

RECEIVED

AUG 26 2022

Town Clerk's Office
Maynard, MA 01754



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

195 Main Street

Maynard, MA 01754

Tel 978-897-1302

OMS@TownofMaynard.net www.townofmaynard-ma.gov

Findings and Decision

Project Name: 6-8 Lewis St
Petition No: ZB 22-10
Petition Type: Special Permit Request
Property Owner/Applicant: Phil and Rachael Morris
Map & Lot #: 32 Wetherbee St Acton, MA 01720
Current Zoning: Map 10, Lot 156
Lot Size: Single Residence District 2 (S2)
Description of Request: 13, 677 Square Feet
Special Permit to rebuild a non-conforming structure
of approximately 2048 square feet.

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 July 25, 2022.
- b. A remote public hearing on the Application was opened and closed on August 22, 2022. Notice of the Public Hearing was published in the Boston Globe on August 8, 2022, and August 15, 2022, and sent to parties in interest, as required by statute, by certified mail, return receipt requested, according to the Assessor's 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.

II. Regulatory Framework

Section 5.1.3 of the Maynard Zoning Bylaws (ZBL) state the ZBA may award a Special Permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or

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ZBA Decision: 08.22.22
Project Name: 6-8 Lewis Street
Project Number: ZBA 22-10
Version: Final

change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

Section 5.1.5.3 of the ZBL states that the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a Special Permit from the ZBA.

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.

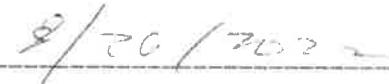
Leslie Bryant made a motion which was second by John Courville to approve the Application for a Special Permit to rebuild and extend a non-conforming structure of approximately 2048 square feet at 6-8 Lewis Street. The structure shall be consistent with the Special Permit application and plans submitted to the Town and date-stamped July 25th, 2022 (Exhibit "A").

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

Paul Scheiner	Y
Leslie Bryant	Y
Jerry Culbert	Y
Page Czepiga	Y
Brad Schultz	Y



Paul Scheiner, Chair
For the Zoning Board of Appeals



Date

NOT VALID UNTIL CERTIFIED BY THE TOWN CLERK OF MAYNARD

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.

Attest: _____

Date: _____

Dianne Reardon, Town Clerk

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

Check paid 851

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 618 LEWIS ST.

Characteristics of Property: Lot Area 13677 sf. Present Use 2 FAMILY

Assessor's Map # 1077 Parcel # 156 Zoning District S2

Name of Petitioner PHIL & RACHAEL MORRIS Phone # 978 828 7344

Mailing Address 32 WETHERBEE ST, ACTON, MA 01720

E-mail Address PHILM01@MAC.COM
(PURCHASED 6/24/22)

Name of Owner PHIL & RACHAEL MORRIS Phone # 978 828 7344
(If not Petitioner)

Mailing Address _____

Petition is for _____ An Appeal from the Decision of the Building Commissioner

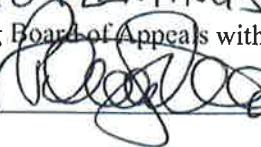
(Check One) A Variance
 A Special Permit
 Other (Please Specify) _____

Applicable Section of the Zoning By-Laws: 5.1.5.3 \$

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

WE HAVE PURCHASED 618 LEWIS ST, AND ARE PLANNING TO BUILD A NEW HOME IN PROPORTION TO THE SIZE OF THE LOT, PLANNING TO KEEP AS MUCH OF THE PLANTINGS ON THE PROPERTY AS POSSIBLE.

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 978 828 7344

Signature of Owner, if other than Petitioner _____

EXHIBIT "A"

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My wife and I have purchased 6/8 Lewis St. in zone S2 and are planning to build a new, one story home in proportion to the size of the lot. The current pre-existing house is a non conforming 36' x 25' (1550sf) former two family home due to it's undersized lot (13677sf vs 20,220sf) and frontage of 100' vs. 130'. The new home will be 40' x 47' (2048sf).

As noted in the application we have a 'uniform' (rectangular) lot 100' wide and approx 135' deep (13,677sf). Our new home will meet all setbacks.

Our lot frontage (100') is 30' short of the maximum allowable (130').

Our lot size (13.677.84sf) is under the required 20,000sf lot minimum.

Our lot width (100') is narrower than the allowable width (104').

Our new home will not be substantially more detrimental than the existing nonconforming structure to the neighborhood

Under section 5.1.5.3 our new home size (2048sf) will be more than the allowable size of 1937sf (current home 1550sf x 1.25 = 1937sf) but under the maximum allowable (2052sf) for zone S2 as set out on page 12, section 4, Table B (attached) - maximum building size shall be no more than 15% of total lot size.

It is our intention to add living space in the basement area as phase two of our construction.

We are seeking a special permit from the board to build our house under - Single family home Section 5.0 of the Zoning by-laws on Nonconforming Uses and Structures. Specifically from section 5.1.5.3. -

5.1.5.3, below, applies:

Alteration to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements,

Alteration to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements.

Alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements, or where the alteration increases the volume of the nonconforming structure but does not increase the gross floor area of the nonconforming nature of the structure.

If the Building Commissioner determines that no subsection referenced above applies or that such proposed reconstruction, extension, alteration, or change will increase the gross floor area of the existing structure by more than 25%, the Board of Appeals may, by Special Permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a Special Permit from the Board of Appeals.

We appreciate the opportunity to bring our plans before the board.

Sincerely,

Phil & Rachael Morris

EXHIBIT "A"



TOWN OF MAYNARD
Office of Municipal Services

The **Maynard** Advantage
New England Living for Everyone

195 Main Street

Maynard, MA 01754

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Zoning By-law

Dimensional Regulations

Required, Proposed and Existing Conditions

Property:			
<u>Use Type</u>	<u>Existing Use Allowed in District?</u>		
<u>Lot Size</u>	<u>Minimum Required</u>	<u>Existing</u>	<u>Proposed</u>
Area (square feet)	20,000	13,677.84	
Frontage (feet)	130'	100'	
Width (feet)	104'	100'	
<u>Yard (Setback) Requirements</u>	<u>Minimum Required</u>	<u>Existing</u>	<u>Proposed</u>
Front (feet)	25	25	25
Side (feet)	15	15	15
Side - Street (feet)			
Rear (feet)	30	30	30
<u>Coverage</u>	<u>Maximum Allowable</u>	<u>Existing</u>	<u>Proposed</u>
By Building (%)	2052	1550	2048

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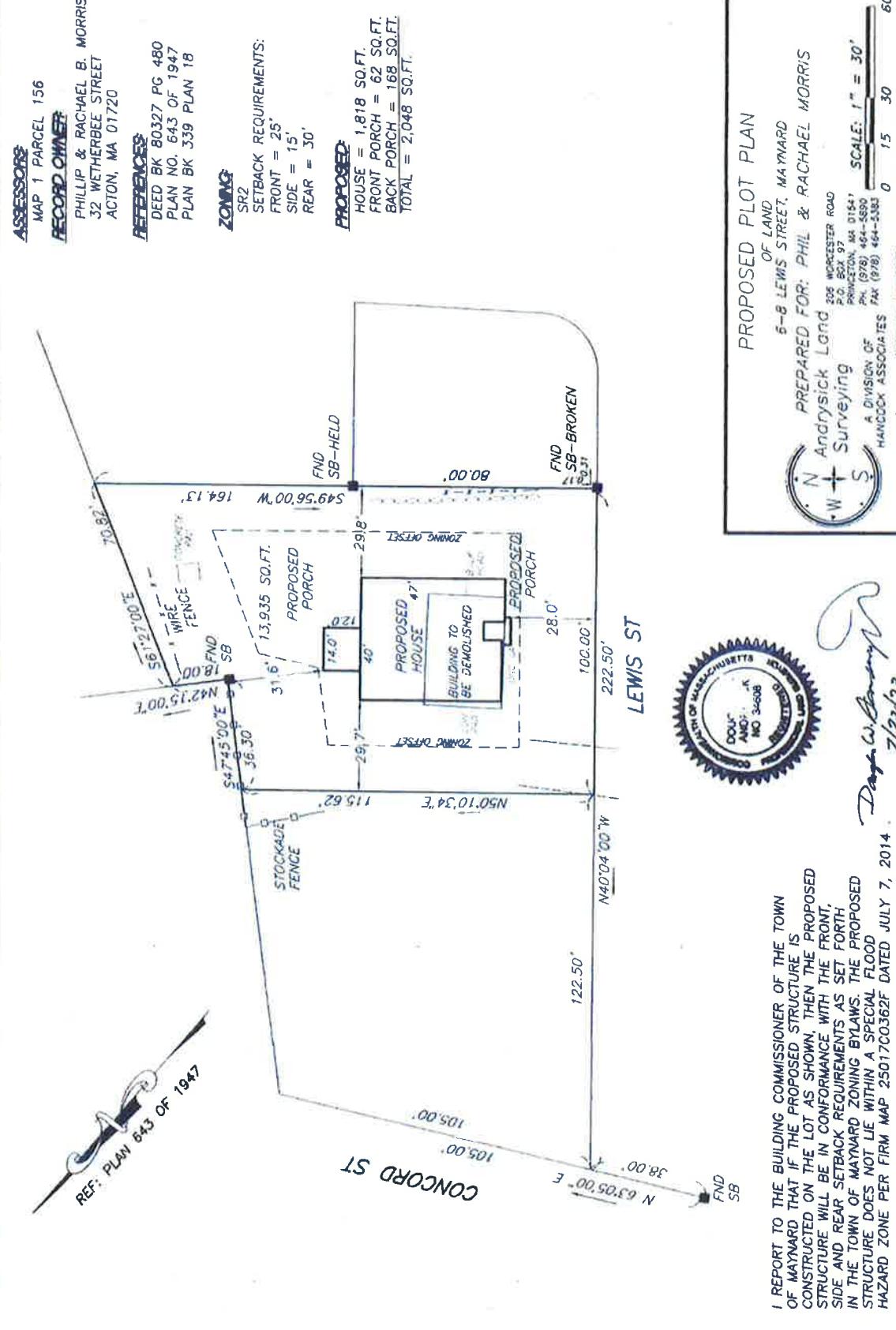
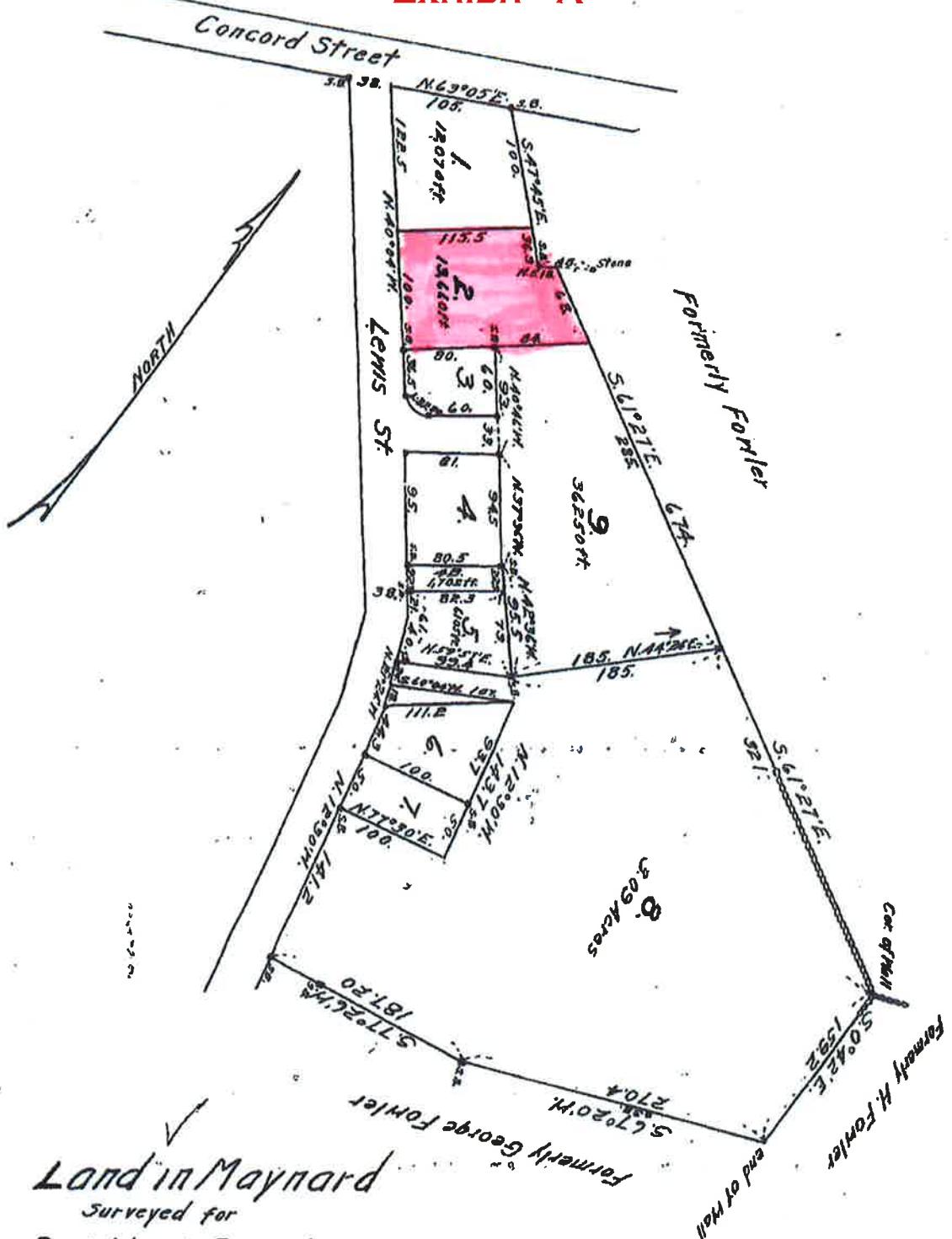


EXHIBIT "A"

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Land in Maynard

Surveyed for

Daniel Lewis Permenter

By Horace F. Tuttle

APRIL 25, 1947

Page 100 of 100

Scale 100 feet = 1 inch

Middlesex Registry of Deeds, Sec. Dist.
CAMBRIDGE, MASS.

Plan Number 643 of 1947

Rec'd 10/20/17, 346.78.5.12, m.0m

With ~~Robert~~ - No. 11-12

Major's Paganather

Arthur J. Blanchette, et al.

Attest: *John DeLaney* REGISTER

Plan Number 643 of 1947
Recorded, Bk. 7133 Page 327

~~EXHIBIT "A"~~

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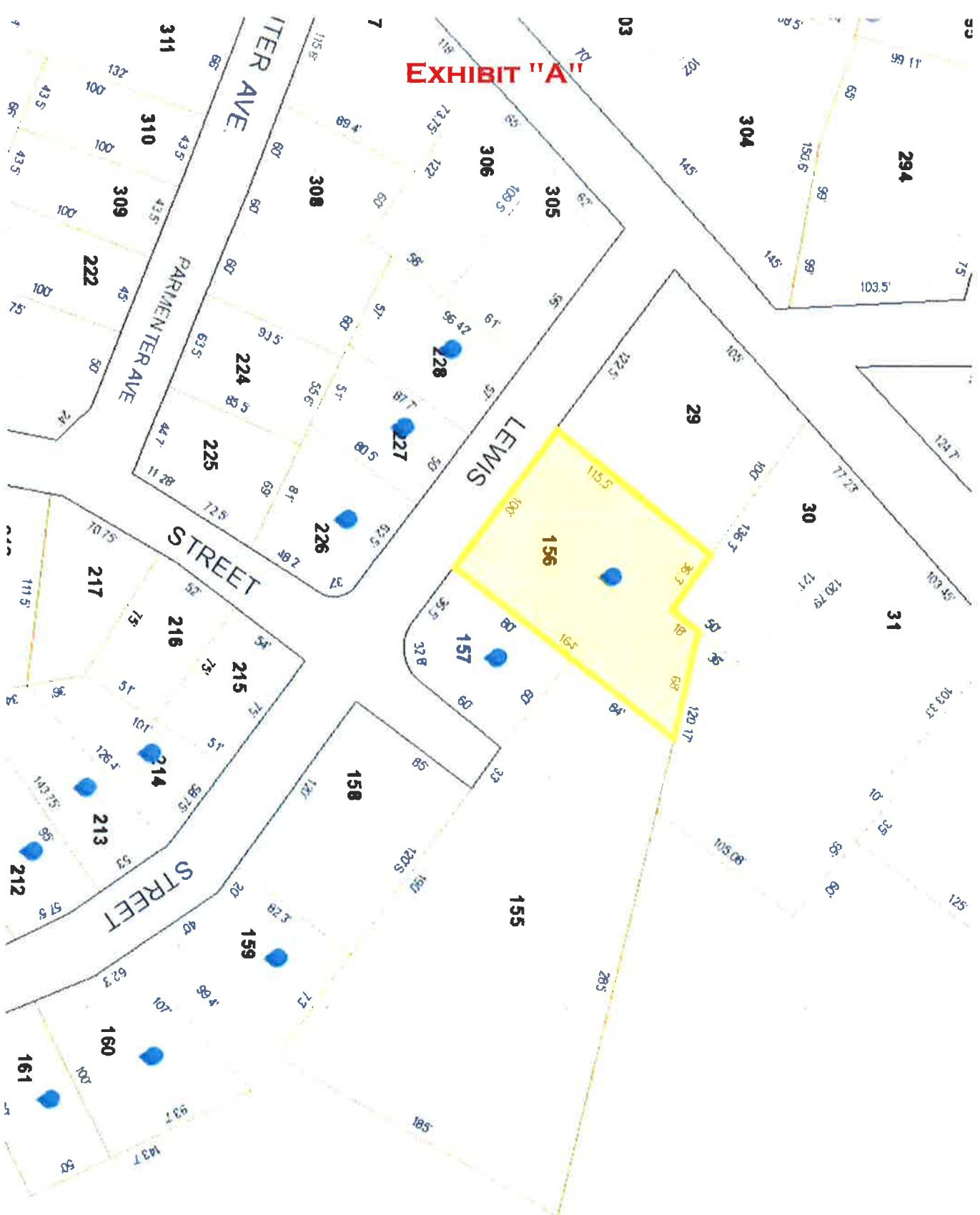


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