



City of Marlborough Zoning Board of Appeals

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

ZBA Case # 1485-2022
Location: 633 Pleasant St.
Applicant: John Kuettner

Notice of Public Hearing

Notice is hereby given that the Marlborough Zoning Board of Appeals will hold a public meeting on March 8, 2022, at 7:00 PM at Marlborough City Hall, 140 Main St. – 3rd Floor Memorial Hall.

Petition: To demolish an existing deck and construct a new three season room at 633 Pleasant St., located in Zoning District A2 being Map 29, Parcel 2. The proposal does not conform to Chapter 650, Article 41, Table of Lot Area, Yards and Height of Structures of the City's Code. The required minimum rear yard setback is 40 ft. vs. the proposed 31.0 ft.

For further assistance, please contact the Board at 508-460-3768. All interested persons are invited in person.

Applicant or representative must be present

Ralph Loftin

Chairman

Zoning Board of Appeals



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

Official Use : _____
Date Received : 1-24-2022 City Clerk's # _____ ZBA Case # 1485-2022

Request for :

Variance Appeal

Information :

Property Address 633 PLEASANT ST Zoning District _____ Map# _____ Parcel# _____

Applicant is: Owner Tenant Prospective Purchaser Other CONTRACTOR

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

X Owner's signature [Signature] Date 1/20/2022
Owner's name JOHN KWETTNER Address 633 PLEASANT ST
State MA Zip 06752 Phone# 508-579-8510 E-mail johnnykwettner11@gmail.com

Applicant name GENILSON MOURA Address 120 NEWTON ST
State MA Zip 06752 Phone# _____ E-mail MOURACONSTRUCTION@VERIZON.COM
508-202-3587 moura@construction@verizon.net NET

Representative Name GENILSON MOURA Company MOURA CONSTRUCTION
Address SAME
State _____ Zip _____ Phone# _____ E-mail _____

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

THERE IS EXISTING DECK THAT WILL BE REPLACED TO A 3 SEASON PORCH PLEASE SEE ATTACHED PLANS.

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

Zoning district (A-2)
Chapter 650, Article 41
Table of lot area, yards and height of structures
of the city cod of Marlborough

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.

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.

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

Granting this variation will not generate adverse impacts. The Variation will not be harmful to the property or improvements in the immediate surroundings, maintaining health, safety and general well being. Specially being on rear of the property.

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

The grant of such Variation will not be materially harmful to the public welfare. The proposed Variation does not prejudice public or private interests, and is not harmful to any property or interest. This grant of the variation will be made behind the house visually blends discreetly and unobtrusively with the surroundings. "The granting of the variation shall not constitute the granting of special privileges". There is least two other houses 3 season porch on the same street.

Appeal

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

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.

Applicant's signature: *Cristina Nova*

Date: 06/18/2022

Print name: GEMILSON MOYRA
and/or

Representative's signature: SAME

Date: _____

Print Name: _____

Official Use Only:

Received from applicant, the sum of \$ 130⁰⁰ Check # _____

Signature of the agent of the Zoning Board of Appeals:

Susan Brown

Date: 1-24-2020

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.



City of Marlborough
BUILDING DEPARTMENT

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

TIN HTWAY
BUILDING COMMISSIONER

LAURENT LEMIEUX
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

WILLIAM PAYNTON
BUILDING INSPECTOR

ETHAN LIPPITT
BUILDING INSPECTOR

ZONING DENIAL LETTER

December 29, 2021

Contractor:
Moura Construction
120 Newton Street
Marlborough, MA 01752
Genilson Moura CS-110472

Owner:
John Kuettnner
633 Pleasant St
Marlborough, MA 01752

RE: 633 PLEASANT STREET, PARCEL ID: 29-2
PROPOSED THREE SEASON PORCH

Mr. Moura,

Based upon the plot plan prepared by Horgan Surveying, dated 12/21/2021, to demolish an existing deck and construct a new three season room at the property listed above, located in zoning district (A-2) does not comply with Chapter 650, Article 41, "Table of Lot Area, Yards and Height of Structures", of the City Code of Marlborough. This office offers the following comments:

1. The required rear yard setback for Zoning District A-2 is 40 feet minimum. Based on the proposed plot plan provided, the proposed rear yard setback for the new three season room is 31.0 feet.

Your proposed three season room will require relief from Zoning Board of Appeals in the form of a Variance approval issued by the Board of Appeals. A detailed plan showing the existing conditions and proposed conditions will be required with your application to the ZBA.

You have the right to appeal this determination to the Zoning Board of Appeals as stated in the City Code section 650-57.

An appeal from this denial may be taken to the Zoning Board of Appeals by filing a Notice of Appeal with the Zoning Board of Appeals within 30 days of the date of this denial letter. Further information should be obtained from the Board of Appeals secretary, Susan Brown at 508-460-3768.

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

Sincerely,



William Paynton
Local Building Inspector
City of Marlborough, MA
(508)460-3776

wpaynton@marlborough-ma.gov

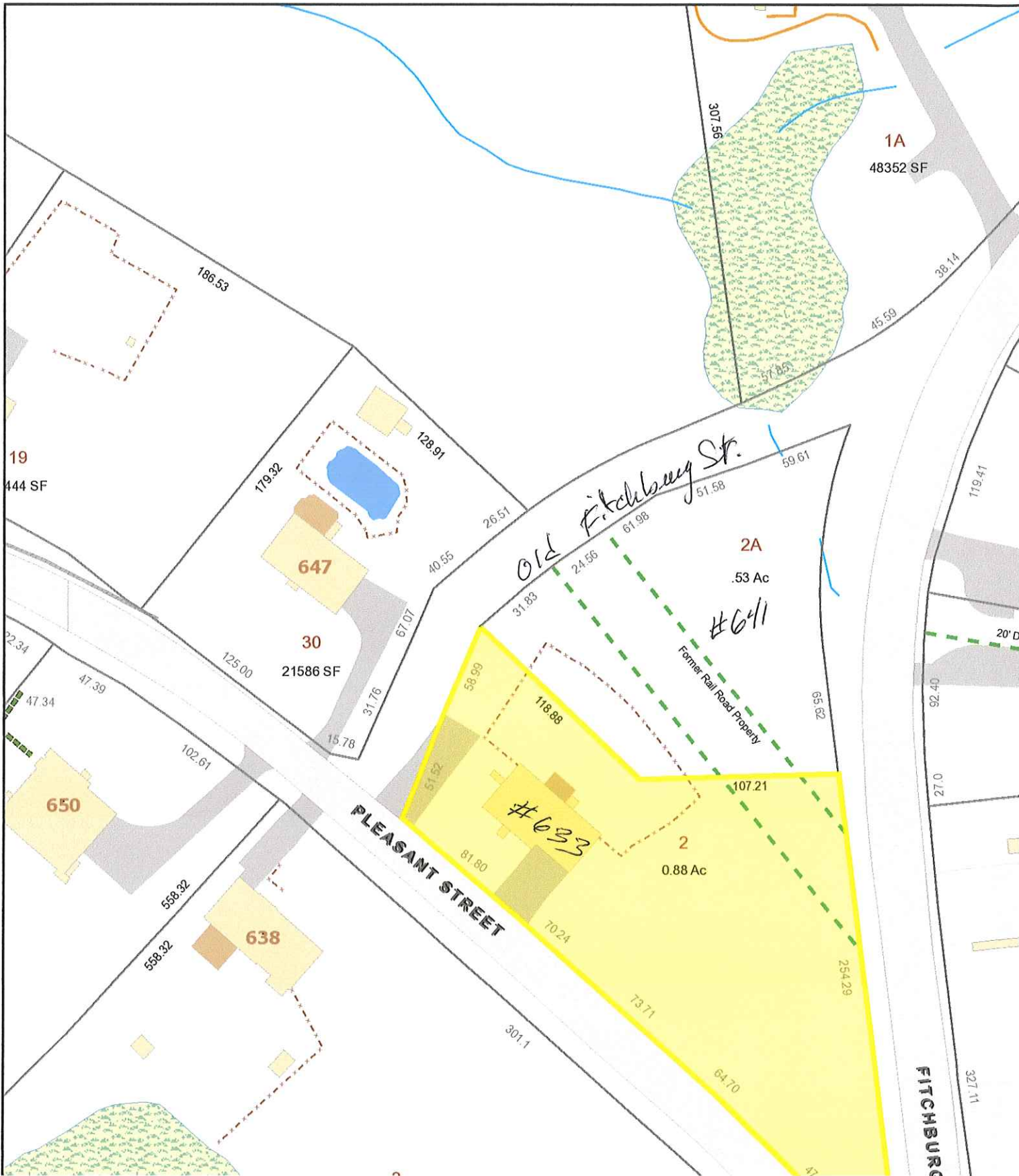
www.Marlborough-MA.gov



Marlborough, MA

1 inch = 69 Feet

December 14, 2021

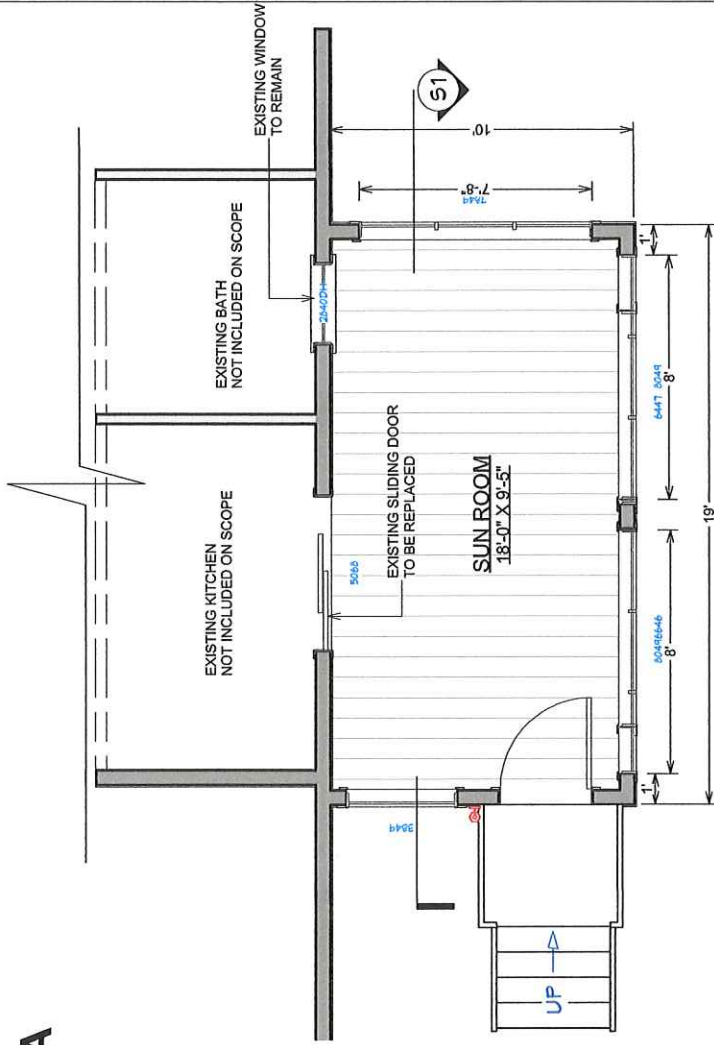


Propose Three Season Porch

----- - MARLBOROUGH -MA

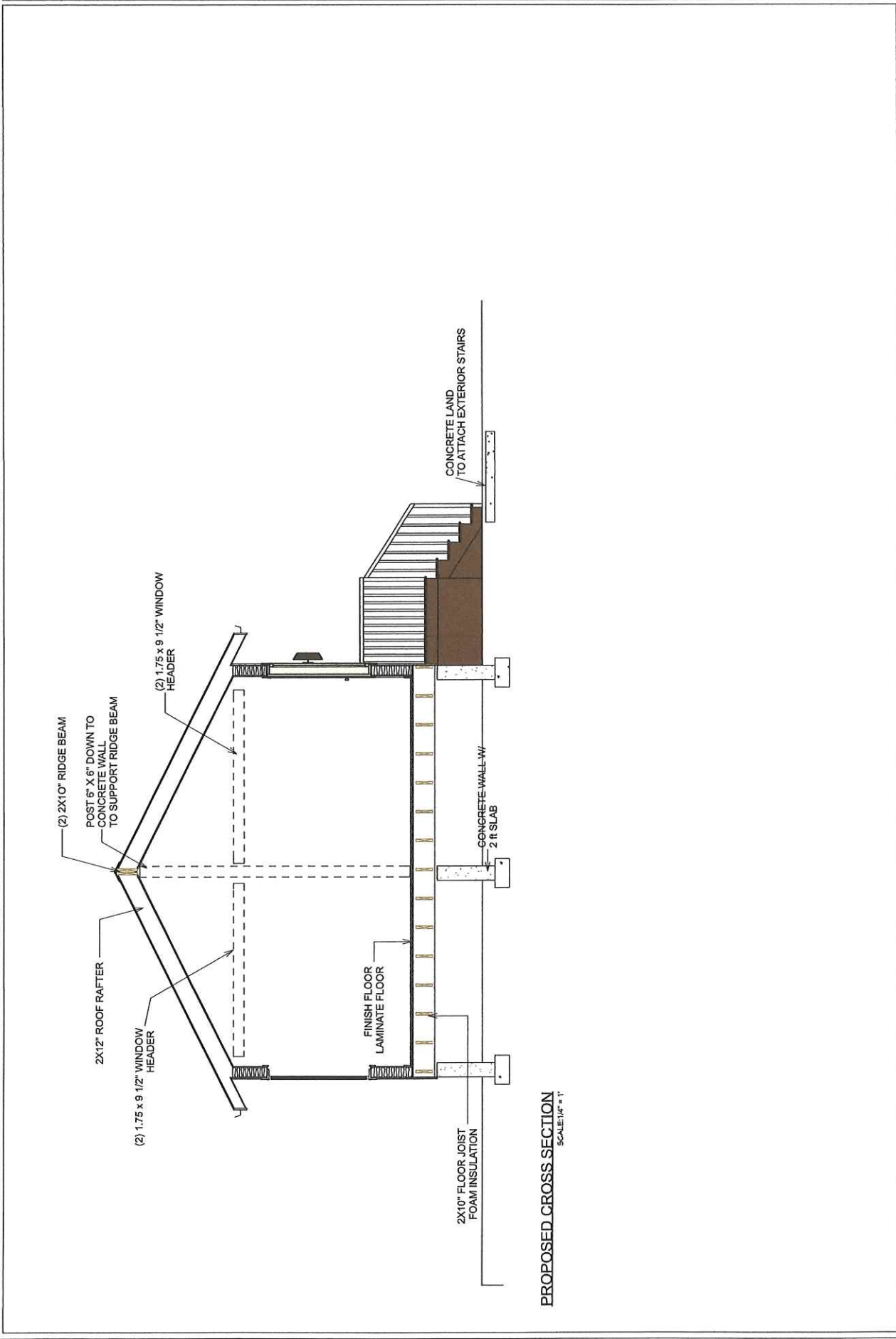


PERSPECTIVE ELEVATION

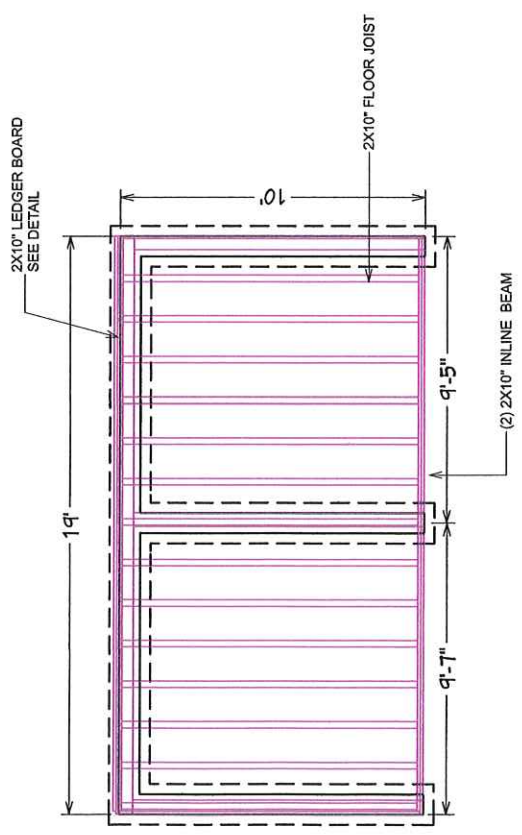


LIVING AREA
34'6" SQ. FT.

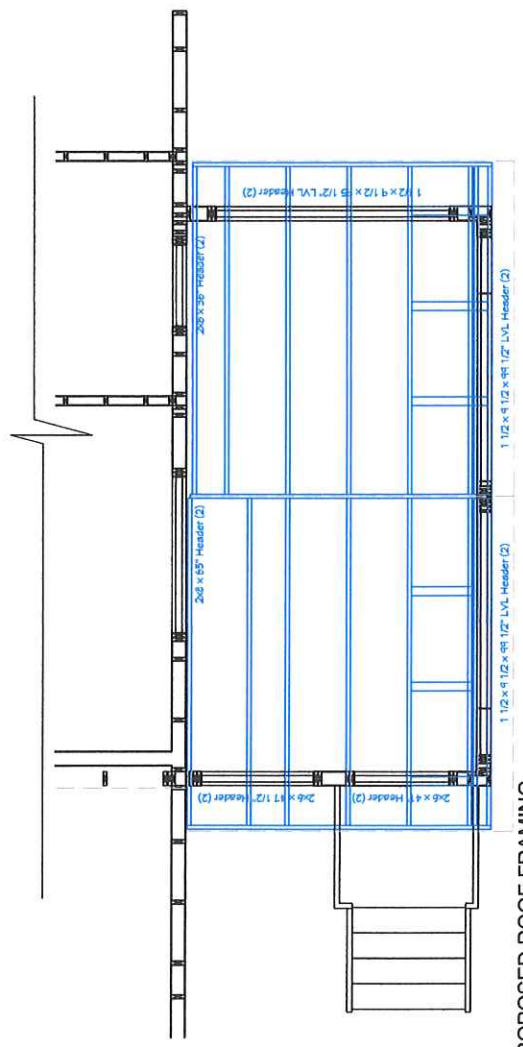
PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'



PROPOSED CROSS SECTION
SCALE: 1/4" = 1'



PROPOSED FRAMING PLAN
SCALE: 1/4" = 1'



PROPOSED ROOF FRAMING
SCALE: 1/4" = 1'



MARLBOROUGH, MASSACHUSETTS
www.horgansurveying.com
508.318.6200

ADDRESS OF PROPERTY
633 PLEASANT STREET
MARLBOROUGH, MASSACHUSETTS

OWNER OF RECORD
JOHN KUETTNER & ANH TO KUETTNER

DEED REFERENCE
DEED 53741 PAGE 4,94

PLAN REFERENCE
PLAN 401 OF 2009

ASSESSORS REFERENCE
MAP ID 29-2

ZONING CLASSIFICATION
RESIDENCE A-2

ZONING REQUIREMENTS
MINIMUM LOT AREA = 18,000 S.F.
MINIMUM LOT FRONTAGE = 120 FT.
MINIMUM FRONT YARD = 30 FT.
MINIMUM SIDE YARD = 15 FT.
MINIMUM REAR YARD = 40 FT.

MAXIMUM LOT COVERAGE = 30%
EXISTING LOT COVERAGE = 2,700 / 38,133 = 7.1%
PROPOSED LOT COVERAGE = 2,890 / 38,133 = 7.6%

NOTE:
SEE DESIGN PLANS FOR EXACT PROPOSED BUILDING DIMENSIONS.

CERTIFIED PLOT PLAN
SHOWING PROPOSED THREE SEASON PORCH

SCALE: 1"=40'

FIELD: JPH

DRAWN: JPH

CALCULATED: JPH

CHECKED: JPH

FILE PATH (H/PROJ):

.../21-110 633 PLEASANT STREET MARLBOROUGH CPP.DWG

FIELD BOOK/PAGE: FB 6 PG 45-50

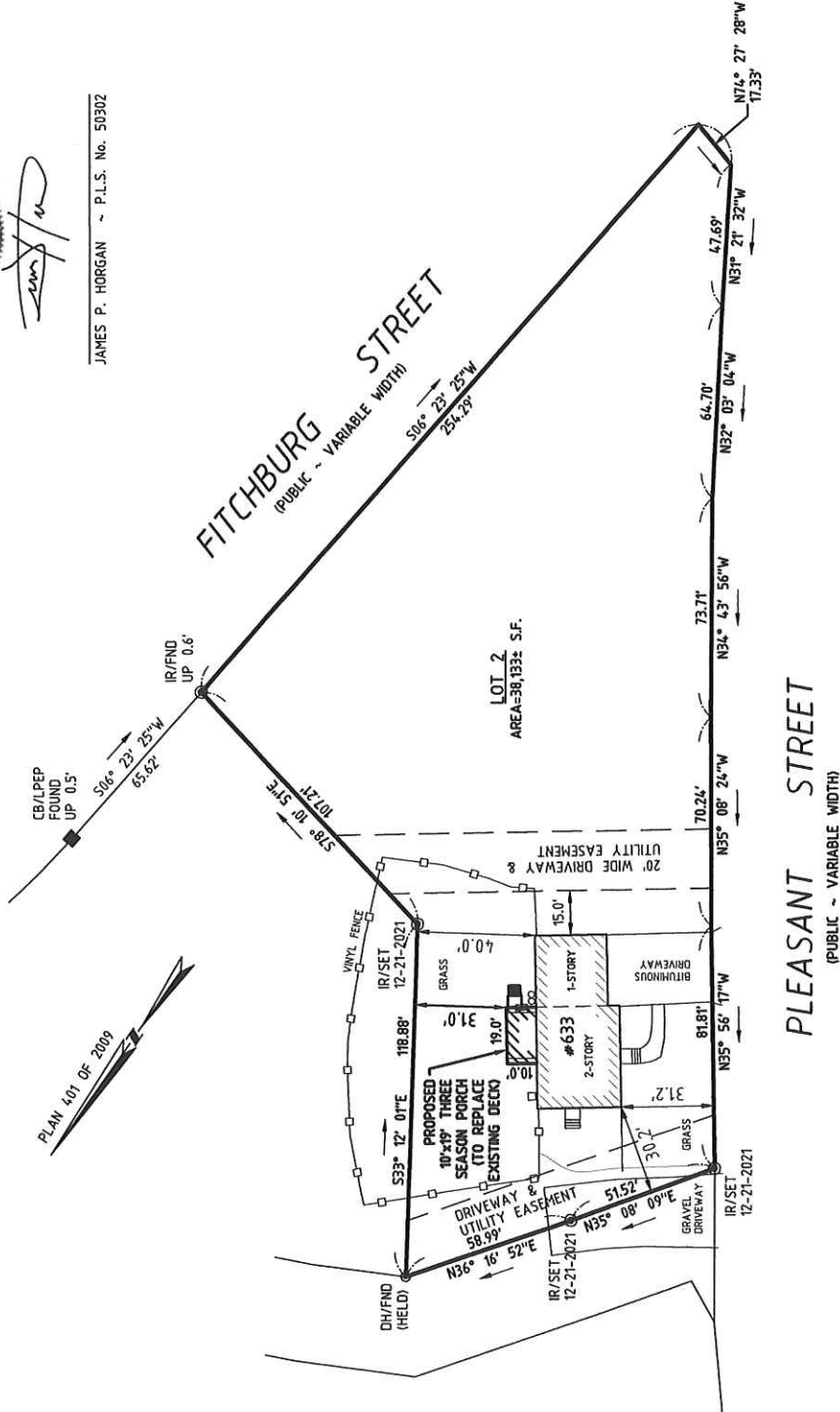
JOB NO.: 21-110

DATE: 12.21.2021



JAMES P. HORGAN ~ P.L.S. No. 50302

- LEGEND**
- CB/LPEP FOUND UP 0.5'
 - DR/HND
 - IR/FND
 - ⊙ IR/SET
- CONCRETE BOUND WITH LEAD PLUG & ESCUTCHEON PIN
DRILL HOLE FOUND
IRON ROD FOUND
IRON ROD WITH CAP SET



Middlesex Registry of Deeds,
Southern District
Cambridge, Massachusetts
Plan No. 401 of 2009
Filed 7-07-2009
at 12:52 PM

Alfred [Signature]
REGISTERED PROFESSIONAL SURVEYOR

FOR REGISTRY USE ONLY

ZONING DISTRICT A-2
LOT SIZE 18,000 SQ. FT.
FRONTAGE : 120'
REAR: 30'
FRONT: 40'
SIDES : 15'

APPROVAL NOT REQUIRED
FITCHBURG & PLEASANT STREETS
MARLBOROUGH, MASSACHUSETTS

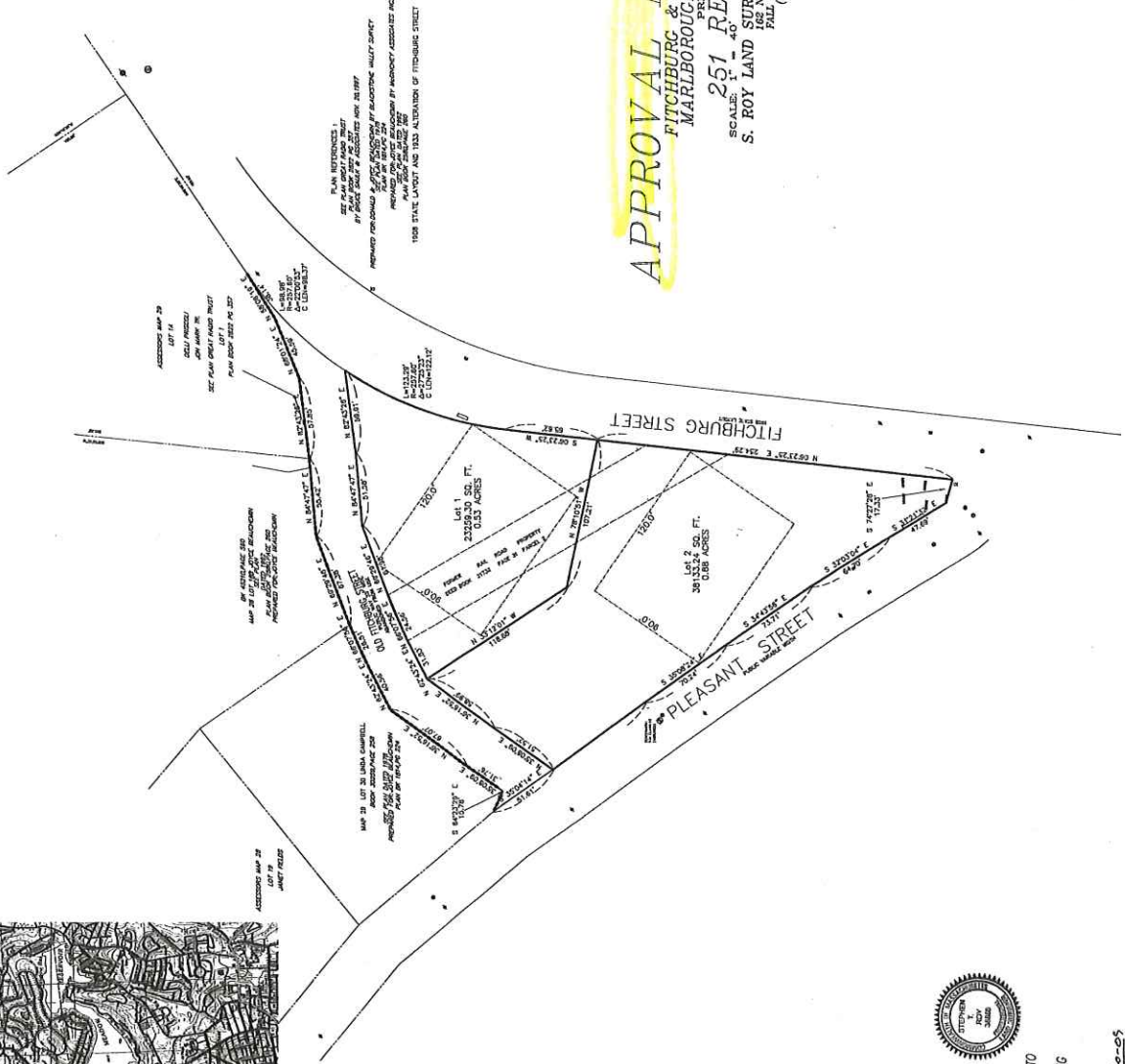
PREPARED FOR
251 REALTY CORP
DATE: FEBRUARY 20, 2009
S. ROY LAND SURVEYING & ASSOCIATES INC.
105 NORTH MAIN STREET
FALL RIVER, MA 01920
(508) 679-6884
ASSESSORS MAP 29, LOTS: 2, 2A



APPROVAL UNDER SUBDIVISION CONTROL
NOT REQUIRED

[Signature]

Date: April 13, 2009
MARLBOROUGH PLANNING BOARD



THIS PLAN AND ACCOMPANYING INSTRUMENTS DO NOT
MAKE SHOWN LOCATIONS HEREON
PROPERTIES ARE TAKEN FROM THE CURRENT ASSESSORS LIST
IN CONFORMANCE WITH THE RULES AND REGULATIONS
GOVERNING THE PRACTICE OF THE
REGISTERED PROFESSIONAL SURVEYOR



I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO
THE ETHICAL, PROCEDURAL AND TECHNICAL
STANDARDS FOR THE PRACTICE OF LAND SURVEYING
IN THE COMMONWEALTH OF MASSACHUSETTS

[Signature]
REGISTERED PROFESSIONAL SURVEYOR
DATE: 2-20-09

PL # 401 7-07-2009 12:52 PM