



# City of Marlborough Zoning Board of Appeals

140 Main Street  
Marlborough, Massachusetts 01752  
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ZBA Case # 1423-2013  
Name: Brian LaCroix (representative)  
Robert McAndrews - homeowner  
Location: 48 Millham St.

Date: October 4, 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 September 17, 2013 with a continuation hearing on September 24, 2013.

**Members Present:** Paul Giunta-Acting Chairman, Ralph Loftin, Mitchell Gorka and Jay Whittaker.

**Petition:** Applicant's Representative, Brian LaCroix, desires to construct a family room and a deck at the rear of the existing house. Proposed rear yard setback will be 28 ft.  $\pm$  vs. the required minimum 40 ft. for Zoning District A-2. The property in question is located at 48 Millham St., being Map 66, Parcel 46 of the Assessor's Maps.

**Vote:** After due consideration to the subject matter of the petition, the Board **voted** 4-0 to (GRANT) a variance, 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 4-0 with Paul Giunta – Acting Chairman, Ralph Loftin, Mitchell Gorka and Jay Whittaker voting in the affirmative to grant a variance on the following terms and conditions:

1. Approved plan entitled: Plot Plan of Land Marlborough, MA Prepared for Shaun McAndrews, 48 Millham St., Scale: 1"=20' Dated: Rev. July 30, 2013. Prepared and stamped by David P. Terenzoni, P.L.S.
2. The proposed addition cannot be any closer than 28.3'  $\pm$  to the rear lot line, as shown on the approved plan.
3. 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.

**End**

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,

Zoning Board of Appeals  
Paul Giunta – Acting Chairman

Submitted to the City Clerk's office on October 4, 2013.