

At the Annual Town Meeting duly called and held at the Fowler School Auditorium, 3 Tiger Drive, on Monday, May 15, 2023 at 7:00 PM the following ARTICLES were voted on in a legal manner. There was a quorum present (75 Voters = quorum); 239 voters were present.

The Town Moderator, Richard “Dick” Downey, called the meeting to order at 7:03 pm.

At the start of the meeting, Moderator Downey appointed Andy Moerlin as the Deputy Moderator.

Moderator Downey presented a consent calendar and combining articles to make the voting process quicker.

Moderator Downey explained that there need not be a motion to waive the reading of the warrant.

MOTIONS PASSED UNANIMOUSLY.

ARTICLE: 1 TOWN REPORT ACCEPTANCE

To hear and act upon the reports of Town Officers and Committees.

To do or act thereon.

SPONSORED BY: Select Board
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) This is an annual procedural article to accept reports from various Town committees. The town’s Annual Report is the specific report propose for acceptance.

Comments: (Finance Committee) This is an annual procedural article to accept reports from various Town committees.

MOTION MADE: Mr. DiSilva moved that the Town vote to approve Article 1 as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION PASSED UNANIMOUSLY BY SHOW OF HANDS.

ARTICLE: 2 OBSOLETE EQUIPMENT, MATERIAL

To see if the town will vote to authorize the Select Board to dispose of surplus and or obsolete equipment or materials, as authorized by M.G.L. Chapter 30B

To do or act thereon.

SPONSORED BY: Select Board
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor): Annual article to allow sale/disposal of surplus equipment, if any, in accordance with state law.

Comments: (Finance Committee) This is an annual procedural article to allow the Select Board to sell or dispose of surplus equipment in accordance with state law.

MOTION MADE: Mr. DiSilva moved that the Town vote to approve Article 2, as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION PASSED UNANIMOUSLY BY SHOW OF HANDS.

Mr. Stephen Wagner, 13 Charles Street, asked that the speakers/officials identify themselves at the podium and also asked for better lighting and name tags that are visible.

Moderator Downey explained the lighting needing to be low for the audience to see the presentation screen more clearly.

**ARTICLE: 3 AUTHORIZE REVOLVING FUNDS CHAPTER 44,
SECTION
53E 1/2**

To see if the Town will vote to authorize the total expenditures for the following revolving funds pursuant to MGL Chapter 44, Section 53E ½ for the fiscal year beginning July 1, 2022, (FY23) to be expended in accordance with the bylaws heretofore approved.

Revolving Fund	Spending Limit
Conservation Commission - Wetlands Bylaw Consultant Fees	\$25,000.00
Planning Board - Site Plan Review	\$25,000.00
Disposal - Drop Off Center	\$15,000.00
Board of Health - Licensing Fees	\$25,000.00
Council on Aging - COA Van Service	\$85,000.00
Sealer of Weights & Measures	\$5,000.00
Electrical/Wiring Inspection Services	\$65,000.00
Plumbing & Gas Inspection Services	\$60,000.00
Municipal Permitting	\$40,000.00
Recreation	\$20,000.00
Electric Vehicle Charging Stations	\$35,000.00
TOTAL OF ALL REVOLVING FUNDS	\$400,000.00

To do act thereon.

SPONSORED BY: Select Board
 APPROPRIATION: None
 FINCOM RECOMMENDATION: Recommends

Comments (Sponsor): Revolving funds provide the flexibility to deposit funds and pay expenditures across fiscal years. The Town Meeting has previously established the funds listed above with specific allowed purposes and this article authorizes each fund’s annual revolving limit.

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Comments (Finance Committee): This is an annual procedural article to authorize revolving funds in the amounts detailed in the article, so that the Town can collect and disburse money for certain stated purposes.

MOTION MADE: Mr. DiSilva moved that the Town vote to approve Article 3, as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION PASSED UNANIMOUSLY BY SHOW OF HANDS.

ARTICLE: 4 CERTIFIED FREE CASH APPROPRIATION FOR FISCAL YEAR 2023

To see if the town will vote to appropriate from available free cash the following amounts for designated purposes:

Snow & Ice Deficit	\$ 327,000.00
Snow & Ice Deficit AS AMENDED	\$ 300,000.00
Capital Stabilization Fund	\$ 50,000.00 –
Capital Stabilization Fund AS AMENDED	\$ 25,000.00
General Stabilization Fund	\$ 100,000.00
General Stabilization Fund AS AMENDED	\$ 47,000.00
Other Post Employment Benefits Fund	\$ 25,000.00
Personnel Contracts	\$ 65,000.00
Personal Property Software	\$ 25,000.00
Alumni Bleachers Planning/Design	\$ 50,000.00
Public Safety Active Shooter Training	\$ 20,000.00
Election Poll Pads	\$ 12,000.00
Prior Year Bills	\$ 10,375.00
Police Cruiser	\$ 55,000.00
Roads/Sidewalks Repairs	\$ 200,000.00
Roads/Sidewalks Repairs AS AMENDED	\$ 150,000.00
Fire Department Control Vehicle	\$ 60,000.00
Library Stairwell Repairs	\$ 40,000.00
Maynard School District Flooring	\$ 40,000.00
Maynard Schools Teacher Device Refresh	\$ 45,000.00
Maynard School Corey Phone System	\$ 50,000.00
Maynard School District Operations	\$ 87,599.00
Maynard School District Op AS AMENDED	\$ 65,000.00
Special Education Stabilization Fund	\$ 50,000.00
Special Education Stabilization Fund AS AMENDED	\$ 192,599.00
Council on Aging- Towards a Senior Center or any assessment to study the needs of the senior population AS AMENDED	\$ 35,000.00
Public Works Field St. Drainage Project	\$ 50,000.00
Public Works Main St. Stormwater Project	\$ 200,000.00
Public Works Town Hall HVAC	\$ 100,000.00
Public Works Backhoe	\$ 325,000.00
<u>Public Works Leaf Vac Truck</u>	<u>\$ 14,000.00</u>
Total Requested Appropriation	\$ 2,000,974.00

To do or act thereon.

SPONSORED BY:	Select Board
APPROPRIATION:	\$2,000,974.00
FINCOM RECOMMENDATION:	Does not recommend

Comments:

Free Cash is taxpayer money that has not been appropriated for spending. Traditionally, Maynard uses these funds to pay for one-time items or events, like a deficit in the snow and ice budget or capital projects. The capital items listed above are submitted in accordance with the priorities of the Capital Planning Committee (CapCom), with the following descriptions:

Supplemental appropriation to snow and ice operations is necessary annually because of unpredictable weather conditions. Transfers into the town's stabilization funds is advised in preparation for unbudgeted, one-time needs. Transfers into the town's Other Post Employment Benefits (OPEB) fund continues efforts to meet the long-term liability of non-retirement benefits obligations for public employees. At least one new police cruiser is typically purchased annually to meet operational demand for vehicle fleet turnover. This proposed appropriation for a new cruiser is intended to acquire a "hybrid" fuel-efficient model to meet sustainability initiatives. The Police and Fire Departments have secured grants funds for active-shooter training that requires supplemental funds from the awarded municipality. Free Cash is traditionally appropriated to cover the expenses from prior year bills. The Fire Department's current vehicle for command-and-control functions is at its end of useful life and requires replacement. The town's library's stairwell needs repairs from damage by rain and storm impacts. Funds for personnel contract settlements, including unions, are intended for expenses derived from negotiations in fiscal year 2023. Although the funding for construction of new bleachers at Alumni Field is not yet determined, investing in designs and planning is required, and Free Cash is recommended to supplement the requested appropriation from Community Preservation Act (CPA) funds directed for the same purpose. Modern business practices require up-to-date technology infrastructure, and the use of Free Cash for one-time replacement of assets, such personal property assessing services with associated software as well as election-supporting poll pads, allows the use of general funds for other operations. Funding for roadway and sidewalk repairs is meant to supplement formulaic state allocations which are not sufficient to meet maintenance and improvement demands of the public right-of-ways. The equipment and vehicle fleet of the town's public works department is heavily used and requires replacement, especially for assets at or beyond useful life that are in irreparable condition. The increase of uncontrolled stormwater runoff is causing significant degradation to the areas of Field Street. Funding is required to supplement already allocated state-budget support for stormwater mitigation on Main Street. Town Hall's current HVAC system is undersized and inadequate for providing cooling at appropriate levels resulting in high humidity causing internal issues with day-to-day operations. The buildings of the Maynard Public Schools' requires regular capital investments, as identified by the school district's facilities staff, and recommended by the CapCom. The School Department's previously unspent Special Education Circuit Breaker funds may be transferred to the existing Special Education Stabilization Fund, as well as to support the operations of the Department at the discretion of the School Committee and Superintendent's Office.

Comments: (Finance Committee) At Town Meeting

MOTION MADE: Mr. DiSilva moved that the Town vote to approve Article 4 as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

AMENDMENT: Natasha Rivera, 9 Turner Road, moved to **delete** the words Snow & Ice Deficit \$327,000.00; Capital Stabilization Fund \$50,000.00; General Stabilization \$100,000.00; Roads Sidewalks Repairs \$200,000.00; Maynard School District Operations \$87,599.00; Special Education Stabilization \$50,000.00. And **adding** the following after “for designated purposes: after line 2: Snow & Ice Deficit \$300,000.00; General Stabilization Fund \$47,000.00; Capital Stabilization Fund \$25,000.00; Roads Sidewalks Repairs \$150,000.00; Maynard School District Operations \$65,000.00; Special Education Stabilization \$192,599.00; Council on Aging – Costs towards a Senior Center or any assessment to study to the needs of senior population \$35,000.

Motion received a SECOND.

MOTION PASSED (Amended) YES: 156 / NO: 54

Moderator announced Yes: 210 / No: 54, which was in error. This was non-consequential.

Natasha Rivera, 9 Turner Road, moved to amend the main motion, and explained her deletions and insertions. Ms. Rivera spoke about the special education circuit breaker monies and the need to be given back to the school department. This would allow the schools to use the money as intended, as well as investing in the senior population.

Moderator Downey allowed discussion on Articles 6 and 7 (prior to moving these Articles), as these articles may impact Article 4.

Ms. Rivera added many of these were recommendations were presented by the Town Administrator to the Superintendent’s Office on February 17th as viable solutions. The School Committee and Superintendent’s Office were in favor of these, but the Select Board was not in favor.

Moderator Downey asked the Finance Committee for input.

Alannah Gustafson, Chair of the Finance Committee, stated that the committee has not had an opportunity to meet as a whole regarding this amendment, thus has no recommendation at this time.

Mr. DiSilva reported that, as is the case with the Finance Committee, the Select Board has not had the opportunity to discuss this. However, the Select Board stands by its approval of Article 4 without this amendment.

Cavan Stone, 17 Rice Rd, explained the school special education funding as it pertains to the pandemic funding. Because of the Covid funding, the circuit breaker money ended up being rolled into the free cash. He feels it is appropriate to return the money back to the schools.

Natasha added that although Finance Committee cannot provide a recommendation, they did not recommend the free cash allocation specifically because of the schools.

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Justine St. John, 2 Barilone Circle, spoke on the reductions of the free cash appropriations and how that will impact the town.

Lindy Ghere, 28 McKinley St., drew attention to the Maynard Public Schools presentation. She spoke on historic shortfalls for the schools. She recommended to look long term, and is in favor of this Article.

Ms. Rivera replied to the Snow and Ice appropriation of free cash. She mentioned a reserve fund that is available that is currently funded. This would be a funding source to supplement the free cash appropriation that this amended motion would appropriate.

Mr. Stone agrees with the use of the reserve funds. He added that other towns that had circuit breaker money that was not used, have returned those funds to the school department.

Ken Estabrook, 28 McKinley St., spoke on budgetary issues that the Finance Committee took into consideration before recommending spending areas. He recommends passing the amendment.

The Moderator called for a vote on the amendment only, which does not require a secret ballot. By majority vote, the amendment passed.

Marie Gunnerson, 119 Parker St., asked for clarification on the snow and ice removal, speaking on the lack of snow in this past winter.

Justin Demarco, Director of Public Works, answered that a significant amount of this money is for de-icing situations, as black ice is a public safety issue.

Louann Cutaia, 1 Wilson Circle, wanted to clarify that question, which was what was the budgeted amount for snow and ice, as she recalls that it is always a low-ball number.

Greg Johnson, Town Administrator, explained that the budget has been consistent at \$117,000 for the last five years.

Sally Bubier, 33 Butler Ave., asked if Mr. Johnson could disclose how much money is in the Capital Stabilization Fund and the General Stabilization Fund now.

Greg Johnson, Town Administrator, General Stabilization is \$1,747,706.08 and the Capital Fund Stabilization is \$372,482.05.

ARTICLE: 5 FISCAL YEAR 2024 SALARY ADMINISTRATION PLAN

To see if the Town, under the authority of G. L. c.41 sec. 108A, will vote to amend the Maynard Salary Administration Plan Salary Table:

Appendix B: Salary Table

	<i>Minimum</i>	<i>Maximum</i>
Full-Time Employees	\$20.00	\$ 45.00
Part-Time Employees <i>(no less than MA minimum wage)</i>	\$15.00	\$ 40.00
Part-Time Specialized <i>(i.e. certified/licensed)</i>	\$20.00	\$ 50.00
Veterans' Agent	Annually	\$10,489.31
Inspector of Animals	Annual Stipend	\$ 105.00
Registrar of Voters	Annual Stipend	\$ 105.00
Clerk, Registrar of Voters	Annual Stipend	\$ 515.00
Moderator	Annual Stipend	\$ 75.00

To do or act thereon.

SPONSORED BY: Select Board
 APPROPRIATION: None
 FINCOM RECOMMENDATION: Recommends

Comments (Sponsor): Part-time Employee minimum wage has been increased from \$14.25 per hour to \$15.00 per hour, staying current with Massachusetts Minimum Wage, and the Veterans' Agent salary has increased from \$10,283.64 to \$10,489.31 [2%].

Comments (Finance Committee): This is an annual procedural article to make adjustments to the salary table and other terms in the Town's salary Administration Plan. These salaries apply to those employees not covered by collective bargaining agreements. (See Sponsor Comments)

Comments (Finance Committee): This is an annual procedural article to make adjustments to the salary table and other terms in the Town's Salary Administration Plan. The changes over last year's plan are an increase of Part-Time Employees Minimum from \$13.50 to \$14.25, and a 2% increase (approx. \$200) to the Veteran's Agent.

MOTION MADE: Mr. DiSilva moved that the Town vote to approve Article 5 as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION PASSED YES: 208 / NO: 3

Moderator announced Yes: 418 / No: 4, which was in error. This was non-consequential.

Ed Mullin, 5 Nancy Circle, spoke about the speaker system being terrible in the auditorium.

Dick Downey, Moderator, asked WAVM personnel to help with the speaker issue.

Mr. Downey also reminded people to use the correct ballot when voting.

ARTICLE: 6 TOWN GENERAL FUND BUDGET FISCAL YEAR 2024

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide to meet the salaries and wages of Town Officers and employees, expense, and outlays of the Town Departments, and other sundry and miscellaneous, but regular, expenditures necessary for the Town for Fiscal Year 2024 (July 1, 2023 – June 30, 2024) and further, to accept and expend Federal and State Funds to offset certain salaries or expenses or outlays.

General Government	\$ 3,613,181
Public Safety	\$ 5,286,095
Public Works	\$2,579,839
Cultural & Recreation	\$ 642,348
Education - Maynard	\$ 22,229,735
Education - Assabet	\$ 1,269,349
Employee Benefits	\$ 9,735,900
Debt Service	\$ 2,678,889
Reserve Fund	\$ 250,000
Peg Access	\$ 346,434
Total General Fund Expenses	\$ 48,631,769

To do or act thereon.

SPONSORED BY: Select Board
APPROPRIATION: \$ 48,631,769.00
FINCOM RECOMMENDATION: At Town Meeting

Comments (Sponsor): See Attachment Appendix “A” – the appendix information is only a guide and is non-binding except to the single raise and appropriation vote of \$48,631,769.00. The categories noted above are for explanation purposes.

Comments (Finance Committee): At Town Meeting

MOTION MADE: Mr. DiSilva moved that the Town vote to approve Article 6, as printed in the Warrant, except the words “to do or act thereon”.

MOTION PASSED YES: 179 / NO: 40

**ARTICLE: 7 AMEND PUBLIC EDUCATION BUDGET FISCAL YEAR
2024**

A motion was made to raise and appropriate, or transfer from General Stabilization or other available funds in the treasury, an additional combined sum of \$515,843 to fund the level service operating expenses of the Maynard School Department for the Fiscal Year 2024

To do or act thereon.

SPONSORED BY: School Committee
APPROPRIATION: \$515,843
FINCOM RECOMMENDATION: does NOT recommend

Comments: (Sponsor) – The School Committee seeks an additional sum of \$515,843 above the proposed FY24 Maynard Education budget allocation of \$22,229,735.00 to sufficiently fund what is required to provide level services for Maynard students in the upcoming school year.

MOTION MADE: Natasha Rivera moved to raise and appropriate, or transfer from General Stabilization or other available funds in the treasury, an additional combined sum of \$515,843 to fund the level service operating expenses of the Maynard School Department for the Fiscal Year 2024.

MOTION WAS SECONDED.

MOTION FAILED: YES: 92 / NO: 89 (DID NOT MEET 2/3 REQUIREMENT)

Comments: (Finance Committee) Not recommended. Alannah Gustafson, Chair of the Finance Committee, clarified that the motion was slightly different that was voted on by the Finance Committee.

Natasha Rivera, Chair of the School Committee, asked if the Superintendent, Brian Haas, can join them for their presentation. The Moderator allowed this. They were joined by Mary Brannelly from the School Committee.

The Moderator asked for an update from Greg Johnson, Town Administrator, after Article 4 has passed and the impact this has on these related articles.

Mr. Johnson explained that the Free Cash article proposed amended, does provide the School Department with an additional \$65,000 towards their operating budget. He explained the total of all proposals for the School Department. He explained that if the budget is passed, along with an additional \$515,000 for the School Department, the budget will be “unbalanced” going into FY24 because the budget is created based on projections of revenue. Article 6 presents the revenue as it stands, therefore presents a balanced budget. In order to add \$515,000. funding would need to be found in order to balance the budget. He explained an unbalanced budget.

Peggy Brown, 4 Grant St., asked about mixing two articles in one vote. She asked if we had the availability to split these two articles and vote separately.

The Moderator answered that these votes will be done separately.

Glenn Koenig, 10 Charles St., summarized what was said, which was for every dollar we vote “yes” on for Article 7, we will need to deduct from Article 6.

The Moderator answered that might not be precisely correct, but, in essence, it is correct.

Ms. Rivera made a clarification. The impact of this Article was looked into by the School Department and spoke on the variables that are still up in the air. She added that the state funding has not been determined as of yet.

Chris DiSilva, answered Mr. Koenig’s original question. He answered that this is correct and the money has to either be taken from somewhere else or raised with an override.

Alannah Gustafson, Chair of the Finance Committee, clarified further that the Article 7 funds can also be taken from Stabilization Funds. She spoke about retaining a balanced budget.

Cavan Stone, 17 Rice Rd., explained the reason for the shortfall in the school budget. He stated that, as a town, the revenues are growing slower than the costs for the town. If this trend continues, there may be very painful service cuts or an override. We may be able to delay this, but we are headed to this decision.

Lindsay McConchie, 52 Summer St., asked about the Special Education Stabilization Fund. She asked if the allocation approved in Article 4 has any implications for this number in Article 7.

Ms. Rivera explained that the school budget had assumed the inclusion of the assumption of the circuit breaker money being in the Special Education Stabilization Fund, in addition to level service funding. Then the school committee determined that the funding would be placed in free cash and not automatically in the Special Education Stabilization Fund.

Bob McCarthy, 28 Tobin Dr., he spoke about trending and data analysis. He asked for what was trending for state aid in the past few years. He mentioned communities around Maynard getting significantly more funding than Maynard receives. He would like to look at revenue sources other than property taxes. He also asked if this Article 7 is passed, what impact will that have on employee benefits.

Ms. Rivera replied that the state aid has not been at the level desired for our district. She explained the qualifications met by surrounding towns and not met in Maynard. There are already conversations being held regarding revisiting of employee benefits.

Greg Johnson, Town Administrator, spoke on the benefits issue, set at approximately \$20,000 in benefits attributed to each full time employee.

Meghan Kwartler, 6 Kristen Lane, asked about revenue sources other than school sources. She asked who was responsible for increasing revenue in the town.

Greg Johnson replied that revenue sources come from many sources. The largest revenue source is property taxes. Projections show that the new growth has stabilized, and new growth is another source of revenue.

Louann Cutaia, 1 Wilson Circle, was looking for clarity regarding Articles 6 and 7. She was looking for a timeline on when decisions have to be made regarding potential budgetary issues.

Lisa Mead, Town Counsel, spoke on the repercussions of having an unbalanced budget. The Town Administration would have to decide how to spend after July 1st. Department of Revenue would expect you to spend what you think you have and not what the budget says. They do not allow 1/12th of the budget any longer. You can spend as if your budget is cut and not fully funded.

Mr. DiSilva replied that this does not have to be resolved tonight or a definite override. If we are not able to manipulate the budget through cuts, then an override is a possibility. None of the department heads received their entire budget requests for their departments. He explained the process that will happen after this meeting.

Justine St. John, 2 Barilone Circle, noted that this is part of a year long story. Many debates, number crunching, etc. The overall budget for town government only increased \$208,000 this year, other than schools, and other than employee benefits. If the town has to be cut, it will be serious and it will hurt. Possibly override and new school in the fall will also increase taxes for residents. If you vote "yes" for Article 7, it artificially inflates the school's budget. We cannot sustain this next year. She asked the School Committee what services were cut by not receiving level funding for FY21, FY22, FY23. She added that at last June's Annual Town Meeting, the residents were advised that the schools did not have the funding to hire an athletic director, yet one was hired.

Ms. Rivera answered that they ended up sending more students out of the district. We have less capacity for the students in the district. The athletic director was an additional \$16,000, as that person was already a staff member in the district. It is also worth noting that Covid funding is expiring next year and there are some staff members that have moved into some of these positions to help out. She explained the cuts to the budget in FY21.

Glenn Koenig, 10 Charles St., asked about what the number of students in the district is and what the per pupil cost is.

Ms. Rivera did not have exact numbers. There is in-district enrollment and total pupil enrollment. That is 1375. We are seeing an increase in the students, but this is a promising look. We have an opportunity to bring children back to the district with proper funding of staff development. Per pupil costs have many aspects to them.

Alannah Gustafson, Finance Committee, answered the question. The last couple years the Finance Committee has tried to find a per pupil cost, including benefits, what DPW spends, etc. The last one we calculated was for FY22 and it was 28,834.00 per student.

Ms. Rivera interjected that this is not a DESE number, it is a Finance Committee number that has been calculated by them.

Maro Hogan, 50 Thompson St., addressed the question by Ms. Kwartler's question regarding revenue sources other than the schools. There are so many empty places, in addition to the Mill, that someone needs to try and fill. She is asking how this can be accomplished.

Mr. Jeffrey Swanberg, Chair of the Select Board, explained the initiatives that are underway and explained the Economic Development Committee as well as the Planning Board, who are looking for new growth. He will be accumulating 4-5 projects that he would like to see movement on, in conjunction with the Economic Development Committee and Planning Board.

Margaret Sullivan, 44 Parker St., reiterated that the schools are starting at the deficit already, due to Covid money running out. With this shortfall, more students will lose their specials classes.

Michael Boyle, 9 Glenn Dr., addressed the statement by Ms. St. John saying that this is Article 7 money would be a temporary fix. He asked if that means there would be a similar situation next year regarding the same thing.

Ms. Rivera answered that there was a trend noted that the funding to the school department was trending low. We have noted that this is not sufficient. In the event that this does pass, we would have conversations about this. The funding can change year to year as well.

Mr. Swanberg added that the tri-board (School Committee-Finance Committee-Select Board) was designed to start as soon as possible to jump on the budget for the next fiscal year, and to avoid these issues in the future.

Ken Estabrook, 28 McKinley St., addressed Ms. Kwartler's question about whose responsibility it is to seek out new growth in the town. He answered that it is the responsibility of the entire town to increase growth. We do that through zoning bylaws. Also, by supporting development projects when they come in. Years ago, 129 Parker St., was proposed and residents did not want the development that is there. He spoke on the recommendations of the Finance Committee.

Edward Mullin, 5 Nancy Circle, remarked at how the low-budget presented for the School Department is unacceptable. Schools drive the community. He recommends approval of Article 7.

Peter Campbell, 15 Assabet St., serves on the Finance Committee. He explained the increase to the budget and the amount the school department receives. He stated that we simply do not have the funding for Article 7. He feels it would be irresponsible to have this deficit in the budget at this time.

Cavan Stone, 17 Rice Rd., detailed the non-competitive trash collection system, adding that an upgraded system could be cost prohibitive, rather than the trash sticker system.

Bob McCarthy, 28 Tobin Dr., he spoke on the Town Administrator and Select Board that work hard to move this town forward. I am in favor of the schools getting what they need when we can afford it. Let's plan for the future and not be in this position next town meeting.

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Meghan Kwartler, 6 Kristen Lane, spoke on enrollment. Enrollment has to do with bringing children into the district. She spoke on a literacy crisis. When you do not fund, you also inhibit future enrollment. She also commented on future revenue.

Hilary Griffiths, 14 Maybury Rd., spoke on the town as a whole facing this \$500,000 deficit. Does the school have to take all the cuts to the \$500,000? The schools are going to ask for more money for a school in the fall. This is irrelevant to this Article.

Kimberley Connors, 4 Deer Path, mentioned the valuation of her unit and tax increases. She spoke about retirement being delayed to enable her to pay her tax bills. She wants the school to get their money, but residents need to be able to continue to live here as well.

Cavan Stone made a point of order on the vote of Article 7 being a 2/3 vote instead of a majority vote.

The Moderator answered that any withdrawal from the Stabilization Fund requires a 2/3 vote, by State law.

Ms. Rivera spoke on the discussion tonight and asked for the residents' support for the school level-funding request.

Mr. Swanberg spoke about the funding being at a higher level in Maynard that is unsustainable. He spoke of the potential new school debt exclusion planned for the fall, which will also increase taxes on the residents. He added that it was not disclosed tonight, but the budget has been already cut in many other areas prior to presentation this evening.

A resident had a point of order questioning the 2/3 vote due to stabilization funding. She added that the article mentions other sources of revenue also.

Ms. Rivera asked for clarification that some voters had used ballot #4 in error.

The Moderator explained that when it comes to that number, he will be skipping to ballot #5.

**ARTICLE: 8 TRANSFER AMBULANCE RECEIPTS RESERVED FOR LEASE
APPROPRIATION**

To see if the town will vote to transfer the sum of \$194,555.26 from Fund 3017 Ambulance Receipts Reserved for Appropriation to pay for both the third year of the five-year lease appropriated at the June 2020 Town Meeting for the purchase of an ambulance, and the second year of the seven-year lease appropriated at the May 2022 Town Meeting for the purchase of a E-One Typhoon Pumper with Emax pump.

To do or act thereon.

SPONSORED BY: SELECT BOARD
APPROPRIATION: \$194,555.26
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) This is the third payment in a five-year plan to lease purchase an Ambulance to purchase a new ambulance to allow the fire department to move the existing 2013 ambulance to reserve status. Ambulances are the busiest vehicles in most fire department fleets and are typically replaced about every six-year's or even less based on the condition of the vehicle. This is also the second payment in a seven-year plan to lease purchase a fire truck, with the first payment approved at last year's Annual Town Meeting.

Comments: (Finance Committee) This article will move money from ambulance receipts to be used for leasing of required equipment for fire department service.

MOTION MADE: Mr. Swanberg moved that the Town vote to approve Article 8 as printed in the Warrant, except the words "to do or act thereon".

MOTION PASSED UNANIMOUSLY BY A SHOW OF HANDS

ARTICLE: 9 AMEND TOWN CHARTER ARTICLE 1: INCORPORATION; SHORT TITLE; POWERS

To see if the Town will adopt the changes to Article 1, “Incorporation; Short Title; Powers”, of the Town of Maynard Charter which said changes incorporates the phrase “of the Commonwealth”, to clarify the source of the law establishing the incorporation of the town of Maynard, as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY: Charter Review Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (William Cranshaw)

This article makes a minor change to Article 1 of the Charter with the inclusion of the phrase “of the Commonwealth”, to clarify the source of the law establishing the incorporation of the town of Maynard. A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>. The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee> .

Comments: (Finance Committee) This article makes a minor change to Article 1 of the Charter with the inclusion of the phrase “of the Commonwealth”, to clarify the source of the law establishing the incorporation of the town of Maynard.

MOTION MADE: Mr. William Kohlman moved that the Town vote to approve Article 9 as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION PASSED WITH A 2/3 VOTE.

ARTICLE: 10 AMEND TOWN CHARTER ARTICLE 2: LEGISLATIVE BRANCH

To see if the Town will adopt the changes to Article 2, “Legislative Branch”, of the Town of Maynard Charter which rearranged the order of the sections and subsections of Article 2, and further delineates the power and duties of the Finance Committee. The requirement for a Finance Committee member to resign prior to running for elected office or requesting appointment to another town position has been removed. The requirement for giving notice of a town initiated Special Town Meeting in a local newspaper has been replaced with an announcement through the town’s official notification systems(s) and on the official town website. Similar notification requirement has been added to citizen initiated Special Town Meetings.

The section “Initiation of Warrant Articles” has been reformatted for clarity and now includes a review of citizen’s petitions by town counsel and if deemed illegal shall be disqualified by the Select Board, and clarifies that it is the administrative personnel in the office of the select board who registers proposed warrant articles and distributes them as stated in the Charter.

Also there is a change so that it is solely the Town Moderator who can dismiss or excuse town officials from Town Meetings and that the list of excused officials shall be included in the minutes of the meeting. All as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY: Charter Review Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (William Cranshaw)

The article rearranges and reformats some of the sections and subsections of Article 2 of the Charter to emphasize some sections and to clarify sections like the Initiation of Warrant Articles. That section now also includes a review citizen’s petitions by town counsel and if deemed illegal shall be disqualified by the Select Board. The changes further delineate the power and duties of the Finance Committee and removes the requirement that a finance committee member resigns before running for an elected office or another appointed position in town. Upon being elected or appointed, then the individual would then need to resign from the Finance Committee. The Charter Review Committee had observed that over the years, Finance Committee members who did resign for this reason did not ask for reappointment if they were unsuccessful in being elected or appointed to the other position. In the case of the elected position, this would occur in the months before Annual Town Meeting and would deprive the Finance Committee of a knowledgeable member in the review of the town budget and other warrant articles. As to who can dismiss or excuse town officials from Town Meeting, the Charter Review Committee was concerned about the separation of powers between the elected boards. Since Town Meeting is the Legislative Branch of town government and the Town Moderator is its head, the Town Moderator should be the sole person to be able to dismiss or excuse a town official from a Town Meeting.

TOWN OF MAYNARD
Annual Town Meeting
May 15, 2023

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>

The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee> .

Comments: (Finance Committee) The article rearranges and reformats some of the sections and subsections of Article 2 for clarity, but doesn't make significant changes. One change is that Finance Committee members could run for other town offices without resigning from the Finance Committee. Finance Committee members would have to resign from Finance Committee upon election or appointment to another town position.

MOTION MADE: Mr. William Kohlman moved that the Town vote to approve Article 10 as printed in the Warrant, except the words "to do or act thereon".

MOTION PASSED WITH A 2/3 VOTE.

ARTICLE: 11 AMEND TOWN CHARTER ARTICLE 3: ELECTED OFFICIALS

To see if the Town will adopt the changes to Article 3, “Elected Officials”, of the Town of Maynard Charter which adds an exception to the start of an elected term of office of filling vacancies of elected officials to begin as soon as the election results are known and the individual has been sworn in, this being applicable to positions on multiple member boards and the regional vocational school representative.

A new section “Notice of Resignation of Office” details the process of notifications when resigning.

Under “Licensing Authority”, adds “all applicable laws”, to limit the scope to all relevant laws, rules, and regulations for which the select board issues licenses.

Changes “Housing Authority a) Composition, Term of Office” to reflect changes in state law; changes “Library Trustees b) Powers and Duties” to accurately reflect the power and duties of Library Trustees; in “Regional Vocational School Representative b) Powers and Duties” adds a requirement, “Upon request, the regional vocational school representative shall appear before and report to the select board, the school committee, and/or the finance committee.” All as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY: Charter Review Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments:

This article makes changes to Article 3 of the Charter. The first change is to add a new section “Notice of Resignation of Office”. It instructs the resigning official to notify the Town Clerk of their resignation and indicate if the resignation is immediate or effective on a future date. Note that the process of filling the vacancy cannot begin until the position is actually vacant. This change follows the requirement of Massachusetts General Laws Chapter 41 section 109 concerning resignations of town officers.

The committee has also clarified the start of an elected term in the “Commencement of Office” section, the committee has added after, “... offices shall begin on the first day of July” the text, “with the exception of filling vacancies of elected officials as specified in section 3-1h”. In that section, the committee has replaced the existing text with new text that refers to Massachusetts General Laws Chapter 41 sections 10 and 11 which governs vacancies on multiple member boards. We have also added the text, “In the case of an election to fill the unexpired term of office, the individual is qualified as soon as the election results are known and can take office immediately following the required swearing in.”

In Select Board – “Power and Duties”, the committee reformatted the listing of Powers and Duties into a numerical list for the sake a clarity and includes the addition of the town by-laws as a provision to be considered for Select Board appointments.

In Housing Authority – “Composition, Term of Office”, recent changes in state law now requires a tenant member appointed by the select board. This section was changed to reflect that.

In Library Trustees – “Powers and Duties”, the committee found that this section was dated and inaccurate. With input from the library trustees, we updated the section to accurately reflect the powers and duties of the library trustees.

In Regional Vocational School Representative – “Powers and Duties”, the committee added the sentence, “Upon request, the regional vocational school representative shall appear before and report to the select board, the school committee, and/or the finance committee.” This duty was not in the Charter and the committee believes it should be, to ensure clear communications between town government as a whole and the regional vocational school.

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>

The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee> .

Comments: (Finance Committee) The article does not make significant changes to town government. The article makes changes around resignations, filling of vacancies, and clarity of language. The sponsor comments outline specific changes.

MOTION MADE: Mr. William Kohlman moved that the Town vote to approve Article 11 as printed in the Warrant, except the words “to do or act thereon”.

MOTION PASSED WITH A 2/3 VOTE.

ARTICLE: 12 AMEND TOWN CHARTER ARTICLE 4: TOWN ADMINISTRATOR

To see if the Town will adopt the changes to Article 4, “Town Administrator”, of the Town of Maynard Charter which includes the addition of “town by-laws” to the subjected provisions governing Town Administrator appointments and listing those proposed appointments on the official town website, rather than the town bulletin board; adding a requirement for financial reporting by town by-law.

The length of term for a renewal of a temporary appointment of an acting Town Administrator is changed from three months to six months; and adds the capability of an acting Town Administrator to make permanent appointments only if they are approved by the Select Board. All as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY: Charter Review Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments:

The changes to Article 4 of the Charter includes the addition of the town by-laws as a provision to be considered for Town Administrator appointments, and that the proposed appointments be published on the official town website to allow greater access to the information, a requirement for quarterly financial reporting which has already been adopted in the town by-laws.

For the case of an acting Town Administrator, there are two changes. The first is to change the length of renewal for a temporary appointment from 3 months to 6 months. This would be after an initial 6-month appointment.

Currently the Charter states that an acting Town Administrator can only make temporary or emergency appoints and cannot make permanent appointments. The committee understands the reasons for this but also recognizes the need to finalize hiring of qualified individuals in a timely manner. To address these concerns, we have added to the end of the text “but not to make permanent appointments or designations”, the additional text, “, unless approved by the select board”.

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>. The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee> .

Comments: (Finance Committee) The article updates provisions of the charter covering town appointments, public notice of the vacancies, and requires financial reporting by the town.

MOTION MADE: Mr. William Kohlman moved that the Town vote to approve Article 12 as printed in the Warrant, except the words “to do or act thereon”.

MOTION PASSED WITH A 2/3 VOTE.

ARTICLE: 13 AMEND TOWN CHARTER ARTICLE 5: ADMINISTRATIVE ORGANIZATION

To see if the Town will adopt changes to Article 5, “Administrative Organization” of the Town of Maynard Charter which inserts the section “Removals and Suspensions” from Article 7 of the Charter and clarifies who is responsible for the removal or suspension of an appointed individual based on the appointing authority and further clarifies that a suspension of an individual is to protect the interests of the town against negligence or willful harm.

The number of members for appointed boards and committees has been removed, being enumerated in the town by-laws, and an Affordable Housing Trust Board and a Sustainability Committee have been added to the appointments of the Select Board, while Industrial Development and Finance Authority, Public Works Advisory Committee, Cable Television Committee, Right-To-Know Coordinator, and Representative to the Metropolitan Area Planning Council have been removed. The position of Town Planner has been expanded to include the option of a Planning Director. A Tree Committee has been added to the appointments of the Town Administrator while a Sealer of Weights and Measures, and one or more Assistant Sealers of Weights and Measures, and a Hazardous Waste Committee have been removed. The Dog Officer has been changed to Animal Control Officer. These lists were coordinated with the organizational chart as well. The position descriptions for Conservation Agent, Chief Assessor, Board of Health Director/Public Health Officer/Health Officer, Council on Aging Director, and Planning Director or Town Planner have been removed. The method for filling these positions have been simplified to one of the previous options in which the Town Administrator selects the individual to fill the position and the board/commission/council appoints the individual. All as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY: Charter Review Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments:

The first major change to Article 5 of the Charter is to move the section on “Removals and Suspensions” from Article 7 and to place it in Article 5. The Charter Review Committee believes it is more appropriate in the Article on “Administrative Organization” instead of “General Provisions”. This section was rewritten to clarify who is the responsible individual(s) for the removal and/or suspension of an employee, or an individual appointed to a position or as a member of a multiple member board.

Under “Organization of Town Government”, the committee has updated the listing of appointed positions and boards to remove those that are no longer needed or that are done differently, added new boards, and updated the names of others. The committee has also removed the required number of members for appointed multiple member boards from the Charter. This information is currently repeated in the town by-laws and will allow for a change in the membership of a board through a Town Meeting vote rather than the drawn-out process of a Charter change.

The committee has standardized the appointment process for the positions of Public Health Director, Chief Assessor, Conservation Agent, Council of Aging Director, and Town Planner to one of the two current possible processes currently in the Charter. Given that these individuals work under the day-to-day direction of the town administration, the committee believes that the town administrator should be the one to select the individual to be recommend to the appointing board for their appointment of the individual. The town administrator is knowledgeable of the hiring process and being a full-time employee can devote more effort to the selection process than a board of volunteers.

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209> The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee> .

Comments: (Finance Committee) The article moves provisions around Removals and Suspensions between articles of the town charter, updates the list of town committees, and makes small changes to the appointments of some town officials.

MOTION MADE: Mr. William Kohlman moved that the Town vote to approve Article 13 as printed in the Warrant, except the words “to do or act thereon”.

MOTION PASSED WITH A 2/3 VOTE.

ARTICLE: 14 AMEND TOWN CHARTER ARTICLE 6: FINANCE AND FISCAL PROCEDURES

To see if the Town will adopt changes to Article 6, “Finance and Fiscal Procedures”, of the Town of Maynard Charter, which clarifies that the Town Administrator shall develop an overall long term financial projection of the town, and the relocation of an ending sentence of one section to the beginning of the following section as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY: Charter Review Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments:

The article makes a minor change to Article 6 of the Charter to clarify that the Town Administrator shall develop an overall “long term” financial projection of the town. The Charter Review Committee wanted to clarify that the financial projection was not just for next year or the year after but looked at a much longer term, which could be defined by town by-law in the future. The other change reorganizes sentence order. The Committee believes that in a previous revision of the Charter, the section header was placed after that sentence when it should have been before it.

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>. The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee> .

Comments: (Finance Committee) The article makes a minor change to Article 6 of the Charter to clarify that the Town Administrator shall develop an overall “long term” financial projection of the town.

MOTION MADE: Mr. William Kohlman moved that the Town vote to approve Article 14 as printed in the Warrant, except the words “to do or act thereon”.

MOTION PASSED WITH A 2/3 VOTE.

**ARTICLE: 15 AMEND TOWN CHARTER ARTICLE 7: GENERAL PROVISIONS
AND DEFINITIONS**

To see if the Town will adopt changes to Article 7, “General Provisions”, of the Town of Maynard Charter, which changes the title to “General Provisions and Definitions”, and reintroduces the previously eliminated section, “Continuation of Existing Laws”.

Additional changes will simplify preexisting wording for gender neutrality within the Charter, update relevant definitions, and revise section “Rules and Regulations” to streamline the implementation process when regulations are approved or revised by town committees and boards.

The start of the periodic review process for the Charter, and options for a by-law review after the adoption of a new Charter, are clarified. Section “Removals and Suspensions” is moved to Article 5 of the Charter, under “Procedures Governing”.

Since multiple member bodies must comply with any changes to Open Meeting Laws, subsection “Voting” is deleted. The title of section “Notice of Vacancies” is changed to “Publication of Vacancies”, and removes the requirement they be published annually in a local paper.

Terminology within sections “Loss of Office, Excessive Absence”, “Terms of Office” is corrected, along with references to Massachusetts General Law. All as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY: Charter Review Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments:

The article adds a section, “Continuation of Existing Laws”, to Article 7 of the Charter, which existed in the original Charter but was subsequently removed in a past review. On advice of Town Counsel, the committee returned it to the Charter. The committee also simplified an awkwardly worded sentence specifying gender neutrality within the Charter. Adding, “.and Definitions” to the title of the article draws attention to where definitions are found within the Charter Relevant definitions are also updated. The committee revised the “Rules and Regulations” section to streamline the implementation of new or revised rules and regulations approved by town committees and boards, leveraging the use of technology to post the changes on the official town and/ or organization’s website.

The “Periodic Review” section more narrowly defines the timing for the formation of a Charter Review Committee to occur during the first five months of a year ending in a “1”. The committee has also amended the process forming the committee to review the by-laws after any new Charter is adopted. Currently the process is to form a new committee. Since we now have a standing By-law Committee, the process would be to add members to that committee.

“Removals and Suspensions” section has been moved to Article 5.

“Procedures Governing Multiple Member Bodies” section- updated to comply with changes in Open Meeting Laws and some terminology. Subsection c “Voting” has been deleted since

changes in Open Meeting Laws, along with possible changes to in-person, remote, and/ or hybrid meetings, make it unreasonable to retained within the Charter. Open Meeting Law must be followed, so it makes more sense not to have it in the Charter.

“Notice of Vacancies” section- Retitled “Publication of Vacancies” to clarify the intent of the section. The committee has removed the requirement for the list of vacancies on committees or positions of employment (paid or unpaid), to be published in a local paper circulation in January of each year. A list is maintained by the town clerk and is updated quarterly.

Sections “Loss of Office, Excessive Absence” and “Terms of Office” contained incorrect Massachusetts General Law references, which we corrected along with adding the text, “pertaining to open meeting law executive session” after each of the reference to clarify.

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at

<https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>. The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at

<https://www.townofmaynard-ma.gov/272/Charter-Review-Committee>

Comments: (Finance Committee) The article makes small changes to the charter for language and clarity, and moves some provisions between articles.

MOTION MADE: Mr. William Kohlman moved that the Town vote to approve Article 15 as printed in the Warrant, except the words “to do or act thereon”.

MOTION PASSED WITH A 2/3 VOTE.

ARTICLE: 16 AMEND TOWN CHARTER INTRODUCTION

To see if the Town will adopt the new “Introduction” to the Town of Maynard Charter which said “Introduction” provides an overview of the purposes of the Charter and the reason for having it for the town, the authority from which the Charter is derived and addresses the Town By-laws, Community Development Principles, and the Maynard Master Plan which are used as a guide in how the Town operates, as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY: Charter Review Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments:

This article includes a new initial paragraph that describes the background and purpose of the Charter. It also revises the dates of previous Charter reviews to include the current review. The section on the Community Development Principles is replaced with a new section addressing Town By-laws, Community Development Principles, and the Maynard Master Plan. The reason for this change is that since the last Charter review in 2013, the Master Plan has been adopted and a permanent By-law Committee has been established.

A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>. The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee>.

Comments: (Finance Committee) This article includes a new initial paragraph that describes the background and purpose of the Charter, and includes reference to the Master Plan.

MOTION MADE: Mr. William Kohlman moved that the Town vote to approve Article 16 as printed in the Warrant, except the words “to do or act thereon”.

MOTION PASSED WITH A 2/3 VOTE.

ARTICLE: 17 AMEND TOWN CHARTER OMNIBUS CHANGES

To see if the Town will adopt the typographical error corrections and grammatical corrections throughout the Town of Maynard Charter, and style changes in referring to the “official town website” and use of the phrase, “by town by-law”, and to keep the text of the Charter gender neutral, as set forth in the Draft Charter dated November 10, 2022, recommended by the Charter Review Committee dated November 9, 2022, and which is on file with the Town Clerk,

To do or act thereon.

SPONSORED BY: Charter Review Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments:

This article is for the purpose of correcting typographical and grammatical errors in the current Charter and to make style changes throughout the Charter for the sake of uniformity. A more detailed explanation of the proposed changes to the Charter can be found on the official town website in the Charter Review Committee report at <https://www.townofmaynard-ma.gov/DocumentCenter/View/1209>. The text of the proposed changes to the Charter can be found on the Charter Review Committee webpage in both a clean (changes accepted) and a marked-up (tracked changes) form at <https://www.townofmaynard-ma.gov/272/Charter-Review-Committee> .

Comments: (Finance Committee) This article is for the purpose of correcting typographical and grammatical errors in the current Charter and to make style changes throughout the Charter for the sake of uniformity.

MOTION MADE: Mr. William Kohlman moved that the Town vote to approve Article 17 as printed in the Warrant, except the words “to do or act thereon”.

MOTION PASSED WITH A 2/3 VOTE.

Bill Cranshaw, member of Charter Review Committee, explained the Articles, the process, and what the Charter means to Maynard.

Mr. Kohlman explained to the audience that the next step in the process of amending the Charter is that these Articles will be voted on in May of 2024.

ARTICLE: 18 WATER ENTERPRISE FUND BUDGET FISCAL YEAR 2024

To see if the town will vote to recommend that the following sums be appropriated to operate the Water Enterprise Fund, in accordance with provisions of M.G.L. c. 44 §53F ½ such sums of money as may be necessary, together with revenue from Water Enterprise Fund operations, to defray the expenses for FY2024 (July 1, 2023 – June 30, 2024).

TOTAL REVENUES	\$ 2,691,023.00
EXPENSES - DIRECT	
Water - Salaries	\$ 399,700.00
Water – Expense	\$ 911,950.00
Water - Capital	\$ 236,450.00
Water – Long Term Debt Principal	\$ 305,000.00
Water – Long Term Debt Interest	<u>\$ 379,476.00</u>
TOTAL EXPENSES - DIRECT	\$ 2,232,576.00
EXPENSES - INDIRECT	
Insurance - Health/Life/ Unemployment	
Retirement	\$ 155,248.00
Shared Employee Costs	<u>\$ 303,199.00</u>
TOTAL EXPENSES - INDIRECT	\$ 458,447.00
TOTAL FY2024 BUDGET	\$ 2,691,023.00

To do or act thereon.

SPONSORED BY: Select Board/DPW
APPROPRIATION: **\$ 2,691,023.00**
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor Select Board / DPW) “The Fiscal year 2024 Water Enterprise Budget is a (8.14%) increase from Fiscal Year 2023. The increase in Fiscal Year 2024 Water Enterprise Fund Budget is a result of rising expenditures due to several factors including economic inflation factors of 8-10%, state and federal unfunded mandates, indirect cost proportionate allocation, and increased need for capital improvements to distribution and treatment. Including debt service for the #4 Water treatment facility upgrades to support the installation of the utilities new Water source, Well “4A”.

Comments: (Finance Committee) Passage of this article would adopt the proposed Water Enterprise Fund Budget for FY24, total \$2,691,023, and appropriate \$2,232,576 for Direct Expenses. While the \$458,447 in Indirect Expenses is appropriated through the Town General Fund Budget, this amount is reimbursed by the Water Enterprise Fund. The FinCom supports this increase in the Water Enterprise Fund Budget of 8.1%, acknowledging the need to spend on water infrastructure. To support new growth, we also must support the growing water capacity demands.

MOTION MADE: Mr. Swanberg moved to approve Article 18 as printed in the warrant, except the last line should be ‘TOTAL FY2024 BUDGET’ and the words “to do or act thereon”

MOTION WAS SECONDED

MOTION PASSED YES: 127 / NO: 10

Louann Cutaia, 1 Wilson Circle, asked for clarification on this Article and Article 20 regarding salaries. She asked about the increase of approximately 7% in salaries.

Justin Demarco, DPW Director, replied that there are no new employees added. However, there are employees that work in other departments that do things such as billing. The Town of Maynard produces and treats its own water. The salary line items isn’t just their 40 hour time, it also includes overtime.

**ARTICLE: 19 WASTE WATER TREATMENT FACILITY OPERATIONS
MANAGEMENT CONTRACT AUTHORIZATION**

To see if the Town will vote to authorize the Board of Selectmen, pursuant to G. L. c. 30B section 12(b) to negotiate and enter into a contract with the most appropriate vendor in respect to operations & management of the Maynard Municipal Wastewater Treatment Facility, through an equitable and fair process, for three (3) or more years but not greater than seven (7) years.

To do or act thereon.

SPONSORED BY: Select Board (Water Commissioners)
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor / DPW) Per the state's procurement laws, contracts with terms longer than three years require Town Meeting approval. It is advantageous to the town to have the option to negotiate a longer contract than three years. Procurement procedures will be followed to negotiate a contract for the operations & management of the Wastewater Treatment Facility with the most advantageous, reputable and responsible company.

Comments: (Finance Committee) This article would allow the Select Board, as Water Commissioners, to negotiate a new contract regarding operations and management for the Maynard Municipal Wastewater Treatment Facility. The option of a longer contract allows the Select Board to potentially negotiate more favorable terms.

MOTION MADE: Mr. Swanberg moved to approve Article 19 as printed in the warrant, except the words "to do or act thereon"

MOTION PASSED YES: 127 / NO: 10

ARTICLE: 20 SEWER ENTERPRISE FUND BUDGET FISCAL YEAR 2024

To see if the town will vote to recommend that the following sums be appropriated to operate the Sewer Enterprise Fund, in accordance with the provisions of M.G.L. c. 44 § 53F ½. Such sums of money as may be necessary, together with revenue from the Sewer Enterprise Fund operations, to defray the expenses for Fiscal Year 2024 (July 1, 2023 – June 30, 2024).

TOTAL REVENUES	\$ 3,668,179.00
EXPENSES - DIRECT	
Sewer - Salaries	\$ 374,900.00
Sewer – Expense	\$ 371,450.00
Sewer - Capital	\$ 375,229.00
Sewer - Long Term Debt Principal	\$ 600,631.00
Sewer - Long Term Debt Interest	\$ 141,857.00
Sewer - Waste Water Treatment Plant Expense	\$ 1,441,207.00
TOTAL EXPENSES - DIRECT	\$ 3,305,274.00
EXPENSES - INDIRECT	
Insurance - Health/Life/Unemployment Retirement	\$ 117,518.00
Shared Employee Costs	\$ 245,387.00
TOTAL EXPENSES - INDIRECT	\$ 362,905.00
TOTAL FY2024 BUDGET	\$ 3,668,179.00

To do or act thereon.

SPONSORED BY: Select Board/DPW
 APPROPRIATION: \$ 3,668,179.00
 FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor Select Board / DPW) “The Fiscal year 2024 Sewer Enterprise Budget is an increase of (4.9%) over Fiscal Year 2023. The increase in Fiscal Year 2024 Sewer Enterprise Fund Budget is a result of economic inflationary drivers of 8-10%.”

Comments: (Finance Committee) Passage of this article would adopt the proposed Sewer Enterprise Fund Budget for FY24, total \$3,668,179, and appropriate \$3,305,274 for Direct Expenses. While the \$362,905 in Indirect Expenses is appropriated through the Town General Fund Budget, this amount is reimbursed by the Sewer Enterprise Fund. FinCom supports this increase in the Sewer Enterprise Fund Budget of 4.9%, as it is still below current inflation.

MOTION MADE: Mr. Swanberg moved to approve Article 20 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED YES: 127 / NO: 10

**ARTICLE: 21 WATER RETAINED EARNINGS TRANSFER FOR WATER
ENTERPRISE RESERVE FISCAL YEAR 2024**

To see if the town will vote to transfer from “Water Retained Earnings” the sum \$500,000.00 for the purpose of establishing a reserve fund within the Fiscal Year 2024 (FY24) Water Enterprise operating budget to provide for unanticipated expenditures.

To do or act thereon.

SPONSORED BY: Select Board (Water Commissioners)
APPROPRIATION: \$500,000.00
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor / DPW) The transfer of Water Retained Earnings for the purpose of establishing a reserve fund within the Water Enterprise budget allows the Select Board, as the town’s water and sewer enterprise commissioners in conjunction with the Department of Public Works (DPW) Director, to efficiently respond to unanticipated failures within the town’s public drinking water utility system. Swift response is required for issues that arise from the aging system. Large amounts of the utility’s infrastructure are well beyond its designed life cycle. Establishing dedicated reserve funds follows financial best practice policies for fiscal responsibility.

Comments: (Finance Committee) This article would use \$500,000 of the \$1,094,933 of Water Retained Earnings to establish a reserve fund for FY24 within the Water Enterprise operating budget for unanticipated expenses. Water Retained Earnings are the surplus funds from the Water Enterprise Fund from FY22. Aging infrastructure and unforeseen circumstances are concerns that potentially require swift action. The creation of a Reserve Fund allows emergency expenses to be paid in a more timely manner as these funds are controlled by the Finance Committee and Selectboard votes.

MOTION MADE: Mr. Swanberg moved to approve Article 21 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED WITH A SHOW OF HANDS

**ARTICLE: 22 SEWER RETAINED EARNINGS TRANSFER FOR SEWER
ENTERPRISE RESERVE FISCAL YEAR 2024**

To see if the town will vote to transfer from “Sewer Retained Earnings” the sum \$200,000.00 for the purpose of establishing a reserve fund within the Fiscal Year 2024 (FY24) Sewer Enterprise operating budget to provide for unanticipated expenditures.

To do or act thereon.

SPONSORED BY: Select Board (Sewer Commissioners)
APPROPRIATION: \$200,000.00
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor / DPW) The transfer of Sewer Retained Earnings for the purpose of establishing a reserve fund within the Sewer Enterprise budget allows the Select Board, as the town’s water and sewer enterprise commissioners in conjunction with the Department of Public Works (DPW) Director to efficiently respond to unanticipated failures within the town’s public sewer (effluent) utility system. Swift response is required for issues that arise from the aging system. Large amounts of the utility’s infrastructure are well beyond its designed life cycle. Establishing dedicated reserve funds follows financial best practice policies for fiscal responsibility.

Comments: (Finance Committee) This article would use \$200,000 of the \$841,013 of Sewer Retained Earnings to establish a reserve fund for FY24 within the Sewer Enterprise operating budget for unanticipated expenses. Sewer Retained Earnings are the surplus funds from the Sewer Enterprise Fund from FY22. Aging infrastructure and unforeseen circumstances are concerns that potentially require swift action. The creation of a Reserve Fund allows emergency expenses to be paid in a more timely manner as these funds are controlled by the Finance Committee and Selectboard votes.

MOTION MADE: Mr. Swanberg moved to approve Article 22 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED WITH A SHOW OF HANDS

**ARTICLE: 23 WATER ENTERPRISE RETAINED EARNINGS TRANSFER FOR
CAPITAL IMPROVEMENTS**

To see if the town will vote to transfer from “Water Retained Earnings” the sum of \$90,000.00. Funds to be used for the purpose of funding Capital Equipment procurement for the Town of Maynard’s Water Department.

To do or act thereon.

SPONSORED BY: Select Board (Water Commissioners)
APPROPRIATION: \$90,000.00
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor / DPW) The transfer of Water Retained Earnings for the purpose of supporting capital equipment procurement of one (1) Ford F350 Truck is a replacement for one of our current 12+ year old Department of Public Works front line water utility service vehicles, replacement is vital due to reliability issues. This equipment is vital to the operation and repair of our water treatment and distribution utility. The upgrade of this equipment will provide safe and efficient means of response and capability of public drinking water utility operations. The cost of procurement is directly related to the water enterprise retained earnings, which will avoid debt/borrowing and long-term interest payments. Procurement will not influence the water and sewer rates.

Comments: (Finance Committee) This article would transfer \$90,000 of Water Retained earnings for the DPW to use for Capital Equipment procurement. These funds would allow for the purchase of a water utility vehicle, allowing the Department of Public Waster to properly service the Town’s water operations and repairs. Maintaining an aging fleet of vehicles can add additional costs to the Town through vehicle maintenance repairs. FinCom supports this transfer to strengthen the DPW’s fleet, as rates will not be affected. This project went through the Capital Planning Committee’s evaluation process.

MOTION MADE: Ms. St. John moved to approve Article 23 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED WITH A SHOW OF HANDS

**ARTICLE: 24 SEWER ENTERPRISE RETAINED EARNINGS TRANSFER FOR
SUMMER HILL ROAD SEWER CAPITAL IMPROVEMENTS**

To see if the town will vote to transfer from “Sewer Retained Earnings” the sum of \$120,000.00. Funds to be used for the purpose of funding Capital Equipment Improvements on the sewer collection system located on Summer Hill Road.

To do or act thereon.

SPONSORED BY: Select Board (Sewer Commissioners)
APPROPRIATION: \$120,000.00
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor / DPW) The transfer of Sewer Retained Earnings for the purpose of supporting sewer collection system infrastructure repairs, modifications, and improvements on Summer Hill Road to mitigate consistent and historic failures to the collection system which has led to multiple sanitary sewer overflows resulting in increased insurance cost premiums and litigation issues.

Comments: (Finance Committee) This article will transfer money from Sewer Retained Earnings for the purposes specified in the Sponsor Comments.

MOTION MADE: Ms. St. John moved to approve Article 24 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED WITH A SHOW OF HANDS

**ARTICLE: 25 SEWER ENTERPRISE RETAINED EARNINGS TRANSFER FOR
WASTE WATER TREATMENT FACILITY CAPITAL
IMPROVEMENTS**

To see if the town will vote to transfer from “Sewer Retained Earnings” the sum of \$100,000.00. Funds to be used for the purpose of funding Capital Equipment Improvements at the Town of Maynard’s Wastewater Treatment Facility.

To do or act thereon.

SPONSORED BY: Select Board (Sewer Commissioners)
APPROPRIATION: \$100,000.00
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor / DPW) The transfer of Sewer Retained Earnings for the purpose of supporting capital equipment improvements combined with the Towns recent GAP III Grant award of \$89,075 through Massachusetts Department of Environmental Protections (MassDEP) Clean Energy Results Program (CERP) in conjunction with the States Department of Energy Resources (DOER). Transfer allocation of \$100,000.00 will provide the Towns funding share to perform repair and replacement of aging energy deficient equipment, assisting in curving long term operational costs of the facility.

Comments: (Finance Committee) This article would transfer \$100,000 of Sewer Retained Earnings to be used to fund Capital Equipment Improvement at the Town’s Wastewater Treatment Facility. Through grant funding from MassDEP, CERP, along with the Department of Energy Resources, the Town has been able to have an additional source of funds for the DPW to use. In order to secure these funds, the Town must also fund a share to the cause. FinCom supports this transfer as the Town would be securing grant funds of \$89,075, as well as improving aging energy deficient equipment. This project went through the Capital Planning Committee’s evaluation process.

MOTION MADE: Ms. St. John moved to approve Article 25 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED WITH A SHOW OF HANDS

ARTICLE: 26 CEMETERY PERPETUAL CARE TRUST FUND TRANSFER

To see if the town will vote to transfer from “Sale of Lots” the sum of \$50,000.00 for the purpose of maintenance and operations at the Town of Maynard’s municipal cemetery.

To do or act thereon.

SPONSORED BY: Select Board
APPROPRIATION: \$50,000.00
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The transfer of Sale of Lots funds for the purpose of supporting annual maintenance and operational requirements in support of yearly operating budget for the Department of Public Works (DPW) cemetery division.

Comments: (Finance Committee) This article will move money from the Sale of Lots, which is funded by the purchase of perpetual care for cemetery plots, to the Perpetual Care Expenditure Account for the purpose of DPW expenses to care for cemetery grounds.

MOTION MADE: Ms. St. John moved to TRANSFER FROM “Sale of Lots” the sum of \$50,000.00 for the purpose of maintenance and operations at the Town of Maynard’s municipal cemetery, except the words “to do or act thereon”

MOTION WAS SECONDED

MOTION PASSED WITH A SHOW OF HANDS

ARTICLE: 27 DISPOSITION OF 1 SUMMER STREET

To see if the town will vote to change the use of the property at 1 Summer Street (former Fire Station) from general municipal use to a property for sale and to authorize the Select Board to sell the property on the terms and conditions it deems appropriate and are in the best interest of the Town and to enter into any and all agreements to effectuate same.

To do or act thereon.

SPONSORED BY: SELECT BOARD
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor)

1 Summer Street (Former Fire Station) became vacant when the Fire Department moved into their new home on Sudbury Street in December 2022. A working group was established and Maynard plans (Master Plan, Community Development Principals, Housing Production Plan, Zoning Bylaws) were consulted in determining a potential future use of the parcel. A request for proposals will be issued in March to solicit proposals to purchase and redevelop the parcel.

Comments: (Finance Committee) This article allows for the Select Board to sell the former fire station at 1 Summer Street in the best interest of the Town.

MOTION MADE: Ms. St. John moved to approve Article 27 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED YES: 126 / NO: 7

ARTICLE: 28 SPECIAL STABILIZATION ACCOUNT PURPOSE DEFINITION

To see if the town will vote to amend the vote taken to accept G.L. c. 40 sec. 5B establishing a special revenue stabilization account by including that the purpose of said account established under Article 12 of the October 16, 2021 Special Town meeting is as follows:

The purpose of this fund shall be Community Improvements, including but not limited to, infrastructure improvements, beautification efforts, and cultural district programming.

To do or act thereon.

SPONSORED BY: SELECT BOARD
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor)

This special stabilization account was approved during the Special Town Meeting on October 16, 2021. The Division of Local Services has since determined that a spending purpose must be identified in the language of the article. While the spending purpose was discussed before, it was not explicitly in the article. The proposed amendment accomplishes the requirement of DOR.

Comments: (Finance Committee) This is a housekeeping article to amend language in a prior approved article at Oct 2021 town meeting to bring it up to accepted definitions.

MOTION MADE: Mr. Gavin moved to approve Article 28 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED WITH A 2/3 VOTE

**ARTICLE: 29 MAYNARD GOLF COURSE RECEIPTS TRANSFER FISCAL YEAR
2023**

To see if the town will vote to transfer the sum of \$56,000.00 from the Maynard Golf Course Receipts Reserved for Appropriation to pay for capital improvement to the golf course.

To do or act thereon.

SPONSORED BY: Select Board
APPROPRIATION: \$56,000.00
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor Select Board/ DPW) The transfer of revenue receipts provided to the Town of Maynard per contractual agreement between Sterling Golf Management Inc. and Town of Maynard will be utilized to complete capital improvement projects to the Town of Maynard's Country Club assets. Requested allocations will be focused on full roof replacement & facility improvements to address several long-standing roof failures of the Clubhouse Facility, which continues to cause internal damage and structural capacity issues for the entire Clubhouse Facility. Maynard Country Club facilities currently house the Town of Maynard's Council on Aging and Country Clubs function hall. Roof failures have significantly impacted golf function business over the past several years. Function proceeds are part of a direct revenue payment to the Town of Maynard per contractual agreement. Yearly receipts allocations are being compounded finically to fund a large-scale capital improvement project that cannot be solely funded through a single year funding appropriation. Current balance in our capital improvement account for this project is \$175,728.54.

Comments: (Finance Committee) The passage of this article would transfer the sum of \$56,000.00 from the Maynard Golf Course Receipts Reserved for Appropriation to pay for capital improvement to the golf course. This is part of an on-going savings plan to fund large-scale capital improvements to the Club House, as outlined in the Sponsor Comments.

MOTION MADE: Mr. Gavin moved to approve Article 29 as printed in the warrant, except the words "to do or act thereon"

MOTION PASSED YES: 124 / NO: 8

Deb Roussell, 4 Grant Street, spoke about the approval of money year after year to fix the roof, but it never gets done.

Justin Demarco, DPW Director, spoke about the roof having HVAC materials on the roof, as well as asbestos materials. The estimate to replace the roof is approximately \$500,000.00. He explained the funding source for this roof replacement.

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Ms. Roussell expressed concern for the time it will take to accumulate the money to fix the roof and she doesn't feel waiting is the best idea.

Lindsay McConchie, 52 Summer Street, mentioned the allocated money to repair the roof and the envelope of the golf course. She added that this money has not yet been spent, as it was allocated by the Capital Planning Committee.

Greg Johnson, Town Administrator, defers to Mr. Demarco.

Justin Demarco, DPW Director, spoke about the roof being beyond repair. There are structural integrity issues, yet the town is repairing as needed. The roof absolutely needs replacement. He suggests looking at subsidizing funding for this project.

ARTICLE: 30 COMMUNITY PRESERVATION FUND BUDGET FISCAL YEAR 2024

To see if the Town will vote to appropriate or reserve from FY2024 Community Preservation Fund revenues in the amounts recommended by the Community Preservation Committee (CPC), with each item to be considered a separate appropriation:

Appropriations:	
Administrative & Operating Expenses	\$10,000.00
Long-Term Debt - Principal	\$115,000.00
Long-Term Debt - Interest	\$9,700.00
Reserves:	
Historic Preservation Reserve	\$45,000.00
Open Space Reserve	\$45,000.00
Community Housing Reserve	\$45,000.00
<u>Budgeted Reserve</u>	<u>\$180,300.00</u>
TOTAL FY2024 BUDGET	\$450,000.00

To do or act thereon:

SPONSORED BY: Community Preservation Committee
APPROPRIATION: \$134,700.00
FINCOM RECOMMENDATION: Recommends

Comments (Sponsor Comments): Community Preservation Fund monies come from a 1.5% real estate tax surcharge on Maynard residential properties and a partial state match. This article authorizes the FY24 amounts to be added to the community preservation reserve funds. The funds can be used to support a variety of community projects, as defined by state Community Preservation Act legislation. Applications for projects are reviewed annually, generally in the fall, and can come from community groups and town departments. This article also includes funding to cover ongoing debt payments on the municipal golf course land, which was purchased as a Community Preservation Fund project.

Comments (Finance Committee): Passage of this article would authorize \$450,000.00 in FY2022 Community Preservation Funds to be appropriated or reserved as recommended by the Town's Community Preservation Committee (CPC), as detailed in the article. This budget is based on the projection of revenue collected through the Community Preservation Act (CPA) real estate tax surcharge. The CPA program continues to be a valuable source of revenue to our Town with the benefit of the state partial match of funds. CPA funds can be used for designated uses only, and the CPC has distributed the anticipated monies according to the rules set forth by the CPA.

MOTION MADE: Mr. Gavin moved to approve Article 30 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED YES: 118 / NO: 13

Bill Cranshaw discussed the two Articles and explained the process.

**ARTICLE: 31 COMMUNITY PRESERVATION FUND RESERVE FUND
APPROPRIATIONS FISCAL YEAR 2024**

To see if the Town will vote to appropriate from Community Preservation Funds the amounts recommended by the Community Preservation Committee (CPC) for community preservation projects, as presented to the CPC, with each item to be considered a separate appropriation, in accordance with the requirements of Massachusetts General Laws Chapter 44B. At the discretion of the CPC, the deadline to return unexpended funds to their funding source may be granted an extension of up to one year.

Appropriations:

From the Undesignated Reserve Fund, the amount of \$200,000.00 for the Maynard Affordable Housing Trust Fund.

From the Budgeted Reserve Fund, the amount of \$11,900.00 for membership dues to the Regional Housing Services Office, with unexpended funds as of June 30, 2024 being returned to their funding source.

From the Community Housing Reserve Fund, the amount of \$45,000.00 for the Concord Circle Door Replacement project, with unexpended funds as of June 30, 2025 being returned to their funding source.

From the Open Space Reserve Fund, the amount of \$50,000.00 for the Conservation Trust Fund.

From the Budgeted Reserve Fund, the amount of \$50,000.00 for the Reo Road Playground Design Phase I project, with unexpended funds as of June 30, 2025 being returned to their funding source.

From the Undesignated Reserve Fund, a maximum amount of \$200,000.00 for 75% of the soft cost, excluding project management costs, of the Alumni Field Bleacher Design project, with unexpended funds as of June 30, 2025 being returned to their funding source.

To do or act thereon.

SPONSORED BY: Community Preservation Committee
APPROPRIATION: \$556,900.00
FINCOM RECOMMENDATION: Recommends

Comments (Sponsor): The funding for these projects comes from a 1.5% real estate tax surcharge on residential properties and a partial state match. Applications for projects can come from community groups and town departments. Project eligibility to use this funding is defined by state Community Preservation Act legislation.

- The funding for the Maynard Affordable Housing Trust will add to funds provided in previous years to support initiatives to create affordable housing in Maynard.

- The Regional Housing Services Office Membership will help the Town effectively implement, administer, and monitor affordable housing projects.
- The funds for the Concord Circle Door Replacement project will contribute to the installation of modern, energy-efficient, and accessible exterior doors on the Maynard Housing Authority apartments at Powder Mill Circle.
- The funding for the Conservation Trust Fund will add to funds provided in past years to support efforts to purchase property for conservation land protection.
- Funds for the Reo Road Playground project will fund a comprehensive engineering and design phase that will address current safety hazards and create a playground design layout with inclusive and fully-accessible equipment that will be suitable for the age ranges 2-5 and 5-12.
- The Alumni Field Bleacher Design project will fund the design, scope of work, engineering, and plans to be used to initiate the procurement process required to begin construction on new bleachers at Alumni Field. The 75% cost allowance accounts for CPA funds to be expended on only CPA eligible aspects of the design, based on the project estimate submitted with the application. The design will focus on creating safe and accessible seating with sufficient capacity for spectators of a variety of athletic and community events.

Comments (Finance Committee): Passage of this article would appropriate up to \$506,900 in FY2023 Community Preservation Funds to six projects, as detailed in the article. The funds in this article were collected through the Town's Community Preservation Act (CPA) real estate tax surcharge and state partial- matching funds. This vote is required in order for those funds to be used. The Town's Community Preservation Committee (CPC) oversees these funds and makes recommendations to Town Meeting voters on appropriations. The Finance Committee believes that the CPC has properly vetted these projects and that these projects provide long-term enhancements to our Town while keeping impacts to the taxpayers to a minimum.

MOTION MADE: Mr. Gavin moved to approve Article 31 as printed in the warrant, except the words "to do or act thereon"

MOTION PASSED YES: 118 / NO: 13

Larissa Dichard, 12 Charles Street, asked if the \$200,000.00 was just for the design for the bleachers or for the bleachers themselves. Ms. Dichard felt this was a high price for bleachers.

Mr. Cranshaw explained that this money is being allocated for the design only.

Stephen Dyer, 16 Patti Lane, asked if it was required by law that we need to have a design for the bleachers.

Lisa Mead, Town Counsel, explained that, given the possible cost of \$2,000,000.00, it would be required to have a design phase for this project. The design phase is required in order to make the determination of what the project will cost.

Mr. Dyer spoke on the Reo Rd Playground looking good now. He didn't understand what types of improvements need to be made.

Greg Johnson, Town Administrator, noted that he is unfamiliar with the project.

Julia Flanary, Conservation Agent, answered that the reason Reo Rd Playground is being looked into is because of safety failures of playground equipment and drainage issues. We also want to make it accessible and universal for all children.

Jenna Dargie, 33 Crane Ave., asked for clarification of the bleacher project being part of this allocation as well as the free cash allocation.

Mr. Cranshaw answered that Community Preservation money can only be used in certain ways, per state law. There is a chance that concession stands may be needed for this project, and the Community Preservation money cannot be used for this.

Steve Pomfret, Board of Assessors, explained the purpose of the preservation funds.

Andrew Sutton, 37 Douglas Ave., spoke about his son, using a walker and a wheelchair, and how accessibility to this playground is essential for his ability to use it.

Stephen Wagner, 13 Charles St., has grandchildren and their use of this playground. He acknowledged that this playground could use some work.

ARTICLE: 32 PRIOR YEAR BILLS FISCAL YEAR 2023

To see if the Town will vote to appropriate from certified free cash as of January 12th 2023, the sum of \$10,367.52 to pay a bill of a prior year and to be appropriated as follows:

Cabot Risk Strategies	\$ 2,874.22
Eversource	\$ 7,213.34
Drivetech	\$ 279.96

To do or act thereon.

SPONSORED BY: Select Board
APPROPRIATION: \$ 10,367.52
FINCOM RECOMMENDATION: Recommends

Comments:

Reportedly due to company computer systems conversion error, the town's liability insurance provider issued outstanding invoices from 2017 and 2018 for injured on duty insurance deductibles. The town's electricity utility submitted unpaid invoices lasting approximately ten years for service to Crowe Field that had not been properly addressed to Town Hall. The town's contracted information technology services provider submitted invoices for June 2022 that were not encumbered in transition into the current fiscal year for payment.

Comments: (Finance Committee) Passage of this article appropriates \$ 10,367.52 from Free Cash for the purpose of paying bills from prior Fiscal Years. Anytime funds are needed for prior Fiscal Years, that appropriation must be voted on at Town Meeting. Town Counsel has advised that these bills, even those being several years outstanding, need to be paid. FinCom reviewed the circumstances for these prior years' bills and has found no deficiency in the Town's procedures.

MOTION MADE: Mr. Gavin moved to approve Article 32 as printed in the warrant, except the words "to do or act thereon"

MOTION PASSED WITH A 4/5 VOTE.

Sarah Pryputniewicz, 23 Marlboro Street, spoke of being at the Finance Committee meeting last week, and someone mentioned that it was mentioned that this was "lesson learned" regarding the Eversource bill. She wondered what that alluded to.

Greg Johnson, Town Administrator, there was a misreporting on the part of Eversource. They thought their bills for little league were getting to Town Hall, and they weren't. Eversource has since fixed their glitch. One lesson learned is that the use of the field is a town-owned facility.

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Mr. Downey spoke on the determination of a 9/10ths vote or a 4/5ths vote.

Lisa Mead, Town Counsel, announced that it is a 4/5ths vote if it is at the Annual Town Meeting.

Glen Koenig, 10 Charles Street, asked what Cabot Risk Strategies was.

Mr. Gavin replied that Cabot Risk Strategies is the liability insurance company.

**ARTICLE: 33 CITIZENS' PETITION: RECOMMEND NEW ELEMENTARY
SCHOOL OPERATE WITHOUT FOSSIL FUELS**

To see if the Town will vote to recommend to the Select Board that the proposed new Green Meadow Elementary School be designed and built to operate without fossil fuel for heating and cooking.

To do or act thereon.

SPONSORED BY: Roger Stillwater
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor)

As part of the measures to address climate change, both the state and federal governments are committed to electrifying the buildings and moving away from the use of fossil fuels. Likewise, Maynard is committed to moving away from fossil fuels and in the town's master plan, the voters approved wording calling for "net-zero energy in new construction or major renovations." Building a fossil fuel free school is not just consistent with the master plan but allows the town government to lead by example as residences and businesses are likewise encouraged to electrify.

At the time of this writing, the architect is reporting that the geothermal heat pump option for the heating system would result in the lowest tax burden for the citizens. So, the green option is both the least expensive and the most environmentally sound choice.

Climate change is the defining issue of our times. The planet is changing in profound, permanent and not fully understood ways. This is the world that our children will inherit. As we build their school, our love and concern for them must extend not just to their intellectual growth, but to the world they will inherit and hand to their children. We are but caretakers for future generations. The decisions we make today may feel symbolic, but they will reverberate for decades to come. Let's build a school we can be proud of. Let's build a school that does not heat with fossil fuels.

Comments: (Finance Committee) Town Counsel has advised that passage of this article would be advisory, but not binding. Therefore, passage of this article does not require action on the part of the Selectboard. Fincom voted to recommend based on the merits of subject matter rather than the action required due to the advisory nature of the article. The Green Meadow Building Committee is the governing body for further discussion of this subject.

MOTION MADE: Roger Stillwater moved to approve Article 33 as printed in the warrant, except the words "to do or act thereon"

MOTION PASSED WITH A SHOW OF HANDS

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Glenn Swanbon, 42 Durant Ave., pointed out the lifecycle analysis needs to be shown what is real and what is estimated. There is a \$5,000,000.00 difference in the elementary school construction with natural gas vs. geothermal system. He pointed out the estimates that were presented. He spoke about wind turbines in the ocean waters and the environmental opposition to this.

Craig Altemose, 16 Garfield Ave., spoke on climate change. He is in favor of this Article.

Glen Koenig, 10 Charles St., spoke about the renewable energy and where it will come from. He encourages passage of this Article.

Stephen Wagner, 13 Charles St., spoke on environmental concerns and what is the future.

Stephen Dyer, 16 Patti Lane, thinks that all fuel options should remain on the table and does not support passage of this Article. He feels more study needs to be done.

Cavan Stone, 17 Rice Rd., explained the lifecycle cost analysis. The Green Meadow Building Committee gave a high and low number for the geothermal system and the natural gas system landed in the middle of the high and low. He spoke of reimbursement for construction costs. Historically, the price of natural gas has shown higher variability and uncertainty than the electricity. He spoke in favor of this Article.

Marie Gunnerson, 119 Parker Street, asked for clarification of the numbers and the Eversource incentives and the time line for these payments.

Mr. Stillwater spoke on the current design (well field underneath the school) will require a temporary system. He spoke on the cost and rebate of the temporary system. If the well field is anywhere but underneath the school, there will not be the need for a temporary system. He also answered that the school will need to be paid for and incentives are paid after the project completion.

Ms. Gunnerson also asked if the lifecycle cost included maintenance of the system, and potential repairs.

Mr. Stillwater stated that the operating expenses and potential repairs are part of the lifecycle cost.

Sarah Measures, 17 Sunset Rd., spoke on building a new school. She is in favor of this Article.

Andrea Grossman, 10 Deer Path 1, spoke on the renewable resource of geothermal. She is in favor of this Article.

Mr. Downey explained that we are voting on not using fossil fuels and not necessarily fossil fuels.

Paul Fein, 18 Tremont St., asked if we were voting on the final design and if this is a binding question. He asked for clarification on the state funding.

Mr. Stillwater answered that this is a non-binding question. It is a recommendation to the Select Board. He is hoping that the voice of the people would be an important factor.

Alannah Gustafson, Finance Committee, explained that this is a non-binding Article. This is simply a recommendation.

Mr. Fein added that using a heat pump instead of a gas furnace also furnishes the school with air conditioning. He is in favor of this Article.

Mike Stevens, 4 Bent Ave., speaking on the uncertainties and the costs for these systems. He spoke on the damage fossil fuels is doing to the planet.

Ken Estabrook, 28 McKinley St., stated that he will be voting “no” on this Article. He felt that this body is not where this discussion should be done. This should be brought up to the Green Meadow Building Committee, at the time when decisions have to be made. We are not voting on a solution tonight. This is simply an opinion.

Lee Ellis, 3 Apple Ridge Rd., spoke about natural gas and the future of it. Eversource is building a project looking into distributing geo-thermal delivery to homes. This is an indication of what the future will bring.

**ARTICLE: 34 CITIZENS' PETITION: ADOPT NEW MUNICIPAL OPT-IN
SPECIALIZED STRETCH CODE OF 2022**

To see if the Town will vote to Amend the Town By-laws by adopting the Department of Energy Resources (DOER) Municipal Opt-in Specialized Stretch Code of 2022 as the building code applicable for new construction of residential, commercial, and mixed-use structures, with an effective date of July 1, 2024 by deleting the current Chapter 25 Stretch Energy Code and replacing it with the following Chapter 25 Stretch and Specialized Energy Codes.

CHAPTER 25

STRETCH AND SPECIALIZED ENERGY CODES

Section 1. Definitions

- A. **International Energy Conservation Code (IECC)** – The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR.
- B. **Specialized Energy Code** – Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.
- C. **Stretch Energy Code** - Codified by the combination of 225 CMR 22 and 23¹, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.

Section 2. Purpose. The purpose of 225 CMR 22.00 and 23.00 including Appendices RC and CC, also referred to as the Specialized Energy Code is to provide a more energy efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code, applicable to the relevant sections of the building code for both new construction and existing buildings.

Section 3. Applicability. This energy code applies to residential and commercial buildings.

¹ Note: The Stretch energy code was previously codified in 780CMR appendix 115.aa, prior to the passage of the 2021 Act Creating a Next-generation Roadmap for Massachusetts Climate Policy (2021 Climate Act). The 2021 Climate Act transferred authority for promulgation of the Stretch energy code to the Department of Energy Resources.

Section 4. The Town of Maynard, seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 225 CMR 22 and 23, mandates adherence to Appendices RC and CC

Section 5. Specialized Code. The Specialized Code, as codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including any future editions, amendments, or modifications, is herein incorporated by reference into the Town of Maynard General Bylaws, Chapter 25.

Section 6. Enforcement. The Specialized Code is enforceable by the Building Commissioner or its designee.

Section 7. Enactment. This By-law shall go into effect on July 1, 2024.”

To do or act thereon.

~~TOWN OF MAYNARD BY LAWS CHAPTER 25
STRETCH ENERGY CODE~~

~~Section 1. Definitions~~

~~A. International Energy Conservation Code (IECC) 2009— The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. 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 25.~~

~~Section 6. Enforcement. The Stretch Code is enforceable by the building inspector official.~~

SPONSORED BY: Citizen Petition

APPROPRIATION: None
FINCOM RECOMMENDATION: Does Not Recommend

Comments:

The opt-in portion of the building stretch code is designed to help Massachusetts achieve its goal of net zero carbon emissions by 2050, as well as the intermediate goals between now and then.² In addition, Maynard’s Master Plan aims “for net-zero energy in new construction or major renovations.”

This code would require all new buildings, both residential and commercial, including major additions,³ to be net-zero ready. Net zero ready means that fossil fuels can still be used for heating, water heating and cooking, but the structure must be pre-wired so that all fossil fuel appliances can be easily replaced with electrical ones in the future. In addition, the structure must be wired to make it solar ready and accommodate at least one electric vehicle charger. (Once wiring is installed, many builders may opt to install heat pumps, electric or heat pump water heaters, electric clothes dryers, electric or induction stoves and solar panels, but this is not required.)

In addition, the building must be designed and constructed to industry best practices⁴ which ensures among other things that building is well insulated and air leakage is minimized. The result is a state-of-the-art building that reduces heating and cooling loads. Net zero buildings are not significantly more expensive to build and have notably lower operating costs. Most importantly over their lifetimes (30 to 50 yrs or more) they have significantly lower carbon footprints than traditional structures. When converted to fully electric buildings, either at time of construction or later, these buildings can be as green as the grid – and every year a greater portion of the grid’s electricity comes from renewable energy.

By building green we help to address the cascading environmental harms, severe health impacts, and property destruction which is already happening in many places around the world and is predicted to get far worse. Due to the current average global warming of more than 1°C relative to a pre-industrial baseline (World Meteorological Organization, 2020). Restoring a safe and stable climate will require deep greenhouse gas emission reductions through rapid, unprecedented transitions in all aspects of society, as described in the Intergovernmental Panel on Climate Change’s (IPCC) Sixth Assessment Report, Climate Change, 2021) There is an urgent need for the buildings we build today to be as green as possible because they will be used for decades to come.

² Massachusetts, a national leader on climate initiatives, including the passage of the Act Creating A Next-Generation Roadmap for Massachusetts Climate Policy (signing into law by Gov. Baker on March 26, 2021), which requires:

the 2030 emissions limit be at least 50% below the 1990 baseline
the 2040 emissions limit be at least 75% below the 1990 baseline
the 2050 emissions limit achieves at least net zero statewide greenhouse gas emissions.

³ Additions of 1000 sq ft or more for residential and 100% of the existing building and less than 20,000 sq ft for commercial.

⁴ Building envelopes must meet rigorous Home Energy Rating System standards that include design evaluation and post construction testing.

Comments: (Finance Committee) Passage of this article would update the Town By-laws Chapter 25 as shown. After consultation with the DPW Director and Town Planner, Fincom does not recommend passage of this article. All of the consequences to the Town with this early adoption are not fully understood, and therefore Fincom believes this change requires a full deliberative process involving the Planning Board, Planning Department, and other relevant experts before moving forward.

MOTION MADE: Roger Stillwater moved to approve Article 34 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED WITH A SHOW OF HANDS

Glen Koenig, 10 Charles St., how many other towns have accepted this?

Mr. Stillwater stated that 18 have adopted, hopefully 21 by the end of the year. Boston has gone even more restrictive.

Mr. Koenig asked if this is rehab or just new building.

Mr. Stillwater answered that this is just for a new building.

Bill Kohlman, 9 Howard Rd., Chairperson of the By-Law Committee, helped Mr. Stillwater format this proposal and this mirrors what is currently a bylaw in Maynard. The Bylaw does not favor or oppose the bylaw, it just makes sure the bylaw meets their requirements.

Bill Kohlman, 9 Howard Rd., speaking as private citizen. He spoke on the future of the planet. He strongly supports this Article.

Jan Jones, 26 Nick Lane, stated that she likes most of this Article, but the modifications in the future seems to give more power to the state in the future.

Mr. Stillwater stated that Maynard voted in becoming a Green Community, and opted in for the Stretch Code. We are stepping into a unified code.

Craig Altemose, 16 Garfield Ave., spoke on the other towns that have opted into this stretch code. He is in favor of this Article.

Michael Boyle, 9 Glenn Dr., asked the Finance Committee why they did not recommend.

Alannah Gustafson, Finance Committee Chair, stated that the Finance Committee did not feel they had enough information on this Stretch Code. They reached out to various employees and board members, stated that they agreed that this is the way things are moving, but that this may be too early for adoption.

Justine St. John, 2 Barilone Circle, commended Mr. Stillwater for his initiative. She feels there could be unintended circumstances. She would like town entities on board before adoption.

TOWN OF MAYNARD
Annual Town Meeting
May 15, 2023

Most of the other towns/cities are larger or more affluent. We do have updated stretch codes we will have to adapt to.

Carol Kyte, 3 Summit St., spoke about climate change and stretch codes. She is in favor of this Article, and feels it is doing the right thing.

Sarah Measures, 17 Sunset Rd, is in favor of this Article.

Mr. Downey asked for a show of hands whether the body wanted to continue the meeting or adjourn and continue tomorrow. By a show of hands, the meeting continued.

ARTICLE: 35 AMEND ZONING BY-LAW SECTION 9.4.5, MIXED USE AND MULTIFAMILY REDUCED AREA REQUIREMENT; DEVELOPMENT AGREEMENT

To see if the town will vote to

Amend Section 9.4.5, USE REGULATIONS, TABLE A, “4. BUSINESS USES”, of the Zoning By-Laws, by replacing it in its entirety so that it reads (the proposed additional text is underlined, deleted text is stricken.):

9.4.5 Mixed Use and Multifamily Reduced Area Requirement: Development Agreement. In order to provide maximum flexibility to prospective developers while ensuring sufficient safeguards for the Town, a Special Permit may be issued by the SPGA to reduce the minimum lot requirement for multi-family and mixed use to a minimum of eight hundred (800) sq. ft. per residential unit provided a Development Agreement is executed between the Developer and The Town of Maynard acting by and through the Select Board and the Planning Board. The Development Agreement must be executed by all parties by the close of the public hearing.

1. The Development Agreement shall include the following:
 - a. Agreement from the developer to include in the development a number of “affordable” units equal to or greater than the percentage of the total number of units in the development as shown below, rounded up to the nearest whole unit.

Affordable Units Required by Project Size

<u>Project Size (units)</u>	<u>Percentage of Affordable Units</u>
<u>6-17 units</u>	<u>15%</u>
<u>18 or more units</u>	<u>25%</u>

For projects of 17 or fewer units, the affordable units shall be affordable to households with income at 80% of Area Median Income (AMI).

For projects of 18 or more units, the affordable units shall be affordable to households with income at 80% of AMI, except a number of the affordable units equal to one-quarter of the additional project units allowed by the reduction in the minimum lot requirement per unit shall be provided for households with income at 60% of AMI. For example, if reducing the minimum lot requirement from 1,500 sf per unit to 800 sf per unit allows the number of units to increase from 10 to 18, then 2 of the affordable units shall be affordable for households with income at 60% of AMI. When calculating the number of 60% AMI units, fractional units of ½ or greater shall be rounded up to the nearest whole number.

The Developer shall be responsible for all costs associated with any applications and/or restrictions required by the Department of Housing and Community Development to approve the units as includable on the Subsidized Housing Inventory of the Town, including but not limited to Local Action Unit applications, Regulatory Agreements and Deed Riders. The Developer also is solely responsible for any subsequent administration or other maintenance necessary to maintain units’ designation as affordable whether ongoing or one-time actions.

- b. Agreement from the Developer to make a monetary donation, in an amount as prescribed in the Planning Board Regulations (see Miscellaneous: A. Safe Harbor Valuation of Open Space), to the Conservation Trust Fund or other Town fund or

account for the purposes of acquiring, improving, and preserving open space or recreation land, to provide funding for:

- i. The acquisition of such open space, including expenses directly related to such land purchases.
- ii. The acquisition, creation, preservation, rehabilitation, improvement, or restoration of land or facilities for recreation; and/or
- iii. To provide funding for the planning, design and construction of accessible ramps, audible crossing signals, and other improvements needed to remove barriers to entry or use of the Town of Maynard's open space or recreation lands by those with disabilities, or to provide funding for such purposes for the Town of Maynard's matching monies for state and federal grant programs that require a local match.

In place of some or all of a monetary donation, the Developer may provide materials and construction services, of value approved by affirmative vote of the Planning Board.

In place of some or all of a monetary donation, the Developer may donate open space or recreation lands, in perpetuity and of at least equivalent value, as approved by affirmative vote of the Planning Board.

2. The Development Agreement may also include, but shall not be limited to, any of the following:
 - a. Description, funding commitments, and phasing of project work needed to be done on Town lands or rights-of-way.
 - b. Description, funding commitments, and schedule for work to mitigate transportation, utility, natural resource, and other impacts on the Town created by the proposed development.
 - c. Commitments regarding operations and/or types of uses in any commercial space, including provisions for interim use during periods of extended vacancy, and
 - d. Any other provision authorized by the Town of Maynard's By-laws, protective Zoning By-laws or Planning Board's Rules and Regulations.

~~9.4.5 Mixed Use and Multifamily Reduced Area Requirement; Development Agreement.~~

~~In order to provide maximum flexibility to prospective developers while ensuring sufficient safeguards for the Town, a Special Permit may be issued by the SPGA to reduce the minimum lot requirement for multi-family and mixed use to a minimum of eight hundred (800) sq. ft. per residential unit if and only if an executed Development Agreement between the Developer and The Town of Maynard acting by and through the Select Board and the Planning Board. The development agreement shall include all of the following:~~

- ~~1. Agreement from the developer to include in the development a number of "affordable" units equal to or greater than 15% of the total number of units in the development, rounded up to the nearest whole unit or an agreement from the developer to make a donation to the "Maynard Affordable Housing Trust" (or any equivalent town fund or account which is dedicated to the development of "affordable" housing stock) equal in value to the whole number of affordable units, multiplied by the "affordable unit equivalent" (in dollars). This "affordable unit equivalent" shall be determined by the Affordable Housing Trust, or in the absence of such a Trust, by the Select Board. This does not preclude the applicability of the Town's Inclusionary Zoning By-law. If the~~

development is subject to the ~~Inclusionary Zoning By-law, the most restrictive of the requirements shall apply.~~²²⁹

- ~~2.—Agreement from the Developer to make a donation to the Maynard Community Preservation Fund, or other equivalent town fund or account dedicated to the acquisition and preservation of open space or recreation land in an amount as prescribed in the Planning Board Regulations.~~²²⁹

The development agreement may include any of the following but shall not be limited to the following:

- ~~3.—Description of Development Characteristics;~~
- ~~4.—Type of housing;~~
- ~~5.—Number of units and/or bedrooms, Rental vs. owned, Percentage owner occupied if condominiums, Age restrictions, Subsidizations, Affordable component, Townhouse vs. Garden Style, Architecture;~~
- ~~6.—Parking proposed, including underground;~~
- ~~7.—Percentage and type of retail (if applicable);~~
- ~~8.—Long term use guarantee (to remain in retail);~~
- ~~9.—Sales of goods vs. restaurant uses defined;~~
- ~~10.—Percentage and type of commercial use(s) if applicable;~~
- ~~11.—Flexibility of changing use to be allowed;~~
- ~~12.—Show consistent or reduced parking usage intensity;~~
- ~~13.—Type and quality of construction proposed;~~
- ~~14.—Number of stories/height;~~
- ~~15.—Percent lot coverage;~~
- ~~16.—Mitigation / Infrastructure Improvements. To fund or contribute to the Town to fund the mitigation of impacts to Town services created by the proposed development. Examples include the following:~~
 - ~~a.—Public infrastructure improvements~~
 - ~~b.—Water supply wells, permitting, improvements~~
 - ~~c.—Water main improvements.~~
 - ~~d.—Sewer main lines and structures.~~
 - ~~e.—Sewage treatment plant upgrades/improvements.~~
 - ~~f.—Storm water improvements, including aiding the Town to comply with municipal National Pollution Discharge Elimination System (NPDES) requirements.~~
 - ~~g.—Cable utilities improvements or conversion to underground utilities.~~
 - ~~h.—Proposed traffic mitigation.~~

To do or act thereon.

SPONSORED BY: Planning Board
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The proposed revision makes a number of adjustments to the regulatory framework to allow quote density bonuses in the “Downtown Overlay District” (DOD).

While generally consistent with the deleted text, the replacement text addresses, clarifies and simplifies several areas the Planning Board has experienced difficulties when negotiating and permitting development where the density bonus is sought.

DHCD (Department of Housing and Community Development) guidelines currently define “affordable housing” as housing affordable to individuals making 80% of Area Median Income (AMI). The AMI is for the Greater Boston Metropolitan Statistical area (MSA).

Based on Census data and the Town’s Housing Production Plan (HPP) the Planning Board believes that 80% AMI does not represent actual affordability for many Maynard residents. The proposed amendment creates a mechanism that will add units affordable to those making 60% of the AMI (rather than 80%) when the Planning Board considers density bonuses for DOD projects.

Comments: (Finance Committee) Passage of this article would amend the Town’s Protective Zoning Bylaws, specifically Section 9.4.5, “Mixed Use and Multifamily Reduced Area Requirement; Development Agreement,” to clarify and simplify the Zoning Bylaws. These changes would enable the Planning Board to negotiate clearer development agreements while protecting the Town’s interests.

MOTION MADE: Chris Arsenault moved to approve Article 35 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED YES: 76 / NO: 6

Robert McCarthy, 28 Tobin Drive, has the change from 80 to 60% been a burden in any way to other towns that have made this change. He asked if this means developers would shy away from affordable housing projects.

Mr. Arsenault answered that this is a practical concept that has been developed by the Town of Maynard. This would only impact large developments in the downtown area. They try to incentivize developers with this regulation, as well as negotiating with them.

ARTICLE: 36 AMEND ZONING BY-LAW SECTION 3.1.2, 7.2, AND 11.0 – BODY ART ESTABLISHMENTS

To see if the town will vote to

- 1. Amend Section 3.1.2, USE REGULATIONS, TABLE A, “4. BUSINESS USES”,** to allow Body Art Establishments use “by right” in the Business, Central Business and Health Care Industrial Zoning Districts and by Special Permit of the Planning Board within the Industrial Zoning District (I) so that it reads (the proposed additional text is underlined, deleted text is stricken.):

4. Business Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
Body Art Establishments	N	N	N	<u>P</u> <u>Y</u>	<u>N</u> <u>Y</u>	<u>N</u> <u>Y</u>	PB	N	N

- 2. Amend Section 7.2 Body art establishments** of the Zoning By-Laws, by removing it in its entirety:

~~**7.2 BODY ART ESTABLISHMENTS**~~

~~**7.2.1 General.** Body Art Establishments as defined in the Section 11.0 shall not be considered a customary home occupation.~~

~~**7.2.2 Spacing Requirements.** A structure containing a Body Art Establishment shall not be located in or within 100 feet of any structure containing a dwelling unit, or in an establishment where liquor is sold or consumed or as an accessory use to any other use permitted in this By-law.~~

~~**7.2.32 Standards.**~~

- ~~1. Body Art Establishments in no case shall operate between the hours of 10:00 P.M. and 10:00 A.M.~~
- ~~2. Body Art Establishments shall not operate without a valid permit from the Board of Health.~~
- ~~3. Body Art Establishments shall comply with all dimensional requirements of this By-law.~~
- ~~4. Body Art Establishments shall have a minimum of two (2) parking spaces unless there is a public parking lot within 500 feet of the establishment.~~
- ~~5. Body Art Establishments shall comply with all the sign provisions of this By-law.~~

- 3. Amend Section 11.0 DEFINITIONS** of the Zoning By-Laws, so that it reads (the proposed additional text is underlined, deleted text is stricken.):

Body Art: The practice of physical body adornment by ~~permitting~~ permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by the Massachusetts Board of Registration in Medicine, such as implants under the skin, which are prohibited.

Body Art Establishment: A location, place or business that has been granted a permit by the Maynard Board of Health, whether public or private, where the practices of Body Art are performed, whether or not for profit.

To do or act thereon.

SPONSORED BY: Planning Board
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor)

- The Planning Board believes Body Art is locationally appropriate in the same locations as a nail salon or other personal service. Changes Body Art Establishments from a “Special Permit Use” to a “By-right” use in the Business, Central Business and Healthcare Industrial District.
- The Planning Board believes the existing Board of Health regulatory framework for body art adequately regulates Body Art and that the existing language is repetitive and/or outdated. Removing Section 7.2 section limits the Planning Board’s role in the regulation of Body Art establishments to designation of appropriate zoning districts. The districts are generally consistent with where a hair salon or other personal service are allowed.
- Dimensional/development related standards of Body Art establishments would be governed as a hair salon or other personal service would be under the Zoning By-laws.

Comments: (Finance Committee) Passage of this article would amend the Town’s Protective Zoning Bylaws to allow Body Art Establishments use “by right” in the Town’s Business, Central Business, and Health Care Industrial Zoning Districts. (They are currently allowed only by “Special Permit” from the Planning Board in the Town’s Business and Industrial Districts.) With this change, body art establishments would be treated from a zoning perspective in similar way to medical offices and personal service establishments (such as beauty and barber shops, dry cleaning pick-up stores, laundromats, massage therapy, tanning salons, etc.). The Finance Committee believes that passage of this article would foster appropriate business uses.

.....

MOTION MADE: Chris Arsenault moved to approve Article 36 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED YES: 76 / NO: 6

ARTICLE: 37 AMEND ZONING BY-LAW SECTION 3.1.2

To see if the town will vote to amend the Town of Maynard Zoning By-laws as follows:

- A. Amend Section 3.1.2, USE REGULATIONS, TABLE A, “4. BUSINESS USES”,** to incorporate the new categories of Type “A” or Type “B” Accessory Home-Based Business Activities (AHBBA). Additionally, several other changes are proposed to clarify the regulatory framework for AHBBA. The amendment would amend Table A Section 6 Accessory and Other Uses to read (proposed new text underlined), ~~deleted text stricken~~):

Other Uses									
6. Accessory and Other Uses	S-1	S-2	GR	B	CB	I	HCI	GA	OS
Accessory agriculture	Y	Y	Y	Y	N	N	N	N	N
Accessory Apartment	BA	BA	BA	BA	BA	N	N	N	N
Accessory nonresidential uses <u>Nonresidential accessory use to nonresidential principal use</u>	N	N	N	Y	Y	Y	Y	Y	N
Adult Day Care	BA	BA	BA	BA	BA	N	BA	N	N
Craft marijuana cultivator cooperative ²¹³	N	N	N	N	N	N	N	N	N
Customary Home Occupation	Y	Y	Y	Y	Y	N	N	N	N
Customary Home Occupation with nonresident employee(s)	BA	BA	BA	Y	BA	N	N	N	N
Drive-in or drive-through facility	N	N	N	PB	PB	PB	PB	N	N
Family day care home, large	BA	BA	BA	BA	BA	N	N	N	N
Family day care home, small	Y	Y	Y	Y	Y	N	N	N	N
Hair dresser, novelty shop, antique shop in home	BA	BA	BA	Y	Y	N	N	N	N
In-home real estate office	BA	BA	BA	Y	Y	N	N	N	N
Kennel, private	BA	BA	BA	BA	N	BA	N	N	N
Overnight outdoors parking of more than one commercial vehicle not to exceed 25,000 gvw	BA	BA	BA	BA	BA	Y	Y	N	N
Overnight outdoors parking of one commercial vehicle not to exceed 25,000 gvw	Y	Y	Y	Y	Y	Y	Y	N	N
Overnight outdoors parking of one or more commercial vehicles in excess of 25,000 gvw	BA	BA	BA	BA	BA	Y	Y	N	N
Recreational use	BA	BA	BA	Y	Y	Y	Y	Y	Y
Seasonal and Charitable sales	PB	PB	PB	Y	Y	Y	Y	N	N
<u>Accessory Home-Based Business Activity, Type A</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>
<u>Accessory Home-Based Business Activity, Type B</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>N</u>
Temporary sales (See Section 7.8) *	N	N	N	Y	Y	Y	Y	Y	Y
Trade Shop	BA	BA	BA	Y	Y	N	Y¹⁸⁴	N	N

* Requires Select Board Approval

- B. Amend Section 3.0, “USE REGULATIONS” BY AMENDING SECTION 3.2 “ACCESSORY Uses”, so that it would read (new text is underlined, deleted text is stricken):**

3.2 ACCESSORY USES

3.2.1 General An accessory use located on the same lot with, and customarily incidental to, any of uses set forth in the Table of Uses as allowed or allowed by Special Permit shall be permitted; provided, that such accessory use shall not be detrimental to a residential neighborhood and shall not change the outward character of the district.

3.2.2 Letting of Rooms; Taking of Boarders; ~~Preparing Food for Sale~~ The letting of rooms, or taking of boarders, ~~or preparing food for sale~~ shall be a permitted accessory use.

3.2.3 Outdoor Parking of Commercial Vehicles Not more than one commercial vehicle of 25,000 gross vehicle weight (GVW.) or less may be regularly parked outdoors and overnight in a Residential District, except on a farm. By Special Permit, the Board of Appeals may authorize more or larger vehicles.

~~**3.2.4 Home Occupation** Any of the customary home occupations shall be allowed as of right, conducted by resident occupants only, including, but not limited to, the work of any member of a recognized lawful profession, subject to the following:~~

- ~~1. Hairdressing; Certain Sales. The Board of Appeals by Special Permit may authorize the use of a room in a dwelling for hairdressing or the sale of gift novelties and antiques by a resident occupant only, provided the residential character of the premises is not changed.~~
- ~~2. Real Estate Office. The Board of Appeals may authorize by Special Permit the use of any portion of a dwelling for the use as a real estate business office subject to the conditions imposed by the board; provided, however, that said business shall be owned, managed and operated exclusively by residents of said dwelling, and employ no persons who are nonresidents of said dwelling, and provided that further said office is unassociated with the operation of any other real estate office.~~

~~**3.2.5 Trade Shop** A builder, carpenter, mason, painter, plumber, tinsmith, upholsterer, machinist, or other craftsmen who lives and maintains a home on the premises or building may use said home or building thereon in connection with his trade by annual Special Permit from the Board of Appeals.~~

3.2.4 Accessory Home-Based Business Activities: AHBBA's may be allowed as set forth in the Table of Use Regulations and Section 8.3 of the Zoning By-laws.

3.2.5 Deleted.

3.2.6 Family Day Care Home A family day care home may be allowed as set forth in the Table of Uses.

3.2.7 Adult Day Care Adult day care may be allowed as an accessory use as set forth in the Table of Uses.

3.2.8 Seasonal and Charitable Sales. The Planning Board may authorize by Special Permit seasonal and charitable sales by a non-profit charitable organization (such application shall include written permission from the property owner for the sales), if such sales do not, in the judgment of the Maynard Building Commissioner, constitute a significant and unreasonable impact on neighboring properties as regards to parking, traffic, light, noise, fumes, etc.

C. Amend Section 6.1.5, TABLE C – “PARKING SPACE REQUIREMENTS”, so that it reads (new text is underlined, deleted text is stricken):

6.1.5 Parking Space Requirements. Parking shall comply with the following Table C:
TABLE C – PARKING SPACE REQUIREMENTS

Type of Use	Minimum number of parking spaces to be provided
Home Occupation	2 per nonresidents employed, or where retail sales are conducted Board of Appeals shall have the authority under Section 3.2 to require the number of parking spaces which it deems to be adequate and reasonable.
<u>Accessory Home-Based Business Activity</u>	<u>Per Section 8.3</u>

D. Amend Section 8.0 SPECIAL RESIDENTIAL REGULATIONS, BY creating section 8.3: “ACCESSORY HOME-BASED BUSINESS ACTIVITIES”, to read as follows:

SECTION 8.3 ACCESSORY HOME-BASED BUSINESS ACTIVITIES

8.3.1 Purpose

An Accessory Home-Based Business Activity (AHBBA) is an occupation, service, profession, or enterprise that operates out of a residential structure or an accessory building, by the resident or residents, that is incidental and secondary to the primary residential dwelling unit.

The purpose of this section is to recognize that particular professional and business activities are traditionally and inoffensively carried on in the home and to set standards regarding noise, glare, odor, visual, traffic, parking, and other potential impacts so as to protect and maintain the character of abutting properties and of the residential neighborhood.

This section establishes two categories of Accessory Home-Based Business Activities – “Type A”, which is allowed as of right (no Special Permit required to conduct the activity) and “Type B” which may be allowed by a discretionary Special Permit issued by a Special Permit Granting Authority (SPGA). Where a Special Permit is granted, the SPGA may include in the Special Permit any conditions or limitations deemed necessary to mitigate potential negative impacts on abutting properties and the residential character of the neighborhood.

8.3.2 Application

1. Type-A Accessory Home-Based Business Activities generally take place with little or no evidence that a property is used in any way other than a dwelling. They must be in compliance with Sections 8.3.3 and 8.3.4 and shall be allowed as of right and do not require a Special Permit.
2. Type-B Accessory Home-Based Business Activities generally take place with significant evidence that a business or professional activity is occurring. They may be allowed by Special Permit from the Special Permit Granting Authority, per Sections 8.3.3, 8.3.5 and 8.3.6 and Section 10.4.
3. Accessory Home-Based Business Activities are allowed in zoning districts as specified in the 3.1.2 Table of Use Regulations.

4. The following activities are not considered Accessory Home-Based Business Activities and are not subject to the provisions of Section 8.3.
 - a. “Telework” and “Work at Home” activities where employees of a business, located at another location, perform work for the business in their own residence, provided all physical contact between the business and the employee occurs at the place of business and not the residence.
 - b. Overnight parking of one vehicle or one vehicle with a trailer provided to a resident in conjunction with their employment at an off-premises job.
 - c. Unattended roadside sales of agricultural products cultivated on site
 - d. Children’s lemonade stands or similar.
 - e. Garage/yard sales that last no more than two consecutive days and occur no more often than once in a calendar month.
 - f. The use of personal vehicles for ride hailing, livery, or delivery app services.
 - g. Preparation of food for charitable events.
 - h. Rental of residential garage space for indoor seasonal storage of watercraft and motor vehicles.
 - i. Other accessory uses addressed in other sections of the Zoning By-Law.

8.3.3 Requirements – General Provisions

The following criteria shall apply to both Type-A and Type-B Accessory Home-Based Business Activities.

1. The business owner must reside on the property.
2. The AHBBA is clearly incidental and secondary to the use of the premises for dwelling purposes.
3. There shall be no change in the outside appearance of the premises, including buildings and grounds, that is not in keeping with the residential character and appearance of the neighborhood.
4. No equipment or process shall be used in an AHBBA that creates noise, vibration, glares, fumes, electrical interference, or odors detrimental to the safety, peace, comfort, or general welfare of the persons residing in the neighborhood.
5. The AHBBA shall not generate, use, or store hazardous materials or waste in quantities greater than associated with normal household use, other than as approved by the Fire Chief.
6. Vehicles, Parking and Traffic
 - a. Off-street parking spaces shall be provided for all the AHBBA’s commercial vehicles and trailers, and all the AHBBA’s non-resident employee vehicles. None of these vehicles or trailers shall be parked on the street.
 - b. Any parking area shall retain the character of the residential neighborhood.
 - c. The AHBBA and any related activity shall not create any traffic hazards or nuisances in public rights-of-way.
 - d. Motor vehicles used in conjunction with the AHBBA and stored overnight on the property must be owned or leased by the operator of the business, with the vehicle’s principal place of garaging recorded as the property address.

- e. Motor vehicles or construction equipment used in conjunction with the AHBBA that are equipped with back-up alarms, shall not be operated on the property. The pedestrian alert sounds required by the National Highway Traffic Safety Administration for hybrid and electric vehicles are excluded from this prohibition.
 - f. Light maintenance and preventive maintenance of the AHBBA's business vehicles and business equipment, only as defined in 8.3.7, is allowed outdoors. No other repair or maintenance of the AHBBA's business vehicles, construction equipment or landscape equipment is allowed unless done indoors without outward visual or audible evidence of the activity.
7. More than one AHBBA may be conducted on a premises, however, the combined business-related impact of all AHBBA's shall be considered when evaluating the terms of Section 8.3.

8.3.4 Requirements – Type-A Accessory Home-Based Business Activities

Accessory Home-Based Businesses shall be considered “Type A” if in compliance with Section 8.3.3 Requirements-General Provisions and the following provisions.

1. All employees working on site shall reside at the premises.
2. No more than two (2) business-related vehicle visits per any day nor more than ten (10) visits per any week at the premises shall be permitted. This excludes business-related vehicle trips by residents of the dwelling and trips by delivery vehicles.
3. One commercial vehicle is allowed to be parked overnight.
4. No commercial trailers and heavy construction equipment on the property.
5. Customers, clients, patients, students, or other patrons of the AHBBA shall be allowed on the premises only during the hours of 9:00 a.m. and 5:00 p.m. weekdays.
6. The AHBBA shall not generate noise, vibration, glares, fumes, or odors discernable beyond the property line.

8.3.5 Special Permits for Type-B Accessory Home-Based Business Activities

1. Permits for Type-B AHBBA's are issued by the Special Permit Granting Authority (SPGA) and are subject to the application procedures and fee schedule established by that SPGA.
2. Permits may be issued for an initial period of one (1) to three (3) years. Renewals may be issued for a period of one (1) to five (5) years. Each application for permit renewal shall be processed in accordance with the procedural requirement of the initial permit.
3. All permits run with the business activity and business owner and not the property. In cases of business ownership transfer to another resident of the dwelling, the permit may be continued upon written notice to the Office of Municipal Services (OMS).
4. The Town reserves the right upon issuing any AHBBA permit to inspect the premises in which the activity is being conducted to ensure compliance with the provisions of this Section or any conditions additionally imposed.
5. A Type B AHBBA Special Permit may only be issued to a tenant or occupant of the dwelling if the owner(s) of record of the property, or their designee, has provided written approval of the application. The approval shall clearly indicate the owner has reviewed the applicant's proposed use and has no objections.
6. A Type B AHBBA Special Permit may only be issued for a dwelling unit within a condominium property if the condominium association has provided written approval

of the application. The approval shall clearly indicate the association has reviewed the applicant's proposed use and has no objections.

8.3.6 Special Permit Criteria – Type-B Accessory Home-Based Business Activities

1. In addition to the criteria and requirements set forth hereunder, the provisions of Section 10.4 shall apply to Special Permits under this Section.
2. Type-B Accessory Home-Based Businesses Activities shall comply with Section 8.3.3 Requirements-General Provisions and the following provisions.
3. Any of the following characteristics (a-n) of an AHBBA may be approved as part of a Special Permit only if the SPGA finds that potentially detrimental impacts of that characteristic on abutting properties and the residential character of the neighborhood would be mitigated.

The finding shall consider the location, size, terrain, or other features of the property, and the effects of the operations of the business activity. The SPGA may also include, as part of the Special Permit, specific conditions, safeguards, and limitations on time or use for each characteristic (a-n).

Each of the listed characteristics applicable to the proposed AHBBA must be approved individually. If a characteristic (a-n) is not specifically approved, it is not allowed.

- a. The area of building space exclusively or regularly used by the AHBBA is more than 25% of the gross floor area of the dwelling.
- b. Use of an accessory building by the AHBBA.
- c. One (1) or more non-resident employees working at the premises at any one time.
- d. A non-resident employee working on site other than on weekdays between the hours of 9:00 a.m. and 5:00 p.m.
- e. Customers, clients, patients, students, or other patrons of the AHBBA on the premises other than on weekdays between the hours of 9:00 a.m. and 5:00 p.m.
- f. More than two (2) business-related vehicle visits per any day or more than 10 visits per any week, other than business-related vehicle trips by residents of the dwelling and trips by delivery vehicles.
- g. More than two (2) customers, clients, patients, or other patrons of the AHBBA on the premises at any given time or, for instructional activities, more than four (4) students at a time.
- h. Use of more than a total of one (1) on-street parking space by customers, clients, patients, students, or other patrons of the AHBBA.
- i. The delivery or distribution of products or materials related to the AHBBA by other than a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
- j. More than one (1) commercial motor vehicle and one (1) trailer used principally for the business parked outside overnight on the property.
- k. Heavy construction equipment on the property.
- l. Noise, vibration, glares, fumes, or odors discernable beyond the property line.
- m. The outdoor storage of equipment, material or goods, other than commercial vehicles.
- n. Business activities that take place outdoors on the property.

8.3.7 Special Definitions

The following definitions are specific to Section 8.3. For other definitions see Section 11.0.

1. **Business-related vehicle visits:** Visits to an AHBBA by clients/patrons and non-resident employees of the AHBBA who arrive in a motor vehicle. The arrival and departure of the motor vehicle shall be considered as one (1) business-related vehicle visit regardless of the time between arrival and departure and the number of persons in the vehicle.
2. **Preventive maintenance of business vehicles and equipment:** Work performed to maintain proper operation and safety, such as tune ups, fluid top offs or change, brake pads/brake parts, tire repair, light bulbs, windshield wiper replacement and other adjustments generally expected to take less than an hour to perform and which do not require the use of loud/noisy air or electrical tools.
3. **Light maintenance of business vehicles and equipment:** Work performed based on an urgent need only, generally expected to take less than four (4) hours to complete, and which do not require the use of loud/noisy air or electrical tools.
4. **Heavy construction equipment:** Self-propelled vehicles with an operating weight greater than 3,000 pounds that are used in construction and landscaping work and not registered for on-road driving. These include, but are not limited to, skidders, cranes, backhoes, loaders, excavators, tractors, and graders.
5. **Commercial Vehicle:** Any motor vehicle with Business Markings or Business Advertisement, or any motor vehicle which is not a Private Passenger Motor Vehicle, antique motor car, motorcycle, auto home, house trailer, taxicab, ambulance, hearse, livery vehicle, or school pupil transport vehicle.
6. **Business Advertisement:** A business advertisement on a motor vehicle includes, but is not limited to, a notice, slogan, image, logo, internet address or a design, or any combination, intended to draw public attention to a company or organization or to a product or service.
7. **Business Marking:** A business marking on a motor vehicle includes, but is not limited to, a name, address, telephone number, internet address or any combination or other indicia that identifies the owner or lessee of the vehicle.
8. **Private Passenger Motor Vehicle:** shall include all motor vehicles eligible for passenger plates per the Massachusetts' RMV Passenger Plate Manual and 540 Code of Massachusetts Regulations (CMR) 2 Motor Vehicle Regulations.
9. **Non-resident Employee:** shall include persons not residing at the residence but involved with the AHBBA activities, whether full or part-time, paid or unpaid or independent contractors.

To do or act thereon.

SPONSORED BY:	PLANNING BOARD
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments: (Sponsor)

This amendment contains several proposed changes to the Zoning By-laws to address the operation of businesses in residential districts as an accessory use.

Following several recent Zoning Board of Appeals (ZBA) hearings for the permitting of both “Home Occupations” and “Trade Shops” the Planning Board concluded that the existing regulations for these uses are outdated and require updating to reflect current trends. The ZBA and the Planning Board together have drafted proposed changes creating a new section of the Zoning By-laws to regulate “Accessory Home-Based Business Activities” (AHBBA) proposed as Section 8.3.

Essentially, the proposed regulations focus on how a home-based business may impact the surrounding area rather than on the type of business itself.

- The proposed amendment to Section 3.1.2 establishes two types of AHBBA’s. A Type “A” AHBBA would be allowed as of right (no Special Permit required) and would apply to the vast majority of home-based business activities currently taking place. Type “B” AHBBA’s would still be allowed but would require a Special Permit from the Special Permit Granting Authority (usually the ZBA).
- The proposed amendment to Section 3.2 “accessory nonresidential use” is made to clarify that it applies only to accessory uses of principal commercial uses. For example, a hotel with a bar. The hotel would be the principal use and the bar would be an allowed accessory use.
- The proposed amendment to Section 6.1.5 stipulates that AHBBA parking requirements shall default to Section 8.3.
- The proposed Section 8.3 focuses on how a home-based business may impact the surrounding area rather than on the type of business itself. Accordingly, Customary Home Occupations; Customary Home Occupation with nonresident employee(s); Hair dresser, novelty shop, antique shop in home; In home real estate office, and Trade Shop are removed from the list of specific accessory uses. They would still be allowed under the proposed Section 8.3 regulations.

Comments: (Finance Committee) Passage of this article would amend the Town’s Protective Zoning Bylaws to define, specify, and clarify Accessory Home-Based Business Activity (AHBBA) as an accessory use. The article specifies that neither “telework” and “work at home,” nor overnight parking of a business-related vehicle, nor certain other minor activities are not subject to these provisions. By defining and specifying two types of AHBBA’s—Type A, meaning “little or no evidence that a property is used any way other than a dwelling”, and Type B, meaning “with significant evidence that a business or professional activity is occurring”—the provisions of this article would foster appropriate home-based business uses while protecting the interests of those residing in Maynard. (See sponsor comments for additional detail.)

MOTION MADE: Chris Arsenault moved to approve Article 37 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED YES: 75 / NO: 5

ARTICLE: 38 AMEND ZONING BY-LAW SECTION 3.1.2

To see if the town will vote to

- 1. Amend Section 3.1.2, USE REGULATIONS, TABLE A, “4. BUSINESS USES”,** of the Zoning By-Laws, to add a Trade Shop use “by right” in the Business, Central Business and Industrial Zoning District and by Special Permit of the Planning Board within the Health Care Industrial Zoning Districts. This will amend the Use Regulations Table, Section 4 Business Uses, as depicted below: (the proposed new text is underlined.):

Principal Use									
4. Business Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
<u>Trade Shop</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>BA</u>	<u>Y</u>	<u>N</u>	<u>N</u>

- 2. Amend Section 11.0 DEFINITIONS** of the Zoning By-Laws, to add the following definition (the proposed new text is underlined.):

Trade Shop: A building, structure, or premises used by a practitioner of a trade or a craft.

To do or act thereon.

SPONSORED BY: Planning Board
 APPROPRIATION: None
 FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The Planning Board, after a request by the Building Commissioner, has found it desirable to specify Trade Shop as a Principal Use, in order to clarify that such uses are allowed in certain zoning districts. This also provides a definition for the Trade Shop use.

Comments: (Finance Committee) Passage of this article would amend the Town’s Protective Zoning Bylaws to define and specify Trade Shop as a Principal Use, “by right” in the Business, Central Business, and Industrial Zoning Districts and by “Special Permit” from the Zoning Board of Appeals in the Health Care Industrial Zoning District. (Trade shops are currently allowed only as an accessory use—i.e., not principal use—“by right” in the Business, Central Business, and Health Care Industrial Zoning Districts, and by “Special Permit” from the Zoning Board of Appeals in residential zoning districts. These accessory uses would not be affected by this Town Meeting vote.) The Finance Committee believes that passage of this article would foster appropriate business uses while protecting the interests of those residing in Maynard.

MOTION MADE: Chris Arsenault moved to approve Article 38 as printed in the warrant, except the words “to do or act thereon”

MOTION PASSED YES: 75 / NO: 5

Marie Gunnerson, 119 Parker St., asked how to decide what regulations are needed to follow for certain activities.

Mr. Arsenault answered that there are many permits required in zoning laws, but do people go without permits? Yes, they do, but residents should be proactive about it and know the laws. You can always go to the Zoning Board to get direction from them.

Amy Shew, 115 Summer Street, asked for clarification on “trade shop” and whether it impacts permits in a residential area that are in place now.

Mr. Arsenault drew attention to “trade shop” being crossed off on a certain table. They are trying to clarify what a trade shop is, and it should be a principle use in business and commercial zones. It should be a “no” in the residential zones.

Bill Nemser stated that a currently permitted trade shop will remain valid until the expiration date of the permit. At that time, they would return to the entity that granted the permit, in most cases that is the Zoning Board of Appeals, and a new permit would probably be issued under a new terminology.

Bill Kohlman, 9 Howard Road, made a motion to dissolve the meeting. The motion was seconded.

Mr. Downey, Moderator, declared the meeting dissolved at 11:45 PM.