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Office of the
T O W N C L E R K
195 Main Street – Town Building
Maynard, Massachusetts 01754
Telephone (978) 897-1300

August 14, 2014

Re:

Decision of the Zoning Board of Appeals

Special Permit
Case No. 14 SP 2
Map 9 Parcel 336
48 Acton Street
Maynard, MA 01754

Date of Decision: June 23, 2014

Petitioner: Enterprise Rent-A-Car Co. Of Boston, LLC.

I hereby certify that this decision and any authorized signatures are true copies of the original and that 20 days have elapsed from the filing date of the decision and that no appeal has been filed in this office.

Attest: A True Copy

Michelle L. Sokolowski, Town Clerk

Seal

Registry of Deeds, South Middlesex District
208 Cambridge Street
East Cambridge, Ma 02141
(617) 679-6300

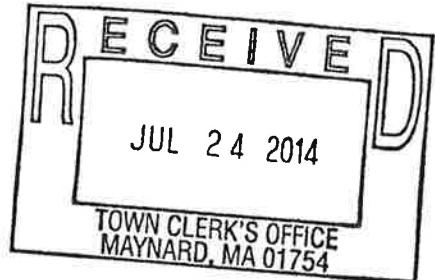
Owner of record: ~~Daemco~~ Daemco LLC
BK 30830 PG 307

Enterprise Rent-A-Car
278 Mishawum Road
Woburn, MA 01801
Becky Mancinelli
617-593-9537



Zoning Board of Appeals

Town Office Building
195 Main Street
Maynard, MA 01754



PETITION OF ENTERPRISE RENT-A-CAR CO. OF BOSTON, LLC

PREMISES: 48 ACTON STREET

CASE NO. 14 SP 2

DATE OF DECISION: JUNE 23, 2014

On June 2, 2014, the Petitioner filed an application with the Zoning Board of Appeals for 48 Acton Street, Maynard, Map 9-Parcel 336, requesting a Special Permit to allow for a substantially different Use of a pre-existing non-conforming structure, pursuant to Maynard Zoning By-Laws, Section 5.1.3 (2).

“Parties of Interest” were verified by the Board of Assessors. Notice of Public Hearing was mailed by the recording secretary of the Zoning Board of Appeals to the “Parties of Interest” and said notice was advertised on 6/12 & 6/19/14, all according to statute.

The hearing was held on June 23, 2014 as scheduled and advertised. The Board considered the requested Special Permit in the light of statutory criteria and the requirements of said Bylaw. Terence Boots, representing the property owners (DAEMCO LLC), and Becky Marcinkevich, representing Enterprise Rent-A-Car, spoke on behalf of the application. Mr. Boots explained that the previous occupant, Emerald Acres, Inc., a landscaping service had moved into the new building on the property and the older building that Enterprise is seeking to occupy has been recently renovated, additionally he stated that Enterprise will further improve the building with an accessible entrance and bathroom and will add an oil/gas separator in the floor of the back area. Mr. Boots also stated that the lease requires a fence and new landscape plantings between the two businesses. Concerns were raised by the Board about additional traffic entering and exiting near a dangerous intersection. Ms. Marcinkevich stated that the curb cut closest to the intersection will be closed with only the second curb cut utilized. She also stated that there will be no free standing or internally illuminated signage.

WHEREFORE, the Board hereby grants the requested Special Permit pursuant to Section 5.1.3 (2) and MGL, C. 40A and Section 6, with the following Findings of Facts and Findings:

Findings of Fact

- 1) The property is located in the B (Business) Zoning District.
- 2) The pre-existing non-conforming structure, built in the early 1900's, is non-conforming due to the side yard setback not meeting the minimum requirements of the Dimensional Regulations, Section 4.1.1.
- 3) The previous Use of the building and the proposed Use are Business Uses allowed by right in the B (Business) District.

Findings

- 1) There will be 10-12 parking spaces provided in front of the building.
- 2) The traffic problems at the nearby intersection will not be exacerbated by the proposed Use and in fact may be improved.
- 3) The proposed landscape improvements to the site are beneficial.
- 4) The proposed Use will be adequately screened and secured during off hours.
- 5) The public health and safety will not be affected as there will remain adequate access for emergency and fire equipment.
- 6) The proposed Use will not be more detrimental than the existing/previous Use of the building.

This decision does not relieve the Petitioner or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinance by laws and/or regulations.

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, and a copy of the appeal shall be filed in the Town Clerk's Office within twenty (20) days after the date of the filing of the Decision in the office of the Town Clerk.

MEMBERS: Paul Scheiner, Marilyn Messenger, Carlos Perez, Chris Etchechury and Jamal De Vita (alternate) with a vote of 5-0 in favor.



Paul Scheiner, Chair

Dated: July 22, 2014