

Maynard Zoning Board of Appeals  
January 30, 2017  
Room 101, 195 Main Street

Members present: Chair Paul Scheiner, Jerry Culbert, John Courville, Marilyn Messenger, Leslie Bryant, Molly Bergin.

7:00 Chair Scheiner called the meeting to order.

Chair Scheiner opened the public hearing by reading the legal notice for a Special Permit request at 11 Tremont St: pursuant to Massachusetts General Laws, Chapter 40A s.5, the Maynard Zoning Board of Appeals will hold a public hearing on Monday, January 30, 2017 at 7:00 p.m. at the Maynard Town Building, 195 Main Street, Maynard, Room 101 to hear all persons interested in the Petition filed by Barbara Gatlin, 11 Tremont Street, Maynard, MA 01754. The subject property, 11 Tremont Street, is located within the Single-Family Residential District (S1). Consistent with Section 3.2.4 of the Zoning By-laws, the petitioner is requesting a Special Permit allowing a Home Occupation (Upholstery/Caning Studio) within the subject property.

The petitioner Barbara Gatlin appeared before the Board. She stated she has an upholstery business, no large vehicles, customers drop off or she brings the items in, only about 1 customer per week, does not have inventory no large delivery trucks, recently moved to Maynard had this business in another town for 12 years.

A member asked if there was a sign for the business, Ms. Gatlin said she would like to label the window where people enter.

***A motion was made by Marilyn Messenger to grant the Special Permit to allow a home occupation for an upholstery and caning studio with the condition it is renewed annually and has no exterior signage, seconded by Jerry Culbert. Chair Scheiner asked that the motion be amended to add one parking space be for the business, seconded by Marilyn Messenger. The Board voted 5 to 0 in favor of the motion.***

Chair Scheiner opened the next public hearing for 2 Florida Rd. Legal Notice Maynard Zoning Board of Appeals Pursuant to Massachusetts General Laws, Chapter 40A s.5, the Maynard Zoning Board of Appeals will hold a public hearing on Monday, January 30, 2017 at 7:00 p.m. at the Maynard Town Building, 195 Main Street, Maynard, Room 101 to hear all persons interested in the Petition filed by Durango Realty Trust, 2 Florida Road, Maynard, MA 01754. The subject property, 2 Florida Road, is located within the Business District (B). The petitioner is requesting a Variance from Section 4 of the Zoning By-laws to provide relief from the required 30 foot front setback (yard) to allow a dumpster enclosure with a front setback of approximately 10 feet.

The petitioner, James McDonald of McDonald Development, appeared before the board. He stated he had always had a dumpster and recently he had built a dumpster shed. The Building Commissioner advised that Mr. McDonald did not have a permit and because of the encroachment into the front setback, would require a variance. The property is a six family house, the shed is approximately 10 ft from the property line, and the location cannot be in the rear of the property because the truck cannot get to the dumpster. The request for the variance is from the Florida Road setback.

A member asked about just building a fence around the dumpster, the applicant stated that doesn't work as well, the shed keeps animals out and the trash enclosed. Marilyn Messenger commented that the dumpster could be there without any permit and that the shed makes it look improves the appearance.

Chair Scheiner asked for comments from the public. Resident Vic Tomy had concerns of trucks picking up trash driving over and cracking the sidewalk, traffic may be a consideration. Mr. McDonald stated it is a curb cut at the sidewalk; the dumpster has been there for years.

***A motion was made by Marilyn Messenger to close the hearing, seconded by Jerry Culbert. The Board voted 5 to 0 in favor of the motion.***

The Board began deliberations. The hardship is owing to the topography, literal enforcement not possible, there is no other place to put it, the dumpster can remain, the variance request is for the shed. The Board agreed the shed is an improvement, not a detriment to the surrounding neighborhood.

Comments from the conservation administrator were read into the record, they are in favor of the shed.

***A motion by Marilyn to grant the variance for 2 Florida Road to provide relief required from 30 ft front setback, to approx 10 feet the variance criteria has been met, topography is such that no other place, literal enforcement would create financial hardship, there is no detriment to the public, seconded by Leslie. The Board voted 4 to 1 in favor of the motion (Jerry Culbert voted nay).***

Town Planner Bill Nemser explained the decision filing and appeal process for the decision.

Chair Scheiner opened the next public hearing a request for a variance at 10-14 Florida Rd. Legal Notice Maynard Zoning Board of Appeals Pursuant to Massachusetts General Laws, Chapter 40A s.5, the Maynard Zoning Board of Appeals will hold a public hearing on Monday, January 30, 2017 at 7:00 p.m. at the Maynard Town Building, 195 Main Street, Maynard, Room 101 to hear all persons interested in the Petition filed by Durango Realty Trust, 10-14 Florida Road, Maynard, MA 01754. The subject property, 10-14 Florida Road, is located within the General Residential (GR) District. The petitioner is requesting a Variance from Section 4 of the Zoning By-laws to provide relief from both the required 15 foot rear setback (yard) and relief from the required 25 foot side (corner) setback. The request if granted, would allow a dumpster enclosure with a rear setback abutting the rear property line and side (corner) setback of approximately 18 feet.

James McDonald presented the petition; he stated the property is in the General Residential District. The dumpster was existing and the shed not yet built to be built. The ZBA asked what is behind the lots. The developer stated they are trying to clean out this property to renovate. He stated the shed would be the same as the one at 2 Florida Road. Jerry Culbert asked why grant a variance when a fence can be put around it by right, there is no hardship. Bill Nemser stated they are currently reviewing the bylaws an enclosure is aesthetically pleasing, the hardship is no other place to put it on the lot, relief is it benefits the area, circumstances owing to topography. There were no abutters present.

***A motion was made by Marilyn Messenger to grant the variance to allow relief from dimensional requirements of closed dumpster shed as shown on exhibit D to allow rear and side setbacks of approximately***

**18 ft, the structure cannot exceed 10 x 12 ft, seconded by Leslie Bryant. The Board voted 4 to 1 in favor of the motion (Jerry Culbert voted nay).**

Chair Scheiner opened the next public hearing a variance request for 145 Main St. Legal Notice Maynard Zoning Board of Appeals Pursuant to Massachusetts General Laws, Chapter 40A s.5, the Maynard Zoning Board of Appeals will hold a public hearing on Monday, January 30, 2017 at 7:00 p.m. at the Maynard Town Building, 195 Main Street, Maynard, Room 101 to hear all persons interested in the Petition filed by Durango Realty Trust, 145 Main Street, Maynard, MA 01754. The subject property, 145 Main Street, is located within the Business District (B). The petitioner is requesting a Variance from Section 4 of the Zoning By-laws to provide relief from both the required 15 foot rear setback (yard) and relief from the required 15 foot side setback. The request if granted, would allow a dumpster enclosure with a rear setback of approximately 5 feet and side setback abutting the property line.

The petitioner James McDonald McDonald Development stated that this has been constructed the address is 145 Main Street, the driveway is off Florida Road, this is a six unit dwelling, the lot is small there is no other location to put the dumpster. It was asked how close is the abutter on Main Street, Mr. McDonald stated the shed was on the lot line, the abutter requested it be moved 5 ft which was done, the abutter is not present so he must be ok with new location.

**A motion was made by Marilyn Messenger to close the hearing, seconded John Courville. The Board voted 5 to 0 in favor of the motion.**

**A motion was made by Leslie Bryant to grant the variance from Section 4 of the Zoning Bylaw for relief from 15 ft side and rear setback, to a setback in the rear and side 5 ft, hardship is owing to the configuration of the shape of the land, not a detriment to the neighborhood, literal enforcement would involve financial hardship, seconded by Marilyn Messenger. The Board voted 4 to 1 in favor of the motion (Jerry Culbert voted nay).**

Minutes to review

**A motion was made by Marilyn Messenger to postpone review of minutes to the next meeting, seconded by Leslie Bryant. The Board voted 5 to 0 in favor of the motion**

**A motion was made to adjourn Marilyn seconded by Jerry Culbert.**

Meeting adjourned at 8:13 p.m.