



## Zoning Board of Appeals

Town Office Building  
195 Main Street  
Maynard, MA 01754

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MAYNARD TOWN CLERK

### FINDINGS AND DECISION

**Petition No:** ZBA 21-04  
**Project Name:** 141 Parker Street  
**Project Location:** 141 Parker Street  
**Type:** Special Permit  
**Property Owner/Applicant:** Lexvest Parker LLC  
141 Parker Street  
Maynard, MA 01754  
**Description of Request:** Special Permit.  
**Current Zoning:** Industrial (IL)  
**Lot Size:** 2.86 Acres  
**Application Date:** April 7, 2021

#### Description of Request:

The subject property is currently shared by a 10,479 square foot commercial building (built in the early 1980's) and a 2,320 square foot single-family home (built in 1924). This application required:

- a) A Special Permit per Section 5.1.6 of the Zoning By-Laws (ZBL), to re-establish a residential use after period of abandonment/non-use.
- b) A Special Permit per Section 5.1.5 of the ZBL to expand a non-conforming single-family structure by adding a breezeway and two-car garage and expanding it to 2,868 square feet.

The project's non-conformities consist of:

1. A residential use in the IL District.
2. Two principle uses on the same lot. After the Special Permit is in effect, the applicant will form a condominium, placing the two buildings on separate exclusive use areas.

3. Parking deficiency for the commercial property (127 parking spaces required under the ZBL, 73 spaces provided).
4. The single-family unit does not meet the 120' front setback requirement of the IL District (72' provided) or the 100' side setback (78' provided). The proposed garage addition will not meet the 120-foot setback (84' proposed). The 100' side setback will be met.

### **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 opened and closed 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.

### **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:

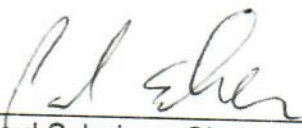
1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact,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

### **III. Vote of the Board and Decision**

The ZBA deliberated and determined that the re-establishment of this 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 of the surrounding residential areas, and re-uses a pre-existing structure.

A motion was made by Marilyn Messenger and seconded by Leslie Bryant to approve the applicant's request for a Special Permit to:

- a) Re-establish a residential use after period of abandonment/non-use.
- b) Expand a non-conforming single-family structure by adding a breezeway and two-car garage and expanding it to 2,868 square feet.

  
\_\_\_\_\_  
Paul Scheiner, Chair  
For the Zoning Board of Appeals

4/2/2021  
\_\_\_\_\_  
Date

**\*\*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

