



TOWN OF MAYNARD

Office of Municipal Services

195 Main Street

Maynard, MA 01754

Tel 978-897-1302 Fax: 978-897-8489

BNemser@TownofMaynard.net www.townofmaynard-ma.gov

The Maynard Advantage
New England Living for Everyone

Plan Distribution Memo

| | |
|-----------------------------|--|
| To | Zoning Board of Appeals Town Administrator Planning Director * Building Commissioner * Chief of the Fire Department Police Chief Assessor's Office Conservation Commission Town Clerk |
| From | Bill Nemser, Planning Director |
| Date | March 28, 2023 |
| Subject | Request for review and comments for plans |
| Application # | ZBA2302 |
| Project Name | 123 Summer Street Trade Shop |
| Project Location | 123 Summer Street |
| Property Owner | Andy Moerlein and Donna Dodson |
| Applicant | Andy Moerlein and Donna Dodson |
| Type of Request | Special Permit Renewal Request |
| Zoning | S-1 |
| Map/Lot | 008.0-0000-0164.0 |
| Date App. Received | March 24, 2023 |
| Attached | Project application, and relevant supporting materials. |
| Petition Description | The subject property, 123 Summer Street, is located within the S-1 Zoning District. Consistent with Section 3.2.5 and 10.2 of the Zoning By-laws, the petitioner is requesting renewal of the Special Permit allowing a trade shop use (Artist Studio) within the subject property, originally approved September 8, 2022. |

* Full size plans; all other addressees get 11X17 (if applicable). Digital package to all addressees.

This item is scheduled for the Zoning Board of Appeals meeting of April 24, 2023, to be held via ZOOM.

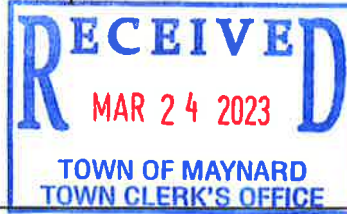
- It is requested you provide comment(s) on or before April 10, 2023. Please note whether the item should be corrected or addressed prior to approval, prior to building permit, prior to c/o, etc.
- If you have no comment, please provide a "no comment" letter for the record.
- If you or a representative will be attending, please contact me at (978) 897-1302.

Thank you for your assistance.

**Application Fees (Not Including
Advertising and Mailing Costs):**

- Special Permit: \$250
- Variance: \$250
- Appeal of Building Commissioners Decision: \$250
- Special Permit Renewal: \$150

Clerk Stamp:



ZONING BOARD OF APPEALS
APPLICATION NUMBER: ZBA2302
PETITION FOR HEARING

This Petition must be completed, signed, and submitted with the filing fee and supporting documentation by the Petitioner or his representative in accordance with the procedures as set forth on the attachments to this petition.

Address of Property 123 Summer St
Characteristics of Property: Lot Area 1 acre Present Use Residential
Assessor's Map # 8 Parcel # 164 Zoning District R1
Name of Petitioner Donna Dodson + Andy Moerlein Phone # 617 960 6708
603 496 8525
Mailing Address 123 Summer St
E-mail Address themythmakersblog@gmail.com
Name of Owner _____ Phone # _____
(If not Petitioner)
Mailing Address _____

Petition is for
(Check One) ☐ An Appeal from the Decision of the Building Commissioner
☐ A Variance
☒ A Special Permit Renewal
☐ Other (Please Specify) _____

Applicable Section of the Zoning By-Laws: 3.2.5

Summarize nature and justification of petition (Please attach full explanation):

We would like to renew our special permit for the use of our accessory build
in a private, non-commercial art studio since there have been no iss
in the past year.

I hereby request a hearing before the Zoning Board of Appeals with reference to the above Petition.

Signature of Petitioner (or representative) Donna Dodson AM

Address (if not Petitioner) _____

Telephone Number _____

Signature of Owner, if other than Petitioner _____

3/24/2023

To the Maynard Zoning Board of Appeals from Donna Dodson & Andy Moerlein, 123 Summer St, Maynard

We would like to Renew a Special Permit for our private non-commercial Art Studio.

We believe the activities of our studio practice are consistent with section 3.2.5 of the Town's Zoning By-Laws (ZBL).

10.1.1 . Special Permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;

We have chosen to live in Maynard because of its uniquely vital arts community. ArtSpace Maynard, Maynard's Cultural District, Acme Theatre, Maynard Public Library, Fine Arts Theatre Place, a rich abundance of owner designed ethnic foods, Amory's Tomb, Bike Trail, Assabet Wildlife Refuge, and the newly minted Sanctuary all hint at rich cultural and environmental experiences within the charm of a very mixed blue collar/white collar community. As artists we value this diversity and we have whole heartedly participated with our time and enthusiasm to celebrate Maynard and bring the town to the attention of a much wider community.

As art activists and journalists, we were asked to write an article about Maynard's transforming cultural economy for New England's premier arts publication Art Scope Magazine. (see attached)

As artists we contribute to and work with a spectrum of community organizations and governing boards. The success we've had in our careers allows us both to serve on multiple committees in support of the town over the years. These include Town Administrator Search Committee, Coolidge School Reuse Working Group, Maynard Cultural Council, Housing Production Plan, Master Plan Implementation Committee, Economic Development Committee and Affordable Housing Trust among others.

2.Traffic flow and safety, including parking and loading;

We have a very generous parking area and do not obstruct any roadways nor affect traffic.

3. Adequacy of utilities and other public services;

art materials we use is toxic at the quantities we use. We do not produce dust, noise or odors.

6. Potential fiscal impact, including impact on town services, tax base, and employment.

Our home's value has been improved by our labors and investment. Our tax bill reflects this. Barring the time this process has cost the town we have never had any impact on town services and do not foresee that possibility. We contribute with mindful volunteering in many aspects of Maynard with an abundance of respect for what it takes to run a small dynamic institution such as our town. We have actively contributed our artwork to the Town initiatives such as the Seagull Cinderella Parade which resulted in a Town Proclamation recognizing the community pride in the sculpture by Dodson and claiming an annual day of recognition for the sculpture. (see attached) Both the Myth Makers and Andy Moerlein (solo) have contributed sculptures to the lawn of Artspace Maynard for children and families to explore. Dodson has recently collaborated with Trina Baker, a studio artist at Artspace, to launch an exciting digital animation project via a series of free online public lectures hosted by Artspace, and other local community groups such as Sudbury League of Women Voters, First Parish Church of Stow – Acton. Currently Dodson is completing a Fulbright US Scholar project in Vienna Austria Representing her hometown on the international stage and bringing distinction and honor to Maynard. (see attached)

We would like to address possible Conditions.

The SPGA may impose additional conditions and limitations, including but not limited to the following, as it deems necessary:

- 1. Screening structures or principal and accessory uses from view from adjoining lots or from a street, by landscaping, plantings, walls, fences, screening, or other devices;**

We have made a special effort to provide for the comfort of our two nearest neighbors. From our first experience with them, we have worked diligently to meet any concerns they had. In the back we installed a grove of bamboo. This type of screening is both lovely and muffles sound effectively. We installed this after much research to find a barrier that is of the highest landscape industry standard. We also have added a grove of trees in the back for added privacy and a garden in the front of forsythia. Since the issuance of our special permit last year, we have added a wooden stockade fence that runs the entire length of the property line between two of our direct abutters to mitigate any impacts on them and to protect our privacy. We continue to seek ways to improve the quality of life for us and our nearest neighbors given the challenges of these snug, non-conforming lots with minimal setbacks located on a main thoroughfare.

At our own expense we rerouted the 100 year old access to our basement onto our yard to grant the neighbors the privacy they requested. We installed a permeable driveway that is 100% on our property.

We use our own personal vehicles with a rented U-Haul trailer several times a year (less than once/month) to move our individual work. We meet our contractor at our home a few times (less than once/month) a year to pick up or deliver materials. He drives a standard pickup with a flatbed trailer identical to one most local landscapers use to service the surrounding yards who park on our streets weekly. He is usually in our driveway less than an hour and he generates minimal noise for loading or unloading by hand. None of our trailers, trucks or our contractors park on the street. We have adequate driveways.

Inside our building we left an 8' storage & buffer space between our studio and the outside wall. All our windows are sound resistant low argon thermal pane. Inside the studio the walls are 6" foam between the studs with an added 2" foam that spans over the studs. The ceiling has 10" foam, plus the 2" added. The floor has 8" of foam from below in the joist space. We made a notable investment in this level of sound isolation to minimize the impact on the community.

7. Requirements for independent monitoring, at the expense of the applicant, and reporting to the Building Commissioner if necessary to ensure continuing compliance with the conditions of a Special Permit or of this By-law

We understand the Special Permit renewal is at the boards discretion and furthermore could be revoked anytime. We respectfully request the Board establish what they believe is a clear limit of sound generation in a residential neighborhood and base any conditions imposed upon that determination. Mass DEP has established sound guidelines which we believe are appropriate. If there are any reports of sound generation or other disturbance deemed to be non-compliant or excessive, they can be documented through the normal complaint process by Town Hall. Currently the reporting process involves contacting town hall, or if after hours the Police Department. In either case town staff will investigate and make a report. The Office of Municipal Services has confirmed they currently utilize this process to monitor a variety of property-related complaints in Maynard. This will allow the Board to objectively evaluate any alleged violations of the permit and allow us to be treated like any other property owner.

MAYNARD AS A CANVAS

EXPANDED OFFERINGS, FOR ARTISTS, CREATE A BUZZ



When we moved to Maynard five years ago, Donna Dodson's sculpture, "Seagull Cinderella," had just returned from her tour of Michigan, so we stored her temporarily on our front lawn. She received fan mail, daily visitors taking selfies and local media attention. Later that summer, "Seagull Cinderella" flew to New Bedford for a public art project where she became the subject of controversy. In an unexpected outpouring, the people of Maynard rallied behind her and said to New Bedford: "If you don't want her, send her back! We miss her." So, she paraded back into town followed by a band and a throng of Maynard's liveliest in spirited attire. And to this day, she remains perched out front of our home. It was then that we realized we had joined a uniquely supportive arts community.

What drew us to Maynard was its reputation as an arts town. ArtSpace Maynard's studios in the town's iconic 1871 schoolhouse mounted lively fall open studios and regular gallery exhibits that drew curators, collectors and media attention from Boston and beyond. In addition, the town had recently won a coveted Cultural District Designation.

Besides the arts, the downtown is filled with local restaurants that serve cuisines from all over the world, a beer garden at the local craft brewery and a fascinating collection of small owner-operated shops. Maynard is a walkable town that is connected to a newly minted rail trail.

Artists have started many creative branding initiatives. One notable example is "Maynard as a Canvas," which has commissioned professional artists to create murals throughout downtown. Other local activists have created a "Trail of Flowers" along the bike path with annual daffodil plantings; the "Honeybee Meadow," an installation of murals, beehives, benches and educational signs about pollinators in the backyard of ArtSpace; and a downtown "Maker's Workshop" with 3D modeling, printing and digital fabrication technologies.

Maynard is a storied town with a checkered history. Maynard is a mill town that was designed to accommodate both the owners and the employees in close proximity to the work. With none of the crisp delineations evident in the rich neighboring towns, it has always had a vibrant downtown

COMMUNITY

ARTSPACE MAYNARD

61 SUMMER STREET
MAYNARD,
MASSACHUSETTS

METAL-ITY

THROUGH OCTOBER 1

UFO ARTSPACE

61 WASON STREET
MAYNARD,
MASSACHUSETTS

"TAKE ME TO YOUR LEADER"

THROUGH OCTOBER 16

SANCTUARY

82 MAIN STREET
MAYNARD,
MASSACHUSETTS
SANCTUARYMAYNARD.COM

ACME THEATER

61 SUMMER STREET
MAYNARD,
MASSACHUSETTS

ACMETHEATER.COM

Opening night of
UFO ArtSpace.

featured live music in a library/coffee house atmosphere. Some of us rotated the short distances between the downtown gallery, the sanctuary and dining opportunities multiple times to meet friends and indulge in the intimacy of Maynard.

When a concerted emphasis is placed on the arts and culture in a small town, that momentum can carry benefits that are drawn from outside the area and bring real value by dint of community character. Creative industry showcases a powerful and distinctive image of a community, helping it to stand out from its neighbors and present a unique identity. As Maynard prepared its Master Plan and made a bid for a Massachusetts Cultural District designation in 2019, there was a sense in town that creative entrepreneurs, restaurants and breweries were valued and invited to work with business leaders to script the future. In 2021, Maynard's Economic Development Committee has been grappling with how town zoning and planning departments can best facilitate the catalytic action of arts, entertainment, small volume brewery, dining, artist live/work spaces and the newly initiated cannabis industry within a walkable and friendly small town. Jerry Beck and ArtSpace Maynard are poised to build on this momentum.

The Myth Makers AKA

Donna Dodson and Andy Moerlein



OFFICIAL PROCLAMATION

COMMONWEALTH OF MASSACHUSETTS TOWN OF MAYNARD

WHEREAS: Maynard is a town with a tradition of supporting and celebrating its art and culture; and

WHEREAS: Maynard is working on getting a Massachusetts Cultural District designation; and

WHEREAS: The Maynard Cultural Council and an enthusiastic group of artists and volunteers have seen fit to prepare a parade to welcome "Seagull Cinderella", (a monumental sculpture by Maynard artist Donna Dodson) home from her summer exhibit in New Bedford; and

WHEREAS: The return of "Seagull Cinderella" marks the return of a symbol of the importance of the arts to the Maynard Community and an acknowledgement that Maynard is a home to birds of all shapes; and

NOW, THEREFORE, WE, the Maynard Board of Selectmen do proclaim *October 15, 2016* as:

"Seagull Cinderella DAY"

in the Town of Maynard and do hereby welcome Seagull Cinderella home.

Given in the Selectmen's Chambers this Tuesday, September 20, in the year of two thousand and sixteen.

Maynard Board of Selectmen

Chris DiSilva, Chair

David Gavin

Jason Kreil, Clerk

Terrence Donovan

Tim Fgan



OFFICE OF THE CLERK
COMMONWEALTH OF MASSACHUSETTS

*Be it remembered, that the following
has been filed for record
in the office of the Clerk of the
Commonwealth of Massachusetts*

RECEIVED JAN 14 2022

January 14, 2022

Doris Dodson
123 Summer Street
Malden, MA 02148

Dear Doris,

Congratulations on all you have achieved this past year, winning the prestigious Fulbright U.S. Scholar award to work as an artist in residence in Vienna, Austria at Tricky Women/Tricky Realities, the world's only animation festival for women.

You have made invaluable artistic contributions to our community and beyond. Your work is truly admirable, and I am proud to have the opportunity to represent you in the State Legislature. I look forward to seeing you and your work in the district. Please do not hesitate to contact me, if I can be of assistance in the future.

Sincerely,

Kate Hogan

Kate Hogan
State Representative
Third Middlesex District
Speaker Pro Tem

Kate Hogan
State Representative
Third Middlesex District
Speaker Pro Tem



BOARD OF ASSESSORS

195 MAIN STREET
MAYNARD, MA 01754
978-897-1304 ~ FAX 978-897-1013

TO: Permit Granting Authority
FROM: Board of Assessors
RE: Parties in Interest to:
008.0-0000-0164.0

ADDRESS: 123 Summer St, Maynard

USE of LIST: ZBA

DATE: MARCH 16, 2023

We hereby certify that the attached list, taken from our Real Estate Property Lists, includes the names and addresses of all parties in interest under Massachusetts General Laws Chapter 40A, Section 11, as amended in 1979, to the best of our knowledge and belief.

Stephen J. Pomfret
SJD

Board of Assessors



Maynard, MA
March 16, 2023

ZBA Abutters List Report

Subject Property:

Parcel Number: 008.0-0000-0164.0
CAMA Number: 008.0-0000-0164.0
Property Address: 123 SUMMER ST

Mailing Address: MOERLEIN ANDREW J & DODSON
DONNA E
123 SUMMER ST
MAYNARD, MA 01754

Abutters:

Parcel Number: 008.0-0000-0132.0
CAMA Number: 008.0-0000-0132.0
Property Address: SUMMER ST

Mailing Address: TOWN OF MAYNARD CONSERVATION
195 MAIN ST
MAYNARD, MA 01754

Parcel Number: 008.0-0000-0159.0
CAMA Number: 008.0-0000-0159.0
Property Address: 133 SUMMER ST

Mailing Address: GRIMES PAUL K & CARTER JENNIFER L
133 SUMMER ST
MAYNARD, MA 01754

Parcel Number: 008.0-0000-0160.0
CAMA Number: 008.0-0000-0160.0
Property Address: 131 SUMMER ST

Mailing Address: MACCRIMMON RUAIRIDH C & SWAYZE
ELIZABETH P
131 SUMMER ST
MAYNARD, MA 01754

Parcel Number: 008.0-0000-0161.0
CAMA Number: 008.0-0000-0161.0
Property Address: 129 SUMMER ST

Mailing Address: 129 SUMMER ST IRR TR ERICK B
KOSKINEN
129 SUMMER ST
MAYNARD, MA 01754

Parcel Number: 008.0-0000-0162.0
CAMA Number: 008.0-0000-0162.0
Property Address: 127 SUMMER ST

Mailing Address: DURHAM ALISSA B & LINCOLN M
127 SUMMER ST
MAYNARD, MA 01754

Parcel Number: 008.0-0000-0163.0
CAMA Number: 008.0-0000-0163.0
Property Address: 125 SUMMER ST

Mailing Address: BOISVERT ANGELINE J
125 SUMMER ST
MAYNARD, MA 01754

Parcel Number: 008.0-0000-0165.0
CAMA Number: 008.0-0000-0165.0
Property Address: SUMMER ST

Mailing Address: SHEW WILLIAM & AMY
115 SUMMER ST
MAYNARD, MA 01754

Parcel Number: 008.0-0000-0166.0
CAMA Number: 008.0-0000-0166.0
Property Address: 119 SUMMER ST

Mailing Address: HART MICHAEL H & TARDIFF YVETTE M
119 SUMMER ST
MAYNARD, MA 01754

Parcel Number: 008.0-0000-0167.0
CAMA Number: 008.0-0000-0167.0
Property Address: 114 SUMMER ST

Mailing Address: BORDEN SUZANNE R
114 SUMMER ST
MAYNARD, MA 01754

Parcel Number: 008.0-0000-0167.A
CAMA Number: 008.0-0000-0167.A
Property Address: 116 SUMMER ST

Mailing Address: ZAFIU CARMEN & DOWNEY WILLIAM T
116 SUMMER ST
MAYNARD, MA 01754



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

3/16/2023

Page 1 of 2

113 SUMMER ST RLTY TR
STEPHEN M HEBERT
179 MAIN ST
MAYNARD, MA 01754

ZAFIU CARMEN &
DOWNEY WILLIAM T
116 SUMMER ST
MAYNARD, MA 01754

129 SUMMER ST IRR TR
ERICK B KOSKINEN
129 SUMMER ST
MAYNARD, MA 01754

BOISVERT ANGELINE J
125 SUMMER ST
MAYNARD, MA 01754

BORDEN SUZANNE R
114 SUMMER ST
MAYNARD, MA 01754

DURHAM ALISSA B & LINCOLN
127 SUMMER ST
MAYNARD, MA 01754

GRIMES PAUL K &
CARTER JENNIFER L
133 SUMMER ST
MAYNARD, MA 01754

HART MICHAEL H &
TARDIFF YVETTE M
119 SUMMER ST
MAYNARD, MA 01754

MACCRIMMON RUAIRIDH C &
SWAYZE ELIZABETH P
131 SUMMER ST
MAYNARD, MA 01754

SHEW WILLIAM & AMY
115 SUMMER ST
MAYNARD, MA 01754

TOWN OF MAYNARD
CONSERVATION
195 MAIN ST
MAYNARD, MA 01754

PROPERTY LOCATION

| No | Alt No | Direction/Street/City |
|-----|--------|-----------------------|
| 123 | | SUMMER ST, MAYNARD |

OWNERSHIP

| Owner # | Owner Name | Unit # |
|-----------|---------------------|--------|
| Owner 1: | MOERLEIN ANDREW J & | |
| Owner 2: | DODSON DONNA E | |
| Owner 3: | | |
| Street 1: | 123 SUMMER ST | |
| Street 2: | | |

Town/City: MAYNARD

SupProv: MA Cntry: Omn Occ: Y

Postal: 01754 Type:

PREVIOUS OWNER

| | |
|------------|----------------------------|
| Owner 1: | WARD JOHN PHILIP & ABBY S. |
| Owner 2: | |
| Street 1: | 192 OLD LANCASTER RD |
| Town/City: | SUDBURY |
| SupProv: | MA Cntry: |
| Postal: | 01776 |

NARRATIVE DESCRIPTION

This parcel contains 1. AC of land mainly classified as SNG-L-FAM-RES with a CONVENTIONAL Building built about 1910, having primarily ASSTOS-SHNG Exterior and 1779 Square Feet, with 1 Unit, 1 Bath, 0 3/4 Bath, 1 HalfBath, 7 Rooms, and 3 Bdrms.

OTHER ASSESSMENTS

| Code | DescripNo | Amount | Com. Int |
|------|-----------|--------|----------|
|------|-----------|--------|----------|

IN PROCESS APPRAISAL SUMMARY

| Use Code | Land Size | Building Value | Yard Items | Land Value | Total Value |
|----------|-----------|----------------|------------|------------|-------------|
| 101 | 1.000 | 177,700 | 45,700 | 280,800 | 504,200 |

Legal Description

Entered Lot Size

Total Land: 1

Parcel: 283.50

Land Unit Type: AC

10/03/16

Insp Date

15051

Parcel ID

008.0-0000-0164.0

Notes

| Tax Yr | Use | Cat | Bldg Value | Yrd Items | Land Size | Land Value | Total Value | Asses'd Value |
|--------|-----|-----|------------|-----------|-----------|------------|-------------|---------------|
| 2023 | 101 | FV | 177,700 | 45700 | 1. | 280,800 | 504,200 | |
| 2022 | 101 | FV | 177,700 | 45700 | 1. | 237,600 | 461,000 | Year End Roll |
| 2021 | 101 | FV | 182,600 | 45700 | 1. | 237,600 | 465,900 | Year End Roll |
| 2020 | 101 | FV | 182,600 | 48300 | 1. | 216,000 | 446,900 | Year End Roll |
| 2019 | 101 | FV | 168,000 | 48300 | 1. | 206,800 | 423,100 | Year End Roll |
| 2018 | 101 | FV | 139,700 | 48300 | 1. | 189,000 | 377,000 | Year End Roll |
| 2017 | 101 | FV | 146,800 | 48300 | 1. | 189,000 | 384,100 | Year End Roll |
| 2016 | 101 | FV | 128,700 | 39400 | 1. | 189,000 | 357,100 | Year end |

SALES INFORMATION

TAX DISTRICT

| Grantor | Legal Ref | Type | Date | Sale Code | Sale Price | V | Tst | Verf |
|-----------------|-----------|------|-----------|---------------|------------|----|-----|------|
| WARD JOHN PHILL | 65832-483 | P | 7/31/2015 | | 407,500 | No | No | D |
| WHITE ROBT & RU | 47216-404 | P | 4/3/2006 | NO-USE-CHANGE | 319,100 | No | No | D |

PAT ACCT.

505

Notes

| Date | Number | Descrip | Amount | C/O | Last Visit | Fed Code | F | Descrpt | Comment |
|------------|-----------|---------|----------|-----|------------|----------|---|---------|-------------------|
| 10/28/2015 | R-15-0356 | | 20,039 C | | | | | | HEAT OUTBUILDING |
| 6/13/2006 | 200600151 | | 42,000 C | | | | | | TOTAL RENOVATIONS |

BUILDING PERMITS

ACTIVITY INFORMATION

| Date | Number | Descrip | Amount | C/O | Last Visit | Fed Code | F | Descrpt | Comment | Date | Result | By | Name |
|-----------|-------------|---------|--------|-----|------------|----------|---|---------|---------|-----------|-------------|------|------|
| 10/3/2016 | COMPLETE | | | | | | | | | 10/3/2016 | COMPLETE | PT | PT |
| 9/25/2007 | EXTR TENANT | | | | | | | | | 9/25/2007 | EXTR TENANT | KR | KR |
| 7/13/2000 | INTR TENANT | | | | | | | | | 7/13/2000 | INTR TENANT | NONE | NONE |

PROPERTY FACTORS

| Item | Code | Description | % | Item | Code | Description |
|------------|------|-------------|-----|---------|------|-------------|
| Z | R1 | SNG-L-FAM- | 100 | water | PS | PUBLIC-SYS |
| o | | | | Sewer | SW | SEWER |
| n | | | | Electri | | |
| Census: | | | | Exmpt | | |
| Flood Haz: | | | | | | |
| D | MAYN | MAYN | 100 | Topo | L | LEVEL |
| s | | | | Street | P | PAVED |
| t | | | | Gas: | M | MEDIUM |

LAND SECTION (First 7 lines only)

| Use Code | Description | LUC Fact | No of Units | Depth / PriceUnits | Unit Type | Land Type | LT Factor | Base Value | Unit Price | Adj | Neigh | Neigh Infru | Neigh Mod | Inf 1 | % | Inf 2 | % | Inf 3 | % | Appraised Value | Alt Class | % | Spec J Land Code | Fact | Use Value | Notes | |
|----------|-------------|----------|-------------|--------------------|-----------|-----------|-----------|------------|------------|---------|-------|-------------|-----------|-------|---|-------|---|-------|---|-----------------|-----------|---|------------------|------|-----------|---------|--|
| 101 | SNG-L-FAM-F | | 20000 | | SQ FEET | PRIMARY | 1.0 | 0 | 25. | 0.54 R2 | | | | | | | | | | 270,000 | | | | | | 270,000 | |
| 101 | SNG-L-FAM-F | | 0.54086 | | ACRES | RESIDUAL | 1.0 | 0 | 20,000. | 1.00 R2 | | | | | | | | | | 10,817 | | | | | | 10,800 | |

Sign:

VERIFICATION OF VISIT NOT DATA

____/____/____

Total AC/H/A: 1.00000

Total SF/SM: 43560

Parcel LUC: 101

SNG-L-FAM-RES

Prime NB Desc: R2

Total:

280,817

Spl Credit:

Total:

280,800

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted.

Database: AssessPro - Maynard

aprio

2024



TOWN OF MAYNARD
Zoning Board of Appeals
Office of Municipal Services

195 Main Street
Maynard, MA 01754
Tel 978-897-1302

OMS@TownofMaynard.net www.townofmaynard-ma.gov

RECEIVED

SEP 12 2022

Town Clerk's Office
Maynard, MA 01754

Findings and Decision

| | |
|----------------------------------|---|
| Petition No: | ZBA 22-04 |
| Application Date: | March 17, 2022 |
| Project Name: | 123 Summer Street |
| Project Location: | 123 Summer Street |
| Map & Lot # | Map 8, Lot 164 |
| Type: | Special Permit |
| Property Owner/Applicant: | Donna Dodson & Andy Moerlein 123 Summer Street Maynard, MA. 01754 |
| Current Zoning: | Single-family 1 (S-1) |
| Parcel Size: | 1.0 acre |
| Description of Request: | Special Permit to allow a Trade Shop use (Artist Studio) in the barn at 123 Summer Street |

I. Procedural History

- a. Pursuant to Massachusetts General Law Chapter 40A, Section 10, an Application for a Special Permit was submitted by the above-referenced owner and filed with the Zoning Board of Appeals (ZBA) on March 17, 2022.
- b. Notice of the public hearing was published in the Beacon-Villager on April 7 and April 14, 2022, and sent to parties in interest, as required by statute, by certified mail, return receipt requested, according to the Assessors' Certified Abutters List.
- c. A virtual public hearing on the Special Permit Application was originally scheduled to be opened on April 25, 2022, but at the Applicant's request, was continued by the

- a. The Applicant has been operating an artist studio for approximately six years in a barn located on the subject property. In January 2022, the Building Commissioner determined the activity constitutes a Trade Shop use and required a Special Permit. Cease-and-desist order issued.
- b. Activities include artistic work in a barn on site. The work involves a variety of techniques including use of power tools.
- c. Activities also included artistic work both in the foyer of the barn and in the yard. The work involved a variety of techniques including use of power tools. Noise-generating non-powered activities also occurred.
- d. There have been complaints from the abutting neighbors regarding noise, light, odors, and outside storage of Trade Shop related materials, as well as complaints of public events being held at the subject property.
- e. Safety data sheets for materials stored and used on site note approximately one quarter of the materials emit volatile solvents
- f. The ZBA conducted two site visits (July 12th and 14th 2022) with the following observations:
 - Negligible noise outside of building when tools used entirely within barn.
 - Significant noise when tools used in foyer or outside of barn.
 - No dust collection devices or vapor control devices present.
 - Barn windows spill light on abutting property and run the length of the barn.

IV. Vote of the Board and Decision

The ZBA deliberated, considered, and finds, that so long as the Conditions of Approval set forth hereafter are met, the Criteria as detailed in Section II will be satisfied as follows:

- a. Social, economic, or community needs which are served by the proposal:

The Applicant is active in the business community, contributes to people coming to Town for economic development and provides educational opportunities for interns. Therefore, the Applicant meets this criterion by contributing to the social, economic and community needs of Maynard.

- b. Traffic flow and safety, including parking and loading:

There are no customers coming to site, the traffic to and from the property is nothing different than typical residential area. Evidence has shown that many times the Applicants are not working on the subject premises for extended periods. Furthermore, there are infrequent deliveries or shipments. There is no adverse impact on traffic and public safety.

V. Conditions of Approval

- a. All Trade Shop activities shall occur in the barn/studio.
- b. All noise generating activities associated with the Trade Shop use shall be conducted within the studio. Noise levels shall be controlled to be minimally detectable outside the studio.
- c. The window fan dust exhaust system must not be used. A conventional dust control system should be used as needed.
- d. All vapor-generating activities associated with the Trade Shop use shall be conducted within the studio.
- e. Hours indoors for noise-generating activities: 9AM to 5PM Monday thru Saturday, Sunday 12 PM-5PM.
- f. No outdoor activities related to Trade Shop are permitted - no chain-sawing, bamboo splitting, or similar noise-generating activities; no painting or other odor-generating activities, no stockpiling of merchandise, or work-in-progress, or finished items, or raw materials shall be stored outside.
- g. Normal lawn, yard, and garden maintenance activities associated with the residence are permitted including, but not limited to, lawn mowing, hedge trimming, and snow removal. This permit and these conditions relate solely to the Trade Shop use.
- h. Vapors and fumes are to be collected in a hood system and not exhausted to the outside of the studio. No exhaust duct is to be discharged to the outside. Mitigated levels of vapors are to be confirmed after control devices are installed and before vaporous materials are used on a regular basis.
- i. All use, storage, and quantities of hazardous materials must be consistent with Board of Health and Fire Department Regulations.
- j. Up to two interns are permitted on site for a maximum of four hours per day each.
- k. There shall be no employees except the occasional worker to assist in loading and unloading or moving material to or from the barn and/or to perform tasks inside the barn.
- l. Trade shop-related showings/events shall be limited to two weekends a year (Saturday and Sunday). For the purposes of this decision, a public invitation advertised, or a private invitation to 4 or more individuals, associated with the Trade Shop use, shall constitute an event/showing.
 - a. All visitor parking shall be on the Applicant's property.

March 31, 2022

Attn: Chair Paul Scheiner
Maynard ZBA
195 Main Street
Maynard, MA 01754

RE: Donna Dodson and Andy Moerlein
123 Summer Street, Maynard, MA 01754

Dear Chairman Scheiner and members of the Maynard Zoning Board of Appeals,

Please let this letter serve as support for Donna Dodson and Andy Moerlein who reside at 123 Summer Street, Maynard, MA 01754 and their application to your board for a special permit.

I had the pleasure of meeting and getting to know Ms. Dodson and Mr. Moerlein during my tenure as a Selectboard Member for the town of Maynard. Both Ms. Dodson and Mr. Moerlein are artists and actively involved in the Maynard community. During my Select Board term, I nominated Ms. Dodson to serve on the Town Administrator Search Committee. Ms. Dodson was very involved and committed to her role on this committee which ultimately led to the hiring of our current town administrator Greg Johnson.

As you are aware, Ms. Dodson and Mr. Moerlein use their property, 123 Summer Street, in the creation of their art. They have a large studio in the barn on their property. I have had the pleasure of visiting their property on multiple occasions and seeing both the work in progress and their finished products.

Ms. Dodson and Mr. Moerlein are extremely successful in their artistic pursuits and have reached levels of success many artists only dream about. Both have works on display internationally. Ms. Dodson is currently in Austria on a Fullbright Scholarship. However, it is because of their success as professional artists that both Ms. Dodson and Mr. Moerlein are able to give so much back to the Maynard community.

It would be a significant loss to the greater community to lose Ms. Dodson and Mr. Moerlein as Maynard residents. I hope the ZBA will grant their special permit application, which will allow them to continue the work they do on their property in Maynard.

Sincerely,

Melissa Levine-Piro

Melissa Levine-Piro, Esq.
5 Lantern Lane
Maynard, MA 01754

**Rick Lefferts
4 Summer Hill Rd.
Maynard, MA 01754**

April 1, 2022

Paul Scheiner, Chair
Maynard Zoning Board of Appeal
195 Main St.
Maynard, MA 01754

Re: Special Permit Application
Donna Dodson & Andy Moerlein
123 Summer St., Maynard, MA

Dear Mr. Scheiner,

The purpose of this letter is to inform the ZBA of the exceptional community service my colleague and friend, Donna Dodson has provided to the town of Maynard. It is my understanding that she and Andy Moerlein have submitted an application for a Special Permit for their in-home art studio at 123 Summer St., Maynard, MA.

I have had the pleasure of working with Donna on the Maynard Affordable Housing Trust. Her many hours of volunteer service to the community greatly improve the town and benefit the well-being of our residents. During her time with the Trust Donna has also been a representative to the Coolidge School Reuse Taskforce, the Housing Production Plan Working Group and now the Old Fire Station Reuse Committee. Donna is not a trained affordable housing professional, but she has an outstanding insight into the needs of Maynard residents with issues related to securing and maintaining safe and affordable housing.

In sum, it would be a real loss to the town if she was unable to continue contributing to solving the problems of affordable housing.

Thank you for your time in considering this matter.

Regards,



Rick Lefferts, Chair
Maynard Affordable Housing Trust

Jeffrey Swanberg
96 Acton St
Maynard MA
April 9th, 2022

Maynard Zoning Board of Appeals
195 Main St
Maynard MA

Dear members of the Zoning Board of Appeals,

I'm writing to encourage you to approve the Special Permit Application for Donna Dodson and Andy Moerlein at 123 Summer St. Since moving to Maynard both Donna and Andy have been incredibly generous helping the town with their time and energy. Donna has served in several roles including the Coolidge School reuse committee and the current Fire Station reuse committee. I got to work directly with Andy as part of the Cultural Council on many projects, including help with the murals that have beautified our town in the last several years. The use of their studio is necessary for their careers, which allows them the time and resources to continue volunteering for the benefit of the town.

Donna and Andy value fairness and are willing to work with others to find practical solutions to any issues that could arise from the use of the studio. I'm sure they will work with you to ensure the residential character of the neighborhood is not disturbed by their presence, as they continue to draw positive attention to Maynard as internationally recognized artists and contribute greatly to the creative economy here in town.

Thank you for your consideration,

A handwritten signature in dark ink, appearing to read 'Jeff Swanberg', written in a cursive style.

Jeff Swanberg

From: [Ted Daley](#)
To: [Bill Nemser](#)
Subject: Thank you for your leadership!
Date: Monday, June 27, 2022 9:24:51 PM

Mr. Nemser,

Thank you for leading tonight's Zoning Board Meeting. As a taxpayer I was deeply concerned to learn that the substance of the neighbor's complaints regarding activities at 123 Summer St were not verified prior to a cease-and-desist notice being issued. While it may be well within the building commission's power to do so, taking action this serious based on unverified complaints will needlessly erode public trust.

So, the purpose of my note is to thank you for directing the committee to actually visit the site prior to the next meeting concerning this topic. I appreciate that you are making this extra effort to get this right.

Thank you!

Ted Daley

843 647-9442

External Email: This email originated from outside of the organization.

April 14, 2022

Dear Chairman Scheiner and Zoning Board of Appeals Members,

As a Maynard community member, I am writing to support the Special Permit application from artists Donna Dodson and Andy Moerlein of 123 Summer Street.

Having internationally-recognized artists who not only live and practice their craft at their residence in Maynard, but are also extremely civic-minded and volunteer to improve our Town is a benefit that is both priceless and rare.

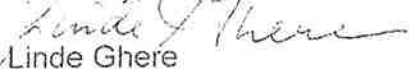
Andy is an active volunteer with the Cultural Council, as well as a former art teacher. As a member of the Coolidge School Working Group (CSWG), Donna has put in hundreds of hours from 2018 onward. Donna is also currently on the Affordable Housing Trust Board and is involved in envisioning future reuses of the Fire Station building/land on Summer St. Both Andy and Donna share their career experiences and advice with Maynard art students like my daughter, helping them to envision what a creative life can look like.

In the paragraph above, I mentioned the many hours that Donna volunteered on the CSWG. However, it was Donna's artistic and creative worldview, as well as her passion for supporting housing for Town residents with more modest means, that stretched our committee to consider broader, deeper and more strategic reuses for the former Coolidge School. Her regional, national and international connections to the artistic and architectural worlds meant that Donna connected our team to experts who had renovated other historical buildings. We were able to meet with those experts and use template RFPs from sources provided by Donna, which saved the team countless hours. Her creative ideas and efforts to expand the boundaries of what "could be" broadened the team's ideas and resulted in a more robust final recommendation.

What I'm trying to conveying is that "work where you live" artists and other professionals are an important asset to our Town. They contribute to our tax base, add to the vibrancy and creativity of our Town, create positive first impressions of our Town via the online and print newspaper articles about their sculptures/academic accolades such as Fulbright scholarships, serve as role models to artistic Maynard students, and through their deep commitment to volunteerism.

I hope that you can see how their social, cultural and economic benefits to the Town far outweigh any minor inconveniences that may be expressed. Losing Andy and Donna to a town or city that makes it easy for craftspeople and artists to both live and work in place would be a travesty. Thank you for considering their special permit application.

Sincerely,



Linde Ghere

28 McKinley St., Maynard, MA 01754

April 18, 2022

Dear Paul Scheiner and the Maynard ZBA,

I am writing in support of Donna Dodson and Andy Moerlein, residents and artists who live on Summer Street. I met Donna almost 5 years ago, as she and I served on a committee together. Since then, I have gotten to know both Donna and Andy, and learned of their passion about art and their community. At every turn, Donna and Andy try to educate, worldwide, about art, community and the connection between them. I have been awed by how far their reach is, and that they live here in Maynard. I remember being one of a large group of people who welcomed "Cinderella Seagull" home, with a parade and a variety of events at Six Bridges Gallery. One resident even dressed as Cinderella Seagull as an homage for Halloween. There is no doubt residents have embraced them and their talents. They strive to be involved in the community, making a difference not only in art, but in the town as a whole. They volunteered to display one of their pieces at ArtSpace, which seems appropriate because having Donna and Andy live and work right up the street from ArtSpace just feels like a natural fit. I urge you to consider approving the special permit for Donna and Andy.

Thank you for your time and consideration.

Justine St. John

2 Barilone Cir.

Maynard, MA 01754

Bill Nemser

From: Neil Pederson <mockernut@gmail.com>
Sent: Thursday, June 23, 2022 2:47 PM
To: scheinerp@aol.com
Cc: Bill Nemser
Subject: Letter in Support of Donna Dodson and Andy Morlein

Dear Paul Scheiner, ZBA Chair,

I urge the Town of Maynard to decide in favor of Donna Dodson and Andy Morlein for a special permit regarding the barn & studio on their property. Andy and Donna are globally recognized artists, traveling internationally to hold workshops, be a part of exhibits, and, in Donna's case, be a Fullbright scholar in Austria. As Maynard is looking to develop other additional economic drivers, including being an arts and cultural center, having Donna and Andy as working artists in our town is vital to such an economic expansion and notoriety of Maynard as a town of destination. Not supporting their application would be a significant blow to these town-level aspirations.

Further, Donna and Andy have literally given their free time to help guide Maynard through issues and tasks like the hiring of the current Town Administrator, Implementing the Master Plan for Maynard, serving on the Maynard Affordable Housing Trust and Economic Development Committee, to name four of their at least seven service efforts. I would bet Andy and Donna's volunteer service places them in the top 10% of residents giving their time to serve Maynard. Not only are they model residents, they might be in the class of highest achievers of service.

Donna Dodson and Andy Morlein are the people we need to support to ensure Maynard becomes the town so many of us envision: vibrant, welcoming, and productive.

Sincerely,

Neil Pederson,
2 Country Lane, Maynard
External Email: This email originated from outside of the organization.

From: [Linda Holt](#)
To: [Bill Nemser](#); SCHEINERP@aol.com
Subject: Zoning Board - Monday June
Date: Friday, June 24, 2022 4:11:35 PM

I am writing to indicate my support of the use of Artists Studios in Maynard.



In this case I especially support The Special Permit application of Donna Dodson & Andy Moerlein at 123 Summer Street Maynard.

Warm regards

Linda Holt
4 Summer Hill Rd, Maynard, MA 01754

External Email: This email originated from outside of the organization.

Bill Nemser

From: Weeks, Jason <jweeks@cambridgema.gov>
Sent: Friday, June 24, 2022 10:24 AM
To: Bill Nemser; scheinerp@aol.com
Cc: Kerry Healy
Subject: Support for Artist Studios & Special Permit Application!

Dear Chairman Scheiner & Mr. Nemser,

On behalf of my wife, Kerry Healy, and myself, I am writing to confirm our strong support for the use of Artist Studios in Maynard.

In this case, I especially want to offer my endorsement for approval of The Special Permit application of Donna Dodson & Andy Moerlein located at 123 Summer Street Maynard. We are very fortunate to have high caliber professional artists like Donna and Andy living and working in Maynard and believe the town should support the creative industry that they represent through their work.

Thank you in advance for your attention in this matter and for the terrific work you both do on behalf of the residents and town of Maynard.

Jason Weeks
Kerry Healy

6 Sudbury Street
Maynard, MA 01754

External Email: This email originated from outside of the organization.

Bill Nemser

From: Priscilla Alpaugh <priscilla@priscillaalpaugh.com>
Sent: Friday, June 24, 2022 12:06 PM
To: Bill Nemser
Subject: Artists' studios in Maynard

Hi Bill!

I haven't seen you in ages. Even pre-pandemic it's been a while.

I'm sure you know I'm in support of Artists in general and Artists in Maynard in particular. I understand that Andy Moerlin & Donna Dodson have had some difficulties regarding the use of their studio in the past. Donna and Andy are a big part of the Art community here in Maynard and I want them to stay here. Therefore I support their Special Permit application. I hope the Town will show support for the Arts by supporting our Artists.

Hope you're well and hope to see you at ArtSpace as soon as we get back in there!
Take care,
Priscilla

Priscilla Alpaugh Illustration

PriscillaAlpaugh.com



Represented by Christy Ewers
The CAT Agency
Christy@catugeau.com

External Email: This email originated from outside of the organization.

From: [John Houchin](#)
To: [Bill Nemser](#)
Subject: My request
Date: Saturday, June 25, 2022 12:59:35 PM

Dear Bill,

I support the use of Artist Studios in Maynard. In this case, I especially support The Special Permit application of Donna Dodson & Andy Moerlein at 123 Summer Street Maynard.

Name: John Houchin, Ph.D.

Address: 16 Taft Ave., Maynard MA 01754

Associate Professor
Theatre Department
Robsham Theater Arts Center
Boston College
140 Commonwealth Ave
Chestnut Hill, MA 02467
617-552-0823

External Email: This email originated from outside of the organization.

From: [Gallery Seven](#)
To: [Bill Nemser](#)
Subject: Trade Permit
Date: Saturday, June 25, 2022 2:45:48 PM

Hi Bill,

We hope that you are well. We are writing today in support of the use of Artist Studios in Maynard. In this case, we especially support The Special Permit application of Donna Dodson & Andy Moerlein at 123 Summer Street Maynard. Art is such an important part of the community and since we are now designated as a cultural district it's more important than ever to support local artists.

Best,
Kelli Costa & Nick Johnson
21 Brown St.
Maynard, MA 01754

Gallery Seven
7 Nason Street
Maynard, MA 01754
978-897-9777
www.gallerysevenmaynard.com
www.facebook.com/galleryseven

External Email: This email originated from outside of the organization.

From: Lucas Sheehan <sheen107@gmail.com>
Sent: Saturday, June 25, 2022 8:59 AM
To: Bill Nemser <bnemser@TownofMaynard.net>
Subject: Art Studio of Donna Dodson & Andy Moerlein

Hello,

As abutters to the home and Art Studio of Donna Dodson & Andy Moerlein in the years 2015-2021, we did not experience any noise, traffic or activities that were out of proportion with the daily volume of the neighborhood. They were friendly and cooperative neighbors who invested in their home, the community and Town of Maynard governance. We would welcome them as neighbors anywhere we live.

We support their application for a special permit

Regards,

Lucas and Gabriela Sheehan

External Email: This email originated from outside of the organization.

External Email: This email originated from outside of the organization.

From: [Casey Robinson](#)
To: [Bill Nemser](#)
Subject: In support of Special Permit for 123 Summer St.
Date: Monday, June 27, 2022 9:27:36 AM

Dear Bill,

I am writing in support of my neighbors, Donna Dodson and Andy Moerlein, who live at 123 Summer St and who have applied for a Special Permit for their Art Studio on their property. Donna and Andy are excellent neighbors — quiet, kind, respectful, helpful. Their art studio, a renovated barn on their property, and their work as artists contribute immensely to our neighborhood and to Maynard's thriving arts community. I walk my dog past their home and studio several times a day and absolutely love seeing their unique sculptures and beautifully maintained property. I believe our community benefits greatly from having residents like Donna and Andy, who are active contributors to our town's arts culture and who also volunteer their time in a variety of governance areas, including the Economic Development Committee and Affordable Housing Trust.

Please approve the Special Permit for 123 Summer St. so that Donna and Andy can continue making their great contributions to our wonderful town.

Best regards,
Casey Robinson
104 Summer St.

External Email: This email originated from outside of the organization.

From: [Jenna Dargie](#)
To: [Bill Nemser](#)
Subject: Artists studios
Date: Monday, June 27, 2022 11:47:22 AM

Hello,

I'm writing to express my support of allowing artists to operate studios out of their homes in Maynard. As a town that values the contribution that the arts brings to our community, we should support artists in their endeavors. With the rising costs real estate, it is not feasible for all to set up a separate space for their work. As such, whenever the impact to neighborhood noise/smell is within reason and there is no retail component to the space driving additional foot traffic to a neighborhood, I believe that people should be allowed to use their home to create art.

Thank you,

Jenna Dargie

Treasurer, Maynard Cultural Council

33 Crane Ave, Maynard, MA

External Email: This email originated from outside of the organization.

studios." The property at 123 Summer Street certainly is a live/work studio. Contrary to what I have read in the minutes from other meetings, it is not a manufacturing facility. It is an art studio that I would love to have in my neighborhood.

Other Master Plan goals include:

NCH3-3 Encourage public art throughout the Town and find ways to engage local artists.

NCH3-5 Develop a Cultural Plan to create a vision to strengthen Maynard's arts community and cultural assets.

It is wonderful to live in a town that has been designated a Cultural District by the state. Andy and Donna's request to have an art studio at their home is an extension of this Cultural District. We are lucky to have talented artists who want to make their homes and art in Maynard and per the wishes of the Master Plan, this special permit should be granted.

Thank you for passing on this message to the ZBA.

Best,
Susan Erickson

External Email:This email originated from outside of the organization.

External Email:This email originated from outside of the organization.

From: [Richard Pepin](#)
To: [Bill Nemser](#)
Subject: Support for Donna Dodson & Andy Moerlein
Date: Monday, June 27, 2022 8:36:58 AM

I support the use of Artist Studios in Maynard. In this case, I especially support The Special Permit application of Donna Dodson & Andy Moerlein at 123 Summer Street Maynard.

Richard Pepin
15 Maple Court
Maynard MA, 01754
External Email: This email originated from outside of the organization.

From: [David Freilach](#)
To: [Bill Nemser](#)
Subject: Re: Donna Dodson & Andy Moerlein permit
Date: Monday, June 27, 2022 4:18:38 PM

106 Auburn St.
Cambridge, MA 02139

On Mon, Jun 27, 2022 at 1:10 PM Bill Nemser <bnemser@townofmaynard.net> wrote:

Thank you for your email Mr. Freilach,

Can you please respond to this with your address so I can place it in the record?

Sincerely,

Bill Nemser, AICP, LEED AP
Planning Director
Office of Municipal Services
Town of Maynard
195 Main Street
Maynard, Ma. 01754
[\(978\) 897-1302](tel:(978)897-1302)

From: David Freilach <dfreilach@gmail.com>
Sent: Monday, June 27, 2022 12:30 PM
To: Bill Nemser <bnemser@TownofMaynard.net>
Subject: Donna Dodson & Andy Moerlein permit

From: [Armand Swajian](#)
To: [Bill Nemser](#)
Subject: Donna & Andy 123 Summer St Maynard
Date: Monday, June 27, 2022 5:26:16 PM

Hello Bill.

I hope you are well and having a great summer.

Please present this email to the Maynard Zoning Board of Appeals.

I want to extend my clear support for Donna Dodson and Andy Moerlein at 123 Summer Street and their home occupation/art studio in their barn. They are a great asset to this community and should be supported by their town. I have been living on Howard Road and driving by 123 Summer St. for 40 years. In my opinion there has never been any noise or any type of disturbance from that property. The home occupations should be permitted and possibly have similar conditions just how they are used for the conservation conditions.

I hope the board will grant them permission to continue their family operation.

Please contact me anytime to discuss this further.

Armand Swajian
26 Howard Road
Maynard, MA 01754

Have a great day!

Best Regards,

Armand Swajian

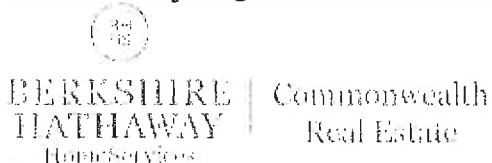
Sales Associate

Commercial & Residential Real Estate Sales and Leasing

Berkshire Hathaway Home Services Commonwealth Real Estate

Cell 978.502.1751

armand.swajian@commonmoves.com



External Email: This email originated from outside of the organization.

From: [Sara Lundberg](#)
To: [Bill Nemser](#)
Subject: Support of Special Permit for Andy Moerlein and Donna Dodson
Date: Thursday, June 30, 2022 2:18:34 PM

Hi Bill,

I wanted to write a message in support of the Special Permit application for Andy Moerlein and Donna Dodson - "The Mythmakers." I have heard about the struggle they are having related to their at home art studio and the concerns of their neighbors. While not an abutter, I am a neighbor as are all in Maynard and I would like to add my thoughts on the matter.

Andy and Donna add immeasurably to the character and cultural vitality of Maynard and a model for working artists in the community. This is something that we, as a community, should encourage rather than discourage. I am so glad that Maynard is the artistic community it is - it was actually the one thing that led my husband and I to choose this as our community 9 years ago. We had many options on the table but ultimately chose Maynard. Since then we have gone on to support the arts with as much time, money, and attention as we can. Our story shows how support of artists can be an economic driver. Support of artists like Andy and Donna will further uplift Maynard monetarily in addition to more ephemeral contributions that result in improved quality of life.

Andy and Donna are not only successful working artists who live in our community, they also contribute personal time and attention to uplifting the arts in Maynard. Andy and Donna's piece "Butterfly Fairy Frolic" is currently on view in front of ArtSpace. This installation was offered by the couple as a response to the upset due to the closure of ArtSpace and the cancellation of their programs. Donna was awarded a prestigious Fulbright Scholarship for the 2021-2022 academic year. Her project "Amazons, Goddesses, and Wonder Women" was a collaborative project with another Maynard Artist. Andy serves with me on the Cultural Council and he's one of the most valued -- and enthusiastic -- members who will always step in on projects when he is needed. I know that I can count on Andy when needed. He has helped with many of the public art projects around town, in particular the murals that were facilitated by the MCC. He has ideas and desire for more public art projects in the future.

I have had the pleasure of visiting their studio space quite a few times - mainly as Andy kindly volunteered to store Cultural Council materials in his indoor space. They also display their work in their home and invite the public to view on occasion. The work area is setback from the road in a shop space that is also some distance from neighboring properties. It really does seem to be an ideal locale for them to do such work and I hope that they are allowed to continue to do so. It would be a shame to lose them and their artistic presence in this community. It would also set a terrible precedent for other working artists who hope to relocate here.

Thank you so much for your time,

Sara Lundberg
Community Member and Chair of the Maynard Cultural Council
10 Euclid Ave.

From: [Jacquelyn Rodgers](#)
To: [Bill Nemser](#)
Subject: The Myth Makers
Date: Monday, July 18, 2022 2:21:29 PM

Dear Mr. Nemser:

I have become aware that the couple living at 123 Summer Street are applying for a special permit to continue their work as artists on their property. While I do not live on Summer Street, I do have a friend who lives in close proximity to the studio. I am also a walker and frequently pass their home and studio. They maintain the property extremely well and have an artistic flair for creating a beautiful landscape. Even recently, I noticed their fencing which is so much more aesthetically pleasing than an ordinary one.

Maynard has become a wonderful enclave for artists of all types. I enjoy the increase of creative endeavors that has happened over the years and certainly since I moved here in 1971. Many artists cannot afford to have separate studios so they work out of the space they own. This certainly seems to be the case here; the artists have an extensive property that they can use.

If we as citizens want Maynard to remain special and welcoming, we need to encourage such people as Donna and Andy as well as our many other artists. I have never seen any commotion or disturbances on my daily walks. My friend who is only a few houses apart feels they are a positive presence, adding much to the neighborhood.

I urge you to grant whatever special permit is needed. We want Maynard to continue to, encouraging residents who add to the town with their creativity and economic contributions. Let's make Maynard all it can be.

Thank you,
Jacquelyn Rodgers
86 Summer Hill Road, Maynard
Sent from [Mail](#) for Windows

External Email: This email originated from outside of the organization.

July 24, 2022

Attn: Chair Paul Scheiner
Maynard Zoning Board of Appeals
195 Main Street
Maynard, MA 01754

Re: Special Permit Application submitted by Donna Dodson and Andy Moerlein for 123 Summer St.

Dear Chairman Scheiner and members of the Maynard Zoning Board of Appeals,

I am writing to encourage you to grant a Special Permit to Donna Dodson and Andy Moerlein so they may continue to operate their art studio at 123 Summer St. I have known Donna and Andy for several years and both are respectful, dedicated and contributing members of our community. If the ZBA sets fair and reasonable conditions to mitigate the concerns raised by some neighbors and grant the applicants the opportunity to resume activity, I believe Donna and Andy will demonstrate their willingness and ability to conduct their work within the specified conditions.

Thank you for the important decisions you make on behalf of all Maynard residents and the community.

Sincerely,

Lynda Thayer
14 Chandler St.
Maynard, MA

JOHN FITZSIMMONS

To: Bill Nemser, Town Planner, Maynard, MA

From: John Fitzsimmons

15 Marlboro St.

Maynard, MA, 01754

Dear Bill,

I have been quietly following the issue surrounding Donna Dodson and Andy Moerlein using their property and home to create art and to live—and share—their artistic life within our community. Before I even knew them, I (and my wife Denise) appreciated the quirky and nuanced sculptures created in their home studio—many of which are now prominently displayed in museums, parks and public places all over the globe. It never once crossed my mind that their creative endeavors would—or even could—be seen as a nuisance or an egregious violation of any town bylaws. I honestly thought, and still think, of what a blessing they are to our community in a town that is literally filled to the brim with creative artists in a wide range of artistic endeavors.

I have been a teacher by trade for over forty years, though I am also a published writer and a successful performing musician. I use my home to create “art,” and it never occurred to me that my musings on my back porch or my songs recorded or live-streamed might unduly irritate any of my neighbors to the point of a legal dispute. Like most artists in our town, we literally and practically have no choice but to use our homes as defacto studios to create, collate, curate and sell our respective wares. It is simply not financially feasible or morally responsible as parents raising a boisterous and diverse family on a modest income.

Granted, my impacts on our neighborhood are more limited and less visual, but no less important and beneficial to the town community, as Donna and Andy’s visual work—though as a family we raised seven children who, no doubt added more than a share of impact on our gracious neighbors. We served up free spaghetti suppers—open to anybody—for fifteen straight years until covid came, and for that we were lauded in a front page spread in The Boston Globe, and we received a formal commendation from the Massachusetts Senate, as well as a being recognized with a Citizens Award by the town of Maynard. In essence, the art of our life is no less or more meaningful and needed than a pair of incredibly gifted sculptors eking out an equally modest lifestyle and offering their art to a larger world and audience.

I am certainly, and obviously, not well-versed in the minutia of the town bylaws, and I know you are enmeshed in what can only be called a vexing conundrum of sorts. I admit I do not know, or maybe can’t even fully appreciate, the tenuous balancing act and intricacies of this sad saga. I do wonder, however, if a solitary

Donna Dodson <donnadodsonartist@gmail.com>

Records Request

3 messages

Donna Dodson <donnadodsonartist@gmail.com>
To: Anthony Stowers <AStowers@townofmaynard.net>

Wed, Jun 29, 2022 at 7:58 AM

Dear Chief Anthony Stowers,

I live at 123 Summer St in Maynard. I enjoyed meeting you as part of the 1 Summer st/ Fire Station reuse committee. The new fire station looks amazing- you must be so excited to make the move this fall.

I have a question for you: I understand that one of our neighbors made a complaint about our art studio that was investigated by your staff on Sunday Jan 21, 2018. Is it possible to make a public records request to obtain the report?

Thank you for your help!

Best, Donna
Donna Dodson
978-960-6709
Facebook
Instagram
LinkedIn
Twitter
Website
Blog

Anthony Stowers <AStowers@townofmaynard.net>
To: Donna Dodson <donnadodsonartist@gmail.com>
Cc: Megan Zammuto <Mzammuto@townofmaynard.net>

Wed, Jun 29, 2022 at 8:13 AM

Donna,

At one time, an anonymous complaint about smells coming from the garage was made to me. I went to your location and nobody answered the door at the house or the garage. I did not smell anything and dismissed it. I am not aware of any of our folks conducting an investigation, and no report was ever generated that I am aware of. I will tell you that the captain that day was also the fire prevention officer, and he has since retired. I will look for a report, but I do not think anything was ever officially investigated. On January 21, 2018 we were dispatched to 119 Summer Street for an odor of chemicals. The area was metered, and a faint odor of paint was found. The incident report is attached. I hope this meets your request.

Respectfully,

Anthony Stowers DBA/EFO/CFO

Megan Zammuto

From: John Robertson
Sent: Tuesday, November 23, 2021 8:00 AM
To: Megan Zammuto
Subject: Re: 123 Summer Street Observations

Hi Megan,

I have been considering the issue at this address. Here are my thoughts.

In my opinion, there is no demonstration of unreasonable interferences with the health, safety, peace, or comfort to the members of the community. No apparent conditions that may be sources of filth that lead to sickness. I could not determine this a Public Health Nuisance at this time.

This situation MAY approach the level of a Private Nuisance that interferes with an individual's interest in the use and the enjoyment of his/her land. In the case of a private nuisance, we would look to work with the parties towards resolution rather than enforcement measures. To me, the potential nuisance may be the duration of the noise, for example, if we could document it occurs all day. After my site visit yesterday, I do not feel the volume of the sound is unreasonable.

Maybe a Special Permit Application could set parameters for activities at the location that the neighbors could live with. It may be a lower threshold to establish trade is occurring there, than declaring a nuisance.

I did not find anything helpful in the Town's bylaws. The chapter on nuisances appears to be more about blight, property values, and potential risks to public health.

Please let me know if you would like to discuss.

Thanks,

John

From: Megan Zammuto <Mzammuto@TownofMaynard.net>
Sent: Monday, November 22, 2021 4:30 PM
To: John Robertson <jrobertson@townofmaynard.net>
Subject: Re: 123 Summer Street Observations

Excellent thank you so much!!

Sent from my iPhone

On Nov 22, 2021, at 3:57 PM, John Robertson <jrobertson@townofmaynard.net> wrote:



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

STAFF REPORT- Zoning Board of Appeals

I. Petition Description

Project Name: 123 Summer Street, Maynard, MA 01754
Petition No: ZB 22-04
Petition Type: Special Permit Request
Property Owner/Applicant: Donna Dodson & Andy Moorlein
123 Summer Street
Maynard, MA 01754
Description of Request: Special Permit "Trade Shop" use -- (Artist Studio)
Project Location: 123 Summer Street
Map & Lot #: Map 8, Lot 164
Current Zoning: Single Residence District 1 (S1)
Lot Size: 1 Acre

II. Staff Analysis

The applicant is requesting a Special Permit to allow a "Trade Shop" use (Artist Studio) in the S-1 Zoning District.

The application, which includes the petitioner's Justification Statement, is complete and ready for review and, a determination by the ZBA on issuance of a Special Permit.

III. Regulatory Criteria

Applicable Zoning By-Laws

The building commissioner has determined the requested use is a "Trade Shop". Section 3.2 of Maynard's Zoning By-laws (ZBL) govern Accessory Uses and Other Uses. Section 3.2.5 provides the criteria in which the Zoning Board of Appeals (ZBA) may grant a Special Permit to allow a Trade Shop use:

Exhibit "A"
Location Map
123 Summer Street

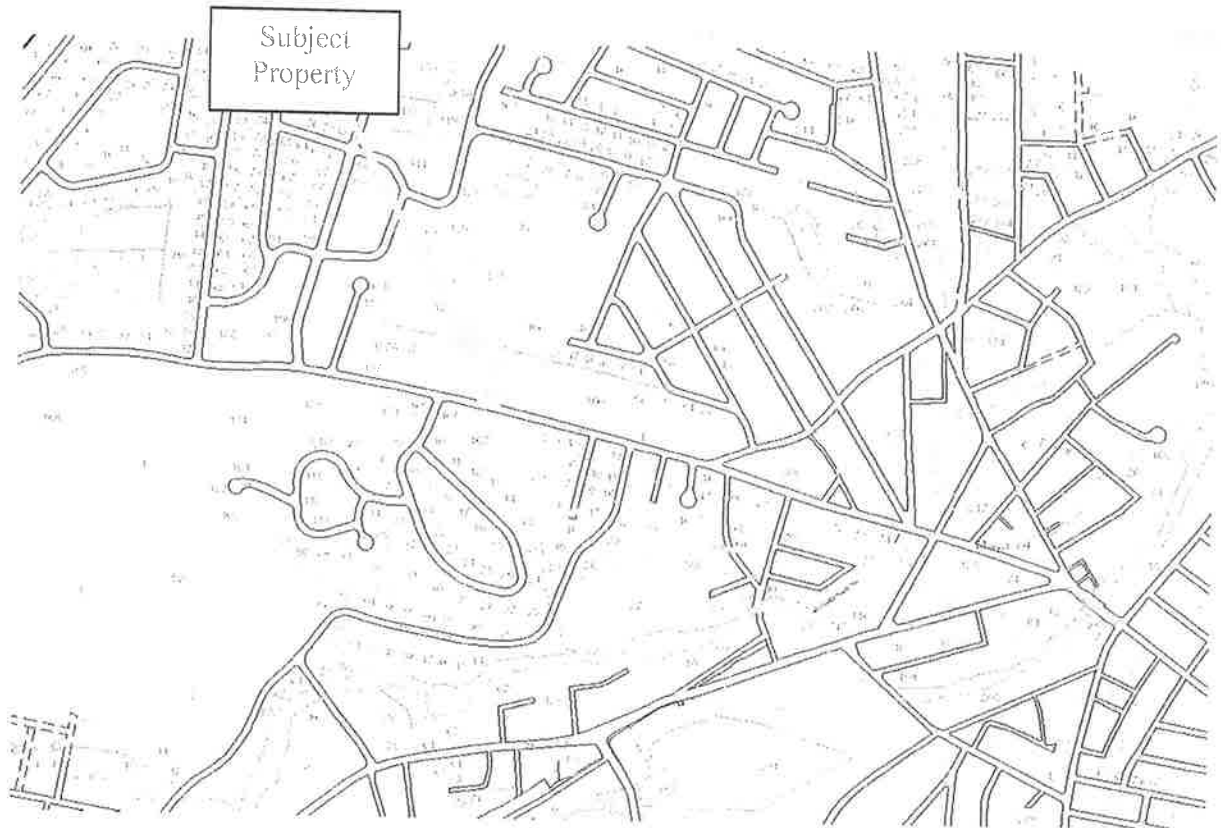


Exhibit "C"
Applicable Zoning By-laws

SECTION 3.2 ACCESSORY USES

3.2.5 Trade Shop. A builder, carpenter, mason, painter, plumber, tinsmith, upholsterer, machinist, or other craftsmen who lives and maintains a home on the premises or building may use said home or building thereon in connection with his trade by annual Special Permit from the Board of Appeals.

SECTION 3.1.2 TABLE A - USE REGULATIONS

| Other Uses | | | | | | | | | |
|---|-----|-----|----|----|--------------|----|------------------|--------------|--------------|
| 6. Accessory and Other Uses | S-1 | S-2 | GR | B | CB | I | HCI | GA | OS |
| Accessory agriculture | Y | Y | Y | Y | N | N | N | N | N |
| Accessory Apartment | BA | BA | BA | BA | N | N | N | N | N |
| Accessory nonresidential uses | N | N | N | Y | Y | Y | Y | Y | N |
| Adult day care | BA | BA | BA | BA | BA | N | BA | N | N |
| Craft marijuana cultivator cooperative ²¹³ | N | N | N | N | N | N | N | N | N |
| Customary Home Occupation | Y | Y | Y | Y | Y | N | N | N | N |
| Customary Home Occupation, with nonresident employee(s) | BA | BA | BA | Y | BA | N | N | N | N |
| Drive-in or drive-through facility | N | N | N | PB | PB | PB | PB | N | N |
| Family day care home, large | BA | BA | BA | BA | BA | N | N | N | N |
| Family day care home, small | Y | Y | Y | Y | Y | N | N | N | N |
| Hairdresser, novelty shop, antique shop in home | BA | BA | BA | Y | Y | N | N | N | N |
| In-home real estate office | BA | BA | BA | Y | Y | N | N | N | N |
| Kennel, private | BA | BA | BA | BA | N | BA | N | N | N |
| Overnight outdoors parking of more than one commercial vehicle not to exceed 25,000 gvw | BA | BA | BA | BA | BA | Y | Y | N | N |
| Overnight outdoors parking of one commercial vehicle not to exceed 25,000 gvw | Y | Y | Y | Y | Y | Y | Y | N | N |
| Overnight outdoors parking of one or more commercial vehicles in excess of 25,000 gvw | BA | BA | BA | BA | BA | Y | Y | N | N |
| Recreational use | BA | BA | BA | Y | Y | Y | Y | Y | Y |
| Seasonal and Charitable sales | PB | PB | PB | Y | Y | Y | Y | N | N |
| Temporary sales (See Section 7.8) ²¹⁴ | N | N | N | Y | Y | Y | Y | Y | Y |
| Trade shop | BA | BA | BA | Y | Y | N | Y ²¹⁵ | N | N |

²¹⁴ - Requires Select Board Approval