

**Maynard Zoning Board of Appeals
March 27, 2017 7 p.m.
Room 201, 195 Main Street, Maynard**

Members present: Chair Paul Scheiner, Jerry Culbert, John Courville, Leslie Bryant, Jamal De Vita

7:00 p.m. Chair Scheiner opened the meeting.

Chair Scheiner opened the public hearing by reading the legal notice for 11 Tobin Drive requesting a variance from Section 4.1.2 of the Zoning Bylaw to allow a lot coverage of approximately 18% to construct a screened porch area extending the existing deck. The maximum lot coverage under the zoning bylaw is 15%.

The petitioner James and Susan Hines, have lived at Tobin Drive since 2005 the existing deck is in need of repair, when replacing the deck they would like to construct a screened porch 12 x 14 on a portion of the deck by removing existing gates and railings. The property is located in the Single Family Residential District 2. The existing deck is approximately 30 x 12 by adding the screen room on the deck it increases the lot coverage to 18%, the lot is 10,000 s.f. Current zoning for this district requires 20,000 s.f. Susan Hines stated they would like to add the screen room to be able to be outdoors, there are some wetlands in the area so the yard is buggy during the summer months, the hardship could be considered that during this time of year with mosquitoes and West Nile Virus they cannot be outside during evening hours. There were two letters from the direct abutters in support of the petition, there were no abutters present. Chair Scheiner reviewed the required criteria for granting a variance. Town Planner Bill Nemser stated that in this District the lots vary in sizes many are non-conforming. Susan Hines stated that with the trees and fence there is only one abutter who can see the deck, there are several houses in the neighborhood that have screen porches. Resident Vic Tomyl asked if the building permit has been reviewed before filing and has Conservation been notified. Bill Nemser stated that the petitioners were advised to get the variance prior to filing the permit. Chair Scheiner stated this Board is only considering the zoning variance for lot coverage.

A motion was made by Leslie Bryant to close the public hearing, seconded by John Courville. The Board voted 5 to 0 in favor of the motion.

The Board began deliberations, Leslie believes all the criteria has been met, the shape of the land, literal enforcement would involve substantial hardship in that the deck is already existing, hardship is not being able to enjoy their property, granting does not derogate from the intent of the bylaw or harm the public good.

A motion was made by Leslie Bryant to grant the variance for 11 Tobin Drive from Section 4.2.1. to allow a lot coverage of approximate 18% by constructing a screen porch over a portion the existing deck based on the findings listed above, seconded by Jamal De Vita. The Board voted 5 to 0 in favor of the motion.

Bill Nemser described the procedure for the decision, appeal period and recording.

Town Planner updates: The town has received its Cultural district designation this is a Economic Development benefit, opens the door for the town to apply for more grants. Bill stated that Jerry Culbert is also a member of the Economic Development Committee. Bill, Jerry and Paul recently attended the Citizen Planning Training Collaboration a few weeks ago. Paul and Jerry stated they were very impressed with the seminar. The Board, talked about the requirement for filings, postings and procedures for the different types of hearings, timelines and appeals.

A motion was made by Leslie Bryant to adjourn, seconded by Jamal De Vita.

Meeting adjourned at 7:41 p.m.