

Zoning Board of Appeals
Minutes
October 14, 2014

Approved Minutes - September 23, 2014 – The Board voted 5-0 to approve the minutes with minor changes.

Public Hearings

7:00 PM 512 Hemenway St. - Stephen & Durvalina Demers (Continuation)

ZBA Case # 1431-2014

Petition: The applicant is requesting a road opening permit thru the Dept. of Public Works. The proposal will deviate from Section 650.48(5)(a) of the City of Marlborough Zoning Code states that only one driveway opening is allowed for any parcel with less than 200 ft. of frontage. And Section 650.49.B(2)(a) states that off street parking shall not be permitted in the area between the front lot line and the prescribed minimum front yard setback line. Property is located in Zoning District Residential A-1, being Map 35, Parcel 26 of the Assessors' Maps. Also known as 512 Hemenway St.

This hearing was continued from Sept. 16th, 2014.

Members present: Paul Giunta-Chairman, Theodore Scott, Ralph Loftin, Thomas Golden and Robert Levine.

Also present this evening was Mr. and Mrs. Demers (applicants).

List of Exhibits:

- The applicant presented a write up thru an e-mail to our secretary on Oct. 14, 2014 with an alternate plan entitled "512 Hemenway St. Variance Request (alternative) done on a GIS map. (in Board's file)

The alternate plan as described by the applicant was to pave, at their expense, the city's right of way to park 3-4 cars at the front of their front property line. The Board stated they do not have the authorization to grant such a request. The Board mentioned it would be the city's department of public works to have this dialog with.

After much discussion concerning the applicant's safety concerns and possible water run-off issues of the two plans, the Board felt there was no evidence of a "hardship" according to Mass. General Law Chapter 40A. The hardship as presented to the Board by the applicant is a personal hardship. The applicants wanting more parking on their lot, thus creating a safe and convenient area for their visitors. The Board also felt that if they granted this variance, they would be setting a precedent to other home owners in the area.

There was no one in the audience to speak in favor or in opposition to the petition.

The applicant requested to “Withdraw Without Prejudice” his petition before the Board.

Ralph Loftin made a motion and seconded by Theodore Scott to allow the applicant to “Withdraw Without Prejudice”.

The Board voted 5-0 to grant the applicant to “Withdraw Without Prejudice”.

On a motion by Paul Giunta and seconded by Robert Levine, the public hearing was closed. The Board voted 5-0 to close the public hearing.

7:15 PM

Extension Permit

45 Washington St. - Raynold Menard & Angela Tom

Members Present: Paul Giunta-Chairman, Theodore Scott, Ralph Loftin and Thomas Golden. (Robert Levine had to leave early)

Raynold Menard and Angela Tom were present this evening.

The applicant stated his variance will expire on October 8, 2014. He explained a few of the financial difficulties within the family which prevented him from starting his project at 45 Washington St. i.e. deaths in the family, a wedding and him losing his job. He stated he has found a job and hopes things will be better financially.

He hopes to start some work at the property this coming Spring. He is not residing at this location. The house has been vacant for approximately 14 years. He also mentioned the house is paid for and he has insurance coverage on the property.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Paul Giunta and seconded by Ralph Loftin to grant a 6 month extension. The Board voted 4-0 to grant a 6 month extension.

A motion was made by Paul Giunta and seconded by Thomas Golden to close the public hearing. The Board voted 4-0 to close the public hearing.

Adjournment - The Board voted 4-0 to close the public meeting.

Respectfully submitted,


Paul Giunta - Chairman

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