

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 12-1004081**

FINDINGS OF FACT AND RULING

1. Marlborough Savings Bank is hereinafter referred to as "Applicant".
2. Applicant is the owner of the premises known and numbered as 81 Granger Boulevard, Marlborough, Massachusetts described on Marlborough Assessor's Map _____ (hereinafter the "Site") and maintains a stand alone bank facility with drive through ATM and teller services.
3. The Applicant, by and through its attorney, Sem Aykanian, Esq., has filed with City Clerk of the City of Marlborough an application for an Amendment to Special Permit, to wit, A Notice of Decision Grant of Special Permit issued by the City Council for the City of Marlborough dated June 22, 2011 by Council Order No. 09-1002152C. The Applicant seeks to modify the hours of operation of the drive through ATM and teller services.
4. The Site is located in a Business zone as determined by the Zoning Map of the City of Marlborough.
5. In connection with the Application to Modify the Special Permit, the Applicant has submitted a certified list of abutters, all appropriate filing fees, and provided copies of the Application to all appropriate parties in accordance with Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
6. The Application was certified by the acting City Planner for the City of Marlborough as having complied with Rule 4, items (a) through (m) of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
7. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the application for a Special Permit and the City Clerk for the City of Marlborough caused notice of the same to advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
8. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on March 26, 2012.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS
AND TAKES THE FOLLOWING ACTIONS**

A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to modification of the Special Permit.

B. The City Council finds that the proposed amended use of the Site is an appropriate use and 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.

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant the modification of the Special Permit, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on applicant, its successors and/or assigns:

1. The Special Permit granted by City Council Order No. 1002152C is hereby amended as follows:

a) The hours of operation of the drive through shall not exceed the following times:

Monday through Saturday, 8:00 AM to 8:00 PM; Sunday, 8:00 AM to 6:00 PM.

b) The hours of operation of the drive-through ATM at the site shall be 24 hours per day, seven days per week.

D. In all other respects, the terms and conditions of the original Special Permit shall remain in full force and effect.