



City of Marlborough
Zoning Board of Appeals
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Meeting Minutes

For Meeting Held: March 25, 2025, 7:00 PM, at 3rd Floor, Memorial Hall, City Hall, 140 Main Street, Marlborough.

Members Present: Ralph Loftin-Chairman, Robert Levine, Thomas Pope, and Thomas Golden. Non-voting ZBA member Douglas Philpott.

Members Absent: None.

Also present were:

Craig Sullivan – Secretary, Tin Htway – Building Department, Bill Paynton – Building Department.

Items Discussed:

1. Zoning Board of Appeals Case # 24-6

Applicant: Sergio Ribeiro

Date of Appeal: January 7, 2025

Location of Subject Property: 61 Lincoln St.

Petition: The applicant Sergio Ribeiro seeks to renovate and add a second dwelling unit to a legal preexisting nonconforming single-family residence at 61 Lincoln St. First, the Board shall determine whether the applicant qualifies for a 2-family dwelling with a section 6 finding under 650-18A 2(a). Second, as the property is located in zoning district (RB) which requires a special permit to add a second dwelling, the Board will determine if a special permit can be granted in compliance with Chapter 650, Article 41 of the Marlborough Zoning Ordinance. This construction requires a special permit from the Marlborough Zoning Board of Appeals.

Chairman Loftin re-opened the meeting which was continued from March 14, 2025. He stated that the public part of the hearing was still open. The applicant Mr. Ribeiro was present. A new plan dated March 24, 2025 was submitted to the Board as well as the Building Departments new Zoning Determination letter dated March 24, 2025. The

Building Commissioner Tin Htway spoke and said no variance is required because the applicant would not be increasing any nonconformity or creating any new nonconformity. The Board agreed and determined the changes would not be substantially more detrimental to the community. A Marlborough resident, Carole Dereck who abuts the property to the rear, spoke and stated her concerns about the addition. She was concerned that a two-family house with so many tenants will disturb the neighborhood. She also stated concern for parking in the road if there are too many people living in the house. The issue of whether the tenant in the house is running daycare came up again. The applicant assured the Board and neighbor there was no intention to have a daycare there. Building Commissioner Tin Htway pointed out that the zoning code allows daycare as long as it is properly licensed. Ms. Dereck also asked if it was possible if the applicant could put in a 6' privacy fence between their houses. Mr. Loftin mentioned that they could consider imposing a condition to have the fence installed if they approve the applicant's request. Zoning Board member Robert Levine stated he was not very comfortable about ordering the applicant to put up a fence. Mr. Ribeiro said he was fine with the fence being a condition. Mr. Levine stated again he was not comfortable but if Mr. Ribeiro was fine with it then he would be fine with it as well. Mr. Levine also stated the Board couldn't make decisions on issues that may happen down the road. The neighbors would have to proceed down the proper channels to file complaints.

Mr. Loftin asked the Building Commissioner about the section 6 finding and the reason for the finding. The Commissioner explained that the property in itself does not meet the square footage requirement for a two-family dwelling. The minimum square footage or floor area that is required for a two family is 1800 sq. ft. The house is currently at 1456 sq. ft. The applicant will need approval for a section 6 finding prior to the vote for the special permit. The Board could determine that the addition will put the house over the mandatory requirement of at least 1800 sq. ft. for a two-family dwelling. Mr. Htway reviewed Paragraph 2 of the Determination letter which states:

“The minimum required is gross floor area for a two-family conversion is 1800 sq. ft. The existing house gross floor area is 1456 sq. ft. and is non-conforming per §650-18(A)(2)(a). This proposal would require a section 6 Finding by the Board of Appeals, that the new 445 sq. ft. +/- proposed addition could be considered to be not more detrimental to the neighborhood.”

After further discussion the Board finds that, with the proposed addition, the property will comply with the square footage requirement, and that the proposed addition will not be substantially more detrimental to the neighborhood. On a motion by Mr. Levine the Board voted 4-0 to approve the Special Permit for 61 Lincoln St. with the condition that

a privacy fence be installed on the rear of the property, abutting Ms. Dereck's property. Mr. Loftin requested that paragraph 2 of the denial letter be added into the record.

Adjournment

On a motion from Board member Douglas Philpott and seconded by Mr. Levine the meeting was adjourned.

Respectfully submitted,

Craig Sullivan
Secretary

*Douglas Philpott is a new member of the ZBA and had not participated in previous hearings so he could not participate in the vote.