

Maynard Zoning Board of Appeals
December 19, 2017
Soup Campbell Room, 195 Main Street

Members present: Chair Paul Scheiner, Jerry Culbert, John Courville, Marilyn Messenger and Leslie Bryant.
Town Planner Bill Nemser also in attendance

7:05 Chair Scheiner called the meeting of the Zoning Board of Appeals (ZBA) to order.

Chair Paul Scheiner opened the public hearing by reading the legal notice the request is for a Special Permit at 82 Main Street to allow a "Theater, Halls, Club, or Place of Entertainment" use at the subject property.

Paul asked the applicant, William Doyle, to explain his request. Mr. Doyle stated he was requesting a change of use from the "Government, Institution and Public Service" use category of "religious structure" to the "Business" use category of "Theater, Halls, Club, or Place of Entertainment".

Mr. Doyle explained he purchased the former congregational church for several reasons but primarily to create a performance venue for the town that would provide an additional destination for Maynard. He stated he has plans to rent space to utilize for events such as weddings or other social events and to create a commercial kitchen for events on site which also could be rented out separately; additionally, there are plans to apply for a liquor license in the near future. The Community School currently located within the building, will remain as a tenant.

The Applicant stated that preserving the church exterior as closely as possible to the circa 1900 design, was important part of his plans and that he was very much aware that the structure is of the historical significance to the town. He has already replaced the roof and is continuing with renovations and would like to ensure it is a centerpiece for downtown and the Cultural District. Paul asked what the anticipated capacity was: Mr. Doyle stated this will be up to the Building Commissioner but he thought the approximate capacity could be up to 500 and noted that there currently is church pew seating for about 320.

Town Planner Bill Nemser explained that the church was a legal, non-conforming structure – non-conforming because of steeple height. Because of these circumstances, before granting a Special Permit, the Zoning By-laws require the ZBA to make a "Finding" that the proposed use is no more detrimental to the surrounding area than the previous years. Nemser stated only after the finding was made by the board that the proposed use was no more detrimental could the ZBA grant the requested Special Permit if they sell chose.

Paul read the criteria that must be considered in order for a Special Permit to be issued and stated he believed that social, economic, or community needs were served by the proposal. Paul asked the applicant how he felt the traffic and circulation would be managed. The applicant said that while the venue itself had limited parking, traffic circulation was not anticipated to be an issue. This was primarily due to the number of parking areas in the vicinity of the venue. Paul asked about parking and the applicant reply there were only 12 spots inside however the adjacent Riverfront Lot, the surrounding municipal lots, and on street parking is anticipated to be able to accommodate venue parking needs. The ZBA agreed that the site was already serviced adequately by Town infrastructure for the proposed use. The ZBA also agreed that the project demonstrates consistency with neighborhood character/social structures and that there was positive fiscal impact for the town by forwarding the project request.

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Jerry asked about music noise that could originate from the venue. Bill stated that if there were any problems with noise creating a nuisance, it would become a code enforcement issue and be enforced by the town.

Paul opened up public hearing and asked if there were any comments. No comments were provided from the public. Bill explained that a separate vote would be needed for the Finding. Leslie made a motion finding that the proposed use was no more detrimental to the surrounding area than the previous years. Marilyn seconded. The Board voted 5-0 in support of the motion.

Leslie made a motion to approve a Special Permit allowing an entertainment venue at 82 Main Street. Paul stated he had a small concern about parking and the potential for people unfamiliar with Maynard to have trouble locating proposed parking areas. Jerry stated the Economic Development Committee is working on wayfinding signage for parking but it will not be ready until next year at the earliest. Bill suggested adding a condition that the applicant provides specific parking instructions for all events in promotion and advertising material. Paul agreed to add this condition.

Marilyn and Paul asked about light spillage on surrounding properties: the Applicant stated that the lighting would be focused on highlighting aspects of the architectural features on the building and that they would be focused on the front of the building while the residential units were facing the rear of the property. Bill stated that all lighting must go through the Building Department and upon application for installation of exterior lighting; the Building Commissioner will ensure the proposed lighting is consistent with all Town regulations. Bill stated that a second condition could be placed in the approval requiring the applicant coordinate with the building commissioner to ensure lighting meets town codes and does not negatively affect adjacent residential properties.

Marilyn made a motion to amend Leslie's motion reflect the two conditions agreed to in the deliberations and it was seconded by Leslie and carried 5-0. Leslie restated her motion containing the additional conditions as amended, to allow a Special Permit to allow a "Theater, Halls, Club, or Place of Entertainment" use at 82 Main Street, subject to the following conditions: 1) The Applicant shall provide specific parking location information on promotional and advertising for all events. 2) The Applicant shall coordinate with the Building Commissioner to ensure the proposed lighting is consistent with all Town regulations. Marilyn seconded and the motion passed 5-0.

Bill explained post approval procedure. He stated there was nothing else to report on the agenda. Marilyn made a motion to adjourn seconded by Jerry and the meeting adjourned at 7:40.