

# TOWN OF MAYNARD TOWN CLERK

MUNICIPAL BUILDING  
195 MAIN STREET  
MAYNARD, MASSACHUSETTS 01754  
Tel: 978-897-1300 Fax: 978-897-8553

## **MINUTES Special Town Meeting - January 11, 2016**

A quorum was obtained at 7 p.m. and Special Town Meeting commenced.

Moderator Richard Downey opened the meeting and made Jack MacKeen Assistant Moderator for the evening.

The guest list was made available by Moderator Downey. Guests must wear their guest badge and sit in the designated guest area. Guests may only speak on issues if invited or requested to by a town official and acknowledged by the moderator.

Moderator asked residents to please clearly state name and address each time they get up to speak. Please stay on topic and be concise. If you have more than one question please go to rear of line to give equal opportunity to others. Please be respectful at all times to other residents and town officials.

Secret ballot votes will start with book number 10. Please make sure your ballot book starts with this number.

Motion made by resident William Kohlman, and seconded @ 7:05pm to waive the reading of the warrant in its entirety but be made part of the record of this meeting and that the moderator is allowed to refer to each article by subject matter instead of reading each article completely. Accepted.

### **Article S-1 RESCIND UNUSED BORROWING AUTHORITY**

Chris DiSilva (CD) Chairman Board of Selectmen moved first article:

Motion made and seconded except the words "to do or act thereon", Sponsored by Board of Selectmen. Finance Committee recommends. No discussion.  
Open majority vote needed, **Article S-1 carried at 7:09 pm**

### **Article S-2 AMEND THE TOWN BY-LAW HEADINGS AND BY-LAW TABLE**

Jason Kreil (JK) Board of Selectman, moved article S-2:

Motion made and seconded except for the words “to do or act thereon”, Sponsored by By-law Committee. Finance Committee recommended. No discussion. Open majority vote needed, **Article S-2 carried at 7:13 pm**

**Article S-3 – TRANSFER OF FORMER FOWLER SCHOOL TO BOARD OF SELECTMEN**

David Gavin (DG), Board of Selectman moved article S-3:

Motion made and seconded except for the words “to do or act thereon”, Sponsored by Board of Selectmen. Finance Committee recommends.

2/3 Majority vote needed, **Article S-3 carried at 7:16 pm**

**Article S-4 PEG ACCESS AMENDMENT**

Jason Kreil (JK), Board of Selectmen moved article S-4:

Motion made and seconded except for the words “to do or act thereon”, Sponsored by Board of Selectmen. Finance Committee recommends.

Resident questions:

**Robert Hale**, 7 Oak Street, “Is this a tax on cable that is being comingled with the general budget that can be spent on anything else?”

**JK**: “No this is essentially a user fee”

**Kevin Sweet**, Town Administrator (TA), “currently assessed on monthly cable fee and this is how it is handled on the accounting side and set by the contract with the town. There are no changes or increase; it is just how the accounting is handled”

**Robert Hale**, “can we just lower that fee?”

**Kevin Sweet**, “no this fee is set in the contract with Comcast and Verizon and the town”

**Peter Kidd**, 14 Taft Ave, “if this money went into the general fund would it have any impact in the lowering the real estate taxes?”

**Kevin Sweet (TA)**: “No. The money is a wash on each side of the budget.”

Open majority vote needed, **Article S-4 carried at 7:23 pm**

Moderator informs residents facilities are available in Gymnasium to handled overflow. Please make use of them.

**Article S-5 – REUSE OF FIRE CAPITAL OUTLAY**

Tim Egan (TE) Board of Selectmen moved article S-5:

Motion made and seconded except for the words “to do or act thereon”, Sponsored by Board of Selectmen. Finance Committee recommends.

Discussion and Resident questions.

**Adam Sherman**, 5 Allan Dr.: “have we already purchased these breathing apparatus?”  
**Fire Chief Anthony Stowers**: “Originally we appropriated the money to replace our obsolete breathing apparatus after we appropriated this money we applied for and were awarded a \$176,000 federal grant and we did then purchase all special breathing apparatus and they’ve been in service now for about 2 months.”

Open majority vote needed, **Article S-5 carried at 7:27 pm**

#### **Article S-6 - COMMUNITY PRESERVATION FUND CLOSE OUT UNEXPENDED FUNDS.**

##### **ARTICLE WITHDRAWN**

Motion made and seconded. No discussion.

Open majority needed. **Motion carried 7:29 pm**

#### **Article S-7 – ZONING BY-LAW AMENDMENT-PROPOSED AMENDMENT TO NEIGHBORHOOD BUSINESS OVERLAY DISTRICT (NBOD)**

CD, Chair BOS moved article S-7:

Motion made and seconded except for a few typographical errors and the words “to do or act thereon”, Sponsored by Board of Selectmen. Finance Committee recommends. Planning Board recommends.

Discussion and resident questions followed.

**John Witten (JW)**, special town counsel for town on 129 Parker St. project – gave background on NBOD and reiterated what vote was on tonight. He was available to answer questions.

**Cornelia Keenan**, 263 Great Rd: “go back to first screen that have changes so I can check my notes?”

**Nick Kane**, 212 Main St: “does the max number of units include CCR?”

JW: No the max # is 180 NOT including the CCR

**Lee Ellis**, Apple Ridge: what would these new maximums allow them do by right?

JW: in no case can the max number of sq. footage be exceeded, but until the concept plan is presented and voted on at town meeting can we accurately determine what the project will be

**Steve Gershwin**, 11 Field St: questions on the chart, seems to conflict with bottom asterisk itself.

Emerging Energy? What does it mean?

**JW:** 190,000 sf is a total and the asterisk is no one building should exceed this.

I can't answer the question on Emerging Energy Tech.

Bill Nemser (Town Planner) answered: Defined as research related to the environment and renewable/ Alt. energy

**Lorne Bell**, Brooks St: "with the previous NBOD no large box stores could be built previously and with sq. footage amendments will those be maintained with a yes vote?"

**JW:** by-law itself states limit on size, 2<sup>nd</sup> protection is the concept plan that the voters would have to approve, 3<sup>rd</sup> is the BOS have to enter into development agreement, and PB will have to do a site plan review. If voters choose not to accept a big box store they can do so with vote.

**Ken Estabrook**, 28 McKinley: Past 129 Parker Street Ad-Hoc Chair, I would like to make 2 points: NBOD- creative and highly restrictive and offer protections. We are only now voting on Zoning By-Law amendments. BOS working very closely with developer to put together a blend that will be low impact. Also we have Counsel Witten looking and representing the town. I support and recommend other residents to support this change.

**Bill Downing**, Summer St: I understand we can vote on concept plan in the future but it occurs to me that the developer can build with what is in place now without further permitting.

**JW:** the underlying zoning is applicable- so if voters approved this change tonight and the developer decided to never apply for a special permit they would still need to obtain concept plan approval and BOS approval. Then PB approval through site plan. If voters do not approve this tonight then the existing NBOD is in play and what we presenting tonight offers more protection and controls. The developer could not walk into town hall tomorrow and pull permits to begin. 9.3.3 Requires a concept plan. Town meeting must approve the zoning change and then at a later date Town Meeting must approve the concept plan.

**Cornelia Keenan:** Typographical errors on chart.

**JW:** you are correct.

**Karen Grimes**, 4 Field St: NBOD dimensional guidelines. Also numbering is off on Table G. Where do we get 300,000 sq. ft.? Anything can go on there? Will we have multiples elsewhere in town?

**JW:** max zoning sq. ft. cannot exceed 310,000 sq. ft. Table provides for possible uses.

**Nicholas Kane**, 212 Main St: number of dwelling units? Does the affordable cap include the CCRC units?

**JW:** No, the 180 cap does not include CCRC. IT is not a requirement of the by-law but could be in the development agreement

**Cornelia Keenan:** definition of assisted living; dwelling unit under by-law, but in dwelling unit we are not counting it.

**JW:** applicant is discussing CCRC not Assisted Living- we do not yet know what proposal will be.

**Chris Worthy**, 66 Waltham St, and Vice Chair of the Economic Development Committee: we unanimously approved this zoning by law change.

**David Mark**, 10 Maple St: what is number of cap for CCRC?

**JW:** no cap in zoning by-law for CCRC or any other residential, but could be put in to development agreement and concept with Town meeting and BOS. That's where it is meant to happen

**Julia Ritachie**, 7 Oak Ridge; affordable housing or section 8 allocations?

Also I am new to town and I feel this will be great for our town. Splitting hairs seems to be making this a harder process.

**JW:** the by-law treats affordable housing by def. of State law. They will not be section 8 units but could work that out on the state side. Units will below market rate to put toward our affordable housing stock.

**Betsy Binstock**, Deer Hedge: developed something that adds and doesn't take away from the town. Working out a balance that gives us a vibrant situation.

**Nick Kane**, 212 Main St: when a zone allows something to happen in it- free market approach is still applicable. This offers choices and will be made to benefit town. This will not detract from downtown it will create outside awareness and will highlight when people come through.

**CD, BOS Chair:** we as a board are cognizant of downtown and always working with that in mind. Desire from all PB, EDC, BOS to not only keep downtown but continue to improve it.

**Jessica Clark**, 4 Crane Ave: "will units count toward our 10% Affordable Housing mandate?"

**JW:** Sec. 8 units in town do NOT count toward mandate but if they are Affordable Housing units, yes, these units will count.

Secret 2/3 majority vote needed , ballot 10 used, Y- 560, N- 24, Blanks- 4, **Article S-7 carried at 8:36 pm**

### **Article S-8 – CERTIFIED FREE CASH APPROPRIATION**

Motion made and seconded except for the words "to do or act thereon", Sponsored by Board of Selectmen. Finance Committee recommends. Terrence Donovan, Board of Selectman presented.

Discussion and resident questions followed.

**John Lemencheck**, 22 Lincoln St: does this vote dismiss the woodshop curriculum?

**Robert Gerardi** (RG) (Superintendent of Schools): this is not an either or, woodshop is an older tech. which can still be incorporated with a fabrication tech. lab. It's really an improvement on older technology.

**Dorothy Redner**, Marks Way: wouldn't these items be part of the budget that we approved already? These are 10 years old and why would they not be part of the budget?

**RG:** These are all one-time expenses and free cash is the appropriate place to draw from. This is the first year with a technological plan in place and we are still having this budgetary process.

**John Fitzimmons**, 15 Marlboro St: I am a woodshop teacher and I think integrating woodshop into STEM is absurd. Are you replacing the woodshop program?

**BG:** I was a previous woodshop teacher as well and I appreciate the lessons I put out through woodworking. There are not enough students at colleges to fill woodworking. It is the direction the nation is going.

Secret majority 2/3 vote needed, ballot 11 used, Y-453 N-39 Blanks- 4

**Article S-8 carried 8:47 pm**

**Article S-9 – ZONING BY-LAW AMENDMENT- PROPOSED AMENDMENT TO SECTION 9.6 HEALTHCARE INDUSTRIAL DISTRICT**

Motion made and seconded except for the words “to do or act thereon”, Sponsored by Planning Board. Finance Committee recommends. Planning Board recommends.

Terrence Donovan, Board of Selectmen, presented and asked moderator to acknowledge Bernie Cahill (BC), PB chair for discussion.

Resident questions:

**Charles Laftosky**, 18 Taft Ave: breakdown of percentages of uses for rest of town, mill and main- proposed retail and other uses?

**BC:** we don't know that yet as it has not been presented.

**Henry St. Hilaire** recognized by moderator from Saracen Properties, majority is commercial office space and that will remain. We are looking to enlarge some retail space but not much and will be limited to where it will be on site.

Secret majority 2/3 vote needed, ballot 12 used, Y-442, N-51, Blanks-1, Article **S-9 carried 8:54 pm**

A motion was made and seconded to dissolve the Special Town Meeting at 8:57 pm