



## **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, November 4, 2013 at 7:00 P.M. then and there to act on the following articles:

#### **SPECIAL NOTICE TO VOTERS**

On Monday, October 28, 2013 at 7:00 P.M., a public hearing will be held at the Maynard Town Hall, Michael J. Gianotis Room, 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 28, 2013 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:**

Yes and No votes will only 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:

$$\frac{100 \text{ Yes}}{\text{-----}} = 66.7\% \text{ or } 2/3$$

100 Yes + 50 No

\*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.

<b>ARTICLE</b>	<b>TITLE</b>	<b>DEPARTMENT</b>	<b>PRESENTER</b>	<b>PAGE</b>
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2	By-Laws, Section 8 Dog Owner's Responsibility Law	Town Clerk	Board of Selectmen	5
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11	By-Laws, Add a new section 4.1.5 maximum building size retail establishments in all districts	Planning Board	Planning Board	15



**ARTICLE: 3**            **Dog By-Laws Amendment Section 1**

To see if the Town will vote to delete Section 1 of Chapter XIX, Dog Owner's Responsibility, of the Town of Maynard By-Laws and replace with a new Section 1 as follows:

Section 1 which currently reads:

The annual fee for every dog license, except as otherwise provided by law, shall be ten dollars (\$10) for each dog license issued by the Town.

No fee shall be charged for a license for a dog specially trained to lead or serve a blind person; provided that the Division of the Blind certifies that such dog is so trained and actual lint he service of a blind person. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth or other disposal of the dog, no shall any license fee or part thereof paid by mistake be paid or recovered back after it has been paid over to the County under Ch. 140, Section 147 of the Massachusetts General Laws.

To read instead:

**Section 1: Licensing**  
**A. Three or fewer dogs.**

- (i) Every dog (6) months old or older kept in the Town of Maynard shall be duly registered, numbered, described and licensed on an annual basis. The annual licensing period runs from January 1 through December 31.
- (ii) Every person who becomes owner or keeper of such a dog shall, within thirty (30) days of its becoming six (6) months old or thirty (30) days of becoming its owner or keeper, whichever shall last occur, shall obtain such license from the Town Clerk. The Owner or Keeper shall submit an application on the form proscribed along with proof of rabies vaccination, notarized letter from a licensed veterinarian stating that the dog has been vaccinated, or Board of Health Declaration that the dog is exempt from the vaccination requirement to the Licensing.
- (iii) The registering, numbering, describing and licensing of a dog shall be done by the Town Clerk, and shall be subject to the conditions expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing livestock, fowls or wildlife.
- (iv) The owner of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable materials, to which shall be securely attached a tag on a form proscribed and distributed by the Town Clerk when a license is issued. Such tag shall state "Town of Maynard," the year of issue and tag number. The Town Clerk shall maintain a record of the identifying numbers.
- (v) If any such tag is lost the owner shall secure a substitute tag issued by the Town Clerk.

(vi) The Town Clerk shall not grant any license until and unless a current rabies vaccination certificate or Board of Health Declaration that the dog is exempt from the vaccination requirement for the animal has been presented.

(vii) A transfer license from another location in Massachusetts shall be granted upon application provided that adequate proof is presented to the Town Clerk at the time of application. Such application shall occur within thirty (30) days of establishing residency within Maynard.

(viii) The annual fee for every dog license, except as otherwise provided by law, shall be ten dollars (\$10.00) for neutered/spayed, fifteen dollars (\$15.00) for intact.

(B) Four or more Dogs:

Any person maintaining a Commercial Boarding or Training Kennel, Commercial Breeder Kennel, Domestic Charitable Corporation Kennel, Personal Kennel, or Veterinary Kennel, upon application shall be issued a kennel license. Prior to the issuance of a kennel license, the Animal Control Officer or Animal Inspector may inspect the proposed facilities to insure they comply with any rules and regulations as they may relate to Kennels.

(i) An owner or keeper of less than four (4) dogs, three (3) months old or older, who does not maintain a Kennel may elect to secure a Kennel license in lieu of licensing each dog individually, provided however that such owner or keeper shall be subject to all provisions of this bylaw relating to the maintenance, operation and licensing of Kennels as if he or she were maintaining a Kennel.

(ii) The Animal Control Officer may at any time inspect any Kennel located in the Town of Maynard.

(iii) Petitions or complaints against any such Kennel shall be filed with the Board of Selectmen. The Board, as well as the Town Administrator, shall have investigatory powers over any such petitions or complaints. Said investigation shall be conducted by the Town Administrator who, within seven days after the filing of such petition or complaint, shall give notice to all parties of interest of a public hearing to be held before the Board of Selectmen within twenty-one (21) days after the date of such notice. After such public hearing the Board may make an order either revoking or suspending such kennel license or otherwise regulating such Kennel, or dismissing said petition. Within ten days after receipt of such order, the holder of such license may bring a petition in the district court as outlined in G.L. c. 140, § 137C. Any person maintaining a Kennel after the license has been revoked, or while such license is suspended shall be punished as set forth in the penalty provision of this bylaw.

(iv) A kennel license shall be in lieu of any other license for a dog kept at a Kennel during any portion of the period for which the kennel license is valid. A kennel licensee shall cause each dog kept in its Kennel to wear, while it is at large, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. Such tags shall be provided to the kennel licensee by the Town Clerk and shall state "Town of Maynard," the year of issue and kennel license number.

To do or act thereon.

SPONSORED BY: Town Clerk  
APPROPRIATION: None  
FINCOM RECOMMENDATION:

**ARTICLE: 4 Dog By-Laws Amendment Section 7**

To see if the Town will vote to amend Section 7 of Chapter XIX, Dog Owner's Responsibility Law, of the Town of Maynard By-laws as follows: (~~Strikeout~~ text represents deleted language and **bold** font represents proposed amendment.)

**Section 7:**

All owners or keepers of dogs kept in the Town of Maynard during the preceding six (6) months and who, on the first day of ~~June~~ **March** of each year, have not licensed said dog or dogs, as prescribed by Section 173, C. 40 of the Massachusetts General Laws, shall be required to pay a fee of ~~\$10.00~~ **\$25.00 for each said unlicensed dog** over and above any other applicable licensing charge or penalty to the Town.

To do or act thereon.

SPONSORED BY: Town Clerk  
APPROPRIATION: None  
FINCOM RECOMMENDATION:

**ARTICLE: 5 Dog By-Laws Amendment Section 9**

To see if the Town will vote to amend Section 9 of Chapter XIX of the Town of Maynard By-laws regarding the "Leash Law", as follows:

**Which currently reads:**

**Section 9: Leash Law**

No owner of any dog shall permit such dog to run at large at any time. The provisions of this section shall not be intended to apply to dogs participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place, nor to any dogs properly trained and under the control of and aiding the deaf, nor to any dogs being trained or actually being used for hunting purposes while such dogs are actively engaged in hunting activity on property permitting such activity.

Nothing contained in the foregoing paragraph shall prevent the Board of Selectmen from passing any orders authorized by the Massachusetts General Law at such times as they shall deem necessary to safeguard the public.

Every owner of a dog shall exercise proper care and control of their dog so as to prevent said dog from becoming a public nuisance.

**To read instead:** (~~Strikeout~~ text represents deleted language and **bold** font represents proposed amendment. The last two paragraphs have been rearranged.)

No owner of any dog shall permit such dog to run at large at any time. The provisions of this section **shall not apply to the following:**

~~be intended to apply to~~

- a. dogs participating in any dog show,
- b. ~~nor to~~ “seeing-eye” dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place,
- c. ~~nor to~~ any dogs properly trained and under the control of and aiding the deaf,
- d. ~~nor to~~ any dogs being trained or actually being used for hunting purposes while such dogs are actively engaged in hunting activity on property permitting such activity.
- e. **so long as the owner or keeper of a dog(s) is present and attentive to the dog(s) while said dog(s) is running or occupying a “Dog Park”, “Dog Run” or “Dog Exercise Area” which has been so designated by the Board of Selectmen.**

Every owner of a dog shall exercise proper care and control of their dog so as to prevent said dog from becoming a public nuisance.

Nothing contained in the foregoing paragraphs shall prevent the Board of Selectmen from passing any orders authorized by the Massachusetts General Law at such times as they shall deem necessary to safeguard the public.

To do or act thereon.

SPONSORED BY: Board of Selectmen

APPROPRIATION: None

FINCOM RECOMMENDATION:

**ARTICLE: 6 RE: Zoning Bylaw Amendments. Add a new Section 7.7 entitled “Registered Marijuana Dispensary” and add said use to the Use Regulations, Section 3.0.**

To see if the Town will vote to amend the Town’s Zoning Bylaw’s as follows:

1. Amend Table A – Use Regulations in Section 3.1.2 to add the use “Registered Marijuana Dispensary (RMD)” within the Principal Uses, Section 4, Business Uses, as an allowable use by Planning Board Special Permit only in the B, HCI and I zoning districts.

<b>4. Business Uses</b>	<b>S-1</b>	<b>S-2</b>	<b>GR</b>	<b>B</b>	<b>CB</b>	<b>HCI</b>	<b>I</b>	<b>GA</b>	<b>OS</b>
Registered Marijuana Dispensary	N	N	N	PB	N	PB	PB	N	N

2. And by adding a new section in Section 7.0 *Special Regulations* for Registered Marijuana Dispensary as follows:

**“7.7 Registered Marijuana Dispensary**

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 submissions 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 be transferred only with the approval of the Special Permit Granting Authority in the form of a modification to the Special Permit with all 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.

**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 filed under this Section 7.7”

To do or act thereon.

SPONSORED BY: Planning Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION:

**Comments: Planning Board Explanation.** This Zoning Bylaw amendment is proposed to define and allow the use of Registered Marijuana Dispensaries (RMDs) in the Business, Industrial and Health Care/Industrial zoning districts, subject to a Planning Board Special Permit. The Bylaw would provide for the minimum spacing requirements under Section 105 CMR 725.110(A)(14) of the Mass. Department of Public Health (DPH) Medical Marijuana Regulations, as they currently state which provide that *“a RMD shall not be sited within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate. The 500 foot distance under this section shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD.”* To address concerns of the Police Chief, the Planning Board is proposing to prohibit anyone with a prior felony criminal record from operating a Registered Marijuana Dispensary within the Town of Maynard, as the current Mass DPH Regulations only restrict persons with a prior drug offence conviction. The Planning Boards supports this Zoning Bylaw amendment to address proper siting of Registered Marijuana Dispensaries, which Massachusetts voters approved the use of in November 2012.

**ARTICLE: 7 RE: Zoning Bylaw Amendments. Extend Temporary Moratorium on Medical Marijuana Treatment Centers.**

To see if the Town will vote to amend the Town’s Zoning Bylaw, Section 7.9.3, Temporary Moratorium, by replacing the existing Temporary Moratorium expiration date as follows: (Strike out text represents deleted language and **bold** font represents proposed amendment.)

“The moratorium shall be in effect through ~~October 31, 2013~~ **June 30, 2014.**”

To do or act thereon.

SPONSORED BY: Planning Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION:

**Comments from Planning Board, Explanation:** This article is only being proposed by the Planning Board if the Registered Marijuana Dispensary (RMD) Article does not pass. If the RMD does pass, the Planning Board would support a Motion to Withdrawal this article.

**ARTICLE: 8 RE: Zoning Bylaw Amendments. Replace existing definition of Supermarket.**

**To see if the Town will vote to amend the Town’s Zoning Bylaw, Section 11.0, Definitions, by replacing the existing definition of Supermarket in its entirety and replacing with the following definition. Changes are in bold and strike-through font represents deletion.**

~~**Supermarket:** A retail establishment or full-service grocery store primarily selling food and grocery items which may provide multiple departments offering for sale unprepared foods such as, but not limited to, fresh meats, fresh poultry, fresh seafood, organic foods, bakery products that are baked on the premises, a fresh produce department and a deli department offering freshly prepared foods and counter service, which may contain a pharmacy and which may sell other merchandise such as convenience items, household supplies, hardware, and personal care and health products.~~

**Supermarket:** An establishment whose primary business is the sale of a general line of food such as fresh fruits and vegetable, 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 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.

To do or act thereon.

SPONSORED BY: Planning Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION:

**Comments from Planning Board, Explanation:** The Planning Board is submitting this proposed re-write to the Town of Maynard’s Supermarket definition after the original definition caused concern with the use of the term “primarily” in regards to food and related grocery items, which could be interpreted as much as 49% non-food grocery items. The Town Planner, at the direction of the Planning Board, conducted research on other more specific definitions of Supermarkets. The Planning Board also received input from Town residents during the Public Hearing process.

The Board modeled this Supermarket definition re-write based on a recently approved definition of Supermarket from Somerville, which had a minimum of 75% of the gross floor area devoted to food items and has been approved by the Attorney General. The same 75% is the figure the Planning Board is proposing for the definition of Supermarket in the Town of Maynard.

**ARTICLE: 9 RE: Zoning Bylaw Amendments. Proposed Amendments to Section 3, Use Regulations, regarding the allowed use of Supermarket.**

To see if the Town will vote to amend the Town’s Zoning Bylaws as follows:

1. In the Section 3.1.2, Table A, Use Regulations, part 4, omit the use “Supermarket” and the designations which follow it.
2. In place thereof, Amend Table A – Use Regulations in Section 3.1.2 by adding the following
  - a. “Supermarket, up to 25,000 square feet Floor Area, Gross” in the Central Business District (CB), Business District (B), Industrial (I) District, and Health Care/Industrial District (HCI) would be an allowed or permitted use (“Y”); and
  - b. “Supermarket, greater than 25,000 square feet Floor Area, Gross and up to 65,000 square feet Floor Area, Gross” in the Business District (B), Industrial (I) District and Health Care/Industrial District (HCI) would be allowed subject to Special Permit from the Planning Board (“PB”) but in the Central Business District (CB) would be changed to a prohibited use (“N”); and
  - c. “Supermarket, greater than 65,000 square feet Floor Area, Gross” in the Business District (B), Industrial (I) District and Health Care/Industrial District (HCI) would be changed to a prohibited use (“N”).

All as set forth below:

<b>4. Business Uses</b>	<b>S-1</b>	<b>S-2</b>	<b>GR</b>	<b>B</b>	<b>CB</b>	<b>HCI</b>	<b>I</b>	<b>GA</b>	<b>OS</b>
Supermarket, up to 25,000 square feet Floor Area, Gross	N	N	N	Y	Y	Y	Y	N	N
Supermarket, greater than 25,000 square feet Floor Area, Gross and up to 65,000 square feet Floor Area, Gross	N	N	N	PB	N	PB	PB	N	N
Supermarket, greater than 65,000 square feet Floor Area, Gross	N	N	N	N	N	N	N	N	N

To do or act thereon.

SPONSORED BY: Planning Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION:

**Comments: Planning Board, Explanation:** The original proposal was to put a maximum of 75,000 square feet for a Supermarket in an Industrial Zone, the same square footage maximum allowed in the Town's Neighborhood Business Overlay District (NBOD). However, the Planning Board during the Public Hearing process, which included research by the Town Planner and input from the general public, uncovered the median Supermarket size to be slightly less than 50,000 square feet, but more modern Supermarkets to be in the 60,000-65,000 square-foot range. The Planning Board also received input related to concern of Supermarkets being allowed by right without any dimensional limitation in the Central Business, Business and Health Care/Industrial Zoning Districts.

The Planning Board is proposing the 65,000 square feet maximum for the Industrial District noting that the NBOD still would allow the 75,000 square foot size, in order to help incentivize the use of the NBOD. The Board also felt the 65,000 square feet maximum size was appropriate for the Business and Health Care/Industrial Zoning Districts, but for the Maynard Downtown area the Planning Board believes 25,000 square feet is a more appropriate maximum size for a Supermarket.

**ARTICLE: 10 RE: Zoning Bylaw Amendments. Add a new Section 4.1.4, Maximum Total Gross Square Feet and Special Permit.**

To see if the Town will vote to amend the Town's Zoning Bylaw's by adding a new section 4.1.4 in Section 4.0 *Dimensional Regulations*:

**"4.1.4. Total Gross Square Feet Threshold for Special Permit**

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, or other structures are part of the building or combination of buildings.

3. This Section 4.1.4. shall not apply to Section 9.3.8. Table G. herein”

To do or act thereon.

SPONSORED BY: Planning Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION:

**Comments, Planning Board Explanation:** Passage of this article would require Planning Board Special Permit approval of any new building greater than 25,000 square feet. The Planning Board has prepared this article, based on input received during the public hearing process to establish a maximum supermarket size and permit such use by Planning Board Special Permit. The Planning Board, after hearing public testimony, input from the Town Planner and discussion amongst the Board members, believe the Town of Maynard should have conditional review of buildings of larger size. Many communities have similar requirements, and the square footage varies by community. 25,000 square feet seemed most reasonable to the Maynard Planning Board. The Planning Board does support an exemption to this provision from Table G, Section 9.3. Neighborhood Business Overlay District (NBOD), to encourage development in the NBOD in furtherance of the Maynard Community Development Principles.

**ARTICLE: 11 RE: Zoning Bylaw Amendments. Add a new Section 4.1.5, Maximum Building Size Retail Establishments in all Districts.**

To see if the Town will vote to amend the Town’s Zoning Bylaw’s by adding a new section 4.1.5 in Section 4.0 *Dimensional Regulations*:

**4.1.5. Maximum Building Size Retail Business in all Districts**

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 By-laws, 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 purchases 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.”

To do or act thereon.

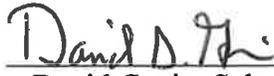
SPONSORED BY: Planning Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION:

**Comments, Planning Board Explanation:** Passage of this article would limit the maximum building size of any single retail establishment to 65,000 square feet. The Planning Board has prepared this article, based on input received during the public hearing process to establish a maximum supermarket size. Many communities have similar requirements, and the square footage varies by community. 65,000 square feet seemed most reasonable to the Maynard Planning Board. The Planning Board does support an exemption to this provision from Table G, Section 9.3. Neighborhood Business Overlay District (NBOD), to encourage development in the NBOD in furtherance of the Maynard Community Development Principles.

Given under our hands this *8th* day of *October* in the year Two Thousand and Thirteen.

  
Brendon Chetwynd, Chairman

  
Dawn Capello, Selectman

  
David Gavin, Selectman

  
William Cranshaw, Selectman

  
James Buscemi, Selectman

A true copy, Attest  Constable of Maynard.