



CITY OF MARLBOROUGH
ZONING BOARD OF APPEALS
Application for Special Permit

FILE COPY

Pre-existing Non-Conforming Single and Two Family Structures

Official Use :
Date Received : 5/14/2020 City Clerk's # ZBA Case # 1465-2020

Information :
Property Address 22 2nd Rd. Zoning District A-3 Map# 6 Parcel# 8

Applicant is: [X] Owner [ ] Tenant [ ] Prospective Purchaser [X] Other

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

Owner's signature: [Signature] Date: 5/14/20

Owner's name:(print) TRACY ROCKWELL Address 22 2nd RD MARLBOROUGH MA

State MA Zip 01752 Phone# 618-0355 E-mail TRACY.ROCKWELL@6MAIL.COM

Applicant name: Tracy Rockwell Address 22 2nd rd.

Company/organization
State MA Zip 01752 Phone# 618-0355 E-mail

Representative Name: Kevin Figueiredo Company Kevin Figueiredo Services

Address 40 Terni Rd.

State MA Zip 01749 Phone# 978-361-7435 E-mail Kevin.figueiredo@services@yaho.com

a. Describe below what is being requested, such as what is the proposed action, relief, or construction on the property. (use back if needed)
to allow a relief to setback on side yard and lot coverage so that exterior bulkhead stairs can be brought into House for access to basement thru interior of structure and make existing bedrooms usable with closets

b. Provide below all sections of the Zoning Ordinance (Chapter 650, Article(s), Section(s), Paragraph(s), Subsection(s) which are pertinent to the Special Permit. (use back if needed)
650-41 table of Lot Area, Yards and Height of structure

c. State why the proposed alteration, reconstruction, extension or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. (use back if needed)

This alteration will allow for an upgrade to the existing floor plan and allow for 2 Bedrooms to be usable and properly sized minimum

**Application Packet:**

The applicant shall file the following number of sets of the application packet at the offices set forth below: See Form 1.

Number of Sets

- 1 Office of City Clerk
- 1 Office of City Council
- 1 City Engineer
- 1 Building Department
- 1 Police Dept.
- 1 Fire Dept.
- 1 Conservation Officer (if wetlands are affected)
- 8 Office of Zoning Board of Appeals

(Provide one set (complete application and plans) electronically – [sbrown@marlborough-ma.gov](mailto:sbrown@marlborough-ma.gov))

Total 15 copies


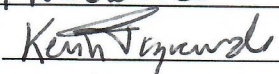
The application packet which shall contain sufficient information to illustrate and defend the applicant's case and as a minimum shall consist of the following:

- 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"
  - 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 :** 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:  Date: 5/14/20  
Print name: TRACY NOURWEN and/or  
Representative's signature:  Date: 5/14/20  
Print name: Kenn Figueiredo

**Official Use Only:**

Received from applicant, the sum of \$ 300<sup>00</sup> Check #

Signature of the agent of the Zoning Board of Appeals:

 Date: 5-14-20 20

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*  
**BUILDING DEPARTMENT**

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

ZBA 1465-2020

**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

<b>To: <u>Owner</u></b>	<b><u>Applicant</u></b>
Tracy Rockwell	Kevin Figueiredo
22 Second Road	40 Temi Road
Marlborough, MA 01752	Hudson MA 01749

Mr. Figueiredo:

Your application to construct an addition at 22 Second Road, Marlborough, MA Parcel ID #6-8, 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" requires a minimum side yard setback of 15 feet and a maximum lot coverage of 30%. You propose to add an addition on the left side of the existing structure that will reduce the side yard setback to 9.1 feet and increase the lot coverage from 32% to 37.2%. This addition will require zoning relief before a building permit can be issued.

The "Table of Lot Area, Yards, and Height of Structures" states 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 an addition that increases the non-conformity requires a "Special Permit" (SP) issued by the Marlborough Zoning Board of Appeals (ZBA).

I have determined that your parcel and structure is a lawful pre-existing, non-conforming single-family dwelling and your proposed addition intensify the existing non-conforming nature of the structure. You may seek zoning relief by way of a Special Permit (SP)

You have the right to continue to the Marlborough Zoning Board of Appeals (the SPGA) for a Special Permit for a one- or two-family dwellings stated in the City Code section 650-58B

An appeal from this denial for a SP may be taken to the Marlborough ZBA by filling a Special Permit application with the City Clerk within 30 days of the date of this denial letter. Further information should be obtained from the Marlborough ZBA Clerk Susan Brown, at 508-460-3768.

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

Sincerely,

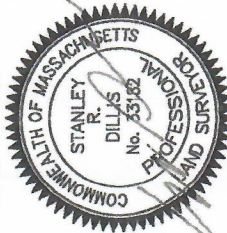
Jeffrey Cooke, C.B.O.  
Building Commissioner  
Zoning Enforcement Officer  
CC: Files, City Council

**ZONING DISTRICT: RESIDENCE A3 (A3)**

MIDDLESEX REGISTRY OF DEEDS BOOK 62721, PAGE 558 EXISTING DWELLING BUILT IN 1940 PER ASSESSOR RECORDS. LOT AND EXISTING DWELLING EXISTED PRIOR TO THE 1965 CODE OF THE CITY MARLBOROUGH AND ARE PREEXISTING NONCONFORMING.

DESCRIPTION	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	12,500 SF	5,000± SF	5,000± SF
MIN. FRONTAGE	100 FT	50 FT	50 FT
MIN. FRONT YARD	20 FT	29.2 FT	27.7 FT
MIN. SIDE YARD	15 FT **	4.4 FT (DECK)	4.4± FT (DECK)
MIN. REAR YARD	30 FT	26.4 FT (DECK)	26.4 FT (DECK)
MAX LOT COVERAGE	30%	32%	37.2%

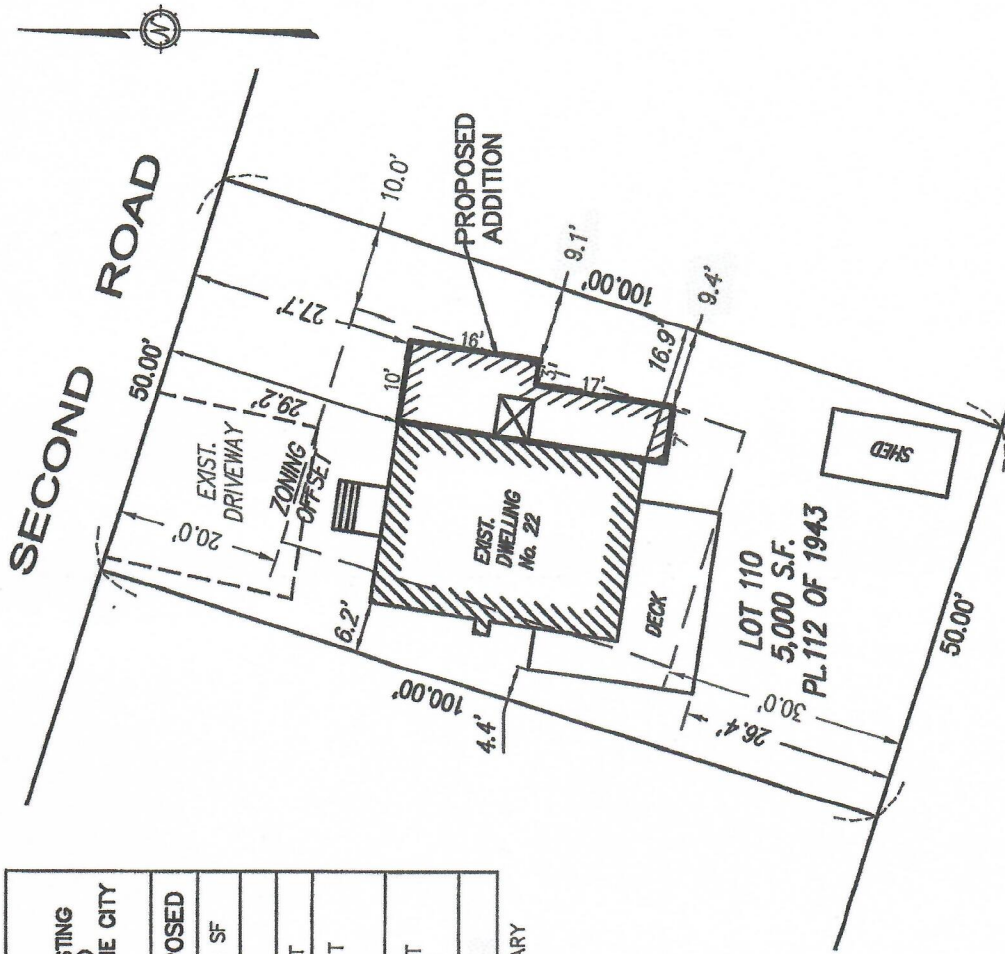
\*\* APPLIES TO ALL BUILDINGS ERECTED ON OR AFTER JANUARY 27, 1969; ALL OTHERS, 10 FEET



I CERTIFY THAT THE EXISTING BUILDING IS LOCATED AS SHOWN. FOR PROPERTY LINE INFORMATION THIS PLAN RELIES ON DEEDS AND PLANS OF RECORD. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RETRACEMENT SURVEY.

**BUILDING PERMIT PLAN**  
 MARLBOROUGH, MASSACHUSETTS  
 PREPARED FOR: TRACY ROCKWELL

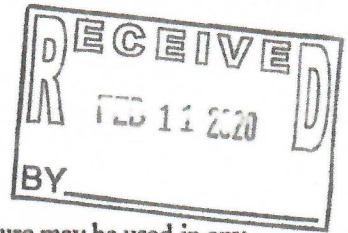
**DUCHARME & DILLIS**  
 Civil Design Group, Inc.  
 CIVIL ENGINEERS • LAND SURVEYORS • WETLAND CONSULTANTS  
 1092 MAIN STREET, P.O. BOX 428 BOLTON, MASSACHUSETTS 01740  
 PHONE: (978) 779-6091  
 www.ddcdg.com



SCALE: 1" = 20'  
 DATE: JAN. 27, 2020  
 REVISED: FEBRUARY 12, 2020  
 REFERENCE: BK.62721 PG.559  
 FILE No.: 6261

Date Feb 7, 2020

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:

22 2nd RD  
No. / Street

6-8  
Parcel ID#

RESIDENCE A3  
Zoning District

Assessors Init: \_\_\_\_\_

Description of Use Proposed (as written in Section 650-17 Table of Uses).  
Please attach a brief narrative, if necessary.

ADDITION TO PROVIDE INSIDE STAIRS TO BASEMENT

If Residential, state # of units proposed 1

If Business, state exact type \_\_\_\_\_

Present Use of Property, including any existing structures

RESIDENTIAL HOME

Applicant's Name Keum Figueiredo  
Applicant's Address  
40 Temi Rde  
Hudson MA 01749

Bldg Owner's Name TRACY ROCKWELL  
Owner's Address  
22 2nd RD  
MARLBOROUGH MA 01752

Applicant's Phone 978-361-7435

Owners Phone ~~978-8~~ 978-618-0355

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.

Keum Figueiredo  
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 Eileen Brustol Date 2/11/2020

OVER ►

FOR ADMINISTRATION USE ONLY – DO NOT WRITE BELOW THIS LINE

APPROVE  
DENIED

ZONING CODE REQUIRES ZONING RELIEF FOR  
REASON FOR DENIAL SIDE SET BACK & LOT COVERAGE

[Signature]  
ZONING AGENT

15 APRIL 2020  
DATE



**City of Marlborough  
Zoning Board of Appeals**  
140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3768

**Special Permit Application  
Check List for Plan Distribution**

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 have them **sign on the dotted line as having received the Application.**

**Make sure this page is signed and returned to the Zoning Board of Appeals' Office with the completed application.**

- 1 Set City Council Office – 2<sup>nd</sup> Floor .....
- 1 Set Building Dept. – 2<sup>nd</sup> Floor .....
- 1 Set City Clerk's Office – 1<sup>st</sup> Floor .....
- 1 Set Conservation Office – if wetlands are affected - Basement level .....
- 8 Sets Zoning Board of Appeals – Basement level .....
  
- 1 Set Police Dept. – 355 Bolton St. ....
- 1 Set Fire Dept. – 215 Maple St. ....
- 1 Set Engineering Dept. – 135 Neil St. ....

TOTAL 15 Paper Copies

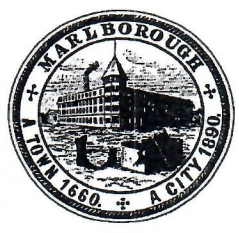
(Also, provide one set (application and plans) electronically to the Zoning Board of Appeals Office – [sbrown@marlborough-ma.gov](mailto:sbrown@marlborough-ma.gov))

*Sue Brown for Applicant*  
\_\_\_\_\_  
Signature of Applicant

Date: 5-15-2020

*Sue Interoffice mail to  
the above Departments  
5-15-2020*

Rev  
5-14-2020



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

Tracy Rockwell

22 Second Rd

Signature of Applicant:

Date

Attorney on behalf of Applicant, if applicable:

Date

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

Tax Collector

Eileen Brustol

Date

5/14/2020



### Request for an Abutters List

Date request submitted to the Assessor's Office: 5-14-2020

- Zoning Board of Appeals variance request – 300 ft.
- Zoning Board of Appeals - Special Permit – 400 Ft.

<b>Location:</b> 22 2nd Rd.
<b>Map and Parcel:</b> A-3 6-8
<b>When done please notify the applicant that it is ready and the cost:</b> Applicant: Tracy Rockwell  Address: 22 2nd Rd.  Telephone: 978-618-0355  Cell Number: 978-618-0355  E-mail address: