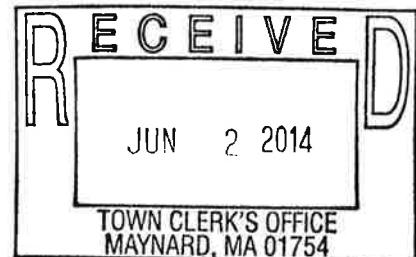




Zoning Board of Appeals

Town Office Building
195 Main Street
Maynard, MA 01754



PETITION OF PETER MORRISON

PREMISES: 54-56 MCKINLEY STREET

CASE NO. 14 SP 1

DATE OF DECISION: MAY 28, 2014

On April 2, 2014, the Petitioner filed an application with the Zoning Board of Appeals for 54-56 McKinley Street, Maynard, Map 20-Parcel 117, for a Special Permit to extend a pre-existing non-conforming structure, pursuant to Maynard Zoning By-Laws, Section 5.1.5, to allow for the front setback to be reduced from 25 feet to 21.8 feet and for a lot coverage increase from 15.57% to 19.93%.

“Parties of interest” were verified by the Board of Assessors. Notice of Public Hearing was mailed by the recording secretary of the Zoning Board of Appeals to the “Parties of interest” and said notice was advertised on 4/24 & 5/1/14, all according to statute.

The hearing was held on May 12, 2014 as scheduled and advertised. The Board considered the requested Special Permit in the light of statutory criteria and the requirements of said Bylaw. The petitioner, Peter Morrison, spoke on behalf of the application.

WHEREFORE, the Board hereby grants the requested Special Permit pursuant to Section 5.1.5 and MGL, C. 40A and Section 6, after finding that:

- 1) The pre-existing non-conforming two-family structure is located in the S-1 (Single Family Residential) District.
- 2) The majority of the dwellings in the immediate neighborhood are pre-existing non-conforming two-family structures.
- 3) The existing dwelling is a pre-existing non-conforming Use (two-family) and the proposal will not change or intensify the Use.
- 4) The existing dwelling is a pre-existing non-conforming Structure due to front setback (21.8 feet) and lot coverage (15.57%).
- 5) The subject property is a corner lot which helps to mitigate a small increase in density on the lot.

- 6) The proposed coverage relief for the proposed extension which increases the non-conforming coverage from 15.57% to 19.93 is not substantially more detrimental than the existing non-conformity.
- 7) The proposed setback relief for the proposed extension from the 25' requirement to 21.8' is not substantially more detrimental than the existing non-conformity, and
- 8) The public health and safety will not be affected as there will remain adequate access for emergency and fire equipment

This decision does not relieve the Petitioner or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinance by laws and/or regulations.

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, and a copy of the appeal shall be filed in the Town Clerk's Office within twenty (20) days after the date of the filing of the Decision in the office of the Town Clerk.

MEMBERS: Paul Scheiner, Marilyn Messenger, Carlos Perez and John Edson (alternate) with a vote of 4-0 in favor.



Paul Scheiner, Chair

Dated: May 28, 2014