

**Zoning Board of Appeals
City of Marlborough
140 Main St.
Marlborough, MA 01752
Minutes
August 27, 2019**

Members Present: Paul Giunta-Chairman, Ralph Loftin, Thomas Pope, Robert Levine and Thomas Golden.

Nature & Basis of Appeal: To remove existing garage and mudroom and construct a new 2 story addition and farmers porch in Zoning District A3. The required minimum side yard setback is 15 ft. vs. the proposed 5.2 ft. The existing mudroom and garage has a pre-existing non-conforming side setback of 5.2 ft. The proposed mudroom and garage expansion of the footprint and 2nd floor addition intensifies the non-conformity. Chapter 650-41 and Table of Lot Area, Yards and Height of Structures of the City Code of Marlborough. Property is located at 111 Brimsmead Street, Map 56, Parcel 293 of the Assessor's Maps.

Date of Appeal: July 9, 2019

Name and Address of Applicant: Christopher Amato, 111 Brimsmead Street, Marlborough, MA 01752

The property is located in Zoning District A3. Map 56, Parcel 293 of the Assessor's maps. Also, known as 111 Brimsmead Street.

The Building Dept. determined the following:

- The side yard setback is not in conformance with city Code of Marlborough 650-41. The required minimum side yard setback is 15 ft. Proposing and already existing is 5.2 ft. vs. the required minimum 15 ft.
- The proposed mudroom and garage expansion of the footprint and 2nd floor addition intensifies the non-conformity and requires relief.
- Existing Lot Coverage is 17.5 % . Proposed Lot Coverage is 18.7%

Lots in the area are similar in size, shape and topography. The majority makeup of the neighborhood are single family homes.

The applicant, Christopher Amato was present and represented himself. The applicant provided a plan entitled Certified Plot Plan, 111 Brimsmead St. Prepared by Odone Survey & Mapping, Stamped by Glenn Odone Jr. Dated: June 24, 2019. The applicant also submitted a set of plans entitled:

- Demolition Plan – D1
- Foundation Plan, layout of proposed structure and structural plans A1 thru A11

The applicant, Christopher Amato stated the following:

- House was built in 1949
- He has lived there for 13 years.
- He and his family hope to remain in Marlborough.

- The proposed structure will have the same roof line as the existing house. Structure will be 2 stories in height.

The Board asked the audience if there were any questions. Answer – None.

Speaking in **opposition**: **None**

Speaking in **favor**:

- Edward Clancy – Councilor of Ward 6 – He stated he has no opposition to this petition. He also stated that in conversation with Nancy Stevens of 107 Brimsmead St., the abutter to the right, Ms. Stevens has no opposition to the petition. It should be noted that in Board's file, an e-mail address to Susan Brown from Nancy Stevens, stating she has no opposition to the petition. (e-mail was read into the file and placed in Board's file)
- Wayne Simpson – 132 Prospect St. stated he is in favor of the petition. He has lived in this neighborhood for 50 yrs. The proposed improvement to 111 Brimsmead St. will be an asset to his lot and to the neighborhood.

With no other testimonies taken, the public portion of the public hearing was closed.

After some discussion the Board finds the following:

1. Compatibility of the size of the proposed structure with neighboring properties is in keeping with the neighborhood. The applicant has 15,561 sq. ft. in lot area. He has one of the largest lots in the neighborhood.
2. The petition is not substantially more detrimental than the existing non-conforming structure (being 5.2 ft. from the side lot line) or use to the neighborhood. The existing side setback is 5.2 ft. and it will remain 5.2 ft. with the new proposed garage with the added second floor. The expansion of height to structure will be in keeping with the same height as the existing house. The use of the structure will remain as residential.
3. In increasing the foot print of the foundation will not intensify the non-conformity or use. The enlarge footprint of the proposed addition will be within the existing driveway layout.
4. The proposed petition will be an improvement to the existing house and to the neighborhood.

Ralph Loftin made a motion to close the public hearing. Thomas Golden seconded that motion. The Board voted 5-0 to close the public hearing.

Respectfully submitted,


Paul Giunta
Chairman