

CITY OF MARLBOROUGH ZONING BOARD OF APPEALS

Application for Special Permit

Pre-existing Non-Conforming Single and Two Family Structures

Official Use:		
Date Received:	City Clerk's #	ZBA Case #
Information : Property Address 21 Patten D	Drive	Zoning District A-3 Map# 5 Parcel# 80
Applicant is: X Owner	Tenant Prospective F	Purchaser Other
I am the owner of the property a	and I have knowledge of, a	nd consent to, this application. Date: 1 28 20
Owner's name:(print) Thom	nas Coder	Address 2 Atwood Street, Southborough
	Atty. Brian R.	
Applicant name: Thomas C	oder	Address 2 Atwood Street, Southborough
State MA Zip 01772 P	hone# <u>508-929-1678</u> Atty. Brian R. Fal	E-mail <u>bfalk@mirickoconnell.com</u> k
Representative Name: Attorn Address 100 Front Street, W		Company Mirick, O'Connell, DeMallie & Lougee, LLP
		E-mail <u>bfalk@mirickoconnell.com</u>
property. (use back if needed)		s the proposed action, relief, or construction on the
b. Provide below all sections of Subsection(s) which are pertine Section 650-12.B; Section 6	nt to the Special Permit. (napter 650, Article(s), Section(s), Paragraph(s), use back if needed)
detrimental to the neighborhood	than the existing nonconf	sion or structural change shall not be substantially more priming structure. (use back if needed)

Application Packet:	
The applicant shall file the following number of sets of the application packet at the offices set forth below: Sec Form 1.	₿
Number of Sets	
Office of City Clerk Office of City Council City Engineer Building Department Police Dept. Fire Dept. Conservation Officer (if wetlands are affected) Office of Zoning Board of Appeals	
(Provide one set (complete application and plans) electronically – sbrown@marlborough-ma.g Total 15 copies	<u>0v</u>
The application packet which shall contain sufficient information to illustrate and defend the applicant's case an as a minimum shall consist of the following:	d
Complete Special Permit Application Form.	
Abutters List certified by the Assessor's Office (400 ft.)	
 ☐ 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" 	or.
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 	е
Site plans of subject property showing topography and drainage structures, if regrading of the site of rerouting of runoff is proposed or if property is in Floodplain and Wetland Protection District.	r
Architectural plans of new or modified building structure, if applicable	
ZBA Case #	

ZBA Case # __

Filing Fee: Base fee of \$300.00 or otherwise stated by the Building Department (check made out to the City of Marlborough)

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 14 days prior to the hearing date and that I will submit the receipts confirming this mailing to the zoning office 5 days prior to the hearing. Finally, I am aware that I am required to record the boards certified decision and the certified plot plan with the Registry of Deeds, at my expense, in order for it to take effect.

Applicant's signature:	-grandstation (State Control	Date:	1/28/2	0
Print name: Thomas Coder	and/o	ľ	. (
Representative's signature:		Date: _	1/28/2	0
Print name: Attorney Brian R. Falk			f	
Official Use Only:				
Received from applicant, the sum of \$	Check #			
Signature of the agent of the Zoning Board of Appeals:				
			Date:	
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 were filed with this office.



City of Marlborough 140 Main Street Marlborough, MA 01752

Zoning Board of Appeals Special Permit

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
Thomas Codei	
Signature of Applicant:	Date 1/28/20
Attorney on behalf of Applicant	t, if applicable: Date
Attorney Brian R. Falk The Special Permit package w certification clause is signed by Collector.	
Tax Collector	Date



City of Marlborough 140 Main Street Marlborough, MA 01752

Zoning Board of Appeals Special Permit

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	
Thomas Coder	
Signature of Applicant:	Date
Attorney on behalf of Applicant, if applicable:	Date
Attorney Brian R. Falk The Special Permit package will not be accepted un certification clause is signed by the applicant and the Collector.	
allen Duette	29/21
21 Potton Trut	



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

LAURENT LEMIEUX PLUMBING & GAS INSPECTOR

> JOHN CAIN WIRING INSPECTOR

NOTICE OF ORDER

VIOLATION OF SPECIAL PERMIT

Certified Mail #7001 0320 0006 1624 9588 and USPS First Class Mail

January 12, 2021

To: Thomas Coder
3 Atwood Street
Southborough, MA 01772

21 Patten Drive Marlborough, MA 01752

RE 21 Patten Drive, Marlborough, MA

Mr. Coder:

According to the Assessors records and South Middlesex County Registry of Deeds, Bk/Pg. 71802/461 you are the owner of the above referenced property.

You received a Special Permit (SP) on June 19, 2019 for demolition and reconstruction of a Single-Family Dwelling located at 21 Patten Drive, Marlborough, MA Parcel ID #5-80, located in the Residence A-3 zoning district (A3). The SP was recorded with the South Middlesex Registry of Deeds on July 15, 2019, 2019 00099784, Bk: 72922 Pg: 142

A demolition permit #BP-2019-001755 was issued on October 22, 2019 to remove the existing SFD structure. Thereafter a permit to reconstruct an SFD, permit #BP-2019-001756 was issued on October 30, 2019

The reconstruction of the SFD was subject to three conditions of the Special Permit issued by the City Council, the SPGA.

Condition #1 Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Site Plan and Architectural Drawings as may be subject to minor modifications with approval of the Building Commissioner.

After a careful review of the AS-BUILT SITE PLAN dated December 28, 2020 compiled by Connorstone Engineering, Inc., I find the following violations of the Special Permit:

• The structure is larger than approved, on all four sides.

- The structure is higher than approved by the SP.
 Building height approved 229.8 feetactual 231.09 feet
- Lot coverage increased beyond approved by the SP.
 Lot coverage approved 34.5 (30% max allowed) Increase to 38.9%
- Concrete pavers were installed for approximately 10 feet of the City's right of way
 650-49B (4) Paving materials (a) Within street. All driveways openings shall be paved
 with a minimum of three inches of bituminous concrete between the traveled way and the
 side line of the street.
- Driveway width expanded without prior approval.
 650-49 B. (1) Road opening/curb cut permit required (a) in part.... "shall first obtain site plan approval followed by a road opening/curb cut permit from the City Department of Public Works."

As Building Commissioner, I received no prior requests from you for any modification to what was approved in the SP.

You are hereby ordered to abate these violations immediately. A certificate of Occupancy (CO) will not be issued until such time that the building is compliance with the approved Special Permit. Please contact this office to set up a time schedule that is mutually agreeable to abate the above violation(s).

If you are aggrieved by this order, you have the right to appeal this decision to the Marlborough 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

Certified mail Mr. Coder request pick up at City Hall First Class USPS 3 Atwood, Southborough & 21 Patten Drive, Marlborough

CC

Files

City Council



Brian R. Falk Mirick O'Connell 100 Front Street Worcester, MA 01608-1477 bfalk@mirickoconnell.com t 508.929.1678 f 508.983.6256

February 4, 2021

Zoning Board of Appeals City Hall Marlborough, MA 01752

Re: Special Permit Application – 21 Patten Drive (Thomas Coder)

Dear Board Members:

On behalf of my client Thomas Coder, I respectfully submit an application to amend a special permit authorizing the alteration, reconstruction, extension, or structural change to a lawful preexisting nonconforming single-family dwelling for 21 Patten Drive, in accordance with Section 650-12.B and Section 650-58.B(3)(b) of the Marlborough Zoning Ordinance.

Before the ZBA obtained jurisdiction for these special permits, the City Council issued a special permit dated June 17, 2019, recorded at the Middlesex South District Registry of Deeds in Book 72922, Page 142, authorizing the reconstruction of a preexisting nonconforming single family dwelling at 21 Patten Drive (enclosed with this application). The existing special permit required in Condition #1:

Construction in Accordance with Applicable Laws: Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Site Plan and Architectural Drawings as may be subject to minor modification with approval of the Building Commissioner. (Emphasis added).

The new house is now complete with a buyer eager to move in. The house, however, deviates slightly from the plans approved as part of the existing special permit. Deviations from the plans approved by the City Council are described in the as-built site plan submitted with this application and in the denial letter from the Building Commissioner dated January 12, 2021. The Building Commissioner determined that these deviations from the approved plans do not qualify as "minor modifications", as may be allowed under the existing special permit.

Based upon the facts presented, we believe the ZBA may find that the home, as built, is not more detrimental to the neighborhood than the former preexisting nonconforming structure, and is therefore eligible for a special permit amending the existing special permit. We are therefore seeking a decision of the ZBA to amend Condition #1 of the existing special permit as follows:

MIRICK O'CONNELL

Zoning Board of Appeals February 4, 2021 Page 2

Construction in Accordance with Applicable Laws: Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Site Plan and Architectural Drawings, modified as shown and described on the plan of land entitled "AsBuilt Site Plan of 21 Patten Drive in Marlborough, MA" prepared by Connorstone Engineering, Inc. and dated January 21, 2020 (attached as "Attachment A-1", and as may be subject to minor modification with approval of the Building Commissioner. (New text in bold).

The Board's criteria for granting a special permit authorizing the alteration, reconstruction, extension, or structural change to a lawful preexisting nonconforming single-family dwelling is set forth in Section 650-58.B(3)(b), as follows:

The Board may grant a special permit to allow such alteration, reconstruction, extension or structural change; provided, however, that the Board determines, by a finding under MGL c. 40A, § 6, that the proposed alteration, reconstruction, extension or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use... (Emphasis added).

The new home replaced an older residential structure on the same undersized lot. While the new home extends a few feet beyond the required rear and side yard setbacks, it complies with the Zoning Ordinance with respect to the front yard setback and building height. Overall, the new home is a significant improvement over the prior structure, and was built in keeping with other homes in the neighborhood. Given the new home's significant improvement in value and aesthetics, its deviations from the Zoning Ordinance's dimensional controls are not substantially more detrimental to the neighborhood than the prior structure.

We look forward to the public hearing before the Board, and thank you for your time and attention to this matter.

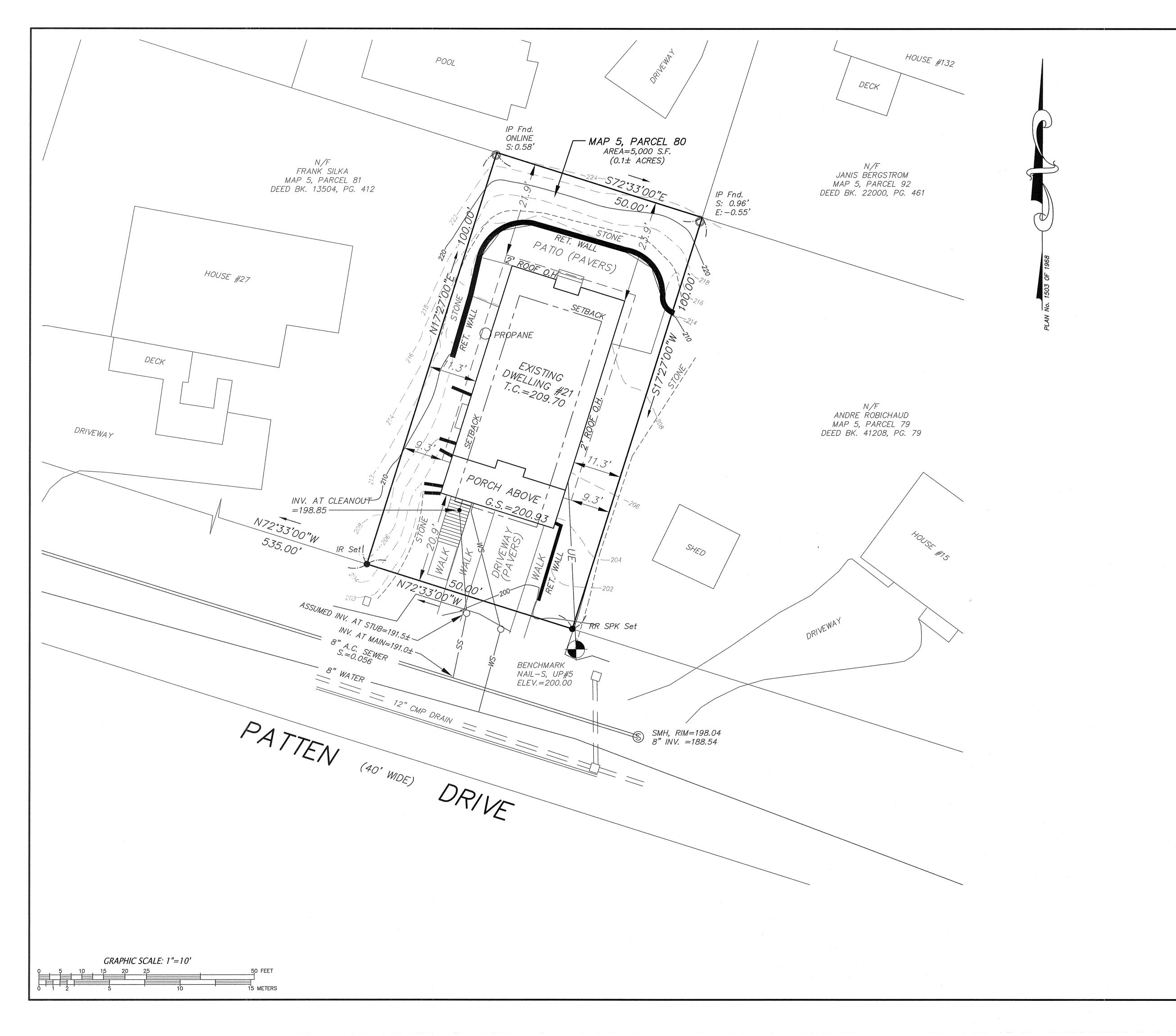
Sincerely,

Brian R. Falk

BRF/lik

cc: Client

Encl.



GENERAL NOTES:

- 1. EXISTING TOPOGRAPHY IS BASED UPON A FIELD SURVEY BY CONNORSTONE ENGINEERING, INC. ON 8/1/2017. ELEVATIONS REFER TO AN ASSUMED DATUM. SEE BENCHMARK, NAIL SET IN UTILITY POLE #5. ABUTTING LOT INFORMATION; HOUSES, DRIVEWAYS, ETC. TAKEN FROM CITY OF MARLBOROUGH GIS DATA. PROPERTY LINES ARE BASED UPON EXISTING PLANS AND DEEDS OF RECORD.
- 2. AS-BUILT INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND SURVEY PERFORMED ON DECEMBER 22, 2020.
- 3. THE PARCEL IS SHOWN ON ASSESSORS MAP 5, PARCEL 80.
- 4. THE LOT SHOWN AND THE DWELLING THEREON ARE NOT LOCATED WITHIN THE 100 YEAR FEDERAL FLOOD HAZARD AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAPS FOR THE CITY OF MARLBOROUGH, PANEL 481 OF 656, MAP NUMBER 25017C0481F, DATED JULY 7, 2014.

ZONED: RESIDENCE A3 - AS-BUILT DWELLING

	REQUIRED	PROPOSED HOUSE*	AS-BUILT HOUSE*
AREA	12,500 sf	5,000 sf	5,000 sf
FRONTAGE	100 feet	50 feet	50 feet
FRONT	20 feet	21.0'	20.9'
SIDE	15 feet	11.5' (VARIANCE)	11.3'
REAR	30 feet	24.0' (VARIANCE)	23.9'
ACCESSORY	5 feet	N/A	N/A

ORIGINAL IMPERVIOUS LOT COVERAGE = 1,211 S.F.± (24.2%)
PROPOSED IMPERVIOUS LOT COVERAGE = 1,723 S.F.± (34.5%): 30% MAX
(VARIANCE REQD.)

AS-BUILT IMPERVIOUS LOT COVERAGE = 1,748 S.F.± (34.9%)
(INCLUDES STRUCTURE AND PARKING PER ZONING)
*BUILDING PER ZONING DEFINITION

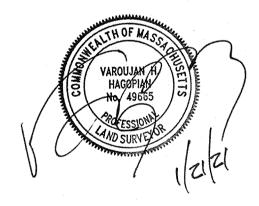
RIDGE HEIGHT, ORIGINAL DWELLING = 225.2'

RIDGE HEIGHT, PROPOSED DWELLING = 229.8'

PROPOSED HEIGHT BASED UPON SPECIAL PERMIT DECISION. THE OWNER SHALL CONFIRM BUILDING AND FOUNDATION HEIGHTS WITH THE ARCHITECTURAL PLANS PRIOR TO CONSTRUCTION.

RIDGE HEIGHT, AS-BUILT DWELLING = 231.09'

PROPERTY IS SUBJECT TO A SPECIAL PERMIT FROM CITY COUNCIL RECORDED IN THE WORCESTER REGISTRY OF DEEDS BOOK 72922, PAGE 142.



PREPARED FOR:
THOMAS CODER
21 PATTEN DRIVE
MARLBOROUGH, MA 01752

CONNORSTONE ENGINEERING INC.

CIVIL ENGINEERS AND LAND SURVEYORS 10 SOUTHWEST CUTOFF, SUITE 7 NORTHBOROUGH, MASSACHUSETTS 01532 PHONE: 508–393–9727 FAX: 508–393–5242

AS-BUILT SITE PLAN
OF
21 PATTEN DRIVE
IN
MARLBOROUGH, MA

REVISED: DESCRIPTION:

DRAWN BY: VHH CHECK BY: REM

DATE: JAN. 21, 2021

SCALE: 1"=10' SHEET 1 OF 1.





IN CITY COUNCIL

Marlborough, Mass.,-

JUNE 17, 2019

DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:

Thomas Coder

Dudraference 71802-461

3 Atwood Street

Southborough, MA 01772

Order No. 19-1007612C

Locus:

21 Patten Drive

Assessors Map 5, Parcel 80



Bk: 72922 Pg: 142 Doc: DECIS Page: 1 of 17 07/15/2019 11:13 AM

DECISION

The City Council of the City of Marlborough hereby **GRANTS** Thomas Coder, having a mailing address of 3 Atwood Street, Southborough, MA 01772, authorization to demolish the existing one-story single-family dwelling and construct a new two-story single-family dwelling on a new poured concrete foundation footprint based on the Procedural Findings and Findings of Facts and Conditions attached hereto as provided in the DECISION.

Decision date: June 17, 2019.

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 19th of June, 2019.

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.

Given at Marlborough this 11th day of July, 2019.

Given under Chapter 40A Section 17 of the General Laws.

A TRUE COPY ATTEST

City Clerk

Thomas Poul Coder 3 Atwood St. Southborough Mass

017/2



IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019
PAGE 1

DECISION FOR SPECIAL PERMIT

THOMAS CODER 21 Patten Drive, Marlborough, MA

CITY OF MARLBOROUGH CITY COUNCIL ORDER NO. 19-1007612C

DECISION ON AN APPLICATION FOR SPECIAL PERMIT

The City Council of the City of Marlborough hereby **GRANTS** the application for a Special Permit to Thomas P. Coder of 21 Patten Drive, Marlborough MA 01752, as provided in this Decision and subject to the following Findings of Fact and Conditions:

PROCEDURAL FINDINGS

- 1. Thomas Coder, with an address of 21 Patten Drive, Marlborough, MA 01752, is the owner of real property located at 21 Patten Drive, Marlborough, MA 01752 (the "Applicant").
- 2. The Applicant is the owner of said real property which is described in a deed recorded with the Middlesex South District Registry of Deeds at Book 71802, Page 461, and identified on the City of Marlborough Assessor's Maps as Map 5, Parcel 80 (the "Site").
- 3. The Applicant, on or about March 11, 2019 filed with the City Clerk of the City of Marlborough an Application to City Council for Issuance of Special Permit (the "Application") under Section 12, Paragraph B. of Chapter 650 (Zoning) of the Code of the City of Marlborough to demolish the existing one story single-family dwelling located on the Site and to construct a new two story single-family dwelling on a new poured concrete foundation footprint (the "Project").
- 4. The Application consisted of an original and two copies of the following: (a) Application to the City Council for Issuance of Special Permit, (b) Special Permit-Summary Impact Statement, (c) Filing Fee check in the amount of \$300.00, (d) Plan Delivery Certification, (e) Tax Payment Certification, (f) Abutters List, (g) Existing and Preliminary Site Plans, (h) Architectural Drawings, (i) Certificate of Completeness of Application, and (j) Zoning Denial Letter (dated March 4th, 2019), (collectively the "Documents"), which Documents are incorporated herein and become a part of this Decision. Eleven sets of documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner (Building Commissioner), the City Engineer, and the Conservation Officer, all in accordance with Section 59 of Chapter 650 of the Zoning Code of the City of Marlborough.



IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019
PAGE 2

- 5. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A, Sections 9 and 11, the City Council established a date for a public hearing on the Application, caused to be advertised notice of said hearing and the date thereof in the Marlborough Enterprise. All necessary abutters, as certified by the Office of the Marlborough Assessors, were provided notice as required by law.
- 6. The Marlborough City Council held a public hearing on the Application on April 29th, 2019 in accordance with the published notice (the "Public Hearing"). The time for the City Council to take final action on the Application is July 29th, 2019.
- 7. The Applicant presented testimony at the Public Hearing detailing the Project, its impact upon the neighborhood, and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the Public Hearing. Subjects of concern were the deteriorated condition of the existing single-family dwelling, the proposed new two-story single-family dwelling, on a new concrete foundation.
- 8. The Site, located in the A-3 zoning district, has side setback of 11.5' to the foundation and 9.5' to the roof. With a rear setback reduced to 22 feet and is comprised of approximately 1,767 SF of land. Chapter 650-41 of the Zoning Code of the City of Marlborough requires 15' side setback and a lot size of 5,000 SF.
- 9. The Building Commissioner has determined that the existing single-story single-family dwelling is a legal pre-existing nonconforming structure with respect to lot size and setbacks, and that the proposed two-story single-family dwelling would increase or intensify the nonconformities of said structure. The proposed single-family dwelling would conform to requirements of the City of Marlborough Zoning Code in all respects except for the side yard, back yard setback requirements. Thus, the proposed reconstruction of the dwelling with an additional second floor within setback area intensifies the pre-existing legally non-conformity structure and requires a special permit from the City Council. The Zoning Denial Letter of the Building Commissioner, dated March 4th, 2019, is attached hereto as "Attachment A."
- 10. The existing site plan submitted with the Application (as thereafter revised to its current attached version, if applicable) is entitled, "ZBA Petition Plan, 21 Patten Drive, Marlborough MA; Prepared for Thomas Coder" by Connorstone Engineering, 10 Southwest Cutoff, Suite 7, Northborough, MA 01532, graphic scale 1" = 20', dated March 7, 2019, attached hereto as "Attachment B."



IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019
PAGE 3

11. The architectural drawings submitted with the Application are entitled "Coder Residence, 21 Patten Drive, Marlborough, MA," by Silver Street Architects. Daniel Wezniak, AIA, dated February 5, 2019 (the "Architectural Drawings" A-0, A-1, A-2, A-3, A-4, A-5) and are attached hereto as "Attachment C".

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

- A. The City Council finds that it may grant a Special Permit subject to such terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough (also referenced herein as the "City").
- B. The City Council finds the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough.
- C. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- D. The City Council makes these findings subject to the completion and adherence by the Applicant, his successors and/or assigns to the conditions more fully set forth herein.
- E. The City Council finds that the expansion or alteration of the existing legally nonconforming one story single-family structure, by demolition thereof and construction of the proposed new two story single-family dwelling, is not substantially more detrimental to the neighborhood than the existing non-conforming structure, that it is an appropriate use, and that is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein.
- F. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to build a single-family dwelling as shown on the Plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, his successors and/or assigns:
- Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Site Plan and Architectural Drawings as may be subject to minor modifications with approval of the Building Commissioner.



IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019
PAGE 4

- 2. <u>No additional decks</u>. No deck(s) shall be constructed or permitted beyond what is expressly shown on the Plan in Attachment B.
- 3. Recording of Special Permit. In accordance with the provisions of Massachusetts General Laws c. 40A, Section 11, the Applicant at his 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 the 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. 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.



IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019
PAGE 5

ATTACHMENT A



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

March 4, 2019

To: Thomas P. Coder 3 Atwood Street Southborough, MA 01772

RE: 21 Pattern Drive, Mariborough, MA

Mr. Coder:

Your application to demolish the existing single story SFD and construct a two story SFD at 21 Pattern Drive, Marlborough, MA Parcel ID #5-80, located in the Residence A-3 zoning district (A-3) 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" state that your use requires 100' of frontage and 12,500 SF of area. Your existing lot contains 50' frontage and 5,000 SF of area. As a pre-existing, non-conforming lot, the construction of a new larger SFD that increases the non-conformity requires a "Special Permit" (SP) issued by the Marlborough City Council.

I have determined that the proposed structure is increasing intensifying the non-conformity.

- The existing structure is approximately 733 square feet (SF) of area the proposed is approximately 1767 SF.
- In the required yard setback area, the building increases in height from 1 story to 2 stories.

Please note that the supplied proposed plot plan is incorrect regarding the proposed structure. The plot plan appears to be based on the proposed basement size of 27'wide x 55' deep, while the plans show a proposed structure of 31' x 57', 1767 lot coverage (2' eaves overhang). The plot plan submitted shows a proposed side setback of 11.5 feet when in actuality, the side setbacks will be 9.5 feet, with a rear setback reduced to 22 feet. You will need to provide a plot plan that accurately reflects what is proposed.

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

Sincerely,

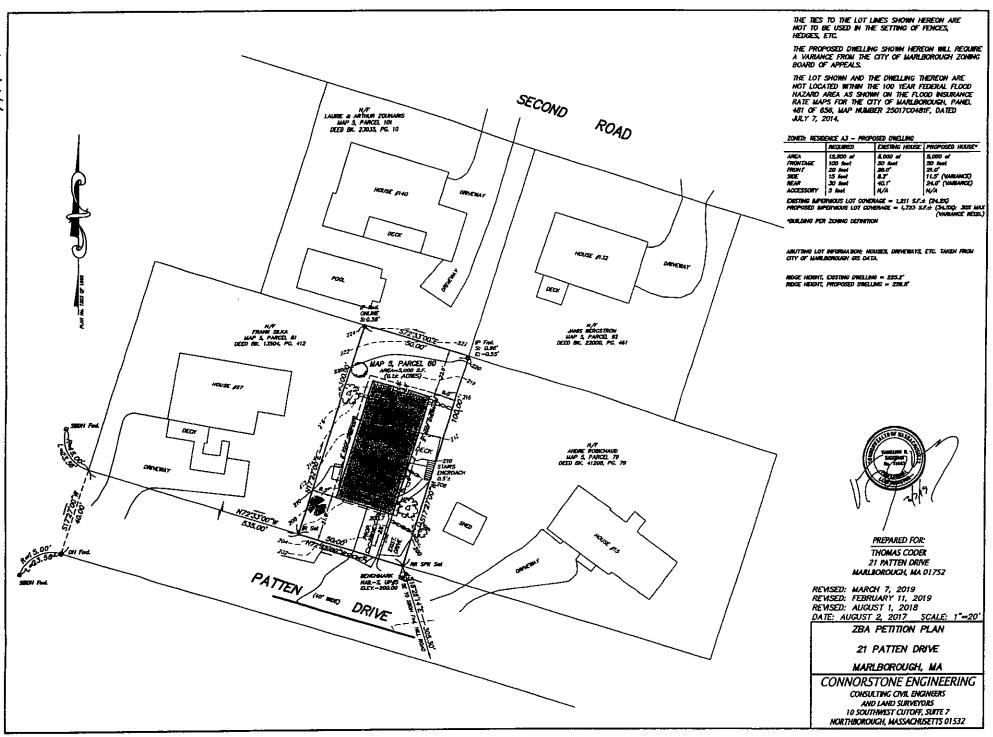
Jeffrey Cooke, C.B.O., Building Commissioner, Zoning Enforcement Officer



IN CITY COUNCIL

Marlborough, Mass., JUNE 17, 2019
PAGE 6

ATTACHMENT B



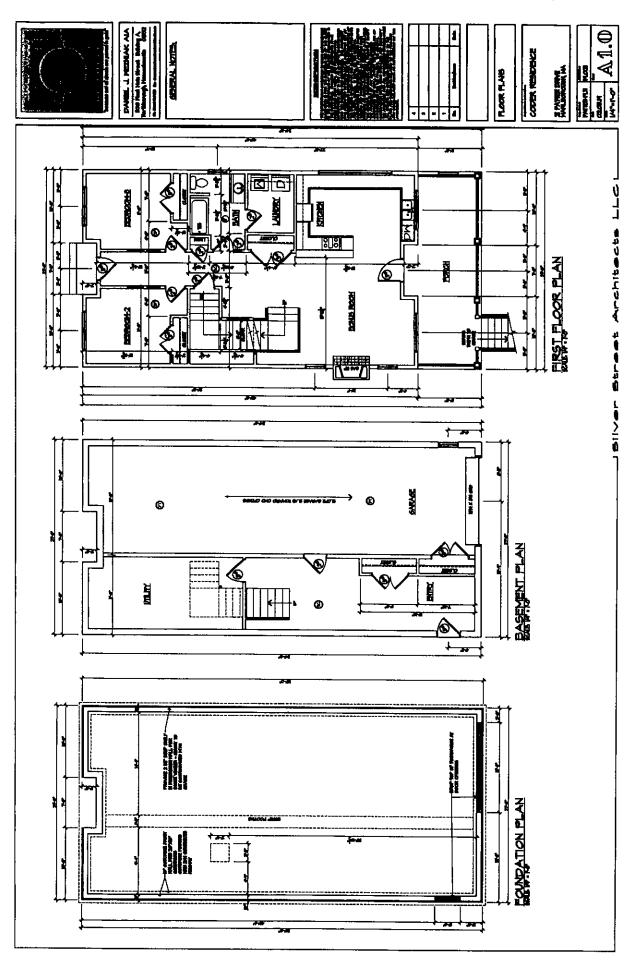


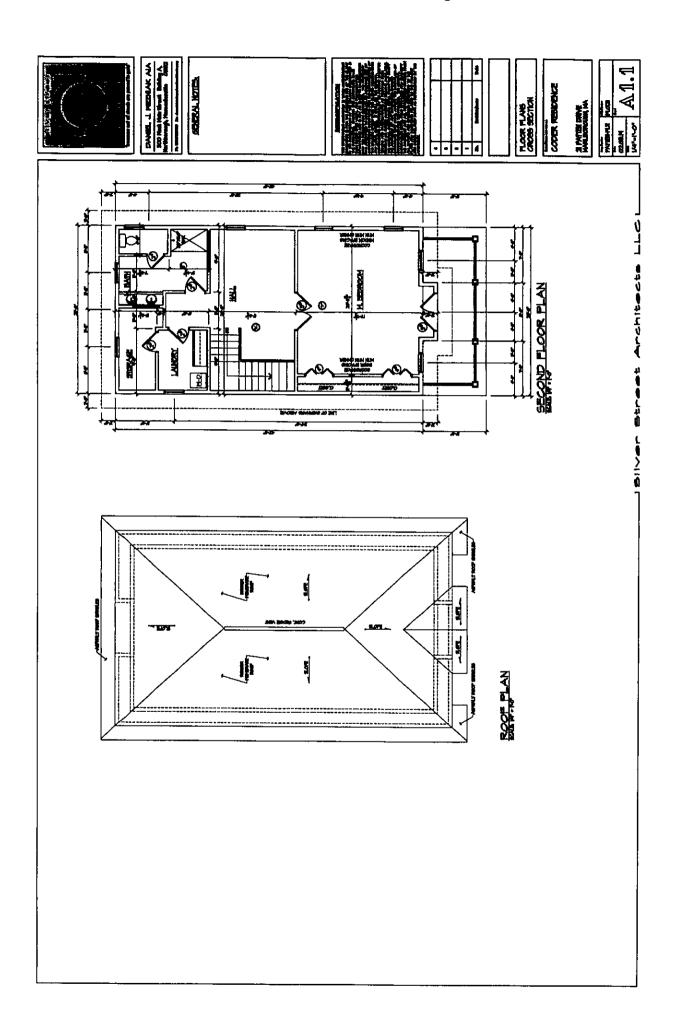
IN CITY COUNCIL

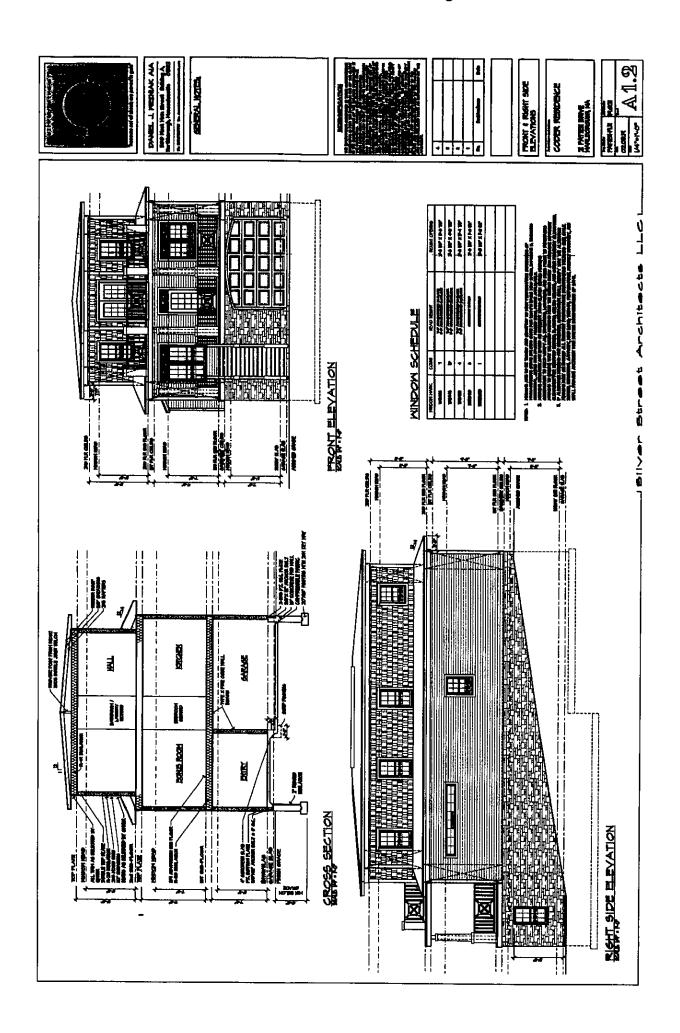
Marlborough, Mass., JUNE 17, 2019
PAGE 7

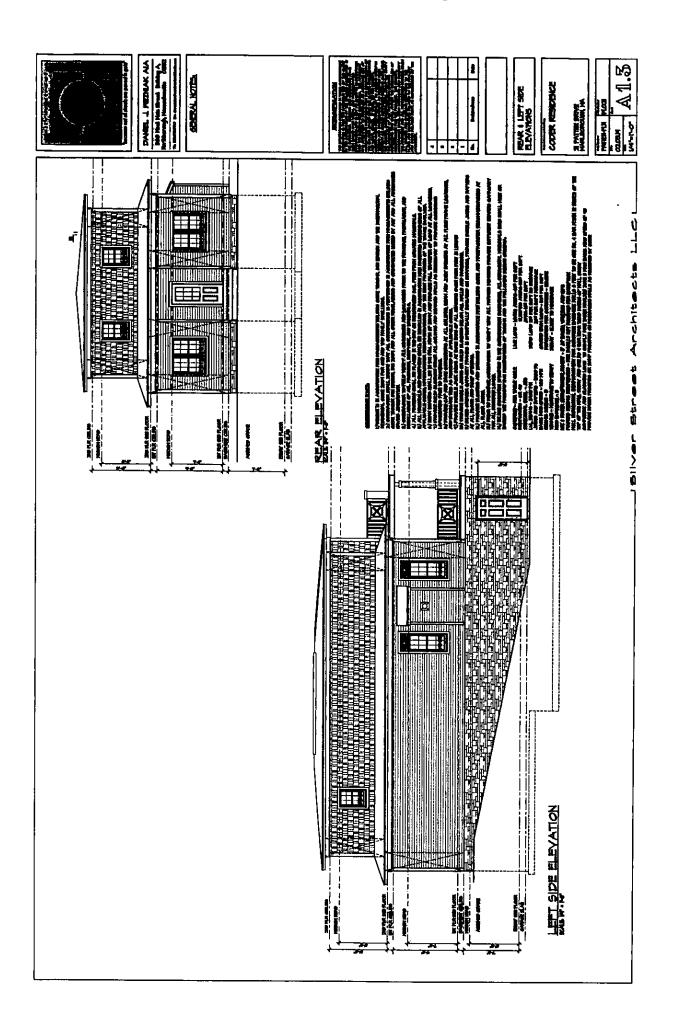
ATTACHMENT C

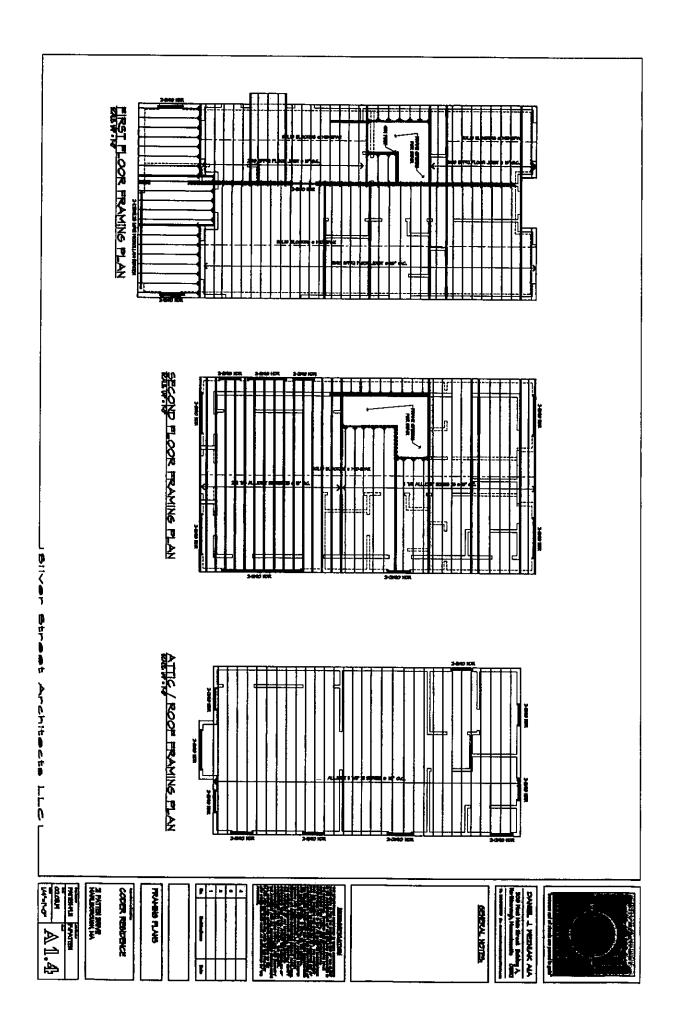
1/H. C



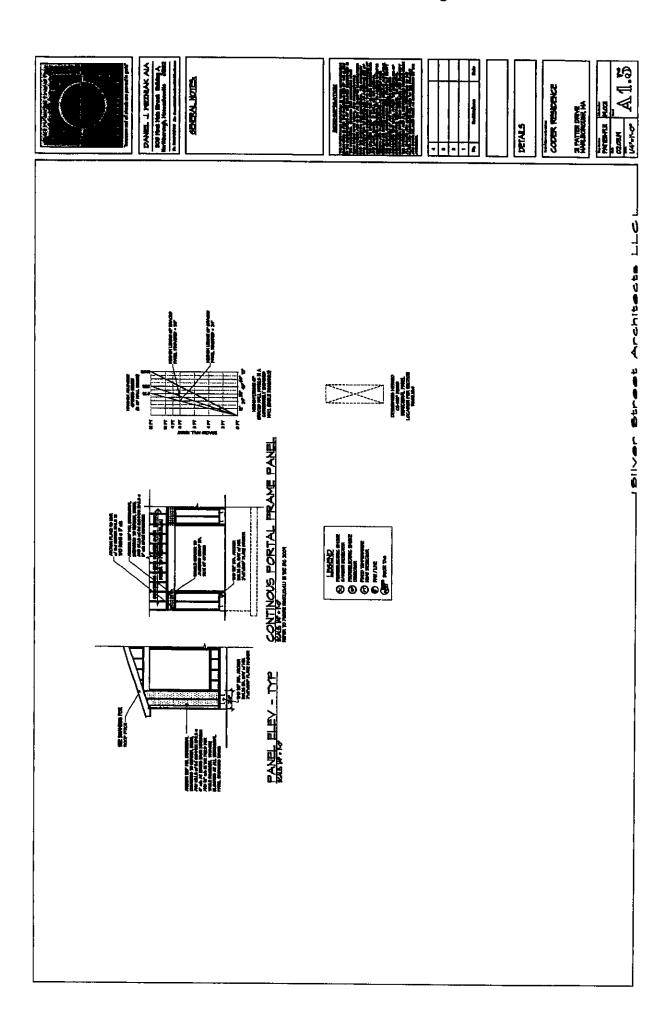








BK: \5355 bd: 126





IN CITY COUNCIL

JUNE 17, 2019 Marlborough, Mass.,—

Yea: 10 - Nay: 0 - Abstain: 1

Yea: Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.

Abstain: Delano

Signed by City Council President Edward J. Clancy

ADOPTED In City Council 19-1007612C

					5-26	5-25	5-102	5-101	5-100	17-35	17-34	17-33	17-24	17-23	17-22	17-21	17-20	17-19	Parcel Number
M_195793_902 284	M_195823_902 278		M_195727_902 261	M_195713_902 265	M_195697_902 268	M_195682_902 270	M_195857_902 377	M_195799_902 396	M_195907_902 474	M_195852_902 260	M_195868_902 255	M_195891_902 248	M_195839_902 213	M_195825_902 221	M_195811_902 228	M_195797_902 234	M_195783_902 240	M_195765_902 248	Parcel Number GIS Number Cama Nu
5-33	5-31	5-29	5-28	5-27	5-26	5-25	5-102	5-101	5-100	17-35		17-33	17-24		17-22	17-21	17-20	17-19	Cama Number
76 LAKESHORE	2 HILL RD	65 LAKESHORE DR	57 LAKESHORE DR	55 LAKESHORE DR	51 LAKESHORE DR	47 LAKESHORE DR	124 SECOND RD ALLEN DAVID	140 SECOND RD	SECOND RD	96 LAKESHORE DR	98 LAKESHORE DR	100 LAKESHORE DR	97 LAKESHORE DR	95 LAKESHORE DR	LAKESHORE DR	79 LAKESHORE DR	75 LAKESHORE DR	73 LAKESHORE DR	Property Address
TRUDEAU DENNIS G TR	AGHADAII NIMA	KELLEY RICHARD H TR	STOCK SUSAN	WILLIAMS NANCY M LI EST	DAIGLE	FERNANDA G	L ALLEN DAVID	ARTHUR	OWNER	PAVAO JASON	HAMILTON SCOTT C		ALLEN HEATHER A	SHARON PETER L		MATTA LALITA TR	SHARON HEATHER	GAUCHER NANCY B	Owner Name
																			Co-Owner Name
76 LAKESHORE DR	2 HILL RD	65 LAKESHORE DR	57 LAKESHORE DR	55 LAKESHORE DR	51 LAKESHORE DR	16 MARLBORO ST	124 SECOND RD	140 SECOND RD	UNKNOWN	96 LAKESHORE DR	98 LAKESHORE DR	100 LAKESHORE DR	97 LAKESHORE DR	136 ANDREWS RD	C/O MIKE SEGAL	79 LAKESHORE DR	75 LAKESHORE DR	ATTN VICTORIA GAUCHER	Owner Address
															17 DANIELS RD			73 LAKESHORE DR	Owner Address 2
MARLBOROUG MA	MARLBOROUG MA	MARLBOROUG MA	MARLBOROUG MA	MARLBOROUG MA	MARLBOROUG MA	HUDSON	MARLBOROUG MA	MARLBOROUG MA	٠	MARLBOROUG MA	Owner City								
MA	MA	MA	MA	MA	MA	MA	MA	MA	·	MA	Owner State								
01752	01752	01752	01752	01752	01752	01749	01752	01752	·	01752	01752	01752	01/52	01752	01/52	20710	01702	01/52	OWIG:

anthony Canada y Hellen Kalversteen

01752	MARLBOROUG MA	53 PATTEN DR	BUONOMO	53 PATTEN DR	5-86	M_195688_902 400	5-86
01752	MARLBOROUG MA	43 PATTEN DR	SUTER DAVID R	43 PATTEN DR	5-84	M_195717_902 390	5-84
01752	MARLBOROUG MA	150 SECOND RD	CHARLES L JR	39 PATTEN DR	5-83	M_195746_902 381	5-83
01752	MARLBOROUG MA	27 PATTEN DR	SILKA FRANK W	27 PATTEN DR	5-81	M_195775_902 372	5-81
01752	MARLBOROUG MA	15 PATTEN DR	ANDRE J	15 PATTEN DR	5-79	M_195826_902 355	5-79
01752	MARLBOROUG MA	5 PATTEN DR	ANDREW	5 PATTEN DR	5-77	M_195867_902 343	5-77
01749	HUDSON	1 BUSH RD	25 HILL ROAD LLC	25 HILL RD	5-75	M_195921_902 318	5-75
01752	MARLBOROUG MA	17 HILL RD	MARCELLO F	17 HILL RD	5-73	M_195919_902 279	5-73
01752	MARLBOROUG MA H	11 HILL RD	MICHAEL P	11 HILL RD	5-72	M_195880_902 280	5-72
01752	MARLBOROUG MA	14 HILL RD	JORDAN JORDAN	14 HILL RD	5-70		5-70
01752	MARLBOROUG MA	22 PATTEN DR	ABIUD	22 PATTEN DR	5-68	M_195788_902 320	5-68
01752	MARLBOROUG MA H	36 PATTEN DR	WILLIAMS WAYNE OLIVER	36 PATTEN DR	5-67	M_195759_902 329	5-67
01752	MARLBOROUG MA	42 PATTEN DR	PENA MARC A	PATTEN DR	5-66	M_195737_902 336	5-66
01752	MARLBOROUG MA	42 PATTEN DR	PENA MARC A	42 PATTEN DR	5-64	M_195715_902 343	5-64
01752	MARLBOROUG MA	48 PATTEN DR	HILL RYAN J	48 PATTEN DR	5-63	M_195693_902 350	5-63
01752	MARLBOROUG MA	54 PATTEN DR	ROBINSON TYRELLE	54 PATTEN DR	5-62	M_195672_902 357	5-62
20,10	MARLBOROUG MA H	14 HILL RD	GOLGATA- SYCHANTHA COLLETTE M LI EST	38 LAKESHORE DR	5-41	M_195661_902 321	4
207.00	MARLBOROUG MA	44 LAKESHORE DR	SEGARRA LISA	44 LAKESHORE DR	5-40	M_195682_902 315	1 0
0770	MARLBOROUG MA	50 LAKESHORE DR	ZISLIN LEONID	50 LAKESHORE DR	5-39	M_195705_902 310	
22760	MARLBOROUG MA	294 PLEASANT ST	PALMER BRIAN D	56 LAKESHORE DR	5-38	M_195727_902 304	5000
	MARLBOROUG MA	64 LAKESHORE DR	GARCEAU DAVID A	64 LAKESHORE O	5-36 6	W_195/5/_902 5-36	000

01752	MARLBOROUG MA	105 SECOND RD	105 SECOND RD BELLIDO MARCELO	105 SECOI	6-23	M_195934_902 6-23 419	6-23
01752	MARLBOROUG MA	37 HILL RD	ASTLE SARAH	37 HILL RD	6-22	M_195932_902 348	6-22
01752	MARLBOROUG MA H	157 SECOND RD	ND PARK MARJORIE A	SECOND RD	5-99	M_195719_902 5-99 456	5-99
01752	MARLBOROUG MA	157 SECOND RD	157 SECOND RD PARK MARJORIE A	157 SECO	5-98	M_195756_902 5-98 453	5-98
01752	MARLBOROUG MA H	157 SECOND RD	147 SECOND RD PARK MARJORIE A	147 SECO	5-97A	M_195791_902 5-97A 451	5-97A
01752	MARLBOROUG MA	137 SECOND RD	137 SECOND RD GOLDMAN PAUL D	137 SECO	5-97	M_195819_902 5-97	5-97
01752	MARLBOROUG MA	125 SECOND RD	ND RD GIANCOLA FRANCIS W	125 SECOND RD	5-96	M_195846_902 5-96 440	5-96
01752	MARLBOROUG MA	117 SECOND RD	117 SECOND RD ELYSEE JACKSON	117 SECO	5-95	M_195878_902 5-95 433	5-95
01752	MARLBOROUG MA	111 SECOND RD	111 SECOND RD RENAUD MAURICE P	111 SECO	2 5-94	M_195911_902 425	5-94
01752	MARLBOROUG MA	36 HILL RD	D THEBADO KRIS	36 HILL RD	2 5-93	M_195889_902 5-93 368	5-93
01732	MARLBOROUG MA H	150 SECOND RD	150 SECOND RD PARK CHARLES L JR	150 SECC	2 5-92A	M_195762_902 5-92A 408	5-92A
01753	MARLBOROUG MA	132 SECOND RD	132 SECOND RD BERGSTROM JANIS A TR	132 SECC	2 5-92	M_195828_902 5-92 387	5-92
01752	MARLBOROUG MA H	61 PATTEN DR	IN DR LAUDARES ANNA PAULA	61 PATTEN DR	2 2 8	423 423	8 8

