



Town of Maynard Zoning Board of Appeals

Wednesday, May 21, 2025 at 7PM

Paul Scheiner, Chair

Posted by: Zoe Piel, Assistant Planner

This Agenda is subject to change.

This meeting will be conducted remotely via Zoom video.

Participate using a computer: [https://us02web.zoom.us/j/87931897725?
pwd=TjVVNVNnWEJmMmNEazVrY1FoZENvZz09](https://us02web.zoom.us/j/87931897725?pwd=TjVVNVNnWEJmMmNEazVrY1FoZENvZz09)

Participate via telephone: +1-646 -558-8656

Meeting ID: 879 3189 7725 Passcode: 515693

Questions may be emailed to: OMS@townofmaynard.net

1. Minutes

Feb. 27 2025 minutes for Board approval.

Documents:

[ZBA MINUTES 2.27.2025 \(UNAPPROVED\).DOCX](#)

2. Public Hearing: 25 Garfield Ave.

Pursuant to Massachusetts General Laws, Chapter 40A s.5, the Maynard Zoning Board of Appeals will hold a remote public hearing on ZOOM video, to hear all persons interested in the application filed by owners Tete and Elizabeth Cobblah, 25 Garfield Ave., Maynard, MA 01754.

The subject property, 25 Garfield Ave., is a pre-existing nonconforming single-family dwelling, due to insufficient front setback (25 feet required, 13.9 feet provided). The home is located on a nonconforming lot in the S-1 Single Family zoning district. The nonconformity is due to insufficient lot size (10,000 s.f. required, 8,000 s.f. provided) and insufficient frontage (100ft required, 80ft provided). The applicants are requesting a Variance granting relief from Section 4 of the Zoning By-laws, to construct an addition to the property that would extend the existing nonconforming front setback and create a new nonconformity by exceeding building coverage limits (15%/1,200 sf. allowable, 21.3%/1,703 sf. proposed).

Documents:

[ZBA2503 - 25 GARFIELD AVE APPLICATION STAMPED.PDF](#)
[ZBA2503 - 25 GARFIELD AVE. STAFF REPORT.PDF](#)

Conduct at this meeting is governed by the Town of Maynard Policy on [Public Participation at Meetings of Public Bodies](#).

Maynard Zoning Board of Appeals (ZBA) Meeting and Public Hearing
February 27, 2025 – 7:00 p.m.
(Held remotely via Zoom)

ZBA Board Members Present: Paul Scheiner – Chair; Leslie Bryant; Jerry Culbert; John Courville; Brad Schultz (Alternate); James Rohr and Rebecca Solomon; Peter Hunt

Others Present: Bill Nemser – Planning Director

Called to Order at 7:05 p.m. by Chair Scheiner. The board members introduced themselves.

1. Meeting Minutes of November 25, 2024

Chair Scheiner made one correction to a Board member's name.

Ms. Bryant made a motion to accept the minutes of the August 26, 2024 meeting of the Zoning Board of Appeals as amended. Mr. Culbert seconded the motion.

The Board voted unanimously by roll call to accept the minutes.

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.

The couple has lived in Maynard for 22 years and raised their children here. Last April they had an electrical fire in the basement, which caused extensive smoke damage and requires renovations to the house. They would like to convert a screened in porch to a four-season space; add a screened-in deck on the rear of house and take down the existing garage. They have been working with their architects and town officials to ensure their project is compliant with local bylaws.

Mr. Nemser clarified that the property is non-conforming because of the size of the lot. The existing garage is too close to the side property line, so it will be taken down. All proposed changes will lessen the non-conformity or remain the same. The percentage of lot coverage will decrease as well.

Chair Scheiner opened the meeting to public comment. Peter Hunt, the petitioners' neighbors at 18 Walcott St., spoke in support of the applicants. The proposed changes are in keeping with the neighborhood character and what other residents have already done.

Laurel Buckley of 22 Walcott St. also spoke in support of the application and the changes they propose.

Chair Scheiner closed the public comment period. The Board deliberated using the special permit criteria. Ms. Bryant requested that any new outdoor lighting be Dark Sky compliant. The Board members praised the applications for bringing the property into compliance. The renovations will be fiscally beneficial for the applicants and the town and will improve the neighborhood character.

Ms. Bryant made a motion to grant the special permit to create an extension to the existing non-conforming structure at 20 Walcott St., having found there are no adverse effects that outweigh the benefits to the town. We require that any additional lighting be Dark Sky compliant. Mr. Culbert seconded the motion.

The Board voted unanimously by roll call to approve the motion.

ZBA Updates And Housekeeping

a. Need for Vice Chair and two new members.

Paige Czepiga has left the Board. Mr. Schultz is interested in being a full member. The Board is seeking two alternates and a Vice Chair. Mr. Culbert volunteered for the position of Vice Chair.

Mr. Schultz seconded the motion to nominate Mr. Culbert for the position of Vice Chair.

The Board voted unanimously by hand to adopt the motion.

b. ZBA Rules and Regulations.

The Rules and Regulations will codify the processes of the ZBA and clarify some of the procedural elements. It will aid in describing requirements such as the Dark Sky guidelines. Chair Scheiner and Mr. Nemser are working on a draft and will share it with the Board.

c. Residential Zoning Group update.

Mr. Schultz gave a brief update on the work he has been doing with the town maps. The data will be integrated into the GIS system.

Mr. Culbert made a motion to close the meeting, which Ms. Bryant seconded.

The Board voted unanimously by hand to close the meeting.

The meeting was closed at 8:27 p.m.

Application Fees (Not Including Advertising and Mailing Costs):

- Special Permit: \$250
- Variance: \$250 *paid check #0981*
- Appeal of Building Commissioners Decision: \$250
- Special Permit Renewal: \$150



Clerk Stamp:

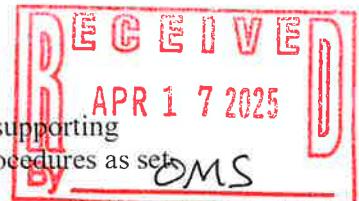
TOWN OF MAYNARD

APR 17 2025

**TOWN CLERK'S OFFICE
MAYNARD, MA 01754**

ZONING BOARD OF APPEALS
APPLICATION NUMBER: ZBA2503
PETITION FOR HEARING

This Petition must be completed, signed, and submitted with the filing fee and supporting documentation by the Petitioner or his representative in accordance with the procedures as set forth on the attachments to this petition.



Address of Property 25 Garfield Ave

Characteristics of Property: Lot Area 8015 sf Present Use SF

Assessor's Map # 15 Parcel # 109 Zoning District CR S-1

Name of Petitioner Tete + Elizabeth Cobblah Phone #

Mailing Address 25 Garfield Ave Maynard MA 01754

E-mail Address ecobblah@gmail.com gebourque@gebourque.com

Name of Owner _____ Phone # 978-505-7620
(If not Petitioner)

Mailing Address _____

Petition is for An appeal from the decision of the Building Commissioner

(Check One) A Variance

A Special Permit

Other (Please Specify) _____

Applicable Section of the Zoning By-Laws: _____

Summarize nature and justification of petition (*Please attach full explanation*):

I hereby request a hearing before the Zoning Board of Appeals with reference to the above Petition.

Signature of Petitioner (or representative) g'hiliw

Address (if not Petitioner) _____

Telephone Number 978-505-7620

Signature of Owner, if other than Petitioner _____

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.

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.

April 15, 2025

Dear members of the Zoning Board of Appeals,

We are writing to seek your permission to expand our current place of dwelling at 25 Garfield Avenue. We are two retired 70-year-old educators and have lived at this address for the past 37 years.

Our colonial house, which is about 134 years old, does not have a bedroom on the first floor. Anticipating mobility issues as we age, it has become necessary for us to create a bedroom, bathroom and workspace on the ground level.

It has come to our notice that we need your permission to proceed with this project. We hope that our application will be considered, and the building permit granted. Thank you for the good work you continue to do for Maynard.

Sincerely,

Tete Cobblah

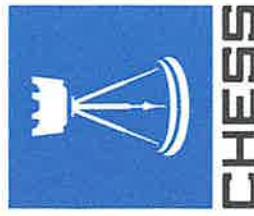


Elizabeth Cobblah





LOCUS



CHESS

ENGINEERING

126 John Street, Suite 11
Lowell, MA 01852
Phone (617) 982-3250
www.chessengineeringinc.com

Certified Plot Plan

Prepared For
Tete Cobblah

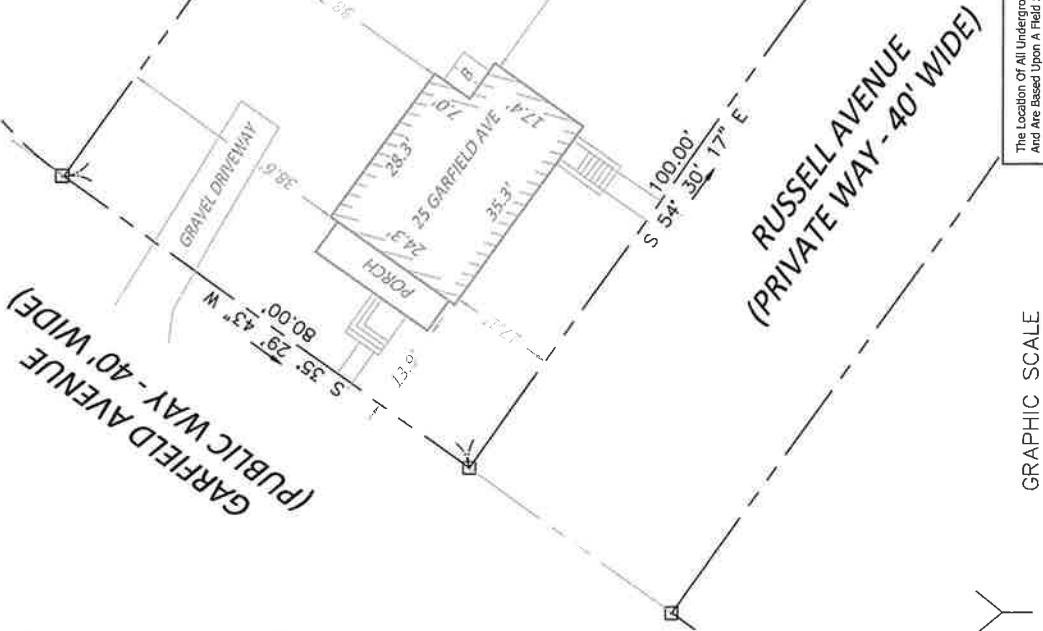
25 Garfield Avenue
Maynard, MA 01754
(Middlesex County)

No.	Revision	Drawn by	Approved by
	1-20	Paul Campbell, PLS #52781	Paul Campbell, PLS #52781
		Date	Date

1 Date March 19, 2005
2 Date March 19, 2005

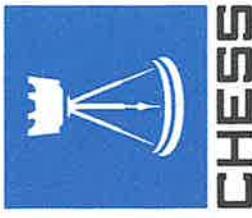
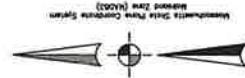
Notes:

- The Data Accumulation And Boundary Survey Depicted Hereon Were Obtained By A Field Survey Using Conventional Survey Methods On March 12, 2005 By CHESS Engineering, LLC. All Features And Objects Shown Are Existing As Of The Date Of The Survey Unless Otherwise Depicted As Proposed.
- The Purpose Of This Plan Is For Obtaining Local Approval For The Existing Or Proposed Use Depicted On This Plan Only. This Plan, In Conjunction With A Record Plan Provided To The Client, Was Prepared In Accordance With The Procedural And Technical Standards For The Practice Of Land Surveying In The Commonwealth Of Massachusetts.
- This Plan Does Not Show Any Unrecorded Or Unwritten Easements Which May Or May Not Exist.
- Right-of-Way Said To Be Public According To Town Clerk Or Their Designee. No Research For Local Acceptance Has Been Conducted.
- This Plan Shall Not Be Used For Construction, Construction Layout Of Buildings, Location Of Site Improvements And Boundary Location Shall Be Performed By A Professional Land Surveyor. Location Of Features Or Boundaries Derived By Scaling This Plan May Not Be Accurate.
- This Plan: A) Shall Not Be Recorded, B) Does Not Imply Or Otherwise Certify Any Form Of Ownership, And C) Shall Not Be Used To Determine The Location Of Any Features (Fences, Driveways, etc) Relative To Any Feature Or Boundary Unless Explicitly Dimensioned By CHESS Engineering On This Plan.
- Scale of Drawing (" = 20') Intended For A 11" x 17" Print Only.





Locus



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Land Surveyors • Civil Engineers • Geotechnical Engineers

Planning • Construction • Maintenance • Inspection

www.chessengineering.com

Phone: (617) 982-3250

126 John Street, Suite 11

Lowell, MA 01852

Augustus P. Updike Cobbish, Trustees

Of The Cobbish Realty Trustee

25 Garfield Avenue

Maynard, MA 01754

Deed Book 80215, Page 385

PLID: Map 15 Parcel 109

Plan: Book 40 Page 40 (Lots 221 & 222)

Area Measured: 8,000 S.F.

Date: March 19, 2015

Scale: 1" = 20'

Prepared For

Tete Cobbish

Certified Plot Plan - Proposed

Notes:

- The Data Accumulation And Boundary Survey Depicted Hereon Were Obtained By A Field Survey Using Conventional Survey Methods On March 12, 2025 By Chess Engineering, LLC. All Features And Objects Shown Are Existing As Of The Date Of The Survey Unless Otherwise Depicted As Proposed.
- The Purpose Of This Plan Is For Obtaining Local Approval For The Existing Or Proposed Use Depicted On This Plan Only. This Plan, In Conjunction With A Record Plan Provided To The Client, Was Prepared In Accordance With The Procedural And Technical Standards For The Practice Of Land Surveying In The Commonwealth Of Massachusetts.
- This Plan Does Not Show Any Unrecorded Or Unwritten Easements Which May Or May Not Exist.
- Right-Of-Way Said To Be Public According To Town Clerk Or Their Designee. No Research For Local Acceptance Has Been Conducted.
- This Plan Shall Not Be Used For Construction, Construction Layout Of Buildings, Location Of Site Improvements, And Boundary Location Shall Be Performed By A Professional Land Surveyor. Location Of Features Or Boundaries Derived By Scaling This Plan May Not Be Accurate.
- This Plan: A) Shall Not Be Recorded, B) Does Not Imply Or Otherwise Certify Any Features (Fences, Driveways, etc) Relative To Any Feature Or Boundary Unless Explicitly Dimensioned By CHESS Engineering On This Plan.
- Scale of Drawing (1" = 20') Intended For A 11"x17" Print Only.

ZONING CHART

ZONE DISTRICT: SINGLE RESIDENCE DISTRICT 1 (S-1)	
PROPOSED USE: SINGLE FAMILY DWELLING - BUILDING ADDITION ALLOWED (Y/N/SP): VARIANCE BY 724(a)	REQUIRED PROPOSED
MIN. LOT SIZE	10,000 S.F.
MIN. LOT FRONTAGE	100 FT
MIN. LOT WIDTH	80 FT
MIN. FRONTAGE SETBACK	25 FT
MIN. SIDE YARD SETBACK	15 FT
MIN. REAR YARD SETBACK	30 FT
MAX. BUILDING COVERAGE	15 %
MAX. IMPERVIOUS	60 %
MAX. BUILDING HEIGHT	35 FT
NOTES:	
1. EXISTING BUILDING GROSS FLOOR AREA = 3083 SF PER ASSESSOR RECORDS, INCREASE 764.9 SF = 24.8% ALLOWED	
2. ALLOWED BY BUILDING COMMISSIONER PER §5.1.5	
3. ALLOWED BY BUILDING COMMISSIONER PER §5.1.5.1	
4. ALLOWED BY BUILDING COMMISSIONER PER §5.1.5.2	
5. VARIANCE REQUIRED BY ZBA PER §5.1.4	

I Declare That This Survey And Plan Were Prepared In Accordance With The Procedural And Technical Standards For The Practice Of Land Surveying In The Commonwealth Of Massachusetts.

DRAFT COPY
FOR CLIENT REVIEW ONLY

Paul Campbell, PLS #52781 PE #49236 Date

Drawing name: C:\Users\Paul\CHESS Engineering Dropbox\Projects\0434 - 25 Garfield Ave Maynard MA\dwg\0434.spc.rev00.dwg
Apr 15, 2025 11:46am

The Location Of All Underground Utilities Shown Are Approximate And Are Based Upon A Field Survey And Compilation Of Plans Of Record. Chess Engineering, LLC Does Not Warrant The Location Of All Utilities Depicted. Only Record Information Provided By The Respective Utility Owner And Independently Verified By Chess Engineering, LLC Is Shown Hereon. The Contractor, Engineer Or Architect Prior To Commencement Of Construction Or Design, Shall Verify The Location Of All Utilities And Contact Dig Safe At 1-888-344-7233.

Owner Of Record:

Augustus Tete Cobbish & Elizabeth P. Updike Cobbish, Trustees Of The Cobbish Realty Trustee 25 Garfield Avenue Maynard, MA 01754 Deed Book 80215, Page 385 PLID: Map 15 Parcel 109 Plan: Book 40 Page 40 (Lots 221 & 222)

25 Garfield Avenue

Maynard, MA 01754
(Middlesex County)

Plot Plan	Revision	Date	Drawn By	Checked By	Approved By
1	1-20'	Date: March 19, 2015			

GRAPHIC SCALE



(in feet)

Tete & Elizabeth

Table B. Dimensional Requirements

Item	S-1
Minimum Lot Requirements	
Area (square feet)	10,000 ¹
Frontage (feet)	100
Width (feet)	80
Minimum Yard Requirements	
Front (feet)	25
Rear (feet)	30 ²
Side (feet)	15
Maximum Coverage	
By Building (%)	15
By Impervious Surface (%)	60
Maximum Building Height (feet)	35
Minimum % of Lot Area	
Landscape Open	0
Located in front yard	0



80% = min width

160' 9/16"

— 6°-4' 43/64"

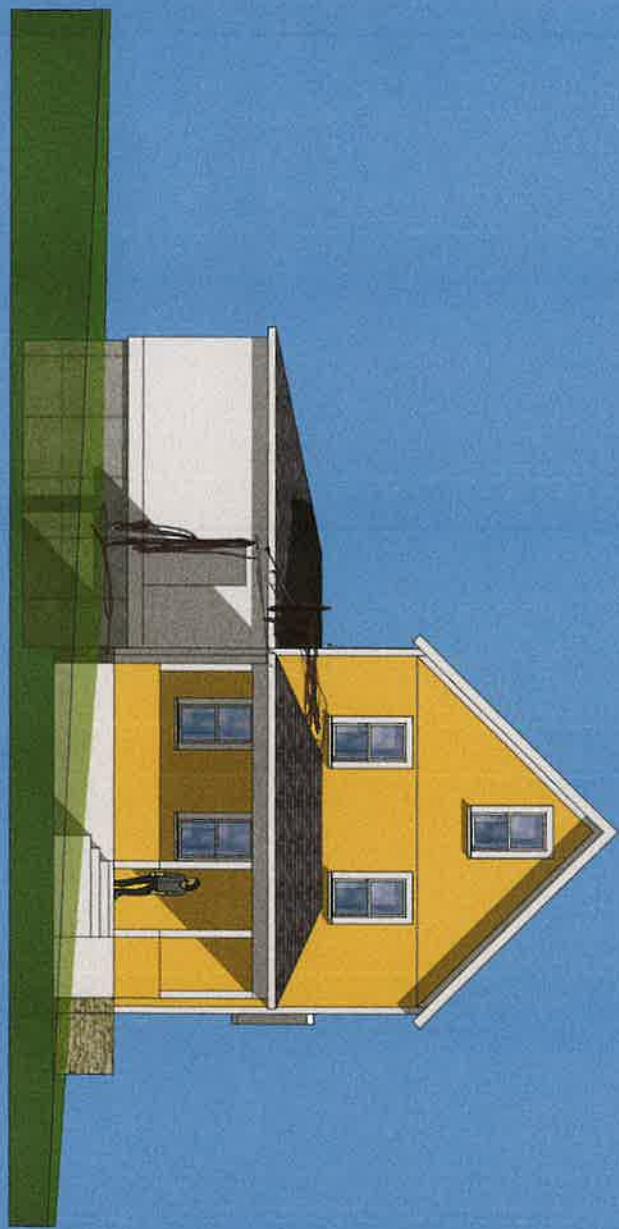
11'-11/32"

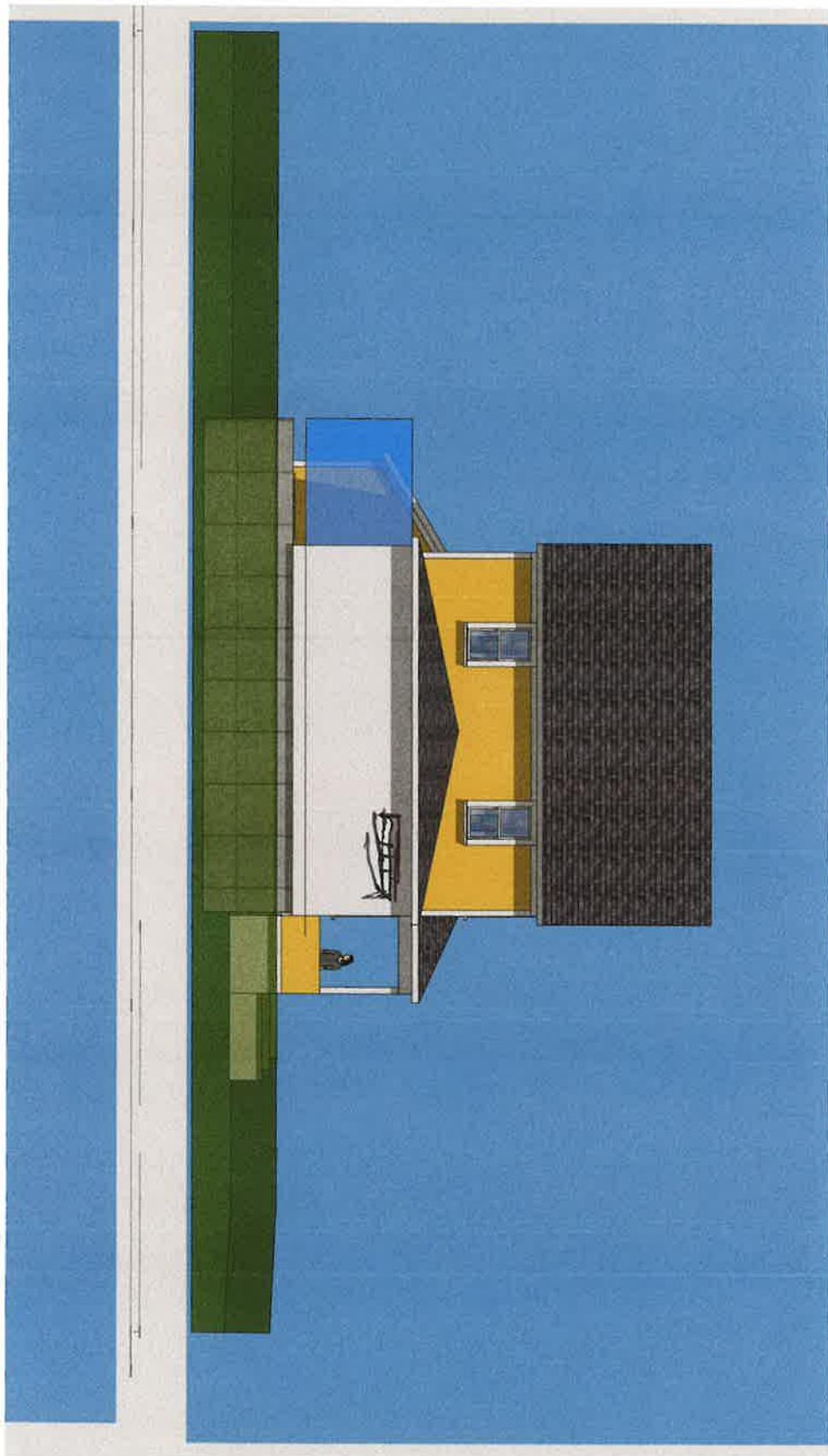
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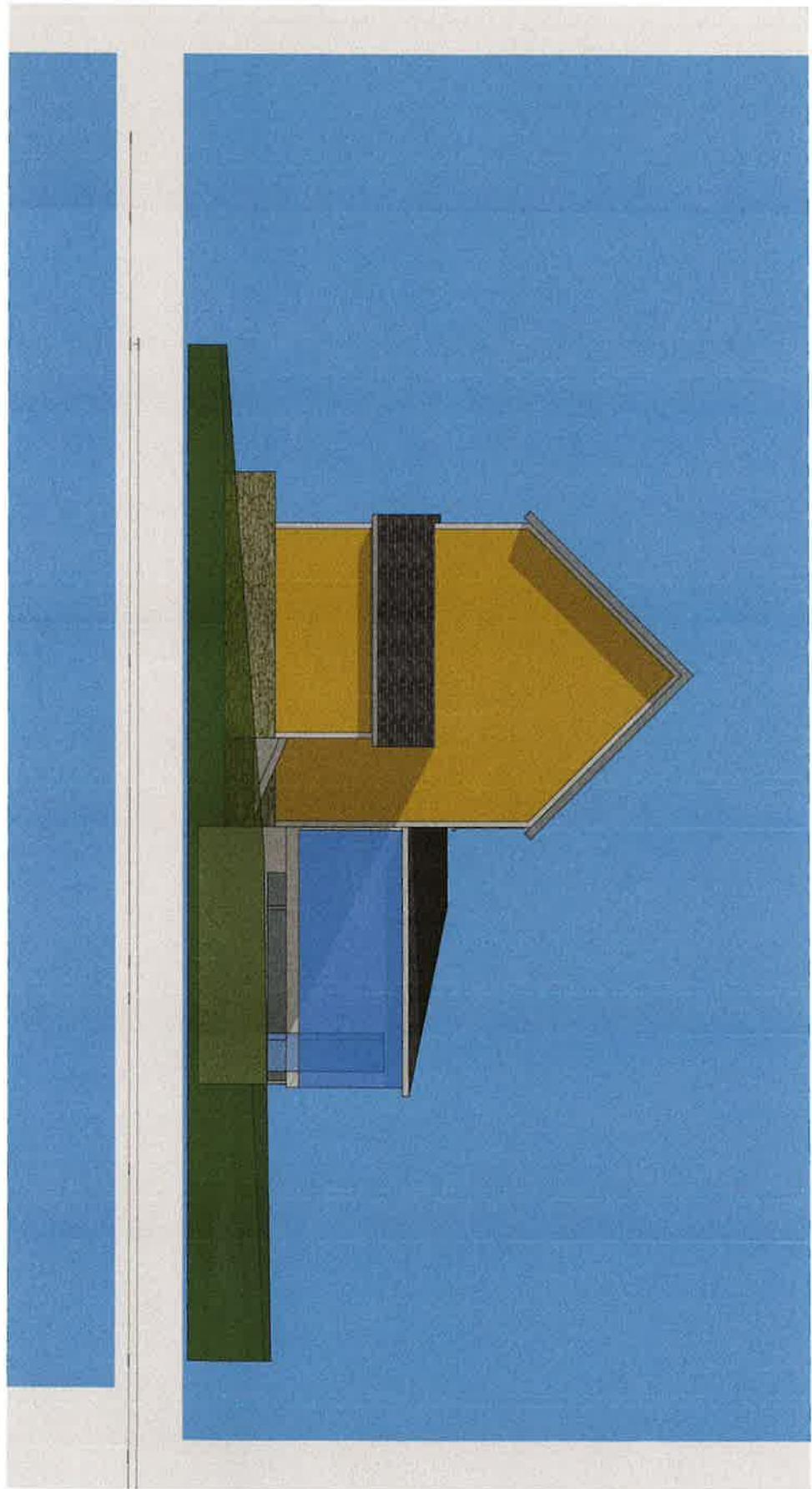
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264-97/54*









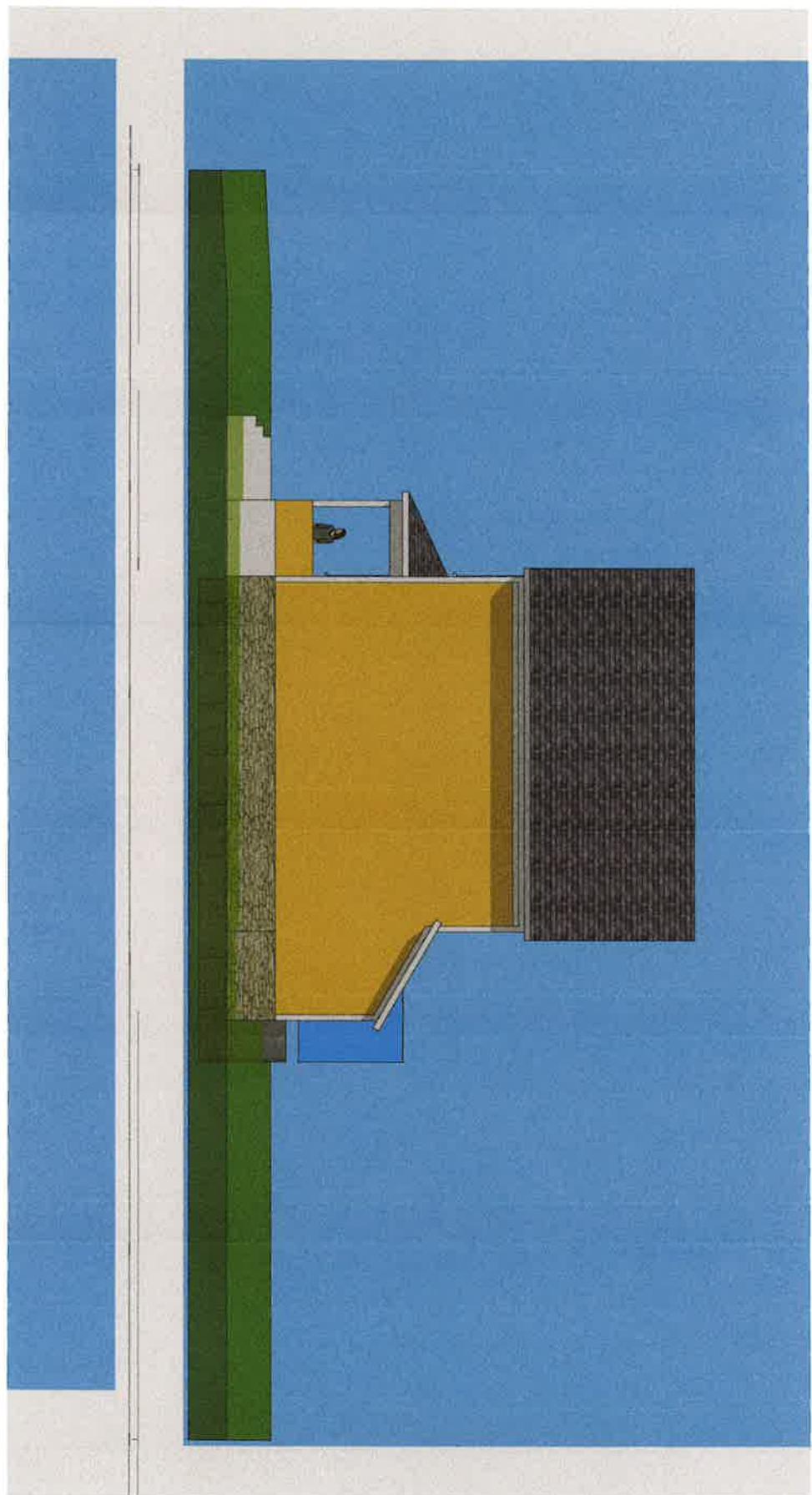


Table B. Dimensional Requirements

Item	S-1
Minimum Lot Requirements	
Area (square feet)	10,000 ¹
Frontage (feet)	100
Width (feet)	80
Minimum Yard Requirements	
Front (feet)	25
Rear (feet)	30 ²
Side (feet)	15
Maximum Coverage	
By Building (%)	15
By Impervious Surface (%)	60
Maximum Building Height (feet)	35
Minimum % of Lot Area	
Landscape Open	0
Located in front yard	0









BOARD OF ASSESSORS

195 MAIN STREET
MAYNARD, MA 01754
978-897-1304

TO: Permit Granting Authority
FROM: Board of Assessors
RE: Parties in Interest to:
015-0000-0109.0

ADDRESS: 25 Garfield Ave, Maynard

USE of LIST: Special Permit

DATE: FEBRUARY 21, 2025

We hereby certify that the attached list, taken from our Real Estate Property Lists, includes the names and addresses of all parties in interest under Massachusetts General Laws Chapter 40A, Section 11, as amended in 1979, to the best of our knowledge and belief.

Joseph Tompkins
S. D.
B. Schmitz

Board of Assessors



25 Garfield Ave - 15/109 - SP

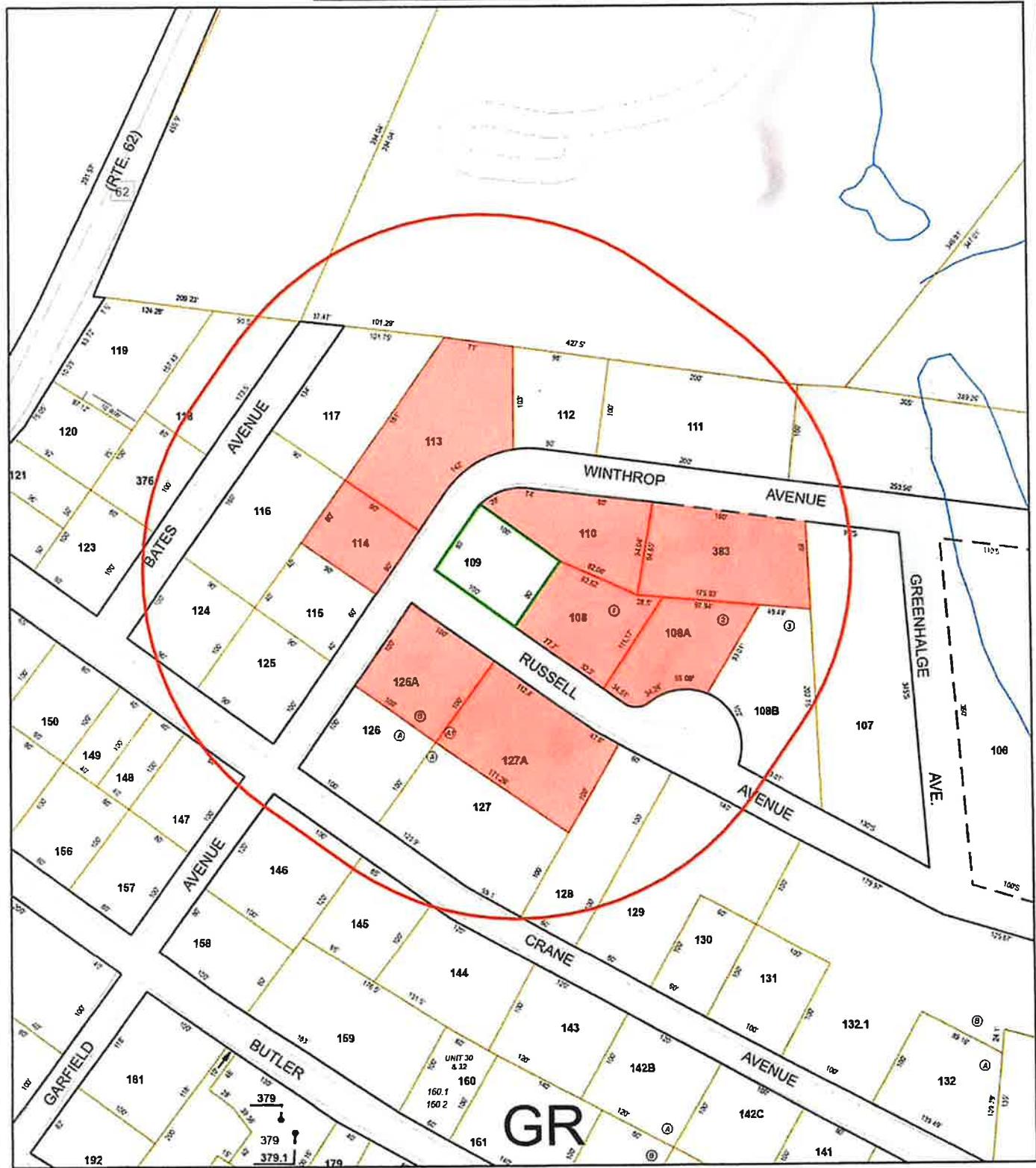
Town of Maynard, MA

CAI Technologies
Precision Mapping Geospatial Solutions

www.cai-tech.com

February 21, 2025

0 140 280 420



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



SPECIAL PERMIT Abutters List Report

Maynard, MA
February 21, 2025

Subject Property:

Parcel Number: 015.0-0000-0109.0
CAMA Number: 015.0-0000-0109.0
Property Address: 25 GARFIELD AV

Mailing Address: COBBLAH RLTY TR COBBLAH
AUGUSTUS T & ELIZABETH
25 GARFIELD AV
MAYNARD, MA 01754

Abutters:

Parcel Number: 015.0-0000-0108.0
CAMA Number: 015.0-0000-0108.0
Property Address: 2 RUSSELL AV

Mailing Address: KAHN MATTHEW A
6 DEMERS DR
MARLBOROUGH, MA 01752

Parcel Number: 015.0-0000-0108.A
CAMA Number: 015.0-0000-0108.A
Property Address: 4 RUSSELL AV

Mailing Address: LECLAIR STEPHEN G & DOUGHTY
ALISON L
4 RUSSELL AV
MAYNARD, MA 01754

Parcel Number: 015.0-0000-0110.0
CAMA Number: 015.0-0000-0110.0
Property Address: 3 WINTHROP AV

Mailing Address: ROCHE NEIL
143 MEADOW LN
BOXBOROUGH, MA 01719

Parcel Number: 015.0-0000-0113.0
CAMA Number: 015.0-0000-0113.0
Property Address: 22 GARFIELD AV

Mailing Address: PESSOA RALPH M S & AMELIA K M
22 GARFIELD AV
MAYNARD, MA 01754

Parcel Number: 015.0-0000-0114.0
CAMA Number: 015.0-0000-0114.0
Property Address: 20 GARFIELD AV

Mailing Address: CAIN SHARON L
20 GARFIELD AV
MAYNARD, MA 01754

Parcel Number: 015.0-0000-0126.A
CAMA Number: 015.0-0000-0126.A
Property Address: 1 RUSSELL AV

Mailing Address: VANA EVAN K & ANDREA P
1 RUSSELL AV
MAYNARD, MA 01754

Parcel Number: 015.0-0000-0127.A
CAMA Number: 015.0-0000-0127.A
Property Address: 3 RUSSELL AV

Mailing Address: BUI PHUOC DUC
3 RUSSELL AV
MAYNARD, MA 01754

Parcel Number: 015.0-0000-0383.0
CAMA Number: 015.0-0000-0383.0
Property Address: 5 WINTHROP AV

Mailing Address: BRENNAN INVESTMENT TR JOHN E &
MARY P BRENNAN
5 WINTHROP AV
MAYNARD, MA 01754



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2/21/2025

Page 1 of 1

BRENNAN INVESTMENT TR
JOHN E & MARY P BRENNAN
5 WINTHROP AV
MAYNARD, MA 01754

BUI PHUOC DUC
3 RUSSELL AV
MAYNARD, MA 01754

CAIN SHARON L
20 GARFIELD AV
MAYNARD, MA 01754

KAHN MATTHEW A
6 DEMERS DR
MARLBOROUGH, MA 01752

LECLAIR STEPHEN G &
DOUGHTY ALISON L
4 RUSSELL AV
MAYNARD, MA 01754

PESSOA RALPH M S & AMELIA
22 GARFIELD AV
MAYNARD, MA 01754

ROCHE NEIL
143 MEADOW LN
BOXBOROUGH, MA 01719

VANA EVAN K & ANDREA P
1 RUSSELL AV
MAYNARD, MA 01754



ASSESSING DEPARTMENT

195 MAIN STREET
MAYNARD, MA 01754
978-897-1304

RECEIVED
FEB 20 2025
TOWN OF MAYNARD
ASSESSOR'S OFFICE

ABUTTER'S LIST REQUEST

PROPERTY ADDRESS: 25 Garfield Ave
PARCEL ID: 15 1109

Please Indicate USE OF LIST:

PLANNING BOARD ZONING BOARD OF APPEALS
 CONSERVATION LIQUOR LICENSE
 SPECIAL PERMIT OTHER – Please describe:

Requested by:

Richard Bourque

Phone # 508-328-4323

Email: 6ebourque@6ebourque.com

GE BOURQUE

Signature

Date

2/20/25

LIST WILL BE COMPLETED IN UP TO 10 DAYS FROM REQUEST.
FEE: \$25 Cash or Check Payable to the Town of Maynard

*2-20-25
PAID CH# 8898
BOURQUE AND SONS
425*

Owner Name	Co_Owner Name	Owner Address	Owner City	Owner State	Owner Zip
BRENNAN INVESTMENT TR	JOHN E & MARY P BRENNAN	5 WINTHROP AV	MAYNARD	MA	01754
BUI PHUOC DUC		3 RUSSELL AV	MAYNARD	MA	01754
CAIN SHARON L		20 GARFIELD AV	MAYNARD	MA	01754
KAHN MATTHEW A		6 DEMERS DR	MARLBOROUGH	MA	01752
		H			
LECLAIR STEPHEN G &	DOUGHTY ALISON L	4 RUSSELL AV	MAYNARD	MA	01754
PESSOA RALPH M S & AMELIA K		22 GARFIELD AV	MAYNARD	MA	01754
M					
ROCHE NEIL		143 MEADOW LN	BOXBOROUGH	MA	01719
		H			
VANA EVAN K & ANDREA P		1 RUSSELL AV	MAYNARD	MA	01754



TOWN OF MAYNARD

Zoning Board of Appeals: Staff Report

195 Main Street · Maynard, MA 01754
Tel: 978-897-1302 · www.townofmaynard-ma.gov

I. Project Information

Application #	ZBA2503
Project Location	25 Garfield Ave.
Property Owner	Tete & Elizabeth Cobblah, 25 Garfield Ave., Maynard MA 01754
Applicant	same
Type of Request	Variance
Zoning	S-1
Date App. Received	4/17/25

II. Project Description

The subject property is a pre-existing nonconforming single-family dwelling, due to insufficient front setback (25 feet required, 13.9 feet provided).

The home is located on a nonconforming lot in the S-1 Single Family zoning district. The nonconformity is due to insufficient lot size (10,000 s.f. required, 8,000 s.f. provided) and insufficient frontage (100ft required, 80ft provided).

The petitioner is requesting a Variance granting relief from Section 4 of the Zoning By-laws, to construct an addition to the property that would extend the existing nonconforming front setback and create a new nonconformity by exceeding building coverage limits (15%/1,200 sf. allowable, 21.3%/1,703 sf. proposed).

III. Procedural History

1. Pursuant to Massachusetts General Law Chapter 40A, Section 10, an application for a Variance from the Maynard Zoning By-laws was submitted by the above-referenced owner and filed with the Zoning Board of Appeals (ZBA) on April 17, 2025.
2. The Variance application was accompanied by a plan and survey.
3. A public hearing on the Variance application was scheduled for May 21, 2025. The Legal Notice was placed in a paper of local circulation on May 7 and May 14, and sent via certified mail to interested parties on May 2.
4. The application documentation and other submitted material were reviewed by Town Staff.

IV. Regulatory Framework

a. State Statute

The criterion to grant a Variance is defined by MGL Ch. 40A Sec 10. To grant a Variance, the Board must determine each of the following conditions exist:

1. The permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially

affecting such land or structures but not affecting generally the zoning district in which it is located.

2. That a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant (note: a hardship is not of a personal nature but is connected to the subject property).
3. That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

Exhibit "B" of this Staff Report contains the petitioner's Justification Statement detailing how they believe the request meets the Variance criteria.

V. Staff Analysis

a. Dimensional Requirements and Proposed Conditions

If granted, the petitioner's request would allow construction of an addition to the property that would reduce, although not eliminate, the existing nonconforming front setback; and would create a new nonconformity by exceeding building coverage limits.

Table 1. Dimensional Requirement and Proposed Conditions (nonconformities in red)

	Required	Existing	Proposed
Min. Lot Area	10,000 sf.	8,000 sf.	unchanged
Min. Lot Frontage	100 feet	80 feet	unchanged
Max. Building Coverage	15%	10% (809 sf.)	21% (1,703 sf.)
Setback Side Right (E)	15 feet	39 feet	19 feet
Setback Side Left (W)	15 feet	17 feet	unchanged
Setback Front	25 feet	13.9 feet	20 feet
Setback Rear	30 feet	40 feet	unchanged

b. Internal Review

Building Commissioner	<i>No comment.</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. Board determination if the request meets the criteria for a Variance as contained in Section IV of this report. If the Board does determine that the criteria are met, it should describe how each condition is met.
2. Board Vote:
 - a. Determining if the above-referenced criteria have been met by the petitioner's applications as described.
 - b. Granting a Variance.

VII. General Conditions

a. Recording of Decision and Approved Plans:

The petitioner 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.

Exhibit A: Locus Map

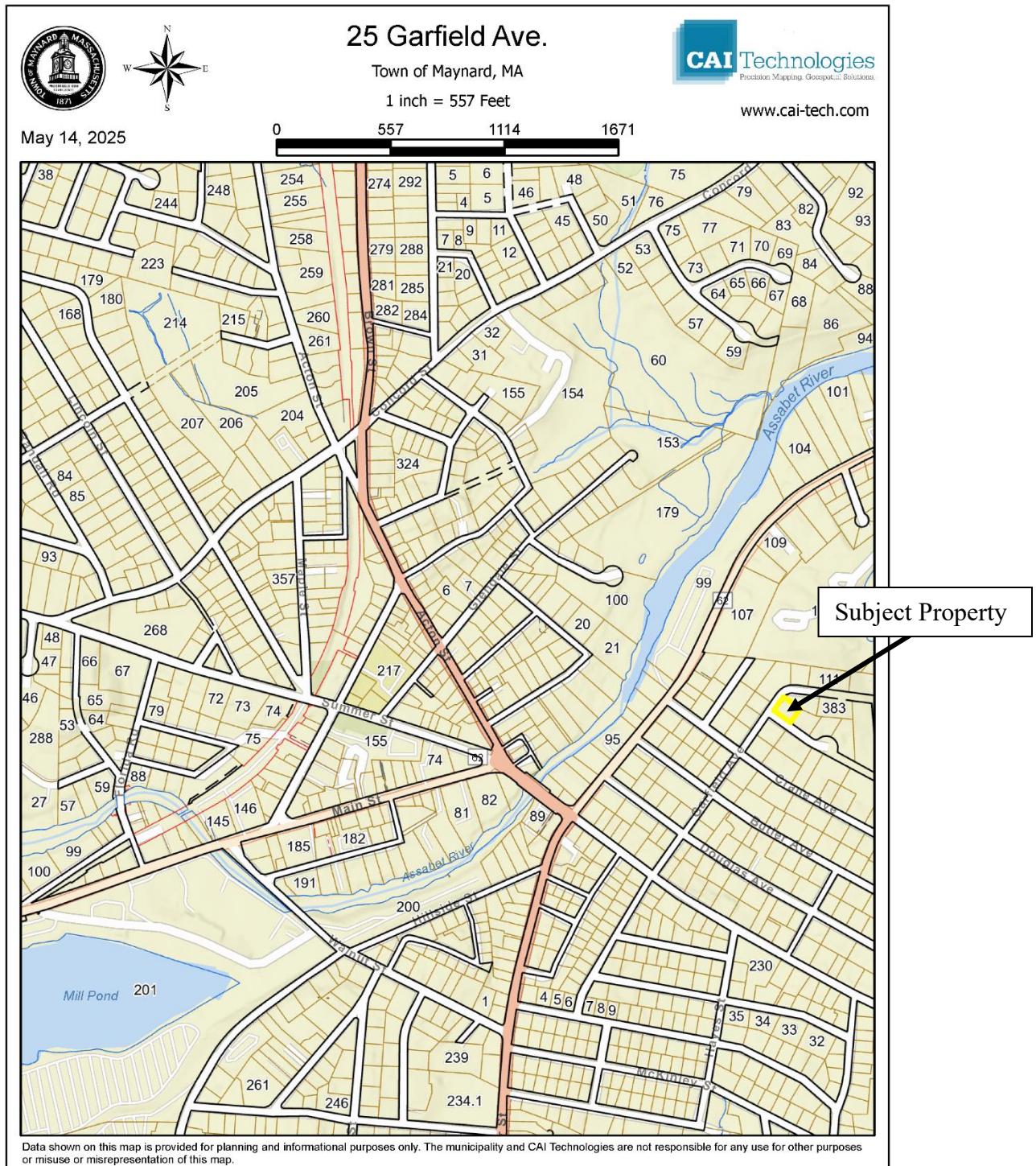


Exhibit B: Justification Statement

April 15, 2025

Dear members of the Zoning Board of Appeals,

We are writing to seek your permission to expand our current place of dwelling at 25 Garfield Avenue. We are two retired 70-year-old educators and have lived at this address for the past 37 years.

Our colonial house, which is about 134 years old, does not have a bedroom on the first floor. Anticipating mobility issues as we age, it has become necessary for us to create a bedroom, bathroom and workspace on the ground level.

It has come to our notice that we need your permission to proceed with this project. We hope that our application will be considered, and the building permit granted. Thank you for the good work you continue to do for Maynard.

Sincerely,

Tete Cobblah



Elizabeth Cobblah

