



TOWN OF MAYNARD
Zoning Board of Appeals
Office of Municipal Services

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Maynard, MA 01754

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Findings and Decision

Project Name: 27 Park Street
Petition No: ZB 23-07
Petition Type: Special Permit Request
Applicant: Kelly Boucher, AIA
54 Harvard Street
Brookline, MA. 02452
Property Owner: Jason Sharrigan
143 Wildwood Ave
Arlington, MA 02476
Description of Request: Special Permit
Project Location: 27 Park Street
Map & Lot # Map 19, Lot 117
Current Zoning: General Residence (GR)
Lot Size: 11,092 square feet +-

Description of Request: The applicant requested ZBA approval to construct a two-family residential unit to be located on and extending beyond the footprint of an existing one family burned-out structure (that will be razed).

The subject property is a corner lot with 25-foot setbacks required on each street frontage. The existing structure is non-conforming as it encroaches into the Park Street setback (8.3' provided) and the Sherman Avenue setback (12.4' provided).

The applicant's request creates an extension of the existing encroachment on Sherman Avenue. This requires a Special Permit since the request is for an extension of a pre-existing setback encroachment instead of a new setback encroachment.

A two-family residence is permitted use in the GR district. There is sufficient lot area for the two units.

This application is for a Special Permit (opposed to a Variance). Town Counsel, in coordination with the Building Commissioner, has advised that in situations where an existing non-conformity is extended or increased by a proposal, a Special Permit is the appropriate mechanism for approvals. Applications proposing the creation of

an entirely new non-conformity shall continue to utilize the Variance process for approval requests.

I. Procedural History

- a. Pursuant to Massachusetts General Law Chapter 40A, Section 10, an application for a Special Permit from the Maynard Zoning By-laws was submitted by the above-referenced petitioner on behalf of the owner and filed with the Zoning Board of Appeals (ZBA) on August 24, 2023.
- b. A public hearing for the application was noticed in a paper of local circulation on September 11th and 19th, 2023 and sent via certified mail to interested parties.
- c. The application documentation and other submitted material were reviewed by Town Staff. There were no staff objections to the application, although the Town Engineer cautioned that any driveway modifications be discussed and approved by DPW.
- d. At the public hearing, there were no public comments in opposition to the application.

II. Regulatory Framework and Determination of Consistency

Section 10.4.2 of the ZBL states that to grant a Special Permit, the Board must make a finding that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the characteristics of the site, and of the proposal in relation to that site. The ZBA Determination for the application included consideration of the project's impact on each of the following:

- a. Social, economic, or community needs which are served by the proposal. *The ZBA determined the project benefits the neighborhood by improving the subject property.*
- b. Traffic flow and safety, including parking and loading. *The ZBA determined there are no impacts associated with this request.*
- c. Adequacy of utilities and other public services. *The ZBA determined there are no impacts associated with this request.*
- d. Neighborhood character and social structures. *The ZBA determined the project maintains community character.*
- e. Impacts on the natural environment. *The ZBA determined there are no impacts associated with this request.*
- f. Potential fiscal impact, including impact on town services, tax base, and employment. *The ZBA determined the project will benefit the neighborhood and the tax base.*

III. Vote of the Board and Decision

The ZBA deliberated and determined that the request meets the criteria as detailed above in Section II. Leslie Bryant made a motion to approve a Special Permit allowing construction of a two-family residential unit at 27 Park Street that will extend the existing encroachment into the front setback for Sherman Avenue as depicted in Exhibit "A" and subject to the Condition of Approval as listed below. The new construction will include and extend beyond the existing footprint of the existing non-conforming structure which will be razed.

The motion was seconded by Page Czepiga.

The Board voted as follows ("Y" to approve):

Paul Scheiner	Y
Page Czepiga	Y
Leslie Bryant	Y
John Courville	Y
Brad Schultz	Y

Condition of Approval:

The Applicant shall provide a survey verifying the location of the new foundation to the Office of Municipal Services prior to the issuance of a Certificate of Occupancy.

Recording of Decision:

The Applicant shall file a certified copy of this Decision with the Middlesex South District Registry of Deeds (or Land Court if registered land) and a copy of the Decision, stamped with the recording information (Book/Page or Land Court document number) shall be provided to the Building Department.

Appeals

Appeals shall be made within twenty (20) days of the date of filing this decision in the Office of the Town Clerk directly to a court of competent jurisdiction in accordance with the provisions of M.G.L., Chapter 40A, Section 17.

Electronic Signatures

The signature(s) hereunder are made in accordance with M.G.L. c.110G and pursuant to the board's electronic signature authorization vote recorded on November 8, 2022, in Book 80925 and Page 60 at the Middlesex South District Registry of Deeds.



Paul Scheiner, Chair
For the Zoning Board of Appeals



Date

NOT VALID UNTIL CERTIFIED BY THE TOWN CLERK OF MAYNARD