

# CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: September 8, 2015

Time: 5:00 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Agenda Items to be addressed:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2015 SEP -1 A 8:48

07-27-2015 – **Order No. 15-1006282:** Application for Special Permit from Attorney Gadbois on behalf of Charter Foods North, LLC, to operate a Taco Bell restaurant with a drive-thru facility at 773 Boston Post Road East  
- REFER TO URBAN AFFAIRS COMMITTEE  
- PUBLIC HEARING AUGUST 24, 2015

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

**The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.**

**Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.**



## IN CITY COUNCIL

Marlborough, Mass., JULY 27, 2015

### ORDERED:

That there being no objection thereto set **MONDAY, AUGUST 24, 2015** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Gadbois on behalf of Charter Foods North, LLC, to operate a Taco Bell restaurant with a drive-thru facility at 773 Boston Post Rd. East, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, AND ADVERTISE.**

**Ninety days after public hearing is 08/24/15 which falls on a Sunday, therefore 11/23/2015 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 15-1006282

**David P. Gadbois**  
*Attorney-at-Law*  
**PO Box 773**  
**Marlborough, Massachusetts 01752**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2015 JUL 22 P 4: 07

Phone (508) 481-0101  
Cell (508) 380-9558

E-mail [David@attvgadbois.com](mailto:David@attvgadbois.com)

Fax (508) 484-9435

July 22, 2015

Ms. Lisa M. Thomas, City Clerk  
City Hall 140 Main Street  
Marlborough, MA 01752

RE: Application of Charter Foods North, LLC  
For a Special Permit

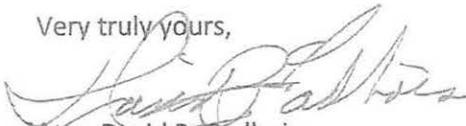
Dear Ms. Thomas:

Enclosed herewith please find Application Package for a Special Permit of Charter Foods North, LLC, lessee of the property located at 773 Boston Post Road East, along with the filing fee of \$250.00 as set by the Building Commissioner. Please forward this matter to the City Council and place it on its agenda for the meeting of Monday July 27, 2015.

I have also enclosed and suggested public notice for your consideration.

If you have any questions, please contact me at your convenience.

Very truly yours,



Atty. David P. Gadbois

Encl: Application Package (3)  
Public Notice  
Check for \$250.00

**CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK  
MARLBOROUGH, MASSACHUSETTS 01752**

**LEGAL NOTICE**

**Public Hearing: Special Permit  
Applicant: Charter Foods North, LLC  
Locus: 773 Boston Post Road East  
Assessor's Map 61, Parcel 30**

Notice is hereby given that the City Council of the City of Marlborough will hold a PUBLIC HEARING ON Monday, August 24, 2015 at 8:00 p.m. in City Council Chambers, 2<sup>nd</sup> floor City Hall, 140 Main Street, Marlborough, Massachusetts on the Application for Special Permit from Attorney David P. Gadbois, on behalf of the Applicant, to use an existing building at 773 Boston Post Road East as a 67 seat Taco Bell restaurant with a drive through facility. The application materials and plans are available for viewing in the Office of the City Clerk, City Hall, 140 Main St., Marlborough, MA 01752 Telephone: 508-460-3775.

*Per Order of the City Council*  
#15-

**David P. Gadbois**  
*Attorney-at-Law*  
**PO Box 773**  
**Marlborough, Massachusetts 01752**

Phone (508) 481-0101  
Cell (508) 380-9558

E-mail [David@attygadbois.com](mailto:David@attygadbois.com)

Fax (508) 484-9435

July 22, 2015

President and Members  
Marlborough City Council  
City Hall 140 Main Street  
Marlborough, MA 01752

RE: Application for Special Permit (Application)  
For a drive through facility at  
773 Boston Post Road East

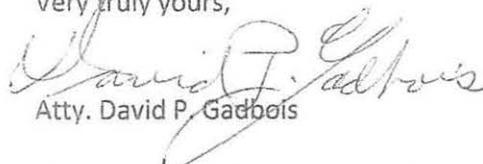
Dear President and Members:

I represent Charter Foods North, LLC, herein after referred to as "Applicant". Applicant is a lessee of the property located at 773 Boston Post Road East (Site), which is in a Business District under the Zoning Code of the City of Marlborough. The enclosed Application is for a Special Permit to use and existing building, as a 67 seat Taco Bell restaurant with a drive through facility. The building was constructed as a restaurant with a drive through, however the use was abandoned several years ago and a special permit is required for a drive through. The building will be redesigned on the inside as a restaurant. There will be no new addition to the building. The original drive-up window will be used.

Would you kindly schedule a public hearing on the Application, publish notice as provided for in Massachusetts General Laws Chapter 40A Section 5 and give written notice as provided for therein.

If you have any questions, please feel free to contact me at your convenience.

Very truly yours,

  
Atty. David P. Gadbois

Encl: Application Package for a Special Permit

**APPLICATION FOR SPECIAL PERMIT  
PACKAGE**

**July 22, 2015**

**Project Name:** Taco Bell Drive Through  
**Applicant:** Charter Foods North, LLC  
**Location:** 773 Boston Post Road East  
**Zoning:** Article V Section 650-17 and  
Section 650-18 A. (31) (a) 1-5  
**Atty. Contact:** Attorney David P. Gadbois  
PO Box 773  
Marlborough, MA 01752  
Tel#: 508-481-0101  
E-mail: David@attygadbois.com

CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:  
Charter Foods North LLC, 1111 Gateway Service Park Rd., Morristown, TN 17813

2. Specific location of property including Assessor's Plate & Parcel Number  
773 Boston Post Road East, being portion of Assessor's Map 61 Parcel 30

3. Name & address of owner of land, if other than petitioner or applicant:  
Route 20 Marlboro Properties LLC % RK Associates, Inc.  
456 Providence Highway, Route 1 Dedham, MA 02027

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)  
Lessee

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article V Section 650-17 Paragraph (31) Sub-Paragraph \_\_\_\_\_  
Section 650-18-A (31) (a) 1-5

6. Zoning District in which property in question is located:

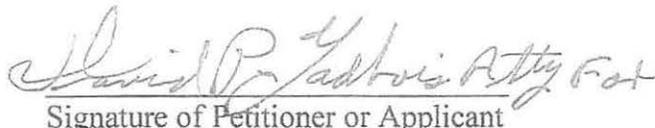
BUSINESS

7. Specific reason(s) for seeking the Special Permit:

Applicant desires to operate a restaurant with drive through facilities

8. List of names and addresses of abutters. SEPARATE SHEET ATTACHED.

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HEREWITH AND MADE PART OF SAID PETITION.



Signature of Petitioner or Applicant

ADDRESS: PO Box 773

Marlborough, MA 01752

TEL.NO. 508 481 0101

DATE: July 21, 2015

## SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Charter Foods North, LLC Address: 1111 Gateway Service Park Road  
Morristown, TN 17813  
Project Name: Taco Bell Address: 773 Boston Post Road E  
Marlborough, MA 01752

1. PROPOSED USE: (describe) Taco Bell restaurant with drive-thru

---

2. EXPANSION OR NEW: Expansion (Revised exterior cooler/freezer)

---

3. SIZE: floor area sq. ft. 3, 061 sf 1<sup>st</sup> floor same all floors \_\_\_\_\_  
# buildings 1 # stories 1 lot area (s.f.) \_\_\_\_\_

---

4. LOT COVERAGE: \_\_\_\_\_ %Landscaped area: \_\_\_\_\_ %

---

5. POPULATION ON SITE: Number of people expected on site at anytime:  
Normal: 40 Peak period: 70

---

6. TRAFFIC:
  - (A) Number of vehicles parked on site:  
During regular hours: 20 Peak period: 30
  - (B) How many service vehicles will service the development and on what schedule?  
1 service vehicle, it will only be there on as as needed basis, approximately 1 per week.

---

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? We assume the existing light poles will be used. The design intent will be that no light will leave the property

---

8. NOISE:
  - (A) Compare the noise levels of the proposed development to those that exist in the area now.  
The noise level should be comparable.
  - (B) Described any major sources of noise generation in the proposed development and include their usual times of operation. None

---

9. AIR: What sources of potential air pollution will exist at the development? auto exhaust

---

10. WATER AND SEWER: Describe any unusual generation of waste. None

---

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? None

**\*Attach additional sheets if necessary**

LIST OF NAMES AND ADDRESSES OF ABUTTERS  
AS REQUIRED ON THE APPLICATION FOR SPECIAL PERMIT OF:

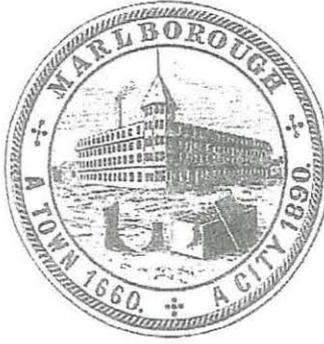
*Charter Foods North LLC*

---

(Name of Petitioner).

FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE  
CITY OF MARLBOROUGH UNDER CHAPTER 200, ZONING, OF THE CODE OF THE  
CITY OF MARLBOROUGH.

(Abutters as defined in Section 4.H of the Rules and Regulations of Application/Petition for  
Special Permit by the City Council under the Marlborough Zoning Ordinance.)



CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752

City Hall  
140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: \_\_\_\_\_

SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: TACC BELL DRIVE THROUGH

Project Use Summary: DRIVE THROUGH FACILITY

Project Street Address: 77.3 BOSTON POST ROAD EAST

Plate: 61 Parcel: 30

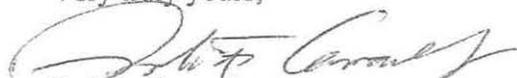
Applicant/Developer Name: CHARTER FOODS NORTH LLC

Plan Date: 7-08-15 Revision Date: \_\_\_\_\_

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

  
Robert Camacho

~~Interim~~ Building Commissioner

Application Fee to submit to  
City Clerk's office

\$ 250.00



**City of Marlborough, Massachusetts  
CITY CLERK DEPARTMENT**

**Lisa M. Thomas  
City Clerk**

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**

CHARTER FOODS NORTH, LLC

773 Boston Post Rd.

**Owner Name/Officer Name of LLC or Corporation**

ROUTE 20 MARLBORO PROPERTIES, LLC

**Owner/Officer Complete Address and Telephone Number**

DAVID KATZ, MANAGER

c/o R.R. ASSOCIATES, INC.

456 PROVIDENCE HIGHWAY

DEDHAM, MA 02026

781-320-0004

**Signature of Applicant**

**Attorney on behalf of Applicant, if applicable**

David P. Lachis, Atty. 508 481-0101

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

Deborah G. Fox  
**Tax Collector**