



**City of Marlborough  
Zoning Board of Appeals**

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3768 Facsimile (508) 460-3747

**ZBA Case # 1452-2019**  
**Location: 32 Ferrecchia Dr.**

**Date: April 5, 2019**

**(General Laws Chapter 40A, Section 16)  
Grant of a Variance**

To: John Buckley  
Address: 32 Ferrecchia Dr.  
City: Marlborough, MA 01752

affecting the rights of the owner with respect to land or buildings at:

**32 Ferrecchia Dr. Map78, Parcel 26**

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision and of all plans referred to in the decision, have been filed with the City Clerk.

*Paul Giunta*  
Paul Giunta - Chairman *SB*

*Susan Brown*  
Susan Brown - Secretary

Submitted to the City Clerks' office on April 5, 2019.



# City of Marlborough Zoning Board of Appeals

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3768 Facsimile (508) 460-3747

ZBA Case # 1452-2019  
Name: John Buckley  
Location: 32 Ferrecchia Drive

Date: April 5, 2019

## Zoning Board of Appeals Notice of Decision

The Zoning Board of Appeals, acting under the Zoning Ordinance of the City of Marlborough and the Zoning Enabling Act of the Commonwealth of Massachusetts a public hearing held at the Marlborough City Hall, 140 Main St. on March 26, 2019.

### Members Present:

**Vote:** Paul Giunta-Chairman, Thomas Golden, Thomas Pope and Robert Levine voting in the affirmative. Ralph Loftin voting in the negative.

**Proposal:** The applicant proposes to construct a 6 ft. wide x 32 ft. long farmer's porch at the front of his existing home. The front yard setback is not in conformance with the City of Marlborough Zoning Code 650-41. The required minimum front yard setback is 30 ft. vs. the proposed 28.9 ft. at 32 Ferrecchia Dr. Zoning District A3. Map 78, Parcel 26.

After due consideration to the subject matter of the petition the Board finds:

- Circumstances relating to soil conditions, shape or topography of the land. While much of the Zoning District in which this lot is located, the soil condition and shape of the lot is similar with other lots in the area.
- The shape of the lot at the front lot line is unique to the rest of the lots in the area due to the slight curved front lot line, thus creating the deviations for the proposed farmer's porch. The front lot line has a partial straight line to a stone bound with the remaining part of the lot line being on a curve which causes the minor setback deviation, thus creating a hardship to the applicant.
- The 1.1 ft. deviation is very minor and will not be a detriment to the public good.

**Therefore, the Board voted 4-1 to grant a variance with the following restrictions:**

1. The proposed farmer's porch will be constructed according to the plan presented entitled: Certified Plot Plan, 32 Ferrecchia Drive, Marlborough, MA Prepared by Odone Survey & Mapping. Job No: 20181136, signed and stamped by Glenn D. Odone, Jr. dated 1/9/2019.
2. The proposed farmer's porch will be no closer than 28.9 ft. to the front lot line, as shown on the above plan.

3. No Building Permit will be issued until such time as the applicant shows proof to the Building Department that this variance has been recorded at the Registry of Deed or Land Court as applicable.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section II (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the city clerk that twenty days have elapsed after the decision has been filed in the office of the city clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

If the rights authorized by a variance are not exercised within one (1) year of the date of grant of such variance, such rights shall lapse; provided however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six (6) months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period.

Respectfully submitted,

  
Zoning Board of Appeals  
Paul Giunta – Chairman

Submitted to the City Clerk's office on April 5, 2019.



# City of Marlborough Zoning Board of Appeals

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3768 Facsimile (508) 460-3747

ZBA Case # 1452-2019  
Name: Paul Buckley  
Location: 32 Ferrecchia Dr.

Date: April 5, 2019

## Zoning Board of Appeals Record

The Zoning Board of Appeals, acting under the Marlborough Zoning Ordinance and General Laws, Chapter 40A, as amended, a meeting was held on March 26, 2019.

**Board Members present were:** Paul Giunta-Chairman, Ralph Loftin, Thomas Pope, Thomas Golden and Robert Levine.

Proceedings:

1. **Date of Appeal:** February 27, 2019
2. **Name and Address of Applicant:** John Buckley, 32 Ferrecchia Drive, Marlborough, MA 01752
3. Administrative body from whose decision or order of appeal was taken: Building Dept.
4. Appeal filed with: Zoning Board of Appeals and City Clerks' Office.
5. **Nature & Basis of Appeal:** The applicant proposes to construct a 6 ft. wide x 32 ft. long farmer's porch at the front of his existing home. The front yard setback is not in conformance with the City of Marlborough Zoning Code 650-41. The required minimum front yard setback is 30 ft. vs. the proposed 28.9 ft. at 32 Ferrecchia Dr. Zoning District A3. Map 78, Parcel 26.
6. **Section of the Zoning Ordinance involved:** See above #5.
7. Notice was sent by Certificate of Mailing to parties in interest, including the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within 300 feet of the property lines, including owners of land in another municipality, all as they appear on the most recent applicable tax lists.
8. Original documents are on file with the Board of Appeals and the City Clerks' Office.
9. **Finding of Facts:**
  1. The property is located in Zoning District District A2.
  2. The lot contains 18,081 sq ft. in area.

3. **Plan** presented: The applicant provided a plan entitled: Certified Plot Plan, 32 Ferrecchia Drive, Marlborough, MA Prepared by Odone Survey & Mapping. Job No: 20181136, signed and stamped by Glenn D. Odone, Jr. dated 1/9/2019. 9.
4. The applicant e-mailed to the secretary of the Zoning Board of Appeals the following:
  - 4 photos of the lot in question. Photos in Board's file. Also e-mailed a video of how the applicant measured from the house foundation to the front lawn area showing more than the minimum required 30 ft. front lot setback. The Board explained to him that they must go by the Certified Plot Plan he presented.
  - Also, in Board's file is an e-mail to the secretary of the Zoning Board of Appeals expressing his support of the petition. Joseph Minnicci, 34 Ferrecchia Dr. It was forwarded by e-mail to the Board members.

**Record:**

5. The lot in question is not uniquely shaped when compared to the other lots in the area. The soil condition is the same as other lots in the area. The topography at the street line is slightly curved making it unique to the other lots in the area.
6. Paul Buckley and wife Sharon Buckley were present. Mrs. Buckley left early for another meeting.
7. Paul Buckley stated the following:
  - He would like to construct a 6 ft. x 32 ft. farmer's porch to his existing house.
  - The farmer's porch will serve for his personal use and comfort.
  - The farmer's porch will be esthetically pleasing to the existing house and to the neighborhood.
  - He roughly spent \$1,400 on this petition and would like to see it go forward.
  - As you are facing the proposed farmer's porch, on the left corner is 29.6 ft. vs. the minimum required 30 ft. to the front lot line. A deviation of 0.4 ft.
  - As you are facing the proposed farmer's porch on the right corner is 28.9 ft. vs. the minimum required 30 ft. to the front lot line. A deviation of 1.1 ft.
8. The definition of "hardship" was explained by Ralph Loftin, board member. Stating that the lot must be unique to the area. The criterias for a variance is soil condition, shape or topography of the lot.
9. The **hardship** as stated by the applicant: Constructing the 6 ft. x 32 ft. farmer's porch at the front of the house would not be a detriment to the public good, as stated in his application.

10. Speaking in **opposition**: None
11. Speaking in **favor**:
  - Joseph Delano, 10 Harper Circle, Marlborough, MA. He stated the lot in question has a slight curve at the front lot line, creating a hardship as to the topography of the lot. The farmer's porch will add value to the house lot.
  - Dennis Demers – 49 Ferrecchia Dr. Marlborough, MA stated this is an old subdivision. Lots were not surveyed for the placement of the house, they were ticker taped for measurements. Not like it is today with surveyed plot plans. He felt the farmer's porch will be an improvement to his house and to the neighborhood.
12. In the audience was Donald Rider, City Solicitor. The Board asked for his opinion about the case before them. He stated that this is a dimensional variance request, seeking a minor deviation of 1.1 ft. and could the applicant conform to the zoning code?
13. The Board determines that owing to circumstances relating to soil conditions, shape or topography of the lot:
  - The lot is fairly flat with a slight slope from the house foundation to the front lot line. According to the plan presented, there is a slight curve at the front lot line making it difficult for the straight line of the 32 ft. length farmer's porch to conform to the front yard setback of 30 ft.
14. The Board determines that if a variance is granted, it will not affect generally the zoning district in which it is located because the proposed farmer's porch will be attached to an existing house which is located in a residential area.
15. The Board determines that relief may be granted without substantially derogating from the intent and purpose of the zoning bylaw because the deviation is very minor.
16. On a motion made by Robert Levine, seconded by Thomas Pope to grant a variance as presented. The Board determined that the variance requested is very minimal and the deviation is caused by the street layout having a slight curve at the street line.
17. Vote of the Board: The Board voted 4-1 to grant the variance for a 28.9 ft. vs. the 30 ft. minimum required. Thus, a deviation of 1.1 ft.
18. With no other testimony taken or given, the public hearing was closed.



**City of Marlborough  
Zoning Board of Appeals**

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3768

ZBA Case # 1452-2019  
Location: 32 Ferrecchia Dr.

**Applicant: John Buckley**

VOTE OF THE BOARD  
Signature Sheet

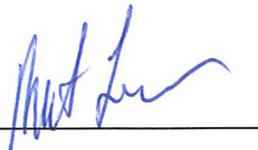
**In Favor**

Paul Giunta   
\_\_\_\_\_

Ralph Loftin  
\_\_\_\_\_

Thomas Golden   
\_\_\_\_\_

Thomas Pope   
\_\_\_\_\_

Robert Levine   
\_\_\_\_\_

**In Opposition**

Paul Giunta  
\_\_\_\_\_

Ralph Loftin   
\_\_\_\_\_

Thomas Golden  
\_\_\_\_\_

Thomas Pope  
\_\_\_\_\_

Robert Levine  
\_\_\_\_\_