



**City of Marlborough  
Zoning Board of Appeals**

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

**FILE COPY**

**ZBA Case # 1430-2014**

**Date: September 30, 2014**

**Location: 525 Maple St. (propose Dunkin Donuts)**

**(General Laws Chapter 40A, Section 16)**

To: NGP Management LLC  
c/o Arthur P. Bergeron and Brian R. Falk, Mirick O'Connell, DeMallie &  
Lougee, LLP

Address: 100 Front Street, Suite 1700

City: Worcester, MA 01608

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

525 Maple St. being Map 104, Parcel 37

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 *ps*

  
Susan Brown - Secretary

Submitted to the City Clerks' office on September 30, 2014.



## City of Marlborough Zoning Board of Appeals

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

ZBA Case # 1430-2014

Date: September 30, 2014

Name: NGP Management LLC

Location: 525 Maple St. (former Registry of Motor Vehicles)

### 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 August 26, 2014 with continuation meeting dates of September 16<sup>th</sup> and 23<sup>rd</sup>, 2014.

**Members Present:** Paul Giunta-Chairman, Theodore Scott, Ralph Loftin, Thomas Golden and Robert Levine.

**Petition:** The applicant, NGP Management LLC, seeks to raze the existing structures on the property and construct a new 2,615 sq. ft. restaurant with drive-through facilities and parking for 41 vehicles. The project would need relief from a front setback requirement with respect to Mill St. in addition to various landscaping, parking design and driveway design requirements, set forth in the following sections of the Marlborough Zoning Code: Dimensional: §650-41; Landscaping: §650-47(D)(5)(a), §650-47(D)(5)(b), §650-47(D)(6), §650-47E(1)(a)(3), §650-47(E)(1)(b), §650-47(F)(3), §650-47(G), §650-47(H)(1), §650-47(H)(2)(b), §650-47(1)(2), §650-47(K); Parking: §650-48(C)(5)(a)(3), §650-48(D)(2), §650-48(D)(5); Driveways: §650-49(B)(2)(a), §650-49(B)(2)(b), §650-49(D)(1), and §650-49(D)(6). The property is located in Zoning District CA-Commercial Automotive, at 525 Maple St. (the former registry building), being Map 104, Parcel 37 of the Assessors' Maps.

**Approved Plans:** Revised Plans entitled: Site Plans for Dunkin Donuts, 525 Maple St., Marlborough, MA 01752, dated revised September 16, 2014. Prepared by Waterman Design Associates, Inc. and prepared for MGP Management, LLC.

After due consideration to the subject matter of the petition, the Board voted 5-0 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.

- 1. Owing to circumstances relating to the soil conditions, shape, or topography of the land or structures and especially affecting the land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the Zoning Ordinance would involve substantial hardship, financial or otherwise, to the Applicant, for the following reasons:***

The Property is unique within the CA Zoning District, as no other corner lot has such a narrow, triangular shape. Given the shape and topography of the Property, virtually any independent commercial use of the Property allowed in the CA Zoning District will require variances with respect to building setbacks, landscaping design, parking design and driveway design. Therefore, a literal enforcement of the Zoning Ordinance would involve a substantial hardship to the Applicant and likely any other owner of the Property.

***2. Desirable relief may be granted without substantial detriment to the public good, for the following reasons:***

The relief requested by the Applicant may be granted without substantial detriment to the public good. The Applicant requested one dimensional variance (front setback along Mill Street South), and no relief from lot coverage requirements or the number of parking spaces. All other variance requests concern the design of landscaping, parking and driveway areas.

Rather than being a detriment to the public good, the relief requested by the Applicant will allow for the replacement of a derelict structure and significant improvements to the aesthetics of a gateway to the City. In addition, the public will be well served by a site design that provides adequate parking and queuing capacity. Finally, the public will be well served by a site design that provides improved and appropriate landscaping, including the landscaped area at the corner of Maple Street and Mill Street South.

The Board feels they have addressed to the best of their ability specific abutter's concerns such as drainage, lighting and noise.

***3. Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance for the following reasons:***

General Purposes:

The stated purpose of the Zoning Ordinance, set forth in Section 650-2, is:

“to promote and conserve the health and general welfare of the inhabitants of the City; to secure safety from fire, confusion or congestion; to facilitate the adequate provision of transportation, water, sewerage and other public services; to avoid undue concentrations of population; to encourage the most appropriate use of land; and to increase the amenities of the City.”

The relief requested by the Applicant will in no way nullify or derogate from this purpose. The Project has been designed to enhance public safety and public convenience.

Landscaping Design Purposes:

The specific purposes of the landscaping design requirements of the Zoning Ordinance, set forth in Section 650-47(A), are as follows:

1. To provide a suitable boundary or buffer between zoning districts.
2. To separate different and otherwise incompatible adjacent land uses from each other in order to partially or completely reduce potential nuisances, such as dirt, dust, litter, noise, glare from motor vehicle headlights, the intrusion from artificial light, including the ambient glow therefrom, signs or the view of unsightly buildings and parking lots.
3. To provide visual relief to parking lots and protection from wind in open areas.
4. To preserve or improve the visual and environmental character of a neighborhood and of Marlborough generally.
5. To offer property owners protection against possible diminution of property values due to adjacent commercial construction or a change in existing ostensibly incompatible land uses.
6. To assure public safety requirements for sight distance visibility.

With the relief requested by the Applicant, the Project will include a landscaping plan that achieves these goals, and in no way nullifies or derogates from these purposes.

Driveway Design Purposes:

The specific purpose of the driveway design requirements of the Zoning Ordinance, set forth in Section 650-49(A), is:

“to ensure adequate access for traffic generated by development and for emergency vehicles; to increase public safety for vehicles and pedestrians; and to reduce traffic congestion, dust and erosion within the development and in adjacent public ways.”

The relief requested by the Applicant will further this purpose, as the Project was designed to accommodate emergency vehicles, to provide for safe access to the Property by customers, and to minimize traffic congestion associated with the Project.

**VOTE:** Therefore, the Board voted 5-0 voting in the affirmative to grant variances on the following terms and conditions:

**Condition (1) - Table A**

**Variance request**

Dimensional	Required	Proposing	Deviation
Front yard setback (Minimum required 50 ft.)	Minimum 50 ft.	Mill St. 24 ft. $\pm$	26 ft. $\pm$
<b>LANDSCAPING</b>			
Maple St.	10 trees  80 shrubs	2 trees (revised 10 trees)  40 shrubs (revised 43 shrubs)	8 trees (meets)  40 shrubs (deviation 37)
Mill St.	10 trees  110 shrubs	3 trees (revised 4 trees)  19 shrubs (revised 29 shrubs)	7 trees (deviation 6 trees)  91 shrubs (deviation 81 shrubs)
Side Planting Area – along the parking lot and Ms. Ippolito (north side)	6 trees  42 shrubs	0 trees  14 shrubs (revised 17 shrubs)	6 trees  28 shrubs (deviation 25 shrubs)
Interior Plantings (required 4 trees and 14 shrubs)	4 trees  14 shrubs	2 trees (revised 5)  56 shrubs (revised 80)	2 trees (meets)  Shrubs (meets)
See next page (Page 5) for additional Variance relief			

The Applicant is granted additional relief from the provisions of the Zoning Ordinance as follows:

Dimensional:

1. Section 650-41 (Table of Lot Area, Yards and Height of Structures) requires a 50 foot building setback from the street right of way for corner lots (defined under Section 650-42(D)). The proposed plan has a building setback from Mill Street South of 24 feet. (also shown on Table on Page 4)

Landscaping:

2. Section 650-47(D)(5)(a) (Landscaping Planting Area, Planting Quality and Spacing) requires 1 shrub per five linear feet or 35 square feet of ground area, whichever results in a greater number of shrubs, and at least 1 tree per 40 linear feet of planting area length, and 1 tree per 30 linear feet of street frontage planting area abutting Route 85. The proposed plan provides the following shrub and tree counts. **(See Table A for additional information on Page 4)**
3. Section 650-47(D)(5)(b) (Landscaping Planting Area, Planting Layout) requires that groups of shrubs shall be spaced no further apart than 10 linear feet and groups of trees no further apart than 50 feet. The proposed plan does not meet these requirements along Mill Street South, with one space of 75 feet and another space of 72 feet.
4. Section 650-47(D)(6) (Landscaping Planting Area, Existing Vegetation) requires that wherever possible, planting area requirements shall be met by retention of existing plants, and that within the street frontage planting area, no existing tree of 6 inches in caliper or greater shall be removed. The proposed plan would remove the 2 crabapple trees of 6 inches in caliper or greater along Mill Street South.
5. Section 650-47(E)(1)(a)(3) (Street Frontage Planting Area, Location and Width) requires a 10 foot wide landscaped strip along a street. The proposed plan has a landscaped strip of at least 10 feet along less than half of the Mill Street South frontage, and no landscaped strip along Mill Street South adjacent to the drive-through lane.
6. Section 650-47(E)(1)(b) (Street Frontage Planting Area, Location and Width, Nonresidential) requires an additional landscaped area width of 12.4 feet along Maple Street and 14.8 feet along Mill Street South. The proposed plan does not meet these additional landscaped area width requirements, and has no landscape strip along portions of Mill Street South adjacent to the drive-through lane.
7. Section 650-47(F)(3) (Side Line Planting Area) requires a 7 foot wide planting along the side line. The proposed plan provides a planting area between 3 to 7 feet along less than half (western portion) of the side line.
8. Section 650-47(G) (District Boundary Planting Area) requires dense planting 4 feet high to provide a year-round dense screen within 3 years, or a fence or wall at least 6 feet high, along the

full length of the district boundary. The district boundary planting area along Maple Street does not meet these requirements.

9. Section 650-47(H)(1) (Parking Lot Planting Area) requires a planting area on three sides of an outdoor parking lot with at least 10 parking spaces. The proposed plan does not meet this requirement.
10. Section 650-47(K) (Retaining Walls and Embankment Stabilization) requires that retaining walls visible from the exterior of the lot shall be planted with shrubs, one per 50 feet. The retaining walls located along Mill Street South and the side line on the proposed plan is not planted with shrubs.

Parking:

11. Section 650-48(C)(5)(a)(3) (Parking Setbacks, Nonresidential Uses) requires that no off-street parking shall be closer than the minimum distances from the front lot line prescribed in Section 650-47(E) governing the requirement for a street frontage planting area, which requires an additional landscaped area along Maple Street and Mill Street South. Parking spaces along Maple Street and Mill Street South on the proposed plan do not meet this requirement.
12. Section 650-48(D)(2) (Parking Grades) requires that the maximum grade of any parking area shall be 5%. The proposed plan has a grade in excess of 5% for 2 of the 41 parking spaces, located along the southeast portion of the site.

Driveways:

13. Section 650-49(B)(2)(a) (Driveway Location) allows a maximum of one (1) driveway, unless granted site plan approval. The proposed plan has two (2) driveways.
14. Section 650-49(B)(2)(b) (Driveway Location) requires a 7 foot separation between a driveway and side property line. The proposed plan has no separation between the north property line and the curb return of the north driveway located on Maple Street.
15. Section 650-49(D)(1) (Major Driveways) requires a 150 foot centerline separation between a major driveway and an intersecting street, unless granted site plan approval. The proposed plan has a 142 foot separation between the centerlines of the south driveway located on Maple Street and Mill Street South.
16. Section 650-49(D)(1) (Major Driveways) requires a 30 foot curb radius at a street, unless granted site plan approval. The proposed plan has 15-foot radius roundings for the north driveway located on Maple Street, and 20-foot radius roundings for the south driveway located on Maple Street.
17. Section 650-49(D)(1) (Major Driveways) requires acceleration and deceleration lanes, unless granted by site plan approval. The proposed plan does not have acceleration and deceleration lanes.

18. Section 650-49(D)(6) (Major Driveway Parking Restrictions) requires that a major driveway shall not be used as a parking lot aisle, and no parking spaces shall be permitted requiring vehicles to reverse into a major driveway, unless granted site plan approval. The proposed plan would not meet this requirement for 8 of the 41 parking spaces.

***Condition (2)*** Snow will be removed from the property if accumulation is 2 inches or more within a 48 hr. period. No snow shall be removed from the property onto the property located at 168 Mill St. South.

***Condition (3)*** The applicant shall submit for approval to the city engineer, during the Site Plan Review process evidence that the proposed development does not cause detrimental drainage to abutters or public ways.

***Condition (4)*** The applicant shall submit for approval during the Site Plan Review process reports that demonstrate that the proposed development does not adversely impact abutters or create a public nuisance with regards to noise, odors or lighting.

***Condition (5)*** The applicant will comply with the city's Special Permit and Site Plan Review process.

***Condition (6)*** The applicant shall obtain approval during the Site Plan Review process for the substitution of perennial plantings in lieu of shrubs.

***Condition (7)*** The applicant shall submit for approval during the Site Plan Review process evidence that the necessary parking spaces and accessible routes meet ADA or AAB standards.

***Condition (8)*** The applicant shall obtain approval during the Site Plan Review process that appropriate temporary barriers are used to prevent customer use of the employee parking spaces that require vehicles to reverse into the major driveway.

***Condition (9)*** No Building Permits can be issued until such time as the applicant presents to the Building Inspector evidence that said variance with its conditions 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

Submitted to the City Clerk's office on September 30, 2014.



## City of Marlborough Zoning Board of Appeals

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

ZBA Case #1430-2014

Date: September 26, 2014

Name: NGP Management LLC

Location: 525 Maple St. (former Registry of Motor Vehicles)

### 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 continuation hearings on September 16<sup>th</sup> and September 23<sup>rd</sup>, 2014.

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

Proceedings:

1. **Date of Appeal:** July 28, 2014
2. **Name and Address of Applicant:** NGP Management LLC, 3 Pluff Avenue, North Reading, MA 01864.
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, NGP Management LLC, seeks to raze the existing structures on the property and construct a new 2,615 sq. ft. restaurant with drive-through facilities and parking for 41 vehicles. The project would need relief from a front setback requirement with respect to Mill St. in addition to various landscaping, parking design and driveway design requirements, set forth in the following sections of the Marlborough Zoning Code: Dimensional: §650-41; Landscaping: §650-47(D)(5)(a), §650-47(D)(5)(b), §650-47(D)(6), §650-47E(1)(a)(3), §650-47(E)(1)(b), §650-47(F)(3), §650-47(G), §650-47(H)(1), §650-47(H)(2)(b), §650-47(1)(2), §650-47(K); Parking: §650-48(C)(5)(a)(3), §650-48(D)(2), §650-48(D)(5); Driveways: §650-49(B)(2)(a), §650-49(B)(2)(b), §650-49(D)(1), and §650-49(D)(6). The property is located in Zoning District CA-Commercial Automotive, at 525 Maple St. (the former registry building), being Map 104, Parcel 37 of the Assessors' Maps.
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 lot is triangular in shape. This is a corner lot with 2 side lot lines and 2 front lot lines, with no rear lot lines. The lot is just less than one acre. The grade of the lot drops nearly 10 ft. across this lot, from Mill St. towards Maple St.

2F. This matter came before the Zoning Board of Appeals (the "Board") on the Application of NGP Management LLC (the "Applicant") for variances from several provisions of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), in order to raze the existing structures at 525 Maple Street (the former Registry of Motor Vehicles - a pre-existing, non-conforming lot (the "Property"), and construct a new 2,615 +/- square foot restaurant building with drive-through facilities and parking for 41 vehicles (the "Project"). The Property is located in Zoning District CA-Commercial Automotive, being Map 104, Parcel 37 of the Assessors' Maps. Lot size 41,249 sq. ft. ±

3F. The lot is subject to a sewer easement running the full length of its widest portion along the side lot line.

4F. Variances sought:

- One dimensional variance – front setback along Mill St.
- All other variance requests concern the design of landscaping.
- Parking
- Driveway areas

5F. The Lot in question is abutting one residential home (168 Mill St.) The majority of abutting properties are of business/commercial automotive use.

Variance Request

Dimensional	Required	Proposing	Deviation
Front yard setback (Minimum required 50 ft.)	Minimum 50 ft.	Mill St. 24 ft. $\pm$	26 ft. $\pm$
<b>LANDSCAPING</b>			
Maple St.	10 trees 80 shrubs	2 trees 40 shrubs	8 trees 40 shrubs
Mill St.	10 trees 110 shrubs	3 trees 19 shrubs	7 trees 91 shrubs
Side Planting Area – along the parking lot and Ms. Ippolito and the tip of the lot????	6 trees 42 shrubs	0 trees 14 shrubs	6 trees 28 shrubs
Interior Plantings (required 4 trees and 14 shrubs)	4 trees 14 shrubs	2 trees 56 shrubs	2 trees Shrubs – no deviation
<b>Attached: Additional variance request - Exhibit A – List of Variances</b>			

6F. List of **exhibits** received:

1. **Plans** presented entitled: Existing Conditions Plan, 525 Maple St., dated 7/16/2014; Layout Plan, dated 7/16/2014; Planting Plan dated 7/16/2014; and a Locus Map, dated 7/16/2014, prepared by Waterman Design Associates, Inc.
2. Letter from Bergeron dated Aug. 26, 2014 dated August 26, 2014 RE: Variance Application; 525 Maple St. (Dunkin Donuts) (read and placed on file)
3. Letter from Matthew H. Elder, dated August 26, 2014, RE: Variance Application, 525 Maple St., Dunkin Donuts. (read and placed on file)
4. The applicants plan with hand drawn changes done by Ms. Ippolito, 168 Mill St. (placed on file)
5. Letter from City Engineer, Evan Pilachowski, dated August 26, 2014 RE: Variance Application – 525 Maple St. – Dunkin Donuts (read and placed on file)
6. Memo from Priscilla Ryder, Conservation Officer, dated August 26, 2014 RE: Variance Application: 525 Maple St. (Dunkin Donuts) ZBA Case #1430-2014. (placed on file)
7. An e-mail from Gina Ippolito, 168 Mill St. dated August 26, 2014 with an attach letter. Subject: Dunkin Donuts to be built on Rte. 85/Mill St. South. (read and placed on file)

## **Exhibit A - List of Variances**

### **Proposal for 525 Maple Street:**

The Applicant seeks to raze the existing structures on the property, reconfigure the site, and construct a new restaurant building with a drive-through service window and parking for 41 vehicles.

As shown on the site plan enclosed herewith, dated July 16, 2014, and prepared by Waterman Design Associates, Inc., the Applicant seeks variances from the following provisions of the Marlborough Zoning Ordinance:

### **Dimensional:**

1. Section 650-41 (Table of Lot Area, Yards and Height of Structures) requires a 50 foot building setback from the street right of way for corner lots (defined under Section 650-42(D)). The proposed plan has a building setback from Mill Street of 24 feet.

### **Landscaping:**

2. Section 650-47(D)(5)(a) (Landscaping Planting Area, Planting Quality and Spacing) requires 1 shrub per five linear feet or 35 square feet of ground area, whichever results in a greater number of shrubs, and at least 1 tree per 40 linear feet of planting area length, and 1 tree per 30 linear feet of street frontage planting area abutting Route 85. The proposed plan provides the following shrub and tree counts:  
  
    Along Maple Street: 2 trees (10 required) and 40 shrubs (80 required).  
    Along Mill Street: 3 trees (10 trees required) and 19 shrubs (110 required).  
    Along the side line: 0 trees (6 trees required) and 14 shrubs (42 required).
3. Section 650-47(D)(5)(b) (Landscaping Planting Area, Planting Layout) requires that groups of shrubs shall be spaced no further apart than 10 linear feet and groups of trees no further apart than 50 feet. The proposed plan does not meet these requirements along Mill Street, with one space of 75 feet and another space of 72 feet, and along the side line, with one space of 104 feet.
4. Section 650-47(D)(6) (Landscaping Planting Area, Existing Vegetation) requires that wherever possible, planting area requirements shall be met by retention of existing plants, and that within the street frontage planting area, no existing tree of 6 inches in caliper or greater shall be removed. The proposed plan would remove the 2 crabapple trees of 6 inches in caliper or greater along Mill Street.
5. Section 650-47(E)(1)(a)(3) (Street Frontage Planting Area, Location and Width) requires a 10 foot wide landscaped strip along a street. The proposed plan has a landscaped strip of at least 10 feet along less than half of the Mill Street frontage, and no landscaped strip along Mill Street adjacent to the drive-through lane.

6. Section 650-47(E)(1)(b) (Street Frontage Planting Area, Location and Width, Nonresidential) requires an additional landscaped area width of 12.4 feet along Maple Street and 14.8 feet along Mill Street. The proposed plan does not meet these additional landscaped area width requirements, and has no landscape strip along portions of Mill Street adjacent to the drive-through lane.
7. Section 650-47(F)(3) (Side Line Planting Area) requires a 7 foot wide planting along the side line. The proposed plan provides a planting area between 3 to 7 feet along less than half of the side line, and no planting area along more than half of the side line.
8. Section 650-47(G) (District Boundary Planting Area) requires dense planting 4 feet high to provide a year-round dense screen within 3 years, or a fence or wall at least 6 feet high, along the full length of the district boundary. The district boundary planting area along Maple Street does not meet these requirements.
9. Section 650-47(H)(1) (Parking Lot Planting Area) requires a planting area on three sides of an outdoor parking lot with at least 10 parking spaces. The proposed plan does not meet this requirement.
10. Section 650-47(H)(2)(b) (Planting on Landscaped Islands) requires that landscaped islands contain not less than 100 square feet of unpaved soil area with a minimum width of 7 feet, with at least 1 tree and 4 shrubs in each island, and 1 tree and 4 shrubs for each 12 cars. The proposed plan does not meet this requirement for required trees (proposed shrub quantity is compliant).
11. Section 650-47(I)(2) (Screening of Parking Lots from Residential Uses) requires a fence at least 6 feet high above the parking lot surface to provide screening to adjacent residential lots. The proposed plan has a 6-foot high fence to provide screening to an adjacent residential lot, but because of the site's grading, the fence will not be 6 feet above the parking lot surface.
12. Section 650-47(K) (Retaining Walls and Embankment Stabilization) requires that retaining walls visible from the exterior of the lot shall be planted with shrubs, one per 50 feet. The retaining walls located along Mill Street and the side line on the proposed plan are not planted with shrubs.

**Parking:**

13. Section 650-48(C)(5)(a)(3) (Parking Setbacks, Nonresidential Uses) requires that no off-street parking shall be closer than the minimum distances from the front lot line prescribed in Section 650-47(E) governing the requirement for a street frontage planting area, which requires an additional landscaped area along Maple Street and Mill Street. Parking spaces along Maple Street and Mill Street on the proposed plan do not meet this requirement.

14. Section 650-48(D)(2) (Parking Grades) requires that the maximum grade of any parking area shall be 5%. The proposed plan has a grade in excess of 5% for 2 of the 41 parking spaces, located along the southeast portion of the site.
15. Section 650-48(D)(5) (Curbing) requires that all parking lots and loading areas shall be provided with granite or cement concrete curbing a minimum of six inches high surrounding all landscape islands or landscape projections within parking lots, subject to site plan approval. The landscape islands and landscape projections within the parking areas of the proposed plan do not meet these requirements.

**Driveways:**

16. Section 650-49(B)(2)(a) (Driveway Location) allows a maximum of one (1) driveway, unless granted site plan approval. The proposed plan has two (2) driveways.
17. Section 650-49(B)(2)(b) (Driveway Location) requires a 7 foot separation between a driveway and side property line. The proposed plan has no separation between the north property line and the curb return of the north driveway located on Maple Street.
18. Section 650-49(D)(1) (Major Driveways) requires a 150 foot centerline separation between a major driveway and an intersecting street, unless granted site plan approval. The proposed plan has a 142 foot separation between the centerlines of the south driveway located on Maple Street and Mill Street.
19. Section 650-49(D)(1) (Major Driveways) requires a 30 foot curb radius at a street, unless granted site plan approval. The proposed plan has 15-foot radius roundings for the north driveway located on Maple Street, and 20-foot radius roundings for the south driveway located on Maple Street.
20. Section 650-49(D)(1) (Major Driveways) requires acceleration and deceleration lanes, unless granted by site plan approval. The proposed plan does not have acceleration and deceleration lanes.
21. Section 650-49(D)(6) (Major Driveway Parking Restrictions) requires that a major driveway shall not be used as a parking lot aisle, and no parking spaces shall be permitted requiring vehicles to reverse into a major driveway, unless granted site plan approval. The proposed plan would not meet this requirement for 8 of the 41 parking spaces.

7F. **Present** this evening were:

- Atty. Bergeron and Atty. Brian Falk-Associate of Mirick O'Connell, 100 Front St., Worcester, MA 01608-1477
- George Delegas (architect) - Director of Architecture and Planning Of REM Central LLC
- Mike Scott (engineer) of Waterman Design Associates, Inc., 31 East Main St. Westborough, MA 01581

8F. **Hardship:** Atty. Bergeron stated because of the shape of the lot (being triangular and narrow), the topography of the lot slopes from Mill St. towards Maple St. – the grade of the lot drops nearly 10 ft., the subsurface drain conditions on the lot contains city drains and sewer systems on the northerly portion of the lot, thus creating less area to construct. Atty. Bergeron stated the above criteria results in a hardship.

9F. Atty. Bergeron stated that this lot cannot be built upon without variances.

12F. Atty. Bergeron stated that the proposed petition will not be a detriment to the neighborhood. This lot is zoned Commercial Automotive. This lot is surrounded by businesses, abutting an Industrial Zone area and one residential home (168 Mill St.)

10F. Mike Scott of Waterman Design Associates stated the following:

- They could construct a building on the lot to conform to all the zoning requirements.
- There is city drainage and sewer on the lot, approximately 9,000 sq. ft. which is off limits to construction. Meaning no planting of trees, walls etc. which is located on the north portion of the lot.
- The applicant is proposing a 2,600 sq. ft. building, one story with a pitch roof.
- One entrance and one exit will be located on Maple St. with no egress on Mill St. A left hand turn can be made onto Maple St.
- The proposed building will be 25 ft. to Mill St. This will require a variance.
- The applicant did not want to plant trees facing Maple St. because of the utility lines
- The applicant stated they could meet all the landscape requirements, but it will be dense and the building will not be seen as you approach the lot.

- If the city would like to see more trees, they could plant low growing trees, with shrubs and perennials.
- Queuing of 16 vehicles on the lot will be possible.
- There will be **2 windows** at the drive thru. They can stack 5-6 cars between the menu board and the drive thru window.
- Centerline requirement – they have 142 ft. vs. the required 150 ft.
- They have gone thru the Conservation Commission and received an Order of Conditions and are currently before the Site Plan Review Committee.
- The existing vegetation will be removed and low shrubs and annuals and perennials will be planted on the Dunkin Donut site.
- The applicant stated if cars were to exit onto Mill St. It would shorten the queue within the lot.
- There will be 36 seats inside and they are proposing some outdoor seatings.
- The lot is serviced by city water and sewer and gas.

11F. Suggestions from the Board:

- The Board felt that this proposal is the gateway to the city and it should look nice
- Maybe the proposed building can be situated parallel to Maple St. The applicant felt if the building was re-situated, they may lose some of their 41 parking spaces.

12F. Some discussion on snow removal and rubbish collection.

13F. George Delegas stated the existing Dunkin Donuts will be closed when the proposed Dunkin Donuts is up and running.

14F. Atty. Bergeron stated the applicant would like to see everyone who visits this proposed Dunkin Donuts be able to park on the lot. And for the safety of his employees, he would like to see them parked on the lot.

15F. The Board asked about **lighting** on the lot. The applicant stated lighting will not shed out of the lot.

16F. The applicant stated Mr. Scrivanos is the prospective buyer of the lot.

17F. Atty. Brian Falk stated he has met with Ms. Ippolito of 168 Mill St. today. She does **not** oppose to the project. She has the only residential “use” in close proximity to the proposed project. She would not like to see another car lot in neighborhood. She would like some natural screening between her lot and the proposed lot. She would not like a fence. Mr. Falk informed the Board that the applicant would be happy to plant some things on her lot to provide her with more of a buffer/screening. Possible Condition: She would not like to see a 24/7 operation. The speaker for the drive-thru, she does not want it operating into the evening hours. Mr. Falk stated that the speaker will be facing Mill St. away from her lot. The speaker is some 150 ft. from her house. Mr. Falk stated that he will keep Ms. Ippolito informed of the project.

18F. There appears to be a new wall on the north side on the plan. The Board wanted to make sure the applicant check with the city’s engineering dept. about the placement of the proposed wall.

19F. The applicant stated they will provide another design of the proposal to the Board in hopes of reducing the number of variance request.

20F. **Parking Spaces:** The 4 spaces on the north side as you enter, is for employee parking. Some of the Board Members would like to see these spaces eliminated. They are located too close to the entrance driveway.

21F. **DELIVERY:** The applicant stated a large delivery is made once a day at 4:00 AM. A small box truck will be making the food delivery. They will unload at the drive thru side of the building. Dry goods should be delivered twice a day.

22F. The Chair asked if anyone in the audience had any questions:

- Councilor Robey – Councilor at Large – 97 Hudson St., Marlborough, MA
  - She is aware that Atty. Falk has met with Ms. Ippolito of 168 Mill St. concerning noise and some sort of landscaping buffer between her and the proposed site. She would like that dialog opened until both sides are in agreement concerning some type of buffer screening.
  - Ms. Ippolito also had concerns about lighting which will be addressed by the developer.
  - Ms. Ippolito questioned why so many parking spaces
  - Councilor Robey stated that at the Bolton St. Tavern, they erected a living fence and it seems like a nice compromise vs. a fence.

- Ms. Ippolito would like the Police dept. and the Fire Dept. to weight into the proposed Dunkin Donuts.
- Councilor Robey had questions about the egresses on the site.
- She hopes the applicant will keep Mr. Ippolito informed of the progress of this petition.

23F. The Chair asked if anyone in the audience wanted to speak in **favor** of the petition: Robert Arcieri, 22 Sadie Hutt Lane, Southboro, MA (he is owner of said property)

24F. The Chair asked if anyone in the audience wanted to speak in **opposition** to the petition:

- Atty. Gregg S. Haladyna – representing 181 Mill St. South – Bronx Industries.
  - His clients own Brox Industries.
  - He stated this is a tough site for the size of the building being proposed.
  - The applicant is requesting 19 variance
  - The hardships stated are not criteria's under Chapter 40A.
  - The applicant is asking too much for the site.
  - Burden on the applicant to show hardship
  - Not an appropriate site for a Dunkin Donuts

25F. Board Member, Ralph Loftin is requesting from the applicant the following:

- To meet with Priscilla Ryder, Conservation Office, about her concerns as noted in her memo dated August 26, 2014. After said meeting, the Board is requesting a letter back to the Board from Priscilla Ryder on the outcome of that meeting
- To meet with Even Pilachowski, City Engineer, about his letter dated August 26, 2014. After said meeting, the Board is requesting a letter back from Mr. Pilachowski to the Board on the outcome of that meeting.
- Continue to meet with Ms. Ippolito to address her concerns, and have the applicant keep the Board informed about those meetings.

26F. A motion was made to continue the public hearing to Sept. 16, 2014 at 7:30 PM in order for the applicant to address the issues as noted in #25F above. The motion was seconded by Ralph Loftin and a vote of 5-0 was taken to continue the public hearing to Sept. 16, 2014 at 7:30 PM.

27F. **September 16, 2014** – The public hearing was continued.

28F. Members present: Paul Giunta-Chairman, Theodore Scott, Ralph Loftin, Thomas Golden and Robert Levin.

29F. Also present this evening were:

- Atty. Bergeron of Mirick O'Connell, 100 Front St., Worcester, MA 01608-1477
- Mike Scott of Waterman Design Associates, Inc., 31 East Main St. Westborough, MA 01581
- Atty. Gregg S. Haladyna – representing 181 Mill St. South – Bronx Industries.
- Mr. Scrivanos – prospective buyer of said lot.

30F. Mike Scott of Waterman Design Associates presented a revised plans to the Board. The revised plans have changes to the landscaping requirements, but no changes to the parking. (copies of the plans and the revised variance request were not made for the Board)

31F. **Exhibits and Letters:**

- Atty. Bergeron presented a letter dated Sept. 16, 2014 to the Zoning Board of Appeals, RE: Variance application of NGP Management LLC
- Letter from Ms. Ippolito, dated Sept. 16, 2014 (read into the file)
- Letter from Engineering Division, Evan Pilachowski, dated Sept. 16, 2014 RE: Variance Application – 525 Maple St. – Dunkin Donuts. (read into the file)
- Memo from Priscilla Ryder, Conservation Officer, dated Sept. 16, 2014 RE: Variance Application: 525 Maple St. (Dunkin Donuts) ZBA Case #1430-2014. (read into the file)

32F. **Mr. Scrivanos** stated the following:

- The proposed Dunkin Donuts will have their major shift from 4 AM – 1:00 PM. This shift will have the majority of employees (12-14 employees). The parking that is designated for their employees will remain the same as shown on their original plan. These parking spaces will be roped off as “employee” parking spaces only.
- He owns 125 Dunkin Donut stores. He stated that when and if this proposed Dunkin Donut location is approved and up and running, he will close the existing Dunkin Donut store on Maple St.
- Snow will be removed from site during a snowfall which equals 2 inches or more in a 48 hour period.

33F. **Atty. Bergeron** stated:

- This is an appropriate use of the site. It is in a Commercial Automotive zone. It could certainly be another car lot. This proposal will be a quality use of the site.
- His associate, Atty. Brian Falk has showed Ms. Ippolito, 186 Mill St. the revised plans. Ms. Ippolito will oppose the revised plans.
- The applicant has offered to plant more trees to her site to act as a shield from the site and noise, but she refused. She did not want any plantings on her lot.
- The applicant did not want to do any additional landscaping on their lot as proposed on their revised plans, because it will interfere with their proposed parking and queuing.
- They approximate that Ms. Ippolito's house is some 150 ft.+ to the propose speaker system.

34F. There was some questions regarding #15 of the Building Inspector's denial letter concerning granite or cement curbing. The applicant stated it will be granite on Maple St. and granite or concert inside the lot.

35F. The Board discussed Ms. Ippolito's objections to the “revised” plans in her letter dated Sept. 16, 2014.

36F. **Speaking in opposition:**

- Atty. Gregg S. Haladyna – representing 181 Mill St., South – Brox Industries – stated he still opposed to the variance request for the following reasons:
  - The applicant has not demonstrated any hardship.

- This lot can be constructed on within the envelope of the lot.
- Bronx Industries has lots of trucks coming in and out of their site on a daily basis and this proposed Dunkin Donuts will impact their business and property.
- This is a very difficult site and is not an appropriate use for a Dunkin Donuts
- The Board asked the attorney if they are opposed to the petition. They only stated they do not think the applicant has demonstrated a hardship.

37F There was no one in the audience to speak in **favor** of the petition.

38F. **Councilor Robey** stated:

- She did go speak with Ms. Ippolito to hear her views.
- She also walked the property.
- Councilor Robey did see some over growth on her lot which extends into the proposed Dunkin Donuts lot. There is a fence in the back which is down.
- Councilor Robey was concerned that new plantings will not grow fast thus, Ms. Ippolito may not be getting her shielding from lights and sounds as quick as she would like.
- Ms. Ippolito would like to see the existing plantings between her lot and the proposed Dunkin Donuts to remain. But, the overgrowth which extends into the Dunkin Donuts site will be removed.
- It was discussed that a 6 ft. fence on top of a wall; with arborvitaes 6 ft. on center planted in the front with some shrubs are being proposed.
- Sound will travel from the speaker, precaution must be taken.
- In speaking with Ms. Ippolito, she will not agree to anything with the applicant.
- It was noted that there is another house on Mill St. Councilor Robey will check the records of who owns this house.
- It was mentioned that Brox Industries does emit an odor from their business and there has been some complaints to the city regarding the odor.

39F. Issues discussed:

- Lighting should be contained on the site in question.
- Planting of new trees on Ms. Ippolito's lot.
- Speaker will face Mill St.

- Board Member, Ted Scott would like to see the topo of the area. The applicant will have their plans reviewed by the appropriate city departments: city's engineering department, the conservation commission, Site Plan Review Committee, Fire and Police.
- Trash pickup schedule.
- Delivery times for delivery of goods to the lot.
- Speaker system – minimum sound dispersion
- Lighting on the lot in question.
- Water run off – shall be review by city's engineer.
- Where and when deliveries will be made.
- Hours of operation.

40F. On a motion by Ralph Loftin and seconded by Theodore Scott, the Board voted 5-0 to have the applicant make copies of the "revised" plans presented this evening and make copies of the "revised" list of variance request for the Board before the Sept. 23<sup>rd</sup> continuation meeting.

41F. On a motion by Paul Giunta and seconded by Ralph Loftin, the Board voted 5-0 to "draft" up special conditions for our next meeting on Sept. 23, 2014 at 7:30 PM

42F. On a motion by Paul Giunta and seconded by Ralph Loftin, the Board voted 5-0 to continue the hearing to Sept. 23, 2014.

43F. On a motion by Paul Giunta and seconded by Theodore Scott, the Board voted 5-0, to close the public portion of the hearing.

44F **September 23, 2014** – The public hearing was continued.

45F. **Members Present:** Paul Giunta-Chairman, Theodore Scott, Ralph Loftin, Thomas Golden and Robert Levine.

46F. Also present this evening were:

- Atty. Brian Falk
- Mike Scott of Waterman Design
- Councilor Robey

47F. **Revised Plans** presented entitled: Site Plans for Dunkin Donuts, 525 Maple St., Marlborough, MA 01752, dated revised September 16, 2014. Prepared by Waterman Design Associates, Inc. and prepared for MGP Management, LLC.

48F. The applicant has reduced the original 21 variance request to 18 variance request.  
As noted in the revised "draft" Notice of Decision" from Atty. Brian Falk.

**Revised Table of Variance request:**

Variance Request			
Dimensional	Required	Proposing	Deviation
Front yard setback (Minimum required 50 ft.)	Minimum 50 ft.	Mill St. 24 ft. $\pm$	26 ft. $\pm$
<b>LANDSCAPING</b>			
Maple St.	10 trees  80 shrubs	2 trees (revised 10 trees)  40 shrubs (revised 43 shrubs)	8 trees (meets)  40 shrubs (deviation 37)
Mill St.	10 trees  110 shrubs	3 trees (revised 4 trees)  19 shrubs (revised 29 shrubs)	7 trees (deviation 6 trees)  91 shrubs (deviation 81 shrubs)
Side Planting Area – along the parking lot and Ms. Ippolito (north side)	6 trees  42 shrubs	0 trees  14 shrubs (revised 17 shrubs)	6 trees  28 shrubs (deviation 25 shrubs)
Interior Plantings (required 4 trees and 14 shrubs)	4 trees  14 shrubs	2 trees (revised 5)  56 shrubs (revised 80)	2 trees (meets)  Shrubs (meets)
See below for additional Revised Variance Request:			

**Revised Relief Requested:**

The Applicant petitioned for relief from the provisions of the Zoning Ordinance as follows:

**Dimensional:**

1. Section 650-41 (Table of Lot Area, Yards and Height of Structures) requires a 50 foot building setback from the street right of way for corner lots (defined under Section 650-42(D)). The proposed plan has a building setback from Mill Street South of 24 feet.

**Landscaping:**

2. Section 650-47(D)(5)(a) (Landscaping Planting Area, Planting Quality and Spacing) requires 1 shrub per five linear feet or 35 square feet of ground area, whichever results in a greater number of shrubs, and at least 1 tree per 40 linear feet of planting area length, and 1 tree per 30 linear feet of street frontage planting area abutting Route 85. The proposed plan provides the following shrub and tree counts:

Along Maple Street:	43 shrubs (80 required).
Along Mill Street South:	4 trees (10 trees required) and 29 shrubs (110 required).
Along the side line:	17 shrubs (42 required).
3. Section 650-47(D)(5)(b) (Landscaping Planting Area, Planting Layout) requires that groups of shrubs shall be spaced no further apart than 10 linear feet and groups of trees no further apart than 50 feet. The proposed plan does not meet these requirements along Mill Street South, with one space of 75 feet and another space of 72 feet.
4. Section 650-47(D)(6) (Landscaping Planting Area, Existing Vegetation) requires that wherever possible, planting area requirements shall be met by retention of existing plants, and that within the street frontage planting area, no existing tree of 6 inches in caliper or greater shall be removed. The proposed plan would remove the 2 crabapple trees of 6 inches in caliper or greater along Mill Street South.
5. Section 650-47(E)(1)(a)(3) (Street Frontage Planting Area, Location and Width) requires a 10 foot wide landscaped strip along a street. The proposed plan has a landscaped strip of at least 10 feet along less than half of the Mill Street South frontage, and no landscaped strip along Mill Street South adjacent to the drive-through lane.
6. Section 650-47(E)(1)(b) (Street Frontage Planting Area, Location and Width, Nonresidential) requires an additional landscaped area width of 12.4 feet along Maple Street and 14.8 feet along Mill Street South. The proposed plan does not

meet these additional landscaped area width requirements, and has no landscape strip along portions of Mill Street South adjacent to the drive-through lane.

7. Section 650-47(F)(3) (Side Line Planting Area) requires a 7 foot wide planting along the side line. The proposed plan provides a planting area between 3 to 7 feet along less than half (western portion) of the side line.
8. Section 650-47(G) (District Boundary Planting Area) requires dense planting 4 feet high to provide a year-round dense screen within 3 years or a fence or wall at least 6 feet high, along the full length of the district boundary. The district boundary planting area along Maple Street does not meet these requirements.
9. Section 650-47(H)(1) (Parking Lot Planting Area) requires a planting area on three sides of an outdoor parking lot with at least 10 parking spaces. The proposed plan does not meet this requirement.
10. Section 650-47(K) (Retaining Walls and Embankment Stabilization) requires that retaining walls visible from the exterior of the lot shall be planted with shrubs, one per 50 feet. The retaining walls located along Mill Street South and the side line on the proposed plan is not planted with shrubs.

Parking:

11. Section 650-48(C)(5)(a)(3) (Parking Setbacks, Nonresidential Uses) requires that no off-street parking shall be closer than the minimum distances from the front lot line prescribed in Section 650-47(E) governing the requirement for a street frontage planting area, which requires an additional landscaped area along Maple Street and Mill Street South. Parking spaces along Maple Street and Mill Street South on the proposed plan do not meet this requirement.
12. Section 650-48(D)(2) (Parking Grades) requires that the maximum grade of any parking area shall be 5%. The proposed plan has a grade in excess of 5% for 2 of the 41 parking spaces, located along the southeast portion of the site.

Driveways:

13. Section 650-49(B)(2)(a) (Driveway Location) allows a maximum of one (1) driveway, unless granted site plan approval. The proposed plan has two (2) driveways.
14. Section 650-49(B)(2)(b) (Driveway Location) requires a 7 foot separation between a driveway and side property line. The proposed plan has no separation between the north property line and the curb return of the north driveway located on Maple Street.

15. Section 650-49(D)(1) (Major Driveways) requires a 150 foot centerline separation between a major driveway and an intersecting street, unless granted site plan approval. The proposed plan has a 142 foot separation between the centerlines of the south driveway located on Maple Street and Mill Street South.
  16. Section 650-49(D)(1) (Major Driveways) requires a 30 foot curb radius at a street, unless granted site plan approval. The proposed plan has 15-foot radius roundings for the north driveway located on Maple Street, and 20-foot radius roundings for the south driveway located on Maple Street.
  17. Section 650-49(D)(1) (Major Driveways) requires acceleration and deceleration lanes, unless granted by site plan approval. The proposed plan does not have acceleration and deceleration lanes.
  18. Section 650-49(D)(6) (Major Driveway Parking Restrictions) requires that a major driveway shall not be used as a parking lot aisle, and no parking spaces shall be permitted requiring vehicles to reverse into a major driveway, unless granted site plan approval. The proposed plan would not meet this requirement for 8 of the 41 parking spaces.
- 49F. The Board discussed the following:
- Hours of operation will be from 4:00 AM – 11:00 AM
  - Truck deliveries – small daily delivery is made very early. Then larger deliveries are made twice a week.
  - There will be no sidewalks on Mill St. or on Maple St.
  - The Board, Ralph Loftin, stated the speaker system is some 150 ft. from Ms. Ippolito's house. Maybe an informal sound study should be done to ease her mind. The Board is sensitive to her concerns. Ralph Loftin will write Ms. Ippolito a letter about the Board's decision this evening.
  - 13 staff with 2 managers will be on site at one time and that is usually the morning hours during their peak hours of business.
  - 8 spaces for employees only parking.
  - Dumpster location and pickup.
  - Snow removal.
- 50F. Atty. Brian Falk stated the following:
- In regards to Ms. Ippolito's side lot line, they will erect a 6 ft. fence on top of a proposed wall with arborvitaes planted 6 ft. on center in the front of the wall on the Dunkin Donuts lot. With additional shrubs and perennials at that corner. They will not be planting anything on Ms. Ippolito's lot.
  - Gina Ippolito of 168 Mill Street South. Ms. Ippolito opposed the number of parking spaces and the intensity of the use, raised concerns about noise from the drive-through facility and flooding onto her property, and suggested a redesign of the Project with a larger buffer along her property line.

- They will take every step to minimize the noise on the lot in question.
- He stated they cannot do what Ms. Ippolito is requesting. If they did less parking, that would affect the landscaping and queuing on the site.

51F. The Board asked if anyone in the audience would like to speak. Councilor Robey was present for Ms. Ippolito.

52F. No one was in the audience to speak in **favor or in opposition**.

53F. Board Member, Theodore Scott, felt the applicant has demonstrated a **hardship**. The applicant has submitted, per the ZBA's request, a drawing showing the building repositioned on the lot so that it meets the current setbacks. The drawing shows that the building just fits the 50 foot required setbacks from the two streets and the side lot line only by a couple feet. Although the drawing does not show, adding the 32 foot wide planting area along Maple Street and the 25 foot wide planting area along Mill Street South would leave very little usable space for parking. This usable area would be located to the north where there is a significant change in grade. Therefore, I believe there is a substantial hardship to the applicant owing to circumstances relating to the shape and topography of the land. A statement has been made that the structure could be built with the applicable setbacks. Although this may be true, I believe the constraints presented by the Zoning Ordinances severely limit the feasibility of the project or any potential future project.

With respect to the large number of variances requested, I believe that the quantity is due to the fact that the lot is considered a corner lot with two street frontages and the lot is actually wedged shaped not the standard 90 degree corner lot. I believe the reason for the large quantity of variances is not applicant imposed but is due to the wedged shape of the lot.

54F. Theodore Scott made a motion to approve the "draft" Notice of Decision" with changes seconded by Ralph Loftin. The Board voted 5-0 to grant the variance with conditions.

55F. Paul Giunta made a motion to close the public hearing, seconded by Thomas Golden. The Board voted 5-0 to close the public hearing.



*City of Marlborough*  
*Zoning Board of Appeals*

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

**ZBA Case # 1430-2014**  
**Location: 525 Maple St.**

**VOTE OF THE BOARD**  
**Signature Sheet**

**In Favor**

**In Opposition**

Paul Giunta *Paul Giunta*

Paul Giunta \_\_\_\_\_

Theodore Scott *Theodore Scott*

Theodore Scott \_\_\_\_\_

Ralph Loftin *Ralph Loftin*

Ralph Loftin \_\_\_\_\_

Thomas Golden *Thomas Golden*

Thomas Golden \_\_\_\_\_

Mitchell Gorka \_\_\_\_\_

Mitchell Gorka \_\_\_\_\_

Robert Levine *Robert Levine*

Robert Levine \_\_\_\_\_