



**City of Marlborough
Zoning Board of Appeals**

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

ZBA Case # 1429-2014
Location: 19 Marien Lane

Date: September 3, 2014

(General Laws Chapter 40A, Section 16)

WITHDRAW WITHOUT PREJUDICE

To: Neeraj Bhatia

Address: 19 Marien Lane

City: Marlborough, MA 01752

affecting the rights of the owner with respect to land or buildings at:

19 Marien Lane, Map 43, Parcel 118 of the Assessor's Maps

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision and of all plans referred to in the decision, have been filed with the City Clerk.


Paul Giunta - Chairman


Susan Brown - Secretary

Submitted to the City Clerks' office on September 3, 2014.



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Location: 19 Marien Lane

Date: September 3, 2014

DECISION Zoning Board of Appeal Withdraw Without Prejudice

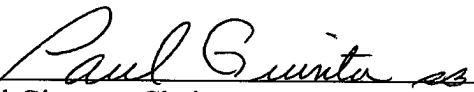
The Zoning Board of Appeals, acting under the Marlborough Zoning Ordinance and Mass. General Laws, Chapter 40A, Section 16, as amended, and after a public meeting held on August 26, 2014 with a continuation meeting on September 2, 2014 the Board voted 4-0 to grant the applicant(s) to **Withdraw Without Prejudice** the below mentioned petition:

Members present: Paul Giunta-Chairman, Theodore Scott, Thomas Golden and Robert Levine.

Petition: The applicant desires to construct a sunroom 21 ft. vs. the required minimum rear yard setback of 30 ft. In accordance to §650-41 (Table of Lot Area, Yards, and Height of Structures). The lot is located in Zoning District A-3, being Map 43, Parcel 118 of the Assessors' Maps, also known as 19 Marien Lane.

The applicant stated he is having financial constraints and could not proceed with the above project. According to an e-mail he sent on August 27, 2014, he would like to Withdraw Without Prejudice his petition before the Board. The Board voted 4-0 to allow the applicant to Withdraw Without Prejudice.

And the said Board of Appeals further certifies that the decision hereto is a true and correct copy of its decision has been filed with the City Clerk.


Paul Giunta - Chairman

Submitted to the City Clerks' Office on September 3, 2014.



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Zoning Board of Appeals Record

The Zoning Board of Appeals, acting under the Marlborough Zoning Ordinance and General Laws, Chapter 40A, as amended, a meeting was held on August 26, 2014 with a continuation meeting date of September 2, 2014.

Board Members present were: Paul Giunta-Chairman, Theodore Scott, Ralph Loftin, Thomas Golden and Robert Levine.

Proceedings:

1. **Date of Appeal:** July 14, 2014
2. **Name and Address of Applicant:** Neeraj Bhatia, 19 Marien Lane, Marlborough, MA 01752
3. Administrative body from whose decision or order of appeal was taken: Building Dept.
4. Appeal filed with: Zoning Board of Appeals and City Clerks' Office
5. **Nature & Basis of Appeal:** The applicant desires to construct a sunroom 21 ft. vs. the required minimum rear yard setback of 30 ft. In accordance to §650-41 (Table of Lot Area, Yards, and Height of Structures). The lot is located in Zoning District A-3, being Map 43, Parcel 118 of the Assessors' Maps, also known as 19 Marien Lane.
6. **Section of the Zoning Ordinance involved:** See #5 above.
7. Notice was sent by Certificate of Mailing to parties in interest, including the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within 300 feet of the property lines, including owners of land in another municipality, all as they appear on the most recent applicable tax lists.
8. Original documents are on file with the Board of Appeals and the City Clerks' Office.
9. **Findings of Fact/Minutes**
 - 1F. The property in question is located in Zoning District A-3, being Map 43, Parcel 118 of the Assessor's Map. Also known as 19 Marien Lane.

2F. The Board opened the public hearing at 7:00 PM with the reading of the legal ad. The applicant was not present.

3F. The Board waited for a few minutes for the applicant to show.

4F. The Board requested their secretary, Susan Brown, to give the applicant a call to see if he will be attending.

5F. After making the call to the applicant, Ms. Brown informed the Board that the applicant will not be attending tonight's meeting and that he will not be constructing the proposed sun room due to financial constraints. He also stated to Ms. Brown that he thought his carpenter was going to call to cancel his meeting. But, Ms. Brown stated she did not receive such notice.

6F. Ms. Brown also asked the applicant to provide to the Board some documentation, i.e. e-mail or letter to state his intentions of either "Withdrawing without Prejudice" or just to "Withdraw" his petition before the Board. The applicant stated he will do so.

7F. With this information, the Board made a motion to continue the public hearing to Sept. 2nd at 7:30 PM in order to receive the applicant's written intentions. Motion was second by Thomas Golden.

8F. There was no one in the audience.

9F. The Board voted 5-0 to continue the public hearing to Sept. 2nd at 7:30 PM.

10F. **September 2, 2015** – The public hearing was continued at 7:00 PM

11F. The applicant was not present and no one was in the audience.

12F. The Board read into the file an e-mailed by the applicant, dated August 27, 2014 to Susan Brown, secretary to the Zoning Board of Appeals, to Withdraw his petition Without Prejudice.

13F. On a motion by Paul Giunta and seconded by Thomas Golden to accept the applicant's Withdrawal Without Prejudice.

14F. On a vote of 4-0, the Board voted to accept the Withdrawal Without Prejudice.

15F. With no other testimony taken or given, the public hearing was closed.



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VOTE OF THE BOARD
Signature Sheet

In Favor

To withdraw without Prejudice

Paul Giunta

Paul Giunta

Theodore Scott

Theodore Scott

Ralph Loftin

Thomas Golden

Thomas Golden

Mitchell Gorka

Robert Levine

Robert Levine

In Opposition

Paul Giunta

Theodore Scott

Ralph Loftin

Thomas Golden

Mitchell Gorka

Robert Levine