



# TOWN OF MAYNARD

## Zoning Board of Appeals

### Office of Municipal Services

195 Main Street

Maynard, MA 01754

Tel 978-897-1302 Fax: 978-897-8489

[OMS@TownofMaynard.net](mailto:OMS@TownofMaynard.net) [www.townofmaynard-ma.gov](http://www.townofmaynard-ma.gov)

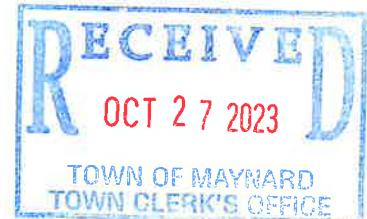
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### Findings and Decision

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Petition No: ZBA-2309  
Type: Special Permit  
Property Owner/Applicant: David Grater  
Project Location: 125 Concord St.  
Map and Parcel No.: Map 6, Parcel 18  
Current Zoning: S-2  
Lot Size: 22,834 sq. ft.  
Application Date: 9/25/2023



#### Description of Request:

The applicant requested a Special Permit to extend the existing non-conformity (front setback: 25 feet required; 14.8 feet provided) to construct an addition to the residence.

The application, which included the petitioner's Justification Statement, was provided for review and, a determination by the Zoning Board of Appeals (ZBA) on issuance of a Special Permit.

This application is for a Special Permit (opposed to a Variance). Town Counsel in coordination with the Building Commissioner, has advised that in situations where an existing non-conformity is extended or increased by a proposal, a Special Permit is the appropriate mechanism for approvals. Applications proposing creation of an entirely new non-conformity shall continue to utilize the Variance process for approval requests.

#### 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 petitioner on behalf of the owner and filed with the Zoning Board of Appeals (ZBA) on September 25, 2023.
- b. A public hearing for the application was scheduled for October 23, 2023 and noticed in a paper of local circulation on October 9th and 16th, 2023 and sent via certified mail to interested parties.

- 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 (opened and closed on October 23, 2023), there were no public comments in opposition to the application.

## II. Regulatory Criteria

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. **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 enhances community character through modernization of the property.**
- 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 by increasing the property value.**

## 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 construction of an addition to the property at 125 Concord St. that will extend the existing encroachment into the front setback as depicted in Exhibit A and subject to the Condition of Approval as listed below.

The motion was seconded by Jerry Culbert.

The Board voted as follows (“Y” to approve):

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

***Condition of Approval:***

The applicant shall ensure that construction hours are limited to 7:30AM to 4PM Monday through Friday, excluding holidays.

***Recording of Decision***

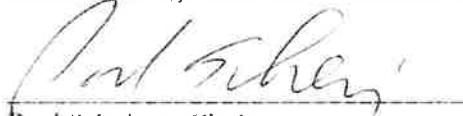
The Applicant shall file a certified copy of this Decision with the Middlesex South District Registry of Deeds (or Land Court if registered land) and a copy of the Decision, stamped with the recording information (Book/Page or Land Court document number) shall be provided to the Building Department.

***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.

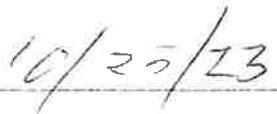
***Electronic Signatures***

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

Date



For the Zoning Board of Appeals

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

**EXHIBIT "A"**

