



**TOWN OF MAYNARD**  
**Office of Municipal Services**  
MUNICIPAL BUILDING  
195 Main Street  
Maynard, MA 01754  
Tel: 978-897-1302 Fax: 978-897-8489  
www.townofmaynard-ma.gov

**RECEIVED**  
**JUN 12 2019**  
TOWN CLERK'S OFFICE  
MAYNARD, MA 01754

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***Maynard Planning Board***  
***Notice of Decision***

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To: Michelle Sokolowski, Town Clerk  
195 Main Street  
Maynard, MA 017

May 21, 2019

Re: Special Permit approval for 4-6 Nason Street, Maynard, Ma. 01754 (Assessor's Map #14, Parcel # 147). Planning File # PB18-13.

Dear Ms. Sokolowski:

Please accept this Notice of Decision for the above-referenced property. This is for Special Permit approval and is ready for recording by the Maynard Town Clerk's Office. The Planning Board is designated as the Special Permit Granting Authority (SPGA) for the required permit(s) or approval(s) required for this project.

**I. General**

On December 31, 2018, Mass Wellspring, LLC., 18 Powdermill Road, Acton, MA 01720 (hereinafter referred to as "the Applicant") submitted to the Maynard Planning Board (hereinafter referred to as "the Board") an application requesting a Special Permit to operate a marijuana retailer establishment in the Central Business zoning district at 4-12 Nason Street (later amended to apply only to 4-6 Nason Street).

Mass Wellspring, LLC. was represented during the Public Hearing process by Olof Ingare.

**II.Plans and Documents Submitted in Support of the Application**

The following documents were submitted to and reviewed by the Planning Board either with the associated application, or during the Public Hearing process, and form the basis of this Decision.

Table 1		
Document	Prepared by	Date
Application for Special Permit Approval with Justification statement	The Applicant	December 31, 2018
Traffic Impact, Parking and Access Study (part of PowerPoint presentation dated April 23, 2019).	The Applicant	April 23, 2019

The Planning Board reviewed these materials and subsequent revisions of the same, during the application, public hearing and deliberation processes. The Town Engineer and the Planning Board's Peer Review Consultant reviewed the Applicant's Traffic Impact, Parking and Access Study and deemed it sufficient to evaluate the current conditions.

### III. Review Criteria

Section 3.1.2, Use Regulations of the Zoning By-laws (ZBL) allows a Marijuana Retailer by Special Permit of the SPGA within the "Central Business" (CB), Zoning District. Section 7.9 provides the requirements for Marijuana Retailers. The project is located within, developed under, and subject to, the "Central Business" zoning district regulations. It is also located within the Downtown Overlay District (DOD). Because this is a non-residential use in a structure constructed prior to 2007, Section 9.4.9 of the Zoning By-laws allows a "First Floor Rehabilitation Credit" for parking at this location – namely, no dedicated parking spaces are required. However, as part of the Special Permit criteria, the SPGA considered traffic control and parking as part of the review.

The project requires and is subject to Town approval for:

- a. Special Permit - Approval to allow a retail Recreational Marijuana establishment is required. Section 10.4.2 of the ZBL provides the criteria that must be considered in order to issue a Special Permit.
- b. DOD Special Permit - Because the project is located within the DOD, in addition to the Special Permit criteria identified in Section 10.4 of the ZBL, in order to grant a Special Permit within the DOD, the Board shall apply the review criteria as contained within Section 9.4.6 of the ZBL. Because this is a business going into an existing structure with no exterior improvements or footprint change, not all of the review criteria -if any- are applicable.
- c. Design Guideline Consistency - Section 10.6 of the ZBL states in order to grant Site Plan approval within the Central Business, Business, DOD and Health Care Industrial Districts, a project must demonstrate consistency with Section 10.6 Design Review of the ZBL and the Planning Board Rules and Regulations (PBRR). Because this is a business going into an existing structure, with no exterior improvements or footprint change, this By-law is not applicable.

In addition to standard business and building permitting, and to obtaining a Special Permit from the SPGA for a marijuana establishment, an applicant must also:

- Be licensed by the Massachusetts Cannabis Control Commission.

- Execute a host community agreement with the Town (Board of Selectmen).
- Receive approval of security plan from the Police Department.
- Undergo plan review by the Health Department.

#### IV. Public Hearings(s) and Vote(s) of the Planning Board

The Planning Board began Public Hearings for the project on March 26, 2019 and closed the Public Hearing on May 14, 2019. Notice of the Public Hearing was published in the Beacon Villager on January 10th and 17th, 2019. Abutters were notified by certified mail according to the Assessors' Certified Abutters List.

After conducting the public hearings, and after its own analysis and deliberation relative to the proposed project and the supporting documents and plans described above and herein, the Board determined the following Special Permit requests are consistent with the requirements for the issuance of Special Permits as described in Section 10.4.2 "Criteria" of the ZBL.

##### a. Findings:

1. Social, economic, or community needs which are served by the proposal;  
*The Town voted to allow recreational marijuana uses. The use will allow residents to purchase products in Downtown Maynard. It is anticipated that this will be a destination for shoppers and will have a spillover effect for surrounding businesses.*
2. Traffic flow and safety, including parking and loading;  
*This location is a pre-existing Downtown retail location. The Planning Board's Conditions of Approval include mitigation measures to result in minimal traffic disruption and ensure pedestrian safety.*
3. Adequacy of utilities and other public services;  
*This site is currently served by utilities. The Planning Board's Conditions of Approval include mitigation measures to result in minimal impact to the Police Department and reimburse them for expenses incurred.*
4. Neighborhood character and social structures;  
*This location is a pre-existing Downtown retail location. It is sited in a location consistent with the requirements of the Zoning By-laws. The Planning Board's Conditions of Approval include mitigation measures to ensure minimal –if any– disruption to the social structure.*
5. Impacts on the natural environment;  
*The project as proposed has no additional effect on the natural environment.*
6. Potential fiscal impact, including impact on town services, tax base, and employment.  
*The use will generate significant tax revenue from a previously vacant storefront. Maynard residents will receive employment priority.*

**Planning Board Vote:** to GRANT a Special Permit allowing a marijuana retailer establishment in the Central Business zoning district at 4-6 Nason Street subject to the Conditions of Approval as contained in Section V of this Decision.

Greg Tuzzolo	Yes
Andrew D'Amour	Yes
Jim Coleman	Yes
Chris Arsenault	Yes

## V. Conditions of Approval

The following conditions apply to the Planning Board's approval of this project:

1. Hours of operation authorized by this permit are 10AM - 8PM seven days a week. Other approving authorities may further restrict these hours.
2. Applicant shall appear before the Planning Board at their regularly posted meeting within 45 days after opening of establishment for review. If the Planning Board deems the modification of the Special Permit and/or additional Conditions of Approval necessary, the applicant shall be responsible for the cost of a Public Hearing for any required modification.
3. The Planning Board retains all authority to modify or otherwise address all aspects of the Permit at any time. This includes, but is not limited, to the Planning Board's determination if there are circumstances the Board deems problematic, dangerous, hazardous or that otherwise require modification to comply with the intent of the Permit or the Zoning By-law.
4. The applicant shall modify the exterior of the subject property based on Police Department recommendations to ensure security of the premises, of other properties, its employees and the public at all times. This includes the Police Department's consideration of exterior security for all times including times the establishment is, or is not, open to the public, or accepting deliveries, disposals, transfers or other activities associated with the use of the subject property.
5. Unless/until authorized by the Planning Board at a regularly posted meeting, retail business at the subject establishment shall be by appointment only. Appointments shall be in 12 minute blocks consisting of no more than five customers per block; thus 25 maximum appointments per hour.
6. During hours of operation, a detail shall be provided by the Maynard Police Department (at the applicant's expense) on Nason and Main Streets to ensure there is limited traffic congestion. *The Maynard Police Chief shall have the authority to modify conditions of this approval addressing pedestrian/ public safety and traffic "at will". This condition meets the criteria for "at will" modification by the Police Chief. The Police Chief shall notify the Planning Board of any modification of this condition, and the Police Chief has the authority to discontinue Police Details at his discretion if determined that they are no longer needed.*

7. Discharge of passengers on Nason Street or Main Street or in a location other than a designated drop-off area or parking lot approved by the Department of Public Works (DPW) and the Police Department, is prohibited. *The Maynard Police Chief shall have the authority to modify conditions of this approval addressing pedestrian/ public safety and traffic "at will". This condition meets the criteria for "at will" modification by the Police Chief. The Police Chief shall notify the Planning Board of any modification of this condition.*
  
8. The Applicant shall notify the police in the event there is a congregation of persons that block or otherwise impedes circulation of the public at any location connected with the use of subject property. This condition shall apply on or off the subject premises. *The Maynard Police Chief shall have the authority to modify conditions of this approval addressing pedestrian/ public safety and traffic "at will". This condition meets the criteria for "at will" modification by the Police Chief. The Police Chief shall notify the Planning Board of any modification of this condition.*
  
9. As directed by DPW, the Applicant shall at his/her own expense: a) provide and install signage, as needed for the entire period the Special Permit is valid. b) provide and install landscaping (consisting of four trees and mulch in Town-owned sidewalk wells) located in front of the subject properties. The design, size and other specifications of signage and landscaping shall be as directed by DPW. The initial signage and tree installation shall be consistent with attached Figures #1 and #2 (Prepared by VHB) .
  
10. The Applicant shall lease the adjacent property (6 Nason Street) to function as a waiting room for customers.
  
11. The Applicant shall conduct a Traffic Assessment six months after the establishment has opened and provide a summary memorandum of current traffic conditions and any recommendations to improve any persistent traffic problems. The Assessment shall be completed in conjunction with the Town Engineer and be presented to the Planning Board during a regularly scheduled Public Meeting in which the project is advertised on the agenda.
  
12. This Special Permit is valid for two (2) years from the granting of a certificate of occupancy. The applicant shall be required to file a renewal request and appear before the Planning Board at a Public Hearing.

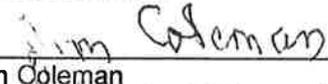
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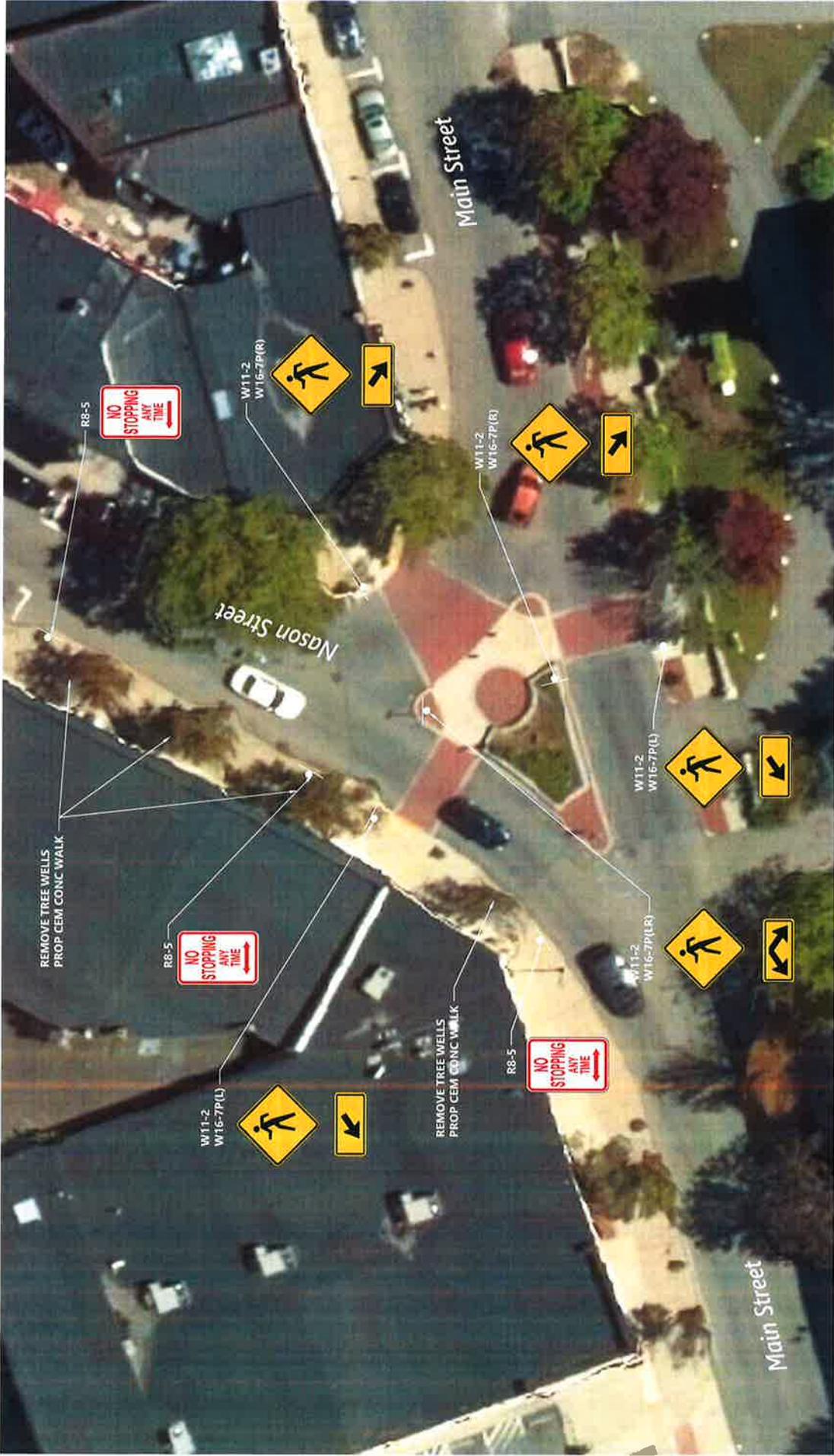
**VI. Planning Board Endorsement**

The Planning Board's approval is hereby approved with the Findings and Conditions contained herein.

Signing for the Maynard Planning Board:

 _____	<u>May 14, 2019</u>
Greg Tuzzolo, Chair	Date
 _____	<u>May 14, 2019</u>
Andrew D'Amour	Date
 _____	<u>May 14, 2019</u>
Jim Coleman	Date
 _____	<u>May 14, 2019</u>
Chris Arsenault	Date

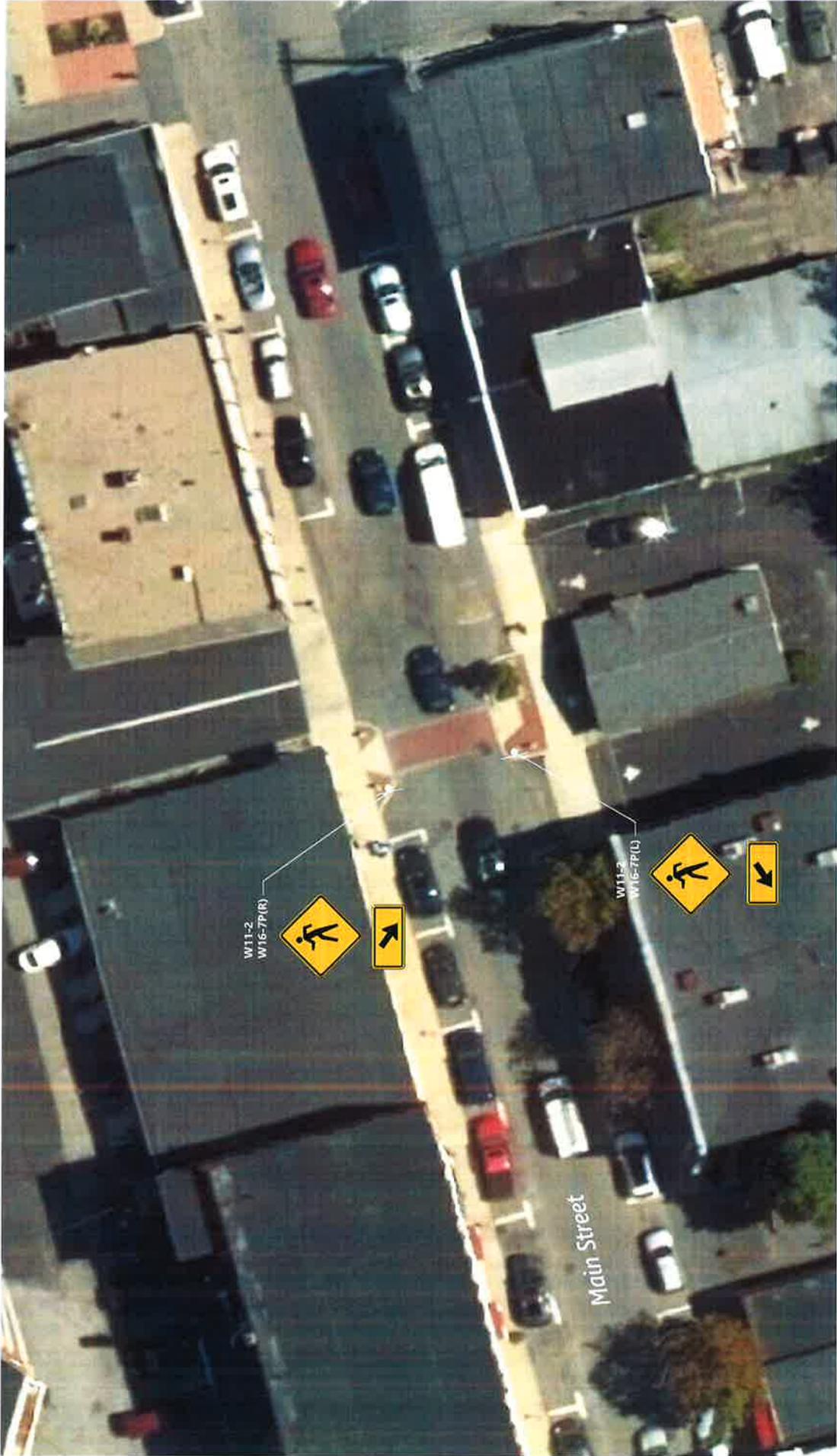
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Parking and Pedestrian Signage  
Main and Nason Street  
Maynard, MA

Figure 1  
April 2019





Pedestrian Signage  
Main Street  
Maynard, MA

Figure 2  
April 2019

