

## Legal Notice – Maynard Planning Board

Pursuant to Massachusetts General Laws, Chapter 40A s.5, the Maynard Planning Board will hold a public hearing on Tuesday, February 12, 2019 at 7:00 p.m. at the Maynard Town Building, 195 Main Street, Maynard, Soup Campbell Room to consider recommending approval to the May 20, 2019 Town Meeting proposed amendments to the Maynard Protective Zoning By-laws. The proposed amendments consist of:

1. **Amend Section 9.4.5(2)**, Mixed Use and Multifamily Reduced Area Requirement;

Development Agreement, so that it reads (the proposed additional text is underlined):

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.

2. **Amend Section 9.4.4**, Dimensional Requirements, Table I: Downtown Overlay District (DOD) Dimensional Requirements, by changing the Setback Description, so that it reads (the proposed deleted text is stricken, the proposed additional text is underlined):

Maximum / Minimum Yard Requirements for Multi-Family and Mixed Use	
Front (feet) – <del>Maximum / Minimum</del>	<del>10*</del> <u>10<sup>1</sup></u>
Side (feet) – <del>Maximum / Minimum</del>	<del>Unlimited*</del> <u>Unlimited<sup>2</sup></u>
Rear (feet) – <del>Maximum / Minimum</del>	<del>Unlimited*</del> <u>Unlimited<sup>2</sup></u>

<sup>1</sup>At least 90% of the horizontal dimension of the side of a building oriented towards the front lot line shall be within the maximum setback.

\* Increase by <sup>2</sup> 15 feet when abutting a residential lot not within the Downtown Overlay District

3. **Amend Section 11.0**, “Definitions” by editing the Definition for “Dwelling”, so that it reads (the proposed additional text is underlined):

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.

4. **Delete Section 7.4**, “Trailers”, in its entirety (the proposed deleted text is stricken):

## 7.4 TRAILERS

~~7.4.1 General. No trailer shall be placed upon any land, or used for dwelling or business purposes, within the Town except as hereinafter provided.~~

~~7.4.2 Special Permit for Storage. The Board of Appeals may issue a Special Permit to store not more than one trailer per lot in a garage, other accessory building or in the rear yard of a lot occupied by the owner of the trailer.~~

~~7.4.3 Special Permit for Temporary Occupancy. The Board of Appeals may authorize the use of a trailer for dwelling purposes or as a temporary office only if such uses are incidental to construction of a building on the premises or development of the premises. Such authorization may be granted for a period not exceeding twelve (12) consecutive months, subject to approval of safeguards to insure proper sanitation. In no case shall such authorization be renewed for more than six (6) consecutive months.~~

~~7.4.4 Special Permit for Guest Occupancy. The Board of Appeals may issue not more than one permit per calendar year to an owner of a lot for the occupancy of such lot for dwelling purposes by a guest owned trailer. Such permit may be issued for a period not to exceed two weeks.~~

- 5. Amend Section 7.4,** by adding “Manufactured Homes” (the proposed additional text is underlined):

### 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 MGL 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.

6. **Amend Section 3.1.2**, Table A – Use Regulations, by adding “Manufactured Home”. This will amend the Use Regulations Table. This would indicate a manufactured home is not permitted in any Zoning Districts.
  
7. **Amend Section 11.0**, Definitions, by deleting the definition of “Trailer” (the proposed deleted text is ~~stricken~~):

~~Trailer: Any vehicle which is drawn by or used in connection with a motor vehicle and which is so designed and constructed or added to by means of such accessories as to permit the use and occupancy thereof for human use or habitation, whether resting on wheels, jacks or other foundations. It shall include the vehicle commonly known as a mobile home, containing completed electrical, plumbing and sanitary facilities and be designed to be installed on a temporary or permanent foundation for permanent living quarters.~~

8. **Amend Section 11.0**, Definitions, by adding the definition for “Manufactured Home” (the proposed additional text is underlined):

Manufactured Home: Any vehicle or object designed for 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" 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 a one or two family dwelling structure.

9. **Amend Section 11.0**, Definitions, by adding the definition for “Restaurant” from Section 9.3.14 (Definitions for Neighborhood Business Overlay District Uses) to the aforementioned section, so that it reads (the proposed additional text is underlined):

Restaurant: An establishment where the principal business is the sale of food and beverages within the structure, including but not limited to the characteristics of patrons dining at tables or in booths, being waited on by staff and with food and beverages being primarily served in non-disposable containers except for takeout items which are expressly

allowed. For the purposes of the Zoning By-laws, a “restaurant” is distinguished from a “fast food restaurant”.

10. **Amend Section 11.0**, Definitions, by changing the definition for “Fast-Food Restaurant” (strikethrough represents what is being changed, underline represents what is new):

~~Fast-Food Restaurant~~ Restaurant, Fast-Food: An establishment serving fast food. Grocery stores, small markets with deli counters, and traditional bakeries are specifically exempted from this definition.

11. **Amend Section 9.4.5.1**, Mixed Use And Multifamily Reduced Area Requirement; Development Agreement, so that it reads (strikethrough represents what is being changed, underline represents what is new):

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 ~~Committee~~ Trust, or in the absence of such a committee, by the Board of Selectmen. 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.

12. **Amend Section 9.4.2**, Downtown Mixed-Use Overlay District (DOD); Applicability, by adding in a section number, so that it reads (the proposed change is underlined):

9.4.2.1 Special Permit Granting Authority (SPGA). For the purposes of this Section, unless otherwise noted, the Planning Board shall be the Special Permit Granting Authority.

13. **Amend Section 7.9**, Inclusionary Housing; by changing the section number and all subsections from 7.9 to 7.10.

A copy of the Proposed Zoning Bylaw Changes is on file with the Office of Municipal Services Office, Planning Division and the Town Clerk's Office, and can be viewed during regular business hours.

Bill Nemser  
Town Planner