



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_  
DECEMBER 1, 2008

ORDERED:

**NOTICE OF DECISION  
TO AMEND SPECIAL PERMIT  
GRANTED TO SHALVIS REALTY LLC  
(AS SUCCESSOR IN INTEREST TO ERA CORPORATION)**

In City Council  
Order No. 99/08-1008106E

Application of:  
Shalvis Realty LLC

Locus:  
204-206 West Main St.  
Map 81, Parcel 103

## DECISION

The City Council of the City of Marlborough hereby GRANTS the Application of Shalvis Realty LLC to amend the Special Permit originally granted to ERA Corporation on July 12, 1999, as provided in the AMENDMENT attached hereto.

Decision filed: December 9, 2008

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 9th day of December, 2008

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.  
Given at Marlborough this 30th day of December, 2008.

Given under Chapter 40A sec. 11 of the General Laws.

A TRUE COPY  
ATTEST:

City Clerk



# IN CITY COUNCIL

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ORDERED:

**SHALVIS REALTY LLC  
(As Successor In Interest To ERA Corporation)**

**AMENDMENT  
TO ORIGINAL SPECIAL PERMIT  
GRANTED TO SHALVIS REALTY LLC  
(AS SUCCESSOR IN INTEREST TO ERA CORPORATION)  
ON JULY 12, 1999**

**DECISION ON A SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 99/08-10018106E**

Trinity Court Condominiums  
204-206 West Main Street  
Marlborough, MA

Amendment to Special Permit granted by the City Council on July 12, 1999, a) deleting the condition in paragraph 5 and substituting therefor the following new paragraph 5; and b) adding a new condition in new paragraph 9:

5. Owner-Occupancy. It shall be a condition of the condominium by-laws of the Site that all units in the project, consisting of a total of ten units, that are sold will be purchased by a person or persons who intend to reside in the units. The condominium documents shall provide for appropriate daily fines for the violation of this section of the condominium by laws, and will provide that this section may not be amended. No occupancy permit regarding the Site shall be issued unless and until the City Solicitor has certified to the Building Commissioner that the condominium by-laws, along with the condominium master deed, have been recorded. Applicant (Shalvis Realty, LLC, 1172 Beacon Street, Newton, MA 02461), including its successors and assigns, may, following the issuance of the occupancy permit for a particular unit but prior to the conveyance thereof to the purchaser of the unit, rent said units to tenants; provided, however, that:

- a. No said unit shall be or continue to be rented after the fifth anniversary of the date of issuance of the occupancy permit of said unit;
- b. No unit shall be rented or continue to be rented after the seventh anniversary of the date of issuance of the first occupancy permit for the Site;
- c. The number of units being rented and occupied by tenants shall not exceed (9) units;
- d. An executed "rent to own" contract shall qualify the subject unit as owner-occupied, so long as transfer of title for that unit occurs within 36 months of the starting date of the rental agreement for that unit;



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## ORDERED:

- e. The affordable housing unit, if rented, shall be done in compliance with the rules and regulations applicable to said unit;
- f. Applicant, including its successors and assigns, shall continue to market the units as condominiums with the requirement that one unit be used as a model;
- g. No sign at the premises shall market any units as being for rent; however "rent to own" signs are permissible so long as they are in compliance with City's sign ordinance without variance; and
- h. No unit shall be rented to any person or persons for more than three years unless, prior to the expiration of those three years, said person or persons execute(s) a purchase and sale agreement.

9. Recording. Both the original Special Permit granted by the Marlborough City Council on July 12, 1999, as well as this Amendment to the Special Permit, shall be recorded together at the Middlesex South Registry of Deeds in accordance with the provisions of MGL Chapter 40A sec. 11 prior to the issuance of any occupancy permit regarding the Site. The Applicant (Shalvis Realty, LLC, 1172 Beacon Street, Newton, MA 02461), including its successors and assigns, shall be responsible for recording, at its expense, both the original Special Permit, as well as this Amendment to the Special Permit; and shall present evidence of said recording to the City Solicitor's office, which thereupon shall duly forward said recording evidence to the Building Commissioner as a condition of his issuance of any occupancy permit regarding the Site.

**A roll call vote was taken as follows:**

### **TO APPROVE THE AMENDMENT TO THE SPECIAL PERMIT**

**Yea: 10 – Nay: 0**

**Yea: Delano, Ferro, Schafer, Juairé, Clancy, Landers, Ossing, Pope, Vigeant, Levy  
Seymour was absent**



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## ORDERED:

Further amendment to Special Permit granted by the City Council on July 12, 1999, a) deleting as clerical oversight the language on page 3, Finding of Fact and Ruling 10.b, fourth line, referencing "four and six" and substituting therefor "five and five" prior to the words "two-bedroom garden style condominiums;" and b) deleting as clerical oversight the language on page 6, WHEREFOR clause, fifth line, referencing "four and six" and substituting therefore "five and five" prior to the word "units."

**A roll call vote was taken as follows:**

**TO AMEND LANGUAGE FROM A CLERICAL OVERSIGHT OF THE SPECIAL PERMIT ORIGNALLY GRANTED IN JULY 1999.**

**Yea: 10 – Nay: 0**

**Yea: Delano, Ferro, Schafer, Juairé, Clancy, Landers, Ossing, Pope, Vigeant, Levy  
Seymour was absent**

Signed by City Council President  
Arthur G. Vigeant

ADOPTED  
In City Council  
Order No. 99/08-1008106E