

**Maynard Zoning Board of Appeals (ZBA)
Joint Meeting with the Planning Board (PB)
October 25, 2021 – 7:00 p.m.
(Held remotely via Zoom due to COVID-19)**

ZBA Board Members Present: Paul Scheiner – *Chair*; Leslie Bryant; Jerry Culbert; John Courville; Peter Winnett; Brad Schultz

PB Board Members Present: Chris Arsenault – *Chair*; Jim Coleman – *Vice Chair*; Natalie Robert; Bob Brown; Bill Cranshaw; Annette Garabedian – *Alternate Member*

Others Present: Bill Nemser – *Planning Director*

ZBA Meeting Called to Order at 7:07 p.m. by Paul Scheiner

PB Meeting Called to Order at 7:07 p.m. by Chris Arsenault

Joint workshop between the ZBA and the PB to discuss “Home Occupations” and “Trade Shops” and potential revisions to those categories within the Zoning By-laws (ZBL).

Paul Scheiner read the meeting announcement aloud.

Bill Nemser recommended that Paul Scheiner run the meeting since it took place when the ZBA typically meets. He explained that Natalie Robert and Bill Cranshaw put together a presentation. Their presentation, as well as a memo that was written by Bill Nemser, were created using feedback from both the ZBA and the PB. Bill Nemser suggested using the presentation and the memo to provide structure to the meeting. Paul Scheiner asked to first inform the PB of some of the more recent petitions that have come before the ZBA, and which were the impetus for the discussion of potential ZBL revisions. Chris Arsenault noted that any potential changes would ultimately be proposed and recommended by the PB and that he would like to understand the issues from the perspective of the ZBA before proceeding.

Paul Scheiner stated that the ZBA has received more petitions related to home occupations in the past year than ever before. He noted that, in the past, the home occupations have typically been hair salons. He gave, as an example, a more recent petition for a dog grooming service. The applicant in that case wanted to move its existing downtown location to a yet-to-be-built garage in a residential zone. Paul Scheiner pointed out that the petition did not fit cleanly into the home occupation category. He gave a couple other examples, such as a petition for a home-based Rolfling practitioner in a residential area and a psychiatric practitioner for juveniles. In the case of the psychiatric practitioner, there was a request for signage, but the ZBA does not approve signs anymore. In another case, the petitioner wanted to put a home office and exercise space in a heated garage. Paul Scheiner anticipates more of these types of petitions coming forward as more people work from home. He feels that the ZBL document is not very

clear about what is or is not allowed except for a “customary home occupation”, which is not defined and does not appear to have a standard. He suggests revising the verbiage to relate more to the nuisance factor, rather than the type of occupation, to minimize the impact to the neighborhood. Peter Winnett agreed that it would be better to consider the impact of each home occupation petition on the neighbors and neighborhood rather than the type of business it is.

Chris Arsenault asked the ZBA members if they are in support of at-home businesses. They agreed that they are, but Paul Scheiner pointed out that there needs to be a distinction of what types of activities would cross the line, such as outside employees, trucks coming and going, etc.

Leslie Bryant asked what the first step would be for someone who wants to start a home business in terms of notifying the Town. Bill Nemser stated that unless the Town finds out about it or someone petitions for a permit, it would not come to the attention of the Town. He wondered whether every business should have to register with the Town so that the Town is aware. He pointed out that it would help in terms of Town Planning to understand demographics and trends of home businesses.

Leslie Bryant also asked if there any tax implications to a resident who starts running a business from their home. Bill Nemser stated that he believes there would be personal property taxes associated with the business in addition to the property taxes for the residence. There might also be sales tax associated with the business as well. Leslie Bryant pointed out that, in that case, it would behoove the Town to know about all home-based businesses.

Bill Nemser stated that he sees two main advantages to having more home businesses: 1) ideally the business grows to a point where it would require commercial space, and 2) it might provide an opportunity for anyone who is disadvantaged in any way.

Bill Cranshaw clarified that anyone “doing business as” (or DBA) must register with the Town. With regard to taxes, for multiple-use properties, it’s not recognized as business space unless the building has clearly defined commercial and residential space, e.g. someone running a business from their garage. Personal property tax is related to business equipment, but Maynard has a \$10,000 exemption. Therefore, for most of the home occupations that would be considered for a permit, they would not be subject to a personal property tax for the business equipment. As a result, the issue does not involve increasing revenues for the Town.

Brad Schultz added that a home business would need to get a business certificate from the Town Clerk. The certificate costs \$40 and is good for two years. He noted that the banks require a business certificate in order for someone to open a business account.

Paul Scheiner mentioned other examples of the types of home occupations that the ZBA might need to consider would be music instructors and tutors.

Natalie Robert reviewed the presentation that she and Bill Cranshaw put together. She noted that many of the topics in the presentation were part of the discussion that had just taken place. When she read two example purpose statements from other towns, Chris Arsenault noted that the first one sounded more promotive while the second one sounded more protective. The last slide of the presentation was a potential process and decision tree for minor or major home occupations.

Paul Scheiner asked what the next step would be in terms of revising the ZBL. Bill Cranshaw suggested that all of Section 3-2 (Accessory Use) would need to be replaced. He noted that, as written, the ZBL allows for Home Occupation and Trade Shops in every residential district except HCI, which would need to be considered. Another consideration he mentioned would be whether it matters, for example, how many daily visits a home occupation would expect even if the residence were located within the Central Business District vs. the S1 District.

Bill Nemser asked whether Home Occupation and Trade Shops would be lumped together when considering disturbance level and impact to a neighborhood or if they would be considered distinct from one another. Natalie Robert and Bill Cranshaw both feel that the two categories would be lumped together. Bill Nemser also asked the PB Members to consider the resources required by the Town for keeping track of all businesses before committing to a no-cost process. Bill Cranshaw stated that, unless there is a special permit involved, he would be opposed to having a cost associated with the process of a home business registering with the Town. Chris Arsenault noted that those are all considerations that the PB will need to work through.

Bob Brown asked Natalie Robert and Bill Cranshaw if they considered any limitation of the scope of the activity on a property, for example someone who is producing something that requires multiple truck deliveries per day. Bill Cranshaw stated that the more updated zoning information he and Natalie Robert reviewed from other municipalities all include a limit of some sort. Bob Brown asked if they noticed any limitations in terms of square footage or percentage of the residential space that can be used for business. Bill Cranshaw stated that all the zoning language he saw seems to include a percentage of space limitation, often 25%. He pointed out that more research needs to be done to see what role the assessor would play in that determination.

Leslie Bryant asked how appointments would be handled and noted that not all businesses require appointments for their customers. Natalie Robert stated that the special permit process would address that.

Chris Arsenault summarized the approach as looking at the impact a business would have on a neighborhood. Within that framework would be the consideration and determination of whether a business would have a minor/incidental or major/supplemental impact on their neighbors, and, in the event of a major impact, a special permit process would ensue. He asked if all Board Members agree on the framework. Bill Cranshaw stated that it would be best if most home-based businesses can legitimize their presence without action by the PB or the ZBA. Chris Arsenault asked why it would be important for the Town to know about all of those businesses. Bill Cranshaw noted the importance of everyone having a clear understanding of what is allowed and what is not allowed in the event of a conflict. Natalie Robert reiterated what Bill Nemser had previously stated, that it would inform the Town of economic development on a different scale and would provide the Town an opportunity to connect those businesses with other resources such as the Chamber of Commerce and the EDC. Bill Nemser also pointed out that by helping growing businesses transition into commercial space, it would help support the sustainable tax base for the Town. It would also benefit the community to retain its valuable community members who might otherwise leave.

Paul Scheiner cautioned the Board Members about creating a burden on entrepreneurs by creating too much regulation, possibly causing Maynard to lose those residents and their businesses to other towns, which he noted has happened in the past. He encouraged a focus on the "bigger players". Natalie Robert

noted the upside of a resident going before the SPGA is that, if a special permit is approved, then they have been granted the authority to conduct the business from their home.

Chris Arsenault reiterated that his intent would be for the revisions to come from a supportive perspective and not a punitive one. Paul Scheiner's recommendation for moving forward would be for the PB to take the lead on revising the ZBL. Bill Nemser suggested targeting fall Town Meeting as a goal for recommending the revisions. He also suggested that each Chair name a point person from their respective Boards to move forward. Brad Schultz was named as the point person for the ZBA. Everyone acknowledged that outreach will be critical in drafting the revisions to ensure buy-in at Town Meeting. Bill Cranshaw recommended that the working group spends November and December crafting the revisions and that the two Boards should meet again in January to review and revise the proposed changes before public outreach begins. Bill Cranshaw agreed to be the point person for the PB, with some assistance from Natalie Robert. She and Peter Winnett expressed their interest in focusing their efforts on the topic of Accessory Dwelling Units. All Board Members agreed to move forward with the working group. Chris Arsenault thanked Paul Scheiner and the ZBA for bringing the issue to the attention of the PB. Jim Coleman suggested that all Board Members participate in the working group by emailing any thoughts or suggestions to Bill Nemser.

Jim Coleman made a motion to close the PB portion of the meeting, which was seconded by Natalie Robert.

The Planning Board voted unanimously in favor of the motion at 8:24PM.

The PB Members left the meeting. Paul Scheiner asked if he would be getting updates from Bill Nemser, who said yes. Bill Nemser also explained the process of getting the article to and through Town Meeting.

Approval of the Minutes of 08.23.21

John Courville noted that there was an error in the spelling of Jerry Culbert's name. The error was corrected.

Leslie Bryant made a motion to accept the Minutes from the 08.23.21 meeting of the ZBA as amended, which was seconded by Jerry Culbert.

The Board voted unanimously in favor of the motion.

Additional Updates

Bill Nemser notified the Board that a new full-time Health Agent has been hired by the Town. The previous Health Agent was limited to 8 hours per week. The Town is also in the process of interviewing people for the Conservation Agent/Assistant Town Planner position that is currently open.

John Courville asked for a status update on 16 Waltham Street. Bill Nemser stated that there is an interested party and that he is working with the prospective buyer on the best path forward.

Bill Nemser stated that Page Czepiga is heading the group that is looking into possible future use of the old fire station property. There will also be a new group formed to look at the use of the ArtSpace building.

Leslie Bryant asked about the Royal Beijing School and its status. Bill Nemser said that between COVID and visa issues, there have been delays. However, the contacts from the school said that they are still moving forward and have been very responsive to the Town. Leslie Bryant asked if the Town gets revenue from the school. Bill Nemser stated that they are not registered as a non-profit and are paying full property taxes. He also noted that the school will be central to the Powder Mill Corridor revitalization.

Bill Nemser mentioned former Conservation Agent, Kaitlin Young, and her efforts over the course of two years to ensure a clean-up of the John Deere dealership property next to the old Victory Plaza on Powder Mill Road. Bill Nemser mentioned that a couple years ago, he, Kaitlin Young, and some representatives of the state visited the site and found significant environmental concerns after the property had changed ownership due to a death and the new owner was unaware of all the issues. Kaitlin Young worked through the Conservation Commission to create a case with regular tracking of progress at the site. It is now a feasible piece of property for some sort of responsible development. Bill Nemser is hopeful that public river access will be a component of whatever project takes place at that location in the future.

Leslie Bryant made a motion to close the meeting, which was seconded by Jerry Culbert.

The ZBA voted unanimously in favor of the motion.

Adjourned at 8:47 p.m.