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**TOWN OF MAYNARD  
Zoning Board of Appeals  
Office of Municipal Services**

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

[OMS@TownofMaynard.net](mailto:OMS@TownofMaynard.net) [www.townofmaynard-ma.gov](http://www.townofmaynard-ma.gov)

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**Findings and Decision**

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**Petition No:** ZBA 21-07  
**Type:** Special Permit  
**Property Owner/Applicant:** Barbara Gatlin  
**Project Location:** 11 Tremont Street, Maynard MA 01754  
**Current Zoning:** S-1 (Single Residence District)  
**Lot Size:** 7695 +- ft.<sup>2</sup>  
**Application Date:** June 9, 2021

**Description of Request:** Consistent with Section 3.2.5 of the Zoning By-laws (ZBL), the petitioner is requesting a Special Permit to allow a Trade Shop (Upholstery and Caning Studio) accessory to the residential use at 11 Tremont Street within the S-1 Zoning District.

**I. Procedural History**

- a. Pursuant to Massachusetts General Law Chapter 40A, Section 10, an Application for a Special Permit (Exhibit A) per the ZBL was submitted by the above-referenced owner and filed with the Zoning Board of Appeals (ZBA) on June 9, 2021.
- b. The ZBA granted a Special Permit to operate a Trade Shop accessory to the residential use at 11 Tremont on January 30, 2017 (Exhibit B). The Special Permit expired prior to renewal; therefore, this Application constitutes a new Special Permit, not a renewal.
- c. A public hearing on the Special Permit Application was held on July 26, 2021. Notice of the public hearing was published in the Beacon-Villager on July 8, 2021, and July 15, 2021, and sent to parties in interest, as required by statute, by certified mail, return receipt requested, according to the Assessors' Certified Abutters List.
- d. The application documentation and other submitted material were reviewed by Town Staff. There were no staff objections to the application.

<sup>1</sup>

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- e. At the public hearing, there were no public comments in opposition to the Application.

## **II. Regulatory Criteria**

Section 3.2.5 “Trade Shop” of the Zoning By-laws (ZBL), upholsterers or other craftsmen who live and maintain a home on the premises or building may use said home or building thereon in connection with their trade by annual Special Permit from the Board of Appeals.

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.
- b. Traffic flow and safety, including parking and loading.
- c. Adequacy of utilities and other public services.
- d. Neighborhood character and social structures.
- e. Impacts on the natural environment.
- f. 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 request meets the criteria as detailed above in Section II. Specifically, the ZBA determined:

- a. That the petitioner’s request for a Special Permit for a Trade Shop Home Occupation is consistent with Section 3.2.5 of the ZBLs.
- b. That the proposed use is consistent with the Special Permit criteria listed in Section II.

A motion was made by Peter Winnett and seconded by Jerry Culbert to grant a Special Permit from the Zoning By-laws allowing an upholstery and caning business at 11 Tremont Street. The approval is subject to the following Conditions of Approval:

- a. No exterior signage shall be permitted.
- b. One parking space shall be kept available for delivery.

<sup>2</sup>

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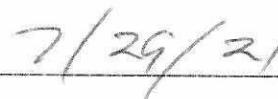
c. This Special Permit must be renewed by the ZBA one (1) year from the effective date (effective date is 20 days after filing with the Clerk provided no appeal is filed). If the ZBL is amended within the one (1) year term of this Decision extending the term of a Trade Shop Special Permit, then this Decision will retroactively adhere to the new Special Permit term and renewal requirements from the effective date of this Decision.

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

Paul Scheiner (Chair)	Y
John Courville	Y
Jerry Culbert	Y
Leslie Bryant	Y
Peter Winnett	Y

  
\_\_\_\_\_  
Paul Scheiner, Chair

Date

  
\_\_\_\_\_  
7/29/21

For the Zoning Board of Appeals

\*\*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

Please note: this Decision must be recorded with the Registry of Deeds prior to applying for building permits.

3

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OMS Template: 1.5



Case No: \_\_\_\_\_  
 Fees Paid: \_\_\_\_\_

**TOWN OF MAYNARD  
 ZONING BOARD OF APPEALS**

**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 11 Tremont Street

Characteristics of Property: Lot Area \_\_\_\_\_ Present Use Residential

Assessor's Map # 10 Parcel # 7 Zoning District \_\_\_\_\_

Name of Petitioner Barbara Gattin Phone # 508.877.1584

Mailing Address 11 Tremont Street, Maynard

Name of Owner Kevin/Barbara Gattin Phone # 508.877.1584

(If not Petitioner)

Mailing Address same

Petition is for

An Appeal from the Decision of the Building Commissioner

A Variance

(Check One)

A Special Permit

Other

Specify Trade Shop

Applicable Section of the Zoning By-Laws: Section 3.2.5 - Trade Shop

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

see attachment

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

Signature of Petitioner (or representative) Barbara Gattin

Address (if not Petitioner) \_\_\_\_\_

Telephone Number \_\_\_\_\_

Signature of Owner, if other than Petitioner \_\_\_\_\_

June 9, 2021

Special Permit Application for 11 Tremont Street

In accordance with the Town of Maynard By-Laws I am requesting a special permit renewal for a special permit originally issued in 2016. For the past five years I have been operating a small trade shop from my residence providing upholstery and caning restoration services to local clientele.

I am unaware of any negative issues resulting from my home business and have received positive neighborhood support.

My clientele is from the local area and are scheduled appointments averaging a ten minute stay. Most people access through the driveway/ garage entrance as my studio is in the basement. My work is accomplished with basic hand tools, supplies are purchased upon need without extensive inventory, and no obvious street side evidence of handwork being completed within.

I believe this business known as Be Seated is in harmony with the neighborhood and character of the community and request the re-issue of the town permit allowing me to continue operation.

Please find the enclosed payment of fees for the application as well as notification to abutters and feel free to contact me for any clarification.

Sincerely,

Barbara Gatlin

Be Seated

11 Tremont Street

580.877.1582



## Zoning Board of Appeals

Town Office Building  
195 Main Street  
Maynard, MA 01754

## FINDINGS AND DECISION

### Petition of Barbara & Kevin Gatlin for a Special Permit Allowing a Home Occupation (Trade Shop)

**Property Location:** 11 Tremont Street  
**Date of Decision:** January 30, 2017  
**Petition Number:** ZB 16-07

#### Procedural History

1. On November 29, 2016, the Petitioner filed a petition with the Maynard Zoning Board of Appeals (ZBA) for a Special Permit pursuant to Maynard Zoning By-laws, Section 3.2. The Petitioner requested a Special Permit to allow a "Trade Shop" home occupation (upholstery and canning studio) in Single Residential District (S1).
2. "Parties in Interest" were verified by the Maynard Property Assessor's Office. Notice of Public Hearing was mailed to the "Parties in Interest" and said notice was published, all according to statute.
3. A public hearing was opened at the ZBA meeting of January 30<sup>th</sup>, 2017 as scheduled and advertised. The Board considered the petition in the light of statutory criteria and requirements of the Zoning By-laws. Several abutters were present and had questions however none spoke in opposition to the request.

#### Petition Details

1. The petitioner is requesting a Special Permit to allow a home occupation use of a Trade Shop (upholstery and canning studio) in Single Residential District (Exhibit A).
2. Section 3.2.5 of the Zoning By-laws states a Trade Shop is an annual Special Permit.
3. The petitioner resides in the subject property.
4. The subject property has a zoning designation of "Single Family Residential" (S1).

## Findings

The ZBA finds that the petitioner's request for a Special Permit for Trade Shop Home Occupation is consistent with 3.2.5 and meets the criteria for Special Permits as required by Section 9.4 of the Zoning By-laws

## Motion

A motion was made by Marilyn Messenger and seconded by Leslie Bryant to grant a Special Permit for 11 Tremont Street allowing a Home Occupation consistent with Section 3.2.5 of the Zoning By-laws. The following conditions apply:

1. No exterior signage shall be permitted.
2. One parking space shall be kept available for delivery.
3. This Special Permit must be renewed by the ZBA one year from the effective date (effective date is 21 days after filing with the Clerk provided no appeal is filed).

## Record of Vote

The Zoning Board of Appeals voted 5-0 to grant the Special Permit:

Voted:

Paul Scheiner	Yes
Marilyn Messenger	Yes
Leslie Bryant	Yes
Jerry Culbert	Yes
John Courville	Yes

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

*2/8/17*  
\_\_\_\_\_  
Date

Filed with the Town Clerk on:  
*Michelle L. Vakolavas*  
Town Clerk

