

**City of Marlborough
Zoning Board of Appeals
Minutes
February 1, 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: Special Permit request - Alberto Salutari 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 with a continuation date of Feb. 1, 2022.

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

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.
- E-mail from legal counsel, Jason Grossfield, dated Jan. 26, 2022 RE: Legal opinion on 224 Union St.
- Letter from Normal Hill, Land Planning, Inc. dated Jan. 31, 2022 RE: Request to Withdraw Without Prejudice".

This is a continuation meeting from January 4, 2022.

The Board read into the file an e-mail from our legal counsel; Jason Grossfield dated January 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)

The Board received a letter from applicant’s representative, Norman Hill, Land Planning, Inc. dated Jan. 31, 2022 RE: Request to Withdraw Without Prejudice. (read and placed on file)

No one appeared in favor or in opposition to the petition.

A motion was made by Thomas Golden and seconded by Paul Giunta to accept the letter of withdrawal without prejudice. The Board voted 5-0 to allow the applicant to withdraw without prejudice.

A motion was made by Paul Giunta and seconded by Thomas Pope to close the public hearing. By a vote of 5-0 to close the public hearing.

Other Business:

- Ratify a Time Limit Extension Agreement to hold a public hearing for 61 Emmett St. – Sergio DeAraujo
 - The Board has received a request to review a Time Limit Extension Agreement for 61 Emmett St. The applicant would like to extend the time for the opening of his public hearing to April 5, 2022, beyond the required 65 days to open a public hearing. A motion was made by Ralph Loftin and seconded by Thomas Golden to extend the time for the public hearing to April 5, 2022 at 7:00 PM. By a 5-0 vote the time for the public hearing was extended to April 5, 2022.

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

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

Respectfully submitted,


Ralph Loftin-Chairman
Zoning Board of Appeals