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TOWN OF MAYNARD
Zoning Board of Appeals
Town Office Building
195 Main Street
Maynard, MA 01754

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

To: Michelle Sokolowski, Town Clerk
195 Main Street
Maynard, MA 017

December 27, 2017

Dear Ms. Sokolowski:

Please accept this Notice of Decision, for recording by the Maynard Town Clerk's Office.

Property Location: Re: 82 Main Street
Date of Decision: December 19, 2017
Petition Number: ZB 17- 08

I. Procedural History

- a. Pursuant to Massachusetts General Law Chapter 40A, Section 8, on November 1, 2017, an application to the Zoning Board of Appeals (ZBA) was filed by William Doyle, 10 Vernon Street, Maynard, Ma, 01754 (hereinafter "the Applicant") to grant a Special Permit request to allow a "Theater, Halls, Club, or other Place of Entertainment" use for the property located at 82 Main Street.
- b. The application was accompanied by:
 1. An application date-stamped November 1, 2017 for a Special Permit including: justification statement, floor plans and letters of support for the petition.
 2. Filing fee check.
 3. Certified abutters list dated November 1, 2017 with Assessors Map.
- c. The application documentation and other submitted material was reviewed by the ZBA, the Building Commissioner, Town Engineer and the Town Planner.
- d. A public hearing for the application was held on December 19, 2017.

¹

82 Main Street

ZB17-08: Special Permit Request (Theater, Halls, Club, or other Place of Entertainment)

Decision

Decision Date: December 19, 2017

- e. Throughout its deliberations the ZBA has been mindful of the statements of the applicant and the representatives and the comments of the general public all as made a public hearing.

II. General

- a. The subject property is zoned “Central Business District” (CB) and is located within the Downtown Overlay District (DOD).
- b. The Applicant owns the subject property.
- c. Section 3.1.2, of the Zoning By-laws require a Special Permit to allow a “Theater, Halls, Club, or other Place of Entertainment” use at the subject property from the ZBA within the Central Business” (CB), Zoning District. Section 10.4 of the Zoning By-laws which specify the Special Permit approval process.
- d. The subject property is a pre-existing, non-conforming structure (spire height).
- e. Section 5.1.3 of the Zoning By-laws state a Special Permit shall be granted to reconstruct, extend, alter or change a nonconforming structure only if the ZBA determines that proposed use will not be substantially more detrimental than the pre-existing non-conforming structure to the neighborhood. The Building Commissioner has determined that the requested change of use (from church to a “Theater, Halls, Club, or other Place of Entertainment” is subject to this requirement.
- f. Site Plan approval is not required as the existing footprint and site will remain unchanged from the prior use.

III. Public Hearings(s) and Vote of the Zoning Board of Appeals

The ZBA held a public hearing which opened and closed on December 19, 2017. Notice for the public hearing was published in the Beacon-Villager and sent to abutters of the property and other interested parties by certified mail according to the Assessors' Certified Abutters List. No one spoke in opposition of the application.

IV. Findings and Comments of the Zoning Board of Appeals

After conducting the public hearings, and after its own analysis and deliberation relative to the proposed project and the supporting documents and plans described above and herein, the ZBA hereby makes the following findings:

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

As required by Section 5.1.3 of the Zoning By-laws in order to grant a Special Permit for a non-conforming structure, the ZBA determined that the proposed use will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

b. Special Permit

Section 10.4.2 "Criteria" of the Zoning By-laws 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. The ZBA considered these requirements finds the application is consistent with this criterion. In addition, as required by Section 10.4.2 of the Zoning By-laws, the ZBA's determination included consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal:

The project revitalizes the property and increases both economic and social viability of the site. It preserves a historic structure while creating a performance and event venue for the community and the Assabet Village Cultural District. The lower level will continue to be occupied by the Maynard Community School (the potential loss of the school was a well-documented community concern). With an occupancy capacity of over 300 people, the performance center will be large enough to draw top-name performers and the hall will also be available for private events such as weddings, parties, businesses meetings/conferences, markets, as well as craft and art shows. The applicant stated he will continue to host charitable and free community events such as the Christmas Concerts which have been a tradition in this location for decades.

2. Traffic flow and safety, including parking and loading:

This site was previously a church with a capacity of approximately 300 when active. The downtown location has limited onsite parking spots (12) however ample parking is available for larger events both on River and Main Streets and municipal lots including the adjacent River Street Lot. Additional parking is anticipated to be made available through agreements with other local businesses with lots.

3. Adequacy of utilities and other public services:
The site is served by all utilities and public services.
4. Neighborhood character and social structures:
A performance and event venue is consistent both with the Downtown Overlay District and the Assabet Village Cultural District.
5. Impacts on natural environment:
This is a previously developed site. The proposed use provides no additional impact on the natural environment.
6. Potential fiscal impact including impact on town services, tax base and employment:
In addition to becoming a major contributor to the Assabet Village Cultural District, the performance center is expected to be a regional draw that will benefit all businesses in the downtown area. The performance hall will have a full-bar and a fully equipped kitchen that will provide catering for events. Revenue for the performance facility will come from ticket sales, hall rental, catering, the sale of alcoholic and non-alcoholic beverages and show stall rentals. Additional revenue will be generated from rental income for office space located in the lower level and provide the Town with an increased tax base.

V. Decision for 82 Main Street

The ZBA at its meeting of December 19, 2017 hereby:

- a. Found by a 5 to 0 vote, the proposed use will not be substantially more detrimental than the pre-existing non-conforming structure to the neighborhood (as required by Section 5.1.3 of the Zoning By-laws). The Board voted as follows:

1. Paul Scheiner (Chair)	Y
2. Marilyn Messenger	Y
3. John Courville	Y
4. Jerry Culbert	Y
5. Leslie Bryant	Y

- b. Voted 5 in favor to 0 opposed to grant Special Permit Approval to allow a "Theater, Halls, Club, or other Place of Entertainment" use at 82 Main Street by Special Permit of the ZBA within the Central

Business" (CB), Zoning District subject to the Conditions of Approval listed below. The Board voted as follows:

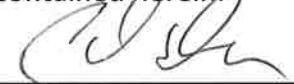
1. Paul Scheiner (Chair)	Y
2. Marilyn Messenger	Y
3. John Courville	Y
4. Jerry Culbert	Y
5. Leslie Bryant	Y

VI. Conditions of Approval

The ZBA at its December 19, 2017 meeting, voted to approve the above-referenced Special Permit subject to the following conditions:

- The Applicant shall provide specific parking location information on promotional and advertising materials/notice for all events held at the subject property.
- The Applicant shall coordinate with the Building Commissioner to ensure the proposed lighting is consistent with all Town regulations.

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



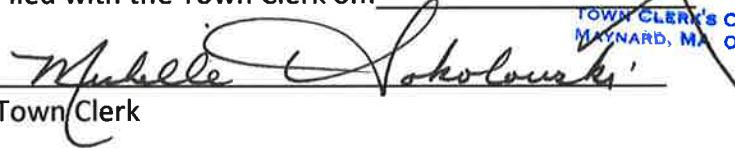
Paul Scheiner, Chair
For the Zoning Board of Appeals

Date

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Filed with the Town Clerk on:



Michelle Sokolowski
Town Clerk

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CC: William Doyle
Michelle Sokolowski, Town Clerk
Rick Asmann, Building Commissioner
Bill Nemser, Town Planner
Kevin Sweet, Town Administrator