



**TOWN OF MAYNARD
Office of Municipal Services**

MUNICIPAL BUILDING

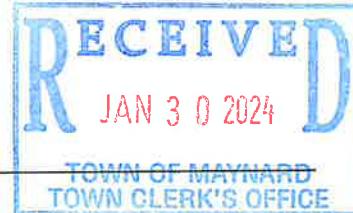
195 Main Street

Maynard, MA 01754

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

www.townofmaynard-ma.gov

The Maynard Advantage
New England Living for Everyone



**Maynard Zoning Board of Appeals
Notice of Decision**

Project Name:

30 Dix Road, Maynard, MA 01754

Petition No:

ZBA 23-12

Petition Type:

Special Permit Request

Property Owner/Applicant:

Robert Kiddie & Amanda Parker

30 Dix Road

Maynard, MA 01754

Special Permit to continue use of existing

Accessory Dwelling Unit

Description of Request:

30 Dix Road

008.0-0000-0081.0

Project Location:

Single Residence District 1 (S1)

Map & Lot #

1.12 Acres

Current Zoning:

December 21, 2023

Lot Size:

Application Date:

Description of Request:

The Petitioner submitted to the Maynard Zoning Board of Appeals (ZBA) an application requesting renewal of the existing Special Permit allowing a pre-existing Accessory Dwelling Unit (ADU) at 30 Dix Road, Maynard, MA 01754, the subject property. The subject property is a single-family dwelling located in the S-1 (Single Family Residence District 1) zoning district.

The original Special Permit was issued August 23, 1995 (Exhibit "A") however the property was sold in 2023. The new property owners meet the required criteria for Accessory Dwelling Units (ADU) as contained in Section 8.1 of the ZBL.

The application was provided for review and a determination by the Zoning Board of Appeals (ZBA) on renewal of a Special Permit allowing the ADU to remain.

I. Procedural History

1. 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 December 21, 2023.
2. A public hearing on the Special Permit application was opened and closed on January 22nd, 2024. The Legal Notice was placed in a paper of local circulation and sent via certified mail to interested parties on January 8th and 15th, 2024.
3. The application documentation and other submitted material were reviewed by Town Staff.

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 applicants include a daughter and father: the ZBA determined the project benefits social needs by retaining the ADU.**
- 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 there are no impacts associated with this request.**

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 renew the existing Special Permit allowing a pre-existing ADU at 30 Dix Road, subject to the following Condition of Approval: the restriction contained in the previous Special Permit (Exhibit "A") requiring a cessation of the use of the ADU should the petitioning owner and ADU occupant no longer occupy the residence, **is removed** from this renewal approval.

The motion was seconded by Brad Schultz. The Board voted as follows ("Y" to approve):

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

Paul Scheiner, Chair
For the Zoning Board of Appeals

Date

1/29/2024

NOT VALID UNTIL CERTIFIED BY THE TOWN CLERK OF MAYNARD

Exhibit "A"
Previous Special Permit Dated August 23, 1995



EXHIBIT "A"
TOWN OF MAYNARD
BOARD OF APPEALS
MAYNARD, MASSACHUSETTS 01754

NOTICE OF DECISION

Date of Filing: August 23, 1995

Case No. 95-08

RE: PETITION OF SABINE AND WILLIAM F. HEDBERG

This is a notice of the Decision of the Maynard Zoning Board of Appeals made August 7, 1995. The Decision of the Board was filed this day with the Maynard Town Clerk.

The Zoning Board of Appeals has voted that the Petition of Sabine and William Hedberg be GRANTED for the purposes and reasons and subject to the conditions stated in the Decision.

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17, and a copy of the appeal shall be filed in the Town Clerk's office within twenty (20) days after the date of the filing of the Decision in the office of the Town Clerk.

MEMBERS PRESENT AND VOTING

Malcolm H. Houck, Chairman

Donald Crowther

Lyle Hughes

Leslie Bryant

Rudy Cole

Malcolm H. Houck, Chairman

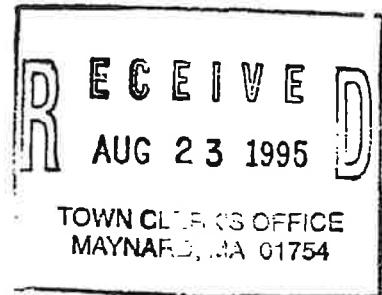


EXHIBIT "A"



EXHIBIT "A"
TOWN OF MAYNARD
BOARD OF APPEALS
MAYNARD, MASSACHUSETTS 01754

PETITION OF SABINE AND WILLIAM F. HEDBERG
PREMISES: 30 DIX ROAD
CASE NO.: 95-8
DATE OF DECISION: AUGUST 7, 1995

On June 22, 1995, the Petitioner filed an application (Exhibit A) with the Maynard Zoning Board of Appeals for a special permit pursuant to Section 3-2 (Accessory Uses) of the Maynard Zoning Bylaw to construct an addition containing a second kitchen to the dwelling at 30 Dix Road in Single Residence (S-1) District.

"Parties in Interest" (Exhibit B) were verified by the Board of Assessors on June 23, 1995. Notice of Public Hearing (Exhibit C) was mailed to the "Parties in Interest" on July 20, 1995, and said notice was published in the Beacon - Maynard Edition on July 20 and July 27, 1995.

The Hearing (Exhibit D) was held on August 7, 1995, as scheduled and advertised. The Board considered the request in the light of statutory criteria and found that it did meet said criteria.

WHEREFORE, the Maynard Zoning Board of Appeals hereby GRANTS the requested special permit to the Petitioners for the following reasons:

1. The proposed use for a blood relative (father) is one customarily incidental to the permitted uses in a Single Residence (S-1) district.
2. The outward character of the district will not be changed by granting the special permit.
3. The accessory use presented is more restrictive than some permitted uses such as the letting of rooms and taking of boarders.

The petition was granted with the following restrictions:

1. that the permitted use will cease if Mr. Rudolph Rolla ceases to have permanent residence, or if both William and Sabine Hedberg no longer occupy the dwelling as their primary residence.
2. There is to be no renting or letting of the apartment space shown on the plan as submitted or as later modified.

EXHIBIT "A"

PETITION OF HEDBERG, PAGE 2

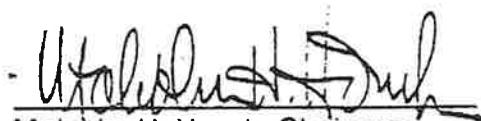
August 7, 1995

3. The permitted use is granted upon the condition that there be a single utility connection, and that the single primary access be through the petitioner's residence as shown on the plan package dated August 3, 1995 submitted by the petitioner. The second access is to face the driveway not the street as shown on said plan, and to be screened by shrubbery as shown.
4. The existing 2 car garage is to be modified for a single door rather than double hung garage doors.

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, and a copy of the appeal shall be filed in the Town Clerk's office within twenty (20) days after the date of the filing of the Decision in the office of the Town Clerk.

MEMBERS

MALCOLM H. HOUCK	- GRANT
DONALD CROWTHER	- GRANT
LYLE HUGHES	- GRANT
LESLIE BRYANT	- GRANT
RUDY COLE	- GRANT



Malcolm H. Houck, Chairman

EXHIBIT "A"

JOB #11-1423-23

RENEY, MORAN, & TIVNAN

REGISTERED LAND SURVEYORS

75 HAMMOND STREET - FLOOR 2

WORCESTER, MA 01610-1723

PHONE: 508-752-8885

FAX: 508-752-8895

RMT@HSTGROUP.NET

A Division of H. S. & T. Group, Inc.

REGISTRY MIDDLESEX SOUTH

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING STRUCTURES TO PROPERTY LINES (UNLESS OTHERWISE NOTED IN DRAWING BELOW).

NOTE: NOT DEFINED ARE ABOVEGROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. THIS CERTIFICATION IS NON-TRANSFERABLE.

THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.

NOTE(S):

INSTRUMENT SURVEY RECOMMENDED FOR
MORE ACCURATE LOCATION OF SHED

CERTIFY TO:

AMANDA JEAN PARKER

ROBERT STANLEY KIDDIE

LAW OFFICE OF DAVID WILENSKY

CITIZENS BANK, N.A.

CATIC

MORTGAGE INSPECTION PLAN

NAME AMANDA JEAN PARKER & ROBERT STANLEY KIDDIE

LOCATION 30 DIX ROAD

MAYNARD, MA

SCALE 1" = 80' DATE 12/05/23

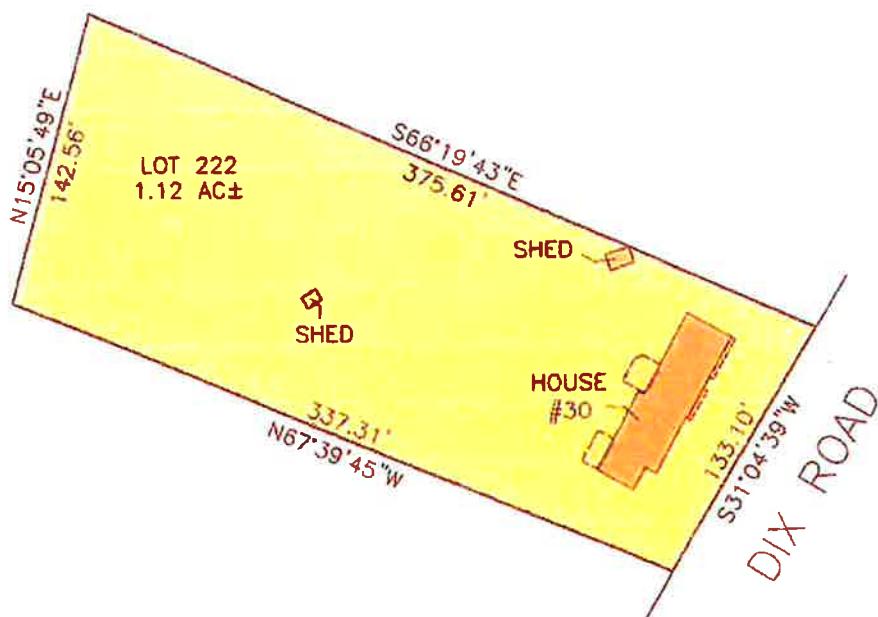
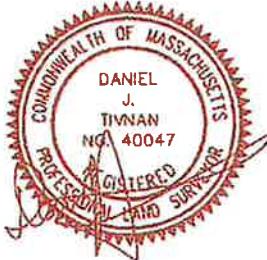
DEED BOOK/PAGE 73725/81

PLAN BOOK/PLAN 1154 OF 1972

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA SEE FEMA MAP:

354F DTD 07/07/2014

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY FEMA AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.



REQUESTING OFFICE: LAW OFFICES OF DAVID WILENSKY
REQUESTED BY:

DRAWN BY: NHH
CHECKED BY:

EXHIBIT "A"

20' DRAINAGE EASEMENT
EXHIBIT "A"

PLAN 1154 Or

42

LOT 221

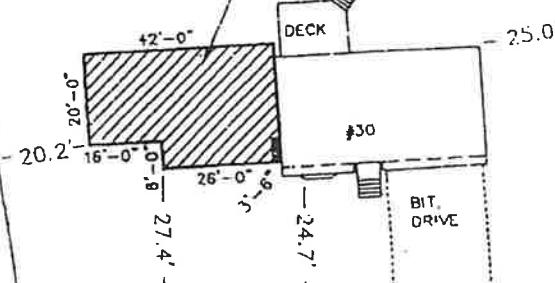
LOT 43

20' DRAINAGE EASEMENT

357.31'

375.61'

PROPOSED
ADDITION



DIX ROAD EXTENSION

PREVIOUS PLOT PLAN WITH SETBACKS
and DRIVEWAY SHOWN

INCES: FORECLOSURE DEED FROM BAYBANK MIDDLESEX TO HEDBERG IN BOOK 20919 PAGE 204
NO. 1154 OF 1972 IN BOOK 12292 PAGE 448

REBY STATE THAT: THE LOCATION OF THE STRUCTURE SHOWN HEREON IS THE RESULT OF AN ON THE
IND SURVEY PERFORMED ON JULY 8, 1995 "

William W. Boyd Jr.
WILLIAM W. BOYD JR.
PROFESSIONAL
LAND SURVEYOR



August 3, 1995
DATE:

EXHIBIT "A"