

At the Special Town Meeting duly called and held at the Mill and Main Parking Lot, Maynard, MA on Saturday, October 16, 2021, at 12:00 PM the following ARTICLES were voted on in a legal manner. There was a quorum present (75 Voters = quorum); 227 voters were present.

The Town Moderator, Richard "Dick" Downey, called the meeting to order at 12:07 pm.

At the start of the meeting, Moderator Downey requested the voters to approve the voting of the articles as followed:

Articles 1-4 - combined  
Articles 5-9 - combined  
Articles 10 -16 - individual

## **MOTION PASSED UNANIMOUSLY.**

Select Chair Gavin moved that the reading of the warrant in its entirety be waived but made a part of the record of this meeting, and that the Moderator be permitted to refer to each article by subject matter instead of reading each article completely.

## **MOTION PASSED UNANIMOUSLY.**

## **ALLOCATION OF BOND PREMIUM TO COSTS OF THE WELL 4A TREATMENT PROJECT**

To see if the town will vote to appropriate \$87,921.10, a portion of the net premium paid to the town as part of the sale of the \$18,865,000 General Obligation Municipal Purpose Loan of 2021 Bonds, dated June 23, 2021, to pay costs of the Well 4A Treatment Plan Improvement Project, in accordance with G.L. c. 44, §20, or to take any other action relative thereto.

To do or act thereon.

**SPONSORED BY:** Select Board  
**APPROPRIATION:** \$87,921.10  
**FINCOM RECOMMENDATION:** Recommends

Comments: (Sponsor) On June 23, 2021, the town issued \$18,865,000 General Obligation Municipal Purpose Loan of 2021 Bonds (the “Bonds”) to finance Water and Fire Station projects as well as to refinance bonds issued in 2011. A premium is generated when the stated interest rate on a bond, called the coupon rate, is greater than the yield (the rate of return) to the investor. For the “Bonds” issuance the town received \$87,921.10 in premium associated with the \$1,500,000 bond issuances for capital expenses that include the Well 4A Treatment Plant Project. Bond authorizations at Town Meeting often include the value of a premium to be applied to the specified project. This vote would allow the town to allocate the \$87,921.10 in premium received from the June 23, 2021 bond sale to the Well 4A project to pay for any additional costs,

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thereby totaling \$1,587,921.10. This appropriation is not derived from any new utility rate changes or new tax collection.

Comments: (Finance Committee) Passage of this article would allow the bond premium of \$87,921.10 to be used towards the approved project Well 4A Treatment Plant Project. The Town of Maynard identified the need to pursue additional drinking water sources to support water use by current residents and to support future developments as outlined in the May 2021 Town Meeting. The installation of well 4A and treatment plant upgrades are phase one of the town's long-term water utility capital improvement plan. This improvement is necessary to ensure the town can continue to provide safe drinking water and fire protection for the residents and business in Maynard.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 1 as printed in the warrant, except the words, "to do or act thereon".

## MOTION WAS SECONDED.

**MOTION PASSED YES: 165 / NO: 3**

## **ARTICLE: 2 TRANSFER FROM SEWER STABILIZATION FUND**

To see if the town will vote to transfer from Sewer Stabilization the sum \$199,132.11 to the Fiscal Year 2022 (FY22) Sewer Enterprise budget for the purpose of supplementing Rotating Biological Contractor (RBC) capital improvements.

To do or act thereon.

SPONSORED BY: Select Board  
APPROPRIATION: \$199,132.11  
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The transfer of Sewer Stabilization funds are to directly address unanticipated emergency repairs associated with the town's Waste Water Treatment Facilities (WWTF) Rotating Biological Contactor (RBC) treatment equipment failure. The need for immediate repairs is to mitigate the failure of our permitted allowance of nitrogen contamination into the Assabet River. The Sewer Enterprise's regular operating budget will not be enough for the substantial cost to repair equipment of this scope. The Department of Public Works (DPW), in consultation with the town's Waste Water Treatment Plant contracted vendor Veolia, and the utility engineering firm Stantec, procured the services of Interstate Water & Wastewater Specialists, LLC, for the repairs to the system.

Comments: (Finance Committee) Passage of this article would transfer \$199,132.11 in funds from the sewer stabilization fund to pay for the emergency repair of a critical piece of equipment in the Waste Water Treatment Facility (WWTF). This repair was not optional and was required to prevent excess discharge of nitrogen into the Assabet River.

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Future updates to the town's waste water treatment plant are part of the town's capital plan and water/sewer rate schedules, and funding these future initiatives may prevent future emergencies. The money in the sewer stabilization fund comes from water/sewer bills, not real estate taxes.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 2 as printed in the warrant, except the words, "to do or act thereon".

## **MOTION WAS SECONDED.**

**MOTION PASSED YES: 165 / NO: 3**

## ARTICLE: 3

## TRANSFER FROM WATER STABILIZATION FUND

To see if the town will vote to transfer from Water Stabilization the sum \$500,739.00 for the purpose of establishing a reserve fund within the Fiscal Year 2022 (FY22) Water Enterprise operating budget to provide for unanticipated expenditures.

To do or act thereon.

SPONSORED BY: Select Board  
APPROPRIATION: \$500,739.00  
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The transfer of Water Stabilization funds for the purpose of establishing a reserve fund within the Water Enterprise budget allows the Select Board, as the town's water and sewer enterprise commissioners, in conjunction with the Department of Public Works (DPW) Director, to efficiently respond to unanticipated failures within the town's public drinking water utility system. Swift response is required for issues that arise from the aging system, especially as much of the infrastructure is well beyond its designed life cycle. Establishing dedicated reserve funds follows established best practice policies for fiscal responsibility.

As an example of an immediate concern, the DPW is preparing the utility to respond to a potential localized public health emergency involving Per- and Polyfluoroalkyl Substances (PFAS) contamination within the town's drinking water supply. Proposed allocated funds will allow the DPW to activate our emergency response plan in an efficient manner and help reduce the effects of PFAS on our customers.

Comments: (Finance Committee) Passage of this article would transfer the reserves of the Water Enterprise Fund from a fund that requires town meeting appropriation to a reserve fund under the control of the water commissioners (the Select Board). The purpose is to allow the town to more quickly use these funds for urgent repairs or responses. While some members are hesitant to recommend less town meeting control, there are not large reserves in the Water Enterprise Fund and this article would allow quicker access to the funds for repairs.

Ideally, the town would be building long term reserves in the Water Enterprise Fund to defray the cost of large future capital needs. Unfortunately, we do not have reserves of that scale. Currently, large scale projects require borrowing and would require town meeting approval for the borrowing. The ongoing emergency repairs needed for our aging system, the limits on our

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supply of water, and the immediate responses required by water quality standards justify a more efficient process for access to the reserves we do have.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 3 as printed in the warrant, except the words, "to do or act thereon".

## **MOTION WAS SECONDED.**

**MOTION PASSED YES: 165 / NO: 3**

To see if the town will vote to transfer the sum of \$137,316.00 from the Maynard Golf Course Receipts Reserved fund to support capital improvements to the municipal golf course.

To do or act thereon.

SPONSORED BY: Select Board  
APPROPRIATION: \$137,316.00  
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The transfer of revenue provided to the town per contractual agreement by the golf course's management firm, Sterling Golf Management, Inc., will be utilized to complete capital improvement projects to the golf course and its facilities. Capital projects include roof replacement and facility improvements in order to address long-standing roof failures causing internal damage and structural capacity issues. The golf course's facility includes the Maynard Council on Aging, as well as the course's country club with function hall, kitchen and pro shop. Years' worth of roof failures threaten the management's business and therefore potential revenue.

Comments: (Finance Committee) Passage of this article would transfer \$137,316 from the golf course receipts to fund necessary repair of the roof and associated capital expenses with the intent to preserve the building for future use. This transfer will not increase taxes, but will deplete this fund. However, this fund receives regular monthly payments from Sterling Golf Management, Inc. during the normal golf season from golf receipts.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 4 as printed in the warrant, except the words, "to do or act thereon".

## **MOTION WAS SECONDED.**

**MOTION PASSED YES: 165 / NO: 3**

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## **ARTICLE: 5 AMEND ZONING BY-LAW SECTION 6.1.5 PARKING SPACE REQUIREMENTS**

To see if the town will vote to

**AMEND SECTION 6.1.5 PARKING SPACE REQUIREMENTS, TABLE C – PARKING REQUIREMENTS** of the Zoning By-Laws, so that it reads (the proposed additional text is underlined; deleted text is ~~stricken~~):

**TABLE C – PARKING SPACE REQUIREMENTS**

Type of Use	Minimum number of parking spaces to be provided
Business or Professional Offices, Office Building and Office of a Wholesale Establishment including Sales Space	1 per <u>225</u> <u>350</u> sq. ft. of gross floor area
Retail	1 per 250 sq. ft of gross floor area
Single Family, Two-family, <u>Three-family</u> <u>Multi-Family Dwelling</u>	2 per dwelling unit
Multi-family of four (4) or more units	1 per studio, 1.25 per one-bedroom, 1.5 per two-bedroom, and 2 per three-bedroom or larger. <sup>1</sup>

<sup>1</sup> For any fractional parking spaces, the Applicant shall round the number of spaces up to the next whole number.

To do or act thereon.

SPONSORED BY: Planning Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) – The purpose of this amendment is to update parking requirements, allowing them to be less restrictive and to promote redevelopment projects or changes of use.

The Zoning By-law's current parking standards do not include requirements for retail uses. This results in a case-by-case evaluation for retail uses and matching by the closest similar use. Based on a review of best practices, staff has concluded one parking space per 250 feet of shopping area is appropriate as a standard. The Planning Board retains the option to modify parking requirements for specific projects in some cases.

The amendment to the parking requirements for residential uses allows for more appropriate ratios per type of unit. This way, studio and single bedroom units are not necessarily required to have more parking than they realistically need.

Comments: (Finance Committee) Passage of this article would revise and clarify the parking space requirements in the town's Zoning By-laws in two key areas encountered in recent development projects:

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1. The first set of revisions would add specific parking space requirements for retail uses, thereby clarifying requirements for new retail uses as contrasted with other business/office uses.
2. The second set of revisions would add specific parking requirements for multi-family dwellings with four or more units, thereby establishing parking space requirements for new multi-family dwellings at a more realistic level, based on the number of bedrooms.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 5 as printed in the warrant, except the words, "to do or act thereon".

**MOTION WAS SECONDED.**

**MOTION PASSED YES: 181 / NO: 2**

**ARTICLE: 6 AMEND ZONING BY-LAW, SECTION 6.1.13 LOADING AREAS**

To see if the town will vote to

**AMEND SECTION 6.1.13 LOADING AREAS** of the Zoning By-Laws, so that it reads (the proposed additional text is underlined; deleted text is ~~stricken~~):

6.1.13 Loading/Delivery Areas. One or more off street loading areas shall be provided for any business that may be regularly serviced by tractor-trailer trucks or other similar delivery vehicles, so that adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each building and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites. Loading areas shall be 12 feet wide and 50 feet long. The Building Commissioner may authorize loading areas with reduced dimensions provided the service vehicles normally associated with the business do not require the dimensions herein.

All projects with more than eight (8) dwelling units shall provide a designated area convenient for use by package delivery, ride-hailing, meal delivery, and similar personal services. The area shall be a minimum of 8 feet wide and 30 feet long. It shall be located on site or, with approval by the Select Board, on-street along the frontage of the property.

To do or act thereon.

SPONSORED BY: Planning Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) – This change would add language to recognize the need to safely accommodate services such as UPS, FedEx, Amazon, Uber, Lyft, GrubHub etc. It would apply to multi-family projects with more than eight (8) dwelling units.

Comments: (Finance Committee) Passage of this article would add a requirement for new projects with eight or more dwelling units to provide a designated delivery area, in order to promote safer delivery services.

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**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 6 as printed in the warrant, except the words, "to do or act thereon".

## **MOTION WAS SECONDED.**

**MOTION PASSED YES: 181 / NO: 2**

## **ARTICLE: 7 AMEND ZONING BY-LAW, SECTION 6.1.11 PARKING DIMENSIONAL REQUIREMENTS**

To see if the town will vote to

**AMEND SECTION 6.1.11 DIMENSIONAL REQUIREMENTS** of the Zoning By-Laws, so that it reads (the proposed additional text is underlined; deleted text is ~~stricken~~):

1. Standard Parking Dimensional Regulations. Off street parking facilities shall be laid out and striped in compliance with the following minimum provisions:

**Table D – Standard Parking Dimensional Regulations**

Angle of Parking	Width of Parking Stall	Parking Stall Length of Line	Width of Maneuvering Aisle
90 degrees (two-way)	9.0'	18.5' <u>18.0'</u>	24'
60 degrees (one way)	10.4' *	22.0'	18'
45 degrees (one-way)	12.7' *	25.0'	14'
Parallel (one-way)	8.0'	22.0'	14'
Parallel (two-way)	8.0'	22.0'	18'

\*Parallel to Aisle

Length of 90 degrees stall may be reduced by 2.0' to accommodate overhang of landscaped area.

Width of parking stall shall be increased by 2.0', where opening of the driver or passenger vehicle door would be restricted, such as by landscaping or a wall adjacent to the parking stall.

2. Small Car Parking Dimensional Regulations. Off street small car parking facilities shall be laid out and striped in compliance with the following minimum provisions:

**Table E – Small Car Parking Dimensional Regulations**

Angle of Parking	Width of Parking Stall	Parking Stall Length of Line	Width of Maneuvering Aisle
90 degrees (two-way)	8.5'	15.0'	24'
60 degrees (one way)	9.8'*	18.5'	18'
45 degrees (one-way)	12.0'*	21.5'	14'
Parallel (one-way)	8.0'	18.0'	14'
Parallel (two-way)	8.0'	18.0'	18'

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\*Parallel to Aisle

Width of parking stall shall be increased by 2.0', where opening of the driver or passenger vehicle door would be restricted, such as by landscaping or a wall adjacent to the parking stall.

To do or act thereon.

SPONSORED BY: Planning Board

APPROPRIATION: None

FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The proposed changes represent dimensional requirements to parking standards intended to address circumstances that have been encountered in recent projects. Increasingly, aesthetic considerations have included landscape features in or adjacent to parking areas. The relief provided by the proposed amendments helps to ensure that landscaping continues to play a key role in new design.

The proposed parking stall length reduction for 90-degree parking spaces from 18.5' to 18' is intended to simplify plan preparation by requiring 18' stall length. This is consistent with typical standards within the Commonwealth. This also provides an opportunity for reduction of unnecessary paved surfaces.

Comments: (Finance Committee) Passage of this article would modify dimensional requirements for parking for new projects to address particular spacing issues encountered in recent development projects.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 7 as printed in the warrant, except the words, "to do or act thereon".

**MOTION WAS SECONDED.**

**MOTION PASSED YES: 181 / NO: 2**

**ARTICLE: 8                    AMEND ZONING BY-LAW, SECTION 10.4.2**

**DOD SPECIAL PERMIT CRITERIA**

To see if the town will vote to

**AMEND SECTION 10.4.2 SPECIAL PERMIT CRITERIA** of the Zoning By-Laws, so that it reads (the proposed additional text is underlined):

10.4.2 Criteria. Special Permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of

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the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on town services, tax base, and employment.

Projects seeking a Special Permit for a location within the Downtown Overlay District are also required to demonstrate consistency with Section 9.4.6 “Downtown Overlay District Special Permit Criteria”.

To do or act thereon.

SPONSORED BY: Planning Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The amendment clarifies the Special Permit Criteria within the DOD so applicants may understand that any project proposed within the DOD must meet the DOD Special Permit Criteria.

Comments: (Finance Committee) Passage of this article would add wording to the Zoning Bylaws to clarify that projects in the Downtown Overlay District (DOD) are governed by DOD Special Permit Criteria.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 8 as printed in the warrant, except the words, "to do or act thereon".

## **MOTION WAS SECONDED.**

**MOTION PASSED YES: 181 / NO: 2**

**ARTICLE: 9 ACTIVITY AND USE LIMITATION PLAN OF LAND:  
RAIL TRAIL OFF OF ACTON STREET**

To see if the town will vote to authorize the Select Board, with the approval of Town Counsel as to form, to execute and record all necessary and appropriate documents to effectuate the Activity and Use Limitation pursuant to 310 C.M.R. 40, on the property located off of Acton Street and more specifically shown on the plan titled, "Activity and Use Limitation Plan of Land in Maynard, Massachusetts", dated February 4, 2019 by Stamski & McNary, Inc., 100 Main Street, Acton, and which is on file with the Town Clerk; or take any other action relative thereto.

To do or act thereon.

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SPONSORED BY: Select Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The town has over the past several years engaged in the construction of a rail trail, a portion of which had hazardous material discovered within it. The town engaged a Licensed Site Professional (LSP) and following the remediation of hazardous material, pursuant to the regulatory structures governing the release, the town is required to put an Activity and Use Limitation (AUL) on the property.

The Massachusetts Contingency Plan, 310 C.M.R. 40, et seq., authorizes the placement of restrictions on the uses of and activities on property that has been subjected to environmental contamination. Such restrictions are known as Activity and Use Limitations and are utilized to prevent further contamination and avoid risks to the public health and safety. Using the property as a paved recreational trail is allowed under the AUL. Inconsistent uses include using the property for residential, agricultural or uses likely to disturb the pavement cap. Because an AUL imposes building and other use restrictions on property, and AUL constitutes an encumbrance on property. The AUL may only be accepted by the Select Board upon a simple majority vote of a town's residents.

Comments: (Finance Committee) Passage of this article would designate a section beneath the rail trail and prohibit digging or other development that might unearth hazardous material, which could have potentially detrimental health effects. This article would not change the current use of the rail trail, and there is no cost to the town. The article simply prevents a change in future use that would disturb the specified area.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 9 as printed in the warrant, except the words, "to do or act thereon".

**MOTION WAS SECONDED.**

**MOTION PASSED YES: 181 / NO: 2**

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**ARTICLE: 10 AMEND THE TOWN GENERAL FUND BUDGET FISCAL YEAR 2022**

To see if the town will vote to amend the FY2022 Budget by amending the following line items as noted:

	Amount to be Increased/(Decreased)	Amended Total Budget
General Government	\$ 164,928.00	\$ 3,700,794.00
Public Safety	\$ -	\$ 5,116,894.00
Public Works	\$ -	\$ 2,152,847.00
Cultural & Recreation	\$ -	\$ 601,344.00
Education – Assabet	\$ -	\$ 1,250,559.00
Education – Maynard	\$ -	\$ 21,136,261.00
Employee Benefits	\$ -	\$ 8,767,577.00
Debt Service	\$ (263,847.00)	\$ 3,917,324.00
Reserve Fund	<u>\$ -</u>	<u>\$ 250,000.00</u>
	\$ (98,919.00)	
Total General Fund Expenses		<b><u>\$ 46,893,600.00</u></b>

To do or act thereon.

SPONSORED BY: Select Board  
APPROPRIATION: (\$98,919.00)  
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The current Fiscal Year 2022 (FY22) budget was appropriated at the Annual Town Meeting in May 2021. The budget includes forecasted revenue from “local aid” provided by the state’s budget, “local receipts” from the town’s collections, namely meals and

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excise taxes, and “new growth” from increases to taxable property over the prior fiscal year. However, as of August 2021, more accurate reporting of both revenue and expenses requires amendments to the budget. An updated calculation of revenue includes local aid from the final version of the state’s budget and the current projection of the town’s additional new growth of over \$160,000. Expenses include: the state’s final approved budget resulting in an increased assessment of \$25,000 against the town; \$10,000 for the Town Clerk’s Office for upgraded registration and data-bases, increased postage requirements, and an increase to election costs, such as raised minimum wages; \$37,000 for unbudgeted increase to liability insurance that covers public officials and safety personnel, as well as additional vehicle coverage; \$30,000 for personnel contracts, including individual and collectively bargained agreements, that are, or will be, settled since the start of the current fiscal year; \$47,928.00 for a Health Agent; and, \$40,000 to create a Community Impact Expenses account for the current receipts of Community Impact Payments (CIP) by marijuana establishments. The same amount of CIP is shown as an amended increase to local receipts in the general fund’s revenue. The town’s debt service is to be reduced to reflect both the now-known more favorable interest rate than originally projected, as well as the refinancing of previous bonding.

Comments: (Finance Committee) Passage of this article would revise the town's Fiscal Year 2022 budget, reducing it by \$98,919. This decrease resulted from lower debt service cost (\$263,847) than initially budgeted, and an increase in our General Government spending of \$164,928. Citizens will benefit from this decrease because by reducing our FY22 budget, it reduces the FY22 tax levy placed on them. The debt service decrease was achieved through acquiring more favorable interest rates on new borrowing, and refinancing of current borrowing done by our Town Accountant. The General Government increase in spending resulted from unforeseen expenses, such as the increase in State assessments, and Town Clerk office expenses. There were also adjustments needed for things like liability insurance, which we are working to more properly budget for in the future. The increase for a full time Health Agent is a reinstatement of a former position that Maynard had in the past. We have gotten by with a part-time Health Agent for a few budget cycles, but it is increasingly taxing on our other Town Hall staff to fill gaps in service due to lacking a full-time Health Agent, and is resulting in unmet services. (See Sponsor Comments for full description of each increase.) Fortunately, our New Growth revenue estimates, and state local aid estimates, have increased for this fiscal year, and while only an estimate, it appears that revenue will be over \$160,000, which covers a majority, if not all, of these additional expenses.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 10 as printed in the warrant, except the words, "to do or act thereon".

## MOTION WAS SECONDED.

**MOTION PASSED YES: 182 / NO: 7**

ARTICLE: 11 STREETS ACCEPTANCE

To see if the town will vote the acceptance of Heights Terrace, Riverview Avenue, Fletcher Street, Elaine Avenue, Assabet Street, and Allan Drive as public ways, or take any action relative thereto.

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To do or act thereon.

SPONSORED BY:

Citizens' Petition

APPROPRIATION:

None

FINCOM RECOMMENDATION: To be offered at Special Town Meeting.

Comments: (Sponsor) We, the residents of mentioned roads, collectively believe that the roads hold significant safety concerns. The roads are constantly eroding due to poor drainage, rain, and snow, and these conditions create large potholes, slippery surfaces, and narrowed roadways that make difficult terrain for foot and vehicle traffic alike. This is important because many of these roads receive heavy foot and vehicle traffic, as residents use the streets daily to enter the refuge and community bike path, and vehicles use the streets as cut-through to access different parts of the town. A minimum of 20 young children live in these neighborhoods and use the streets as well, and road surfaces are often unsafe due to deteriorating patches in the asphalt. Erosion problems also make it difficult for plows and town service vehicles to drive safely, and these safety obstacles are of great concern for local residents.

The town currently maintains the roads in a few different ways. The town DPW fills potholes occasionally (once every year or two); trims the trees and brush encroaching on the roadways (such as on Heights Terrace, where the street is currently several feet narrower than it should be); and regularly plows and salts during the winter. That the town already maintains the roads to these levels signifies that they are recognized as public roads rather than private.

The bike path and refuge are important attractions to the citizens of Maynard and making sure there is safe access to roads in the neighborhood surrounding it seems important for the rest of the community.

Until these roads are taken care of in a more detailed manner, the drainage and erosion caused from high water tables and a poor drainage system will continue to exacerbate the problem: the roads will continue to erode, slowly taking our driveways with them; black ice will continue to form in large and dangerous sheets; and pedestrians, plows, visiting cars, and service/delivery vehicles will continue to encounter unsafe walking and driving conditions.

We love this neighborhood and this town. We would love to have our roads be formally recognized as town roads so that over time (we know most likely lots of time) they will receive the care that they deserve.

Thank you for your time on this topic!

Comments: (Finance Committee) To be offered at Special Town Meeting.

**MOTION MADE:** Moderator, Richard Downey [mentioned to pass over Article](#)

[mentioned:](#) "This article has no legal value as the street names do not define the properties. To be meaningful, the Town needs a deed with meets and bounds or similar for the street as something to accept. The Town can't accept a street without knowing who has an interest in it. Further, the Select Board is required under statute to layout a street prior to acceptance. To vote against it could possibly affect the petitioners' ability to

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come back at a future date with a better prepared article. Therefore, I would recommend that we pass over this article. To do that, I shall need someone to make a motion to pass over.”

William Kohlman moved that Article 11 be the Town vote to passed over, and that no action on this article be taken Article 11 as printed in the warrant, except the words, "to do or act thereon".

## **MOTION SECONDED.**

## **MOTION PASSED UNANIMOUSLY.**

## **ARTICLE: 12 ESTABLISH SPECIAL REVENUE STABILIZATION FUND FOR MARIJUANA COMMUNITY IMPACT PAYMENTS**

To see if the Town will vote to accept the provisions of G.L. c. 44 sec. 5B paragraph 3 and establish a special revenue stabilization fund for 100% of the receipts from the collection of payments from the Host Community Agreements with marijuana establishments, or take any other action related thereto.

To do or act thereon.

SPONSORED BY: Select Board  
APPROPRIATION: None  
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) Separate from sales tax from marijuana establishments that is collected as local receipts to the general fund, revenue received from Community Impact Payments (CIP) can only be applied to expenses that meet definitions outlined in the Host Community Agreement (HCA). To provide for transparency and accountability of these monies, a stabilization fund requires Town Meeting approval to transfer CIP receipts out of the fund for appropriate expenses.

Comments: (Finance Committee) Passage of this article would create a stabilization fund specifically for Community Impact Payments relating to marijuana establishments, allowing for a clear line of sight to local receipts from the Host Community Agreements with marijuana establishments. These payments can only be applied to certain expenses and a separate fund ensures that the monies are properly allocated.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 12 as read: To see if the Town will vote to accept the provisions of G.L. c. 44 sec. 5B paragraph 3 and establish a special revenue stabilization fund for 100% of the receipts from the collection of payments from the Host Community Agreements with marijuana establishments. And delete the words, "to do or act thereon".

## MOTION WAS SECONDED

**MOTION PASSED YES: 190 NO: 9**

**ARTICLE: 13**

**PROPOSED BYLAW FOR THE ELIMINATION OF  
SINGLE-USE CHECKOUT BAGS IN THE TOWN OF  
MAYNARD, MASSACHUSETTS**

To see if the town will vote to

**Section 1: Purpose and Intent**

The purpose of this Bylaw is to eliminate the usage of thin-film single-use plastic checkout bags by all food establishments and retail and grocery stores in the Town of Maynard after adoption at Town Meeting.

**Section 2: Definitions**

- A. FOOD ESTABLISHMENT:** Any operation that prepares, packages, serves, vends, or otherwise provides food for human consumption. This includes without limitation, restaurants and food trucks.
- B. RETAIL ESTABLISHMENT:** Any commercial facility that sells goods directly to the consumer including, but not limited to, grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores, seasonal and temporary businesses.
- C. REUSABLE CHECKOUT BAG:** A machine-washable bag with sewn handles that is specifically designed for multiple use and is made of cloth, fabric, or other durable material.
- D. THIN-FILM SINGLE USE PLASTIC BAG:** A bag, typically with handles, with a thickness of 4 mils thick or less intended for single-use transport of purchased products.

**Section 3: Regulations**

- A.** Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail or grocery store within the Town of Maynard.
- B.** If a retail establishment provides bags to a customer at the point of sale, such bags shall be (1) 100% recyclable, including the handles, (2) contain at least 40% post-consumer recycled paper content, and (3) display this information about recyclability and content on the bag surface.

**Section 4: Exceptions**

Thin-film plastic bags typically without handles that are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this Bylaw.

**Section 5: Enforcement**

Enforcing this Bylaw shall be the responsibility of the Board of Health, who shall determine the inspection process to be followed, incorporating the process into other

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town duties as appropriate. Any retail establishment distributing single-use checkout bags in violation of this bylaw may be subject to a non-criminal disposition fine as specified in Appendix A of the Regulation for Enforcement of Town Bylaws under M.G.L Chapter 40, Section 21D and the Bylaw for Non-Criminal Disposition of Violations.

The following penalties shall apply:

First offense: Warning

Second offense: \$50

Third offense: \$100 and appearance in front of Board of Health

Fourth and subsequent offenses: \$200

### **Section 6: Exemptions**

The Board of Health may exempt a retail establishment from the requirements of this Bylaw for a period of six months upon finding that the requirements of this section would cause undue hardship.

### **Section 7: Severability**

Each section of this Bylaw shall be construed as separate to the end that if any section, sentence, clause, or phrase thereof shall be invalid for any reason, the remainder of this Bylaw shall continue in force.

### **Section 8: Enactment**

This Bylaw shall go into effect six months after the date of approval by the Attorney General.

To do or act thereon.

**SPONSORED BY:** Citizens' Petition

**APPROPRIATION:** None

**FINCOM RECOMMENDATION:** To be offered at Special Town Meeting.

Comments: (Sponsor) As of July 2021, 144 towns in Massachusetts have plastic bag bylaws in place. This effort serves as a push to the state in order to pass something state-wide. Towns nearby to Maynard include Sudbury, Concord, Hudson, etc. There is no correlation between plastic bag reduction and a decrease in business profits.

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment and human and animal health. These bags are used for an average of 12 minutes and take more than 200 years to break down. Microplastics have been found in the placentas of unborn fetuses and are implicated in reduced fertility in men. Microplastics are found in both tap and bottled water. Whales and other marine mammals have been found with plastic bags in their stomachs, often leading to intestinal distress and death. Most recycling facilities do not accept plastic bags because they tangle the equipment. Only 9% of all plastic bags manufactured ever get recycled and even then, they can only be recycled 2-3 times before the integrity of the material breaks down. The

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manufacturing of plastic bags is dependent on fossil fuels, the use of which is rapidly warming our atmosphere to global temperatures that are unsustainable for human life.

Comments: (Finance Committee) To be offered at Special Town Meeting.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 13 as printed in the warrant, except the words, "to do or act thereon".

## MOTION SECONDED.

## **MOTION PASSED UNANIMOUSLY.**

## ARTICLE: 14

# **PROPOSED BYLAW TO PROHIBIT USE AND DISTRIBUTION OF POLYSTYRENE IN THE TOWN OF MAYNARD, MASSACHUSETTS**

To see if the town will vote to

## **Section 1: Purpose and Intent**

The purpose of this Bylaw is to prohibit the use and distribution of expanded and clear or rigid polystyrene in food service ware and packaging material in the Town of Maynard.

## **Section 2: Definitions**

**A. ASTM STANDARD:** materials meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended. D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate.

**B. BIODEGRADABLE:** materials that will completely degrade and return to nature, ie.decompose into elements found in nature in three to six months after customary disposal.

**C. COMPOSTABLE:** materials that will completely degrade into, or otherwise become part of, usable compost (e.g. soil-conditioning material, mulch) in a safe and timely manner. Compostable disposable food service ware must meet ASTM-Standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, such that any customer or processor can easily distinguish the ASTM Standard compostable plastic from non-ASTM Specification compostable plastic.

**D. DISPOSABLE FOOD SERVICE WARE:** all containers and utensils (such as bowls, plates, trays, cartons, cups, lids, forks, spoons, knives) and other items designed for one-time or non-durable uses on or in which any food vendor directly places or packages prepared foods or which are used to consume foods. This includes, but is not

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limited to, service ware for takeout foods and/or leftovers from partially consumed meals prepared at food establishments.

**E. FOOD ESTABLISHMENT:** an operation that prepares, packages, serves, vends, or otherwise provides food for human consumption. This includes without limitation, restaurants, caterers, and food trucks.

**F. POLYSTYRENE:** a synthetic resin, which is a polymer of styrene, used chiefly as lightweight rigid foams and solid containers.

**1. Clear or rigid polystyrene:** also known as "oriented," which is produced by stretching extruded PS film, improving visibility through the material by reducing haziness and increasing stiffness. This is often used in packaging where the manufacturer would like the consumer to see the enclosed product. This is referenced in this Bylaw as "Rigid Polystyrene." Rigid polystyrene is generally used to make clear clamshell containers, clear or colored lids, and utensils.

**2. Expanded polystyrene:** includes both blown polystyrene and expanded and extruded foams (sometimes called "Styrofoam," a Dow Chemical Co. trademarked form of EPS insulation) also referred to as *expanded polystyrene* (EPS), and in this section is referenced as "Foam Polystyrene." Foam polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, and egg cartons.

**G. PREPARED FOOD:** food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the food establishment's premises within the Town of Maynard. Prepared food may be eaten either on or off the premises, also known as "takeout food."

**H. RECYCLABLE:** materials that can be sorted, cleansed, and reconstituted using Maynard's available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

**I. RETAIL ESTABLISHMENT:** any commercial facility that sells goods directly to the consumer including, but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores, seasonal and temporary businesses.

**J. REUSABLE:** materials that will be used more than once in its same form by a food establishment. Reusable food service ware includes: tableware, flatware, food or beverage containers, packages, or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor. Reusable also includes durable containers, packages, or trays used on-premises or returnable containers brought back to the food establishment.

### **Section 3: Regulations**

A. Food and retail establishments are prohibited from serving prepared foods to customers in either rigid polystyrene or foam polystyrene food service ware.

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B. Food and retail establishments will use biodegradable, reusable, or recyclable food service wares and packaging. Reusable wares in place of disposable products are recommended for food served on the premises.

C. No retail establishment in the Town of Maynard may sell, offer for sale, or otherwise distribute:

1. Disposable food service ware made from foam polystyrene or rigid polystyrene

2. Meat trays, fish trays, seafood trays, vegetable trays, or egg cartons packaged within the town made in whole or in any part with foam polystyrene or rigid polystyrene.

3. Packing materials, including packing peanuts and shipping boxes made in whole or in any part with foam polystyrene that is not wholly encapsulated in a more durable material.

#### **Section 4: Exceptions**

A. Food prepared or packaged outside the Town of Maynard is exempt from the provisions of this Bylaw, provided such food is not altered, packaged, or repackaged within town limits.

B. Coolers and ice chests that are wholly encapsulated in a durable material and intended for reuse are exempt from the provisions of this Bylaw.

#### **Section 5: Enforcement**

Enforcing this bylaw shall be the responsibility of the Board of Health, who shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any establishment distributing polystyrene in any of its forms in violation of this bylaw may be subject to a non-criminal disposition fine as specified in Appendix A of the Regulation for Enforcement of Town Bylaws under M.G.L Chapter 40, Section 21D and the Bylaw for Non-Criminal Disposition of Violations. The following penalties shall apply:

First offense: Warning

Second offense: \$50

Third offense: \$100 and appearance in front of Board of Health

Fourth and subsequent offenses: \$200

#### **Section 6: Exemptions**

The Board of Health may exempt any food and retail establishment from the requirements of this Bylaw for a period of six months upon finding that the requirements of this section would cause undue hardship.

#### **Section 7: Severability**

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Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause, or phrase thereof shall be invalid for any reason, the remainder of this Bylaw shall continue in force.

**Section 8: Enactment**

This Bylaw shall go into effect six months after the date of approval by the Attorney General.

To do or act thereon.

SPONSORED BY: Citizens' Petition

APPROPRIATION: None

FINCOM RECOMMENDATION: To be offered at Special Town Meeting.

Comments: (Sponsor) The Town of Maynard has a responsibility to protect the health of our citizens, the natural environment, and the economy. Polystyrene is a known hazardous substance and carcinogen produced from fossil fuels, a non-renewal resource as well as a potent source of greenhouse gasses and environmental damage. It is harmful to human, aquatic, and wild life when inhaled or ingested. Polystyrene is commonly used in food service wares and packaging. It is not biodegradable, compostable, or easily recyclable. It makes up part of the litter in our public spaces, costing the town money. Products that can be reused, recycled, or are biodegradable are effective and affordable alternatives with fewer negative health or environmental impacts.

Comments: (Finance Comments) To be offered at Special Town Meeting.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 14 as printed in the warrant except the following changes: Replace Section 4: Exceptions, paragraph A with the following: Food or goods packaged or prepared outside the Town of Maynard are exempt from the provisions of this By-Law, provided such food or goods are not altered, packaged, or repackaged. And delete the words "to do or act thereon".

**MOTION WAS SECONDED.**

**AMENDMENT:** Craig Altemose, 16 Garfield Ave, moved to amend Article 14 by adding to the end of Section 4: Exceptions, paragraph A with the following: Food or goods packaged or prepared outside the Town of Maynard are exempt from the provisions of this By-Law, provided such food or goods are not altered, packaged, or repackaged **"until 2026."**

**MOTION ON THE AMENDMENT WAS SECONDED.**

**MOTION ON THE AMENDMENT FAILED.**

**ORIGINAL MOTION PASSED UNANIMOUSLY.**

**ARTICLE: 15**

**AMEND BY-LAW CHAPTER 21: NUISANCES BY-LAW  
SECTIONS 1 THROUGH 22**

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To see if the town will vote to amend the Town By-law by deleting Chapter 21 NUISANCES By-law Sections 1 through 22 and replacing them with new sections as follows:

**“General**

**Section 1:** Violation of sections of Chapter 21 may be enforced in the manner provided in Massachusetts General Law, Ch. 40, § 21-D; unless otherwise noted, the Police Chief or its designee shall be deemed the Enforcing Person and the specific penalty which is to apply for violations of the specific section shall be listed in that section.

**Section 2:** All sections and subsections of this By-law shall be considered separable so that if any should at some time be found void or unenforceable by a court of law, the remainder shall remain in full force and effect.

**All Public Areas**

**Section 3:** No person shall place or cause to be placed in any public place, street, or private way, or in any running stream or body of water, dirt, rubbish, wood, timber or other materials tending to cause obstruction nor deposit ashes, garbage, waste, paper, carrion, filth, or offal, except in such places as shall be permitted by the Board of Health. The specific penalty which is to apply for violations of this section shall be as listed below and the Health Officer and/or Police Chief or its designee shall be deemed to be the Enforcing Person.

Penalty:                    1<sup>st</sup> Offense – Written Warning  
                                  2<sup>nd</sup> Offense - \$ 50.00  
                                  3<sup>rd</sup> Offense - \$100.00  
                                  And each day thereafter.

**Section 4:** No person shall bathe, swim in any waters within the Town in a state of nudity in places exposed to public view, or in the immediate site of the occupant or occupants of any dwelling house, shop, factory, under a penalty of fifty dollars (\$50) for each offense.

**Section 5:** No person shall resort to or frequent any schoolhouse grounds or enclosure in the Town to interfere with or annoy any persons lawfully using or enjoying same; nor shall any person resort to or frequent any public cemetery or graveyard in the Town and there engage in or be present at any game of cards or other sport, or lounge or loiter therein to the annoyance or interference of persons properly visiting or resorting to said places, under penalty of one hundred dollars (\$100) for each offense.

**All Public Ways**

**Section 6:**

**A:** No person shall construct or maintain any drain or conduit carrying polluted water from any house, shop or other building, or from any vault, cesspool, cistern, to or upon any street or way so as to discharge water or other matter in or upon any such street or way except when permitted in writing to do so by the Board of Health, under a penalty of three hundred dollars (\$300). The Health Officer and/or Police Chief and its designee shall be deemed to be the Enforcing Person.

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**B:** Whoever violates the provisions of this section and allows any material so placed to remain in such public place, street, or private way for more than twenty-four hours, shall be liable to fine penalty for each additional day thereafter, during which he shall suffer such material to remain in such public place, street or private way.

**Section 7:** No person shall pasture or tether any animal in any street in the Town in such a manner as to obstruct the street or sidewalk under penalty of fifty dollars (\$50).

**Section 8:** No person, except an authorized agent of a town department, shall break or dig up or aid in breaking or digging up the ground in any street or square in the Town without a permit from the Select Board, under a penalty of three hundred dollars (\$300) for each offense. The DPW or an authorized agent of DPW and/or the Police Chief or its designee shall be deemed to be the Enforcing Person.

**Section 9:**

- A. No person shall throw stones, snowballs, sticks or other projectiles nor kick a football, nor play any game in which a ball is used, nor fly any kite or balloon, nor shoot with or use a bow and arrow, firearm, air-gun, or sling, in or across any of the public ways of the Town;
- B. nor obstruct any street in the Town;
- C. nor take hold of, nor ride upon, the hind part of any carriage, or other vehicles;
- D. nor join in any assemblage or group in the street, or on any sidewalk in Town to the annoyance of passengers, or so as to obstruct the free passage of passengers; without a permit;
- E. nor drive, wheel or draw any coach, cart, or other carriage of burden or pleasure, except children's carriages drawn by hand upon any sidewalk in the Town,
- F. under a penalty of twenty dollars (\$20) for each offense.

**Section 10:** No person shall coast or skateboard upon any sidewalk inside of the business district, street, public way or any other Town owned land except such areas as designated by the Select Board each year through public notice and the Assabet River Rail Trail. Persons shall be permitted to coast or skateboard upon any sidewalk outside of the business district but shall yield the right of way to pedestrians and give an audible signal before overtaking and passing any pedestrian. Penalty for each offense as cited by the Maynard Police Department shall be twenty dollars (\$20).

**Section 11:** No person shall operate a motorized scooter, motorized skateboard, other similar motorized vehicle on any public way, sidewalk, playground, or on any property owned by the Town of Maynard. The following vehicles shall be exempt from the provisions of this By-law, unless operating in an unsafe manner:

- A. Vehicles registered and/or licensed by the Commonwealth of Massachusetts as motor vehicles
- B. Vehicles used by handicapped persons,
- C. Landscaping equipment
- D. Golf Carts only on the Maynard Golf Course property.

Penalty for each offense as cited by the Maynard Police Department shall be one hundred dollars (\$100) for each offense.

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**Section 12:** Streets may be blocked or protected by barriers and any unauthorized person or persons moving such barriers shall be subject to a fine of three hundred dollars (\$300) for each offense.

**Section 13:** No person shall move or assist in moving any building over any public street or way without written permit of the Select Board being first obtained, or having obtained such permit, without complying with the restrictions and provisions thereof, under a penalty of three hundred dollars (\$300) for each offense.

**Section 14:** Any person, who intends to erect, alter, repair or take down any building, or part thereof, on land abutting on any street or public place in this Town and desires to make use of such street or place for the purpose of placing thereon building materials or rubbish, shall give notice thereof to the Select Board. Thereupon the Select Board may grant a permit to occupy such a portion thereof to be used for such purposes as in their judgment the necessity of the case demands and the security of the public allows; such a permit to run for not longer than sixty (60) days and to be on such conditions, and by furnishing such security, by bond, or otherwise, for the observance and performance of the conditions and for the protection of the Town, as the Select Board may require and especially in every case upon conditions that during the whole of every night, from sunset in the evening until sunrise in the morning, proper lights shall be placed as effectively to secure all travelers from liability to injury. Such permits may be renewed at the discretion of the Select Board. Whoever violates the provisions of this section shall be liable to a penalty of three hundred dollars (\$300) for each offense. The Building Commissioner or its designee and/or the Police Chief or its designee shall be deemed to be the Enforcing Person.

**Section 15:** No person or persons shall place or cause to be placed in or on any public street, or sidewalk, snow which may be a hindrance to pedestrians or vehicular traffic. Whoever violates the provisions of this section shall be liable to a penalty listed below.

Penalty:	1 <sup>st</sup> Offense – \$100.00
	2 <sup>nd</sup> Offense - \$200.00
	3 <sup>rd</sup> Offense - \$300.00
	And each offense thereafter

**Section 16:** The Director of Public Works or other officer having charge of ways, for the purpose of removing or plowing snow or removing ice from any way, is hereby authorized to remove or cause to be removed to some convenient place, including in such term of public garage, any vehicle interfering with such work, and the cost of such removal and of the storage charges, if any, resulting there from, shall be borne by the owner of such vehicle. The Director of Public Works or its designee and/or the Police Chief or its designee shall be deemed to be the Enforcing Person.

**Section 17:**

- A. No person shall ride a bicycle, moped, motorized bicycle or motorcycle on any sidewalk in the Town of Maynard, except that a bicycle may be ridden on a sidewalk outside of the business district when necessary in the interest of safety but shall yield the right of way to pedestrians and give an audible signal before

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overtaking and passing any pedestrian. Class-2 electric bicycles are allowed on the Assabet River Rail Trail. Any person who violates the provisions of this section shall be punished by a fine of twenty dollars (\$20) for each violation. A bicycle operated by a person under the age of eighteen (18) years in violation of this section may be impounded by the Police Department for period not to exceed fifteen (15) days.

B. Operation of bicycles on public ways shall be subject to the following regulations:

1. Operators riding together shall not ride more than two abreast but must ride single file to facilitate passing traffic.
2. The operator shall not ride other than or astride a permanent and regular seat attached to the bicycle.
3. The operator may not carry a passenger anywhere on their bicycle except on permanent and regular seat attached to the bicycle or in a trailer towed by the bicycle, or except as noted in 4 below
4. The operator may not carry any child between the ages of 1 to 4, or weighing 40 pounds or less, anywhere on a single-passenger bicycle except in a baby seat attached to the bicycle. The child must be able to sit upright in the seat and must be held in the seat by a harness or seat belt. Their hands and feet must be out of reach of the wheel spokes.
5. The operator may not carry any child under the age of 1 on a bicycle, even in a baby seat; this does not preclude carrying an infant in a trailer.
6. The operator shall park its bicycle upon a way or sidewalk in such a manner as not to obstruct vehicular or pedestrian traffic.
7. The operator shall not permit the bicycle to be drawn by any other vehicle. The operator shall not tow any other vehicle or person, except for a trailer designed for such purpose.
8. The operator shall not carry any package, bundle, or article except in or on a basket, rack, trailer, or other device designed for such purposes. The operator shall keep at least one hand upon the handlebars at all times.
9. No bicycle shall be operated in a way with handlebars so raised that the operator's hands are above his shoulders while gripping them. Any alteration to extend the fork of a bicycle from the original design and construction of the bicycle is prohibited.
10. No person shall operate a bicycle upon any street or way in such a manner as to obstruct vehicles using the street or way.

### **Public Ways Sidewalks**

**Section 18:** In its sole discretion, the Select Board may grant a license to a business establishment for the temporary use of a portion of a sidewalk immediately adjoining that business establishment. The Board may adopt reasonable rules and regulations related to the issuance of such license, including fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

### **Section 19:**

A. In its sole discretion, the Select Board may grant a license to an establishment operated for the sale of food or beverages, either alcoholic or non-alcoholic, to place one or more tables on a portion of a sidewalk immediately adjoining that business

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establishment, such tables to be used only for the use and enjoyment of its business clientele. Any such license shall be granted upon such terms and conditions as the Board may impose, including the designation of a sidewalk area with which all tables must be located.

- B.** Any such license shall have duration of no more than one year from the date of issue and may restrict the location of such tables on a sidewalk to designated periods of time during the license period. Any business establishment placing tables on any sidewalk without first being licensed by the Board shall be in violation of this By-law and assessed a penalty of one hundred dollars (\$100) for each offense.
- C.** The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

## **Unregistered Motor Vehicles**

### **Section 20:**

- A.** Unregistered motor vehicles which are unfit for use, permanently disabled or have been dismantled, or are otherwise inoperative, shall not be stored, parked, or placed upon any land in the Town unless the same shall be within a building or in an area unexposed to the view of the public and abutters or in an area properly approved for the keeping of same by licensed junk dealers and automobile dealers. The fine for any violation of the provisions of this By-law shall be one hundred dollars (\$100) for each offense. Each day that such violation continues shall constitute a separate offense.
- B.** Each owner or person responsible for the presence of a motor vehicle described in Section 21A, excepting there from any motor vehicle with intrinsic value as an Antique Motor Car, as defined in the Massachusetts General Law, Ch. 90, § 1, shall be subject to the following procedure regarding removal or enclosure of such motor vehicle:
  1. Any resident of the Town of Maynard who wishes to file a formal written complaint regarding the presence of such motor vehicle on property located within the Town of Maynard must file such complaint with the Select Board and shall be granted a hearing before the Select Board within fourteen (14) days of receipt of the written complaint.
  2. The Select Board shall make a final decision based upon matters presented at such hearing and may, at their option, require or order any one or more of the following:
    - a. That the owner or person responsible be compelled to remove the motor vehicle from the premises within a stated period.
    - b. That the owner or person responsible places the motor vehicle within a proper enclosure suitable to remove it from public view.
    - c. Any further remedy that may be justified by the circumstances presented at

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the time of the hearing.

C. In the event of non-compliance with an order or directive of the Select Board within five (5) days of receipt of such order by the owner or person responsible, the Police Department shall be authorized to tow or remove the subject motor vehicle by whatever means necessary at the expense of such person.

**Unattended Motor Vehicles**

**Section 21:**

A. No person shall leave unattended any motor vehicle so that any portion of said vehicle is on or protruded over or within the limits of a private way, furnishing means of access for fire apparatus to any building.

B. For the purpose of this By-law only, the registered owner shall be considered the person responsible for leaving such vehicle unattended, unless it is otherwise determined that another identified person did so because the vehicle is unattended.

C. Notwithstanding any other provision of the By-law the Town of Maynard, to the contrary, any person violating this By-law shall be punished by a fine of three hundred dollars (\$300).

**Minimum Property Standards of Residential Properties”**

And change the numbering of Chapter 21 NUISANCES Section 23 to Section 22,

And deleting Chapter 21 NUISANCES Sections 24 and 25.

To do or act thereon.

SPONSORED BY:	By-law Review Committee
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments: (Sponsor comments) The first step the Committee took was to simply reorder and group the sections in Chapter 21 to present them in a rational order. We are providing as a handout, a red-line copy of Chapter showing the changes that we have made to it, with this article, after the reordering and grouping.

A majority of the changes involve changing a range of fines for a given violation such as, “not less than two dollars (\$2) nor more than three hundred dollars (\$300)”, and setting the fine to a fixed amount.

Two new sections were added. First was to identify the Chief of Police as the enforcement official for this Chapter unless otherwise identified. Second was to consider all sections and subsections separable so that if any should at some time be found void or unenforceable by a court of law, the remainder shall remain in full force and effect.

In the new section 9, two portion were deleted because one was determined to be antiquated and the other was determined to be difficult to enforce due to 1<sup>st</sup> amendment concerns.

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In the new section 10, coasting or skateboarding is still not permitted on the sidewalks inside of the business district, but is permitted on sidewalks outside of the business district provided the skateboarder yield the right of way to pedestrians and give an audible signal before overtaking and passing any pedestrian. They are also permitted to skateboard on the Assabet River Rail Trail.

In the new section 11, Golf Carts only at the Maynard Golf Course property have been added to the list of permitted vehicles.

The new section 17 deals with the operation of bicycles. Every part and subsection of Section 17 comes directly from MGL Ch 85 § 11B (<https://malegislature.gov/laws/generallaws/partI/titlexiv/chapter85/section11b>) and other MGLs. The subsections that are being changed from the current By-Law include the statement that Class-2 electric bicycles are allowed on the Assabet River Rail Trail, update to acknowledge that cyclists are permitted to ride two abreast under most conditions, and to update the subsections to reflect state law concerning passengers on bicycles including children.

The current section 7 is being deleted because it was determined to be difficult to enforce due to 1<sup>st</sup> amendment concerns.

The current section 8 is being deleted because it is related to Trespass actions on private property and similar enforcement is found in M.G.L Chapter 266, Sections 126, 126A, and 126B, with greater penalties.

The current section 14 is being deleted since there is stricter enforcement in the state building code.

Comments: (Finance Committee) Passage of this article would replace the current Nuisances By-Law with a new By-Law. The proposed By-Law re-organizes the old By-Law for clarity and is also updated for changes required by state law and recommendations from Town Counsel. Some changes and clarifications have been added to respond to concerns at previous town meetings about bikes and skateboards.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 15 as printed in the warrant, except the words, “to do or act thereon”.

**MOTION SECONDED.**

**MOTION PASSED UNANIMOUSLY**

**ARTICLE: 16**

**AMEND BY-LAW CHAPTER 4, PLANNING BOARD  
ASSOCIATE MEMBER TERM**

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To see if the town will vote to amend the Town By-law by changing the following text in Chapter 4, under Planning Board from, “Also appoints 1 associate member” to “Also appoints 1 associate member for a term of 3 years”

To do or act thereon.

SPONSORED BY: By-law Review Committee  
APPROPRIATION: None  
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor Comments) This clarification will clearly set the term of the Planning Board associate member and match the term that is stated in the Zoning By-laws.

Comments: (Finance Committee) Passage of this article would change the wording in the Town By-Laws to set the term of Alternate Planning Board member to three years, and thereby align the wording in the Town By-Laws with the wording in the Town's Zoning By-Laws.

**MOTION MADE:** Select Chair Gavin moved that the Town vote to approve Article 16 as printed in the warrant, except the words, “to do or act thereon”.

**MOTION SECONDED.**  
**MOTION PASSED UNANIMOUSLY.**

**William Kohlman moved to dissolve the Special Town Meeting at 1:47 p.m.**

**MOTION WAS SECONDED.**  
**MOTION PASSED UNANIMOUSLY.**

True Copy  
Attest:

\_\_\_\_\_  
Joanna Bilotta-Simeone, Town Clerk