



# Town of Maynard Zoning Board of Appeals - Remote Meeting

**Thursday, February 27, 2025, 7PM**

Paul Scheiner, Chair

Posted by: Bill Nemser, Planning Director

*This Agenda is subject to change.*

Option 1 (Zoom Video):

Participate using a computer, click or go to this link:

<https://us02web.zoom.us/j/87931897725?pwd=TjVVNVNnWEJmMmNEazVrY1FoZENvZz09>

Meeting ID: 879 3189 7725 Passcode: 515693

Option 2 (Audio Only): Participate via telephone: +1-646 -558-8656 Meeting ID: 879 3189 7725 Passcode: 515693

Questions may be emailed to: [OMS@townofmaynard.net](mailto:OMS@townofmaynard.net)

Agenda and meeting materials can be accessed through the Town website: Maynard, MA | [Official Website \(townofmaynard-ma.gov\)](http://townofmaynard-ma.gov)

1. Minutes

Documents:

[ZBA MINUTES 11.25.2024 \(UNAPPROVED\).DOCX](#)

2. Public Hearing - 20 Walcott Street

Application filed by owners James Rohr and Rebecca Solomon, 20 Walcott Street, Maynard, MA 01754 seeking Special Permit approval to construct additions to the front and side of the property which would extend the existing nonconforming northerly front setback (25 feet required, +/- 10 feet provided), and easterly front setback (25 feet required, +/- 13.3 feet provided). The subject property, 20 Walcott Street, Maynard, MA, 01754 is a pre-existing nonconforming single-family dwelling on a nonconforming lot (due

to insufficient frontage, lot area, lot width, front setback, and side setbacks) located in the General Residence district.

Documents:

[ZBA2501 - 20 WALCOTT STREET APPLICATION STAMPED.PDF](#)  
[ZBA2501 - 20 WALCOTT STREET STAFF REPORT.PDF](#)

3. ZBA Updates And Housekeeping
  - 1, Need for Vice Chair and two new members.
  2. ZBA Rules and Regulations.
  3. Residential Zoning Group update.

**Maynard Zoning Board of Appeals (ZBA) Meeting and Public Hearing**  
**November 25th, 2024 – 7:00 p.m.**  
**(Held remotely via Zoom)**

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**ZBA Board Members Present:** Paul Scheiner – Chair; Page Czepiga – Vice Chair; Leslie Bryant; John Courville; Jerry Culbert, Schultz (alternate)

**Others Present:** Bill Nemser – Planning Director, Wooseok Chang – BP Gas Station, Joanna Morales – Auto Repair Shop, 6 Glendale Street

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**Called to Order** at 7:05 p.m. by Chair Paul Scheiner

Brief discussion of minutes of October 21<sup>st</sup>, 2024 meeting.

*Mr. Courville moved to approve the minutes of October 21st, 2024 and was seconded by Mr. Culbert*

**Board voted unanimously in favor by roll call**

**Determination - 1 Powder Mill Road (BP Gas Station)**

*The applicant, Wooseok Chang is requesting to amend the existing Special Permit allowing overnight commercial vehicle storage by modifying truck return hours at 1 Powder Mill Road BP Gas Station. The ZBA is determining if the request constitutes a major or minor modification to the Applicant's existing Special Permit under Section 10.4.5 the Zoning By-Laws.*

Applicant presented a request to modify truck return hours from 7am-8pm to having returns be permissible during business hours.

Mr. Nemser clarified that the board would be determining whether the proposed change would constitute a minor or major decision. If the decision was deemed minor it would be an administrative change and if it was deemed major the applicant would begin the approval process again. There was a brief discussion on what potential business hours could be and the board agreed to expanding the hours from 7am-8pm to 6am-10pm. The decision was to provide the applicant with extended hours while capping it at 10pm for the sake of nearby residences.

*Mr. Culbert moved that the board determine that the request of extending the hours to 6am to 10pm constitutes a minor modification and was seconded by Ms. Bryant.*

***The Board voted unanimously in favor by roll call***

## **Planning Updates**

- 1. Data Collection for Zoning Analysis:** Mr. Schultz is working on collecting property data for zoning analysis and creating a spreadsheet format compatible with GIS system. He's been working with town employees on collecting data on lot size, frontage, coverage, and build date. There was a brief discussion on defining 'coverage' for data collection purposes (sheds, pools, etc.). The eventual goal: identify areas where zoning changes could improve conformity. Discussion of challenges with setback data due to lack of plot plans
- 2. Environmental Impact:** Discussion on environmental impact considerations for special permits and a need for unified approach across town boards on environmental issues. Mr. Culbert proposed creating a checklist for environmental considerations. Mr. Nemser suggested using master plan goals as reference. Mr. Nemser will draft a checklist.
- 3. Update on 40B project:** Mr. Nemser stated the town is safe harbor for next year

*Ms. Bryant made a motion to close the meeting which was seconded by Mr. Culbert.*

***The Board voted unanimously in favor by roll call.***

**Meeting Close: 7:54 p.m.**



Summarize nature and justification of petition:

The single family home is currently a pre-existing non-conforming structure on a lot that is insufficient due to lot size. The current structure(s) on site also exist within the front, side and rear setbacks and are also non-conforming.

The project seeks to raze the existing single story detached accessory garage structure which sits within the rear yard setback. The project seeks to make the existing screened in porch within the front setback habitable finish space and extend the footprint of the front of the house to match the alignment of the porch. Second floor space will be built on top of this new extension extending the volume. The height of the structure will not change. The project also seeks to build a new screened in porch off the back of rear of the home which will be within the yard setback from Lewis Street. The project will not exceed 40% of lot coverage.

The petitioner feels the renovation and extension of the primary structure will not be more detrimental than the existing non-conforming structure to the neighborhood and will improve the site by removing a non-conforming accessory structure from the site.

Relief requests include:

- Lot area deficiency (pre-existing)
- Frontage deficiency (pre-existing)
- Lot width deficiency (pre-existing)
- Front yard deficiency (pre-existing)
- Side yard deficiency (pre-existing)
- Rear yard deficiency (pre-existing)

**Table 1**  
**Zoning By-law**  
**Dimensional Regulations**  
**Required, Proposed and Existing Conditions**

<b>Property:</b> <b>Zoning District:</b>			
<u>Use Type</u>	<u>Existing Use Allowed in District?</u>	<u>Proposed Use</u>	<u>Proposed Use Allowed in District?</u>
Single Family	Yes	Single Family	Yes
<u>Lot Size</u>	<u>Minimum Required</u>	<u>Existing</u>	<u>Proposed</u>
Area (square feet)	7,000	+/- 3,929 sf	+/- 3,929 sf
Frontage (feet)	75'	54'	54' (*)
Width (feet)	70'	54'	54' (*)
<u>Yard (Setback) Requirements</u>	<u>Minimum Required</u>	<u>Existing</u>	<u>Proposed</u>
Front (feet)	25'	10.0'	10.0' (*)
Side (feet)	15'	13.6'	13.6' (*)
Side - Street (feet)	25'	13.4'	13.4' (*)
Rear (feet)	15'	1.7' (accessory bldg.)	21.6' (*)
<u>Coverage</u>	<u>Maximum Allowable</u>	<u>Existing</u>	<u>Proposed</u>
By Building (%)	40%	25.2%	21.8%
By Impervious (%)	75%	30.9%	28.8%
<u>Height (feet)</u>	<u>Maximum Allowable</u>	<u>Existing</u>	<u>Proposed</u>
	35'	18'	18'
<u>Lot Area</u>	<u>Minimum Required</u>	<u>Existing</u>	<u>Proposed</u>
Landscape Open (%)	0%	69.1%	78.1%
Located in Front Yard (%)	0%	18.4%	14.7%

(\*) Indicates deficiency from dimensional requirements

**ZONING BOARD OF APPEALS**  
**Instructions for Petitioner**

The Petitioner is advised to review the Maynard Zoning By-Laws (copy available at Town Clerk's Office), The Zoning Act (Massachusetts General Laws Chapter 40A), and these instructions, prior to filing a Petition and prior to appearing before the Zoning Board of Appeals (ZBA) at a Public Hearing.

The petition must be completely and accurately filled out, and all information must be entered in the appropriate space provided before the petition will be accepted for filing. Incorrect information may result in denial of the petition.

The petition shall be reviewed by the ZBA before it is accepted as filed. The ZBA reserves the right to have the petition reviewed by the Building Commissioner, the Superintendent of Public Works, and/or the Planning Board before the same is accepted for filing.

The petition must indicate the specific section of the Zoning By-Laws for which each variance, permit, or appeal is being petitioned.

Example: "A variance is sought from Section 4-1 of the Zoning By-Laws from the front setback requirement of Twenty Five (25) feet to Twenty (20) feet".

Each specific variance, permit, or appeal being requested in the petition must be set forth in a separate paragraph of the petition to clearly indicate the different requests. Failure to so state the requests clearly may result in the petition being denied.

The petition must be accompanied by:

- a) A Plot Plan which has been prepared and stamped by a Registered Land Surveyor or Engineer. This Plan must show:
  - i. All existing buildings on the property and all proposed buildings and additions.
  - ii. Distances from structures to lot line and length of lot lines, together with all dimensions and setbacks of proposed buildings.
  - iii. In the case of a residential dwelling, the front of the dwelling as defined in the Zoning By-Laws, and must further show the location of all present or proposed driveway or vehicle access areas.
  - iv. The Plan should, but need not, denote any other significant features of the Lot depicted on the petition, such as fences, stone walls, brooks, drains, or accessory structures.
  - v. If there is significant variation in the topography of the lot which is the subject of the petition it is recommended that spot elevations be shown by the Engineer.
- b) A list of all abutters, and abutters of abutters within three hundred foot of the property line of the property affected. This list must be certified by the Board of Assessors. Failure to provide this list will result in the petition being considered incomplete. Incomplete petitions will be returned to the petitioner.
- c) An area map obtained from the Board of Assessors, showing the area in which the property is situated.
- d) A check, payable to the Town of Maynard for the appropriate filing fee plus the fee for postage (this is based on abutters list and the cost of mailing by certified mail, return receipt requested) plus the cost for advertising in the local newspaper. Please be aware that there may be additional costs for filing with the Registry of Deeds.

- e) Appropriate documentation as to the relief being sought. These are outlined in the following sections.

In the case of a **Variance**, the following points, based on Massachusetts General Laws, Chapter 40A, Section 10, should be identified and factually supported on or with the petition form and verbally at the hearing:

- a) The particular Land or Structure, or the Use proposed for the Land or Structure, if any;
- b) The circumstances relating to the soil conditions, shape or topography of the Land or Structures and especially affecting the Land or Structure for which the Variance is sought which do not affect generally the Zoning District in which it is located;
- c) The facts which make up the substantial hardship, financial or otherwise, which results from the literal enforcement of the applicable zoning restrictions with respect to the Land or Structure for which a Variance is sought. (Substantial hardship is not purely economic in nature. It is insufficient to present evidence at the hearing merely showing that the value of the land in question will be affected by a lack of or denial of the requested variance.);
- d) The facts to support that the relief sought will be without substantial detriment to the public good; and that the public health and safety is not compromised by the granting of a variance;
- e) The facts to support a Finding that the relief sought may be given without nullifying or substantially derogating from the intent or purpose of the Zoning By-Laws; and
- f) Any other information pertaining to the variance which is the subject of the petition.

In the case of a **Special Permit**, the following points, based on Massachusetts General Laws, Chapter 40A, Section 9, should be identified and factually supported on or with the petition form and verbally at the hearing:

- a) The particular type of Use proposed for the Land or Structure, if any;
- b) The conditions and character of operations of the proposed Use which show that it will be in harmony with the general purpose and intent of the District and the By-Laws; and
- c) The nature of the proposed Use in relation to both the general and specific provisions of the By-Laws governing that Use and the District it is located.

In the case of an **Appeal**, the following points, based on Massachusetts General Laws, Chapter 40A, Section 8, should be identified and factually supported on or with the petition form and verbally at the hearing:

- a) The grounds for the appeal;

- b) Supporting documentation relative to the nature of the Appeal; and.
- c) Note: In the case of an Appeal from the action or failure to take action by the Building Commissioner, the appeal shall be filed with the Town Clerk within thirty (30) days from the date of issuance of a Permit or denial of a Permit by, or an Order, ruling, decision, or determination of, the Building Commissioner.

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**Failure to present evidence in one or more of the foregoing areas may result in the petition being denied by the ZBA. The ZBA cannot draw from the petitioner the necessary evidence to grant the petition if improperly presented.**

\*\*\*\*\*

## **ZONING BOARD OF APPEALS**

### **Petition Process**

#### **Petition Submittal**

The process for filing a petition and appearing in front of the Zoning Board of Appeals (ZBA) is as follows:

The Petitioner shall file the Petition for an **Appeal**, a **Variance** or a **Special Permit** with the ZBA, which will then review the Petition, and if complete, shall transmit a copy forthwith to the Town Clerk. The Petition shall consist of the completed Petition form, plot plan, area map, and other documentation as necessary to support the petition, as well as the appropriate fees. Incomplete petitions shall be returned to the petitioner.

In the case of an **Appeal** from the action or failure to take action by the Building Commissioner, the appeal shall be filed with the Town Clerk within thirty (30) days from the date of issuance of a Permit or denial of a Permit by, or an Order, ruling, decision or determination of, the Building Commissioner.

#### **Notice and Hearings**

Notice of ZBA hearings shall be advertised as required by the provisions of Massachusetts General Laws, Chapter 40A, Chapter 11:

Notice shall be given by publication in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the town hall for a period of not less than fourteen days before the day of such hearing. Notice shall be sent by mail, postage prepaid to the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the property affected.

Hearings of the ZBA shall occur as necessary at times determined by the Board, in the Hearing Room in the Town Hall or any other place specified in the meeting notice. Frequency of hearings depends on the number and type of petitions on file. Typically, the ZBA meets monthly in an evening session.

All hearings shall be open to the public. No person shall be excluded unless they are considered by the chairperson to be a “serious hindrance” to the workings of the Board.

The Petitioner may appear on their own behalf or be represented by an agent or attorney. In the absence of any appearance without due course on behalf of a Petitioner or the owner of the property affected, the Board will deny the Petition.

Order of Business:

The Hearing for each petition shall be conducted as follows:

- a) Opening of the Public Hearing
- b) Reading of the petition legal notice by the Chairperson;
- c) Presentation by Petitioner;
- d) Presentation(s) by those in support of the Petition;
- e) Presentation(s) by those in opposition to the Petition;
- f) Questions by those seeking information;
- g) Rebuttal by Applicant, restricted to matters raised by opponent's objections;
- h) ZBA members hearing the case may direct appropriate questions during the hearing;
- i) Closure of the Public Hearing
- j) Deliberation and determination of findings by the ZBA.

Filing of Decision

After deliberation, the ZBA will reach a decision. The decision requires a favorable vote of at least four members of the ZBA to grant the petition. If the decision is to grant the petition, the ZBA shall issue a copy of its decision to the owner and to the petitioner, if other than the owner, setting forth compliance with the statutory requirements for the issuance of such variance or permit and certifying that copies of the decision and all plans referred to in the decision have been duly filed.

The variance or permit shall take effect after a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the Town Clerk's Office.

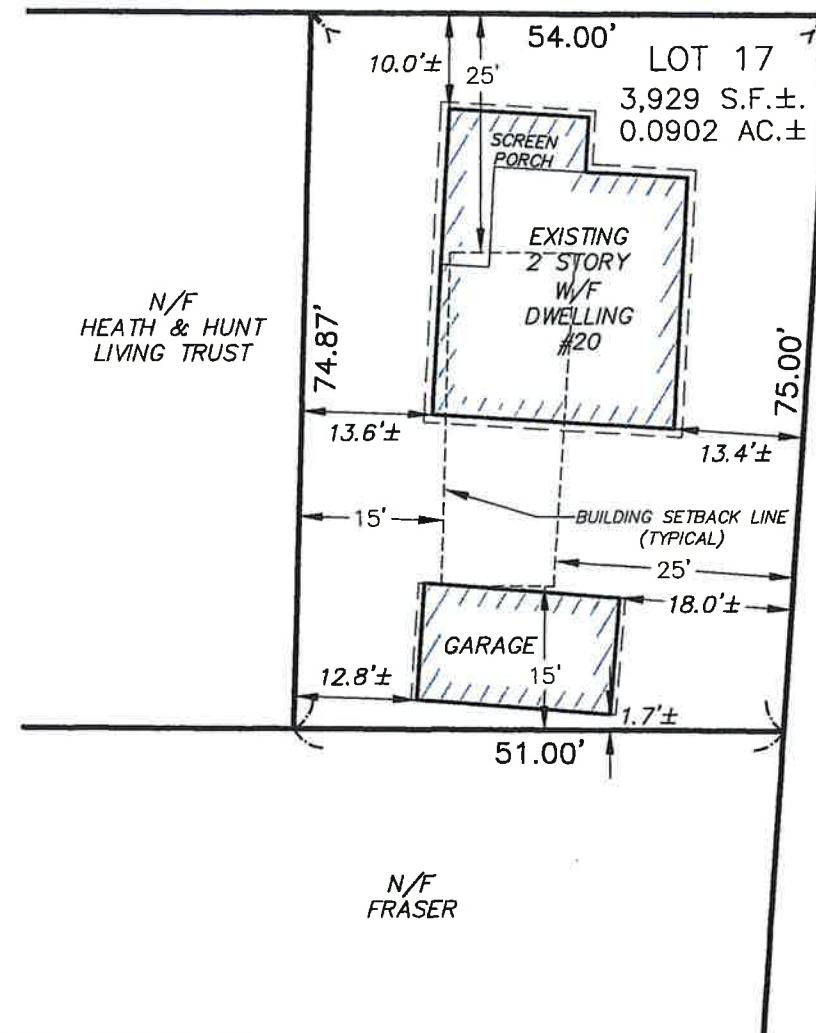
If the decision is to deny the petition, the decision is filed in the Town Clerk's Office. Resubmission of the same petition is then precluded from occurring for two years, per M.G.L. Chapter 40A Section 16.

In cases where an appeal is made to the ZBA under G.L. c. 40A Section 8, other rules apply. See M.G.L Chapter 40A Section 15.

BUILDING LOT COVERAGE:  
EXISTING:  
HOUSE: 746 S.F.  
GARAGE: 246 S.F.  
TOTAL: 992 S.F.  
LOT AREA: 3,929 S.F.  
LOT COVERAGE= 25.2% (40% MAX.)

## WALCOTT STREET

(PUBLIC - 33' WIDE)



## LEWIS STREET

(PUBLIC - VARIABLE WIDTH)

### NOTE:

LOT 17 IS NON-CONFORMING DUE TO  
INSUFFICIENT LOT AREA.

### ZONING DISTRICT

GENERAL RESIDENCE

### REFERENCE

DEED BOOK 40793 PAGE 163  
END OF BOOK 4730  
PLAN NO. 770 OF 1991  
PLAN NO. 724 OF 1946

EXISTING CONDITIONS PLOT PLAN  
IN

MAYNARD, MASSACHUSETTS  
(MIDDLESEX COUNTY)

FOR: ROHR  
SCALE: 1"=20' DECEMBER 13, 2024

STAMSKI AND MCNARY, INC.  
1000 MAIN STREET ACTON, MASSACHUSETTS  
ENGINEERING - PLANNING - SURVEYING

(7697work.dwg) 20 Walcott Street SM-7697

THE EXISTING STRUCTURES ON THIS PROPERTY ARE LOCATED AS  
SHOWN AND ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE AS  
SHOWN ON FLOOD INSURANCE RATE MAP; MIDDLESEX COUNTY,  
MASSACHUSETTS; MAP NUMBER 25017C0362 F DATED: JULY 7, 2014.

12/13/24

DATE

REGISTERED PROFESSIONAL LAND SURVEYOR



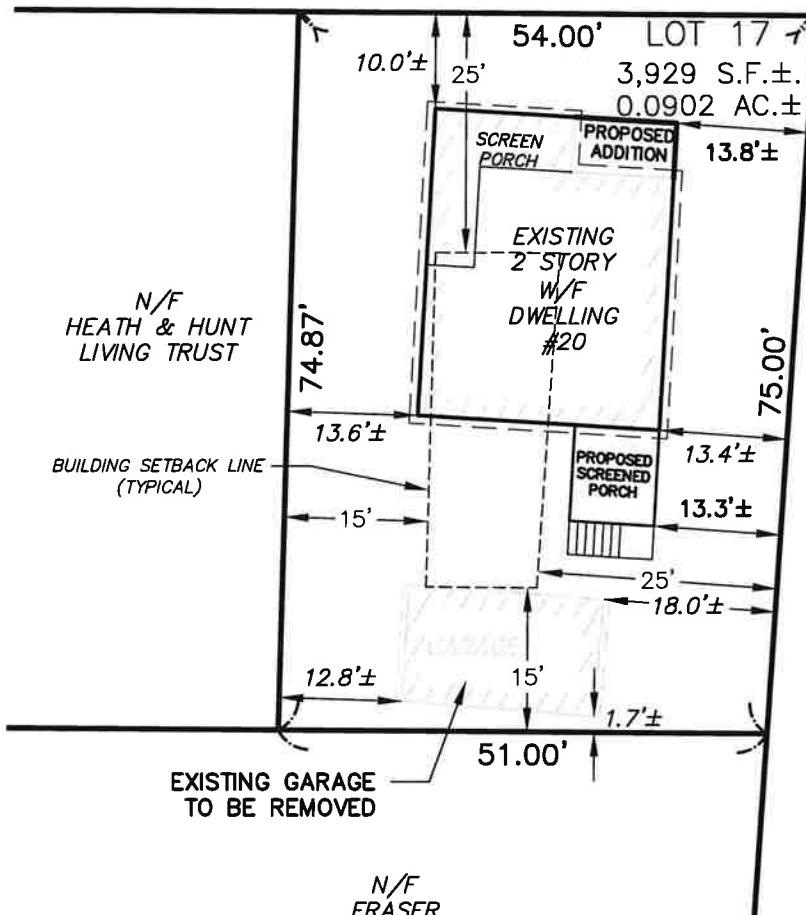
NOTE:

LOT 17 IS NON-CONFORMING DUE TO  
INSUFFICIENT LOT AREA.

WALCOTT STREET

(PUBLIC - 33' WIDE)

BUILDING LOT COVERAGE:	
EXISTING:	
HOUSE:	746 S.F.
GARAGE:	246 S.F.
TOTAL:	992 S.F.
LOT AREA:	3,929 S.F.
LOT COVERAGE=	25.2% (40% MAX.)
PROPOSED:	
HOUSE:	896 S.F.
TOTAL:	896 S.F.
LOT COVERAGE:	22.8% (40% MAX.)



THE EXISTING AND PROPOSED STRUCTURES ON THIS PROPERTY ARE LOCATED AS SHOWN AND ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FLOOD INSURANCE RATE MAP; MIDDLESEX COUNTY, MASSACHUSETTS; MAP NUMBER 25017C0362 F DATED: JULY 7, 2014.

1/24/25

Joseph March

DATE

REGISTERED PROFESSIONAL LAND SURVEYOR

ZONING DISTRICT

GENERAL RESIDENCE

REFERENCE

DEED BOOK 40793 PAGE 163  
END OF BOOK 4730  
PLAN NO. 770 OF 1991  
PLAN NO. 724 OF 1946

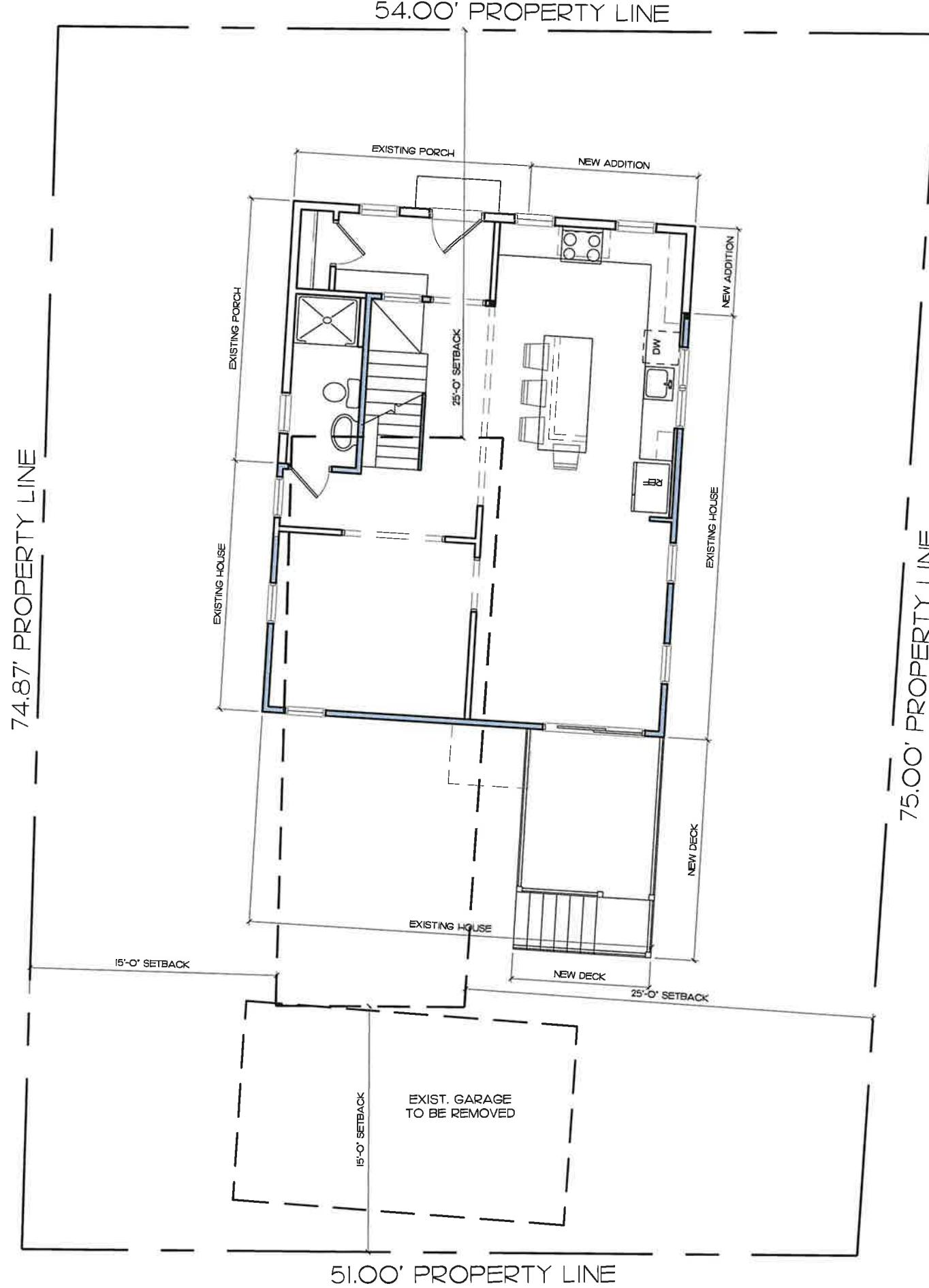
PROPOSED PLOT PLAN  
IN

MAYNARD, MASSACHUSETTS  
(MIDDLESEX COUNTY)

FOR: ROHR  
SCALE: 1"=20' JANUARY 22, 2025

STAMSKI AND MCNARY, INC.  
1000 MAIN STREET ACTON, MASSACHUSETTS  
ENGINEERING - PLANNING - SURVEYING

(7697.P.PPL.dwg) 20 Walcott Street SM-7697



0 Site Plan  
Scale: 1/8" = 1'-0"

Scale: 1/8" = 1'

## Rohr-Solomon Residence

20 Walcott St

Maynard, MA

Scale: As Noted



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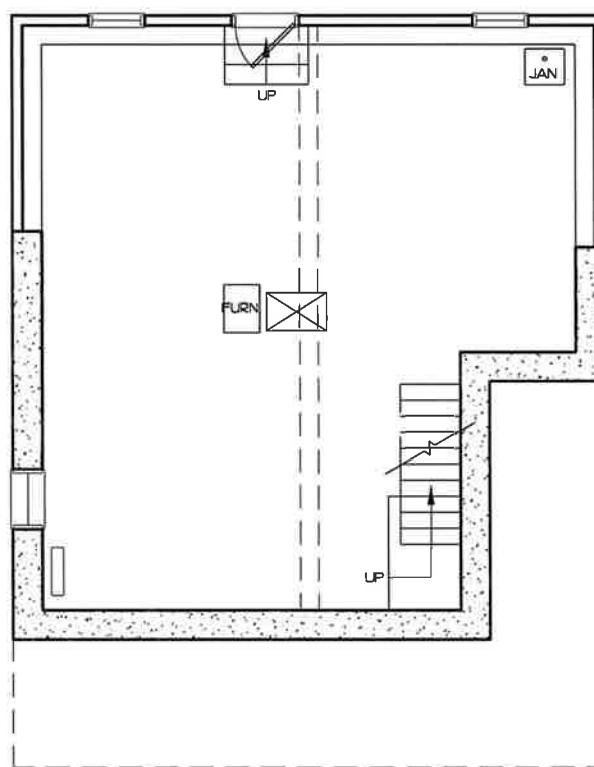
606 MAIN STREET, SUITE 3001 • READING, MA 01867

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SHEET NUMBER  
1 of 8

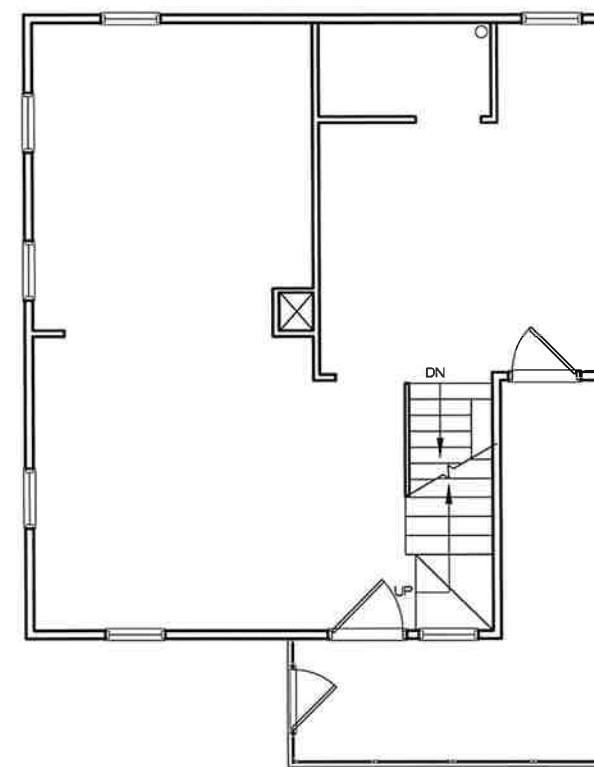
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JOB NO.:  
24057



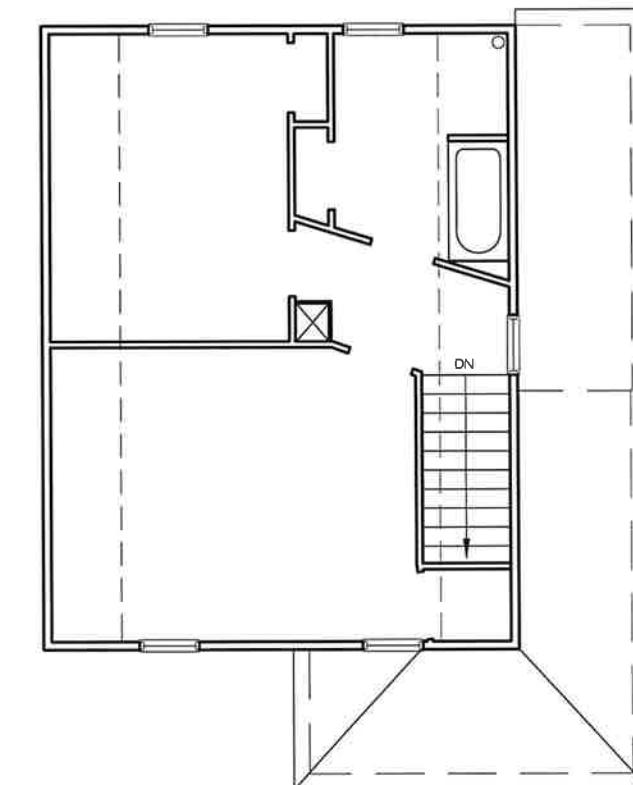
0 Existing Basement Plan

Scale: 1/8" = 1'-0"



1 Existing First Floor Plan

Scale: 1/8" = 1'-0"



2 Existing Second Floor Plan

Scale: 1/8" = 1'-0"

Rohr-Solomon Residence  
20 Walcott St.  
Maynard, MA  
Scale: As Noted



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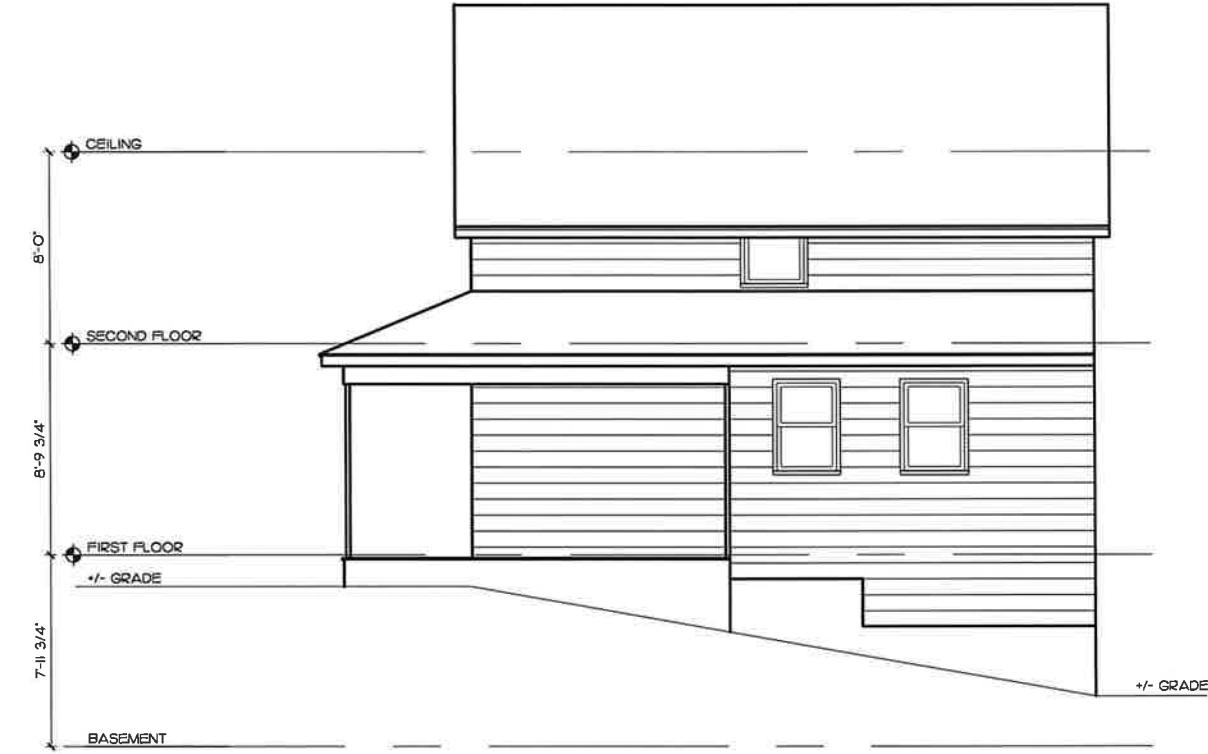
ISSUED  
12-18-2024  
REVISED / REVISED BY  
1-17-2025  
rev 2  
rev 3  
rev 4

SHEET NUMBER  
2 of 8  
JOB NO:  
24057



1 Existing Front Elevation

Scale: 1/8" = 1'-0"



2 Existing Right Side Elevation

Scale: 1/8" = 1'-0"

Rohr-Solomon Residence  
20 Walcott St.  
Maynard, MA  
Scale: As Noted



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3 Existing Rear Elevation

Scale: 1/8" = 1'-0"



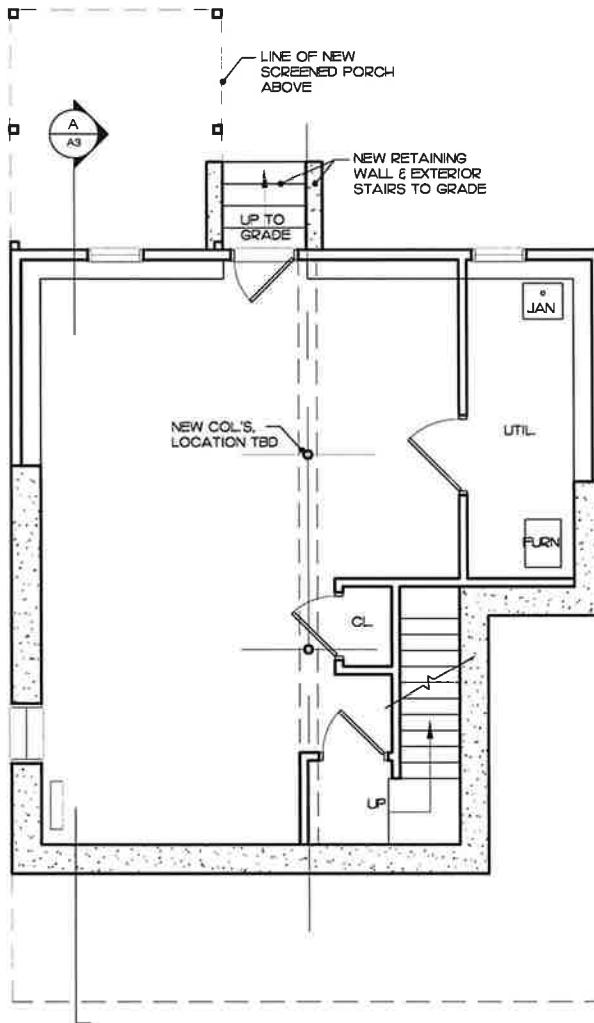
4 Existing Left Side Elevation

Scale: 1/8" = 1'-0"

Rohr-Solomon Residence  
20 Walcott St.  
Maynard, MA  
Scale: As Noted

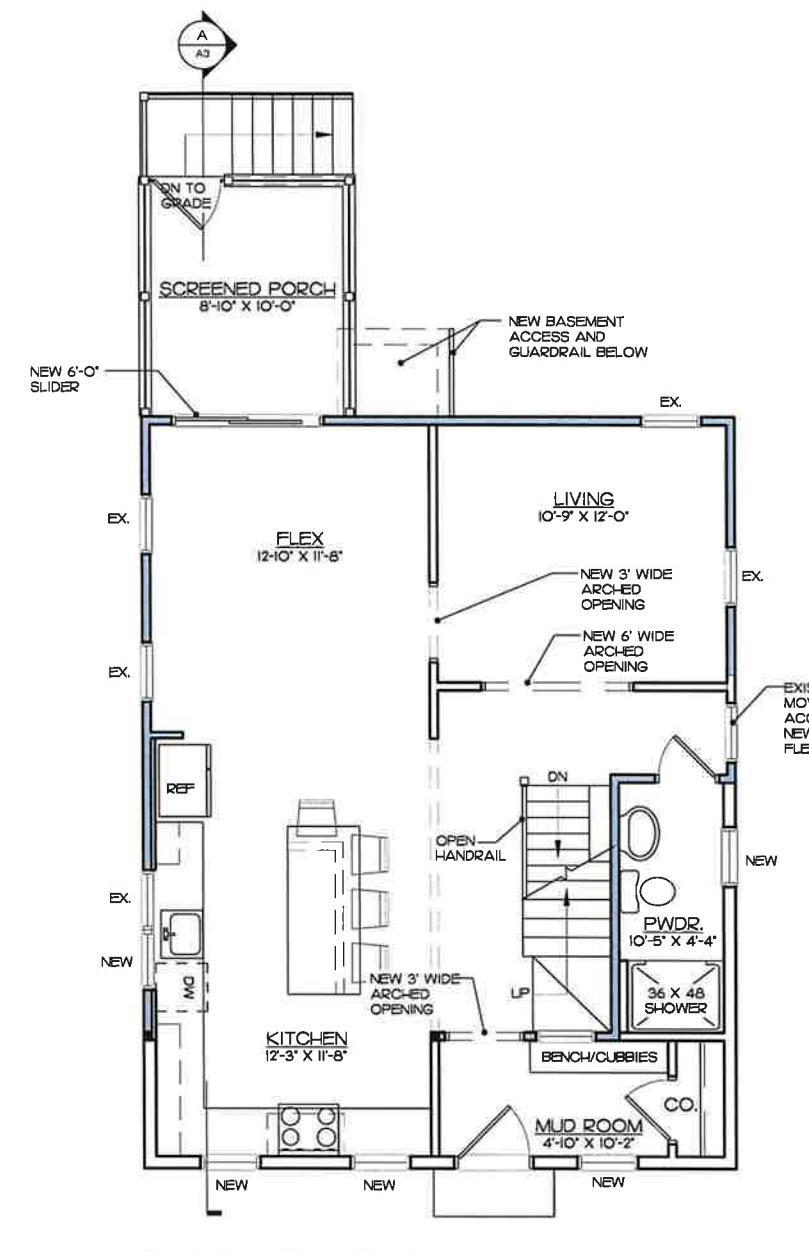
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rev 2		
rev 3		
rev 4		
JOB NO:		24057



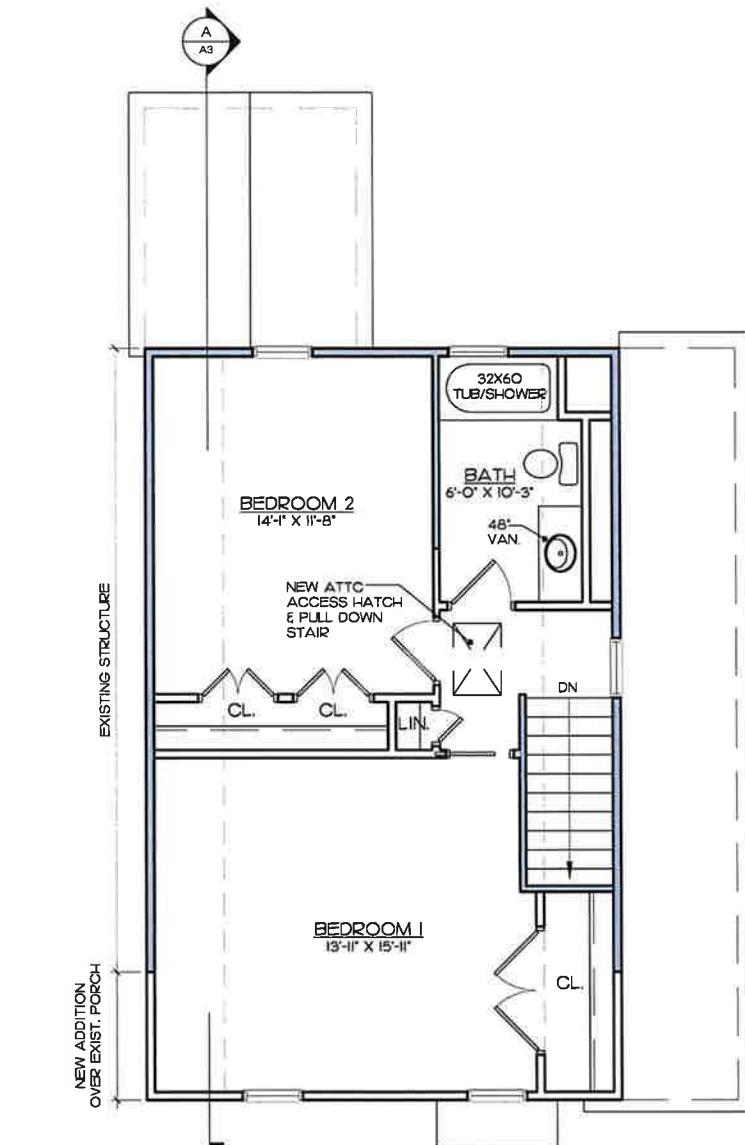
0 Proposed Basement Plan

Scale: 1/8" = 1'-0"



1 Proposed First Floor Plan

Scale: 1/8" = 1'-0"



2 Proposed Second Floor Plan

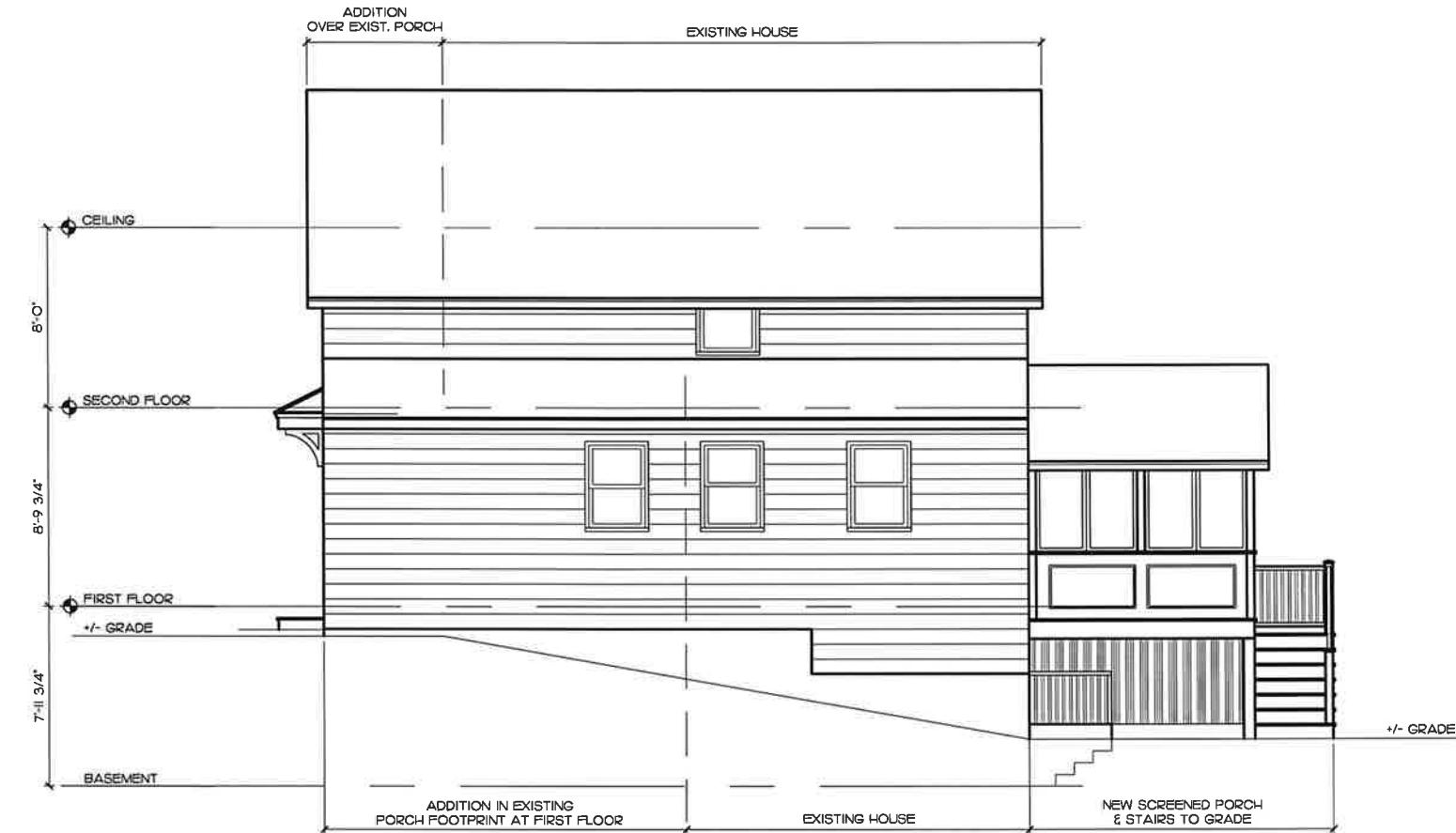
Scale: 1/8" = 1'-0"

Rohr-Solomon Residence  
20 Walcott St.  
Maynard, MA  
Scale: As Noted



1 Proposed Front Elevation

Scale: 1/8" = 1'-0"



2 Proposed Right Side Elevation

Scale: 1/8" = 1'-0"

Rohr-Solomon Residence  
20 Walcott St.  
Maynard, MA  
Scale: As Noted



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REVISED / REVISED BY	1-17-2025	6 of 8
rev 2		
rev 3		
rev 4		
JOB NO:	24057	



3 Proposed Rear Elevation  
Scale: 1/8" = 1'-0"



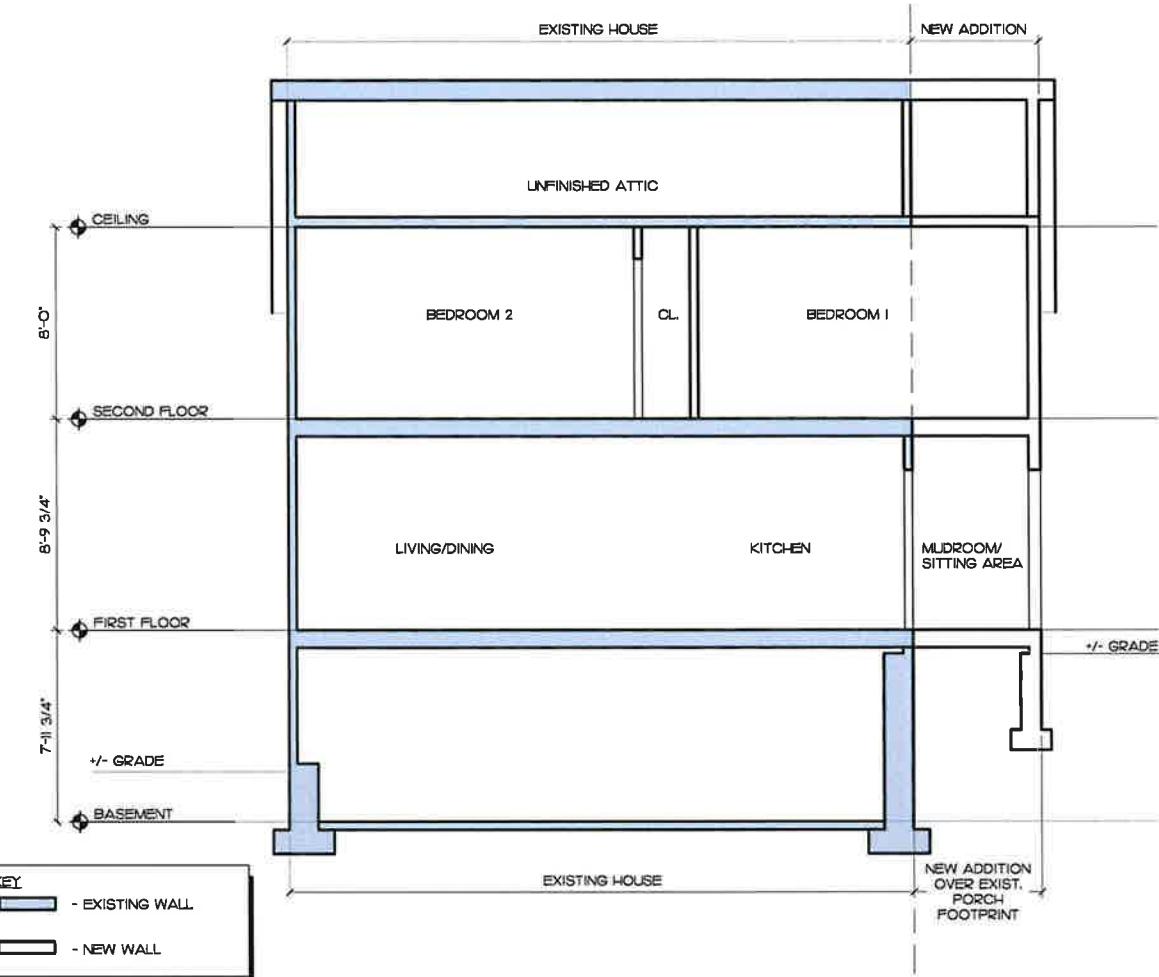
4 Proposed Left Side Elevation  
Scale: 1/8" = 1'-0"

Rohr-Solomon Residence  
20 Walcott St.  
Maynard, MA  
Scale: As Noted



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rev 3	
rev 4	



**A** Schematic Building Section

Scale: 1/8" = 1'-0"

**Rohr-Solomon Residence**  
20 Walcott St.  
Maynard, MA  
Scale: As Noted

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Tel: (781) 439-6166 • Fax: (781) 439-6170 • [www.osullivanarchitects.com](http://www.osullivanarchitects.com)  
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ISSUED 12-18-2024	SHEET NUMBER 8 of 8
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rev 2	
rev 3	
rev 4	
JOB NO: 24057	



**TOWN OF MAYNARD**  
**Zoning Board of Appeals: Staff Report**  
195 Main Street · Maynard, MA 01754  
Tel: 978-897-1302 · [www.townofmaynard-ma.gov](http://www.townofmaynard-ma.gov)

## **I. Project Information**

<b>Application #</b>	ZBA2501
<b>Project Location</b>	20 Walcott Street
<b>Property Owner</b>	James Rohr & Rebecca Solomon
<b>Applicant</b>	James Rohr & Rebecca Solomon
<b>Type of Request</b>	Special Permit
<b>Zoning</b>	GR
<b>Date App. Received</b>	January 27, 2025

## **II. Project Description**

The subject property, 20 Walcott Street, Maynard, MA, 01754 is a pre-existing nonconforming single-family dwelling on a nonconforming lot (due to insufficient frontage, lot area, lot width, front setback, and side setbacks) located in the General Residence (GR) district.

The applicants seek Special Permit approval to construct additions to the front and side of the property which would extend the existing nonconforming northerly front setback (25 feet required, +/- 10 feet provided), and easterly front setback (25 feet required, +/- 13.3 feet provided). The proposed plan also includes demolition of the existing detached garage, which would result in the elimination of the south side setback nonconformity (15 feet required, 1.7 feet provided (accessory structure), 21.6 feet proposed) and bring that side of the property into compliance with setback regulations.

## **III. Procedural History**

1. Pursuant to Massachusetts General Law Chapter 40A, Section 10, an application for a Special Permit from the Maynard Zoning By-laws was submitted by the above-referenced owner and filed with the Zoning Board of Appeals (ZBA) on January 27, 2025.
2. The Special Permit application was accompanied by a plan and survey.
3. A public hearing on the Special Permit application was scheduled for February 27, 2025. The Legal Notice was placed in a paper of local circulation and sent via certified mail to interested parties on Feb. 13, 2025 and Feb. 20, 2025.
4. The application documentation and other submitted material were reviewed by Town Staff.

## **IV. Regulatory Framework**

### **a. State Statute**

M.G.L. Chapter 40A, implemented locally by Section 10.4.2 of the Maynard Protective Zoning By-Law (ZBL), states that to grant a Special Permit, the Board must make a finding that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in the ZBL, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal.
2. Traffic flow and safety, including parking and loading.
3. Adequacy of utilities and other public services.

4. Neighborhood character and social structures.
5. Impacts on the natural environment.
6. Potential fiscal impact, including impact on town services, tax base, and employment.

### **b. Recent Court Interpretations and Rulings**

This application is for a Special Permit (as opposed to a Variance). Town Counsel in coordination with the Building Commissioner, has advised that in situations where an existing non-conformity is extended or increased by a proposal, a Special Permit is the appropriate mechanism for approvals. Applications proposing the creation of an entirely new non-conformity shall continue to utilize the Variance process for approval requests. The proposed improvements fall within this category.

## **V. Staff Analysis**

### **a. Dimensional Requirements and Proposed Conditions**

If granted, the applicant's request would allow renovations to the property that would extend the existing nonconformities as follows (**highlighted**):

Table 1. Dimensional Requirement and Proposed Conditions

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>Min. Lot Area</b>	7,000 sqft.	+/- 3,929 sqft	<i>Unchanged</i>
<b>Max. Building Coverage</b>	40%	25.2%	21.8%
<b>Setback Side West</b>	15 feet	13.6 feet	<i>Unchanged</i>
<b>Setback Side South</b>	15 feet	1.7 feet (accessory structure)	21.6 feet
<b>Setback Front (Walcott St.)</b>	25 feet	13.4 feet	<i>Unchanged</i>
<b>Setback Front (Lewis St.)</b>	25 feet	10 feet	<i>Unchanged</i>
<b>Setback Rear</b>	25 feet	n/a (corner lot)	<i>n/a</i>

### **b. Internal Review**

Building Commissioner	<i>No objection</i>
Conservation Agent	<i>No comment.</i>
Health Director	<i>No comment.</i>
Town Engineer	<i>No comment.</i>
Police	<i>No comment.</i>
Fire	<i>No comment.</i>

## **VI. Action Required**

1. If the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of each of the following:

- a. Social, economic, or community needs.
- b. Traffic/parking.
- c. Adequacy of public services.
- d. Neighborhood character.
- e. Impacts on the environment.
- f. Fiscal impact.

*Describe how each criterion is considered*

2. Identification of any project site-specific conditions of approval(s) deemed appropriate to address as a condition of approval by the board. These may include but are not limited to:
  - Renewal times
  - Hours
  - Traffic
  - Noise
  - Lighting
  - Screening
  - Aesthetics
  - Odors/fumes
  - Signage
  - Activity specifically prohibited
3. Board Vote:
  - a. finding that the above-referenced criteria has been met by the ZBA's determination as described.
  - b. granting a Special Permit for constructing additions to the front and side of the property which would extend the existing nonconforming northerly front setback (25 feet required, +/- 10 feet provided), and easterly front setback (25 feet required, +/- 13.3 feet provided).

## **VII. General Conditions**

### **a. Recording of Decision and Approved Plans:**

The Applicant shall file this decision with the Middlesex South District Registry of Deeds (or Land Court if registered land) and a copy of the decision stamped with the recording information (Book/Page or Land Court document number) shall be provided to the Building Department.

### **b. Appeals**

Appeals shall be made within twenty (20) days after the date of filing this decision in the Office of the Town Clerk directly to a court of competent jurisdiction in accordance with the provisions of M.G.L., Chapter 40A, Section 17.