



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SPECIAL TOWN MEETING

To the Constable of the Town of Maynard, in said County,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the voters of said Maynard, to assemble IN **FOWLER SCHOOL AUDITORIUM**, THREE TIGER DRIVE IN SAID town, on Monday, May 15, 2017 at 7:00 p.m. then and there to act on the following articles:

ARTICLE: S-1 CERTIFIED FREE CASH APPROPRIATION

SECRET MAJORITY

To see if the town will vote to appropriate from certified free cash as of July 1, 2016 the sum of \$1,326,652.00 for the following general, capital and stabilization fund purposes and in the following amounts:

<u>PURPOSE</u>	<u>AMOUNT</u>
FY2017 Snow & Ice Deficit	\$ 385,000.00
Other Post-Employment Benefits (OPEB) Trust	\$ 200,000.00
Capital Stabilization Fund	\$ 246,652.00
Community Master Plan Project – Consultant	\$ 150,000.00
Roadway and Sidewalk Improvements	\$ 300,000.00
DPW – F350 Truck w/ Plow Replacement	\$ 45,000.00
TOTAL APPROPRIATION	\$1,326,652.00

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: \$1,326,652.00
FINCOM RECOMMENDATION: At Town Meeting

PURPOSE	AMOUNT
FY2017 Snow & Ice Deficit	\$385,000.00
Other Post-Employment Benefits (OPEB)	\$100,000.00
Capital Stabilization Fund	\$146,652.00
Community Master Plan Project – Consultant	\$ 75,000.00
Roadway and Sidewalk Improvements	\$300,000.00
DPW – F350 Truck w/Plow Replacement	\$ 45,000.00
FY2018 School Extraordinary Expenses	\$275,000.00
TOTAL APPROPRIATION	\$1,326,652.00

The following action was taken:

Voted: Yes 225, No 28 to transfer from certified free cash as of July 1, 2016 the sum of \$1,326,652.00 for the following general, capital and stabilization fund purposes and amounts:

The Finance Committee did not recommend.

This article was voted by a secret ballot as required per Town by-law.

ARTICLE: S-2 SEWER STABILIZATION FUND APPROPRIATION – SEWER DEFICIT

2/3 SECRET

To see if the town will vote to transfer from the Sewer Stabilization Fund to the Sewer Enterprise Fund the sum of \$350,000 to fund the FY2017 shortfall as a result of unexpected expenses incurred for capital repairs and revenue shortages:

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: \$350,000.00
FINCOM RECOMMENDATION: At Town Meeting

The following action was taken:

Voted; Yes 221, No 51 (157 needed for a 2/3 vote) to approve Article S-2 as printed in the warrant except the words, “to do or act thereon.”

The Finance Committee recommended.

This article was voted by a secret ballot as required per Town by-law.

**ARTICLE: S-3 COMMUNITY PRESERVATION RESERVE FUND
APPROPRIATION**

SECRET MAJORITY

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 G.L. c. 44B:

Appropriations:

From the Historic Preservation Reserve Fund: The amount of \$1,180 for the Honoring our Ancestors project, with unexpended funds as of June 30, 2019 being returned to their funding source.

From the Historic Preservation Reserve Fund: The amount of \$11,395 for the Art Space Cupola Restoration project, with unexpended funds as of June 30, 2019 being returned to their funding source.

From the Open Space Reserve Fund: The amount of \$20,000 for the Maynard Conservation Fund.

From the Community Housing Reserve Fund: The amount of \$32,000 for the Powder Mill Circle Door Preservation project, with unexpended funds as of June 30, 2019 being returned to their funding source.

From the Budgeted Reserve Fund: The amount of \$60,000 for the Green Meadow School Playground Renovation project, with unexpended funds as of June 30, 2021 being returned to their funding source.

From the Budgeted Reserve Fund: The amount of \$50,000 for the Fowler Field Restoration project, with unexpended funds as of June 30, 2019 being returned to their funding source.

From the Budgeted Reserve Fund: The amount of \$30,000 for the Veterans Memorial Park project, with unexpended funds as of June 30, 2019 being returned to their funding source.

To do or act thereon.

SPONSORED BY: Community Preservation Committee
APPROPRIATION: \$204,575.00
FINCOM RECOMMENDATION:

The following action was taken:

Voted: Yes 190, No 22 to approve Article S-3 as printed in the warrant except the words, “to do or act thereon.”

The Finance Committee recommended.

This article was printed by a secret ballot as required per Town by-law.

ARTICLE: S-4 WASTEWATER TREATMENT FACILITY CONTRACT

OPEN MAJORITY

To see if the Town will authorize the Town Administrator, with the approval of the Board of Selectmen to negotiate and enter into a contract for the operation and maintenance of the wastewater treatment facility in excess of 3 years but not exceeding 7 years.

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: At Town Meeting

The following action was taken:

Voted: to accept Article S-4 as printed in the warrant except the words, "to do or act thereon."

The Finance Committee recommended.

ARTICLE: S-5 AMEND PROTECTIVE ZONING BY-LAW - USE TABLE AND DEFINITIONS: FARMER BREWERY, MICRODISTILLERY AND COCKTAIL LOUNGE

2/3 SECRET

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

1. AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, “4. BUSINESS USES”, to add and allow the following uses by Special Permit of the Planning Board within the: “Central Business” (CB), “Business” (B) and “Health Care Industrial” (HCI) Zoning Districts:

- a. Farmer Brewery
- b. Microdistillery/Microwinery
- c. Cocktail Lounge

This will amend the Use Regulations Table as depicted below:

4. Business Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
<i>Farmer Brewery</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>	<i>N</i>
<i>Microdistillery/Microwinery</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>	<i>N</i>
<i>Cocktail Lounge</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>	<i>N</i>

2. AMEND SECTION 11.0 TO ADD THE FOLLOWING DEFINITIONS:

- a. **Farmer Brewery:** A farmer-brewer is authorized to sell to licensed wholesalers, manufacturers, or retailers, as well as sell by the bottle if the brewer produced those beverages. A farmer-brewer may not sell any beverages at retail that were not produced by the brewer or produced for the brewer and sold under the brewery name. A farmer-brewery may also apply to the local licensing authority for a “Farmer Series Pouring Permit” which allows on premise serving of the beer produced by or for the brewer. A Special Permit shall be required for a Farmer Brewery (which may or may not include a Farmer Series Pouring Permit). The establishment shall meet all Massachusetts alcohol beverage control laws and regulations. The term Farmer Brewery shall have the same meaning as set forth in G.L. c. 138 §1.
- b. **Microdistillery/Microwinery:** An establishment in which wine, cider or other alcoholic beverages are fermented, or distilled for distribution and consumption, and which meets all Massachusetts alcohol beverage control laws and regulations. Tasting rooms for the consumption of on-site produced products are permitted on the premises. A Special Permit shall be required.

- c. **Cocktail Lounge:** An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including bars, lounges, and similar uses other than restaurants or alcohol sales for off-premises consumption and which meets all Massachusetts alcohol beverage control laws and regulations. A Special Permit shall be required.

To do or act thereon.

SPONSORED BY: Planning Board
APPROPRIATION: None
FINCOM RECOMMENDATION: At Town Meeting

The following action was taken:

Voted: yes 199, No 2 (134 needed for a 2/3 vote) to approve article S-5 as printed in the warrant except the words, "to do or act thereon."

The Finance Committee recommended.

This article was voted by a secret ballot as required per Town by-law.

ARTICLE: S-6 AMEND PROTECTIVE ZONING BY-LAW - USE TABLE AND DEFINITIONS: MANUFACTURED HOMES

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

1. **AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, “1. RESIDENTIAL USES”**, by adding “Manufactured Home”. (This will amend the Use Regulations Table as depicted below. This would indicate a manufactured home is not permitted in any Zoning Districts.)
- 2.

1. Residential Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
<i>Manufactured home</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>

2. AMEND SECTION 11.0 TO ADD THE FOLLOWING DEFINITIONS:

- a. **Dwelling:** A building for human habitation which meets the minimum requirements of the Massachusetts State Building Code, 780 CMR, for a dwelling structure, with permanent attachment to the ground, which shall not include a manufactured home, trailer or other mobile living unit or hotel, dormitory, hospital or rooming house.
- b. **Manufactured Homes:** Any vehicle or object designed for a movement on wheels and having no motive power of its own, but which is drawn by or used in connection with a motor vehicle, and which is so designed and constructed, or reconstructed or added to by means of such accessories, as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks or other foundation, and shall include the type of construction commonly known as "mobile home" and or "trailer home". These are typically HUD approved dwelling units, which generally do not meet the minimum requirements of the Massachusetts State Building Code for one or two family dwelling structure.

3. DELETE SECTION 7.4 TRAILERS, IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING:

7.4 Manufactured Homes

7.4.1 General. No manufactured home shall be placed upon any land, or used for dwelling or business purposes, within the Town except as provided for in 7.4.2.

7.4.2 Exception. Pursuant to G.L. c. 40A, Section 3, the owner and occupier of a residence which has been destroyed by fire or other natural holocaust shall be permitted to place a manufactured home on the site of such residence and reside in such home for a period not to exceed twelve months while the residence is being rebuilt. Any such manufactured home shall be subject to the provisions of the state sanitary code.

To do or act thereon.

SPONSORED BY:

Planning Board

Article S-6 was WITHDRAWN.

**ARTICLE: S-7 AMEND PROTECTIVE ZONING BY-LAW - WATER SUPPLY
PROTECTION ZONE**

2/3 SECRET

To see if the Town will vote to amend the Town of Maynard Zoning By-law, Water Supply Protection District section 9.2 et seq as follows (~~cross through is deleted~~ and underline is new language):

A. Section 9.2.2(1) is amended as follows:

- 2. Delineation of Water Supply Protection District.** The Water Supply Protection District is herein established to include all lands in the Town of Maynard or under the jurisdiction of the Town of Maynard for water protection that:

1. Lie within Zone 1 or Zone 2 as defined in 310 CMR ~~24.06(2)(a) and (b)~~ 22.02, Massachusetts Drinking Water Regulations.

B. Section 9.2.5 is amended as follows:

5. Prohibited Uses.

1. Solid waste disposal facilities, including without limitation, landfills, junk yards, salvage yards, and any other facilities that require a site assignment from the Board of Health under G.L. c.111 §150A, and under regulations adopted by the Department of Environmental Protection under 310 CMR 19.00.
2. Within Zone 1, all underground or above ground storage of petroleum products, including, without limitation, gasoline, diesel fuel, heating oil (nos. 2, 4, 5, or 6), waste oil, aviation fuel, kerosene, or other petroleum distillate is prohibited.
3. Within Zone 2 or the IWPA, above ground storage of liquid hazardous materials or petroleum products in existing structures is permitted with a special permit, in quantities not to exceed 600 U.S. gallons. Storage of a heating oil tank within a basement is considered to be above ground storage for the purpose of these regulations if:

- a. The basement has a concrete or other impervious floor,
 - b. It is possible to inspect the tank without entering a confined space,
 - c. All sumps in the basement are equipped with a stopper or valve that will control discharge, and
 - d. Total capacity is less than 600 U.S. gallons.
4. All underground tanks in Zone 2 must be tested in accordance with the requirements set forth in 527 CMR 9.00, Tanks and Container Regulations of the Board of Fire Prevention, ~~by July 1, 1996~~. These tanks must be removed if they fail testing, and must be replaced by above ground tanks. Non-conforming above ground or basement tanks must be ~~brought into~~ in compliance with the provisions of Section 9.2.5 subsections 1 through 4 ~~by July 1, 1996~~. All owners of above ground tanks within Zone 2 must apply for a Special Permit ~~before July 1, 1996~~.
5. Storage of liquid hazardous materials and/or liquid petroleum products must provide storage in:
- a. An above-ground level,
 - b. On an impervious surface, and
 - c. Either in container(s) or above-ground tank(s) within a building, or; outdoors in covered container(s) or above-ground tank(s) in an area that has a containment system designed and operated to hold either 10 percent of the total possible storage capacity of all containers, or 110 percent of the largest container's storage capacity, whichever is greater.
- ~~6. Storage of road salt or other de-icing chemicals (such as Urea) in quantities greater than for normal household use.~~
6. Stockpiling or disposal of snow or ice containing road salt or other de-icing chemicals that have been collected outside of the Water Supply Protection District. Snow or ice removed within the District may be stockpiled at the road curb.
7. Within Zone 2 or the IWPA, onsite recycling or treatment, generation, storage and disposal of hazardous wastes, including without limitation chemical wastes, radioactive wastes, waste oils, and infectious wastes in quantities that exceed the Very Small Quantity Generator limits for each waste. All such on site recycling or treatment of hazardous wastes are prohibited in Zone 1.

8. Within Zone 1, manufacture, use, storage, or generation of toxic or hazardous materials in the Zone 1, except for the storage and use of water supply treatment chemicals necessary for the protection and operation of drinking water wells.
9. Within Zone 1, storage of commercial pesticides, herbicides, chemical fertilizers, or manure unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate. These activities are permitted in zone 2 or the IWPA with a Special Permit.
10. Commercial hazardous waste treatment, storage and disposal facilities.
11. Treatment or disposal works subject to 314 CMR 5.00, for wastewater other than sanitary sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6) (Title 5, except the following:
 - a. The replacement or repair of any existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);
 - b. Treatment works approved by the Department designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05(13); and
 - c. Publicly owned treatment works, or POTW;
12. Within Zone 2,
 - a. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
 - b. Storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
 - c. Storage of commercial fertilizers, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
 - d. Storage of animal manures, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
13. The removal of soil, loam, sand, gravel or any other mineral substances within four feet of the historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey), unless the substances removed are re-deposited within 45

days of removal on site to achieve a final grading greater than four feet above the historical high water mark, and except for excavations for the construction of building foundations, the installation of utility works, or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to G.L. c.131, sec.40.

C. Section 9.2.6(8) is amended as follows:

- 8.** Within Zone 2 or the IWPA, any use otherwise permitted as of right or by special permit that requires a permit under the National Pollutant Discharge Elimination System permit program established pursuant to 33 USC 1342, or the Surface Water Discharge Permit Program established pursuant to G.L. c. 21 § 43, ~~or the Groundwater Discharge Permit Program established pursuant to MGL c 21 § 43.~~

To do or act thereon.

SPONSORED BY: Planning Board
APPROPRIATION: None
FINCOM RECOMMENDATION: At Town Meeting

The following action was taken:

Voted: Yes 151, No 10 (107 needed for a 2/3 vote) to approve Article S-7 as printed in the warrant except the words, “to do or act thereon.”

The Planning Board recommended.

The Finance Committee recommended.

This article was voted by a secret ballot as required per Town by-law.

ARTICLE: S-8 WATER SUPPLY PROTECTION DISTRICT MAP

2/3 SECRET

To adopt the Water Supply Protection District Map dated March 2017 and prepared by Stantec, which shall now be represented as the Water Supply Protection District Map and maintained on file in the Town Clerk's office.

To do or act thereon.

SPONSORED BY: Planning Board
APPROPRIATION: None
FINCOM RECOMMENDATION: At Town Meeting

The following action was taken:

Voted: Yes 136, No 9 (97 needed for a 2/3 vote) to approve Article S-8 as printed in the warrant except the words, "to do or act thereon."

The Planning Board recommended.

The Finance Committee recommended.

This article was voted by a secret ballot as required per Town by-law.

ARTICLE: S-9 TRANSFER FROM CAPITAL STABILIZATION - FIRE STATION BUILDING PROJECT

2/3 SECRET

To see if the town will vote to transfer a sum of ONE-HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00) from the Capital Stabilization Fund for the purpose of Owner's Project Manager (OPM) services, Schematic designs, land surveys and soil tests, for the Maynard Fire Station project.

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: \$125,000.00
FINCOM RECOMMENDATION: At Town Meeting

The following action was taken:

Voted: Yes 130, No 23 (102 needed for a 2/3 voted to approve Article S-9 as printed in the warrant except the words" to do or act thereon."

The Finance Committee recommended.

This article was voted by a secret ballot as required per Town by-law.

**ARTICLE: S-10 TRANSFER FROM CAPITAL STABILIZATION - FIRE
DEPARTMENT VEHICLE STORAGE FACILITY**

2/3 SECRET

To see if the town will vote to transfer a sum of ONE-HUNDRED THOUSAND DOLLARS (\$100,000.00) from the Capital Stabilization Fund for the purpose of constructing a vehicle storage facility.

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: \$100,000.00
FINCOM RECOMMENDATION: At Town Meeting

The following action was taken:

Voted: Yes 139, No 19 (105 needed for a 2/3 vote) to approve Article S-9 as printed in the warrant except the words” to do or act thereon.”

The Finance Committee recommended.

This article was voted by a secret ballot as required per Town by-law.

Motion made and seconded to dissolve the May 15, 2017 Special Town Meeting.

Motion carried.