

**Maynard Planning Board Special Meeting**  
**Zoning Board of Appeals also in attendance**  
**Home Occupation Community Forum**  
**February 9, 2022 – 6:00 p.m.**  
**(Held remotely via Zoom)**

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

**Zoning Board of Appeals Members Present:** Paul Scheiner – *Chair*; Page Czepiga – *Vice Chair*; Leslie Byant; John Courville; Brad Schultz; Jerry Culbert

**Others Present:** Bill Nemser – *Planning Director*

**Called to Order** at 6:05 p.m. by Chris Arsenault

Chris Arsenault conducted a roll call to ensure each Planning Board Member was able to hear the meeting and could be heard. Paul Scheiner did the same for the ZBA Members.

Chris Arsenault explained the intent of the forum: to gather feedback from the community regarding the concept of revising the ZBLs for Home-based Occupations. He then went through an on-screen presentation to provide background for the discussion. He then asked for public comment.

Thomas Whiting stated that he feels it is a great idea to consider community impact versus the old ZBL that may not fit in a particular neighborhood or an area that warrants having businesses that can be run out of a home. He believes it is better for the community for people to be able to live and work out of their home.

John Courville wondered how one would know that they need to apply for a special permit based on an initial concept of a business, not knowing what the noise or traffic impact might be. Chris Arsenault stated that that would be something the subcommittee from the PB and ZBA would have to consider. He asked Bill Nemser if the current process requires an annual renewal. Bill Nemser stated that it depends on the type of use and that, for example, trade uses are required to renew every year. It can vary for home occupation use. Chris Arsenault asked John Courville for feedback on a renewal interval. John Courville stated that he thought an annual renewal would be appropriate.

John Courville also asked about frequency of deliveries and what would be considered an impact to the neighborhood. Chris Arsenault stated that there is not yet an answer to that since the discussion is still in the concept phase. He asked for feedback. John Courville stated that he thinks deliveries once a day could be problematic but that once every two or three weeks would not be considered impactful.

Michael Hart of 119 Summer Street stated that he has a couple concerns and that criteria need to be set stringently. He stated that he has been working with the town for the past six years on an issue with a neighbor who runs an “art manufacturing facility” next door to his house. He noted that it is about

twelve feet from his bedroom window. He discussed dump trucks bringing wood stumps and dumping them at his neighbor's property at 7 a.m. He hopes there is careful consideration being given to how the changes will impact a neighborhood's characteristic because he has been unable to have any enforcement actions taken, even with evidence that zoning laws and rules are being broken. He feels that trade shops should not be allowed to operate anywhere they want in Maynard just for the sake of business development for the town. Chris Arsenault asked Michael Hart for his feedback on businesses that might be acceptable on the other side of town, for example in the Waltham Street area. Michael Hart stated that he hopes the Town would not increase foot or vehicle traffic into an area for a commercial purpose or any by-products of manufacturing such as noise or odor. He doesn't believe commercial manufacturing should be allowed in any residential area.

Kathie Larsen stated that she agrees with a lot of what Michael Hart expressed. She noted that she really likes the concept of looking at the impact. She expressed concerns about enforcement and hopes that part is being considered as well. Chris Arsenault noted that the PB is not involved in enforcement but will pass the concerns along. Kathie Larsen stated that she is a management consultant and that she works from home now and will likely continue to do so. She asked whether those kinds of jobs would require an annual license (or permit). Chris Arsenault stated that under the current concept, the intent would be to look more at the businesses that would have an impact on the neighborhood. He stated that he would not support any type of change that would make everyone who works from home have to apply for a permit.

Marie Gunnerson of 119 Parker Street stated that it is important to differentiate between someone who is employed by a company but works from home versus someone running a business from home. She expressed concerns about having no differentiation of commercial areas versus residential areas because Maynard is so limited on space. She echoed Michael Hart's sentiments that the ZBL should be strict enough to maintain the character of residential areas. She also reiterated the importance of enforcement of the ZBL when residents receive reassurance of the laws and regulations during the PB process of granting a special permit. She expressed a couple areas of concern, primarily related to the potential of fire. She noted that there have been accidents in other places due to welding, fuels stored on site, and other hazards. She would want to see that any business that involves welding or storage of fuels or other flammable materials, especially in a residential neighborhood, or businesses that involve loud noise impacts, would require a special permit. She also expressed concerns about traffic, deliveries, and parking as well as "yard clutter" for storage of construction or other equipment.

Bill Shew of 115 Summer Street stated that he has lived in Maynard for over 14 years. He stated that he is in support of preserving residential districts and supports those who enforce the current by-laws. However, in reviewing some of the language in the documents for the community forum, he feels that the concept is focused only on commercial and business interests and does not see how it benefits the residents. He questioned who will determine whether a business has an impact on a neighborhood and whether it is demonstrable or not; he feels that it will be difficult to enforce. His belief is that, under the current process, all neighbors of a prospective business are required to be notified in advance of a hearing, providing those abutters with an opportunity to express their support or opposition. He noted that in the documentation for the meeting, it stated that the intent of the revisions would be to "maximize flexibility for home businesses while protecting neighbors". He would like to see the verbiage reversed to say, "maximize protections for neighbors while allowing home businesses". He does not feel that there is any interest or consideration put into the families living in Maynard and enjoying a

residential community. His interpretation is that the proposed revisions would increase the by-right uses, expanding and normalize commercial interests in residential districts.

Chris Arsenault noted that home-based occupations are an accessory use in a residentially zoned property. He reiterated that the PB is looking to update the ZBL so that it can ensure the PB considers community impacts. Bill Shew asked if there would be changes to the Use Regulation Table regarding S-1 and S-2. Chris Arsenault stated that there are not any proposed changes to that table right now. Rather, the PB is proposing a concept that would change the ZBL to move away from allowing certain professions and instead look at community impacts of a potential business. Bill Shew asked if a change in the table would be required. Bill Cranshaw stated that the table would need to be changed in the "Other Uses" section in order to reflect the impact of use rather than the type of use. Bill Shew asked how the potential changes to the ZBL would benefit residents in residential districts who have no business interests.

Chris Arsenault asked Bill Shew for his general feedback on the concept of changing the ZBL to consider impact of a business on a neighborhood rather than the type of use. Bill Shew stated that he likes the Town having oversight of the types of businesses moving into neighborhoods through the special permit process. Chris Arsenault asked what types of impacts Bill Shew would consider to be reasonable versus unreasonable. Bill Shew stated that he would like to see no impacts to the neighborhood. He noted that there are several home-based businesses around him that he was not even aware of until he started researching for the meeting. He stated that that is what he would prefer to see: a business that has no impact on neighbors. He is concerned about businesses that do impact the neighbors as well as growth of a business within a residential neighborhood in such a small town. He would like to see focus on business development in any business centers in town that are not fully utilized, as well as a possible entrepreneurial center to help incubate small businesses and provide an affordable rent outside of residential neighborhoods. That way people could live in a neighborhood but have a business close to their home at an affordable rate.

Chris Arsenault asked Bill Nemser if there are noise ordinances in town. Bill Nemser stated that there are no noise ordinances and that the Town defers to state DEP standards. The Town has tried in the past to adopt standards for noise, but it was not well received at the time. He noted that often the PB has worked to preserve harmony in situations where there might be noise issues by imposing specific hours for certain activity, for example.

Lynda Thayer of 14 Chandler Street expressed appreciation for the community forum being held. She echoed previous comments that enforcement is key. She agrees with the concept of requiring a special permit for certain thresholds of impact. She noted that some of impacts can be subjective. She likes the idea of having neighbors as part of the conversation about a particular business on an annual basis. She believes that noise, odor, traffic, hours, and lighting are all areas of potential impact on neighbors. Chris Arsenault asked Lynda Thayer if she supports the concept of revising the ZBL to consider impact rather than type of use. Lynda Thayer stated that she somewhat supports the concept but that it depends on how it is rolled out since so many of the impacts are subjective. She noted that it really comes down to process and enforcement. She does not feel that enforcement has been very good historically.

Michael Hart added that it is important to understand who determines a change of character in a neighborhood, what defines a change in character, who enforces that change, and which town body hears grievances that come up. He feels that there should be a bias towards existing homeowners.

Bill Shew stated that the annual review is extremely important in order to keep track of changes to neighborhood impact as a business grows.

Jerry Culbert echoed Lynda Thayer's comments that the process and the enforcement of the rules are critical. He noted that he runs a consulting business from his home and is registered and pays the applicable personal property taxes. He believes there are many home-based businesses that are not appropriately registered.

Marie Gunnerson asked if a business that includes animals (care, raising, slaughter, etc.) would be allowed. She expressed concerns if it would be allowed. Chris Arsenault asked for her feedback on that. She stated that she would have concerns about noise, smell, and safety (if animals escape). She noted that she owns a property in another town and that a neighbor of hers at that property owns chickens; she stated that it is very loud. She stated that boarding or caring for animals would be areas of concern. She went on to say the by encouraging people to have a business in their home, it further reduces the incentive to rent space in the commercial properties in town.

Yvette of Summer Street thanked the Board for holding the forum. She echoed the previous comments and stated that the problem will be enforcement. She recommended pre-defining the types of businesses that would not have any impact and add them to the existing table. For example, someone who knits or someone who does architectural drawings on a computer would not need a special permit, but someone who has chemicals, hand tools, power tools, construction equipment etc. would need a special permit. She asked if there will be any financial benefit to residents of the town if the revisions are made to the ZBL, for example decreasing taxes or improving schools. Chris Arsenault stated that he does not believe it would have any impact on taxes. He asked for Bill Nemser's feedback. Bill Nemser stated that businesses should be registered, and the owner would then be paying personal property taxes. If the business generates revenue, the owner would be paying the appropriate taxes for that as well. There would be no connection with property taxes associated with the potential revisions.

Bill Nemser noted that it is clear from the conversation that enforcement is paramount to any revisions that take place. He pointed out that the businesses that would be subject to a special permit review need to be clearly defined.

Yvette noted that encouraging businesses to open in town rather than in residential districts would allow more people to know about and support those business and help the town become more of a destination for businesses.

Chris Arsenault emphasized that the concept does not prioritize businesses over residents and their neighborhoods but rather does the opposite by clarifying the ZBL and allowing the ZBA to make more informed and quality decisions. He asked the attendees what opportunities and challenges they see in the potential revisions. Bill Shew stated that he is still struggling to understand what prompted the potential changes and how they would benefit residents. Chris Arsenault reviewed the current ZBL Sections 3.2.4 and 3.2.5 regarding Home Occupation and Trade Shops and stated that the current verbiage is not adequate. He also noted that the ZBA does not feel that the current regulations provide enough guidance for recent applications or expected future applications. Bill Shew asked for some recent examples of applicants that have come before the ZBA. Chris Arsenault stated that he did not want to get into specific examples as the purpose of the current meeting is to gather feedback on the proposed concept changes.

Natalie Robert noted that since the only use types that are called out in the existing ZBL are hair salons, real estate businesses, and trade shops, it seems antiquated and needs to be updated to better reflect current home occupations. She used the example of someone making cards to sell on Etsy and how that would be a benefit to the town but that the business owner wouldn't necessarily want or need commercial space in town. She would want to encourage those types of businesses that would have no impact to a residential neighborhood but could potentially turn into commercial businesses in town in the future.

Lynda Thayer stated that she believes that anyone who has the type of business Natalie Robert used as an example is likely already running their business from their home and would see no benefit in registering it if it is not already registered. She asked for clarification of whether any business that's operating out of the home but doesn't fall within one of the listed categories currently in the ZBL is in violation of the ZBL. Chris Arsenault stated that he was not trying to imply that. He was simply noting that the existing categories are outdated. Bill Nemser responded that businesses other than the ones listed would not necessarily be in violation. He noted that, currently, the PB or ZBA would try to find a similarity in a proposed business to those that are listed in the ZBL. He went on to say that both the PB and the ZBA have always tried to incorporate some type of mitigation when granting a special permit, such as no more than one car per hour or no visitors at all to the property, considering each business and neighborhood on a case-by-case basis. For those home-based businesses that are currently operating without a special permit, Bill Nemser noted that there are plenty of cases in which they would be operating legally and would not require a special permit. He also indicated that if there are impacts to a neighborhood, whether it's because of a home-based business or not, it would be a code issue that should be enforced.

Lynda Thayer asked if the ZBA has had to deny many applications because they could not find a way for it to fit under the current allowable uses. Paul Scheiner stated that the ZBA has probably had about a dozen inquiries over the past year for some kind of home occupation, most of which went through with conditions. However, there were a few that were withdrawn without prejudice because it was clear that the ZBA would likely deny them. He stated that the potential revisions would provide better guidance on the criteria for denying a special permit. Lynda Thayer then asked if the proposed changes would have allowed the ZBA to approve those applications that they might otherwise have denied. Chris Arsenault reiterated that there are not yet any proposed changes but rather a concept of how to change the ZBL. Lynda Thayer rephrased her question to ask if the proposed concept changes would have made a difference in the three applications referenced by Paul Scheiner. Paul Scheiner stated that rather than making any impact on those cases, the proposed concept changes would have prompted the ZBA to deny one or two of the applications that they approved because they would have had more criteria to support a denial. Bill Nemser added that he serves as a sort of clearing house for applications and that many are filtered out before they even make it before the PB or ZBA.

Bill Shew suggested that it might resolve some of the concerns to have one sentence added to the ZBL that states if a business has no demonstrable effects on the neighborhood (noise, smell, traffic, etc.), it will not need a special permit.

Chris Arsenault stated that he found the meeting to be very helpful, and he thanked everyone for their feedback and participation. He reviewed the next steps and noted that the subcommittee will take the information from the survey and the feedback from the forum to craft a proposed revision to the ZBL. Those proposed changes will go in front of the PB and the ZBA and the final proposal will be presented

to the public at a future hearing. The PB will then bring the proposed changes to Town Meeting for approval.

Bill Nemser stated that he appreciates the PB and ZBA for their effort on the possible revisions.

*Leslie Bryant made a motion to close the ZBA portion of the meeting, which was seconded by John Courville.*

***The ZBA voted unanimously in favor of the motion.***

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

***The Board voted unanimously in favor of the motion via roll call.***

**Adjourned** at 7:41 p.m.