

Zoning Board of Appeals  
Marlborough, MA  
Minutes  
April 21, 2015

**Public Hearing:**

**620 Farm Rd. - John Shelales & Alison Makin**

Represented by the City of Marlborough (DPW) - Continuation

The hearing was continued from March 24, 2015 with Board Members: Paul Giunta Chairman, Ralph Loftin, Theodore Scott, Robert Levine and Thomas Golden.

Paul Giunta informed the secretary, Susan Brown, that he has read the minutes from the Board's March 24<sup>th</sup> meeting in which he was absent.

The hearing was opened up with Tim Collins speaking on behalf of John Shelales & Alison Makinen (owners of 620 Farm Rd.) Also present was Evan Pilachowski, city engineer.

Tim Collins stated as requested of him by the Board's March 24<sup>th</sup> 2015 meeting, is providing some information in hard copy form dated April 15, 2015, RE: ZBA Case #1436-2015 – second driveway at #620 Farm Rd. (Shelales property) – copy in Board's file.

According to the above letter the following was stated:

- Lot Coverage – with the proposed driveway, lot coverage will be 12.0% which is well below the maximum allowed 30% in a residents A-2 zone.
- Setback between proposed driveway and property line – Engineering has scaled and plotted the property line on the construction plan and has determined that the setback between the driveway and the side property line is between 20 ft. to 25 ft., which is well above the 5 ft. setback required between a driveway and a side property line.

Abutter present:

- Mary Lou Shelales of 630 Farm Rd. abuts the lot in question. She stated she currently has a dry basement and she does not want any water run-off onto her lot. She also stated her grandfather told the family, the side property line starts where there is a pipe at the corner of the lot. She has on her deed showing where the marked front corner is located.

No one was present to speak in **opposition**.

The Board had the following concerns:

- Drainage – with the proposed driveway, how will water runoff affect neighboring lots? Tim Collins stated he has no grading plans as to date.
- The Board would like to have a survey done of the right corner of the lot as you face the lot to where the proposed driveway will be to the side lot line. This will benefit the abutters at 630 Farm Rd. and the Board wants the plan(s) recorded at the Registry of Deeds
- Board wants a revised plan submitted for their file.

The Board is requesting the below as **conditions** if a variance is granted:

1. Runoff from the new driveway shall be routed to a nearby catch basin in street and away from abutter's property
2. Determine distance from front property line to front house corners.
3. Determine the distance, along the street property line, from the east edge of the driveway to the east property corner.
4. Submit revised plot plan showing information stated in conditions 1 thru 3 for the Zoning Board's file.
5. The certified decision and plot plan shall be recorded at the Registry of Deeds.

A motion was made to grant variances with the above conditions. Robert Levine seconded the motion. On a vote of 5-0, the Board granted variances for the proposed second driveway being in violation of §650-47 and for the Landscaping and Screening and §650-49 Driveways and curb cuts.

With no other testimony taken or given, the public hearing was closed.

**Discussion:**

- 45 Washington St. – ZBA Case # 1422-2013  
Present this evening were Raynold Menard, Angela Tom and their daughter Anna Mairosi, the owner of record for 45 Washington St.

Also present this evening was Pam Wilderman, City of Marlborough's Code Enforcement Officer and Donald Rider, City Solicitor.

Mr. Menard stated when he came before the Board on September 17, 2013 for a variance, he and his wife were representing their daughter, Anna Mairosi, owner of 45 Washington St.

**City Solicitor, Don Rider** stated that there are some issues on how the variance was acquired back in Sept. 2013:

- The variance that was issued was recorded at the Registry of Deeds; the Extension Permit granted was not recorded at the Registry of Deeds. The Extension Permit needs to be recorded.
- The Board can only grant (one) 6 month extension.
- Going thru the file, he believes the stated "hardship" by Mr. Menard and Ms. Tom are not "hardships" according to Mass General Law Chapter 40A.
- A permit is not needed to do a clean-up of the lot and to secure the lot which is desperately needed.
- It was also mentioned that "no trespass" signs should be erected on the lot.

**Mr. Menard** stated Anna Mairosi is his step daughter. He also stated the following:

- The family has pooled their money to buy this property.
- He did not know the Extension Permit had to be recorded at the Registry of Deeds.
- The whole family was at the initial variance hearing on Sept. 17, 2013.
- He stopped by the Zoning Board of Appeals office on April 7, 2015, before the expiration of the Extension Permit on April 8, 2015. He stated he was looking to pull building permits.
- Last fall (2014) he had done some outside work, like cutting trees and tree limbs and built a retaining wall (in which he got a building permit) All that debris remains on the lot.
- He would like to start work on the lot this Spring (2015).

**Pam Wilderman** passed out some photos of the lot in question. The photos showed debris and trash. She stated the applicant had 18 months to clean and secure the lot. She attempted to notify the owner of 45 Washington St., but no response. Ms. Wilderman also stated the property taxes for 45 Washington St. has not been paid to date and the property is in Tax Title. It was suggested by Ms. Wilderman and the Board that they go to the City's Tax collector's Office to calculate the unpaid tax balance. It was also mentioned that they received a letter from D'Ambrosio Brown LLP, Counselors at Law, concerning unpaid taxes.

Ms. Wilderman would like to see the following accomplished:

- She would like to see the unpaid tax issue cleared up.
- If they are staying within the plans that were accepted with their granted variance, that is good...if not, they will have to go back to square one.
- She stated that a Building Permit will not be issued until the tax issue is resolved. Written proof should be provided to Pam Wilderman and to the Zoning Board of Appeals, that all taxes have been paid to date.
- A letter by Anna Mairosi authorizing Angela Tom and Raynold Menard stating they have been acting on her behalf since Sept. 17, 2013, the start date of the variance hearing.

Ralph Loftin, Board Member, asked if Anna Mairosi lives in Lowell. Answer-No. Anna Mairosi stated she lives at 28 Kelby St. Dracut, MA. She presented her driver's license to the Board. Mr. Loftin also asked Anna Mairosi to produce a letter for the Board's file stating that she gave authorization to Mr. Menard and Ms. Tom is acting on her behalf as far back as Sept. 17, 2013.

**An abutter living across the street** - His concerns was that the property is not safe. His wife suffers from dementia and she wandered out of their house and onto 45 Washington St. looking for her friend. He stated the porch has a large hole; his wife could have been hurt. He would like to see the lot cleaned up and secured.

The Board agreed that the following needs to be done:

1. A letter by Ana Mairosi authorizing Angela Tom and Raynold Menard has been acting on her behalf since Sept. 17, 2013, the start date of the variance hearing.
2. Work with D'Ambrosio Brown, Counselors at Law concerning outstanding taxes at 45 Washington St. Provide written proof to the Board that this has been resolved.
3. They should start as soon as possible to clean up the lot in question and secure it for safety reasons. Maybe "No Trespass" signs should be erected on the site.

The Board felt that if the above items were implemented, there should be no further action from this Board.

Respectfully submitted,

  
Paul Giunta - Chairman *ss*