

SEP 26 2024

Town Clerk's Office
Maynard, MA 01754

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

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Findings and Decision

Project Name: 22 Crane Ave., Maynard, MA 01754
Petition No: ZBA 24-06
Petition Type: Special Permit Request
Property Owner/Applicant: Lois Tetrault & Christie White
22 Crane Ave.
Maynard, MA 01754
Description of Request: Special Permit to allow encroachment into front setback
Project Location: 22 Crane Ave.
Map & Lot # 015.0-0000-0126.0
Current Zoning: Single Residence District 1 (S1)
Lot Size: 0.23 Acres
Application Date: August 15, 2024

Description of Request: The applicant requested a Special Permit allowing construction of a deck which will extend the existing encroachment into the required 25-foot front setback. The new deck will not exacerbate the existing front setback nonconformity. The subject property is a nonconforming single-family dwelling on a conforming corner lot in the Single Family 1 (S-1) zoning district. The subject property is nonconforming due to insufficient front setback (25 feet required, 12 feet provided), side setback (15 feet required, 12.7 feet provided), and building coverage (maximum 15% allowed, 18.1% provided).

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 August 15, 2024.

- b. 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 August 15, 2024.
- c. The Special Permit application was accompanied by a plan and survey.
- d. A public hearing on the Special Permit application was scheduled for September 23, 2024. The Legal Notice was placed in a paper of local circulation and sent via certified mail to interested parties on September 9 and 16, 2024.
- e. The application documentation and other submitted material were reviewed by Town Staff.

II. Regulatory Framework and Determination of Consistency

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.

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.*
- b. Traffic flow and safety, including parking and loading. *The ZBA determined there are no impacts.*
- c. Adequacy of utilities and other public services. *The ZBA determined there are no impacts.*
- 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.*
- f. Potential fiscal impact, including impact on town services, tax base, and employment. *The ZBA determined the project will benefit 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-conforming structure by the addition of a deck encroaching approximately five (5) feet into the required 25-foot front setback, as proposed in the petitioner's plan (Exhibit "A"). 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.

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

9/26/2024
Date

NOT VALID UNTIL CERTIFIED BY THE TOWN CLERK OF MAYNARD

EXHIBIT "A"

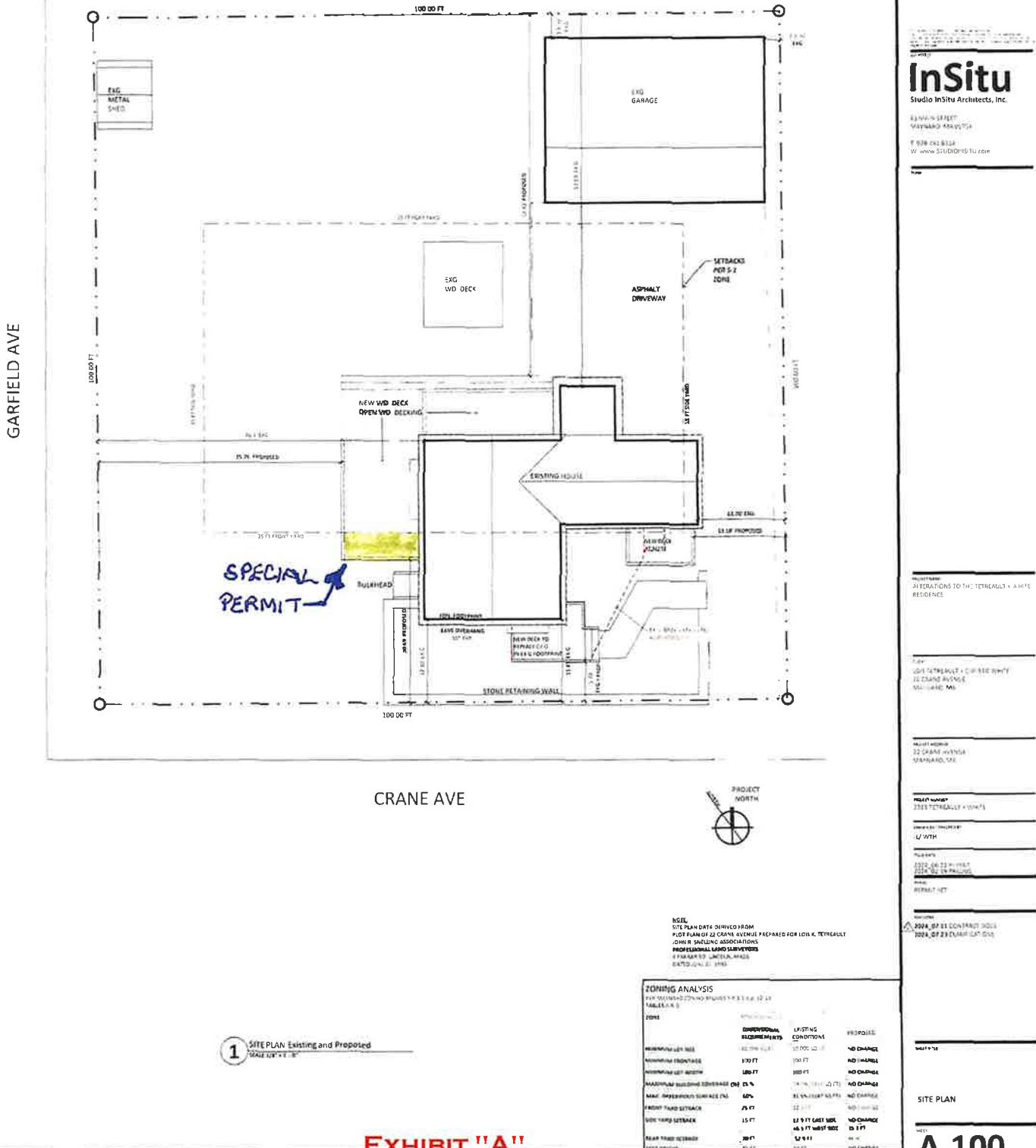


EXHIBIT "A"