



CITY OF MARLBOROUGH ZONING BOARD OF APPEALS

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

ZBA CASE # 1486-2022
LOCATION: 91 CHANDLER ST.
APPLICANT: RICHARD MCDEVITT

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Marlborough Zoning Board of Appeals will hold a public meeting on April 5, 2022 at 7:00 PM at Marlborough City Hall, 140 Main St. – 3rd Floor Memorial Hall.

Petition: To construct a new 24 ft. x 24 ft. detached garage and driveway extension at 91 Chandler St. Map 57 Parcel 285, Zoning District Residence A-3. Does not comply with Chapter 650 Article 41, "Table of Lot Area, Yards and Height of Structures" of the City Code of Marlborough. Required maximum Lot Coverage is 30%. The existing Lot Coverage is 19.54% vs. the proposed 32.67%.

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

Applicant or representative must be present
Ralph Loftin
Chairman
Zoning Board of Appeals

One Copy



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

Official Use :

Date Received : 2-8-2022 City Clerk's # _____ ZBA Case # 1486-2022

Request for :

[] Variance [] Appeal

Information :

Property Address _____ Zoning District _____ Map# _____ Parcel# _____

Applicant is: [X] 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 Richard R. McDevitt Date 2-4-22

Owner's name Richard T. McDevitt Address 91 CHANDLER ST MARLBOROUGH
State MA Zip 01752 Phone# 508-361-9422 E-mail McDEV44@VERIZON.NET

Applicant name SAME Address _____
State _____ Zip _____ Phone# _____ E-mail _____

Representative Name: _____ Company _____
Address _____
State _____ Zip _____ Phone# _____ E-mail _____

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

RELIEF FROM MAXIMUM ALLOWABLE LOT COVERAGE OF 30% IN ZONING DISTRICT A-3.

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).

CHAPTER 650, ARTICLE 41 FOR ZONING DISTRICT A-3, MAXIMUM ALLOWABLE LOT COVERAGE IS 30%. EXISTING LOT COVERAGE IS 19.54%. PROPOSED PROJECT LOT COVERAGE IS 32.67%. A NON-CONFORMITY OF 2.67% IN TOTAL LOT COVERAGE.

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.

LOT IS A NARROW LOT (60 FT WIDE) WITH NO OTHER STRUCTURES, DECKS, PATIOS, OR OUT BUILDINGS ON IT EXCEPT THE HOUSE ITSELF.

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.

THE LOT IS NARROW AND CURRENT ZONING IN DISTRICT A-3 IS A HARDSHIP AS I WAS DENIED A BUILDING PERMIT FOR BEING 2.67% OVER MAXIMUM ALLOWABLE LOT COVERAGE.

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

I BELIEVE THAT JUST 2.67% OVER ALLOWABLE MAXIMUM LOT COVERAGE WILL NOT DETRACT FROM THE INTENT OR PURPOSE OF THE ZONING ORDINANCE.

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

THE VARIANCE WILL NOT DIMINISH THE PUBLIC WELFARE OR WELL BEING AS THERE ARE NO OTHER STRUCTURES, NEIGHBOR'S HOMES, OR OUT BUILDINGS NEAR MY PROPOSED SITE FOR GARAGE.

Appeal

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

SEEKING A VARIANCE FOR RELIEF FROM MAXIMUM LOT COVERAGE OF 30% SO MY PROPOSED GARAGE PROJECT WITH A PROPOSED LOT COVERAGE OF 32.67% CAN MOVE FORWARD.

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: Richard T. McDevitt

Date: 2-4-22

Print name: RICHARD T. McDEVITT

and/or

Representative's signature: _____

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: 2/8/2022

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, MA 01752
Tel. (508) 460-3776 Facsimile (508) 460-3736
building_dept@marlborough-ma.gov

TIN HTWAY
BUILDING COMMISSIONER

LAURENT "LARRY" LEMIEUX
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

WILLIAM PAYTON
BUILDING INSPECTOR

ETHAN LIPPITT
BUILDING INSPECTOR

MICHAEL LEEDS
BUILDING INSPECTOR

ZONING DENIAL

February 2, 2022

Owner:
Richard McDevitt
91 Chandler Street
Marlborough, MA 01752

Building Permit # BP-2021-002114

**RE: 91 CHANDLER STREET PARCEL ID #57-285
PROPOSED CONSTRUCTION OF A NEW 24'x24' DETACHED GARAGE AND
DRIVEWAY EXTENSION**

Mr. McDevitt,

Based upon the information provided on your permit application the plot plan prepared by Jarvis Land Survey, Inc, dated 11/16/2021, to construct a new 24'x24' detached garage and driveway extension at the property listed above, located in Zoning District (A-3) 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 maximum allowable lot coverage in Chapter 650, Article 41 for Zoning District A-3 is 30%. The existing lot coverage based upon the plan is 19.54%. The proposed lot coverage is 32.67%, creating a non-conformity of 2.67% in total lot coverage.

Your proposed new construction will require relief in the form of a Variance issued by the Zoning Board of Appeals, or a proposed redesign of your project to comply with lot coverage. Detailed plans showing the existing conditions and the proposed construction 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.

91 CHANDLER STREET - PROPOSED DETACHED GARAGE

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,

A handwritten signature in black ink, appearing to read 'William Paynton', with a stylized flourish at the end.

William Paynton
Local Building Inspector
City of Marlborough, MA
(508)460-3776
wpaynton@marlborough-ma.gov
www.Marlborough-MA.gov

**PLAN SHOWING PROPOSED GARAGE
PREPARED FOR
RICHARD MCDEVITT
91 CHANDLER STREET
MARLBOROUGH, MASSACHUSETTS**

**JARVIS LAND SURVEY, INC
29 GRAFTON CIRCLE
SHREWSBURY, MA 01545
TEL. (508) 842-8087
FAX. (508) 842-0661
KEVIN@JARVISLANDSURVEY.COM**

**NOVEMBER 16, 2021
SCALE: 1 INCH = 30 FEET**

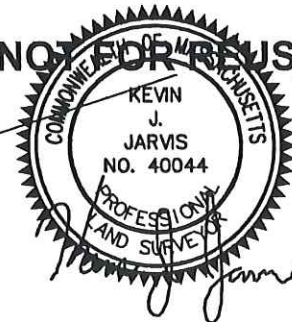
*** THE SURVEYOR RETAINS COPYRIGHT TO THE PLAN OF SURVEY, AND RE-USE OF THIS PLAN IS NOT ALLOWED WITHOUT PERMISSION FROM THE SURVEYOR.**

1. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE FINDINGS SUCH A REPORT MIGHT DISCLOSE.
2. **THIS PLAN HAS NOT BEEN PREPARED FOR RECORDING PURPOSES.**
3. THE LICENSED MATERIAL CONTAINS VALUABLE PROPRIETARY INFORMATION BELONGING EXCLUSIVELY TO JARVIS LAND SURVEY, INC. THE LICENSED MATERIAL AND THE INFORMATION CONTAINED THEREON ARE COPYRIGHTED INSTRUMENTS OF PROFESSIONAL SERVICES AND SHALL NOT BE USED, IN WHOLE OR IN PART, FOR ANY PROJECT OTHER THAN THAT FOR WHICH THEY WERE CREATED, WITHOUT THE EXPRESS WRITTEN CONSENT OF JARVIS LAND SURVEY, INC. **YOU AGREE NEVER TO REMOVE ANY NOTICES OF COPYRIGHT, NOR TO REPRODUCE OR MODIFY THE LICENSED MATERIAL.**

**ASSESSORS MAP 57
LOT 285**

11-16-2021

***NOT FOR REUSE**



ZONING DATA:

RESIDENCE A-3
LOT AREA = 12,500 S.F.
LOT FRONTAGE = 100'
FRONT YARD SETBACK = 20'
SIDE YARD SETBACK = 15'
REAR YARD SETBACK = 30"
MAX LOT COVERAGE = 30%

LOT COVERAGE:

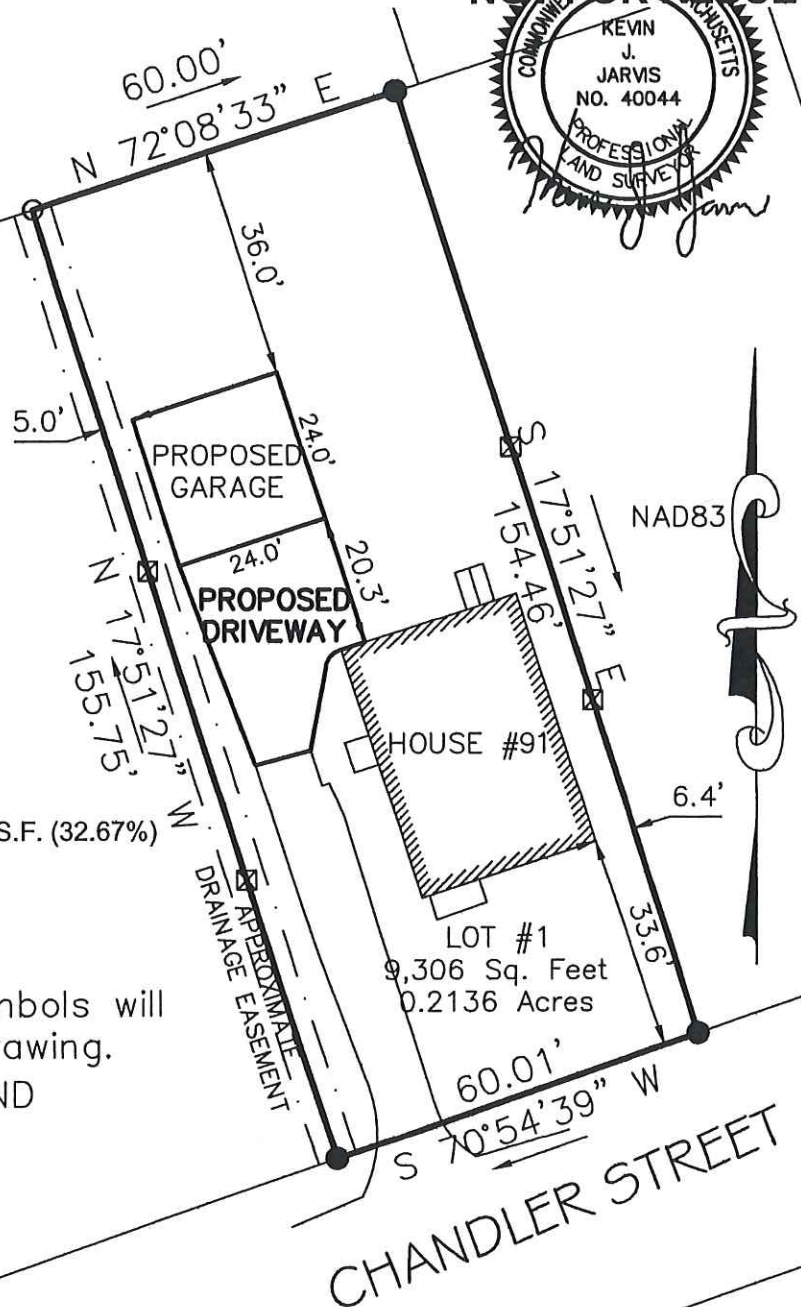
EXISTING HOUSE = 1,163 S.F.
EXISTING DRIVEWAY = 604 S.F.
EXISTING CONCRETE PADS = 51 S.F.
TOTAL EXISTING = 1,818 S.F. (19.54%)

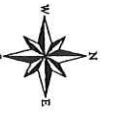
PROPOSED GARAGE = 576 S.F.
PROPOSED DRIVEWAY = 646 S.F.
TOTAL EXISTING AND PROPOSED = 3,040 S.F. (32.67%)

LEGEND

These standard symbols will be found in the drawing.

- IRON PIPE FOUND
- ⊠ STAKE SET
- IRON ROD SET





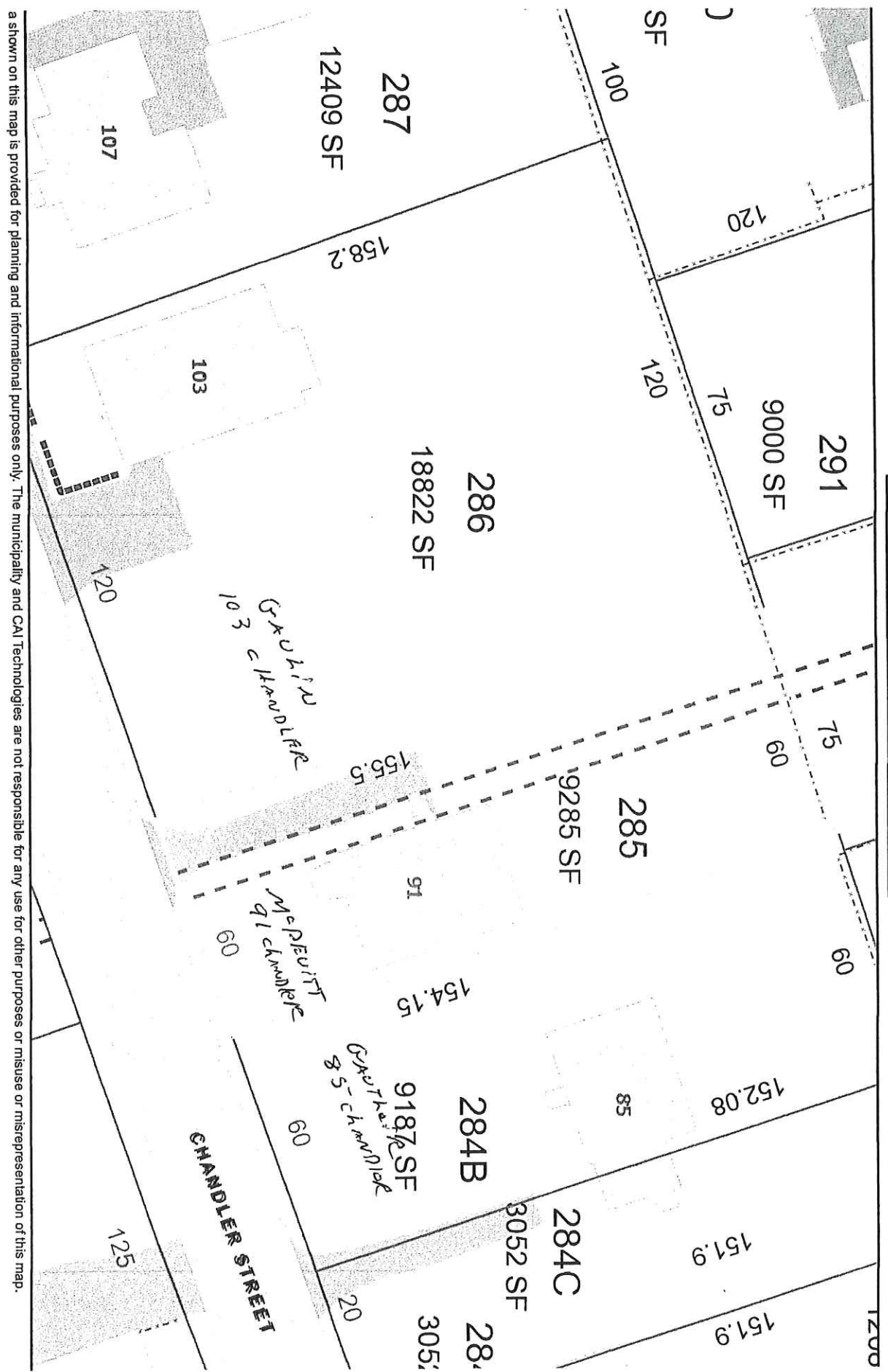
February 3, 2022

Marlborough, MA

1 inch = 34 Feet

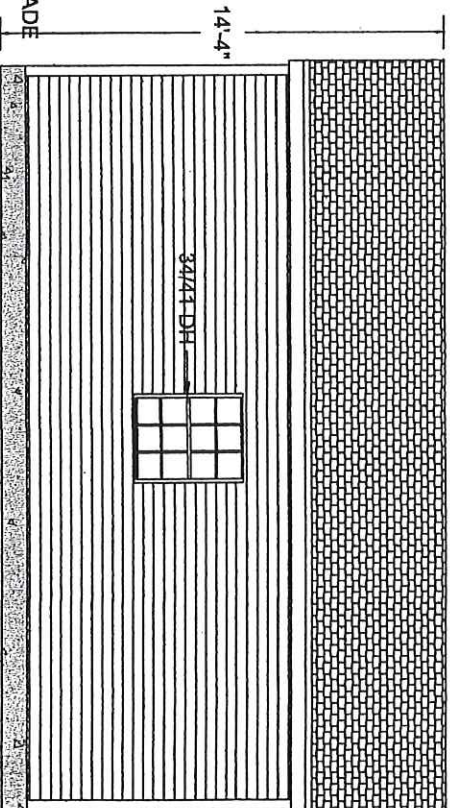
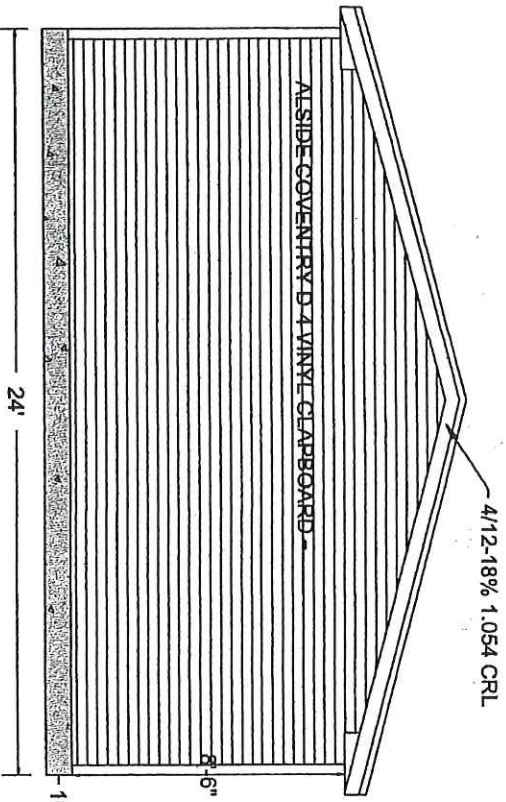
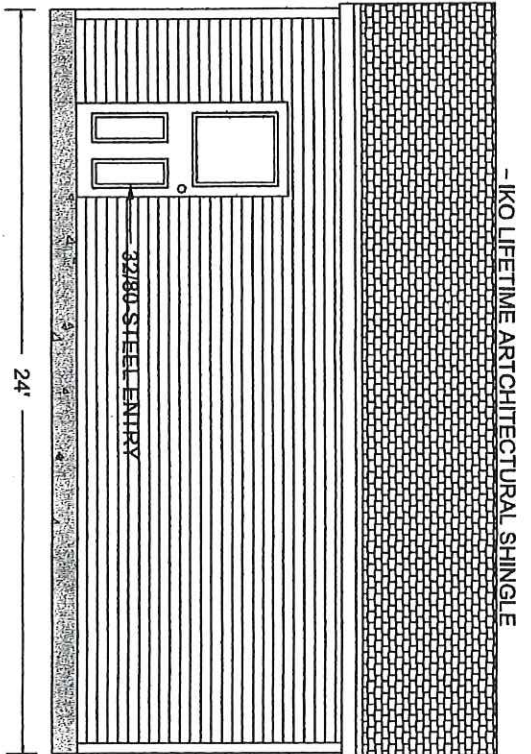
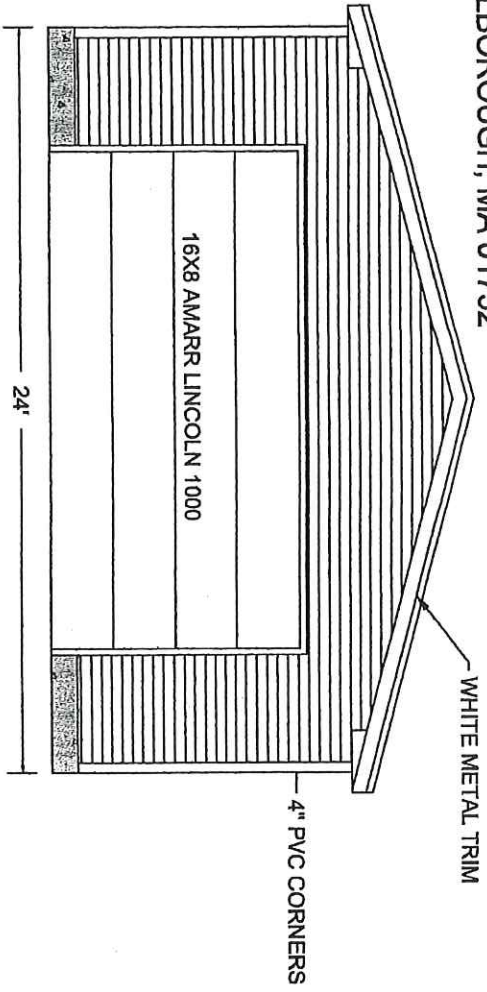


www.cai-tech.cc



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RICHARD McDEVITT
 HANGLER STREET
 ILBOROUGH, MA 01752



BUILT CONSTRUCTION SIZES ARE ESTIMATED 60-90 WORKDAYS AVERAGE COMPLETION TIME

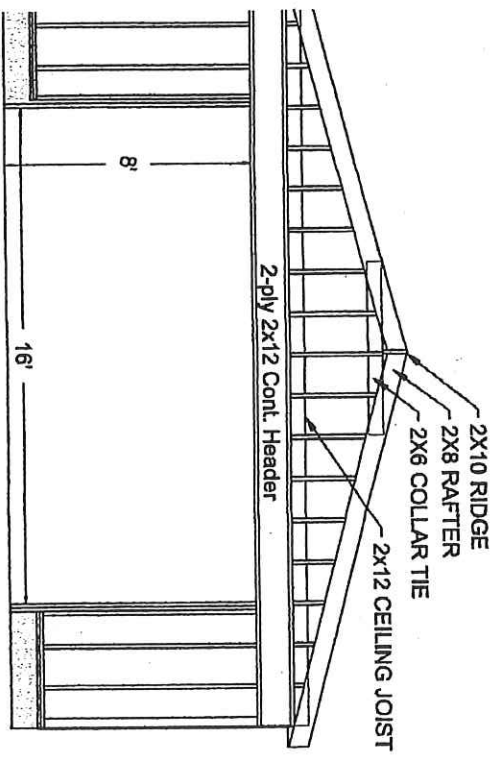
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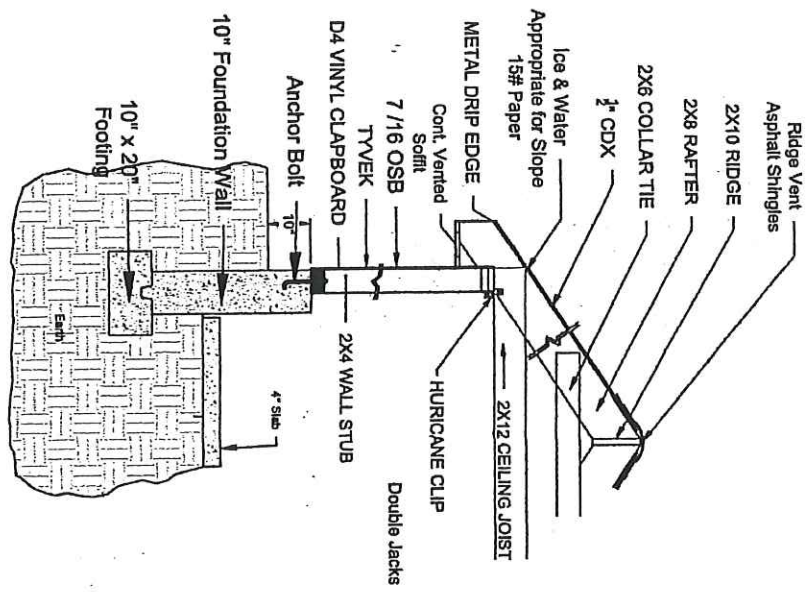
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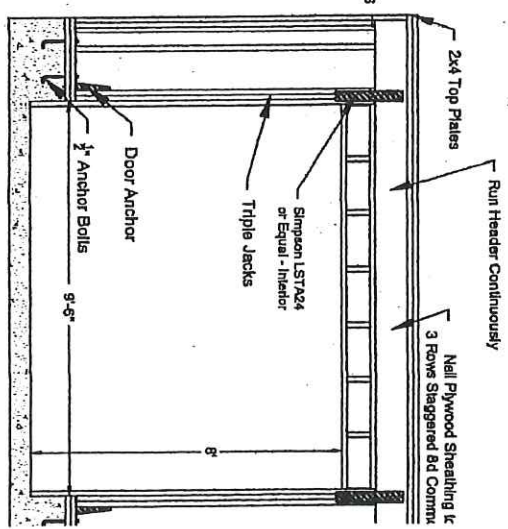
FRAME SECTION



CROSS SECTION



PORTAL SECTION



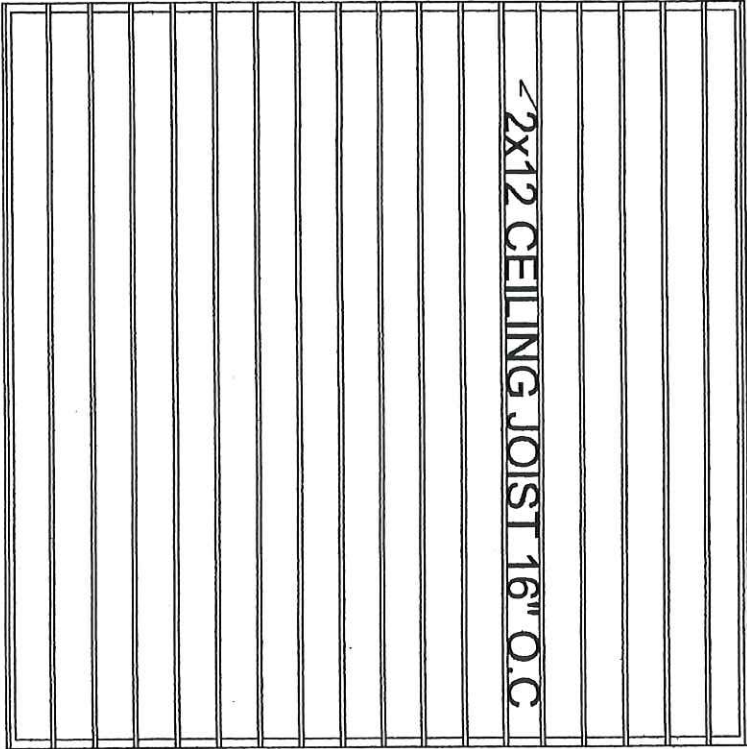
BUILT CONSTRUCTION SIZES ARE ESTIMATED 60-90 WORKDAYS AVERAGE COMPLETION TIME

RM

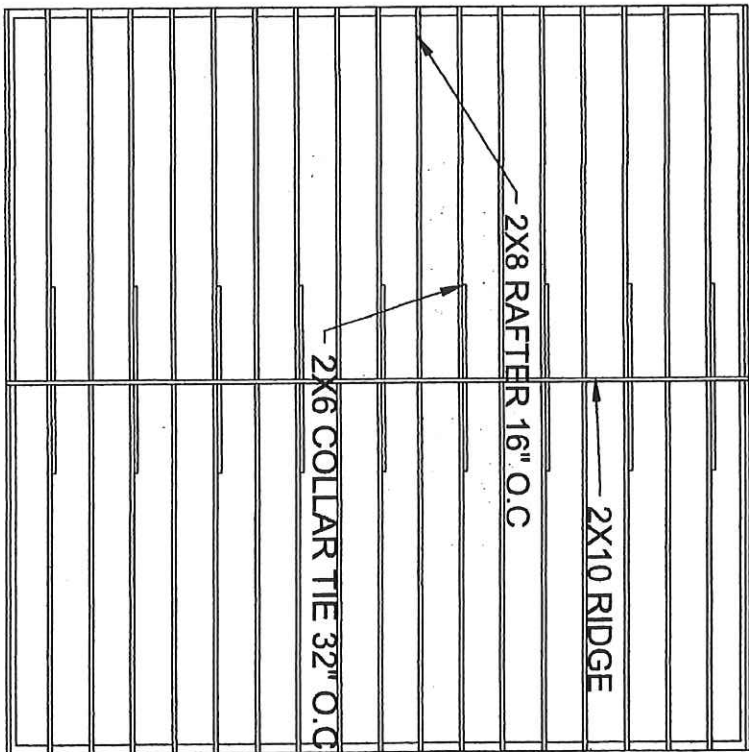
RICHARD McDEVITT
HANDLER STREET
LIBOROUGH, MA 01752

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CEILING FRAME



ROOF FRAME PLAN



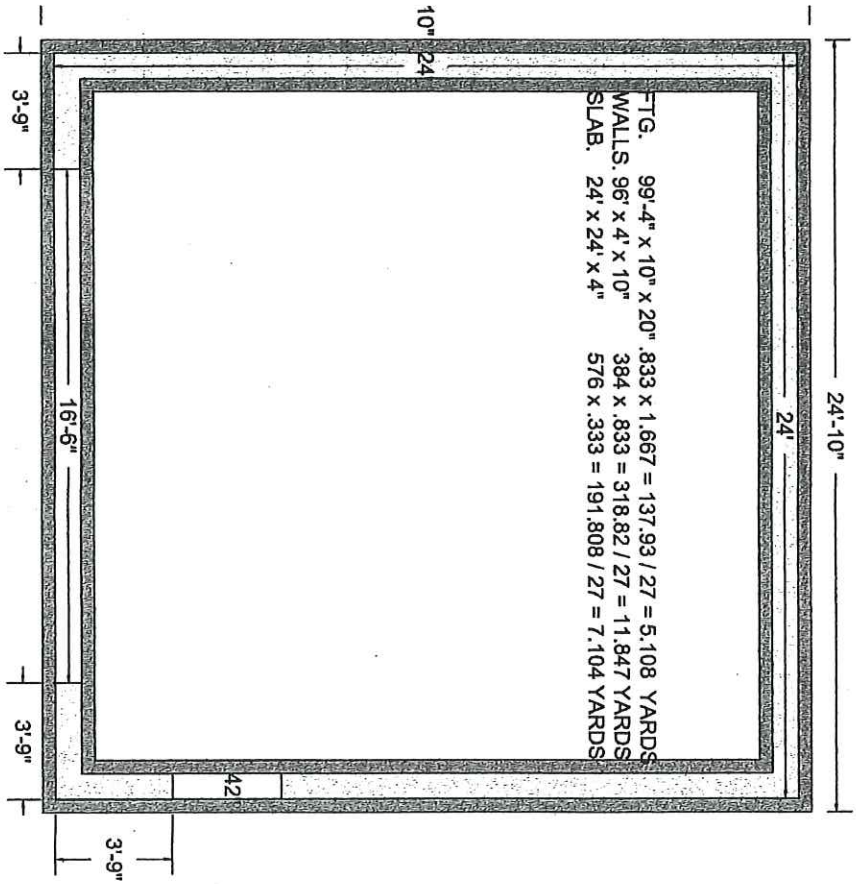
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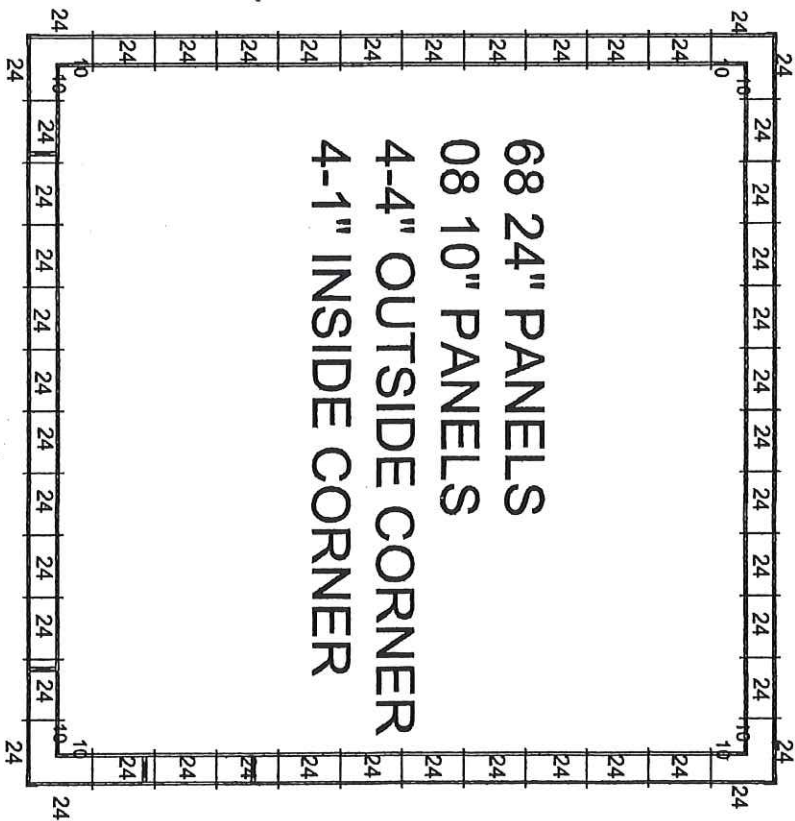
RICHARD McDEVITT
 HANDLER STREET
 WILBOROUGH, MA 01752

P. CATA
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 978 727
 9 Graniteville
 Westford, V

FOUNDATION PLAN



FORM PLAN



BUILT CONSTRUCTION SIZES ARE ESTIMATED 60-90 WORKDAYS AVERAGE COMPLETION TIME

Richard McDevitt