



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 #	ZBA2506
Project Location	5 Grant Street, Maynard, MA 01754
Property Owner	Eliza Jane M. Bemis, 5 Grant Street, Maynard, MA 01754
Applicant	Same as owner
Type of Request	Special Permit
Zoning	GR
Date App. Received	Nov. 21, 2025

II. Project Description

The subject property, 5 Grant Street, is a pre-existing nonconforming single-family dwelling on a nonconforming lot in the General Residence (GR) zoning district. The structure is nonconforming due to insufficient front setback (25 feet required, 13.9 feet provided); and left side setback (15 feet required, 11.6 feet provided). The lot is also nonconforming due to insufficient frontage (75 feet required, 55 feet provided); lot width (70 feet required, 55 feet provided); and lot area (7,000 square feet required, 4,675 square feet provided).

Petitioners request Special Permit approval under Section 4.1 of the Zoning By-Laws to construct a deck that would extend but not exacerbate the pre-existing nonconforming left side setback (15 feet required, 11.5 feet provided).

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 .
2. The Special Permit application was accompanied by a plan and survey.
3. A public hearing on the Special Permit application was scheduled for December 22, 2025. The Legal Notice was placed in a paper of local circulation and sent via certified mail to interested parties on December 8 and December 15, 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 (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.

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 front setback nonconformity:

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

	Required	Existing	Proposed
Min. Lot Area	7,000 sqft.	4,675 sf.	<i>No change</i>
Max. Building Coverage	40%	+/-15%	+/-21%
Setback Side Right (E)	15 feet	17.7ft	15.6ft
Setback Side Left (W)	15 feet	11.6ft	11.5ft
Setback Front	25 feet	13.9ft	<i>No change</i>
Setback Rear	15 feet	45ft	29 feet

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. 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
 - Aesthetics
 - Odors/fumes
 - Signage
 - Activity specifically prohibited
- Screening
- 3. Board Vote:
 - a. finding that the above-referenced criteria has been met by the ZBA's determination as described.
 - c. granting a Special Permit for the construction of a deck which would extend but not exacerbate the existing nonconforming west side setback.

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.