



City of Marlborough Zoning Board of Appeals

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

ZBA Case # 1482-2021 SP
Location: 224 Union St.

Date: February 3, 2022

Special Permit Withdraw Without Prejudice

To: Alberto Salutari

Address: 224 Union St.

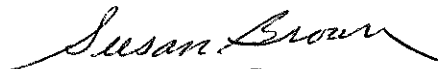
City: Marlborough, MA 01753

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

224 Union St. (Map 56, Parcel 181)

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


Susan Brown - Secretary

Submitted to the City Clerks' office on February 3, 2022



**City of Marlborough
Zoning Board of Appeals
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768**

Record of Proceeding and Decision

Zoning Board Case # 1482-2021 – Special Permit

Applicant: Alberto Salutari

Date of Appeal: November 17, 2021

Location of Subject Property: 224 Union St. (Map 56, Parcel 181)

Petition: Alberto Salutori proposed addition and conversion from a single-family residence to a two-family residence. Property is located in Zoning District A3, does not comply with Chapter 650 -17, Table of Uses, Chapter 650 -18A(2) Conditions for Uses and Chapter 650- 39 Table of Lot Area, Yards and Height of Structures, of the City Code of Marlborough. Property is located at 224 Union St., being Map 56, Parcel 181.

Meeting dates: January 4, 2022, with a continuation meeting on February 1 2022

January 4, 2022 meeting

Roll call of members present Ralph Loftin-Chairman, Paul Giunta, Thomas Pope, Thomas Golden and Robert Levine. Also present were

- Susan Brown-Secretary,
- Tin Htway-Building Commissioner
- William Paynton-Building Inspector.
- Stephen Balcewicz, Engineer, Land Planning Inc.
- An abutter at 210 Union St.

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 MetroWest Daily newspaper, a newspaper of general circulation in Marlborough, MA, on Dec. 21st and 28th, 2021.

Documents submitted by applicant in support of this Appeal:

- Applications with filing fees and narrative
- Denial letter from the Building Department dated Sept. 28, 2021

- Plans entitled: Addition Plot Plan, located at 224 Union St. Scale 1"=40', Prepared by Land Planning, Inc. Dated: Nov. 9, 2021 Revisions: Dec. 7, 2021 and Dec. 14, 2021.
- Letter dated Dec. 7, 2021 RE: Revised plans and revised plot plan showing two front yard setbacks and revised architect's plans A0.1.

It was noted to the audience that the Board is hearing a Special Permit request. The audience was made aware that the public meeting was being recorded.

1. The applicant was represented by a Stephen Balcewicz of Land Planning, Inc.
2. Mr. Loftin, chairman, stated that he had spoken with the city's legal counsel, Jason Grossfield, to clarify what relief is being sought and whether the Zoning Board of Appeals has the authority to hear this appeal. Although the applicant has requested a Special Permit, it appears that the applicant may require a "use" variance.
3. Mr. Loftin stated he would like to continue the public hearing to a date certain, to provide time for the city solicitor and the building commissioner to review the petition and advise the Board.
4. Tin Htway, Building Commissioner was present and stated the following:
 - a. The lot is very oddly shaped, with no rear lot setback, according to the plan presented.
 - b. Zoning came into effect in 1956; the house was built in 1959. If built prior to 1956, the single family could be converted into a two family but would have to meet all current zoning and building requirements. Since the house was built after 1956, the use as a two family is not permitted, thus a "use" variance is needed.
 - c. It was also mentioned that an existing gravel driveway should be included in the calculations of lot coverage.
5. In opposition: An abutter at 210 Union St. was present - She was very concerned about the lack of upkeep to the property at 224 Union St. She mentioned that there appears to be a business being operated from 224 Union St. "If the owner can't take care of the existing single family, how will he be able to take care of a two family."
6. A motion was made by Robert Levine, seconded by Paul Giunta to continue the public hearing to Feb. 1st, 2022 at 7:00 PM. By a vote of 5-0 the public hearing is continued to Feb. 1st, 2022 at 7:00 PM.

February 1, 2022 meeting

• **224 Union St. – Alberto Salutari (continuation)**

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

1. This is a continuation meeting from Jan. 4, 2022. The Chairman stated that our city's legal counsel, Jason Grossfield, rendered an opinion on 224 Union St. via an e-mail dated Jan. 26, 2022. Stating in part: "it appears the current use is a "conforming" use and the ZBA would not have jurisdiction to hear a special permit application under the zoning ordinance." (read and placed on file)
2. The Chairman also stated the applicant's representative, Norman Hill of Land Planning, Inc. 214 Worcester St. N Grafton, MA 01536 submitted a letter dated January 31, 2022 Stating in part: "we hereby withdraw without prejudice, his application for special permit" (read and placed on Board's file)
3. No one was in attendance to speak in favor or in opposition to the petition.
4. A motion was made by Thomas Golden and seconded by Paul Giunta to accept the letter of withdrawal without prejudice. By a vote of 5-0 the Board granted the applicant's request to withdraw without prejudice.
5. A motion was made by Paul Giunta and seconded by Thomas Pope to close the public hearing. By a vote of 5-0 the public hearing was closed.


Decision

By a vote of 5-0 the Board granted the applicant's request to withdraw without prejudice the application for the proposed addition and conversion from a single-family residence to a two-family residence.

A motion was made by Robert Levine and seconded by Paul Giunta to close the public meeting. By a vote of 5-0 the public meeting was closed.

Adjournment: With no other business, a motion was made by Paul Giunta and seconded by Ralph Loftin to adjourn. By a vote of 5-0 the meeting was adjourned.

Respectfully submitted,


Ralph Loftin-Chairman
Zoning Board of Appeals



**City of Marlborough
Zoning Board of Appeals**

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

Request to Withdraw Without Prejudice

Name of Applicant: Alberto Salutori

ZBA Case : 1482-2021 SP

Address & Telephone Number: 224 Union St. Marlborough, MA Representative: Norman Hill, Land Planning Inc. 214 Worcester St. N. Grafton, MA 01536 Tel 508-839-9526

Type of Zoning Board Application: Seeking a Special Permit to allow the conversion of a detached single family to a two family. Location: 224 Union St. Map 56 Parcel 181 – Zoning District A-3

Describe said application: As noted above.

Petitioner/Representative of said application: Norman Hill, Land Planning Inc., 214 Worcester St. N. Grafton, MA 01536 Tel 508-839-9526

I hereby request to **Withdraw the above-referenced petition Without Prejudice**

Signature: See attached withdrawal without prejudice letter.

Date: Letter dated January 31, 2022

Do not write below this line

Certificate to Vote

This is to certify that at the Zoning Board meeting of **February 1, 2022** a majority vote passed **GRANTING** the request to Withdraw Without Prejudice.

This is to certify that at the Zoning Board meeting of _____ a majority vote passed **DENYING** the request to Withdraw Without Prejudice.

Paul Giunta

Ralph Loftin

Robert Levine

Thomas Pope

Thomas Golden



LAND PLANNING, INC.

Civil Engineers • Land Surveyors • Environmental Consultants

FILE COPY

January 31, 2022

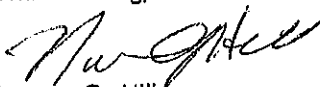
City of Marlborough
Zoning Board of Appeals
Marlborough City Hall
140 Main Street
Marlborough, MA 01752

Attention: Susan Brown
Subject: Request to withdraw
Reference: 224 Union Street, Marlborough

Dear Susan,

On behalf of our client, Alberto Salutari of 224 Union Street in Marlborough, we hereby withdraw without prejudice, his application for special permit.

Sincerely,
Land Planning, Inc.



Norman G. Hill

214 Worcester Street
North Grafton, MA 01536
Tel: 508-839-9526
Fax: 508-839-9528

167 Hartford Avenue
Bellingham, MA 02019
Tel: 508-966-4130
Fax: 508-966-5054

1115 Main Street
Hanson, MA 02341
Tel: 781-294-4144
Fax: 781-293-4111