



TOWN OF MAYNARD
Zoning Board of Appeals
Office of Municipal Services

195 Main Street
Maynard, MA 01754

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

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



Findings and Decision

Project Name: 4 Riverside Park, Maynard, MA 01754
Petition No: ZBA 23-11
Petition Type: Special Permit Request
Property Owner/Applicant: Dominic McConnachie
4 Riverside Park
Maynard, MA 01754
Description of Request: Special Permit
Project Location: 4 Riverside Park
Map & Lot # Map 22, Lot # 2
Current Zoning: Single Residence District 1 (S1)
Lot Size: 1.1714 Acres (51,025 sf)
Application Date: 11/01/2023

Description of Request:

The subject property, a single-family dwelling on a corner lot in the S-1 zoning district, is a pre-existing nonconforming structure due to the structure's encroachment into front setbacks (25' required, 10.2' provided).

The applicant requested Special Permit approval to extend the existing nonconforming front setbacks in order to construct an addition to the residence.

The application, which included the petitioner's Justification Statement, was provided for review and a determination by the Zoning Board of Appeals (ZBA) on issuance of a Special Permit (Exhibit "A").

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 owner and filed with the Zoning Board of Appeals (ZBA) on November 1, 2023.

- b. The Special Permit application was accompanied by a plan and survey (Exhibit "A").
- c. A public hearing on the Special Permit application was scheduled for December 18, 2023. The Legal Notice was placed in the MetroWest Daily News on December 4th and 11th, 2023 and sent via certified mail to interested parties on October 31st, 2023. The hearing was continued to January 22, 2024, at which it was continued again until February 27, 2024. The hearing concluded February 27, 2024.
- d. The application documentation and other submitted material were reviewed by Town Staff.

II. Regulatory Criteria

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. In addition to any specific factors that may be set forth in the ZBL, the determination shall include consideration of each of the following:

- a. Social, economic, or community needs which are served by the proposal. **The ZBA determined there is a social benefit to allowing an existing family to remain in their home.**
- 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 that there would be no chances to public service and utility access at the location.**
- d. Neighborhood character and social structures. **The ZBA determined there is no impact on neighborhood character as the proposed addition will not be visible from the street.**
- e. Impacts on the natural environment. **The ZBA determined that the environmental impact of the proposed addition is less detrimental than the alternative possible location closer to the river.**
- 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 by increasing the property value.**

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 at 4 Riverside Park to extend the existing nonconformity of front setbacks in order to allow construction of a home addition as depicted in the Petitioner's application date-stamped November 1, 2023 (Exhibit "A").

The motion was seconded by Jerry Culbert.

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

John Courville	Y
Paul Scheiner	Y
Page Czepiga	Y
Leslie Bryant	Y
Jerry Culbert	Y

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

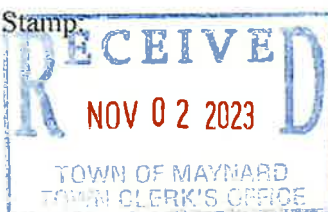
****NOT VALID UNTIL CERTIFIED BY THE TOWN CLERK OF MAYNARD****

EXHIBIT "A"

Application Fees (Not Including Advertising and Mailing Costs):

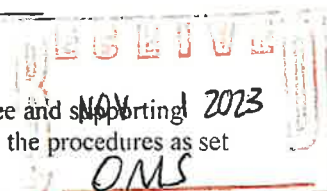
- Special Permit: \$250
- Variance: \$250
- Appeal of Building Commissioners Decision: \$250
- Special Permit Renewal: \$150

Clerk Stamp:



ZONING BOARD OF APPEALS APPLICATION NUMBER: ZBA2311 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 4 Riverside Part, Maynard, MA, 01754

Characteristics of Property: Lot Area 55,000sq.ft Present Use Residential
022.0-000-0002.0

Assessor's Map # _____ Parcel # _____ Zoning District _____

Name of Petitioner Dominic McConnachie Phone # 617 938 7466

Mailing Address 4 Riverside Park, Maynard, MA

E-mail Address dommcon@gmail.com

Name of Owner _____ Phone # _____

(If not Petitioner)

Mailing Address _____

Petition is for ☐ An Appeal from the Decision of the Building Commissioner

(Check One)

☒ ~~A Variance~~

☒ A Special Permit

☐ Other (Please Specify) _____

Applicable Section of the Zoning By-Laws: Section 4-1

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

special permit

~~A variance~~ is sought from Section 4-1 of the Zoning By-Laws from the front setback requirement of Twenty Five (25) feet

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

Signature of Petitioner (or representative) Dominic McConnachie

Address (if not Petitioner) _____

Telephone Number _____

Signature of Owner, if other than Petitioner _____

EXHIBIT "A"

EXHIBIT "A"

special permit

Application for a ~~Variance~~ for 4 Riverside Park, Maynard

Submitted by Dominic McConnachie (property owner), 617 938 7466, dommcccon@gmail.com

Variance Justification

1. Good and sufficient cause and exceptional non-financial hardship exist:
 - a. wetlands buffers
2. The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public;
 - a. no public funds needed (i.e. no water or sewer lines on public property will be needed) taxes, etc
3. The variance is the minimum action necessary to afford relief
 - a. The proposed action is the best solution (see attached material that shows other options and how they are not the best solution because of the wetland buffer zones)

see attached below

EXHIBIT "A"
4 Riverside Park, Maynard
Application for a Special Permit

Submitted by Dominic McConnachie (property owner)

617 938 7466

dommcccon@gmail.com

EXHIBIT "A"

Location of property

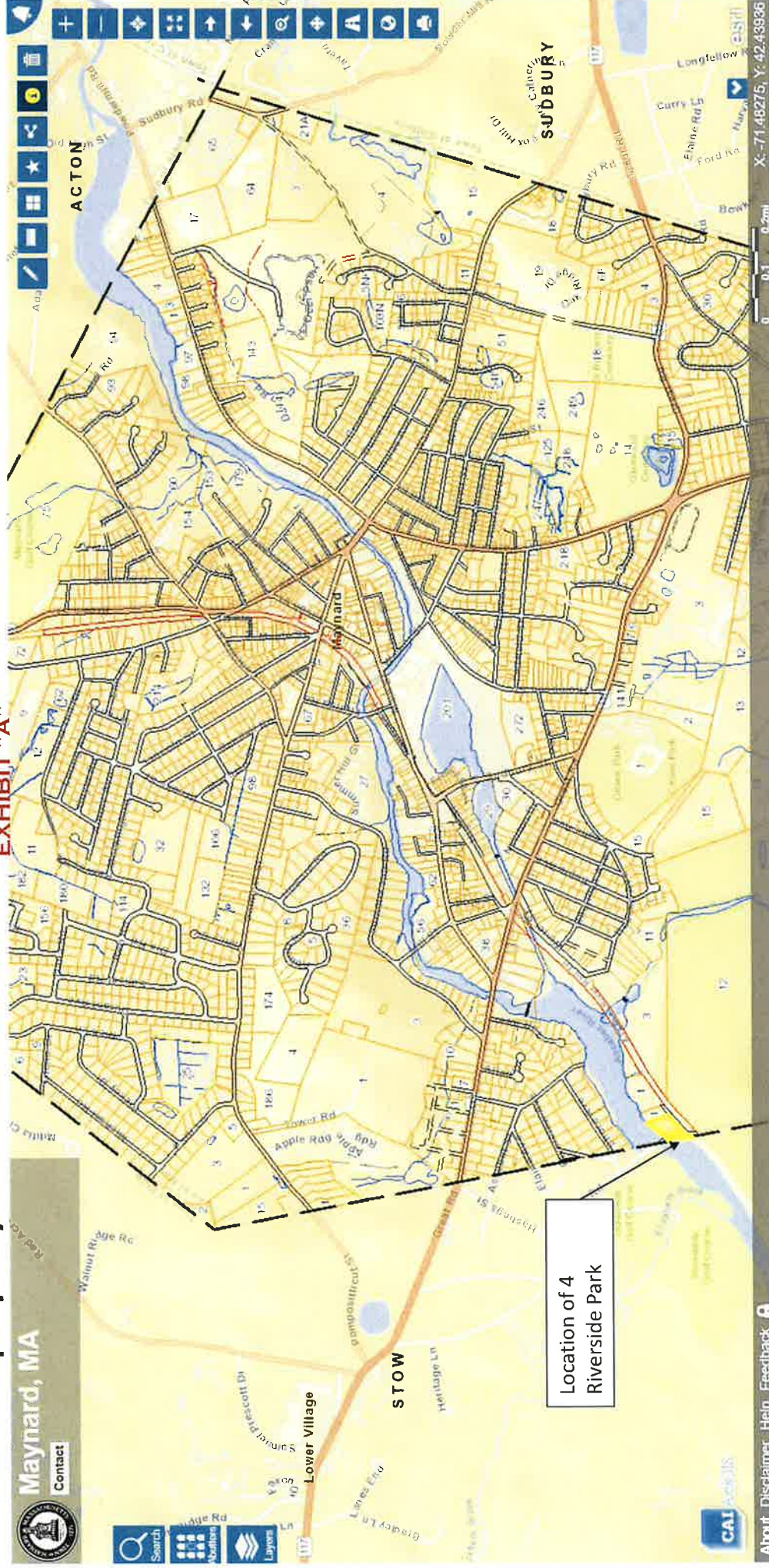


EXHIBIT "A"

EXHIBIT "A"

EXHIBIT "A"



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MAYNARD, MASS.

Orville B.

C. E. Hill

June, 1910.

SCALF 1121-8057

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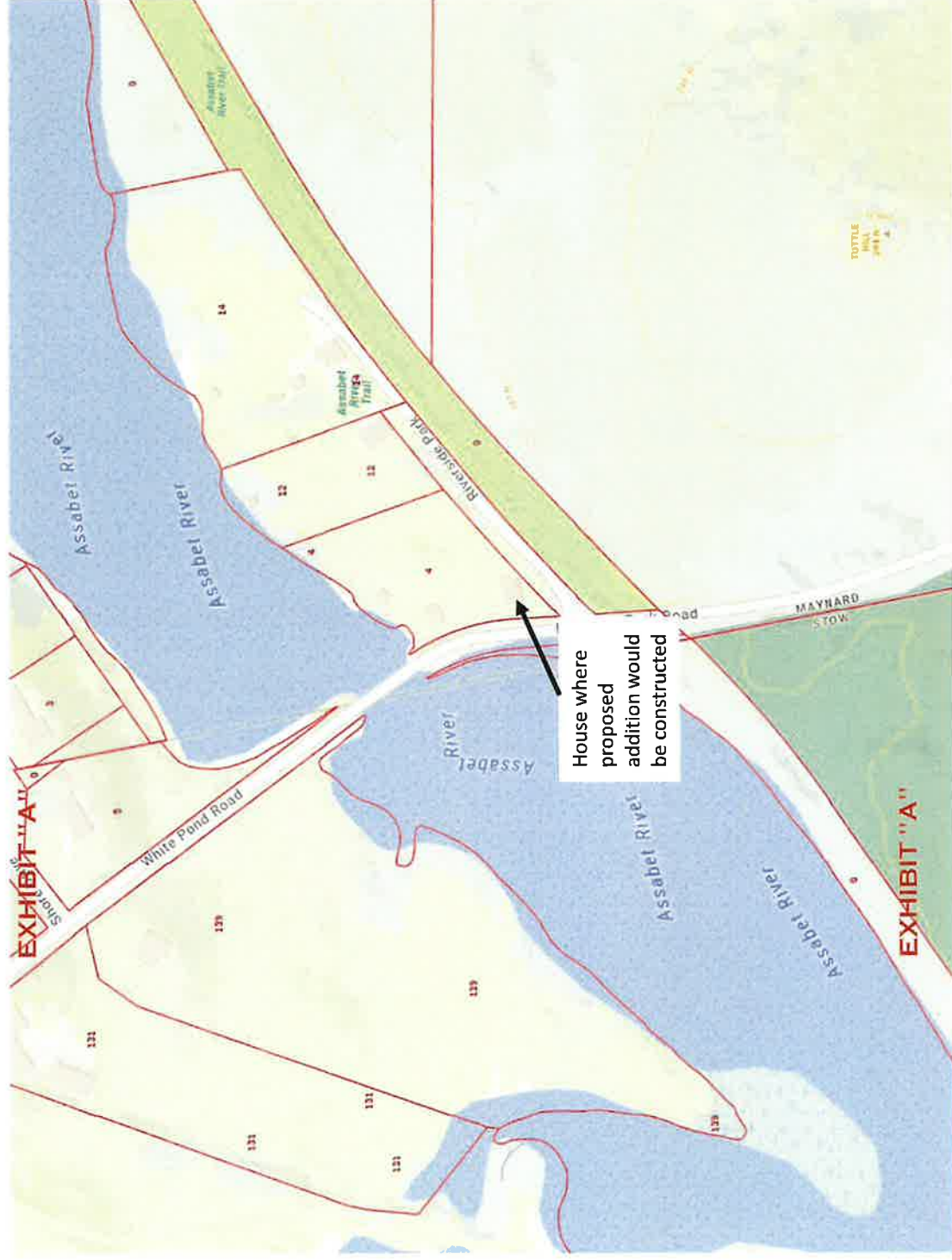
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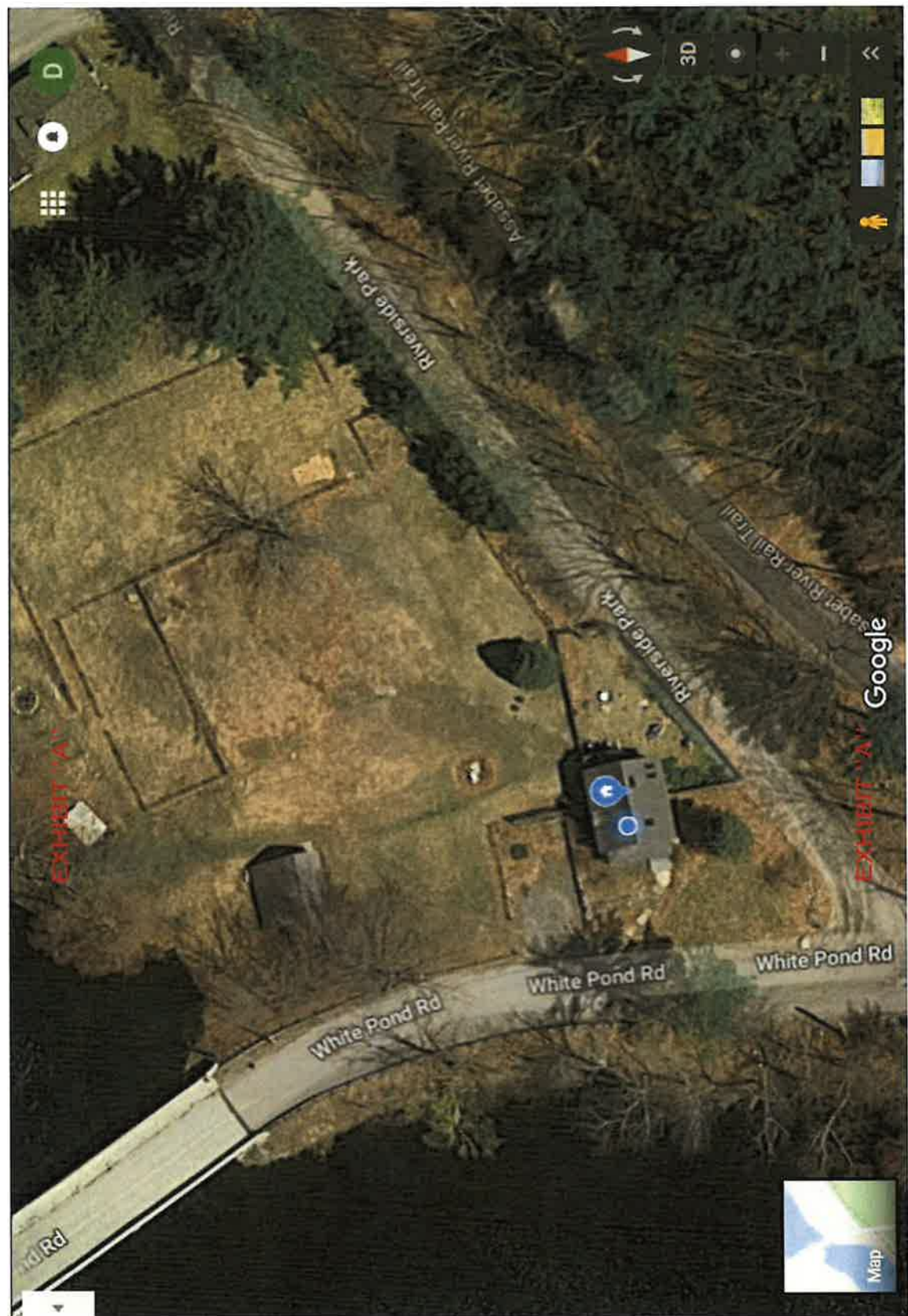
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100-1

Property, river, location of work





Baseline (As-Is)

EXHIBIT "A"

ASSABET RIVER

MEAN ANNUAL HIGH WATER
AS DELINEATED BY B&C ASSOCIATES
DELINEATION DATE MAY 2023

EDGE OF BORDERING VEGETATED WETLAND
AS DELINEATED BY B&C ASSOCIATES
DELINEATION DATE MAY 2023

ZONING DISTRICT
S-1 SINGLE RESIDENCE 1

LOTS 1 THROUGH 5
51,025 S.F.± (RECORD)

SCREEN ROOM

EXISTING BUILDING
200' RIVERFRONT AREA

ROAD

POND
(50' WIDE)

WHITE

RIVERSIDE PARK
(40' WIDE)

PLOT PLAN
IN

MAYNARD, MASSACHUSETTS
(MIDDLESEX COUNTY)

FOR: McCONNACHIE
SCALE: 1"=40' JUNE 13, 2023

STAMSKI AND MCNARY, INC.
1000 MAIN STREET ACTON, MASSACHUSETTS
ENGINEERING - PLANNING - SURVEYING

(7290.PPL.dwg) 4 Riverside Park SM-7290

EXHIBIT "A"

Need for addition

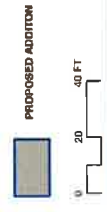
Current house

- Current house has 2 bedrooms, ~1100sq.ft total area, and non-code-complaint stairs
- Accommodates family with 3 kids

Therefore, project objectives are to

- Increase #bedrooms to accommodate family (Increase house from a two bedroom to a three bedroom)
- Increase living space to accommodate family
- Add code complaint stairs, mudroom and studies

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SITE PLAN

[illegible]

Alternative 1 (Westerly Addition)
Footprint moves closer to the wetland buffer

EXHIBIT "A"

ASSABET RIVER

MEAN ANNUAL HIGH WATER
AS DELINEATED BY B&C ASSOCIATES
DELINEATION DATE MAY 2023

EDGE OF BORDERING VEGETATED WETLAND
AS DELINEATED BY B&C ASSOCIATES
DELINEATION DATE MAY 2023

ZONING DISTRICT
S-1 SINGLE RESIDENCE 1

LOTS 1 THROUGH 5
51,025 S.F.± (RECORD)

SCREEN ROOM

Closer to wetlands buffer

ROAD

POND

WHITE

RIVERSIDE PARK

(40' WIDE)

L=250'

L=219.97'

L=10.2'

EXISTING 2 STORY W/F DWELLING #4

EXISTING BUILDING

N/F DONAHUE

PLOT PLAN
IN

MAYNARD, MASSACHUSETTS
(MIDDLESEX COUNTY)

FOR: McCONNACHIE
SCALE: 1"=40' JUNE 13, 2023

STAMSKI AND MCNARY, INC.
1000 MAIN STREET ACTON, MASSACHUSETTS
ENGINEERING - PLANNING - SURVEYING

(7290.PPL.dwg) 4 Riverside Park SM-7290

EXHIBIT "A"

Alternative 2 (Northerly Addition)
Footprint moves closer to the wetland buffer

EXHIBIT "A"

ASSABET RIVER

MEAN ANNUAL HIGH WATER
AS DELINEATED BY B&C ASSOCIATES
DELINEATION DATE: MAY 2023

EDGE OF BORDERING VEGETATED WETLAND
AS DELINEATED BY B&C ASSOCIATES
DELINEATION DATE: MAY 2023

Closer to
wetlands
buffer

ZONING DISTRICT
S-1 SINGLE RESIDENCE 1

LOTS 1 THROUGH 5
51,025 S.F.± (RECORD)

100' BUFFER ZONE

200' RIVERFRONT AREA

WHITE POND ROAD

POND (50' WIDE)

N/F DONAHUE

EXISTING 2 STORY W/F DWELLING

RIVERSIDE PARK (40' WIDE)

PLOT PLAN
IN

MAYNARD, MASSACHUSETTS
(MIDDLESEX COUNTY)

FOR: McCONNACHIE
SCALE: 1"=40' JUNE 13, 2023

STAMSKI AND McNARY, INC.
1000 MAIN STREET ACTON, MASSACHUSETTS
ENGINEERING - PLANNING - SURVEYING

(7290.PPL.dwg) 4 Riverside Park SM-7290

EXHIBIT "A"

EXHIBIT "A"

Backup Material

EXHIBIT "A"

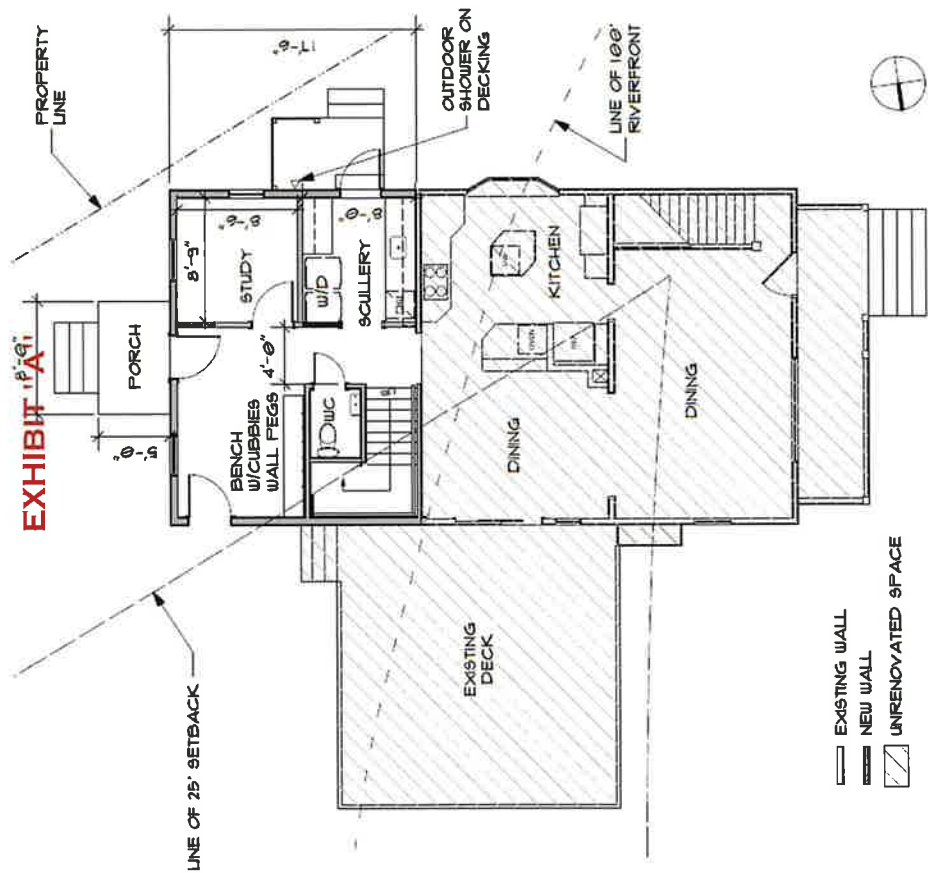
EXHIBIT "A"

Current vs. Proposed Hard Surface

- Current hard surface on property = Barn + Screen room + House = 1350sq.ft = 2.6% total area
- Addition Scenario hard surface on property = Barn + Screen room + Larger House footprint = 2460 sq.ft = 4.8% total

EXHIBIT "A"

Schematic Design

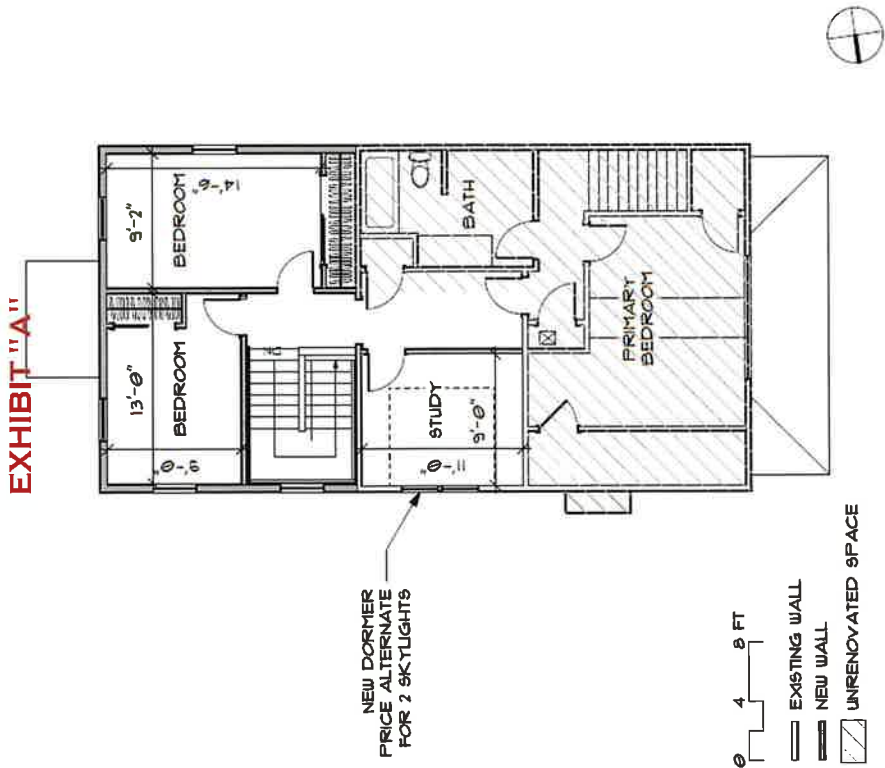


4 RIVERSIDE DRIVE
MATNARD, MA 0154
OCTOBER 6, 2023

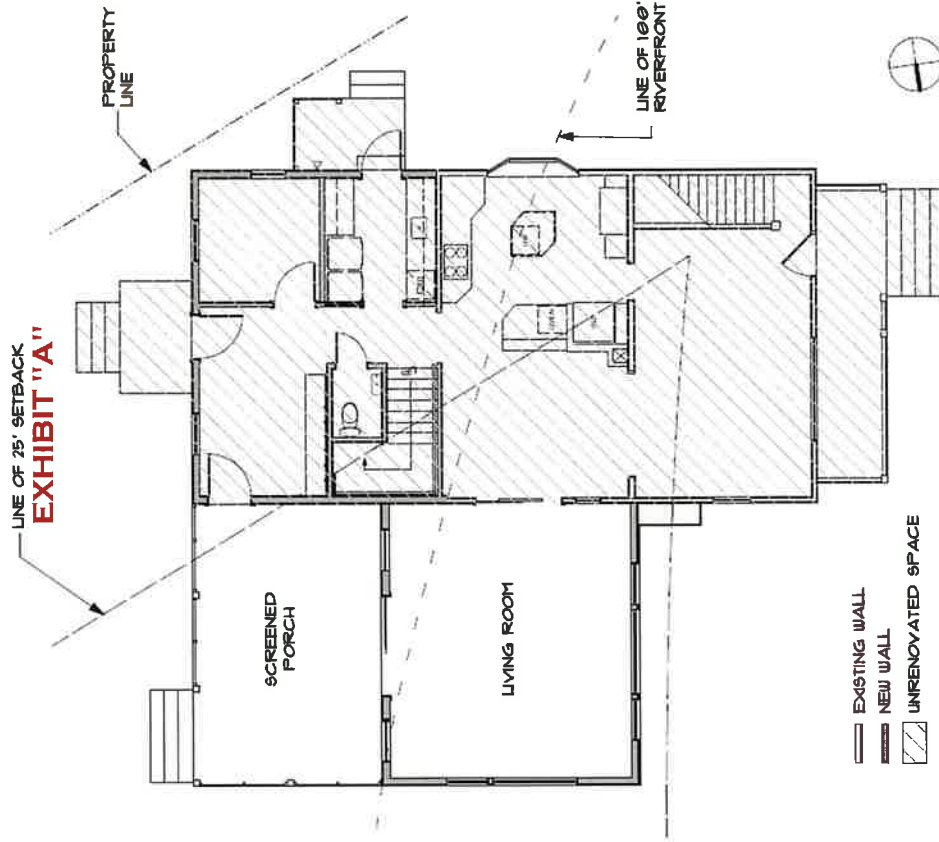
EXHIBIT "A"

FIRST FLOOR PLAN
PHASE 1

Schematic Design



Schematic Design



FIRST FLOOR PLAN
PHASE 2

EXHIBIT "A"

4 RIVERSIDE DRIVE
MAYNARD, MA 01944
OCTOBER 6, 2023

EXHIBIT "A"



EXHIBIT "A"

4 RIVERSIDE DRIVE
MAYNARD, MA 01754
OCTOBER 6, 2023

EXHIBIT "A"

Special Permit

“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.” (ZBL Section 10.4.2)

1. The special permit will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public;
 - no public funds needed i.e. no water or sewer lines on public property will be needed) taxes, etc
2. The special permit is the minimum action necessary to afford relief.
 - this is the best solution (Later slides show other options and how they are not the best solution because of buffer zones)

EXHIBIT "A"