



**AGENDA**  
**Maynard Board of Selectmen's Meeting**  
**July 2, 2013**  
**Town Building—Michael J. Gianotis Meeting Room**  
**(No. 201)**  
**Regular Meeting Time: 7:00pm**

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

1. Call to order (7:00)
2. Pledge of Allegiance
3. Public Comments
4. Fiscal Year 2014 Organizational Discussion and Vote
5. Award, Volunteer
6. Acceptance of Minutes
  - a) June 18, 2013
7. Correspondence
  - a) Maynard Recreation meeting minutes, May 15, 2013
  - b) Fire Department Monthly report for June 2013
  - c) Town Hall Hours for 6/24 – 6/28 and 7/1 – 7/5
  - d) Maynard Golf Course report for June 2013
  - e) Monthly report for DPW, Engineer, Wayne Amico
  - f) Resignation letter, ADA, Paul Giunta
  - g) Group response letter regarding, Building Commissioner, 129 Parker Street
  - h) Group letter to Attorney General's Office RE: STM Oct. 26, 2011
  - i) Letter, D L P N , REQUEST for hearing, 129 Parker Street
  - j) Letter from resident regarding location on Waltham Street
  - k) MAGIC update 2

- l) Letter from Maynard Elks, manager resignation
  - m) MPO, public notice
  - n) OARS, Water Wise Workshops and Innovation Workshops
8. Consent Agenda
- a) Re-appointments to Boards and Committees, Ron Cassidy
  - b) 16<sup>th</sup> Annual Road Race, Boys & Girls Club, date, Saturday, Sept. 21, 2013.
9. Appointments to Boards and Committees
- Gregory Tuzzolo, Jason Kreil, Charles Shea, Stephen Jones,
10. 7:15 pm Public Hearing, Liquor License Manager Change,,7:15 Maynard Elks, 7:25 pm Thai Chilli
11. Maynard Golf Re-Use Committee Final report,  
<http://www.townofmaynard-ma.gov/gov/committees/mgcr>
12. Maynard Community Life Center final report.
13. Special Request for Water Ban Waiver, Alumni Field.
14. Town Hall, Summer Hours' request Note: on BOS 6/18/13 agenda
15. 2013 – 2014 Maynard Board of Selectmen Goals & Initiatives update
16. Audit Report results
17. Request: Union, Local 1156 to amend contract.
18. Town Administrator's Report
19. Old/New Business
20. Chairman's Report
21. Executive Session
22. Adjourn (9:00)

Respectfully submitted



Kevin Sweet, Acting Town Administrator

Next meeting dates: July 9<sup>th</sup> and July 16<sup>th</sup>

Date Posted June 27, 2013

## TOWN OF MAYNARD

### MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISION OF MGL 30A § 18-25

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

#### Board of Selectmen

Address of Meeting: 195 Main Street

Room: 201, Michael J. Gianotis Maynard

**M T W T H F July 9, 2013**

**7:00 PM**

Month

Date

Year

Time

AM/PM

Agenda or Topics to be discussed listed below (That the chair reasonably anticipates will be discussed)

- 1) Town Administrator Search Committee update of candidates



Posted by: Becky Mosca O/b Kevin Sweet

Date: 6/27/13

Date Posted June 27, 2013

**TOWN OF MAYNARD**

**MEETING NOTICE**

POSTED IN ACCORDANCE WITH THE PROVISION OF MGL 30A § 18-25

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

**Board of Selectmen**

Address of Meeting: 195 Main Street

Room: 201, Michael J. Gianotis Maynard

**M T W T H F July 16, 2013**

**7:00 PM**

Month

Date

Year

Time

AM/PM

Agenda or Topics to be discussed listed below (That the chair reasonably anticipates will be discussed)

- 1) Agenda to follow



Posted by: Becky Mosca O/b Kevin Sweet

Date: 6/27/13



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, June 18, 2013**

**Room 201, Town Hall**

**Time: 7:00 pm**

**Present: Chairman Dawn Capello, Selectman Brendon Chetwynd, Selectman David Gavin, Selectman James Buscemi, Acting Town Administrator, Kevin Sweet and Becky Mosca.**

**Pledge of Allegiance**

**Public Comments:** None

The Board of Selectmen yearly sponsor a \$250 scholarship for a Maynard High School graduate pursuing a college major in government, political science, law or similar fields of service. This year's recipient is Vanessa Nunes. Vanessa will attend Suffolk University this fall with plans of eventually getting a law degree with a focus on immigration rights.

**Motion** made by Selectman Gavin to approve the minute for the May 19, 2013 meeting. Second by Selectman Chetwynd. Vote 4 - 0. **Motion approved.**

**List of Correspondences:**

- a) Treasurer/Collector monthly reports April & May 2013
- b) OMS, monthly report for April 2013 & May 2013
- c) DPW monthly report May 2013
- d) Resignation letter, DPW, WTPO, effective 6/14
- e) DPW, letter to DEP dated May 17, 2013
- f) Police monthly report April 2013

- g) Fire Depart monthly report May 2013
- h) Recreation minutes for April 24, 2013
- i) Assessors minutes for May 19, 2013
- j) Mass DOT letter dated May 31, 2013
- k) Oars, letter dated May 2, 2013
- l) Assessor's email dated May 10, 2013 with monthly report for April 2013
- m) Assessor's monthly report for Feb. & Mar. 2013
- n) Library monthly report May 2013
- o) Sterling Golf Management, MGC monthly report Jan. thru Mar. 2013
- p) Email dated May 7, 2013 from resident, Jiles Robinson
- q) 495/Metro West Partnership notice
- r) Summer meeting coverage, dated June 2, 2013 from Mike Kutlowski
- s) Letter dated June 9 from Bill Cranshaw, request to paint (2) utility boxes

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

#### **Consent Agenda**

- a) Re-appointments**
- b) Special Permit, Maynard Community Band**
- c) Erickson Dairy**

**Motion** made by Selectman Chetwynd to approve the consent agenda with the following re-appointments:

- Thomas Papson re-appointment to the Council on Aging, term to expire June 30, 2016.
- Jack MacKeen re-appointment to the Historical Commission, term to expire June 30, 2016.
- Nancy Hatch re-appointment to the Council on Aging, term to expire June 30, 1016.
- Stephen Pomfret re-appointment to the Board of Assessors, term to expire June 30 2016.
- Ellen Duggan re-appointment to the Community Preservation Committee, term to expire June 30, 2016.
- Peter Keenan re-appointment to the Conservation Commission, term to expire June 30, 2016.

- Daniel Stuart re-appointment to the Capital Planning Committee, term to expire June 30, 2016.
- Peter Falzone re-appointment to the Recreation Commission, term to expire June 30, 2016

Second by Selectman Gavin. Vote 4 – 0. **Motion approved.**

### **Appointments to Board and Committees**

**Motion** made by Selectman Gavin to approve the following appointments:

- Christine Bell new appointment to the Recreation Commission, term to expire June 30, 2016.
- Edward Mullin new appointment to the Town School Building Committee, term to expire Dec. 30, 1013.
- Phil Berry new appointment as a citizen representative to the Town School Building Committee, term to expire Dec. 30, 2013.

Second by Selectman Chetwynd. Vote 4 – 0. **Motion approved.**

### **Public Hearing 7:15 pm Manager Change at Peyton's**

**Motion** made by Selectman Chetwynd to approve the manager change at Peyton's to Jason Yates as shown on form 43 for the ABCC. Second by Selectman Gavin. Vote 4 - 0. **Motion approved.**

### **Request for Water Ban and issue from a Town Resident.**

**Motion** made by Selectman Brendon Chetwynd to approve the LEVIL 1 WATER BAN, Water Use Restrictions. Out of town water, hook-up homes must be notified of the water ban. Level 1 Water Use Restrictions will be in effect beginning, July1, 2013 until further notice. No Watering use on Mondays.

### **Level 1 Conservation Restrictions:**

- Odd/Even day outdoor water usage requirements shall be in effect. Outdoor usage is permitted for water users with odd numbered addresses on odd-numbered days and water users with even numbered addresses on even numbered days. Public water usage is prohibited between the hours of 9:00 am to 5:00 pm.
- Non-essential water usage is limited to the hours of 5:00 pm to 9:00am. Usage is permitted for water users with odd numbered addresses on odd-numbered days and water users with even numbered addresses on even numbered days.
- In addition, there is to be no watering on Mondays.

Non-essential water usage includes but not limited to:

- Lawn Watering
- Pressure washing houses, deck, driveways etc.
- Pool filling
- Car washing
- Flower Beds & Vegetable Gardens

In addition, to Grant the DPW Operations Manager to change the Level of the Water Ban if needed.

Second by Selectman Gavin. Vote 3 - 1. Selectman Buscemi opposed. **Motion approved.**

**7:45 PM Water Abatement, account # 0002969-0**

**Motion** made by Selectman Chetwynd to approve the water abatement for account # 0002969-0 for \$XXX and waiver the penalty and test fee of \$75.00. Second by Selectman Gavin. Vote 4 - 0. **Motion approved.**

**MIIA insurance vote, MGL c 32B, Section 26.**

**Motion** made by Selectman Gavin to approve the MIIA insurance request for the change to the Town of Maynard and add MGL c32B, Section 26. Second by Selectman Chetwynd. Vote 4 - 0. **Motion approved.**

**Interview, Town Planner Candidate**

**Motion** made by Selectman Brendon Chetwynd to approve the appointment of Eric Ross Smith as Town Planner with the Acting Town Administrator finalizing his contract. Second by Selectman Gavin. Vote 4 - 0. **Motion approved.**

**Summer Hours Request, Town Hall Employees**

**Motion** made by Selectman Chetwynd to approve the change in the Town Hall hours – Town Hall will be closed on Thursday, July 4<sup>th</sup> and Friday, July 5<sup>th</sup> with hours for Friday July 5<sup>th</sup> made-up the week prior. Second by Selectmen Gavin. **Motion approved.**

**Reo/Coolidge Park playground updates**

Acting Town Administrator Kevin Sweet  
Issues being looked at with BSC

- Drainage at Coolidge
- Grass growing in the infield of ball field/ dirt infield
- Slide, is it per spec

#### REO

- Cost over runs
- Soil came up bad in area of the playground equipment
- Need redesign
- Request check with Wayne in DPW for the test bores, was it done by standard practice.

#### **Audit Report results TABLED until July 2, 2013 meeting.**

#### **Town Administrator's Report**

- DOT meeting regarding ARRT on June 13, 2013
- New Planner, comment he has ARRT experience
- FEMA, kicking off meeting for reimbursement from this past winters storm in process
- Comprehensive Regional plan in process
- Meetings with both Chiefs, (Fire/Police) for roll out plan dispatch
- Conversion new software, Softright
- Town Accountant update
- 

#### **Old/New Business**

Letter emailed and dropped off to the Selectmen from group in Maynard Note will be added to the next BOS packet, July 2, 2013 in correspondence

**Motion** made by Selectman Gavin to approve the Town to hire special council to review the opinion letter that the Building Commissioner sent as opinion regarding 129 Parker Street mainly question # 2. Second by Selectman Chetwynd. Vote 1-0-3 Selectmen Capello, Chetwynd and Buscemi Abstain. **Motion does not Pass.**

- Request from the Town Administrator Search Committee to meet with the Board of Selectmen. Date set for July 9, 2013 at 7:00 PM
- Request from Maynard Farmers Market/Aimee Ledwell for a Costume Parade.

**Motion** made by Selectman Chetwynd to approve the 1<sup>st</sup> Annual Costume parade on July 29, 2013 at 10:00 am with approval from the Chief of Police and detail for either sidewalk parade or street parade. Second by Capello. Vote 4-0. Motion approved.

#### Selectman Gavin

- Update on meeting with ARRT
- Update on Maynard School Building Committee on schedule for August 2, 2013, Note the Auditorium will not be ready.

Selectman Chetwynd

- July 2, 2013 BOS meeting review BOS roles with Liaison committees
- Request from Bill Cranshaw to have (2) Utility boxes painted.

**Motion** made by Selectman Chetwynd to approve the request for the (2) Utility boxes to be painted and work with the TA at Town Hall with the details. Second by Selectman Gavin. Vote 4-0. Motion Approved.

Chair, Dawn Capello

- July 2<sup>nd</sup>, to have the Maynard Community Life Center do a wrap up with the Board. Also, the Maynard Golf Re-use committee to come in and do wrap up.

**Executive Session ~**

Motion to convene an executive session was made by Selectman Gavin and duly seconded by Selectman Buscemi. Vote 4-0. **Motion approved.**

<b>Roll Call</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Selectman David Gavin	X			
Selectman James Buscemi	X			
Selectman Dawn Capello	X			
Selectman Brendon Chetwynd	X			

Board will not reconvene into open session.

**Motion** made by Selectman Gavin to adjourn. Second by Selectman Buscemi. Vote 4-0. **Motion approved.**

Time: 10:20 pm

Approved: \_\_\_\_\_

Date:

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Selectman, Chetwynd, Clerk

Initials: BJM



BOS Copy



**MEETING MINUTES**  
**Maynard Recreation Commission**  
**Wednesday, May 15, 2013**  
**Town Hall – Room 202**  
**Time: 7:00pm**

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

1. Call to Order – 7:17PM. In attendance: Kevin Feehily, Peter Falzone, Mike Chambers
2. Public Comment – No Comment. Chris Bell attending with interest in joining RECComm
3. Old Business
  - a. Review and approve Meeting Minutes from April 24<sup>th</sup> =Voted & approved 3-0
  - b. Open seats on Recreation Commission – interest from Chris Bell & Steve Jones. Peter to notify town so they can be sworn in.
  - c. Dog policy at athletic fields: discussed in light of damage done to Rockland Field by dogs/owners. Kevin discussed with Linda Hansen of CONSCOMM. Referenced town by-laws and it is unclear whether it allows no dog signs to be posted. Noted that other rec facilities have no dog signs posted. Mike Chambers to look into town by-laws.
  - d. BGCAV Request for pmt of Sportsware maintenance fee of \$500(refer to MOU for guidance on payment).
  - e. BGCAV Open House: Agreed to split costs of bouncy house rental.
  - f. Tennis Courts Rental: Payment from Fenn School for \$1,200 not deposited.
4. New Business
  - a. New program ideas – discussed the need for better feedback loop on proposed ideas for rec programs to know status (e.g. if they will become new programs)
  - b. 129 Parker – Recreation/senior center: discussion on developers proposal to fund renovation of PK2 bldg to house community life center with gymnasium space. Reviewed proposed drawings.
  - c. Open
    - i. MOU with BGCAV is expired. Required to be put out to bid.
    - ii. Crowe Park: Mike Chambers provided update that status as baseball field is still under review.
5. BGCAV
  - a. Program updates - None
  - b. Enrollment reports - None
6. Announcements
  - a. Member Vikki Denaro intent to resign from RecComm – discussion on what is needed to process and communicate.
7. Adjourn – 8:21pm
8. Next meeting – Wed. June 19<sup>th</sup>, 7pm

Submitted to Town Clerk: TBD

TOWN OF MAYNARD BY-LAWS  
CHAPTER XIX

DOG OWNER'S RESPONSIBILITY LAW

Section 1: The annual fee for every dog license, except as otherwise provided by law, shall be ~~\$10.00~~. *\$9.00 for neutered/spayed, \$10.00 intact.*

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 actually in the 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 of other disposal of the dog, nor 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 Chapter 140, Section 147 of the General Laws.

Section 2: No person shall own or keep in the Town, any dog which by biting, excessive barking, howling or in any other manner disturbs the quiet of the public.

Section 3: If any person shall make a complaint in writing to the Dog Officer that a dog owned or harbored within the officer's jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Dog Officer shall investigate such complaint, and submit a written report to the Board of Selectmen of the findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complaint under oath the Board of Selectman may make such order concerning the restraint, muzzling or disposal of such dog and may be deemed necessary. The Dog Officer after investigation may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to enable the Town Administrator to issue an order following receipt of the report of the Dog Officer. If the Town Administrator fails to act during the period of the interim order, upon expiration of the period, the order automatically is vacated.

Section 4: The Dog Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period not to exceed fourteen days, any dog for any of the following reasons:

- a. For having bitten a person.
- b. If found at large unmuzzled; as the case may be, while an order for the restraint of such dog is in effect.
- c. If found in a school, schoolyard, or public recreational area.
- d. For having killed or maimed or otherwise damaged any other domesticated animal.
- e. For chasing any vehicle upon a public way or way open to public travel in the Town.
- f. For any violation of Section 2.

Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Dog Officer shall submit in writing to the Town Administrator a report of said action and the reason therefor. Upon receipt of such report the Town Administrator may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. If the Town Administrator fails to act upon the report during the period the dog is restrained or muzzled upon expiration of the period, the interim order is automatically vacated.

Section 5: The owner or keeper of any dog that has been ordered to be restrained or muzzled or has been restrained under this article, may file a request in writing with the Dog Officer that the restraining order may be vacated or that the dog be released, and after investigation by the Dog Officer such officer may vacate such order or release such dog, if the order or restraint was imposed by the Dog Officer. If the order was imposed by the Town Administrator, the Dog Officer shall investigate and submit a written report with recommendations to the Town Administrator, who may vacate such order.

Section 6.1 - INFORMAL DISPOSITION PROCESS

The owner or keeper of a dog that receives a citation under this bylaw may, within twenty-one days, confess to the offense charged by delivering personally or through a duly authorized agent or by mailing to the Town Clerk said citation, along with payment in the amount as authorized under the penalty provisions set forth herein. Said payment shall be by cash or certified check. Payment to the Town Clerk shall operate as a final disposition of the case.

If such person, when issued a citation, desires to contest the violation through the informal disposition process, he may, within twenty-one days of said issuance, request a hearing with the Town Administrator and may present, either in person or by counsel, any evidence he may have to refute the allegation contained in the citation. At such hearing, the Town Administrator shall make a determination as to the facts, and said determination shall be final regarding the informal disposition process.

SECTION 6.2 - NON-CRIMINAL DISPOSITION OF VIOLATION

If any person so notified by citation desires to contest the violation alleged in the citation notice without availing himself of the provisions of the informal process, or desires to contest the decision of the dog control officer or Town Administrator, he may avail himself of the procedures established bylaw. In either of the above cases or if the owner of a dog fails to respond to a citation within twenty-one days, the Town Clerk shall forward a copy of the citation to the District Court where it shall be handled under provisions of M.G.L. Chapter 40 Section 21D.

SECTION 6.3 - VIOLATIONS

A violation of any section of this bylaw shall be punishable by a warning for the first offense. Any person authorized to enforce the provisions of this bylaw shall issue a citation to the owner of any dog violating the provisions of this by-law. Any such citation shall include, in addition to the violation charge, the name address of the owner of the dog; the date and time and location of the alleged offense, and, if not a warning, the amount of the penalty due. Said citation shall be on a form prescribed and furnished by the dog control officer.

SECTION 6.4 - DOG FUND - THIS SECTION DELETED AND DISAPPROVED BY THE ATTORNEY GENERAL'S OFFICE.

SECTION 6.5 - PENALTY AND/OR FINES

The following penalties, except where otherwise indicated herein, shall be in effect for violations of the bylaw after a warning has been issued:

(A) Informal Disposition Process

First offense in calendar year:	\$25.00
Second offense in calendar year:	\$50.00
Third and each subsequent offense in calendar year:	\$100.00

(B) Penalties for violations of any provision of the bylaw, except where otherwise indicated shall be:

First offense in calendar year:	\$25.00
Second offense in calendar year:	\$50.00
Third and each subsequent offense in calendar year:	\$100.00

Each day of any said violation shall constitute a separate offense.

The Town Clerk shall receive payment of such penalties and charges and remit same to the dog fund.

SECTION 6.6: SEVERABILITY CLAUSE

If any part, section or provision of the bylaw is found to be invalid, the remaining sections of this bylaw shall not be affected thereby. No provisions or interpretation of a provision of this bylaw is intended to be either in conflict with or an attempt to change any statutory provision in Chapter 140 Massachusetts General Laws, pertaining to dogs.

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 of each year, have not licensed said dog or dogs, as prescribed by Section 173, Chapter 140 of the General Laws, shall be required to pay a fee of \$10.00 over and above any other applicable licensing charge or penalty.

SECTION 8: No person shall permit a dog by him/her or under their direct control to be off the premises of the owner or person responsible between the hours of 7:00 A.M. and 8:00 P.M. unless the dog is under the full and direct control of the owner or responsible person and kept on a safe and adequate leash. The owner of the dog or person responsible who violates this bylaw shall, after receiving a written warning as to a violation of this section be punished for a subsequent offense by a penalty of ten dollars (\$10.) for the first offense, twenty-five dollars (\$25.) for the second offense and fifty dollars (\$50.) for each subsequent offense. The person responsible for the control of any dog shall be deemed to be a person who has willingly assumed the control of the dog from its owner or, in the alternative, the licensed owner of the dog.

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 Laws 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.

SECTION 10: DOG WASTE DISPOSAL

Each person who owns, possesses or controls a dog walking in any area within the Town of Maynard, other than on their own private property, is responsible for the immediate removal and disposal of any feces left by his or her dog on any sidewalk, gutter, street or other public area. Persons walking dogs must carry with them a device designed to dispose of dog feces. Such devices include but are not limited to plastic bags or "pooper-scoopers". Exempt from the requirements of this bylaw are "assistance dogs" in the service of their handlers, such as those dogs who aid the deaf or blind.



# MAYNARD FIRE DEPARTMENT

Fire Chief  
Anthony Stowers

## Monthly Report

### JUNE 2013

#### FIRE RESPONSE ACTIVITIES

Number of requests for service in June to date\* is (6/26/13); 113 the requests break down for the month break down as follows:

Basic life support ambulance	27
Advanced life support ambulance	26
Mutual aid ambulance	4
Motor vehicle accident	2
Pedestrian hit by motor vehicle	0
Flammable gas leak	1
Flammable liquid/Hazardous Material spill	0
Building/Chimney Fire	0
Carbon monoxide detector activation/Problem	3
Other not specifically classified (car fire)	0
Lock-out	1
Mutual aid building fire/Automatic aid	1
Good intent/assist police/investigation/Haz-Mat Investigation	3
Well-being check/Medical Assist	8
Rescue (trench Rescue)	1
Smoke Investigation	0
System/Furnace malfunction	0
Smoke detector/Alarm activation with no fire	10
LP gas inspection/Tank Truck/Fuel Tank	0
Investigation of citizens complaint	0
Smoke/CO detector/Oil Burner inspection	19
Arcing electrical/wires down/overheat	2
Cooking Fire/barbeque fire/Brush/Vegetation	0
Unintentional false/canceled/unauthorized burning/other	4
Malicious False Alarm	2
Total	113

#### TRAINING ACTIVITIES

All shifts have been involved with the training of our new probationary firefighters. All together members completed over 243 hours of on-shift and off shift training to date in June (6/26/13) in a variety of topics such as driver/operator, Recruit Academy, and hydrant and drafting operations, and building familiarity with walks through multiple buildings among other topics. Training also continued for our probationary firefighters as they become familiar with Maynard Fire Department procedures and methods. In addition all 4 groups continued working on our pre-fire planning program.

## SHIFT PROJECTS AND ACTIVITIES

We have continued working closely with a software company called GovCentric, we have started using the pre-fire planning component of this system.

The students from Assabet Valley Regional Technical School have also returned to complete an outside painting project for us and will complete the project in the fall. This will involve the fire escape and outside doors.

### ACTIONS OF NOTE:

Newly appointed Captain Walter Latta has been placed in charge of the departments training program and has already made some important changes. Captain Latta also oversaw a difficult rescue of a patient who had fallen over the rail and was trapped beneath the Walnut Street Bridge. The patient needed to be extricated through a window at 5 Clock Tower Place. Great Job!

Firefighter Angela Lawless has been appointed our EMS Coordinator and will work with our local EMS Group, the Massachusetts Office of Emergency Medical Services and the National Registry of Emergency Medical Technicians to ensure we are on the cutting edge of training and protocol updates.

Our new Ambulance has been delivered and is scheduled to be in service the week of July 8<sup>th</sup>, (see pictures)

We are continuing to work with the Maynard Police Department and Maynard Schools on a community wide approach to school safety.

A few months ago we developed a pre-inspection form for Maynard Businesses who require an annual inspection. The purpose of this partnership is to help business owners or managers identify and correct any potential problems prior to their annual inspection. We feel this will decrease the anxiety faced during the very busy inspection season. We have sent those forms out to the business's that require annual inspection so they can better prepare for their fall inspection. Some of these forms have been returned to us with no deficiencies so perhaps this will translate into a smoother fall inspection season.

We have continued our annual fire safety inspection program in an effort to keep our citizens and visitors safe from unforeseen and unpredictable events.

This month we will get back to submitting fire safety articles to the Beacon Villager with a new editor on board.

We are continuing to aggressively pursue grant funding from multiple sources. We are still in the running for some Federal Grants, let's keep our fingers crossed.

Our public education campaign has continued and we have added some very important safety information to both the Fire Department website and our Maynard Fire Department Facebook Page.

The Maynard Fire Department sends out congratulations to Shawn Boulette, a firefighter on group 1 who graduated from the Massachusetts Fire Academy's Recruit Academy on Friday, June 21<sup>st</sup> (see picture). Great work Shawn!

Chief Stowers met with area chiefs from Concord, Acton, Sudbury and Stow to discuss new automatic response agreements among all five communities.

Respectfully Submitted,  
Anthony Stowers



**Figure 1** Firefighter Shawn Boulette Graduated from the Recruit Academy on June 21st. Looks like some sun screen may be in order here. Great job Shawn!



**Figure 2:** New Ambulance, to go in service in the next few weeks.



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  
Email: [msullivan@townofmaynard.net](mailto:msullivan@townofmaynard.net)

**Chairman Dawn Capello**  
**Selectman David Gavin**  
**Selectman James Buscemi**  
**Selectman**  
**Selectman Brendon Chetwynd**

**Kevin Sweet**  
**Acting Town Administrator**

Good afternoon,

Due to the July 4<sup>th</sup> Holiday falling on Thursday this year and concerns about staffing on Friday, July 5<sup>th</sup> the BOS have approved a change in Town Hall hours. Town Hall will be closed on Thursday, July 4<sup>th</sup> and Friday, July 5<sup>th</sup>.

The hours for Friday, July 5<sup>th</sup> will be made up the week prior.

**TOWN HALL HOURS (June 24<sup>th</sup> – June 28<sup>th</sup>)**

Monday: 8am – 6pm  
Tuesday: 8am – 6pm  
Wednesday: 8am – 6pm  
Thursday: 8am – 6pm  
Friday: 8am – 4pm

**TOWN HALL HOURS (July 1<sup>st</sup> – July 5<sup>th</sup>)**

Monday: 8am – 4pm  
Tuesday: 8am – 4pm  
Wednesday: 8am – 4pm  
Thursday: HOLIDAY CLOSED  
Friday: CLOSED

**Kevin A. Sweet**  
**Acting Town Administrator**  
Town of Maynard  
195 Main Street  
Maynard, Massachusetts 01754  
Office: 978.897.1301  
Direct: 978.897.1375



**50 Brown Street, Maynard, MA 01754**  
**Tel: (978) 637-2268 – Fax: (978) 637-2269**

**Report for Maynard Board of Selectman  
June 15th, 2013**

**Revenue Update – YTD thru May 31st.**

- Season Passes 2013 = \$90,650 vs 2012 = \$110,515 down \$19,865 (18%)
- Greens fees 2013 = \$35,018 vs 2012 = \$ 30,857 up \$ 4,161 +13%
- Golf Carts 2013 = \$10,098 vs 2012 = \$ 8,716 up \$ 1,382 +16%

Complete revenue report is attached. Lease fee due year to date on June 15<sup>th</sup> is \$15,397.56 \$18,087.21 has been paid year to date in Capital repairs - \$2,689.65 above the lease fee due has been paid to date.

**Clubhouse Capital Repairs paid for in lieu of Lease fee payment YTD.**

5/30/13	Warren Security, Alarm repair - structural work	\$ 250.00 - NEW
Total Paid by SGM year to date		\$18,087.21

**Business** – Overall business has been growing and I still remain very optimistic that the course can be successful. It has been a disappointment to have our Season Passes drop, but as mentioned earlier last year we benefitted from the past club ownership purchasing passes for all their equity members. Growth has been up in both greens fees and cart rentals YTD, which is the core of the business. Food, bar and function revenue has seen strong growth, but is hard to compare at this stage since at this stage we were still just starting out and our kitchen wasn't yet in operation. Function bookings are strong in June, but slow for July/August. Weekend golf play has been very strong, some days at close to capacity. Weekdays continue to be on the slow side, but are growing. We have been running some ads and promotions in Stow Independent, along with Wicked Local. We have marketing campaigns just starting in The Patch. Ads running in New England Golf Guide, along with focused email blasts coming out soon. We are growing our internal database at the club thru our FORE POS software; this also includes Birthday Club, comeback coupons, and defector programs. Plus other marketing we are working on to help us grow.

**Season Passes** – \$5,500 additional sales were made this last month in Season Pass sales, this will most likely be close to final number of sales for the year. We have 121 total pass holders, 41 are new in 2013. Fifty two are Maynard Residences or 43% of the total.

**Leagues –**

- Tuesday men's league – 27 players
- Wednesday ladies league starts this week
- Wednesday senior scramble league – 20 players
- Thursday Westford Senior Center league – 8-12 players
- Thursday MCI Prison Guard League – 16 players
- Sunday morning quota league – 14 players

**Lessons and Clinics** – junior lessons, clinics and leagues have continued to receive a lot of interest

# *Sterling Golf Management, Inc.*

## Maynard Golf Course

### Statement of Revenues for May 2013

<u>Revenue Category</u>	<u>Amount</u>	<u>Y-T-D</u>
Season Passes	5,555.00	90,650.00
Locker Rentals	200.00	470.00
Greens Fee	22,150.00	35,018.00
Golf Carts	6,041.11	10,098.98
<b>Total Golf Revenue</b>	<u>33,946.11</u>	<u>136,236.98</u>
<b>Lease Fee Due on Golf Revenue (10%)</b>	3,394.61	13,623.70
Food Sales	4,676.81	12,450.99
Liquor Sales	5,755.60	17,426.17
Hall Rentals	1,250.00	5,600.00
<b>Total Food Service Revenue</b>	<u>11,682.41</u>	<u>35,477.16</u>
<b>Lease Fee Due on Food Service Revenue (5%)</b>	584.12	
Lease Fee Due - May	3,978.73	
<b>Amount paid with this statement</b>	<u>3,978.73</u>	
<b>Total amount towards Lease Fee</b>	<u>15,397.56</u>	
(Total Year-to-Date Lease Fee)	15,397.56	(0.00)

Contract - 10% lease fee on Golf Revenue (Season Passes, Greens Fees, Carts, Locker Ren

- 15% on golf revenue about \$400,000

**DUE June 15th**

**Maynard On-Call Contract 2013****Invoice Summary****Log of Activity by Date for Wayne Amico****Town Hall Attendance 5/14/13 – 8 hours**

- Met with Chris Okafor to discuss staffing issues over the past few days.
- Attended weekly Town DPW staffing meeting with Chris Okafor, Marie Morando, Tim Mullally, Dave Simmons and Joe Foster.
- Reviewed paving estimate from Lazaro paving for Shore Ave and Summer Hill Road with Joe Foster and Chris Okafor.
- Performed a field review of Summer Hill Road with Chris Okafor and Joe Foster. Wrote a Scope for work for Shore Ave and Summer Hill Road in order to solicit a quote from Lazaro for paving next month.
- Met with Kevin Sweet and Gregg Lefter at PK2 building to review asbestos finding with Covino Environmental.

**Town Hall Attendance 5/16/13 – 8 hours**

- Met with Chris Okafor to discuss staffing issues over the past few days.
- Reviewed paving estimate from Lazaro paving for Shore Ave and Summer Hill Road with Chris Okafor.
- Sent revised scope of work to Lazaro requesting a revised price quote for Shore Ave and Summer Hill Road.
- Performed a field review of Summer Hill Road to verify Lazarro paving estimate.
- Began the preparation of a follow up letter to the Town's March 12, 2013 letter to DEP responding to water system non-compliance issues.
- Prepared draft power point presentation for Kevin Sweet for Town meeting articles on 2 water tank repairs and Mockingbird Sewer station repairs.

**Town Hall Attendance 5/21/13 – 8 hours**

- Attended weekly Town DPW staffing meeting with Chris Okafor, Marie Morando, Tim Mullally, Dave Simmons and Joe Foster.
- Met with Chris Okafor to discuss staffing issues over the past few days.
- Reviewed paving estimate from Lazaro paving for Shore Ave and Summer Hill Road with Joe Foster and Chris Okafor
- Performed a field review of unaccepted streets with Chris Okafor and Joe Foster
- Continued the preparation of a follow up letter to the Town's March 12, 2013 letter to DEP responding to water system non-compliance issues.
- Helped Tim Mullally investigate the cleaning of the town's underground water storage with DPE requirements – 3 years not 5 years for underground tanks.
- Started review of I/I memo from Dave Simmons.
- Started review of well drawdown memo from Stantec.
- Acquired form UST-FP-290 for Tim Mullally to discuss with the Fire Department and DEP.

**Town Hall Attendance 5/23/13 – 8 hours**

- Met with Chris Okafor to discuss staffing issues over the past few days.

- Finalized the review of paving estimate from Lazaro paving for Shore Ave and Summer Hill Road with Joe Foster and Chris Okafor.
- Finalized the preparation of a follow up letter to the Town's March 12, 2013 letter to DEP responding to water system non-compliance issues.
- Helped Tim Mullally investigate the cleaning of the town's underground water storage with DPE requirements – 3 years not 5 years for underground tanks.
- Started review of I/I memo from Dave Simmons.
- Started review of well drawdown memo from Stantec.
- Discussed form UST-FP-290 for Tim Mullally to discuss with the Fire Department and DEP.

**Town Hall Attendance 6/5/13 – 8 hours**

- Met with Chris Okafor to discuss staffing issues over the past few days.
- Reviewed paving estimate from Lazaro paving for Shore Ave and Summer Hill Road with Chris Okafor
- Performed additional field review of unaccepted streets with Chris Okafor.
- Updated unaccepted street list for Maynard.
- Reviewed customer complaints on Silver hill Road at Hazelwood Road-Downed trees.
- Responded to Stow Resident and DEP correspondence regarding Dick Perkins Pond water elevation at 333 Red Acre Road in Stow.
- Reviewed I/I summary from Dave Simmons from Town Sewer Dept.
- Reviewed Stantec memos on 333 Red Acre Road pond drawdown.

**Town Hall Attendance 6/6/13 – 8 hours**

- Met with Chris Okafor to discuss staffing issues.
- Continued to work on unaccepted street list for submittal to Town Administrator
- Worked with town Water and DPW forces to react to chemical spill on Warren Street. Someone had dumped chemicals down the catch basin.
- Worked with Tim Mullally on DEP UST form and UST permit from Fire Dept and DEP for 1.5 million gallon concrete water tank.
- Reviewed customer complaints on Park Street for tree removal.

**Paul W Giunta Jr.**

C: 978-793-3739

[pgjr99@gmail.com](mailto:pgjr99@gmail.com)



Never, Never, NEVER Give Up!  
&  
Don't let them tell you it can't be done

June 19, 2013

TO: \_\_\_\_\_ Becky Mosca, Town of Maynard \_\_\_\_\_

RE: \_\_\_\_\_ Paul W. Giunta Jr: Town of Maynard ADA Commission Membership \_\_\_\_\_

Becky,

As requested, I am submitting this letter as my resignation for my membership in the above referenced Town of Maynard ADA Commission. Effective July 1, 2013, I will no longer continue my volunteer efforts with this committee.

I have been honored to serve my three-year membership term since 2009, and proud of what our committee has done to support improvements in the Town of Maynard over that time. There are many other improvements that are currently possible, which I hope Maynard officials and residents will realize should become a priority to help Maynard become a safe community to reside in.

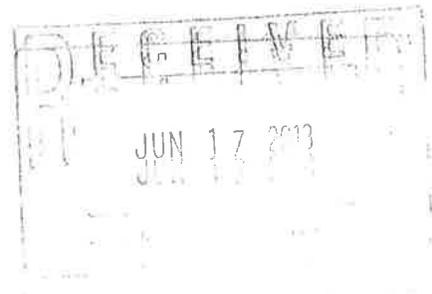
As of this date, I feel the lack of support given to our Mission, and my membership efforts, are no longer the main priority in my life. Maynard has improved in many areas since I moved here in 1999, and I hope Town Management continues this momentum into the future.

If the Town of Maynard ADA Commission continues to remain active with revived energy and structured efforts from new members at some future date, I will be happy to speak with those members and provide my opinions of things that were done by our committee since 2009. Please contact me if such assistance is needed.

*Best always,  
Paul W. Giunta Jr.  
6-19-13*

*Improve Yourself every minute of every day!*

June 17, 2013



To the Maynard Board of Selectmen:

Many Maynard residents have been and remain attentive to Capital Group Properties intentions related to 129 Parker Street. We are concerned that the Town's best interests are at risk in some cases. A small group of Maynard residents has engaged legal counsel to advise us in this regard. Mr. Louis Levine of D'Agostine, Levine, Parra and Netburn, PC has been retained as counsel. We love this town. Mr. Levine understands our concerns and passion. His expertise has been invaluable.

Our request to the Board of Selectmen relates to a letter dated May 23, 2013, by Maynard's Building Commissioner. Rick Asmann wrote a letter in response to four questions asked by Bill Depietri of Capital Group Properties. (Both Mr. Depietri's letter and Mr. Asmann's response are attached.) Mr. Asmann is a knowledgeable professional who has been consistently available and respectful with regards to our concerns. We are grateful for his guidance. We do however take issue with Mr. Asmann's response to Question 2, interpretation of the definition of Supermarket. Without an actual application, this determination is premature. We believe that Town Counsel would concur and that it is in the Town's best interest to request her opinion at this time.

Without limiting the legal issues that have been created by the letter, as the letter acknowledges, at the time of making the Determination, the Commissioner did not have before him an application for building permit or a specific proposal to evaluate for consistency with the provisions of the Town of Maynard Zoning Bylaw. Rather, the letter was written in response to a written request dated May 2, 2013 from Capital Group Properties, LLC for the Commissioner's opinion, as to the meaning of the definition of "Supermarket" in Section 11 of the Bylaw, which request did not even mention or ask for an opinion as to "a Walmart or similar retail store".

Neither G. L. c. 40A, nor the Bylaw contemplates that the Commissioner should render advisory zoning determinations based upon undefined and unspecific proposals. Thus, G. L. c. 40A, Section 7, which describes the duties of the Commissioner, provides that the Commissioner "shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of any zoning... by-law".

Stated differently, the Commissioner is charged with acting upon building permit applications and to enforce the Bylaw as to existing uses. In both cases, the issues in question are defined with regard to specific facts and uses and same can be fully evaluated in light of the Bylaw. G. L. c. 40A, Section 7 does not contemplate that the Commissioner will issue advisory opinions as to the meaning and application of the Bylaw generally to undefined and unspecified uses.

The issuance of general determinations which are fact dependent in the absence of a specific proposal places the Commissioner in the position of making zoning determinations without the facts necessary to make a proper determination. Mr. Depietri does not mention Superwalmart in his letter so it makes little sense that Superwalmart sales are the facts on which Mr. Asmann bases his determination.

We respectfully submit that it would in the Town's best interest if Town Counsel agreed and issued an opinion that this determination was indeed premature. If Mr. Asmann's opinion on Question 2 is not appealed within 30 days of being issued, there is real concern that the matter cannot be appealed at the time of application. There is legal precedence supporting this concern. The issue needs to be addressed now. An appeal is being prepared to file with the ZBA. Town Counsel's support is requested.

We believe this issue to be of critical importance to the Town. If the opinion stands, the Town's position to review a building permit application against the particular facts then existing at the time of application may be severely impaired. Therefore, we respectfully request that Town Counsel review the issue. We believe she will concur with the concern we respectfully raise.

Thank you for your time and consideration.

Sincerely,



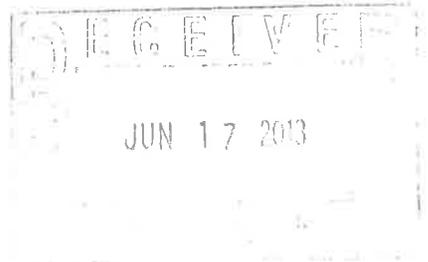
Greg McCole

Sally Rubin

Karen Shumko

Mary Branally

R. A. Calabria



# CAPITAL GROUP

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259 Turnpike Road, Suite 100, Southborough, MA 01772

2 May 2013

Mr. Richard A. Asmann  
Building Commissioner  
Town of Maynard  
195 Main Street  
Maynard, MA 01754

**RE: 129 Parker Street, Maynard, Massachusetts**

Dear Mr. Asmann:

Based on our meeting on Wednesday, I am writing you to request your opinion as zoning enforcement officer for the Town of Maynard in regards to several issues regarding the proposed development of the 129 Parker Street property. The issues I would like your opinion on are as follows:

1. Based on how we interpret the current zoning by laws; Section 2.0 entitled "Use Regulations", Garden Apartments are now a by right use allowed in the Industrial District. Our understanding on the definition of "garden apartments" is a building or series of buildings containing more than three units per building on a fully landscaped building lot used exclusively for dwelling purposes.

Our understanding is that these buildings would have to be built on a lot with a minimum area of 40,000 SF with a minimum frontage of one hundred fifty feet and a minimum width of one hundred twenty feet. In addition the minimum front yard setback would

have to be fifty feet, the minimum side yard setback thirty feet and the minimum rear setback of thirty feet.

- It is also our interpretation that the maximum building area allowed on the site would be 35% of the total land area, so our lot containing 58 +/- acres would yield approximately 904,568 SF of building footprint area by right. So if the buildings were all three stories tall (less than forty feet in height) we could potentially build up to 2,713,704 SF of garden apartments on this lot, which at an average size of 1,300 SF per unit would yield approximately 2,087 garden apartments.

We are requesting that you give us your opinion as to whether our interpretation of the current zoning bylaws is correct regarding this issue.

2. Based on how we interpret the current zoning by laws; Section 2.0 entitled "Use Regulations", Supermarket is now an allowed use in the Industrial District. Our understanding of the definition of "supermarket" for the purpose of the current zoning bylaws is as follows; "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." We interpret this to say that a "retail establishment" whose total sales include more than fifty percent of sales from "food and grocery items" would be allowed to be constructed in the Industrial District which includes the property at 129 Parker Street.

Our understanding is that this retail establishment would have to be built on a lot with a minimum lot area of not less than 40,000 SF, frontage of not less than one hundred fifty feet and a minimum width of not less than one hundred twenty feet. In addition the minimum side yard would have to be thirty feet, front yard fifty feet and rear yard thirty feet. The maximum building height could be forty feet.

If the building was a single story building built on the 58 acre lot that is 129 Parker Street, the maximum size of the building could be approximately 904,568 SF +/-.

We are requesting that you give us your opinion as to whether our interpretation of the current zoning bylaws is correct regarding this issue.

3. In addition to the supermarket use being allowed by right now in the current Industrial District the following uses would also be allowed by right currently in the Industrial District; child care center, garden center, bank, car wash and fitness club. It is our

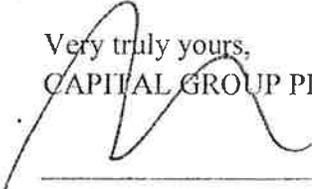
understanding that these uses are now by right uses allowed at 129 Parker Street based on the current version of the zoning by laws.

4. In regards to Section 9.3 of the zoning bylaws entitled "Neighborhood Business Overlay District" additional uses that are not allowed by right in the current Industrial District are allowed under the NBOD approved in 2006 by Town Meeting vote. These additional uses include; restaurants up to 10,000 SF, personal services establishment up to 5,000 SF, retail business up to 35,000 SF, wholesale business up to 35,000 SF. My understanding that there where additional uses approved under the 2006 NBOD, that where not by right uses is 2006, but are by right uses in the current Industrial District. Those uses include health club, garden center and supermarket uses.

Based on our reading of the current zoning bylaws a project could be configured under the current Industrial and NBOD approval to include garden apartments, supermarket (based on the defined term in the bylaws), retail business up to 35,000 SF, wholesale business up to 35,000 SF, bank, restaurants up to 10,000 SF as well as a health club, garden center and other allowed uses under the Industrial District and NBOD.

I would appreciate it if you could issue an opinion as to the points of clarification I am requesting in this letter. Please let me know if you have any questions regarding this letter. Thank you for your assistance.

Very truly yours,  
CAPITAL GROUP PROPETRIES, LLC



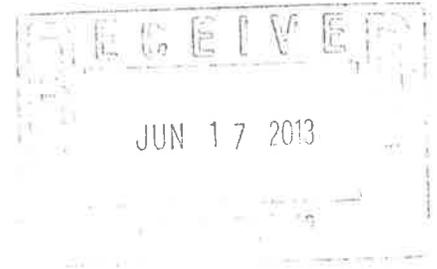
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William A. Depietri  
President



Town of Maynard  
Office of Municipal Services

Municipal Building  
195 Main Street  
Maynard, MA 01754  
Tel: (978) 897-1302 Fax: (978) 897-8489  
www.townofmaynard-ma.gov



May 23, 2013

William A. Depietri  
Capital Group Properties, LLC  
259 Turnpike Road  
Suite 100  
Southborough, MA 01772

RE: Industrial Zone / 129 Parker Street

Dear Mr. Depietri;

This letter is in response to your letter, dated May 2, 2013, requesting a Zoning Opinion concerning allowable Uses in the Industrial District at 129 Parker St. You have posed four questions in your letter and I will address each one separately.

1. The first question concerns the density and build out potential of the above reference site for 'Garden Apartments'. At the time of our meeting, May 1, 2013, I was under the impression that 'Garden Apartments' was an allowed Use by right in the Industrial District, apparently added in the fall of 2011 after a significant recodification of the Zoning By-Laws, as it does appear in the Protective Zoning By-Laws (By-Laws) handbook, Section 3.1.2. Table A – Use Regulations. After our meeting, it was determined by Lisa L. Mead, Maynard Town Counsel, that this was a transcription error. The zoning changes approved by Special Town Meeting of October 26, 2011 and approved by the Attorney General on March 15, 2012 did not include the addition of 'Garden Apartments' as a Use in the Industrial District. There are no residential by-right or special permit uses in the Industrial District.
2. The second question concerns the build out potential of this site for a 'Supermarket', as defined by the By-Laws (below).

*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.*

A 'Supermarket' is a by-right Use in the Industrial District. Part of your question is if this definition would include a retail establishment whose total sales include more than 50% of sales from "food and grocery items". During our meeting, we discussed more specifically whether or not a Wal-Mart Super Store would meet this definition. In my research, I have found that Walmart currently accounts for 25% of all grocery sales nationally and that grocery sales were 55% of Walmart sales nationally in 2012. I also note that in MGL 40A, Section 3, percentage of sales for farm stands to qualify for exemption is based on "either gross annual sales or annual volume". It is my opinion that a Walmart or other similar retail store that has over 50% of their sales in 'food and grocery items' would qualify as a 'Supermarket' under the current definitions in the By-Laws, fitting the definition of "primarily". This assumes that the majority of the sales being food and grocery items is not illusory. For example, if a retailer was to dedicate only a small portion of their store to food and 90% of their products were non-grocery items, but their actual food sales were over 50% because they are only selling fresh eel for \$1,500 a pound and all the non-grocery items are less than \$2 a piece, then I think that fails the test of primarily sale of food and grocery items. This also assumes the other provisions of the definition are met. For example, any bakery products sold in the store must be baked on the premises.

There is a Coverage by Buildings limit of 35% in the Industrial District. At 129 Parker Street, the Lot contains approximately 2,539,361 square feet. Of this, less than 20% is wetland so that the potential building coverage by a single building or multiple buildings would be 888,766 square feet. Of course this assumes that there is sufficient area remaining all required setbacks, travel ways and parking areas for the proposed use. Parking required for this Use would be a minimum of 1 space for 500 square feet of gross floor area. In this maximum build out proposal that would result in a parking requirement of 1,778 spaces.

3. In response to your question 3, Child Care Center, Bank, Car Wash and Fitness Club are by-right Uses in the Industrial District. Garden Center is a prohibited Use in the Industrial District and appears to be another transcription error in our By-Law handbook. The handbook should show Garden Center as being an allowed Use in only the Business, Central Business and Health Care/Industrial base Districts.
4. If I understand your fourth question correctly, you are asking if a project can be configured to include the Uses of the NBOD together with Uses that are not in the NBOD but are available by-right in the Industrial District. First as I have already stated, 'Garden Apartments' are not allowed in the Industrial District and is not an allowable Use in the NBOD. A 'Garden Center' is allowed in the NBOD but is a prohibited Use in the Industrial District. The NBOD is an overlay District and is distinct from its' underlying Industrial District. It is my opinion that a project on a single parcel must pick one or the other. The Uses of the two Districts cannot be mixed and matched. This is not a 2 from column A and 3 from column B situation.

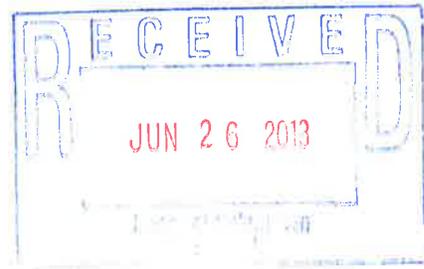
Finally, this opinion is merely in response to the general inquiries which you made in your letter noted above. It is not in response to a specific application for a building permit before me. Therefore, I reserve my rights to review any building permit applications anew, based upon the proposed uses on the actual application. Should you have any questions, please let me know.

Respectfully,

A handwritten signature in cursive script, appearing to read "R. Asmann", written in black ink.

Richard A. Asmann  
Maynard Building Commissioner

Cc: Kevin Sweet, Acting Town Administrator  
Lisa L. Mead, Town Counsel



June 18, 2013

Ron Calabria et al  
8 Deer Path Rd, unit 3  
Maynard, MA 01754

Ms. Margaret J. Hurley, Assistant Attorney General  
Massachusetts Attorney General  
Municipal Law Unit  
10 Mechanic Street, suite 310  
Worcester, MA 01608

Dear Ms. Hurley:

We, the undersigned citizens of Maynard, respectfully request that the approval of Articles 2, 3 and 6, of the October 26, 2011 Special Town Meeting, be rescinded, or, at a minimum that Item 2 of Article 3 be rescinded. Our reasons for making this request are that a) the planning board hearing regarding Article 3 was advertized in a way that was insufficient for identification of its true subject matter, b) the Town failed to correctly follow steps to remediate defects your office identified with regard to posting a planning board hearing for Articles 2, 3, and 6, and c) Article 3 was so misleadingly worded in the warrant as to obscure its subject matter.

Defects in Planning Board Hearing Advertisement (Article 3)

In a legal notice posted in the Beacon Village on September 22, 2011 the subject matter of a Planning Board hearing was worded to read, "Amend Zoning Bylaws – Healthcare and Industrial District." (See Attachment A). As explained in greater depth below, the actual warrant voted on at the subsequent Special Town Meeting (October 26, 2011) actually amended zoning bylaws in a total of four districts: Health Care/Industrial (HC/I or HCID), Industrial (I), Business (B), and Central Business (CB).

We believe this lack of clarity in the way that the subject matter was advertized may well have impacted citizens' choice to attend this planning board hearing, and questions that attendees would have asked, leading to an insufficient discussion and debate of the matter prior to the vote.

Defects in Remediating Planning Board Hearing Advertisement (Articles 2, 3 & 6)

In your Notice dated February 24, 2012, the Attorney General's office notified the Town of Maynard that it had retained the amendments to the Town's zoning by-laws regarding Articles 2, 3 and 6, (Case #6192, a copy of which is enclosed). In this Attorney General's Notice, you indicate that while the town did post a notice of a planning board meeting that satisfied G.L. c.39, section 23B, the Open Meeting Law, the notice did not include all the information required under G.L. c 40A, section 5.

In this Notice, a detailed course of action is prescribed in order for these articles to be approved by the Attorney General's office. It has recently come to light that the Town did not follow the

The lack of any explanatory text whatsoever to describe the table in item 2, along with the misleading title and index entry for Article 3, made it very easy to over look the changes to the other districts made in Item 2. We believe that this lead to a lack of awareness among voters as to the full scope of the subject matter of Article 3.

Conclusion

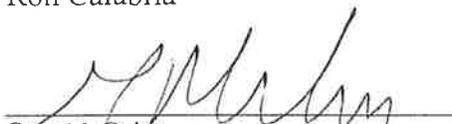
In light of the initial defects in advertising the public hearing, the subsequent error the Town made in correcting the defects, as directed by the Attorney General's office, and the highly misleading description of Article 3 in the warrant, we believe that it is in the Town's best interest to have the approval of Articles 2, 3, and 6 rescinded, or at a minimum, the approval of Item 2 of Article 3 be rescinded so the town can renew the process of considering these amendments.

This is a matter of great importance since the October 26, 2011 vote opened the door to development we believe could be detrimental to the town. To give just one example, item 2 of Article 3 added new types of uses to the four districts without specifying any size limits (where the same use elsewhere in our town's zoning bylaws, does have a size limit). The town now faces the prospect of development that could be sized in such a way as to overwhelm its capacity to handle water and traffic demands, among other concerns. We are seeking now to prevent such a negative outcome.

In closing we believe the citizens of Maynard deserve a process that is without significant procedural flaws, and without confusion as to the subject of a vote that substantially overhauls the town's zoning bylaws.

We greatly appreciate your attention to this matter.

  
\_\_\_\_\_  
Ron Calabria

  
\_\_\_\_\_  
Greg McColm

  
\_\_\_\_\_  
Paul T. Chiodo

  
\_\_\_\_\_  
Sally Bubier

Enclosures: BeaconVillager notice 9/22/11, Attorney General's Bulletin - Case # 6192, Town clerk's certification dated 3/13/12, Article 3 of the warrant, and the warrant Index with notes.

cc: **Martha Coakley, Attorney General**

**Michelle Sokolowski, Town Clerk  
Town of Maynard  
195 Main Street,  
Maynard, MA 01754**

Town Clerk's Certification

I hereby certify that I have posted and published a true copy of this Attorney General's Notice, as follows:

Posting - On February 27, 2012 and for a period of at least 14 days, I posted a true copy of this Notice at the following conspicuous place in the Maynard Town Hall:  
[Town Clerk Official Bulletin Board]

Publication - I published a true copy of this Notice in Maynard's Beacon Villager, a newspaper of general circulation in the Town of Maynard. The date of publication was: March 8, 2012. A copy of the published notice, including the date of publication, is attached.

Certification of Claims Filed - I certify that as of this date:

no claims were filed, or

one or more claims were filed, and copies of each are attached hereto.

Date:

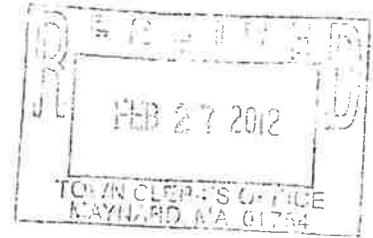
3/13/2012

Michelle L. Sokolowski  
Town Clerk, Town of Maynard

## Attorney General's Notice

*pursuant to G.L. c. 40, § 32, as amended by  
Chapter 299 of the Acts of 2000*

**Town of Maynard-- Case No. 6192  
Special Town Meeting of October 26, 2011  
Articles # 2, 3, and 6**



### Attorney General's Authority to Waive Procedural Defects in the Notice of the Planning Board Hearing

Pursuant to the provisions of G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000, if the Attorney General finds there to be any defect in the procedure of adoption or amendment of any zoning by-law relating to the form or content of the notice of the Planning Board hearing prescribed by G.L. c. 40A, § 5, or to the manner or dates on which said notice is mailed, posted or published as required by that section, then instead of disapproving the by-law or amendment by reason of any such defect, the Attorney General may elect to proceed under the defect waiver provisions of G.L. c. 40, § 32. Under those provisions, the Attorney General is conditionally authorized to waive any such defect.

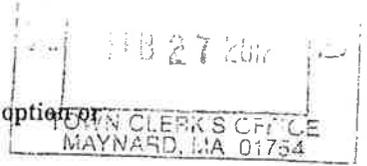
### Defect Determined in Notice of Planning Board Hearing

The Attorney General has determined that one or more of the notice requirements for the Planning Board Hearing relating to the above Article(s) failed to comply with the notice requirements for such hearing as set forth in G.L. c. 40A, § 5. Section 5 provides in part (with emphasis added):

No zoning by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed zoning by-law is submitted to the planning board by the selectmen or if there is none, within sixty-five days after the proposed zoning by-law is submitted to the selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting cities and towns.

In the materials submitted to us in connection with the amendments to the zoning by-laws adopted under Articles 2, 3, and 6, the notice of the planning board hearing was not posted pursuant to G.L. c. 40A, § 5. General Laws Chapter 40A, Section 5, requires that the notice of the Planning

assert a claim of invalidity arising out of any possible defect in the procedure of adoption or amendment, as provided in G.L. c. 40, § 32, and in G.L. c. 40A, § 5.



Date: February 24, 2012

Very truly yours,

MARTHA COAKLEY  
ATTORNEY GENERAL

*Margaret J. Hurley*

by: Margaret J. Hurley, Assistant Attorney General  
Chief, Central Massachusetts Division  
Director, Municipal Law Unit  
Ten Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600 x 4402

**ARTICLE: 4 MASSACHUSETTS BUILDING CODE APPENDIX 120.AA,**  
**“STRETCH CODE”.**

**TO DETERMINE WHETHER THE TOWN OF MAYNARD WILL VOTE TO ADOPT, OR AUTHORIZE THE BOARD OF SELECTMEN TO ADOPT, THAT PORTION OF THE STATE BUILDING CODE, 780 CMR APPENDIX 120AA, KNOWN AS THE MASSACHUSETTS STRETCH ENERGY CODE (“STRETCH CODE”), AS REQUIRED BY STATE REGULATION. THE KEY PROVISIONS OF THE STRETCH CODE ARE SUMMARIZED BELOW.**

**Summary of the Massachusetts Building Code Appendix 120.AA, “Stretch Code”**

- 1. History.** Appendix 120.AA of the State Building Code, known as the “Stretch Code” was adopted by the Massachusetts Board of Building Regulations and Standards in May 2009, as an optional appendix.
- 2. Purpose.** The optional Stretch Code was developed in response to the call for improved building energy efficiency in Massachusetts. Towns and cities in the Commonwealth may adopt Appendix 120.AA in place of the energy efficiency requirements of the “base” building code. The Stretch Code mandates approximately 20% greater building energy efficiency.
- 3. Green Communities Act.** In 2008, Massachusetts adopted the Green Communities Act, Chapter 169 of the Acts of 2008, the purpose of which is to provide for renewable and alternative energy and energy efficiency in the Commonwealth. The Green Communities Act requires that Massachusetts adopt each new IECC within one year of its release. The IECC is updated on a three (3) year cycle. The next version will be IECC 2012, which is expected to be similar to the Stretch Code and required by the Commonwealth..
- 4. Effect.** The Stretch Code, 780 CMR 120 AA, may be adopted or rescinded by any municipality in the Commonwealth in the manner prescribed by law. When adopted by a municipality the Stretch Code, rather than 780 CMR 13, 34, 61, or 93, as applicable, shall govern.
- 5. Residential - New Construction.** New residential buildings three (3) stories or less will be required to meet an energy performance standard using the Home Energy Rating System (HERS).<sup>5</sup> The HERS index scores a home on a scale where 0 is a zero-net-energy home, and 100 is a code compliant new home (currently based on the IECC 2006 code). The HERS index has been in use for many years by programs such as Energy Star Homes, LEED for Homes, and by the Federal IRS for tax credits and energy efficient mortgages. HERS ratings are performed by an independent HERS rater, working with the home builder, and then submitted to the local building code official. The Stretch Code requires a HERS index of 65 or less for new homes of 3,000 square feet or above, and 70 or less for new homes below 3,000 square feet (this includes multi-family units in buildings of 3 stories or less). A HERS index of 65 means that the home is estimated to use 65% as much energy as the same home built to the 2006 energy code, or a 35% annual energy savings.

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<sup>5</sup>For a summary of the HERS index see: [http://www.energystar.gov/index.cfm?c=bldrs\\_lenders\\_raters.nh\\_HERS](http://www.energystar.gov/index.cfm?c=bldrs_lenders_raters.nh_HERS)

Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

- B. Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.**

**Section 2. Purpose**

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

**Section 3. Applicability**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93 as applicable.

**Section 4.**

The Town of Maynard, seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR, mandates adherence to Appendix 115 AA.

**Section 5. Stretch Code**

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Maynard General Bylaws, Chapter XXIX.

**Section 6. Enforcement**

The Stretch Code is enforceable by the building inspector official.

The Finance Committee made no recommendation

Special Town Meeting – October 26, 2011 – Fowler Middle School

\* Garden Apartment: Change "N" to "Y"

**2. Governmental, Institutional and Public Service Uses**

\* No changes

**3. Agricultural and Outdoor Uses**

\* No changes

**4. Business Uses**

\* Private club: Change "N" to "Y"

\* Retail business: Change "N" to "Y"

\*General or personal service establishment: Change "BA" to "Y"

\* Hotels, motels: Add the term "Extended stay facility": Change "N" to "Y"

\* Restaurants or other food service uses not including fast food restaurants: Change "N" to "Y"

\* Fuel distribution facility: Change "N" to "PB"

\* Printing shop: Change "N" to "Y"

**5. Industrial Uses**

\* No changes

**6. Accessory and Other Uses**

\* Trade shop: Change "N" to "Y"

.....  
**Item 2. Add the following new entries to Table A, the Table of Use Regulations:**

<b>1. Residential Use</b>	<b>S-1</b>	<b>S-2</b>	<b>GR</b>	<b>B</b>	<b>CB</b>	<b>HC/I</b>	<b>I</b>	<b>GA</b>	<b>O</b>
Live/work dwelling unit	N	N	N	Y	Y	Y	N	N	N
<b>3. Agricultural and Outdoor Uses</b>									
Garden center	N	N	N	Y	Y	Y	N	N	N
<b>4. Business Uses</b>									
Supermarket	N	N	N	Y	Y	Y	Y	N	N
Fitness club	N	N	N	Y	Y	Y	Y	N	N
Brewery with ancillary food service	N	N	N	N	N	Y	N	N	N

- \* Nonresidential parking 2 spaces per 1000 sq. ft. gross flow area
- \* Multifamily, garden apartment, hotel, motel, extended stay, live/work dwelling unit 1 space per dwelling unit or room for independent lease or occupancy

\*\*\*\*\*

**Item 5. Amend the Zoning Map by adding the following parcel to the Health Care Industrial Zoning District:**

Map 14, Lot 272

\*\*\*\*\*

**Item 6. Add the following new definitions to Section 11:**

**Brewery with ancillary food service:** 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.

**Live/work dwelling unit:** 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.

OR WHAT IT WILL DO IN RELATION THERETO.

**SPONSORED BY:** Planning Board  
**APPROPRIATION:** None  
**FINCOM RECOMMENDATION:** No Recommendation

**ARTICLE: 4 MASSACHUSETTS BUILDING CODE APPENDIX 120.AA, "STRETCH CODE".**

**TO DETERMINE WHETHER THE TOWN OF MAYNARD WILL VOTE TO ADOPT, OR AUTHORIZE THE BOARD OF SELECTMEN TO ADOPT, THAT PORTION OF THE STATE BUILDING CODE, 780 CMR APPENDIX 120AA, KNOWN AS THE MASSACHUSETTS STRETCH ENERGY CODE ("STRETCH CODE"), AS REQUIRED BY STATE REGULATION. THE KEY PROVISIONS OF THE STRETCH CODE ARE SUMMARIZED BELOW.**

**Summary of the Massachusetts Building Code Appendix 120.AA, "Stretch Code"**

## INDEX OF ARTICLES

<u>Article #</u>	<u>Title</u>	<u>Department</u>	<u>Appropriation</u>
1	Optional Additional Exemption	Assistant Assessor	None
2	Full zoning By-Laws	Planning Board	None
3	Zoning By-Laws CTP	Planning Board	None
4	Stretch Code	Green Communities	None
5	Purchase Maynard Country Club	CPC	\$2,000,000.00
6	Zoning, Districts Under section 5 and District and Section 6	Planning Board	None
7	Sale of Excess Real Property	Conservation Committee	None
8	Acquisition of Real Property	Conservation Committee	\$250,000.00
9	Pruning & Landscaping	DPW	\$15,000.00
10	Mower	DPW	\$9,500.00
11	Use of Unexpended proceeds of outstanding Bond.	Finance Director	\$61,181.98
12	Amend Zoning By-Law	Planning Board	None

Note: The property known as CTP (Clock Tower Place) is located within the HC/I district and is essentially synonymous with it. Someone reading this index would conclude that this article was to amend only the HC/I district.

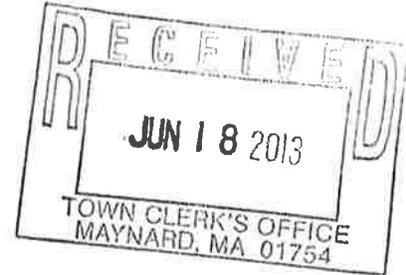


D'AGOSTINE, LEVINE, PARRA & NETBURN, P.C.  
Attorneys at Law

268 Main Street | P.O. Box 2223 | Acton, MA 01720  
tel 978.263.7777  
fax 978.264.4868

Louis N. Levine  
F. Alex Parra  
Cathy S. Netburn  
Maryann Cash Cassidy

June 18, 2013



**HAND DELIVERED**

Michelle Sokolowski, Town Clerk  
Town of Maynard  
195 Main Street  
Maynard, MA 01754

RE: 129 Parker Street, Maynard, MA

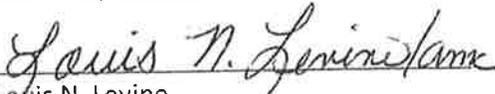
Dear Ms. Sokolowski:

In connection with the above-entitled property, attached herewith please find the following:

1. Application for Hearing;
2. Certified List of Abutter and Abutters to Abutters within 300 feet;
3. Area Map;
4. Check in the amount of \$442.72 made payable to the Town of Maynard to cover the cost of filing the application and mailing notices.

Very truly yours,

D'AGOSTINE, LEVINE, PARRA & NETBURN, P.C.

By:   
Louis N. Levine  
[llevine@dlpnlaw.com](mailto:llevine@dlpnlaw.com)

LNL/amc

cc: Richard A. Asmann, Maynard Building Commissioner – Hand Delivered & Email –  
[rasmann@townofmaynard.net](mailto:rasmann@townofmaynard.net)  
Maynard Board of Appeals – Hand Delivered  
Clients – Via Email

civil\bubier\letter\town clerk maynard



Case No: \_\_\_\_\_  
Fees Paid: \_\_\_\_\_

Town of Maynard  
Zoning Board of Appeals

APPLICATION FOR HEARING

This Application must be completed, signed and submitted with the filing fee by the Applicant or his representative in accordance with the Board's Rules and the procedures as set forth on the attachments to this application.

Address of Property 129 Parker Street

Characteristics of Property: Lot Area 58.3 acres +/- Present Use None

Assessor's Map # 25 Parcel # 0152 Zoning District Industrial

Name of Applicants Michelle M. Booth\*\* Phone # 978-263-7777

Mailing Address c/o Louis N. Levine, D'Agostine, Levine, Parra & Netburn, P.C.  
268 Main Street, Acton, MA 01720

Name of Owner LSREF2 CLOVER REO2, LLC Phone # Not known  
(If not Applicant) c/o Altus Group Us, Inc.

Mailing Address 930 West First Street, Suite 303, Forth Worth, TX 76102

Application is for  An Appeal from the Decision of the Building Commissioner  
(Check One)  A Variance  
 A Special Permit  
 Other Specify \_\_\_\_\_

Applicable Section of the Zoning By-Laws: 3.1.2 Table A Use Regulations and 11.0 Definitions, Supermarket

Summarize nature and justification of request (Please attach full explanation):  
Appeal from determination contained in Paragraph 2 of letter of Building Commissioner dated May 23, 2013, attached as Exhibit A, interpreting Section 11.0, Definitions "Supermarket" as applied to property in Industrial District under Section 3.1.2 Table A - Use Regulation. See attached Exhibit B for full explanation.

\*\*Peter J. Booth, Sally Bubier, John J. Kulik, Mary S. Brannelly, Ron Calabria, Greg McColm, Karen L. Grimes, Paul J. Grimes, John A. Bresnahan, Kristen P. Saunders, Michael Young, Olga Young, Peter P. Falzone, Jr., Stacey A. Falzone

June 17, 2013

Selectmen- Maynard

195 Main Street

Maynard, MA 01754



Dear Selectmen,

Enclosed is an article about the parking lot on Waltham Street located across the street from the Chinese restaurant which is now for sale. It is a pleasant read and you may enjoy parts of it, since its information was acquired from several sources and people.

Since you are busy people I would like to make you aware of two situations. As you can see in photos included here , and as described in the article, the boundary(aka 'buffer zone') of the parking lot was step- by- step removed from its former condition that was in harmony with the by-laws, until no set back or screening of any kind remained on the left side, though no additional benefit was the result (except perhaps 1 to 4 parking spaces ?) Damage resulted by collisions, plowing incorrectly and *other intrusions*, and the same situation lead to littering, dumping 'clean up debris', and throwing liquor containers (one of which missed the owners by *less* than 10 feet.)

At one meeting I attended a Selectmen said 'headlights from parking lots are not supposed to be able to shine into (or, or perhaps he said, 'onto') abutting homes', but that has certainly been the case here up to 2012. I think the entire neighborhood would benefit from correcting the set back, returning the trees and shrubberies and returning the parking berms .

The other situation, also described in the article, that I would like to point out is the promoted redevelopment suggestion. You can see in the photo of the auctioneers' sign, that the parking lot is referred to as 'residential development potential'. This lot is an exacerbating ingredient in the water table problem , ( effecting several streets now,) which was recognized shortly after it was created, is it not ? Any change, should that occur, should involve removing that backfilling should it not? In fact, as I stated prior, every change involving backfilling and building has resulted in the serious runoff problems, and water table problems, too. And the number of residences that could be built on that lot would historically be only two(as referred to in the article) , or perhaps only one under the zoning requirement of 10,000 sq ft ., is that not so ?

We all hope that the neighborhood can return to as normal a state as possible and not follow the patterns of the past.

I do not expect a response. Thank-you for your time and consideration.

Marshall Hall Waltham Street

Unexpectedly beautiful. The parking lot across the street from the restaurant at the corner of Hayes Ave and Waltham Street was one of those places. It was surrounded by a band of trees, small saplings and shrubbery on three sides, and across the front were interspaced large trees, small topiary flowering trees and rose bushes, like a park, not a parking lot. It served as a view for the patrons of Russo's Restaurant, dining across the street, but also fulfilled an obligation under the bylaws, to separate it from the neighborhood so as not to be intrusive. In the late 1960s they sought to create a wing over the brook that ran parallel to Hayes Ave, and more parking was required.

The Russo family had acquired much of the property on both sides of Waltham Street. On the corner of Walcott Ave, were two houses. One was moved to Wood Lane, the other, caught fire. A request was made to create more parking area there.

There were objections to constructing a retaining wall and backfilling for this parking area, presumably in the late 1960s, on the other side of the street, but the parking lot was, purportedly, constructed in a weekend, with a 12 inch thick concrete wall surrounding on two sides. Whether this wall was originally 3, 6 or 8 feet tall is not known. Apparently the height of the parking lot surface was increased each time the street was elevated.

Records report street flooding problems in the Waltham Street neighborhood in the 1950s, presumably as more construction backfilling was occurring, but eventually the street adjacent to the brook area would be 3 feet higher than it was in the 1920s. With the elimination of the brook leading from the cemetery under the Russo restaurant to the empty lot (across the street from the Hayes/Waltham St intersection) there was a real problem with where runoff was supposed to go. Even now there is a large drain a ways from the street, going into the brook pipe flowing under in the foundation of the rear of the restaurant.

This 16,000 sf parking lot was about a hundred or less feet from the brook, which was only 2 or 3 blocks from the river. So after the parking lot was created the town government prevented building anything new (at least until the mid-90s) in the neighborhood which would have a negative effect on water issues, including the backfilling of the former brook site at the intersection of Hayes and Waltham, across from the wing of the restaurant. Backfilling had started for another parking lot, purportedly, but was halted by the town on the grounds of exacerbating the drainage, or flooding problems, which had been worsening over a wide area. (Ultimately, this area did become a parking lot after all.)

In 1988, I believe, town meeting vote established a business / residential mix zone for the area including the restaurant between Waltham St, Hayes Ave and Arthur St, and going the direction toward Sudbury a few house lots away. It did not include the parking lot area across the street on the corner of Hayes and Walcott Ave.

The Restaurant was sold and became the May Ling restaurant. In 1994 and later, all the screening that separated the Waltham Street parking lot from the yellow house (on the left) beside it was removed. Ten feet of grassy area with native vegetation abutting the yellow house was removed, then small trees were cut down. On the rear side the screening (a.k.a. 'buffer zone'), which bordered one of the two houses was cut down, too. The rose bushes and

some of the small trees were cut down across the front.

The restaurant changed ownership again and became the Oriental Delight. About 2000, the parking lot was paved over and increased in height another 4 inches. Even this effected the flooding of the surrounding neighborhood negatively. The late night hours were extended two nights per week, revealing what condition people are in often who wait until the last moment to leave a bar.

On the front landscaped border over application of mulch lead to some of the remaining trees dying. And the boundary with the yellow house, to its immediate left, was more aggressively stripped, leaving only 1 half of a tree for the 10 space depth of the parking lot. Now, the vehicles which used the parking lot, which were highly in view from all the homes on Douglas Ave prior, were even more conspicuous, and collisions with the parking lot concrete wall began to occur frequently. sometimes nearly dangerous. The 3 foot tall chain link fence was pushed down by an off-duty school bus. Hanging out an entire 6 feet beyond the wall, it was 7 feet up in the air over a residential yard. Two trucks damaged their own bumpers in collisions.

Ne'er do wells frequently attempted to 'conceal' their parked vehicles behind the yellow house and its foliage, with no success. Patrons and non-patrons threw liquor and food containers into the yard or even onto the yellow house or its shed, even when being observed. That really is a shame because that well preserved yellow house is the same former store featured in the town's history books, which was moved from Powdermill corner.

About 2003 the lighting of the parking lots (on both sides of the street) was altered to several fold their former intensity, and aimed straight out at the surrounding neighborhood. This increased lighting did not seem to impair the used of the parking lot after hours by people who were not customers. As no gate or chain was used to close the parking lot, anyone that wanted to drive into the lot did. Somehow they did not seem to realize they were fully in view from all directions whether smoking or drinking, sometimes as they parked as close to residences as possible.

The plowing of this lot has been causing damage and disturbance to the neighborhood for quite a while. Plowers do not designate a portion for a snow pile and instead push it onto the boundaries until it falls into the neighbors' yard, often all night long.

\* \* \* \* \*

\* \* \* \* \*

Now we see a sign that says 'residential development potential' on this parking lot. As everyone knows there are problems with raising the water table that would have to be eliminated by removing the backfill and probably the enormous wall, especially since the parking lot was constructed without permission, was it not? Houses could not sit up on this unnatural 8 feet of fill without detrimental effects on the prior homes all around them. And only one, (perhaps two,) residences could be made there under zoning lot size requirement. And, where exactly would customers of the restaurant park? If parking remains on this lot, then the boundaries would have to be restored to buffer zones as they were before, especially along the left side where a residence is. But would it not be nice if somehow the decoration that the Russo family created around this parking lot, realizing the actual need to establish civility and enhance the location not run down the neighborhood, were recreated.

VIEW OUTLINE IN ASPHALT OF THE FORMER, BY-LAW STIPULATED, SET-BACK SCREENING BORDER WHICH WAS REQUESTED OF THE SELECTMEN - PRIOR TO IT IMMEDIATELY BEING MADE WORSE

REMOVED SETBACK AREA, EVEN PARKING BERMS TAKEN

ALL TREES, SHRUBS, REMOVED, ANNUALLY, WITH RESIDENTIAL DEVELOPMENT POTENTIAL

**ORIENTAL DELIGHT**  
 Chinese Cuisine  
 461-7888  
 COCKTAIL LOUNGE

**REAL ESTATE AUCTION**  
 TRACT RESIDENTIAL DEVELOPMENT POTENTIAL  
 WITH RESTAURANT BUILDING, COCKTAIL LOUNGE  
 461-7888

**ORIENTAL DELIGHT**  
 Chinese Cuisine  
 461-7888  
 COCKTAIL LOUNGE

WOOD PUSHED OFF FOOT TAIL WALL OUT TO "THORAVU" PLAY HOUSE, CUSHING WEIGHT

TRUCK'S TRAILER HITCH W/ DIRT FENCE OVER HANGING 15 FT HIGH

CONCRETE WALL 7 FEET ABOVE GROUND LEVEL

JAN. 13 2012 FRIDAY  
12:45 pm... AND THAT IS HOW  
THE FENCES ON BOTH SIDES GOT  
RUINED, SNOW PILING AND  
COLLISIONS AFTER THE BYLAW  
SCREWING, SETBACK BUFFER  
AND LANDSCAPING DESTROYED

EMPTY PARKING LOT BUT FACED OUR HOME

AS CLOSE TO OUR HOME AS POSSIBLE WHY?

CRUSHED HIS OWN BUMPER

WATER COMING  
OUT OF WALL

8 FEET ABOVE GROUND LEVEL



## Becky Mosca

---

**From:** Conroy, Julie <JConroy@mapc.org>  
**Sent:** Monday, June 24, 2013 6:17 PM  
**Cc:** Subregional Coordinators; Linehan, Amanda  
**Subject:** MAGIC Update 2

Hello MAGIC Members and Friends,

Happy Summer 2013!

There is a lot going on at the end of the fiscal year, so I thought it would be prudent for me to send another update informing you about a few upcoming events and opportunities, as described below. Please feel free to contact me with any questions. Please note that the next MAGIC meeting is currently scheduled for July 12, 3:00-5:00 pm at the Concord Planning Department: 141 Keyes Road, Concord MA.

- J

**Julie Conroy, AICP**  
Senior Environmental Planner  
MAGIC Subregional Coordinator  
Metropolitan Area Planning Council  
60 Temple Place, Boston, MA 02111  
617-451-2770 ext. 749  
Direct: 617-933-0749

[jconroy@mapc.org](mailto:jconroy@mapc.org)

[www.mapc.org](http://www.mapc.org)



 Please consider the environment before printing this message.

### Upcoming Events

#### **American Planning Association 2013 Planning Law Review**

Wednesday, June 26th, 2013, 4:00pm-5:30pm; MAPC 3rd Floor Conference Room, 60 Temple Place, Boston. Sponsored by APA-MA. Refreshments will be provided! 1.5 AICP CM Law credits offered. Contact [Manisha Bewtra](#) to RSVP.

#### **Stormwater Advocates Training (SWAT)**

The Massachusetts Watershed Coalition will offer training this summer about simple ways to restore stream life and revive the uses of local streams and lakes. The SWAT program includes a mix of workshop sessions, guidance materials and fieldwork that will enable participants to reduce polluted runoff. SWAT participants will attend two workshops and conduct dry and wet weather observations. MWC staff will help participants to select practices to achieve the most pollutant reduction for the least cost. MWC staff will also assist participants to present their findings and recommend stormwater solutions to municipal boards. SWAT training is planned for two locations: Central MA workshops are scheduled for **Saturday July 20 (9 am-1pm) and Tuesday July 23 (5-9 pm)** at the Broad Meadow Brook Sanctuary in Worcester; and Western MA workshops are scheduled for late August - the location & times to be arranged. Registration fee is \$40 for workshop sessions, training materials and refreshments. A detailed description of the SWAT workshops will be available soon. Please forward this invite to anyone who may be interested - all are welcome. For more information, please email [bgj@commonwaters.org](mailto:bgj@commonwaters.org) or phone 978-534-0379.

### Announcements/News

#### **MAPC Trail Map 2013**

## **HUD HOPE VI Main Street Grant Program – \$500,000**

Application Due: July 22, 2013

Eligible Entities: Local governments with a population of 50,000 or less, and with fewer than 100 physical public housing units. The purpose of the HOPE VI Main Street Program is to provide grants to small communities to assist in the renovation of a historic or traditional central business district or “Main Street” area by replacing unused commercial space in buildings with affordable housing units. The objectives of the program are to: redevelop Main Street areas; preserve historic or traditional architecture or design features in Main Street areas; enhance economic development efforts in Main Street areas; and provide affordable housing in Main Street areas. HUD will require grantees to take specific energy-saving actions as part of HUD’s Strategic Plan. For more information, visit the [grant opportunity synopsis](#).

## **EDA Economic Development Assistance Programs Federal Funding Opportunity – Total funding available TBD**

Application Due: Varies by program year; next due date is September 13, 2013

Eligible Entities: State and local governments, federally recognized tribes, non-profits, institutions of higher education. Under the Economic Development Assistance Programs (EDAP) Federal Funding Opportunity announcement, EDA will make construction, non-construction, and revolving loan fund investments under the Public Works and Economic Adjustment Assistance Programs. Grants made under these programs will leverage regional assets to support the implementation of regional economic development strategies designed to create jobs, leverage private capital, encourage economic development, and strengthen America’s ability to compete in the global marketplace. EDA is soliciting applications from rural and urban communities to develop initiatives that advance new ideas and creative approaches to address rapidly evolving economic conditions. EDA’s investment priorities include environmentally sustainable development and economically distressed and underserved communities. For more information, visit the [grant opportunity synopsis](#). **NOTE: Please consult with either Julie Conroy, MAGIC Coordinator and/or Steve Winter, MAPC Economic Development Manager ([swinter@mapc.org](mailto:swinter@mapc.org)) regarding this grant as MAPC is often a coordinating entity.**

## **Updates**

**MAGIC Agricultural Planning Project:** We’re about half way through the project. Project consultants are completing tasks 4 & 5 (analyzing issues to agricultural protection/production and developing guidance/best practices). Next steps will include preparation of a project report/guidance document, Action Plan, and to complete the town-by-town mapping analysis of existing and potential agricultural opportunities/priorities. For continual updates on the project, please check the project webpage: <http://www.mapc.org/magicagriplan>.

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Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to the Massachusetts Public Records Law, M.G.L. c. 66 § 10.

MAYNARD ELKS  
34 Powdermill Road  
Maynard, MA 01754

Doug MacGlashing  
Manager

Stephen Ferranti  
Exalted Ruler

June 12, 2013



To Whom It May Concern:

As of Friday, June 14, 2013 I am resigning as 'Bar Manager' of the Maynard Lodge of Elks 1568.

The Liquor License is still in my name and paperwork from the Board of Directors has been submitted to the town.

In the interim, I hereby release myself from being responsible for any issues, action or responsibilities that affect the Elks Liquor License while it is in my name, as of June 15, 2013.

Thank you for your cooperation during my time as manager.

Sincerely,

  
Doug MacGlashing

## Public Notice

The Boston Region Metropolitan Planning Organization (MPO) is circulating for public review and comment two important transportation planning documents: 1) a proposed Amendment Two to the MPO's Long-Range Transportation Plan (LRTP), *Paths to a Sustainable Region*, and 2) a revised draft Federal Fiscal Years (FFYs) 2014–17 Transportation Improvement Program (TIP), which includes an Air Quality Conformity Determination.

The proposed Amendment Two to the LRTP moves a set of state-funded highway improvements known collectively as the Canton Interchange Project into LRTP time frames covered by the FFYs 2014–17 TIP. Updates to other projects are also incorporated in the amendment. The LRTP has a 20-year horizon and identifies the regionally-significant projects to be constructed within the scope of the document. The revised draft FFYs 2014–17 TIP has been revised to include the Canton Interchange Project and updates related to other projects. The TIP lists the highway and transit projects that will receive federal funding within the scope of the document.

The 30-day public comment period for the revised draft TIP and proposed LRTP amendment will begin on Monday, June 24, 2013, and will end at 5:00 PM on Tuesday, July 23. The MPO is planning to take action on these two documents at its meeting scheduled for July 25, 2013 at 10:00 AM in conference rooms 2 and 3 of the State Transportation Building, 10 Park Plaza, in Boston. Members of the public are invited to attend. Comments on the two draft documents will be accepted in writing at the address below before the close of the public comment period, and in writing or orally at the meeting. Comments already received during the public review period for the original draft TIP (May 20–June 16) will apply to the revised draft TIP that is under review during this new public comment period.

For details, including information on the meeting and copies of the draft documents, refer to the MPO website, [www.bostonmpo.org](http://www.bostonmpo.org), beginning June 24. Meeting locations are accessible to people with disabilities and are near public transportation. Upon request (preferably two weeks in advance of the meeting), every effort will be made to provide accommodations such as assistive listening devices, materials in accessible formats and in languages other than English, and interpreters in American Sign Language and other languages. For assistance, please contact the MPO staff at 617-973-7100 (voice), 617-973-7089 (TTY), 617-973-8855 (fax), or [publicinformation@ctps.org](mailto:publicinformation@ctps.org).

The MPO complies with Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act and other federal and state nondiscrimination statutes and regulations in all programs and activities. For more information on the MPO's nondiscrimination statement and related information, please see the MPO website.

Copies of the documents may also be obtained by contacting MPO staff: by mail at 10 Park Plaza, Suite 2150, Boston, MA 02116-3968; by voice at 617-973-7100; by TTY at 617-973-7089; by fax at 617-973-8855; or by email at



BOARD OF DIRECTORS

June 13, 2013

Peter Shanahan  
President  
Acton

Re: Briefing by OARS on wastewater permitting for the Assabet River

Richard Tardiff  
Treasurer  
Wayland

Dear State Senator,

Dick Lawrence  
Clerk  
Hudson

**OARS, the watershed organization for the Assabet, Sudbury and Concord Rivers, would like to formally invite to you a briefing hosted by State Senator Jamie Eldridge and State Representative Kate Hogan, on upcoming permitting of the municipal wastewater treatment plants that discharge to the Assabet River.**

Don Burn  
Westborough

The briefing will be held on **Friday July 19, 2013 at 3:00 pm at the Maynard Town Hall** (195 Main Street, Maynard, in the Conference Room).

Allan Fierce  
Stow

The EPA and MassDEP issue 5-year permits under the federal and state Clean Water Acts in order to restore the river to its Class B (“fishable and swimmable”) water quality. There has been significant progress due to improved wastewater treatment, but the river does not yet meet this standard.

Paul Goldman  
Marlborough

OARS will present the long-term water quality trends and the most recent water quality data in the context of the wastewater treatment plant upgrades that have been completed by Westborough (also serves Shrewsbury and Hopkinton), Marlborough (also serves Northborough), Hudson, and Maynard. Options for managing wastewater that can help protect drinking water supplies, flows in local streams, and water quality throughout the watershed will be discussed. This briefing provides an opportunity for legislators to see the most recent data and analysis that will be considered by the EPA and MassDEP in drafting the Marlborough wastewater discharge permit expected this summer.

Dave Griffin  
Maynard

Martin Moran  
Hudson

Pam Rockwell  
Concord

The OARS website contains more information about the Assabet, Sudbury and Concord Rivers: [www.oars3rivers.org](http://www.oars3rivers.org). Please feel free to contact me if you have any questions at 978-369-3956 or [afieldjuma@oars3rivers.org](mailto:afieldjuma@oars3rivers.org). A map of the Sudbury-Assabet-Concord watershed is attached.

Laura Rome  
Maynard

David Williams  
Marlborough

Yours sincerely,

Alison Field-Juma  
Executive Director

## Becky Mosca

---

**From:** OARS <office@oars3rivers.org>  
**Sent:** Wednesday, June 26, 2013 11:01 AM  
**To:** Becky Mosca  
**Subject:** Water Wise Workshops and Innovation Workshop

### Water Wise Workshops are back!

**Don't miss the 10th season** of our series of six free waterside workshops for children ages 6 to 10!

Through field-work, hands-on activities and lively group discussions, the workshops encourage children to explore the fascinating world of rivers, lakes, and ponds. They will learn how to protect them for all the creatures that depend on them.

The workshops take place each week July 9th to August 13th in **Westborough at Lake Chauncy** (Mondays) and in **Natick at Lake Cochituate State Park** (Tuesdays) from 10 am to noon.

**July 9, 10:** Your Watershed and the Water Cycle  
**July 15, 16:** Water Plants and Animals  
**July 22, 23:** Water Bugs Mystery  
**July 29, 30:** Water Testing and Conservation  
**August 5, 6:** Water Wise Photography  
**August 12, 13:** Water Wise Wizards

[To learn more and register.](#)

### Free innovation workshop

**Saturday, July 13**

**Noon - 3 pm (includes lunch)**

Assabet River National Wildlife Refuge, Sudbury

**High School Students...** this exciting hands-on workshop on how to transform information into useful innovations is for you!

It will provide an opportunity to apply new ideas to solve real environmental challenges in the Assabet, Sudbury and Concord River watersheds. The same principles can be applied to problem-solving in general, a skill valued for college admissions and career development. Registration is required ([email](#) or 978-369-3956).  
[Read more.](#)

Parent-child water sampling workshop

Announcing our  
2013 photo contest

## Becky Mosca

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**From:** Pam Wolfe <pwolfe@ctps.org>  
**Sent:** Thursday, June 27, 2013 11:45 AM  
**To:** mpoinfo@ctps.org  
**Cc:** pwolfe@ctps.org; Beth Isler  
**Subject:** [MPOINFO] Bicycle/Pedestrian Data-Collection Drive

## Bicycle/Pedestrian Data-Collection Drive

As part of its [Livability Program](#), the Boston Region Metropolitan Planning Organization (MPO) conducts ongoing bicycle and pedestrian planning activities that aim to increase biking and walking by improving access to safe, healthy, efficient, nonmotorized transportation options in the Boston region.

To support these planning efforts, the Central Transportation Planning Staff (CTPS, staff to the MPO) is recruiting volunteers to help collect bicycle and pedestrian data in early July.

Counts will be taken for both off-road trails and on-road street segments during the following dates:

- Thursday, July 4, and Friday, July 5
- Saturday, July 6

If you would like to volunteer or ask questions, please contact Beth Isler at [bisler@ctps.org](mailto:bisler@ctps.org).

Thank you.

**Pam Wolfe** | Manager, Certification Activities  
CENTRAL TRANSPORTATION PLANNING STAFF  
617.973.7141 | [pwolfe@ctps.org](mailto:pwolfe@ctps.org)  
[www.ctps.org/bostonmpo](http://www.ctps.org/bostonmpo)

Ten Park Plaza, Suite 215D | Boston, MA 02116-3968  
Main 617.973.7100 | Fax 617.973.8855 | TTY 617.973.7089

**CTPS**



--  
You received this message because you are subscribed to the Google Groups "MPOINFO" group.  
To unsubscribe from this group and stop receiving emails from it, send an email to [mpoinfo+unsubscribe@ctps.org](mailto:mpoinfo+unsubscribe@ctps.org).

**TOWN OF MAYNARD**  
**MEETING NOTICE**

POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A §§18-25

Maynard Conservation Commission

Maynard Town Hall  
Municipal Services Conference Room  
Tuesday July 2, 2013 at 6:30 PM

**Agenda or Topics to be discussed listed below** (That the chair reasonably anticipates will be discussed)

**ADMINISTRATIVE BUSINESS:**

- Review minutes from 06/18/2013.

**PUBLIC HEARING:**

none

**WETLANDS/STORMWATER ISSUES:**

- Subdivision plan submitted for Fowler Street Extension
- Review deed restriction language for Lot #1 on Old Marlboro Road
- Euclid Road paving and stormwater management

**LAND MANAGEMENT:**

- Appeal process for updated flood maps started on June 6, 2013
- Gate at Rockland Avenue soccer fields repaired for \$800.
- Enforcement orders for Russian Church on Prospect Street and Apple Ridge construction activities

**BUSINESS:**

- Agent on vacation July 22-30

**Mail of note:**

- OOC extension request for Taylor Road (213-205)—not required

**Upcoming Meetings:**

- Next Conservation Commission meeting, **July 16, 2013.**

**THIS AGENDA IS SUBJECT TO CHANGE**

Chairperson: Mr. Fred King

Posted by: Linda Hansen, agent



**Date: June 18, 2013**

**Ron Cassidy  
4 Rice Road  
Maynard, MA 01754**

You are hereby appointed to the

***Board of Health***

**Term expires: June 30, 2016**

FOR THE

**TOWN OF MAYNARD**

To hold office during our pleasure, or our term.

PLEASE BE SWORN IN AT THE TOWN CLERK'S OFFICE.

**Board of Selectmen**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Sworn:** \_\_\_\_\_

\_\_\_\_\_  
**Town Clerk**



June 12, 2013

Board of Selectmen  
Town Building  
195 Main Street  
Maynard, MA 01754

Dear Board Members:

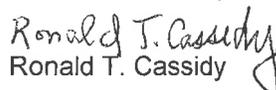
Effective June 30, 2013 my term expires as a member of the Board of Health. I would like to be reappointed.

While a member of the Board of Health, many things have been accomplished, including establishing a Local Emergency Planning Committee, which has been very active by meeting on a monthly basis and a driving force in acquiring Connect CTY for the town, and creating the Maynard Citizens Corps/ Medical Reserve Corps which conducts the annual flu clinic and many other town functions. In the last year or so the Board of Health appointed a very good Health Agent in Kevin Sweet and his Administrative Assistant Stephanie Duggan. We have also bid out a contract to address the high level gas readings from the Maynard Landfill and acquired a very good low bid for trash pick-up and recycling from E. L. Harvey.

We also have a good restaurant inspection program and take strict action against those establishments that do not meet code requirement or do not pay their required fees.

I believe we are a very active Board by meeting on a regular basis and addressing all issues that come before us and I would like to continue as a member of the Maynard Board of Health.

Yours truly,

  
Ronald T. Cassidy

Phone: 978-897-9654  
Email: firechiefhoppy@comcast.net



**OFFICE OF THE SELECTMEN**

Maynard, Massachusetts

**PERMIT**

**Mary Brannelly, Volunteer  
12 Vose Hill Road**

*This permit is issued to*

***Boys & Girls Club  
Of Assabet Valley  
Maynard, MA. 01754***

*For the following purpose:*

**16<sup>th</sup> Annual Maynard Road Race, Saturday, September 21, 2013 10:30 A.M. starting in Maynard. The Final 5K running road race will begin at 11:30 AM with same race route as 2012**

*Subject to the conditions as herein stated:*

This permit is issued upon the specific condition that the Town of Maynard will not be held responsible or in any manner liable for and shall be indemnified by the Permit holder against any and all causes of action, damages, injuries/or other claims arising out of or relating to the issuance of this permit.

**Board of Selectmen:**

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JAMES M. FAIRWEATHER  
President, Board of Directors



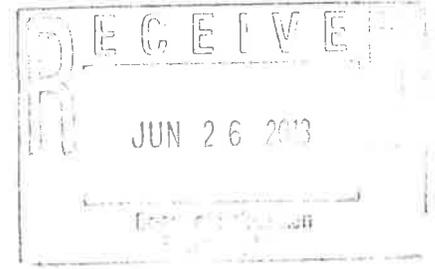
WENDY ALLEGRONE LESLIE  
Executive Director

**BOYS & GIRLS CLUB**  
of Assabet Valley  
"The Positive Place for Kids"

June 26, 2013

Board of Selectmen  
195 Main Street  
Maynard, MA 01754

Re: 16<sup>th</sup> Annual Maynard Road Race



Dear Board of Selectmen Members,

Volunteers from the Boys & Girls Club of Assabet Valley have set the date for the 16<sup>th</sup> **Annual Maynard Road Race**, which will once again directly benefit the Boys & Girls Club. It is scheduled for **Saturday, September 21, 2013**. It is always a great family event and hopefully raises money for the Club!

Consistent with the past 2 years, the event will begin at 10:30 AM with the 5K running, 2.5 mile walking races starting in front of the Fine Arts Theater on Summer Street, going through the back roads of Maynard, similar to last year's race. The new route was very well received last year. The races will once again end behind the Outdoor Store/Paper Store in that parking alley.

We also brought back the Kids 1mile running race last year, which was a great success. It will start at 11:30 AM. An Awards Ceremony will take place following the race. We will also be reaching out to the Maynard Business Alliance again this year to collaborate activities. Any thoughts that you have to improve the race would also be welcomed.

As in the past, we are marketing the event and working on the plans to insure another fun and successful day for everyone. Once again, it will be advertised the Race Day on the appropriate websites – Cool Running, Central Striders, Racers' Resource and others. It will also be advertised in the local newspapers, including those in the surrounding towns. Additionally, race applications will be sent to all walkers/runners who have participated in the Race Day activities in past years.

Please feel free to call or email me with any questions or suggestions regarding the 16<sup>th</sup> Annual Maynard Road Race Day. We are always open to any new suggestions to improve the race day.

As in the past, thank you very much for your support of the Boys & Girls Club of Assabet Valley and for continuing to play a major role in the success of the annual Maynard Road Race Day to benefit the Club!

Cordially,

*Mary Brannelly*  
Mary Brannelly, Volunteer  
12 Vose Hill Road, Maynard, MA 01754  
(978) 897-8340 (home)  
(978) 764-5279 (cell)  
[mjtbrannelly@comcast.net](mailto:mjtbrannelly@comcast.net)

212 GREAT ROAD, MAYNARD MA 01754  
PHONE/FAX (978) 461-2871  
[WWW.BGCAV.ORG](http://WWW.BGCAV.ORG)



**Date: June 18, 2013**

**Stephen Jones**  
112 Summer Street  
Maynard, MA 01754

You are hereby appointed to the

***Recreation Commission***

**Term expires: June 30, 2016**

FOR THE

**TOWN OF MAYNARD**

PLEASE BE SWORN IN AT THE TOWN CLERK'S OFFICE.

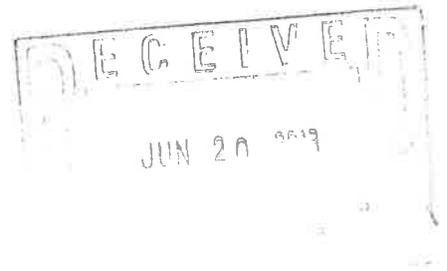
**Board of Selectmen**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Sworn:** \_\_\_\_\_

\_\_\_\_\_  
**Town Clerk**

Stephen Jones  
112 Summer St.  
Maynard, MA 01754  
June 19, 2013



Board of Selectman  
Town Of Maynard  
195 Main St.  
Maynard, MA 01754

Dear Board of Selectman:

Please accept this letter as an expression of my interest in joining the Maynard Recreation committee. Peter Falzone has recommended me for this committee due to our previous work together on the Maynard Youth Soccer board.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Jones". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen Jones



Date: July 2, 2013

**Jason J. Kreil**  
1 Driscoll Avenue

*You are hereby appointed to the*

***Alternate Planning Board***

*Term expires: June 30, 2016*

FOR THE

**TOWN OF MAYNARD**

To hold office during our pleasure, or our term.

PLEASE BE SWORN IN AT THE TOWN CLERK'S OFFICE.

**BOARD OF SELECTMEN**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sworn: \_\_\_\_\_

\_\_\_\_\_  
Town Clerk

Jason Kreil  
1 Driscoll Avenue  
Maynard, MA 01754  
June 19, 2013

Maynard Board of Selectmen  
Maynard Town Hall  
195 Main Street  
Maynard, MA 01754

Dear Madam Chairwoman:

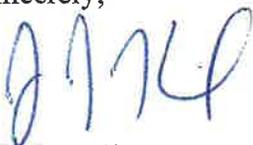
Please accept my resignation as a full member of the Maynard Planning Board, effective June 30, 2013.

Please know that my resignation comes at a time where personal and professional commitments preclude me from meeting the sometimes considerable time requirements that this Board has required over my four years of service.

At the Board of Selectmen's discretion and with BOS approval, I would be willing to assume the position of Associate Member of the Planning Board to provide continuity on the board through the remainder of my appointed term.

Thank you for your consideration and please know that I have enjoyed coming to know you and working with many of you over the last four years.

Sincerely,



Jason Kreil

## Becky Mosca

---

**From:** Jason Kreil <kreilmaynardplanningboard@yahoo.com>  
**Sent:** Wednesday, June 19, 2013 10:13 PM  
**To:** D Capello; Becky Mosca; Kevin Sweet  
**Cc:** bchetwynd@yahoo.com; Max Lamson  
**Subject:** Planning Board Resignation  
**Attachments:** jkreil-planningboard-resignation-61913.pdf

Please find attached a letter of resignation from the Planning Board effective June 30, 2013.

Should you have any questions, please contact me.

Regards,

Jason

## Becky Mosca

---

**From:** Kevin Sweet  
**Sent:** Wednesday, June 19, 2013 11:25 PM  
**To:** kreilmaynardplanningboard@yahoo.com  
**Cc:** Dawn Capello (dawncapello@gmail.com); BMosca@TownofMaynard.net; David Gavin (daviddgavin@verizon.net); Brenden Chetwynd (bchetwynd@yahoo.com); Jim Buscemi (jimbusc@gmail.com)  
**Subject:** FW: Planning Board Resignation  
**Attachments:** jkreil-planningboard-resignation-61913.pdf

Hi Jason,

This is disappointing news as you have been an integral part of the Board. However, I do appreciate the need to attend to your personal and professional commitments. It has been a privilege getting to know you over the past several years and I appreciate your willingness to continue to provide support when possible.

Thanks again,  
Kevin

---

**From:** Jason Kreil [mailto:kreilmaynardplanningboard@yahoo.com]  
**Sent:** Wednesday, June 19, 2013 10:13 PM  
**To:** D Capello; Becky Mosca; Kevin Sweet  
**Cc:** bchetwynd@yahoo.com; Max Lamson  
**Subject:** Planning Board Resignation

Please find attached a letter of resignation from the Planning Board effective June 30, 2013.

Should you have any questions, please contact me.

Regards,

Jason



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

**Legal Notice**

Notice is hereby given, in accordance with Massachusetts General Laws Chapter 138, as amended, that a Public Hearing will be held on Tuesday, July 2, 2013 at 7:15 p.m. in the Michael J. Gianotis Meeting Room (No. 201) of the Maynard Town Building on the application for a transfer of Change of Manager on Club All Alcohol as a Common Victualler license for Maynard Lodge # 1568 of B.P.O.E. of USA. INC.d/b/a Maynard Lodge of Elks # 1568. Copy of application is on file in the Office of the Selectmen.

Selectman Dawn Capello  
Selectman James Buscemi  
Selectman David Gavin  
Selectman William Cranshaw  
Selectman Brendon Chetwynd



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

**Legal Notice**

Notice is hereby given, in accordance with Massachusetts General Laws Chapter 138, as amended, that a Public Hearing will be held on Tuesday, July 2, 2013 at 7:25 p.m. in the Michael J. Gianotis Meeting Room (No. 201) of the Maynard Town Building on the application for a transfer of Change of Manager on Wine & Malt Alcohol as a Common Victualler license for Thai Chilli House, LLC d/b/a Thai Chilli Copy of application is on file in the Office of the Selectmen.

Selectman Dawn Capello  
Selectman James Buscemi  
Selectman David Gavin  
Selectman William Cranshaw  
Selectman Brendon Chetwynd

✓  
**Becky Mosca**

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**From:** Dawn Capello <dawncapello@gmail.com>  
**Sent:** Monday, June 24, 2013 2:08 PM  
**To:** Becky Mosca; Brendon Chetwynd; D Gavin; Jim Buscemi  
**Cc:** Kevin Sweet; Bill Freeman  
**Subject:** Fwd: July 2nd BOS Meeting - Maynard Golf Course Re-Use Committee Status Update

Hi Becky,

I am sending the email below to the BOS so they can be prepared to see the Golf Re-Use Committee on July 2.

Please note for correspondence. No need to print or scan in, the links to the online documentation should be enough.

Also, please make a note to send this info to the new BOS member after the election.

Thank you,  
Dawn

----- Forwarded message -----

**From:** **William Freeman**  
**Date:** Friday, June 21, 2013  
**Subject:** July 2nd BOS Meeting - Maynard Golf Course Re-Use Committee Status Update  
**To:** Dawn Capello <[dawncapello@gmail.com](mailto:dawncapello@gmail.com)>

Good Morning Dawn

At your earliest convenience, can you please pass along the following links to information that will be referenced in the July 2nd Maynard Golf Course Re-Use Committee status update:

- Maynard Golf Course Re-Use Committee Site: <http://www.townofmaynard-ma.gov/gov/committees/mgcr/>
- 
- MAPC Report on the Uses for the Maynard Golf Course: <http://www.townofmaynard-ma.gov/wp-content/uploads/2012/09/mapc-golf-course-reuse-report-20130328.pdf>

For the most part, I will be offline next week - should you need to get in touch with me, please call my cell.

Thank you  
-Bill

## Becky Mosca

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**From:** Dawn Capello <dawncapello@gmail.com>  
**Sent:** Wednesday, June 19, 2013 2:53 PM  
**To:** Becky Mosca  
**Cc:** Kevin Sweet; Jerry Culbert; Bill Freeman  
**Subject:** July 2nd Agenda

Hi Becky,

Just a reminder that the BOS would like to invite both the Maynard Community Life Center Committee and the Golf Re-Use Committee to the July 2nd meeting so we can hear from each committee (MCLCC is final report, Golf is an interim update)

I have included the Chairs of both boards on this email. Please add these both to the early part of the evening schedule.

Thank you,  
Dawn



**OFFICE OF THE SELECTMEN**

Maynard, Massachusetts

**PERMIT  
WATER BAN WAIVER AT ALUMNI FIELD**

*This permit is issued to*

***Kevin Caruso, Athletic Director, MHS***

*For the following purpose:*

**The redone areas at Alumni Field, Keenan, softball field and football area for purpose of watering alumni to protect the investment made by the school and town youth groups**

*Subject to the conditions as herein stated:*

This permit is issued upon the specific condition that the Town of Maynard will not be held responsible or in any manner liable for and shall be indemnified by the Permit holder against any and all causes of action, damages, injuries/or other claims arising out of or relating to the issuance of this permit.

**Board of Selectmen:**

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## Becky Mosca

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**From:** Kevin Sweet  
**Sent:** Wednesday, June 26, 2013 4:25 PM  
**To:** Becky Mosca  
**Subject:** FW: Request for a water ban waiver for Alumni Field

**From:** Kevin Caruso [mailto:kcaruso@maynard.k12.ma.us]  
**Sent:** Wednesday, June 26, 2013 2:02 PM  
**To:** Kevin Sweet  
**Cc:** Robert Gerardi; Peter DiCicco; Chuck Caragianes  
**Subject:** Request for a water ban waiver for Alumni Field

Hi Mr. Sweet,

My name is Kevin Caruso and I am the athletic director at the high school. I was told by Dr. Gerardi to email you regarding a water ban waiver request. I'd like to provide some background to this request.

When I first became the athletic, I spoke to various constituents regarding the needs of the athletic department. One of those needs was field improvements. As a result, it has been one of my goals to upgrade the high school fields. It is my belief that it is important to have quality playing fields for both safety reasons and publicity. Most often when opponents come to Maynard all they may see is the athletic fields. As a result, they may be left with substandard views if the fields are not up to par.

With that being said, this past season I partnered with AVLL to redo from scratch the Keenan softball field. As we look towards next season, it was apparent that Alumni field also needed some renovation work. In between the hash mark was full of weeds and divets that were both unsafe and not conducive for athletic play. Through the generosity of Maynard Youth Soccer and Maynard Youth Football, we were able to solicit bids and acquire Diamond athletic turf to do the work. With the help of the maintenance staff we believed that the field needed, weed control application, deep tine aeration, top dressing application and over seeding. The total cost of the project came to \$4575. Needless to say this is a big investment for the school dept. during this tight budget year, and also for Maynard Youth Soccer and Maynard Youth Football.

In short, we kindly ask that the school department receive a water ban waiver for the purpose of watering alumni to protect the investment already made by the school and town youth groups.

Sincerely,

--

**Kevin Caruso, C.A.G.S**

Athletic Director

Maynard High School

1 Tiger Drive

Maynard, MA 01754

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## 2012-2013 Maynard Board of Selectmen Goals & Initiatives

**1) Maximize Economic Development Opportunities** - The Town of Maynard will enhance, create and expand business opportunities through development of economic development policies and strategies that strengthen the 'Downtown'; promote business opportunities town wide and consider impacts of our decisions on the business community

a) **TA GOALS:**

- Assess current business climate and determine steps needed to address areas of concern.
- Develop programs to assist businesses with maintaining strength and expanding opportunities.
- Evaluate state and federal programs to assist in meeting goal.
- Ensure that policies have considered impacts on businesses prior to adoption.

**2) Launch Long Term Planning Initiative** - Establish a 2 member subcommittee from the BOS to begin the process of Long Term planning. Scope of work: working with the Town Administrator to create a user-friendly, easy to work with document representing Maynard's Debt Schedule. Engage other boards and committees as necessary and return to the full BOS with progress updates and recommendation for a plan to move Maynard forward in a fiscally responsible and sustainable manner. Suggested Subcommittee: Mick Hurrey and Brendon Chetwynd

a) **TA GOALS:**

- Provide support, data and documentation and other relevant work product as needed by the Board of Selectmen to assist in their efforts in developing a long term planning process and plan.
- Produce user-friendly debt retirement schedule to assist the Board of Selectmen in both near and long-term planning.
- Increase department budget transparency.
- Establish a cleaner budget review process.
- Increase Finance Committee role in budget process.

- Identify long term infrastructure needs and strategy to address needs in a cost-effective and taxpayer-friendly process.

### 3) Continue to improve working relationship with School Administration

#### a) TA GOALS:

- Increase communication and transparency between the municipal and school departments.
- Identify and pursue ideas where sharing cost centers will help the overall budget and/or level of service. For example: Sharing legal and other services.
- Continue quarterly leadership meetings with School Superintendent and Chairs of the BOS and School Committee

### 4) Improve communication with residents and local businesses

#### a) TA GOALS:

- Increase public knowledge regarding development, new policies, procedures and project progress updates through effective use of the Town Web Site and Blackboard Connect technology and other means deemed necessary.

5) **Establish Board & Committee Liaisons** - Designate a BOS member as an informal liaison to each Board and Committee. Members would be responsible for maintaining contact with the Chair of each board, attend meetings (if necessary) and update the full BOS of any issues, concerns etc. The goal is to increase communications in both directions between the various Boards and Committees and the Board of Selectmen. Suggested designations for liaisons:

- a) **Buscemi** – ADA, Board of Health, Cultural Council, Historical Commission, Public Safety
- b) **Capello** – MCLCC, Golf Club Reuse, School Committee, COA
- c) **Chetwynd** – Charter/Bylaw, ConsCom, REC, ZBA
- d) **Gavin** – FinCom, LEPC, Planning Board, School Building Committee
- e) **Hurrey** – Capital Planning, Community Preservation, Green Community, Library Board of Trustees

June 26, 2013

Kevin Sweet  
Acting Town Administrator  
195 Main St.  
Maynard, MA 01754



Dear Kevin:

The majority of the A.F.S.C.M.E. union employees would like to ask if we could re-visit a summer hours schedule on a trial basis with the potential of making it permanent, should this be found to be beneficial.

We feel that it would be a great service to the taxpayers if we were open late one night a week to allow them to conduct business at Town Hall. Since the Office of Municipal Services and Veterans Services are already open late on Tuesday's we feel that would be a great night for extended hours allowing a full complement of services available. The benefit to residents and taxpayers with one late night would certainly outweigh being open on a Friday afternoon.

We are proposing working until 7:00pm on Tuesday's and forfeit one ½ hour lunch break during the week, and be done at 12:00pm on Fridays.

Thank you for any consideration you can give us regarding this request.

Sincerely,

Handwritten signature of Nancy Brooks in cursive.

Nancy Brooks  
Union Steward  
A.F.S.C.M.E. Local 1703

## **Becky Mosca**

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**From:** Kevin Sweet  
**Sent:** Wednesday, June 19, 2013 12:24 PM  
**To:** Nancy Brooks; Michelle Sokolowski  
**Cc:** Becky Mosca  
**Subject:** Town Hall Hours

**Importance:** High

Hi Nancy and Michelle,

At last night's meeting I presented the proposal request for change in Town Hall hours for the summer. Despite my effort with attempting to support this request a couple of the BOS were against the idea completely and others were willing to consider it but had reservations. The feeling was that the trial was back in the Summer of 2011 and there were issues with offices being closed when they should have been open, etc. In addition, the letter didn't portray that the intent behind closing was to improve customer service and provide options for residents/businesses after 4pm. Nor did it address potential cost savings related to utilities, all of which I presented as justification. The message that came across in the letter was that Town Hall should be closed on Friday's because these other 7 communities are closed.

The public also spoke during this time stating that even being open until 5pm versus 4pm provides no benefit and that we should be open later. Most felt strongly that 1 late night and closing early on Friday had more value to customer service. I would ask that you take this back to your members and propose a change in Town Hall hours to be open late on Tuesday (7pm or 8pm) and close early on Friday (12pm or 1pm). The BOS will be willing to entertain such a proposal for change in hours if there is an agreement amongst your members.

The BOS did agree to closing on Friday the week of July 1<sup>st</sup>. We can discuss options for making up those Friday hours on Monday-Wednesday of that week or the following week. If employees choose to not make it up they can take a vacation day for Friday the 5<sup>th</sup>. This needs to be decided as soon as possible so that we can properly advertise. I will be away at a training the rest of the week but will be available by email and back in the office on Monday.

Please let me know if you have any questions.

Regards,  
Kevin

**Kevin A. Sweet**  
**Acting Town Administrator**  
Town of Maynard  
195 Main Street  
Maynard, Massachusetts 01754  
Office: 978.897.1301  
Direct: 978.897.1375

May 16, 2013

Acting Town Administrator Kevin Sweet  
Town of Maynard  
195 Main Street  
Maynard, MA 01754

Dear Acting Town Administrator Sweet:

Summer is fast approaching and town hall employees and contracted personnel that work at town hall are requesting consideration to have Friday's off beginning June 17<sup>th</sup> through September 9<sup>th</sup>, 2013.

The summer hours would not affect the office of Municipal Services. The town employees affected that normally take one hour for lunch have agreed to take a ½ hour for lunch. Summer hours would be Monday, Wednesday and Thursday 8:00 a.m. to 5:30 p.m. and Tuesday – 8:00 a.m. to 6:00 p.m.

The following is a sample of the towns that have similar work schedules; Douglas, Reading, Uxbridge, Everett, Newbury, Berlin, Boxford, Lunenburg, Boxborough.

Attached is a list of all the employees that are in agreement with this request.

We are hoping that you will bring this request for approval to the Board of Selectmen. Thank you in advance for your attention to this matter.

Sincerely,

Town Hall Employees

## Becky Mosca

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**From:** Nancy Brooks  
**Sent:** Wednesday, May 15, 2013 9:22 AM  
**To:** Marie Morando; Angela Marrama; Barbara Johnston; Becky Mosca; Cathy Berard; Cheri Poirier; Cheryl Kane; Denee Howard; Gregg Lefter; Marianne Dee; Michelle Sokolowski; Stephanie Duggan; Kevin Petersen; 'mariemorando@yahoo.com'  
**Subject:** RE: Summer Hours

Hi Folks – As you are all in receipt of Marie’s letter, we have to funnel it a different way. We still need a vote on who is interested & who is not. If you could each send me your opinion on this matter via an email response, I can get the ball rolling.

P.S. Please send your response to my personal email address: [nancywbrooks@verizon.net](mailto:nancywbrooks@verizon.net)

Thanks - Nancy

**From:** Marie Morando  
**Sent:** Monday, May 13, 2013 2:36 PM  
**To:** Angela Marrama; Barbara Johnston; Becky Mosca; Cathy Berard; Cheri Poirier; Cheryl Kane; Denee Howard; Gregg Lefter; Marianne Dee; Michelle Sokolowski; Nancy Brooks; Stephanie Duggan; Kevin Petersen; mariemorando@yahoo.com  
**Subject:** Summer Hours

Hi Everyone,

Attached you will find a copy of the letter that we have prepared for Kevin Sweet. Please read carefully and let us know your feelings. I will have a blank piece of paper for signatures in my office. If you don’t agree please let us know.

Thanks.

Marie

June 18, 2013

Board of Selectmen

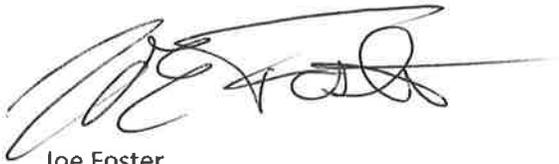
195 Main St.

Maynard, Ma, 01754

Dear Chairperson Capello,

Please accept this letter as an official request to amend the contract between the Town Of Maynard and the Massachusetts Laborers' District Council to reflect a one year extension, to duplicate all benefits applied to the final year in the current contract. As you know the contract expires on June 30, 2013, with all the unforeseen personnel changes, the contract negotiations where put on hold until further notice. I feel it would benefit both parties if we extend the contract by one year. The town would not have to incur any retroactive salaries in the future and the union members would not have any difficulties compensating for any cost of living increases that may occur. I have spoken with our members and they are in agreement with this request. We can return to negotiations sometime after January 2014, by this time the permanent Town manager should be in place and the current DPW director of operations will have been in place for almost a year.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Joe Foster', with a long horizontal flourish extending to the right.

Joe Foster

Union Steward, Local 1156