

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: October 30, 2018

Time: 5:30 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 OCT 26 A 11: 02

New Business:

1. 09-10-2018 – **Order No. 18-1007387:** Application for Special Permit from Attorney Norris, on behalf of Raphael Fischetti, to construct a new single-family dwelling at 89 Spring Street.
-Refer to Urban Affairs Committee
-Public Hearing: October 15, 2018

Continued Review:

2. 06-18-2018 – **Order No. 18-1007320:** Application for Special Permit from Christopher White, regarding Building a 24 X 26 garage on a non-conforming lot, 22 Brimsmead Street.
-Refer to Urban Affairs Committee
-Public Hearing: August 27, 2018

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 10, 2018

ORDERED:

That there being no objection thereto set **MONDAY, OCTOBER 15, 2018** as **DATE FOR PUBLIC HEARING** Application for Special Permit from the Attorney Norris, on behalf of Raphael Fischetti, to construct a new single-family dwelling at 89 Spring St, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, & ADVERTISE.**

Ninety days after public hearing is 01/13/19 which falls on a Sunday, therefore 01/14/19 would be considered the 90th day.

ADOPTED

ORDER NO. 18-1007387

DECISION ON AN APPLICATION FOR SPECIAL PERMIT

RAPHAEL B. FISCHETTI

89 SPRING STREET, MARLBOROUGH, MA

CITY OF MARLBOROUGH

CITY COUNCIL ORDER NO: 18-1007387

The City Council of the City of Marlborough hereby GRANTS the Application for Special Permit of Applicant (the Application”), as provided in the Decision and SUBJECT TO THE FOLLOWING FINDINGS OF FACT AND CONDITIONS:

EVIDENCE

1. The Applicant, Raphael B. Fischetti is an individual with a principal address of 617 Pawtucket Boulevard, Unit 3, Lowell, MA 01834 (the “Applicant”).
2. The location of the proposed project is 89 Spring Street, Marlborough, MA and more particularly identified on the City of Marlborough Assessor’s Maps as Parcel 68 on Plate 316, and furthermore particularly described in deeds recorded with the Middlesex South District Registry of Deeds, Book 70255, Page 444 (the “Site”).
3. The owner of the site is the Applicant.
4. The single-family dwelling located on the Site was built in 1890 and updated in 1975. The house was built prior to the establishment of a residential zoning district. The property was subsequently taken by the city for non-payment of taxes, in 2012, the City demolished the existing house in 2013, the property as vacant land was sold at City of Marlborough Tax Title Auction and purchased by the Applicant on October 18, 2017.
5. The Applicant proposes to build a single-family dwelling on the property consisting of a 30 x 24’ two story house. The Applicant plans to use the same driveway that currently exists on the property and the stone wall in the front of the property.
6. The building inspector has determined the new structure will not comply with Chapter 650.14 of the City code of Marlborough. The Table of Lot area yards and height structures” states that the use requested requires a minimum side yard setback of 15 feet. The proposed construction request set back of 12.2 (L) and 8.3 (R). The lot is a pre-

existing non-conforming site. The building commissioner has determined that as a single-family dwelling that is more non-conforming request a “Special Permit” to be issued on the Marlborough City Council. The new dwelling increases the structure from 1 ½ to 2 stories. The structure was 25’ x 36’ while the present structure will be 24’ x 30’. The width of the proposed structure is one (1’) foot narrower than the prior structure.

7. A public hearing was held on October 15, 2018, in compliance with the requirements of the City’s Zoning Ordinance and the provisions of MGL Chapter 40A, as amended. All necessary abutters were provided notice as required by law, as certified by the Office of Marlborough Assessors office. The time for the City Council to take final action on the Application is January 13, 2019.
8. The Applicant presented oral testimony and demonstrative evidence at the public hearing and represented that the Project meets all applicable special permit criteria provided by MGL Chapter 40A, as amended, and the City’s Zoning Ordinance.
9. The site plan submitted with the application is entitled, “Proposed Plot Plan # 3 of land in Marlborough, MA (Middlesex County); Prepared for Raphael B. Fischetti of 617 Pawtucket Boulevard, Unit 3, Lowell, MA 01834;” Prepared by Hancock Associates 315 Elm Street, Marlborough, MA 01752, scale 1” = 20’, dated June 29, 2018 (the “Site Plan”), attached hereto as “Attachment A”.
10. The architectural drawings submitted with the Application are labelled “89 Spring Street, Marlborough, MA,” by Clark Architectural, North Chelmsford, MA, scale 1” = 10’. and are attached hereto as “Attachment B.”

BASED ON THE ABOVE, THE MARLBOROUGH CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT AND TAKES THE FOLLOWING ACTIONS:

- A. The City Council finds that it may grant as Special Permit (Special Permit) subject to such terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough (als referenced herein as the “City”).
- B. The City Council find the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough, or MGL c. 40A.
- C. The City Council find that the legally nonconforming residential use of the Site, as increased or intensified by the proposed construction of a single-family dwelling, is an appropriate use, and is in harmony with the general purpose and intent of the Zoning

Ordinance of the City of Marlborough. The construction of the dwelling will complement the nature of the abutting properties and surround neighborhood.

- D. In particular, the proposed construction of the single-family dwelling, with sidelines of 12.2' (L) and 8.3' (R) is not more detrimental to the neighborhood then the prior existing dwelling.
- E. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough and Chapter 650 (Zoning Code) of the City of Marlborough and MGL Chapter 40A, Sections 9 and 11.
- F.

GRANT OF SPECIAL PERMIT WITH CONDITIONS

The City Council, pursuant to its authority under MGL Chapter 40 and the City of Marlborough Zoning Ordinance, Chapter 650, **GRANTS** the Applicant a Special Permit,

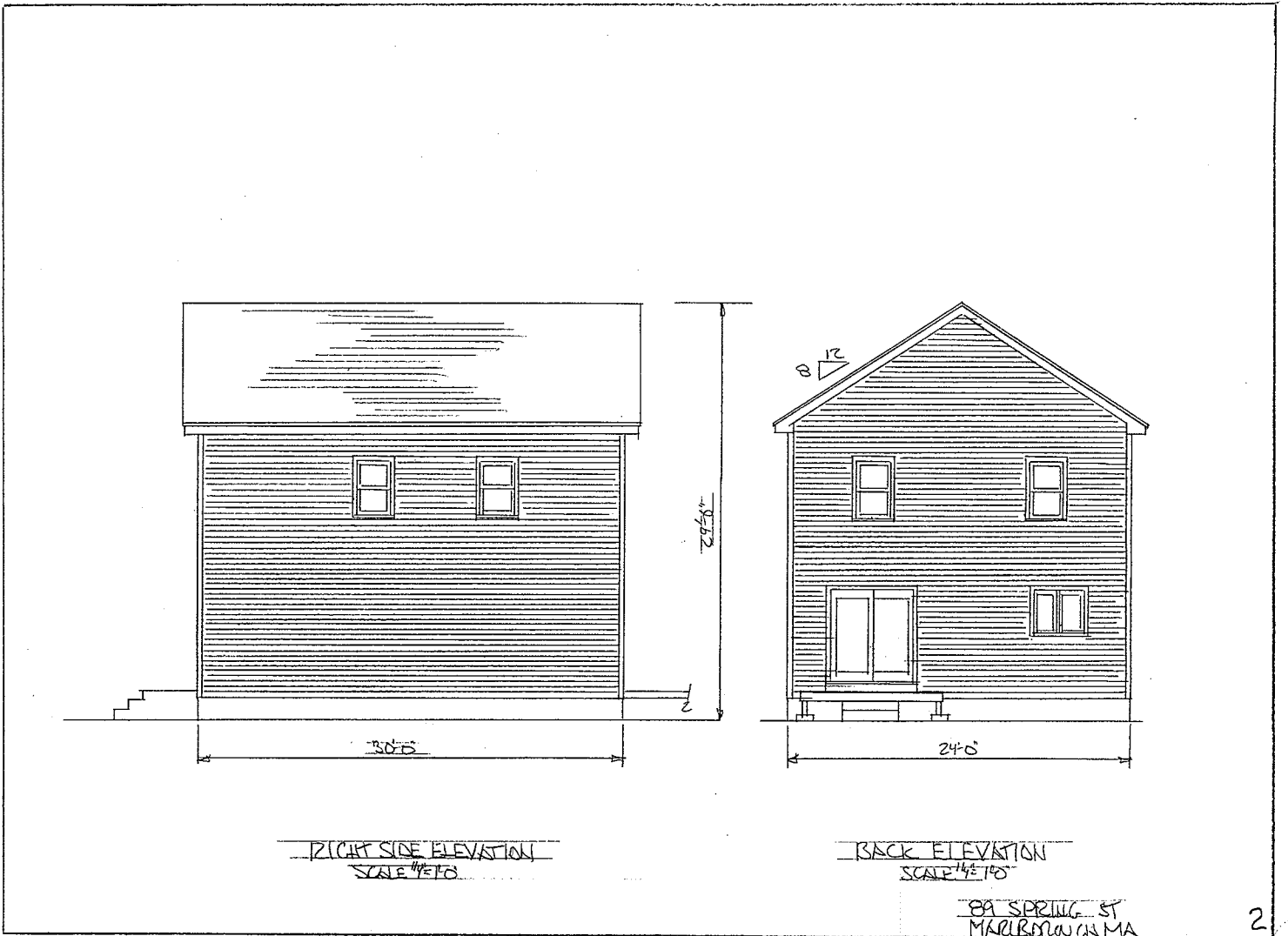
SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Construction of the building of a single-family residence is to be done in accordance with all applicable building codes in effect in the City of Marlborough as of the time when the building permit application is submitted to the Building Commissioner and in accordance with the proposed Plot Plan # 3 submitted to the City Council.
- B. All work performed at the Site shall be in compliance with this Special Permit decision.
- C. In accordance with the provisions of MGL c. 40A §11, the Applicant at its expense shall record this Special Permit in the Middlesex South district Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant shall apply to the Building Commissioner for a building permit concerning the proposed expansion. The Applicant shall provide a copy of the recorded Special Permit to the City Council's office, to the Building Department, and to the City Solicitor's office.

ADOPTED
In City Council
Order No.: 18-1007387
Adopted

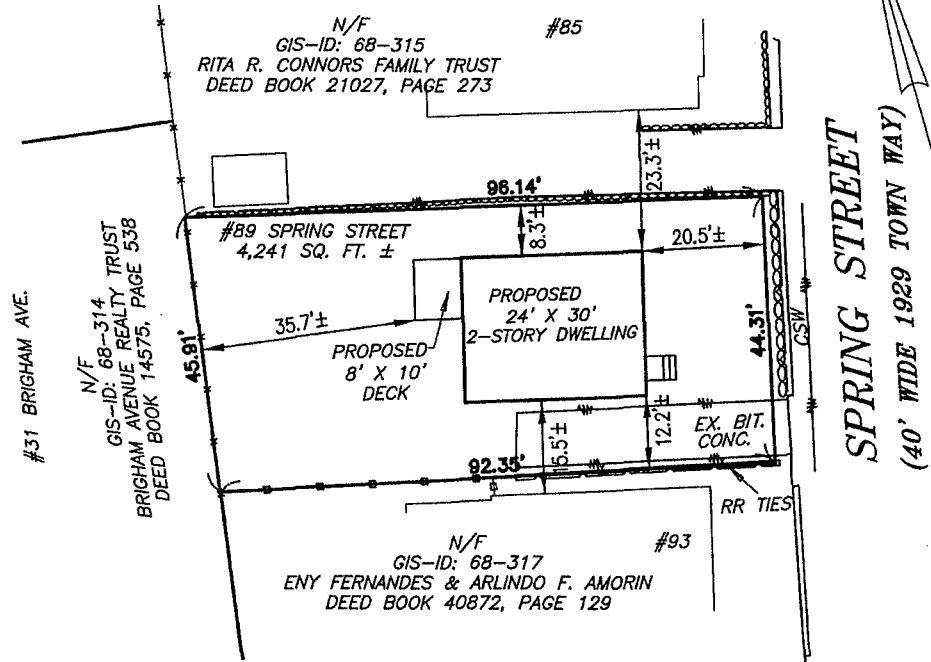
A TRUE COPY
ATTEST:

EXHIBIT B



NOTE:

1. THIS PLAN IS NOT TO BE CONSIDERED AN ALTA/ACSM LAND TITLE SURVEY, NOR IS IT TO BE USED FOR RETRACEMENT OF PROPERTY LINES.
2. DIMENSIONS DEPICTED ARE FROM PHYSICAL EVIDENCE AND BEST FITTING CENTER OF PAVEMENT TO RELATE 1929 UN-MONUMENTED ROAD LAYOUT AND 1940 TAKING.
3. CURRENT DEED CARRIES FORWARD A PROBABLE TYPOGRAPHICAL MADE IN THE BACK LINE OF THE LOT. IN DEED BOOK AND PAGE 2386/206 AND PRIOR, REAR LOT LINE WAS LISTED AS 45 FEET. IN 3-19-1898, IN DEED BOOK AND PAGE 2643/314 (AND FORWARD), THE DISTANCE WAS LISTED AS 40 FEET. PHYSICAL EVIDENCE AGREES BETTER WITH 45'.



ASSESSORS:
MAP 68 LOT 316

ZONING:
RESIDENCE A-3

REFERENCES:
BOOK 70255, PAGE 444
PLAN BOOK 274, PAGE 19
PLAN 873 OF 1940
PLAN 1652 OF 1950
PLAN 274 OF 1985
LAYOUTS 9/1929 & 10/1929



John D. Bremser 629-18

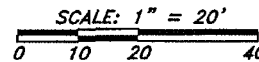
MARLBOROUGH ZONING: RESIDENCE A-3

	REQUIRED	PROPOSED
FRONT YARD SETBACK	20'	20'±
SIDE YARD SETBACK	15'	12.2'± & 8.3'±
REAR YARD SETBACK	30'	35.7'±
MAXIMUM BUILDING HEIGHT	2.5 STORIES	2 STORIES
MAXIMUM LOT COVERAGE	30%	28.5%

PROPOSED PLOT PLAN #3
OF LAND IN
MARLBOROUGH, MA
PREPARED FOR:
RAPHAEL B. FISCHETTI
617 PAWTUCKET BLVD., APT. 3, LOWELL, MA

HANCOCK
Associates

315 Elm Street, Marlborough, MA 01752
VOICE (508) 460-1111, FAX (508) 460-1121

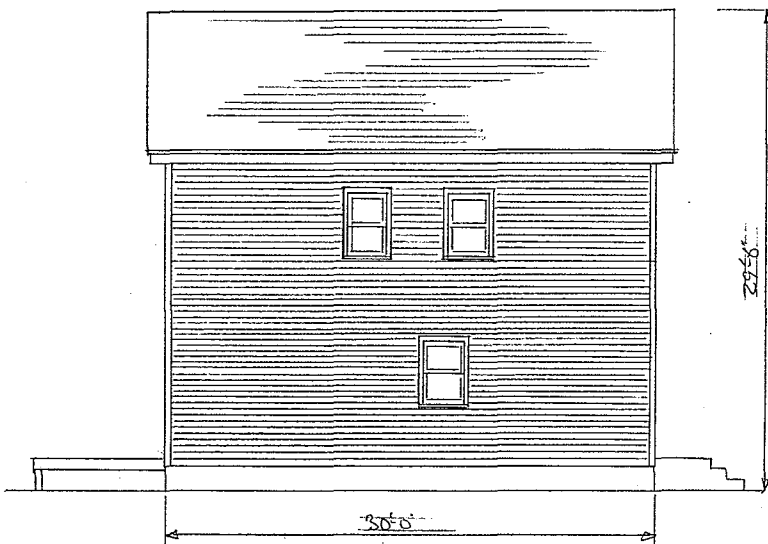


JOB 20936	DATE: 6/29/18	CHK. BY: JDB
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EXHIBIT A

LEGEND

- EDGE OF PAVEMENT
- CHAIN LINK FENCE
- WOOD FENCE
- RETAINING WALL
- STONE RETAINING WALL
- CONCRETE SIDEWALK



LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"

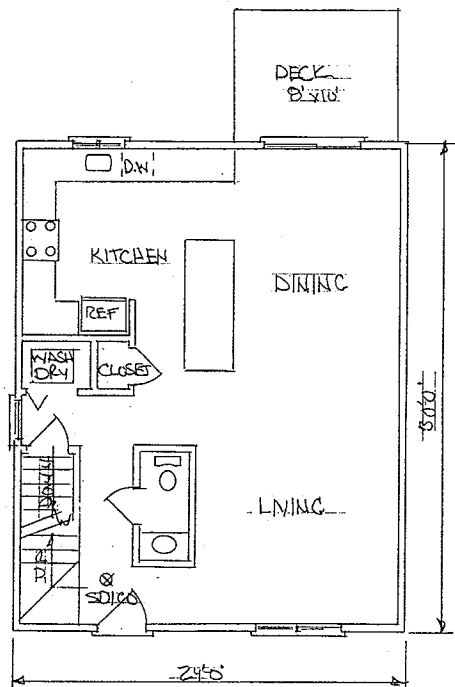


FRONT ELEVATION
SCALE 1/4" = 1'-0"

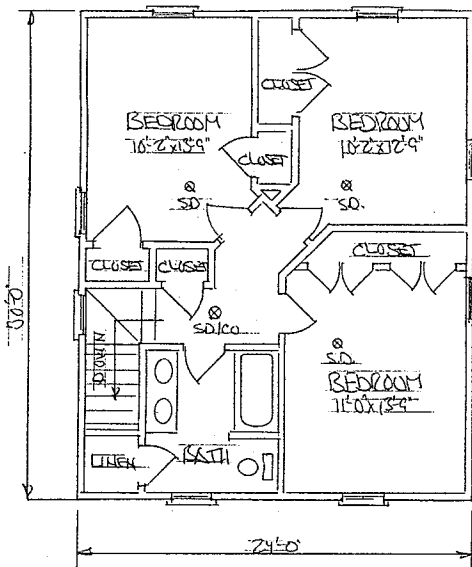
CLASCK ARCHITECTURAL
NO CHELSEA MA 978-251-7025

JUNE 26, 2018

89 SPRING ST
MANSFIELD MA



FIRST FLOOR PLAN
 SCALE 1/4" = 1'-0"
 720 SQ. FT.



SECOND FLOOR PLAN
 SCALE 1/4" = 1'-0"
 720 SQ. FT.

89 SPRING ST
 MARLBOROUGH MA

From: [Kevin Breen](#)
To: [City Council](#)
Subject: RE: TO MANAGERS: 89 Spring St Decision
Date: Friday, October 26, 2018 3:02:36 PM

Good Afternoon City Councilors:

I have reviewed the Application for a Special Permit for 89 Spring Street. As Fire Chief, I concur with the draft decision and believe the granting of this special permit, with stated conditions, for a single family home is acceptable and consistent with the existing neighborhood.

Thank you,

KJB

KEVIN J. BREEN, FIRE CHIEF
MARLBOROUGH FIRE DEPARTMENT
215 MAPLE STREET
MARLBOROUGH, MA 01752
(508) 624-6986

From: City Council
Sent: Friday, October 26, 2018 2:01 PM
To: Priscilla Ryder <pryder@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; John Ghiloni <jghiloni@marlborough-ma.gov>; Cathleen Liberty <cliberty@marlborough-ma.gov>
Subject: TO MANAGERS: 89 Spring St Decision

Your comments on the special permit application will assist the committee in its deliberations on this application.

Thanks.

KB

Karen A. Boule
City Council Office
508-460-3711

-----Original Message-----

From: Michael Norris <mnorris@mjnattorney.com>
Sent: Friday, October 26, 2018 1:14 PM
To: City Council <citycouncil@marlborough-ma.gov>
Subject: 89 Spring St Decision

Hi Karen
Here is the proposed decision.

Michael J Norris
171 Locke Dr.
Marlboro, Ma. 01752
508-624-7733
mnorris@mjnattorney.com

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From: [David Giorgi](#)
To: [Cathleen Liberty](#)
Cc: [City Council](#); [Priscilla Ryder](#); [Thomas DiPersio](#); [Kevin Breen](#); [John Ghiloni](#)
Subject: Re: TO MANAGERS: 89 Spring St Decision
Date: Friday, October 26, 2018 3:27:05 PM

The Police Department does not have issues with the proposed project.
Thank you,
D. Giorgi

Sent from my iPhone

On Oct 26, 2018, at 2:31 PM, Cathleen Liberty <cliberty@marlborough-ma.gov> wrote:

No comment from the BOH on this application.

Cathleen

From: City Council
Sent: Friday, October 26, 2018 2:01 PM
To: Priscilla Ryder <pryder@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; John Ghiloni <jghiloni@marlborough-ma.gov>; Cathleen Liberty <cliberty@marlborough-ma.gov>
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508-460-3711*

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From: [Cathleen Liberty](#)
To: [City Council](#); [Priscilla Ryder](#); [Thomas DiPersio](#); [Kevin Breen](#); [David Giorgi](#); [John Ghiloni](#)
Subject: RE: TO MANAGERS: 89 Spring St Decision
Date: Friday, October 26, 2018 2:31:20 PM

No comment from the BOH on this application.

Cathleen

From: City Council
Sent: Friday, October 26, 2018 2:01 PM
To: Priscilla Ryder <pryder@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; John Ghiloni <jghiloni@marlborough-ma.gov>; Cathleen Liberty <cliberty@marlborough-ma.gov>
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KB

*Karen A. Boule
City Council Office
508-460-3711*

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From: [Priscilla Ryder](#)
To: [City Council](#); [Thomas DiPersio](#); [Kevin Breen](#); [David Giorgi](#); [John Ghiloni](#); [Cathleen Liberty](#)
Subject: RE: TO MANAGERS: 89 Spring St Decision
Date: Friday, October 26, 2018 3:32:49 PM

Hi Karen,

There are no conservation issues regarding this lot, I have no comments.

Thanks!

Priscilla Ryder
Conservation Officer
140 Main St. City Hall; Marlborough, MA 01752
Ph: 508-460-3768 ; pryder@marlborough-ma.gov

From: City Council
Sent: Friday, October 26, 2018 2:01 PM
To: Priscilla Ryder <pryder@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; John Ghiloni <jghiloni@marlborough-ma.gov>; Cathleen Liberty <cliberty@marlborough-ma.gov>
Subject: TO MANAGERS: 89 Spring St Decision

Your comments on the special permit application will assist the committee in its deliberations on this application.

Thanks.

KB

Karen A. Boule
City Council Office
508-460-3711

-----Original Message-----

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Sent: Friday, October 26, 2018 1:14 PM
To: City Council <citycouncil@marlborough-ma.gov>
Subject: 89 Spring St Decision

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Michael J Norris

171 Locke Dr.
Marlboro, Ma. 01752
508-624-7733
mnorris@mjnattorney.com

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RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2010 SEP -4 P 1:06

Law Office of Michael J. Norris
171 Locke Drive, Ste. 108
Marlborough, MA 01752

Michael J. Norris, Esq.
mnorris@mjnattorney.com

Office: (508) 624-7733
Facsimile: (508) 229-2600

August 29, 2018

Lisa M. Thomas
City Clerk
140 Main Street
Marlborough, MA 01752

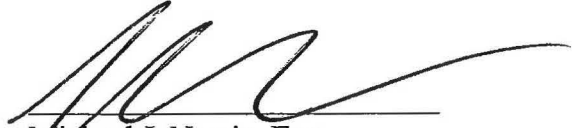
Re: 89 Spring Street Special Permit

Dear Ms. Thomas:

Enclosed please find the application of Raphael B. Fischetti, for a Special Permit for 89 Spring Street. Please file same on my behalf.

I have distributed the appropriate copies to the various departments.

Very truly yours,



Michael J. Norris, Esq.

MJN/fja

cc: City Clerk
Police Chief
City Engineer
Building Inspector
Conservation Officer

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Raphael B. Fischetti, 617 Pawtucket Blvd., Unit 3, Lowell, MA 01814

2. Specific Location of property including Assessor's Plate and Parcel Number.

89 Spring St. Parcel No. 68-316

3. Name and address of owner of land if other than Petitioner or Applicant:

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article 650 Section 4 Paragraph 4.2 Sub-paragraph

6. Zoning District in which property in question is located:

A-3

7. Specific reason(s) for seeking Special Permit

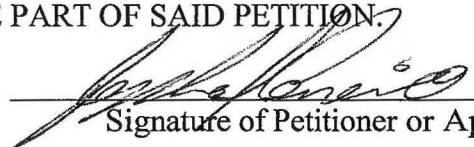
The Applicant seeks a special permit on the 15' side-line requirements to permit.

side-lines of 12.21 and 8.3.

The requested special permit is similar to side-line on the house that was torn down by the City.

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HEREWITH AND MADE PART OF SAID PETITION.


Signature of Petitioner or Applicant

Address: 671 Pawtucket Blvd., Unit 3

Lowell, MA 01814

Telephone No. 617-645-5226

Date: 8/16/18

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

11-3

Raphael B. Fischetti

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**)

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Raphael B. Fischetti Address: 617 Pawtucket Blvd., Unit 3, Lowell, MA
01814

Project Name: _____ Address: 89 Spring Street

1. PROPOSED USE: (describe) SINGLE FAMILY HOUSE

2. EXPANSION OR NEW: NEW

3. SIZE: floor area sq. ft. 864 1st floor _____ all floors _____

buildings 1 # stories 2 lot area (s.f.) 4,241

4. LOT COVERAGE: 28 % Landscaped area: _____ %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 5 Peak period: _____

6. TRAFFIC:
(A) Number of vehicles parked on site:
During regular hours: 2 Peak period: _____

(B) How many service vehicles will service the development and on what schedule?
0

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Outside lights on house. None.

8. NOISE:
(A) Compare the noise levels of the proposed development to those that exist in the area now.
NONE

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. NONE

9. AIR: What sources of potential air pollution will exist at the development? NONE

10. WATER AND SEWER: Describe any unusual generation of waste. SINGLE FAMILY HOUSE

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? NONE

***Attach additional sheets if necessary**



CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752

City Hall

140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: 8/29/18

SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: _____

Project Use Summary: Construct a single family house

Project Street Address: 89 Spring Street

Plate: 68 Parcel: 316

Applicant/Developer Name: Raphael B. Fischetti

Plan Date: 6/29/18 Revision Date: _____

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

Jeffrey K. Cooke
Acting Director of Planning

Application Fee to submit to
City Clerk's office

300⁰⁰/₇₄

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

**Lisa M. Thomas
City Clerk**



Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.

- 1 SET POLICE CHIEF
- 1 SET FIRE CHIEF
- 1 SET CITY ENGINEER
- 1 SET DIRECTOR OF PLANNING
- 1 SET CONSERVATION OFFICER (IF WETLANDS AFFECTED)
- 1 SET BUILDING COMMISSIONER
- 12 SETS OFFICE OF THE CITY COUNCIL
- 3 SETS OFFICE OF THE CITY CLERK (**MUST be Original** & 2 Complete Sets)

[Handwritten Signature]
Signature

8/29/18
Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas
City Clerk*

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

**Lisa M. Thomas
City Clerk**



I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

Company Name

Owner Name/Officer Name of LLC or Corporation

Raphael B. Fischetti

Owner/Officer Complete Address and Telephone Number

617 Pawtucket Blvd., Unit 3

Lowell, MA 01814

Signature of Applicant

Attorney on behalf of Applicant, if applicable

[Handwritten Signature]

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

Eileen Bristol

Tax Collector



City of Marlborough
BUILDING DEPARTMENT

140 Main Street
 Marlborough, Massachusetts 01752
 Tel. (508) 460-3776 Facsimile (508) 460-3736
 building_dept@marlborough-ma.gov

JEFFREY COOKE, C.B.O.
 BUILDING COMMISSIONER

PATRICK DAHLGREN
 ASSISTANT BUILDING
 COMMISSIONER

WILLIAM PAYNTON
 LOCAL BUILDING INSPECTOR

RICHARD DESIMONE
 PLUMBING & GAS INSPECTOR

JOHN CAIN
 WIRING INSPECTOR

August 13, 2018

Owner

Raphael B. Fischetti
 617 Pawtucket Blvd., Unit 3
 Lowell, MA 01814

Applicant

Michael J. Norris, Esq.
 171 Locke Drive, Suite 108
 Marlborough, MA 01752

Mr. Norris:

Re: 89 Spring Street, Marlborough, MA

Your application to construct a new Single Family Dwelling at 89 Spring Street, Marlborough, MA Parcel ID #68-316, located in the Residence A-3 zoning district (A3) is denied as it does not comply with Chapter 650-41 of City Code of Marlborough. The "Table of Lot Area, Yards, and Height of Structures" states that your use requested requires minimum side yard set-back of 15 feet. Your proposed construction requests side yard set-back of 12.2' (L) and 8.3' (R). As a pre-existing, non-conforming lot, the construction of a new SFD that is more non-conforming requires a "Special Permit" (SP) issued by the Marlborough City Council.

The newest proposal by the applicant desires to increase the structure for a 1 ½ story to a full two story SFD, thus intensifying the pre-existing conformity.

Your use requested requires a Zoning relief issued by the Marlborough City Council.

You have the right to continue to the Marlborough City Council (SPGA) for a Special Permit as stated in the City Code section 650-12B or you have the right to appeal this decision to the Zoning Board of Appeals as per section 650-58.

An appeal from this denial for a SP may be taken to the Marlborough City Council by filling a Notice of Appeal with the City Clerk within 30 days of the date of this denial letter. Further information should be obtained from the Marlborough City Council.

The code in its entirety may be found at www.ecode360.com/MA1056
 In your appeal, you may request a Special Permit (SP).

Sincerely,

Jeffrey Cooke, C.B.O.
 Building Commissioner
 Zoning Enforcement Officer

Mission Statement

To promote the safe and compatible development of the community through the fair and consistent enforcement of the building codes and zoning ordinances

ate _____

Commonwealth of Massachusetts
 CITY OF MARLBOROUGH
APPLICATION FOR USE OR CHANGE OF USE

COPY

The Marlborough City Code requires that a permit be obtained before any land or structure may be used in any way, and before any use may be changed.

► This does not apply to a change of ownership – only to a change in use.

Applications for permits shall be accompanied by **two prints of a plan of the lot**, drawn to scale, showing the actual dimensions of the lot, exact location and size of any existing or proposed buildings and streets and ways adjacent to the lot.

Address of property for which use or change of use is applied for:

89 SPRING STREET MAP 68/LOT 316 A-3
 No. / Street Parcel ID# Zoning District
 Assessors Init: SM

Description of Use Proposed (as written in Section 415 Table of Uses).
 Please attach a brief narrative, if necessary. To construct a single family house on a preexisting non-conforming lot which was purchased at a Tax Foreclosure from the City. The City tore the house down.

If Residential, state # of units proposed One (1)

If Business, state exact type _____

Present Use of Property, including any existing structures
Was a single family, now vacant land.

Applicant's Name Michael J. Norris, Esq. Bldg Owner's Name Raphael B. Fischetti
 Applicant's Address Owner's Address
171 Locke Dr., Suite 108 617 Pawtucket Blvd., Unit 3
Marlborough, MA 01752 Lowell, MA 01814

Applicant's Phone 508-624-7733 Owners Phone 617-645-5226

I, as Owner/Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and belief.

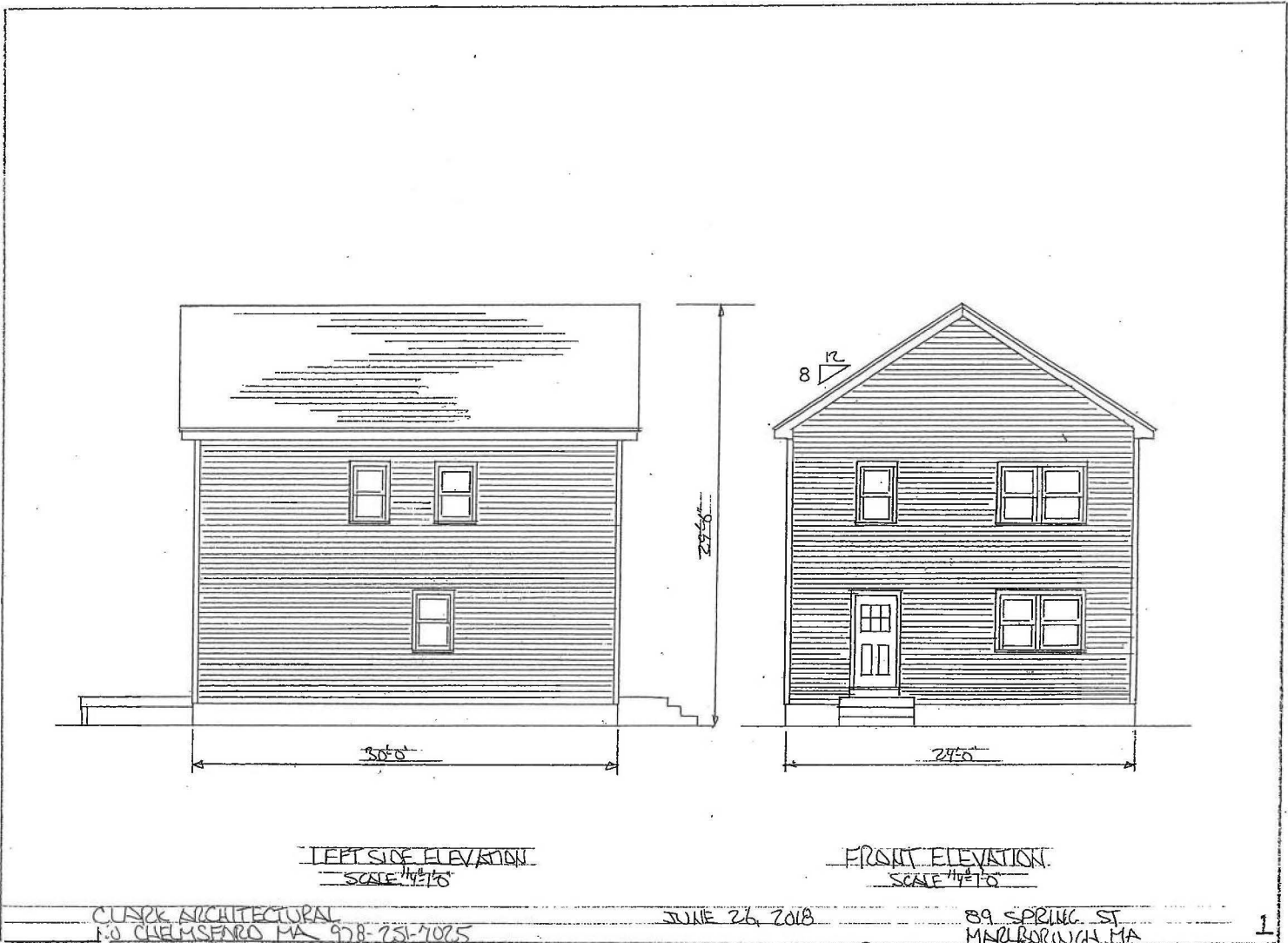
Applicant's Signature [Signature] Owner's Signature _____
 Michael J. Norris, Esq. Raphael B. Fischetti

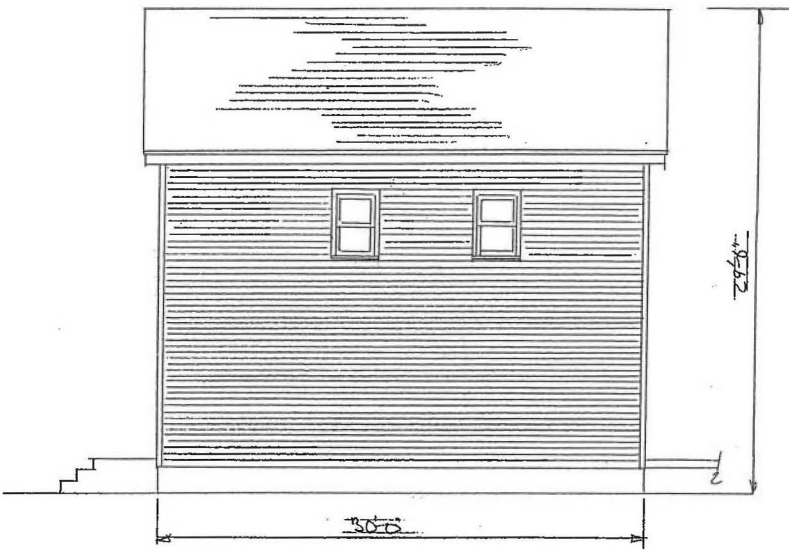
I certify that the owner of record below is not delinquent in payments to the City of Marlborough under any circumstances per MGL Chapter 40 Section 57.

Tax Collector Eileen Bresnahan Date 6/29/18 **OVER ▶**

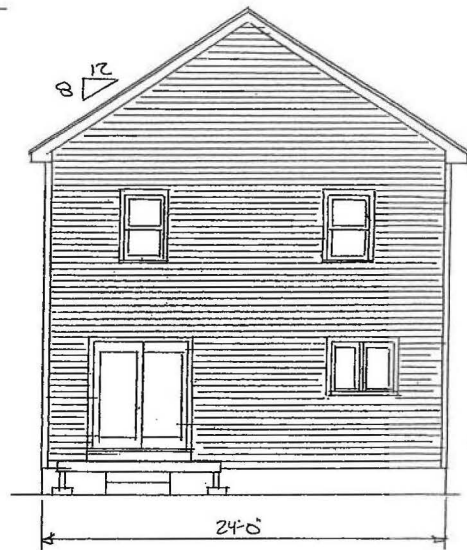
FOR ADMINISTRATION USE ONLY – DO NOT WRITE BELOW THIS LINE

APPROVE _____ **ZONING CODE** REQUIRES RELIEF INTERESTING THE NOW CONFORM
DENIED _____ **REASON FOR DENIAL** _____
[Signature] 13 Aug 2018
ZONING AGENT **DATE**
 Page 1 of 2



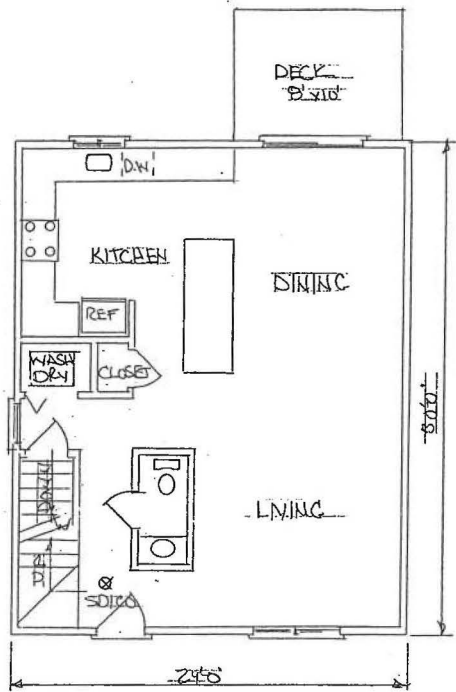


RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"

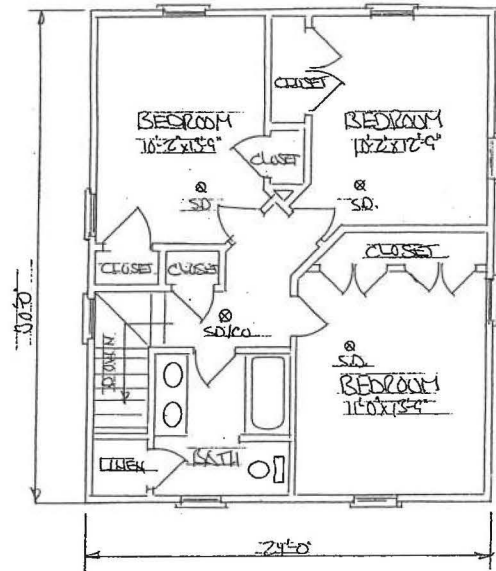


BACK ELEVATION
SCALE 1/4" = 1'-0"

89 SPRING ST
MARLBOROUGH MA



FIRST FLOOR PLAN
 SCALE 1/4" = 1'-0"
 720 SQ. FT.



SECOND FLOOR PLAN
 SCALE 1/4" = 1'-0"
 720 SQ. FT.

89 SERRILL ST
 MARLBOROUGH MA

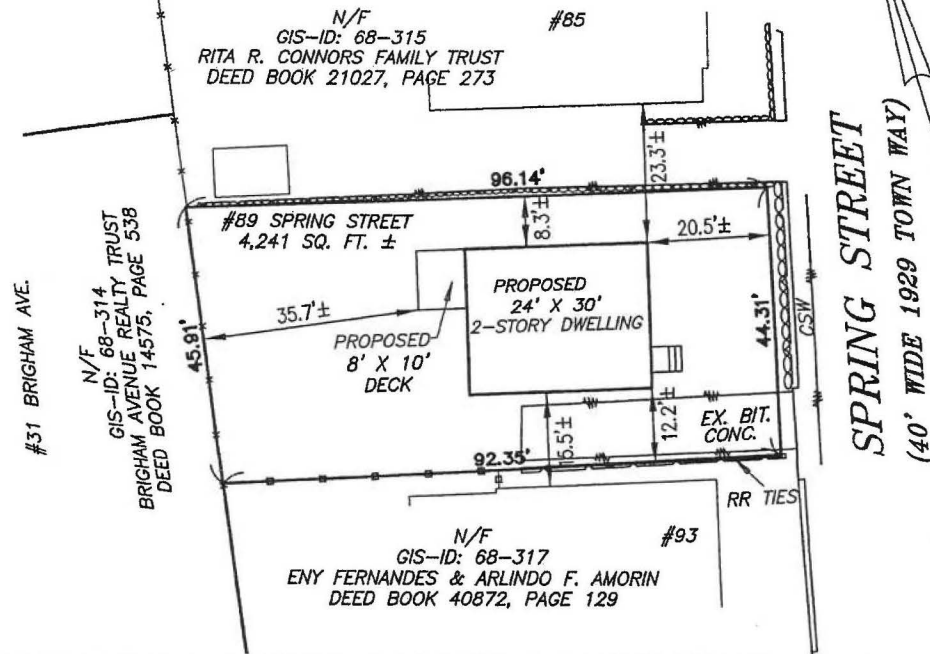
NOTE:

1. THIS PLAN IS NOT TO BE CONSIDERED AN ALTA/ACSM LAND TITLE SURVEY, NOR IS IT TO BE USED FOR RETRACEMENT OF PROPERTY LINES.
2. DIMENSIONS DEPICTED ARE FROM PHYSICAL EVIDENCE AND BEST FITTING CENTER OF PAVEMENT TO RELATE 1929 UN-MONUMENTED ROAD LAYOUT AND 1940 TAKING.
3. CURRENT DEED CARRIES FORWARD A PROBABLE TYPOGRAPHICAL MADE IN THE BACK LINE OF THE LOT. IN DEED BOOK AND PAGE 2386/206 AND PRIOR, REAR LOT LINE WAS LISTED AS 45 FEET. IN 3-19-1898, IN DEED BOOK AND PAGE 2643/314 (AND FORWARD), THE DISTANCE WAS LISTED AS 40 FEET. PHYSICAL EVIDENCE AGREES BETTER WITH 45'.

ASSESSORS:
MAP 68 LOT 316

ZONING:
RESIDENCE A-3

REFERENCES:
BOOK 70255, PAGE 444
PLAN BOOK 274, PAGE 19
PLAN 873 OF 1940
PLAN 1652 OF 1950
PLAN 274 OF 1985
LAYOUTS 9/1929 & 10/1929



John D. Bremser 6-29-18

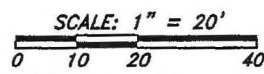
MARLBOROUGH ZONING: RESIDENCE A-3

REQUIRED	PROPOSED
FRONT YARD SETBACK	20'
SIDE YARD SETBACK	15'
REAR YARD SETBACK	12.2'± & 8.3'±
MAXIMUM BUILDING HEIGHT	35.7'±
MAXIMUM LOT COVERAGE	2.5 STORIES
	28.5%

PROPOSED PLOT PLAN #3
OF LAND IN
MARLBOROUGH, MA
PREPARED FOR:
RAPHAEL B. FISCHETTI
617 PAWTUCKET BLVD., APT. 3, LOWELL, MA

LEGEND

- EDGE OF PAVEMENT
- CHAIN LINK FENCE
- WOOD FENCE
- RETAINING WALL
- STONE RETAINING WALL
- CONCRETE SIDEWALK



JOB 20936	DATE: 6/29/18	CHK. BY: JDB
--------------	------------------	-----------------



IN CITY COUNCIL

Marlborough, Mass., JUNE 18, 2018

ORDERED:

That there being no objection thereto set **MONDAY, AUGUST 27, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Christopher White, to build a 24 X 26 garage on a non-conforming lot, 22 Brimsmead Street, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE.**

Ninety days after public hearing is 11/25/18 which falls on a Sunday, therefore 11/26/18 would be considered the 90th day.

ADOPTED

ORDER NO. 18-1007320

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2010 JUN 11 P 1:06

1. Name and address of Petitioner or Applicant:

Christopher White 22 Brimsmead St. Marlborough

2. Specific Location of property including Assessor's Plate and Parcel Number.

22 Brimsmead St. #57 Lot #28

3. Name and address of owner of land if other than Petitioner or Applicant:

4. Legal interest of Petitioner or Applicant (owner lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article 650 Section 41 Paragraph _____ Sub-paragraph _____

6. Zoning District in which property in question is located:

A-3

7. Specific reason(s) for seeking Special Permit

Build a 24x26 garage on a non-conforming lot.

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HEREWITH AND MADE PART OF SAID PETITION.

Christopher White
Signature of Petitioner or Applicant

Address: 22 Brimsmead St.
Marlborough

Telephone No. (508) 922-3978

Date: _____

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

Christopher White

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**)



400 foot Abutters List Report

Marlborough, MA

May 08, 2018

MARLBOROUGH ASSESSORS

Anthony C. Amadio
Allen K. Silverstein
Joan May De

Subject Property:

Parcel Number: 57-28
 CAMA Number: 57-28
 Property Address: 22 BRIMSMEAD ST

Mailing Address: COULSON CYNDI
 22 BRIMSMEAD ST
 MARLBOROUGH, MA 01752

Abutters:

Parcel Number: 56-281A
 CAMA Number: 56-281A
 Property Address: MILDON AVE

Mailing Address: ZINDLE PAULINE R
 45 MILDON AVE
 MARLBOROUGH, MA 01752

Parcel Number: 56-300
 CAMA Number: 56-300
 Property Address: 56 MILDON AVE

Mailing Address: DUNCAN MATTHEW W
 56 MILDON AVE
 MARLBOROUGH, MA 01752

Parcel Number: 56-301
 CAMA Number: 56-301
 Property Address: 92 SHORT ST

Mailing Address: GRAHAM-GUTRO DAWN
 PO BOX 514
 MARLBOROUGH, MA 01752

Parcel Number: 56-302
 CAMA Number: 56-302
 Property Address: 49 BRIMSMEAD ST

Mailing Address: FANNING DARLENE
 49 BRIMSMEAD ST
 MARLBOROUGH, MA 01752

Parcel Number: 56-303
 CAMA Number: 56-303
 Property Address: 65 BRIMSMEAD ST

Mailing Address: LAUX ERIC J
 65 BRIMSMEAD ST
 MARLBOROUGH, MA 01752

Parcel Number: 56-306
 CAMA Number: 56-306
 Property Address: 66 BRIMSMEAD ST

Mailing Address: FERLAND PETER
 66 BRIMSMEAD ST
 MARLBOROUGH, MA 01752

Parcel Number: 56-331
 CAMA Number: 56-331
 Property Address: 69 TREMONT ST

Mailing Address: LYNCH PAULINA B LI EST
 69 TREMONT ST
 MARLBOROUGH, MA 01752

Parcel Number: 57-10
 CAMA Number: 57-10
 Property Address: 95 SHORT ST

Mailing Address: ATWOOD CHRISTOPHER R
 95 SHORT ST
 MARLBOROUGH, MA 01752

Parcel Number: 57-11
 CAMA Number: 57-11
 Property Address: 87 SHORT ST

Mailing Address: PANTAGES THOMAS M LI EST
 87 SHORT ST
 MARLBOROUGH, MA 01752

Parcel Number: 57-12
 CAMA Number: 57-12
 Property Address: 39 BRIMSMEAD ST

Mailing Address: NAHOUMI BARBARA
 39 BRIMSMEAD ST
 MARLBOROUGH, MA 01752


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5/8/2018

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400 foot Abutters List Report

Marlborough, MA

May 08, 2018

Parcel Number: 57-13 CAMA Number: 57-13 Property Address: 25 BRIMSMEAD ST	Mailing Address: POLYMEROS FRANCIS C TR 25 BRIMSMEAD ST MARLBOROUGH, MA 01752
Parcel Number: 57-13A CAMA Number: 57-13A Property Address: 21 BRIMSMEAD ST	Mailing Address: ALONZI MARK J 21 BRIMSMEAD ST MARLBOROUGH, MA 01752
Parcel Number: 57-14 CAMA Number: 57-14 Property Address: 30 MILDON AVE	Mailing Address: RICE JOHN M 30 MILDON AVE MARLBOROUGH, MA 01752
Parcel Number: 57-15 CAMA Number: 57-15 Property Address: 22 MILDON AVE	Mailing Address: 22 MILDON AVENUE LLC 22 MILDON AVE MARLBOROUGH, MA 01752
Parcel Number: 57-15A CAMA Number: 57-15A Property Address: 12 MILDON AVE	Mailing Address: MACINNIS COLLEEN 12 MILDON AVE MARLBOROUGH, MA 01752
Parcel Number: 57-16 CAMA Number: 57-16 Property Address: 10 MILDON AVE	Mailing Address: LOWERY RICHARD K 691 IROLO ST APT 1911 LOS ANGELES, CA 90005-4127
Parcel Number: 57-17 CAMA Number: 57-17 Property Address: 15 BRIMSMEAD ST	Mailing Address: METCALF DAWN E 15 BRIMSMEAD ST MARLBOROUGH, MA 01752
Parcel Number: 57-18 CAMA Number: 57-18 Property Address: 148 BOLTON ST	Mailing Address: SHORT JARED J 148 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-18A CAMA Number: 57-18A Property Address: 148 BOLTON ST	Mailing Address: SHORT JARED J 148 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-19 CAMA Number: 57-19 Property Address: 146 BOLTON ST	Mailing Address: PARE SHARON L 146 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-19A CAMA Number: 57-19A Property Address: BOLTON ST	Mailing Address: PARE SHARON L 146 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-20 CAMA Number: 57-20 Property Address: 144 BOLTON ST	Mailing Address: CONTRERAS ANDREA 144 BOLTON ST MARLBOROUGH, MA 01752



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400 foot Abutters List Report

Marlborough, MA
May 08, 2018

Parcel Number: 57-21 CAMA Number: 57-21 Property Address: 9 BRIMSMEAD ST	Mailing Address: SAHAGIAN BREIGHANA 9 BRIMSMEAD ST MARLBOROUGH, MA 01752
Parcel Number: 57-22 CAMA Number: 57-22 Property Address: 142 BOLTON ST	Mailing Address: HUTCHENS KENNETH R 142 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-23 CAMA Number: 57-23 Property Address: 140 BOLTON ST	Mailing Address: SANCHEZ MANUEL DE JESUS 140 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-24 CAMA Number: 57-24 Property Address: 138 BOLTON ST	Mailing Address: HOLMES MARTHA O 5 HOLT ST HOPKINTON, MA 01748
Parcel Number: 57-25 CAMA Number: 57-25 Property Address: 14 BRIMSMEAD ST	Mailing Address: NEGRON ROBERT B 14 BRIMSMEAD ST MARLBOROUGH, MA 01752
Parcel Number: 57-26 CAMA Number: 57-26 Property Address: 16 BRIMSMEAD ST	Mailing Address: WALSH CYNTHIA L 16 BRIMSMEAD ST MARLBOROUGH, MA 01752
Parcel Number: 57-27 CAMA Number: 57-27 Property Address: 18 BRIMSMEAD ST	Mailing Address: COLLIER ROBERT E JR 18 BRIMSMEAD ST MARLBOROUGH, MA 01752
Parcel Number: 57-289 CAMA Number: 57-289 Property Address: 121 BOLTON ST	Mailing Address: BROWN ROBERT F TR 99 CEDAR ST HOLLISTON, MA 01746
Parcel Number: 57-29 CAMA Number: 57-29 Property Address: 26 BRIMSMEAD ST	Mailing Address: RIVAS NIXON ALFARO 26 BRIMSMEAD ST MARLBOROUGH, MA 01752
Parcel Number: 57-29A CAMA Number: 57-29A Property Address: 31 TREMONT ST	Mailing Address: CLARKE MICHAEL T 31 TREMONT ST MARLBOROUGH, MA 01752
Parcel Number: 57-30 CAMA Number: 57-30 Property Address: 34 BRIMSMEAD ST	Mailing Address: CHAVES AIDA B 34 BRIMSMEAD ST MARLBOROUGH, MA 01752
Parcel Number: 57-30A CAMA Number: 57-30A Property Address: 37 TREMONT ST	Mailing Address: BOUVIER ALAN M 45 CHANDLER ST MARLBOROUGH, MA 01752



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400 foot Abutters List Report

Marlborough, MA
May 08, 2018

Parcel Number: 57-31 CAMA Number: 57-31 Property Address: 67 SHORT ST	Mailing Address: MASCIARELLI JOAN M LI EST 67 SHORT ST MARLBOROUGH, MA 01752
Parcel Number: 57-32 CAMA Number: 57-32 Property Address: 74 SHORT ST	Mailing Address: REGALADO ROSALIO R 74 SHORT ST MARLBOROUGH, MA 01752
Parcel Number: 57-328 CAMA Number: 57-328 Property Address: BOLTON ST	Mailing Address: DONNELLY MASS REALTY TRUST 89 MAPLE ST STONEHAM, MA 02180
Parcel Number: 57-328A CAMA Number: 57-328A Property Address: 147 BOLTON ST	Mailing Address: BUTKA THEODORE L TR 147 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-33 CAMA Number: 57-33 Property Address: 64 SHORT ST	Mailing Address: MCGRATH ROBERT J JR 64 SHORT ST MARLBOROUGH, MA 01752
Parcel Number: 57-330 CAMA Number: 57-330 Property Address: 157 BOLTON ST	Mailing Address: CURRIE DEVIN H 157 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-330A CAMA Number: 57-330A Property Address: 153 BOLTON ST	Mailing Address: FERRECCHIA STEFANIE TR 172 SHAWMUT AVE MARLBOROUGH, MA 01752
Parcel Number: 57-330B CAMA Number: 57-330B Property Address: BOLTON ST	Mailing Address: FERRECCHIA STEFANIE TR 172 SHAWMUT AVE MARLBOROUGH, MA 01752
Parcel Number: 57-330C CAMA Number: 57-330C Property Address: BOLTON ST	Mailing Address: BAZAKAS KONSTANTINE P O BOX 1045 MARLBOROUGH, MA 01752
Parcel Number: 57-331 CAMA Number: 57-331 Property Address: 159 BOLTON ST	Mailing Address: SAMONTE PHILIP J 159 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-34 CAMA Number: 57-34 Property Address: 57 SHORT ST	Mailing Address: SCILIPOTI SERGIO 57 SHORT ST MARLBOROUGH, MA 01752
Parcel Number: 57-35 CAMA Number: 57-35 Property Address: 27 TREMONT ST	Mailing Address: STAB MARK 27 TREMONT ST MARLBOROUGH, MA 01752



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400 foot Abutters List Report

Marlborough, MA
May 08, 2018

Parcel Number: 57-36 CAMA Number: 57-36 Property Address: 21 TREMONT ST	Mailing Address: CLARKE ANNA TR 21 TREMONT ST APT 1 MARLBOROUGH, MA 01752
Parcel Number: 57-37 CAMA Number: 57-37 Property Address: 13 TREMONT ST	Mailing Address: AJOOTIAN GARY J 13 TREMONT ST APT 2 MARLBOROUGH, MA 01752
Parcel Number: 57-37A CAMA Number: 57-37A Property Address: 15 TREMONT ST	Mailing Address: QUEEN PAULINE E 15 TREMONT ST MARLBOROUGH, MA 01752
Parcel Number: 57-38 CAMA Number: 57-38 Property Address: 136 BOLTON ST	Mailing Address: GHILONI LINDA M TR 136 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-39 CAMA Number: 57-39 Property Address: 130 BOLTON ST	Mailing Address: REGALDO RAMON C 130 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-40 CAMA Number: 57-40 Property Address: 120 BOLTON ST	Mailing Address: COLLINS JOSEPH 10337 SPARKLING DR RCH CUCAMONGA, CA 91730
Parcel Number: 57-41 CAMA Number: 57-41 Property Address: 116 BOLTON ST	Mailing Address: OLIVEIRA REMO A 116 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-42 CAMA Number: 57-42 Property Address: 14 TREMONT ST	Mailing Address: RAMIREZ ERIK 14 TREMONT ST MARLBOROUGH, MA 01752
Parcel Number: 57-43 CAMA Number: 57-43 Property Address: 16 MOFFA LN	Mailing Address: OGAR WILLIAM J 16 MOFFA LN MARLBOROUGH, MA 01752
Parcel Number: 57-44 CAMA Number: 57-44 Property Address: 20 TREMONT ST	Mailing Address: BARTHOLD JEAN WILLIAM 20 TREMONT ST MARLBOROUGH, MA 01752
Parcel Number: 57-45 CAMA Number: 57-45 Property Address: 26 TREMONT ST	Mailing Address: CREAMER ROBERT S 26 TREMONT ST MARLBOROUGH, MA 01752
Parcel Number: 57-46 CAMA Number: 57-46 Property Address: 32 TREMONT ST	Mailing Address: DIGREGORIO PAUL M 32 TREMONT ST MARLBOROUGH, MA 01752



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400 foot Abutters List Report

Marlborough, MA
May 08, 2018

Parcel Number: 57-47 CAMA Number: 57-47 Property Address: 36 TREMONT ST	Mailing Address: BRENNAN MAUREEN A 191 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-48 CAMA Number: 57-48-1-1 Property Address: 11 MOFFA LN #1	Mailing Address: VANBUSKIRK JOSEPH C TR 11 MOFFA LN #1 MARLBOROUGH, MA 01752
Parcel Number: 57-48 CAMA Number: 57-48-1-2 Property Address: 11 MOFFA LN #2	Mailing Address: VANBUSKIRK JOSEPH P 11 MOFFA LN #2 MARLBOROUGH, MA 01752
Parcel Number: 57-48 CAMA Number: 57-48-1-3 Property Address: 11 MOFFA LN #3	Mailing Address: VANBUSKIRK PETER C 11 MOFFA LN #3 MARLBOROUGH, MA 01752
Parcel Number: 57-48 CAMA Number: 57-48-1-53 Property Address: 11-11 MOFFA LN	Mailing Address:
Parcel Number: 57-49 CAMA Number: 57-49 Property Address: 49 SHORT ST	Mailing Address: WANG QIN TR 52 LITTLE POND RD NORTHBOROUGH, MA 01532
Parcel Number: 57-5 CAMA Number: 57-5 Property Address: 180 BOLTON ST	Mailing Address: KOFOS NICHOLAS 180 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-50 CAMA Number: 57-50 Property Address: 43 SHORT ST	Mailing Address: FISH STEPHEN G 43 SHORT ST MARLBOROUGH, MA 01752
Parcel Number: 57-51 CAMA Number: 57-51 Property Address: 44 SHORT ST	Mailing Address: KLINE KEITH H 44 SHORT ST MARLBOROUGH, MA 01752
Parcel Number: 57-52 CAMA Number: 57-52 Property Address: 17 BICKNELL ST	Mailing Address: STEFANSKI MARK J TR 17 BICKNELL ST MARLBOROUGH, MA 01752
Parcel Number: 57-6 CAMA Number: 57-6 Property Address: 164 BOLTON ST	Mailing Address: RAYBOULD MARK P 164 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 57-60 CAMA Number: 57-60 Property Address: 35 SHORT ST	Mailing Address: LEWIS JONATHAN TR 34 WESTCLIFF DR DIX HILLS, NY 11746



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400 foot Abutters List Report

Marlborough, MA

May 08, 2018

Parcel Number: 57-60A
 CAMA Number: 57-60A
 Property Address: SHORT ST

Mailing Address: LEWIS JONATHAN TR
 34 WESTCLIFF DR
 DIX HILLS, NY 11746

Parcel Number: 57-66
 CAMA Number: 57-66
 Property Address: 104 BOLTON ST

Mailing Address: FALAMINO MICHAEL A
 104 BOLTON ST
 MARLBOROUGH, MA 01752

Parcel Number: 57-7
 CAMA Number: 57-7
 Property Address: MILDON AVE

Mailing Address: RAYBOULD MARK P
 164 BOLTON ST
 MARLBOROUGH, MA 01752

Parcel Number: 57-8
 CAMA Number: 57-8
 Property Address: 15 MILDON AVE

Mailing Address: AMES SHARON
 PO BOX 951
 NANTUCKET, MA 02554

Parcel Number: 57-9
 CAMA Number: 57-9
 Property Address: 23 MILDON AVE

Mailing Address: HOPKINS BRIAN E
 23 MILDON AVE
 MARLBOROUGH, MA 01752

Parcel Number: 57-9A
 CAMA Number: 57-9A
 Property Address: 27 MILDON AVE

Mailing Address: FALCONI ALFRED S LI EST
 27 MILDON AVE
 MARLBOROUGH, MA 01752

Parcel Number: 57-9B
 CAMA Number: 57-9B
 Property Address: 33 MILDON AVE

Mailing Address: DION GREGORY P
 33 MILDON AVE
 MARLBOROUGH, MA 01752



www.cai-tech.com

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5/8/2018

Page 7 of 7

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Christopher White Address: 22 Brimsmead St. Marlborough

Project Name: 2 car garage (detached) Address: 22 Brimsmead St. Marlborough

1. PROPOSED USE: (describe) 24x26 garage

2. EXPANSION OR NEW: New

3. SIZE: floor area sq. ft. 624 sq. ft 1st floor _____ all floors _____

buildings 1 # stories 1 lot area (s.f.) 7200 sq. ft

4. LOT COVERAGE: 40 % Landscaped area: _____ %

5. POPULATION ON SITE: Number of people expected on site at anytime:

Normal: _____ Peak period: _____

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: _____ Peak period: _____

(B) How many service vehicles will service the development and on what schedule?

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Motion sensor,

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

None

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. None

9. AIR: What sources of potential air pollution will exist at the development? None

10. WATER AND SEWER: Describe any unusual generation of waste. None

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? _____

***Attach additional sheets if necessary**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall
140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: 6-8-18

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: _____

Project Use Summary: 24x26 garage

Project Street Address: 22 Brimsmead St

Plate: 57 Parcel: 28

Applicant/Developer Name: Christopher White

Plan Date: 3-15-18 Revision Date: _____

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

Jeffrey K. Cooke
Acting Director of Planning

**Application Fee to submit to
City Clerk's office**

\$ 300.00

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

**Lisa M. Thomas
City Clerk**



Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.

- 1 SET POLICE CHIEF ✓ *W. J. ...*
- 1 SET FIRE CHIEF ✓ *S. ...*
- 1 SET CITY ENGINEER ✓ *T. ...*
- 1 SET DIRECTOR OF PLANNING ✓ *...*
- 1 SET CONSERVATION OFFICER (IF WETLANDS AFFECTED) _____
- 1 SET BUILDING COMMISSIONER ✓ *...*
- 12 SETS OFFICE OF THE CITY COUNCIL ✓ *...*
- 3 SETS OFFICE OF THE CITY CLERK _____ (**MUST be Original** & 2 Complete Sets)

Signature

Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas
City Clerk*

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

**Lisa M. Thomas
City Clerk**



I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

Company Name

Owner Name/Officer Name of LLC or Corporation

Christopher White

Owner/Officer Complete Address and Telephone Number

22 Brimsmead St. Marlborough
(508) 922-3978

Signature of Applicant

Christopher White

Attorney on behalf of Applicant, if applicable

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

Eileen M. Brustol

Tax Collector



City of Marlborough

BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3776 Facsimile (508) 460-3736
building_dept@marlborough-ma.gov

JEFFREY COOKE
BUILDING COMMISSIONER

PATRICK DAHLGREN
BUILDING INSPECTOR

RICHARD DESIMONE
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

WILLIAM PAYTON
BUILDING INSPECTOR

Christopher White
22 Brimsmead St
Marlborough, MA 01752
Map 57 Lot 28

April 25, 2018

Mr. White

The building permit application BP 2018-0324 has been denied. The denial is based on maximum lot coverage.

The home is in the A-3 zone which has a maximum of 30% (Table 650-41). Per your certified plot plan. The existing lot coverage is at 34%. The lot is presently non-conforming. Adding the proposed garage will increase the non-conformity to 40%. The plot plan does not take in account the required drive way to the new garage. This will add additional approved impervious materials. (650-49 (4.) b)

If you feel aggrieved by this compliance order, you have the right to appeal with a Special Permit through the City Council.

If you have any questions, please feel free to contact me.

Patrick Dahlgren
Local Inspector
City of Marlborough



IN CITY COUNCIL

Marlborough, Mass., _____ AUGUST 27, 2018

PAGE 1

ORDERED:

That the PUBLIC HEARING On the Application for Special Permit from Christopher White, re: Building a 24 X 26 garage on a non-conforming lot, 22 Brimsmead Street, Order No. 18-1007320, all were heard who wish to be heard, hearing closed at 8:25 PM.

Councilors Present: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaira, Oram, Ossing & Robey.

PUBLIC SPEAKING IN FAVOR

Chris White, owner of property at 22 Brimsmead Street. He would like to build a twenty-four-feet by twenty-six-feet two-car garage on his property. It would be located at the end of the existing driveway in the back corner of the lot.

[FirstName] Santos lives on the property at 22 Brimsmead Street. Since the street has been narrowed due to its reconstruction there is a lot less parking available to the residents. There are more teenagers with licenses and their own vehicles which results in less parking on the street for the families. More parking is needed to accommodate all the cars on the street since people are unable to park on both sides of the street.

Mark Alonzi, 21 Brimsmead Street, is a neighbor across the street from the residence. He had no problem with the proposed project. He confirmed the road is narrower since it was redone by the City. There are six families on the street from Route 85 to Short Street and everyone drives. Personally, he has four vehicles at his home and needs to park in the street and in the wintertime one vehicle is parked on the grass. He has no issues with the proposal especially if it alleviates some of the vehicles being parked on the street and it would make the road safer.

Paul DiGregorio, 32 Tremont Street, sees the parking issues on Brimsmead Street. They live on the street parallel to Brimsmead Street and cannot see a problem with the garage being built.

There is no one else speaking in favor. That part of the Public Hearing is closed.

QUESTIONS FROM THE PUBLIC

There are no questions from the public. That part of the Public Hearing is closed.

PUBLIC SPEAKING IN OPPOSITION



IN CITY COUNCIL

Marlborough, Mass., AUGUST 27, 2018

PAGE 2

ORDERED:

Rhonda Flynn, 27 Tremont Street, directly abuts 22 Brimsmead Street and they have a shared property line. She is in opposition to this project as it is a very small lot, approximately 7,200 square feet. The property already has a very large two-story home with an extensive deck and a gazebo. Adding an additional structure of twenty-four-feet by twenty-six-feet onto this small parcel would be an extreme overuse of the land with the potential of depreciating the value of the other surrounding properties and not staying within the character of the neighborhood. As it directly abuts her property by sixty-feet, she believes that should be taken into consideration. She also had a letter from her husband who could not attend the hearing that evening who wished to be registered in opposition.

Mark Stab, 27 Tremont Street, as unable to attend the public hearing but provided a letter noting his opposition to the proposed project.

There is no one else speaking in opposition. That part of the Public Hearing is closed.

QUESTIONS FROM THE CITY COUNCIL

- ✓ Councilor Oram wished to see a schematic or plot plan of the garage location and a two-dimensional rendering showing the height of the building. The more information he has, the better decision he can make.
- ✓ Councilor Robey wished to clarify why this was on the Council's agenda. The application states it is a non-conforming lot and from the Assessor's map, the lot is 120-feet by 60-feet, and it does not meet any of the current code. It does not have the front- or side-yard frontages and it does not meet the maximum coverage. She assumes since it does not meet any of those criteria, the applicant needs special permission from the Council versus going to the Zoning Board of Appeals. President Clancy stated they will be besieged by a lot of these for pre-existing, non-conforming uses of these lots. All the lots on Brimsmead Street are sixty-foot frontage but 120-feet deep and are therefore only 7,200 square feet and do not meet the 12,500 square feet minimum lot size.
- ✓ Councilor Ossing clarified it is before the Council because the Building Inspector rejected their application for building permits and by rejecting those permits, it now appears before them for a Special Permit consideration.
- ✓ Councilor Delano encouraged the applicant to reach out to the City Council Secretary for any necessary documentation. Councilor Delano believed they may have to make a change to the City's ordinance which allows the Council to refer these requests to the Zoning Board of Appeals at their discretion.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 27, 2018

PAGE 3

ORDERED:

✓ Councilor Clancy is the Ward Councilor for this location and has several questions about the project but will save them for the Urban Affairs Committee meeting.

There are no further questions from members of City Council. That part of the Public Hearing is closed.

That ends the entire Public Hearing. This is currently in the Urban Affairs Committee.

ADOPTED

ORDER NO. 18-1007320A



CITY OF MARLBOROUGH
Office of the City Council
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

Order No.18-1007320

Application for Special Permit by Christopher White to construct a 24'x26' garage on a
Nonconforming Lot located at 22 Brimsmead Street

-REFER TO URBAN AFFAIRS COMMITTEE

PUBLIC HEARING: August 27, 2018

The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on **December 20, 2018.**

By: _____

Edward J. Clancy, City Council President,
acting on behalf of, and at the direction of,
the special permit granting authority:

Marlborough City Council

By: Christopher White

Christopher White

Petitioner