

Maynard Planning Board Meeting

January 10, 2023 – 7:00 p.m.

(Hybrid – Town Hall and Zoom)

Maynard Planning Board Members Present: Chris Arsenault – Chair; Bob Brown – Vice Chair; Bill Cranshaw; Jim Coleman(remotely); Natalie Robert; Annette Garabedian (Alternate)

Others Present: Bill Nemser – Maynard Planning Director; Julia Flanary – Assistant Planning Director; Bob DePietri, Capital Group Properties; Katherine Sousa – Property Manager; James Vazza - Richard Asmann – Building Commissioner; Paul Scheiner – Chair Zoning Board of Appeals

The meeting was opened at 7:05 p.m. by Mr. Arsenault. A roll call of attendance was taken.

1. Maynard Crossing Compliance Review

The Planning Board will hold periodic public meetings with the owner/developer Maynard Crossing JV to ensure oversight and to provide additional clarity for the developer in maintaining compliance with the Board's 2016 Special Permit Decision for the project.

The Board reviewed a list of recent issues regarding lights and signage, many of which have been resolved. Ms. Sousa confirmed that all lights on the property are turned off at 11 p.m. Mr. Coleman reported that the “flickering lights” are still occurring.

Mr. Arsenault asked who made the determination that there are no reverse channel lights. Ms. Robert said she reviewed the definitions and took a lot of photographs. She feels confident that the lights are not channel lights. The two outstanding issues are the sign at Jersey Mike’s, and the flickering lights at Dunkin Donuts and Middlesex Savings Bank. Mr. Asmann will review the sign at Jersey Mike’s for compliance.

A member of the public stated that the internal and external on the Emerson Urgent Care building (R7) never go off. She asked if the patio lights at Evviva Trattoria (R5) had been approved and noted they are very bright and often on past 11:00 p.m.

The Board will plan a site visit to Maynard Crossing the week of April 11 to review these outstanding items and any new issues that may arise.

Kate Wheeler of Maynard Tree Corps asked to be included when they are planting new trees at the Crossing to ensure native trees are planted.

2. Public Hearing

The Board will consider recommending approval of amendments to the Maynard Protective Zoning Bylaws to the May 15, 2023 Spring Annual Town meeting. The proposed amendments have been initiated by the Planning Board with the exception of the "Accessory Home-Based Business Activity (AHBBA)" which was initiated by the Planning Board and the Zoning Board of Appeals. The Board will consider recommending approval of amendments to the Maynard Protective Zoning By-laws to the May 15, 2023 Spring Annual Town meeting. The proposed amendments consist of Exhibits A-H below: Elimination of Section 7.2 Body Art regulation. Revision of Section 11 Definitions for "Body Art" and "Body Art Establishment". Revision of Section 3.1.1 Table A – Use Regulations. Replace Section 9.4.5 "Mixed Use and Multifamily Reduced Area Requirement; Development Agreement" in its entirety. Creation of Section 8.3 of the Zoning By-laws "Accessory Home-Based Business Activity" (AHBBA). Revision of Section 3.1.2 Table A - "Use Regulations". Revision of Section 3.2 "Accessory Uses". Revision of Section 6.1.5 Table "C" "Parking Space Requirements". A summary of the proposed amendments is attached to this agenda as "Attachment "1" The entirety of the proposed amendment's text is contained (as Exhibits "A" to "H") on Board Docs. A full copy can also be obtained by contacting the Office of Municipal Services at oms@townofmaynard.net or calling 978-897-1302 during business hours.

Mr. Nemser stated that the amendments to “Body Art” definitions will help modernize the regulations. Mr. Arsenault opened the meeting to public comment on items A-C, of which there were none. Mr. Nemser then outlined the proposed changes to the density bonus in the Downtown Overlay District (DOD). The Planning Board believes 60% AMI more closely matches Maynard resident demographics rather than 80%. This only applies to situations where the Planning Board will consider density bonuses for developments in the DOD. The Town is required to maintain 10% affordable housing units, and is currently at 9.6%. Mr. Arsenault asked for public comment on Item D.

Ms. Robert pointed out that this is a great stride, given that the greatest need for affordable housing is in the 40-60% AMI. Mr. Asmann suggested that the Board consider reducing the minimum square footage in the DOD to allow for more housing units, especially 1-2 bedroom apartments. Mr. Nemser and Mr. Arsenault agreed that the Board would look into this possibility, but not for the Spring 2023 Town Meeting.

Yvette Tardiff of 119 Summer St. noted we live in an area of very high “millionaires per capita.” She asked if we could make the AMI for Maynard only, to reflect our localized population. Mr. Nemser replied that the AMI is set by DHC. The 80% number applies to the Metropolitan

Boston statistical set. The State encourages local communities to make adjustments where necessary.

Accessory Home-Based Business Activity

The Zoning Board and Planning Board have endeavored to update of the language around home-based business activities. Mr. Arsenault and Mr. Nemser presented a Powerpoint on the topic to provide context.

Historically the definition of Home Occupations has includes work such as hairdressers, real estate and trade shops. Many of these definitions are not instructive currently, and an attempt has been made to modernize them. The business types have been sorted into two groups: Type A (“As of Right”) & Type B (those activities requiring a Special Permit).

During the Covid-19 pandemic, many people were concerned that they would need a special permit to conduct business at their homes. Working from home with no impacts on the neighborhood does not require a special permit. Any complaints of noise, traffic, etc are handled by code enforcement (Building Commissioner and/or Health Agent). Special permits are issued by the Zoning Board usually for 1 year (but can be more).

There are many benefits to the community of allowing home based businesses, such as providing incubator space to budding enterprises.

Mr. Arsenault elicited comments from the Planning Board. Mr. Brown suggested some changes to the “Character of the neighborhood” language.

Mr. Arsenault asked for input from the Zoning Board. Mr. Scheiner, Chair of the ZBA, said the direction was good.

Mr. Cranshaw noted the reference to Hazardous Materials and the Maynard Cultural Council’s response regarding artisans’ use of these materials; should seek input from Fire Chief.

Michael Hart of 119 Summer St., remarked that the amendments doesn’t address that S1 residential zone is a residential zone. Yvette Tardiff of 119 Summer St. is concerned that the amended bylaws allow businesses in the residential zone.

Greg Bokis of Florida Road Maynard stated that some of the language is vague and urges that it be more quantifiable and objective, especially around words like “dust” and “noise.” He pointed out that there is a lot of computer-based remote work that does not involve working for another business. The Board agreed this type of work would be reflected under Type A work.

Amy Shew of 115 Summer St. voiced a lot of concerns going forward. She does not support making it easier to have a business in a residential area. Business activity has a lot of negative impacts on neighborhood.

Mr. Arsenault remarked that the updated language is more restrictive than the current language and does not make it easier per se.

Ms. Shew responded that abutters are left to enforce zoning laws because the Building Commissioner and police can only do so much. The amended language should not be subjective. It needs to protect the residential zone.

Bill Shew 115 Summer St., stated that he doesn't support amendments that allow businesses in the residential zone. While Type B is more restrictive, Type A allows too much room for businesses coming in. He feels the need to protect other residents from going through what they have gone through.

Mr. Arsenault asked for specific recommendations to the language, perhaps by email. He disagrees that Type A is not restrictive enough.

Mr. Shew referenced a Type A business that allows customers 9a-5p through the week. Mr. Arsenault responded that it's restricted to 10 visits a week, no more than 2 a day. The current by-laws do not address this at all.

Mr. Hart suggested language that if most or all of the abutters have an issue with a business, that would be taken into consideration during the permitting process.

Lynda Thayer, 14 Chandler St., asked what would happen if multiple small business on the same street or in the same area. Would that be considered during subsequent permit applications?

Mr. Nemser responded that there could be multiple Type A businesses in an area and no one would necessarily know. Businesses with impact would be reviewed on a case-by-case basis.

Andy Moerlein of 123 Summer St. suggested that special permits should be for 3 years after the initial 1-year period as it's an extensive process.

Ms. Shew asked if there would be businesses that wouldn't need a special permit until complaints were made. Mr. Arsenault responded that the need for permitting is outlined in the by-laws and it's not about complaints.

Ms. Tardiff suggested that Type B businesses not be allowed in the S1.

Angeline Boisvert of Summer St., reiterated that the residents of Summer St are especially concerned given recent events with their neighbors.

Ms. Robert made a motion to approve the proposed zoning by-law amendments exhibits A: Elimination of Section 7.2 Body Art regulation. B: Revision of Section 11 Definitions for "Body Art" and "Body Art Establishment" and C: Revision of Section 3.1.1 Table A – Use Regulations, which was seconded by Mr. Cranshaw.

The Board voted unanimously in favor of the motion by voice.

Ms. Robert made a motion to approve the proposed zoning by-law amendment exhibit D: Replace Section 9.4.5 "Mixed Use and Multifamily Reduced Area Requirement; Development Agreement" in its entirety, which was seconded by Mr. Arsenault.

The Board voted unanimously in favor of the motion by voice.

Ms. Robert made a motion to continue the remaining proposed by-law amendments, including exhibits E-H at the February 14, 2023 meeting, which was seconded by Mr. Arsenault.

The Board voted unanimously in favor of the motion by voice.

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

The Board voted unanimously in favor of the motion, by voice.

Meeting closed: 10:09 p.m.