

RECEIVED

2021 JUL 30 AM 9:20

MAYNARD TOWN CLERK



**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

Petition No: ZB-21-09
Type: Special Permit
Property Owner/Applicant: Richard W. Paterson
Project Location: 142 Mulberry Drive, Milford, PA 18337
Current Zoning: 19 Elm Street
Application Date: General Residence
June 29, 2021

Description of Request: Consistent with Section 3.2.4 of the Zoning By-laws (ZBL), the Petitioner is requesting a Special Permit to allow the operation of a Rolfing Structural Integration Practice within his residence at 19 Elm Street (Exhibit "A") within the General Residence Zoning District.

I. Procedural History

- a. Pursuant to Massachusetts General Law Chapter 40A, Section 10, an Application for a Special Permit per the ZBL was submitted by the above-referenced owner and filed with the Zoning Board of Appeals (ZBA) on June 29, 2021.
- b. A public hearing on the Application was held on July 26, 2021. Notice of the Public Hearing was published in the Beacon-Villager on July 8, 2021, and July 15, 2021, and sent to parties in interest, as required by statute, by certified mail, return receipt requested, according to the Assessors' Certified Abutters List.
- 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, there were no public comments in opposition to the application.

II. Regulatory Criteria

1

ZBA Decision: 7.27.2021
Project Name: 19 Elm Street
Project Number: ZBA 21-09
Version: 2.0
OMS Template: 15

The Building Commissioner determined that “Rolfing”* is a customary professional home occupation use. While not identified as an “Accessory Use” in the ZBL, the Commissioner determined that the Board could determine that “Rolfing” is a use consistent with “In-Home Hair Dressing Salon”. Sections 3.1.2 (6) (Use Table) and 3.2.4(1) provide for an In-Home Hair Dressing Salon in a single room by Special Permit from the Board provided the residential character of the premises is not changed.

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.
- b. Traffic flow and safety, including parking and loading.
- c. Adequacy of utilities and other public services.
- d. Neighborhood character and social structures.
- e. Impacts on the natural environment.
- f. Potential fiscal impact, including impact on town services, tax base, and employment

III. Vote of the Board and Decision

The ZBA deliberated and determined that the request meets the criteria as detailed above in Section II. Specifically, the ZBA determined:

- a. That the proposed use is consistent with the Special Permit criteria listed in Section II.

Leslie Bryant made a motion to approve the Application for a Special Permit for a “Rolfing Practice” at 19 Elm Street in a residential building, which was second by Jerry Culbert, with the following conditions:

1. No exterior signage is permitted.
2. Off-street parking will be provided.
3. The practice is limited to five (5) clients per month.

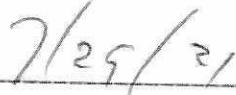
4. The Special Permit is valid for one (1) year from the effective date. Upon renewal, the ZBA will evaluate any impacts and consider granting a Special Permit for a longer period.

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

Paul Scheiner	Y
Leslie Bryant	Y
Jerry Culbert	Y
John Courville	Y
Peter Winnett	Y



Paul Scheiner, Chair
For the Zoning Board of Appeals



Date

NOT VALID UNTIL CERTIFIED BY THE TOWN CLERK OF MAYNARD

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Law, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Maynard Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest: _____

Date: _____

Joanna Bilotta, Town Clerk

Please note: this Decision must be recorded with the Registry of Deeds prior to applying for building permits.

3

ZBA Decision: 7.27.2021
Project Name: 19 Elm Street
Project Number: ZBA 21-09
Version: 2.0
OMS Template: 1.5



Case No: _____
Fees Paid: _____

TOWN OF MAYNARD
ZONING BOARD OF APPEALS

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 19 Elm St, Maynard

Characteristics of Property: Lot Area 3720 Present Use RESIDENTIAL

Assessor's Map #Attached Parcel # 15-287 Zoning District GEN RESIDENCE

Name of Petitioner RICHARD W PATERSON Phone # 571-265-9950

Mailing Address 142 MULBERRY DR, MILFORD, PA 18337

Name of Owner PETITIONER will be the Phone # _____
(If not Petitioner)

Mailing Address OWNER after 6/29/21 closing

Petition is for
(Check One) An Appeal from the Decision of the Building Commissioner
 A Variance
 A Special Permit
 Other Specify _____

Applicable Section of the Zoning By-Laws: 3.2.4

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

Practice Rolling Structural Integration.

No exterior presence. Low client volume.

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

Signature of Petitioner (or representative) RICHARD W PATERSON

Address (if not Petitioner) _____

Telephone Number _____

Signature of Owner, if other than Petitioner _____

Proposed Special Permit to Practice Rolfing at 19 Elm St

The proposed use is to practice Rolfing® Structural Integration at 19 Elm St in Maynard. Rolfing is structural integration bodywork designed to improve posture, reduce pain, and increase movement. More information on Rolfing is available at the Rolf Institute website at www.Rolf.org.

Clients would be present one at a time, with a maximum volume of about 10 per week. There would be no signs or other visible exterior presence of the practice. No interior changes would be made other than the required furniture (table, desk). There would be no sound or noise produced by the practice. The proposed use contributes to the economic base of the community and creates no additional impact on town services.

The sole proprietor would be Richard Paterson, Ph.D., and Certified Advanced Rolfer. He is licensed to practice in PA and NJ. MA does not require Rolfers to have a license. More information on the practice in PA is available at www.RolfingPA.com

From: Richard@RolfingPA.com
To: Kaitlin_Young
Subject: Re: Zoning Question 19 Elm
Date: Saturday, July 03, 2021 8:30:19 AM

Hi Kaitlin,

Thank you very much for your foresight and help.

1. Having Rolfing in Maynard offers the community another option in health care. In addition, income derived from the practice brings more money into the community.
2. There would be minimal traffic and parking impact, as clients come one at a time, at a rate of no more than 10 per week/month (services usually only offered one week per month). Rolfer will also be seeing clients at Assabet Valley Chiropractic and PT, and these numbers include that work.
3. There would be virtually no impact on utilities and public services.
4. There would be no exterior visibility to the practice.
5. There would be no impact on the natural environment,
6. There would be virtually no impact on town services, tax base, or employment. Richard Paterson, now a Maynard resident, would be a sole proprietor.

Thank you Kaitlin.

Richard

Richard Paterson, Ph.D.
Certified Advanced Rolfer™
www.RolfingPA.com
Richard@RolfingPA.com
Text or Talk: 571-265-9950