

Maynard Zoning Board of Appeals - Minutes: November 18, 2013

Attending: Paul Scheiner (PS), Chair; Christopher Etchechury (CE); Marilyn Messenger (MM), Carlos Perez (CP); and, Leslie Bryant (LB), Alternate. Also attending on behalf of the Town of Maynard: Eric R. Smith, AICP, Town Planner, Recording Secretary.

PS called the meeting to order at 7:00p.m.

Petition of James W. Oakman, 26 Crane Avenue, for a Special Permit, Section 5.1.5., for a proposed repair and deck addition to the side of an existing porch located in front of the existing residential dwelling:

PS opened up the Public Hearing by reading the Legal Notice into the record:

A public hearing will be held on Monday, November 18, 2013 at 7:00 p.m. at the Maynard Town Building, 195 Main Street, Maynard, Room 101, to hear all persons interested in the Petition of James W. Oakman, 26 Crane Avenue, Maynard, Map 15-Parcel 127, for a Special Permit pursuant to Maynard Zoning Bylaw, Section 5.1.5, for a proposed repair and deck addition to the side of an existing porch located in front of the existing residential dwelling. Said relief is required as a portion of the proposed porch repair and deck addition is located within the required front-yard setback of a lot located in the Town's Single Residence (S-1) District. The Petitioner is looking for relief from the 25-foot front-yard setback requirement to 8 feet. Action will be taken on the within petition as filed and presented or for such other zoning relief as this petition shall merit. A copy of the application is on file with the Town Clerk's and the Zoning Board of Appeals' Offices and can be viewed during normal office hours.

PS then asked the Petitioner to present his proposal to the Board.

The Petitioner, James W. Oakman (JO), 26 Crane Avenue, approached the Zoning Board of Appeals.

JO: What I have is a house that was built in the 1800's. It's one of the old mill houses. The front porch is really deteriorating pretty badly. It has to be repaired. We have the old fieldstone foundation and wet cellar. My wife wants to bring the washer and drier upstairs. We had a side entrance that we blocked off so we could put the washer and drier up.

JO: So what I want to do is repair the deck and the front porch. But I want to run off the side of it, cause there were was these cement stairs going into the door we took out. What the deck will do is cover those stairs, so I don't have to jackhammer them out.

The Board members reviewed the Petitioners proposed constructed of the new deck area. JO: I want to come off to the side of the porch and cover those stairs with a deck and put a railing around it.

LB: So how will you access that deck part? JO: (pointing to the plan) The stairs right here. JO noted when they had poured cement stairs, they poured them solid, so it would be a lot of jackhammering to get them out. JO: Plus it's in a little spot in the house where you would probably ruin the house, so it's just easier to cover them.

PS and the Board members asked the Petitioner to approach the Board and review his proposed construction by indicating the proposed construction on the submitted plan.

MM: So you would still access the house the same way? JO: Yes. MM: Would it have any use? JO: It's more to kind of clean things up.

PS asked the Petitioner if he had any pictures. PO indicated he just had the plan that was drawn up and submitted with the Application.

PO: I want to more or less make it look better for the neighbors.

Louise Libby, 23 Crane Avenue: I have lived in the same house across the street from him since I was a kid. The stairs that he is trying to hide used to go into the kitchen. We used to call it the side entrance when my original neighbor used to live there. So if you don't do anything, covering that set of steps, you looking at a set of steps going nowhere. If he covered it up instead of jackhammering and doing all that, all you are doing is leaving the stairs there but just covering over it.

LB: Will there be a railing or something off that side of the porch? JO: Yes.

PS: The existing porch has a roof on it. JO: Yes, but it needs to be beefed up. PS: The deck you are talking about, will not have a roof on it? JO indicated no roof, but will have the railing around it.

MM: Asking for relief from the frontage? JO and the Board reviewed the proposed porch construction, which requires Special Permit relief from the construction occurring within the required front-yard setback.

PS and the Board then reviewed the proposed location of the construction using Google Maps aerial photos. JO: It's more or less just to kind of neaten things up here. That's all.

PS opened the Hearing up for Public Comment and then asked Ms. Libby if she had signed in for the meeting sign-in sheet for the record.

Ms. Libby: if I could only comment and say that his porch at the front door needs to be fixed. It has been there since I was a little kid. The front porch needs to be addressed along with covering up that second set of stairs. You don't need that now that there is no door there.

PS asked for any more Board questions.

CP: The stairs are going up. You are going to bring them from the top of the step and then over? There is going to be space underneath? JO discussed his proposed construction and noted there will be little space underneath as it will be all boxed in.

MM made a Motion to close the Public Hearing. Second by LB. Vote 5 to 0.

The Zoning Board members then began deliberations of the Petition.

LB: Since there is only a neighbor in favor that has shown up, the neighborhood is not up in arms.

PS indicated to the Petitioner that he is actually requesting a Special Permit from the Board, whereas he had checked off a Variance on the Application form.

PS and the Town Planner compared the Variance criteria requirements versus the Special Permit criteria.

PS noted the Structure at 26 Crane Avenue pre-dates the adoption of Zoning in the Town of Maynard.

CP: It does not increase the gross floor area, right? PS: Right, cause it is a deck, outside.

MM: I would say it is not any more detrimental to the neighborhood than what is there. PS: And it might even be an improvement to the neighborhood. MM agreed.

LB made a Motion for the Zoning Board of Appeals to grant a Petition of James W. Oakman, for a Special Permit, pursuant to Maynard Zoning Bylaws, Section 5.1.5 for a proposed deck addition to the side of the existing porch located in front of the existing residential dwelling at 26 Crane Avenue. The granting is noted with the Findings that granting this Special Permit is not any more detrimental to the neighborhood than the house that already exists and would be an improvement to the neighborhood.

PS clarified that the ZBA is not ruling on the repair of the existing porch. PS indicated that could be addressed by the Applicant directly working with the Building Commissioner through the Building Permit Process.

The Motion was Seconded by MM. Vote 5 to 0 in favor to approve the Special Permit.

Scheduling of Future Zoning Board of Appeals Meetings

The Town Planner noted that Renee Giunta has filed a Special Permit application to renew her approval last December for use of her house at 13 Elm Court for the Hairdressing Home Occupation. She is requesting to allow for continued use of said premises for the Hairdressing Home Occupation accessory use. The Zoning Board of Appeals scheduled public hearing for this request for Monday, December 16, 2013 at 7:00p.m.

The Zoning Board of Appeals members talked to the Town Planner about the need for additional members. The Town Planner indicated he would work towards getting additional members by use of the local newspapers.

Approval of Minutes

LB made a Motion to Approve the October 21, 2013 meeting minutes as submitted. Seconded by PS. Vote 4 to 0 to Approve. MM abstained as she was not in attendance at the Oct. 21st meeting.

LB made a Motion to Adjourn. Seconded by MM. Vote 5 to 0