



OFFICE OF THE
BOARD OF SELECTMEN
TOWN OF MAYNARD
MUNICIPAL BUILDING
195 MAIN STREET

MAYNARD, MASSACHUSETTS 01754

Tel: 978-897-1301 Fax: 978-897-8457

Selectmen's Meeting Minutes
Tuesday, December 5, 2017
Room 201, Town Hall
Time: 6:30 pm

Present: Chairman Chris DiSilva, Selectman Melissa Levine-Piro, Selectman Cheryl Steele, Selectman David Gavin, Administrative Assistant Becky Mosca and Assistant Town Administrator Andrew Scribner-MacLean. Absent, Town Administrator Kevin Sweet, and Selectman Terrence Donovan

(This public meeting was recorded).

Public Comments:

Jillian Prendergast resident from Park Street sent in a signed petition to replace pipes on Park Street. A majority of homes affected (11/18) between Sherman and Sudbury Street have signed this petition. Note: The Town and DPW will look into this matter.

Vic Tomyl resident commented about comment he made at last Board meeting and the issue landed in Facebook. His own daughter named him on Facebook and the issue had lots on feedback comments.

Acceptance of Minutes: November 21, 2017

A motion was made by Selectman DiSilva to accept and approved minutes of November 21, 2017 as shown. Seconded by Selectman Steele. Vote 4-0 motion approved.

List of Correspondences (mail to the Selectmen's Office for December 5, 2017). A- D.

A motion was made by Selectman DiSilva to accept the list of correspondences as amended A thru D. Second by Selectman Steele. Vote 4-0 Motion approve

Consent Agenda

- A. License renewals for 2018: Common Victualler, All Alcohol, Package Store, Entertainment, Class II Lodging Rooming Houses, Automatic Amusement, and Taxi Cab/Livery.
- B. Amendments to Zoning By-Law – Request for Referral to Planning Board
- C. Master Plan Steering Committee Appointment: Bill Nemser, Town Planner
- D. Master Plan Steering Committee: Melissa Levine-Piro, BOS
- E. Master Plan Steering Committee: Cheryl Steele, BOS

A motion was made Selectman DiSilva to accept and approve the consent agenda as shown. Seconded by Selectman Levine-Piro. Vote 4-0 motion approved.

Application: Class II Used Auto Dealer

- A. S and D Auto Sales Inc. Owner Sarvan Shirzadov, 76A Powder mill Road

A motion was made Selectman DiSilva accept and approve the Second Hand Motor Vehicle License to S and D Auto Sales Inc. at 76A Powder mill Road Maynard, MA. 01754. Seconded by Selectman Levine-Piro. Vote 4-0. Motion approved.

Recreation Commission Interview and Appointment

Jim Hines resident, Tobin Drive.

A motion was made Selectman DiSilva to accept approve the opening for Recreation Commission to Jim Hines with term June 30, 2019. Seconded by Selectman Steele. Vote 4-0. Motion approved.

Master Plan Steering Committee

- A. Steering Committee Charge

AS part of the Master Plan process, the Board of Selectmen will appoint and establish a nine (9) member Master Plan Steering Committee to oversee the development of the Master plan. The Committee, appointed for a two-year period, will be comprised of a diverse membership and representatives from Town departments, boards/committees and residents.

The Steering Committee will work directly with the Town Planner and a consultant to conduit, guide, and document the effort.

The Master Planning process is intended to be a community-based effort. A key part of this effort will be developing a vision for Maynard with goals, objectives and policies that will guide the Town into the future. The intent is to have broad public participation opportunities and community awareness of the process. The completed Master Plan Should provide a blueprint for the future while creating an essential tool for the municipal decision-making process that reflects community values and vision.

The completed Master Plan must be adopted by the Planning Board. Consequently, the Planning Board will be engaged with the Steering Committee throughout the process. The Town Planner will serve as the primary Town contact to the Consultant throughout this plan.

Basic Charges:

- Work with Master Plan consultant and Town Staff.
- Advice, guide and oversee the planning process of the Master Plan.
- Take charge of public outreach effort (with Town Planner).
- Schedule and coordinate major community-wide planning events (with Town Planner).
- Provide support and feedback to the planning consultant.
- Foster openness and inclusion in the Master Planning process through dialogue and communication with internal and external stakeholders.
- Potentially develop proposed land use and/or zoning changes consistent with Master Plan.

Conservation Commission Representative: Andrew Snyder

A motion was made by Selectman DiSilva to accept and approve Andrew Snyder Conservation Commission Representative to the Master Plan Steering Committee term expires December 31, 2019. Second by Selectman Steele. Vote 4-0. Motion approved.

A motion was made by Selectman DiSilva to accept and approve Greg Tuzzolo, Planning Board Representative to the Master Plan Steering Committee term expires December 31, 2019. Second by Selectman Levine-Piro. Vote 4-0. Motion approved.

A motion was made by Selectman DiSilva to accept and approve Megan Zammuto Planning Representative to the Master Plan Steering Committee term expires December 31, 2019. Second by Selectman Steele. Vote 4-0. Motion approved.

A motion was made by Selectman DiSilva to accept and approve Brendon Chetwynd At-Large Member to the Master Plan Steering Committee term expires December 31, 2019. Second by Selectman Levine-Piro. Vote 4-0. Motion approved.

A motion was made by Selectman DiSilva to accept and approve Adam Conn At-Large Member to the Master Plan Steering Committee term expires December 31, 2019. Second by Selectman Levine-Piro. Vote 4-0. Motion approved.

A motion was made by Selectman DiSilva to accept and approve Tim Houlihan At-Large Member to the Master Plan Steering Committee term expires December 31, 2019. Second by Selectman Gavin. Vote 4-0. Motion approved.

A motion was made by Selectman DiSilva to accept and approve Jason Kreil At-Large Member to the Master Plan Steering Committee term expires December 31, 2019. Second by Selectman Steele. Vote 4-0. Motion approved.

A motion was made by Selectman DiSilva to accept and approve Michael Uttley At-Large Member to the Master Plan Steering Committee term expires December 31, 2019. Second by Selectman Gavin. Vote 4-0. Motion approved.

Recreational Marijuana Overview and By-Law Update

Discussion with Legal Counsel, Kate Feodoroff

Marijuana presentation

- Applications to the state on April 1 to the state, and state will determine who should issue
- State will determine whether or not a permissible use for that town
 - Are there zoning or general by-laws which would prevent establishment
 - If not, and all other requirements of Cannabis Control Commission (CCC) are met, then the license will issue with a start of June 1, 2018
 - Licenses will be prioritized
 - Medical marijuana industry experience
 - New starters
- Section 3 of the law = local measures that can be taken
 - Quota
 - Out and out prohibition
 - Limit based on # of liquor license (i.e., less than 20% of liquor license)
 - If town wants to prohibit or limit, needs two steps: town meeting to pass general bylaws (majority) zoning (2/3rds) plus a second measure as a ballot question (with the language of the approved by-law)
 - If any town wants to prohibit/limit: then do town meeting first and then follow with Maynard
 - Discussion point: will want to be prepared that Town doesn't want in the town
 - Discussion point: federal law/conflicts – there are drug-free workplace rules; need for policies to prohibit use by employees else federal grant dollars may be in play. As BOS is following State Law, there is no liability at the town level
 - Discussion point: are there any legal challenges to the fact that a town vote on a state law – the process that its different for town is to ban based upon whether or not they voted for. Answer: Not aware of any; but acknowledge that there are challenges to the law as written – i.e., one community passed a by-law, but AG came back and said, “Zoning too”. What happens if majority on by-law and only the 2/3 on the zoning... no answer. Anticipate that if you pursue this route, likely to be part of litigation
 - Type (Retail, Cultivation, Testing, and Manufacture)
 - Zoning Bylaw
 - If prohibiting, easy and can make it general to “all marijuana establishments” and would hit all types. Statute does not say you cannot be detailed – i.e., that you cannot prohibit edibles. If that is the route town wants to take, likely better to pursue the by-law process.
 - Signage: regulations cannot be more restrictive for marijuana than they are for liquor establishments – if we do not have a special requirement for a package store, than

- cannot for marijuana. But State is making regulations around packaging and marketing (i.e., not to attract under-age)
- Can pick areas of town for particular types of establishments to be located.
 - Originally “treat equally” – that said there are different uses: retailer, versus cultivator, etc. So current is more nuanced – retailers in commercial zone, cultivators in industrial zone, etc.
 - Require that approval be through special permit – to help ensure that it is cohesive and particular to a given location. Can decide if each application is appropriately placed and certain limitations on the application
 - Some communities are exploring use of a special overlay district, which becomes a de facto prohibition. Though not called out as prohibition, it is likely “too clever” and would be challenged.
 - Rules and Regulations/permitting
 - There are default prohibitions (distance/footage from certain types of establishments). Can’t make it larger, can make it smaller
 - Can accept a statute that would allow a further 3% sales tax. Other potential source of revenue: a host community agreement to be drafted/approved between the parties (for medical and recreation). First 5 years = impact fee which cannot exceed 3%, and must be reasonably tied to the costs of approval – and has to be documentable
 - Taxation (which only is for the retailers would have to be approved at Town Meeting)
 - Wait for ccc regs before developing local permitting process
 - Will need to take care of:
 - Public consumption bylaws
 - Nuisance bylaws
 - Personnel regulations
 - Separate: marijuana cafes – only be brought if 10% of registered voters in the town and would have to be on the State Election ballot in November 2018
 - There was a question on scope of the ballot shape – it is okay for it to be a general “shall the town allow it”
 - Other questions:
 - We have a full booklet for liquor license regulations, is it permissible for community to do the same thing for marijuana?
 - Yes. The CCC regulations will shed light on this – we hope – as that is a really valid mechanism for enforcement. You can regulate time, place and manner – that is so far part of what CCC has. Can imagine reporting acts of violence, failure to report may result in revocation, etc. Would recommend waiting on this until the CCC regs are out.
 - What is deadline for zoning by-laws?
 - Not clear, recommend that it be in place by April 1st – because as of that date, application can be dropped with CCC and that is the moment in time when CCC will reach out to validate “is this a permissible use”

- By-law, ballot and AG approval – means that we would really need to accelerate town action on this
 - May seem more scary than is in practice; the medical
 - Setting a Special Town meeting takes 45 days – which is February 1st(ish).
 - Believe we are on track to be able to accommodate the timing for special town meeting. If the bylaw is a prohibition or other type of strict limitation, then will need a ballot follow-up. If not, under assumption that will not be an out-and-out prohibition, worst case of scenario likely a quota. Passing the zoning by-law is the critical piece by the April 1 date.
 - Assume that all goes well to March Special Town Meeting, plus the review period will likely push past April 1
 - May well get through; even if it does not is unlikely to be challenged as newcomer to town will not want to start off on negative footing. So do not see it as a practical issue, but may be a technical issue.

Maynard Entry Sign Proposal

Greg Tuzzolo, Planning Board

Design for Corner of Acton and Brown Street at the Rail Trail, Welcome to Maynard back side of sign has Leaving Maynard We hope you come again soon.

Wood posts 6 by 6 cedar and not pressure treated. Hardware galvanized and not nickel coated. Stone slab, all exposed edges. Metal Cap should be copper and nailed to wood.

Plantings something evergreen, but can be mixed.

Artspace Request to Negotiate Lease Extension

Discussion of Renewal

John Houchin from Artspace

Andrew Scribner-Maclean commented that this would be helpful for Artspace to have a new lease behind them for grant proposes. This needs to be down via the 30B process. The current lease at Artspace runs out in 2020.

A motion was made by Selectman DiSilva to accept and approve the 30B process to be moved forward at 63 Summer Street known as Artspace. Second by Selectman Levine-Piro. Vote 4-0 motion approved.

Succession Planning

Discussion

DiSilva commented that the senior members at Town Hall actively looking for other opportunities. Board of Selectmen looking for structure of Town Staff. Staff member back in October not notified that he was in charge when other senior members away at leadership meeting. BOS working with Town Counsel for advisement.

Town Administrator Report

K. Sweet report as shown.

Chair Report;

Thank you to the Maynard Business Alliance and Maynard Fire and Police Association for the events over the weekend (Sip & Stroll and Christmas Parade). Both events well attended by Maynard and surrounding towns. Maynard High School Band did a great job at both events also.

On December 7, 2017 at the Maynard Public Library, a Group that represents a Development on Powder Mill Road is holding a meeting. This will affect both Maynard and Acton.

BOS and K. Sweet looking to changes the meetings for January 2018.

A motion was made by Selectman DiSilva to move the meeting date from January 2 to 9th and January 16th to January 30, 2018. Second by Selectman Levine-Piro, Vote 4-0 motion approved.

Board Member Reports

Selectman Levine-Piro: Both events fabulous over the weekend.

Selectman Gavin:

Has Town Hall received any calls that the construction company at 129 Parker Street is starting work on weekends before 7:00 am. Andrew Scribner-MacLean said we receive calls all the time about different constructions companies not knowing the town's regulations.

Both Cheryl and David gave comments and feedback regarding the Sub-Budget Committee meeting from this past week. The next meeting is scheduled for January 11, 2018.

Selectmen Donovan: absent.

Selectmen Steele:

A motion to adjourn the meeting was made by Selectman DiSilva. Second by Selectman Gavin. Vote 4-0 motion approved

Meeting ended at 9:27 pm

Approved: _____

Date: 12/19/17



Selectman, Melissa Levine-Piro, Clerk

Initials: BJM