



**City of Marlborough  
Zoning Board of Appeals**

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

*Original*

**ZBA Case # 1445-2018**  
**Location: 133 Ahlgren Circle**

**Date: April 3, 2018**

**(General Laws Chapter 40A, Section 16)  
Withdraw Without Prejudice**

To: Edward and Kathleen LeBlanc

Address: 133 Ahlgren Circle

City: Marlborough, MA 01752

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

**133 Ahlgren Circle (Map 52, Parcel 59)**

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  
Zoning Board of Appeals

Susan Brown - Secretary

Submitted to the City Clerks' office on April 3, 2018.



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Case # 1445-2018  
Name: Edward LeBlanc  
Location: 133 Ahlgren Circle

Date: April 3, 2018

## 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.

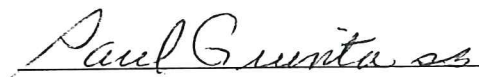
**Vote:** The Board voted 5-0 to allow the applicant(s) to **Withdraw Without Prejudice** the below mentioned petition:

**Members present:** Paul Giunta – Chairman, Thomas Pope, Thomas Golden, Robert Levine and Jared Falcon

**Petition:** To construct a farmer's porch. The minimum front yard setback for Zoning District Rural Residential (RR) is 40 ft. vs. the 32.3 ft proposed. Being Map 52, Parcel 59 of the Assessor's Maps.

**Plans:** Ahlgren Circle, Certified Plot Plan, located at 133 Ahlgren Circle, Assessor's Parcel #52-59. Marlborough, MA. Prepared by Continental Land Survey, LLC, 105 Beaver Street, Franklin, MA Scale 1" = 30' Dated: November 2, 2017.

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

  
Paul Giunta – Chairman  
Zoning Board of Appeals

Submitted to the City Clerk's Office on April 3, 2018.



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ZBA Case # 1445-2018  
Name: Edward LeBlanc  
Location: 133 Ahlgren Circle

Date: April 3, 2018

## 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 March 27, 2018.

**Board Members present were:** Paul Giunta – Chairman, Thomas Pope, Jared Falcon, Robert Levine and Thomas Golden.

### Proceedings:

1. **Date of Appeal:** February 21, 2018.
2. **Name and Address of Applicant:** Edward LeBlanc, 133 Ahlgren Circle, 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:** To construct a farmer's porch. The minimum front yard setback for Zoning District Rural Residential (RR) is 40 ft. vs. the 32.3 ft proposed. Being Map 52, Parcel 59 of the Assessor's Maps.
6. **Section of the Zoning Ordinance involved:** Table 650-41 of the Marlborough General Code.
7. Notice was sent by Certified Mail 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.

### Findings:

1. The property is located in Zoning District Rural Residential (RR).
2. The lot contains 24,328 sq. ft. ± Located on the lot is an existing split-level ranch with an inground pool.

3. The shape and topography of the lot - The shape of the lot is almost a perfect square. Wetlands are located at the rear corner of the lot.
4. Most homes on Ahlgren Circle are similar in design and lot area.
5. **The applicants**, Edward and Kathleen LeBlanc were present.
6. **Proposal:** The applicants proposes to construct a farmer's porch with a roof at the front of their home. The minimum front yard setback for Zoning District Rural Residential (RR) is 40 ft. vs. the 32.3 ft. proposed. Being Map 52, Parcel 59 of the Assessor's Maps.
7. The applicant started they are before the Board seeking a variance for the front yard setback.
8. The stated **hardship** by the applicants were the following:
  - a. They have aging parents who need an easier access into their house. The Board mentioned a handicapped ramp.
  - b. The proposed farmer's porch would improve the value of their home.
  - c. They have an existing inground pool with a gas pipe which is located at the front of their house. The farmer's porch would hide the pipe.
  - d. The applicants felt that a handicapped ramp would not add to the esthetics of the home. The applicants do not plan to add a handicapped ramp from the farmer's porch to be connected to the driveway.
9. The Board had concerns in how the applicants answered the following questions:
  - a. Question #1 - What is the soil condition, shape or topography of YOUR lot or structure which distinctly affects your lot, as distinguished from other lots in the zoning district which it is located. **Answer-None.**
  - b. Question #2 - What is the hardship that is caused by the soil condition, shape or topography of your lot or structure stated above. Personal inconvenience is not a hardship. A hardship imposes a substantial financial penalty or directly affects your use of the land or structure as it is zoned. **Answer - None**

According to the above answers, the Board found it hard to make an informed decision on the petition. Mr. Giunta explained to the applicant what the definition of a Hardship is according to Mass General Law Chapter 40A.



10. Speaking in Favor:

- Michelle Byrne – 145 Ahlgren Circle – owns the house to the left of the lot in question. She stated the proposed farmer's porch would add curb appeal to their home. With that said, it would also add value to the other homes on the street.

11. Speaking in Opposition: None

12. The Board stated that if a petition was presented from their neighbors showing no opposition to their petition, the Board would take the petition into consideration in their decision.

13. Mr. Guinta explained to the applicants their options for this evening:

- To continue with this hearing and have the Board vote on their petition. If it is a denial from the Board, they cannot return to the Board with the same plan for 2 yrs.
- To Withdraw Without Prejudice and they can re-file to the Board at any time. The Board stated if they plan to refile their application, they would waive the filing fee, but they will have to bear the cost of re-notifying the abutters and the 2 legal ads. (The applicant asked if the abutters could be notified by hands delivery by having the abutters sign a form? The secretary will look into that request.)

14. The applicants decided to Withdraw Without Prejudice.

15. On a motion made by Thomas Pope and seconded by Thomas Golden, the Board voted 5-0 to allow the applicants to Withdraw Without Prejudice their petition.

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

**Plans:**

Ahlgren Circle, Certified Plot Plan, located at 133 Ahlgren Circle, Assessor's Parcel #52-59. Marlborough, MA. Prepared by Continental Land Survey, LLC, 105 Beaver Street, Franklin, MA Scale 1" = 30' Dated: November 2, 2017.



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**Applicant: Edward LeBlanc**

**VOTE OF THE BOARD**  
**Signature Sheet**  
**To Withdraw Without Prejudice**

**In Favor**

**In Opposition**

Paul Giunta

Paul Giunta

Jared Falcon

Jared Falcon

Thomas Golden

Thomas Golden

Thomas Pope

Thomas Pope

Robert Levine

Robert Levine