



TOWN OF MAYNARD

Zoning Board of Appeals: Staff Report

195 Main Street · Maynard, MA 01754
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I. Project Information

Application #	ZBA2502
Project Location	30-32 Walnut Street
Property Owner	Daniel & Denise Cormier, 30-32 Walnut Street, Maynard
Petitioner	Daniel Cormier
Type of Request	Special Permit
Zoning	GR
Date App. Received	April 14, 2025

II. Project Description

Per Sections 3.1.2 and 8.3 of the Maynard Protective Zoning By-Laws (ZBL), the petitioner seeks Special Permit approval to operate an Accessory Home-Based Business (Type-B) at 30-32 Walnut Street, a two-family dwelling located in the General Residential (GR) zoning district, and to allow overnight outdoor parking of two additional commercial vehicles associated with this business on the property.

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 homeowner and filed with the Zoning Board of Appeals (ZBA) on April 14, 2025.
2. The Special Permit application was accompanied by a plot plan (Exhibit “A”).
3. A public hearing on the Special Permit 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, 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 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. Maynard Protective Zoning By-Law

At the 2023 Annual Town Meeting, changes were approved to the ZBL reforming the regulation of home-based business activities. Section 8.3, “Accessory Home-Based Business Activities,”

...establishes two categories of Accessory Home-Based Business Activities – “Type A”, which is allowed as of right (no Special Permit required to conduct the activity) and “Type B” which may be allowed by a discretionary Special Permit issued by a Special Permit Granting Authority (SPGA). Where a Special Permit is granted, the SPGA may include in the Special Permit any conditions or limitations deemed necessary to mitigate potential negative impacts on abutting properties and the residential character of the neighborhood.

...

1. Type-A Accessory Home-Based Business Activities generally take place with little or no evidence that a property is used in any way other than a dwelling. They must be in compliance with Sections 8.3.3 and 8.3.4 and shall be allowed as of right and do not require a Special Permit
2. Type-B Accessory Home-Based Business Activities generally take place with significant evidence that a business or professional activity is occurring. They may be allowed by Special Permit from the Special Permit Granting Authority, per Sections 8.3.3, 8.3.5 and 8.3.6 and Section 10.4.

Due to the need for equipment storage, temporary structures, and commercial vehicle parking on the property—which constitute significant evidence that a business is occurring—the petitioner is seeking Special Permit approval for a **Type-B** Accessory Home-Based Business Activity (AHBBA).

Per Section 8.3, **all AHBBA**s must meet the following requirements:

1. The business owner must reside on the property.
2. The AHBBA is clearly incidental and secondary to the use of the premises for dwelling purposes.
3. There shall be no change in the outside appearance of the premises, including buildings and grounds, that is not in keeping with the residential character and appearance of the neighborhood.
4. No equipment or process shall be used in an AHBBA that creates noise, vibration, glares, fumes, electrical interference, or odors detrimental to the safety, peace, comfort, or general welfare of the persons residing in the neighborhood.
5. The AHBBA shall not generate, use, or store hazardous materials or waste in quantities greater than associated with normal household use, other than as approved by the Fire Chief.
6. Vehicles, Parking and Traffic
 - a. Off-street parking spaces shall be provided for all the AHBBA’s commercial vehicles and trailers, and all the AHBBA’s non-resident employee vehicles. None of these vehicles or trailers shall be parked on the street.
 - b. Any parking area shall retain the character of the residential neighborhood.
 - c. The AHBBA and any related activity shall not create any traffic hazards or nuisances in public rights-of-way.
 - d. Motor vehicles used in conjunction with the AHBBA and stored overnight on the property must be owned or leased by the operator of the business, with the vehicle’s principal place of garaging recorded as the property address.
 - e. Motor vehicles or construction equipment used in conjunction with the AHBBA that are equipped with back-up alarms, shall not be operated on the property. The pedestrian alert sounds required by the National Highway Traffic Safety Administration for hybrid and electric vehicles are excluded from this prohibition.
 - f. Light maintenance and preventive maintenance of the AHBBA’s business vehicles and business equipment, only as defined in 8.3.7, is allowed outdoors. No other repair or maintenance of the AHBBA’s business vehicles, construction equipment or landscape equipment is allowed unless done indoors without outward visual or audible evidence of the activity.

7. More than one AHBBA may be conducted on a premises however, the combined business-related impact of all AHBBA's shall be considered when evaluating the terms of Section 8.3.

Per Section 8.3.6, in order to approve a Special Permit for a Type-B AHBBA, the SPGA must also find that, where applicable, the potentially detrimental impacts of items a-n (below) on abutting properties and the residential character of the neighborhood would be mitigated:

- a. The area of building space exclusively or regularly used by the AHBBA is more than 25% of the gross floor area of the dwelling.
- b. Use of an accessory building by the AHBBA.
- c. One (1) or more non-resident employees working at the premises at any one time.
- d. A non-resident employee working on site other than on weekdays between the hours of 9:00 a.m. and 5:00 p.m.
- e. Customers, clients, patients, students, or other patrons of the AHBBA on the premises other than on weekdays between the hours of 9:00 a.m. and 5:00 p.m.
- f. More than two (2) business-related vehicle visits per any day or more than 10 visits per any week, other than business-related vehicle trips by residents of the dwelling and trips by delivery vehicles.
- g. More than two (2) customers, clients, patients, or other patrons of the AHBBA on the premises at any given time or, for instructional activities, more than four (4) students at a time.
- h. Use of more than a total of one (1) on-street parking space by customers, clients, patients, students, or other patrons of the AHBBA.
- i. The delivery or distribution of products or materials related to the AHBBA by other than a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
- j. More than one (1) commercial motor vehicle and one (1) trailer used principally for the business parked outside overnight on the property.
- k. Heavy construction equipment on the property.
- l. Noise, vibration, glares, fumes, or odors discernable beyond the property line.
- m. The outdoor storage of equipment, material or goods, other than commercial vehicles.
- n. Business activities that take place outdoors on the property.

V. Staff Analysis

a. Potential Impacts and Considerations

The petitioner's justification statement outlines the following potential impacts of items a-n above (**Staff comment in bold**):

b. Use of an accessory building by the AHBBA.

Petitioner uses an 8x20' temporary shelter to cover equipment, and intends to move this shelter to within setback requirements.

j. More than one (1) commercial motor vehicle and one (1) trailer used principally for the business parked outside overnight on the property.

Petitioner uses three vehicles for business which are parked overnight on the property: a 1997 Ford dumper truck, a 2016 Ford van, and a Japanese miniature truck (*kei* truck).

m. The outdoor storage of equipment, material or goods, other than commercial vehicles.

Petitioner is requesting permission to store a 25-gallon power sprayer outdoors on the property.

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 by the ZBA

- a. As detailed in Section IV a of this report, the ZBA must determine if the adverse effects of the proposed use will or 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.
 1. 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
 - Activity specifically prohibited
 - Screening
 - Aesthetics
 - Odors/fumes
 - Signage
 2. Board Vote:
 - a. Finding that the above-referenced criteria have been met by the ZBA's determination as described.
 - b. Granting a Special Permit for an Accessory Home-Based Business (Type-B).

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.