



**TOWN OF MAYNARD
OFFICE OF THE TOWN CLERK**

195 Main Street
Maynard, MA 01754

PUBLIC NOTICE

CITIZENS OF THE TOWN OF MAYNARD, MASSACHUSETTS

This is to inform you in accordance with the provisions of Chapter 40, Section 32, pertaining to Articles 35, 36, 37, and 38 of the **warrant** for the Annual Town Meeting that convened on May 15, 2023, has been **APPROVED** by the Attorney General's Office on August 10, 2023. Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute (14 Days). Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within 90 days of this posting. Copies of the by-laws may be obtained at the Town Clerk's Office, Town Hall, 195 Main Street, Maynard, MA.

And you are hereby given notice thereof by posting true and attested copies of this at the following locations:

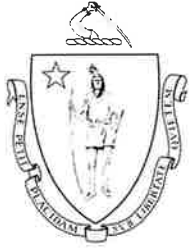
- (1) Maynard Post Office, 143 Main Street
- (2) Maynard Town Hall, 195 Main Street
- (2) Maynard Public Library, 77 Nason Street
- (1) Boys & Girls Club-Assabet Valley, 212 Great Road
- (1) Recreation Room – Concord Street Circle
- (1) Maynard Outdoor Store, 24 Nason Street
- (1) Shorette's Automotive, 2 Brown Street
- (1) Family Delicatessen, 129 Main Street
- (1) Maynard Village Pizza, 86 Powder Mill Road
- (1) Hawes Florist, 70 Powder Mill Road


Dianne Reardon

Town Clerk


Constable

8/11/23
Posting Date



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

August 10, 2023

RECEIVED
9:27 am, 08/10/2023

TOWN CLERK
MAYNARD MA

Dianne M. Reardon, Town Clerk
Town of Maynard
195 Main Street
Maynard, MA 01754

Re: Maynard Annual Town Meeting of May 15, 2023 -- Case # 10961
Warrant Articles # 35, 36, 37, and 38 (Zoning)

Dear Ms. Reardon:

Articles 35, 36, 37, and 38 – We approve Articles 35, 36, 37, and 38 adopted at the May 15, 2023 Maynard Annual Town Meeting.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) **general** by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) **zoning** by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Lisa L. Mead



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May 16, 2023

TOWN OF MAYNARD
ANNUAL TOWN MEETING CERTIFIED VOTE
Monday, May 15, 2023
Vote on Article 35

**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 multifamily 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



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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. 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:~~



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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.~~



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- ~~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.



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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

True Copy

Attest:


Dianne M. Reardon, Town Clerk



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May 16, 2023

TOWN OF MAYNARD
ANNUAL TOWN MEETING CERTIFIED VOTE
Monday, May 15, 2023
Vote on Article 36

**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 Y</u>	<u>N Y</u>	<u>N 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.):



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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.

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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

True Copy
Attest:


Dianne M. Reardon, Town Clerk



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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
<u>Trade Shop</u>	BA	BA	BA	Y	Y	N	Y ¹⁸⁴	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.



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3.2.4 Accessory Home-Based Business Activities: AHBBAs 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



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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.



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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



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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.



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- 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.



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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



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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

True Copy
Attest:


Dianne M. Reardon, Town Clerk



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May 16, 2023

TOWN OF MAYNARD
ANNUAL TOWN MEETING CERTIFIED VOTE
Monday, May 15, 2023
Vote on Article 38

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



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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

True Copy

Attest:



Dianne M. Reardon, Town Clerk