



## Zoning Board of Appeals

Town Office Building  
195 Main Street  
Maynard, MA 01754

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2020 MAY 22 AM 11:41

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:** May 11, 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 from the required 15 foot rear setback (yard) to allow the pre-existing building to have a rear setback of approximately 8 feet at 12 Bancroft Street Coolidge School (Exhibit "A").
2. A public hearing on the Variance application was held on March 23, 2020 and on May 11, 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 of 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. 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 response Civic Development (Civico) submitted to the Coolidge School Working Group in fall of 2019. The project is intended to:

- Transfer 12 Bancroft Street from the Town to private ownership.
- Preserve the sledding hill for public use.
- Preserve the façade of the building.
- Create affordable housing.
- Maximize the overall benefits to the Town.

The proposed ANR is included with the survey in “Exhibit A”. 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 the rear setback of less than 15 feet for the existing structure. “Parcel B” is anticipated to be rezoned at the fall May 2020 Town Meeting, to designate it as “Open Space”.

- b. The 2.48 acres parcel, is zoned “General Residence”.
- c. A 15 foot rear setback is required.
- d. The applicant is proposing a rear setback of approximately 8 feet to allow the sledding hill to have adequate room for staging and preserve the hill as a public amenity and as a separate lot (Exhibit “B”).

### ***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.

***a. 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 is to ensure minimum separation between structures and property lines. In this case, the subject property’s rear lot line abuts a park: this maintains adequate separation from other structures or the street and ensures the spirit of the Zoning by-law is met.

***Decision***

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 for a reduced rear setback of approximately 8 feet 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

\_\_\_\_\_  
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

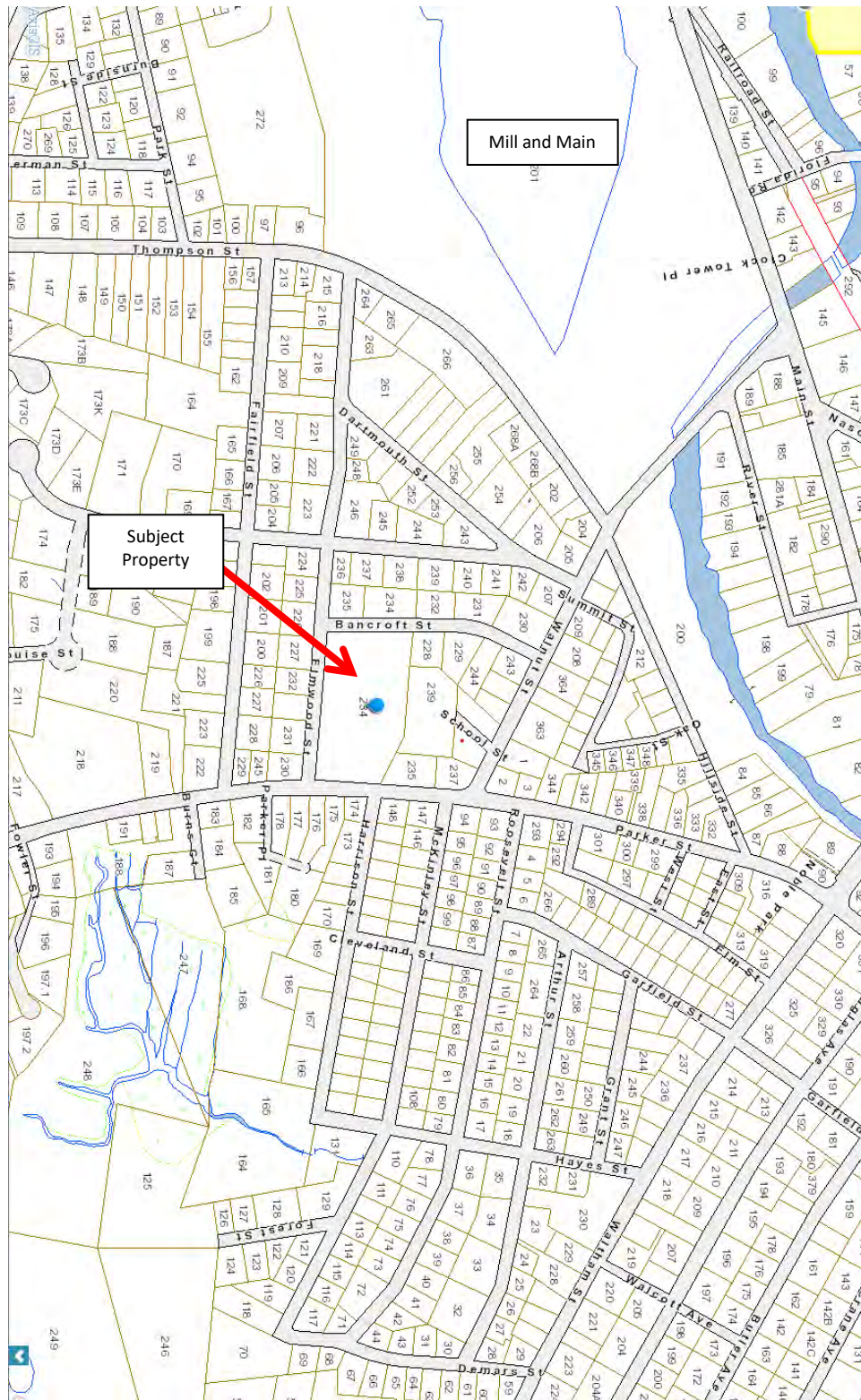




Exhibit "B"  
Survey with reduced setback

RECORD OWNER  
TOWN OF MAYNARD  
SCHOOL DEPARTMENT  
135 MAIN STREET  
MAYNARD, MA

REFERENCE  
MIDDLESEX REGISTRY OF DEEDS  
SOUTH DISTRICT  
DEED BOOK 3170 PAGE 254  
PLAN BOOK 145 PLAN 45

ZONING DISTRICT  
GR

- NOTES:
- 1) THIS PLAN IS BASED ON THE REFERENCED PLANS AND ANY ON THE GROUND SURVEY. THE CERTIFICATION HEREON IS INTENDED TO MEET THE REQUIREMENTS OF THE REGISTRY OF DEEDS ONLY, AND IS NOT CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN, OR AS TO THE EXISTENCE OF UNRECORDED EASEMENTS, OWNERSHIP OF ABUTTING PROPERTIES ARE FROM CURRENT ASSESSOR'S RECORDS.
  - 2) ENDORSEMENT BY THE PLANNING BOARD OF THE TOWN OF MAYNARD DOES NOT IN AND OF ITSELF INDICATE THAT THE LOTS BEING CREATED ARE NECESSARILY BUILDABLE LOTS.

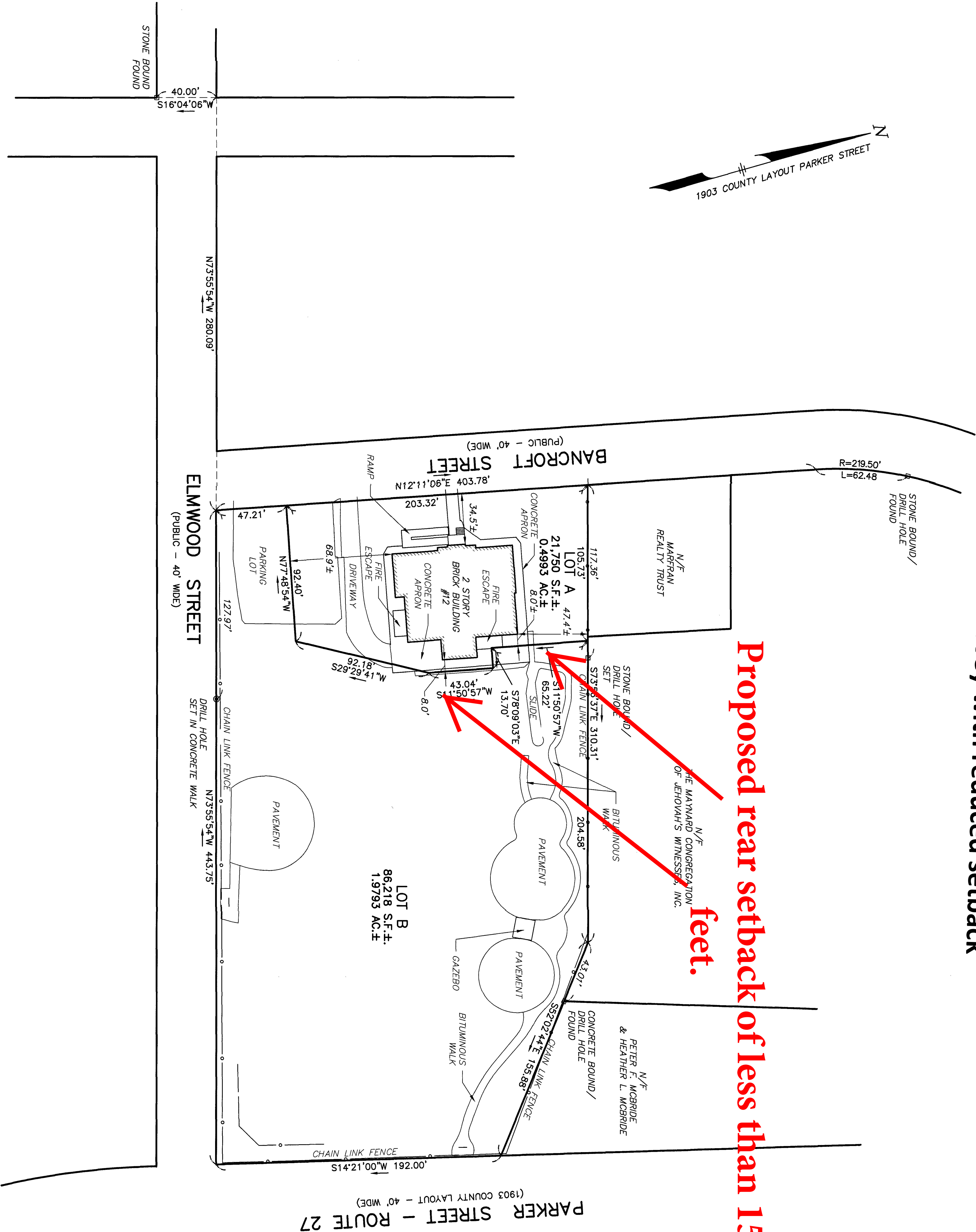
PLANNING BOARD ENDORSEMENT  
IS NOT A DETERMINATION AS TO  
CONFORMANCE WITH ZONING  
REQUIREMENTS.  
APPROVAL UNDER SUBDIVISION  
CONTROL LAW NOT REQUIRED  
MAYNARD PLANNING BOARD

DATE

THIS PLAN HAS BEEN PREPARED IN CONFORMITY  
WITH THE RULES AND REGULATIONS OF THE  
REGISTERS OF DEEDS OF THE COMMONWEALTH OF  
MASSACHUSETTS.

DATE 2/13/20

REGISTERED PROFESSIONAL LAND SURVEYOR

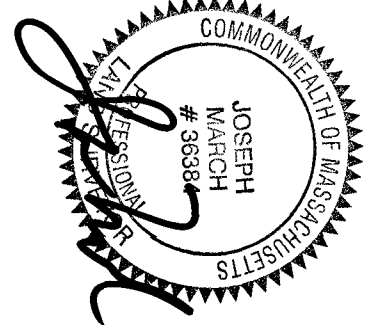


PLAN OF LAND  
IN  
MAYNARD, MASSACHUSETTS  
(MIDDLESEX COUNTY)

FOR: TOWN OF MAYNARD  
SCALE: 1"=40' JANUARY 22, 2020

STAMSKI AND MCNARY, INC.  
1000 MAIN STREET ACTON, MASSACHUSETTS  
ENGINEERING - PLANNING - SURVEYING

0 20 40 80 120 160 FT



(5605ANR2.dwg) 12 Bancroft Street SM-5605

# Survey

**RECORD OWNER**  
**TOWN OF MAYNARD**  
**SCHOOL DEPARTMENT**  
**195 MAIN STREET**  
**MAYNARD, MA**

## REFERENCE

MIDDLESEX REGISTRY OF DEEDS  
SOUTH DISTRICT  
DEED BOOK 3170 PAGE 254  
PLAN BOOK 145 PLAN 45

## ZONING DISTRICT

GR

**NOTES:**

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PLANNING BOARD ENFORCEMENT IS NOT A DETERMINATION AS TO CONFORMANCE WITH ZONING REQUIREMENTS.

APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED

AYWARD PLANNING BOARD

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\_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE 2/13/20

~~REGISTERED~~ PROFESSIONAL LAND SURVEYOR

# PLAN OF LAND IN

**MAYNARD, MASSACHUSETTS**  
(MIDDLESEX COUNTY)

FOR: TOWN OF MAYNARD  
SCALE: 1"=40' JANUARY 22, 2020

**STAMSKI AND MCNARY, INC.**  
1000 MAIN STREET ACTON, MASSACHUSETTS  
*ENGINEERING - PLANNING - SURVEYING*

(5605ANR2.dwg) 12 Bancroft Street SM-5605



**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

5-22-2020

Date

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Michelle Jenkins, Town Clerk