the maximum extent possible.

7.5.4 Amateur Facilities. Nothing contained herein shall be deemed to prohibit the construction or use of an amateur radio tower or facility by a federally licensed amateur radio operator provided that (1) the tower is not used or licensed for any commercial purpose; and (2) the tower must be removed if its use is discontinued for a period exceeding six (6) months.

7.5.5 Independent Review. If the SPGA determines that independent review of the Special Permit is required, it may require the applicant to pay a review fee consisting of reasonable costs to be incurred by the SPGA for the employment of outside consultants pursuant to rules adopted by the SPGA as authorized by G.L. c .44, § 53G.

7.5.6 Special Permit. The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) to grant Special Permits for wireless telecommunications facilities. Special permits shall be administered according to 10.4 of this By-law.

7.5.7 Application. All applications for a Special Permit for a wireless telecommunications facility shall be submitted on forms provided by the SPGA and shall include at a minimum the following supporting information:

1. A locus plan at a scale of 1" = 1000' which shall show all property lines, the exact location of the proposed structure(s), streets, topography in a general manner including significant landscape features, residential dwellings and neighborhoods within 1000' of the site, all buildings within 500' of the proposed facility, and all other wireless telecommunications towers within two (2) miles of the proposed site.

2. A color photograph of the proposed site from the 5 clearest vantage points with a scaled rendition of the appropriate view of the proposed tower superimposed over the photographs.

3. 10 copies of a plan conforming to requirements for a Site Plan set out in Section 10.5 of this By-law and in the Site Plan Review Regulations adopted by the Planning Board.

4. Documentation consisting of a Technical Report prepared by a Professional Engineer registered in the Commonwealth of Massachusetts containing supporting calculations and technical details and criteria in support of the application and including at a minimum:

a. Certification that the tower, antenna(s) and appurtenant structures comply with all standards of the Federal and State regulatory agencies cited in this Section.

b. A listing of the pertinent specifications of the proposed facility relating to the square footage and plan view dimensions of the tower base and any appurtenant structures, heights of the tower and of appurtenant structures, depth of footings, height and construction of fencing, and detailed diagrams of the size, type and configuration of antenna(s) arrays proposed now, and anticipated in the future.

c. An analysis of the capacity of the proposed tower to accommodate multiple antenna(s) arrays from different wireless telecommunication companies, including type(s) of technology planned for and types and number of antenna(s) and/or transmitters/receivers. Also, a timetable for expected occupation of each of the available slots on the tower, to include expected type of technology and antenna(s).

d. An analysis justifying the location, height and design of the facility with respect

to technical, economic and competitive factors, as balanced against the expected neighborhood and environmental impacts.

e. An analysis of the coverage area of the proposed tower showing neighboring streets and intensity of signal reception along each of the main streets within 2 miles of the proposed facility. For comparison, a similar analysis of any alternative sites available or potentially available, or being considered for tower siting which could potentially serve substantially the same or a similar area.

5. A Marketing Report conducted by a recognized authority in the field of telecommunications services describing current demand for space on tower facilities and projected demand for such space within the Town of Maynard for the next 10 years. Said report shall include data, calculations and projections in support of the report's conclusions.

6. Written evidence of ownership or of long term control (e.g. a long term lease) of the property upon which the tower is to be erected. Long term as used herein shall mean a period of time equivalent to at least 3 terms of the Special Permit.

7. It shall be a condition of the Special Permit that all towers and facilities shall be made a viable for use by the Town's emergency services personnel (Fire, Police, Ambulance) upon their request.

7.5.8 On-Site Demonstration. The SPGA may require the applicant to perform an on-site demonstration of the visibility of the proposed tower by means of a crane with a mock antenna array raised to the maximum height of the proposed tower. A colored 4' minimum diameter weather balloon held in place at the proposed site and maximum height of the tower may be substituted for the crane if approved by the SPGA. This demonstration shall take place after the application for Special Permit has been made, but prior to the close of the public hearing on said Special Permit. The applicant shall take care to advertise the date of the demonstration in a newspaper widely circulated in the neighborhood of the proposed site. Failure, in the opinion of the SPGA, to adequately advertise this demonstration may be cause for the SPGA to require another, properly advertised demonstration.

7.5.9 Approval Criteria. In lieu of the criteria set forth in Section 10.4, the SPGA shall grant the Special Permit only upon finding that the wireless telecommunications facility proposed:

1. Has been adequately described and justified to the SPGA by the applicant's compliance with the requirements of this Section.

2. Will not be unreasonably detrimental or injurious, in the opinion of the SPGA to the neighborhood in which it is to be located;

3. Is sited and designed to have the minimum visual, economic and aesthetic impact possible on abutters. When considering an application for such a facility, the SPGA shall place great emphasis on the proximity of the facility to residential dwellings and its impact on these residences.

4. Is designed to be the minimum height necessary for the wireless telecommunication service required;

5. Is designed to accommodate the facilities of wireless telecommunication companies operating in the area to the maximum extent possible, and shall incorporate a tower capable of accommodating a minimum of 3 separate antenna arrays (although appurtenant buildings may be constructed for only those users identified in the application for Special Permit); this requirement may be waived by the SPGA only upon a finding that for the particular site in question, said requirement is contrary to the public interest.

6. Due to technical requirements, topography or other unique constraints, the facility cannot be located at any other available site that would be less visible to the general public.

7. Has been demonstrated by technical data to be necessary due to the inability of existing facilities in the same or similar service area to accommodate the further antenna arrays required at the time of the application.

7.5.10 Cessation of Use. Facilities shall be removed upon cessation of use, at the sole expense of the owner(s) of the facility. Use of the facility shall be determined to have ceased when it has not been in use for a period of 12 continuous months, or for a total of 18 of the last 30 months. Records shall be submitted to the SPGA annually indicating the usage of the facility over the previous 12 months, and its current operational status. Such information shall be a condition of the Special Permit.

7.5.11 Performance Guarantees. It shall be the joint and several responsibility of the Special Permit applicant and any subsequent owners of the facility to completely remove the tower, antenna(s), satellite dish(es), panels, and all appurtenant structures upon cessation of use of the facility, and to restore the site to its pre-construction condition. An initial cash bond shall be posted in a passbook account in a reasonable amount determined and approved by the SPGA to assure timely and complete removal of all above ground structures associated with the facility when the use of the facility is discontinued. The tower and appurtenances shall be removed within 90 days of written request from the SPGA to the current facility owner, beyond which time the SPGA may utilize the posted bond to effect the removal of all above ground structures associated with the facility, and the restoration of the site to its original grades with a permanently stable landscaped surface.

1. The applicant shall submit a bid for the removal of the facility from three (3) qualified contractors at the time of initial Special Permit Application. The SPGA may use these bids at its discretion to set the removal bond amount.

2. It shall be the responsibility of the current owner of the facility to maintain the entire facility and its access road and screening in a condition equivalent to that when construction was initially completed to the satisfaction of the SPGA. Therefore, a maintenance agreement between the applicant, or a designated operator, and the SPGA, shall be executed which defines the terms of and responsibility for the maintenance as required by the SPGA. Said agreement shall constitute a condition of the Special Permit. An additional bond shall be posted, in the form of a separate passbook account in an amount to be set by the SPGA, to be utilized for maintenance of the facility and its access road and screening in the event the maintenance agreement to be executed between the SPGA and the applicant is not complied with to the on-going satisfaction of the SPGA.

7.5.12 Term. A Special Permit granted under this By-law shall expire within 2 years of the date of issuance of the permit. Prior to the expiration of the Special Permit, the applicant shall make application to the SPGA for renewal of the Special Permit for an additional 2 year period. Said renewal shall not require the technical submissions of the original application, provided that conditions of the site and facility have not changed materially from the original application. A certification by a Structural Engineer licensed in the Commonwealth of Massachusetts as to the condition and structural integrity of the tower and its antennas shall accompany every application for renewal.

7.5.13 Site Plan Approval. Site Plan Approval by the Planning Board is required for the siting and construction of all wireless telecommunication facilities. If modification of a previously issued special permit is sought, the Planning Board may require approval of a new site plan. Site Plan review by the Planning Board may be conducted concurrently with the proceedings and public hearings of the Special Permit application. Site Plan applications shall be made in conformance with Section 10.5, and in conformance with the Site Plan Review Regulations adopted by the Planning Board.

7.6 KENNELS

7.6.1 Special Permit. The Board of Appeals may grant a Special Permit allowing a private kennel. In granting the special permit, the Board of Appeals shall consider the adequacy of shelter and exercise space for the kennel, as well as security (both of the dogs from escape, as well as preventing access by children) and the control of noise, smells, dust, and other emissions. Accessory kennel buildings may not be located on any lot between the street lot line and the front of the principal dwelling.

7.6.2 Application. Included with the Special Permit application shall be the following:

1. Site layout plan, which shall contain all setbacks from the property line of structures and waste facilities;

2. A detailed floor plan with dimensions and overall construction material for any shelter and/or run to be used for the dogs, as well as all facilities and locations for the storage or disposal of animal wastes; and

3. A narrative describing the proposed process for management and disposal of animal wastes.

7.6.3 Referral. The Dog Officer and Board of Health for the Town of Maynard shall be provided an opportunity to review the Special Permit application prior to the decision of the Board of Appeals.

7.7 REGISTERED MARIJUANA DISPENSARY[188]

7.7.1 A Registered Marijuana Dispensary (RMD) is considered a non-profit facility or location that has been registered by the Massachusetts Department of Public Health, where medical marijuana is grown, processed and/or made available to a qualifying patient or a personal caregiver as determined by 105 CMR 725.000.

7.7.2 **Spacing Requirements.** A Registered Marijuana Dispensary shall not be sited within the distance of any uses in accordance with 105 CMR 725.110(A)(14).

7.7.3 **Term.** A Special Permit granted under this Section shall expire within two (2) years of the date of issuance of the Permit. Prior to the expiration of the Special Permit, the applicant shall make application to the Special Permit Granting Authority for renewal of the Special Permit for an additional two (2) year period. Said renewal shall not require the technical submission of the original application, provided that conditions of the site and facility have not changed materially from the original application.

7.7.4 **Transfer.** In addition to the Term requirements specified under Section 7.7.3, a Special Permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as a Registered Marijuana Dispensary. A Special Permit may only be transferred only with the approval of the Special Permit Granting Authority in the form of a modification to the Special Permit and with all the information required per this Section 7.7, Section 10.4 and in any Rules and Regulations that have been adopted, per Section 7.7.5.2

7.7.5 **Further Criteria:**

1. No permit shall be granted hereunder to any applicant, principal officer, agent, owner or manager of the Registered Marijuana Dispensary who has been convicted of a felony in the Commonwealth of Massachusetts. The application shall include proof of the

foregoing, by sworn statement and including submission to a CORI from the Chief of Police for each of the aforementioned individuals. The Chief of Police shall report to the SPGA prior to the close of the public hearing whether or not the applicant complies with this criteria.

2. In addition to the criteria and requirements set forth hereunder, the provisions of Section 10.4 shall apply to Special Permits under this Section 7.7

7.8 TEMPORARY SALES

7.8.1 Permit Required. The temporary sales of goods or merchandise shall require a permit from the Board of Selectmen.

7.9 [RESERVED]

SECTION 8.0 SPECIAL RESIDENTIAL REGULATIONS

8.1 ACCESSORY FAMILY DWELLING UNIT

8.1.1 Purpose. The purpose of this Section is to permit accessory dwelling units in single family residential districts subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single family character of the neighborhood will be maintained and that the accessory unit remains subordinate to the principal living quarters.

8.1.2 General. A Special Permit may be granted by the Zoning Board of Appeals for the conversion of an existing or new single family dwelling to accommodate an additional family living unit by the installation of a common wall or the partitioning of or extension of living space.

8.1.3 Standards.

1. Such additional family living unit shall at the discretion of the Zoning Board of Appeals accommodate up to a maximum of three (3) persons, provided that the owner of record of the structure is a resident of the structure which includes the accessory family dwelling unit. The existing house shall accommodate an additional family unit only if a member of the additional family is related by blood, marriage or adoption to the Owner of the premises. There shall be no other living unit on the lot upon which an accessory unit is to be located.

2. Adequate provisions, as determined by the Building Commissioner, shall be provided for separate ingress and egress to the outside of each unit. To the extent possible, exterior passageways and access ways shall not detract from the single family appearance of the dwelling. An interior doorway shall be provided between each living unit as a means of access for purposes of supervision and emergency response. All stairways to additional stories shall be enclosed within the exterior walls of the structure.

3. Such accessory unit shall be limited to a maximum of six hundred (600) square feet in floor area.

4. Provisions for off-street parking of residents and guests of both units shall be provided in such a fashion as is consistent with the character of the neighborhood, as determined by the Zoning Board of Appeals, which shall seek advice from the Building Commissioner.

8.1.4 Recording. No building permit shall be issued in accordance with the special permit issued under this section until the Special Permit has been recorded in the Registry of Deeds by the applicant and evidence of such recording has been submitted to the Building Commissioner.

8.1.5 Occupancy Permit. No occupancy of the additional dwelling unit shall take place without an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force for a period of two (2) years from the date of issue, provided ownership of the premises is not changed. Thereafter, permits may be issued by the Building Commissioner for succeeding two (2) year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code, this By-law and the Special Permit. If the relative of the Owner vacates this property, the Owner must remove the kitchen and revert this unit back to a single family dwelling. If the house is sold, the new Owner must apply to the Zoning Board of Appeals for a Special Permit to conduct an accessory family dwelling unit or restore this unit to a single family dwelling by removing the kitchen.

8.2 GARDEN APARTMENTS

8.2.1 General. In a Garden Apartment District, no building or structure shall be constructed, used or arranged or designed to be used in any part and no change shall be made in the use of the land or premises, except for use as Garden Apartments. For the purpose of this By-Law, a Garden Apartment shall be defined as a building or a series of buildings located on a fully landscaped building lot and used exclusively for dwelling purposes, each building thereon containing not less than three (3) full family units with full kitchen and bath facilities.

8.2.2 Standards. The following shall apply to construction and use of Garden Apartment Districts:

1. No building shall be farther than one hundred (100) feet from the "nearest access street or connecting access drive" and no entrance shall be farther than two hundred and fifty (250) feet from an off street parking area.

2. No portion of any structure shall be nearer than forty (40) feet from any other structure on said lot or sideline of interior private access roads.

3. On each lot there shall be provided a permanent off street parking area or areas, indoor and/or outdoor, of sufficient size to allow 2 parking spaces for each apartment or family unit to be accommodated on the lot. No parking shall be allowed in front of any building with frontage on a public way or street. No parking area shall extend closer than fifteen (15) feet to a side or rear boundary.

4. No building in a group shall be closer to any other building on the lot than a distance equal to the sum of their heights, nor, in any case closer than fifty (50) feet.

SECTION 9.0 SPECIAL DISTRICTS

9.1 FLOOD PLAIN DISTRICT

9.1.1 Location. The Flood Plain District includes all special flood hazard areas within the Town of Maynard designated as Zone A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Maynard are panel numbers 25017C0353E, 25017C0354E, 25017C0358E, 25017C0361E, 25017C0362E, 25017C0366E, 25017C0363E, AND 25017C0364E dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations as shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Building Commissioner.

9.1.2 Base Flood Elevations and Floodway Data.

1. Floodway Data. In Zone A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is lesser, within unnumbered A zones.

9.1.3 Overlay District. The Flood Plain District is established as an overlay district to all other districts.

9.1.4 Development Regulations. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following. Any variances from the provisions and requirements of these referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

1. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, Flood Resistant Construction and Construction of Coastal Dunes)

2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

9.1.5 Floodway. In the Floodway, designated on the Flood Insurance Rate Maps, the following provisions shall apply:

1. Prohibit encroachments, including fill, new construction, substantial improvement, and other development unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the 100 year flood.

2. If Section 9.1.5.1, above, is satisfied, all new construction and substantial improvements shall comply with all provisions of Section 9.1.4.

9.1.6 Notification of Watercourse Alteration. In a riparian situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent Communities;

2. NFIP State Coordinator;

3. Massachusetts Department of Conservation and Recreation (DCR);
   251 Causeway Street, Suite 600-700
   Boston, Massachusetts 02114-2104

4. NFIP Program Specialist
   Federal Emergency Management Agency, Region 1
   99 High Street, 6th Floor
   Boston, Massachusetts 02110

9.2 WATER SUPPLY PROTECTION DISTRICT

9.2.1 Purpose. The purpose of the water supply district is to protect public health, safety and welfare by preventing contamination of and preserving the quality of groundwater and surface water supplies that provide the current and potential potable water supply for the Town of Maynard.

9.2.2 Delineation of Water Supply Protection District. The Water Supply Protection District is herein established to include all lands in the Town of Maynard or under the jurisdiction of the Town of Maynard for water protection that:

1. Lie within Zone 1 or Zone 2 as defined in 310 CMR 24.06 (2) (a) and (b), Massachusetts Drinking Water Regulations.

a. Zone 1 consists of land within a 400 foot radius of an existing public water supply well.

b. Zone 2 consists of that portion of an aquifer that contributes water to the well under the most severe recharge and pumping conditions realistically anticipated based upon pumping tests conducted by a qualified engineer or hydrologist, and approved as a designated Zone 2 by the Massachusetts Department of Environmental Protection (DEP). In the absence of an approved Zone 2, the Interim Wellhead Protection Area (IWPA) as shown on the most recent Massachusetts GIS map may be substituted for Zone 2]

2. Lie within 100 feet of any surface water supply used by the Town, for public water supply.

3. Lie within 100 feet of the lot line of any private residence not supplied by the public water system (however, this provision does not include any private residence that has access to public water but has not elected to connect to the public water supply), or within a 400 foot radius of the limits of any area designated for future water supply wells based upon reasonable anticipated need and a hydrogeological survey.

The Planning Board shall provide a map designating the Water Supply Protection District as of June 30, 1994, and shall update this map as necessary from time to time.

9.2.3 Applicability. The Water Supply Protection Districts shall be considered as overlying other Zoning Districts.

1. This Section 9.2 shall not apply to the installation, operation, or maintenance of conveyances, structures, facilities, or devices necessary for the operation of public or private water supplies, public waste water facilities, public storm water, private wastewater facilities, constructed and operated in conformance with 310 CMR 15.00, and public electric or natural gas lines.

9.2.4 Use Regulations. Within the Water Supply Protection District, the requirements of the underlying districts continue to apply, except that uses are prohibited as indicated herein, even where underlying district requirements are more permissive.

9.2.5 Prohibited Uses.

1. Solid waste disposal facilities, including without limitation, landfills, junk yards, salvage yards, and any other facilities that require a site assignment from the Board of

Health under MGL c.111 §150A, and under regulations adopted by the Department of Environmental Protection under 310 CMR 19.00.

2. Within Zone 1, all underground or above ground storage of petroleum products, including, without limitation, gasoline, diesel fuel, heating oil (nos. 2, 4, 5, or 6), waste oil, aviation fuel, kerosene, or other petroleum distillate is prohibited.

3. Within Zone 2 or the IWPA, above ground storage of liquid hazardous materials or petroleum products in existing structures is permitted with a special permit, in quantities not to exceed 600 U.S. gallons. Storage of a heating oil tank within a basement is considered to be above ground storage for the purpose of these regulations if:

a. The basement has a concrete or other impervious floor,

b. It is possible to inspect the tank without entering a confined space,

c. All sumps in the basement are equipped with a stopper or valve that will control discharge, and

d. Total capacity is less than 600 U.S. gallons.

4. All underground tanks in Zone 2 must be tested in accordance with the requirements set forth in 527 CMR 9.00, Tanks and Container Regulations of the Board of Fire Prevention, by July 1, 1996. These tanks must be removed if they fail testing, and must be replaced by above ground tanks. Non-conforming above ground or basement tanks must be brought into compliance with the provisions of Section 9.2.5 subsections 1 through 4 by July 1, 1996. All owners of above ground tanks within Zone 2 must apply for a Special Permit before July 1, 1996.

5. Storage of liquid hazardous materials and/or liquid petroleum products must provide storage in:

a. An above-ground level,

b. On an impervious surface, and

c. Either in container(s) or above-ground tank(s) within a building, or; outdoors in covered container(s) or above-ground tank(s) in an area that has a containment system designed and operated to hold either 10 percent of the total possible storage capacity of all containers, or 110 percent of the largest container's storage capacity, whichever is greater.

6. Storage of road salt or other de-icing chemicals (such as Urea) in quantities greater than for normal household use.

7. Stockpiling or disposal of snow or ice containing road salt or other de-icing chemicals that have been collected outside of the Water Supply Protection District. Snow or ice removed within the District may be stockpiled at the road curb.

8. Within Zone 2 or the IWPA, onsite recycling or treatment, generation, storage and disposal of hazardous wastes, including without limitation chemical wastes, radioactive wastes, waste oils, and infectious wastes in quantities that exceed the Very Small Quantity Generator limits for each waste. All such on site recycling or treatment of hazardous wastes are prohibited in Zone 1.

9. Within Zone 1, manufacture, use, storage, or generation of toxic or hazardous materials in the Zone 1, except for the storage and use of water supply treatment chemicals necessary for the protection and operation of drinking water wells.

10. Within Zone 1, storage of commercial pesticides, herbicides, chemical fertilizers, or manure unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate. These activities are permitted in zone 2 or the IWPA with a Special Permit.

11. Commercial hazardous waste treatment, storage and disposal facilities.

9.2.6 Uses Permitted by Special Permit. The following uses are permissible by Special Permit upon review of operating plans, and subject to conditions set forth for each specific application. Failure to comply with the terms and conditions set forth in a Special Permit shall be grounds for revocation of said permit.

1. Within Zone 2 or the IWPA, above ground fuel storage tanks that meet the criteria in 9.2.5.

2. Within Zone 2 or the IWPA, operations that generate hazardous waste below Very Small Quantity generator limits may operate under special permits.

3. Within Zone 2 or the IWPA, commercial agricultural operations.

4. Within Zone 2 or the IWPA, commercial mining of land.

5. Within Zone 2 or the IWPA, commercial, industrial, and community facility uses requiring site plan review to prevent compaction and siltation, loss of recharge, exfiltration from sewer pipes and contamination by oils, chemicals, nutrients, or other adverse impact on the Water Supply Protection District.

6. Within Zone 2 or the IWPA, parking lots and vehicle rental agencies.

7. Within Zone 2 or the IWPA, any uses with more than 10,000 square feet of impervious service.

8. Within Zone 2 or the IWPA, any use otherwise permitted as of right or by special permit that requires a permit under the National Pollutant Discharge Elimination System permit program established pursuant to 33 USC 1342, the Surface Water Discharge Permit Program established pursuant to MGL c 21 § 43, or the Groundwater Discharge Permit Program established pursuant to MGL c 21 § 43.

9. All structures constructed within zone 1 require a special permit.

9.2.7 Criteria. In addition to the notice otherwise required by this By-Law, the Special Permit Granting Authority shall give written notice of a Special Permit application within the Water Supply Protection District to the Planning Board, the Board of Health, and to the Conservation Commission and request a report and recommendation from each. After notice and a public hearing, the Special Permit Granting Authority may grant such a permit provided that it finds that the proposed use:

1. Is in harmony with the purposes and intent of this Section 9.2 and will promote the purposes of the Water Supply Protection District;

2. Is appropriate to the natural topography, soils, and other characteristics of the site to be developed;

3. Will not, during construction or thereafter, have an adverse environmental impact on any water body, groundwater supply, or water course in the District; and

4. Will not adversely affect the quality or quantity of any existing or potential water supply.

9.2.8 Procedures. If the Planning Board, the Board of Health, or the Conservation Commission, within 14 days of the Special Permit Granting Authority's request for comments, opposes the granting of the Special Permit or recommends conditions or limitations on the permit, the Special Permit Granting Authority must either

1. Follow such recommendations; or,

2. State in writing as part of its findings the reasons for not allowing such recommendations.

9.2.9 Site Plan Approval. The provisions of Section 10.5 shall apply to all uses requiring a Special Permit under Section 9.2.

9.2.10 Design and Operating Standards.

1. Above ground Tank Operating Standard - Provisions shall be made to ensure that each above ground tank installed within the Water Supply Protection District pursuant to these regulations shall meet the following operational criteria:

a. Is constructed on a concrete pad, concrete floor (basement tanks), or other impermeable surface,

b. Is surrounded by a berm or other containment structure that will contain 110 percent of the contents of the largest tank within the structure, and,

c. In the case of a basement tank, provisions have been made to prevent discharge of any leakage from the tank to a basement sump or other discharge structure.

2. Underground Tank Operations Standards – All underground tanks installed within the Town shall comply with State Board of Fire Protection regulations (527 CMR 9.00) and with any other regulations governing underground tanks that may be promulgated by the Massachusetts DEP from time to time.

9.2.11 Safeguards. Provisions shall be made to adequately protect against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage, or vandalism through such measures and provisions for spill control in the vicinity of chemical or fuel delivery points, secure storage areas, for toxic and hazardous materials, and indoor storage provisions for materials that are water soluble or that may corrode.

1. Disposal – No disposal of hazardous materials is permitted within the Water Supply Protection District.

2. Fill – Fill materials used within the Water Supply Protection District shall contain no solid wastes, toxic or hazardous materials, or hazardous wastes. The SPGA may require testing of soils by Massachusetts DEP-certified laboratory at the applicant's expense prior to granting a Special Permit to fill within the district.

3. Soil Containment - For Industrial and Commercial uses within Zone 2 or the IWPA, an emergency response plan to prevent contamination of soils or water in the event of accidental spills or discharges of toxic or hazardous materials shall be submitted to the SPGA if requested. The SPGA may request that the Fire Chief or other Town Official review said plan.

4. Monitoring - As a condition of granting a Special Permit, the SPGA may request that applicants who propose certain uses that, in the opinion of the SPGA based upon recommendations from the Department of Public Works, the Board of Health, and/or the Conservation Commission, constitute potential threats to the water supply must submit a monitoring plan and conduct periodic monitoring. This monitoring may include the installation and maintenance of groundwater monitoring wells at locations specified by the Department of Public Works, and analysis for parameters to be determined by the Town. All costs of well installation and monitoring shall be the responsibility of the applicant.

5. On-Site Recharge – Land uses that result in the rendering impervious any lot or parcel more than 15 percent or 2500 square feet, whichever is greater, are prohibited, unless a system for artificial recharge of precipitation is provided that will not result in degradation of groundwater quality. All storm water runoff from impervious surfaces shall be recharged on site unless in conducting site plan review it is determined by the SPGA or others that recharge is not feasible because of site conditions or is not recommended because of storm water quality. Such recharge shall be by surface infiltration through vegetated surfaces unless otherwise approved by the SPGA during site plan review. If dry wells or leaching basins are approved for use, design shall incorporate oil, grease, and sediment traps prior to infiltration. Drainage from loading areas shall be collected separately from storm water runoff in closed loop systems. This drainage may be discharged to the storm sewer or through infiltration only after laboratory analysis. Contaminated runoff shall be disposed of in accordance with 310 CMR 30.

6. Grade Reduction – Soil overburden shall not be lowered to finish exterior grades less than five feet above the maximum ground water elevation as determined by deep hole observation unless technical evidence can be provided satisfying the SPGA that ground water quality or quantity will be affected. Technical evidence may include without limitation a determination of soil and hydro-geologic conditions where low permeability will mitigate infiltration.

9.2.12 Notice of Violation. Notice of any violations of this section shall be given by the Building Commissioner to the responsible person within forty eight (48) hours of detection of a violation or a continuing violation. Notice to the assessed Owner of the property shall be deemed notice to the responsible person. Such notice may be verbal, and shall be confirmed in writing within five working days. Such notice shall specify the nature of the violation, and the specific requirement or prohibition violated. The violation may also identify actions necessary to remove or remedy the violation, preventive measures for avoiding future violations, and a schedule of compliance. A copy of such violation notice shall be submitted to the Building Commissioner, the Planning Board, and the Conservation Commission, and the Fire Chief. The cost of correcting the violation shall be borne by the Owner or operator of the premises. For situations that require immediate remedial action to prevent adverse impact to the water

resources within the Water Supply Protection District, The Town of Maynard, the Building Commissioner, the Board of Health the Department of Public Works, or any of their agents may order the Owner or operator of the premises to remedy the violation immediately. If said Owner or operator does not comply with the order, the Town or any of it's Officers or Agents, may take actions necessary to remedy the violation and recover any and all costs of such actions from the Owner and/or operator. For the purposes of this section, "immediately" shall mean within 24 hours.

1. In the event of any discharge or disposal within the Water Supply Protection District requiring a report to the Massachusetts Department of environmental Protection within 2 hours or 72 hours as specified in 310 CMR 40.0000 subpart C (310 CMR 40.0311 through 40.03114, the Town may make such notification if the responsible party fails to do so.

9.3 NEIGHBORHOOD BUSINESS OVERLAY DISRICT (NBOD)

9.3.1 Purpose. The Neighborhood Business Overlay District (NBOD) is established:

1. To encourage and authorize the mixed-use development of large land areas by means of authorizing and combining a variety of building types and uses with conditions and safeguards; and

2. To prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Maynard generally.

9.3.2 Applicability. The NBOD is an overlay district superimposed over, rather than replacing, the applicable underlying zoning districts. The NBOD authorizes certain uses not allowed in the underlying base district provided certain special terms and conditions are met regarding the establishment of such uses. Where the NBOD authorizes uses not otherwise allowed in the underlying district, the provisions of the NBOD shall control. Except as provided in this Section 9.3, the NBOD does not in any manner alter or remove the zoning rights permitted in the underlying base zoning district(s). Nothing contained in this Section 9.3 shall prohibit or limit uses otherwise permitted by right or by Special Permit in the base zoning district(s).

9.3.3 Requirement for Approval of a Concept Plan at Town Meeting. No development for uses not otherwise allowed in the underlying zoning district shall be permitted on any land within the NBOD without first obtaining approval, by a majority vote at Town Meeting, of a Concept Plan that identifies the proposed development. At the property owner's discretion, one or more Concept Plans may be submitted at different times and a Concept Plan may include development of all, or any smaller portion, of the relevant parcel or lot. Each Concept Plan submitted for approval at Town Meeting shall include the following information:

1. The area of land proposed to be developed under the NBOD regulations, which may be less than the total area of the applicable lot.

2. The topography of the land to be developed.

3. The location of wetlands and water bodies, if any.

4. The location of existing roads and ways serving the land to be developed.

5. The general location, size and shape of existing structures to be removed, and the general location, size and shape of existing structures to remain.

6. The general location and size of all required buffer areas provided in compliance with Section 6.1.

7. The general location and approximate size of all proposed new buildings including the approximate size of each single principal use within said buildings; the final size of each single principal use to be determined via the Town's site plan review process and shall not exceed the dimensional requirements in Table G.

8. Examples of amenities and design features to be included as part of the proposed development

9. Illustrations of the general architecture of the proposed structures.

10. A preliminary traffic impact analysis.

11. A written proposal from the Property Owner ("Developer") that addresses, but is not limited to, the following:

a. Any proposed exactions, financial gifts, easements or land gifts

b. Payment for consultant review of plans and documents accompanying the Concept Plan

c. The timing of assessment of new improvements

d. The Developer's payment for design and implementation of traffic improvements

e. Transfer of responsibilities and commitments in the event the property is sold

Such proposal shall be incorporated into the terms of a development agreement, which may include other provisions between the Developer and the Town of Maynard acting by

and through the Board of Selectmen and the Planning Board before final site plan approval is granted by the Planning Board.

9.3.4 Subsequent Permits. Immediately following approval of a Concept Plan at Town Meeting as provided in Section 9.3.3, the owner and/or developer shall be entitled to apply for any other permits and approvals required for all or any portion of the development shown on the Concept Plan, including, without limitation, site plan review.

9.3.5 Permitted Principal Uses. The following uses are allowed by right in the Neighborhood Business Overlay District:

Healthcare Facility
Health Club
Restaurant
Garden Center
Personal Service Establishment
Supermarket
Retail Business
Wholesale Business
Mixed Use with fewer than 5 dwelling units
Multiple principal uses on a single lot or parcel within the NBOD.

9.3.6 Permitted Accessory Uses. The following uses shall be available as accessory to the above principal uses and as accessory to uses permitted in the underlying district(s).

Outdoor storage of recreational equipment.
Outdoor recreational facilities including athletic field and tennis and basketball courts.
Outdoor storage, display and sales of merchandise accessory to a permitted principal retail use.
Bank automated teller machine.
Management or maintenance office related to the principal use
Parking and accessory drives for all permitted uses in the underlying, base Zoning District, as well as any and all utilities necessary to support such permitted uses, whether or not on the same lot as the principal use.
Uses and structures customarily incidental to any permitted principal use.

9.3.7 Uses Permitted by Special Permit of the Planning Board. The following uses are allowed by Special Permit in the Neighborhood Business Overlay District:

Multi-family Dwelling
Parking Structures
Mixed use with 5 or more dwelling units

9.3.8 Dimensional Requirements. Table G lists the dimensional requirements for each single principal use within the NBOD. Uses listed in Table G as "N/A" have no corresponding dimensional requirement.

TABLE G: NBOD DIMENSIONAL REQUIREMENTS

Principal Use	Maximum Gross Floor Area
Multi-Family Dwelling	N/A
Healthcare Facility	N/A
Health Club	30,000 s.f.
Restaurant	10,000 s.f.
Garden Center	25,000 s.f.
Personal Services Establishment	5,000 s.f.
Supermarket	75,000 s.f.
Retail Business	35,000 s.f.
Wholesale Business	35,000 s.f.

9.3.9 District Total. The total gross floor area for all principal uses within the NBOD, including nonresidential portions of Mixed Use structures, excluding multifamily dwellings, healthcare facilities, and residential components of mixed use structures, shall not exceed 175,000 s.f..

9.3.10 Housing Cap. The maximum number of housing units in the NBOD shall not exceed one-hundred (100).

9.3.11 Design Criteria. In addition to provisions in other sections of this By-law, the criteria listed in this Section 9.3.11 shall apply to any action in the NBOD requiring site plan approval under Section 10.5.

1. Lighting. These standards are intended to: promote a lighting design for all development within the NBOD to ensure public safety and welfare; and protect the night sky from unnecessary ambient light. Any lighting plan submitted as part of a Site Plan Review application, shall include the following:

a. All lighting installations shall be designed to achieve no greater than the minimum luminance levels for the activity as recommended in the most recent standards established by the Illuminating Engineering Society of North America (IESNA);

b. To prevent glare on off-site locations, all outdoor lighting fixtures shall be full cut-off (Full-cutoff means that no light is emitted above the horizontal plane that intersects the lowest part of the fixture). Where necessary to prevent light or glare, accessories such as hoods and shields shall be used on lighting fixtures. The

source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent property;

c. Security lighting shall be shielded and directed at a downward angle.

d. As part of any application for Site Plan Review, the applicant shall prepare a lighting study showing that the development will meet these standards.

2. Utilities Underground. All new, non-municipal utilities (such as electricity, telephone, gas, fiber optic cable) shall be placed underground.

3. Setbacks/Buffers. For the construction of any new building, a setback area of one-hundred (100) feet shall be provided at the perimeter of any lot or parcel in the NBOD where it abuts the property line of any residentially zoned or occupied properties, except for fences twelve (12) feet in height or less and driveways necessary for access and egress to and from the new building(s); provided, however, that existing structures and existing access roadways and paved areas are exempt from this requirement. Notwithstanding the preceding, existing structures and paved areas shall not be made more non-conforming except for American with Disabilities Act (ADA) compliance. A buffer area of forty-five feet (45) shall be provided where the property line of any land within the NBOD is contiguous to the property line of another lot within an existing residential district. The buffer shall be landscaped and screened by way of fences, walls, and/or plantings (including existing vegetation and trees) to reasonably and substantially shield abutting land from parking and loading areas and buildings. Any such fences or walls may, in the reasonable determination of the Planning Board, provide openings to allow safe pedestrian access and egress between the development site and the adjacent neighborhood.

4. Parking. Required parking shall be 4 spaces per one thousand (1,000) square feet of gross floor area for retail and supermarket uses. For outdoor sales and display areas of a Garden Center uses, required parking shall be one space per three thousand (3,000) square feet of outside merchandise display area. For all other allowed uses, the parking requirement for such use shall be in accordance with the schedule of parking uses set forth in Section 6.1 of this by-Zoning Law.

9.3.12 Site Plan Approval. The provisions of Section 10.5, Site Plan Approval, shall apply to uses, buildings and structures permitted by right or by special permit in the NBOD.

1. All new development pursuant to the NBOD shall be subject to Site Plan Approval from the Planning Board. The Planning Board may not issue such Approval unless the proposed Site Plan substantially conforms to the Concept Plan approved by the Town Meeting. The Planning Board may permit minor modifications to the proposed development in connection with its site plan review, provided that the Planning Board

finds, in its reasonable discretion and in writing, that any such modifications do not materially conflict with the general intent of the Concept Plan as approved.

9.3.13 Signage. The provisions of Section 6.2 for the underlying base zoning district shall govern signage for projects built under the NBOD provisions.

9.4 DOWNTOWN MIXED-USE OVERLAY DISTRICT (DOD)

9.4.1 Purpose. The purpose of this overlay district includes the following:

1. To foster a vibrant, attractive, and durable downtown;

2. To encourage quality development in the downtown that shall include site and architectural features consistent with the best development within the DOD as well as those standards set forth by the Planning Board through Site Plan Regulations;

3. To enable a modest increase in density of development in the downtown;

4. To enable mixed retail, commercial, residential uses;

5. To increase the effectiveness of allocation of parking spaces;

6. To improve the pedestrian experience in the downtown;

7. To provide greater flexibility in uses allowed that can enhance how downtown functions.

8. To recognize the value of the Assabet River and its value as a significant asset to the downtown;

9. To significantly increase views and physical access to the river while fostering development that proactively protects the River from storm water and the contaminants contained within.

10. To maintain and encourage appropriate massing and height of buildings that blend in and enhance the building elevations already in existence, in most cases a two-story street front facade.

9.4.2 Applicability. The DOD is an overlay district superimposed on the included portions of the underlying zoning districts. All use allowances, definitions, regulations and standards of the underlying zoning district shall apply within the DOD except where specifically modified or supplemented by this section. Where the DOD varies dimensional or other requirements otherwise set forth in this Zoning By-Law, the terms and conditions of the DOD shall control.

9.4.3 Special Permit Granting Authority (SPGA). For the purposes of this Section, unless otherwise noted, the Planning Board shall be the Special Permit Granting Authority.

9.4.4 Permitted and Prohibited Uses. In addition to the uses permitted in the underlying district (see Table A), the following uses are permitted:

TABLE H: TABLE OF DOD USES

Use	**Permitted (Y), Not Permitted (N), Special Permit (SP)**
Multi-Family Dwelling (for lots with frontage on Main or Nason Streets bounded by Florida Road and Summer Street or for lots with frontage on Summer Street between Nason and Main Streets).	N
Multi-Family Dwelling (for lots that do not fall under the restricted area above)	SP
Mixed Use with 6 or fewer dwelling units	Y
Mixed Use with more than 6 dwelling units	SP

9.4.5 Dimensional Requirements. The following requirements shall be substituted for those set forth in Table B:

TABLE I: DOD DIMENSIONAL REQUIREMENTS

Minimum Lot Requirements for Multi-Family and Mixed Use	
Area (square feet)	1,500 s.f. per residential unit (see Section 9.4.5)
Frontage (feet)	20 feet
Width (feet)	0
Maximum / Minimum Yard Requirements for Multi-Family and Mixed Use	
Front (feet) – Maximum / Minimum	10*
Side (feet) – Maximum / Minimum	Unlimited*
Rear (feet) – Maximum / Minimum	Unlimited*
Maximum Building for Multi-Family and Mixed Use	
Maximum Lot Coverage %	90%
Building Height for All Uses	
Minimum Height (stories)	2 stories (see Section 9.4.8)

Maximum Height (feet)	45 feet

* Increase by 15 feet when abutting a residential lot not within the Downtown Overlay District

9.4.6 Mixed Use and Multifamily Reduced Area Requirement; Development Agreement. In order to provide maximum flexibility to prospective developers while ensuring sufficient safeguards for the Town, a Special Permit may be issued by the SPGA to reduce the minimum lot requirement for multi-family and mixed use to a minimum of eight-hundred (800) sq. ft. per residential unit if and only if an executed Development Agreement between the Developer and The Town of Maynard acting by and through the Board of Selectmen and the Planning Board. The development agreement shall include all of the following:

1. Agreement from the developer to include in the development a number of "affordable" units equal to or greater than 15% of the total number of units in the development, rounded up to the nearest whole unit or an agreement from the developer to make a donation to the "Maynard Affordable Housing Trust" (or any equivalent town fund or account which is dedicated to the development of "affordable" housing stock) equal in value to the whole number of affordable units, multiplied by the "affordable unit equivalent" (in dollars). This "affordable unit equivalent" shall be determined by the Affordable Housing Committee, or in the absence of such a committee, by the Board of Selectmen.

2. Agreement from the Developer to make a donation to the Maynard Community Preservation Fund, or other equivalent town fund or account dedicated to the acquisition and preservation of open space or recreation land.

The development agreement may include any of the following but shall not be limited to the following:

3. Description of Development Characteristics;

4. Type of housing;

5. Number of units and/or bedrooms, Rental vs. owned, Percentage owner occupied if condominiums, Age restrictions, Subsidizations, Affordable component, Townhouse vs. Garden Style, Architecture;

6. Parking proposed, including underground;

7. Percentage and type of retail (if applicable);

8. Long term use guarantee (to remain in retail);

9. Sales of goods vs. restaurant uses defined;

10. Percentage and type of commercial use(s) if applicable;

11. Flexibility of changing use to be allowed;

12. Show consistent or reduced parking usage intensity;

13. Type and quality of construction proposed;

14. Number of stories/height;

15. Percent lot coverage;

16. Mitigation / Infrastructure Improvements. To fund or contribute to the Town to fund the mitigation of impacts to Town services created by the proposed development. Examples include the following:

a. Public infrastructure improvements

b. Water supply wells, permitting, improvements

c. Water main improvements

d. Sewer main lines and structures

e. Sewage treatment plant upgrades/improvements

f. Storm water improvements, including aiding the Town to comply with municipal National Pollution Discharge Elimination System (NPDES) requirements.

g. Cable utilities improvements or conversion to underground utilities

h. Proposed traffic mitigation

9.4.7 Special Permit Criteria. The SPGA shall apply the following review criteria in addition to the criteria identified in Section 10.4 of this By-law:

1. The proposal constitutes a high quality development with regards to construction materials, architectural design, and site design, which will enhance the downtown and the immediate neighborhood and provide significant benefit to the residents of the Town of Maynard as provided in Section 9.4.1;

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

3. The proposed development will improve the functioning of the downtown by at least one of the following means:

a. Provide a significant improvement to the usage and/or number of public parking spaces in the downtown area;

b. Provide a significant improvement to the effectiveness of the parking space allocation of the downtown area;

c. Provide a significant improvement to the pedestrian experience in downtown Maynard;

d. Provide a significant improvement to the water quality of current storm water runoff reaching the Assabet River;

e. Increase views and access to the Assabet River;

f. Provide a significant improvement to the functioning of the downtown area;

4. The proposed development is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area.

9.4.8 Special Permits for Minimum Building Height. While increased density is one of the goals of the DOD, situations may arise in which development of multi-story structures may not be practical. In such cases, an applicant may request relief from the minimum building height as identified within this section through a Special Permit. In evaluating the Special Permit request, The SPGA shall use the following review criteria in addition to the criteria identified in Section 10.4 of this By-law:

1. Ability of the reduced height development to fit within the surrounding streetscape.

2. That the single story building proposed is the only reasonable, practicable alternative for development of the site in question. Alternatives need not be economically equivalent.

3. That there are circumstances particular to the site in question that do not apply to the neighborhood in general.

4. That adherence to the bylaw requirement for a multi-storied building will impose unreasonable hardship on the development of the site and its owners.

5. The proposed development purpose is an allowed use in the underlying district and/or the overlay district, and could not be accomplished with a multi-story structure.

9.4.9 Parking Standards within the DOD. Parking requirements in the DOD are designed to allow existing first floor uses to meet their parking requirements based on non-contracted use of existing public parking in the downtown and to acknowledge that shared parking solutions work well in downtowns where users typically will visit multiple destinations within walking distance of each other.

1. First Floor Rehabilitation Credit. The rehabilitation of the 1st floor of any preexisting (prior to the adoption of the DOD on May 22nd, 2007) structure whose previous and proposed new use are non-residential is exempt from minimum parking space requirements. The expansion of the 1st floor of said structure by less than five hundred (500) square feet (s.f.) of gross floor area (g.f.a.) is also exempt from minimum parking requirements. For expansions greater than or equal to five hundred (500) s.f. of g.f.a., parking must be provided for said expansion by using the total expansion size, minus five hundred (500) s.f. g.f.a., and Table C.

9.4.9.2 Parking Location. Parking shall be provided on the same lot as the proposed use. When on-site parking cannot fulfill the entire parking requirement of the proposed use(s), the remaining parking requirement may be fulfilled by parking on a separate lot within a non-residential district through a Special Permit. The proposed offsite lot must be within one thousand (1,000) feet of the lot to be developed. If the separate lot is not under common ownership with the original lot, a Special Permit issued under this provision for the off-site spaces shall require a lease of said lot for a length of not less than five (5) years.

9.4.9.3 Mixed Use and Shared Use Parking. Refer to Section 6.1 for more information.

9.4.9.4. Special Permit to Reduce Minimum Parking Requirement. Refer to Section 6.1 for more information.

9.4.10 Parking. The following Table J shall supersede the schedule identified in Section 6.1:

TABLE J: DOD DISTRICT – PARKING REQUIREMENTS

USE	PARKING REQUIREMENT
Dwelling Unit	1.5 spaces per unit
Retail	One space per 500 sq. ft. of gross floor area (g.f.a.)
Office	One space per 500 sq. ft. of g.f.a.
Medical Office	One space per 400 sq. ft. of g.f.a.
Restaurant	One space per 85 sq. ft. of g.f.a.
Hotel, motel and bed & breakfast	One Space per sleeping room, plus 1 space per 400 sq. ft. of meeting space
Manufacturing, Industrial	One space per 1,000 sq. ft. of g.f.a.
Other uses not specifically noted here	See Section 6.1 for parking requirements

9.5 OPEN SPACE DISTRICTS

9.5.1 Purpose. The Open Space District is intended for:

1. the preservation and maintenance of the ground water table upon which the inhabitants of the Town and other municipalities depend on for water supply;

2. the protection of the public health and safety of persons and property against the hazards of flood water inundation;

3. the protection of the community against the costs which may be incurred when unsuitable development occurs in swamps, marshes, along water courses, or in areas subject to floods;

4. to preserve and increase the amenities of the Town; and

5. to conserve natural conditions, wild life and open space for the education, recreation and general welfare of the public.

9.5.2 Permitted Uses. The following uses are permitted within the Open Space District.

1. Conservation of soil, water, plants, and wildlife.

2. Recreation including nature study, boating and fishing where otherwise legally permitted.

3. Grazing and farming, including truck gardening and harvesting and storage of crops.

4. Forestry.

5. Proper operation and maintenance of dams and other water control devices including temporary alteration of the water level for emergency or maintenance purposes. An owner of a private dam may lower water level to a point not below what was flooded prior to the erection of the dam.

6. Any religious use, educational use or child care center, as provided for by Section 3 of G.L. c. 40A.

9.5.3 Uses Permitted by Special Permit. Upon the issuance of a Special Permit by the Planning Board, and subject to such other special conditions and safeguards the Planning Board deems necessary to fulfill the purposes set forth in Section 9.5.1, the following uses may be authorized:

1. Boat houses, duck walks, landings, and small structures for non-commercial recreational uses;

2. Municipal uses such as water works, pumping stations and parks;

3. Dams, excavations or grading, consistent with the purposes of this section, to create ponds, pools, or other changes in the watercourses, for swimming, fishing or recreational uses, agricultural uses, scenic features, or drainage improvements.

9.5.4 Prohibited Uses. Except as provided above and in G.L., c. 131, §40, there shall be in the open space district;

1. No land filling or dumping in any part of the district;

2. No building or structure, except as provided in Section 9.5.2 and 9.5.3;

3. No permanent storage of materials or equipment.

9.5.5 Site Plan Approval. Section 10.5 shall apply to uses, buildings and structures permitted by right or by Special Permit in the Open Space District.

9.6 HEALTH CARE INDUSTRIAL DISTRICT[189]

9.6.1 Purpose. The Health Care Industrial (HCI) District contains Clock Tower Place, with its buildings and facilities. The existing buildings and structures contain approximately 1.1 million square feet of gross floor area. This Section 9.6 has been adopted to promote the orderly development, occupation, and use of the Clock Tower and surrounding vacant land, and to integrate such development, occupation and use, with neighboring districts.

9.6.2 Limitation on Certain Uses. The total gross floor area of space devoted to the following uses shall not exceed the percentage of gross floor area in the district, unless a Special Permit is granted by the Planning Board:

Multifamily, garden apartment, hotel, motel. Extended stay facility, or live/work dwelling unit	50%
Retail business, general or personal service establishment	10%
Restaurant	4%

In addition, the following limitations shall apply to specific uses:

* Restaurant shall contain at least 5,000 square feet of gross floor area;
* Retail shall contain at least 10,000 square feet of gross floor area, but not more than 50,000 square feet;
* Supermarket shall contain at least 20,000 square feet of gross floor area.

Any establishment of or change of use resulting in any of the uses set forth above shall require site plan approval from the Planning Board in accordance with Section 10.5.

9.6.3 Special Permit Required. Any use, allowed as of right or by Special Permit in Table A, which is proposed to be located in a building constructed in the HCI District after the applicable date of this amendment shall require the issuance of a Special Permit by the Planning Board, except those exempt by statute. This provision shall apply in a new building replacing any existing building which has been razed.

9.6.4 Vehicle Trip Reduction. Any application for Site Plan Review or a Special Permit within the HCI District shall be accompanied by a Vehicle Trip Reduction Plan to promote traffic management for employees. Such plan shall include shuttle service to the nearby MBTA stations, bicycle racks and facilities, showers for employees, and other Trip Reduction Measures that provide incentives to employees.

9.6.5 Parking. The following minimum parking requirements shall be substituted for those set forth in Section 6.1.5, Table C:

Nonresidential Parking	2 spaces per 1,000 sq. ft. gross floor area
Multifamily, garden apartment, hotel, motel, extended stay, live/work dwelling unit	1 space per dwelling unit or room for independent lease or occupancy

SECTION 10.0 ADMINISTRATION AND PROCEDURES

10.1 ENFORCEMENT

10.1.1 Building Commissioner. There shall be a Building Commissioner appointed by the Town Administrator.

10.1.2 Zoning Officer. Pursuant to G.L.c.40A, §7, the Building Commissioner shall serve as the zoning enforcement officer ("Zoning Officer").

10.1.3 Violations. If the Zoning Officer is informed or has reason to believe that any provision of this By-law is being violated, he shall make or cause to be made an investigation of the facts and inspect the property where such violation may exist.

1. If upon such investigation and inspection he finds evidence of such violation, he shall give notice thereof in writing to the owner and occupant of said premises and demand that such violation be abated within such time as the Zoning Officer deems reasonable. Such notice and demand may be given by mail, addressed to the owner at his address as it then appears on the records of the Board of Assessors and to the occupant at the address of the premise.

2. If after such notice and demand the violation has not been abated within the time specified therein, the Zoning Officer shall institute appropriate action or proceedings in the name of the Town to prevent, correct, restrain, or abate such violation of this By-law.

10.1.4 Enforcement Requests. If the Zoning Officer is requested in writing to enforce this By-law against any person allegedly in violation of the By-law, he shall notify in writing the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen days of receipt of such request.

1. Before any court proceeding is initiated to enforce the provisions of this By-law, the Building Commissioner shall inform the alleged violator of his right to appeal any decision of the Building Commissioner to the Board of Appeals.

10.1.5 Building Permit. Applications for building permits, and certificates of occupancy shall be filed with the Building Commissioner on forms furnished by him.

10.1.6 Issuance. The Building Commissioner shall issue no permit for the erection, enlargement, alteration, or change in use of any building or part thereof, unless plans and specifications and intended use are in all respects in conformity with the provisions of this By-law and comply with the Massachusetts State Building Code.

10.1.7 Regulations. The Building Commissioner shall adopt reasonable rules and regulations governing the method of application for and issuance of such permits.

10.1.8 Penalty. Anyone who violates a provision of this By-law, or of any condition of a Variance, Special Permit, or Site Plan, shall be punishable by a fine of $300 for each offense.

1. Each separate calendar day, or part thereof, that an unlawful occupancy, construction, or use of land or structures thereon occurs or continues is considered a separate offense.

2. Each calendar day, or part thereof, that land or structures thereon shall be occupied or used, for the purpose authorized by a Variance, Special Permit, or Site Plan, or other provision of this By-law, during which time the person so occupying or using fails to comply with all of the restrictions and conditions imposed by the terms of such Variance, Special Permit, Site Plan, or other provision of the By-laws, shall be considered a separate offense.

10.1.9 Non-Criminal Disposition. The Building Commissioner may enforce the provisions of this By-law pursuant to the Town's Non-Criminal Civil Disposition by-law as set out in the Town of Maynard General By-laws.

10.2 BOARD OF APPEALS

10.2.1 Establishment. The Board of Selectmen shall appoint a Board of Appeals of five members and two associate members who shall serve without remuneration and shall act on all matters within its jurisdiction. No member of the Planning Board shall also serve as a member of the Board of Appeals.

10.2.2 Powers. The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by this By-Law. The Board's powers are as follows:

1. To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the Special Permit Granting Authority.

2. To hear and decide Appeals or petitions for Variances from the terms of this By-Law, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10. The Board of Appeals shall not have the power to grant Use Variances.

3. To hear and decide Appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, Sections 8 and 15.

4. To hear and decide Comprehensive Permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, Sections 20-23.

10.2.3 Regulations. The Board of Appeals may adopt rules and regulations for the administration of its powers.

10.2.4 Fees. The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for Variances, Administrative Appeals, and applications for Comprehensive Permits.

10.3 PLANNING BOARD

10.3.1 Establishment. The Planning Board shall consist of the five members and one Associate Member, who shall be appointed by a vote of the Board of Selectmen and the Planning Board. Said Associate Member when designated by the Chairman of the Planning Board, shall sit on the board for the purposes of acting on a Site Plan Approval or Special Permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the Board. The Associate Member shall be appointed for a three-year term of office.

10.3.2 Powers. The Planning Board shall have the following powers:

1. To hear and decide applications for Special Permits as provided in this By-law, subject to any general or specific rules therein contained and subject to any appropriate conditions and safeguards imposed by the Board.

2. To conduct Site Plan Review pursuant to Section 10.5.

10.3.3 Rules and Regulations. The Planning Board shall adopt rules and regulations not inconsistent with the provisions of the Zoning By-law for conduct of its business and otherwise carrying out the purposes of said Chapter 40A, and shall file a copy of such rules in the office of the Town Clerk.

10.3.4 Fees. The Planning Board may adopt reasonable administrative fees and technical review fees for applications for Special Permits and Site Plan Approval.

10.4 SPECIAL PERMITS

10.4.1 Special Permit Granting Authority. The Board of Appeals, Planning Board, and the Board of Selectmen shall be the Special Permit Granting Authorities as specified in the various sections of this By-law and shall hear and decide applications for Special Permits.

10.4.2 Criteria. Special Permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;

2. Traffic flow and safety, including parking and loading;

3. Adequacy of utilities and other public services;

4. Neighborhood character and social structures;

5. Impacts on the natural environment; and

6. Potential fiscal impact, including impact on town services, tax base, and employment.

10.4.3 Conditions. The SPGA may impose additional conditions and limitations, including but not limited to the following, as it deems necessary:

1. Screening structures or principal and accessory uses from view from adjoining lots or from a street, by landscaping, plantings, walls, fences, screening, or other devices;

2. Limitations on the size, number of occupants or employees, method or hours of operation, extent of facilities or other operating characteristics of a use;

3. Regulation of the number, design and location of access drives or other traffic features of the proposed use;

4. Provision of a greater number of off-street parking spaces;

5. Limitation on the number, location, type and size of signs or illumination or modification of the design features thereof;

6. Limitation on construction activities, such as but not limited to, the hours during which construction activity may take place, the movement of trucks or heavy equipment on or off the site, measures to control dirt, dust, erosion and to protect existing vegetation on the site;

7. Requirements for independent monitoring, at the expense of the applicant, and reporting to the Building Commissioner if necessary to insure continuing compliance with the conditions of a Special Permit or of this By-law; and

8. Such other limitation as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.

10.4.4 Application. The SPGA may adopt additional rules relative to the issuance of Special Permits and shall file a copy with the Town Clerk. The rules shall prescribe a size, form, contents, style, and number of copies of plans and specifications and the procedure for submission and approval of such permits.

10.4.5 Modification of Special Permit. After a Special Permit has been granted by the SPGA, minor revisions in the plan may be made in accordance with applicable law, by-laws, and regulations, but the use or development approved under such Special Permit shall otherwise be in accordance with the plans. The developer shall notify the SPGA in advance of any such revision which shall not be effective until approved by a vote of the SPGA.

1. If the SPGA determines such revisions not to be minor, it shall order that an application for a Modified Special Permit be filed, and a public hearing be held in the same manner as set forth for a new application.

10.4.6 Security for Special Permit. The SPGA, as a condition of granting a Special Permit may require that the performance of the conditions and observance of the safeguards of such Special Permit be secured by one, or in part by one and in part by the other, of the methods described in the following clauses. The SPGA shall administer this securing of performance.

1. Bond, Deposit or Tripartite Agreement. By a proper bond, deposit of money or negotiable securities, or tripartite agreement, sufficient in the opinion of the SPGA to secure performance of the conditions and observance of the safeguards of such Special Permit. The form of the security shall be reviewed and approved by Town Counsel and Town Treasurer.

2. Until completion of the development the sum of any deposit or security held under clause #1 above may from time to time be reduced by the SPGA by an amount not to exceed 85% of the value of work originally estimated.

3. Upon the completion of the development or upon performance of the conditions and safeguards imposed by such Special Permit, security for the performance of which was given, the applicant shall send by registered mail to the SPGA an affidavit that the conditions and safeguards in connection with which such security has been given have been completed.

4. If the SPGA determines that the conditions and safeguards of the Special Permit have been complied with, it shall release the interest of the Town in such security, return or release the security to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged. If the SPGA determines that the conditions or safeguards included in the Special Permit have not been complied with, it shall specify the conditions or safeguards with which the applicant has not complied in a notice sent by registered or certified mail, to the applicant.

5. If the SPGA fails to send such a notice within sixty days after it receives the applicant's affidavit, all obligations under the security shall cease and terminate, any deposit shall be returned and any such covenant become void.

6. Upon failure of the applicant to complete such work to the satisfaction of the SPGA and in accordance with all applicable plans, regulations, and specifications, the Town shall be entitled to enforce such bond or other eligible performance guarantees under Mass General Law or to realize upon such securities to the extent necessary to complete all such work without delay.

10.4.7 Regulations. The Special Permit Granting Authority may adopt rules and regulations for the administration of this section.

10.4.8 Fees. The Special Permit Granting Authority may adopt reasonable administrative fees and technical review fees for applications for Special Permits.

10.4.9 Lapse. Special Permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the Special Permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

10.5 SITE PLAN APPROVAL

10.5.1 Applicability. Site Plan approval shall be required in the following cases:

1. In the Central Business District, any exterior alteration of a building or structure, except for signs, or the expansion of the footprint of a building or structure, or any change to parking layout and/or parking requirements.

2. In all Districts, except for the Central Business District, construction or expansion of a building or structure, other than a single or two family dwelling, that causes the building or structure to exceed 1,000 square feet in gross floor area.

3. Any building or Special Permit for a property located in the Water Supply Protection District, Section 9.2.

4. In all Districts, except the Central Business District, any use that creates the need for 5 or more parking spaces, other than for a single or two-family dwelling.

5. Ground or building mounted solar photovoltaic facility in the I or HCI Districts.

10.5.2 Site Plan Approval Authority. The Planning Board shall be the Site Plan Approval Authority.

10.5.3 Effect. For any development requiring Site Plan Approval and for any use requiring a Special Permit for which Site Plan Approval also is required, all building permits, occupancy permits and any other related permit or approval shall be issued subject to compliance with the terms and conditions of the approved Site Plan related to such Development or use.

10.5.4 Contents. All Site Plans shall show:

1. All existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas and other open uses;

2. All facilities for sewage, refuse and other waste disposal, and for surface water drainage, and all landscape features (such as fences, walls, planting areas and walks) on the lot.

3. Drainage calculations shall be submitted, which detail the peak rates of runoff for the 2, 10 and 100 year storms for both Pre-Development and Post-Development conditions. In addition, the calculations should show the volume of runoff leaving the site for each storm under Pre and Post-Development conditions.

10.5.5 Submittal. Fifteen (15) copies of the Site Plan shall be distributed by the Applicant to municipal boards and departments as follows: six (6) copies to the Planning Board, two (2) copies to the Conservation Commission, One (1) copy to the Department of Public Works, one (1) copy to the Board of Health, one (1) copy to the Chief of the Fire Department, one (1) copy to the Board of Selectmen, one (1) copy to the Chief of the Police Department, one (1) copy to the Town Clerk to keep on file, one (1) copy to the Building Commissioner.

1. All expenses for advertising, engineering, professional planning, design, traffic or other consultants that, in the opinion of the Planning Board, may be necessary for the review of all plans, recording and filing of all plans and documents, all other expenses including, but not limited to, administrative, legal, inspection or other fees in connection with, or for said Site Plan shall be borne by the applicant. An escrow account for payment

of expenses shall be required prior to the review of site plan, if deemed necessary by the Planning Board.

2. The Applicant shall have the right to an appeal from the selection of an outside consultant to the Board of Selectmen. Said appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications, all in accordance with Mass General Law Chapter 44 Section 53G.

10.5.6 Procedures. The Planning Board shall review and act upon the Site Plan, with such conditions as may be deemed appropriate, within ninety (90) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of those present and shall be in writing. No building permit shall be issued by the Building Commissioner without the written approval of the Site Plan by the Planning Board, or unless 90 days lapse from the date of the submittal of the Site Plan without action by the Board.

1. The applicant may request in writing, and the Board may grant by majority vote, an extension of the time limits set forth herein.

2. No deviation from an approved Site Plan shall be permitted without modification thereof.

10.5.7 Criteria. Each Agency, Board or Individual to which said Site Plan is referred for review shall make such recommendations as are deemed appropriate and shall send copies thereof to the Planning Board and to the Applicant; provided however, that failure of any such Board, Agency or Individual to make recommendations within thirty five (35) days of receipt by such Board, Agency, or Individual of the Site Plan shall be deemed lack of opposition thereto. In reviewing the Site Plan, the Planning Board and each board shall consider, among other things, the following:

1. Protection of adjoining premises and general neighborhood from detrimental use of the lot.

2. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent street, properties or improvements.

3. Adequacy of the methods of disposal for sewage, refuse and other wastes and of the provisions for control and retention of storm water runoff so as not to cause a down stream flooding in the 100 year storm, nor to discharge to down stream properties at a peak rate for the 2- and 100- year storms to exceed the peak rate of discharge for those same storms under current conditions. To the extent feasible, the volume of runoff should also be balanced for the 2- and 10- year storms.

4. The design criteria for underground drainage conveyancing systems (pipes, manholes, discharge structures), if required, and shown on all Site Plans shall, as a minimum, be the

25-year storm, unless the 100- year storm is required under G.L. Chapter 131, Section 40, or the regulations by the Conservation Commission and/or the Board's consultant.

5. Provisions of off street loading and unloading of vehicles incidental to the servicing of the building and related uses of the lot.

6. Adequacy of all other municipal facilities relative to fire and police protection, and other municipal services to meet the needs of the residents housed on the site.

10.5.8 Regulations. The Board may adopt reasonable regulations for the administration of Site Plan Review.

10.5.9 Fee. The Board may adopt reasonable administrative fees and technical review fees for Site Plan Review.

10.5.10 Lapse. Site Plan Approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Board upon the written request of the applicant.

10.5.11 Appeal. Any decision of the Planning Board pursuant to this Section shall be appealed in accordance with G.L. c. 40A, § 17 to a court of competent jurisdiction.

10.6 DESIGN REVIEW

10.6.1 Purpose. The purposes of Design Review are to assure overall high standards of design for downtown buildings, preserve and enhance the architectural integrity and character of Maynard's existing building stock, to promote a high quality of architectural design in new construction that complements Maynard's historic downtown, and to maintain coherence and harmony with the existing buildings in the immediate area and the neighborhood that exhibit historic and/or high quality design features that the Board determines meets the best of area architecture.

10.6.2 Applicability. When conducting Site Plan Review, the Planning Board shall also conduct a Design Review of the proposed project in light of the purposes of this section set forth above, the General criteria set forth below, and the Standards set forth in the Planning Board's Site Plan Review Regulations. A Design Review will be required only in the Central Business, the Business, Downtown Overlay and Health Care Industrial (HCI) Districts.

10.6.3 Waiver. For any proposed development in the Business District subject to Site Plan Review that is not also within the Downtown Overlay District, the applicant may submit as part of the Site Plan application a written request for a waiver from Design Review. The following criteria shall be considered as part of the Design Review waiver request: proximity to the downtown and proximity to existing, historical buildings.

10.6.4 Review. The determination of coherence and harmony with existing buildings in the area/neighborhood shall be made by the Planning Board based on information supplied by the applicant, as required in Section A.V.B. "Buildings" of the Site Plan Review Regulations of the Town of Maynard.

10.6.5 Elements. The review of design features to determine the quality and appropriateness of proposed design changes for downtown Maynard, and particularly in relation to the fine, old historic buildings, shall include, but shall not be limited to, a review of the following features: Facades, exterior walls and details; rear and back sides of buildings; windows, doors, and entryways; materials and colors; central pedestrian-scale features; awnings, canopies, and marquees; lighting fixtures and function; specific storefront features; building systems; signage; landscaping and screening; overall mass and proportion; and the relationship to nearby buildings sidewalks, and streets of the building proposed to be built or altered.

10.6.6 Examples. In conducting Design Review, the Planning Board shall use the following landmark buildings in the downtown area as examples of buildings that effectuate the purposes and exhibit the design features that this Section 10.6 is intended to promote:

1. The Case Building at 22-26 Nason Street.

2. The former Assabet Savings Bank building at 17 Nason Street.

3. The Masonic Building at 100 Main Street.

4. The building located at 1 Nason Street.

5. Buildings 1-8 of the Mill at Clock Tower Place.

10.6.7 Design Guidelines. In determining appropriateness of whether a particular project's design meets the purposes of this Section 10.6, the Planning Board shall follow the design guidelines included in the Board's Site Plan Review Regulations.

1. Minimize use of wetlands, steep slopes, floodplains and hilltops.;

2. Minimize obstruction of scenic views.

3. Preserve unique natural or historical features.

4. Minimize tree, vegetation and soil removal and grade changes.

5. Maximize open space retention.

6. Screen objectionable features from neighboring properties and roadways.

7. Consideration shall be given to the impacts of the project on town services and infrastructure.

8. Electric, telephone, cable television, gas, water, sewer, drainage and other such utilities shall be underground except in cases of extreme physical and environmental constraints.

9. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back or screened to protect the neighbors and those using public ways from objectionable features. Such areas shall not impede the flow of traffic on public ways.

10. When applicable, the Site Plan shall show measures to reduce and abate noise generated from the site that will impact surrounding properties.

11. The Site Plan shall comply with all zoning requirements for parking, loading, signage, dimensions and environmental performance standards and all other provisions of this By-law.

12. The Site Plan shall be consistent with the objectives of the Comprehensive Plan and other applicable specific plans adopted by the Planning Board.

SECTION 11.0 DEFINITIONS

The following words and terms used in this by-law are defined or explained as follows:

Accessory Building: An accessory building is one located on the same lot with the main building detached or attached, and is subordinate and customarily incidental to the use of the main building.

Accessory Family Dwelling Unit: A dwelling unit contained within or being an extension of a single family structure to accommodate an additional family only if a member of the family of the additional family is related by blood, marriage or adoption to the owner of the premises and the accessory family dwelling unit shall contain no more than six hundred (600) square feet in total area.

Accessory Use: An accessory use is one located on the same lot with (or in) the main building or use and which is subordinate and customarily incidental to the use of the main building or the land. Uses accessory to permitted uses which are necessary in connection with scientific research, scientific development, or related production do not have to be located on the same parcel of land as the principal activity as long as a special permit is issued under and in accordance with G.L. c. 40A, § 9.

Adult Entertainment Uses: The following definitions apply in Section 7.1:

> **Adult bookstore:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement, as such terms are or may be defined in G.L. c. 272, § 31, as amended from time to time.
>
> **Adult motion picture theater:** An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement, as such terms are or may be defined in G.L. c. 272, § 31, as amended from time to time.
>
> **Adult paraphernalia store:** An establishment having as a substantial or significant portion of its stock, devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement, as defined in G.L. c. 272, § 31, as amended from time to time.
>
> **Adult video store:** An establishment having a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31, as amended from time to time.

Obscene entertainment: All Adult Entertainment Uses noted herein, including establishments which display live nudity for their patrons and all other activities defined as "obscene" in G.L. c. 272, § 31, as amended from time to time.

Affordable Unit: A low or moderate incoming housing unit as defined in G.L. Chapter 40B Section 20 -23.

Agriculture, exempt: Use of land for agricultural purposes on more than 5 acres, or two qualified acres, as set forth in G.L. c. 40A, § 3.

Agriculture, nonexempt: Accessory agriculture only on 1.5 acres. No animal raising, other than associated with normal household use.

Ancillary use: An ancillary use is one located in the same district, but not necessarily on the same lot, with the main building or use, and which is subordinate to or customarily incidental to the use of the main building or the land.

Assisted Living Residence: A facility licensed pursuant to G.L. c. 19D.

Body Art: The practice of physical body adornment by permitting establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by the Massachusetts Board of Registration in Medicine, such as implants under the skin, which are prohibited.

Body Art Establishment: A location, place or business that has been granted a permit by the Board, whether public or private, where the practices of Body Art are performed, whether or not for profit.

Brewery with ancillary Food Service[190]: An establishment that brews beer for sale and distribution to the public, including ancillary tavern and restaurant facilities for service on the premises, subject to the provisions of G.L. 138.

Buildable Lot: A lot, as defined in this By-law, which meets all the minimum requirements set forth in this By-law necessary for the authorized construction of at least one main building/structure.

Building: A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property.

Building Commissioner: The Building Commissioner under the State Building Code or other designated authority, or his duly authorized representative, charged with the enforcement of this By-law.

Buildings, Coverage: Building coverage shall be determined by dividing the total area of all buildings on the lot, including carports and canopies, whether or not such carports or canopies are attached to a building, by the total lot area.

Building, Story: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Building or Structure, Height: The height of a building shall be the vertical distance measured, in the case of flat roofs, from the mean of finished ground level to the level of the highest point of the roof beams adjacent to the street wall, and, in the case of pitched roofs, from the mean of finished ground level to the midrafter span of the highest roof slope. Where no roof beams exist or there are structures wholly or partly above the roof, the height shall be measured from the curb level to the level of the highest point of the building.

Change of Use: A change from one principal use to another principal use as listed in the Table of Uses.

Child Care Center: Any facility as defined in G.L. c. 15D, § 1A.

Clinic: A building or part thereof, used by medical doctors, dentists, chiropractors, licensed massage therapists, osteopaths, psychotherapists, or occupational therapists their staff and their patients for the purpose of consultation, diagnosis and office treatment. Without limiting the generality of the foregoing, a clinic may include administrative offices; reception areas, waiting rooms, treatment rooms, laboratories, x-ray and minor operating rooms, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodations for in-patient care, or overnight care facilities. See 105 CMR 140.020.

Club or Lodge, private: Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

Development: Any man-made change to a parcel of land or the buildings or structures thereon, including, but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations.

Distribution facility: A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

Dwelling: A building for human habitation, which shall not include a trailer or other mobile living unit or hotel, dormitory, hospital or rooming house.

Dwelling, Single Family: A dwelling designed for or occupied by one (1) family.

Dwelling, Two Family: A dwelling designed for or occupied by two (2) families.

Dwelling, Multi-Family: A dwelling designed for or occupied by more than two (2) families.

Dwelling Unit: A portion of a building designated as the residence of one family or individual with suitable approved provisions for eating, sleeping, cooking and sanitation.

Emerging Energy Technology: Research and testing of new and emerging technologies and technological devices; establishments engaged in services related to the environment; development and manufacturing of renewable energy or alternative energy (RE/AE) equipment and systems, provided such energy related uses shall be guaranteed expedited permitting.

Essential Services: Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead, but not including wireless communications facilities. Facilities necessary for the provision of Essential Services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith. Included are transformer stations, substations, pumping stations (except as an accessory use), and telephone exchanges.

Expedited Permitting for Clean Energy Facilities: All local permitting decisions – formal determinations, orders of conditions, licenses, certificates, authorizations, registrations, plan approvals, or other approvals or determinations with respect to the use, development or redevelopment of land, buildings, or structures required by any issuing authority – applicable to the siting and construction of clean energy facilities within the relevant zoning districts shall be issued within one year of submission of a completed application.

Family: A person or number of persons occupying a Dwelling Unit and living as a single housekeeping unit.

Family Day Care Home, large: Any private residence operating a facility as defined in G.L. c. 15, § 1A.

Family Day Care Home, small: Any private residence operating a facility as defined in G.L. c. 15D, § 1A.

Farm Stand, exempt: Facilities for the sale of produce, and wine and dairy products as set forth in G.L. c. 40A, § 3.

Farm Stand, nonexempt: Facilities for the sale of produce and dairy products not exempted by G.L. c. 40A, § 3.

Fast Food: Food which is (a) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fast- Food Restaurant: An Establishment serving fast food. Grocery stores, small markets with deli counters, and traditional bakeries are specifically exempted from this definition.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls or, from the centerline of a wall separating two buildings but not including interior parking spaces, loading space for motor vehicles or any space where the floor to ceiling height is less than six feet.

Funeral Home or Parlor: Facility for the conducting of funerals and related activities such as embalming.

Garden Center: A retail center for the sale and/or display of shrubs, trees, plants, garden supplies, and related items, such as tools and equipment, home goods, and food, for sale to the general public.

Garage, Private: Any building or portion of a building accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located which is used for keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing or repair of such vehicles is carried on.

General Service Establishment: Repair shop for household appliances, radio and television sets, or office equipment; retail laundry or dry cleaning establishment; printer.

Ground or building mounted Solar Photovoltaic Facility: A Solar Photovoltaic System that is structurally mounted on the ground or a building, and has a minimum nameplate capacity of 250 kW DC.

Health Club; Fitness Center: An establishment providing exercise equipment, training, and recreational opportunities to the general public.

Health Care Dwelling Unit: A dwelling unit, with or without integral cooking facilities, within

a Healthcare Industrial District (HCI), as part of a multi-unit development of such dwelling units, provided there shall be allowed no more than 2 residents per unit.

Healthcare/Elderly Housing: A Healthcare Dwelling Unit to be occupied only by residents age 55 or older.

Healthcare Facility: A Clinic or Hospital.

Hospital: Any institution, however named, licensed by the Commonwealth of Massachusetts as a hospital, acting through the Department of Public Health, or any successor agency, whether operated as a charity or as for-profit, which is maintained for the purpose of caring for persons admitted thereto for diagnosis or medical, surgical or rehabilitative treatment which is rendered within said institution, including related facilities such as hospital diagnostic laboratory, out-patient departments, patient pharmacy, stock room, physical therapy, staff and administrative offices.

Indoor Athletic and Exercise Facility: A commercial enterprise offering athletic activities or exercise/fitness activities to the general public for a fee; said facilities may have accessory restaurants and retail sales open to patrons of the establishment and further said facilities may be used for social or business gatherings.

Kennel: As defined in G.L, c. 140, § 136A, "one pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than three dogs three months old or over owned or kept by a person on a single premises irrespective of the purpose for which they are maintained."

Kennel, private: Any building or land being occupied by a Kennel as an accessory use, in which the dogs belong solely to the owner or lessee of the residential principal use and are kept as pets or for purposes of show or hunting. Any "assistance dogs," such as those who aid the deaf or blind, sheltered on the premises are not counted against the "three dog" threshold.

Kennel, commercial: An establishment being occupied by a Kennel which does not meet all aspects of the definition of "Kennel, private" above, or which is required to be licensed by the Town as a business, including any kennel where dogs are boarded or on sale. A veterinary hospital shall not be considered a kennel unless it engages in the selling of dogs or in the boarding of dogs for other than medical or surgical purposes

Laboratory, research: Laboratory or research establishments including biotechnology companies, but excluding laboratories categorized as Level 4 by the National Institutes for Health. No Building, structures or premises shall be used for laboratories with a bio-safety rating that exceeds Bio-safety Level 3, as established by the United States Department of Health and Human Services, Public Health Service, Centers for Disease Control and National Institutes of

Health ("CDC-NIH") under guidelines set forth in the CDC-NIH publication entitled "Bio-Safety in Microbiology and Biomedical laboratories", 2nd edition, May, 1988, including appendices, addenda and replacement thereto.

Live/Work Dwelling Unit:[191] A structure or portion of a structure that combines a commercial, manufacturing, or artistic activity with a residential living space for the owner or occupant and that person's household.

Lot: An area of land, undivided by any street, in one ownership with definitive boundaries ascertainable from the most recently recorded deed or plan or certificate of title which is: Recorded in the Middlesex County South District Registry of Deeds, or issued by the Land Court and registered in the Land Court section of such Registry, or disclosed by any and all pertinent public documents. A lot may or may not be buildable; such a determination is to be made on the basis of compliance with minimal dimensional regulations and other criteria as set out in these By-Laws.

Lot Area: Lot area is the area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which the lot abuts, even if fee to such street is held by the owner of the lot. For purposes of satisfying the Dimensional Requirements of this By-law for the minimum area of a Buildable Lot, no Lot shall include more than 20% of its required minimum lot area as land under water, 100-Year floodplain, wetlands or any land which constitutes a protected resource area as defined under the Maynard Wetlands Administration By-law (excepting the 100 foot buffer zone), or any combination thereof in the aggregate. Where a question exists as to the extent of such protected resource area(s) on a lot, the Building Commissioner or the Planning Board may require the applicant to have the limits of the resource area(s) flagged in the field by a consultant knowledgeable in such matters, and then to make a formal Request for Determination of Applicability to the Conservation Commission to certify the boundaries of the resource areas prior to the issuance of any permits or approvals.

Lot Frontage: Lot frontage is the uninterrupted linear or curvilinear extent of a Lot measured along the street right of way from the intersection of one Side Lot Line to the intersection of the other Side Lot Line. The measurement of Lot frontage shall not include irregularities in the street line and in the case of a corner lot, shall extend to the point of intersection of the sideline of the rights of way. If a lot has frontage on more than one street, frontage on one street only may be used to satisfy the minimum lot frontage.

Lot Line: A line dividing one lot from another or from a street or any public place.

Lot Line, Rear: A line separating one lot from other lots or from land in different ownership, being the boundary of a lot which is opposite or approximately opposite the frontage street. Where, because of irregular lot shape, the Building Commissioner and the lot owners cannot agree as to whether a lot line is a side or rear line, it shall be considered a rear line.

Lot Width: Lot width is defined as the diameter of the largest circle that can be inscribed within the side lot lines at any point on a continuous line from the frontage of the Lot to the front line of the principal structure of the Lot.

Manufacturing: A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding the following: Acid manufacture; Cement, bituminous concrete or asphalt manufacture; lime, gypsum or plaster of paris manufacture; Production of chlorine or similar noxious gases; Distillation of bones; Drop-forge industries manufacturing forging with power hammers; Manufacture or storage of explosives in bulk quantities; Fertilizer manufacture; Garbage, offal, or dead animal reduction or dumping; Glue manufacture; Hair manufacture; Petroleum refining; Processing of sauerkraut, vinegar or yeast; Rendering or refining of fats or oils; Smelting of tin, copper, zinc or iron ore, including blast furnace or blooming mill; Stockyard or feeding pen; Slaughter of animals, not including the killing of fowl.

Manufacturing, Light: Light industry or Light Manufacturing: Includes the following (with related offices), provided that such uses shall not include the sale or transfer of flammable liquids, gas, explosives or other potentially hazardous materials, except for the uses operating under a license granted under the authority of Chapter 148 of the Massachusetts General Laws as of the date of this ordinance:

a. Assembly of previously prepared or manufactured parts;

b. Laboratory or research establishments including biotechnology companies, but excluding laboratories categorized as Level 4 by the National Institutes for Health.

c. Machine shops or other metal working;

d. Printing and graphic arts establishments;

e. Manufacture, compounding, processing, packaging, stamping or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical and biotechnical, toiletries and food products, and wood, but not including the rendering of fats or oils.

Medically Assisted Housing: A Healthcare Dwelling Unit to be occupied only by residents that may need on-site medical assistance or assistance with other activities or daily living in order to live independently and by members of their families age 55 or older.

Medical, Dental, or Psychiatric Offices: A building designed and used as an office for the diagnosis and treatment of human patients that does not include overnight care facilities or licensing as a clinic.

Mixed Use: A single structure with the above floor(s) used for residential or office use and a portion of the ground floor for retail/commercial or service uses.

Motor Vehicle Body Repair: An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers and similar components of motor vehicle bodies, but does not include the storage vehicles for the cannibalization of parts.

Motor Vehicle General Repairs: Premises for the servicing and repair of autos, but not to include fuel sales.

Motor Vehicle Light Service: Premises for the supplying of fuel, oil, lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs. May include sale of convenience items, packaged food or Fast Food facility.

Nonconforming Use or Structure: Any use or structure which is lawfully in existence or lawfully begun but which does not conform to the most recent effective zoning regulations for the district in which such use or structure exists. See Section 5.0.

Nursing or Convalescent Home: A building housing a facility licensed to provide full-time long term accommodation and a combination of personal and health care services in a supervised environment. Said facilities shall provide long term intensive, skilled and supportive nursing care, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. The facilities may contain common areas for therapy, recreation and dining; further, the facilities may also include on-premise medical offices and treatment facilities related to the care of the tenants. For the purposes of this Bylaw, it includes: Extended Care Facility, Intermediate Care Facility, Convalescent Home and Rest Home.

Open Space: Open Space shall be those areas of a lot which except as provided by this zoning bylaw are to remain un-built and which shall not be used for parking, storage or display.

Parking: The following definitions apply to Section 6.1:

> **Access Driveway (or Throat):** The travel lane that allows motor vehicles ingress from the street and egress from the site and includes the area between the sidelines of the street to the area within the lot.
>
> **Interior Driveway:** A travel lane located within the perimeter of a parking lot which is not used to directly enter or leave parking spaces. An Interior Driveway shall not include any part of the Access Driveway.
>
> **Maneuvering Aisle:** A travel lane located within the perimeter of a parking lot by which

motor vehicles directly enter and leave parking spaces.

Parking Stall Length of Line: The dimension of the stall measured parallel to the angle of parking.

Width of Parking Stall: The linear dimension measured across the stall and parallel to the Maneuvering Aisle.

Parking Structure: A building (or part thereof), which is designed specifically to be for automobile parking and where there are a number of floors or levels which parking takes place.

Personal Services Establishment: Establishments providing non-medically related services, including beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats (self-service laundries); massage therapy; psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided. This shall not include dry cleaning establishments in which cleaning of clothes takes place on-site or Body Art Establishments.

Professional Office: Professional or government offices including; accounting, auditing and bookkeeping services; advertising agencies; architectural, engineering, planning, and surveying services; attorneys; counseling services; court reporting services; data processing and computer sciences; detective agencies and similar services; educational, scientific, and research organizations; employment, stenographic, secretarial, and word processing services; government offices including agency and administrative facilities; management, public relations, and consulting services; photography and commercial art studios; writers and artists offices outside of the home.

Recreational: Primary or accessory use by persons (and, in a manner approved by the appropriate authority, their pets) of a lot or structure for indoor or outdoor exercise or relaxation, including team sports, nature study, boating, fishing as otherwise legally permitted

Retail Business: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Seasonal and Charitable Sales: Sales of goods (such as Christmas trees) or services (such as car washes) by non-profit charitable organizations to raise funds for the benefit of the same or other non-profit charitable organizations, if such sales (a) are an accessory use on a temporary basis (not to exceed 45 days), and (b) do not, in the judgment of the Building Commissioner, constitute a significant and unreasonable impact on neighboring properties as regards to parking, traffic, light, noise, fumes, etc.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems,

designs, trade names or trade marks whether stationary or portable, by which anything is made known, such as used to locate an individual, form of association, a corporation, a profession, a business, or a commodity or product which are visible from a public or private street or right of way and used to attract attention. The following definitions shall apply to Section 6.2:

Area of Sign: The area, including all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, the frame around the sign, and any "cut outs" or extensions, but not including any supporting structure, bracket or bracing. Calculation of sign areas shall use the following formulae:

1. For two-dimensional signs affixed to or fabricated from a mounting background or signboard: the area shall be the smallest rectangular plane that wholly contains the sign.

2. For two-dimensional signs consisting of individual letters or symbols affixed directly to the building wall, window, or awning: the area shall be the smallest area enclosed by a series of straight lines connected at right angles which encompasses all of the letters and symbols.

3. For two-dimensional double-faced signs less than four (4) inches thick: use the area of one face as calculated under subparagraph #1 above.

4. For three-dimensional signs, double-faced signs greater than four (4) inches thick, objects used as signs, and "V" shaped signs: the area shall be determined by the largest of either the front or side projected view of the sign.

Awning Sign: Any sign painted, sewn or attached onto an awning. Awnings may not extend more than Thirty Six (36) inches into the Public Way. Awnings shall conform to the Massachusetts State Building Code.

Banner Sign: Any sign constructed of fabric or flexible material. Pennants and flags are banner signs. Banner signs may be used as permanent and temporary signs. A permanent banner sign shall not exceed sixteen (16) square feet in size.

Bracket: A device used to attach a sign to a building other than with screws or bolts.

Clearance: A completely open and unobstructed space measured from the ground level to the lowest portion of a hanging sign. No less than eight feet (8') clearance shall be allowed when the sign is over a public or private way or walking area.

Directory Sign: Any sign which contains listings of two or more commercial uses or users. A directory sign shall be designed and constructed with provisions for changes of listing without reconstruction of the entire sign.

Free-Standing Sign: Any sign structurally separate from the building, being supported on itself, on a standard, or on legs. Free Standing Signs shall be non-moveable and permanently anchored.

Illumination: The act of applying or brightening a sign with light.

Lineal frontage: The length in feet of a building or storefront which abuts a street or public right-of-way at its first floor or entrance level.

Plaque or Historic Marker: A permanent, non-illuminated sign which identifies a structure or site designated by the Maynard Historical Commission as being historically significant. In the case of a structure, said sign shall be attached parallel to the structure and shall not exceed four (4) square feet. In the case of a site, said sign shall be placed on a structure or shall be freestanding, and shall not exceed four (4) square feet in area. The sign area for a Plaque or Historic Marker shall not be figured in the allowable sign area for the structure or site.

Projecting Sign: A sign which extends forward or out from a facade of a building. Signs shall project no more than five feet (5') from a building or two-thirds (2/3) of the width of the sidewalk, whichever is less. A Projecting Sign shall not exceed eight (8) square feet in area.

Public Market: A Market or Market Place as defined in G.L. c. 40, Section 10.

Sandwich Board Sign: A sign structurally separate from a building and being supported on itself, usually on legs; a sandwich board sign shall be moveable and without permanent anchoring. Said sign shall not be more than six (6) square feet in area, as calculated for two-dimensional double-faced signs, shall be constructed of materials intended for outdoor use and shall not impair visibility or ability to use any public way or public area.

Temporary Sign: A sign which is intended for a limited period of display. A Temporary Sign may be erected for a period not to exceed the time frames listed in the following categories. A Temporary Sign that does not meet the following criteria shall be subject to the same requirements as for permanent signs. Poster-Type Sign(s), Construction Sign(s), and Real Estate Sign(s) are considered Temporary Signs provided they meet the following necessary criteria:

1. Poster-Type Sign: (1) may not occupy more than twenty percent (20%) of the window area and may not be attached to the exterior surface of the window. (2) shall be related to use conducted or goods available on the premises. (3) may not be used for more than twenty-eight (28) consecutive days.

2. Construction Sign: (1) identifies parties involved in construction on the same premises only (2) shall not contain advertising (3) shall not be utilized for more than one (1) year, or for the duration of work on the lot, whichever is longer (4) shall not exceed sixteen (16) square feet in area. (5) shall be removed promptly by contractor within fourteen (14) calendar days of the completion of work.

3. Real Estate Sign: (1) shall be related to sale, rental, or lease of same lot shall not be more than twelve (12) square feet in area. (2) shall be removed within seven (7) calendar days after sale, rental, or lease.

4. Any Banner Sign shall be considered a Temporary Sign provided it meets the following criteria: a. A Banner Sign intended to advertise a business establishment prior to permanent signing: (1) shall be erected for a maximum of thirty (30) calendar days (2) shall be no larger than twenty (24) square feet in area per business (3) shall be attached to the building.

5. A Banner Sign intended to advertise a special event: (1) shall be no greater than seventy-five (75) square feet in area if placed across a public street; otherwise, shall be no greater than twenty (24) square feet in area. (2) shall be erected for a maximum of sixty (60) calendar days, and (3) shall be removed within three (3) calendar days after the event is over.

6. A Sandwich Board Sign shall be considered a Temporary Sign provided that it meets the following criteria: a. the sign is intended to advertise a special event or seasonal product and b. it shall be erected for a maximum of thirty (30) calendar days within any twelve-month period.

Wall Sign: Any sign painted on or affixed to a building wall is a Wall Sign. Wall Signs consist of two basic categories:

1. Directly applied: painted or three-dimensional letters applied directly to a building surface.

2. Independent Wall Sign: painted, incised or three-dimensional letters affixed to a sign board which is then attached to a building surface.

Window Sign: Any temporary or permanent sign affixed to the surface of the glass of any part of any building. Window Sign(s) shall not occupy, in total, more than twenty percent (20%) of the glass area and may not be attached to the exterior surface of the glass. Window Signs shall contain no letters greater than nine (9) inches in height. Any interior sign which is within five feet (5') of the window glass and which is visible from the outside of the building shall be considered a Window Sign even though it may not be

affixed directly to the glass. Window displays of actual products or merchandise for sale or rent on the business premises shall not be considered window signs.

Supermarket: An establishment whose primary business is the sale of a general line of food such as fresh fruits and vegetables, fresh and prepared meats, fish and poultry, and canned, packaged and frozen foods, with none of the lines predominating. The floor area devoted to the sale and storage of food comprises a minimum of 75% of the gross floor area of the establishment, with a maximum of the 25% of the gross floor area devoted to non-food items. For purposes of this definition, gross floor area shall include indoor and outdoor space utilized for retail display and sale of goods.[192]

Street: A public way or private way either shown on a plan approved in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law, G.L. Chapter 41, Section 81K-81GG.

Street Line: The boundary of a street right of way or layout.

Structures: A combination of materials assembled to give support or shelter such as; buildings, towers, masts, sheds, roofed storage areas, mechanical equipment, swimming pools, signs, fences; but not including septic tanks, and septic systems and accessory facilities associated with the provision of utilities such as, drains, wells, transformers and telephone poles.

Temporary Sales: The sale of goods or merchandise, whether indoors or outdoors, for a limited period of time. Temporary sales shall not exceed thirty consecutive days of operation, or sixty days in any calendar year. See Section 7.8.

Trailer: Any vehicle which is drawn by or used in connection with a motor vehicle and which is so designed and constructed or added to by means of such accessories as to permit the use and occupancy thereof for human use or habitation, whether resting on wheels, jacks or other foundations. It shall include the vehicle commonly known as a mobile home, containing completed electrical, plumbing and sanitary facilities and be designed to be installed on a temporary or permanent foundation for permanent living quarters.

Use, Principal: The main or primary purpose for which a Structure or Lot is designed, arranged or intended or for which it may be used, occupied or maintained under this zoning bylaw.

Veterinarian's Office; Animal Clinic or Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use.

Water Supply Protection District: In Section 9.2, the following definitions are used:

Aquifer: Geological formation composed of rock or unconsolidated materials or a part

of a formation that is capable of yielding a significant amount of ground water.

Drinking Water Supply: Groundwater or surface water currently in use or which may reasonably be in use in the future as a source of public or private water supply.

Groundwater: Water below land surface in a zone of saturation.

Hazardous Material: Any substance included in the Massachusetts Oil & Hazardous Materials List, 310 CMR 40.900 Appendix I, as amended from time to time.

Hazardous Waste: Any material for which disposal is regulated in 310 CMR 30.00, the Massachusetts Hazardous Waste Regulations.

Impervious Surface: Material covering the ground, including but not limited to macadam, concrete, asphalt, buildings, that does not permit water to penetrate the soil.

Maximum Groundwater Elevation: The seasonal high level of the groundwater table. This level shall be the same as the maximum groundwater elevation defined and determined in 310 CMR 15.00 (Title 5, Subsurface Disposal of Wastewater)

Mining of Land: The removal or relocation of top soil, sand, gravel, metallic ores or bedrock.

Radioactive Materials: Any materials having an activity that exceeds the limits set forth in Appendix B, Table II of 10 CFR Part 20.

Small Quantity Generator: A person or business that generates regulated recyclable chemical wastes or non-acutely hazardous wastes in quantities below those stipulated for Small Quantity Generator designation and that complies with all regulations in 310 CMR 30.351 (1) through (11).

Solid Waste: Municipal and commercial refuse, including refuse, construction debris, garbage, sludge, and recyclable materials but not including brush, vegetative compostable materials and tree stumps.

Very Small Quantity Generator: A person or business that generates regulated recyclable chemical wastes or non-acutely hazardous wastes in quantities below those stipulated for Very Small Quantity Generator designation and that complies with all regulations in 310 CMR 30.353 (1) through (11).

Wholesale Business: A business primarily engaged in buying merchandise for resale to retailers or to industrial, commercial, institutional, farm, business users or other wholesalers, or in acting as agents or brokers in buying merchandise for or selling merchandise to such persons or

companies on a commission basis.

Wireless Telecommunication Tower and Facilities: For the purposes of Section 7.5, the following definitions shall apply:

> **Tower Height:** The height of the tower or of any component including antenna(s), as measured vertically from the extreme highest point of the tower to the lowest point of natural grade within a perimeter circle extending 10 feet outside the bounds of the smallest circle containing all the supporting legs of the tower.
>
> **Wireless Telecommunication Tower and Facilities:** (hereinafter also referred to as the "facility or facilities") shall include towers, antenna(s), panels, and appurtenant structures designed to facilitate the following services: cellular telephone service, personal communications services, and enhanced mobile radio service. For the purposes of this By-law, Wireless Telecommunication Tower and Facilities shall also include any satellite dish greater than three (3) feet in diameter.

Yard: An open space on a lot unoccupied by a building or structure or parts thereof; provided however, that roof overhangs, cornices or eaves shall not extend twenty four (24) inches into the minimum required yard. Steps, unroofed porches, window sills, slanted bulkheads, fences, gates or security stations, yard accessories, ornaments and furniture and customary summer awnings are permitted in any yard but shall be subject to height limitations and setback limitations. The minimum required yard shall be a strip of land of uniform depth required by this zoning bylaw measured from the lot or street line and adjacent thereto.

Endnotes representing Zoning Bylaw Amendments since the re-codified Zoning Protective By-law was passed as Article 2, October 26, 2011.

The Appendices follow:

- Appendix A: Zoning Map Amendments
- Appendix B: Water Supply Protection District Map
- Appendix C: Zoning Map

[166] Article 3: S.T.M. October 26, 2011
[167] Article 3: S.T.M. October 26, 2011
[168] Article 3: S.T.M. October 26, 2011
[169] Article 3: S.T.M. October 26, 2011
[170] Article 3: S.T.M. October 26, 2011

[171] Article 3: S.T.M. October 26, 2011
[172] Article 3: S.T.M. October 26, 2011
[173] Article 3: S.T.M. October 26, 2011
[174] Article 3: S.T.M. October 26, 2011
[175] Article 3: S.T.M. October 26, 2011
[176] Article 3: S.T.M. October 26, 2011
[177] Supermarket Use introduced as part of Article 3: S.T.M. October 26, 2011; As further modified Article 9: STM, November 4, 2013
[178] Article 9: S.T.M. November 4, 2013
[179] Article 9: S.T.M. November 4, 2013
[180] Article 9: S.T.M. November 4, 2013
[181] Article 3: S.T.M. October 26, 2011
[182] Article 3: S.T.M. October 26, 2011
[183] Article 6: S.T.M. November 4, 2013
[184] Article 3: S.T.M. October 26, 2011
[185] Article 10: S.T.M. November 4, 2013
[186] Article 11: S.T.M. November 4, 2013
[187] Article 3: S.T.M. October 26, 2011
[188] Article 6: S.T.M. November 4, 2013
[189] Article 3: S.T.M. October 26, 2011
[190] Article 3: S.T.M. October 26, 2011
[191] Article 3: S.T.M. October 26, 2011
[192] Article 8: S.T.M. November 4, 2013

APPENDIX A – ZONING MAP AMENDMENTS

AMENDMENT

Voted to amend the Zoning By-Laws and Zoning Map by changing from an "Industrial" to "Single Residence District" all of the area on the southeastern portion of Town bounded by Parker Street on the southwest, by Old Marlboro Road on the northwest and by the Town of Sudbury on the east.

AMENDMENT

Voted to amend Section 2 of the Zoning By-Laws and the Zoning Map by changing from Single Residence to an Industrial District a strip of land extending from the southerly line of Powder Mill Road to the medial line of Old Mill Road, so called, said strip of land being one hundred and eighty-five (185) feet wide, parallel and adjacent to the westerly side of the existing Industrial District which is situated on the easterly side of Town near the junction of the boundaries of the Towns of Acton, Concord and Maynard.

AMENDMENT

Voted to amend the Zoning By-Law and the Zoning Map of Maynard, dated October 5, 1959 and referred to under Section 2 of the Protective Zoning By-Law of the Town of Maynard, Massachusetts by changing from that of Single Residence District to that of Business District the following described area of land situated on the northerly side of Powder Mill Road: "Beginning at land of the Germay Realty Corporation and running easterly along Powder Mill Road 136.6 feet to land now or formerly of Salvatore Buscemi, thence northerly by said land of Salvatore Buscemi, two hundred (200) feet, more or less; thence westerly by land now or formerly of William Snow et al, 70.6 feet; thence southerly by said land of the Germay Realty Corporation 191 feet to the point of beginning.

AMENDMENT

Voted to amend the Zoning By-Laws and Zoning Map of the Town of Maynard by changing from Residential to Industrial the following area: Beginning at that point where Brown Street (Mass Rte. 27) intersects the Maynard/Acton Town Line, thence southerly along the center line of said Brown Street a distance of 1,200 feet to a point, thence due west to the Boston & Maine single track railroad to a point, thence northwesterly on a line to a point on the Maynard-Acton town line to a point on the Maynard/Stow line to its intersection with the Maynard-Acton Town line, thence southeasterly along said Maynard/Acton Town Line to the point of the beginning.

AMENDMENT

Voted to amend the Protective Zoning By-Laws and the Zoning Map of said Town by extending the Business District as it now exists to include in said Business District, the following parcel of real estate adjacent to said Business District, but presently non-conforming business use property in a Single Residence District the said parcel being located and bounded and described as follows:

A certain parcel of land with the buildings thereon located at the corner of Brown Street and Concord Street in said Maynard, and being shown as Lot 1 on a plan entitled "Plan of Land in Maynard, Ma. surveyed for Thomas Deanevi", by Horace F. Tuttle, dated May,1905 and recorded with the Middlesex South District Registry of Deeds at the end of Book 3261, and further bonded and described as follows:

Beginning at the southwesterly corner of the premises at Concord and Brown Street, at the present line of the present business zone, thence running northeasterly by said Brown Street 172 feet to Lot 2 on said plan; thence turning and running southeasterly by said Lot 2, 115.50 feet to said Concord Street, thence turning and running southwesterly by said Concord Street, 127 feet to the point of beginning, and containing 7,334 square feet of land more or less."

AMENDMENT

Voted to amend the Protective Zoning By-Laws of the Town of Maynard and the Zoning Map of Maynard by extending the present Industrial District situated south of Powder Mill Road to include the following described area of land, presently zoned residential, bounded:

Beginning at a point located 600 feet south of the southerly side of Powder Mill Road at the Westerly boundary of the present Industrial District and land of the Powder Mill Realty and Trust Company; thence Westerly by a line running parallel to and 600 feet distant from the southerly side at Powder Mill Road, 2,000 feet to a point; thence southeasterly to a point located 1,300 feet northeasterly of Waltham Street and opposite Wood Lane; thence easterly by a line remaining parallel to the 1,300 feet distant from Waltham Street to the present Industrial District, thence by the present Industrial District to the point of beginning.

AMENDMENT

Voted to amend the Protective Zoning By-Laws and the Zoning Map of the Town of Maynard, Massachusetts by changing from residential to business the following described area of land, situated Westerly of Acton Street and northwesterly of Conant Street:

Beginning at a point at the intersection of Conant Street and Acton Street, 542 feet more or less, to the Maynard and Acton Town line, thence southeasterly by said Maynard and Acton Town line, 225 feet, more or less, to land of George Brown; thence southerly by said land of George Brown, 34 feet, more or less; then southeasterly by said land of George Brown, 100 feet, more or less, to Conant Street; thence southwesterly by Conant Street, 379 feet, more or less, to Acton Street at the point of the beginning.

AMENDMENT

Voted to amend Section 2 of the Zoning By-Laws and the Zoning Map, by changing from Single Residence to an Industrial District the following area known as the United States Military Ammunition Depot, bounded by Old Marlboro Road and Puffer Road on the east, by the Town of Sudbury on the South, by the Town of Stow on the west, and by land now or formerly of Edith N. Buckingham, Millies S. Simon, American Woolen Company, Town of Maynard, Mary E. Schnair, Alden G. Waugh, and Boston and Maine Railroad on the north.

AMENDMENT

Voted to change from Single Residence to Industrial the following described area of land off Parker Street in Maynard:

Commencing at a point on the westerly side of Parker Street at the northeast corner of land now or formerly of Eddma Dettling, now Boardman, and land of Birger S. Koski and Aune R. Koski, then turning and running south 75 degrees 30 feet, West 490.94 feet; thence turning and running north 19 degrees, 28 feet west, 184.87 feet; thence turning and running north 64 degrees 35 feet, west by land now or formerly of Clara B. White, 1,205 feet; thence turning and running north 30 degrees 21 feet 37 inches, west by land now or formerly of the United States of America, 1,007.48 feet, thence turning and running north 22 degrees 20 feet, east by land now or formerly of American Woolen Company 280 feet, thence turning and running south 63 degrees 33 feet, east by land now or formerly of William H. Eveleth, 598.92 feet; thence turning and running north 34 degrees 16 feet, east by land now or formerly of said Eveleth, 587.63 feet; thence turning and running north 36 degrees 23 feet, east by land now or formerly of said Eveleth, 119.05 feet; thence turning and running South 2 degrees 21 feet, west by said Parker Street, 195.71 feet, and thence turning and running south 13 degrees 0 feet, west by said Parker Street, 894.39 feet to the point of beginning.

AMENDMENT

Voted to amend by changing from Single Residence S-1 to General Residence the following described area of land situated westerly of Waltham Street:

Beginning at the southeasterly corner thereof at Waltham Street and the Maynard-Sudbury Town Line, thence turning southwesterly by said Maynard Town Line 353.84 feet to land now or formerly of John Saunders; thence northwesterly by said land now or formerly of John Saunders 538.24 feet to land now or formerly of Louis P. Boeske; thence northeasterly by said land now or formerly of said Louis P. Boeske, 747.48 feet to said Waltham Street; thence southeasterly by said Waltham Street, 662.21 feet to the point of beginning.

AMENDMENT

Voted to amend the Protective Zoning By-Laws and Zoning Map of the Town of Maynard as follows:

By changing from Single Residence to Industrial that part of land of Hilja Twomanen which presently is in the Residential District so that all of the following described area of land is included within the Industrial District. A certain parcel of land situated on the westerly side of Acton Street, Maynard, Ma. and shown on a plan surveyed for G.H. Williams by Horace T. Tuttle, April 6, 1937, and recorded with Middlesex South District Registry of Deeds, Book 6159, Page 326, as plan No. 981 of 1937, and bounded and described as follows:

EASTERLY by Acton Street, 292 feet, more or less;
SOUTHERLY by land now or formerly of Williams, 115 feet;
EASTERLY by land now or formerly of Williams, 14 feet;
SOUTHWESTERLY by lots 1 and 3, 1,415 feet;
NORTHWESTERLY by land of owners unknown, 300 feet; and
NORTHEASTERLY by land now or formerly of Navadonsky and others, 1,372 feet.

AMENDMENT

Voted to amend the Protective Zoning By-Law and the Zoning Map of the Town of Maynard extending the existing Business Zone on the northerly side of Powder Mill Road, in the easterly direction from the end of the existing Business Zone, to land now or formerly of Edgar Christian, and bounded and described as follows:

SOUTHERLY by Powder Mill Road, about 228 feet, more or less;
WESTERLY by the Easterly boundary of the existing Business Zone as shown on the Zoning Map, Town of Maynard, NORTHERLY by the Assabet River about 296 feet, more or less;
EASTERLY by land now or formerly of Edgar Christian, about 230 feet, more or less.

AMENDMENT

Voted that the Town will rezone the following described land from Single Residence S-1 to Single Residence S-2:

Bounded on the northwesterly side of the Stow Town Line.
Bounded on the southwesterly side of the Stow Town Line.
Bounded on the southerly side by existing S-2 zone line on Summer Street. Bounded on the northerly side by Industrial Zone Line.
Bounded on the easterly side by the rear lot lines of Lots 1-21 on Durant Avenue. Lots 22,23,24 on Dana Road and Lots 27-40 on George Road and by a line from the easterly side of lot 40 to Industrial Zone Line as shown on the map of Silver Hill, Maynard, Ma., dated December 30, 1958 by R.C. Pressey, Inc.

AMENDMENT

Voted to amend the present Zoning By-Law and the Zoning Map of the Town of Maynard dated September, 1969, as amended, by changing from that of Single Residential District S-1 to that of Industrial District the following described area of land situated Southerly on Great Road and Westerly of Parker Street and being shown as Parcels 3, 4, and 5 on a plan entitled "Representation Plan Showing Zone to be changed from Residential to Industrial Plan of Land in Maynard MA" dated January 31, 1972, revised March 8, 1972, drawn by Boston Survey Consultants, more particularly described as follows:

Beginning at a point in the northeasterly corner of the parcel to be described, said point being a stone bound as shown on said sketch:

Thence: Running by a stone wall S32-02-11W, one hundred and nineteen and 05/100 feet (119.05) to a stone bound;
Thence: Turning and running S34-19-23W, five hundred and eighty-eight and 64/100 feet (588.64) to a drill hole at the intersection of the stone wall;
Thence: Turning and running by the remains of a stone wall N68-39-33W, one hundred and 85/100 feet (100.85) to a drill hole in a stone wall;
Thence: Turning and running by the remains of a stone wall N62-39-44W, two hundred and eighty-one and 59/100 feet (281.59) to a drill hole in a stone wall;
Thence: Turning and running by a stone wall N65-50-44W, fifty seven and 24.100 feet (57.24) to a drill hole in a stone wall;
Thence: Turning and running N63-47-08W, one hundred and sixty- two feet more or less (162 +/-) to the center line of a brook, said last six courses being by land now or formerly of DEC Realty Trust;
Thence: Turning and running N63-47-08W, ninety-nine feet more or less (99+/-) to a drill hole at the beginning of a stone wall;
Thence: Turning and running by a stone wall N65-48-07W, eighty-three and 99/100 (83.99) feet to a drill hole in a stone wall;
Thence: Turning and running by a stone wall N61-59-37W, ninety-two and 38/100 (92.38) feet to a drill hole in the intersection of two stone walls;
Thence: Turning and running by a stone wall S24-02-51W, one hundred and fifty-three and 78/100 (153.78) feet to a drill hole in a stone wall, said last four courses being land now or formerly of DEC Realty Trust;
Thence: Turning and running by land now or formerly of DEC Realty Trust and the United States of America by a stone wall S24-52-30W, one hundred and forty-seven and 26/100 feet (147.26) to a point;
Thence: Turning and running N35-18-11W, five hundred and fifty and 49/100 feet (550.49) to a point;
Thence: Turning and running N33-33-00W, ninety eight and 54/100 feet (98.54) to a stone bound said last two courses being by land now or formerly of the United States of America;
Thence: Turning and running N35-00-36W, seven hundred and thirty-one and 18/100 feet (731.18) to a stake and nail;
Thence: Turning and running N23-26-56E, three hundred and fourteen and 40/100 feet (314.40) to a stone bound said last two courses of land now or formerly of the United States of America;
Thence: Turning and running by land now or formerly of the Town of Maynard, 562-20-32E, three hundred eleven and 57/100 feet (311.57) to a stone bound;
Thence: Turning and running by land now or formerly of Coughlin S62-50-09E, three hundred and twenty-three and 68/100 feet (323.68) to a stake and nail;
Thence: Turning and running in part by a stone wall S63-02 17E, two hundred and twenty-seven and 94/100 feet (227.94) to a stone bound;
Thence: Turning and running in part by a stone wall S63-02-17E, three hundred and forty-seven feet more or less (347+/-) to the center line of a brook;
Thence: Turning and running by land now or formerly of the Town of Maynard S66-32-48E, nine hundred and eighty-two feet more or less (982 +/-) to the stone hound at the point of beginning.

Containing 32.395 acres more or less.

AMENDMENT

Voted to amend the Zoning By-Laws and Zoning Map of Maynard referred to under Section 2 of the Protective Zoning By-Laws of the Town of Maynard, as amended, by changing from that of Single Residence Districts (S-2) under Section 3 to that of Garden Apartment District under Sec. 6A, the following two parcels of land:[137]

Parcel One: A certain parcel of land in Maynard, Middlesex County, Massachusetts, located on the southerly side of Summer Street, described as "Area = 16.06/100+ acres" shown on a entitled, "Land in Maynard, owned by Estate of Josiah Herrick, Harlan E. Tuttle, Surveyor", dated October 5, 1960, recorded in Middlesex South District Registry of Deeds in Book 9703, Page 400, reference to said plan is made for a more particular description; said PARCEL ONE

being shown as Parcel 7 on Sheet 12 (a portion of said Parcel 7 being shown on Sheet 7) on the Sheet Index, Assessors Map, Town of Maynard, Scale 1" = 800' feet Moore.

Parcel Two: A certain parcel of Land in Maynard, Middlesex County, Massachusetts, located northerly of Summer Street, and being that portion of land situated within the said Town of Maynard, the entire parcel being described as "Area 15 Acre +", as shown on a plan entitled "Land in Maynard and Stow" belonging to the Estate of T. Hillis called the Blood Lot surveyed by Horace F. Tuttle, 1921," recorded in Middlesex South District Registry of Deeds in Book 6866, Page 424, reference to said plan is made for a more particular description, said PARCEL TWO being shown as Parcel 8 on Sheet 12 the Assessors Map.

AMENDMENT

Voted to amend the Zoning By-Law and "Zoning Map of Maynard" referred to under Section 2 of the Protective Zoning By-Law of the Town of Maynard as amended by changing from that of Business District under Section 5 to that of Industrial District under Section 6, the following parcel of land:

A certain parcel of land, with the building thereon, situated on the southwesterly side of Great Road, in Maynard, Middlesex County, Massachusetts, and being shown on a plan entitled, "Concord, Maynard and Hudson Street Railway Co., D.P. Abercrombie Receiver, Plan of Land in Maynard, Massachusetts, July 14, 1923, E.W. Clapp Engineer for Receiver," recorded with Middlesex South District Registry of Deeds, in Book of Plans 322, Plan 49, bounded and described as follows:[138]

> Beginning at an old stone bound situated in the ground at the northwest corner of the premises and running thence southeasterly along said Great Road, 117.2 feet in an iron pin;
> Thence southwesterly, with an interior angle of 87 degrees 19 feet running 462.7 feet to a point in a marsh or pond;
> Thence northwesterly with an interior angle of 88 degrees 23 1/2 feet, and running 152.3 feet to an iron pin driven at the end of an old stone wall;
> Thence northeasterly with an interior angle of 87 degrees 9 1/2 feet, and running 454 feet to the point of beginning 1.4 acres of land more or less.

AMENDMENT

CENTRAL BUSINESS DISTRICT

Voted to rezone the following described land from "Business District" to "Central Business District" and to amend the zoning map of Maynard.[139]

> Beginning at the centerline of Florida Road as it crosses over the Assabet River at the existing District line of the Business District/General Residence District, thence running;
>
> > SOUTHEASTERLY by the centerline of the Assabet River to the angle in the existing district line, thence;
> > NORTHEASTERLY by the existing district line to the centerline of Summer Street at the approximate centerline intersection of Brooks Street and Maple Street with Summer Street, thence;
> > SOUTHEASTERLY by the centerline of Summer Street and Waltham Street to the centerline intersection of Parker Street, Route 27, thence;
> > SOUTHERLY by the centerline of Parker Street to the centerline intersection of Hillside Street, thence;
> > SOUTHWESTERLY by the centerline of Hillside Street to the intersection of Walnut Street, thence;
> > NORTHWESTERLY by the centerline of Walnut Street to the centerline intersection of Main Street, Route 62, thence;
> > WESTERLY by the centerline of Main Street to the centerline of Florida Court to the point of beginning at the existing district line over the centerline of the Assabet River.

AMENDMENT

Voted to amend the Protective Zoning By-Law and the Zoning Map of Maynard, by rezoning from a Single

Residence S-1 District into Single Residence S-2 District the following land bounded as follows:[140]

> All the land bounded on the south by the Median line of Colbert Avenue from its intersection with the median line of Glendale Street and a line in prolongation of the median line of Colbert Avenue to the Assabet River (which is the northerly line of an existing General Residence District); thence bounded northerly by a short portion of the median line of Glendale Street between its intersections with the Colbert Avenue and Lewis Street median lines; thence bounded westerly, northerly and again westerly by the median line of Lewis Street to its intersection with the median line of Concord Street; thence bounded northwesterly by the median line of Concord Street to its' intersection with the prolongated easterly line of Hird Street; thence northwesterly by the northwesterly line of Concord Street (which is the southeasterly line of an existing Single Residence (S-2 District) to the Maynard-Acton Town line, thence bounded northeasterly by the Maynard-Acton town line to the Assabet River; thence bounded southerly by the Assabet River to the point of beginning where it meets the prolongated median line of Colbert Avenue.

AMENDMENT

Voted to amend the Maynard Zoning By-Law and Map by changing from Industrial to an Open Space District the following area known as the Sudbury Annex and U.S. Military Reservation shown on a plan entitled "Real Estate, Maynard Ordinance Test Station, Military Reservation" dated May 24, 1943.[141]

All the land bounded northeasterly by the median line of Puffer Road (so called) from its intersection with the median line of Old Marlboro Road and running southeasterly 967 feet more or less, Thence easterly by a line extending 450 feet, more or less to the Maynard/Sudbury town line, Thence southerly by the Maynard/Sudbury town line to its juncture with the Maynard/Stow town line, Thence westerly by the Maynard/Stow town line to its juncture with a property line, now or formerly of the Boston & Maine railroad, Thence northwesterly by said Boston & Maine property line 725 feet more or less, Thence northeasterly by land now or formerly of Mary F Schnair, 2097 feet more or less to a point near Taylor Brook, Thence westerly by the easterly line of Taylor Brook 451 feet more or less, in two courses, Thence easterly by land now or formerly of Mary E Exuer, 1616 feet more or less, in two courses, Thence easterly by land now or formerly of the Town of Maynard, the American Woolen Company and Millie S Simon, 2357 feet more or less, in several courses, Thence bounded easterly by land now or formerly of Edith N. Buckingham, 3171 feet more or less to the median line of Old Marlboro Road, thence southerly by the median line of Old Marlboro Road 778 feet more or less to the point of the beginning.

AMENDMENT

Voted to amend the Maynard Protective Zoning By-Law and map by changing from Single Residence (S-1) District to a single residence (S-2) District all the land on the southeastern portion of Town bounded by Parker Street on the south west, by Old Marlboro Road and Great Road from Old Marlboro Road to the Maynard/Sudbury Line on the northwest and by the Town of Sudbury on the east.[142]

AMENDMENT

Voted to amend the Maynard Protective Zoning by-Law and map by rezoning from Single Residence (S-1) District into a Single Residence (S-2) District the following land bounded as follows:[143]

All land on the south bounded by the median line of Great Road from its intersection with the median line of Parker Street to the Median line of Thompson Street, thence bounded westerly by the median line of Thompson Street to its intersection with the median line of Fairfield Street to its intersection with the median line of Parker Street, thence bounded easterly by the median line of Parker Street to the point of beginning at its intersection with the median of Great Road.

AMENDMENT

Voted to amend the Protective Zoning By-Laws and Map by changing from Single Residence (S-1) District to a Single Residence (S-2) District:[144]

All the land in the southeast sector of the Town bounded southwesterly by the median line of Puffer Road (so called) from its intersection with the median line of Old Marlboro Road running southeasterly 976 feet more or less, thence westerly by a line extending 450 feet more or less to the Maynard/Sudbury Town line,
Thence southerly by the Maynard/Sudbury Town line to its intersection with the easterly line of Parker Street,
Thence easterly by said easterly line of Parker Street to its intersection with the median line of Old Marlboro Road,
Thence northwesterly by the median line of Old Marlboro Road to its intersection with the median line of Puffer Road, to its point of beginning.

AMENDMENT

Voted to amend the Maynard Protective zoning By-Law and Map by changing from a combination Business District and Single Residence (S-1) District to Business District the land:[145]

> Beginning at a point on the centerline of Waltham Street, said point being the intersection of the centerline of Hayes Street with the intersection of the centerline of said Waltham Street;
> Thence running along centerline of said Waltham Street southeasterly a distance of 344+ feet to a point;
> Thence turning and running southwesterly by a portion of Waltham Street; by the land now or formerly of Foley, Arbella, Wojsznis, and Russo; and portion of Arthur Street a distance of 258+ feet to a point, said point being on the centerline of said Arthur Street; Thence turning and running along the centerline of said Arthur Street Westerly a distance of 240+ feet to a point, said point being at the centerline intersection of said Hayes Street with the centerline of said Arthur Street; Thence turning and running along centerline of said Hayes; Street northerly a distance of 358+ feet to a point of beginning.

AMENDMENT

Voted to amend the Maynard Protective Zoning By-law and Map by changing from a Single Residence S-I District to an Open Space District the following areas shown as lots No. 30 through 36 and 39 through 45, inclusive, including a portion of White Avenue, Sheridan Avenue and Bluff Avenue, as shown on a plan of Great Road Park, by Horace Thissel, C.E., dated July 1918, and recorded in Book 8146-Page 326 and Book 9074-Page 403 of the Middlesex South District Registry of Deeds, said land being property of the Town of Maynard, further described as follows:[146]

> All the land bounded northeasterly by the median line of Sheridan Avenue from its intersection with median line of White Avenue to its intersection with the median line of Bluff Avenue, thence northwesterly by the median line of Bluff Avenue, so called, to a line in prolongation of a line northerly of lots No. 29 and 38, on said plan, thence southwesterly by said northerly line to its intersection with the median line of White Avenue, thence southeasterly by the median line of White Avenue, to its intersection with the median line of Sheridan Avenue at the point of beginning.

AMENDMENT

Voted: that the Town will amend the existing Protective Zoning By-Laws of the Town of Maynard as follows:[147]

1. Re-zone from Industrial to Health Care/Industrial the following described area of land:

   Land off Main Street, being the portion of Assessor's map 14, Parcel 201 located in the Industrial District.

2. Re-zone from General Residence to Health Care/Industrial the following described area of land:

   Land off Sudbury Street, being the portion of Assessor's Map 14, Parcel 201 located in the General Residence District; and land off Main Street, being Assessor's map 14, Parcel 130D.

3. The land described by reference to assessors' maps in paragraphs 1 and 2 above is described by metes and bounds as follows:

Comprising land in Maynard, commonly known as 146 Main Street, described as follows:

Beginning at the westerly sideline of Walnut Street at its intersection with Main Street and running southeasterly 673.41' on a course south 47 degrees, 6 minutes, 47 seconds east, thence running still southeasterly 87.33' on a course south 40 degrees, 11 minutes, 1 second east to the intersection of the westerly sideline of Walnut Street and the northerly sideline of Thompson Street thence turning and running southwesterly 392.72' along the northerly sideline of Thompson Street on a course south 55 degrees, 55 minutes, 34 seconds west, thence turning and running still southwesterly 93.36' along said sideline on a course south 50 degrees, 26 minutes, 43 seconds west, thence turning and running still by said sideline 188.81' on a course south 50 degrees, 39 minutes, 33 seconds west thence turning and running still southwesterly by said sideline 182.59' on a course south 35 degrees, 1 minute, 24 seconds west, thence turning and running by said sideline 126.90' on a course south 25 degrees, 55 minutes, 24 seconds west, thence turning and running by said sideline 61.2' on a course south 19 degrees,23 minutes, 24 seconds west, thence turning and running westerly 100' on a course north 89 degrees, 53 minutes, 8 seconds west, thence turning and running southwesterly 48' on a course south 19 degrees, 21 minutes, 1 second west, thence turning and running westerly 17' on a course 86 degrees, 49 minutes, 42 seconds east, thence turning and running southwesterly 95.80' on a course 2 degrees, 29 minutes, 4 seconds west and 64' on a course south 2 degrees, 16 minutes, 36 seconds west, thence turning and running westerly 508.42' on a course north 90 degrees, 32 minutes, 39 seconds west, thence turning and running still westerly 110.88' on a course south 70 degrees, 10 minutes, 25 seconds west, thence turning and running still south westerly 148.79' on a course south 69 degrees, 14 minutes, 11 seconds west to the sideline of Sudbury Street;

Thence turning and running northwesterly by the easterly sideline of Sudbury Street 150.69' on a course north 15 degrees, 19 minutes, 2 seconds west, thence continuing by said sideline 449' on a course north 11 degrees, 2 minutes, 31 seconds west, thence turning and running easterly and then northerly by the high water line of Mill Pond approximately 466' to a point on the easterly sideline of Front Street 308.13' southerly of the intersection of said sideline with the southerly sideline of Main Street thence northwesterly by the easterly sideline of Front Street 255' on a course north 33 degrees, 18 minutes, 10 seconds west, thence still northwesterly 53.13' on a course north 33 degrees, 58 minutes, 32 seconds west to the southeasterly sideline of Main Street;

Thence turning and running easterly along the southerly sideline of Main Street 220.19' on a course north 61 degrees, 16 minutes, 56 seconds east, thence turning and running still easterly along the southerly sideline of Main Street, 271.63' on a course north 76 degrees, 7 minutes, 56 seconds east, thence turning and running easterly along said sideline 764.10' on a course north 71 degrees, 18 minutes, 26 seconds east, thence turning and running still easterly along said sideline 32.80' on a course north 68 degrees, 56 minutes, 26 seconds east, thence turning and running still easterly along said sideline 90.33' on a course north 72 degrees, 14 minutes, 26 seconds east to the point of the beginning.

Containing 38.2 acres, more or less, as shown on a plane entitled, "Plan of Land in Maynard, Mass" dated October 28,1994, prepared by the BSC Group, Inc. for Franklin Lifecare Corporation.

AMENDMENT

Vote to amend the Zoning By-Laws and "Zoning map of Maynard" referred to under section two (2) of the Protective Zoning by-law, as amended by changing from that of Industrial Districts under Section Six (6) to that of Single Residence Districts (S-1) under Section Three (3). A parcel of land consisting of 3.50 + acres off Old Mill Road situated northerly7 of Waltham Street, easterly of Wood Lane, Southerly of Powder Mill Road and westerly of said Old Mill Road bounded and described as follows:148

Beginning at the northwesterly corner of the premises at land of the Deer Hedge Run Condominiums,

Thence running S 72 degrees-08'-08"E 177.12 feet by the condominiums to a point,
Thence running S 48 degrees-40'-35" E 197.37 feet by the condominiums to a point,
Thence running S 36 degrees-27'-53" E 62.42 feet by the condominiums to a point,

Thence running S 08 degrees-26'-33" E 49.02 feet by the condominiums to a point,
Thence running S 02 degrees-20'-43" E 111.18 feet by the condominiums to a point,
Thence running S 00 degreees-54'-07" E 110.45 by the condominiums to a point at the Residential District Zone Line (S-1)
Thence running N 64 degrees-30" W 478 feet by the Residential District (S-1) to a point at lots on Wood Lane Extension,
Thence running N 13 degrees-33'-36" E 168 feet by the lots on Wood Lane Extension to a point,
Thence running N 12 degrees-36'-59" E 141.46 feet by Wood Lane Extension and Lots on Wood Lane Extension to the point of beginning.

AMENDMENT[149]

Amend the Protective Zoning By-laws of the Town of Maynard and the Zoning Map of Maynard to create a Neighborhood Business Overlay District in the Town to overlay approximately 58 acres of land off Parker Street; the Neighborhood Business Overlay District encompassing the property identified as Assessor's Map 25; Parcel 152.

AMENDMENT[150]

To see if the Town will vote to amend the Maynard Protective Zoning By-law and Map by rezoning from the Single Residence District (S-1) into the Industrial Zoning District a portion of a parcel of land shown on Assessor's Map 24, Parcel 3, as shown on plan entitled "Representation Plan Showing Zone to be Changed From Residential (S-1) to Industrial Plan of Land in Maynard, MA" prepared by InLand Survey, Inc. DBA Zanca Land Surveying, dated September 7, 2006, a copy of which is one file in the office of the Town Clerk, and bounded as follows,

Beginning on the Northeasterly corner of assessors map 24 parcel 11 on the Industrial and Residential S-1 Zone line;

thence running N16°15'25"E 325.00' to a point near the Maynard High School;

thence turning and running S73°44'35"E 150.00' to a point;

thence turning and running N16°15'25"E 320.00' to a point;

thence turning and running S73°44'35"E 150.00' to a point;

thence turning and running S16°15'25"W 682.88' to a point;

thence turning and running along the Industrial zone line N66°32'48"W 302.38' to the point of beginning, having an area of 3.47± Acres

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AMENDMENT [151]

To see if the Town will vote to amend the Protective Zoning By-laws of the Town of Maynard and the Zoning Map of Maynard to create a Downtown Overlay District in the Town to overlay approximately 53 acres of land centered on the Maynard Downtown as described below and as depicted on the map titled "Maynard Downtown Overlay District" dated April 21st, 2007:

Notes:

1. All lots referenced below in the overlay district description refer to lots shown on Town of Maynard official Assessor's Maps 9, 14 and 15 as of January 1, 2005.

2. The term "frontage" as used below in the overlay district description refers to any frontage on a way, not necessarily the lot's legal frontage.
3. The "TOWN PARKING LOT" as referenced below in the overlay district description refers to the town-owned paved parking area located between the crossing of the Assabet River and the southerly terminus of Maple Street, and located immediately west of Nason Street.
4. The 'RAIL TRAIL" as referenced below in the overlay district description refers to Lots 292 and 335A.

All lots with frontage on RIVERBANK ROAD, except Lot 123 (Includes lots 113, 114, 115, 116, 117, 118, 119, 120, 121, 122);

All lots with frontage on MAIN STREET from the intersection of RIVERBANK ROAD to the intersection of RAILROAD STREET, except lot 201 (Includes lots 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 130, 130C, 287);

All lots with frontage on RAILROAD STREET from the intersection of MAIN STREET to the intersection of FLORIDA ROAD (Includes lots 96, 97, 98, 99, 100, 101);

All lots with frontage on FLORIDA COURT and to include Lot 93A (Includes lots 93, 93A, 94, 95);

All lots within an area bounded by MAIN STREET, FLORIDA ROAD, and RAILROAD STREET; (Includes lots 138, 139, 140, 141); All lots within an area bounded by MAIN STREET, NASON STREET, SUMMER STREET, the TOWN PARKING LOT and FLORIDA ROAD (Includes lots 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152,153, 154A, 154);

All lots within an area bounded by MAIN STREET, WALNUT STREET, HILLSIDE STREET, PARKER STREET (RTE. 27), WALTHAM STREET (RTE. 27 & 62) and MAIN STREET, including all lots fronting on RIVER STREET (Includes lots 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 183A, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 281A, 290, 380);

All lots with frontage on PARKER STREET (RTE. 27) from the intersection of EAST STREET to WALTHAM STREET (RTE. 27 & 62); also Lot 310 on EAST STREET and Lot 317 on WALTHAM STREET (Includes lots 88, 90, 309, 310, 314, 315, 316, 317);

Two lots with frontage on the east side of POWDER MILL ROAD between the intersection of WALTHAM STREET (RTE. 27 &62) and the intersection of DOUGLAS AVENUE, and the two lots immediately to the east of each of these lots (Includes lots 320, 322, 330, 331);

Four lots with frontage on the west side of POWDER MILL ROAD between the intersection of WALTHAM STREET (RTE. 27 &62) and the intersection of DOUGLAS AVENUE, including the lot directly across the street from DOUGLAS AVENUE (Includes lots 92, 93, 94, 381);

All lots with frontage on ACTON and WALTHAM STREETS from the intersection of POWDERMILL ROAD and WALTHAM STREET to the intersection of GLENDALE STREET and ACTON STREET, including all lots with frontage on ACTON COURT, Lot 39 with frontage on Pleasant Street, and Lot 52 with frontage on Deane Street (Includes lots 12, 13, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 52, 53, 54, 89, 91);

All lots within an area bounded by SUMMER STREET, ACTON STREET and GLENDALE STREET (Includes lots 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 282, 283); All lots within an area bounded by SUMMER STREET, GLENDALE STREET, ACTON STREET and NASON STREET (Includes lots 56, 56A, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 281, 289);

All lots within an area bounded by NASON STREET, ACTON STREET, the RAIL TRAIL parcel and SUMMER STREET (Includes lots 227, 227A, 228, 229, 230, 231, 232, 233, 284, 285, 292A, 336, 337, 338, 339);
All lots within an area bounded by MAIN STREET, NASON STREET, and SUMMER STREET (Includes lots, 74, 75, 76, 77, 155, 156, 157, 159, 160, 161, 162, 163, 164, 165, 166, 168, 169, 170, 171, 172, 173);

All lots fronting on the westerly side of the TOWN PARKING LOT from the crossing of the Assabet River to the intersection with Summer Street (Includes lots 74, 75, 91, 92);

Article 6 of the Special Town Meeting, October 26, 2011

TO DETERMINE WHETHER THE TOWN of Maynard will vote to amend the Zoning By-laws and "Zoning Map of Maynard" referred to under section two of the Protective Zoning By-law, as amending by changing the description of the Residential Districts under Section 3 and the Business Districts under Section 5, to include that portion of the Residential District encompassed within the boundaries of 170 Main Street (Map 14, Parcel 130) as a portion of the Business District. Such change will make the boundary of the Business District coincide with that of the Downtown Overlay District under Section 6F of the Protective Zoning By-law. That portion of the Residential District to be re-zoned is described as follows: Beginning at the confluence of the Business and Residential zones and the property line along Sudbury Street and thence along the property line 46.25 feet to the property corner and the street line of High Street, thence along the property line and High Street 323.15 feet to the corner of the property, thence along the property line 46.25 feet to the intersection of the property line and the zoning district line, thence along the zoning district 323.15 feet to the point of beginning. This area is a portion of the property, as shown on a Plan of Land in Maynard, Mass dated October 10, 2006, prepared Inland Survey, Inc, dba Zanca Land Survey for Dimopoulos Realty Trust and 174 Main Street Realty Trust, on file at the Southern Middlesex Registry of Deeds.

Article S-3 of the Special Town Meeting, May 21, 2012

To determine whether the Town of Maynard will vote to amend the Zoning By-laws and "Zoning Map of Maynard" referred to under Section 2.3 of the Maynard Protective Zoning By-laws, dated October 5, 1959 as revised thereafter, by changing from that of a General Residential District, GR, to that of a Central Business District, CB, the following described area of land located southerly on Summer Street and being shown on a plan entitled "Zone Line Plan, 42 Summer Street, Maynard, MA", dated March 22, 2012, prepared by H S & T Group, Inc., more particularly described as follows:

Beginning southerly on Summer Street at the confluence of the Central Business District and the General Residential District:
Thence: Running by Summer Street N63-55-13W, one hundred and thirty and 66/100 (130.66) to a stone bound;
Thence: Turning and running by land now or formerly of Mark Genest S42-51-49W, one hundred and sixty eight and 50/100 feet (168.50) to an iron pin;
Thence: Turning and running by land now or formerly of Landoil Realty Trust S69-38-11E, fifty and 74/100 feet (50.74) to a point of the confluence of the Central Business District to the point of beginning.
Being a portion of Parcel 74 of Assessor's Map 14.

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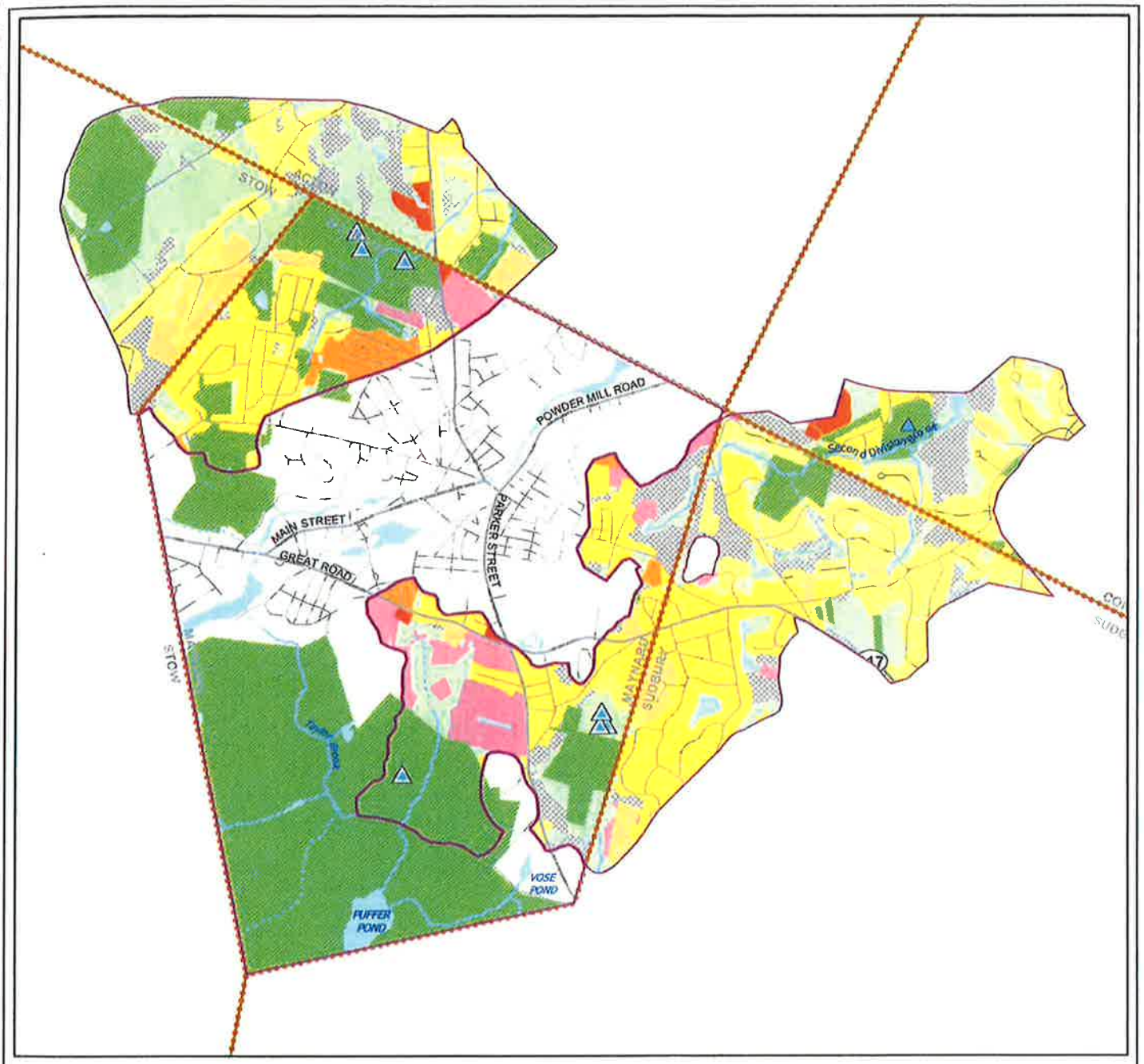
137 – Article 38, A.T.M., May, 1981
138 – Article 19, A.T.M., May 24, 1982
139 – Article 36: A.T.M., May 20, 1985
140 – Article 33: A.T.M., May 20, 1985
141 – Article 35: A.T.M., May 18, June 1 & 3, 1987
142 – Article 35: A.T.M., May 18, June 1 & 3, 1987
143 – Article 35: A.T.M., May 18, June 1 & 3, 1987
144 – Article 6: S.T.M., May 17, 1988
145 – Article 12; S.T.M., November 14, 1988
146 – Article 8: S.T.M., May 16, 1989
147 – Article 22, Annual Town Meeting, May 15 and May 16, 1995
148 – Article 25, Annual Town Meeting, May 20 and May 21, 1995
149 – Article 2: S.T.M., June 12th, 2006
150 – Article 13: S.T.M., October 16th 2006
151 – Article 8: S.T.M., May 22nd, 2007



Water Supply Protection Area (Zone II or Zone B)

Developable Land

Undevelopable Land

Criteria that may constrain land from development include slope, wetlands, River Protection Act buffers, 100-year flood zones, certain zoning overlays and rights-of-way, and restrictions outlined in an existing development plan.

Protected Open Space within or contiguous with Zone IIs or Zone Bs

Municipal Boundary

Water Features

- River or Stream
- Intermittent Stream
- Lake or Pond

Current Land Use in developed areas

- Multi-Family and High Density Residential
- Medium Density Residential
- Low Density Residential
- Commercial
- Industrial/Transportation/Mining
- Urban open/Recreational
- Subdivisions (from EOEA Buildout Analysis)
- Land Use Data Not Available

Public Water Supplies

Maynard Supplies		Other Towns
△	Ground Water	▲
△	Surface Water	▲
△	Proposed Well	△

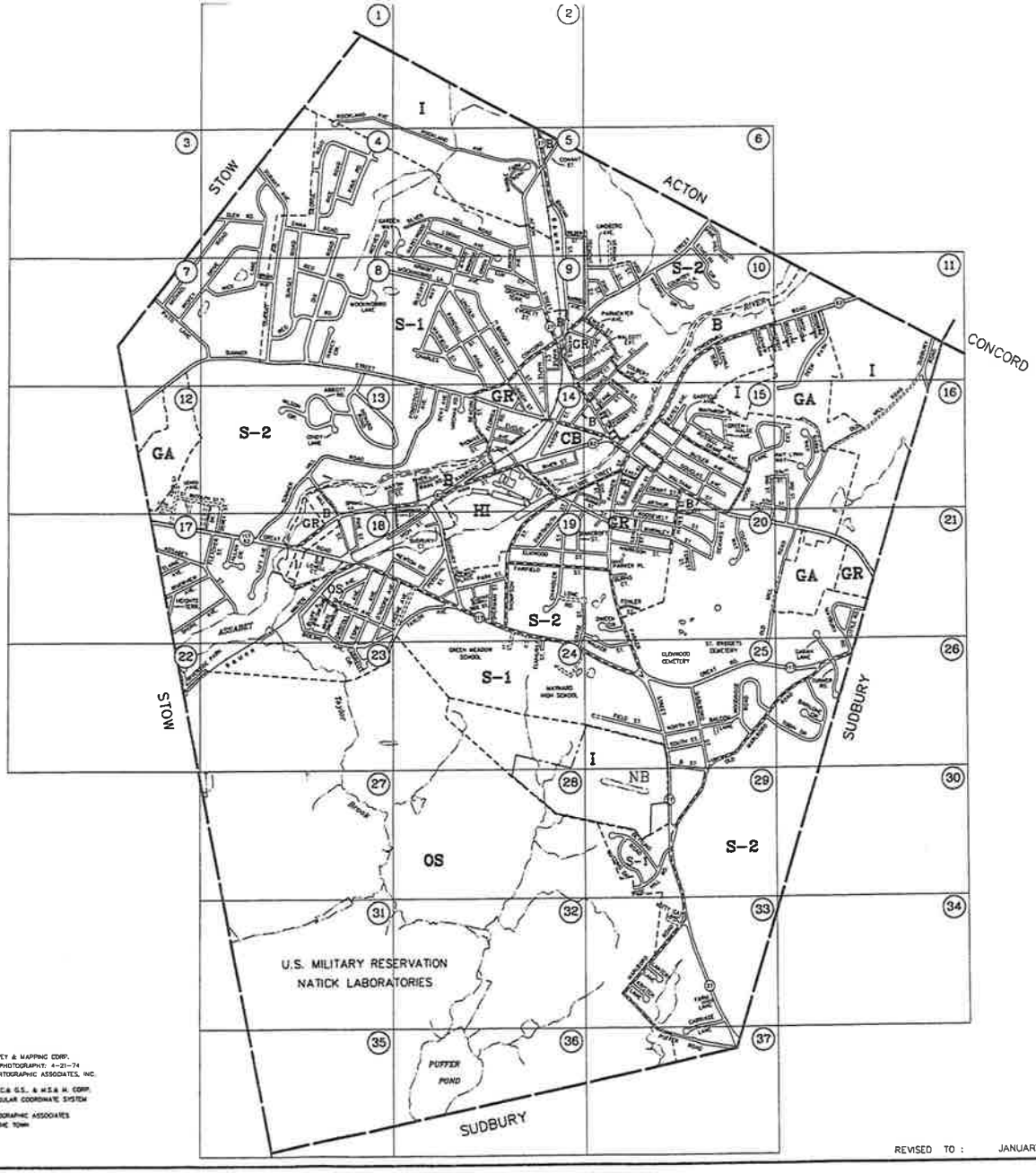
Map 1

Current Land Uses in Existing Public Water Supply Protection Areas

Maynard

This project is funded by the Executive Office of Environmental Affairs (EOEA).
Maps prepared by Earth Tech, Concord Massachusetts.

June 2004



ZONING DISTRICT LEGEND

SINGLE RESIDENCE DISTRICT	S-1
SINGLE RESIDENCE DISTRICT	S-2
GENERAL RESIDENCE DISTRICT	GR
BUSINESS DISTRICT	B
CENTRAL BUSINESS DISTRICT	CB
INDUSTRIAL DISTRICT	I
GARDEN APARTMENT DISTRICT	GA
OPEN SPACE DISTRICT	OS
HEALTH CARE INDUSTRIAL DISTRICT	HI
ZONING DISTRICT LIMITS	- - - - - - - -
NEIGHBORHOOD BUSINESS OVERLAY DISTRICT	NB
OVERLAY DISTRICT LIMITS	—·—·—

ASSESSORS MAP

MAYNARD

MASSACHUSETTS

SCALE : 1" =800'

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CONTROL BY MASS. GEODETIC SURVEY, U.S.C.& G.S. & M.S.& M. CORP.
1000 FOOT GRID BASED ON MASS. RECTANGULAR COORDINATE SYSTEM

ZONING DISTRICT LINES COMPILED BY CARTOGRAPHIC ASSOCIATES
IN 1986 FROM INFORMATION PROVIDED BY THE TOWN

REVISED TO : JANUARY 1, 2012

SHEET INDEX