



**TOWN OF MAYNARD**  
**MASSACHUSETTS**  
**Office of the Town Clerk**

**PLANNING & ZONING BOARD**  
**CERTIFICATE OF NO APPEAL**

Petition No. **ZB 21-11**

Applicant: **Nicole Duane**

Address: **84 Sumer Street**  
**Maynard, MA 01754**

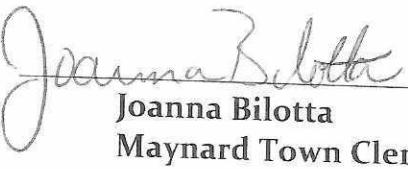
Property address: **84 Summer Street**  
**Maynard, MA 01754**

Assessor's Map: **Map 14, PCL, 45**

I, Joana Bilotta-Simeone, the Town Clerk of the Town of Maynard, Massachusetts hereby certify that the Decision of the **Maynard Planning & Zoning Board** for the **Petition # ZB 21-11** outlined above has been received and recorded at this office on August 26, 2021, and no appeal was received and recorded at this office and no appeal was received during the twenty (20) days next after such receipt and recording of said notice.

Date: **September 20, 2021**

Attest:

  
**Joanna Bilotta**  
**Maynard Town Clerk**



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RECEIVED  
Attn: GLZ  
TOWN OF MAYNARD  
Zoning Board of Appeals  
Office of Municipal Services

195 Main Street  
Maynard, MA 01754  
Tel 978-897-1302

[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 21-11  
**Type:** Special Permit  
**Property Owner/Applicant:** Nicole Duane  
**Project Location:** 84 Summer Street  
**Current Zoning:** Single Residence District (S-1)  
**Application Date:** July 14, 2021

**Description of Request:** The Applicant is seeking a Special Permit per Section 3.2.4 of the Zoning By-laws (ZBL) to operate a psychiatric practice as a Home Occupation at 84 Summer Street (Exhibit "A").

#### 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 July 12, 2021 (Exhibit "A") on July 14, 2021.
- b. A public hearing on the Application was held on August 23, 2021. Notice of the Public Hearing was published in the Beacon-Villager on August 5, 2021, and August 12, 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 on the Application.

#### II. Regulatory Criteria

The Building Commissioner has determined that psychiatry is a customary professional home occupation use and that the Board could determine that "psychiatry" is a use

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consistent with “In-Home Hair Dressing Salon”. Sections 3.1.2 (6) (Use Table) and 3.2.4(1) of the ZBL, allow an In-Home Hair Dressing Salon in a single room by Special Permit from the ZBA provided the residential character of the premises is not changed. As permitted by section 6.2.9 “Residential Districts” of the ZBL, the Applicant will request a sign from the Building Department. Signage is limited to a maximum of four (4) square feet. The applicant is proposing a two-foot by two-foot sign (in a separate application process handled by the Building Department).

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. A Determination that “Psychiatry” is a use consistent with “In-Home Hair Dressing Salon”.
- b. That the proposed use is consistent with the Special Permit criteria listed in Section II of this Decision.

Leslie Bryant made a motion, seconded by Jerry Culbert, to approve a Special Permit to allow a psychiatric practice as a Home Occupation at 84 Summer Street subject to the following conditions:

- a. Hours of operation shall be Monday through Thursday from 8:00 AM to 6:00 PM.
- b. Off street parking will be provided on the subject property during business hours for two vehicles. A maximum of two client vehicles shall be allowed on the subject property at one time.
- c. No prescription medication for patients shall be stored on site.
- d. The business owner will see no more than two clients per hour.

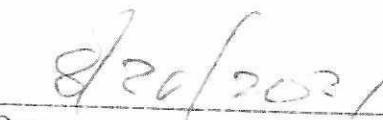
e. The Special Permit is valid for one (1) year from the effective date. Upon renewal, the ZBA will evaluate any impacts and consider granting a Special Permit for a longer period.

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

Paul Scheiner	Y
Leslie Bryant	Y
Jerry Culbert	Y
John Courville	Y
Page Czepiga	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:   
Joanna Bilotta, Town Clerk

Date: 9-20-21

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

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Project Number: ZBA 21-11  
Version: 1.0  
OMS Template: 1.5