



IN CITY COUNCIL

Marlborough, Mass., AUGUST 27, 2007

ORDERED:

GRANT OF SPECIAL PERMIT

In City Council
Order No. 07-1001559C

Application of:
Robert J. Valchuis, Trustee of Lauren Elizabeth Realty Trust

Locus:
714 Farm Rd., Marlborough, MA
Plates 73, Parcel 15

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Robert J. Valchuis, Trustee of Lauren Elizabeth Realty Trust as provided in the DECISION and subject to the following FINDINGS OF FACTS AND CONDITIONS.

Decision filed: September 5, 2007

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 5th day of September, 2007.

APPEALS

Appeals, if any shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, Ma.

ATTEST:

City Clerk



IN CITY COUNCIL

Marlborough, Mass., _____ AUGUST 27, 2007
PAGE 1

ORDERED:

**DECISION ON A SPECIAL PERMIT
FINDINGS OF FACT AND RULINGS CITY COUNCIL ORDER NO. 07-100-
1559A**

- (1) Robert Valchuis is the sole trustee of Lauren Elizabeth Realty Trust and is hereinafter referred to as the "Applicant".
- (2) Applicant is the Owner of the premises at 714 Farm Road, shown on the Marlborough Assessors Map as Parcel 15 on Map 73 hereinafter ("the Site").
- (3) On or about May 1, 2007 the Applicant filed with the City Clerk of the City of Marlborough an application for a Special Permit to construct a 10 unit Multi Family Condominium for over 55 year old residents.
- (4) The project, which is the subject of this Special Permit, consists of a Multi Family Condominium for over 55 year old residents with a preference for those current residents of the City of Marlborough.
- (5) The site is zoned Business B District and the proposed use for a Multi Family Condominium Complex is allowed with a Special Permit from the City Council as Special Permit Granting Authority.
- (6) **31** Parking spaces are provided for the Project including two handicapped spaces and are in accordance with the Zoning Ordinance requirements.
- (7) In connection with the Special Permit application, the Applicant filed, on or about May 1, 2007, an original and two copies of the following: (a) Application to the City Council for Issuance of a Special Permit (b) Special Permit Application Certification by Planning Department (c) Certified copies of Abutter's Lists for the City of Marlborough (d) Summary Impact Statement (e) Site Plans (f) filing fee in the amount of \$500 (collectively, the "Documents") and which Documents are incorporated herein and become part of this decision.
- (8) Urban Affairs Committee review was conducted on July 17, 2007, July 24, 2007 and August 14, 2007.



IN CITY COUNCIL

Marlborough, Mass., _____ AUGUST 27, 2007
PAGE 2

ORDERED:

- (9) The Site plan was certified by the City Planner for the City of Marlborough as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
- (10) Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing for the special permit application and the City Clerk caused to be advertised said date in the Metro West Daily News and sent notice of hearing to abutters entitled to notice under law.
- (11) The Marlborough City Council pursuant to Mass. Gen. Laws c.40A, held a public hearing on June 11, 2007, which was concluded on that evening, concerning this application.
- (12) The Applicant presented testimony at the June 11, 2007 public hearing detailing the application, describing its impact upon municipal services, the neighborhood and traffic at the public hearing. Detailed drawings were submitted displaying the condominium layout, access and driveway layout, drainage and landscaping all of which are part of this record of proceedings.
- (13) Applicant provided further oral testimony and written documentation to the City Council and the City Council's Urban Affairs Committee regarding the Site, traffic impacts of the proposed project, the adequacy of the proposed parking at the site, proposed building construction and site modifications, landscaping, drainage, lighting, and other improvements to the Site.
- (14) By its submittals as reviewed, the applicant has conformed to the provisions of the City Zoning Ordinance Sections 200-17 and 200-18, and all requirements of Article VII thereof, together with the provisions of Section 200-18(9) subsection (e).

Based UPON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT 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 the Application.



IN CITY COUNCIL

Marlborough, Mass., _____ AUGUST 27, 2007
PAGE 4

ORDERED:

Review shall be consistent with the conditions of this Special Permit and Plans submitted, reviewed and approved by City Council as special permit granting authority.

- 3) All project work will be as shown on a plan entitled, "Site Plan for The Farm Common Condominium over 55 Community", most recently dated February 13, 2007, as amended during the application/hearing process before the City Council and/or Urban Affairs Committee.
- 4) Prior to the issuance of any Permanent Occupancy Permit for this Project, Applicant must complete all landscaping, architectural design and planting installation together with all other site improvements, unless weather is prohibitive in which case landscaping and planting installation shall be completed by June 30, 2008.
- 5) In connection with the installation of improvements within public rights-of-way which requires a street opening permit, the Commissioner of Public Works shall be provided with a schedule of work and the construction procedures to be utilized prior to the commencement of such work. To the extent a police detail is required for such improvements, the Applicant and not the City of Marlborough will bear the costs of any police detail for any work performed within the public way.
- 6) All terms, conditions, requirements, approvals, plans, and drawings and renderings required hereunder are made a part of and incorporated herein as a condition to the issuance of this Special Permit.
- 7) The entrance display sign will be of wooden construction, double sided and installed along the Farm Road traveled way upon Owner's property. The sign is to be painted with flat tone paint without gloss and with exterior illumination only.
- 8) All signage at the subject location shall comply with the existing City of Marlborough sign ordinance, without variance, and shall be as shown on the plan by Gemini Signs and Letters entitled Farm Crossing dated July 31, 2007.
- 9) All illuminations of individual parking area light fixtures shall not exceed 200 watt fixtures and shall be screened from abutting residential property. Deflectors shall be utilized and configured to mitigate light from entering abutting properties.



IN CITY COUNCIL

Marlborough, Mass., _____ AUGUST 27, 2007
PAGE 5

ORDERED:

- 10) In recognition of site impact of this project and in mitigation thereof, Applicant shall pay a mitigation fee to the City of Marlborough in the amount of **Ten Thousand (\$10,000.00) dollars**. Said payment to be due before the issuance of any Certificate of Occupancy. Said funds shall be utilized for appropriate public purposes **relative to the affordable housing fund**.
- 11) Applicant shall, at the time of application for a Building Permit, pay the sum of \$1,500 to the City of Marlborough Inspectional Services Funds to offset the increase in cost associated with the project's construction such as materials, staff, equipment and supplies relative to permitting, monitoring and inspection of the project. Issuance of a final Occupancy Certificate by the Building Commissioner shall be deemed to have demonstrated compliance with the terms of this Condition.
- 12) (a) All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of this Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

(b) Reasonable engineering changes may be made to said plans by the Site Plan Review Committee so long as said changes do not change the use of the Site as approved herein, increase the impervious area of the Site, reduce the green area, alter traffic flow, increase the size of the building shown on the plan, or deviate from the conditions or purpose of the Special Permit as granted.
- 13) The Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Applicant's Special Permit Application, as amended, during the application/hearing process before the City Council and/or the Urban Affairs Committee, Site Plan Review, and in compliance with the Conditions of the Grant of the Special Permit.
- 14) The existing catch basins and all drainage structures and detention facilities shall be monitored by Applicant on an annual basis, per the storm water operation and maintenance plan to be provided by applicant, with report given to the City Engineer and Conservation Commission by June 1st of each year. The catch basins are to be cleaned when debris buildup is within 24 inches of the pipe invert to remain functioning properly. Drainage from this site drains eventually into the Sudbury Reservoir, a backup water supply.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 27, 2007
PAGE 7

ORDERED:

22) On or before October 1, 2007, Applicant must provide to the Legal Department documentation which is satisfactory to the Legal Department and which shows that Applicant is the sole trustee of Lauren Elizabeth Realty Trust; provided, however, that if Applicant fails to provide such documentation on or before said date, the City of Marlborough shall not accept any application for site plan review, nor shall the City issue any building permit, until such time as Applicant does provide the documentation required herein.

Yea: 9 – Nay: 0 – Abstained: 1 – Absent: 1

Yea: Katz, Ferro, Webster, Clancy, Towle, Ossing, Pope, Vigeant, Levy

Abstained: Juairé

Absent: Schafer

ADOPTED
In City Council
Order No. 07-1001559C

A large, stylized handwritten signature in black ink, appearing to read "Arthur G. Vigeant".

Signed by City Council President
Arthur G. Vigeant