



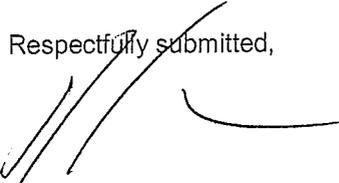
AGENDA
Maynard Board of Selectmen's Meeting
Tuesday, February 12, 2013
Maynard Public Library

Special Meeting Time: 6:30 pm

(All public meetings may be broadcast, recorded and or videotaped.)

1. Call to order (6:30 pm)
2. Pledge of Allegiance
3. Public Comments
4. Acceptance of Minutes: January 22, 2013
5. School Bond
6. Snow & Ice
7. Vote, Special Election and Special State Primary

Respectfully submitted,



Michael Sullivan, Town Administrator

Agenda
Joint Budget Meeting FY2014
Tuesday, February 12, 2013
Maynard Public Library
77 Nason Street

7:00 PM

7:15 PM Convene, Meeting Chair – Moderator James Coleman

7:20 PM Board of Selectmen Report
Chair Dawn Capello

7:30 PM FY 13 Budget Review and FY14 Revenue Projects & Budget
Mike Sullivan, Town Administrator

8:15 PM School Committee Report
Chair Amy Rebecca Gay

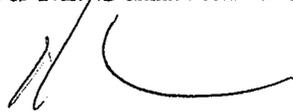
8:45 PM AM Finance Committee Presentation

9:00 PM Capital-Planning Committee Presentation

9:30 PM Questions and Answers

10:00 PM Adjourn

Submitted M. Sullivan Town Administrator





THIS MEETING IS CANCELLED/ POSTPONED

AGENDA
Maynard Board of Selectmen's Meeting
Saturday, February 9, 2013

Special Meeting Time: 8:30 am

(All public meetings may be broadcast, recorded and or videotaped.)

1. Call to order (8:30 am)
2. Pledge of Allegiance
3. Public Discussion
4. Acceptance of Minutes:
January 22, 2013
5. School Bond
6. Snow & Ice
7. Vote, Special Election and Special State Primary

Michael Sullivan, Town Administrator



THIS MEETING IS POSTPONED

Joint Budget Meeting FY2014

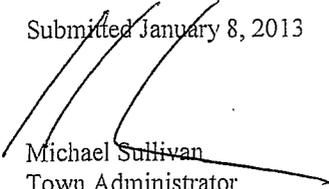
Board of Selectmen, School Committee,
And Finance Committee

February 9, 2013
Maynard Public Library
Time: 8:30 AM

(All public meetings may be recorded and or videotaped)

Agenda to Follow

Submitted January 8, 2013


Michael Sullivan
Town Administrator



Draft minutes for January 22, 2013

OFFICE OF THE
BOARD OF SELECTMEN
TOWN OF MAYNARD

MUNICIPAL BUILDING
195 MAIN STREET

MAYNARD, MASSACHUSETTS 01754

Tel: 978-897-1301 Fax: 978-897-8457

Selectmen's Meeting Minutes

Tuesday, January 22, 2013

Room 201, Town Hall

Time: 7:00 pm

Present: Chairman Dawn Capello, Selectman Brendon Chetwynd, Selectman David Gavin, Selectman Mick Hurrey, Town Administrator, Michael Sullivan and Becky Mosca. Absent, Selectman James Buscemi.

Pledge of Allegiance

Public Comments

Alan DiPietro, resident spoke on concerns regarding tree removal and brushes trimmed.

Motion made by Selectman Chetwynd to approve the minute for the January 8, 2013 meeting. Second by Selectman Hurrey. Vote 4 - 0. **Motion approved.**

List of Correspondences

- a) Treasurer/Collector's December Monthly Report.
- b) Town Accountant December Monthly Report.
- c) Town Clerk's December Monthly Report.
- d) Water and Sewer Dept. December Monthly Report.
- e) DPW third quarter billing.
- f) DPW Waste Water Treatment Plant December Monthly Report.
- g) Facilities Dept. December Monthly Report.
- h) Assist. Town Admin. /Exec. Director December Monthly Report.
- i) Library December Monthly Report.

- j) Council on Aging December Monthly Report.
- k) Joint Budget Meeting Agenda Feb 9, 2013
- l) Town School Building Comm. meeting minutes 12/12/12
- m) Planning Board Notice re: Reschedule Notice for Hearing Feb. 12, 2013
- n) Town Clerk's memo re: Open Meeting Law, notice of meeting.
- o) E-mail from resident Alan DiPietro
- p) MMA annual meeting and trade show information
- q) Copy of contract management letter WWTP, Weston and Sampson
- r) Note of thanks and appreciation from resident Vic Tomyl

Motion made by Selectman Chetwynd to approve the list of correspondences as shown. Second by Selectman Hurry. Vote 4 - 0. **Motion approved.**

One-Day Liquor License NexDine/CTP

Motion made by Selectmen Chetwynd to approve a One Day Liquor License to NEXDINE LLC. Second by Selectman Gavin. Vote 4 – 0. **Motion approved.**

Consent Agenda

- a) Entertainment License Willy's Philly's.
- b) One-Day Beer & Wine License, OARS repeat

Motion made by Selectman Chetwynd to approve the consent agenda as shown. Second by Selectman Hurry. Vote 4 - 0. **Motion approved.**

Maynard Police Department, introduced New Officer Daniel Bodwell and Recognition of Officer Greg Balzotti with the Maynard Toy Drive.

Board of Selectmen. Thank Joyce Dwyer for her Town Hall Art Show works in room 201. Selectmen Chambers.

Special Permit for Babe Ruth, AVLL

Much discussion on all sides, all agreed to a test with High School Team on hitting. No action taken at this time. TEST TBS.

Public Hearing Charter Review 7:30 pm

LEGAL NOTICE

Notice is hereby given that the Maynard Board of Selectmen and Town Charter Review Committee will be holding a Public Hearing on Tuesday January 22, 2013 at 7:30 p.m. in Room 201 of the Maynard Town Building on the proposed changes to the Maynard Town Charter. A copy of the Town of Maynard Charter Revision dated 10-26-12 file with the Town Clerk's Office.

Charter Revision Committee

Presentation given by Selectman Chetwynd.

All comments will have follow up with Charter Review.

Motion made by Selectman Capello to close the hearing on the amended Maynard Town Charter as shown submittal date of 11/13/12 noted draft. Second by Selectman Gavin. Vote 4 - 0. **Motion approved.**

Discuss for Capital needs Board of Selectmen

Tim Caldwell and Rob Horn from Capital Planning Committee

Looked at all carry over projects. Copy of list handed out.

Some of the items for this year all up for discussion.

Some with full details others incomplete, quotes not current, repairs do not have the size of repair no estimates.

Have (5) new requests

Add information onto the Town Web site.

Reserve Fund Transfer, Town Accountant, Treasurer/Collector, Reo Road/Coolidge project.

Treasurer/Collector Salary approved via Board.

Town Accountant items approved via Board.

Reo/Coolidge items approved via Board.

Motion made by Selectman Hurrey to approve the intra-budget fund transfer for \$46,000.00 for building and grounds. Second by Selectman Gavin. Vote 4-0. Motion approved.

Set Date, Time and Place for Special Town Meeting – April 6, 2013

Motion made by Selectman Chetwynd to approve a Special Town Meeting on April 6, 2013 at 10 a.m. at the Fowler School Auditorium for the purpose of considering

redevelopment of the 129 Parker Street Project. Second by Selectman Hurrey. Vote 3 – 0, 1 recused. Selectman Gavin **Motion approved.**

Set Date, Time and Place for Annual Town Meeting – May 20, 2013

Motion made by Selectman Chetwynd to approve the Annual Town Meeting for May 20, 2013 at 7:00 pm, Fowler School Auditorium. Second by Selectman Hurrey. Vote 4 – 0.

Motion approved.

Budget

TA, we have 2.9 mil free cash via DOR notice.

Money is from General Funds, other funds as unexpended, local revenue up from permits and licenses, investments and tax forecloses.

Town Administrator's Report

- “Free Cash” approved Friday, January 18, 2013 at \$2,910,826.00 General Fund.
- Regional Housing Specialist
- Software Presentations
- Representative Hogan Transportation
- Marie Morando moved to DPW
- Steve Wood moved to the Planning

Old/New Business

Selectman Hurrey

- Review zoning plan doc spelling error
- Community Preservation Committee questions
- Capital Planning Committee (Plan present. At Joint 2/9/13 meeting)

Selectman Gavin

- Any feedback on Subway
- School building update
- MMA meeting 1/25/13

Selectman Chetwynd

- None

Chair, Dawn Capello

- None

Executive Session

In the matter of Personnel. The meeting is an emergency.

After the Executive Session, the meeting will not reconvene.

Motion to convene an executive session was made by Capello and duly seconded by Gavin.

Roll call:

David Gavin	Yea
James Buscemi	Yea
Dawn Capello	Yea
Mick Hurrey	Yea
Brendon Chetwynd	Yea

Motion made by Selectman Capello to adjourn. Second by Selectman Gavin. Vote 4 - 0.

Motion approved.

Time: 10:57 pm

Approved: _____

Date:

Selectman, Chetwynd, Clerk

Initials: BJM

Statement from Selectman David Gavin. Attachment with minutes of January 22, 2013

“As a Selectman, I have always sought to act in a manner that is best for the town of Maynard. I have a desire to do so whether we are permitting a new licensee to enter into the community or negotiating with my colleagues about a potential new by-law proposal.

Each and every time I enter into this room or any other to take on the role of a Selectman, I am driven by my desire to do what is in the best interests of all of our residents.

That is why what I am about to say is so frustrating and disappointing.

It has been my desire to participate in the 129 Parker Street Development agreement with the same vigor and level of involvement that I have with so many other important issues that have come before our town.

Draft minutes for January 22, 2013

However, after consultation with counsel; given consideration of the location of my home in relationship to the proposed development, these discussions with counsel have made it clear that I may have a conflict under the Commonwealth of Massachusetts Conflict of Interest law and would therefore be prohibited from participating in or voting on the matters related to the proposed development at 129 Parker Street.

As a result, I must recuse myself from this discussion and will not participate in it.

Additionally, consistent with the laws governing such matters, I will not be voting on any matters relating to the proposal by the developer.

I take my responsibility as a Selectman seriously, but I am unwilling to jeopardize my own personal liberty and reputation, nor am I willing to expose the town to any questions regarding the integrity of this process.

I look forward to continuing to work with my colleagues on other important matters before the town and intend to continue to represent the residents of Maynard with pride hopefully for many years to come.

Thank you your understanding and your continued support.”

Becky Mosca

From: Michelle Sokolowski
Sent: Monday, February 04, 2013 10:38 AM
To: Michael Sullivan
Cc: Becky Mosca
Subject: Annual Town Election and Special State Primary

Good Morning Mike:

The Secretary of the Commonwealth has filed legislation to allow cities and towns to change the date of their municipal elections in light of the Special State Primary and Special State Election. This would allow municipalities to run both elections the same day. For Maynard, this would mean holding our Annual Town Election on April 30th, the same day as the Primary.

Although this would add some extra tasks to the day for the poll workers, I am confident it would work well in addition to proving a cost savings to the Town.

Holding both elections on the same day would require two separate ballots. The voting machines have the capability of being programmed for this.

Moving the date of the Annual Town Election does require a vote of the Board of Selectmen. If the Board so chooses to vote this matter, I respectfully request the decision made expeditiously in order to get the new filing dates/deadlines publicized as soon as possible.

Sincerely,

Michelle

Michelle Sokolowski
Maynard Town Clerk
195 Main Street
Maynard, MA 01754
Tel: 978-897-1300
Fax: 978-897-8553
Email: msokolowski@townofmaynard.net

ARTICLE 1: TO SEE IF THE TOWN WILL VOTE TO AMEND THE PROTECTIVE ZONING BY-LAWS WITH REGARD TO THE NEIGHBORHOOD BUSINESS OVERLAY DISTRICT (NBOD, SECTION 9.3) AS FOLLOWS:

Item 1. Amend Section 9.3.2 entitled “Applicability,” which presently reads:

9.3.2 Applicability. The NBOD is an overlay district superimposed over, rather than replacing, the applicable underlying zoning districts. 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 permits 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).

To read instead:

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 permits 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). **Where any provision in the NBOD is different than any provision elsewhere in the Protective Zoning By-Laws, the provision of the NBOD shall control.**

Item 2. Amend Section 9.3.3 entitled “Requirement for Approval of a Concept Plan at Town Meeting,” which presently reads:

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 principle use within said buildings; the final size of each single principle 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
 - e. Transfer of responsibilities and commitments in the event the property is sold

Such proposal shall be incorporate 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

To read instead:

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. **A Concept Plan shall be defined as a plan of the proposed development which is preliminary and conceptual in nature and which shall include the general use and approximate size and location of the buildings, project layout, proposed roads, parking, and all items as set forth in subparagraphs 1-10 below along with all other amenities, to the best of the property owner's knowledge as of the date of the Concept Plan.** 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 **9.3.11.3.**
7. The general location and approximate size of all proposed new buildings, the final **location and size of each building** 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. **Prior to the vote at Town Meeting on the Concept Plan, a Development Agreement shall be signed by the Board of Selectmen, Planning Board and 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 Concept Plan
 - c. The timing of assessment of new improvements
 - d. The Developer’s payment for design and implementation of traffic
 - e. Transfer of responsibilities and commitments in the event the property is sold

Item 3. Amend Section 9.3.5 entitled “Permitted Principal Uses,” which presently reads:

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 five (5) dwelling units
Multiple principal uses on a single lot or parcel within the NBOD

To read instead:

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

Healthcare Facility, **including Clinic and Medical, Dental and Psychiatric Office**
Health Club
Restaurant

Garden Center

General or Personal Service Establishment and Business or Professional or Other Office

Supermarket

Retail Business

Wholesale Business

Mixed Use with fewer than five (5) dwelling units

Multiple principal uses on a single lot or parcel within the NBOD

Theatre, Club or Other Place of Entertainment

Multi-Family Dwelling

Fast Food Restaurant

Motor Vehicle Light Service

Printing Shop

Brewery with Ancillary Food Service

Emerging Energy Technology Establishment

Family, Adult and Child Daycare

Item 4. Add a new Section 9.3.5.2 entitled “Prohibited Uses” after Section 9.3.5.1, to read as follows:

9.3.5.2 Prohibited Uses. In addition to any use which is not specifically permitted in this Section 9.3 and which is otherwise prohibited in the underlying district, any Medical Marijuana Dispensary and/or growing facility shall be prohibited in the NBOD.

Item 5. Amend Section 9.3.7 entitled “Uses Permitted by Special Permit of the Planning Board,” which presently reads:

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 five (5) or more dwelling units

To read instead:

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:

Elderly Housing and Assisted Living

Parking Structures

Mixed use with five (5) or more dwelling units

Item 6. Amend Section 9.3.8 entitled “Dimensional Requirement,” which presently reads:

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

<u>Principal Use</u>	<u>Maximum Gross Floor Area</u>
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.

To read instead:

9.3.8 Dimensional Requirements. Table G lists the dimensional requirements for each single principal use within the NBOD, unless otherwise set forth in Section 9.3.

TABLE G: NBOD DIMENSIONAL REQUIREMENTS

<u>Principal Use</u>	<u>Maximum Gross Floor Area</u>
1. <u>Multi-Family Dwelling and Garden Apartment and Elderly Housing and Assisted Living</u>	<u>325,000 s.f.</u>
2. <u>Retail Business and all other Permitted Principal Uses set forth in Section 9.3.5 other than 1. and 3. in this Table G</u>	<u>349,000 s.f. total calculated as follows:</u>
a. <u>No more than 1 structure</u>	<u>152,000 s.f.</u>
b. <u>No more than 1 structure</u>	<u>117,000 s.f.</u>
c. <u>No more than 2 structures</u>	<u>50,000 s.f.</u>
d. <u>No more than 2 structures</u>	<u>14,000 s.f.</u>
e. <u>No more than 3 structures</u>	<u>16,000 s.f.</u>

3. <u>Municipal Facility</u>	<u>55,000 s.f.</u>	

The Planning Board may issue a special permit to increase the square footage of any Principal Use by up to 5% of the Maximum Gross Floor Area in Table G above, without Town Meeting approval, except that no special permit shall be required if the developer increases a Principal Use or Uses by up to 15% if the developer reduces another Principal Use or Uses by the same square footage.

Item 7: Amend Section 9.3.9 entitled “District Total,” which presently reads:

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.

To read instead:

9.3.9 Non-Residential 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 **the corresponding Maximum Gross Floor Area set forth in Table G above except as otherwise set forth in Section 9.3.**

Item 8: Amend Section 9.3.10 entitled “Housing Cap,” which presently reads:

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

To read instead:

9.3.10 Housing Cap. The maximum number of housing units in the NBOD shall not exceed **two hundred fifty (250). The Board of Selectmen may issue a special permit to increase the number of housing units by 5% without Town Meeting approval.**

Item 9. Amend Section 9.3.11 entitled “Design Criteria,” which presently reads:

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 (45) feet 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 sit and the adjacent neighborhood.

4. Parking. Required parking shall be four (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 (1) 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-law.

To read instead:

9.3.11 Design Criteria. In addition to provisions in other sections of this By-law **concerning design criteria to the extent they may be applicable**, 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 low profile lights of twenty-five (25) feet or less and** 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, **front and rear setback areas of at least fifty (50) feet and side setback area of at least forty (40) feet shall be provided at the perimeter of the NBOD development where it abuts the property line of any residentially zoned properties and twenty (20) feet where it abuts open space zoned 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 **no less than twenty (20) feet** shall be provided where the **perimeter of the NBOD development** 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 sit and the adjacent neighborhood.
4. Parking. Required parking shall be **one (1) spaces per three hundred (300) square feet of gross floor area for office, retail, supermarket and all other allowed uses not set forth herein**. For outdoor sales and display areas of a Garden Center uses, required parking shall be one (1) space per three thousand (3,000) square feet of outside merchandise display area. **For multi-family and other dwelling units, required parking shall be 1.75 spaces per unit. For all restaurant uses, required parking shall be one (1) space per eighty-five (85) square feet of gross floor area. For warehouse uses, required parking shall be one (1) space per twenty-five hundred (2,500) square feet of gross floor area. Relief from these parking standards may be granted by special permit by the Planning Board.**
5. **Dimensional Requirements. The minimum requirements of the NBOD development shall be an area of 15,000 s.f.; 100 feet of frontage and 100 feet in width; total maximum building coverage 35% of the NBOD development; maximum building height of fifty-two (52) feet for residential uses and forty (40) feet for any other uses within the NBOD; minimum landscape open area of 20% of the NBOD development; and minimum landscape open area of 5% in the front yard of the NBOD development.**

Item 10: Amend 9.3.12 entitled “Site Plan Approval,” which presently reads:

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.

To read instead:

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 issue** such Approval unless the proposed Site Plan substantially **does not conform** to the Concept Plan approved by the Town Meeting. The Planning Board may permit 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 **substantially and** materially conflict with the general intent of the Concept Plan as approved.

Item 11: Add a new Section 9.3.14 entitled “Special Permitting Granting Authority” after Section 9.3.13, to read as follows:

9.3.14 Special Permit Granting Authority. The Planning Board shall be the Special Permit Granting Authority for this Section 9.3 except that the Board of Selectmen shall be the Special Permit Granting Authority for Section 9.3.10.

OR PASS ANY VOTE OR TAKE ANY OTHER ACTION RELATIVE THERETO.

SUBMITTED BY: Town Administrator

APPROPRIATION: None

FINCOM RECOMMENDATION: At Town Meeting

PLANNING BOARD RECOMMENDATION: At Town Meeting