



# City of Marlborough Zoning Board of Appeals

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

**ZBA Case** 1462-2019  
**Location:** 30 Maple St.

**Date:** July 29, 2020

## **DENIAL of Variance(s) or Special Permit or Extension Permit (General Laws Chapter 40A, Section 11)**

The Board of Appeals of the City of Marlborough, MA hereby certifies that a Variance(s) or Special Permit or Extension Permit has been DENIED:

To: Shawn Fitzgibbons c/o Atty. Philip C. Jack of Wise & Jack, LLC

Address: 85 Speen Street Suite 202

City: Framingham, MA 01701

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

30 Maple St. (Map 70 Parcel 453)

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision has been filed with the City Clerk.

Any person aggrieved by a decision of the Board of Appeals or any special permit granting authority or by the failure of the Board of Appeals to take final action concerning any appeal, application or petition within the required time or by the failure of any special permit granting authority to take final action concerning any application for a special permit within the required time, whether or not previously a party to the proceeding, or any municipal officer or board may appeal to the superior court department in which the land concerned is situated.....by bringing an action within twenty (20) days after the decision has been filed in the Office of the City or Town Clerk. (Reference: Mass General Law Chapter 40A, Section 17)



Paul Giunta - Chairman



Susan Brown - Secretary

Submitted to the City Clerks' Office on **July 29, 2020**



**City of Marlborough**  
**Zoning Board of Appeals**  
**140 Main Street**  
**Marlborough, Massachusetts 01752**

**Tel. (508) 460-3768**

**Record of Proceeding**  
**June 9, 2020**

**Location: 30 Maple St. (Map 70 Parcel 453)**

**Zoning Board Case # 1462-2019**

**Applicant:** Shawn Fitzgibbons, 14 Fawn Ridge Rd. Ashland, MA 01721, c/o Philip C. Jack of Wise & Jack, LLC, 85 Speen St. Suite 202, Framingham, MA 01701

**Date of Appeal:** 10/24/2019

**Zoning relief requested:** Variance or variances, or an administrative appeal of the Zoning Denial letter issued by the Building Commissioner dated Sept. 24, 2019, relative to a request to use the existing structures at 30 Maple St. Marlborough, MA (Assessor Map 70, Parcel 453). Zoning District: Residence C, as a five-unit multifamily. Applicant seeks to appeal, to the extent relief is not granted by variance, on the basis of either a pre-existing, non-conformity or not applicable.

**Meetings:** The Zoning Board of Appeals held a public hearing on the above-entitled proceeding on Dec. 10, 2019 – met with no testimony taken and continued to Jan. 7, 2020 to correctly notify abutters. The following are continuation dates:

- Continued to Feb. 25, 2020 in order to allow the petitioner to present a definitive plan, Board met
- Continued to March 24, 2020 (definitive plan not ready) – Covid 19 – did not meet.
- Continued to April 28, 2020 – Covid 19 – did not meet.
- Continued to May 26, 2020 – Covid 19 – did not meet.
- Continued and **closed on June 9<sup>th</sup>, 2020. – Board met virtually.**

Notice of the hearing was given by Certificate of Mailing to all persons to be affected, as shown on the most recent tax list and by publication in the Main Street Journal, a newspaper of general circulation in Marlborough, MA,

**Documents Submitted in this Appeal:**

1. Application for Variance or Appeal Hearing and Applicants Responses to Questions on Page 2 of Application
2. Plans entitled:

- Parking Sketch plan, Parking Scheme #1 in Marlborough, MA Preliminary Only dated August 1, 2019 Prepared by Savello & Associates
  - Parking Sketch plan, Parking Scheme #2 in Marlborough, MA Preliminary Only dated August 1, 2019 Prepared by Savello & Associates
  - Existing Conditions Plan, dated August 29, 2017
3. Denial letter from Building Commissioner dated Sept. 24, 2019
  4. A revised definitive plan dated Feb. 26, 2020 was presented for the June 9, 2020 meeting.
  5. A narrative was presented at the June 9, 2020 meeting

### **History of meetings:**

1. **December 10, 2020 meeting** – continued to January 7, 2020. Time Limit Extension Agreement Form to re-notify abutters. Members present: Paul Giunta-Chairman, Ralph Loftin, Thomas Pope, Robert Levine and Thomas Golden.

2. **January 7, 2020 meeting** - The property in question is located at 30 Maple St. Being Map 70 Parcel 453. Zoning District Residence C. The Zoning Code states that your use requested requires a Special Permit through City Council in Zoning District Residence C, for “two residential structures on a lot less than 80,000 sq. ft. There was some concerns about the square footage of Unit E, the proposed 3<sup>rd</sup> unit in the main structure.

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

Also present: Jeffrey Cooke-Building Commissioner and Pamela Wilderman-Code Enforcement Officer were at the January 7, 2020 meeting date.

3. **Topography:** The lot is narrow at the front and extends to the rear to form a rectangular shape lot.

4. Atty. Jack gave a brief history of the past owners of the lot in question:

- According to Atty. Jack currently on the lot is the house containing 2 units and his client is proposing to add a studio apartment creating 3 units in the house. A 2-story wooden structure is located at the rear of the house which did contain 2 units (an up-stairs and a down-stairs unit). Because there were no permits (building, plumbing and electrical) that were pulled to convert this into living units, the Building Dept. ordered the units to be vacated. There is also a dilapidated garage structure located at the rear right corner of the lot, which probably needs to be torn down.
- His clients have not produced a “definitive” plan because the applicant felt the Board/City could weigh in on what they felt would be the best lay out for this lot.

5. Mr. Shawn Fitzgibbons, one of the owners of said property stated the following:

- o He would like to work with the neighbors in making improvements to the lot.

- He has walked the neighborhood asking abutters their concerns about screening (i.e. fencing) and about parking.
- He stated there is currently no one living in the rear wooden structure. The person the city thinks is living there is currently going thru a divorce and just has his possessions stored in one of the units. But the Board felt that the wooden structure is occupied, even though a person is not actually living there. He also stated he has spent some \$85,000 in renovations.
- He has presented to the Board 2 potential parking plans. In each of the 2 plans, parking and lot coverage cannot be met together.
- It has taken him 2 ½ yrs. to come before the Zoning Board of Appeals. (the Board did not understand what he meant).

6. Jeff Cooke, Building Commissioner, stated that the back building, the wooden structure does, do not have any permits to convert the structure into living units. And also, no occupancy permits were issued for the wooden structure. Jeff stated the plumbing and electrical were disconnected, but it appears it got re-connected.

Jeff also stated he had enough information, in the plans presented to him for review and to create a “denial” letter to the applicant. It is up to the Board to decide if they need more information on a plan to make an informed decision. It is not the Board’s responsibility to design it for them. There are issues on their lot like i.e. type of fencing and the parking issues in which the applicant can remedy on their own.

Jeff calculated that the applicant would need a total of 15 parking spaces for a proposed 5 units with 10 bedrooms. (One space for each unit and one space for each bedroom). It was not clear how many bedrooms were being proposed.

7. Pam Wilderman stated the following:
- The previous owner, Mr. Wagner bought said lot for their son.
  - Plumbing and electrical were installed in the wooden structure with no permits and was being used as residential living space.
  - She got a search warrant to go onto the site to inspect how the lot is utilized. She went this route, because she got no response from the owners to come onto the property.
  - This is a small lot and Maple St. is a very busy street.
8. There were several abutters present who spoke in opposition to the petition:
- Oliver Bisson – 19 Warren Ave. – He thought the city is lax about inspecting certain properties that do not meet code. He feels the applicant is just into making money off his rentals.

- Mariela & Luis Velasquez – 11 Maddox Rd. – We have lived in this house for 20 yrs. We have 2 children. The rear garage is falling onto our property. We have tried calling the owners of 30 Maple St., but never heard from them. There is a pit bull running freely at 30 Maple St. We are worried when our children are out playing. We had to repair the fence because the owners of 30 Maple St. did not do it. We have made complaints about noise, parking and the dilapidated garage, and these concerns were never addressed by the owners. The lot has been cleaned up a little, and the owner has called us back. We would like to see some type of screening between our lot and the lot in question. It would be nice to see the garage taken down.
  - Mr. Trainer – 11 Warren Ave. – The lot should go back into being a 2-family house. The applicant purchased the lot knowing it is a 2-family. The owner is just looking to make more money out of rentals by adding more units. What is currently existing at 30 Maple St. has diminish the looks of the neighborhood. I will generate a petition against the owners if they are proposing 5 units.
9. There was no one to speak in favor of the petition.
10. Paul Giunta, chairman, stated that the problem he has with this case is that there are many issues and violations which have not been resolved with the Building Dept. and he feels the Board cannot move forward in hearing this petition until all these issues and violations with the Building Dept. have been resolved. Until such time as the Building Dept. is satisfied with their concerns about the property and a “definitive” plan is presented to the Building Dept. for their review is when the Board feels comfortable in going forward with this case.
11. Atty. Jack stated that they can do up a “definitive” plan as requested. But they cannot meet parking and lot coverage together.
12. The Board stated that the applicant has to draw up one “definitive” plan showing what the applicant is proposing and present it to the Building Dept. for their review. On that note, the Board made a motion to continue the public hearing to a future date.
- A motion was made by Paul Giunta and seconded by Ralph Loftin to continue the public hearing to Feb. 25<sup>th</sup>, 2020 at 7:00 PM.
13. The Board voted 4-0 to continue to Feb. 25<sup>th</sup>, 2020 at 7:00 PM.
14. Because Feb. 25, 2020 goes beyond the maximum required 100 days for the Board to vote, the Board had the applicant sign a “Time Limit Extension

Agreement form". The extension of time for a vote/decision is Feb. 28<sup>th</sup>, 2020.  
(form is in Board's file).

15. The Board would like the following to happen before the Feb. 25<sup>th</sup> hearing date:
  - The applicant will work along with the Building Dept. to satisfy their issues/violations at 30 Maple St.
  - A "definitive" plan will be presented to the Building Dept. for their review, prior to returning to the Zoning Board of Appeals. The number of proposed units and bedrooms will be marked clearly on a plan and the applicant will clearly state what the petitioner is seeking before the Board.
16. **February 25, 2020 meeting** – The applicant submitted a request for a "Time Limit Extension Agreement".
17. Present were Paul Giunta-Chairman, Ralph Loftin, Thomas Pope, Thomas Golden and Robert Levine. Also present was one of the owners of the lot in question, Shawn Fitzgibbons.
18. Mr. Fitzgibbons, one of the owners of said lot, stated he needed an extension of time for the public hearing and decision by the Board, because his engineer was not able to draft up the revised plans in a timely manner for tonight's meeting. The applicant also stated he is trying to minimize the number of variances he is requesting. He is striving also to draw up a plan which will please the abutters. He is hoping plans will be completed soon.
19. There were several abutters present. Some abutters were upset that the applicant requested another extension of time. They felt that they have to come out for a meeting, and nothing is accomplished. How many Extension of Time will the Board grant the applicant, and can the Board deny their request for an extension.
20. A motion was made by Ralph Loftin and seconded by Thomas Pope to grant an extension of time to March 27<sup>th</sup>, 2020 in order for the applicant to complete his definitive plans. The Board voted 5-0 to grant an extension of time.
21. A motion was made by Paul Giunta to continue the meeting to March 24, 2020, seconded by Thomas Golden. The Board voted 5-0 to continue the meeting to March 24, 2020 at 7:00 PM.
22. Mr. Fitzgibbon was confident that plans will be submitted before the March 24<sup>th</sup> meeting date.
23. **March 24, 2020 meeting - Due to the Covid-19 virus**, the Board did not meet. The Board requested of the applicant for another "Time Limit Extension Agreement"

form. The Board received the form via e-mail, dated 3/19/2020 to be extended to May 8, 2020 (form in Board's file) This Time Limit Extension Agreement was signed and initial by Susan Brown and submitted to the City Clerks' Office on March 25, 2020.

On the evening of March 24, 2020, at 7:00 PM, from Marlborough City Hall, Susan Brown, Zoning Board of Appeals administrator, was designated to serve in the Board's capacity to open the public hearing, continued the public hearing and closed the meeting. Meeting was posted on the doors stating "this public hearing with no testimony from the public being heard was continued to April 28, 2020 at 7:00 PM.

24. **April 28, 2020** - Due to Covid 19 – the Board did not meet. Continued to May 26, 2020.

25. **May 26, 2020** - Due to Covid 19 – Board did not meet. Continue to June 9, 2020.

#### END OF HISTORY

26. **June 9, 2020** – Virtual Meeting on Microsoft Teams (this meeting was recorded)

The Chairman, Paul Giunta gave a roll call of the ZBA members present and those working remotely:

ZBA Members present in Memorial Hall – Paul Giunta – Chairman, Thomas Golden-ZBA member and Susan Brown-Secretary.

ZBA Members working remotely were: Ralph Loftin, Thomas Pope and Robert Levine.

Also, in attendance remotely was the applicant's Attorney, Philip Jack of Philip C. Jack Wise & Jack, LLC, 85 Speen Street, Suite 202, Framingham, MA 01701

27. Chairman Paul Giunta opened up the meeting with a brief history or what has transpired before the Board has before the Covid-19 issue started.

28. Atty. Jack started the discussion. He stated he has presented a narrative to the Board entitled: "30 Maple St. Written narrative in Support of Application for Variance". The applicant has also submitted a definitive revised plan dated Feb. 26, 2020 as the Board requested.

29. Atty. Jack stated the revised plan, dated Feb. 26, 2020 did not show the 2 buildings connected, and that the 3 ½ feet gap between the buildings will be enclosed.

It should be noted, Jeffrey Cooke did not have a chance to review the revised plan dated Feb. 26, 2020, because with a discussion with Atty. Jack, Mr. Cooke wanted to see a revised plan with the 2 buildings connected.

30. According to the revised plan, dated Feb. 26, 2020 the proposed Lot Coverage will be 48.0% vs. the 30-maximum required.
31. Atty. Jack stated his client cannot meet the parking requirements and the lot coverage requirements together. On the revised plan they do meet the parking requirements.
32. In their narrative, they have reduced the number of units from a proposed 5 units to 4 units with 2 bedrooms in each unit. Thus, the proposed 12 parking spaces will meet the required number of parking spaces. Also as stated in his narrative, all 12 spaces will be constructed using permeable pavers to aid in water absorption and to mitigate runoff. (If the code allows)
33. The Board mentioned Pam Wilderman's, Code Enforcement Officer, e-mail dated Jan. 8, 2020 concerning the violations in their file, concerning 30 Maple St.
34. There were questions to the Atty. Jack concerning the proposed patio and stairs at the rear of the building. The attorney stated he thinks the rear patio and stairs will be removed. He was not sure about the other rear patio, which may remain or may be partially removed or reconfigured. The Board was concerned about the maneuverability of some of the cars parked in spaces 9 and 10 as shown on the revised plan.
35. **HARDSHIP:** The Board asked Atty. Jack to restate their hardship: As stated by the attorney, the hardship is due to the shape of the lot and the topography of the lot. Being unique in size and rectangular in shape. The existing driveway is long and narrow.
36. A few of the Board members thought the shape of the lot was not unique to the area. That having a long driveway does not constitute a hardship. The Board normally does not grant variances on a deviation of 10% above the required Lot Coverage. They cannot see granting a proposed Lot Coverage of 48% vs the maximum required 30% The Board felt the proposed Lot Coverage of 48% is due to the number of proposed units.
37. Board member asked if the violations on this property have been corrected and satisfied with the Building Department? Answer: Attorney stated they have corrected all the violations to the Building Departments, satisfaction. Board member, Ralph Loftin would like to see a letter from Building to this effect.
38. The attorney stated, they must get the zoning reliefs first from the Zoning Board of Appeals, then they can apply for a special permit thru the city council.
39. Chairman Giunta mentioned that certain sections of the existing and proposed fencing around the sides and rear of the property appears to be on abutters property. If variances were granted, this variance would need to be recorded, and it must show the correct property lines. Attorney Jack stated he will look into this matter.

40 Board member, Thomas Golden asked where snow will be stockpiled? There is a limited amount of open space. Answer: May have to be removed or plowed to where the razed garage area was located.

41. **Abutters** speaking in opposition (virtually)

Luis and Mariela Vilasquez – 11 Maddox Road – had the following concerns:

- Proposed Unit D - are the rear stairs remaining? This was the entrance the former tenant was using. The distance between parking spaces 9 and 10 and the stairs will make it difficult for the cars to maneuver. Answer: (Atty. Jack has to verify if stairs are being removed.)
- Cars will be facing the fence which abuts his back yard. They do not want to be abutting a parking lot of 12 cars.
- With so many cars, they fear, a car could be in “drive” instead of “reverse” and go thru the fence onto their back yard.
- Concerns about car noises, i.e. car emissions, cars idling noises and car lights shining into their back yard.
- Considering the bad history, they (and with the City) have had with the current owner of 30 Maple St., they could expand again without out the city’s knowledge.
- The proposal will depreciate their house value and the neighborhood. This proposal will affect their quality of life.
- And where will visitors and extra vehicles be parked when there is no “on street parking” during winter months.
- They see no hardship in the applicant’s testimonies.
- They asked the owner of 30 Maple St. To help pay for fence repair at the rear of their lot, where the dilapidated garage is located. With no response from the owner, they replaced that portion themselves.
- Snow plowing – where will it be stockpiled?
- Owner does not live there, so he does not know what goes on at 30 Maple St.
- The owner is doubling the number of cars and people.
- Do not see or understand hardship.

Oliver Bisson – 19 Warren Ave. – called in by phone. He had the following concerns:

- Asked why the building commissioner was not present at this meeting, to address issues to the Board? He feels he has not been updated of revised plans and issues in a timely manner.
- How long will the Board keep continuing this hearing?
- Stated he could not hear everyone speaking. The Board asked the IT Department, who are also logged into the meeting, if there were any technical problems. Answer: IT Dept. could not see any problems with audio, but if everyone could speak louder.

Sharon and Spence Papke - 14 Maddox St. – had the following concerns:

- Why has it taken so long to reach a resolution to this case?

- The parking will always be a problem
- At the corner of Maddox St and Warren Ave. is currently a multi-family with problems of cars and people hanging outside with their vehicles. We do not need another problem on the other end of our street.
- We do not need another apartment building
- The applicant does not seem to be prepared to present their petition.
- We feel they should not be granted a special permit to convert this existing 2 family into a multi-family apartment building.

42. This Chairman stated that the plan and testimonies presented to the Board this evening does not justify zoning relief from this Board. Whatever other revised plans the applicant may produce, will considerably exceed the maximum Lot Coverage of 30% for this Zoning District. He feels it would be a denial on the revised plan dated Feb. 26, 2020. This was originally a 2 family and should remain as such. Even to decrease the Feb. 26 plan to 3 family, Lot Coverage and/or parking would be an issue for this lot. He made a recommendation to the Board that all variances/zoning relief requested be denied and the structure should remain as a 2 family.

43. A question was posed to City Councilor Ossing by Chairman Giunta - "if this board denied the variance requests, would the city council approve a special permit?" Answer: I have not reviewed these plans. I would suggest the Board weight their decision on the merits of the case.

44. ZBA member, Robert Levine stated there are many issues about this petition. I feel it comes down to no substantial hardship is shown. The Board has given denials for requests of 10% or less of the required 30% lot coverage for a particular zoning district, the applicant can not conform with parking requirements and lot coverage together and I agree with the neighbors' concerns, whose quality of life would greatly be impacted. I do not need to see another revised plan and suggest we vote on this petition this evening.

ZBA member, Ralph Loftin stated what else will be learned with another revised plan, no substantial hardship was shown.

ZBA Member Thomas Golden stated he is in agreement with the above members statements. He feels Lot Coverage will continue to be an issue, he would not be in favor in reviewing another revise plan.

45. Atty. Jack stated he initially asked the Board for their guidance, asking if the Board would rather see them conform with "parking" or "lot coverage", considering they cannot meet both. 30 Maple St. is rectangular in shape as most lots in the area, but most of the area is in the rear of the lot. Prior owner illegally had 4 or 5 units on the property. His clients would like to legally convert to 4 units, according to his revised plan dated Feb. 26, 2020.

46. It was also mentioned by an abutter, about a possible dumpster location.

47. The Board felt that if the applicant created another revised plan showing the 2 buildings connected, even if the rear stairs and patio were removed, lot coverage would not decrease substantially enough to be granted any zoning relief. The Board does not see a substantial hardship through the testimonies given.

48. The Chairman closed the public portion of the meeting.

49. The Board stated 30 Maple St. is a 2-family structure with no permits to convert the property into 3 or more units. It is evident thru testimonies from the city the applicant converted it to 5 units without the proper permits. According to the revised plan dated Feb. 26, 2020 the proposed Lot coverage will be 48% and the applicant has not shown a substantial hardship besides trying to acquire more units on the lot.

50. A motion was made by Ralph Loftin to deny the plan dated Feb. 26, 2020. Motion was seconded by Thomas Pope. A roll call vote was taken: Ralph Loftin-deny, Thomas Pope-deny, Robert Levin-deny, Thomas Golden-deny and Paul Giunta-deny. Vote 5—0 to deny.

51. Motion made by Robert Levine to close the public hearing and seconded by Ralph Loftin. Roll call vote: Ralph Loftin-yea, Thomas Pope-yea, Robert Levine-yea, Thomas Golden-yea and Paul Giunta-yea. Vote 5-0 to close the public hearing.

52. Motion was made to adjourned by Robert Levine and seconded by Ralph Loftin. A vote of 5-0 to adjourned the hearing and close the public meeting.



# City of Marlborough

## Zoning Board of Appeals

140 Main Street  
Marlborough, Massachusetts 01752

Tel. (508) 460-3768

Paul Giunta-Chairman  
Ralph Loftin  
Thomas Golden  
Thomas Pope  
Robert Levine

**ZBA Case # 1462-2019**

**Dated: July 29, 2020**

**Applicant: Pigs + Coconuts, LLC**

**Represented by Philip C. Jack of Wise & Jack, LLC**

**Location: 30 Maple St.**

**Date of Application: October 24, 2019**

### Notice of Decision

**Zoning relief requested:** Variance or variances, or an administrative appeal of the Zoning Denial letter issued by the Building Commissioner dated Sept. 24, 2019, relative to a request to use the existing structures at 30 Maple St. Marlborough, MA (Assessor Map 70, Parcel 453). In Zoning District: Residence C, as a five-unit multifamily. Applicant seeks to appeal, to the extent relief is not granted by variance, on the basis of either a pre-existing, non-conformity or not applicable.

**Vote:** Denied.

Based on the findings and testimonies presented by the applicant and their Attorney Philip C. Jack of Wise & Jack, LLC and abutters, the Board voted 5-0 to deny all requested variances and/or administrative appeal including as shown on the applicant's revised plan dated, February 26, 2020 which was reviewed by the Board at the June 9<sup>th</sup>, 2020 continuation meeting. A roll call vote was taken: Thomas Pope-deny, Robert Levine-deny, Ralph Loftin-deny, Thomas Golden-deny and Paul Giunta-deny.

The Board finds the following in support of its denial of all relief:

1. Through testimony presented from city officials and abutters, the applicant converted the two structures, which was a 2 family, into 5 units without the proper permits (i.e. electrical, plumbing).
2. Proposal to convert this lot into 5 units (original petition) or 4 units (according to revised plan dated Feb. 26, 2020), would cause substantial hardship to several abutters' quality of life as they would be abutting a proposed 12 car parking lot.

Zoning Board of Appeals  
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3. The Board is unable to make the findings required to justify any of the variances applied for. On the contrary, the Board finds that there are no circumstances relating to the soil conditions, shape or topography unique to the parcel in question which would result in substantial hardship on the Petitioner through a literal enforcement of the zoning ordinance. In essence the Petitioner would create their own hardship by choosing to locate more units on the lot. According to the city's GIS map, the topography of this rectangular shaped lot is not unique to the neighborhood, because most lots in this area are rectangular and oddly shaped. Thus, these are not hardships as stated by the applicant, according to Mass General Law Chapter 40A, Section 10.
4. The Applicant has not established any basis for an appeal relative to various zoning ordinance requirements being not applicable or "pre-existing non-conforming".

End

Respectfully submitted,

  
Paul Giunta – Chairman  
Zoning Board of Appeals  
**Dated: July 29, 2020**

RIGHT TO APPEAL:

Appeals to this Decision are to the Court pursuant to the M.G.L, Chapter 40A, Section 17, and must be taken within twenty (20) days of the filing of this Decision with the City Clerk.

**Clerk to the ZBA: A copy of this decision was filed with the City Clerk on  
July 29, 2020**

  
**Susan Brown, Clerk to the ZBA**



**City of Marlborough**  
**Zoning Board of Appeals**  
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Tel. (508) 460-3768

ZBA Case # 1462-2019  
Location: 30 Maple St.

Applicant: Pigs & Coconuts, LLC

VOTE OF THE BOARD

Signature Sheet

*Denial*

IN FAVOR  
*To Deny*

IN OPPOSITION

Paul Giunta

*Paul Giunta*

Paul Giunta

Ralph Loftin

*Ralph Loftin*

Ralph Loftin

Thomas Golden

*Thomas Golden*

Thomas Golden

Thomas Pope

*Thomas Pope*

Thomas Pope

Robert Levine

*Robert Levine*

Robert Levine

*Signature Sheet 1 of 2*



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ZBA Case # 1462-2019

Applicant: Pigs & Coconuts LLC

Represented by: Philip C. Jack of Wise and Jack, LLC

Location: 30 Maple St.

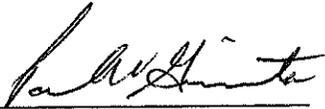
At a public meeting on the July 7, 2020 agenda, the Board clarified their denial vote taken on June 9, 2020. A motion was made by Paul Giunta and seconded by Thomas Golden to deny all requested variances and/or the administrative appeal in this petition, consistent with the Board's vote on June 9, 2020 to deny the applicant's revised plan, dated Feb. 26, 2020. Roll call vote: Paul Giunta-yes to deny, Thomas Golden-yes to deny, Ralph Loftin-yes to deny Thomas Pope-yes to deny and Robert Levine-yes to deny. A vote of 5-0 carries.

VOTE OF THE BOARD  
Signature Sheet

IN FAVOR TO DENY

IN OPPOSITION

Paul Giunta



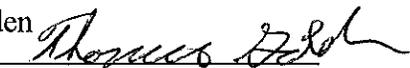
Paul Giunta

Ralph Loftin



Ralph Loftin

Thomas Golden



Thomas Golden

Thomas Pope



Thomas Pope

Robert Levine



Robert Levine

Signature Sheet 2 of 2