

Maynard Planning Board Meeting
February 14, 2023 – 6:30 p.m.
(Hybrid – Town Hall and Zoom)

Maynard Planning Board Members Present: Chris Arsenault – Chair; Bob Brown – Vice Chair; Jim Coleman; Bill Cranshaw; Natalie Robert

Others Present: Bill Nemser – Maynard Planning Director; Julia Flanary – Assistant Planning Director; Wayne Amico – Town Engineer; Tim Hess – InSitu Architects;

The meeting was opened at 6:33 p.m. by Mr. Arsenault. A roll call of attendance was taken.

Public Hearing

(Continued from Jan. 24, 2023) - Special Permit and Site Plan Application filed by Studio InSitu Architects 63 Main Street, Maynard, MA, on behalf of Sugarloaf Maynard LLC, 16 Holden Road, Belmont, MA. Consistent with Sections 3.0, 7.9, 9.4.6 and 10.0 of the Zoning By-laws, the petitioner is requesting Special Permit and Site Plan approval to operate a marijuana retailer establishment in the Central Business Zoning District/Downtown Overlay District at 25 Nason Street.

Mr. Nemser gave a history of the project. The Board had asked for some changes to the Site Plan. Mr. Hess went over some of the amendments to the plan. The applicant will contribute funds toward tree planting and a handicapped parking spot, in coordination with DPW. Funds could also be given to the Cultural Council for painting of the wall mural, though there are some accounting details that need to be worked out for that to happen.

Mr. Cranshaw asked about the line from the application that reads: “the dispensary will provide revenue to the town in the form of a community impact fee of 3% gross sales each quarter.” This should be termed as a reimbursement, not revenue. He also questioned the need for a third marijuana dispensary in town. Counsel for the applicant stated that this is a minority woman owned business, and therefore has social impact.

There was a lengthy discussion of the parking and the fire lane, to the side and rear of the building. The Fire Chief stated that he is OK with the fire lane remaining as such, as long as it’s not used for long-term parking. Temporary parking for deliveries is allowable. The applicant is

proposing refreshing the striping and signage on the parking spaces. No vehicle shall be in the Delivery Zone for more than 15 minutes. The applicant will provide an updated Site Plan to be reviewed by the Board.

Funding of \$10-12,000 will be provided for tree planting and a handicapped parking space, the exact nature of which was outlined by Ms. Flanary.

Mr. Arsenault asked for public comment, of which none was entered. A one-year review of the permit will be conducted.

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

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

Mr. Arsenault made a motion that the Board determine that the application, and all information presented, has met the criteria of a special permit as described in Section 10.4 .2 of the Zoning Bylaws. Mr. Coleman seconded the motion.

The Board voted 4 to 1 in favor of the motion by voice:

Mr Coleman: Yes

Mr. Arsenault: Yes

Ms. Robert: Yes

Mr. Brown: Yes

Mr. Cranshaw: No

Mr. Arsenault made a motion to amend the motion that the Board determine that the application, and all information presented, including proposed conditions has met the criteria of a special permit as described in Section 10.4 .2 of the Zoning Bylaws. Mr. Coleman seconded the amendment.

The Board voted unanimously in favor the amended language by voice.

Mr. Arsenault made a motion that the Board determine that the application has met the criteria of the Downtown Overlay District (DOD), as described in Section 9.4.6 of the Zoning Bylaws. Mr. Coleman seconded the motion.

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

Mr. Arsenault made a motion to approve the amended site plan that the applicant will provide and Town staff will approve, which was seconded by Mr. Coleman.

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

Mr. Arsenault made a motion to approve the Special Permit to allow a marijuana retailer in the DOD, subject to the conditions as discussed by Town staff, which was seconded by Mr. Coleman.

The Board voted 4 to 1 in favor of the motion by voice:

Mr Coleman: Yes

Mr. Arsenault: Yes

Ms. Robert: Yes

Mr. Brown: Yes

Mr. Cranshaw: No

Public Hearing

141 Parker Street: Special Permit Application filed by Blatman, Brobowski, Haverty & Silverstein LLC, 9 Damonmill Square, Ste. 4A4, Concord, MA, on behalf of Lexvest Parker LLC, 141 Parker Street, Ste. 305, Maynard, MA. Per Sections 3, 6.1, and 10.4 of the Zoning By-laws, the Petitioner, Lexvest Parker LLC, is requesting Special Permit approval for a Medical Office use at 141 Parker Street, within the existing structure. Petitioner also requests Special Permit relief from the requirement to add six (6) parking spaces to the existing parking lot for the proposed use. The subject property is located within the Industrial Zoning District.

Mr. Nemser stated that special permitting is needed for medical offices. Counsel for the applicant stated the need. A physical therapy office will be moving into the building, which would trigger addition of parking spaces. However there is not room in the lot for additional spaces, and the lot is usually only 1/3 full.

Mr. Coleman asked if a tenant had left to make room for the new office. One tenant did vacate the building, so the number of people and parking spaces remains the same. Mr. Cranshaw asked for the ratio of parking per square foot. The building is 28,000 sq feet, and there are 73 parking spaces. No changes will be made to the office spaces, to the parking lot or to the traffic flow.

Mr. Arsenault opened the meeting to public comment, of which there were none.

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

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

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 hand.

Mr. Arsenault made a motion that the request meets the criteria for Special Permit for use as described in Section 10.4 of the Zoning Bylaws, which was seconded by Mr. Coleman.

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

Mr. Arsenault made a motion to approve the Special Permit for medical office use and relief of parking as discussed. The motion was seconded by Mr. Coleman.

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

Accessory Home-Based Business Activity (AHBBA)

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 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:

- 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".
- The entirety of the proposed amendment's text is attached below.

The Board discussed the amendments to the Maynard Protective Zoning By-laws, including A and B type businesses, Trade Shop definitions and parking and vehicle regulations.

Mr. Arsenault opened the meeting to public comment.

Donna Dodson of 123 Summer St. stated that she and her husband have never conducted illegal business activities, nor will the Boards (Planning and Zoning) condone illegal business activities. Property values in Maynard, including on Summer St., continue to rise. Many houses sell for over-asking due to dearth of housing stock.

Ms. Dodson recommended changing the language in Section 8.3.6, item L to “excessive noise...fumes...etc.” Mr. Cranshaw clarified that these items need to be individually considered and approved by the ZBA, not that they are expressly prohibited.

David Mark, 10 Maple St., stated that the language in 8.3.6 items A-N is vague, and would benefit from more specificity. The limit of customers/visits to 2 per day is too restrictive, as well as the limit to commercial vehicles.

Mr. Nemser stated these scenarios would be addressed by special permit.

Andy Moerlein of 123 Summer St. read a statement about the value of home-based businesses. Mr. Cranshaw added that value is always reviewed in the special permit process.

Mr. Arsenault made a motion to continue the hearing to February 28, 2023, which was seconded by Mr. Coleman.

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

Minutes of January 10, 2023

Mr. Coleman made a correction to the fact that Mr. Brown is now Vice-Chair. Mr. Cranshaw made two amendments to the language of “home based occupation.”

Mr. Coleman made a motion to accept the minutes as amended, which was seconded by Mr. Arsenault.

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

Updates from the Town Planner

Megan Zammuto, Assistant Town Administrator, is leaving her position.

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

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

Meeting closed: 10:10 p.m.