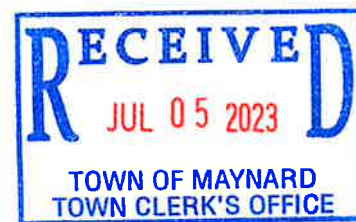




TOWN OF MAYNARD
Zoning Board of Appeals
Office of Municipal Services

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 Maynard, MA 01754
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.

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:

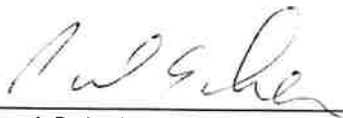
The Applicant shall file a certified copy of this Decision with the Middlesex South District Registry of Deeds (or Land Court if registered land) and a copy of the Decision, stamped with the recording information (Book/Page or Land Court document number) shall be provided to the Building Department.

Appeals

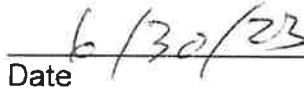
Appeals shall be made within twenty (20) days of the date of filing this decision in the Office of the Town Clerk directly to a court of competent jurisdiction in accordance with the provisions of M.G.L., Chapter 40A, Section 17.

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:

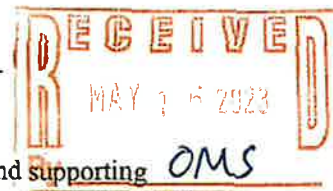
RECEIVED

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) _____

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 required yard.

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

Signature of Petitioner (or representative) [Signature]

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"

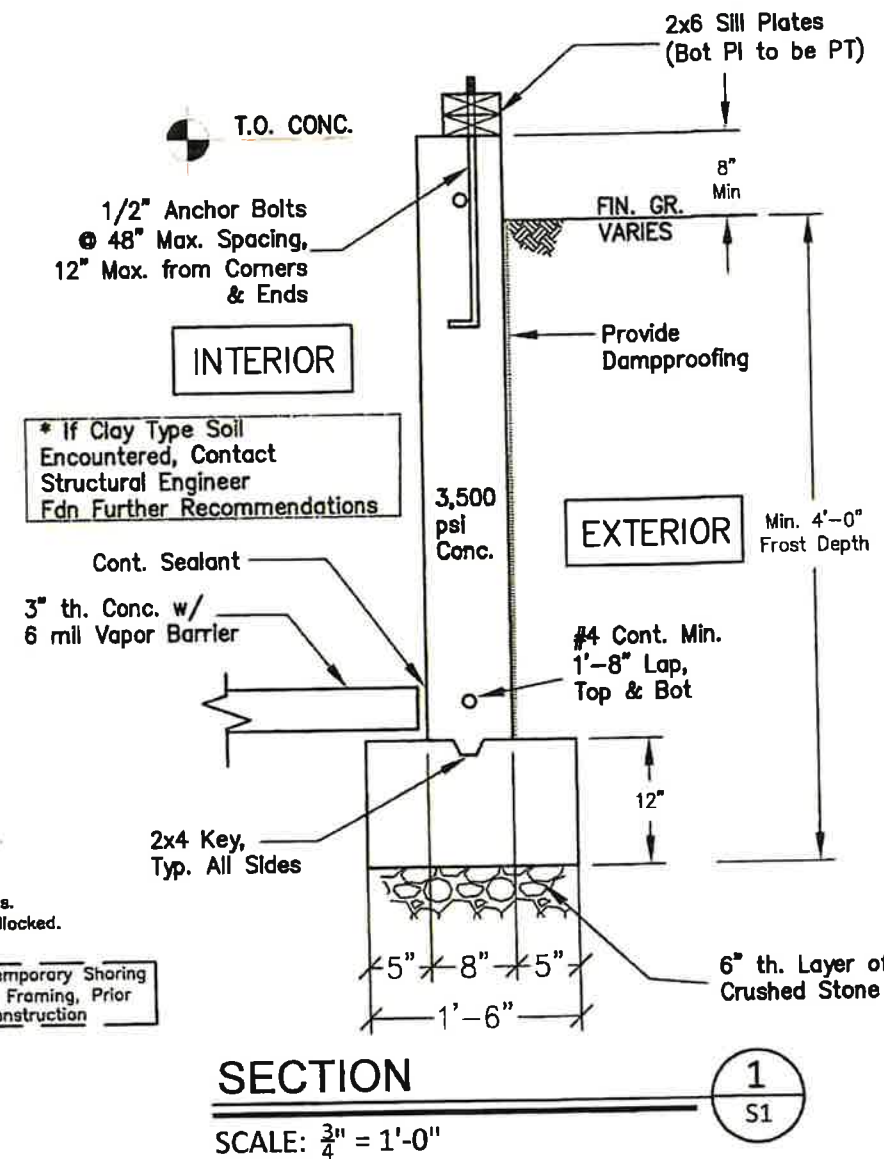
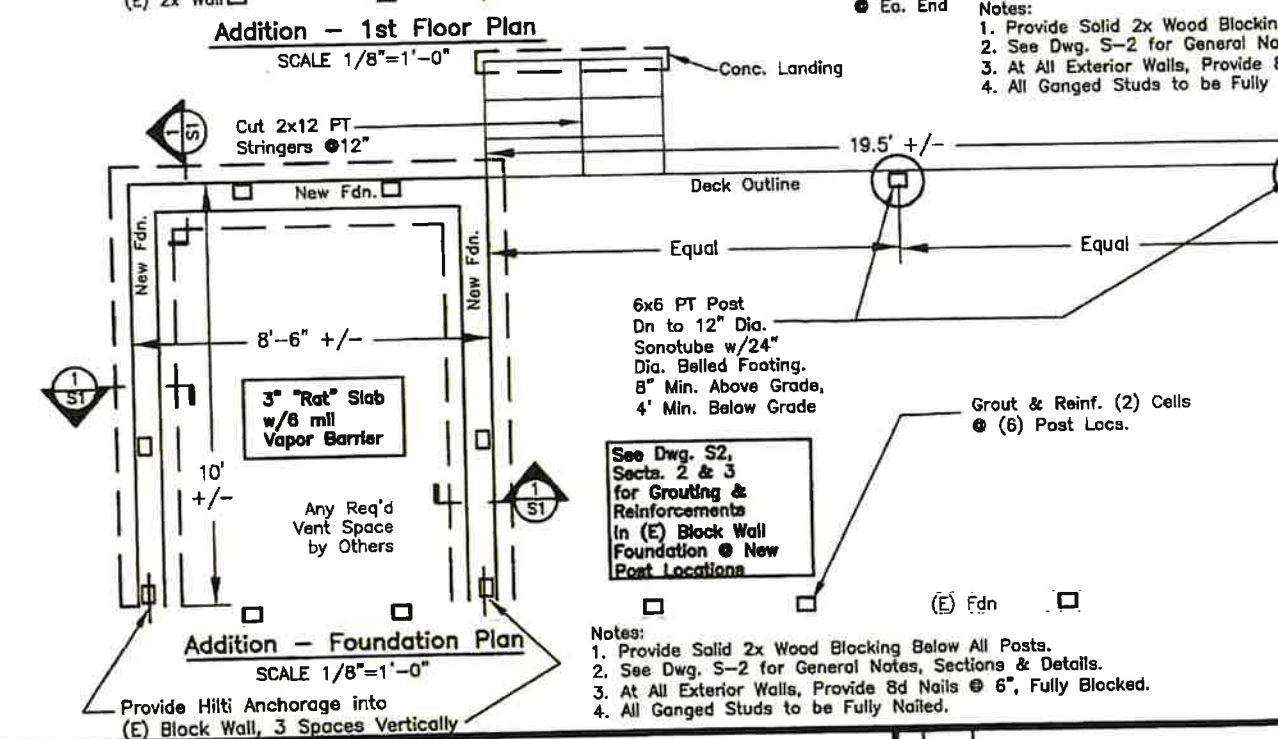
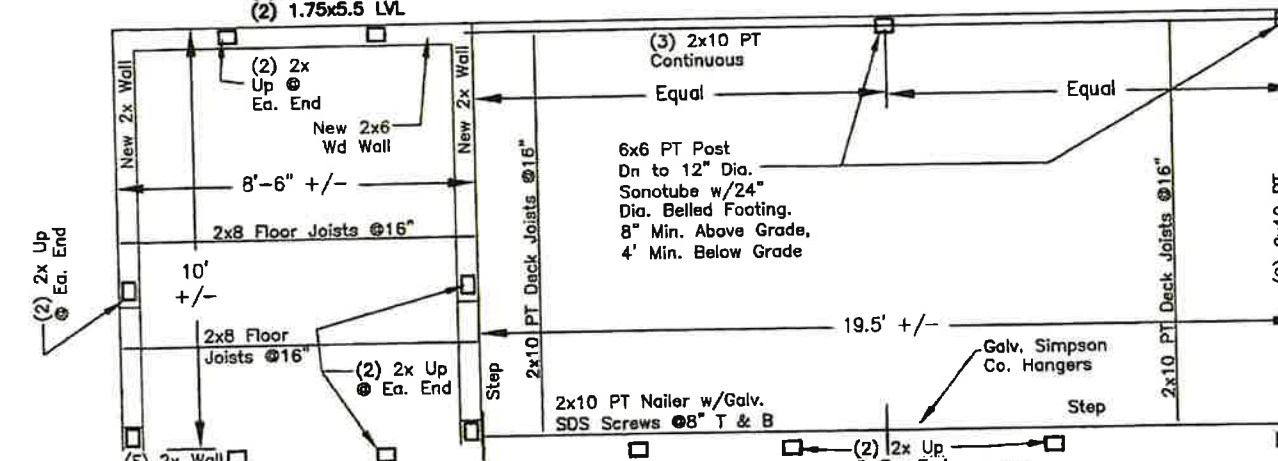
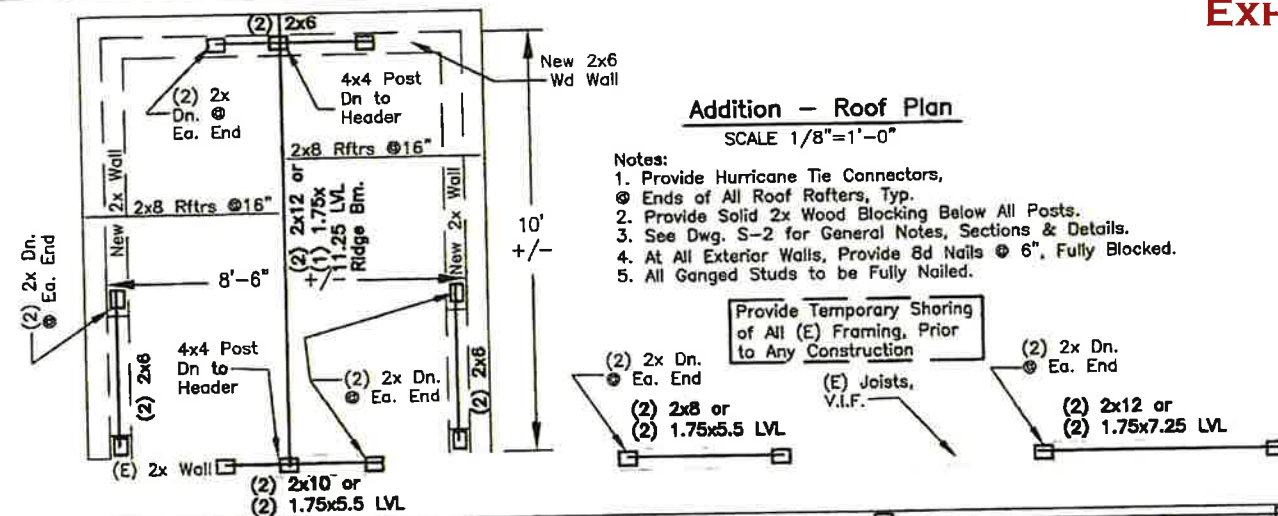
In conclusion, we believe this new structure will enhance value of the existing homes in the neighborhood. This new structure does not pose an undue encroachment beyond which already existed upon our neighbors. Furthermore, we have spoken with our neighbors, and they are in unanimous support of our renovation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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'M. & R. Herdegen', with a long horizontal line extending to the right.

Marc & Randie Herdegen

EXHIBIT "A"



For Construction
1/12/23



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: engtax44@comcast.net
Tel: 508-517-1831

Johnson Engineering Group

No.	Date	Description

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
Scale: As Noted
Date: 1/11/23

S-1

EXHIBIT "A"

The survey map shows Fletcher Street at the top. The left boundary is defined by a line with a bearing of $N 76^{\circ}50'50'' W$ and a distance of 152.00'. A corner monument is located at the intersection of this line and the street. The right boundary is defined by a line with a bearing of $S 80^{\circ}01'34'' E$ and a distance of 12.13'. The bottom boundary is defined by a line with a bearing of $S 13^{\circ}27'55'' W$ and a distance of 156.00'. The map shows several lots, including MAPI8 LOT 228, which is 0.255 acres \pm and 11,088 S.F. \pm . Other lots are 0.255 acres \pm . Buildings shown include an EXISTING DWELLING #25, a SHED, and a PROPOSED DECK. The PROPOSED DECK is 10.00' wide and 19.26' long. The EXISTING DWELLING #25 is 10.32' wide and 11.1' long. The SHED is 10.00' wide and 11.1' long. The map also shows an EXIST. DRIVEWAY and various other dimensions and bearings for the boundaries and internal features.

ZONING DISTRICT SINGLE RESIDENCE I			
	RQD	EX.	PR.
FRONT SETBACK:.....	25'	21.8'	27.8'
SIDE SETBACK:.....	15'	11.7'	11.1'
REAR SETBACK:.....	30'	40.5'	80.5"
MAXIMUM BUILDING COVERAGE: 15%		9.3%	11.4%
MAXIMUM IMPERV COVERAGE:...	60%	20.7%	23.3%
MINIMUM OPEN SPACE:.....	N/A		

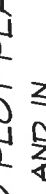

 <p>Colonial Surveying Co., Inc.</p> <p>28 WOODLAND WAY STON MA 01775 (978) 897-1700</p>		<p>CERTIFIED PLOT PLAN OF LAND IN</p> <p>MAYNARD, MA</p> <p>OWNER MARC L. HERDEGEN AND RANDIE L. HERDEGEN 25 GREAT ROAD, MAYNARD, MA 01754</p>	<p>DATE: APR 03, 2023</p> <p>SCALE: 1"=20'</p>
<p>DEED: BK71120 PG151</p>	<p>PLAN: NONE</p>		

EXHIBIT "A"