



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

## **Meeting Minutes**

June 20, 2023

June 20, 2023, 7:00PM, at 3<sup>rd</sup> Floor, Memorial Hall, City Hall, 140 Main Street, Marlborough. (The start of the meeting was delayed by 20 minutes to accommodate a late-arriving board member).

**Members present:** Ralph Loftin-Chairman, Robert Levine, Thomas Pope, and Thomas Golden.

**Members Absent:** None.

Also present were:

Alex Grigorov – ZBA Secretary,

Richard Marino – Owner, Representative:

Atty. David Click 85 Main Street., Suite 101, Hopkinton, MA 01748,

Alice Wertheimer – Customer of Richard Marino

## **Items Discussed:**

### **1. Zoning Board of Appeals Case # 1496**

**Applicant:** Richard Marino - represented by Atty. David Click

**Date of Appeal:** March 27, 2023

Location of Subject Property – 13-15 Mechanic Street

**Petition:** To appeal the zoning denial of the building commissioner including his misclassification of the previous use as Consumer Services Establishment where such use is not clearly defined, and further appealing building commissioner's determination that the "new improvement project use" is "in a manner substantially different from the previous use or to a substantially greater extent." City Code section 650-5 Definitions: word usage and 650-12B, Nonconforming Use.

Board member, Robert Levine read the petition into the file.

Ralph Loftin explained that this was the third meeting for this case and that this evening would address the applicant's request to Withdraw without Prejudice.

Atty David Click introduced himself and explained the request to Withdraw without Prejudice.

- He felt the property was misclassified. A meeting was held with the Building Commissioner to determine what Zoning would allow. This confirmed that use for auto repair has not been abandoned. Modifications are garage doors, 3 lifts, bathroom and office space which are not structural. This case will be brought forward to City Council and the letter is to explain and clarify the Building Commissioner's position. The Building Commissioner feels the proposal is increased intensity of use, He and Atty. Click agreed to disagree. The next step is to seek a Special Permit from the City Council. The request at this time is to withdraw the applicant's petition from the Zoning Board of Appeals without Prejudice.

Ralph Loftin asked if anyone in attendance would like to speak.

Alice Wertheimer introduced herself as a customer of Richard Marino.

- This business should be allowed to continue to expand as it is loved. 13-15 Mechanic St. is located in a business area and the shop is kept very clean; so clean that the floors could be eaten off of. Why is the code not auto repair if it once was in the past? Vehicles are not being scrapped at this location.

A motion was made by Ralph Loftin to approve the request to Withdraw without Prejudice and seconded by Thomas Pope. The motion was approved 4-0.

## **2. Adjournment**

A motion was made by Robert Levine to adjourn. Motion to adjourn approved 4-0.

### **Documents Reviewed:**

- Letter from Attorney David M. Click dated June 15, 2023 titled Re: 13-15 Mechanic Street – Parcel ID #69-378 ZBA-1496 Requesting to Withdraw Without Prejudice.
- Request to Withdraw Without Prejudice dated 6/20/2023.

Minutes prepared by:

Alex Grigorov, Secretary

Zoning Board of Appeals

Respectfully submitted:

Ralph Loftin, Chairman

Zoning Board of Appeals