

Maynard Planning Board Meeting and Public Hearing
March 9, 2021 – 7:00 p.m.
(Held remotely via Zoom due to COVID-19)

Board Members Present: Greg Tuzzolo – *Chair*; Bill Cranshaw – *Acting Vice Chair*; Jim Coleman; Natalie Robert – *Acting Member*

Others Present: Bill Nemser – *Town Planner*; Kate Federoff – *Town Counsel*

Called to Order at 7:00 p.m. by Greg Tuzzolo

Public Hearing – Zoning By-laws

Greg Tuzzolo opened the Public Hearing to consider recommendation of approval to the Town Meeting for Zoning By-law amendments. Town Meeting will take place on May 15, 2021. The first amendment discussed was a proposal to allow recreational marijuana in the Industrial Zone by special permit of the Planning Board. Town Co-Counsel, Kate Federoff, noted that the proposal would allow the Planning Board to have visibility to the business plans of prospective recreational marijuana facilities, thereby allowing the Planning Board to impose conditions that ensure the business works for Maynard.

Bill Cranshaw asked for clarification of the parking and vehicle storage that is allowable by right in the Industrial Zone and the Healthcare Industrial Zone. Kate Federoff pointed out that the conditions of the special permit for a recreational marijuana facility, regardless of location, can restrict parking and storage of vehicles. The By-laws can state that the Planning Board has the authority to make those restrictions as part of the special permit.

Greg Tuzzolo asked for comments from the public.

Resident Lynda Thayer asked if it would be possible to require that the vehicles be registered in Maynard in order to be able to collect excise tax on those vehicles. Kate Federoff stated that that would be more of a Host Community Agreement condition. In order for any marijuana entity to be able to operate from Maynard, it must have a Host Community Agreement in place.

Resident Kelly Kane asked if the proposed amendments would apply to 129 Parker Street, which falls within the Industrial and the Neighborhood Business Overlay District, as well as some sections of the Rockland Avenue area that are in the Industrial District. There is one building at the front of the Parker Street complex, as well as the Rockland Avenue Industrial section, that would allow for a Delivery Operator Facility, but only by special permit and not by right. A Courier Facility would be allowed by right in those areas that are Industrial based on the proposed amendment.

Jim Coleman expressed his opposition to the proposed amendments to allow for the use of Courier Facilities and Delivery Operator Facilities in Maynard. He believes it would prevent the other downtown businesses from getting foot traffic that they might otherwise be getting from the marijuana retailers' patrons.

Bill Cranshaw questioned why there would be a change to allow marijuana retailers in the Industrial district when the Business district, which does allow them already, constitutes a large percentage of area in Maynard whereas the Industrial district does not. Bill Nemser noted that there is a great deal of interest from prospective retailers in opening a business in Maynard and that, if there is concern about the number of retailers in the Overlay Districts, the Industrial district would provide another option.

Greg Tuzzolo made a motion to not recommend approval of Article 1 (amendment of section 3.1.2: allowing Marijuana Retailer use within the Industrial Zoning District by Special Permit of the Planning Board), which was seconded by Jim Coleman.

The Board voted unanimously in favor of the motion.

Greg Tuzzolo made a motion to recommend Article 2 (amendment of Section 3.1.2: allowing Marijuana Courier Facilities by right in the "I" and "HCI" Districts, and by Planning Board Special Permit in the "B" District; and Marijuana Delivery Operator Facilities by Planning Board Special Permit in the "B", "CB", "HCI", and "I" Districts), with the added condition as follows: the SPGA may impose additional conditions and limitations on the parking or storage of vehicles used to deliver marijuana as part of the special permit. The motion was seconded by Bill Cranshaw.

The Board voted three in favor of and one (Jim Coleman) against the motion.

Greg Tuzzolo made a motion to recommend Article 3 (amendment of Section 11: adding the definitions of Marijuana Courier Facility and Marijuana Delivery Operator Facility), which was seconded by Bill Cranshaw.

The Board voted three in favor of and one (Jim Coleman) against the motion.

Greg Tuzzolo made a motion to recommend Article 4 (amendment of Section 11: revising the definition of Marijuana Retailer to remove "and deliver" and replace it with "and sell"), which was seconded by Bill Cranshaw.

The Board voted three in favor of and one (Jim Coleman) against the motion.

Greg Tuzzolo opened the Public Hearing for the proposed amendment to Section 10.3.1 of the Zoning By-laws: allowing an associate member of the Planning Board to vote on a subdivision project in the absence of another member). There were no objections and no comments from the public.

Jim Coleman made a motion to recommend the proposed amendment to Section 10.3.1, which was seconded Greg Tuzzolo.

The Board voted unanimously in favor of the motion.

Greg Tuzzolo opened the Public Hearing for the proposed amendment to Section 9.1 (Flood Plain District) of the Zoning By-laws. Bill Nemser stated that the proposed amendment is due to a change at the state level. The section was rewritten to be in compliance with the National Flood Insurance

Program and the revised language was provided to the Town by the State, with review from Town Counsel.

Jim Coleman made a motion to recommend approval of the amendment to Section 9.1, which was seconded by Greg Tuzzolo.

The Board voted unanimously in favor of the motion.

Jim Coleman made a motion to close the Public Hearings, which was seconded by Greg Tuzzolo.

The Board voted unanimously in favor of the motion.

Town Planner Update

Bill Nemser stated that on April 8, there will be the second Powder Mill Corridor presentation, which is open to all. He encouraged the Planning Board members to participate as he anticipates proposed zoning changes in the future.

The Town received a Local Rapid Recovery grant in the amount of \$60,000, which will be for a consultant to help all the downtown businesses reopen and plan for the future.

There was an audio analysis conducted at Maynard Crossing that was geared to the EPA standards. The report was provided to the Board already. When Bill Nemser receives feedback from VHB, he will forward the feedback on to the Board members as well.

Greg Tuzzolo made a motion to adjourn, which was seconded by Natalie Robert.

The Board voted unanimously in favor of the motion.

Adjourned at 8:21 p.m.