

**City of Marlborough
Zoning Board of Appeals
Minutes
March 8, 2016**

Members Present: Paul Giunta – Chairman, Theodore Scott, Ralph Loftin and Thomas Golden

The hearing was opened with the reading of the legal notice.

Board Member, Mr. Scott, wanted a clarification for the record regarding the Code Enforcement Officer's letter to Collette Golgata-Sychantha dated January 7, 2016 and submitted to this Board. The letter states "...you definitely have a "hardship" as defined under the zoning laws.". Let the record show that this board understands that it is our duty to officially determine if there is a hardship in accordance with MA General Laws Chapter 40A.

Petition: Chapter 650-48(C)(5) requires that off street parking shall not exceed 24' wide between the front lot line and front yard building setback, which is 30' in this case for Zoning District A3. The width of the applicant's parking area is not dimensioned, but is at least 70'.

Topography: The lot slopes from the road upward to the back lot line.

History: The house was destroyed by fire on November 5, 2013, and demolished on April 2014. A building permit was issued on July 30, 2015. There is an existing retaining wall at the front of the lot in which the applicant proposes to rebuild with terracing walls. There is a 90 ft. wide opening at the front of the lot which has been and currently used for parking vehicles.

Present this evening were:

- Pamela Wilderman – Code Enforcement Officer – clarified on certain issues of the petition.
- Collette Sychantha – the applicant
- Lee Thomson – 37 Lakeshore Dr. - spoke on behalf of the applicant.

The Board feels the application has merit:

- The parking area was a non-conforming condition. The rebuilding of the proposed house after the fire is what is triggering the variance; not anything the applicant purposefully did. Therefore, granting a variance would not nullify or detract from the intent or the purpose of the Zoning Ordinance.
- There is a hardship that is caused by the topography of the lot. Trying to construct a typical 24' wide driveway would be extremely costly due to the steep upward slope of the lot and the fact that driveways have to meet current ordinances governing slope.

- There are other properties in the neighborhood that have non-conforming parking areas. Therefore, a variance would not necessarily diminish the public welfare. However, more detail is needed to verify the size and location of the off street parking area.

Hardship:

- The applicant stated her hardship is that her house was destroyed by fire. The topography of the lot is on a slope and because of the slope, it would be difficult and costly to design a driveway to conform to the city's current zoning code.

The proposed new house was moved forward in order to better conform to the rear yard setback.

The applicant stated the parking area will accommodate 5 + cars. The applicant has 2 sons with their significant others and her brother who will be living in the new proposed house.

Speaking in favor of the petition:

- Lee Thomson - 37 Lakeshore Dr. Marlborough, MA 01752
- Mr. Macinnis - 16 Wakefield Rd., Marlborough, MA 01752
- Ms. O'Connell - 43 Lakeshore Dr., Marlborough, MA 01752

There was no one speaking in opposition to the petition.

The applicant presented for Board's file the following:

- Many photos of the lot in question.
- A narrative of the history of the lot.
- A plan entitled "Plot Plan - 38 Lakeshore Dr. Marlborough, MA - Prepared by Bruce Saluk & Associates, Inc. Prepared for: Mills Construction Corp, Inc. Dated November 15, 2014 Scale: 1" - 20'.
- A letter dated Jan. 7, 2016 from Pamela Wilderman-Code Enforcement Officer to Collette Golgata-Sychantha.

Before a determination can be made, additional information, as required in the Application for variance needs to be submitted.

A certified plot plan needs to be updated to show:


1. Location of proposed construction such as the new foundation and retaining wall or walls,
2. All measurements and offsets of the proposed foundation, parking area, proposed retaining wall or walls and edge of pavement,
3. The dimensions of parking spaces in the parking area, so that it can be determined how many spaces are proposed and that these spaces do not encroach on the public way,

4. Letter from the Building Commissioner's office approving the parking plan.

After much discussion, the Board continued the public hearing to April 5th, in order for the applicant to submit the items mentioned above. The hearing is continued to April 5th (Tuesday) at 7:00 PM.

The meeting was adjourned.

Respectfully submitted,


Paul Guinta *ps*
Chairman