

Zoning Board of Appeals
Minutes
January 6, 2015

Approval of Minutes – December 2, 2014 - The Board voted to approve the minutes as written with minor corrections.

Members Present: Paul Giunta-Chairman, Theodore Scott, Thomas Golden and Robert Levine.

Absent: Ralph Loftin

Public Hearing

7:00 PM 12 Gates Ave. – Glaucia V. Reis (Continuation)
Petition: To install a driveway which will exceed the maximum 30% (724 sq. ft.) Lot Coverage (Chapter 650 §41 – Table of Lot Area, yards and Height Structures) for Zoning District Residence B. Proposed Lot Coverage is 842 sq. ft. with a deviation of 118 sq. ft. Also the proposal violates the 30% driveway grade (Chapter 650 §49B(3). Being Map 57, Parcel 151.

Present this evening was the applicant, Glaucia V. Reis. (a woman speaking for the petitioner at times was also present) The woman was not identified, but may have been, Alda Morans, who sat next to Ms. Reis – 92 Emer Rd. Marlborough, MA from our Dec. 2nd meeting.

The applicant did not present any new plans or information as requested by the Board at the Dec. 2, 2014 meeting.

The stated “hardship” by the applicant:

- The walk to and from the parking lot at Hildreth School every day during the winter parking ban is very tiring.
- The city does not allow parking at the Hildreth School parking lot on a daily basis.
- Sometimes, I had to remove my parked car from the Hildreth School parking lot by 3:00 AM.
- I tried to get new plans as the Board requested from the Dec. 2, 2015 meeting, but could not find anyone to draw up plans for the Jan. 6, 2015 meeting date, because of the holidays.

The Board re-iterated that they need engineered signed plans in order to make an informed decision. They explained to the applicant that a “hardship” must pertain to the soil conditions, topography or shape of the lot. A parking issue as stated above is not a “hardship”.

The Board did mention to the applicant that only 4 members were present this evening and to receive a variance, the applicant must receive 4 affirmative votes. The Board gave the applicant the following options:

- To Withdraw without Prejudice (and the Board explained what that meant)
- To continue this evening with a vote, and if it is denied the petitioner cannot come back for 2 years with the same plan. (the Board explained what that meant)

The Board read into the file an e-mail from Chris LaFreniere, dated December 10, 2014 RE: 12 Gates Ave. driveway variance. Stating in part: “she would have to submit a modified plan showing all proposed changes before our office could re-evaluate the matter”.

The applicant stated she would like to construct a permeable paved driveway. She understood water run-off issues must be addressed. The applicant did not understand why her proposal for a driveway would bother anyone.

Board Member, Robert Levine, stated when the applicant purchased the house, she must have had knowledge that there was a parking problem for this lot.

The Board explained to the applicant that even if they go into the expense of having new plans drawn up, they have to make their case to the Board and hopefully, the new plans will help the Board decide and evaluate the petition. The Board also explained that with the revised plans, the Board may or may not grant them a variance. The applicant understood.

The applicant requested an “extension” of time for a decision to be made by the Board. (Note: The Board’s decision shall be made within 100 days from the date of the filing of an appeal.) An “extension” will give her ample time to get the revised plans drawn up vs. receiving a Denial from the Board or requesting to Withdraw without Prejudice, and in either case the whole process will have to start from step 1.

The applicant agreed that June 2nd, 2015 will be ample time to have revised plans drawn up.

On a motion by Thomas Golden and second by Theodore Scott, the Board voted 4-0 to grant the applicant an “extension” for a decision to be made by the Board to June 2, 2015.

The Board voted 4-0 to continue the hearing to June 2, 2015 at 7:00 PM.

The meeting was adjourned.

Respectfully submitted


Paul Giunta
Chairman