



PLANNING BOARD
 TOWN BUILDING
 195 MAIN STREET
 MAYNARD, MA 01754

Minutes: August 10, 2010

Attending: Greg Price, Chairman, Max Lamson, Jason Kreil and Marie Morando,
 Planner Assistant. Absent: Mike Bingley and Ken Estabrook

7:05 pm. Greg Price opened the public hearing by reading the legal notice "**TOWN OF MAYNARD PLANNING BOARD NOTICE OF PLANNING BOARD**

**Relative to
 PROPOSED ZONING BY-LAW AMENDMENTS**
 Pursuant to M.G.L. C. 40A, Section 5

The Planning Board of the Town of Maynard will hold a public hearing to discuss proposed amendments to the Maynard Protective Zoning Bylaws. The public hearing will be held as follows:

Place: Town Building, 195 Main Street, Maynard, MA
 Small Conference Room – first floor
 Date: August 10, 2010
 Time: 7:00 p.m.

The subject matter of the proposed amendments is/are as indicated below. The Zoning By-Laws as well as the complete text relative to the proposed amendments are available for inspection during regular business hours at the following place (s):

Town Clerk’s Office 8:00 am. to 4:00 pm.
 Planning Board Office: 8:00 – 4:00 p.m. – Monday thru Thursday

<i>Article Number</i>	<i>Article Subject</i>
1.	6.3.1.A – Body Art Establishment by adding and deleting language

I first will turn to the board for comments and then to the public for comment.

ML We have heard from the community that the existing bylaws are not adequate the way they are written. I am open to this subject and would like to hear from the public.

JK – none

Greg: That a Body Art Establishment is not allowed in the Central Business District but is allowed in the business and industrial district.

Steve King
7 Fowler Street, Maynard

Has tried to open a shop for 4 ½ years in Maynard. As the zoning currently stands with the setbacks there is no place to open a shop but in the Industrial Zone. I would like to see the set backs either eliminated or cut back to allow for a shop in the Central Business District. Why do the set backs exist? This is perceived issue that there should be no shops near a residence. I would like to see the set backs reduced or eliminated and add the Central Business District.

Rick Asmann, Building Commissioner
Town of Maynard

I have reviewed the bylaws and I feel that there is no spot in town to have a Body Art Establishment. The state and DPH both allows this in their regulations. If the state doesn't have a problem with this, why should we. PB makes extreme value judgments. If you leave this under a special permit you could put restrictions with it. You could have restrictions that leaves it away from residences and alcohol establishments. This should be allowed in the central business district. You could restrict hours of operation.

Leo Hayes,
275 Great Road, Maynard

Tattoo establishments have changed over the years, who put these regulations in the bylaws and when? Members at town meeting voted this into the bylaws on April 21, 2001.

GP - I can't speak for the board, but I am open at this time.

Karen Hayes
164 Parker Street

Do you know the reasoning behind that they did not allow body art establishments in the downtown.

Brendon Chetwynd
161 Summer Street

This predates my time on the board. I would think that they needed to put a bylaw together and they had some form of regulation and took a cookie cutter bylaw and adopted it.

Board: The board puts the zoning bylaw together and they have public hearings like this one and they will bring it town meeting.

John Sullivan

1 Howard Road, Maynard

Does any other business fall into this restriction?

Adult Entertainment has restrictions they are not allowed in the business district.

RA – lumber yards could go by right without special permit in a residential zone.

Brendon Chetwynd
161 Summer Street

PB has taken a variety of changes of the zoning bylaws to town meeting for the community to consider the changes. I understand that the setbacks in the business district makes it difficult because of the width of the business district which is very narrow. We are faced with this issue now.

JK – there are two items that are on the table.

1. That the setbacks are not working
2. By adding the central business district – we have a time frame to meet for fall special town meeting. If we change the body art district and eliminate the industrial and adjust the setbacks. We are working off a draft amendment. What if we add the central business district and change the setbacks. At the same time this might fail, and we would get nothing. I am not against the body art downtown.

GP – is anyone here to speak against this amendment - no.

If this is considered an accessory use it could be challenged. We have had three hearings on this and we need to make adjustments.

Steve King
7 Fowler Street, Maynard

Then maybe the planning board could have two proposals to town meeting one for the setback changes and the other to add central business district

ML – I am considering this a unique business. I understand that the BOH has regulations. Why this should be allowed or not allowed. I also understand why it needs to be a walk in shop; can we compare this to any other business. What are the reasons to open up the setbacks and the zoning. I am open to look at all of our options.

RA – 2001 – I think the planning board members associated these body art establishments to bikers and drug trade; this is not today and maybe the perception is maintained. I have been looking at this for 4 ½ years. When the NBOD was made for one of the industrial parcels that body art establishment is not allowed on this parcel. Discussion: over where to put body art and we it is allowed and why it won't work.

When the downtown overlay district was established this allowed sprinkled residences throughout the downtown. The downtown overlay district encourages residential growth. We are under a time frame. We were not ready to go to Town Meeting in May and missed out for another 6 months to correct the zoning issues and accessory use. This is highly regulated business. This business needs foot traffic to survive. Leaving the special permit in place to control the business.

Karen Hayes
164 Parker Street

What drove the planning board to put these restrictions in the bylaw in 2001
We don't know.

Steve King
7 Fowler Street

Walk ins are new customers, people that drive a great distance are people that I have serviced before. They trust me and they come back. Walk in traffic is essential to this business. Regulations from the State are that no one under 18 can get a tattoo. Body piercing regulations is no minor without parental consent. Maynard has adopted the state regulations.. No minor that is unattended can stay in the establishment. I feel that both amendments should be proposed at the same time.

GP – the planning board will put forward an amendment that is in the best interest of the town. We will keep our personal feelings aside. Some amendments that we put forward do not get the approval of the community.

ML – we promote businesses in the town.

JK – Setbacks are identified in Section 5.5.1.A.2 within a liquor establishment and 100 feet from residences.

Question to RA – if they wanted to put a Body Art Establishment at Victory Plaza, could they? No if it is on the same lot structure or units within a structure.

RA – why don't you put it in Clock Tower – Health Care/Industrial.

Brian King
(no address)

The business district is very narrow and does not allow for a body art establishment to be in it because of the residential. Please consider taking the accessory aspect out of the bylaw; no accessory zoning.

GP – thank you this has been educational to the board.

Steve King: Setbacks are unnecessary,. people bring in their support groups when they get a tattoo and after a few minutes they get bored and go out walking to restaurants and shops. People from all walks of life come in for tattoos. There are no smells, no fumes. Please pull back the setbacks and add the Central Business Districts.

Discussion around body piercing. Body piercing is licensed by the BOH;

BChetwynd: The time line for Fall Town Meeting has not been approved by the BOS.
The due date maybe earlier than September 15th, 2010.

GP – motion to close the public hearing on Body Art Establishments

Seconded – ML – Any discussion – no

Motion passed 3-0

8:15 p.m.

GP – motion to approve the following minutes:

Seconded ML –

June 22, July 13 and July 27th, 2010

Any discussion - no

All in favor

Motion passed 3-0

8:30 pm. GP called for an executive session and the board would return after it.

8:36 p.m.

GP – motion to pay the Beacon Villager in the amount of \$33.80 out of 53 E ½ account

Seconded – ML

Any discussion – no

Motion passed 3-0

GP – motion to pay Community Newspaper in the amount of \$73.18 for legal ads out of
53E1/2 account

Seconded – ML

Any discussion – no.

Motion passed -3-0

GP – motion to pay Calendars in the amount of \$26.59 for a 2011 calendar

Out of 53 E ½ account

Seconded – ML

Any discussion – no

Motion passed – 3-0

GP – discussion about an e-mail that he is sending to TA to follow up on the discussion
that he had with him; ML and JK are ok with it. We would like a recommendation of a
consultant what needs to be done; I don't want the town to put out a lot of money. TA
said that he would put together a RFQ or RFP

I met an urban planner is wondering if there is room for him as an associate. That
position is filled at this time, but we will keep it in mind.

ML – motion to adjourn at 9:45 p.m.

Seconded – GP

Any discussion

No

Motion passed – 3-0

Approved: September 29, 2010
s/Chairman Greg Price