

Marlborough, MA
Zoning Board of Appeals
Minutes
October. 25, 2016

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

The property in question is located at 230 Hudson St. being Map 43, Parcel 31 of the Assessor's Maps. Located in Zoning District A-3.

Present this evening was the applicant, Jennifer Macedo.

Petition: The applicant proposes to expand her driveway opening to 27 ft. And to also expand her existing pavement to accommodate a 3rd vehicle for her son's car. Thus requesting an additional 3 ft. to the 24 ft. maximum required driveway opening. Thus a deviation of 3 ft.

The Board finds the following:

- The lot contains 28,625 sq. ft.
- Front lot line is 44.65 ft. vs. the minimum required of 100 ft. for Zoning District A-3.
- This is an odd pie shape lot which fans out to the rear. The lot slopes from the front to the rear. With a slight sloping effect on both sides.
- If the applicant tries to construct a parking space to the right or left of the house, it may encroach onto the side property lines.
- The driveways to the left and right of 230 Hudson St. (the lot in question) are against or on the side lot lines.
- If she can add 2 ft. to the left of the existing paved parking area, (the existing driveway has a 25 ft. wide opening) it will leave 8 ft. ± to the side lot line.

The applicant stated she is located a few houses down from Marlborough Hospital. She did not want to park her cars on the street if they will impede in any way with emergency vehicles.

She also stated that there is no parking on Hudson St. The Board corrected her to say there is allowed parking on Hudson St., but of course there is a winter ban throughout the city in which there is no street parking in the evenings and during storm events.

Neighbors informed her that before she bought the house, there was enough parking for three cars at the front. She purchased the house at a foreclosure, which she razed and rebuilt. Her contractor at that time told her she may have to go to the city about widening her driveway opening.

Her neighbors have no objections to her petition.

Hardship as stated by the applicant:

- The shape of the lot is pie shape, which fans out towards the rear.
- The lot slopes from the front to the rear, with a slight sloping to the sides.
- No logical location to add another parking space due to the location of the existing house.

Board Member, Ralph Loftin, stated that the code limits to a 24 ft. wide curb opening. Being an inconvenience does not constitute as a hardship. It appears the applicant has ample room on her lot to create another parking space.

Board Member, Theodore Scott, stated that maybe there is a case of a hardship here by having a 40 ft. ± frontage vs. 100 ft. minimum required for Zoning District A-3. The topography of the lot slopes from front to rear and slightly on the sides. She did purchase the house knowing she can only accommodate two cars. The lot has limited frontage with existing structure being close to the lot lines.

Speaking in favor of the petition:

- 212 Hudson St. – Joseph Bisol stated the applicants purchased the house at a foreclosure. The applicants have done lots of work to upgrade the lot and house. During the reconstruction of Hudson St. the city did not install curbing to this portion of Hudson St. He also stated that his neighbor to the right of him, 222 Hudson St. – Albertine, is also in favor of the petition.

No one spoke in opposition to the petition.

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

Board Member, Theodore Scott, stated, the lot in question is pie shaped and it appears that it is the only pie shape lot in the area. It has an existing structure on the lot which makes it difficult to add an additional parking

space. The topography of the lot slopes from front to rear. There is also a slight slope on the two sides. The abutting house lots on both sides of her have their driveways on the side lot lines. There is topography and shape constraints which does not allow the applicant to use the space as needed.

The Board realized they needed additional clarification from Pamela Wilderman, Code Enforcement Officer, that a variance maybe needed for the width of the proposed driveway.

Considering the continuation hearing will be November 23rd, beyond the 75 days for the Board to vote on a decision, the applicant signed a letter to waive the 75 days for the Board to vote. (letter in the Board's file)

With the consent of the applicant, the Board voted to continue the public hearing to November 15, 2016 at 7:00 PM.

The public hearing was adjourned.

Respectfully submitted,


Paul Giunta - Chairman