

**Maynard Zoning Board of Appeals – Meeting and Public Hearing
November 27, 2017 - 7 p.m.
195 Main Street, Room 101**

Board Members Present: Paul Scheiner – Chair, Marilyn Messenger, Jerry Culbert, John Courville, Molly Bergin, Jamal De Vita

Others Present: Bill Nemser – Town Planner, Rick Asmann – Building Commissioner, Adam Costa – Town Counsel

Called to Order at 7:00 p.m. by Paul Scheiner

Election of Chair and Vice Chair/Clerk for 2017/2018

Marilyn Messenger made a motion to nominate Paul Scheiner as Chair for the 2017/2018 term, which was seconded by Molly Bergin.

The Board voted 4-0 in favor of the motion.

John Courville nominated Marilyn Messenger as Vice Chair/Clerk for the 2017/2018 term, which was seconded by Jerry Culbert

The Board voted 4-0 in favor of the motion.

Bill Nemser asked if the Board would be again be amenable to the Chair signing off on Board decisions rather than the whole Board signing off.

The Board voted 5-0 in favor.

Public Hearing – Appeal of Zoning Administrator Decision – 22 Howard Road

Paul Scheiner opened the Public Hearing by reading the legal notice.

Laura Weinstein of 22 Howard Road presented her petition to the attendees of the meeting. Ms. Weinstein was hoping to offset the cost of construction of her new kitchen by renting out the space to two friends who are each launching new food businesses. She was unaware of the zoning by-laws that prevent a non-resident of a dwelling in a single-family residential district from operating a business from that dwelling and wanted to appeal the decision of the Building Commissioner. She had received a permit from the Board of Health to utilize the space as a commercial kitchen.

Rick Asmann presented his interpretation of the Zoning By-laws and reiterated his decision that renting the space out to non-residents of the dwelling for commercial use would constitute a violation of the Zoning By-laws.

Marilyn Messenger made a motion to close the Public Hearing, which was seconded by John Courville.

The Board voted 5-0 in favor of the motion.

The Board deliberated and agreed that renting out the kitchen space would be a violation of the Zoning By-laws.

Marilyn Messenger made a motion to deny the appeal as written, which was seconded by Molly Bergin.

The Board voted 5-0 in favor of the motion.

Bill Nemser explained the legal course that Ms. Weinstein can take if she chooses to further appeal the decision of the ZBA.

Presentation – The Role of the ZBA in CH40B Hearings

Town Counsel Adam Costa referred to the ZBA Handbook and explained what Chapter 40B (also known as Massachusetts' Affordable Housing Law) is, what its objective is, and why it was created. It's the ZBA's role to grant, deny, or grant with conditions a comprehensive permit for a project. The ZBA can make its decision with legal assistance as well as through the use of consultants with subject matter expertise at the expense of the developer. The ZBA Handbook is available online for anyone's reference.

Marilyn Messenger made a motion to adjourn, which was seconded by John Courville.

The Board voted 5-0 in favor of the motion.

Adjourned at 8:12 p.m.