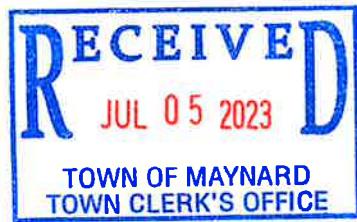




**TOWN OF MAYNARD
Zoning Board of Appeals
Office of Municipal Services**

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

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



Findings and Decision

Project Name: 25 Great Road
Petition No: ZBA 23-05
Petition Type: Special Permit Request
Property Owner/Applicant: Marc Herdegen, 25 Great Road
Description of Request: Special Permit
Map & Lot # Map 18, Lot 228
Current Zoning: Single Residence 1 (S-1)
Lot Size: 11,088 Square Feet
Application Date: May 16, 2023

Description of Request: The applicant requested a Special Permit to allow an extension of existing side setback non-conformity (15 feet required, 11.7 feet pre-existing to construct an addition to the residence. The request as presented (Exhibit "A") also requires an additional encroachment into the east side setback of 0.6 ft.

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 May 16, 2023.
- b. A public hearing on the Special Permit application was opened and closed on June 26, 2023. The Legal Notice was placed in the MetroWest Daily News on June 12 and June 19, 2023, and was sent via certified mail to interested parties.
- c. The application documentation and other submitted material were reviewed by Town Staff.
- d. The application documentation and other submitted material were reviewed by Town Staff. There were no staff objections to the application.
- e. At the public hearing, there were no public comments in opposition to the application.

1

ZBA Decision: June 26, 2023
Project Name: 25 Great Road
Project Number: ZBA 23-05

II. Regulatory Framework and Determination of Consistency

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. The determination included consideration of the project's impact on each of the following:

- a. Social, economic, or community needs which are served by the proposal. *The ZBA determined the project benefits the neighborhood by improving the subject property.*
- b. Traffic flow and safety, including parking and loading. *The ZBA determined there are no impacts associated with this request.*
- c. Adequacy of utilities and other public services. *The ZBA determined there are no impacts associated with this request.*
- d. Neighborhood character and social structures. *The ZBA determined the project maintains community character.*
- e. Impacts on the natural environment. *The ZBA determined there are no impacts associated with this request.*
- f. Potential fiscal impact, including impact on town services, tax base, and employment. *The ZBA determined the project will benefit the neighborhood and the tax base.*

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 to approve a Special Permit allowing an extension of a non-conformity (existing side setback - 15 feet required, 11.7 feet pre-existing) to construct an addition to the residence as presented in Exhibit "A", including a de minimis additional encroachment into the east side setback of 0.6 ft.

The motion was seconded by Jerry Culbert.

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

Paul Scheiner	Y
Leslie Bryant	Y
Jerry Culbert	Y
Page Czepiga	Y
John Courville	Y

Recording of Decision:

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 of 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.

Electronic Signatures

The signature(s) hereunder are made in accordance with M.G.L. c.110G and pursuant to the board's electronic signature authorization vote recorded on November 8, 2022, in Book 80925 and Page 60 at the Middlesex South District Registry of Deeds.



Paul Scheiner, Chair

For the Zoning Board of Appeals



Date

NOT VALID UNTIL CERTIFIED BY THE TOWN CLERK OF MAYNARD

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:

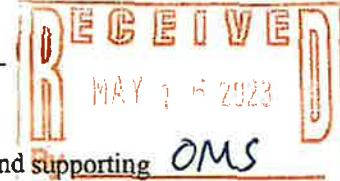
RECEIVED

MAY 16 2023

Town Clerk's Office
Maynard, MA 01754



ZONING BOARD OF APPEALS APPLICATION NUMBER: ZBA2305 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 25 Great Road

Characteristics of Property: Lot Area 0.255 Present Use Residential

Assessor's Map # 018 Parcel # 228 Zoning District MAYN/R1

Name of Petitioner Marc Herdegen Phone # 617-943-4811

Mailing Address 25 Great Road

E-mail Address marc.herdegen@gmail.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
<input type="checkbox"/>	Other (Please Specify) _____

An Appeal from the Decision of the Building Commissioner

A Variance

A Special Permit

Other (Please Specify) _____

Applicable Section of the Zoning By-Laws: 5.1.4

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

Extension of exterior wall at or along
a nonconforming distance within a rearinal yard.

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 617-943-4811

Signature of Owner, if other than Petitioner _____

EXHIBIT "A"

EXHIBIT "A"

SPECIAL PERMIT JUSTIFICATION STATEMENT

Applicant: Marc & Randie Herdegen (Homeowners)

Address: 25 Great Road

We the homeowners, Marc & Randie Herdegen, are requesting a special permit to allow the construction of a new laundry and bathroom at our home at 25 Great Road. Previously, the existing laundry and bathroom, was in a structure which was a home to rodents, and also contributed to water seepage in our basement because of the roof drainage at the corner between the main house and the protruding laundry/bath structure. In order to fix this situation, we would like to rebuild a new laundry and bath, but with the new exterior wall of the laundry/bath extending along the current exterior wall of the house. Unfortunately, when this house was constructed in 1920, it was built canted on the lot angled towards our neighbor at 27 Great Road, and within the current required distance from their property line. Therefore, we are requesting this special permit to rebuild the laundry/bathroom.

In accordance with section 10.4.2 of the Maynard Zoning Bylaws Special Permit Criteria, we address the following items:

1. Social, economic, or community needs served by this proposal: We believe the surrounding homes will benefit from improved values since we are replacing an old and less desirable structure with a new, improved structure.
2. Traffic flow and safety, including parking and loading: This replacement of the old structure is on the back yard side of the house, and of no impact.
3. Adequacy of utilities and other public services: As a part of this new laundry bath, we are replacing the old, inefficient steam radiation heating system with a new, much more energy efficient system.
4. Neighborhood character and social structures: This new laundry/bath will greatly enhance the neighborhood character, as we are also residing the entire house.
5. Impacts on the natural environment: The higher efficiency heating system will positively impact the environment.
6. Potential fiscal impact: The new laundry/bath will be slightly larger than the previous structure, so will have small, yet positive, increase to the Maynard tax base.

In accordance with Massachusetts General Laws, Chapter 40A, Section 9, we address the following points:

1. The Particular Use of the Proposed Structure: The proposed structure will have the same use as the old structure, which was the laundry and bathroom for our home.
2. General purpose and intent: As above, the purpose and intent of use remains the same for the new structure as the old structure.
3. Nature of the proposed use: The nature of the use, as a part of our home in a residential district, remains the same.

EXHIBIT "A"

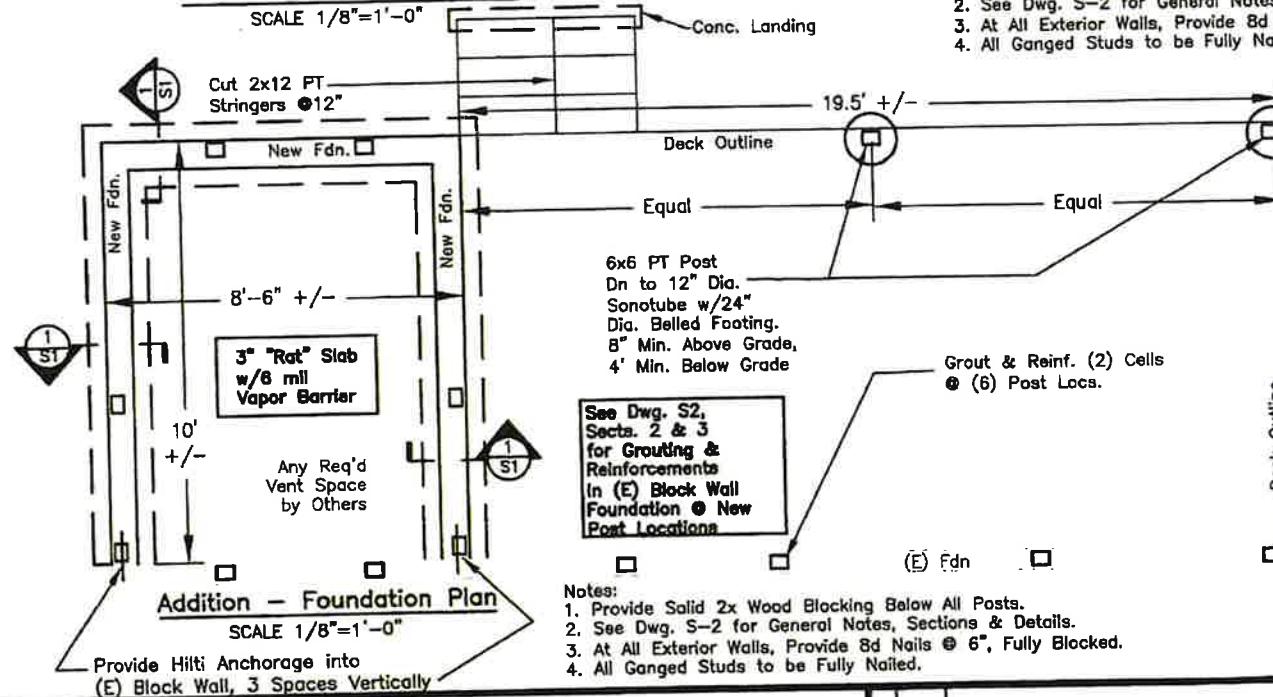
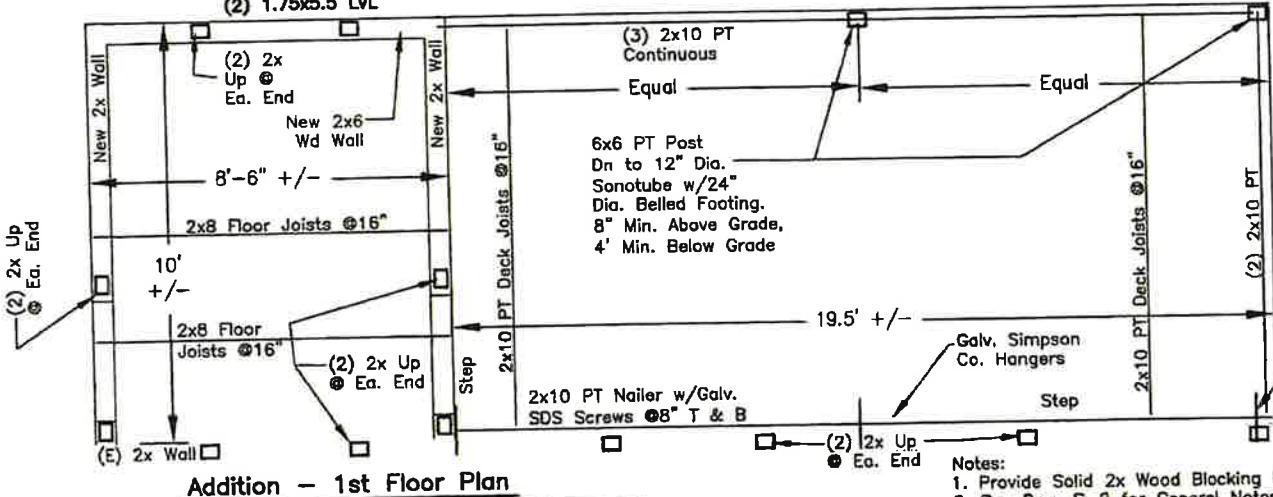
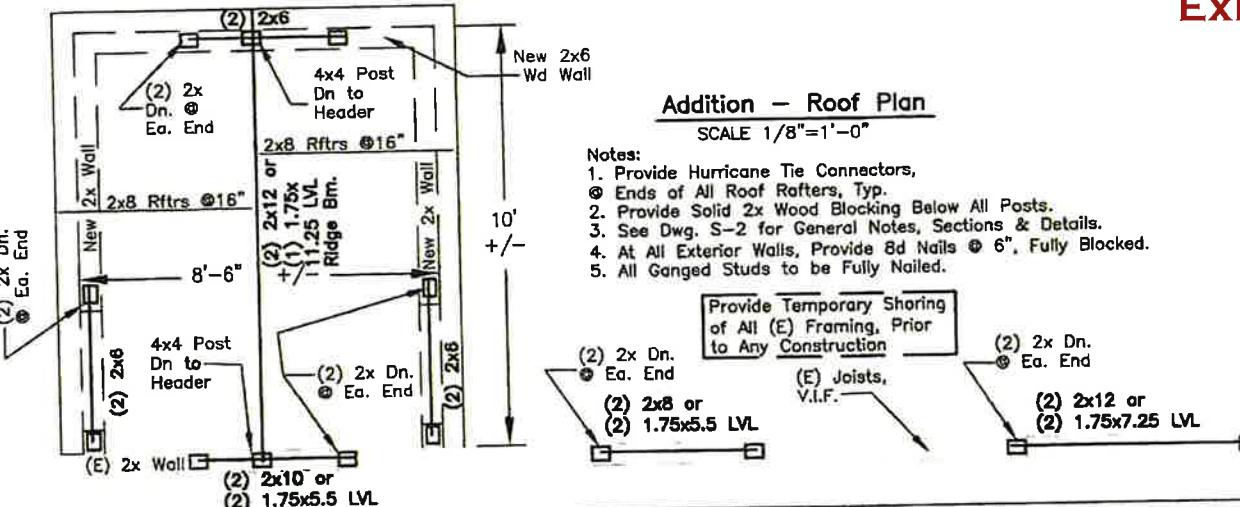
In conclusion, we believe this new structure will enhance value of the existing homes in the neighborhood. This new structure does not pose an undue encroachment beyond which already existed upon our neighbors. Furthermore, we have spoken with our neighbors, and they are in unanimous support of our renovation project. We may be contacted via email at: marc.herdegen@gmail.com, or by phone at 617-943-4811.

Respectfully Submitted,



Marc & Randie Herdegen

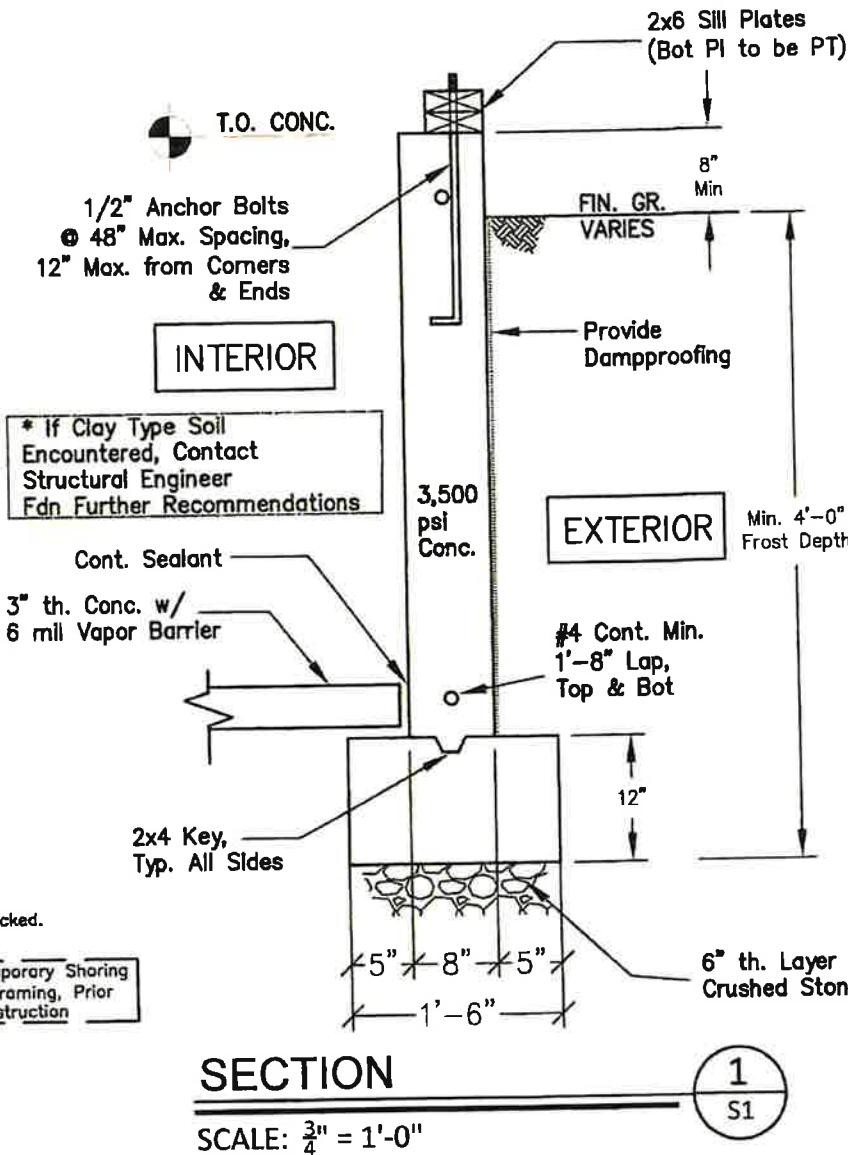
EXHIBIT "A"



Robert P. Johnson
120 Parker Street, Unit 33
Acton, Ma 01720
email:engtax44@comcast.net
Tel: 508-517-1831

Johnson Engineering Group

EXHIBIT "A"



Drawing Index:
S1: Roof, 1st Floor Ceiling,
1st Floor & Fdn Plans
S2: General Notes,
Sections & Details

Addition to Residential Building
Roof, 1st Floor & Foundation Plans
25 Great Road
Maynard, Ma

Residential Addition:
Roof, 1st Floor & Foundation Plans
25 Great Road
Maynard, Ma

S-1

Scale As Noted
Date: 1/11/23

NOTES:**GENERAL:**

- Refer to Architectural and other discipline drawings for locations and dimensions of chases, inserts, openings, sleeves, depressions and requirements for attachment of finishes.
- All dimensions shall be field coordinated by the Contractor, any inconsistencies shall be reported to the Engineer before proceeding with the work.
- The Contractor shall verify all dimensions and elevations in the field. Notify the Engineer, in writing, of any field condition uncovered during construction that is not consistent with the plans.
- Unless otherwise noted, details shown on drawing are to be considered typical for all similar conditions.
- Unless otherwise noted, all footings and sonotubes shall be centered under supported members.
- Whenever sleeves are inserted in concrete slabs, beams or walls, they shall consist of steel, cast iron pipe or PVC pipe.
- The Engineer will not be responsible for Contractor's means, methods, techniques, sequences of procedure or construction or the safety precautions and programs incident thereto, and the Engineer will not be responsible for the Contractor's failure to perform the work in accordance with the contract documents.

DESIGN LOADS:

- The Comm. of Massachusetts Building Code, 9th Edition, Residential, was the basis of this design.
- Ground Snow Load = 50 psf (35 psf @ Flat Roof).
- 1st Floor Live Load = 40 psf.
Attic Live Load = 30 psf (10 psf LL if Clear Ht < 42").
- 3 Second Wind Design Speed = 98 mph (Vasd)
(Vult-126 mph).

THE PURPOSE OF THIS PLAN IS SOLELY THE DESIGN OF THE INDICATED FLOOR FRAMING, HEADERS AND THEIR SUPPORTS. THIS PLAN IS NOT INTENDED TO BE USED FOR ANY OTHER PURPOSE OR PROJECT, OR FOR ANY OTHER WORK AT THIS SITE. SHOULD CONDITIONS BE DIFFERENT AT THE TIME OF CONSTRUCTION THAN INDICATED HEREIN, SHOULD THE INTENT OF THE DESIGN BE UNCLEAR IN ANY WAY, OR SHOULD THE PROPOSED CONDITIONS BE INCONSISTENT WITH OTHER INSTRUCTIONS OF THE ARCHITECT OR OTHER PROJECT PARTICIPANTS, CONTRACTOR SHALL IMMEDIATELY CONTACT ENGINEER FOR FURTHER INSPECTION OR CLARIFICATION.

DEMOLITION, SHORING AND UNDERPINNING WORK:

- The Contractor shall remove and relocate, as required, utilities crossing excavations and new foundation work. The Contractor shall provide temporary support for all utility lines adjacent to the foundation work. Where utilities cannot be relocated, notify the Engineer before proceeding.
- Protect streets, sidewalks and existing foundations during excavations by sheet piling, bracing, shoring, etc., as required by field conditions. Excavation and shoring shall be inspected by a competent registered engineer employed by the Contractor. Protection against sides and cave-ins shall be increased if deemed necessary by said registered engineer.

EXCAVATIONS, FOUNDATIONS AND BACKFILL:

- Excavations shall be performed under the supervision of a MA-registered geotechnical engineer. The geotechnical engineer shall confirm that the base material is adequate to sustain the design bearing pressure, before any foundations are cast. Excavations shall extend in depth necessary to reach the specified bearing layer.
- Foundation design is based on an allowable soil bearing pressure of 2000 psf. Foundations shall be carried down through unsuitable material and bear on undisturbed natural soil.
- Extend exterior foundations (including sono-tubes) to a frost depth of 4 feet below finished grade, minimum.
- Extend and slope sides or shores, sheet and brace excavations as required to ensure stability and safety at all times.
- Where necessary, pump the excavation to remove surface and groundwater, to permit finishing of the excavation and placing of foundations in the dry. No footing shall be placed in water.
- Material adjacent to and below the footings shall be kept from freezing at all times. If any material is found to be frozen, it shall be removed and replaced with concrete.
- All structural fill shall be placed in layers not more than 8" in loose depth and compacted to the following percentages of maximum density as determined by ASTM test method D598: 98% beneath footings, 95% beneath slabs on grade.
- Foundation footings and walls are to be located in the field by a licensed Surveyor/Engineer.

EXTERIOR WALL SHEATHING NOTES:

- At all exterior walls (Foundation to Roof): provide 15/32" minimum thickness plywood sheathing APA rated Exposure 1 and Structural-1 grade (or approved equivalent sheathing, such as 1/2" Advantech sheathing by Huber) on the exterior side of 2x6 wood walls. Wall studs to be spaced 16" max. on-center.
- No type of 3-ply plywood sheathing is acceptable for use on this project.
- Secure all exterior wall sheathing as follows:
Roof to Fdn.: 8d nails @ 6" Spc, Fully Blocked;
- Provide 2x blocking at all panel edges and fasten all edges, typ. entire structure.
- Min. panel width = 24"

WOOD FRAMING:

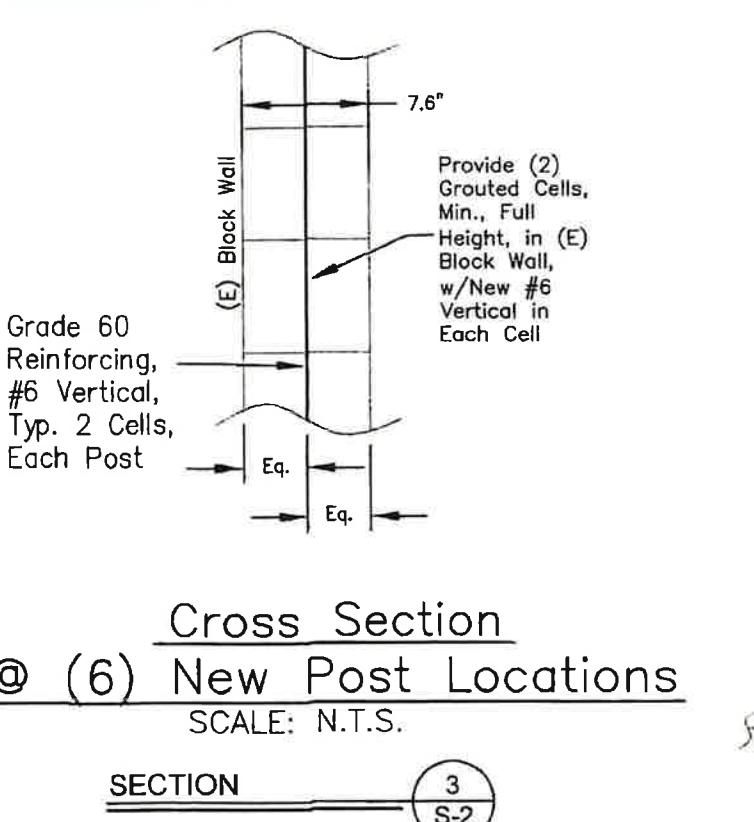
- All wood construction shall conform to the requirements of the National Design Specification for Wood Construction by the National Forest Products Association and local building codes and Comm. of Mass. Building Code, 9th Edition, Residential, including all connections.
- All wood members shall be Spruce Pine Fir # 2, as a minimum, with the following minimum properties: $F_b = 875$ psi, $F_v = 85$ psi, $F_c = 600$ psi and $E = 1,400,000$ psi. LVL members: $F_b = 2850$ psi, $F_v = 285$ psi, $E = 2,000,000$ psi. Multiple members shall be nailed together with a minimum of three 16d nails per foot.
- Each piece of lumber shall bear a grade stamp from the grading agency responsible for the species.
- Continuity in framing shall be provided at all bearing points in order to transfer the loads to the foundation or other framing. Full depth blocking shall be used in the floor framing under woods posts to provide full bearing through framing.
- Do not notch the top or bottom of joists in the middle third of the span. End notches shall not exceed 1/6 of the joist depth.
- Headers, if not specified on the drawing, shall be (2) 2x12 min. Posts below headers shall be (2) 2x6's, if not specified on the drawing Posts below LVL beams shall be (3) 2x6's, if not specified on the drawings.
- Copper based (w/o copper chromate arsenate) preservative pressure treat all exterior wood exposed to moisture (u.n.o.), after fabrication including blocking and handrail pieces. Each piece shall be stamped and rated for ground contact.
- Provide solid blocking @ 1/2 span for all floor joist spans greater than 8 feet.
- All wood stud bearing walls shall have the following minimum structural properties: $F_b = 1350$ psi, $F_v = 75$ psi, $F_c = 825$ psi and $E = 1,400,000$ psi. Bearing wall studs to be a min. 2x6 @ 16". All studs to be braced in weak direction by gyp board or plywood: 1/2" plywood or 5/8" gyp. board.
- All member to member connections shall be made with joist or beam hangers, and metal post bases and caps as appropriate. Joist hangers, framing clips and other hardware shall be manufactured by Simpson Co. or equal.
- Plywood for floor sheathing shall be APA grade-trade mark 3/4" tongue and groove combined subfloor-underlayment grade plywood, structural 1, 5 ply, with exterior glue, species group 1,2 or 3. Lay plywood sheets with the face grain perpendicular to support and apply a 3/8" diameter bead of construction adhesive to the top of each joist and to the tongue of each adjacent plywood panel. Attach plywood to joist with 6d deformed shank nails 6" o.c. at all panel edges and 10" o.c. at intermediate supports. Plywood sheathing must be capable of supporting 40 psf live load @ 16" span.

CONCRETE:

- All concrete shall conform to the Building Code Requirements for Reinforced Concrete (ACI 318), the Structural Specifications for Structural Concrete in Buildings (ACI 301) and local building codes. All concrete work shall be specified as recommended by ACI Field Reference Manual SP-15. Special Cold Weather (ACI 306) or Hot Weather (ACI 305) concreting practices shall be utilized whenever appropriate.
- All concrete shall be stone (3/4" aggregate) concrete having a minimum compressive strength of 3500 psi at 28 days, maximum slump at discharge shall be 3".
- Provide 5% air-entrainment for all exterior concrete.
- All reinforcement shall be deformed bars conforming to ASTM specification A615, grade 60.
- All welded wire fabric (WWF) shall be plain, cold drawn, electrically welded fabric conforming to the requirements of ASTM A185. Supply welded wire fabric in flat sheets, lap sheets 1 1/2" mesh.
- Reinforcing shall be securely tied in its proper place before and during pouring operations, using approved chairs and spacers, as required.
- Interior slabs on grade shall be placed on a 6" th. (Min.) layer of 95% compacted gravel. Provide 6x6-W2.9xW2.9 W.W.F., 1" from top of conc. slab, U.N.O.
- All reinforcement shall be continuous across construction joints.
- The concrete contractor shall install or give other trades ample opportunity to install all opportunities required by these trades Contractor shall verify all dimensions before setting screeds and forms.
- Provide clearance from faces of concrete to reinforcement as follows: bottom of footings and outside face of fdn. walls: 3", all other concrete 2". Do not cut or displace reinforcing steel to accommodate installation of embedded items, unless approved by the Owner.
- All horizontal surfaces intended for foot traffic shall receive a non-slip broom finish.

FLOOR SHEATHING NOTES:

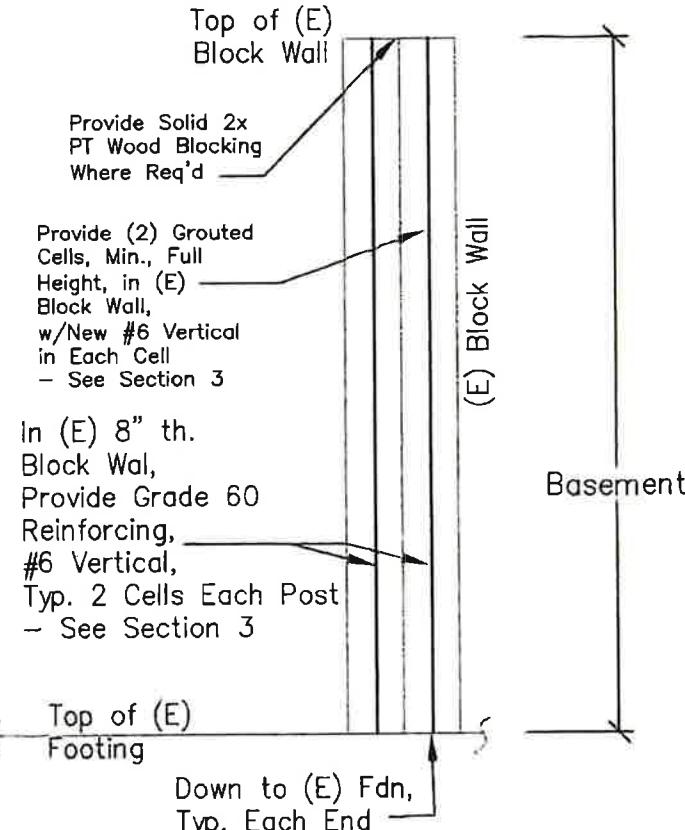
- Provide Layer of 3/4" minimum thickness tongue-and-groove plywood sheathing, APA minimum allowable Live Load = 40 psf, approved sheathing, such as 3/4" Advantech sheathing by Huber. Floor joists to be spaced 16" max. on-center.
- 3-ply plywood sheathing is not acceptable for use on this project.
- Secure floor sheathing with 8d deformed shank nails at 6" max. on-center along all panel edges and 12" max spacing on-center along every joist within panel. Apply 3/8" dia. bead of construction adhesive to joist immediately prior to setting panel. Place panels perpendicular to joists. Min. panel width = 24".
- Provide 2x blocking at all panel edges and fasten all panel edges, typ. entire structure.

EXHIBIT "A"

For Construction
@ (6) New Post Locations

SCALE: N.T.S.

SECTION 3
S-2



For Construction
@ (6) New Post Locations

SCALE: 3/8" = 1'-0"

SECTION 2
S-2



Drawing Index:
S1: Roof/1st Floor Ceiling, 1st Floor & Fdn Plans
S2: General Notes, Sections & Details

Robert P. Johnson 120 Parker Street, Unit 33 Acton, MA 01720 email: engt@atx44@comcast.net Tel: 508-517-1831	Johnson Engineering Group	Residential House Addition General Notes, Sections & Details 25 Great Road Maynard, MA	Residential Building Addition General Notes, Sections & Details 25 Great Road Maynard, MA	S-2
		No. Date Description Revisions		Scale: As Noted Date 1/12/23

EXHIBIT "A"

EXHIBIT "A"

