



City of Marlborough Zoning Board of Appeals

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

ZBA Case **1493-2022 (Variance Requests)** **Date: November 7, 2022**
Location: **80-82 Northborough Rd. Map 78 Parcel 11B**

Withdraw Without Prejudice Variance Requests

To: Oxbow Urban LLC (Representative – Atty. Brian Falk, Mirick O’Connell,
 100 Front St. Worcester, MA 01608))

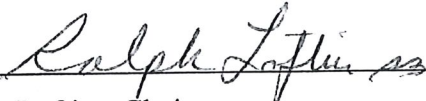
Address: 100 Front St.

City: Worcester, MA 01608

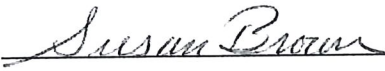
affecting the rights of the owner with respect to land or buildings at:

80-82 Northborough Rd. Map 78 Parcel 11B

And the said Board of Appeals further certifies that the decision to grant a
Withdrawal Without Prejudice the applicant’s Variance Requests has been filed with the
City Clerk.



Ralph Loftin - Chairman



Susan Brown - Secretary

Submitted to the City Clerks' Office on **November 7, 2022.**



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Record and Decision Withdraw Without Prejudice

Zoning Board of Appeals Case # 1493-2022 (Variance Requests)

Applicant: Oxbow Urban LLC (Representative – Atty. Brian Falk)

Date of Appeal: 7/27/2022

Subject Property: 80-82 Northborough Rd. (Map 78, Parcel 11B)

Petition: Variance Requests – Section 650-58.B(2). Oxbow Urban LLC is seeking a variance for Lot Coverage-Section 640-1, Table of Lot Area, Yards and Height of Structures, Front parking setback-Section 650-48C(5)(a)(2), Rear parking setback-Section 650-48C(5)(b)(2) and Required Parking Spaces – Section 650-48A(7). Property is located in Zoning District Business, at 80-82 Northborough Rd. East, Map 78, Parcel 11B.

Meeting date: November 1, 2022 (continuation from Sept. 13, 2022)

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

- Susan Brown – secretary
- City Solicitor – Jason Grossfield (arrived for the 6:30 PM training with the Board and left at 7:00 PM)
- Atty. Brian Falk, Mirick O'Connell, 100 Front St. Worcester, MA 01608
- Tin Htway (Building Commissioner) and William Paynton (Building Inspector) arrived at 7:15 PM. when the meeting was adjourned. They got the wrong time for the start of the meeting.

Notice of the hearing was given by Certificate of Mailing to all persons to be affected, as shown on the most recent tax list and by publication in the Community Advocate newspaper, a newspaper of general circulation in Marlborough, MA on August 19th and 26th, 2022.

Documents in Board's file:

- Application with filing fee.
- Zoning Determination letter dated July 20, 2022
- Request for Extension of hearing to Nov. 30, 2022
- Letter from RMA Management, dated 9/14/2022 RE: Opposition to project
- Letter of Withdrawal Without Prejudice, dated Oct. 6, 2022 from Atty. Brian Falk

1. This is a continuation hearing from Sept. 13, 2022.
2. Representing the applicant, Atty. Brian Falk requested to Withdraw Without Prejudice the Variance and Administrative appeal applications. The letter of Withdrawal Without Prejudice was read into the file.
3. The Board noted that a letter of opposition from RMA Management, 40 Mechanic St. Suite 220, Marlborough, MA dated Sept. 14, 2022 was received and will be placed on file.
4. The Board asked if there was anyone in the audience who had any questions? See abutters present with comments:
 - Dennis Demers – 49 Ferrecchia Dr., Marlborough, MA
 - Asked if he will be notified of the new meeting date. Answer: Yes.
 - Louis Tramontozzi – 2 Masciarelli Dr., Marlborough, MA
 - Asked if abutters will be notified if a new public hearing is scheduled? Answer: The Board stated that abutters will be notified of the meeting date.
 - Laura Gann – 56 Ferrecchia Dr., Marlborough, MA
 - Asked that the radius in notifying abutters could be extended beyond the 300 ft. radius for notifications. Answer: A request should be made to the ZBA office of additional abutter notifications who are outside the 300 ft. radius.
5. A motion by Robert Levine, seconded by Thomas Golden to close the public portion of the hearing. By a vote of 4-0, the public portion of the hearing was closed.
6. A motion was made by Robert Levine, seconded by Thomas Pope to allow the applicant to Withdraw Without Prejudice their Variance and Administrative Appeal applications. By a vote of 4-0, the Withdrawals Without Prejudice was granted.
7. A motion was made by Thomas Pope, seconded by Robert Levine to close the hearing. A vote of 4-0 to close the hearing.
8. A motion was made by Thomas Golden, seconded by Robert Levine to adjourn the meeting. By a vote of 4-0 the meeting was adjourned.

Respectfully submitted,



Ralph Loftin – Chairman
Zoning Board of Appeals

Submitted to City Clerks office on Nov. 7, 2022.



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Zoning Board of Appeals
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Request to Withdraw Without Prejudice

ZBA Case # 1493-2022

Name of Applicant: Oxbow Urban LLC (Representative – Atty. Brian Falk)

Address: 75 Arlington Street Suite 500, Boston, MA 02116

Type of Zoning Board Application: Variance Request

Describe said application: Variance Request-Section 650-58B(2) , Oxbow Urban LLC is seeking a variance for Lot Coverage-Section 640-1, Table of Lot Area, Yards and Height of Structures, Front parking setback-Section 650-48C(5)(a)(2), Rear parking setback-Section 650-48C(5)(b)(2) and Required Parking Spaces – Section 650-48A(7). Property is located in Zoning District Business, at 80-82 Northborough Rd. East, Map 78, Parcel 11B.

Petitioner/Representative of said application: **Atty. Brian Falk**, Mirick O'Connell, 100 Front St. Worcester, MA 01608 Tel. 508-929-1678.

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

Signature: _____

Date: November 1, 2022

Certificate to Vote

This is to certify that at the Zoning Board meeting of **November 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