



City of Marlborough Zoning Board of Appeals

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768 Facsimile (508) 460-3747

ZBA Case: 1418-2013
Applicant: 110 Pleasant LLC
Location: 110-116 Pleasant St. (former Corbin Plaza)

Date: June 13, 2013

Zoning Board of Appeals Notice of Decision

The Zoning Board of Appeals, acting under the Zoning Ordinance of the City of Marlborough and the Zoning Enabling Act of the Commonwealth of Massachusetts, after a public hearing held at the Marlborough City Hall, 140 Main St. on June 4, 2013.

Applicant: 110 Pleasant LLC, 26 Elderwood Dr., Stoughton, MA 02072

Proposal: The applicant proposes to expand the existing building with a 4 story addition. The proposed building addition would be the same height as the existing building. The applicant also proposes to construct an architecturally decorative cupola on top of the existing building. A variance is requested in accordance with Chapter 650, Article VII, Section 650-41, Table of Lot Area, Yards and Heights of Structures, to allow for (i) a 4 story addition to the existing building, and (ii) an architecturally decorative cupola, both exceeding the maximum allowed 2 ½ stories for Zoning District Residence B. The lot is located in Zoning District Residence B, on Map 68, Parcels 462 and 463 of the Assessor's Maps. Also known as 110-116 Pleasant St.

After due consideration to the subject matter of the petition, the Board voted to (GRANT) variance(s), on the ground that a literal enforcement of the Ordinance would involve substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Ordinance.

Therefore, the Board, voted 5-0 with John Sahagian-Acting Chairman, Paul Giunta, Ralph Loftin, Mitchell Gorka and Jay Whittaker voting in the affirmative to grant a variance to exceed the maximum allowed 2 ½ stories for Zoning District Residence B with respect to the proposed (i) 4 story addition which will be the same height as the existing building, and (ii) the architecturally decorative cupola that will exceed the height of the existing building, subject to the following **terms and conditions**:

1. The approved plan presented entitled: Preliminary Site Plan Review, Howe Shoe Factory Condominium, 110 Pleasant St. Marlborough, MA Sheets 1 thru 4, dated 9/9/2010 (Rev. 9/16/2010), prepared by Hancock Associates.
2. Prior to the issuance of a Building Permit, the applicants will submit to the Building Inspector a certified stamped survey plan of the Howe Shoe Factory Condominium proposal for review and approval.

3. The applicants will comply with the City's Special Permit and Site Plan Review process, if the applicant needs to return to these Committees.
4. No Building Permits can be issued until such time as the applicant presents to the Building Inspector evidence that said variance with its restrictions has been filed with the Registry of Deeds or Land Court as applicable.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section II (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the city clerk that **twenty days** have elapsed after the decision has been filed in the office of the city clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

If the rights authorized by a variance are not exercised within one (1) year of the date of grant of such variance, such rights shall lapse; provided however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six (6) months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period.

Respectfully submitted,

John Sahagian – Acting Chairman

Submitted to the City Clerk's office on June 13, 2013.