

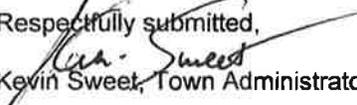


**AGENDA**  
**Maynard Board of Selectmen's Meeting**  
**October 8, 2013**  
**Town Building – Michael J. Gianotis Meeting Room**  
**(No. 201)**  
**Special Meeting Time: 7:00 pm**

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

1. Call to order (7:00)
2. Pledge of Allegiance
3. Acceptance of Minutes
  - a) October 1, 2013
4. Review of Final Warrant for STM, November 4, 2013 and approval
5. Adjourn (7:15)

Respectfully submitted,

  
Kevin Sweet, Town Administrator

Next meeting date: October 15, 2013 (Regular Meeting) start time will be 6:00 pm

**THIS AGENDA IS SUBJECT TO CHANGE**



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, October 1, 2013**

**Room 201, Town Hall**

**Time: 7:00 pm**

**Present: Chairman Brendon Chetwynd, Selectman David Gavin, Selectman William Cranshaw, and Selectman Dawn Capello, Town Administrator Kevin Sweet and Admin. Assistant Becky Mosca. Absent: Selectman James Buscemi**

**(This public meeting was recorded).**

**Pledge of Allegiance**

**Public Comments:** Trish Saunders asked if the Town has done a new Noise Ordinance By-Law. The property at 129 Parker Street, concern with the wetlands area. Wants someone to look at that area.

**Acceptance of Minutes: July 9, 2013, August 1, 2013, September 10, 2013 and September 17, 2013**

**A motion was made** by Selectman Gavin to approve the minutes for July 9, 2013, August 1, 2013 and September 17, 2013 as shown and to hold September 10 th, 2013 and have board look over again. Second by Selectman Cranshaw. Vote 4-0. Motion approved.

**Bond: \$1,798,000.00 General Obligation Municipal Purpose Loan of 2013 Bonds for Town of Maynard.** The Bonds are authorized for water tank repairs and construction of a sewer pump station under provisions of Massachusetts General Laws as detailed herein.

A motion was made by Selectman Chetwynd to approve the Bond as shown:

**VOTE OF THE BOARD OF SELECTMEN**

I, the Clerk of the Board of Selectmen of the Town of Maynard, Massachusetts (the "Town"), certify that at a meeting of the board held October 1, 2013, of which meeting all members of the board were duly notified and at which a quorum was present,

the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$1,798,000 General Obligation Municipal Purpose Loan of 2013 Bonds of the Town dated October 4, 2013 (the "Bonds"), to Robert W. Baird & Co., Inc. at the price of \$1,862,196.48 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on October 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2014	\$133,000	3.00%	2020	\$155,000	3.00%
2015	135,000	3.00	2021	160,000	3.00
2016	140,000	3.00	2022	170,000	3.00
2017	145,000	3.00	2023	175,000	3.00
2018	145,000	3.00	2028	130,000	3.25
2019	150,000	3.00	2033	160,000	4.00

Further Voted: that the Bonds maturing on October 1, 2028 and October 1, 2033 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due October 1, 2028

<u>Year</u>	<u>Amount</u>
2024	\$25,000
2025	25,000
2026	25,000
2027	25,000
2028*	30,000

\*Final Maturity

Term Bond due October 1, 2033

<u>Year</u>	<u>Amount</u>
2029	\$30,000
2030	30,000
2031	30,000
2032	35,000
2033*	35,000

\*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary

Official Statement dated September 19, 2013, and a final Official Statement dated September 25, 2013 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: October 1, 2013

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Clerk of the Board of Selectmen

AM 24237983.1

Second by Selectman Capello. Vote 4-0. Motion approved.

**List of Correspondences:**

- a) Fire Department monthly report for August 2013
- b) OMS Report for August 2013
- c) Treasurer/Collector monthly report 2013
- d) Library Report for month August
- e) Assessors monthly report August 2013
- f) Retirement meeting notice Sept 26, 2013
- g) Activity Report from On-Call engineering service, DPW
- h) Board of Health meeting notice Sept. 24, 2013
- i) Department of Public Utilities hearing notice Sept. 26, 2013
- j) Fire Department, Thank you
- k) Notice, agenda Charter Review Meeting Sept. 30, 2013
- l) Notice, agenda Recreation Commission Meeting Sept. 25, 2013
- m) CPC, meeting minutes for Sept. 11, 2013
- n) ConsCom meeting notice, Oct. 1, 2013
- o) Legal notice, ZBA, Public Hearing, Oct. 21, 2013
- p) Notice, Grand opening, new Porfino Barber Shop 43 Nason Street,
- q) Notice of Reo and Coolidge Parks: Opened as of 9/27/13
- r) Maynard Golf Course reports

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

**Special One-Day Permit, Block Party for Balcom Lane:** From residents on Balcom Lane, Edward Deen, Jon Larkin, and Tim Puglielli sent email to request a Block party permit for neighborhood, party date is Oct. 12, 2013 and rain date is Oct. 19, 2013.

**A motion was made by Selectman Cranshaw** to approve the special one-day permit for block party at Balcom Lane date October 12, 2013 from 1:30 pm – 6:30 pm with a rain date of October 19, 2013. Second by Selectman Gavin. Vote 4-0. Motion approved.

**New business at Corner of Nason /Main Street, Serendipity Café' received by Municipal Service on Sept. 18/2013.** New owner is Bruce Davidson.

**A motion was made by** Selectman Capello to approve the Common Victualler and Entertainment license for Serendipity Café One Nason Street, Maynard, MA. Second by Selectman Gavin. Vote 4-0 Motion approved.

**A motion was made by** Selectman Capello to approve the Entertainment license for Serendipity Café One Nason Street, Maynard, MA. Second by Selectman Gavin. Vote 4-0 Motion approved.

**Special Permit, Use of Crowe Park (Movie Night) 6 – 9 pm:** We received email from Marc Cryan resident on Old Marlboro Road, to show an outdoor movie at Crowe Park on Saturday, October 5<sup>th</sup>, 2013 in the evening after Maynard Fest. From 6 – 9 pm.

**A motion was made by** Selectman Capello to approve the special one-day permit for October 5, 2013 use of Crowe Park to Show movie, Princess Bride from 6:00 pm – 9:00 pm. Second by Selectman Gavin. Vote 4-0. Motion approved.

#### **MacDonald Development & Waltham Parker Development Agreement**

Discussion with new agreement to amend the past agreement. This request from James MacDonald is to extend the agreement until the spring of 2015 when the new project on Main Street is complete. He needs a demo permit to take down the buildings at 10 – 20 Main Street. And building permit to put in the foundation before winter time weather put a stop to this.

10-20 Main Street. Developer James MacDonald said he was asked by the former DPW Supt. Jerry Flood to delay the work on the sidewalks until the Bridgework on Waltham Street was completed because it would be too much confusion in the area for traffic. No amendments put in writing. Board asked TA, K. Sweet to work with, DPW (Chris & Wayne) to come up with scope of work (RFP) write up a new agreement for Mr. MacDonald that all parties can agree on and sign with the plan to have this work completed in the spring of 2015. Selectman Capello requested a resolution to come before the Board at the October 15, 2013 meeting.

Selectman Cranshaw asked Developer to check on one of the areas near his building with no curbing on Waltham Street. Sel. Cranshaw asked if MacDonald would do a short-term fix to the curb.

#### **129 Parker Street, Next Steps, A.G. Jennings, LLC. Report dated 9/27/2013**

Discussion with Board for recommendation for potential next steps. Relevant and helpful to the Town in keeping this process moving forward.

**Present:** Angus Jennings and Town Planner Eric Smith.

Summary discussion

- 1) The traffic, the road fixes need to be completed before the work at 129 Parker Street is to be opened for business.
- 2) Housing at 129 Parker Street is item that all agree on.

3) Business at 129 Parker Street is for a Grocery Store to be on site.

Next Steps per Angus Jennings:

Tax Revenue for Town.

Services for Town.

Zoning to be prepared to fit the need of what will end up at site.

Redevelopment.

What the market conditions show for needs to the area.

“View Plan”

40R Smart Growth Zoning as a policy option. Benefits, matter of rights – design standards, very detailed very clear adoption.

Selectman Cranshaw wanted to know how long this would take.

Angus, 4 to 12 months. Sel. Cranshaw does not think we have that kind of time to waste.

Selectman Capello wants to see this process moving forward.

Angus thinks we should have a committee set up to keep the ideas and plans moving forward. The make-up of this committee is up for design.

Should it be all Selectmen/or 1 Selectman, 1 planner, maybe Angus (cost money for Angus) who will pay for his time? Maybe Developer? If this helps to get all sides to agree to plan, Town Meeting, Agreement with Developer then permit to build it should work. At back on the agenda with BOS for October 15, 2013.

Selectman Capello left the meeting around 9:30pm

#### **Economic Development Discussion with E. Smith**

Eric Smith, Town Planner gave update of his roll with planning and businesses to board. Eric will keep the board update with feedback and statement of work.

TA, K. Sweet mentioned that the work that was done with Green Communities is a good example with information to show Eric and share with MBA and Maynard Can groups.

Sel. Gavin, said to use Joe Mullin as a resource for some development opportunities.

Eric said he was looking at a Downtown grant that is available for \$10,000.00.

A motion was made by Selectman Gavin to approve Eric Smith to apply for the Downtown \$10,000.00 grant. Second by Selectman Chetwynd. Vote 3-0. Motion approved.

#### **Draft Control Articles for STM, Nov. 4, 2013**

A motion was made by Selectman Chetwynd to approve the controls 1 thru 10 for STM, Nov. 4, 2013. Second by Selectman Gavin. Vote 3-0 Motion approved.

A motion was made by Selectman Cranshaw to approve control 11 as amended. Second by Selectman Gavin. Vote 3-0. Motion approved.

Control	TITLE	DEPARTMENT	Accepted
1	BY-LAWS, DOG OWNER'S RESPONSIBILITY LAW	TOWN CLERK	yes
2	BY-LAWS, DOG OWNER'S RESPONSIBILITY LAW	TOWN CLERK	yes
3	BY-LAWS, DOG OWNER'S RESPONSIBILITY LAW	TOWN CLERK	yes
4	BY-LAWS, ZONING, REPLACE EXISTING DEFINITION OF SUPERMARKET	PLANNING BOARD, ERIC SMITH	yes
5	BY-LAWS, PROPOSED REGISTERED MARIJUANA DISPENSARY	PLANNING BOARD, ERIC SMITH	yes
6	BY-LAWS, EXTEND TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT	PLANNING BOARD, ERIC SMITH	yes
7	BY-LAWS, PROPOSED AMENDMENTS TO SECTION 3, USE REGULATIONS, REGARDING THE ALLOWED USE OF SUPERMARKET	PLANNING BOARD, ERIC SMITH	yes
8	BY-LAWS, ADD A NEW SECTION 4.1.4, MAXIMUM TOTAL GROSS SQUARE FEET AND SPECIAL PERMIT.	PLANNING BOARD, ERIC SMITH	yes
9	BY-LAWS, ADD A NEW SECTION 4.1.5 MAXIMUM BUILDING SIZE RETAIL ESTABLISHMENTS IN ALL DISTRICTS	PLANNING BOARD, ERIC SMITH	yes
10	Prior Year bill	DPW	yes
11	Leash LAW	Board of Selectmen	As amended

#### **Town Administrator's Report, Kevin Sweet**

- **Reo/Coolidge**, parks are officially opened, Sept. 27, 2013. Town and Contractor and Design Engineer still have a few remaining items to work out. Board asked TA. To keep the web updated.

- **Solar Array**, ribbon-cutting ceremony is in the works. Will have a firm date by Oct. 15, 2013. Some concerns with Dog Park area, NStar placed poles in the dog area.
- **Seasonal Influenza Vaccine**, dates set for seniors on Oct. 15, 2013 and residents over 9 on Oct. 19<sup>th</sup> from 10 am – 12pm at Fowler School Auditorium.
- **Downtown Holiday Lights**, We had a meeting with Chris Okafor, Kelli and Nick Costa from MBA. Group discussed roles and expectations for this year's event. Sip and Stroll is planned for Dec. 7<sup>th</sup> from 6 to 8:00 pm
- **DOR**, this year's certified free cash as of July 1, 2013 is:  
**GF = \$1,693,596.00 WEF = \$166,248.00 SEF = \$375,048.00**
- **Bonding – Moody's** affirmed town rating at Aa3; town has satisfactory financial position, moderately sized tax base with favorable demographics.
- **Assistant Town Administrator Position**, position has been advertised on the Town Website. Posting closes on Oct. 16<sup>th</sup>, as of the 1<sup>st</sup> we have 32 resumes.

#### **Chairman Report;**

- Charter review update, on the items the BOS had discussed at the workshop on Sept. 10, 2013.
- Meeting on Thursday with MSBA
- Request a meeting to be set up with the Stow, MA. Board of Selectmen
- Request an executive meeting be set up with School Committee, Supt. RG and TA, K.Sweet. Topics: Budget and Contracts with Unions.

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

##### **Selectman Cranshaw;**

- **Housing Trust**, Land, Quirk, property TA will check will Bruce Quirk?
- **Parking Garage**, what are our options? Are we to late to get this fix the fall?
- Can we find out if the \$50,000.00 from the MacDonald agreement is still available? TA, KS. Will discuss both issues with Chris and Wayne, DPW
- Question, Finance Committee, makes recommendations on articles, should the Board of Selectmen.

##### **Selectman Gavin;**

- Congratulation's, to Lynda and Alex Thayer, (5 years in Business, Look Optical, anniversary.
- With 129 Parker Street in mind, when the Concord Muse was signed, Concord Muse agreed to do some work on the Waltham/Parker Street lights. Is that still going to happen? No, that was part of the old deal. That agreement is up.

**Executive Session**

In the matter of: Contract, negotiations with Union

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

Roll Call

Gavin	Yea	
Capello		Absent
Buscemi		Absent
Chetwynd	Yea	
Cranshaw	Yea	

After the executive session open session will not reconvene.

A motion to adjourn the meeting was made by Selectman Cranshaw. Second by Selectman Gavin. Vote 3-0. Motion approved.

Time: \_\_\_\_\_ pm

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

Date:

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Selectman, David Gavin, Clerk

Initials: BJM



## **COMMONWEALTH OF MASSACHUSETTS**

**MIDDLESEX, SS.**

### **SPECIAL TOWN MEETING**

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

#### **GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the voters of said Maynard, to assemble IN **FOWLER SCHOOL AUDITORIUM**, THREE TIGER DRIVE IN SAID town, on Monday, November 4, 2013 at 7:00 P.M. then and there to act on the following articles:

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

On Monday, October 28, 2013 at 7:00 P.M., a public hearing will be held at the Maynard Town Hall, Michael J. Gianotis Room, Room 201, to discuss with any citizen who desires further information, as to the recommended budget, and any special Articles in the Warrant to which the Finance Committee has made a recommendation. Explanation and discussion concerning these matters may be helpful in the interest of saving time at the Special Town Meeting. Your participation is welcome.

## ADA ADVISORY

Anyone in need of special arrangements for the Town Meeting, such as wheelchair arrangements or signing for the hearing impaired, please contact the Office of the Selectmen at (978) 897-1301 by October 28, 2013 in order for reasonable accommodations to be made.

## PROCEDURES AT TOWN MEETING

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

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

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

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

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

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

**NECESSARY MAJORITIES\***

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

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

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

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

**NOTE:**

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

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

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

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

<b>ARTICLE</b>	<b>TITLE</b>	<b>DEPARTMENT</b>	<b>PRESENTER</b>	<b>PAGE</b>
1	Prior Year Bill	Depart. Public Works	Board of Selectmen	5
2	By-Laws, Section 8 Dog Owner's Responsibility Law	Town Clerk	Board of Selectmen	5
3	By-Laws, Section 1 Dog Owner's Responsibility Law	Town Clerk	Board of Selectmen	6
4	By-Laws, Section 7 Dog Owner's Responsibility Law	Town Clerk	Board of Selectmen	8
5	Leash Law	Board of Selectmen	Board of Selectmen	8
6	By-Laws, Proposed Registered Marijuana Dispensary	Planning Board	Planning Board	9
7	By-Laws, Extend Temporary Moratorium on Medical Marijuana Treatment	Planning Board	Planning Board	11
8	By-Laws, Zoning, Replace Existing Definition of Supermarket	Planning Board	Planning Board	12
9	By-Laws, Proposed amendments to Section 3, Use Regulations, Regarding the Allowed use of Supermarket	Planning Board	Planning Board	13
10	By-Laws, Add a new section 4.1.4, maximum total gross square feet and special permit	Planning Board	Planning Board	15
11	By-Laws, Add a new section 4.1.5 maximum building size retail establishments in all districts	Planning Board	Planning Board	16



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

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

Section 1 which currently reads:

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

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

To read instead:

**Section 1: Licensing**

**A. Three or fewer dogs.**

(i) Every dog (6) months old or older kept in the Town of Maynard shall be duly registered, numbered, described and licensed on an annual basis. The annual licensing period runs from January 1 through December 31.

(ii) Every person who becomes owner or keeper of such a dog shall, within thirty (30) days of its becoming six (6) months old or thirty (30) days of becoming its owner or keeper, whichever shall last occur, shall obtain such license from the Town Clerk. The Owner or Keeper shall submit an application on the form proscribed along with proof of vaccination, notarized letter from a licensed veterinarian stating that the dog has been vaccinated, or Board of Health Declaration that the dog is exempt from the vaccination requirement to the Licensing.

(iii) The registering, numbering, describing and licensing of a dog shall be done by the Town Clerk, and shall be subject to the conditions expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing livestock, fowls or wildlife.

(iv) The owner of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable materials, to which shall be securely attached a tag on a form proscribed and distributed by the Town Clerk when a license is issued. Such tag shall state "Town of Maynard," the year of issue and tag number. The Town Clerk shall maintain a record of the identifying numbers.

(v) If any such tag is lost the owner shall secure a substitute tag issued by the Town Clerk.

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

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

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

(B) Four or more Dogs:

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

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

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

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

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

To do or act thereon.

SPONSORED BY: Town Clerk  
APPROPRIATION: None  
FINCOM RECOMMENDATION:

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

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

**Section 7:**

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

To do or act thereon.

SPONSORED BY: Town Clerk  
APPROPRIATION: None  
FINCOM RECOMMENDATION:

**ARTICLE: 5 Leash Law**

To see if the Town will vote to amend Section 9 of Chapter XIX of the Town of Maynard By-laws regarding Dog Owners' Responsibility, as follows: (proposed new text in **bold**)

**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.

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.

**This provision shall not apply, however, in any area designated by the Board of Selectmen as a "Dog Park", "Dog Run" or "Dog Exercise Area". In areas so designated, dogs are not required to be restrained by a leash provided the owner or keeper of such dog is present and attentive to the dog.**

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

To do or act thereon.

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

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

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

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

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

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

**“7.7 Registered Marijuana Dispensary**

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

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

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

**7.7.4 Transfer.** In addition to the Term requirements specified under Section 7.7.3, a Special Permit granted under this Section shall have a term limited to the duration of the applicant’s ownership of the premises as a Registered Marijuana Dispensary. A Special Permit may be transferred only with the approval of the Special Permit Granting Authority in the form of a modification to the Special Permit with all information required per this Section 7.7, Section 10.4 and in any Rules and Regulations that have been adopted, per Section 7.7.5.

**7.7.5 Further Criteria:**

- 1. No permit shall be granted hereunder to any applicant, principal officer, agent, owner or manager of the Registered Marijuana Dispensary who has been convicted of a felony in the Commonwealth of Massachusetts. The application shall include proof of the foregoing, by sworn statement and including submission to a CORI from the Chief of Police for each of the aforementioned individuals. The Chief of Police shall report to the SPGA prior to the close of the public hearing whether or not the applicant complies with this criteria.
- 2. In addition to the criteria and requirements set forth hereunder, the provisions of Section 10.4 shall apply to Special Permits filed under this Section 7.7”

To do or act thereon.

SPONSORED BY:	Planning Board
APPROPRIATION:	None
FINCOM RECOMMENDATION:	

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

**ARTICLE: 7 RE: Zoning Bylaw Amendments. Proposed Amendments to Section 3, Use Regulations, regarding the allowed use of Supermarket.**

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

1. In the Section 3.1.2, Table A, Use Regulations, part 4, omit the use “Supermarket” and the designations which follow it.

2. In place thereof, Amend Table A – Use Regulations in Section 3.1.2 by adding the following

a. “Supermarket, up to 25,000 square feet Floor Area, Gross” in the Central Business District (CB), Business District (B), Industrial (I) District, and Health Care/Industrial District (HCI) would be an allowed or permitted use (“Y”); and

b. “Supermarket, greater than 25,000 square feet Floor Area, Gross and up to 65,000 square feet Floor Area, Gross” in the Business District (B), Industrial (I) District and Health Care/Industrial District (HCI) would be allowed subject to Special Permit from the Planning Board (“PB”) but in the Central Business District (CB) would be changed to a prohibited use (“N”); and

c. “Supermarket, greater than 65,000 square feet Floor Area, Gross” in the Business District (B), Industrial (I) District and Health Care/Industrial District (HCI) would be changed to a prohibited use (“N”).

All as set forth below:

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

To do or act thereon.

SPONSORED BY: Planning Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION:

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

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

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

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

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

**Supermarket:** An establishment whose primary business is the sale of a general line of food such as fresh fruits and vegetable, fresh and prepared meats, fish and poultry, and canned, packaged and frozen foods, with none of the lines predominating. The floor area devoted to the sale and storage of food comprises a minimum of 75% of the gross floor area of the

**establishment, with a maximum of 25% of the gross floor area devoted to non-food items. For purposes of this definition, gross floor area shall include indoor and outdoor space utilized for retail display and sale of goods.**

To do or act thereon.

SPONSORED BY: Planning Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION:

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

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

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

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

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

c. "Supermarket, greater than 65,000 square feet Floor Area, Gross" in the Business District (B), Industrial (I) District and Health Care/Industrial District (HCI) would be changed to a prohibited use ("N").

All as set forth below:

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

To do or act thereon.

SPONSORED BY: Planning Board  
 APPROPRIATION: None  
 FINCOM RECOMMENDATION:

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

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

area the Planning Board believes 25,000 square feet is a more appropriate maximum size for a Supermarket.

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

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

**“4.1.4. Maximum Total Gross Square Feet and Special Permit**

1. On any lot, any building or combination of buildings exceeding 20,000 (twenty thousand) Total Gross Square Feet of space will be subject to Special Permit Requirements from the Planning Board (S.P.G.A.) as stated in Section 10.4 Maynard Protective Zoning By-Law, the Planning Boards Rules and Regulations and G.L. c. 40A § 9. as they may be applicable.
2. Total Gross Square Feet will be measured from the exterior face of the outside wall to the exterior face of the opposite outside wall for length and width, times the number of habitable levels of space. The Total Square Feet does not include attics with a ceiling height of less than 6' or basements that are unfinished or uninhabitable.
3. The Total Gross Square Feet will include roof overhangs extending more than two feet from the exterior building wall, garages, carports, canopies, and other structures whether or not such garages, carports, canopies, or other structures are part of the building or combination of buildings.
4. Nothing in Section 4.1.4. of this Zoning Bylaw will apply to Section 9.3.8. of Maynard Protective Zoning By-Laws, Table G.”

To do or act thereon.

SPONSORED BY: Planning Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION:

**Comments, Planning Board Explanation:** Passage of this article would require Planning Board Special Permit approval of any new building greater than 20,000 square feet. The Planning Board has prepared this article, based on input received during the public hearing process to establish a maximum supermarket size and permit such use by Planning Board Special Permit. The Planning Board, after hearing public testimony, input from the Town Planner and

discussion amongst the Board members, believe the Town of Maynard should have conditional review of buildings of larger size. Many communities have similar requirements, and the square footage varies by community. 20,000 square feet seemed most reasonable to the Maynard Planning Board. The Planning Board does support an exemption to this provision from Table G, Section 9.3. Neighborhood Business Overlay District (NBOD), to encourage development in the NBOD in furtherance of the Maynard Community Development Principles.

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

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

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

1. Notwithstanding Table B in Section 4.1.1. , Section 4.1.2. Building Coverage, Table G of Section 9.3.8. and Section 9.3.9 District Total, of these Zoning By-laws, in all zoning districts, no single retail business, whether located in a single building or combination of buildings, shall exceed 65,000 (sixty-five thousand) square feet of Gross Retail Area in the aggregate on a single and/or adjoining lot.
2. For the purpose of Section 4.1.5. the term Gross Retail Area shall include indoor and outdoor space utilized for retail display and sale of goods. The Gross Retail Area of adjacent stores shall be aggregated in cases (a) where the stores operate under common ownership or management; (b) are engaged in the selling of similar or related goods, wares or merchandise; (c) share checkout stands, a warehouse, or a distribution facility; or (d) otherwise operate as associated, integrated or co-operative business enterprises.
3. For purposes of this section, a "Wholesale Club" or similar use for which a majority of the customers make their purchases at the site shall be considered a retail use.
4. This Section 4.1.5. shall not apply to Section 9.3.8. Table G herein."

To do or act thereon.

SPONSORED BY:	Planning Board
APPROPRIATION:	None
FINCOM RECOMMENDATION:	

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

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

\_\_\_\_\_  
Brendon Chetwynd, Chairman

\_\_\_\_\_  
Dawn Capello, Selectman

\_\_\_\_\_  
David Gavin, Selectman

\_\_\_\_\_  
William Cranshaw, Selectman

\_\_\_\_\_  
James Buscemi, Selectman

A true copy, Attest \_\_\_\_\_ Constable of Maynard.