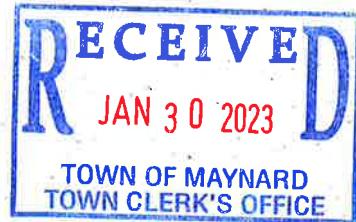




**TOWN OF MAYNARD  
Zoning Board of Appeals  
Office of Municipal Services**

195 Main Street  
Maynard, MA 01754  
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**Findings and Decision**

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**Petition No:** ZB 22-12

**Project Name:** Just in Time Small Engine Repair

**Project Address:** 18 Garfield Ave

**Applicant:** Justin James King  
18 Garfield Ave  
Maynard, MA 01754

**Property Owner:** Sally and Robert Fleming  
18 Garfield Ave  
Maynard, MA 01754

**Petition Type:** Special Permit Request

**Description of Request:** "Trade Shop" use – (small engine repair)

**Map & Lot #** Map 15, Lot 115

**Current Zoning:** Single Residence District 1 (S1)

**Lot Size:** 7,200 Square Feet

**I. Procedural History**

- a. 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 October 18, 2022.
- b. A public hearing on the Special Permit application was scheduled to be opened on December 19, 2022. The Legal Notice was placed in The MetroWest Daily News and sent via certified mail to interested parties.

- c. The application documentation and other submitted material were reviewed by Town Staff. This included a list of potentially hazardous materials and anticipated quantities etc. and the general proposed operations plan for the trade shop. After meeting with the applicant, the Fire Chief commented he was comfortable with the proposed handling of hazardous materials. There were no other staff comments.
- d. A virtual public hearing on the Special Permit Application was opened on December 19, 2022 and continued until January 23, 2023. The hearing was closed on January 23, 2023.
- e. The application documentation and other submitted material were reviewed by Town Staff. There were no staff objections to the application.

## II. Regulatory Criteria

The Applicant requested a Special Permit to allow a "Trade Shop" use in the S-1 Zoning District. Section 3.2.5 provides the criteria in which the Zoning Board of Appeals (ZBA) may grant a Special Permit to allow a Trade Shop use:

*3.2.5 Trade Shop A builder, carpenter, mason, painter, plumber, tinsmith, upholsterer, machinist, or other craftsmen who lives and maintains a home on the premises or building may use said home or building thereon in connection with his trade by annual Special Permit from the Board of Appeals.*

A Special Permit for a Trade Shop is valid for a one-year period. A renewal request requires a new hearing by the ZBA.

Section 10.4 of the Zoning By-laws provides the Special Permit approval process:

*10.4.2 Criteria. Special Permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination 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 this By-Law, 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; and*
6. *Potential fiscal impact, including impact on Town services, tax base, and employment.*

### **III. Findings**

The ZBA made the following findings of fact during the Public Hearing:

- a. In fall 2022, the Building Commissioner determined the activity constitutes a Trade Shop use and required a Special Permit.
- b. Activities include small engine repair on site. The work involves a variety of techniques including use of power tools, storage of hazardous materials and waste associated with the Trade Shop use.
- c. Noise-generating activities (small engine use) also occur periodically in conjunction with the use.
- d. Storage of small engines occurs in the driveway, including those to be repaired, being repaired, and those repaired and waiting for customer pick-up.
- e. Town staff and the Fire Chief conducted separate site visits with the following observations:
  - The quantities of hazardous materials are approximately equivalent to what is typically associated with home uses.
  - The subject property is located on a dead-end street and has limited capacity to accommodate customer vehicles while maintaining the residential character of the neighborhood.

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

The ZBA deliberated, considered, and finds, that so long as the Conditions of Approval set forth hereafter are met, the Criteria as detailed in Section II will be satisfied as follows:

- a. Social, economic, or community needs which are served by the proposal:

*The small engine repair service provides a local service by contributing to the social, economic and community needs of Maynard.*

- b. Traffic flow and safety, including parking and loading:

*There are limited customer visits. The applicant will limit customer delivery and pick up to appointment only. There is no adverse impact on traffic and public safety.*

- c. Adequacy of utilities and other public services:

*There is no additional impact on public utilities. The use is a standard single family home use demand on services.*

d. Neighborhood character and social structures:

*The applicant has agreed to mitigate the only outward appearance of commercial activity by screening equipment and materials from view from the street. The neighborhood character and social structures are not changed by this use.*

e. Impacts on natural environment:

*The Applicant has provided a plan to maximize safety with storage of hazardous materials. Therefore, there are no impacts on the natural environment anticipated from the proposed use.*

f. Potential fiscal impact including impact on Town services, tax base and employment:

*There are only positive fiscal impacts on the Town. There are no employees.*

Motion to approve the Special Permit request for a Trade Shop use at 123 Summer Street subject to the Conditions of Approval as contained in Section V of this Decision made by Board Member Leslie Bryant. Motion seconded by Board Member Jerry Culbert.

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

Paul Scheiner (Chair)	Y
Leslie Bryant	Y
Jerry Culbert	Y
Page Czepiga	Y
John Courville	Y

## V. Conditions of Approval

The Trade Shop use authorized by this Special Permit is to conduct small engine repair and is permitted subject to the following conditions:

1. Hours for Trade Shop activities are limited to: 10:00AM to 4:00PM Monday thru Saturday.
2. Engine running activity associated with the Trade Shop use shall be limited to a maximum of three 15-minute intervals daily. This permit's

- restriction does not apply to the applicant's use of equipment for personal home maintenance.
- 3. The applicant shall install a gate/fence system that will provide visual screening of all work-related materials and equipment from the road fronting the subject property. The intent of this condition is to protect the residential character of the neighborhood aesthetically and the design of the screening shall reflect that intent.
- 4. Customer drop-off and pick-up shall be by appointment only, and limited to only one customer at a time.
- 5. No outside employees are permitted.
- 6. Signage for the Trade Shop is prohibited
- 7. All loading and unloading must occur on site. No vehicles associated with the Trade Shop use shall be parked on the street.
- 8. The use, storage, allowable quantities and other restrictions for hazardous and/or volatile materials and hazardous waste, shall be consistent with all state and local regulations, as well as any other, applicable regulations. This Special Permit is solely for items under the ZBA's permitting authority. The applicant is responsible for obtaining any other necessary permits for hazardous and/or volatile materials from all regulating entities.
- 9. The applicant is responsible for disposal of hazardous waste consistent with all state and local regulations, as well as any other applicable regulations
- 10. The applicant shall utilize an approved storage container for waste oil/fluid and locate it inside another drum to protect against spill in case of container failure.
- 11. This Special Permit shall expire one (1) year from the effective date of the Decision.

***Recording of Decision:***

If this Decision requires a subsequent Building Permit (or if directed by the Building Commissioner), the Applicant shall file a certified copy of 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.

**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.

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

Date

Jan 28 2023

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