

Maynard Planning Board Meeting
April 26, 2022 – 7:00 p.m.
(Hybrid – Town Hall and Zoom)

Board Members Present: Chris Arsenault – Chair; Jim Coleman – Vice Chair; Bill Cranshaw; Natalie Robert; Annette Garabedian

Others Present: Bill Nemser – Planning Director; Julia Flanary – Assistant Town Planner; Wayne Amico – Town Engineer; Olaf Ingare – Applicant; Lynda Thayer – Resident of 14 Chandler St.

Called to Order at 7:01 pm by Chair Arsenault

Approval of Minutes

Chair Arsenault invited comments on the minutes of the March 2, 2022 Planning Board meeting. Mr. Cranshaw made two corrections.

Mr. Coleman made a motion to approve the minutes as amended, which was seconded by Ms. Robert.

The Board voted unanimously in favor of the motion.

Public Hearing – 17 Nason Street

Chair Arsenault asked Mr. Nemser to provide background on the 17 Nason St. project. The petitioner previously operated this establishment under the same name at 4-6 Nason St. as of 2019. There have been no issues associated with the business and they have contributed to Complete Streets items asked for by DPW.

Chair Arsenault asked if there were any items pending from the former permit such as traffic study. There are no pending items.

Mr. Olaf Ingare of Mass Wellspring, LLC shared a PowerPoint presentation. The business provides benefits to the community by offering a safe pre-packaged marijuana product, eliminating the need for black market procurement. ID's are checked upon entry to the building. There will not be any significant changes to neighborhood character, traffic flow, utilities, public services, or natural environment. All waste and returns are brought to their Acton facility. Hours of operation are 10 a.m.-10 p.m. 7 days a week. Fiscal impacts: Towns hosting dispensaries collect 3% sales tax revenue; Mass Wellspring (MW) will provide an additional 3% of gross revenue to the Town of Maynard; preference for employment will be given to Maynard residents; foot traffic from patrons may increase business at other retail locations.

Regarding Complete Streets, MW will fund and install two bike racks on the property in a location designated by DPW. If necessary, petitioner will install exterior sensor lighting. The Maynard Police Chief has approved their security lighting plan.

The business is located in the Central Business District (CBD). There are no schools located within 300 ft. The business use will change from "business" to "mercantile."

Ms. Robert asked if they would be keeping the exterior clock and Mr. Ingare replied yes.

Chair Arsenault asked Mr. Amico to present background from discussions with the applicant. MW will rely on street parking and the municipal lot; there will be no additional parking provided. Mr. Cranshaw asked if employees could park on the property, as it might help meet the Downtown Overlay District (DOD) requirement for the special permit. Mr. Ingare agreed.

Mr. Amico shared an aerial photo of the building and rear parking lot. Customer parking on the lot is not feasible due to the lack of pedestrian access to the business entry.

Mr. Amico asked the applicant to clarify if they are installing bike racks, or providing the funding, or both. Mr. Ingare said he would defer to the Board and DPW on that issue. There was a discussion regarding if bike racks are effective in driving pedestrian and bike access to the CBD. There haven't been any formal studies done to support or deny the benefit of racks. Some of the racks placed in town have been based on need. Ms. Flanary suggested the funds could be held in reserve toward future purchase of bike racks or an alternative. Chair Arsenault agreed that would be a good solution and other Board members agreed. Mr. Amico will help determine an estimate of purchase and installation by DPW of the racks.

Mr. Amico asked that Mr. Ingare provide confirmation that the Police chief as approved the security plan. Mr. Ingare will send it to Mr. Nemser.

Ms. Garabedian asked if there were security cameras. Mr. Ingare said they would add cameras in compliance with state law surveillance requirements for marijuana dispensaries.

Mr. Amico asked to clarify the applicant's statement that "lights will be replaced if needed." Who will be responsible to replace the lights and when? The applicant has provided a cut sheet from the lighting manufacturer, but it doesn't include a light spread analysis with approximate foot candles. The concern is that lighting is too bright for the area. Mr. Cranshaw stated the lighting on Nason St. is of most importance. The lighting should be aesthetically pleasing and in character with the neighborhood (as per DOD criteria 1). Ms. Robert asked that all the lights currently in existence be added to the lighting scheme plan. Mr. Arsenault summarized that we need the illumination map as well as a plan for replacement of broken lights. The Board is not asking for any changes to the front of the building, unless there is an instance which requires it. Mr.

Coleman asked for an illuminated sign. The other three sides of the building should be left to the discretion of the Chief of Police.

Mr. Cranshaw suggested not changing the façade of the building as a condition. He also asked that the time and temperature sign be maintained. Mr. Ingare agreed to both.

Mr. Cranshaw asked that the applicant not challenge the 3% hosting fee to the town for the duration of the special permit. Mr. Ingare agreed with the caveat that the Select Board could renegotiate with the Host Community Agreement (HCA).

Mr. Arsenault opened the meeting to public comment and for the duration of the meeting. No public comments were entered at this time.

Mr. Arsenault suggested referring to the conditions for the previous special permit for discussion. Mr. Nemser presented the original conditions for approval and the Board discussed them.

At the time of the original permit, the operating hours were changed to 10 a.m.-10 p.m. instead of 10 a.m.-8 p.m. and the "appointment only" requirement was lifted. The hours of operation are also set forth in the Select Board licensing and the Planning Board members agreed that there was no need to cite hours of operation as part of a special permit.

The applicant shall re-visit the Planning Board in 60 days. Any proposed changes to the façade of the building must be approved by the Planning Board. The applicant shall not challenge the financial arrangements of the HCA during the time of the special permit. Mr. Ingare will also donate \$1300 towards the purchase and installation of bike racks in the DOD. The time/temperature clock will be maintained by MW for the time of the special permit, to be revisited upon renewal.

Ms. Lynda Thayer spoke in support of the applicant. They have been great neighbors and business owners. She also asked the Board to consider improvements to the back of the building and Naylor Court. Chair Arsenault asked Mr. Amico and Mr. Nemser to work with the applicant to ensure that the lighting on all sides of the building is consistent and aesthetically pleasing. Mr. Amico will approve the lighting fixtures.

Mr. Nemser noted per the Zoning By-laws the special permit shall be valid for two years.

Chair Arsenault made a motion to close the Public Hearing, which was seconded by Mr. Coleman.

The Board voted unanimously in favor of the motion.

Chair Arsenault made a motion that the application meets the criteria outlined in section 10.4 of the zoning by-laws, which was seconded by Mr. Coleman.

The Board voted unanimously in favor of the motion.

The Board voted to approve the special permit under 10.4

Chair Arsenault made a motion that the applicant meets the criteria outlined in section 9.4.6 of the zoning by-laws for special permit in the DOD, which was seconded by Mr. Cranshaw.

The Board voted unanimously in favor of the motion.

The Board voted to approve the special permit under 9.4.6

Chair Arsenault made a motion to issue a special permit to Mass Wellspring, LLC to operate a marijuana dispensary at 17 Nason St., which was seconded by Mr. Coleman.

The Board voted unanimously in favor of the motion.

Other Items and Planning Update

The discussion of the Downtown Overlay District was tabled to the next meeting. Chair Arsenault suggested making a "wish list" to pull from when applicants come before the Board. Mr. Nemser and Ms. Flanary will provide a summary of pending grants and projects in process. Ms. Robert suggested looking at what other communities have done with Complete Streets and bike racks, etc. Mr. Coleman suggested looking at the State grant guidelines. Ms. Flanary has been working with Nashoba Valley Greenways to improve the bicycle infrastructure. An overall integrated plan for Complete Streets and the DOD is needed as they tie together.

Ms. Thayer added that trash/litter in the downtown area is an issue that needs to be addressed. The Board agreed.

Ms. Robert made a motion to close the public hearing, which was seconded by Mr. Coleman.

The Board voted unanimously in favor of the motion.

Ms. Robert made a motion to close the meeting, which was seconded by Mr. Coleman.

The Board voted unanimously in favor of the motion.

Meeting closed 9:35 p.m.