

Maynard Zoning Board of Appeals
Meeting minutes for July 24, 2017
7 p.m., 195 Main Street, Room 101

Members present: Chair Paul Scheiner, Jerry Culbert, John Courville, Marilyn Messenger, Jamal De Vita
Also present: Town Planner Bill Nemser, Town Counsel Barbara Carboni, Wayne Amico – VHB, Garry McCarthy – Stantac Engineer, Griffin Ryder - VHB

7 p.m. - Chair Scheiner opened the meeting.

Chair Scheiner stated that they will first hear the petition for 13 Driscoll Avenue.

7:03 p.m. Public Hearing – 13 Driscoll Avenue

Chair Scheiner opened the public hearing for 13 Driscoll Avenue by reading the legal notice. The petitioner Pamela Renneker presented the petition which is a request for a variance pursuant to Section 4.1.1 dimension schedule for a new nonconformity addition, side setback or 15 ft provided, 25 required. Ms. Renneker stated she would like to construct an attached garage and addition for a dining room in an existing one family dwelling. She presented a plan showing the existing dwelling and addition, currently parking is where the proposed addition will be. The addition will be a 2 car garage under, 2 bedrooms and a bath above and dining room in between. It was questioned why she does not construct the addition to the other side as there is a 63 ft side setback. Ms. Renneker stated the kitchen is on that side of the house of the proposed addition, she is trying to keep driveways from all begin in same area. Chair Scheiner reviewed the criteria for variance; uniqueness of property, enforcement of bylaw would involve substantial hardship and desirable relief without detriment to the public good. Chair Scheiner stated the third is easy, but what is the uniqueness; Ms. Renneker stated that because she is on two side streets there are two 25 ft setbacks, the hardship is that the kitchen can't be relocated to the other end of the house.

Chair Scheiner asked if there were abutters to speak in favor or opposition of the petition. The neighbors from 20 Driscoll Ave and another resident from Sheridan Road were in favor of granting the request. There were no abutters present in opposition of the petition.

Marilyn Messenger commented the neighbors are fine with the request, but she is having a problem with the hardship and uniqueness. Hardship cannot be of a personal nature. The petitioner responded that the house is not fitting needs of the family at this time, outgrowing the space and that she has two 25 ft setbacks, another neighbor with same lot configuration was granted relief of side setback on opposite corner.

John Courville stated he felt the hardship has been met because she can't change the layout of the house to move kitchen to other end, so it is not feasible to put the addition on that end. It was noted that this is an oversized lot for the area, current lot coverage is 9.67 and the addition would be 14%.

A motion was made by Marilyn Messenger to close the hearing, seconded by Jamal De Vita

The Board discussed the request.

A motion was made by John Courville to approve the variance based on the uniqueness of the lot being a corner lot and the house location; the hardship being location of the kitchen in relation to house on lot would make it prohibitive to move to other end of the house and not a detriment to the public good or the intent of the bylaw, seconded by Jamal De Vita. The vote was 3 to 2, motion does not pass, with a five member Board, four votes are required for a variance.

Town Counsel Carboni explained to the petitioner that since the vote was 3 to 2, the applicant has the right to file an appeal of the decision once written.

Continued hearing from June 26, 2017: 129 Parker Street

Chair Scheiner opened the continued public hearing by reading the legal notice. Chair Scheiner asked the petitioner to update the Board. Attorney Catanzaro stated that many of the issues under Section 10.4 were addressed in the public hearings with the Planning Board. Packets were submitted that addressed the information and documents that the Planning board was provided, also at the last meeting there was conversation about changes to the Operations and Maintenance Manual, these revisions were handed out, highlighted in page 5 and 7 of the manual. The last document handed out was a section of the plans that illustrated where the stormwater facility components are with a matrix of the annual cost of the stormwater facility. Marilyn Messenger asked about a replacement cost of the stormwater system. Applicant stated there are no moving parts, the only thing that breaks down over 20 years are the catch basin grates; everything else is plastic and concrete. It is all maintenance and cleaning. The stormwater system is under the jurisdiction of the Conservation Commission.

Chair Scheiner asked how much salt being used, there was a hand out that calculated the amount of concrete and sidewalks, it was estimated that it would take about three loaders for the parking lot and about 13 bags for sidewalks per ice event. Chair Scheiner asked what is an acceptable amount?, per storm 24 tons of salt within 400 feet of where town wants to put a new well, that's a lot of salt. The applicant stated there are monitoring wells, take pre-development readings then again after first year. The engineer described the stormwater system is a tiered system. Attorney Catanzaro stated they can do monitoring; the Board can condition the finding on monitoring, if levels increase can change to sand use. Garry McCarthy from Stamtech Engineering talked about that there is no public drinking water there now, just in testing period it is 3 to 4 years out before a well site, regarding salt use Massachusetts DEP has certain standards, the water quality in town is under the sodium levels. There would not be test data, the monitoring wells would identify an increase before the well would be put there, the town could condition it on change from salt use to sand. Town Planner Bill Nemser stated that the Conservation Commission has gone thru the stormwater plan and approved it, the uses have to meet Best Management Practices (BMP).

Chair Scheiner stated that section 9.2.7 has four criteria, he asked the Board if they are satisfied that the applicant has met the criteria.

Wayne Amico stated that the sewer and water systems are adequate. Ms. Messenger stated that part of town is an old sewer system; Mr. Amico stated it is the town's responsibility, the applicant will update certain sections, this adequately offsets what they will be doing. A study of failing segments of the sewer structure was done there was a lengthy discussion about the impacts on services. Bill Nemser stated that all town boards well prior to town meeting were asked for town impacts. Conditions have been added into the Planning Board approval relative to an additional police officer, Attorney Catanzaro added that the property owner will be a taxpayer also; project will include a 1million contribution.

Terry Green from Natural Heritage was present; he explained the moving of the turtles and re-establishment of the turtle nesting area.

Chair Scheiner stated the applicant has provided enough information to make findings. The Board discussed closing the public hearing; Ms. Messenger would like to review all the information before making findings at next meeting. Attorney Catanzaro there is no additional information to present, would like to have hearing closed, Mr. Amico stated if the Board has information they feel they still need from the applicant they should be asking for it now, the applicants have supplied all information requested.

It was agreed to keep the hearing open in case any questions come up, the Board will review all the information and make a decision with findings at the next meeting. Chair Scheiner stated he has started a draft of the decision. The next meeting date will be August 7th.

A motion was made by Marilyn Messenger to continue the hearing to August 7 at 7 pm, seconded by Jerry Culbert.

A motion was made by Marilyn Messenger to adjourn, seconded by Jamal De Vita.

Meeting adjourned at 8:49 p.m.