



Town of Maynard
CONSERVATION COMMISSION
Town Building, 195 Main Street
Maynard, Massachusetts 01754
(978) 897-1360
ConsCom@TownofMaynard.net



DATE: March 13, 2013
TO: Max Lamson, Planning Board Chair
CC: Michael Sullivan, Board of Selectman, Myron Fox
SUBJECT: Comments on Special Town Meeting Warrant Articles 1 & 2

The Conservation Commission has reviewed Article 1 on the Warrant for the April 6 STM, the proposal to amend the Town's Protective Zoning Bylaw by changing portions of Section 9.3, the Neighborhood Business Overlay District (NBOD). We wish to call to your attention certain aspects of the Article which, if adopted, could compromise or contradict environmental protections now in effect. We limit our comments to matters related to our concerns as a Conservation Commission.

Section 9.3.2 of the proposal would add the following sentence to the existing paragraph on Applicability: **“Where any provision in the NBOD is different than any provision elsewhere in the Protective Zoning By-Laws, the provision of the NBOD shall control.”** No other section of the Town Protective Zoning By-Law includes language so easily interpreted to give a single district sweeping exemptions from general provisions of the Bylaw. We recommend deleting this sentence. Section 9.3.2 of the existing By-Law specifies that the NBOD overrides limitations of the underlying base districts, but it does not override the General and Special Regulations of Sections 6 and 7 or Special Districts of Section 9. If it is the intention of the proposed article to allow NBOD TO override certain parts of these other Sections, this should be clearly and specifically stated in the language of Section 9.3.2.

The Special Regulations and Districts in question include the Water Supply Protection District, Section 9.2, whose provisions are required by state law for the protection of the quality of ground water pumped from our town wells. We see this as an environmental, public health, and legal necessity. The Water Supply Protection District covers the “Zone II” perimeters surrounding well locations and happens to include the entire 129 Parker Street site. There should be no question that the provisions of the Section 9.2 apply to the NBOD and cannot be overridden by Special Permit or by right, but the sentence in question only confuses the matter and should be deleted.

Section 9.3.5.1 adds to the list of principal uses permitted by right. These include several that could involve the use of materials with significant potential for pollution of land and water if not properly designed according to provisions of the Section 9.2, Water Supply Protection District. We suggest that the list should be reconsidered to see if many of these uses should be subject to

special permits. We also note that some uses, especially those broadly defined, may require permits in addition to those required by these By-Laws.

The Conservation Commission has the following comment related to Article 2 on the Warrant for the April 6 STM.

Concept Plan: The applicant will be filing with the Conservation Commission for permitting under the Wetlands Protection Act and the Town of Maynard's wetland and stormwater bylaws. Issues related to these laws will be addressed in public hearings at that time independent of the acceptance of a concept plan by Town Meeting. The wetlands lines and buffer zones presented on the concept plan were demarcated by New England Environmental Associates, Inc. in July of 2006. The Conservation Commission is awaiting the updated wetland delineation by the current developer's wetland consultant. Based on the information presented on the concept plan, portions of the project do not appear to comply with the Wetland Protection Act and the Maynard Wetlands Administrative Bylaw. No formal filing has been submitted by the developer for review and approval by the Conservation Commission.

Sincerely,

Maynard Conservation Commission
Fred King, Chairman
Peter Keenan
M. John Dwyer
Jessica Pfeifer
John Thomas, Jr.