

Maynard Zoning Board of Appeals - Minutes: January 27, 2014

Attending: Paul Scheiner (PS), Chair; Marilyn Messenger (MM); and, Leslie Bryant (LB), Alternate.
Absent: Christopher Etchechury (CE) and Carlos Perez (CP). Also attending on behalf of the Town of Maynard: Eric R. Smith, AICP, Town Planner, Recording Secretary and Lisa Mead, Town Counsel, Blatman, Bobrowski and Mead.

PS called the meeting to order at 7:00p.m.

Petition of Anne C. Rosenberg, Esq. of Cunningham, Machanic, Cetlin, Johnson, Harney & Tenney, LLP, for an appeal from the Decision of the Building Commissioner as it relates to a Zoning Opinion concerning the interpretation of a "Trade Shop" use, per Section 3.2.5 of the Maynard Zoning By-Laws, on premises located at 113 Summer Street (Map 9 Parcel 104), Maynard.

PS opened up the Public Hearing by reading the Legal Notice into the record.

PS then indicated that a minimum of four (4) members of the Zoning Board of Appeals are needed for a hearing of this Petition and only three (3) are present. PS: We can't hear the case tonight because we do not have the four (4) people required to render a vote on a decision. Therefore we need to reschedule.

The members of the Zoning Board of Appeals reviewed their availability with the Petitioner and her clients. The Petitioner, Anne C. Rosenberg, and the Zoning Board of Appeals came into agreement that the rescheduled hearing date and time would be Monday, February 24 at 7:00p.m.

PS announced that the continuation of the Public Hearing for the 113 Summer Street matter would be continued until Monday, February 24th at 7:00p.m.

Daniel Mertsch, 108 Summer Street: I am wondering which parties you notified for that this meeting is happening. I did not receive any notification.

PS turned to the Town Planner, Eric R. Smith (ES), to provide an answer. ES indicated that he had the file for this Petition in front of him which includes the official certified abutters list as provided the Maynard Assessors Office and he would be able to show this information to Mr. Mertsch. ES indicated under MGL Chapter 40A, notice is provided to the direct abutters and then the abutters to those abutters within 300 feet.

Interview with Dr. Jamal DaVita interested Maynard resident in joining the Zoning Board of Appeals

ES noted that the Zoning Board of Appeals (ZBA) has received letters of interests from two Maynard residents that are interested in being appointed by the Board of Selectmen to the ZBA. ES indicated one of the residents, Dr. Jamal DaVita, is present this evening. The other, John Edson, had contacted him today that unfortunately an illness would prevent him from attending this evenings meeting.

Dr. Jamal DaVita (JD) introduced himself to the Board indicating he runs a family Chiropractic business in Acton and has been on the Oak Ridge Condo Trustee board since June 2009. The Board and JD proceeded with their interview and at the end of the discussion PS directed ES to indicate to the Board of Selectmen (BOS) of the ZBA's recommendation for JD's appointment to the ZBA as an Alternate Member. The Board further directed ES to communicate further with Mr. Edson and provide a similar recommendation to the BOS.

MM made a Motion to Adjourn. Seconded by LB. Vote 3 to 0

List of Documents Entered into the Record

1. Legal Notice for 113 Summer Street