



**TOWN OF MAYNARD**  
**Office of Municipal Services**  
**MUNICIPAL BUILDING**  
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Maynard, MA 01754  
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[www.townofmaynard-ma.gov](http://www.townofmaynard-ma.gov)

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Maynard Town Clerk

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***Maynard Zoning Board of Appeals***  
***Special Permit Decision***

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To: Joanna Bilotta-Simeone, Acting Town Clerk  
195 Main Street  
Maynard, MA 017

October 30, 2020

Project: 100 Great Road Special Permit  
Property Location: 100 Great Road  
Date of Decision: October 26, 2020  
Petition Number: ZBA 20-03

Dear Ms. Bilotta-Simeone:

Please accept this Special Permit Decision for 100 Great Road, Maynard, MA (Map 20, Parcel 154) for recording by the Maynard Town Clerk's Office.

**I. General**

On September 22, 2020, Steve Macfarlane of 100 Great Road submitted to the Maynard Zoning Board of Appeals (hereinafter referred to as the "ZBA") a request for a Special Permit to extend a non-conforming structure to allow the construction of an addition and deck to the single-family home located at 100 Great Road. The extension included the construction of an addition and a deck on the side yard with a setback of 8.6 feet (Exhibit A).

The subject property is located within the "General Residential" district and is a pre-existing ("grandfathered") non-conforming structure located on a pre-existing non-conforming lot which was also grandfathered. Documenting existing non-conformities is important as it clarifies that there are no current (open) zoning violations on a property because the non-conformities existed when Maynard's Zoning By-laws governing dimensional requirements were adopted. At times a property with such status may also be referred to as "legal".

## **II. Plans and Documents Submitted in Support of the Application**

The following documents (hereinafter referred to as the "The Plans") and supporting documents were submitted to and reviewed by the ZBA either with the associated application, or during the Public Hearing process, and form the basis of this Decision.

<b>Table 1</b>		
Document	Prepared by	Date
Application for Special Permit	Steve Macfarlane	September 22, 2020
Certified Plot Plan of Land in Maynard, MA	Colonial Surveying Co, Inc.	September 18, 2020

The ZBA reviewed these materials during the application, public hearing and deliberation processes.

## **III. Review Criteria**

- a. Section 5.1.3 states that the ZBA may grant a Special Permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.
- b. Section 10.4.2 of the ZBL state 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 particular 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.
  6. Potential fiscal impact, including impact on town services, tax base, and employment.

## **IV. Public Hearings(s) and Vote(s) of the Zoning Board of Appeals**

The ZBA opened and closed the public hearing for a Special Permit to extend a non-conforming structure by allowing construction of an addition and deck to the residence

#### **IV. Public Hearings(s) and Vote(s) of the Zoning Board of Appeals**

The ZBA opened and closed the public hearing for a Special Permit to extend a non-conforming structure by allowing construction of an addition and deck to the residence on October 26<sup>th</sup>, 2020. No one spoke in opposition to the application. Notice for the public hearing was published in the Beacon-Villager on October 8<sup>th</sup> and October 15<sup>th</sup>, 2020 and sent to abutters of the property and other interested parties by certified mail according to the Assessors' Certified Abutters List.

#### **V. Findings**

- a. The ZBA determined that the proposed change is not substantially more detrimental than the existing non-conforming structure to the neighborhood.
- b. The ZBA determined that the proposed change is consistent with the Special Permit criteria as listed in Section 10.4.2 of the ZBL.

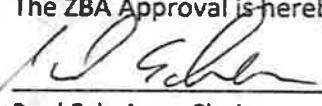
#### **VI. Decision**

At its meeting of October 26<sup>th</sup>, 2020 the ZBA voted 5 to 0 in favor of granting the Special Permit Approval for the extension of a pre-existing non-conforming structure to allow the construction of a residential addition and deck at 100 Great Road. The Board voted as follows:

Paul Scheiner (Chair)	Y
Marilyn Messenger	Y
Jerry Culbert	Y
Leslie Bryant	Y
John Courville	Y

#### **VII. Zoning Board of Appeals Endorsement**

The ZBA Approval is hereby approved with the Findings contained herein.

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

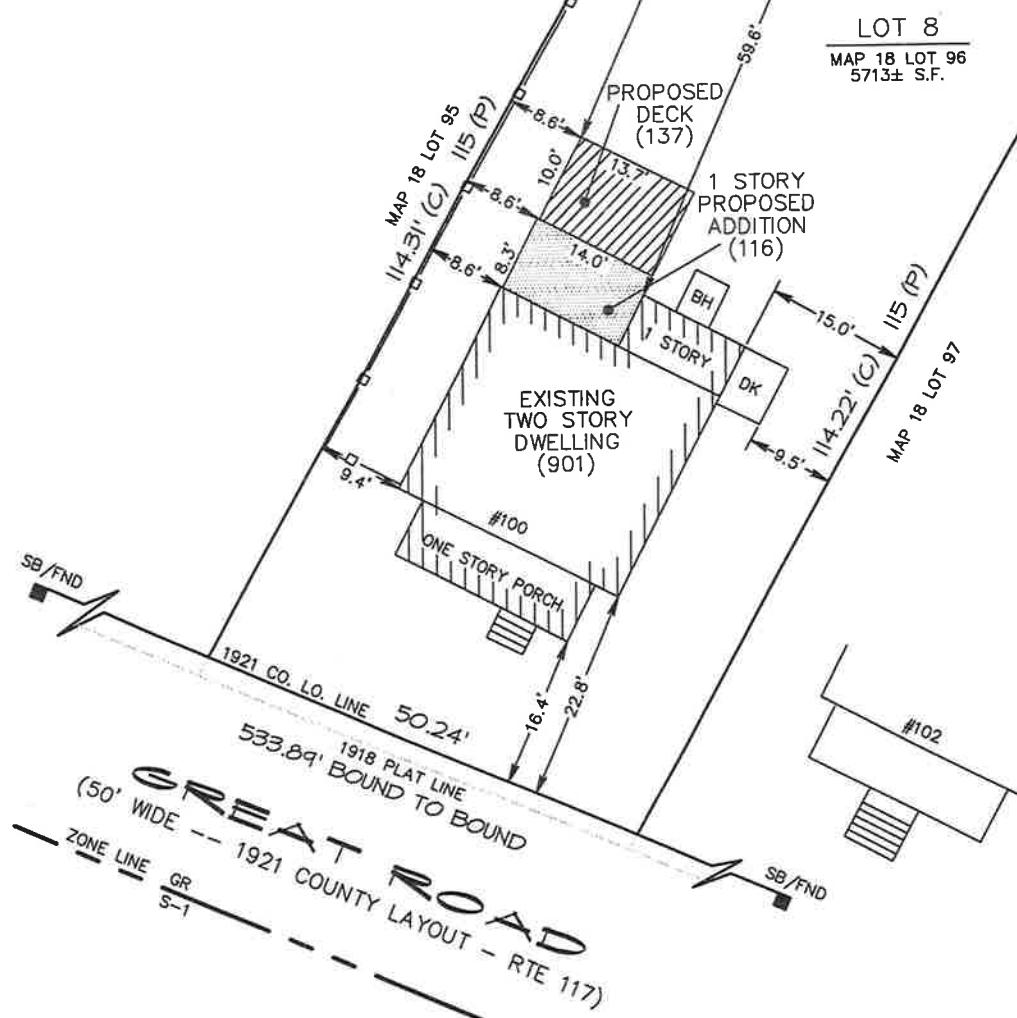
  
\_\_\_\_\_  
Date

ZONING DISTRICT GR (GENERAL RESIDENCE)

	REQ.	PROP.
FRONT SETBACK:	25'	N/A
SIDE SETBACK:	15'	8.2' / 9.5'
REAR SETBACK:	15'	50.7'
MAXIMUM LOT COVERAGE:	40%	19%
MAXIMUM IMP COVERAGE:	75%	19%
MAX BUILDING HEIGHT:	35'	N/A

MISC. CALCULATIONS:

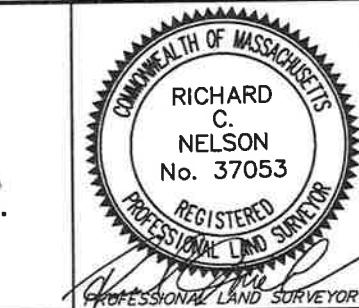
LOT COV=(901+118+143)/5713=20%  
IMP COV=(901+118+143)/5713=20%



Colonial Surveying Co., Inc.

28 WOODLAND WAY  
STOW, MASS 01775  
(978) 897-1700

DEED: BK 45674 PG 400



PLAN: PB286 PL 37

CERTIFIED PLOT PLAN  
OF LAND IN  
**MAYNARD, MA**

OWNER: STEVEN A MACFARLANE  
100 GREAT ROAD, MAYNARD, MA  
DATE: MAY 5, 2020 SCALE: 1"=20'  
REVISED: Sep 18, 2020

GRAPHIC SCALE 1"=20'  
20 0 20 40