



City of Marlborough Zoning Board of Appeals

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

ZBA Case 1417-2013
Name: Deborah Novicki
Location: 147 Cullinane Dr.

Date: **August 16, 2013**

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, after a public hearing held at the Marlborough City Hall, 140 Main St. on June 18, 2013 with a continuation hearing date of August 6, 2013.

Deborah Novicki, the applicant, is requesting variances from the front setback, side setbacks, rear setback and lot coverage requirements for the improvement of the aforementioned premises; according to Section 650-41 Table of Lot Area, Yards and Height of Structures Table. The property is located in Zoning District A-3, being Map 6, Parcel 106. Also known as 147 Cullinane Dr.

After due consideration to the subject matter of the petition, the Board voted to (GRANT) variance(s), on the ground that a literal enforcement of the Ordinance would involve substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Ordinance.

Therefore, the Board **voted 4-0** with John Sahagian – Acting Chairman, Ralph Loftin, Mitchell Gorka and Jay Whittaker voting in the affirmative to grant a variance(s) on the following terms and conditions:

1. The approved plan for this single family structure is entitled: Proposed Plot Plan, 147 Cullinane Dr., Marlborough, MA Scale 1" = 10' dated: Rev. July 31, 2013. The applicant made a power point presentation entitled : "6 August ZBA continuance meeting for 147 Cullinane Drive" in which the approved proposed plan is included.
2. Variances granted for the proposed single family home will be the following:
 - Front setback will be 16.3 ft. vs. the minimum required of 20 ft.
 - Rear setback will be 14.6 ft. vs. the minimum required of 30 ft.
 - Lot Coverage will be 45% vs. the maximum required of 30%
 - Lot Area is 6,534 sq. ft. vs. the minimum required of 12,500 sq. ft. for Zoning District A-3.
3. The proposed single family home will have free flow access throughout the house, nothing can be constructed to give the appearance of a two family dwelling.

4. Prior to the issuance of a Building Permit, the applicant must go to the Conservation Commission to receive the proper approvals.
5. Prior to the issuance of a Building Permit, the applicant must provide detailed building plans, with detailed and accurate construction dimensions, depicting building size, setback and construction material descriptions to the Building Commissioner for review and approval.
6. No Building Permits can be issued until such time as the applicant presents to the Building Inspector evidence that said variance with its restrictions has been filed with the Registry of Deeds 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,

John Sahagian
Acting Chairman

Submitted to the City Clerk's office on **August 16, 2013**.