

**City of Marlborough
Zoning Board of Appeals
Minutes
January 4, 2022**

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 date: January 4, 2022

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.
- Plan entitled: Proposed Renovation/Change of Occupancy from Single Family to Two Family Dwelling, 42 Devens St. Marlborough, MA 01752, stamped by: Tuan Nguyen stamp dated 8/16/2021.

Public Hearing:

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.

Zoning Board Case # 1481-2021 – Special Permit

Applicant: Juan Susa

Date of Appeal: November 30, 2021

Location of Subject Property: 42 Devens St. (Map 70 Parcel 42)

Petition: Convert a legal pre-existing non-conforming single-family house into a two-family house.

Meeting date: January 4, 2022 (hearing was closed on Nov. 30, 2021)


Public Hearing:

1. The Board received a letter, dated Dec. 20, 2021 from the applicant asking to “withdraw without prejudice” the Special Permit application (in Board’s file).
2. A motion was made by Thomas Pope, seconded by Thomas Golden to approve the request to “withdraw without prejudice” the Special Permit application. By a vote of 5-0 the request to “withdraw without prejudice” the Special Permit application was approved.

A motion was made by Robert Levine, seconded by Thomas Pope to close the public meeting. By a vote of 5-0 the public meeting was closed.

A motion was made by Thomas Pope and seconded by Robert Levine to adjourn the public meeting. By a vote of 5-0 to the Board was adjourned.

Respectfully submitted,


Ralph Loftin
Chairman
Zoning Board of Appeals