



**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 – 2nd Floor
- 1 Set Building Dept. – 2nd Floor
- 1 Set City Clerk's Office – 1st 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)



Signature of Applicant

Date: 7/27/22



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

Juan Sosa - 42 Devens Street, Marlborough, MA 01752

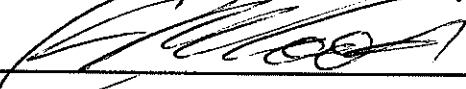
Signature of Applicant:

Date

 7/27/22

Attorney on behalf of Applicant, if applicable:

Date

 7/27/22

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

Tax Collector

Date



**CITY OF MARLBOROUGH
ZONING BOARD OF APPEALS
Application for Special Permit**

Legal Pre-existing Non-Conforming Single and Two Family Structures

Official Use :

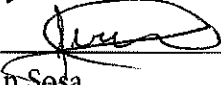
Date Received : _____ City Clerk's # _____ ZBA Case # _____

Information :

Property Address 42 Devens Street Zoning District RB Map# 70 Parcel# 70-42

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:  Date: 10/22

Owner's name:(print) Juan Sosa Address 42 Devens Street, Marlborough

State MA Zip 01752 Phone# 617-458-1121 E-mail juansosa712@yahoo.com

Applicant name: Juan Sosa Address 42 Devens Street, Marlborough

Company/organization _____

State MA Zip 01752 Phone# 617-458-1121 E-mail juansosa712@yahoo.com

Representative Name: Christopher M. Flood Company The Law Offices of Flood & Favata, P.C.

Address 14 Winthrop Street

State MA Zip 01752 Phone# 508-624-4700 E-mail chrisflood@floodlaw.net

a. Describe below what is being requested, such as what is the proposed action, relief, or construction on the property. (use back if needed)
Renovation of existing living space and change of occupancy from single family to two family dwelling.

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)
Chapter 650, Article 41 - "Table of Lot area, yards, and height of structures."
The applicant seeks relief from rear yard setback and lot coverage requirements.

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)
Please see attached response for question (c).

City of Marlborough
Zoning Board of Appeals
Special Permit Application

C.. The appeal seeks relief of lot coverage of an additional 5% more than the pre-existing non-conforming amount of 46%. The placement of the existing structure on the far-right side (west side) of the lot which was built in approximately 1900 together with the current building code regulations dictate that a staircase to the second floor be located on the left (east) side of the house causing an additional 5% lot coverage.

The purpose of the Zoning Ordinance is to promote and conserve the health and general welfare of the inhabitants of the city; to secure safety from fire, confusion, or congestion; to facilitate the adequate provision of transportation, water, sewerage and other public services; to avoid undue concentrations of population; to encourage the most appropriate use of land and to increase the amenities of the city. (Section 200-2). Allowing this single-family home to be converted into a two-family home which is allowed by right in the RB District will secure these zoning intents and will encourage appropriate use of the land in this district.

Single and two family homes are allowed by right in this Zoning District. The structure is located in a residential neighborhood with similar homes including two family and three family homes on the same street. There is still significant greenspace coverage on this lot and sufficient parking. The renovated structure will blend in with the neighborhood and there will be virtually no detrimental effect to the neighborhood than the existing non-conforming structure.

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)

Total 15 copies

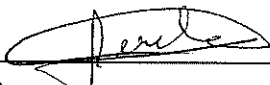
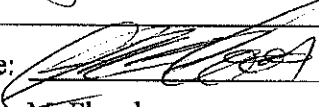
The application packet which shall contain sufficient information to illustrate and defend the applicant's case and as a minimum shall consist of the following:

- 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: 7/21/22
 Print name: Juan Sosa and/or
 Representative's signature:  Date: 7/21/22
 Print name: Christopher M. Flood

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
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 DETERMINATION

June 29, 2022

Eileen Brito-Rosa CS-111704
Rosa Design & Construction, Contractor
17 Revere Street
Milton, MA 02186

Juan A. Sosa, Owner
42 Devens Street
Marlborough, MA 01752

**RE: 42 DEVENS STREET PARCEL ID #70-42
PROPOSED ADDITION/RENOVATION**

Ms. Rosa,

Based upon architectural plans prepared by Rosa Design & Construction dated 3/17/2022 and the plot plan prepared by Guerriere & Halnon, Inc. dated 3/8/2022, to renovate, add multiple additions and change the use from a single-family residence to a two-family residence at property listed above.

The property is a legal pre-existing, non-conforming single-family use and is located in Zoning district (RB). The proposed addition and renovation do not conform 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. One and two-family residences is a use allowed by right in the (RB) Zoning District. The minimum lot size is 8000 sq.ft. This lot is approximately 4355 sq.ft. and is considered a legal pre-existing non-conforming.
2. Maximum coverage allowed in RB Zoning District is 30%. Existing lot coverage of 46% is pre-existing non-conforming. The proposed lot coverage is 51%, an increase of 5%, aggravating the non-conformity.
3. The required front yard setback is 20 feet. The existing front yard setback is 2.5 feet,

pre-existing non-conforming. Part of the existing front porch is proposed to be removed and a new addition is proposed to be constructed. The proposed addition front yard setback is 3.6 feet. The proposed addition does not aggravate or intensify the existing non-conformity. The building department considers that no relief is required.

4. The required rear yard setback is 30 feet. The existing rear yard setback is 7.4 feet, pre-existing non-conforming. The rear yard setback is being aggravated by the construction of the proposed two-story addition. The proposed addition is +/-6.9 feet, and an aggravation of the rear yard setback by +/-6 inches. The building department considers this diminimous and no aggravation to the existing setback.

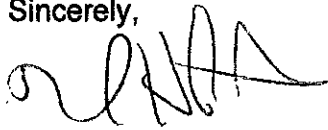
Your proposed renovation will require relief from Zoning Board of Appeals in the form of a Special Permit approval issued by the Board of Appeals. Detailed plans showing the existing conditions and the proposed addition will be required with your application to the ZBA.

You have the right to appeal this determination to the Zoning Board of Appeals as stated in the City Code section 650-58.

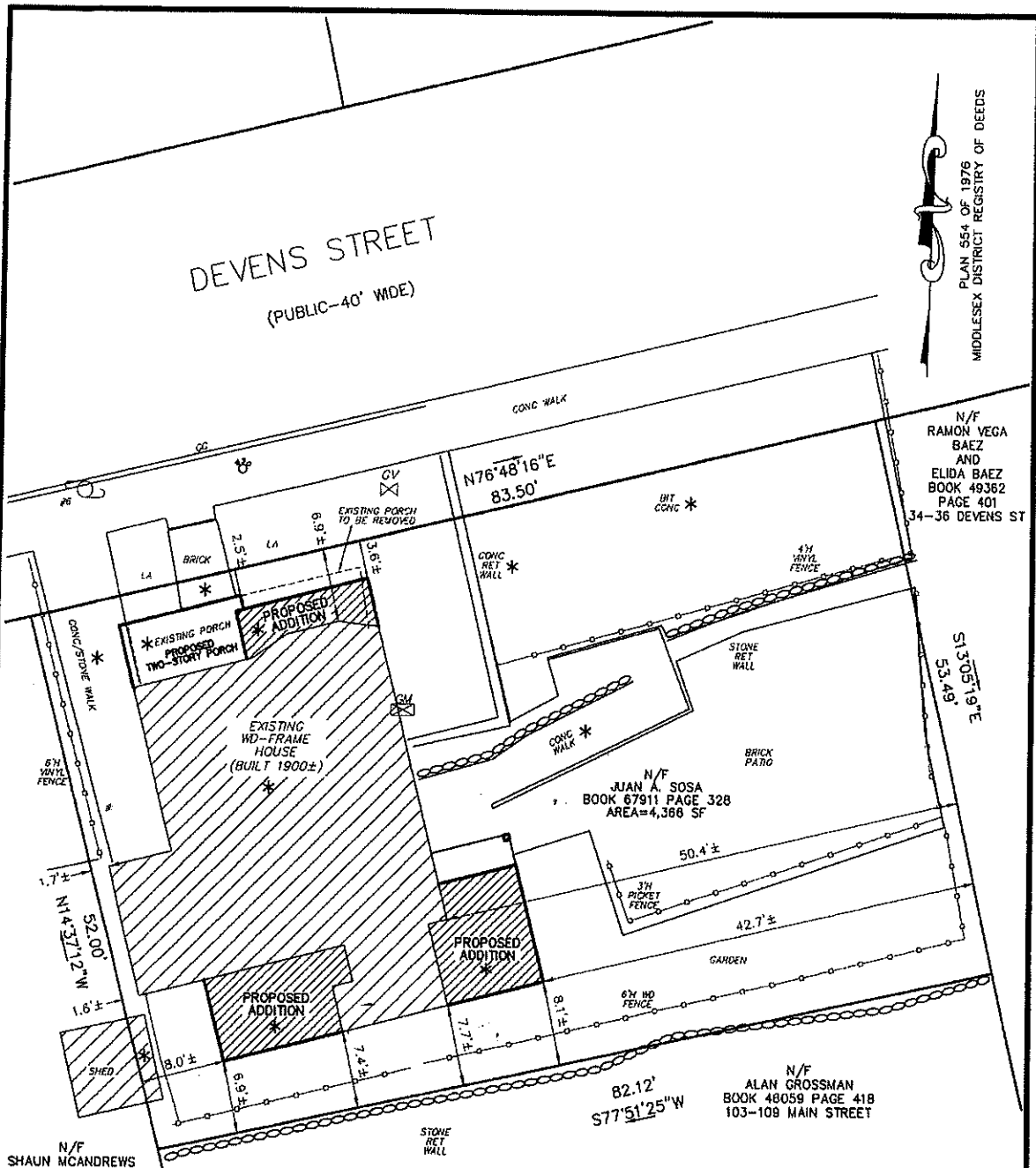
An appeal from this denial may be taken to the Zoning Board of Appeals by filing a Notice of Appeal with the Zoning Board of Appeals within 30 days of the date of this determination letter. Further information should be obtained from the Board of Appeals secretary, Susan Brown at 508-460-3768.

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

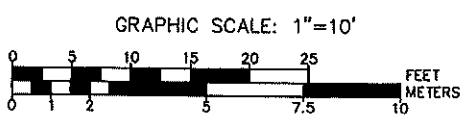


PLAN 554 OF 1976
MIDDLESEX DISTRICT REGISTRY OF DEEDS

N/F SHAUN MCANDREWS
BOOK 70101 PAGE 88
48 DEVENS STREET

LOT COVERAGE (% OF LOT AREA)	
(* = AREA INCLUDED IN CALCULATION)	
	EXISTING PROPOSED
STRUCTURES	23% 27%
SITE	23% 24%
TOTAL	46% 51%

- NOTES**
- SEE THE FOLLOWING PLANS RECORDED AT THE MIDDLESEX DISTRICT REGISTRY OF DEEDS-
PLAN 868 OF 1979
PLAN 554 OF 1976
LC PLAN 18277A 1942
 - ZONING DISTRICT- RESIDENCE B
MINIMUM LOT AREA-8,000 SF PLUS 4,000 SF FOR EACH ADDITIONAL UNIT OVER 2
MINIMUM LOT FRONTAGE-100'
SETBACKS- FRONT 20' SIDE 10' REAR 30'
MAXIMUM BUILDING HEIGHT-2.5 STORIES
MAXIMUM LOT COVERAGE-30%
 - PLAN REFERS TO MARLBORO TAX MAP 70 LOT 42.



OWNER/
APPLICANT: JUAN A. SOSA
42 DEVENS STREET
MARLBORO, MA 01752

Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
333 WEST STREET PH. (508) 473-6630
MILFORD, MA 01757 FX. (508) 473-8243
www.gondhengineering.com

JEFFREY J STEFANK
No. 43070
DATE: 3-28-2022

BUILDING PERMIT PLOT PLAN
TWO-FAMILY DWELLING
42 DEVENS STREET
MARLBORO, MASSACHUSETTS
SCALE: 10 FEET TO AN INCH
DATE: OCTOBER 16, 2020

00	DATE	REVISION DESCRIPTION	INIT
01	01-13-21	LOT COVERAGE CALCULATIONS	FJO
02	06-22-21	BUILDING FOOTPRINT	FJO
03	03-28-22	BUILDING FOOTPRINT	FJO

G:\C3D\miford\G-9820\DWG\G-9820 SITE.dwg

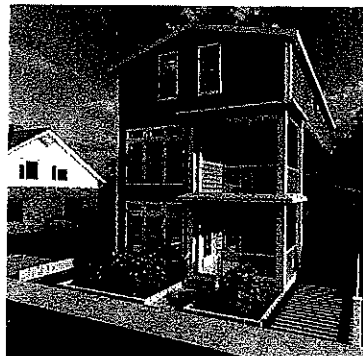
PROPOSED RENOVATION / CHANGE OF OCCUPANCY FROM SINGLE FAMILY TO TWO FAMILY DWELLING

42 DEVENS STREET MARLBOROUGH, MA 01752

LOCATION MAP



SATELLITE VIEW



3D VIEW

GENERAL SYMBOLS

ROOM NAME	SYMBOL
POUR SLAB	[Symbol]
FOUNDATION	[Symbol]
CONCRETE FOUNDATION	[Symbol]
FOUNDATION	[Symbol]
FOUNDATION	[Symbol]
FOUNDATION	[Symbol]
FOUNDATION	[Symbol]

GENERAL NOTES

1. ALL WORK SHALL BE PERFORMED IN CONFORMANCE TO THE LATEST EDITION OF THE MASSACHUSETTS STATE BUILDING CODE AND ALL OTHER APPLICABLE CODES AND LAWS.
2. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING AND PAYING FOR ALL PERMITS REQUIRED FOR THIS PROJECT.
3. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR MEANS, METHODS, TECHNIQUES, SEQUENCING, SCHEDULING AND SAFETY FOR THIS PROJECT.
4. THE CONTRACTOR SHALL VISIT THE SITE AND BE THOROUGHLY ACQUAINTED WITH THE PROJECT PRIOR TO SUBMITTING A PRICE. ADDITIONAL MONEY WILL NOT BE GRANTED FOR WORK NOT CLARIFIED PRIOR TO BIDDING.
5. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES BETWEEN DRAWINGS OR SPECIFICATIONS OR FIELD CONDITIONS TO THE ARCHITECT IMMEDIATELY.
6. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY WORK DAMAGED BY HIS FORCE MAINS WHILE PERFORMING THIS CONTRACT.
7. THE CONTRACTOR SHALL GIVE A WARRANTY FOR HIS WORK FOR A PERIOD OF ONE YEAR FROM THE DATE OF FINAL COMPLETION.
8. ALL DIMENSIONS AND CONDITIONS SHALL BE FIELD VERIFIED AND THE ARCHITECT SHALL BE NOTIFIED OF DISCREPANCIES IMMEDIATELY UPON DISCOVERY AND BEFORE PROCEEDING WITH THE WORK.
9. TAKE FIELD MEASUREMENTS BEFORE FABRICATING WORK TO ENSURE THAT COMPONENTS FIT TOGETHER PROPERLY.

INDEX

- A-00 COVER SHEET
- R-00 3D VIEWS
- B-10 EXISTING CONDITIONS (BASEMENT / FIRST FLOOR PLAN)
- B-11 EXISTING CONDITIONS (SECOND / ROOF FLOOR PLAN)
- B-20 EXISTING CONDITIONS (FRONT / REAR / RIGHT / LEFT ELEVATION)
- A-01 PROPOSED CONDITIONS (DOOR / WINDOW SCHEDULE)
- A-10 PROPOSED CONDITIONS (BASEMENT PLAN / FIRST FLOOR PLAN)
- A-11 PROPOSED CONDITIONS (SECOND FLOOR PLAN / ATTIC PLAN)
- A-12 PROPOSED CONDITIONS (ROOF PLAN)
- A-13 PROPOSED CONDITIONS (FRONT / REAR / LEFT / RIGHT ELEVATION)
- S-00 CONSTRUCTION DETAILS (NOTES)
- S-10 CONSTRUCTION DETAILS
- S-11 CONSTRUCTION DETAILS

PROPOSED SPACES

BASEMENT PLAN	
COMMON AREA	SQ. FT.
STAIRCASE	23.1
TOTAL	23.1
UNIT 1	SQ. FT.
BEDROOM #1	117.5
BEDROOM #2	35.1
OPEN SPACE	11.7
CL.	13.3
OFFICE SPACE	50.0
1/2 BATHROOM	35.2
BATHROOM	28.8
WOMEN'S ROOM	25.5
CL.	7.4
TOTAL	313.8

FIRST FLOOR	
COMMON AREA	SQ. FT.
FRONT PORCH	58.0
STAIRCASE	53.0
TOTAL	111.0
UNIT 1	SQ. FT.
KITCHEN/DINING/LIVING	411
HALLWAY	51.0
MASTER BEDROOM	167.7
MASTER BATHROOM	65.7
BATHROOM/VP	63.4
STAIRCASE	30.7
TOTAL	688.5
UNIT 2	SQ. FT.
STAIRCASE	35.2
TOTAL	35.2

SECOND FLOOR	
COMMON AREA	SQ. FT.
STAIRCASE	93.3
TOTAL	93.3
UNIT 2	SQ. FT.
KITCHEN/DINING/LIVING	159.1
HALLWAY	74.5
BEDROOM #1	225.5
BEDROOM #2	152.7
BATHROOM	91.4
STAIRCASE	65.2
FRONT PORCH	68.2
TOTAL	685.7

ATTIC	
UNIT 2	SQ. FT.
BEDROOM #2	202.1
BEDROOM #3	153.2
BATHROOM	66.4
CL.	5.4
HALLWAY	24.5
BEDROOM #1	162.7
BATHROOM	91.4
STAIRCASE	65.2
TOTAL	764.5

EXISTING		PROPOSED	
SINGLE FAMILY		TWO FAMILY	
BASEMENT	1st FLOOR	BASEMENT	1st FLOOR
688.5	111.0	688.5	111.0
688.5	111.0	688.5	111.0
TOTAL 1477.5	222.0	1477.5	222.0



PROPOSED RENOVATION / CHANGE OF OCCUPANCY FROM SINGLE FAMILY TO TWO FAMILY DWELLING
42 DEVENS STREET
MARLBOROUGH, MA 01752

APPLICANT:
MIAN SOSA

DATE	REVISION

DRAWING TITLE:
COVER SHEET

SHEET NUMBER:
A-0.0

ZONING BOARD OF APPEALS SET

PAID \$30.-
JUN 13 2022 PM 4:53



City of Marlborough
Office of the Assessors
140 Main Street
Marlborough, Massachusetts 01752
TDD (508) 460-3610
Phone: (508) 460-3779

COPY

APPLICATION FOR CERTIFIED LIST OF ABUTTERS

Date: _____

Property Address: 42 Devens St

Assessor Map and Parcel: 70/42

Property Owner Name: Juan Sos9

Applicant Name: Christopher Flood

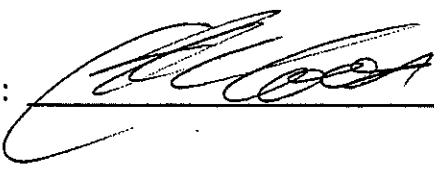
Applicant Phone: 508 624 4700

Applicant Email Address: chrisflood@floodlaw.net

Purpose of Request: Zoning variance / special permit

Radius: 300

Originating Board or Department: _____

Applicant Signature: 

*PLEASE EMAIL TO OFFICE OF THE ASSESSORS AT:
assessors_dept@marlborough-ma.gov

PLEASE ALLOW TEN WORKING DAYS FROM THE DATE OF RECEIPT OF THIS APPLICATION BY THE OFFICE OF THE ASSESSORS FOR COMPLETION