



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SPECIAL TOWN MEETING

To the Constable of the Town of Maynard, in said County,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the voters of said Maynard, to assemble IN **FOWLER SCHOOL AUDITORIUM**, THREE TIGER DRIVE IN SAID town, on Monday, October 27, 2014 at 7:00 P.M. then and there to act on the following articles:

SPECIAL NOTICE TO VOTERS

On Monday, October 20, 2014 at 7:00 P.M., a public hearing will be held at the Maynard Town Hall, Michael J. Gianotis Room, 201, to discuss with any citizen who desires further information, as to any Articles in the Warrant to which the Finance Committee has made a recommendation. Explanation and discussion concerning these matters may be helpful in the interest of saving time at the Special Town Meeting. Your participation is welcome.

ADA ADVISORY

Anyone in need of special arrangements for the Town Meeting, such as wheelchair arrangements or signing for the hearing impaired, please contact the Office of the Selectmen at (978) 897-1301 by October 20, 2014 in order for reasonable accommodations to be made.

PROCEDURES AT TOWN MEETING

Order of Articles: Articles are voted on in the order they are presented unless Town Meeting votes to do otherwise.

Secret Ballot Votes: The Moderator determines whether or not an article requires a secret ballot according to Town By-laws. If the Moderator determines that an Open Vote applies to an article, at least 25 voters may request that a secret ballot vote be taken. The request for a secret ballot vote must be made prior to the open vote being taken.

Amending an Article at Town Meeting: Any time after a main motion has been made and seconded, but before being voted on, it is possible to amend the main motion:

1. Ask the Moderator for recognition.
2. Present a motion to amend verbally and submit a copy of the motion in writing to the Moderator. The motion to amend must include your name as sponsor, any change in appropriation and its source.
3. The motion to amend must be seconded.
4. The motion to amend must be voted on by Town Meeting separately from the main motion.
5. The motion to amend must pass by a simple majority vote.
6. More than one motion to amend can be made to the main motion, but must be presented and voted on one at a time. A motion to amend must be made before the main motion is voted on.
7. After all motions to amend are voted, the main motion, (or as amended), must be voted on.

Reconsider an Article: An article may be reconsidered, that is revoted, **only** within thirty (30) minutes of the time that the main article (motion) was voted on. An article can only be reconsidered once. To reconsider:

1. Ask the Moderator for recognition.
2. Ask for reconsideration within the thirty (30) minute time limit. The Moderator can now finish present business, which may go on beyond thirty (30) minute limit. However, the Moderator shall take up the reconsideration as the next order of business.
3. At the proper time, present your motion for reconsideration and state your name.
4. At the Moderator's option, he can move the motion without further discussion.

NECESSARY MAJORITIES*

9/10 majority is required for unpaid bills of prior fiscal years (Special Town Meeting) that had no appropriation.

4/5 majority is required for unpaid bills of prior fiscal years, (Annual Town Meeting).

2/3 majority is required for all borrowing, land acquisitions or transfers and zoning by-laws.

Simple majority is required for all else, such as: regular By-laws, current appropriations and transfers, unpaid bills of prior years that have money appropriated but arrived too late to be included.

NOTE:

Only Yes and No votes will be considered in the calculation of percentages. To figure the percentage, divide the Yes votes by the total Yes and No votes.

Example: 100 Yes, 50 No, and 20 Blanks shall be interpreted as:

$$\frac{100 \text{ Yes}}{100 \text{ Yes} + 50 \text{ No}} = 66.7\% \text{ or } 2/3$$

*Please note these vote quantum's are for example only and there may be other types of votes, which fall under each of the categories listed above.

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ARTICLE: 1 PRIOR YEARS BILLS

To see if the town will vote to transfer and appropriate from certified free cash as of July 1, 2014 the sum of \$19,819.58 to be appropriated as follows:

D'Ambrosio Brown LLP \$ 19,819.58

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: \$19,819.58
FINCOM RECOMMENDATION: Recommends

Sponsor Comments: The requested appropriation will satisfy outstanding balances from prior years related to legal services rendered for a tax lien case.

FinCom Comments: The Finance Committee agrees these bills should be paid.

ARTICLE: 2 LEASE AGREEMENT FOR SUMMER HILL TOWER

To see if the Town will vote to authorize the Board of Selectmen to negotiate the terms and conditions of and enter into a lease for approximately 8,818 square feet of land at Summer Hill, off of Tower Road, owned by the Town, to be leased by a wireless communication facility management company, CTI Towers, for a period of up to 25 years; or take any other action relative thereto.

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Sponsor Comments: The previous lease expired in May, 2014 and this article will authorize the BOS to negotiate a new lease of up to 25-years. In addition to wireless telecommunications, the tower also contains Town communication equipment for Police, Fire and Public Works which will remain in place.

FinCom Comments: The town receives approximately \$28,000 a year now, and would continue to if a lease is signed.

stabilization funds, and cover planning costs related to new and future development without requiring to the Town to raise revenue.

FinCom Comments: The expanded use of the Golf Course Clubhouse and the Special Counsel are good projects. The balance is being transferred to reserves. The capital stabilization fund currently has \$1.66 million, and the OPEB trust has \$208,000. The town also has \$1.8 million in “free cash” from FY14 that hasn’t been appropriated yet.

ARTICLE: 5 ACQUISITION OF REAL PROPERTY INTERESTS – ASSABET RIVER RAIL TRAIL RIGHT OF WAY

To see if the Town will vote to authorize the Board of Selectmen, for purposes of establishing, constructing, operating, maintaining, repairing and using a multi-use rail trail/bicycle path for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Selectmen may determine, fee, easement, leasehold, license and/or other real property interests in, on, over, across, under and along (a) all or any portion of the land, premises, easements, rights-of-way and other rights in Maynard comprising the former Boston & Maine Railroad Maynard Branch right-of-way, and (b) contiguous, abutting, and underlying properties, as more specifically set forth on the plan on file with the Town Clerk’s Office and all as necessary for clearing title to said railroad right-of-way, laying out a multi-use rail trail/bicycle path within that right of way and within associated easements and other real property interests in said properties, providing access thereto, and enabling the construction, operation, maintenance, repair and use of the multi-use rail trail/bicycle path, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for these purposes, or take any other action relative thereto.

To do or act thereon.

SPONSORED BY:	Town Administrator
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Sponsor Comments: This article authorizes the Board of Selectmen to acquire necessary and appropriate real property interests to establish the Assabet River Rail Trail (ARRT) in Maynard, including but not limited to the full length and width of the former Boston & Maine railroad right-of-way in Maynard from the Acton/Maynard town line to the Stow/Maynard town line, comprising approximately +/- 2.3 miles. The Town has acquired portions of the former B&M corridor. Prior to construction, the Town will need to acquire portions of the former B&M corridor and associated land along the proposed path to complete the trail. The ARRT is a multiuse path for non-motorized transportation from Acton to Marlborough. The first section of the ARRT from Lincoln Street in Marlborough to Cox Street in Hudson has been constructed. The Maynard-Acton section is currently in design. The other phases to the south of Maynard are in various stages of planning or design.

FinCom Comments: This allows for the Rail Trail project to proceed.

acres, more or less, situated in said Maynard, on the Easterly side of the road leading from said Maynard to South Acton now called Acton Street, bounded and described as follows:

Beginning at the Northwesterly corner of the premises at the corner of a wall at land now or formerly of Joel F. Parmentor and said road; thence running Southerly by said road about twenty-eight (28) rods to a wall at land now or formerly of George E. Brown; thence South 50° East by land of said Brown, twenty (20) rods and twenty (20) links to a corner of a wall at the Marlboro Branch Railroad; thence running North 3° 25' East by said Railroad, twenty-eight (28) rods to a corner of a wall at land now or formerly of said Parmentor; thence running Westerly by land of said Parmentor to the point of beginning.

Also a triangular shaped parcel of land, situated on the Easterly side of Acton Street, in said Maynard, and shown as Lot 2, contain three-fourths of an acre, more or less, on a Plan entitled "Part of Parentor Farm in Maynard, surveyed for Martin Peterson by Nora F. Tuttle; August, 1924; said plan recorded with Middlesex South District Deeds, Book 347, Plan No.8, and bounded and described as follows:

Westerly: by the wall on the Easterly side of Acton Street, one hundred eighty-eight (188) feet;

Easterly: by land of Boston and Maine Railroad, two hundred forty-five (245) feet;

Southerly: by land now or formerly of John Deane, one hundred fifty four (154) feet.

To do or act thereon.

SPONSORED BY:	Planning Board
APPROPRIATION:	None
FINCOM RECOMMENDATION:	At Town Meeting

Sponsor Comments: See Attachment: Appendix "B," "C" and "D"

The subject property is located immediately south of the northern intersection of Acton Street and Brown Street (Highway 27), 4.4 acres and is currently zoned for industrial uses. The applicant is requesting to utilize the vacant property for residential development. The property is surrounded by residential zoning districts on three sides. The existing cell tower will remain as a pre-existing non-conforming use.

If the proposed amendment were approved:

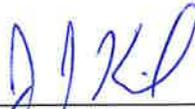
1. A supermarket over 25,000 square feet and up to 68,900 square feet shall require a Special Permit from the Planning Board.
2. A supermarket greater than 68,900 square feet is prohibited.

FinCom Comments: A supermarket has been a generally identified desire for the town. This article would make a small adjustment to the size restrictions on supermarkets in our zoning regulations. This change has been requested by a potential developer and would allow the building of a prototype store that is currently too large for our zoning.

Given under our hands this *7th* day of *October* in the year Two Thousand and Fourteen.



William Cranshaw, Chairman



Jason Kreil, Selectman



David Gavin, Selectman

A true copy, Attest  Constable of Maynard.

APPENDIX A

Chapter _____

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

In the Year Two Thousand and _____

**AN ACT AUTHORIZING THE TOWN OF MAYNARD TO GRANT ADDITIONAL
ALCOHOLIC BEVERAGES LICENSES**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

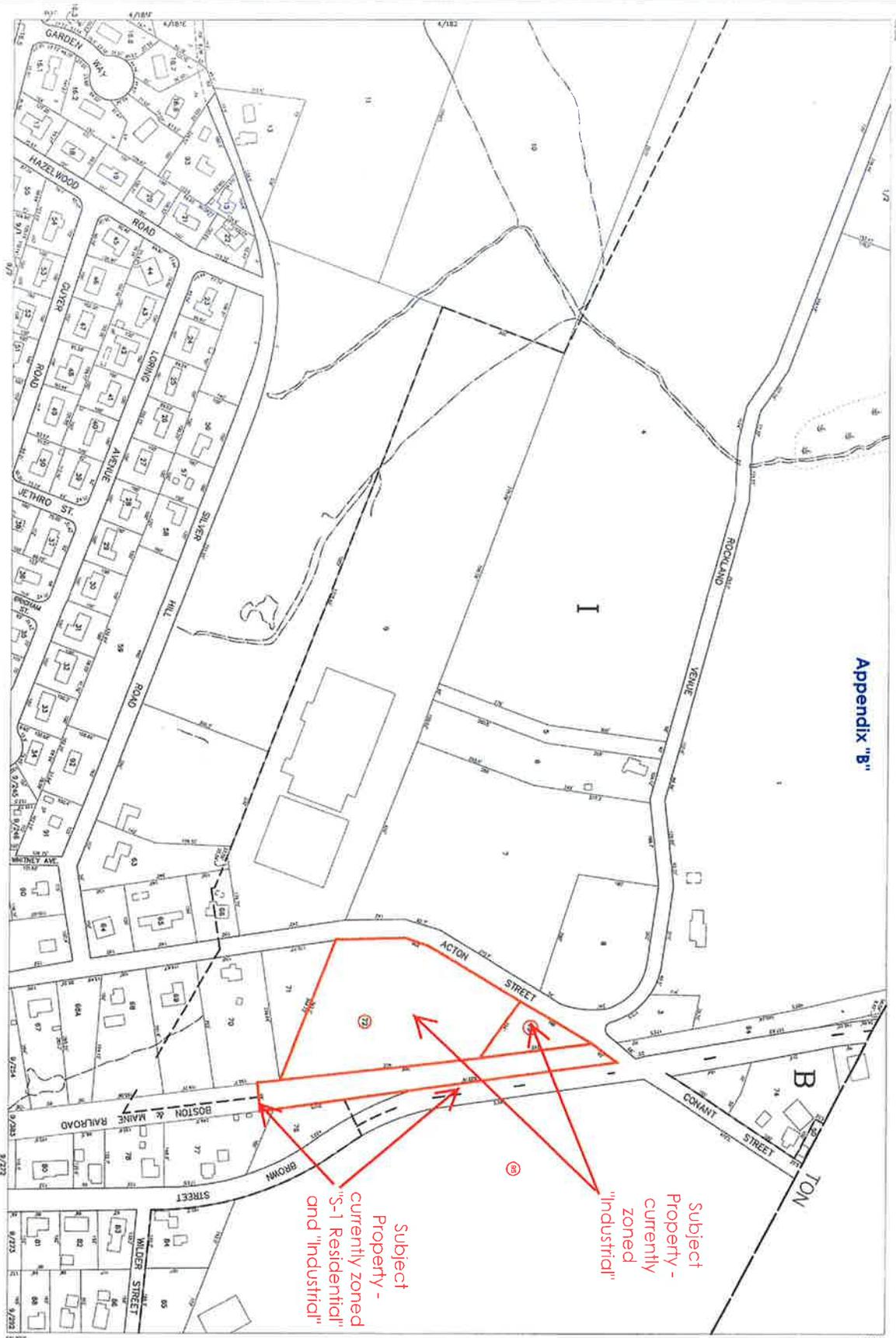
SECTION 1. Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Maynard may grant six (6) additional licenses for the sale of all alcoholic beverages to be drunk on premises under Section 12 of said Chapter 138. The licenses shall be subject to all of said Chapter 138, except Section 17.

SECTION 2. Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Maynard may grant one (1) retail license for the sale of wine and malt not to be drunk on premises under Section 15 of said Chapter 138. The licenses shall be subject to all of said Chapter 138, except Section 17.

SECTION 3. Notwithstanding Sections 12 and 77 of Chapter 138 of the General Laws, the licensing authority of the Town of Maynard may restrict the licenses issued pursuant to this Act to holders of common victualler licenses.

SECTION 4. This Act shall take effect upon its passage.

Appendix "B"



Subject Property - currently zoned "Industrial"

Subject Property - currently zoned "S-1 Residential" and "Industrial"



