



TOWN OF MAYNARD OFFICE OF THE TOWN CLERK

195 Main Street
Maynard, MA 01754

At the Annual Town Meeting duly called and held at the Fowler School Auditorium, 3 Tiger Drive, on Monday, May 20, 2024 at 7:00 PM the following ARTICLES were voted on in a legal manner. There was a quorum present (75 Voters = quorum); 151 voters were present, all department heads except Justin Demarco (excused) and 6 guests were present.

The Town Moderator, Richard “Dick” Downey, called the meeting to order at 7:00 pm.

At the start of the meeting, Moderator Downey appointed William Kohlman as the Deputy Moderator.

MOTION PASSED SIGNIFICANTLY

Also at the start of the meeting, Moderator Downey asked for a vote by show of hands for group-like Articles to be voted together.

MOTION PASSED SIGNIFICANTLY

William Kohlman, Chair, Charter Review Committee, delivered the final Charter Review report and dissolved the Charter Review Committee.

ARTICLE: 1 TOWN REPORT ACCEPTANCE

To hear and act upon the reports of Town Officers and Committees.

To do or act thereon.

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

Comments: (Sponsor) This is an annual procedural article to accept reports from various Town committees. The town's Annual Report is the specific report propose for acceptance.

Comments: (Finance Committee) This is an annual procedural article to accept reports from various Town committees.



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MOTION MADE: Mr. DiSilva 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 SIGNIFICANTLY BY SHOW OF HANDS.

ARTICLE: 2

OBSOLETE EQUIPMENT, MATERIAL

To see if the town will vote to authorize the Select Board to dispose of surplus and or obsolete equipment or materials, as authorized by M.G.L. Chapter 30B.

To do or act thereon.

SPONSORED BY: Select Board

APPROPRIATION: None

FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) Annual article to allow sale/disposal of surplus equipment, if any, in accordance with state law.

Comments: (Finance Committee) This is an annual procedural article to allow the Select Board to sell or dispose of surplus equipment in accordance with state law.

MOTION MADE: Mr. DiSilva 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 SIGNIFICANTLY BY SHOW OF HANDS.



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ARTICLE: 3**AUTHORIZE REVOLVING FUNDS CHAPTER 44, SECTION 53E1/2**

To see if the town will vote to authorize the total expenditures for the following revolving funds pursuant to MGL Chapter 44, Section 53E ½ for the fiscal year beginning July 1, 2024 (FY25), to be expended in accordance with the bylaws heretofore approved.

Revolving Fund	Spending Limit
Conservation Commission - Wetlands Bylaw Consultant Fees	\$25,000.00
Planning Board - Site Plan Review	\$25,000.00
Disposal - Drop Off Center	\$15,000.00
Board of Health - Licensing Fees	\$25,000.00
Council on Aging - COA Van Service	\$85,000.00
Sealer of Weights & Measures	\$5,000.00
Electrical/Wiring Inspection Services	\$65,000.00
Plumbing & Gas Inspection Services	\$60,000.00
Municipal Permitting	\$40,000.00
Recreation	\$20,000.00
Electric Vehicle Charging Stations	\$35,000.00
TOTAL OF ALL REVOLVING FUNDS	\$400,000.00

To do or

act thereon.

BY:

SPONSORED
Select Board

APPROPRIATION: None

FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) Revolving funds provide the flexibility to deposit funds and pay expenditures across fiscal years. The Town Meeting has previously established the funds listed above with specific allowed purposes and this article authorizes each fund's annual revolving limit.

Comments: (Finance Committee) This is an annual procedural article to authorize revolving funds in the amounts detailed in the article, allowing the Town to collect and disburse money for certain stated purposes.

Robert Morel, 4 Guyer Road, asked for clarification about the electric vehicle charging stations.



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Christopher DiSilva, Select Board, explained the initial investments.

Justine St. John, Select Board, explained the revolving funds allowing us to take money in and pivot the money back into the charging stations themselves.

Gregory Johnson, Town Administrator, explained that the majority of the funding came from Eversource.

Robert Morel, 4 Guyer Road, asked if the money was being used for repairs.

Dick Downey, Moderator, answered that the state law requires a vote at Town Meeting for use of these revolving funds.

MOTION MADE: Mr. DiSilva 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 WITH A VOTE OF 123-YES / 5-NO / 2-BLANKS

ARTICLE: 4

CERTIFIED FREE CASH APPROPRIATION FOR FISCAL YEAR 2024

To see if the town will vote to appropriate from available free cash the following amounts for the designated purposes:

Snow & Ice Deficit	\$ 300,000.00
Capital Stabilization Fund	\$ 110,880.00
General Stabilization Fund	\$ 50,000.00
Other Post Employment Benefits Fund	\$ 25,000.00
Alumni Bleachers Planning and Design	\$ 55,000.00
Alumni Field Bleacher Rentals	\$ 50,000.00
COVID-19 FEMA Fund	\$ 28,734.00
Police Cruisers	\$ 110,000.00
Fire Alarm Radio Monitoring System	\$ 40,000.00
Fire Personal Protection Safety Equipment	\$ 40,000.00
School Facilities Envelope/Roof Repairs	\$ 60,000.00
Library Stairwell Repairs	\$ 50,000.00
<u>Route 27 Intersection Improvements</u>	<u>\$ 450,360.00</u>
Total Requested Appropriation	\$ 1,369,974.00



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To do or act thereon.

SPONSORED BY:	Select Board
APPROPRIATION:	\$1,369,974.00
FINCOM RECOMMENDATION:	Recommends

Comments: (Sponsor) Free Cash is taxpayer money that has not been appropriated for spending. Traditionally, Maynard uses these funds to pay for one-time items or events, like a deficit in the snow and ice budget or capital projects. The capital items listed above are submitted in accordance with the priorities of the Capital Planning Committee (CapCom), with the following descriptions:

Supplemental appropriation to snow and ice operations is necessary annually because of unpredictable weather conditions. Transfers into the town's stabilization funds are advised in preparation for unbudgeted, one-time needs. Transfers into the town's Other Post Employment Benefits (OPEB) fund continues efforts to meet the long-term liability of non-retirement benefits obligations for public employees.

Existing contracts are proposed to be maintained for project management and designing of new Alumni Field bleachers and related facilities, in anticipation of final design to be considered for authorization of construction-funding in the fall of 2024. Without access to permanent bleachers, rentals are proposed to be acquired for another academic year.

Anticipated federal funding to reimburse expenses supporting public health and safety operations during the town's response to COVID-19 were not entirely received in prior years, leaving a deficit in the town's annual close-out report to the state's Department of Revenue (DOR). Some funds were received after successful re-application, but a balance remains to be accounted for.

New police cruisers are typically purchased annually to meet operational demand for vehicle fleet turnover. This proposed appropriation is intended to acquire "hybrid" fuel-efficient models to meet sustainability initiatives.

The current system that monitors town-wide fire alarms is at end-of-life and requires replacement. To meet anticipated changes to safety standards, the fire department's personal protective equipment is proposed to be systematically replaced with appropriate gear and equipment. Funding may be available through grants to be paired with this proposed Free Cash appropriation.

Assessment of facilities of the Maynard Public School District show the need to address leaks and degradation of the buildings' envelope and roofs, specifically at Maynard High School and the Fowler School. Of the original request for \$100,000 two year's ago, \$40,000 was appropriated in Fiscal Year 2023, and this appropriation is meant to complete the identified repairs and improvements.



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The Maynard Public Library's northeast stairwell suffered substantial water damage from leaks and requires repairs and mitigation. This proposed appropriation funds the execution of plans by a contracted architectural/engineering firm to make necessary repairs and improvements.

Improvements to the intersection of Route 27 at Concord Street have been sought for many years, and is identified as the highest priority by the town's Department of Public Works (DPW), public safety experts and consultants. This proposed appropriation for these improvements would be paired with \$500,000 from the state's allocation of American Recovery Plan Act (ARPA) funds, specifically devoted for this project. These improvements will provide a safer mix of vehicular traffic at this location and its intersection with the Assabet River Rail Trail (ARRT) to better accommodate pedestrian and vehicular connections from the surrounding neighborhoods and bring the intersection into compliance with current accessibility standards. The project costs include construction administration of the proposed improvements, from design through advertising, bidding, contract procurement, construction, and project closeout. Design is currently underway, with construction anticipated to begin towards the end of calendar year 2024 and continue into 2025.

Comments: (Finance Committee) Passage of this article would appropriate the excess cash flow that was generated through town operations from FY23 to various town priorities. The Massachusetts Department of Revenue recommends as a best practice that communities try to have a free cash balance of 3-5% of their operating budget. Our operating budget for FY23 was \$ 48,663,647.00, and free cash is \$1,369,974, 2.8% of the budget. The Town's financial policies recommend use of Free Cash for capital items, funding stabilization and OPEB accounts, and Snow & Ice deficits.

This article proposes spending in line with these policies. We fund the deficit in snow and ice and add \$185,880 to stabilization accounts. We spend \$105,000 on Alumni field bleacher rental and replacement design, and cover \$28,734 of a funding deficit related to unreimbursed COVID costs. The balance of \$750,360 is spent on various capital projects as prioritized by the Capital Planning Committee, including spending \$450,360 on the Route 27 intersection that will also receive \$500,000 of state funding.

above with specific allowed purposes and this article authorizes each fund's annual revolving limit.

Comments: (Finance Committee) This is an annual procedural article to authorize revolving funds in the amounts detailed in the article, allowing the Town to collect and disburse money for certain stated purposes.

Jonathan Skroch, 23 Marlboro Street, noted that the roof on the high school was not that old.

Gregory Johnson, Town Administrator, replied that this funding is for continuous repairs identified by the School Department.



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Brian Haas, Superintendent of Schools, added that the high school roof is for routine maintenance, but the Fowler School roof is 20 years old.

Janice Jones, 26 Nick Lane, asked when there would be public input regarding the design of the Route 27 improvements.

Christopher Disilva, Selectboard, replied that this project is past this point in the process.

Gregory Johnson, Town Administrator, added that there were numerous questions addressed at the public hearing and instructed the resident to see the DPW page on the website under "Projects" for information.

Stephen Wagner, 13 Charles Street, stated that he has lived in Maynard since 1974 and lives $\frac{1}{2}$ mile from the intersection in question. He thanked the Town Administrator for giving him the directions to get the plans on the website.

Bob McCarthy, 28 Tobin Drive, asked about the status of the plan for the design, cost and funding of the athletic bleachers. He asked if this will be capital funding.

Lindsay McConchie, Capital Planning Committee, replied that yes, the capital planning committee has talked about the bleachers with the school committee and will be forthcoming in Fiscal Year 25.

Stephen Wagner, 13 Charles Street, asked for clarification on the word "envelope" when speaking on the roofs of schools.

Christopher DiSilva, Select Board, replied that the envelope is the entire outside of the building.

Edward Mullin, 5 Nancy Circle, stated that he feels there should be a master plan. He added that he is disappointed looking at the yellow tape. He would rather simply take the stands down.

MOTION MADE: Mr. DiSilva 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 WITH A VOTE OF 123-YES / 5-NO / 2 BLANKS

ARTICLE: 5

FISCAL YEAR 2025 SALARY ADMINISTRATION PLAN

To see if the Town, under the authority of G. L. c.41 sec. 108A, will vote to amend the Maynard Salary Administration Plan Salary Table:



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Appendix B: Salary Table

	Minimum	Maximum
Full-Time Employees	\$20.00	\$ 45.00
Part-Time Employees (no less than MA minimum wage)	\$15.00	\$ 40.00
Part-Time Specialized (i.e., certified/licensed)	\$20.00	\$ 50.00
Veterans' Agent	Annually	\$10,700.00
Inspector of Animals	Annual Stipend	\$ 105.00
Registrar of Voters	Annual Stipend	\$ 105.00
Clerk, Registrar of Voters	Annual Stipend	\$ 515.00
Moderator	Annual Stipend	\$ 75.00

To do or act thereon.

SPONSORED BY: Select Board

APPROPRIATION: None

FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The Veterans' Agent salary has increased from \$10,489.31 to \$10,700 [2%].

Comments: (Finance Committee) This is an annual procedural article to make adjustments to the salary table and other terms in the Town's salary Administration Plan. The changes from last year's plan is the Veteran's Agent salary has increased by 2% from \$10,489.31 to \$10,700. The rest of the table remains the same as prior year.

MOTION MADE: Mr. DiSilva 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 WITH A VOTE OF 123-YES / 5-NO / 2 BLANKS

ARTICLE: 6

TOWN GENERAL FUND BUDGET FISCAL YEAR 2025

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide to meet the salaries and wages of Town Officers and employees, expense, and outlays of the Town Departments, and other sundry and miscellaneous, but regular, expenditures necessary for the Town for Fiscal Year 2025 (July 1, 2024 – June



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30, 2025) and further, to accept and expend Federal and State Funds to offset certain salaries or expenses or outlays as follows:

General Government	\$ 4,088,552
Public Safety	\$ 5,631,872
Public Works	\$ 2,657,164
Cultural & Recreation	\$ 655,833
Education - Maynard	\$ 22,839,261
Education - Assabet	\$ 1,319,213
Employee Benefits	\$ 10,075,030
Debt Service	\$ 5,702,211
Reserve Fund	\$ 250,000
PEG Access	\$ 361,880
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Total General Fund Expenses	\$ 53,581,016

To do or act thereon.

SPONSORED BY: Select Board
APPROPRIATION: \$ 53,821,016.00
FINCOM RECOMMENDATION: Recommends

Comments (Sponsor): See Attachment Appendix "A" – the appendix information is only a guide and is non-binding except to the single raise and appropriation vote of **\$53,821,016.00**. The categories noted above are for explanation purposes.

Comments (Finance Committee): Passage of this article would adopt the proposed Town General Fund Budget for Fiscal Year 2025 (FY25) in the amount of \$53,581,016. The breakdown by nine major Town functions in the table above shows how the budget is to be allocated to various purposes. The budget process begins months in advance of Town Meeting and is discussed in numerous public meetings by town boards and committees. It is a combined effort of the Select Board, Town Administrator, FinCom, School Committee, and all department heads. FinCom encourages Town Meeting voters to participate in these discussions. FinCom acknowledges that there are always budget constraints and difficult decisions are made during the budget process. Particularly, this Town budget funds the School Department at a lower increase than requested for level service. To meet services in FY25, the School Department plans to draw on various Reserve and Revolving Funds to supplement the Town provided budget. By the School Department estimates, these Reserve and Revolving Funds may not replenish quickly enough to supplement the Town's provided budget FY26 in the same manner.

Nevertheless, FinCom voted to recommend this article because it presents a balanced budget that weighs the needs of the Town with the revenue available from the increase of Prop 2 1/2 and New Growth. (Please refer also to Appendix A in the Warrant for more context.)

Brian Haas, School Superintendent, spoke on the School Department portion of the budget.



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Cavan Stone, 17 Rice Road, drew attention to the last lines in the Finance Committee recommendations, noting that there may be a need for service cuts or different sources of income next year.

MOTION MADE: Mr. DiSilva 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 WITH A VOTE OF 119-YES / 12-NO

ARTICLE: 7

ASSABET VALLEY REGIONAL VOCATIONAL TECHNICAL SCHOOL STABILIZATION FUND

To see if the town will vote to approve the Assabet Valley Regional Vocational Technical School Committee's vote on January 9, 2024, to establish a Stabilization Fund for the Assabet Valley Regional Vocational Technical School District, pursuant to Section 16G ½ of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund;

To do or act thereon.

SPONSORED BY: Select Board

APPROPRIATION: None

FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The Assabet Valley Regional Vocational School District (AVRVSD) is facing critical funding challenges regarding capital improvements and equipment purchases. For the past fifty years, the district has relied solely on tuition from out-of-district students and grant funding to address these needs. However, recent years have seen a surge in in-district students, rendering these traditional funding sources unsustainable. In 2013, AVRVSd embarked on a major renovation project to address long-standing issues with its facilities. While this project was approved and completed in 2016, it fell short of resolving all the problems plaguing the aging infrastructure and capital equipment needs. Now, with increasing in-district enrollment, the district urgently needs a sustainable solution to address ongoing capital improvement and equipment purchase needs. The proposed solution is the creation of a Stabilization Fund, governed and overseen by the school committee in accordance with Massachusetts General Laws, Chapter 71, Section 16G ½. This fund will provide the district with the flexibility to allocate resources where they are most needed to support the technical programs offered at AVRVSd. At the upcoming town meeting, a simple majority vote is required to approve this warrant article. It is imperative that community members recognize the importance of this initiative in securing the future of Assabet Valley Regional Vocational School District and ensuring that students receive the quality education they deserve.



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Comments: (Finance Committee) This article will authorize the Assabet Valley Regional Technical High School (AVRHS) to create a Stabilization Fund. Currently, capital expenses are paid through a capital expense line item in the annual operating budget or through special assessments and borrowing. Spending from this Stabilization Fund will be controlled by the AVRTHS School Committee. Maynard has a representative on this committee. The Finance Committee recommends the creation of a stabilization fund to address future long-term capital needs of the school.

MOTION MADE: Ms. St. John 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 SIGNIFICANTLY BY SHOW OF HANDS.

ARTICLE: 8 SEWER ENTERPRISE FUND BUDGET FISCAL YEAR 2025

To see if the town will vote to recommend that the following sums be appropriated to operate the Sewer Enterprise Fund, in accordance with the provisions of M.G.L. c. 44 § 53F ½. Such sums of money as may be necessary, together with revenue from the Sewer Enterprise Fund operations, to defray the expenses for Fiscal Year 2025 (July 1, 2024 – June 30, 2025).

TOTAL REVENUES	\$ 3,816,459.50
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EXPENSES - DIRECT

Sewer - Salaries	\$ 425,925.00
Sewer – Expense	\$ 337,050.00
Sewer - Capital	\$ 492,029.00
Sewer - Long Term Debt Principal	\$ 600,631.00
Sewer - Long Term Debt Interest	\$ 141,857.00
Sewer - Waste Water Treatment Plant Expense	<u>\$ 1,441,547.00</u>
TOTAL EXPENSES - DIRECT	\$ 3,439,039.00

EXPENSES - INDIRECT

Insurance - Health/Life/Unemployment	\$ 122,218.00
Retirement	\$ 255,202.50
Shared Employee Costs	<u>\$ 377,420.50</u>

TOTAL FY2025 BUDGET	\$ 3,816,459.50
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To do or act thereon.

SPONSORED BY: Select Board
APPROPRIATION: \$ 3,816,459.50
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The Fiscal year 2025 Sewer Enterprise Budget is an increase of (3.96%) over Fiscal Year 2024. The increase in Fiscal Year 2025 Sewer Enterprise Fund Budget is a result of economic inflationary drivers.

Comments: (Finance Committee) Passage of this article would adopt the proposed Sewer Enterprise Fund Budget for FY25, total \$3,816,459 .50, and appropriate \$3,439,039 for Direct Expenses. While the \$377,420.50 in Indirect Expenses is appropriated through the Town General Fund Budget, this amount is reimbursed by the Sewer Enterprise Fund. FinCom supports this increase in the Sewer Enterprise Fund Budget of 3.96%, in line with industry inflationary drivers.

MOTION MADE: Ms. St. John 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 WITH A VOTE OF 128-YES / 6-NO

ARTICLE: 9

WATER ENTERPRISE FUND BUDGET FISCAL YEAR 2025

To see if the town will vote to recommend that the following sums be appropriated to operate the Water Enterprise Fund, in accordance with provisions of M.G.L. c. 44 §53F ½ such sums of money as may be necessary, together with revenue from Water Enterprise Fund operations, to defray the expenses for FY2025 (July 1, 2024 – June 30, 2025).

TOTAL REVENUES	\$ 2,994,688.88
EXPENSES - DIRECT	
Water - Salaries	\$ 474,800.00
Water – Expense	\$ 1,120,950.00
Water - Capital	\$ 237,678.00
Water – Long Term Debt Principal	\$ 305,000.00
Water – Long Term Debt Interest	<u>\$ 379,476.00</u>
TOTAL EXPENSES - DIRECT	\$ 2,517,904.00

EXPENSES = INDIRECT

ENTITIES INDIRECT

Retirement \$ 161,457.92



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Shared Employee Costs	\$ 315,326.96
TOTAL EXPENSES - INDIRECT	\$ 476,784.88
TOTAL FY2025 BUDGET	\$ 2,994,688.88

To do or act thereon.

SPONSORED BY: Select Board
APPROPRIATION: \$ 2,994,688.88
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The Fiscal year 2025 Water Enterprise Budget is a (10.68%) increase from Fiscal Year 2024. The increase in Fiscal Year 2025 Water Enterprise Fund Budget is a result of rising expenditures due to several factors including global economic inflation factors, state and federal unfunded mandates, indirect cost proportionate allocation, and increased need for capital improvements to distribution and treatment. Including debt service for the #4 Water treatment facility upgrades to support the installation of the utilities new Water source, Well “4A”.

Comments: (Finance Committee) Passage of this article would adopt the proposed Water Enterprise Fund Budget for FY25, total \$2,994,688.88, and appropriate \$2,517,904 for Direct Expenses. While the \$476,784.88 in Indirect Expenses is appropriated through the Town General Fund Budget, this amount is reimbursed by the Water Enterprise Fund. The Finance Committee supports this increase in the Water Enterprise Fund Budget of 10.68%, acknowledging the need to spend on water infrastructure. To support new growth, we must also support the growing water capacity demands.

MOTION MADE: Ms. St. John 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 WITH A VOTE OF 128-YES / 6-NO**

ARTICLE: 10 TRANSFER FROM WATER RETAINED EARNINGS

To see if the town will vote to transfer from “Water Retained Earnings” the sum of \$500,000.00 for the purpose of replenishing the reserve fund within the Fiscal Year 2025 (FY25) Water Enterprise operating budget to provide for unanticipated expenditures.

To do or act thereon.

SPONSORED BY: Select Board
APPROPRIATION: \$500,000.00



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FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The transfer of Water Retained Earnings for the purpose of our ongoing cyclical reserve fund transfer 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. Significant amounts of the utility's infrastructure are well beyond its designed life cycle. Establishing dedicated reserve funds follows industry standard financial best practice policies.

Comments: (Finance Committee) This article would use \$500,000 of the \$1,133,431 of Water Retained Earnings to establish a reserve fund for FY25 within the Water Enterprise operating budget for unanticipated expenses. Water Retained Earnings are the surplus funds from the Water Enterprise Fund from FY23. Aging infrastructure and unforeseen circumstances are concerns that potentially require swift action. The creation of a Reserve Fund allows emergency expenses to be paid in a timelier manner as these funds are controlled by the Finance Committee and Select Board votes.

MOTION MADE: Ms. St. John 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 SIGNIFICANTLY BY SHOW OF HANDS.**

ARTICLE: 11 TRANSFER FROM SEWER RETAINED EARNINGS

To see if the town will vote to transfer from “Sewer Retained Earnings” the sum of \$200,000.00 for the purpose of replenishing the reserve fund within the Fiscal Year 2025 (FY25) Sewer Enterprise operating budget to provide for unanticipated expenditures.

To do or act thereon.

SPONSORED BY: Select Board

APPROPRIATION: \$200,000.00

FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The transfer of Sewer Retained Earnings for the purpose of our ongoing cyclical reserve fund transfer within the Sewer 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



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sewer (effluent) utility system. Swift response is required for issues that arise from our aging system. Significant amounts of the utility's infrastructure are well beyond its designed life cycle. Establishing dedicated reserve funds follows industry standard financial best practice policies.

Comments: (Finance Committee) This article would use \$200,000 of the \$728,914.00 of Sewer Retained Earnings to establish a reserve fund for FY25 within the Sewer Enterprise operating budget for unanticipated expenses. Sewer Retained Earnings are the surplus funds from the Sewer Enterprise Fund from FY23. Aging infrastructure and unforeseen circumstances are concerns that potentially require swift action. The creation of a Reserve Fund allows emergency expenses to be paid in a timelier manner as these funds are controlled by the Finance Committee and Select Board votes.

MOTION MADE: Ms. St. John moved that the Town vote to approve Article 11 as printed in the Warrant, except the words "to do or act thereon".

MOTION WAS SECONDED.
MOTION PASSED SIGNIFICANTLY BY SHOW OF HANDS.

ARTICLE: 12 TRANSFER FROM WATER RETAINED EARNINGS FOR CAPITAL IMPROVEMENTS

To see if the town will vote to transfer from "Water Retained Earnings" the sum of \$180,000.00. Funds to be used for the purpose of funding Capital Equipment purchases for the Town of Maynard's Water Department.

To do or act thereon.

SPONSORED BY:	Select Board
APPROPRIATION:	\$180,000.00
FINCOM RECOMMENDATION:	Recommends

Comments: (Sponsor) This proposed transfer of Water Retained Earnings is for the purpose of acquiring one (1) Western Star 47X Truck. This is a replacement of a current front-line water equipment and construction vehicle that is more than fifteen years-old. Replacement is vital for reliability and enhanced efficiency with operational issues. This equipment is integral to the operation and repair of our water distribution utility. The upgrade of this equipment will provide safe and efficient means of response and capability of public drinking water utility operations. The cost of procurement is directly related to the water enterprise retained earnings, which will avoid debt/borrowing and



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long-term interest payments. This appropriation will not influence the water and sewer rates.

Comments: (Finance Committee) This article would transfer \$180,000 of Water Retained Earnings for the DPW to use for Capital Equipment procurement. These funds would allow for the purchase of a new truck to replace a fifteen-year-old truck. This will allow the Department of Public Waster to properly service the Town's water operations and repairs. Maintaining an aging fleet of vehicles can add additional costs to the Town through vehicle maintenance repairs. Finance Committee supports this transfer to strengthen the DPW's fleet, as rates will not be affected.

MOTION MADE: Ms. St. John moved that the Town vote to approve Article 12 as printed in the Warrant, except the words "to do or act thereon".

MOTION WAS SECONDED.

MOTION PASSED SIGNIFICANTLY BY SHOW OF HANDS.

ARTICLE: 13

TRANSFER FROM SALE OF CEMETERY LOTS ACCOUNT TO PERPETUAL CARE EXPENDITURE ACCOUNT

To see if the town will vote to transfer from "Sale of Cemetery Lots Receipts Reserved for Appropriation" the sum of \$60,831.00 for the purpose of improvements, maintenance, and operations at the Town of Maynard's municipal cemetery.

To do or act thereon.

SPONSORED BY:	Select Board
APPROPRIATION:	\$60,831.00
FINCOM RECOMMENDATION:	At Town Meeting

Comments: (Sponsor) The transfer of Cemetery Perpetual Care Sale of Lots receipts for the purpose of supporting annual maintenance and operational requirements in support of yearly operating budget for the Department of Public Works (DPW) cemetery division, as well as improvement projects such as expansion planning. The current balance in the Sale of Cemetery Lots account is \$122,472.60.

Comments: (Finance Committee) At Town Meeting



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MOTION MADE: Mr. Swanberg moved that the Town vote to approve Article 13 as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION PASSED WITH A VOTE OF 131-YES / 0-NO

ARTICLE: 14

**TRANSFER FROM SALE OF CEMETERY LOTS
ACCOUNT TO PERPETUAL CARE TRUST FUND**

To see if the town will vote to transfer from “Sale of Cemetery Lots Receipts Reserved for Appropriation” the sum of \$60,831.00 for the purpose of sustaining funds for the Perpetual Care Trust Fund.

To do or act thereon.

SPONSORED BY: Select Board

APPROPRIATION: \$60,831.00

FINCOM RECOMMENDATION: At Town Meeting

Comments: (Sponsor) This proposed transfer of Cemetery Perpetual Care Sale of Lots receipts is for the purpose of depositing funding to sustain funds for the Perpetual Care Trust Fund (Non-Exp). The current balance in the Sale of Cemetery Lots account is \$122,472.60.

Comments: (Finance Committee) At Town Meeting

MOTION MADE: Mr. Swanberg moved that the Town vote to approve Article 14 as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION PASSED SIGNIFICANTLY BY SHOW OF HANDS.

ARTICLE: 15

**MAYNARD GOLF COURSE RECEIPTS TRANSFER TO
GOLF COURSE CAPITAL IMPROVEMENTS FUND**

To see if the town will vote to transfer the sum of \$55,390.64 from the Maynard Golf Course Receipts Reserved for Appropriation to pay for capital improvements to the golf course.

To do or act thereon.



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SPONSORED BY: Select Board
APPROPRIATION: \$55,390.64
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The transfer of revenue receipts provided to the Town of Maynard per contractual agreement with Sterling Golf Management Inc. will be utilized to complete capital improvement projects to the course, club house, and facilities. Requested allocations will be focused on full roof replacement and facility improvements to address several long-standing roof failures which continue to cause internal damage and structural capacity issues. Maynard Golf Course facilities currently house the Town of Maynard's Council on Aging and club house function hall. Roof failures have significantly impacted golf function business. Function proceeds are part of a direct revenue payment to the Town of Maynard per contractual agreement. Yearly receipt allocations are being compounded deliberately to fund a large-scale capital improvement project that cannot be solely funded through a single year funding appropriation. The current balance in our capital improvement account for this project is \$215,788.50. Current costs for roof replacement project are approximately \$770,000.00.

Comments: (Finance Committee) The passage of this article would transfer the sum of \$55,390.64 from the Maynard Golf Course Receipts Reserved for Appropriation to pay for capital improvement to the golf course. This is part of an on-going savings plan to fund large-scale capital improvements to the Club House, as outlined in the Sponsor Comments.

Deborah Roussell, 4 Grant Street, spoke on the issues occurring at the senior center. She spoke on the building being a mess for years and how, when the town purchased the golf course, that did not cover a senior center or a function hall.

Gregory Johnson, Town Administrator, stated that money has not been spent on the roof yet. He added that the concerns will continue to be addressed and there are no finalized plans this evening.

Deborah Roussell, 4 Grant Street, feels there is more money set aside year after year, and there is a possibility that the repairs could be significantly less.

Gregory Johnson, Town Administrator, added that the leaks in the roof will be held to Sterling Golf.

Cavan Stone, 17 Rice Road, asked if there is a threshold dollar amount for the roof.

Gregory Johnson, Town Administrator, replied that per the comments, \$770,000.00 for roof replacement.

Cavan Stone, 17 Rice Road, asked if the contract with Sterling Golf has them responsible for any percentage of funding towards repairs.



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David Steele, 229 Main Street, asked where the money was coming from, the taxpayer or golf receipts.

Jeffrey Swanberg, 96 Acton Street, replied that it comes from the golf course green fees.

MOTION MADE: Mr. Swanberg moved that the Town vote to approve Article 15 as printed in the Warrant, except the words "to do or act thereon".

MOTION WAS SECONDED.

MOTION PASSED WITH A VOTE OF 108-YES / 24-NO / 2-BLANKS

ARTICLE: 16

TRANSFER FROM MSBA REIMBURSEMENTS TO GENERAL STABILIZATION

To see if the town will vote to transfer the current balance of the special revenue from reimbursement payments by the Massachusetts School Building Authority (MSBA) for the feasibility phase of the new Green Meadow School, into the General Stabilization Fund.

To do or act thereon.

SPONSORED BY:	Select Board
APPROPRIATION:	\$ 502,904.00
FINCOM RECOMMENDATION:	Recommends

Comments: (Sponsor) Special Town Meeting on October 3, 2020 authorized the transfer of \$1,000,000 from the town's General Stabilization Fund for costs associated with the feasibility phase of the new Green Meadow School project. During the feasibility phase, the Massachusetts School Building Authority (MSBA) provided reimbursements for eligible costs in accordance with the state-determined reimbursement rate. The original intention of authorizing the transfer from the town's General Stabilization Fund was to replenish the stabilization fund with MSBA reimbursements. The new Green Meadow School project has entered into the design phase, following authorization at the Special Town Meeting held October 10, 2023, to borrow funds for project costs through a debt-exclusion override.

Comments: (Finance Committee) Passage of this article would allow the Town to use reimbursed funds by the MSBA for approved expenses incurred and transfer them to the General Stabilization Fund. Replenishing the stabilization fund will allow for the continuation of Green Meadow's design phase, which was voted on by Town members.



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MOTION MADE: Mr. Swanberg moved that the Town vote to approve Article 16 as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION PASSED SIGNIFICANTLY BY SHOW OF HANDS.

ARTICLE: 17

DISPOSITION OF 61-63 SUMMER STREET

To see if the town will vote to change the use of the property at 61-63 Summer Street (former Fowler School) from general municipal use to a property for sale and to authorize the Select Board to sell the property on the terms and conditions it deems appropriate and are in the best interest of the Town and to enter into any and all agreements to effectuate same.

To do or act thereon.

SPONSORED BY: Select Board

APPROPRIATION: None

FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The Maynard Select Board appointed an advisory committee of Maynard residents to determine the potential uses for the site of the old Fowler School at 61-63 Summer Street. The property had been leased to non-profit organization ArtSpace, Inc. for more than 20 years. Since ArtSpace's relocation, the town has no operational need for the property, and the advisory committee recommends its disposition (sale). The advisory committee is partnering with the regional planning agency, Metropolitan Area Planning Council (MAPC), and has conducted extensive outreach to consider input from the community, private developers, town staff and local officials. The advisory committee is anticipated to present options for the consideration of the Select Board for the property's future that would advance the goals of the town's policies, including the Maynard Master Plan, Housing Production Plan, and Community Development Principles. Retaining ownership of the property continues maintenance and liability burdens to the town, as well as opportunity costs against the town's efforts for sustainable growth.

Comments: (Finance Committee) This article allows for the Select Board to sell the property at 61 - 63 Summer Street (former Fowler School) on the terms and conditions it deems most advantageous to the town. The former school had outlived its educational purpose more than 20 years ago, it needs major rehabilitation for any municipal purposes, and to continue to allow it to remain a town property is a negative position for the town. The first step to sell the property is to declare it an obsolete asset, while controlling future development through a RFP process. The RFP process will allow the town to develop it within the Maynard Master Plan. The Finance Committee recommends the sale of this property, which could be a financial benefit to the town.



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Edward Mullin, 5 Nancy Circle, stated that this property is a mess. He asked that the DPW at least cut the grass and shrubs. He added that we have to take care of our areas.

MOTION MADE: Mr. Gavin moved that the Town vote to approve Article 17 as printed in the Warrant, except the words "to do or act thereon".

MOTION WAS SECONDED.

MOTION PASSED WITH A VOTE OF 123-YES / 9-NO / 3-BLANKS

ARTICLE: 18 PUBLIC SHADE TREES

To see if the Town will vote to Amend the Town By-laws by adopting a new Chapter 46, Public Shade Trees as follows:

CHAPTER 46

PUBLIC SHADE TREES

Section 1. Intent and Purpose. The purpose of this by-law is to preserve, protect and nurture Public Shade Trees in Maynard, in accordance with the goals of Maynard's Master Plan (regarding natural, cultural, and historic resources), Maynard's Community Development Principles (#8 protect land and ecosystems), and the provisions of MA General Laws, Chapter 87 (Shade Trees). Trees contribute to the environmental health, viability, economic and social well-being of all citizens in the Town of Maynard. Trees enhance the Town's appeal and improve its air quality and climate by providing shade, producing oxygen, and sequestering carbon, among other benefits. Mature trees contribute to property value for homeowners.

Section 2. Definitions

- A. CALIPER** - The diameter of a tree trunk (in inches) measured 6" above the ground for trees 4" in diameter or less, and 12" above the ground for trees greater than 4" in diameter.
- B. CERTIFIED ARBORIST** - An arborist certified by the MA Arborists Association or by the International Society of Arboriculture, or any successor of either organization.
- C. CRITICAL ROOT ZONE (CRZ)** - The minimum area beneath the canopy of a tree which must be left undisturbed to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ is represented by a concentric circle centered on the tree's trunk and extending outward towards the tree's drip line. The minimum area of the CRZ depends on the required minimum radius of the CRZ, which is calculated by multiplying a tree's DBH (in inches) by 18", to obtain the minimum radius of the CRZ.



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- D. DIAMETER AT BREAST HEIGHT (DBH)** - The standard measure of tree size for trees that are at least 4" in diameter at a height of 4.5' above ground level at the base of the tree. If a tree splits into multiple trunks below 4.5' above ground level, DBH is the diameter taken at the narrowest point beneath the split.
- E. DRIP LINE** - A vertical line running through the outermost portion of a tree's crown (outer branch tips) and extending to the ground.
- F. HAZARDOUS ("HIGH RISK") TREE** - A Public Shade Tree or Town Tree that is deemed by the Tree Warden to be a risk to public health and/or safety that can only be mitigated by removal. Said tree can be removed without holding a public hearing and in accordance with the procedures set forth in MGL, Chapter 87, Section 5. See "Tree Risk".
- G. HERITAGE TREE** - A Public Shade Tree or Town Tree specifically designated by the Department of Environmental Management, Urban Forestry Program, upon recommendation of the Tree Warden to be a heritage tree. A heritage tree measures more than 32" DBH or has a documented cultural and/or historical significance.
- H. OVERSTORY TREE** - A tree that will generally reach a mature height of greater than 40'.
- I. PERSON** - Any person, firm, partnership, association, corporation, company, or organization of any kind including public or private utility or municipal department.
- J. PRUNING** - The selective removal of plant parts to meet specific goals and objectives.
- K. PUBLIC SHADE TREE** - All trees within a public way or on the boundaries thereof shall be public shade trees; and when it appears in any proceeding in which the ownership or rights in a tree are material to the issue, that, from length of time or otherwise, the boundaries of the highway cannot be made certain by records or monuments, and that for that reason it is doubtful whether the tree is within the highway, it shall be taken to be within the highway and to be public property until the contrary is shown. [MGL Chapter 87, Section 1]
- L. PUBLIC WAY** - Streets or roads, by whatever term so-called, laid out as public ways by order of the Town, or within the boundaries of the Town or the County, over which the public has the right of travel, but excluding state highways.
- M. REMOVE (INCLUDING REMOVING AND REMOVAL)** - The cutting down of any protected tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning, or other direct or indirect actions resulting in the death of a protected tree, including, but not limited to, excessive or improper pruning.
- N. SCENIC ROAD** - A road designated as such by a vote at Town Meeting and which conforms to MGL, Chapter 40, Section 15C.
- O. SPECIFICATIONS** - A document stating a detailed, measurable plan or proposal for provision of a product or service.
- P. STANDARD, ANSI A300** - The performance parameters established by industry consensus as a rule for the measure of extent, quality, quantity, value, or weight used to write specifications.
- Q. TOPPING** - The severe cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
- R. TOWN** - The Town of Maynard, MA.
- S. TOWN TREE** - Any tree in a public park or other place under the control and authority of the Maynard Select Board or Recreation Commission, except trees on conservation



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lands or in natural resource areas or their buffer zones that fall under the jurisdiction of the Maynard Conservation Commission or other municipal body.

- T. TREE DAMAGE OR REMOVAL** - The cutting down of any Public Shade Tree or Town Tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of a Public Shade Tree or Town Tree, including, but not limited to excessive or improper pruning, excavation, or construction damage.
- U. TREE RISK** - The likelihood of tree failure and associated consequences due to uprooting or mechanical breakage of a tree, its parts, and/or associated soil.

Section 3. Jurisdiction

- A.** This By-Law applies to all Public Shade Trees and Town Trees in the Town of Maynard.
- B.** Tree Warden. MGL Chapter 41, Sections 1 and 106, require each city and town in the Commonwealth to elect or appoint a Tree Warden. The Tree Warden is the agent of the Town who has statutory authority, duties, powers, and primary enforcement responsibilities under MGL, Chapter 87. The Tree Warden shall be appointed by majority vote of the Select Board upon the recommendation of the Director of the Department of Public Works for a 3-year period and shall be qualified by training and experience in the field of arboriculture and be licensed in accordance with the provisions of MGL, Chapter 132B, Section 10.

Section 4. Duties and Responsibilities of the Tree Warden

- A.** The Tree Warden may develop a work plan for Public Shade Tree planting, maintenance, replacement, and removal for each fiscal year. The plan may include locations of work, designated work to be accomplished, and resources including funds required.
- B.** The Tree Warden may take all steps feasible within budgetary constraints to maintain and nourish Public Shade Trees to minimize the need for their removal.
- C.** The Tree Warden is responsible for:
 1. conducting Public Shade Tree hearings in accordance with MGL, Chapter 87, Sections 3 and 4;
 2. and shall also conduct joint hearings with the Planning Board as required under the Scenic Roads Law, MGL, Chapter 40, Section 15.C.
- D.** The Tree Warden may assist the DPW when the latter is required to render an opinion regarding the limitations on installation of asphalt or other impervious surfaces within 3' of the trunk of a Public Shade Tree, i.e., within its CRZ, either on the street-side or the sidewalk-side of the tree in the Public Right-of-Way.
- E.** Coordination with other Town Regulators. If, based on information provided to the Town's Building and Inspections Division, Planning Board, Zoning Board of Appeals or other Town Department, Board or Commission, it appears that any Public Shade Tree may be impacted by construction, demolition or excavation activities under that regulatory agency's jurisdiction, the Tree Warden shall have the responsibility for oversight, review, and approval of such activities.

Section 5. Duties and Responsibilities of the Tree Committee



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- A.** The Town may have a Tree Committee, appointed by the Town Administrator, that consists of five (5) voting members, and up to one (1) associate member, who may vote in instances when a member must recuse themselves due to conflict of interest. When the Committee is first established, the terms of the voting members shall be one for one (1), two for two (2), and two for three (3) years. Voting members' successors shall be appointed for terms of three (3) years each. Associate members shall be appointed for a term of one (1) year. The Tree Committee may also have one non-voting Student Representative, who shall be appointed for a term of one (1) year.
- B.** The Tree Committee may have the following duties and responsibilities, as enumerated in its mission statement on the Town web page:
 - 1. Assist the Tree Warden in duties under MGL and municipal By-Laws.
 - 2. Protect and promote planting, maintenance, and preservation of trees throughout the Town.
 - 3. Advise on removal and replacement of trees as described by MGL and municipal By-Laws.
 - 4. Advise on the creation and updating of municipal tree By-Laws; facilitate tree surveys and help maintain inventories; develop tree manuals and programs; and undertake other initiatives that they and the Tree Warden find necessary for their mission.
 - 5. Educate the community about the value of trees and about tree resources available to them; inform the public about local tree initiatives.
 - 6. Assist in seeking grants and other assistance for planting, maintenance, and preservation of trees in Town.
 - 7. Make every effort to carry out the goals of both the Town's Master Plan and other committees as they apply to the maintenance and expansion of Maynard's tree canopy.

Section 6. Provisions for the Management of Public Shade Trees. A Public Shade Tree may not be trimmed, pruned, cut, or removed by any Person other than the Tree Warden, or the Warden's authorized representative. Both the contractor involved and the utility, if one is involved, shall be responsible for ensuring that any bucket operators on the job are trained and knowledgeable of this By-Law, including the ANSI Z-133 Safety Standard, ANSI A300 Pruning Standards, and all other applicable future standards.

Section 7. Annual Reporting. In the annual report submitted on behalf of the Tree Warden to the Town for the Town Annual Report, the Tree Warden or Tree Warden's Representative may specify the number and species of Public Shade Trees and Town Trees that were planted, pruned, or removed during that fiscal year and the locations of such trees.

Section 8. Severability. If any section, paragraph, or portion of this By-Law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, or portion shall continue in full force.

Section 9. Relationship to Other Laws. Nothing in this By-Law shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing Town By-Laws or MGL.



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To do or act thereon.

SPONSORED BY: Tree Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The purpose of this Tree By-Law is to preserve, protect and nurture publicly owned trees that belong to all of us in the Town of Maynard. It was developed following State guidelines and follows the same basic principles that guide 110 cities and towns in Massachusetts in their efforts to sustain an urban treescape. It defines and expands the authority of the Maynard Tree Warden and creates an official Tree Committee. This By-Law does not require Town funding, but having a Tree By-Law creates opportunities to qualify for tree-planting funds at the State level. We believe that the adoption of this Tree By-Law is a win-win for Maynard - for the health of its residents, the attractiveness of the downtown and beyond, and the climate resilience that healthy trees naturally provide.

Comments: (Finance Committee) The passage of this article would define the role of the Tree Warden and establish an official Tree Committee, making Maynard eligible for state funding through a Department of Conservation and Recreation grant program for urban forestry. These funds could be used for planting new trees, preserving mature trees, and removing hazardous trees in accordance with the Town's tree management plan. The definitions and language in the proposed by-law closely follow Massachusetts General Law and the current practices of the Town while respecting a distinction between public trees, which are overseen by the Tree Warden, and private trees, which remain unaffected. The proposed by-law represents a unique opportunity to bring in supplemental funding for the Town's environmental goals without placing additional demands on the budget or the taxpayers.

Daniel Schissler, Tree Committee, clarified questions about this bylaw language.

Robert Morel, 4 Guyer Road, asked if this committee will make recommendations of expenditures of the town.

Stephen Wager, 13 Charles Street, mentioned that, in the past, there has been confusion whether the town used to provide the trees to plant on private property. He felt this bylaw was a step in the right direction.

Thomas Janzen, 21 Durant Avenue, asked if Eversource has given instructions not to plant a tree under wires and wondered about conflicts with the tree committee and whose guidelines will prevail.

Daniel Schissler, Tree Committee, explained that the committee will have no jurisdiction on private property.

Cavan Stone, 17 Rice Road, added that he has a tree on his property that could be a hazard regarding the power lines.



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Daniel Schissler, Tree Committee, advised him to speak to the DPW (Department of Public Works) for maintenance suggestions.

MOTION MADE: Mr. Schissler moved that the Town vote to approve Article 18 as printed in the Warrant, except the words "to do or act thereon".

MOTION WAS SECONDED.

MOTION PASSED SIGNIFICANTLY BY SHOW OF HANDS.

ARTICLE: 19 ACCEPTANCE OF ROADS

To see if the town will vote to accept by gift, purchase, take by eminent domain or otherwise acquire, Fletcher Street, Heights Terrace, and Allan Drive as public ways and any appurtenant easements thereto, as laid out by the Select Board, as shown on three plans entitled "Plan of Land in Maynard, Massachusetts" prepared by VHB, Inc. 101 Walnut Street P.O. Box 9151 Watertown, MA 02471-9151 and dated January 23, 2023, March 3, 2023, and August 8, 2023 copies of which are on file in the office of the Town Clerk;

And further that the Town vote to authorize the Select Board to acquire by gift, purchase, take by eminent domain or otherwise, easements in any land necessary for laying out and acceptance of said ways, and any appurtenant drainage, utility or other easements related to said ways, and/or to accept grants thereof; and, further, to authorize the Select Board and other applicable Town of Maynard boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article.

To do or act thereon.

SPONSORED BY: Select Board

APPROPRIATION: None

FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) At the Special Town Meeting October 10, 2023, voters approved this article that allowed for the “taking” of these roadways, and thereby authorized planned improvements to be executed. However, an administrative action required by state law known as a “Layout Hearing” was not completed prior to the Special Town Meeting in October, and therefore the roadways are not yet “accepted” as public roadways. A Layout Hearing was conducted on May 8, 2024, allowing for the full execution of this article if approved.



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Comments: (Finance Committee) At the Special Town Meeting October 10, 2023, voters approved this article that allowed for the “taking” of these roadways, but a “Layout Hearing” was not yet completed at that time. To accept these roads as public roadways after this “Layout Hearing” they once again are appearing on the ATM warrant.

This article proposes to acquire Fletcher Street, Heights Terrace and Allan Drive as public ways. Unaccepted roads are surveyed yearly for potential Town acceptance following the pavement management plan by the DPW. Unaccepted roads are not allowed to be improved as stated in Town Bylaws. These roads are used by residents throughout the town and by Public Safety service.

MOTION MADE: Mr. Gavin moved that the Town vote to approve Article 19 as printed in the Warrant, except change the dates of January 23, 2023 and March 3, 2023, to August 29, 2023 and except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION PASSED BY 2/3 WITH A VOTE OF 133-YES / 1-NO

ARTICLE: 20

COMMUNITY PRESERVATION FUND BUDGET FOR FISCAL YEAR 2025

To see if the Town will vote to appropriate or reserve from FY2025 Community Preservation Fund revenues in the amounts recommended by the Community Preservation Committee (CPC), with each item to be considered a separate appropriation:

Appropriations:

Administrative & Operating Expenses	\$10,000.00
Long-Term Debt - Principal	\$115,000.00
Long-Term Debt - Interest	\$7,400.00

Reserves:

Historic Preservation Reserve	\$45,000.00
Open Space Reserve	\$45,000.00
Community Housing Reserve	\$45,000.00
Budgeted Reserve	\$182,600.00

TOTAL FY2025 BUDGET **\$450,000.00**

To do or act thereon:

SPONSORED BY: Community Preservation Committee
APPROPRIATION: \$132,400.00



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FINCOM RECOMMENDATION: Recommends

Comments (Sponsor Comments): Community Preservation Fund monies come from a 1.5% real estate tax surcharge on Maynard residential properties and a partial state match. This article authorizes the FY25 amounts to be added to the community preservation reserve funds. The funds can be used to support a variety of community projects, as defined by state Community Preservation Act legislation. Applications for projects are reviewed annually, generally in the fall, and can come from community groups and town departments. This article also includes funding to cover ongoing debt payments on the municipal golf course land, which was purchased as a Community Preservation Fund project.

Comments (Finance Committee): Passage of this article would authorize \$450,000 in FY2025 Community Preservation Funds to be appropriated or reserved as recommended by the Town's Community Preservation Committee (CPC). This budget is based on the projection of revenue collected through the Community Preservation Act (CPA) real estate tax surcharge adopted at the 2006 Town Meeting and is similar to the budget for FY2024, though with less interest due on long term debt as the Town continues to pay off its debt from the purchase of the municipal golf course in 2012.

The CPA program has been a valuable source of revenue to our Town with the benefit of state partial match of funds. CPA money can be appropriated from these funds for designated uses only, and the CPC has distributed the anticipated monies in this article in accordance with the requirements of the CPA, with appropriate amounts budgeted to historic preservation, affordable housing, and outdoor recreation space.

MOTION MADE: Mr. Cranshaw moved that the Town vote to approve Article 20 as printed in the Warrant, except the words "to do or act thereon".

MOTION WAS SECONDED.

MOTION PASSED WITH A VOTE OF 130-YES / 6-NO / 1-BLANK

ARTICLE: 21

COMMUNITY PRESERVATION RESERVE FUND APPROPRIATIONS FISCAL YEAR 2025

To see if the Town will vote to appropriate from Community Preservation Funds the amounts recommended by the Community Preservation Committee (CPC) for community preservation projects, as presented to the CPC, with each item to be considered a separate appropriation, in accordance with the requirements of Massachusetts General Laws Chapter 44B. At the discretion of the CPC, the deadline to return unexpended funds to their funding source may be granted an extension of up to one year.



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Appropriations:

From the Community Housing Reserve Fund, the amount of **\$10,000.00** and from the Undesignated Reserve Fund, the amount of **\$190,000** for the Maynard Affordable Housing Trust Fund.

From the Budgeted Reserve Fund, the amount of **\$12,000.00** for membership dues to the Regional Housing Services Office.

From the Historic Preservation Reserve Fund, the amount of **\$50,000.00** for Alumni Field House Study, with unexpended funds as of June 30, 2026 being returned to their funding source.

From the Open Space Reserve Fund, the amount of **\$50,000.00** for the Conservation Trust Fund.

To do or act thereon.

SPONSORED BY: Community Preservation Committee
APPROPRIATION: **\$312,000.00**
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The funding for these projects comes from a 1.5% real estate tax surcharge on residential properties and a partial state match. Applications for projects can come from community groups and town departments. Project eligibility to use this funding is defined by state Community Preservation Act legislation.

- The funding for the Maynard Affordable Housing Trust will add to funds provided in previous years to support initiatives to create affordable housing in Maynard.
- The Regional Housing Services Office Membership will help the Town effectively implement, administer, and monitor affordable housing projects.
- The funding for the Alumni Field House Study is to support a feasibility study for the preservation and code upgrade to rehabilitate the historic field house.
- The funding for the Conservation Trust Fund will add to funds provided in past years to support efforts to purchase property for conservation land protection.

Comments: (Finance Committee) Passage of this article would appropriate funds acquired from the Community Preservation Act (CPA) to the four projects described in this article. This vote is required in order for those funds to be used. The Community Preservation Committee (CPC) is charged with vetting the projects that apply for CPA money. They adhere to the restrictions for usage within the CPA legislation and deliberate on the benefits the projects bring to the Town. The proposed appropriations are the result of their due diligence in this process and the Finance Committee believes they will provide long-term benefits to the Town.



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MOTION MADE: Mr. Cranshaw moved that the Town vote to approve Article 21 as printed in the Warrant, except the words "to do or act thereon".

MOTION WAS SECONDED.

MOTION PASSED WITH A VOTE OF 130-YES / 6-NO / 1-BLANK

ARTICLE: 22

**VENDOR CONTRACT, EMERGENCY NOTIFICATION
SERVICES**

To see if the town will vote to authorize the Town Administrator, with the approval of the Select Board, to enter into a contract with the most appropriate vendor in respect to emergency notification services through an equitable and fair process for more than three (3) years but not greater than ten (10) years.

To do or act thereon.

SPONSORED BY: Select Board

APPROPRIATION: None

FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The state's Uniform Procurement Act, Massachusetts General Law Chapter 30B, restricts contract terms longer than three years, unless by legal exception or authorized by Town Meeting. This article matches an authorization passed at Annual Town Meeting 2014. It is advantageous to procure contracts for certain services, such as emergency notification services, because of favorable long-term pricing, consistency in meeting community expectations, and operational efficiency from staff training and execution. This article's passage would allow for a contract length of ten years, but does not preclude shorter terms.

Comments: (Finance Committee) The passage of this article would allow the Town to negotiate the best rates possible regarding an Emergency Notification contract, not being limited to a shorter contract term. This would be in the Town's best financial interest.



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MOTION MADE: Mr. Gavin moved that the Town vote to approve Article 22 as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION PASSED WITH A VOTE OF 127-YES / 4-NO

ARTICLE: 23 VENDOR CONTRACT, INFORMATION TECHNOLOGY

To see if the town will vote to authorize the Town Administrator, with the approval of the Select Board, to enter into a contract with the most appropriate vendor in respect to Information Technology Services, through an equitable and fair process, for more than three (3) years but not greater than ten (10) years.

To do or act thereon.

SPONSORED BY: Select Board

APPROPRIATION: None

FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The state’s Uniform Procurement Act, Massachusetts General Law Chapter 30B, restricts contract terms longer than three years, unless by legal exception or authorized by Town Meeting. This article matches an authorization passed at Annual Town Meeting 2014. It is advantageous to procure contracts for certain services, such as information technology services, because of favorable long-term pricing, consistency in meeting staff needs, and stability of reliable infrastructure, such as computer server operations, back-up storage, and security systems. This article’s passage would allow for a contract length of ten years, but does not preclude shorter terms.

Comments: (Finance Committee) The passage of this article would allow the Town to negotiate the best rates possible regarding an Information Technology contract, not being limited to a shorter contract term. This would be in the Town’s best financial interest.

MOTION MADE: Mr. Gavin moved that the Town vote to approve Article 23 as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION PASSED WITH A VOTE OF 127-YES / 4-NO

ARTICLE: 24 ROOSTER PROHIBITION



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To see if the Town will vote to Amend the Town By-laws by adopting an addition to Chapter 18, General, section 15, of the following underlined text:

Section 15: It is unlawful to keep any domestic farm animals defined as goats, sheep, pigs or cows on any Residential property less than one acre in size. It is also unlawful to keep roosters on any Residential property.

To do or act thereon.

SPONSORED BY:	Board of Health
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments (Sponsor)

The Board of Health (BOH) proposes an additional measure to the town's by-laws to prohibit roosters in the Town of Maynard in order to prevent a public health nuisance, separate from application of the "Right to Farm" Laws. Most odors and/or noises typically from farms are not considered public health nuisances under the Right to Farm Laws. A public health nuisance is defined as unreasonable interferences with community members' health, safety, peace, or comfort. The town's Animal Control Officer (ACO) reports complaints to the BOH of noises from a rooster daily between 5:00am and 6:00am. Informal attempts to have the owner relocate the rooster were unsuccessful, and thereby the owner was ordered to abate the nuisance. The BOH is seeking a long-term solution to prevent such nuisance, in alignment with other municipalities.

Comments (Finance Committee) Passage of this article would prohibit the keeping of roosters from all residential properties within Maynard town limits. The majority of Fincom recommends this article because it believes that roosters are an inherent nuisance inappropriate for a residential setting and that the article as written appropriately regulates that nuisance. The minority in dissent believes this article addresses a correlation to nuisance and not the nuisance itself which is the potential noise emitted from the animal. The minority believes that the nuisance would be better addressed by a noise ordinance instead of a blanket prohibition on all roosters that ignores their individual tendencies.

Cavan Stone, 17 Rice Road, does not agree with this bylaw.

Tina Wilson, 21 Espie Avenue, also does not agree with this bylaw.

Hilary Griffiths, 14 Maybury Road, suggested a noise ordinance and not a rooster prohibition.

Justine Ferguson, 19 Linden Street, is against a complete ban on roosters.

Thomas Janzen, 21 Durant Avenue, stated that the town does not interfere with early lawn mowing, so this is a misdirected effort.



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Stephen Wagner, 13 Charles Street, mentioned how there is a noise problem in Maynard, as it is densely populated.

Bill Kohlman, 9 Howard Road, asked about how this would be enforced. If there is a complaint, the animal control officer would investigate, giving the town the ability to remove the problem.

Bill Cranshaw, 20 Mockingbird Lane, asked for a secret ballot.

Dick Downey, Moderator, asked for a show of hands for at least five voters that requested the secret ballot. The request was passed.

Natalie Robert, 48 Summer Street, asked if this was one incident.

Kathy McMillan, 2 Shore Avenue, answered yes, this was one incident.

Bill Kohlman, 9 Howard Road, told a story about his grandfather keeping chickens and roosters and how it was handled in those years.

MOTION MADE: Ms. McMillan moved that the Town vote to approve Article 24 as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION FAILED WITH A VOTE OF 32-YES / 99-NO / 1-BLANK

ARTICLE: 25

WATER SUPPLY PROTECTION DISTRICT SITE PLAN APPROVAL

To see if the town will vote to

1. AMEND SECTION 10.5.1 – SITE PLAN APPROVAL: APPLICABILITY as follows (newly inserted text is underlined):

3. Any building or Special Permit for a property located in Zone I of the Water Supply Protection District, Section 9.2 of the Zoning By-laws.

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

Comments: (Sponsor) Currently Section 10.5.1. of the ZBL "Site Plan Approval" requires any building constructed in the Water Supply Protection District to apply for Site Plan approval. This requires any single-family home, room addition, accessory structures etc. to go through the public hearing process with the Planning Board.



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Staff has concluded that subjecting all small-scale improvements to the Site Plan approval process is wholly impractical and likely the result of a scrivener's error. Staff recommends Section 10.5.1. be modified to reflect that Site Plan approval is required for small-scale development only in Zone 1 of the Water Supply Protection District. Zone 1 consists of land within a 400-foot radius of an existing public water supply well. The proposed amendment retains requirements for Site Plan approval for all other development as required by the ZBL.

Comments: (Finance Committee) This article is proposed to clarify Zoning By-laws (ZBL) in Town for development near Town Water Supplies. Passing of this article will make the by-laws more specific for requirements of a "Site Plan Approval" process for development within the Water Supply Protection District.

Asher Greenberg, 21 Woodridge Road, asked how this will impact the homeowner approval for water-related items.

Kate Wheeler, 31 Harrison Street, would like to see the Planning Board take a look at all projects around a standing water area.

MOTION MADE: Mr. Arsenault moved that the Town vote to approve Article 25 as printed in the Warrant, except the words "to do or act thereon".

MOTION WAS SECONDED.

MOTION PASSED WITH 2/3 WITH A VOTE OF 112-YES / 19-NO

ARTICLE: 26

AMENDMENT TO COMMUNITY PRESERVATION RESERVE FUND APPROPRIATIONS FISCAL YEAR 2020

To see if the Town will vote to extend the deadline of the Maynard High School Front Field Irrigation Project, including, but not limited to, designs, studies, plans, and other expenses relative thereto, from June 30, 2023 to July 31, 2024, with unexpended funds as of July 31, 2024 being returned to their funding source.

To do or act thereon.

SPONSORED BY:	Community Preservation Committee
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommends

Comments (Sponsor): Passage of this article would extend the grant term of the appropriation of \$50,000 approved at Annual Town Meeting 2020 from the FY2020 Community Preservation Funds. This will enable the use of the remaining CPA grant



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funds to pay for work completed on this project after the original end date of June 30, 2023. The outstanding bill for this project is \$2,000.00 and the overall project was \$30,000.00 under budget.

Comments (Finance Committee): This article would allow payment of a final \$2,000 bill on a previously funded project looking at irrigation on the field at the front of the high school. The project overall is well under budget but took longer than the initial funding cutoff of June 30, 2023.

MOTION MADE: Mr. Cranshaw moved that the Town vote to approve Article 26 as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION PASSED SIGNIFICANTLY BY SHOW OF HANDS.

ARTICLE: 27 ACCESSORY DWELLING UNITS (ADUS)

To see if the town will vote to amend the Town of Maynard Protective Zoning Bylaw as follows (newly-inserted text is underlined, deleted text is ~~stricken~~):

1. AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, "OTHER USES"

Other Uses									
6. Accessory and Other Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
Accessory <u>Apartment</u> Dwelling Unit	BA Y	BA Y	BA Y	BA Y	N Y	N	N	N	N

2. AMEND SECTION 4.1, TABLE B. DIMENSIONAL REQUIREMENTS

Minimum Yard Requirements¹⁵

¹⁵Accessory Dwelling Units are subject to standard setback requirements.

3. AMEND SECTION 8.1, ACCESSORY FAMILY DWELLING UNIT, by replacing it in its entirety so that it reads as follows:



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8.1 ACCESSORY DWELLING UNIT

8.1.1 Purpose.

An Accessory Dwelling Unit is a small residential dwelling unit that is on the same property as, and subordinate to, a larger, primary single-family dwelling. It is an independent housekeeping unit, with separate access and with its own sleeping, cooking and sanitary facilities.

The purpose of this Section is to permit Accessory Dwelling Units on properties with single-family homes, subject to the standards and procedures hereinafter set forth, and to:

- Provide a means for residents, particularly seniors, single parents, and families, to remain in their homes, neighborhoods, and communities, and obtain extra income, security, companionship and services.
- Provide a broader range of accessible and affordable housing while respecting the look and scale of single-dwelling neighborhoods.

8.1.2 General. The Building Commissioner may issue a Building Permit authorizing the creation and use of an Accessory Dwelling Unit within an existing or new single-family dwelling, or in an existing or new structure accessory to a single-family dwelling, whether attached or detached, provided that it satisfies the requirements of this Section 8.1.

8.1.3 Standards.

1. There shall be no more than one Accessory Dwelling Unit on a lot.
2. The Accessory Dwelling Unit cannot be legally separated or sold apart from the principal dwelling.
3. An Accessory Dwelling Unit shall be no larger in floor area than the smaller of six hundred (600) square feet or 50% of the floor area of the principal dwelling unit.
4. An Accessory Dwelling Unit shall have no more than two bedrooms.
5. The owner of the property must occupy one of the two dwelling units on the property except for temporary absences. The owner's personal residence shall not be rented or leased during any temporary absence. For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence.
6. Neither the principal dwelling nor Accessory Dwelling Unit, in whole or in part, shall be used for short-term rentals. For each tenant, the initial rental period shall be a minimum of 90 days.
7. Accessory Dwelling Units may not be located between the street lot line and the front of the principal dwelling. Accessory Dwelling Units must abide by the principal home's requirements for minimum yard requirements (setbacks),



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maximum lot coverage and maximum building height.

8. Off-street parking shall be provided in an amount in compliance with the Zoning By-laws for all residents of both units, in such a fashion as is consistent with the character of the neighborhood. Regardless, no additional curb cuts or expansion of parking in the Front Yard shall be allowed.
9. Access to the Accessory Dwelling Unit may be either directly from the outside or through an entry hall or corridor shared with the principal dwelling.
10. The Accessory Dwelling Unit shall be compliant with all applicable building, fire, health and sanitary codes.

8.1.4 Allowable Rent. The maximum rent for an Accessory Dwelling Unit shall be at least thirty (30) percent below the established Fair Market Rent limit for the Town of Maynard, as determined annually by the United States Department of Housing and Urban Development (HUD). The Fair Market Rent includes any tenant-paid costs for parking and essential utilities, excluding telephone, television and internet service.

8.1.5 Occupancy Permit.

1. No occupancy of the Accessory Dwelling Unit shall take place without an occupancy permit issued by the Building Commissioner.
2. The initial occupancy permit shall remain in force for a period of up to two (2) years from the date of issue. Thereafter, permits may be issued by the Building Commissioner for two (2) year periods provided that the structure and use continue to comply with the provisions of this Section 8.1.
3. If the property is sold, the occupancy permit will expire unless renewed within ninety (90) days of the sale.

8.1.6 Regulations

The Building Commissioner may adopt regulations in order to effectuate the purpose and administer this bylaw.

8.1.7 Severability.

All the clauses of this bylaw are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.

8.1 Accessory Family Dwelling Unit

8.1.1 Purpose. The purpose of this Section is to permit accessory dwelling units in single family residential districts subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single family character of the neighborhood will be maintained and that the accessory unit remains subordinate to the principal living quarters.



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8.1.2 General. A Special Permit may be granted by the Zoning Board of Appeals for the conversion of an existing or new single family dwelling to accommodate an additional family living unit by the installation of a common wall or the partitioning of or extension of living space.

8.1.3 Standards.

1. Such additional family living unit shall at the discretion of the Zoning Board of Appeals accommodate up to a maximum of three (3) persons, provided that the owner of record of the structure is a resident of the structure which includes the accessory family dwelling unit. The existing house shall accommodate an additional family unit only if a member of the additional family is related by blood, marriage or adoption to the Owner of the premises. There shall be no other living unit on the lot upon which an accessory unit is to be located.
2. Adequate provisions, as determined by the Building Commissioner, shall be provided for separate ingress and egress to the outside of each unit. To the extent possible, exterior passageways and access ways shall not detract from the single family appearance of the dwelling. An interior doorway shall be provided between each living unit as a means of access for purposes of supervision and emergency response. All stairways to additional stories shall be enclosed within the exterior walls of the structure.
3. Such accessory unit shall be limited to a maximum of six hundred (600) square feet in floor area.
4. Provisions for off street parking of residents and guests of both units shall be provided in such a fashion as is consistent with the character of the neighborhood, as determined by the Zoning Board of Appeals, which shall seek advice from the Building Commissioner.

8.1.4 Recording. No building permit shall be issued in accordance with the Special Permit issued under this section until the Special Permit has been recorded in the Registry of Deeds by the applicant and evidence of such recording has been submitted to the Building Commissioner.

8.1.5 Occupancy Permit. No occupancy of the additional dwelling unit shall take place without an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force for a period of two (2) years from the date of issue, provided ownership of the premises is not changed. Thereafter, permits may be issued by the Building Commissioner for succeeding two (2) year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code, this By-law and the Special Permit. If the relative of the Owner vacates this property, the Owner must remove the kitchen and revert this unit back to a single family dwelling. If the house is sold, the new Owner must apply to the Zoning Board of Appeals for a Special Permit.



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~~to conduct an accessory family dwelling unit or restore this unit to a single family dwelling by removing the kitchen.~~

4. AMEND SECTION 11.10, DEFINITIONS as follows (newly-inserted text is underlined):

Accessory Family Dwelling Unit: ~~A dwelling unit contained within or being an extension of a single family structure to accommodate an additional family only if a member of the family of the additional family is related by blood, marriage or adoption to the owner of the premises and the accessory family dwelling unit shall contain no more than six hundred (600) square feet in total area.~~

Accessory Dwelling Unit: a self-contained housing unit, with separate access and inclusive of sleeping, cooking and sanitary facilities, subordinate in size and accessory to a detached single-family dwelling, which may be located within a single-family dwelling or in a detached accessory structure thereto, and which meets the requirements set forth in Section 8.1.

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

Comments: (Sponsor) “Accessory Dwelling Units” (ADUs), are independent, secondary residential dwelling units located on the same lot as a single-family home. ADUs must have a sleeping area, kitchen, bathroom, and separate means of access from the primary structure. Maynard’s 2021 Housing Production Plan update included extensive public outreach and data collection; one recommendation was to explore updates to the Town’s existing bylaws governing ADUs to facilitate intergenerational living and reduce local cost burdens.

Many of the regulations in place remain desirable, such as size limits and the prohibition against dividing the principal structure and the ADU. However, current regulations also require the ADU occupant to be related to the owner of the principal structure by blood, marriage, or adoption; mandate physical connection between the principal structure and the ADU; and require a Special Permit that must be renewed every two years.

The Planning Board has prepared a draft ADU Zoning By-law which would replace the existing By-law in its entirety. The Planning Board believes this draft By-law will provide a regulatory framework consistent with both the Master Plan and Housing Production Plan that will work for the best interest of the Town.

Comments: (Finance Committee) The existing Section regarding ADU’s is to allow family members to live in smaller units immediately adjacent to an existing larger dwelling. The passage of this article would allow additional housing units at more affordable rates to smaller households that are not necessarily related. The amendment allows the Planning Board to be



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consistent with the Maynard Master Plan and Housing Production Plan, and the Finance committee recommends it.

Robert Morel, 4 Guyer Road, was against the 70% of fair market rental restriction.

Hope Davis, 1 Dettling Road, asked if the town had to go for Home Rule approval for rent control.

Bill Nemser, Planning Director, replied that this is just a standard for use of an ADU and is based on national numbers.

Hope Davis, 1 Dettling Road, asked if the town can constrict how much someone can charge for rent and asked about the Special Permit needing reapplication after a time.

Christ Arsenault, Planning Board, answered that this requirement of reapplication will be removed.

Robert Morel, 4 Guyer Road, added that the current bylaws have no restrictions on rent. If amendment passes, the owner can only charge the 70%.

Chris Arsenault, Planning Board, answered that getting the ADU requires the 70% rental fee. The goal is to help with a variety of housing options.

Cavan Stone, 17 Rice Road, spoke on economic freedom. He believes it provides people with economic balance.

Robert Morel, 4 Guyer Road, stated that he does not like the 70% cap on rental.

Peggy Dyer, 16 Patti Lane, asked if we have to invest money to make the change.

Bill Nemser, Planning Director, state that, under the regulations we have now, this is a discretionary permit. What the rent would be has to be disclosed. We are not taking away a right that exists now.

Deven McManus, 148 Summer Street, clarified that this only applies to the rent of the ADU.

Bill Cranshaw, 20 Mockingbird Lane, Mentioned that you can't build an ADU and rent it out.

Lindsay McConchie, 52 Summer Street, said that this allows you to do something you cannot currently do.

Adam Costa, Town Counsel, added that ADUs that exist under the current bylaw will not be impacted.

Robert Morel, 4 Guyer Road, asked if the town is interested in passing this to keep people in town then remove the 70%.



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Julia Flanary, 112 Acton Street, asked to remove this vote from the combined vote.

Dick Downey, Town Moderator, asked for a show of hands and received the five voters to remove this vote from the group vote.

Tina Wilson, 21 Espie Avenue, was pleased to see the 70% limit.

MOTION MADE: Mr. Arsenault moved that the Town vote to approve Article 27 as printed in the Warrant, except the words "to do or act thereon".

MOTION WAS SECONDED.

MOTION PASSED WITH A VOTE OF 110-YES / 19-NO / 1-BLANK

ARTICLE: 28 OVERLAY DISTRICT AND MBTA COMMUNITIES

To see if the town will vote to amend the Town of Maynard Protective Zoning Bylaw as follows:

1. AMEND SECTION 9, SPECIAL DISTRICTS, BY CREATING SECTION 9.7, POWDER MILL OVERLAY DISTRICT, to read as follows:

9.7. Powder Mill Overlay District

9.7.1 Purpose. The purpose of the Powder Mill Overlay District (PMOD) is to foster a development environment that will improve the Powder Mill Corridor and better serve its constituencies. The PMOD is intended to further the goals of the Maynard Master Plan and meet state requirements for MBTA-adjacent communities (MGL c.40A sec.3A). The PMOD should:

- Foster cohesive vibrant, attractive, and sustainable development along the Powder Mill Road Corridor that benefits and complements existing communities while creating new economic opportunities for Maynard.
- Encourage quality site and architectural standards.
- Promote a range of housing choices.
- Enable mixed retail, commercial, residential uses.
- Increase opportunities for infrastructure improvements that would promote increased pedestrian access, mobility, and stormwater improvements.
- Increase views, access, and connections to the Assabet River.
- Require that new development proactively protects the River from storm water and the contaminants contained within.



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- Maintain and encourage appropriate massing and height of buildings that blend in and enhance the building elevations already in existence.
- Foster new development that protects and restores the riverbank.

9.7.2 Applicability. The Powder Mill Overlay District (PMOD) is an overlay district superimposed on the included portions of the underlying zoning districts. All use allowances, definitions, regulations and standards of the underlying zoning district shall apply within the PMOD except where specifically modified or supplemented by this section. Where the PMOD varies dimensional or other requirements otherwise set forth in this Zoning By-Law, the terms, and conditions of the PMOD shall control. Future development along the Powder Mill Corridor may result in the expansion of the PMOD or creation of new PMOD sub-districts. PMOD sub-districts and individual requirements are contained in Section 9.7.7.

A parcel may utilize either the PMOD or the underlying district. A single parcel may only use either the PMOD or the underlying district.

9.7.3 Special Permit Granting Authority (SPGA). For the purposes of this Section, unless otherwise noted, the Planning Board shall be the Special Permit Granting Authority.

9.7.4 Special Permit Criteria. The SPGA shall apply the following review criteria in addition to the criteria identified in Section 10.4 of this By-law:

1. The proposal constitutes a high quality development with regards to construction materials, architectural design, and site design, which will enhance the Corridor and the immediate neighborhood and provide significant benefit to the residents of the Town of Maynard as provided;
2. When applicable, the proposed development will provide effective protection of the Assabet River from stormwater runoff from new impervious surfaces being proposed.
3. The proposed development will improve the functioning of the Powder Mill Corridor by at least one of the following means:
 - Provide a significant improvement to pedestrian/cyclist accessibility on the Powder Mill Corridor;
 - Increase views and access to the Assabet River for the general public;
 - Other targeted improvements to the Powder Mill Corridor as opportunities arise with new development deemed by the Planning Board to provide a substantial benefit to the corridor.
4. The proposed development is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area.

9.7.5 Site Plan Approval. Section 10.5 shall apply to uses, building and structures permitted by right or by Special Permit in the PMOD.



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9.7.6 Affordable Housing Requirements. Unless otherwise specified in this Section, the Town's Inclusionary Zoning by-law (See Section 7.10) shall apply to the PMOD. In Applicable Projects, twenty percent (20%) of housing units constructed shall be deed-restricted Affordable Housing Units, provided the Town receives approval from the Executive Office of Housing and Livable Communities (EOHLC) for the 20% requirement. If the Town does not receive said approval, the requirement shall be the highest amount allowable by EOHLC. For purposes of calculating the number of units of Affordable Housing required within a development project, any fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the Area Median Income. All affordable units shall be developed on-site.

9.7.7 Sub-Districts. The PMOD is to be divided into location-specific sub-districts indicated by letters (A, B, C ...), with individual regulatory frameworks designed to retain the existing beneficial characteristics of existing community and commercial development.

	PMOD-A†	PMOD-B	PMOD-C
Parcel Numbers	<ul style="list-style-type: none">• 011.0-0000-0064.0• 011.0-0000-0065.0• 016.0-0000-0003.0• 016.0-0000-0021.0	(Reserved for future amendments)	(Reserved for future amendments)

†Denotes MTBA "3A" compliant sub-district

9.7.8 Dimensional Requirements.

Minimum Lot Requirements for Use			
	PMOD-A	PMOD-B	PMOD-C
Area (square feet)	1,500 s.f. per residential unit	*	*
Frontage (feet)	50	*	*
Width (feet)	50	*	*
Maximum / Minimum Yard Requirements			
Front (feet)	25	*	*
Side (feet)	30	*	*
Rear (feet)	30	*	*
Building Height for All Uses			
Maximum Height (feet)	45 feet	*	*
Open Space Requirements (Per Section 11)			
	25% of parcel (includes pedestrian infrastructure)	*	*

9.7.9 Parking.

Use	Parking Requirement		
Subdistrict	PMOD-A	PMOD-B	PMOD-C
Dwelling Unit	One space per unit	*	*
Medical Office	One space per 400 sq. ft. of gross floor area (g.f.a.)	*	*
Office	One space per 500 sq. ft. of g.f.a.	*	*



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Restaurant	One space per 60 sq. ft. of g.f.a.	*	*
Retail	One space per 500 sq. ft. of g.f.a.	*	*
Other uses not noted here	See Section 6.1 for parking requirements	*	*

9.7.10 Permitted and Prohibited Uses. In addition to the uses permitted in the underlying district (per Section 3.1.2) the following uses are allowed by right:

Use - By-Right (Y) or Special Permit (SP)	PMOD-A	PMOD-B	PMOD-C
Adult day care	SP	*	*
Body Art Establishment	Y	*	*
Brewery with ancillary food service	Y	*	*
Cocktail lounge	SP	*	*
Farmer brewery	SP	*	*
Garden apartment	Y	*	*
Garden center	SP	*	*
General or personal service establishment	Y	*	*
Healthcare Facility	SP	*	*
Healthcare/elderly housing, Assisted living residence	SP	*	*
Hotels, motels, extended stay facility	Y	*	*
Live/work dwelling unit	Y	*	*
Marijuana retailer	SP	*	*
Medical office	Y	*	*
Microdistillery/Microwinery	SP	*	*
Multifamily dwelling over 17 units/acre‡	SP	*	*
Multifamily dwelling, 17 units/acre maximum‡	Y	*	*
Nursing and convalescent home	Y	*	*
Printing shops	Y	*	*
Private club	Y	*	*
Professional or Business Office	Y	*	*
Public Market	Y	*	*
Restaurant Fast Food	SP	*	*
Restaurants or other food service uses not including fast food restaurants	Y	*	*
Retail business	Y	*	*
Wholesale business	Y	*	*

‡ May not be subject to age restrictions.

* Reserved for future amendments.

2. AMEND THE “ZONING MAP OF MAYNARD” REFERRED TO UNDER SECTION 2.3 OF THE PROTECTIVE ZONING BY-LAW, BY APPLYING THE OVERLAY ZONING DESIGNATION OF “POWDER MILL OVERLAY DISTRICT A” ZONING DISTRICT TO THE PROPERTY



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**LOCATED AT 111 POWDER MILL ROAD (ASSESSOR'S MAP 11,
PARCELS 64, 65 AND MAP 16, PARCELS 3, 21).**

SPONSORED BY: Planning Board

APPROPRIATION: None

FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) The proposed amendment creates an optional zoning district within the Powder Mill Road Corridor. The amendment creates a 37-acre Subdistrict "A". This will place Maynard in compliance with the MBTA Communities Act (MGL Chapter 40A Section 3A).

The MBTA obligation for Maynard is based on its 4,741 existing residential units and requires:

- The ability to create a minimum of 474 units without requiring special permitting from the Planning Board. This is referred to as "by right" development.
- A minimum of 21 buildable acres must be dedicated to the district.
- A minimum of 50% of the district must be contiguous.
- A minimum of 15 units per acre.
- No restrictions with regard to resident age.
- Suitability for families with children.
- Affordability restrictions.

Accounting for the requirements for contiguity, roadways, setbacks, wetlands and other considerations reducing buildable area, the Planning Board believes Subdistrict "A" provides a practical and effective way to meet Maynard's MBTA Community requirements.

The current owner supports obtaining the MBTA Zoning designation for its property, located on the former Stratus campus at 111 Powder Mill Road. This property consists of four parcels with just over 37 acres and is currently zoned as "Industrial".

The Powder Mill Road Corridor initiative, which has provided much of the input for developing the sub districts, has been a multi-year effort involving extensive public outreach and workshopping. Maynard was assisted in the effort by the Metropolitan Area Planning Council.

Failure to comply with the law would place the Town at risk of violating federal and state fair housing laws and potentially to civil enforcement action by the Massachusetts Attorney General. Non-compliance would also result in a loss of eligibility for state funding programs. The resulting loss of town revenue and costs associated with non-compliance could affect existing services and revenue.

Comments: (Finance Committee) This article is in compliance with the Maynard Master Plan, the Powder Mill Road Corridor, and allows Maynard to be in compliance with the MBTA



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Communities Act (MGL Chapter 40A Section 3A). It provides adequate control to allow Maynard to grow in a thoughtful manner financially beneficial to the town.

Asher Greenberg, 21 Woodridge Road, asked how close the MBTA railway is to this proposed area.

Chris Arsenault, Planning Board, stated that Maynard is not adding any transit here. We are complying with state law and have the same questions.

A resident noted that the Stratus complex is not just in Maynard, but in Acton and Concord also.

Maro Hogan, 50 Thompson Street, asked about impacts on water and sewer if units are built on this property.

Chris Arsenault, Planning Board, replied that the town has no plans to build here. The owners could build, but DPW will need to determine if there are adequate utilities.

Stephen Dyer, 16 Patti Lane, asked if veterans will have priority for the affordable units.

Chris Arsenault, Planning Board, answered that this may be a Housing Trust question.

Bill Nemser, Planning Director, said we haven't gotten that far with this law. As a town, we would like to continue local preference for affordable housing.

Adam Costa, Town Counsel, stated that local preference has been a hot topic. The state has determined a local preference for 70% of the total units, but cannot be discriminatory.

Victoria Cudmore, 1 Deer Path 4, asked about the minimum of 474 units and asked the Finance Committee to speak on the impact of the raise of census.

Bill Nemser, Planning Director, spoke on the compliance point. We are not allowing 1000 units to be allowed. There will need to be a minimum of 21 acres of buildable lots. Also, the Finance Committee still requires the DPW approval. Also, we are controlled by water supply. Additionally, every town has a fixed cost regardless of the number of people in town.

Victoria Cudmore, 1 Deer Path 4, thought this was a vague answer. The increase of children in school, safety officers, etc. Also, since Maynard Crossing has been put in the tax rate has not dropped.

Sarah Measures, 17 Sunset Road, talked about voting on a preamble for more districts.

David Gavin, 9 Cutting Drive, emphasized what ramifications of failure to pass this could be.

Chris Arsenault, Planning Board, added that this is a law passed three years ago. It requires all 177 communities to comply. Funding/grants will not be granted. There will be losses for non-compliance. This bylaw is in line for Powdermill Corridor Plan.



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David Gavin, 9 Cutting Drive, stated that the Massworks infrastructure grants have helped Maynard in the past. If we lose access then the future of Maynard is in jeopardy.

Asher Greenberg, 21 Woodridge Road, asked what would happen if this doesn't pass and asked for other options.

Chris Arsenault, Planning Board, stated that they evaluated a dozen options and, if it doesn't pass, we cannot come back to town meeting with this plan. This plan aligns with the goals and objectives.

A resident stated that the MBTA Communities Act is the biggest challenge. This would change the face of the town.

Stephen Harrington, 4 Deer Path 2, asked what would happen if the owner does nothing.

Chris Arsenault, Planning Board, stated that they could use the overlay district zoning or not. We are not responsible for them.

Robert Morel, 4 Guyer Road, asked the definition of protected populations.

Chris Arsenault, Planning Board, asked about preferences of housing?

Adam Costa, Town Counsel, replied that the state defines racial and ethnic minorities as creating a local preference. The state would move ethnicities into the pool.

Megan Zammuto, 55 Old Marlboro Road, thanked the Planning Board for bringing this article tonight. Not moving this articles comes with a cost. We need help for our water and sewer systems.

Steven Wagner, 13 Charles Street, endorses this overlay. He spoke on the bus line in Maynard.

Lindsay McConchie, 52 Summer Street, stated that if we do not vote for this, and the state withholds money, how will we cover the revenue shortfall?

Gregory Johnson, Town Administrrator, replied that depends on the scale and project. Yes, it could fall on taxpayers or utilities.

MOTION MADE: Mr. Arsenault moved that the Town vote to approve Article 28 as printed in the Warrant, except the words "to do or act thereon".

MOTION WAS SECONDED.

MOTION PASSED WITH A VOTE OF 120-YES / 5-NO



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ARTICLE: 29

FIREARMS BUSINESSES AND SHOOTING RANGES

To see if the town will vote to amend the Town of Maynard Protective Zoning Bylaw by adding the following:

- 1. AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, “4. BUSINESS USES”, to add and allow the following use by Special Permit of the Planning Board within the: “Business” (B) and “Central Business” (CB) Zoning Districts: Firearms Business and Shooting Ranges.**

This will amend the Use Regulations Table by adding **Firearms Businesses and Shooting Ranges** as depicted below:

4. Business Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
<i>Firearms Business</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>
<i>Shooting Range (Indoor)</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>
<i>Shooting Range (Outdoor)</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>

- 2. AMEND SECTION 7.0, SPECIAL REGULATIONS, BY CREATING SECTION 7.2: “FIREARMS BUSINESSES AND SHOOTING RANGES”, to read as follows:**

7.2 FIREARMS BUSINESSES AND SHOOTING RANGES

7.2.1 Purpose. The purpose of this article is to regulate the location, design, security, safety, monitoring, and modifications of Firearms Businesses and Shooting Ranges within the Town of Maynard to minimize the adverse impacts on adjacent properties, residential neighborhoods, schools and other places where children congregate, and to protect and promote the quality of the Town of Maynard’s neighborhoods, commercial and business districts, and the general welfare, health, and safety of the citizens of Maynard.

7.2.2 Compatibility with State and Federal Laws and Regulations. The provisions of this article are not intended to supersede federal or state laws or regulations except to the extent that any such laws or regulations allow a community to adopt standards more stringent than the minimum standards provided in such laws and regulations.

Spacing requirements

1. No Firearms Business or Shooting Range shall be located within three hundred (300) feet of any pre-existing private or public school including but not limited to kindergartens, child care centers, day care centers, playgrounds and athletic fields.
2. The 300-foot exclusion distance shall be measured as a straight line from the



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nearest point of the proposed Firearms Business or Shooting Range building to the nearest point of the above listed activity or item. In the case of outdoor facilities, exclusion distance shall be measured to the nearest parcel line of the above-listed activity or item. In the case of a multi-tenanted space, the nearest point of the Firearms Business or Shooting Range shall be the nearest point in the portion of the building that is occupied by the Firearms Business or Shooting Range and the distance shall be measured to the nearest point of the above-listed activity or item.

3. No Firearms Business or Shooting Range shall be located within one hundred fifty (150) feet of another Firearms Business or Shooting Range. The 150-foot exclusion distance shall be measured as a straight line from the proposed Firearms Business or Shooting Range building to the nearest point of the adjacent Firearms Business or Shooting Range. In the case of a multi-tenanted space, the distance shall be measured between the nearest points in the portion of the building that are proposed to be occupied by adjacent Firearms Businesses or Shooting Ranges.

7.2.3 Applicability.

1. A Firearms Business or Shooting Range that is in operation at the time of passage of this Bylaw shall be considered a pre-existing non-conforming use and will thereafter be subject to the Zoning By-laws, as defined in Section 5.
2. A Firearms Business or Shooting Range in operation at the time of passage of this Bylaw shall require a Special Permit to operate once there is a change of ownership.
3. A Firearms Business that is not in operation at the time of passage of this Bylaw shall require a Special Permit to operate.
4. A Shooting Range (Indoor) that is not in operation at the time of passage of this Bylaw shall require a Special Permit to operate.
5. A Shooting Range (Indoor) within a Firearms Business location that is not in operation at the time of passage of this Bylaw shall require a Special Permit to operate.
6. A Firearms Business within a Shooting Range (Indoor) location that is not in operation at the time of passage of this Bylaw shall require a Special Permit to operate.
7. The establishment and operation of Firearms Businesses and Shooting Range(s) shall be subject to continued compliance with all Special Permits, including any conditions thereof, the provisions of this Article, any other applicable requirements of the Zoning By-law, and all applicable Federal, State, and local laws, licenses, and regulations.



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8. A Shooting Range (Outdoor) that is not in operation at the time of passage of this bylaw shall not be allowed.

7.2.4 Administration and Procedure.

1. Only an applicant holding a valid, applicable State license issued pursuant to M.G.L. c. 140, § 122 and all required Federal and local licenses, is eligible to apply for a Special Permit pursuant to Section 7.2. of the Zoning By-Laws. If State, Federal, or local licenses require zoning approval, obtaining such licenses before operations commence shall be a condition of approval.
2. A Special Permit application for a Firearms Business or Shooting Range shall include the following information:
 - a) Name, mailing address, business address, and phone numbers of all persons having equity in the Firearms Business or Shooting Range, including beneficiaries or other interest including but not limited to equity as a result of a security interest, liens, mortgages, or other similar interest. In the event that a corporation, partnership, trust, or other entity is listed, the name, mailing address, business address, and phone number of every person who is an officer, director, shareholder, trustee or other controlling individual or entity associated with the Firearms Business or Shooting Range;
 - b) Name, mailing address and phone number of the manager(s) of the proposed Firearms Business or Shooting Range;
 - c) The total number of employees proposed;
 - d) Proposed security precautions as approved by Maynard Police Department.
 - e) Evidence that the applicant has site control and the right to use the proposed site as a Firearms Business or Shooting Range;
 - f) The physical layout of the premises including the interior of the structure in which the Firearms Business or Shooting Range will be located;
 - g) A proposed exterior sign design package (note: No graphics, symbols, or images of Firearms, Ammunition, or Firearm Accessories shall be displayed on, or clearly visible from, the exterior of a Firearms Business or Shooting Range).
 - h) Copies of all applicable State, Federal, and local firearms licenses and permits issued to the applicant as, or on behalf of, the owner.
 - i) Proof of a policy of insurance executed by an insurance company insuring the applicant business against liability for damage to property and for injury to, or death of, any person as a result of the use of a firearm or ammunition obtained from a permitted firearms business or use of a firearm at a permitted shooting range. The limits of liability shall not be less than \$1,000,000.00 for each incident of damage to property or incident of injury or death to a person. The policy of insurance must



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contain an endorsement providing that the policy shall not be cancelled until written notice has been given to the insured who shall be required to provide it to the SPGA at least 30 days prior to the effective date of the cancellation.

7.2.5 Security.

1. All Firearms Businesses and Shooting Ranges shall submit a security and operations management plan to the Maynard Police Department for review and approval prior to applying for a Special Permit to operate a Firearms Business or Shooting Range. The plan must include, but is not limited to, the following:
 - a) Proposed provisions for security, both during business hours and overnight.
 - b) The physical layout of the interior delineating all areas, including but not limited to employee-only access areas, storage, administrative, and public access areas.
 - c) Proposed after-hours storage of all Firearms and ammunition.
 - d) The number of employees.
 - e) Measures for security of all firearms and ammunition within the facility.
 - f) Procedures for waste management.
 - g) Delivery and shipment protocols.
2. Operators and employees of a Firearms Business or Shooting Range shall submit a CORI to the Maynard Police Department. No operator or employee of a Firearms Business or Shooting Range shall have been convicted of any disqualifying condition under state or federal law. Disqualifying conditions include:
 - a) Commission of a felony or misdemeanor with a sentence greater than two years.
 - b) Commission of a violent crime.
 - c) Violation of any firearms law punishable by imprisonment.
 - d) Violation of any narcotics law.
3. Hazardous waste shall be accumulated within secured containers inside of the operation and disposed of appropriately. No hazardous waste or materials shall be disposed of in on-site dumpsters or trash containers.
4. The exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are always clearly visible during business hours. Recognizing that individual analysis shall be required, the SPGA shall determine site-specific requirements during the public hearing process.
5. Firearms Businesses and Shooting Ranges shall be equipped with a monitored security system which shall be maintained in working order.



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7.2.8 Findings.

1. Findings. In addition to determining compliance with the requirements and conditions of this Article, Section 10.4, and, if applicable, Section 9.4.6 of the Zoning By-law, the SPGA in its review of any Special Permit application for a Firearms Business or Shooting Range shall find that the proposed Firearms Business or Shooting Ranges:
 - a) Meets all other applicable requirements of the Zoning By-law and the permitting requirements of all applicable agencies of the Commonwealth of Massachusetts and the Town, and will otherwise comply with all applicable state and local laws and regulations. Compliance shall be confirmed by Town Counsel.
 - b) Is designed to minimize adverse visual, auditory or economic impacts on abutters and other parties in interest;
 - c) Provides adequate security measures to ensure that no owner or employee of the Firearms Business or Shooting Range will pose a threat to the health or safety of other individuals. Compliance shall be determined by the Maynard Police Department.

7.2.9 Special Permit Conditions.

The following conditions shall apply to any Firearms Business or Shooting Range not in operation at the time of passage of this by-law. For any Firearms Business or Shooting Range in operation at the time of the passage of the by-law, for which a Special Permit under this Section 7.2 is later required, the following conditions shall apply but may be modified by the SPGA.

1. The Firearms Business or Shooting Range shall be located within, and conduct all operations and transactions within, an enclosed building.
2. Drive-through windows and/or sales to customers within vehicles are prohibited.
3. The hours of operation of a Firearms Business or Shooting Range shall be set by the SPGA as is commercially reasonable within the hours of 8:00 AM and 9:00 PM.
4. No person under the age of eighteen (18) shall be permitted on the premises of the Firearms Business or Shooting Range unless they are accompanied by a parent or legal guardian.
5. A Special Permit for a Firearms Business or a Shooting Range shall include a condition that the Special Permit may be terminated for violation of M.G.L. c. 140. Verification of such violation and the final action thereon by any regulatory authorities or court of competent jurisdiction shall be provided to the Building Commissioner who shall have the authority to require the owner to cease and desist operations after which the owner may appeal said cease and



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desist in accordance with G.L. c. 40A or seek a modification through the Planning Board.

6. On an annual basis, the holder of Special Permit for a Firearms Business or a Shooting Range shall meet with the SPGA at a regularly posted meeting and provide any relevant updates as to the previous year's operations.
7. A Special Permit for Firearms Businesses and Shooting Ranges shall be limited to the current applicant, not transferable, and shall lapse if the permit holder ceases or transfers ownership of the operation of the Firearms Business or Shooting Range.

7.2.10 Principal Use/Accessory Use.

1. All Firearms Businesses and Shooting Ranges shall be principal uses for the purposes of the Zoning By-law. Firearms Businesses and Shooting Ranges shall not be allowed as accessory uses.
2. Any combination of Firearms Business and on-site Shooting Range within the same location shall be required to obtain a Special Permit authorizing this combined use.
3. Firearms Businesses—specifically excluding Gunsmithing—shall not be permitted as an Accessory Home-Based Business Activity under Section 8.3 of the Zoning By-laws.

7.2.11 Severability.

The provisions of this Article are severable. If any provision, paragraph, sentence, or clause of this Article, or the application thereof to any person, establishment, or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of this Article or the Zoning By-law.

3. AMEND SECTION 11.0, DEFINITIONS, AS FOLLOWS (newly-inserted text underlined):

Firearm Accessory – Any device designed, modified or adapted to be inserted into or affixed onto any Firearm, Rifle, Shotgun, or Machine Gun as defined in M.G.L. c. 140 § 121. to alter or improve its functioning or capabilities.

Firearm Business – A retail or wholesale operation involving the purchase or sale of any Firearm, Rifle, Shotgun, Machine Gun, or Ammunition as defined in M.G.L. c. 140 § 121, or Firearm Accessory. Gunsmithing, as defined in M.G.L. c. 140 § 121, shall be considered a Firearm Business.

- a) A business shall not be considered a Firearms Business if only licensed as a “Type 03 Federal Firearms License - Collector of Curios and Relics”.
- b) A Firearms Business shall not manufacture firearms.

Manufacturing, Light: Light industry or Light Manufacturing: Includes the following (with related offices), provided that such uses shall not include the sale or transfer of



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flammable liquids, gas, explosives or other potentially hazardous materials, except for the uses operating under a license granted under the authority of M.G.L. c. 148 as of the date of this ordinance:

- Assembly of previously prepared or manufactured parts (not including firearms assembly);
- Laboratory or research establishments including biotechnology companies, but excluding laboratories categorized as Level 4 by the National Institutes for Health.
- Machine shops or other metal working;
- Printing and graphic arts establishments;
- Manufacture, compounding, processing, packaging, stamping or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical and biotechnical, toiletries and food products, and wood, but not including the rendering of fats or oils.

Shooting Range (Indoor) - an enclosed building with roof, or an interior space within an enclosed building, designed for sport shooting of firearms, rifles, shotguns, or machine guns.

Shooting Range (Outdoor) - an outdoor area designed for sport shooting of firearms, rifles, shotguns, or machine guns.

SPONSORED BY: Planning Board

APPROPRIATION: None

FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) Currently the retail sales of firearms fall under general “Retail Business” uses in the Zoning By-laws. A shooting range would be considered a “Recreational Use”. Both the Planning Board (PB) and the Zoning Board of Appeals (ZBA) believe it is in the best interest of the Town to have a site-specific review for both uses (as well as related uses such as gunsmithing). The proposed Zoning By-law would require a Special Permit issued by the Planning Board for firearms-related businesses and Shooting Ranges to locate in Maynard’s commercial and industrial zones and would prohibit these uses in all other zones.

The proposed Zoning By-law was crafted by members of the PB and ZBA with input from the Maynard Rod and Gun Club as well as the Maynard Police Department. The draft regulations address topics including:

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- Establishment of new definitions. This modifies the existing category of “Light Manufacturing” to exclude firearms.
- Minimum distances from schools.
- Requiring new shooting ranges to be located indoors.
- Allowing existing facilities to continue use under current regulations (i.e. Rod and Gun Club).
- Prohibiting firearms businesses as an Accessory Home-Based Business Activity. Based on input from the public hearing regarding indoor shooting ranges downtown Planning Board is agreeable to a floor amendment of this article prohibiting indoor shooting ranges within the Central Business District /Downtown Overlay District.

Existing businesses or facilities would not be subject to the new zoning bylaw unless there was a revision of the operation that triggered Special Permit review.

The draft Zoning By-law creates an entirely new section of the ZBL for Firearms Businesses and Shooting Ranges (proposed Section 7.2) as well as adding definitions to Section 11.

Comments: (Finance Committee) Currently there are no Town by-law zonings for firearms businesses and shooting ranges. If this article is passed, it will amend the Town By-Laws by adding Firearms Businesses and Shooting Ranges by special permit process from the Planning Board. This will not supersede federal or state laws or regulations. This by-law would allow the Town Planning Board to have oversight of new proposed businesses and gives guidance on the how new business owners can get established in Town.

MOTION MADE: Mr. Arsenault moved that the Town vote to approve Article 29 as printed in the Warrant, except the words “to do or act thereon”.

MOTION WAS SECONDED.

MOTION PASSED WITH 2/3 WITH A VOTE OF 106-YES / 9-NO / 2-BLANKS

ARTICLE: 30

**TRANSFER FUNDS FROM AMBULANCE RECEIPTS
RESERVED FOR LEASE APPROPRIATION
FOR FISCAL YEAR 2025**

To see if the town will vote to transfer the sum of \$300,000.00 from Fund 3017 Ambulance Receipts Reserved for Appropriation to pay for the fourth year of the five-year lease appropriated at the June 2020 Town Meeting for the purchase of an ambulance, the third year of the seven-year lease appropriated at the May 2022 Town Meeting for the purchase of a E-One Typhoon Pumper with Emax pump, and the first year of a new five-year lease appropriate for the purchase of an ambulance.

To do or act thereon.

SPONSORED BY:

Select Board

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APPROPRIATION: \$300,000.00
FINCOM RECOMMENDATION: Recommends

Comments: (Sponsor) This is the fourth payment in a five-year plan to lease purchase an Ambulance to purchase an ambulance to allow the fire department to move the existing 2013 ambulance to reserve status. Ambulances are the busiest vehicles in most fire department fleets and are typically replaced about every six-year's or even less based on the condition of the vehicle. This article appropriates funds towards a new ambulance in keeping with the standard replacement timing, and to remove any reliance on the 2013 ambulance. The current lead time to acquire a fully outfitted and operationally-ready ambulance is between two to three years, and therefore necessitates appropriation at this time. This is also the third payment in a seven-year plan to lease purchase a fire truck. The anticipated balance of the Ambulance Receipts Reserved fund is \$320,000 by June 2024.

Comments: (Finance Committee) Passage of this article will move money from ambulance receipts to be used for leasing required equipment for fire department service.

MOTION MADE: Mr. Stevens moved that the Town vote to approve Article 30 as printed in the Warrant, except the words "to do or act thereon".

MOTION WAS SECONDED.
MOTION PASSED SIGNIFICANTLY BY SHOW OF HANDS.

ARTICLE: 31 LEASE TO PURCHASE AMBULANCE

To see if the town will vote pursuant to Chapter 44 Section 21C to authorize the Select Board to enter into lease agreement for the lease and purchase of an ambulance for a period of five (5) years but in any event not in excess of the useful life of the property to be procured on such term and conditions as the Select Board deem in the best interest of the Town; and to authorize the Select Board to take all actions necessary to administer and implement such agreement.

To do or act thereon.

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

Comments (Sponsor): Ambulances are the busiest vehicles in most fire department fleets and are typically replaced about every six-year's or even less based on the condition of the vehicle. Maynard's ambulance responds to over 1,000 emergencies per year and in recent years has become more of a maintenance issue. When ambulances are out of service we need to either borrow an ambulance or rely on mutual aid which adds considerably to response times. Additionally, the town loses revenue generated by ambulance transport if the service is provided by another town's mutual aid. This new

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ambulance will replace the fire departments current reserve ambulance which was purchased in 2013.

Comments (Finance Committee): Passage of this article would authorize the Select Board to enter into a five-year lease-to-purchase agreement on a new ambulance. The agreement would be funded by the passage of the related article for the appropriation of the Ambulance Receipts Reserves in Article 30.

MOTION MADE: Mr. Stevens moved that the Town vote to approve Article 31 as printed in the Warrant, except the words "to do or act thereon".

MOTION WAS SECONDED.

MOTION PASSED SIGNIFICANTLY BY SHOW OF HANDS.

A motion was made by Bill Kohlman, 9 Howard Road, to dissolve the Annual Town Meeting. The motion was passed unanimously and the meeting was dissolved at 10:00 pm.