

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

7 pm Chair Scheiner opened the meeting

The first item was a Variance petition filed by the Town of Maynard Fire Department, 1 Summer Street, Maynard, MA 01754. The subject property, 1 Summer Street (Town of Maynard Fire Station), is located within the Business (B) District and the Downtown Overlay District (DOD). 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 and relief from the required 15 foot side setback. The request if granted, would allow a temporary structure with a rear setback of approximately 1 foot and side setback of approximately 7 feet. Chair Scheiner opened by public hearing by reading the legal notice, he then made the disclosure that he sits on the Board of Fire Prevention Regulations, does not feel this is a conflict. Chair Scheiner asked the members or the petitioner if there was any objection to his participating in the hearing, Chair Scheiner stated he did not feel there was any conflict of interest. The members and petitioner had no objection to Chair Scheiner participating.

Vic Tomyl questioned what the petitioner is designated as 1 Summer Street. The Fire Chief Tony Stowers stated 1 Summer Street is where the mail is delivered, so that is what is being called 1 Summer Street. Abutter Josh Loy asked for clarification for purposes of what is considered the side and rear setback. The Fire Chief responded that as shown on the proposal the frontage is from Summer Street. Town Planner Bill Nemser stated that the Town Assessor's records indicate the address is 1 Summer Street and that was used to calculate the regulatory requirements for the property. The Fire Chief stated that the Fire Dept is looking to put up a temporary structure for a ladder truck that has been ordered based on a grant to purchase the truck the Town was awarded; the truck however will not fit in the existing fire station. There is a plan to build a new fire station which has not been approved yet. Chair Scheiner asked for questions from the Board. Jerry Culbert asked what the timeframe for the new fire station is, and how long will the temporary structure be needed. The Fire Chief hopes that construction will be started within the next year; the temporary structure is only suited to work for 2 years. Chair Scheiner was asked if the petitioner would be satisfied with a 24 month approval, the Fire Chief agreed to the timeframe. Marilyn Messenger asked what would happen if the Fire Station construction did not occur and if there was an existing curb cut or would traffic patterns be changed; the Fire Chief stated that there was an existing curb cut.

Vic Tomyl asked that the Chair read what the petitioner states the hardship to be, a copy of the letter was provided to Mr. Tomyl. The abutter from 16 Acton Street asked what the location of the temporary structure would be, the Fire Chief showed the location on the plan. Marilyn Messenger asked what the hold up of the new Fire Station is; the Fire Chief stated location is still being finalized probably on Sudbury Street, if timeline goes looking for approval in the fall.

A motion was made by Marilyn Messenger to close the public hearing seconded by Leslie Bryant. The vote was 5 to 0.

***A motion was made by Marilyn Messenger to grant the variance from Section 4 of the Zoning By-laws to provide relief from both the required 15 foot rear setback and relief from the required 15 foot side setback for a temporary structure with a rear setback of approximately 1 foot and side setback of approximately 7 feet, for a period not to exceed two years based on the Board determination that the criteria for granting a variance exists as: The topography and unique shape (small, irregular size) of the subject property does not generally affect other properties in the zoning district in which it is located; a hardship exists as there is currently no other location large enough on the premises to store this apparatus that is conducive to proper emergency response practices, and: that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-laws. The motion was seconded by Leslie Bryant.***

Mr. Loy asked that the motion include the type of structure to be constructed, the Board stated it is not in their purview to specify the structure.

***The motion was amended to include that the structure be consistent with the structure shown in the applicant's petition. The Board voted 5 to 0 in favor of the motion.***

Chair Scheiner asked Town Planner Bill Nemser to go over the timelines for the decision and appeal period. Mr. Tomyl stated that the timeline should be listed in the motion; the motion should be more specific. Marilyn Messenger stated the timeline is from the date beginning at the end of the appeal period. The Board stated the motion stands.

Town Planner updates:

Bill Nemser stated that anyone that wants to go to the Citizen Training Planning Collaborative classes, there are classes on special permits, variances, 40B housing, writing decisions. Marilyn Messenger stated that the classes are very informative and worthwhile to attend.

The Maynard Cultural District is close to approval, Molly Bergin is on the committee she stated that it is looking favorable that the grant will be approved.

Chair Scheiner asked about the Rail Trail, that parking spaces have been eliminated behind the Paper Store, Bill did not have an update on that project.

A motion was made by Marilyn Messenger to adjourn, seconded by Leslie Bryant

Meeting adjourned at 7:35 p.m.