



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 8, 2019

PAGE 1

ORDERED:

DECISION ON A SPECIAL PERMIT

MARC BUCHAN
180 Cullinane Drive, Marlborough, MA

CITY OF MARLBOROUGH
CITY COUNCIL ORDER NO. 19-1007512C

DECISION ON AN APPLICATION FOR SPECIAL PERMIT

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Marc Buchan of 180 Cullinane Drive, Marlborough, MA 01752, as provided in this Decision and subject to the following Findings of Fact and Conditions:

PROCEDURAL FINDINGS

1. Marc Buchan, with an address of 180 Cullinane Drive, Marlborough, MA 01752, is the owner of real property located at 180 Cullinane 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 68745, Page 400, and identified on the City of Marlborough Assessor's Maps as Map 6, Parcel 115 (the "Site").
3. The Applicant, on or about December 18, 2018, 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 Ordinance) 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 the same existing 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 November 20, 2018), (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 Ordinance of the City of Marlborough.



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ORDERED:

5. In accordance with the Rules and Regulations of the City Council and M.G.L. c. 40A, §§ 9 and 11, the City Council established a date for a public hearing on the Application, and caused to be advertised notice of said hearing and the date thereof in the Main Street Journal. 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 February 25, 2019 in accordance with the published notice (the "Public Hearing"). The time for the City Council to take final action on the Application is May 26, 2019, a Sunday; per M.G.L. c. 4, § 9 the next succeeding business day for final action is Tuesday, May 28, 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, and the existing foundation side setback. A direct abutter, Shawn McCarthy of 185 Cullinane Drive, spoke in support of the Project.
8. The Site is located in the A-3 zoning district.
9. The Building Commissioner has determined that the existing one-story single-family dwelling, which is located on a nonconforming lot, is a legal pre-existing nonconforming structure with respect to side yard setback; and that the proposed two-story single-family dwelling would increase or intensify the setback nonconformity. Specifically, the A-3 zoning district, where the Site is located, requires a side yard setback of 15', whereas the existing one-story single-family dwelling does not conform because of its existing side yard setback of 5'. The proposed reconstruction of the dwelling would add an additional second floor within the side yard setback area, thereby intensifying the setback nonconformity and requiring a special permit from the City Council. The Zoning Denial Letter of the Building Commissioner, dated November 20, 2018, is attached hereto as "Attachment A."
10. The existing site plan submitted with the Application is entitled, "Existing Conditions Plan, Located at 180 Cullinane Drive, Marlborough MA; Prepared for: Marc Buchan, 65 Country Lane, Marlborough, MA 01752;" Prepared by: Land Planning, Inc., 167 Hartford Ave., Bellingham, MA 02019; graphic scale 1" = 10'; dated April 30, 2018 (Sheet No. 1) (the "Existing Conditions Plan"), attached hereto as "Attachment B."



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Marlborough, Mass., _____ APRIL 8, 2019

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ORDERED:

11. The site plan submitted with the Application is entitled, "Site Plan, Located at 180 Cullinane Drive, Marlborough MA; Prepared for: Marc Buchan, 65 Country Lane, Marlborough, MA 01752;" Prepared by: Land Planning, Inc., 167 Hartford Ave., Bellingham, MA 02019; graphic scale 1" = 10'; dated March 24, 2017 (Sheet No. 1) (the "Site Plan"), attached hereto as "Attachment C."
12. The architectural drawings submitted with the Application are entitled "Private Residence, 180 Cullinane Drive, Marlborough, MA;" Prepared by: VU Architecture, 167 Annie Moore Road, Bolton, MA 01740; dated August 31, 2017 (Drawing Nos. A-1, A-2, A-3, A-4) (the "Architectural Drawings") attached hereto as "Attachment D."

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 at the Site, 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 use and 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 M.G.L. c. 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:



IN CITY COUNCIL

Marlborough, Mass., _____

APRIL 8, 2019

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ORDERED:

1. Demolition and Construction in Accordance with Applicable Laws. Demolition and 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 prior written approval of the Building Commissioner.
2. Work in Conformance with Special Permit. All work performed at the Site shall be done in compliance with this Special Permit decision.
3. Recording of Special Permit. In accordance with the provisions of M.G.L. 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.

Yea: 11 – Nay: 0

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


Signed by City Council President
Edward J. Clancy

ADOPTED
In City Council
19-1007512C

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

November 20, 2018

Marc Buchan
180 Cullinane Drive
Marlborough, MA 01752

Mr. Buchan:

Your application to demolish the existing single story Single Family Dwelling and construct a new 2 story Single Family Dwelling at 180 Cullinane Drive, Marlborough, MA Parcel ID # 6-115, 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" states that your use requires side yard setback of 15 feet, you have proposed a side yard setback of five feet (5'). Current zoning requires 12,500 SF of area, your lot has 4950 SF +/- . As a pre-existing, non-conforming lot and structure, the construction of a new two story SFD that intensifies a non-conforming requires a "Special Permit" (SP) issued by the Marlborough City Council.

I have determined that the proposed reconstruction of the additional second floor within the setback area intensifies the preexisting non-conformity.

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

In your appeal, you may request a Special Permit (SP).

Sincerely,

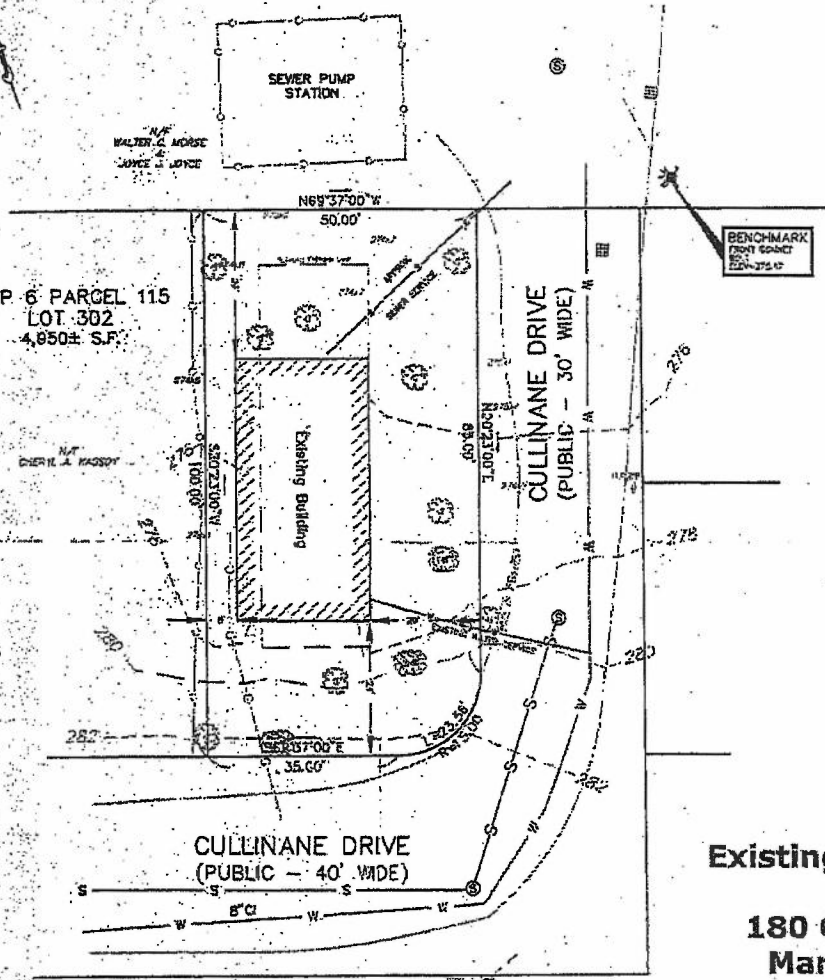
Jeffrey Cooke, C.B.O.
Building Commissioner
Zoning Enforcement Officer

ATTACHMENT B

ZONING DATA
 ZONE: RESIDENCE A-3
 MINIMUM REQUIREMENT
 AREA: 19,500 S.F.
 FRONT YARD: 20'
 SIDE YARD: 5'
 REAR YARD: 25'

ALL UNDERGROUND UTILITY LOCATIONS SHOWN ARE BASED ON FIELD EVIDENCE AND RECORDS PROVIDED TO LAND PLANNING. THESE LOCATIONS SHOULD BE CONSIDERED APPROXIMATE. OTHER UTILITIES MAY EXIST WHICH ARE NOT SHOWN. NO WARRANTY OR RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INCORRECTLY SHOWN. CONTACT D.C. WALKER AT 1-800-344-7222 PRIOR TO EXCAVATION AT THIS SITE.

MAP 6 PARCEL 115
 LOT 302
 4,850± S.F.



- Legend**
- 1. Easement
 - 2. Easement
 - 3. Easement
 - 4. Easement
 - 5. Easement
 - 6. Easement
 - 7. Easement
 - 8. Easement
 - 9. Easement
 - 10. Easement
 - 11. Easement
 - 12. Easement
 - 13. Easement
 - 14. Easement
 - 15. Easement
 - 16. Easement
 - 17. Easement
 - 18. Easement
 - 19. Easement
 - 20. Easement



Existing Conditions Plan
 Located at
180 Cullinane Drive
Marlborough, MA
 Prepared for
Marc Buchan
 65 Country Lane
 Marlborough, MA 01752.

| REVISIONS | | | |
|-----------|------|----|---------|
| No. | Date | By | Checked |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |

Prepared By: KJH
 Designed By: KJH
 Checked By: WDH
 Checked By: WDH

Land Planning, Inc.
 Civil Engineers • Land Surveyors
 Environmental Consultants

Bellingham
 167 Hartford Ave.
 Bellingham, MA 02819
 508-866-4130

North Grafton
 214 Worcester St.
 N. Grafton, MA 01525
 508-436-9821

Hanson
 1115 State Street
 Hanson, MA 02341
 781-325-4144

Date: April 30, 2018
 Draw No: 102355

ATTACHMENT C

ALL UNDERGROUND UTILITY LOCATIONS SHOWN ARE BASED ON FIELD SURVEY AND RECORDS PROVIDED TO LAND PLANNING. THESE LOCATIONS SHOULD BE CONSIDERED APPROXIMATE. OTHER UTILITIES MAY EXIST WHICH ARE NOT EVIDENT OR FOR WHICH RECORD INFORMATION WAS NOT FOUND. WE ASSUME NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INADEQUATELY SHOWN. CONTACT DIS SAFE AT 1-800-344-7233 PRIOR TO EXCAVATION AT THIS SITE.

WATER & SEWER SKETCHES

W/T
WALTER C. MORSE
&
JOYCE A. JOYCE

BENCHMARK
TYP. BENCH
ELEV. = 25.17

MAP 6, PARCEL 115
LOT 302
4,950± S.F.

OWNER/DEVELOPER:
MARC BUCHAN
65 COUNTRY LANE
MARLBOROUGH, MA
TEL: 517-928-2588
CDD BOOK DEFS PAGE 488
ELEVATIONS REFER TO NAVD 1988

NOTES:
EXISTING BUILDINGS IS TO BE REMOVED. THE PROPOSED BUILDING SHALL BE CONSTRUCTED WITHIN THE FOOTPRINT OF THE EXISTING BUILDING.
EXISTING WATER AND SEWER SERVICES SHALL BE CUT AND CAPPED 10 FEET FROM THE FOUNDATION BEFORE EXCAVATION BEGINS. WORK SHALL BE PERFORMED BY A LICENSED CONTRACTOR APPROVED BY THE CITY.
WATER SERVICE SHALL BE COPPER, 3" MINIMUM COVER
SEWER SERVICE SHALL BE 8" PVC
THE WATER ELEVATION OF WEST MEADOWS RESERVOIR IN MARCH 2007 WAS 252.4.

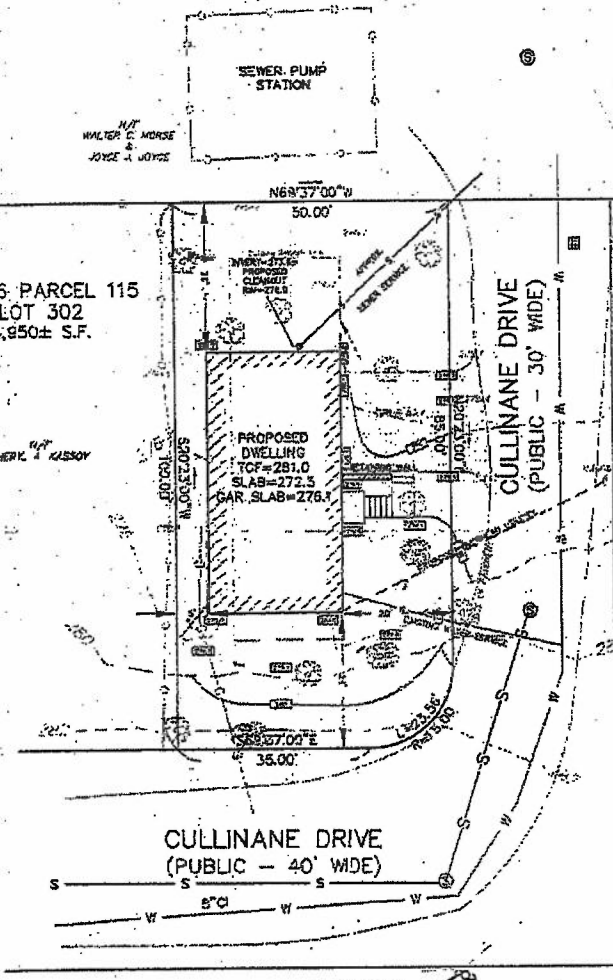
LEGEND

- ☐ Catch Basin
- ☐ Drain Manhole
- ☐ Sewer Manhole
- ☐ Catchment Pond
- ☐ Spot Grade Proposed
- ☐ Channel Elevation
- ☐ Spot Grade Existing
- ☐ Utility Pole
- ☐ Water Gate Valve
- ☐ Hydrant
- ☐ Flood Wall
- ☐ Det. Water Ponds
- ☐ Iron Pin Found
- ☐ Proposed Boundary
- ☐ Spot Elev. Pt.



| ZONING TABLE | REQUIRED | PROVIDED |
|-------------------------|----------|------------------------|
| FRONT YARD | 20' | 20' |
| SIDE YARD | 10' | 5' |
| REAR YARD | 20' | (ASSUME 3' SIDE YARDS) |
| LOT COVERAGE (SOFT MAX) | 1485 SF. | 1680 SF. |

BENCHMARK
SPICE T UP AN
PILE BY
ELEV. = 25.17



APPROVED
APR 17 2017
MARLBOROUGH DEPT. OF ENGINEERING DIVISION

Site Plan
Located at
180 Cullinane Drive
Marlborough, MA
Prepared for
Marc Buchan
65 Country Lane
Marlborough, MA 01752

| REVISIONS | | | |
|-----------|------|-------|---------|
| No. | Date | Drawn | Checked |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |

Land Planning, Inc.
Civil Engineers • Land Surveyors
Environmental Consultants

Bellingham:
307 Hampden Ave.
Bellingham, MA 03319
269-922-4128

Norfolk County:
214 Worcester St.
N. Grafton, MA 01923
608-438-9226

Hudson:
1115 Main Street
Hudson, MA 02181
781-294-2166

blplanning@landplanninginc.com

| | | | |
|---------|----------------|-----------|---|
| Date | March 24, 2017 | Sheet No. | 1 |
| Job No. | B2355 | | |

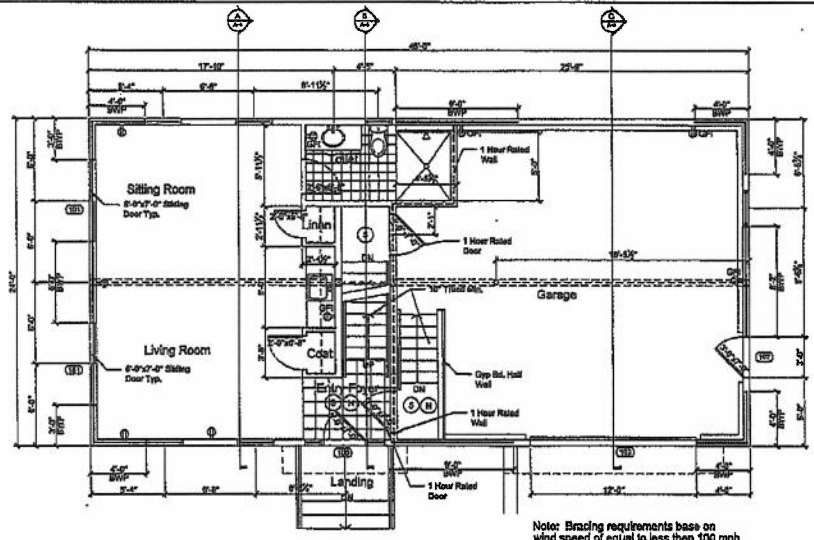
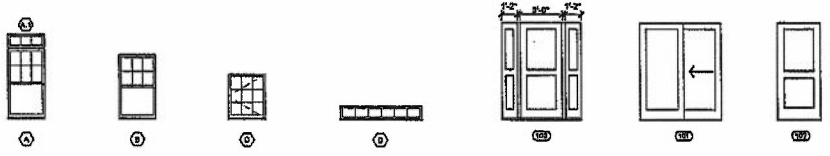
ATTACHMENT D

| WINDOW SCHEDULE | | | | | | | | | | | |
|-----------------|-------|-------|------------|------------|--------|---------|-----|------|----------|-------|----------------------------|
| SYMBOL | R.O.W | R.O.H | MATL. EXT. | MATL. INT. | FINISH | GLAZING | U | SHGC | HARDW. | TOTAL | REMARKS |
| A | 2'-0" | 4'-0" | VINYL CLAD | WOOD | PAINT | TP L&E | .20 | - | WHITE | - | DOUBLE HUNG |
| A.1 | 2'-0" | 7'-0" | VINYL CLAD | WOOD | PAINT | TP L&E | .20 | - | TRAMMELL | - | DOUBLE HUNG BONES MEL CODE |
| B | 2'-0" | 4'-0" | VINYL CLAD | WOOD | PAINT | TP L&E | .20 | - | WHITE | - | DOUBLE HUNG BONES MEL CODE |
| C | 2'-0" | 3'-0" | VINYL CLAD | WOOD | PAINT | TP L&E | .20 | - | TRAMMELL | - | FIXED UNIT |
| D | 4'-0" | 7'-0" | VINYL CLAD | WOOD | PAINT | TP L&E | .20 | - | - | - | TRAMMELL |

| EXTERIOR DOOR SCHEDULE | | | | | | | | | | | |
|------------------------|-------|-------|------------|------------|--------|---------|-----|------|--------|-------|-----------------------|
| SYMBOL | W | H | MATL. EXT. | MATL. INT. | FINISH | GLAZING | U | SHGC | HARDW. | TOTAL | REMARKS |
| 100 | 2'-0" | 7'-0" | FIBERGLASS | FIBERGLASS | PAINT | TP L&E | .20 | - | TBD | - | ENTRY DOORWIDER LITES |
| 101 | 2'-0" | 7'-0" | VINYL CLAD | WOOD | PAINT | TP L&E | .20 | - | - | - | OLDING PATH DOORS |
| 102 | 2'-0" | 7'-0" | STL. INSL. | STEEL | PAINT | TP L&E | .20 | - | TBD | - | AT GARAGE |
| 103 | 2'-0" | 7'-0" | STL. INSL. | STEEL | PAINT | TP L&E | .20 | - | - | - | DAMAGE DOOR |

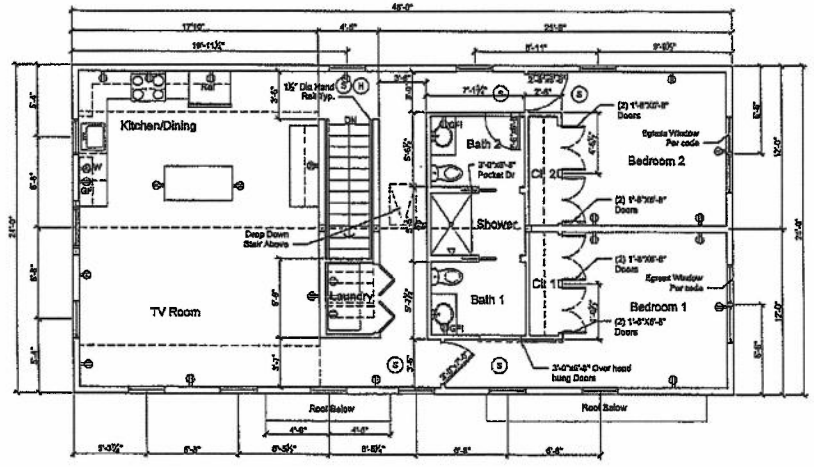
Window Notes:

- Provide Anderson 200 Series Vinyl Clad Exterior and primed wood interior windows for equal approved by Architect with latching openings as indicated on plans, windows, etc.
- Verify dimensions of required rough openings and maintain latching requirements.
- Exterior Cladding Color White.
- Interior Plastic Primed Pine with finish paint color as selected by Owner.
- Glass: Clear, Low E⁺ Insulated Glass, except fixed double entry glass as required by code.
- Hardware: Rantowalla Plus Wind Interior Other Traditions.
- Screen: InView Fiberglass Insect Screen White Frame and Screen color.
- Stash Inset: White Vinyl
- Provide extension joints.
- See building elevations and details for operations and dimensions.
- Hardware Finish: Standard color as selected by Owner.

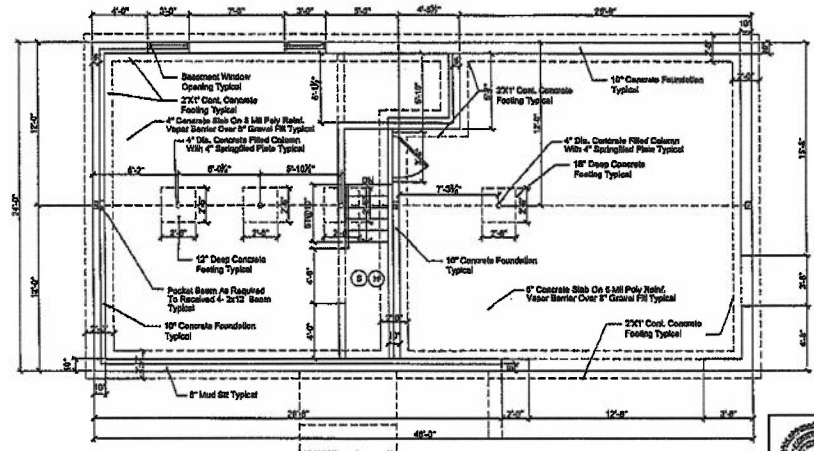


1 First Floor Plan
Scale: 1/4" = 1'-0"

Note: Bracing requirements base on wind speed of equal to less than 100 mph
 1. One story location
 2. Braced wall line spacing 40'
 3. Methods WSP: 6' min. total length per foot of braced wall panels along brace wall line



1 Second Floor Plan
Scale: 1/4" = 1'-0"

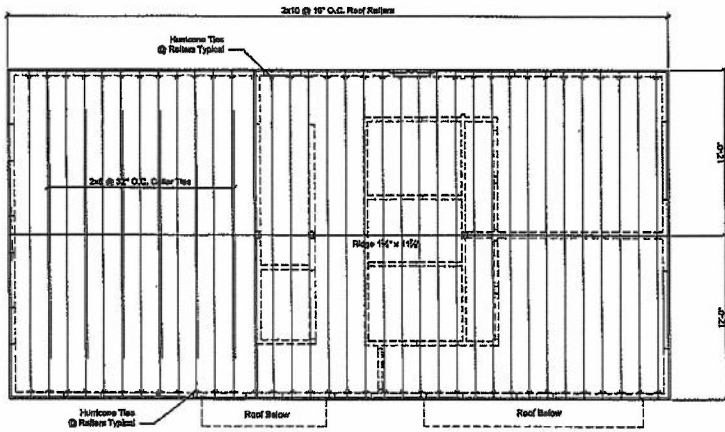


1 Foundation Floor Plan
Scale: 1/4" = 1'-0"

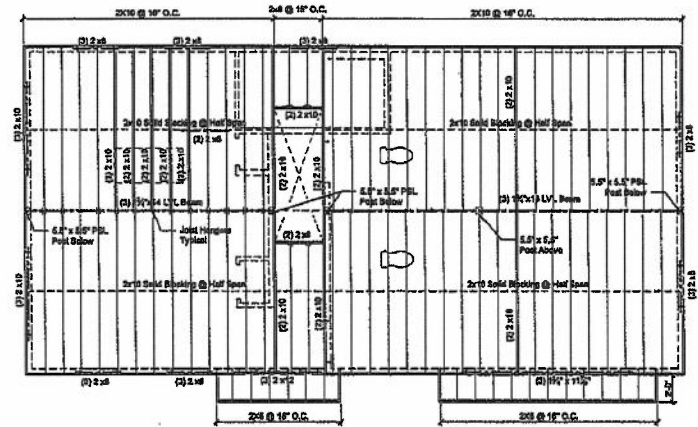


BUILDING PERMIT

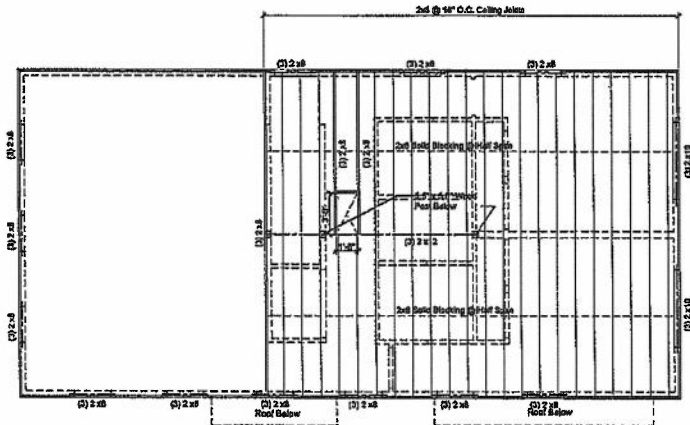
| | | | |
|---|--|--|---------------------------|
| Private Residence 180 Ouldrone Drive Marlborough, MA Proposed Floor Plans | 167 Annie Moore Road C: 508-146-8207 E: varchitecture@gmail.com | Date: 8/5/2017 Revised: - Drawn: VA Scale: As Noted | Drawing No: A-1 |
| | | Copyright © V Architecture 2017 All rights reserved | |



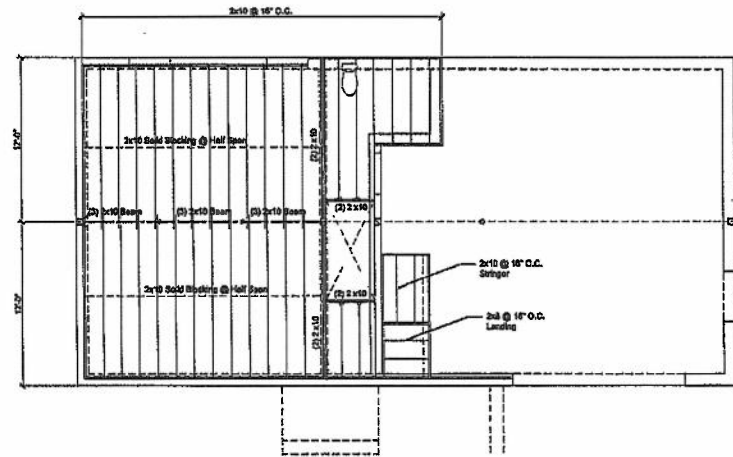
4 Roof Framing Plan
Scale: 1/4" = 1'-0"



2 Second Floor Framing
Scale: 1/4" = 1'-0"



3 Ceiling Framing Plan
Scale: 1/4" = 1'-0"

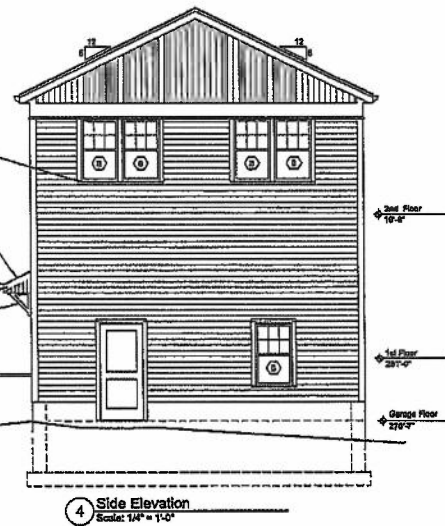
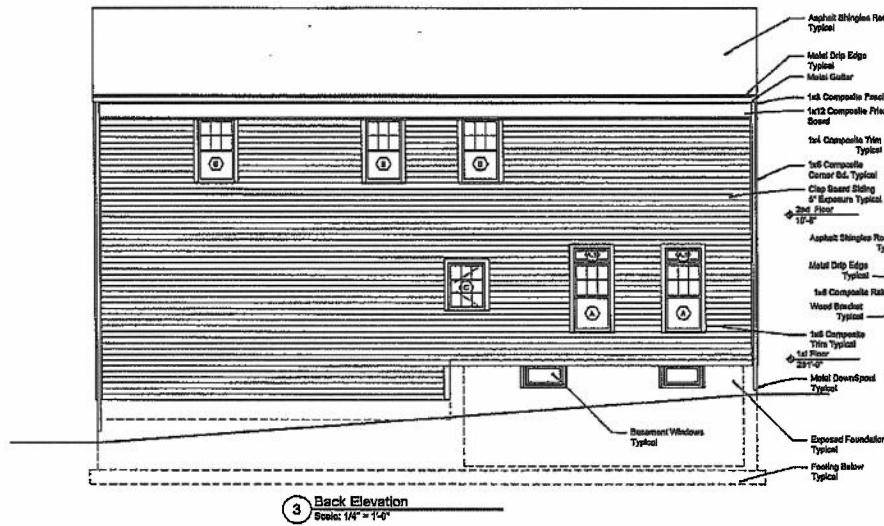
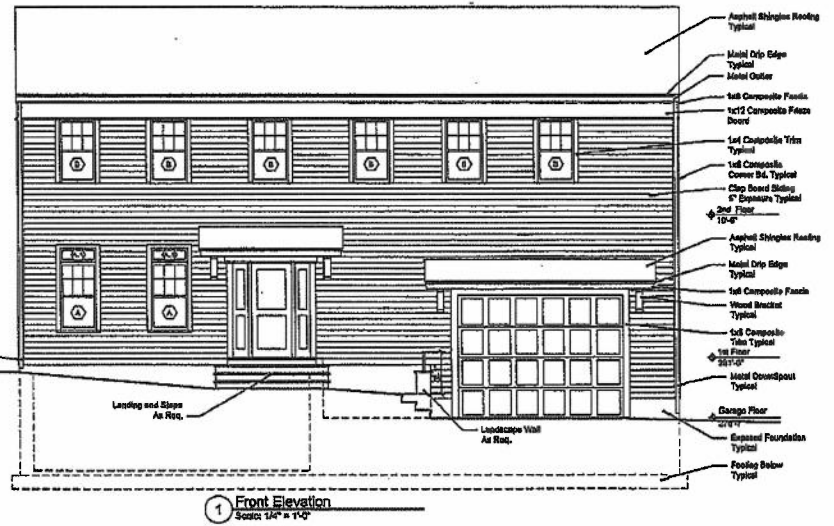
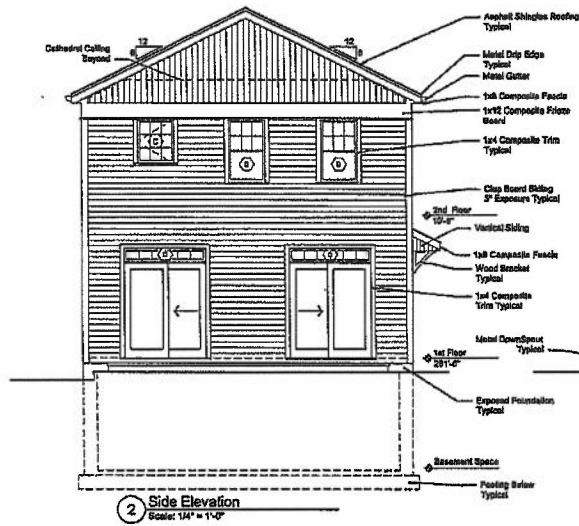


1 First Floor Framing
Scale: 1/4" = 1'-0"



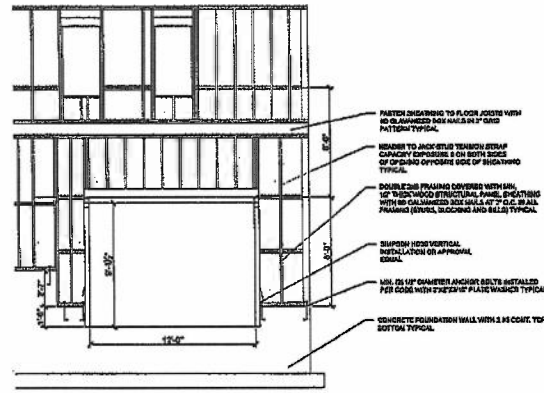
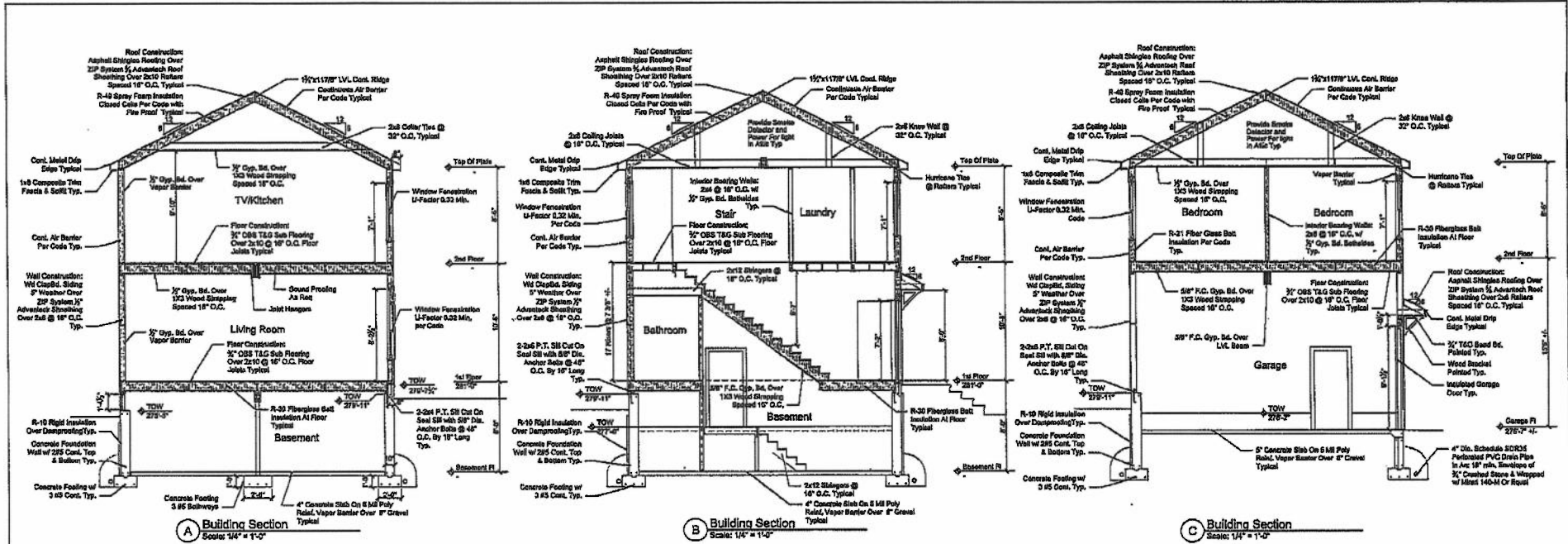
BUILDING PERMIT

| | | | |
|--|---|-----------------|---|
| Private Residence 180 Cullinane Drive Marlborough, MA Framing Plans | 187 Arville Moore Road C. 508-410-8207 E: vware@architecture@gmail.com Bolton, MA 01740 | Date: 8/31/2017 | Drawing No: A-2 |
| | | Revised: - | |
| | | Drawn: VA | |
| | | Scale: As Noted | Copyright: We Architecture © 2017 All rights reserved |



BUILDING PERMIT

| | | | |
|--|--|--|---------------------------|
| Private Residence 180 Cullinan Drive Marlborough, MA Proposed Elevations | | Date: 8/31/2017 Revised: - Drawn: VA Scale: As Noted Copyright © 2017 All rights reserved. | Drawing No: A-3 |
| | | 187 Avon Moore Road Bolton, MA 01740 508-810-9217 vuarth@architect.com | |



BUILDING PERMIT

| | | | |
|--|--|---|-----------------|
| Private Residence 180 Quilkeno Drive Marlborough, MA Building Sections | | Date: 03/20/17 | Drawing No: A-4 |
| | | Revised: | |
| | 187 Annie Moore Road Bolton, MA 01740 C: 508-418-1307 E: vsmarchitect@gmail.com | Drawn: VA | Scale: As Noted |
| | | Copyright © Architects © 2017 All rights reserved | |