

Rec 5-15-2020

The LAW OFFICES OF
FLOOD & FAVATA, P.C.
14 WINTHROP STREET
MARLBOROUGH, MASSACHUSETTS 01752

Tel: (508) 624-4700 FAX: (508) 624-7497
www.floodlaw.net

CHRISTOPHER M. FLOOD
LORI A. FAVATA

May 14, 2020

Zoning Board of Appeals
City of Marlborough
City Hall
140 Main Street
Marlborough, MA 01752

Re: 75 Lincoln St., Marlborough

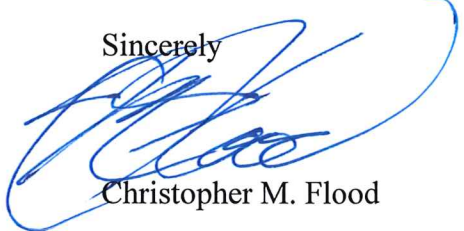
Dear Zoning Board of Appeals,

Enclosed for filing to the Zoning Board of Appeals is an original and 8 copies of the following:

1. Completed Zoning Board of Appeals Application Form
2. Memorandum in Support with exhibits
3. Zoning Officers letter dated April 15, 2020 with plot plan and floor plan
4. Certified list of abutters
5. Filing fee of \$375.00

Please let us know when a hearing date has been set so that we can send the Public Hearing Notice to the abutters. Thank you.

Sincerely



Christopher M. Flood

Enc: as stated



**CITY OF MARLBOROUGH
ZONING BOARD OF APPEALS
Application for Variance or Appeal Hearing**

Official Use :

Date Received : 5-15-2020 City Clerk's # _____ ZBA Case # 1406-2020

Request for :

Variance Appeal

Information :

Property Address 75 Lincoln Street Zoning District RB Map# 57 Parcel# 249A

Applicant is: Owner Tenant Prospective Purchaser Other _____

I am the owner of the property and I have knowledge of, and consent to, this application.

Owner's signature: Jonathan Chase Family Trust Date 14 May 2020
 Owner's name Michael Rando (TRUSTEE) Address 431 Berlin Road, Marlborough
 State MA Zip 01752 Phone# _____ E-mail skinandbonesfirst@yahoo.com

Applicant name Theodore Evangelous Address 35 Beverly Hill Drive, Shrewsbury
 State MA Zip _____ Phone# 508-400-0380 E-mail _____

Representative Name: Christopher Flood Company Law Offices of Flood & Favaletto
 Address 14 Winthrop Street, Marlborough
 State MA Zip 01752 Phone# 508-624-4700 E-mail christflood@floodlaw.net

Describe below what is being requested, such as what is the proposed action, relief, or construction on the property.

Please see attached letter

Provide below all sections of the Zoning Ordinance (Chapter 650, Article(s), Section(s), Paragraph(s), Subsection(s)) which are pertinent to the ~~Variance~~ Appeal (see denial letter).

650-12

Variance

1. What is the soil condition, shape or topography of **YOUR** lot or structure which **DISTINCTLY** affects your lot, as distinguished from other lots in the zoning district which it is located.

N/A

2. What is the **HARDSHIP** that is **CAUSED** by the soil condition, shape or topography of your lot or structure stated above. **PERSONAL INCONVIENCE** is **NOT** a hardship. A hardship imposes a substantial financial penalty or directly affects your use of the land or structure as it is zoned.

N/A

3. State how the variance you are requesting, if granted, will not nullify or detract from the intent or purpose of the Zoning Ordinance.

N/A

4. State how the variance you are requesting, if granted, will not diminish the public welfare or well-being.

N/A

Appeal

State the specifics of the Appeal (use additional sheet if necessary).

Please see attached letter

Application Packet:

The applicant shall submit ten (8) copies of the application packet which shall contain sufficient information to illustrate and defend the applicant's case and as a minimum shall consist of the following:

- Completed Zoning Board of Appeals Application Form
- Abutters List certified by the Assessor's Office
- Copy of denial letter from City Official
- Certified Plot Plan prepared and stamped by a Massachusetts Registered Professional Land Surveyor. A mortgage plan is **NOT** a certified plot plan. The certified plot plan shall include:
 - Plan Size 8 1/2" x 11" or 11" x 17"
 - Plans drawn to accurate scale with north arrow
 - Owner names and street addresses of directly abutting lots
 - Name of streets and zoning districts.
 - Bearing and distances of subject property
 - Dimensions and property line setbacks of all structures on subject property
 - Location of driveways, parking areas and other impervious surfaces on subject property
 - Location of walls, curbing, major landscaping, fences on subject property
 - Location of easements, wetlands and floodplains on subject property, if applicable
 - Dimensions and property line setbacks of all proposed work
 - Lot Coverage (area covered by all impervious surfaces) existing and proposed
 - Location and property line setbacks of structures, fences, driveways etc. on abutting lots that are within fifteen (15) feet of subject property lines
- Site plans of subject property showing topography and drainage structures, if regrading of the site or rerouting of runoff is proposed or if property is in Floodplain and Wetland Protection District.
- Architectural plans of new or modified building structure, if applicable.

Filing Fee: Filing fees are based upon the proposed **USE** of the property:

- Residential Non--revenue bearing \$130.00
- Residential Revenue bearing \$250.00
- Business, Commercial or Automotive \$375.00
- Industrial, Limited or Full \$500.00
- Special Permit (Flood Plain and Wetland Protection District)..... \$450.00

Hearing Request: I hereby request a hearing before the Zoning Board of Appeals regarding this application packet and I am aware that two (2) legal ads will be placed in the MetroWest Daily News or the Marlborough Enterprise Weekly newspaper which will be billed directly to me or my representative. I am further aware that I am responsible for sending copies of the Notice of Hearing to all the abutters on the certified list at least fourteen (14) days prior to the hearing date and that I will submit the receipts confirming this mailing to the zoning office seven (7) days prior to the hearing. Finally, I am aware that I am required to record the board's certified decision and the certified plot plan with the Registry of Deeds in order for it to take effect.

ZBA Case # _____

Applicant's signature: _____
Print name: Theodore Evangelous
and/or
Representative's signature: _____
Print Name: Christopher M Flood

Date: 5/13/2020
Date: 5/13/2020

Official Use Only:

Received from applicant, the sum of \$ 375⁰⁰ Check # _____

Signature of the agent of the Zoning Board of Appeals:

Susan Brown

Date: 5-15-2020

Susan Brown - Board Secretary
Department - Zoning Board of Appeals
140 Main Street
Marlborough, MA 01752
Tel# 508-460-3768 E-mail: sbrown@marlborough-ma.gov

The date and signature of the agent of the Zoning Board of Appeals will serve as certification as to when the **COMPLETE** application packet accompanied by the proper filing fee was filed with this office.

The LAW OFFICES OF
FLOOD & FAVATA, P.C.
14 WINTHROP STREET
MARLBOROUGH, MASSACHUSETTS 01752

Tel: (508) 624-4700 FAX: (508) 624-7497
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CHRISTOPHER M. FLOOD
LORI A. FAVATA

May 11, 2020

Zoning Board of Appeals
City of Marlborough
City Hall
140 Main St.
Marlborough, MA 01752

Re: 75 Lincoln St., Marlborough

Dear Zoning Board of Appeals,

This is an **administrative appeal** of a letter from the Marlborough Building Commissioner dated April 15, 2020 denying the Applicants Theodore Evangelous' proposed business use of 75 Lincoln St., Marlborough.

The Applicant submits that the previous business uses of the property were pre-existing nonconforming uses and that Applicants proposed use is **NOT more nonconforming** than the previous uses and is therefore entitled to continued grandfather status as a pre-existing non-conforming use.

The property is located in the Residence B zoning district.

History of 75 Lincoln St

The property at 75 Lincoln St., (formerly known as 67 Lincoln St) was the family home of Marlborough Attorney Sandra Rennie Austin. The property has been used as a business since approximately 1915-1920. At that time, her great-grandfather Albert James owned the property and set up a blacksmithing service for the community. His business involved the shoeing of horses and general tasks of the smith trade, including repairs and ironworks of all sorts. The business continued with Sandra's grandfather taking over the shop. Upon his return from World War II, Sandra's father Robert Rennie,

took up the business working for his father, eventually taking it over and becoming owner of the property. The business continued as a blacksmith shop and fence company, Yankee Fence. The property and business stayed in the family until 1980. At that time, the property and business were purchased and continued by Victor MacAdams. In 1986, the property was sold to Matthew and Mark Evangelous who operated Gemini Sign Company for nearly 20 years until 2005 when it was sold to the current owner, Jonathan Chase. Mr. Chase has used the property for his custom upholstery and refurbishing business for furniture, motor vehicles, planes and boats. The current business is known as Skin and Bones. The various deeds transferring ownership of 75 Lincoln Street are attached as *Exhibit 1*.

Each of the previous uses has been determined by past Administrations of the City of Marlborough that those uses were, in fact, pre-existing nonconforming uses and therefore entitled to continuation as “grandfathered”.

Attached as *Exhibit 2* is a letter from Marlborough building inspector John F Byrne, P.E. dated January 3, 1978 verifying that the use of 75 Lincoln St. was pre-existing and nonconforming and could be continued indefinitely.

Attached as *Exhibit 3* is a letter dated March 17, 1980 from Kuson J. Haddad, city solicitor, verifying that Robert J Rennie’s blacksmith business *and* any successors to the property could continue to operate a business for an indefinite period.

Attached as *Exhibit 4* is a letter dated February 18, 1986 from building Commissioner John Byrne stating to the then owner of Gemini Sign that the business was comparable to the present use and “*may be continued indefinitely as a business endeavor or changed to a use which is comparable to the present use and not substantially more detrimental to the neighborhood than the existing nonconforming use.*”

Applicant’s Proposed Use

Mr. Evangelous intends to acquire the property and to use it for his residential roofing business. He will not be making any changes to the size or shape of the existing structure at the premises, to the existing parking area, or to the structure of the sign. The work of his roofing business occurs exclusively at customers’ homes and not at 75 Lincoln St. Materials used for the various roofing projects may be temporarily stored at 75 Lincoln St., inside the building out of sight. Several vehicles may be parked in the lot overnight.

Applicants Proposed Use Is Very Similar As The Two Uses of Previous Three Owners

The business operations of the Applicant are very similar to the uses of the previous several owners.

The **Blacksmith Shop and Yankee Fence** business consisted of the following:

1. Supplies and materials were delivered to the Lincoln Street property and stored there.
2. There was light manufacturing occurring inside the building.
3. The paved area outside the structure was used primarily for employee parking and occasional short-term storage of fabricated materials.
4. There was occasional parking in the paved area by customers.
5. The administrative office was also located at the Lincoln Street property.
6. Work was performed as a daytime operation, generally outside at customer locations.
7. Blacksmithing services occurred at the shop.
8. Fences were assembled at customer locations. Company vehicles transported workers and supplies to the customer locations.

Gemini Sign operated its business at 75 Lincoln St. for approximately 20 years from 1985 until 2005 and consisted of the following:

1. Sign supplies and materials were delivered to the property and stored there.
2. Some construction and assembly of signs occurred inside the building.
3. The paved area outside the structure was used primarily for employee parking and occasional short-term storage of fabricated materials.
4. There was occasional parking in the paved area by customers.
5. The administrative office was also located at the Lincoln Street property.
6. Work was performed as a daytime operation, generally outside at customer locations.
7. Signs were constructed at customer locations. Company vehicles transported workers and supplies to the customer locations for final sign construction.

Skin and Bones has operated a business at 75 Lincoln St. since approximately 2005.

1. Automobile supplies and parts are delivered to the 75 Lincoln St. location and stored inside. Tools and restoration equipment are stored and used at the premises.
2. Some light manufacturing operations occur inside the building.
3. The administrative office is located at the Lincoln Street property.

4. The paved area outside the structure is used primarily for employee parking and occasional short-term storage of fabricated materials.
5. There is occasional parking in the paved area by customers or occasionally vehicles awaiting restoration.
6. The owner performs restoration services both at 75 Lincoln St. and at various locations around the world for clients with vintage and/or antique automobiles.

The **Applicant, Theodore Evangelous** proposes to use 75 Lincoln St. as a base of operation for a residential roofing business.

1. Roofing supplies and materials will be delivered to the property and stored *inside* only.
2. The paved area outside the structure will be used primarily for employee and company vehicle parking.
3. There will be occasional parking in the paved area by customers.
4. The administrative office will be located at the Lincoln Street property.
5. Work will be performed as a daytime operation, outside, at customer locations. Company vehicles will transport workers and supplies to the customer locations for final roof construction.

Marlborough Building Commissioner Incorrectly Denied Applicants Request

Mr. Evangelous sought confirmation of his proposed use by an Application for Use or Change of Use filed with the Marlborough Building Commissioner. In a letter dated April 15, 2020, the Building Commissioner denied the Applicants proposed use. **The Building Commissioner incorrectly identified the Applicants proposed use as a "Contractor Yard" and indicated**

The City of Marlborough General Code Section 650-5 Definitions does not have a definition of "Contractor Yard". The Definitions Section defines "yard" as "an occupied space, open to the sky, on the same lot with the building or structure."

Neither "Contractor Yard" or "yard" correctly characterizes the Applicants proposed use.

Applicant Is Entitled To Continued Protection As a Pre-Existing Nonconforming Use

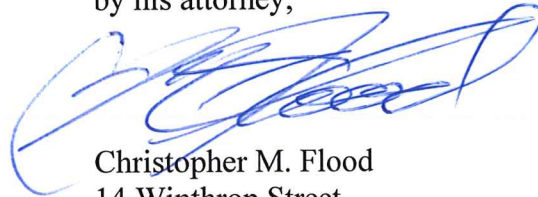
The Applicants proposed use as a business endeavor is comparable to the present and past uses and not more substantially detrimental to the neighborhood than any of the

existing or past nonconforming uses and it is therefore entitled to continued protection as a pre-existing nonconforming use.

WHEREFORE the Applicant requests that this Zoning Board of Appeals vote to overturn the Marlborough Building Commissioner's denial of Applicants Theodore Evangelous' request for verification of proposed use and determine that the proposed use is a pre-existing nonconforming use which may be continued indefinitely.

Respectfully Submitted

Applicant, Theodore Evangelous,
by his attorney,



Christopher M. Flood
14 Winthrop Street
Marlborough, MA 01752
Tel: 508.624.4700
Fax: 508.624.7497
chrisflood@floodlaw.net

EXHIBIT 1

ss. December 31, 1945 Then personally appeared the above named Efthim Kreshpani and acknowledged the foregoing instrument to be his free act and deed, before me William H. Healey Justice of the Peace My Commission expires July 12, 1946. - - - - -

Middlesex ss. Feb. 19, 1946. 1h. 10m. P.M. Rec'd & Recorded.

Two words over erasure.

We, Fotina Kreshpani widow and Gligeri T. Verdy, both of Framingham, Middlesex County, Massachusetts, and Efthim Kreshpani, Krisanthi Efthim, and Dita Kreshpani Petro nee Dita Kreshpani, of Natick, Middlesex County, Massachusetts, and Thomas Kreshpani, single of Worcester, Worcester County, Massachusetts, for consideration paid, grant to Albert J. Rennie and Lillis M. Rennie, husband and wife, as tenants by the entirety, both of Marlborough, Middlesex County, Massachusetts, with WARRANTY COVENANTS A certain parcel of land with the buildings thereon situated on the North side of Lincoln Street and the South side of Chandler Street, and being Easterly from Bolton Street, in said MARLBOROUGH, bounded and described as follows: All of two certain lots of land, being Lots No. 1 and 13 as appears on plan situated on East side of Bolton Street, said plan being known as Ardmore Park, recorded Plan Book 236, Plan 8 in the Middlesex Registry of Deeds. The grantors are all the heirs at law of Andrea Kreshpani, who was also known as Ndreko Vangell and whose estate was probated in the Middlesex Probate Court, Case No. 168490. We, Vasilica Kreshpani, wife of Efthim Kreshpani and Hirkly Efthim, husband of Krisanthi Efthim, Themistocles D. Verdy, husband of Gligeri T. Verdy, Soter Petro, husband of Dita Kreshpani Petro, release to said grantee all rights of tenancy by the CURTESY, DOWER AND HOMESTEAD and other interests therein. WITNESS our hands and seals this 31st day of January, 1946. - - - - -

74
KRESHPANI et al
to
RENNIE et ux

Efthim Kreshpani ^	Dita Kreshpani Petro ^
Vasilica Kreshpani ^	Soter Petro ^
Thomas Kreshpani ^	Krisanthi Efthim ^
Themistocles D. Verdy ^	Hirkly Efthim ^
Gligeri T. Verdy ^	Fotina (Her x mark) Kreshpani ^

Consideration does not exceed One hundred Dollars and no Revenue Stamp is required. Mark Witnessed by: Themistocles D. Verdy Gligeri T. Verdy

THE COMMONWEALTH OF MASSACHUSETTS Middlesex, ss. January 31, 1946 Then personally appeared the above named Efthim Kreshpani and acknowledged the foregoing instrument to be his free act and deed, before me William H. Healey Justice of the Peace My Commission expires July 12, 1946 - - - Middlesex ss. Feb. 19, 1946. 1h. 10m. P.M. Rec'd & Recorded.

17315-80 AM 7133 1193410

REV 10 — 15 BK 13945 PG 307

I, Robert J. Rennie, individually,

of 76 Chandler St., Marlborough, Middlesex
in consideration of Forty Thousand Dollars (\$40,000.00)

County, Massachusetts

grant to Victor MacAdam and Elaine C. MacAdam, as husband and wife as joint tenants
of 123 Grand Street Framingham, Mass

XX
XXXXXXX

warranty
with ~~quitclaim~~ covenants

A certain parcel of land with the buildings thereon located on the northerly side of Lincoln St., in Marlborough, Middlesex County, Massachusetts, containing 10,714 square feet more or less, and further described in a plan entitled "Plan of Building Lots, Ardmore Park, Marlborough, MA.," dated July 20, 1915, recorded at Plan Book 236, Plan 8, to which plan reference is hereby made for a further description.

For my title, see deed of Albert J. Rennie and Lillis M. Rennie to me, dated June 10, 1969, recorded with South Middlesex Registry of Deeds, Book 11718, Page 56.

41 Lincoln St
Marlborough MA 01752

Executed as a sealed instrument this 4th day of April 19 80

Robert J. Rennie
Robert J. Rennie

Cancelled

COMMONWEALTH OF MASSACHUSETTS
REGISTRY OF DEEDS
APR 15 1980

Cancelled

The Commonwealth of Massachusetts

Middlesex,

April 4, 19 80

Then personally appeared the above named Robert J. Rennie

and acknowledged the foregoing instrument to be his free act and deed.

Before me, *Arthur P. Bergeron*
Arthur P. Bergeron

Notary Public
Justice of the Peace

My commission expires February 6, 19 84

25

25.00

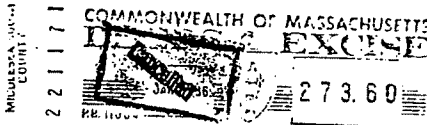
01/23/86 10:27 TR 207 RE
Property address - 67 Lincoln Street, Marlborough, Massachusetts 01752

We, Victor J. MacAdam and Elaine C. MacAdam, Husband and Wife
of 183 Grant Street, Framingham, Middlesex County, Massachusetts,
~~being married~~, for consideration paid, and in full consideration of ONE HUNDRED TWENTY THOUSAND
AND 00/100 (\$120,000.00)-----DOLLARS
grant to Mark E. Evangelous and Matthew D. Evangelous, ~~as tenants in common~~, *
AS JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP.
of 19 Hastings Street, Marlborough, Middlesex County, MA with quitclaim covenants
~~and~~

[Description and encumbrances, if any]

A certain parcel of land with the buildings thereon located on the northerly side of Lincoln Street, in Marlborough, Middlesex County, Massachusetts, containing 10,714 square feet more or less, and further described in a plan entitled "Plan of Building Lots, Ardmore Park, Marlborough, MA.," dated July 20, 1915, recorded at Plan Book 236, Plan 8, to which plan reference is hereby made for a further description.

For our title, see deed of ~~Robert~~ ^{ROBERT} J. Rennie to us, dated April 4, 1980, recorded with South Middlesex Registry of Deeds, Book ~~395~~ ¹³⁹⁵, Page 307.



Witness our hands and seals this 10th day of January 19 86

Victor J. MacAdam
VICTOR J. MAC ADAM
Elaine C. MacAdam
ELAINE C. MAC ADAM

The Commonwealth of Massachusetts

Middlesex ss. January 10, 1986

Then personally appeared the above named Victor J. MacAdam and Elaine C. MacAdam and acknowledged the foregoing instrument to be their free act and deed before me

July U. Brown
Notary Public — Justice of the Peace

My commission expires 11/10 19 89

(*Individual — Joint Tenants — Tenants in Common.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

25

25.00

207 RE

10:29 TR

01/23/86

Marlborough, Massachusetts

01752

Property address - 67 Lincoln Street, Marlborough, Massachusetts

We, Victor J. MacAdam and Elaine C. MacAdam, Husband and Wife

of 183 Grant Street, Framingham, Middlesex County, Massachusetts,

being ~~unmarried~~, for consideration paid, and in full consideration of ONE HUNDRED TWENTY THOUSAND AND 00/100 (\$120,000.00)-----DOLLARS

grant to Mark E. Evangelous and Matthew D. Evangelous, ~~as tenants in common~~, * AS JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP.

of 19 Hastings Street, Marlborough, Middlesex County, MA with quitclaim covenants

the ~~and~~ x

[Description and encumbrances, if any]

A certain parcel of land with the buildings thereon located on the northerly side of Lincoln Street, in Marlborough, Middlesex County, Massachusetts, containing 10,714 square feet more or less, and further described in a plan entitled "Plan of Building Lots, Ardmore Park, Marlborough, MA.," dated July 20, 1915, recorded at Plan Book 236, Plan 8, to which plan reference is hereby made for a further description.

For our title, see deed of ~~Robert~~ ^{ROBERT} J. Rennie to us, dated April 4, 1980, recorded with South Middlesex Registry of Deeds, Book ~~307~~ ¹³⁷⁵, Page 307.



Witness our hands and seals this 10th day of January 19 86

Victor J. MacAdam
Elaine C. MacAdam

The Commonwealth of Massachusetts

Middlesex ss. January 10, 1986

Then personally appeared the above named Victor J. MacAdam and Elaine C. MacAdam and acknowledged the foregoing instrument to be their free act and deed before me

Notary Public - Justice of the Peace

My commission expires 11/10 1989

(*Individual - Joint Tenants - Tenants in Common.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

2
a



Bk: 44892 Pg: 357 Doc: DEED
Page: 1 of 2 03/29/2005 12:58 PM

QUITCLAIM DEED

We, Mark E. Evangelous and Matthew D. Evangelous, Trustees of Gemini Business Realty Trust, u/d/t dated March 6, 1998 and recorded with the Middlesex South Registry of Deeds in Book 28677, Page 284, of Marlborough, Middlesex County, Massachusetts,

For consideration paid, and in full consideration of Two Hundred Thousand and 00/100 (\$200,000.00) Dollars

Grant to Jonathan Chase and Deborah Chase, as Tenants by the Entirety of 431 Berlin Road, Marlborough, Massachusetts with Quitclaim Covenants

A certain parcel of Land with the buildings thereon located on the northerly side of Lincoln Street, in Marlborough, Middlesex County, Massachusetts, containing 10,714 square feet more or less, and further described in a plan entitled "Plan of Building Lots, Ardmore Park, Marlborough, MA.," dated July 20, 1915, recorded at Plan Book 236, Plan 8, to which plan reference is hereby made for a further description.

For title, see deed of Mark E. Evangelous and Matthew D. Evangelous to us , dated March 6, 1998, recorded with South Middlesex Registry of Deeds, Book 28677, Page 291.

Witness our hand and seals this 28th day of March, 2005.

Property Address: 75 Lincoln Street, Marlborough, MA
a/k/a 67 Lincoln Street, Marlborough, MA

Gemini Business Realty Trust

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 03/29/2005 12:58 PM
Ctrl# 048873 18397 Doc# 00081885
Fee: \$912.00 Cons: \$200,000.00

By: Mark E. Evangelous, TR.
Mark E. Evangelous, Trustee

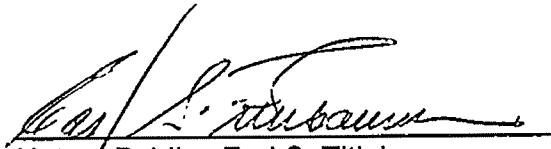
By: Matthew D. Evangelous, TR.
Matthew D. Evangelous, Trustee

Alphonse P. San Clemente
Campobasso & Campobasso
54 Main St
Leominster MA 01453

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 28th day of March, 2005, before, the undersigned notary public, personally appeared Matthew D. Evangelous and Mark E. Evangelous, proved to me through satisfactory evidence of identification which were driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.



Notary Public: Earl S. Titlebaum
My Commission Expires: 2-10-2006



Anest. Middlesex S. Region

EXHIBIT 2



CITY OF MARLBOROUGH
MASSACHUSETTS

CITY HALL
MAIN STREET
Office 485-1600

JOHN F. BYRNE
Building Inspector
DONALD L. RICHER
Plumbing & Gas Inspector
ROBERT L. WELLEN, SR.
Wiring Inspector
Housing Code Inspector

BUILDING DEPARTMENT

January 3, 1978

Mr. Robert Rennie
76 Chandler Street
Marlborough, Mass. 01752

Dear Sir,

Please be advised that your building and land on Lincoln Street, being Parcel 261 of Plate 57 of the Assessors Map, is considered a non-conforming use under our Zoning Ordinance.

This use may be continued indefinitely or changed to a conforming use or " to a use permitted in the most restrictive district in which the present use would be conforming". In effect, this means that you may convert the use of your land to any use allowed in a business district, as your present operation would be a conforming use in a business district.

Very truly yours,

A handwritten signature in cursive script that reads "John F. Byrne".

John F. Byrne, P.E.
Building Inspector

JFB/m

EXHIBIT 3



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

RECEIVED
CITY OF MARLBOROUGH

MAR 17 1980

17 March 1980

Mr. Robert J. Rennie
76 Chandler Street
Marlborough, MA 01752

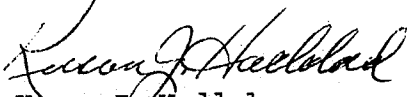
Re: Property located at 67 Lincoln Street

Dear Mr. Rennie:

Mr. Byrne, zoning enforcement officer for the City of Marlborough, informs me that your Blacksmith, Welding & Fence Company has been in existence at 67 Lincoln Street, Marlborough, MA since 1932.

Since the City did not adopt a zoning ordinance till 1956, your business, located in a residentially zoned district, is a non-conforming use under the city's ordinance. As a non-conforming business, you or a successor may continue to operate a Blacksmith, Welding & Fence business for an indefinite period at 67 Lincoln Street, Marlborough, MA.

Very truly yours,


Kuson J. Haddad
City Solicitor

s/

cc: Building Inspector

EXHIBIT 4



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

February 18, 1986

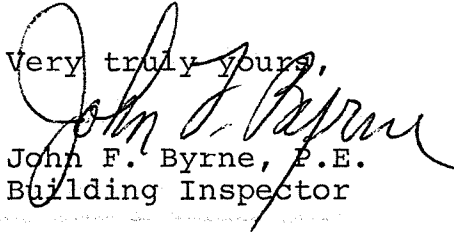
Mr. Mark Evangelous
19 Hasting Street
Marlborough, Ma. 01752

Dear Mr. Evangelous,

Please be advised the building and land located at 67 Lincoln Street being Parcel 261 of Plate 57 of the Zoning Assessor's Map is considered a pre-existing use under our Zoning Ordinance.

This use may be continued indefinitely as a business endeavor or changed to a use which is comparable to the present use and not substantially more detrimental to the neighborhood than the existing non-conforming use.

Very truly yours,


John F. Byrne, P.E.
Building Inspector

JFB/m

* See Article IV, Section 2 of Appendix A of the Code of the City of Marlborough



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

ZONING DENIAL

April 15, 2020

To: **Applicant**
Theodore Evangelous
35 Beverly Hill Drive
Shrewsbury, MA 01545

Owner
Jonathan D. Chase Family Irrevocable Trust
Michael Pando, Trustee
431 Berlin Road
Marlborough, MA 01752

Mr. Evangelous:

Please note that this zoning denial letter nullifies and replaces my previous zoning denial dated March 9, 2020.

Your application to operate Roofing Company Contractor Yard at 75 Lincoln Street, Marlborough, MA Parcel ID #57-249A, located in the Residence B zoning district (RB) is denied as it does not comply with Chapter 650-17 of City Code of Marlborough. Your use requested a contractor yard, is not included in the "Table of Uses" thus your use requested, is not an allowed Use. Section 650-16B. (in part) All uses not noted in 650-17, entitled "Table of Uses," shall be deemed prohibited.

650-16B All uses not noted in section 17, entitled "Table of Uses," shall be deemed prohibited, except where so deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation or permit.

I have determined that the proposed change of use is prohibited, as it is an addition of a new nonconforming use. The zoning ordinance does not authorize a use variance. Because the change of use cannot comply with the current zoning ordinance, there is no relief available under Section 650-12B to permit change of the current use to a prohibited use.

You have the right to appeal this decision to the Zoning Board of Appeals as per section 650-58.

The code in its entirety may be found at www.ecode360.com/MA1056

Sincerely,

Jeffrey Cooke, C.B.O.
Building Commissioner, Zoning Enforcement Officer
Cc: file, City Council, & Chris Flood, Esquire

Date _____

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

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:

75 Lincoln Street
No. / Street

57-249A
Parcel ID#

RB
Zoning District

Assessors Init: _____

Description of Use Proposed (as written in Section 650-17 Table of Uses).

Please attach a brief narrative, if necessary.

See attached letter.

If Residential, state # of units proposed Currently existing 2 residential units.

If Business, state exact type Roofing company - office and storage of trucks and supplies

Present Use of Property, including any existing structures

Applicant's Name Theodore Evangelous
Applicant's Address

35 Beverly Hill Dr
Shrewsbury MA 01545

Bldg Owner's Name Jonathan Chase
Owner's Address

Berlin Rd
MARLBORO MA

Applicant's Phone 508-400-0380

Owners Phone _____

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.

[Signature]
Applicant's Signature

[Signature]
Owner's Signature

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 _____ Date _____

OVER ►

FOR ADMINISTRATION USE ONLY – DO NOT WRITE BELOW THIS LINE

~~APPROVE~~
DENIED

ZONING CODE 650-17 TABLE of Use
REASON FOR DENIAL 650-16B ALL USES NOT NOTED ARE PROHIBITED

[Signature]
ZONING AGENT

9 MARCH 2020
DATE

Description of Business:

The Applicant will operate a commercial and residential roofing business.

Name and Address of all persons involved in proposed Business: Theodore Evangelous

List all major equipment used in this business: Ladders, hand tools, scaffolding and small trucks.

What size vehicle will be involved with the business, if any: _____

Where on the premises will business be conducted? Inside the building with trucks parked in the lot after hours.

Will there be any exterior changes to this property including signs? No changes except sign placard.

Will there be any noise, emissions, noticeable to persons adjacent to this property? None other than vehicles.

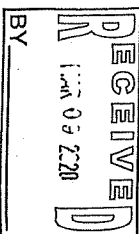
Will customers visit the property? Yes If yes, how many people are expected at one time? 1-3

List materials sold or stored at the property: Shingles and roofing equipment.

Is this business solely a telephone or marketing business use? No.

Please provide any other information that would allow us to understand your proposed business that you feel is important:

Name of Business: Marlborough Roofing



MORTGAGE INSPECTION PLAN

ADDRESS: 67 LINCOLN STREET
CITY/TOWN of MARLBOROUGH

SCALE: 1" = 30' DATE: SEPTEMBER 14, 1995

DEED AND PLAN REFERENCE
MIDDLESEX Registry of Deeds

Deed Book _____ Page _____
Plan Book 235 Plan 8

Certification is hereby made to:

The permanent structures are approximately located on the ground as shown and they either conformed to the setback requirements of the local zoning ordinances in effect at the time of construction or are exempt from enforcement action under M.G.L., Chapter 40A, Section 7, unless otherwise noted.

Certification is hereby made that the structure shown on this plan is not located within a Special Flood Hazard Area as delineated on the map of

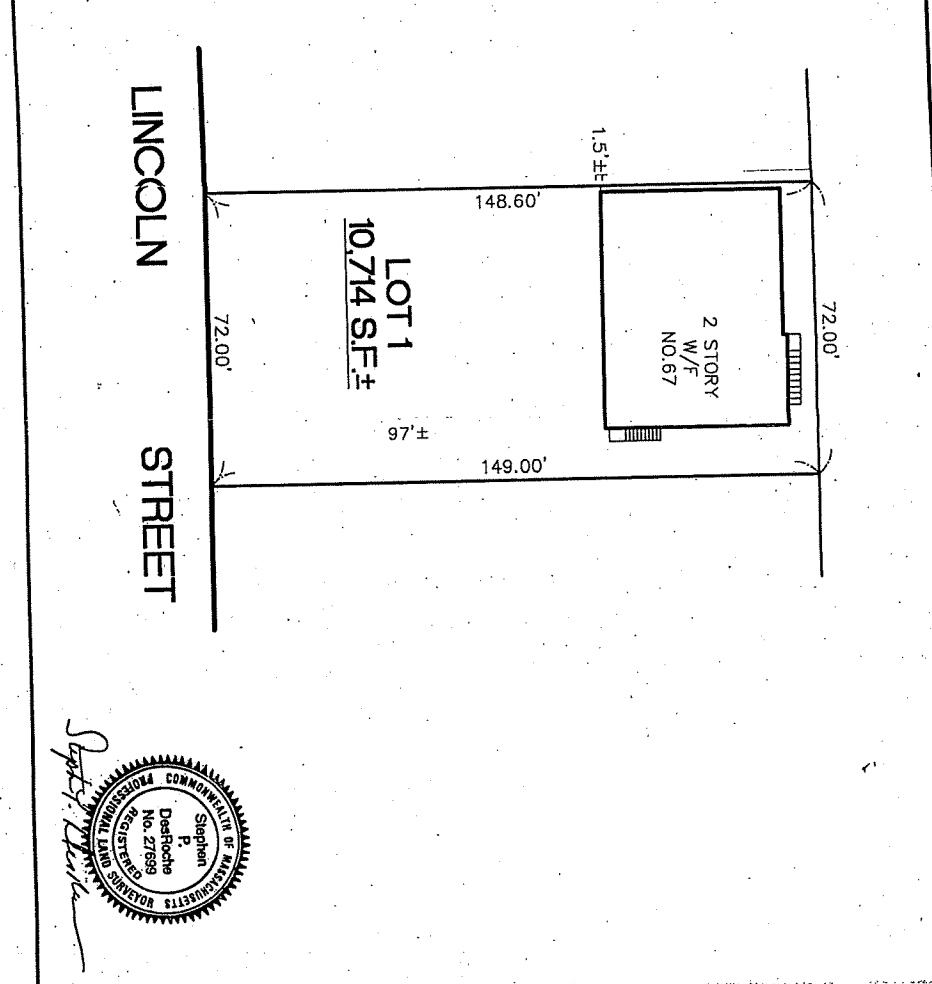
Community Panel No: 250203
Effective / revised Date: JANUARY 5, 1982

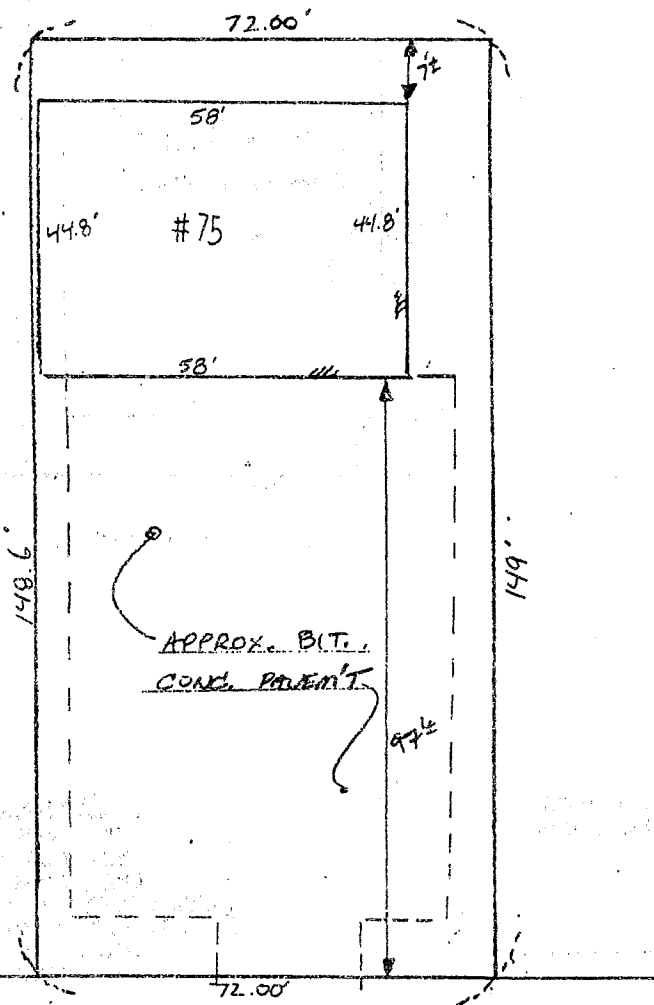
By the U.S. Department of Housing & Urban Development, Federal Insurance Administration.

NOTE: This inspection was prepared in accordance with the technical standards for Mortgage Loan Inspections as adopted by the Commonwealth of Massachusetts, and use for any other purpose is prohibited.

NEPONSET VALLEY SURVEY ASSOC., INC.

35 WHITE STREET
QUINCY, MASSACHUSETTS 02169
TELEPHONE: (617) 472-4867



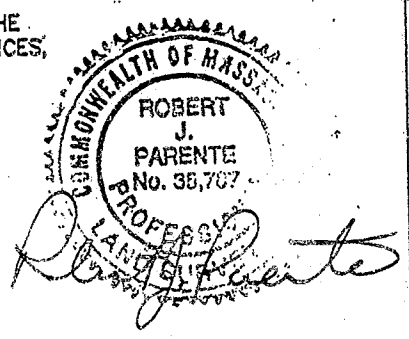


LINCOLN ST.

I CERTIFY TO THE MORTGAGEE
 THAT THE STRUCTURE SHOWN HEREON IS,
 IN OUR PROFESSIONAL OPINION ACTUALLY
 LOCATED ON THE GROUND AS SHOWN, AND
 SAID STRUCTURE CONFORMS, IN OUR PROFESSIONAL
 OPINION TO ALL SETBACK FRONTAGE, SIDYARD AND
 AREA REQUIREMENTS UNDER 8B. SAID
 STRUCTURE IS NOT IN A HUD FLOOD ZONE.

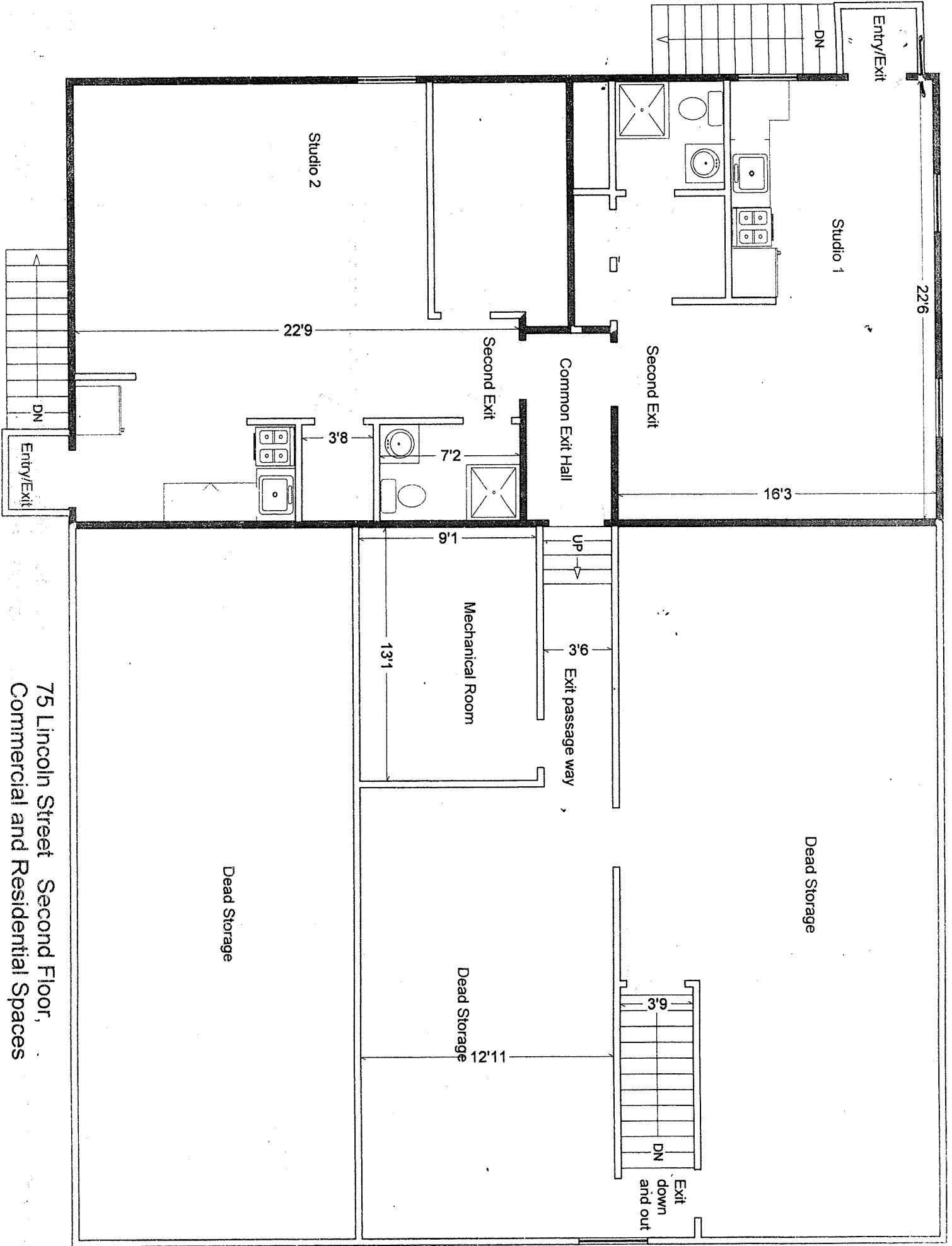
NOTE: ALL VISIBLE EASEMENTS, IMPROVEMENTS
 AND ENCRAGEMENTS ARE SHOWN HEREON.

THIS PLAN MAY NOT BE USED FOR THE
 LAYING OUT OF PROPERTY LINES, FENCES,
 ETC. AND IS NOT BASED ON AN
 INSTRUMENT SURVEY.



MORTGAGE INSPECTION PLAN
 IN
 MARLBOROUGH, MASSACHUSETTS

DATE: MARCH 22, 2002
 SCALE: 1" = 30'



75 Lincoln Street Second Floor,
Commercial and Residential Spaces

GARAGE
22'6" x 44'

22'6"

44'

32'

11'8"

OFFICE
24'8" x 11'8"

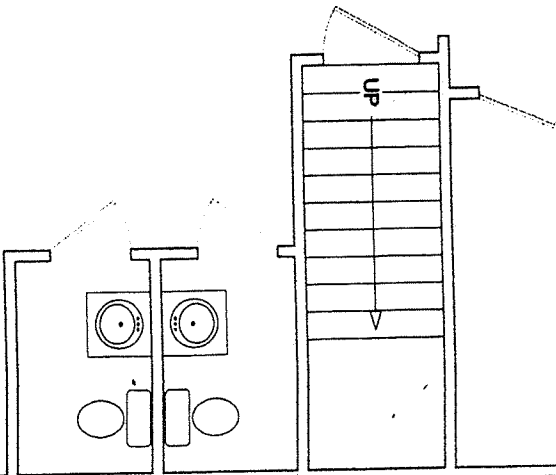
24'8"

EXISTING SHOP AREA

36'6"

OFFICE
11'6" x 11'8"

11'6"



75 Lincoln Street First Floor Commercial Space