



Zoning Board of Appeals  
Town Office Building 195 Main Street  
Maynard, MA 01754

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MAYNARD TOWN CLERK

## FINDINGS AND DECISION

**Petition of Civico Development for a Variance to provide relief from the dimensional requirements of Zoning By-laws.**

**Property Location:** 12 Bancroft Street (Coolidge School), Maynard, Ma.  
**Date of Decision:** August 24, 2020  
**Petition Number:** ZB 20-01

### *Procedural History*

1. Pursuant to Massachusetts General Law Chapter 40A, Section 10, an application for a Variance from the Maynard Zoning By-laws was submitted by the above-referenced applicant with the permission of the owner: the Town of Maynard, and filed with the Zoning Board of Appeals (ZBA) on February 19, 2020. The applicant requested a Variance from the Zoning By-laws to provide relief to allow:
  - a. An ANR lot division that will create a non-conforming lot; and
  - b. Increased density for the subject property to accommodate up to 12-units.
2. Public hearings on the Variance application was held on March 23, 2020; May 11, 2020; and August 24, 2020.
3. The Variance application was accompanied by a plan (survey) prepared by Stamski and McNary, 1000 Main Street, Acton, Ma. 01720, dated January 22, 2020 (Exhibit "B").
4. Throughout its deliberations, the ZBA has considered both the submitted material and comments by the applicant, the staff, and the public.

### *Findings*

#### **1. General**

- a. The subject property is located at 12 Bancroft Street Maynard, MA. 01754, Maynard, Map 20, Parcel 234 and is zoned "General Residence" (Exhibit "A"). The requested Variance is to facilitate the proposed redevelopment of 12 Bancroft Street that will convert the former Calvin Coolidge School into rental housing, including affordable units. This plan is consistent with the RFP

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response Civico Development (Civico) submitted to the Coolidge School Working Group in fall of 2019. The project is intended to:

1. Transfer 12 Bancroft Street from Town ownership to private ownership.
  2. Preserve the sledding hill for public use.
  3. Preserve the façade of the building.
  4. Create affordable housing.
  5. Maximize the overall benefits to the Town.
- b. The proposed ANR is included with the survey in “Exhibit B”. The lot division, which was conceptually shown during the October Special Town Meeting, is necessary to preserve public access to the sledding hill. Once an ANR is completed, “Lot A” will contain the structure, and “Lot B” will contain the sledding hill and public park. Preservation of the hill requires a rear setback of less than 15 feet for the existing structure. Approval of this petition allows the ANR to be finalized. “Parcel B” is anticipated to be rezoned as “Open Space” at the October 3<sup>rd</sup>, 2020 Special Town Meeting.
- c. A Variance granting relief from the required 15 foot rear setback allowing an approximately eight (8) foot setback was granted by the ZBA on May 11, 2020. Although the reduced setback request was submitted as part of the original application for this petition, it was approved separately and issued its own Decision. The purpose was to allow the Planning Board to conduct an “Approval Not Required” review finding that will accommodate the creation of a non-conformity (building to rear setback).
- d. The Variances contained in this Decision provide relief to:
1. Allow an ANR lot division that will create a non-conforming lot.
  2. Allow increased density for the subject property to accommodate up to 12-units. Table 1 provides the breakdown between the requirements of the Zoning By-laws and the relief granted.

Table 1: General Residence Dimensional Requirements

<b>ZBL Requirements</b>	<b>Provided/Proposed at 12 Bancroft Lot (after ANR)</b>
Area: 7,000 ft <sup>2</sup>	Approximately 21,750 ft <sup>2</sup>
Residential Density: maximum number of units allowed is 4 units (5,000 ft <sup>2</sup> per unit).	12 Units

## ***Variance Criteria***

Chapter 40A, Section 10 of the Massachusetts General Laws (MGL) requires that before granting a Variance, the Board must make a determination (finding) that three conditions exist on the subject property:

1. The permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.
2. That a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant.
3. That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

## ***Specific Findings***

The Board considered each required finding on its own merit.

1. The Board determined that unusual circumstances affecting land or structures existed: specifically, the parcel has a steep drop-off that the public utilizes as a sledding hill. The proposed separation of Parcels "A" and "B" is desirable to maintain the sledding hill, but the topography of the land will not allow the existing structure ample setback distance.
2. The Board determined that a hardship existed in that the Town will be unable to sell "Parcel A" without the Variance. Maintaining the existing unused structure as a municipal asset results in an economic hardship to the Town.
3. The Board determined that granting the Variance would neither result in a substantial detriment to the public good; nor derogate the intent and purpose of the Zoning by-law. This action will result in the preservation of the sledding hill and the historic preservation of a National Historic Registry eligible property and therefore is beneficial to the public. The purpose of the Zoning by-law for density is to ensure a minimum amount of open space is available for each residential unit. In this case, the subject property's rear lot line abuts a park acre of approximately 2 acres. This preserves open space exceeding what would be required for 12 units in perpetuity and ensures the spirit of the Zoning by-law is met.

## Decision

1. In view of the foregoing and by a 5-0 vote, The Zoning Board of Appeals hereby has determined the conditions as required by ZBA Chapter 40A, Section 10 of the Massachusetts General Law have been met and the Applicant's request for a Variance to:
  - a. Allow an ANR lot division that will create a non-conforming lot is **approved**.
  - b. Allow increased density for the subject property to accommodate up to 12-units is **approved**.

## Record of Vote

Paul Scheiner	<u>Y</u>
Marilyn Messenger	<u>Y</u>
John Courville	<u>Y</u>
Leslie Bryant	<u>Y</u>
Jerry Culbert	<u>Y</u>

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

8/27/20  
\_\_\_\_\_  
Date

Filed with the Town Clerk on: \_\_\_\_\_

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

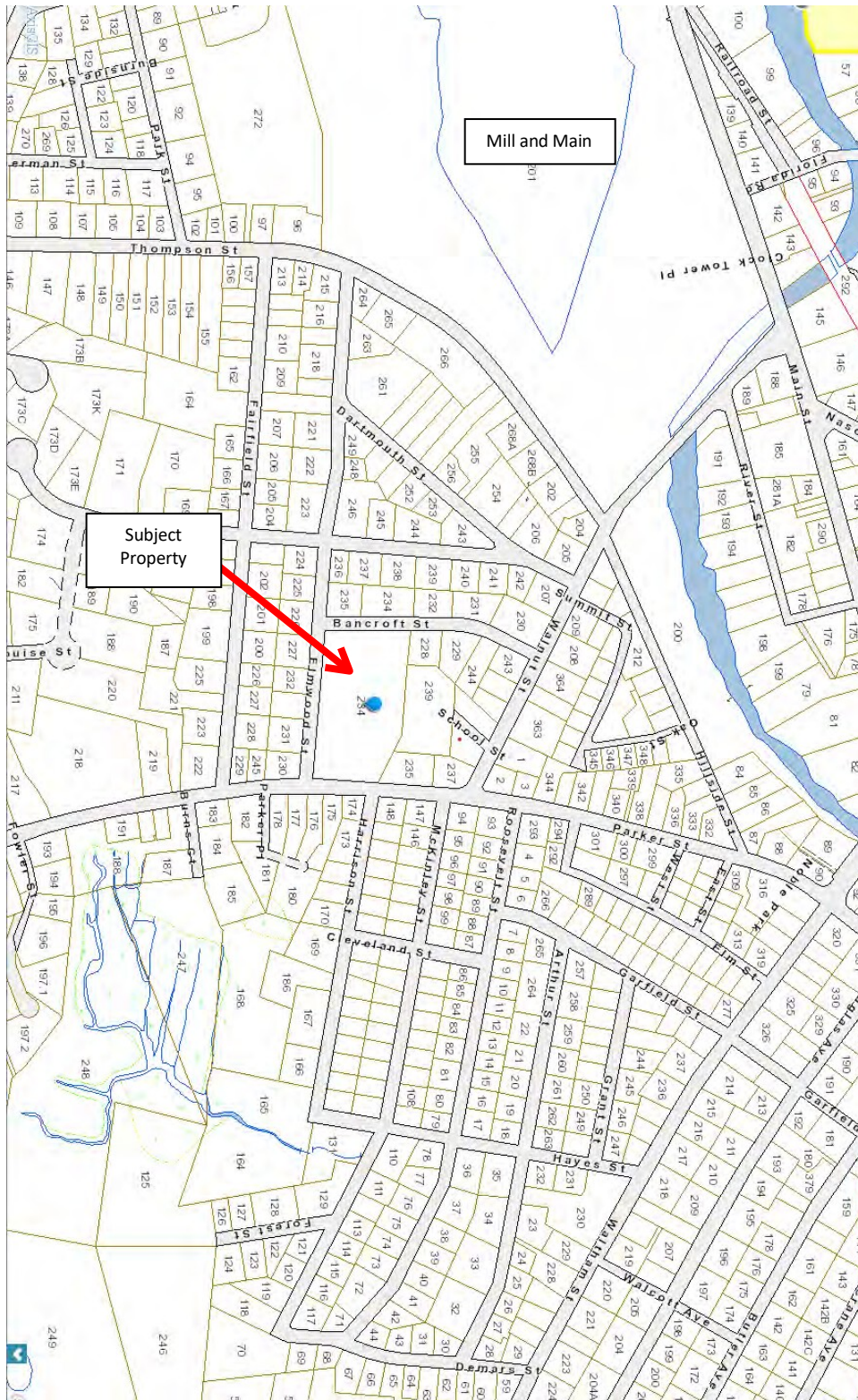
In accordance with Sec. 11 of Ch. 40A of Massachusetts General Law, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Maynard Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or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

Attest: \_\_\_\_\_

Date: \_\_\_\_\_

Michelle Jenkins, Town Clerk

**Exhibit "A"**  
**General Location**



## Exhibit "B"

### ANR Plan

