



**City of Marlborough
Zoning Board of Appeals**

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

ZBA Case # 1473-2021

Date: June 3, 2021

Location: 880 Donald Lynch Blvd.

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

To: c/o Gareth Orsmond of Pierce Atwood LLP

Address: 100 Summer Street

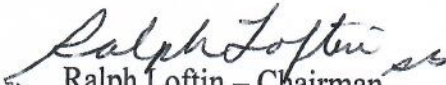
City: Boston, MA 02110

Owner: Devki, LLC, 800 Donald Lynch Blvd. Marlborough, MA

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

880 Donald Lynch Blvd. Map 50 Parcel 4B

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.


Ralph Loftin – Chairman
Zoning Board of Appeals


Susan Brown - secretary

Submitted to the City Clerks' office on June 3, 2021.



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Record of Proceeding and Decision
Held Virtually thru Microsoft Teams and was recorded

Location: 880 Donald Lynch Blvd.

Zoning Board Case # 1473-2021

Applicant: Todd Wilson, 63 Atlantic Ave. Boston, MA 02110
Owner: Devki, LLC, 800 Donald Lunch Blvd., Marlborough, MA
Representative: Gareth Orsmond, of Pierce Atwood LLP, 100 Summer Street, Boston, MA 02110

Date of Appeal: January 19, 2021

Meeting Date: March 23, 2021, continuation dates of April 13, 2021 (received an Extension of Time) and May 18, 2021.

Zoning relief requested: To appeal the Building Commissioner's denial letter, dated December 21, 2020 to construct/add kitchenettes in each unit of the hotel at 880 Donald Lynch Blvd. Map 50, Parcel 4B of the Assessor's Maps. Chapter 650-58. Located in a Limited Industrial Zone (LI).

Roll call of members present in Memorial Hall: Ralph Loftin-Chairman, Paul Giunta, Robert Levine, Thomas Pope and Thomas Golden. Also present was Susan Brown-secretary.

Appearing virtually: Jason Piques-Assistant City Solicitor and Patrick Dahlgren-Assistant Building Commissioner.

Notice of the hearing was given by Certified Mail to all persons to be affected, as shown on the most recent tax list and by publication in the Marlborough Enterprise Weekly, a newspaper of general circulation in Marlborough, MA,

Documents Submitted by applicant in this Appeal:

- Application with filing fee, narrative and plans
- Denial letter from the Building Dept. dated December 21, 2020
- Plans entitled:
 - Existing Condition Plan, dated 1/19/2021
 - Interior layout, dated Nov. 20, 2020

Public hearing:

1. The property in question is located in a Limited Industrial Zoning District, being Map 50 Parcel 4B, also known as 880 Donald Lynch Blvd.
2. Gareth Orsmond, the applicant's representative, stated he has filed with the City Council to modify their existing Special Permit issued in 1986. The modification is to construct/add kitchenettes in each of the units of the hotel.
3. Mr. Orsmond also filed with the Zoning Board of Appeals in order to preserve his client's right to appeal, in case they do not receive the requested modification of their existing Special Permit. They will withdraw their application before the Zoning Board of Appeals if they receive their modification.
4. March 23, 2021 meeting— Mr. Orsmond sent a letter dated March 19, 2021, requesting a continuance because the city council was still reviewing their modification request. (letter read into the file)
5. April 13, 2021 meeting – Mr. Orsmond sent a letter dated April 12, 2021 requesting an Extension of Time. Form was filled out with an extension of time to 5/25/2021. (letter read into the file)
6. May 18, 2021 meeting – Mr. Orsmond sent a letter date April 29, 2021 requesting to withdraw their petition before the Zoning Board of Appeals, as the city council issued the Special Permit modification required by the Building Commissioner, and the statutory deadline for anyone to appeal this Special Permit modification expired on April 27, 2021. (letter read into the file)
7. A motion was made by Paul Giunta to accept the applicant's withdrawal of their application, seconded by Thomas Golden. A roll call vote of 5-0 with all yeas to accept the applicant's request to **withdraw** their application.
8. A motion was made by Robert Levine to close the public hearing, seconded by Thomas Golden. A roll call vote of 5-0 with all yeas to close the public hearing.

Decision

The Board voted 5-0 to allow the applicant to withdraw their application before the Zoning Board of Appeals.

Respectfully submitted,


Ralph Loftin

Chairman – Zoning Board of Appeals



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Applicant: Todd Wilson

**VOTE OF THE BOARD
Signature Sheet
To Withdraw**

**In Favor
To Withdraw**

**In Opposition
To Withdraw**

Paul Giunta



Paul Giunta

Ralph Loftin



Ralph Loftin

Thomas Golden



Thomas Golden

Thomas Pope



Thomas Pope

Robert Levine



Robert Levine