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Zoning Board of Appeals

Town Office Building
195 Main Street
Maynard, MA 01754

2021 JUN -2 AM 11:47

MAYNARD TOWN CLERK

FINDINGS AND DECISION

Petition No:	ZBA 21-05
Project Name:	19 Walnut Street
Project Location:	19 Walnut Street
Type:	Special Permit
Property Owner/Applicant:	Chad Wisser 67 Bass Avenue Gloucester, MA 01930
Description of Request:	Special Permit.
Current Zoning:	General Residence (GR)
Lot Size:	6,312 ft. ² +-
Application Date:	April 29, 2021

Description of Request: Special Permit per Section 5.1.3 (2) of the Maynard Zoning By-Laws (ZBL), to allow the use conversion of a pre-existing non-conforming structure to a single-family residence. Although both a church and a single-family residence are allowed by right in the GR District, because of the existing structural non-conformities, the ZBL require a Special Permit when there is a change of use. No changes to the footprint of the building are proposed. A new driveway has been authorized by the Department of Public Works.

The existing structural non-conformities are contained below in Table 1.

Table 1
Zoning By-law
Dimensional Regulations
Required, Proposed and Existing Conditions

Property: 19 Walnut Street Zoning District: General Residence <small>* = non-conformity</small>			
<u>Use Type</u>	<u>Existing Use Allowed in District?</u>	<u>Proposed Use</u>	<u>Proposed Use Allowed in District?</u>
Church	Yes	Single-Family Residence	Yes
<u>Lot Size</u>	<u>Minimum Required</u>	<u>Existing</u>	<u>Proposed</u>
Area (square feet)	7,000	6,312 *	No change
Frontage (feet)	75	64*	No change
Width (feet)	70	64*	No change
<u>Yard (Setback) Requirements</u>	<u>Minimum Required</u>	<u>Existing</u>	<u>Proposed</u>
Front (feet)	25	10.6*	No change
Side (feet)	15	2.1*	No change
Side - Street (feet)	15	37.8	No change
Rear (feet)	15	1.6*	No change
<u>Coverage</u>	<u>Maximum Allowable</u>	<u>Existing</u>	<u>Proposed</u>
By Building (%)	40	40	No change
By Impervious (%)	75	81*	No change (pervious driveway proposed).

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).
- b. The application was accompanied by a plan and survey. (Exhibit "A").
- c. A public hearing on the application was held on May 24, 2021.
- d. The application documentation and other submitted material were reviewed by Town Staff. There were no staff objections to the application.
- e. At the public hearing, there were no public comments against the application. Resident Kevin Fox spoke in support of the request.

II. Special Permit Criteria

Section 10.4 of the ZBL states a Special Permit shall be granted only upon 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 characteristics of the site, and of the proposal in relation to that site. In addition, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on Town services, tax base, and employment.

III. Vote of the Board and Decision

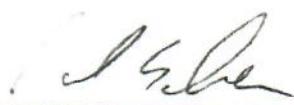
The ZBA deliberated and determined that the conversion of the church building to a single-family residence adds a taxable property to the Town, does not impact traffic flow, has no impact on utilities or public services, improves neighborhood character, and re-uses a pre-existing structure on an undersized lot.

A motion was made by Page Czepiga and seconded by Marilyn Messenger to approve the applicant's request for a Special Permit to allow a change in use from a place of worship to a single-family residence. The approval is subject to the following Condition of Approval:

1. The Applicant shall construct the driveway utilizing pervious materials.

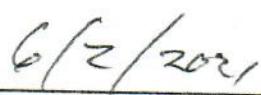
The Board voted as follows ("Y" to approve):

Paul Scheiner (Chair)	<u>Y</u>
Marilyn Messenger	<u>Y</u>
Leslie Bryant	<u>Y</u>
Jerry Culbert	<u>Y</u>
Page Czepiga	<u>Y</u>



Paul Scheiner, Chair
For the Zoning Board of Appeals

Date



6/2/2021

NOT VALID UNTIL CERTIFIED BY THE TOWN CLERK OF MAYNARD

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Law, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Maynard Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest: _____

Date: _____

Joanna Bilotta, Town Clerk

EXHIBIT "A"

