

APR 1 2019
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MAYNARD, MA 01754The **Maynard** Advantage
New England Living for Everyone

TOWN OF MAYNARD
Office of Municipal Services
MUNICIPAL BUILDING
 195 Main Street
 Maynard, MA 01754
 Tel: 978-897-1302 Fax: 978-897-8489
www.townofmaynard-ma.gov

Maynard Zoning Board of Appeals
Notice of Decision

To: Michelle Sokolowski, Town Clerk
 195 Main Street
 Maynard, MA 017

April 1, 2019

Re: 1 Summer Street, Maynard, Ma. (Fire Station) OMS Application # ZBA 19-03

Dear Ms. Sokolowski:

Please accept this Notice of Decision (renewal of a Variance) for recording by the Maynard Town Clerk's Office.

I. General

On February 27, 2017, the Maynard Zoning Board of Appeals (hereinafter referred to as "the ZBA") approved a Variance allowing a reduced side setback of approximately 7 feet (15 feet required) and a reduced rear setback of approximately 1 foot (15 feet required) for a temporary structure at the Maynard Fire Station, 1 Summer Street, Maynard, Ma.

The Variance was valid for a two (2) year period. The new fire station has not been built and it is believed to be a minimum of two (2) years off. The Applicant (The Town of Maynard) has requested an extension of the Variance.

II. Document Submitted in Support of the Application:

The following materials and supporting documents were submitted to and reviewed by the ZBA with the application, or during the Public Hearing process, and form the basis of this Decision: ZBA Decision of February 27, 2017 (Exhibit 'A').

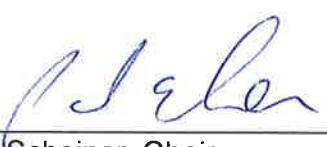
III. Public Hearing and Vote of the Zoning Board of Appeals

The project was reviewed by the ZBA at a public hearing opened and closed on March 25, 2019. Notice for the public hearing was published March 7 and March 19, 2019, in the Beacon-Villager and sent to abutters of the property and other interested parties by certified mail according to the Assessors' Certified Abutters List.

V. Decision: the Zoning Board of Appeals at its meeting of March 25, 2019 hereby votes:

1. By a 5-0 vote, to renew the Variance for 1 Summer Street authorized by the ZBA Decision of February 27, 2017. The Variance shall remain in effect until such time as a new fire station is constructed and ready for occupancy at which time the temporary structure shall be removed.

Paul Scheiner Yes
Marilyn Messenger Yes


Paul Scheiner, Chair
For the Zoning Board of Appeals

Leslie Bryant Yes
Jerry Culbert Yes
John Courville Yes


Date

Filed with the Town Clerk on: _____

Town Clerk

Exhibit "A"
ZBA Decision of February 27, 2017



Office of the
T O W N C L E R K
195 Main Street – Town Building
Maynard, Massachusetts 01754
Telephone (978) 897-1300

July 24, 2017

Re: Decision of the Zoning Board of Appeals

Petition Number: **ZB 17-01**

Property Location: **1 Summer Street**
Maynard, MA 01754

Petitioner: **Town of Maynard (Fire Department)**
Maynard, MA 01754

Date of Decision: **February 27, 2017**

I hereby certify that this decision and any authorized signatures are true copies of the original and that 20 days have elapsed from the filing date of the decision and that no appeal has been filed in this office.

Attest: A True Copy

Michelle L. Sokolowski, Town Clerk

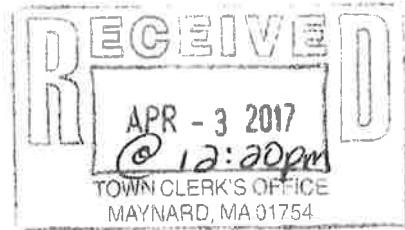
Seal

Registry of Deeds, South Middlesex District
208 Cambridge Street
East Cambridge, Ma 02141
(617) 679-6300



Zoning Board of Appeals

Town Office Building
195 Main Street
Maynard, MA 01754



FINDINGS AND DECISION

Petition of the Town of Maynard (Fire Department) requesting a Variance for a reduced side setback of approximately 7 feet (15 feet required) and a reduced rear setback of approximately 1 foot (15 feet required).

Property Location: 1 Summer Street, Maynard, Ma.
Date of Decision: February 27, 2017
Petition Number: ZB 17-01

I. Procedural History

- a. On January 17, 2017, the applicant filed a petition with the Maynard Zoning Board of Appeals (ZBA) requesting a Variance from Section 4 of the Zoning By-laws to provide relief for a temporary structure at the Maynard Fire Station which would allow:
 - a reduced side setback of approximately 7 feet (15 feet required).
 - a reduced rear setback of approximately 1 foot (15 feet required).
- b. "Parties in Interest" were verified by the Maynard Property Assessor's Office. Notice of Public Hearing was mailed to the "Parties in Interest" and said notice was published, all according to statute.
- c. A public hearing was held on February 27, 2017 as scheduled and advertised. The Board considered the petition in the light of statutory criteria and requirements of the Maynard Zoning By-laws and the Massachusetts General Laws. No one spoke in opposition to the request. The ZBA confirmed the frontage of the subject property was Summer Street and that required setbacks for the proposed temporary structure should be and were based on this configuration.
- d. The Variance application was accompanied by a justification statement, site plan (Exhibit "A") and description with photo of the temporary structure.

II. Petition Details

- a. The subject property has a lot area of approximately .37 Acres (16,117.2 sf +-) and a zoning designation of "Business" (B).
- b. In order to utilize a federal grant, the Town acquired an aerial ladder fire truck to be delivered in the summer of 2017. The vehicle is too large to fit into the existing fire station and the purpose of the temporary structure is to house the truck until a new permanent structure is built on the current site or another location. The temporary structure cannot meet required setbacks of the district. This requires a Variance from the Dimensional Schedule, per Section 5.1.4 of the Zoning By-laws. Exhibit "A" depicts the proposed layout for the temporary structure.
- c. The Town is currently engaged in a search for a suitable location to build a new fire station.

III. Findings

The ZBA finds:

- a. The topography and unique shape (small, irregular size) of the subject property does not generally affect other properties in the zoning district in which it is located. This makes conformity with setback requirements impossible for the proposed temporary structure.
- b. The subject property is the town Fire Station and as such, provides a specific function. Not granting a variance creates a hardship for the Town, as there is currently no other location large enough on the premises to store this apparatus. Moving the truck to another location while the Fire Department remains on site is not conducive to proper emergency response practices.
- c. There would be no substantial detriment to the public good or derogation from the intent or purpose of the By-law by granting the Variance. This request provides a public good and is consistent with the Zoning By-laws; specifically Section 1.1, which states the intent of its regulations, is to promote the general welfare of the Town.

IV. Motion

A motion was made by Leslie Bryant and seconded by Marilyn Messenger finding that the criteria for a Variance has been met, and to issue a Variance for the property located 1 Summer Street that will allow a temporary structure, consistent with the design depicted on the application, that will have:

- a reduced side setback of approximately 7 feet (15 feet required).

- a reduced rear setback of approximately 1 foot (15 feet required).

This Variance shall be valid for a period of two-years from its effective date.

Record of Vote

The Zoning Board of Appeals voted 5-0 to grant the Variance:

Voted:

| | | | |
|-------------------|-----|----------------|-----|
| Paul Scheiner | Yes | Jerry Culbert | Yes |
| Marilyn Messenger | Yes | John Courville | Yes |
| Leslie Bryant | Yes | | |

PScheiner
Paul Scheiner, Chair
For the Zoning Board of Appeals

Date

3/3/17

Filed with the Town Clerk on: 3/31/2017

Marilyn J. Vakolowski
Town Clerk

Exhibit "A"

