



**TOWN OF MAYNARD  
MASSACHUSETTS  
Office of the Town Clerk**

**PLANNING & ZONING BOARD  
CERTIFICATE OF NO APPEAL**

Petition No. **ZB 22-03**

Applicant: **Geologic Excavation LLC**

Mailing Address: **120 White Pond Road  
Stow, MA 01775**

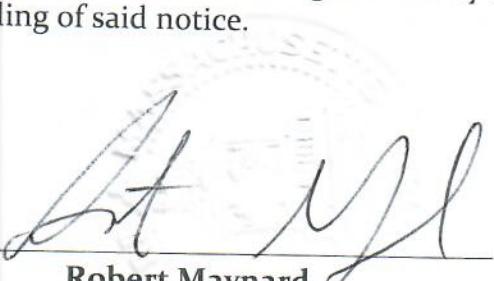
Property address: **65 Acton St  
Maynard, MA 01754**

Assessor's Map: **Map 9, Lot 264**

I, Robert Maynard, the Assistant Town Clerk of the Town of Maynard, Massachusetts hereby certify that the Decision of the **Maynard Planning & Zoning Board** for the **Petition # ZB22-03** outlined above has been received and recorded at this office on April 28, 2022, and no appeal was received and recorded at this office and no appeal was received during the twenty (20) days next after such receipt and recording of said notice.

Date: **May 18, 2022**

Attest:

  
**Robert Maynard  
Maynard Asst. Town Clerk**



**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 28 AM 10:04

MAYNARD TOWN CLERK

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**Findings and Decision**

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<b>Project Name:</b>	65 Acton Street
<b>Petition No:</b>	ZB 22-03
<b>Petition Type:</b>	Special Permit Request
<b>Application Date:</b>	March 2, 2022
<b>Property Owner:</b>	Landoil Realty Tr & John E Dunn PO BOX 239 Maynard, MA 01754
<b>Applicant:</b>	Geologic Excavation LLC 120 White Pond Road Stow, MA 01775
<b>Project Location:</b>	65 Acton Street, contained within the property listed as 63 Acton Street, Maynard MA 01754
<b>Map &amp; Lot #</b>	Map 9, Lot 264
<b>Current Zoning:</b>	Business District
<b>Lot Size:</b>	17018.9 ft. <sup>2</sup>

**Description of Request:** Special Permits to allow overnight outdoor parking of:

- a. Three commercial vehicles not to exceed 25,000 GVW.
- b. Three commercial vehicles in excess of 25,000 GVW.

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ZBA Decision: 04.26.22  
Project Name: 65 Acton Street  
Project Number: ZBA 22-03  
Version: Final

## **I. Procedural History**

- a. Pursuant to Massachusetts General Law Chapter 40A, Section 10, an Application for a Special Permit per the ZBL was submitted by the above-referenced owner and filed with the Zoning Board of Appeals (ZBA) on March 2, 2022.
- b. The application documentation and other submitted material were reviewed by Town Staff. There were no staff objections to the application.
- c. A public hearing on the Special Permit Application was held on April 25, 2022. Notice of the public hearing was published in the Beacon-Villager on April 7, 2022, and April 14, 2022, and sent to parties in interest, as required by statute, by certified mail, return receipt requested, according to the Assessors' Certified Abutters List.

## **II. Regulatory Criteria**

The Town's Zoning By-laws (ZBL) allow overnight outdoor parking of one commercial vehicle that does not exceed 25,000 GVW, by right.

In the Business District, Sections 3.1.2. Table A and 3.2.3 of the ZBL require a Special Permit for:

- a. overnight outdoor parking of more than one commercial vehicle not to exceed 25,000 GVW.
- b. overnight outdoor parking of one or more commercial vehicles in excess of 25,000 GVW.

The Applicant requested overnight outdoor parking of three (3) commercial vehicles not to exceed 25,000 GVW. Because the Applicant is entitled to one (1) commercial vehicle, this request requires a Special Permit authorizing overnight outdoor parking of two (2) additional vehicles not to exceed 25,000 GVW.

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. Potential fiscal impact, including impact on town services, tax base, and employment.

### **III. Vote of the Board and Decision**

The ZBA deliberated the petitioner's request for overnight outdoor parking of commercial vehicles per Section 3.2.3 of the ZBL (Outdoor Parking of Commercial Vehicles) and Section 10.4.2 of the ZBL (Special Permit Criteria).

A motion was made by Peter Winnett and seconded by Jerry Culbert to grant a Special Permit to allow overnight outdoor commercial vehicle parking at 65 Acton Street for:

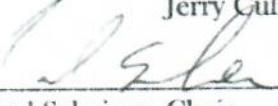
- a. two commercial vehicles not to exceed 25,000 GVW, in addition to the one vehicle allowed by the ZBL.
- b. three commercial vehicles in excess of 25,000 GVW.

subject to the following Conditions of Approval:

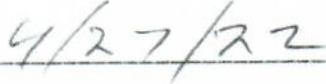
- a. The Special Permit is for Geologic Excavation LLC exclusively and does not transfer with the property.
- b. The Applicant shall register Geologic Excavation LLC in the Town of Maynard. Verification of registration shall be provided to the Office of Municipal Services within 60 days of the effective date of this Special Permit.
- c. The Applicant shall register all vehicles associated with this Special Permit in the Town of Maynard. Verification of registration shall be provided to the Office of Municipal Services no later than January 1st, 2023.
- d. The Applicant shall install seven (7) foot privacy fencing that will provide visual screening from the adjacent property (71 Acton Street, Unit A), on the north portion of the subject property. The fence shall be located on the applicant's property and shall extend from the terminus of the existing fencing to a minimum of 10 feet from the front property line (Acton Street).
- e. The Applicant shall install seven (7) foot privacy fencing that will provide visual screening for the subject property. The fence shall be set back a minimum of 10 feet from the front property line (Acton Street) and shall extend to the existing utility pole currently located long the Acton Street perimeter.
- f. The Applicant shall install seven (7) foot privacy fencing that will provide visual screening for the subject property from the rear of the subject property. The fence shall extend from the rear perimeter of the property along the Assabet River Rail Trail from the existing building on the subject property to the norther property line abutting 71 Acton Street
- g. No business-related noise disturbances between hours of 7pm-9am including those made by backup alarms on commercial vehicles.

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

Paul Scheiner (Chair)	Y
John Courville	Y
Leslie Bryant	Y
Peter Winnett	Y
Jerry Culbert	Y

  
\_\_\_\_\_  
Paul Scheiner, Chair  
For the Zoning Board of Appeals

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
4/27/22

**PLEASE NOTE: THIS DECISION MUST BE RECORDED WITH THE REGISTRY  
OF DEEDS PRIOR TO APPLYING FOR BUILDING PERMITS.**

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ZBA Decision: 04.26.22  
Project Name: 65 Acton Street  
Project Number: ZBA 22-03  
Version: 3.0