



Zoning Board of Appeals

Town Office Building
195 Main Street
Maynard, MA 01754

FINDINGS AND DECISION

Petition of James MacDonald (Durango Realty Trust) requesting a Variance for reduced side and rear setbacks to construct a Dumpster Enclosure that will create a new non-conformity.

Property Location: 145 Main Street, Maynard, Ma.
Date of Decision: January 30, 2017
Petition Number: ZB 16-10

I. Procedural History

- a. On December 27, 2016, the applicant filed a petition with the Maynard Zoning Board of Appeals (ZBA) requesting a Variance from Section 4 of the Maynard Zoning By-laws to provide relief from both the required 15 foot rear setback and relief from the required 15 foot side setback. The structure requiring a variance was built prior to obtaining approval. This request is to allow the Applicant to retain the current structure.
- 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 January 30, 2017 as scheduled and advertised. The Board considered the petition in the light of statutory criteria and requirements of the Zoning By-laws and the Massachusetts General Laws. No one spoke in opposition to the request.
- d. The application for the proposed addition was accompanied by mortgage inspection plan drawn and certified by Paul G. Josephson and a justification statement to the ZBA from the petitioner dated December 21, 2017.

II. Petition Details

- a. The subject property has a lot area of approximately 8,900feet² and a zoning designation of "Business" (B).
- b. The petitioner is requesting to construct a dumpster enclosure with a rear setback of approximately 5 feet and side setback abutting the property line. This requires a Variance from the Dimensional Schedule, per Section 5.1.4 of the Zoning By-laws.

III. Findings

The ZBA finds:

- a. The topography and unique shape (small size) of the subject property do not generally affect other properties in the zoning district in which it is located. This prevents makes conformity with setback requirements impossible without loss of existing parking.
- b. This is a multi-family rental property. Without the dumpster enclosure, the circumstances create a less-desirable rental property. This can negatively affect property values and rental rates due to aesthetic impact of an open dumpster on both the subject property and on the surrounding area. The ZBA also determined that the requested enclosure type controls the spread of litter and debris more effectively than other options.
- 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 improves the area 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 to issue a Variance for the property located at 145 Main Street that will provide relief from both the required 15 foot rear setback and relief from the required 15 foot side setback to allow a dumpster enclosure with a rear setback of approximately 5 feet and a side setback abutting the property line.

Record of Vote

The Zoning Board of Appeals voted 4-1 to grant the Special Permit:

Voted:

Paul Scheiner

Yes

Marilyn Messenger

Yes

Jerry Culbert

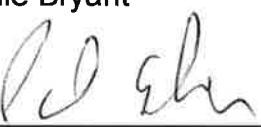
No

Leslie Bryant

Yes

John Courville

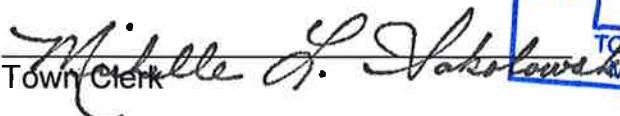
Yes


Paul Scheiner, Chair


Date

For the Zoning Board of Appeals

Filed with the Town Clerk on:


Town Clerk

