



**TOWN OF MAYNARD**  
**Zoning Board of Appeals**  
**Office of Municipal Services**

195 Main Street  
Maynard, MA 01754  
Tel 978-897-1302

[OMS@TownofMaynard.net](mailto:OMS@TownofMaynard.net) [www.townofmaynard-ma.gov](http://www.townofmaynard-ma.gov)

RECEIVED  
2022 APR -1 PM 10: 57  
MAYNARD TOWN CLERK

---

**Findings and Decision**

---

**Project Name:** 27 Concord Street, Maynard, MA 01754  
**Petition No:** ZB 22-02  
**Petition Type:** Special Permit Request  
**Property Owner/Applicant:** Cristian Garcia  
27 Concord Street Maynard, MA 01754  
**Description of Request:** Special Permit "Trade Shop" use - (General Contracting)  
**Project Location:** 27 Concord Street  
**Map & Lot #** Map 9, Lot 367  
**Current Zoning:** General Residential (GR)  
**Lot Size:** 9,240 sq. ft.<sup>2</sup>  
**Application Date:** February 7, 2022

**Description of Request:** Consistent with Section 3.2.5 of the Zoning By-laws (ZBL), the petitioner is requesting a Special Permit to allow a Trade Shop (General Contracting) accessory to the residential use at 27 Concord Street within the GR Zoning District.

**I. Procedural History**

- a. Pursuant to Massachusetts General Law Chapter 40A, Section 10, an Application for a Special Permit (Exhibit A) per the ZBL was submitted by the above-referenced owner and filed with the Zoning Board of Appeals (ZBA) on February 7, 2022.
- b. A public hearing on the Special Permit Application was held on March 28, 2022. Notice of the public hearing was published in the Beacon-Villager on March 10, 2022, and March 17, 2022, and sent to parties in interest, as required by statute, by certified mail, return receipt requested, according to the Assessors' Certified Abutters List.
- c. The application documentation and other submitted material were reviewed by Town Staff. There were no staff objections to the application.
- d. At the public hearing, there were no public comments in opposition to the Application. Eric and Michelle Rappaport of 29 Concord Street expressed concerns regarding impacts but did not offer an objection. Paul Scheiner of 38 Concord Street and Bill Cranshaw of 20 Mockingbird Lane both expressed concerns verbally in addition to submitting written comments. Royce Fuller of 16 Maple Street spoke in support of the application.

I  
ZBA Decision: 03.28.22  
Project Name: 27 Concord Street  
Project Number: ZBA 22-02  
Version: 3.0

## II. Regulatory Criteria

Section 3.2 of the Zoning By-laws (ZBL) regulates "Accessory Uses" and Section 3.2.5 allows a "Trade Shop" use for a craftsman who lives and maintains a home or building on the premises may use said home or building thereon in connection with their trade by annual Special Permit from the Board of Appeals.

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:

- a. Social, economic, or community needs which are served by the proposal.
- b. Traffic flow and safety, including parking and loading.
- c. Adequacy of utilities and other public services.
- d. Neighborhood character and social structures.
- e. Impacts on the natural environment.
- f. Potential fiscal impact, including impact on town services, tax base, and employment.

## III. Vote of the Board and Decision

The ZBA deliberated and determined that the request meets the criteria as detailed above in Section II. Specifically, the ZBA determined:

- a. That the petitioner's request for a Special Permit for a Trade Shop is consistent with Section 3.2.5 of the ZBL.
- b. That the proposed use is consistent with the Special Permit criteria listed in Section II of this Decision.

A motion was made by Leslie Bryant and seconded by Peter Winnett that the petitioner's request for a Special Permit for a Trade Shop is consistent with Sections 3.2.5 and 10.4.2 of the ZBL which is also contained in Section III of the Staff Report.

The Board voted as follows ("Y" to approve):

Page Czepiga (Chair)	Y
John Courville	Y
Leslie Bryant	Y
Peter Winnett	Y
Brad Schultz	Y

A motion was made by Leslie Bryant and seconded by Peter Winnett to grant a Special Permit from the Zoning By-laws allowing a Trade Shop for general contracting at 27 Concord Street. The approval is subject to the following Conditions of Approval:



- a. No business-related noise disturbances between hours of 7pm-9am including those made by backup alarms on commercial vehicles.
- b. A maximum of 1(one) commercial vehicle of 25,000 gross vehicle weight (g.v.w.) or less is permitted to be outdoors overnight on the subject property.
- c. All business-related and/or employee parking shall be in the driveway of the subject property. No on-street parking of business-related and/or employee parking vehicles is permitted.
- d. No construction-related materials or debris shall be stored on site.
- e. No business-related combustible materials shall be stored on site.
- f. All business-related equipment shall be stored in an enclosed area and not visible from the street.
- g. Business-related vehicular traffic to the subject property shall not exceed two vehicles per hour.
- h. The applicant shall install 6 (six) foot privacy fencing that will provide visual screening from the adjacent property, on the northwest portion of the subject property.
- i. The applicant shall install and maintain smoke alarms in all buildings where there is business-related activity.
- j. This Special Permit must be renewed by the ZBA one (1) year from the effective date of this Special Permit. The renewal shall include review of any impacts including, but not limited to, these conditions of approval.

The Board voted as follows ("Y" to approve):

Page Czepiga (Chair)	Y
John Courville	Y
Leslie Bryant	Y
Peter Winnett	Y
Brad Schultz	Y

Page Czepiga  
 Page Czepiga, Vice-Chair  
 For the Zoning Board of Appeals

4-1-2022  
 Date

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Law, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Maynard Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

**\*\*NOT VALID UNTIL CERTIFIED BY THE TOWN CLERK OF MAYNARD\*\***

Attest: \_\_\_\_\_

Date: \_\_\_\_\_

Joanna Bilotta, Town Clerk

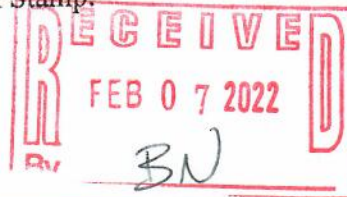
**Please note: this Decision must be recorded with the Registry of Deeds prior to applying for building permits.**

EXHIBIT "A"

**Application Fees (Not Including Advertising and Mailing Costs):**

- Special Permit: \$250
- Variance: \$250
- Appeal of Building Commissioners Decision: \$250
- Special Permit Renewal: \$150

Clerk Stamp:



**ZONING BOARD OF APPEALS**  
**APPLICATION NUMBER: \_\_\_\_\_**  
**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 27 Concord St. Maynard, MA 01754

Characteristics of Property: Lot Area 9,240 SF Present Use Residential

Assessor's Map # Attached Parcel # 367 Zoning District General Residence

Name of Petitioner Cristian Garcia Phone # 781-518-3456

Mailing Address 27 Concord St. Maynard, MA 01754

E-mail Address info@chroofingne.com

Name of Owner \_\_\_\_\_ Phone # \_\_\_\_\_

(If not Petitioner)

Mailing Address \_\_\_\_\_

Petition is for  
(Check One)

<input type="checkbox"/>	An Appeal from the Decision of the Building Commissioner
<input type="checkbox"/>	A Variance
<input checked="" type="checkbox"/>	A Special Permit <u>Trade shop</u>
<input type="checkbox"/>	Other (Please Specify) _____

Applicable Section of the Zoning By-Laws: 3.2.5

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

See attached paper

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

**Signature of Petitioner (or representative)** \_\_\_\_\_

Address (if not Petitioner) \_\_\_\_\_

Telephone Number \_\_\_\_\_

**Signature of Owner, if other than Petitioner** Cristian Garcia

EXHIBIT "A"



**EXHIBIT "A"**



To whom it may concern,

In accordance with the Town of Maynard By-Laws I am requesting a special permit for a tradeshop. At the moment I am running my office operations out of one of my garages. I have a small construction company. I understand that I have to renew this application every year. I just want to make sure I am following all by-laws. I also understand that I am allowed to park one business vehicle at my residence overnight.

I have been running my business from home for the past year or so. I am unaware of any negative issues resulting from my home business and have received positive neighborhood support.

My clientele is local and also from surrounding areas such as Acton, Marlborough, Hudson. I have no clients coming to my business at any time. I mainly go and visit appointments. There is also no heavy machinery or equipment stored at my home. All my operations are handled in the garage which is all paperwork and phone calls.

I appreciate in advance the attention you give to my special permit request and act favorably towards your decision.

Thank you,

Cristian Garcia  
781-518-3456

**EXHIBIT "A"**

# EXHIBIT "A"

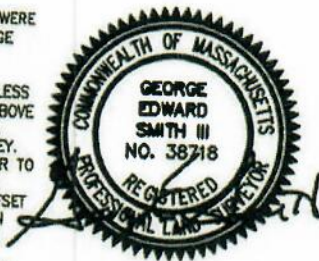
**NEW ENGLAND LAND SURVEY**  
**Professional Land Surveyors**  
 710 MAIN STREET  
 N.Oxford, MA 01537  
 PHONE: (508) 987-0025  
 FAX: (508) 438-6604  
 REGISTRY SOUTHERN MIDDLESEX

## MORTGAGE INSPECTION PLAN

NAME \_\_\_\_\_  
 LOCATION 27 CONCORD STREET  
 MAYNARD, MA  
 SCALE 1"=40' DATE 12/19/2018

18MIP17379

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING DWELLING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW). NOTE: NOT DEFINED ARE ABOVE GROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS, ETC. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VII, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.



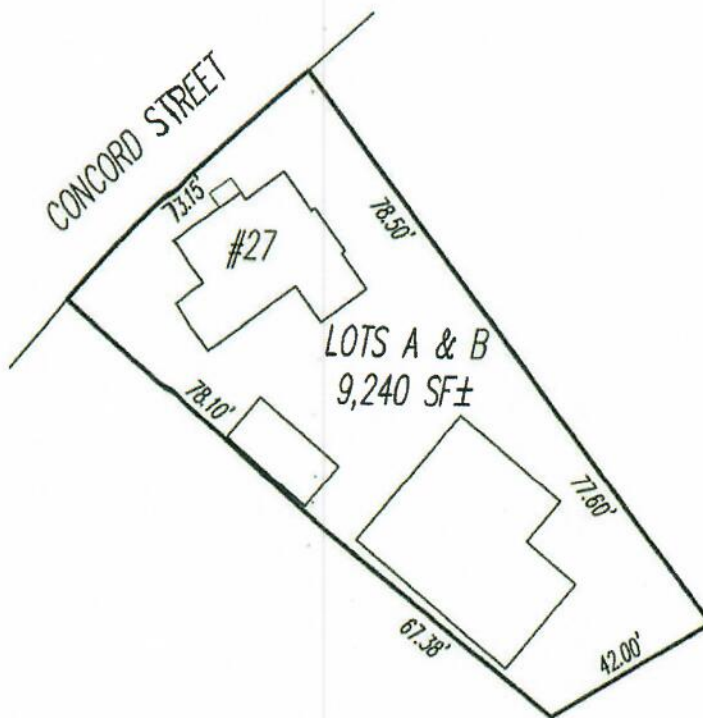
DEED REFERENCE: 69927/509

PLAN REFERENCE: 7449/502

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FIRM:

25017C0362F DTD: 07/07/2014

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY HUD AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.



REQUESTED BY: KSR LAW FIRM  
 DRAWN BY: JRM  
 CHECKED BY: GES  
 FILE: 18MIP17379



C.6

# EXHIBIT "A"