



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

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***Maynard Zoning Board of Appeals***  
***Notice of Decision***

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To: Michelle Sokolowski, Town Clerk  
195 Main Street  
Maynard, MA 01754

July 25, 2018

Re: Special Permit approval for 21 Prospect Street Maynard, Ma. 01754. Planning File #: ZB 18-03. Tyson Erdmann, owner/applicant.

Dear Ms. Sokolowski:

Please accept this Special Permit Decision for the above-reference property. This is ready for recording by the Maynard Town Clerk's Office.

**I. General**

On June 12, 2018, Tyson Erdmann, owner/applicant (hereinafter referred to as "the Applicant") submitted to the Maynard Zoning Board of Appeals (hereinafter referred to as "ZBA") an application for the residence located at 21 Prospect Street for a Special Permit to extend allow extension of a nonconforming structure that will increase gross floor area by approximately 31% for the property located at 21 Prospect Street.

The subject property is located within the General Residential district and is a legal pre-existing non-conforming structure located on a pre-existing non-conforming lot.

**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.

<sup>1</sup>

21 Prospect Street  
ZB18-03: Special Permit Request  
Decision  
Decision Date: July 25, 2018

**Table 1**

Document	Prepared by	Date
Application for Special Permit (with justification statement)	Owner/applicant	Date Stamped June 14, 2018
Proposed Plan	Owner/applicant	Date Stamped June 14, 2018

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

### **III. Review Criteria**

#### **Special Permit Approval**

- a. Section 5.1.5 of Maynard's Zoning By-laws (ZBL) state the ZBA may, by Special Permit, allow a reconstruction, extension, alteration, or change, to extend a non-conforming structure resulting in an increase of gross floor area by more than 25% if the ZBA determines that the proposed modification will not be substantially more detrimental than the existing non-conforming 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 Public Hearings for the requested Special Permit on July 25, 2018. Notice for the public hearing was published in the Beacon-Villager (June 21 and 28, 2018) and sent to abutters of the property and other interested parties by certified mail according to the Assessors' Certified Abutters List.

**V. Special Permit to extend a non-conforming structure. Findings of the ZBA:**

**a. Finding - Pre-existing, Non-conforming Structure:**

The ZBA determined that the proposed plan will not be substantially more detrimental than the pre-existing, non-conforming structure to the neighborhood.

**b. Special Permit:**

After conducting the public hearing, and after its own analysis and deliberation relative to the proposed project and the supporting documents and plans described above and herein, the ZBA has found the application meets the requirements for the issuance of Special Permits as listed above in Section III b.

**VI. Decision**

At its meeting of July 25, 2018 the ZBA:

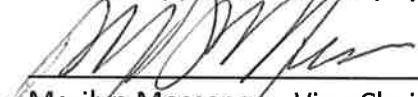
a. Voted 4 in favor to 0 opposed to grant Special Permit Approval to allow extension of a non-conforming structure that will increase gross floor area by approximately 31% for the residence located at 21 Prospect Street.

a. The Board voted as follows:

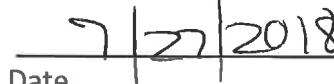
1. Marilyn Messenger	Y
2. John Courville	Y
3. Jerry Culbert	Y
4. Jamal De Vita	Y

**VII. Zoning Board of Appeals Endorsement**

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



Marilyn Messenger, Vice-Chair  
For the Zoning Board of Appeals



Date

Filed with the Town Clerk on: \_\_\_\_\_

\_\_\_\_\_  
Town Clerk