



# IN CITY COUNCIL

JUNE 26, 2006

Marlborough, Mass., \_\_\_\_\_ 20

**ORDERED:**

## NOTICE OF DECISION GRANT OF SPECIAL PERMIT

In City Council  
Order No. 06/100-1186A

Application of:  
Christopher and Lori Flood  
181 Boston Post Road East  
Marlborough, Ma 01752

Locus:  
14 Winthrop Street  
Map 69, Parcel 130

### DECISION

The City Council of the City of Marlborough voted to **GRANT** A Special Permit to Christopher Flood and Lori Flood, to operate a professional office, practicing legal services and employing professionals at 14 Winthrop Street.

Decision filed: July 6, 2006

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the sixth day of July, 2006.

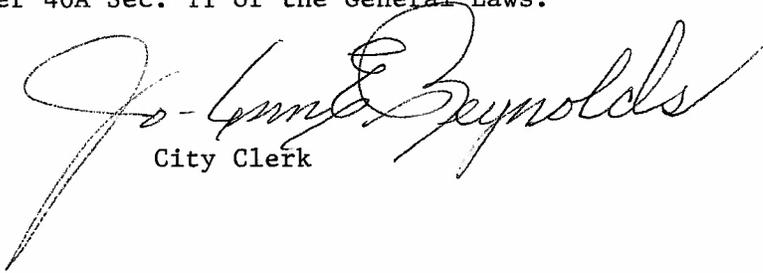
### APPEALS

Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A Sec. 17 and shall be filed in the Office of the City Clerk of the City of Marlborough, Ma.

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 27th day of July, 2006.

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

A TRUE COPY  
ATTEST:

  
City Clerk



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## **ORDERED:**

Suspension of the Rules requested – granted

### **Decision on a Special Permit Application**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Christopher M. Flood and Lori Flood having a usual place of business in Marlborough, Massachusetts, their successors or assigns as provided in this Decision and subject to the following Findings of Facts and Conditions:

- (1.) Christopher M. Flood and Lori Flood have a usual place of business in the Commonwealth of Massachusetts currently located at 181 Boston Post Road East, Marlborough, Massachusetts and is hereinafter referred to as the “Applicant”.
- (2.) Applicant is the prospective owner of a certain parcel of real property with improvements thereon located at 14 Winthrop Street, Marlborough, Massachusetts and further shown on the Marlborough Assessors Maps as Map 69, Parcel 130 hereinafter (“the Site”).
- (3.) The Site was previously occupied by a convalescent home and prior to that was a doctors office, both previous business uses.
- (4.) On or about May 3, 2006, the Applicant filed with the City Clerk of the City of Marlborough, an application for a special permit to operate a professional office.
- (5.) In connection with the special permit application, the Applicant filed on or about May 3, 2006, 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 and (f) filing fee in the amount of \$500 (collectively, the “Documents”) and which Documents are incorporated herein and become part of this Decision.
- (6.) 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 MetroWest Daily News and sent notice of hearing to abutters entitled to notice under law.
- (7.) The Marlborough City Council pursuant to Mass. Gen. L. Ch. 40A, held a public hearing on June 12, 2006, which was concluded on that evening, concerning this application.



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## ORDERED:

- (8.) The Applicant presented testimony at the June 12, 2006 public hearing detailing the application, describing its impact upon the neighborhood and traffic, at the public hearing.
- (9.) The first subject of this Special Permit is for the conversion of use to office use.
- (10.) The Site is zoned in Residence C District and the proposed use is allowed with a special permit from the City Council as Special Permit Granting Authority pursuant to Chapter 200-17(18).
- (11.) The Applicant stated that there will be no exterior changes to the building.
- (12.) The second subject of the special permit is for lot coverage. The site presently has lot coverage of 37.5%. Residence C Districts allow for coverage of 30%. Applicant seeks coverage of 47.9% to allow for parking in the rear of the building according to the Site Plan submitted by the applicant.
- (13.) The site has existing parking in the rear of the building which will be expanded pursuant to applicant's site plan.
- (14.) The parking area is shielded from the neighboring properties by a garage/out building on the northern side border and an adjacent outbuilding on the northern neighboring property; 50-60 foot mature pine trees along the rear/eastern border and similar pines along the left/southern border.
- (15.) The property has already existing lighting on the house and garage which lights the rear of the building and parking.
- (16.) The 15 parking spaces provided for and as shown on the site plan are in accordance with the zoning ordinance requirements for number of spaces pursuant to Chapter 200-48 A(5) and for required size of spaces and travel aisles pursuant to Chapter 200-48 C(3).
- (17.) Neighbor and immediate abutter William Short, owner of Short Funeral Home on West Main Street, Marlborough, Mass., spoke in favor of the Special Permit Application and requested that the Special Permit be granted.
- (18.) No one spoke in opposition to the Special Permit Application.
- (19.) Urban Affairs Committee review was conducted on June 20, 2006.



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## ORDERED:

- (20.) 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.

### 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.
- B.) The City Council finds that the proposed use of this site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough. The City Council makes this determination subject to the completion and adherence by the Applicant, its successors or assigns to the conditions more fully set forth herein.
- C.) The City Council finds that it may issue the Special Permit, subject to such terms and conditions, as it deems necessary, to encourage the most appropriate use of the Site and promote the health and general welfare of the citizens of the City of Marlborough.
- D.) The City Council, pursuant to its authority in Mass. Gen. L. Ch. 40A GRANTS the Applicant a Special Permit to operate a professional office at the Site, as per the application documents, the findings, and plans submitted to the City Council and the City Council's Urban Affairs Committee, and SUBJECT TO THE FOLLOWING ADDITIONAL CONDITIONS:
- 1) Construction of all parking on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and Commonwealth of Massachusetts. The Project shall be constructed, maintained and operated according to the specifications, terms, and conditions of the Applicant's Special Permit Application and Site Plan prepared by Leblanc Survey Associates, Inc., 161 Holten Street, Danvers, MA 01923, dated April 26, 2006 filed with the Special Permit Application.
  - 2) 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.



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## ORDERED:

- 3) All signage at the subject location shall comply with the existing City of Marlborough sign ordinance, without variance. The business sign on the site shall be constructed of wooden materials, with external, bottom-lit illumination directed away from abutters' properties, per Exhibit #1 attached hereto.
- 4) All parking shall comply with the existing City of Marlborough Parking requirements in Chapter 200-48.
- 5) 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.
- 6) 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.
- 7) Petitioner shall maintain landscaping pursuant to existing landscape conditions.
- 8) Petitioner shall erect a light shielding fence on the southern border of the site to protect Parcel 135 and Parcel 136 on Map 69.
- 9) All lighting fixtures on the site shall be properly screened and shielded to protect abutting properties.
- 10) Petitioner shall provide adequate snow storage on site. Petitioner shall provide off-site snow removal as required by the City of Marlborough Commissioner of Public Works, if deemed necessary.
- 11) No vehicles shall be stored outside overnight on the site.
- 12) Any dumpster unit on the site shall be properly screened from neighboring properties as determined by the City of Marlborough Building Inspector.
- 13) The City of Marlborough Zoning Ordinance, Chapter 200, defines professional office as a "building or a portion thereof wherein services performed are predominantly administrative, professional or clinical operations."
- 14) There shall be no exterior changes to the building.
- 15) In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at his expense shall record this Special Permit in the Middlesex South Registry of Deeds after the city clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed.



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## ORDERED:

Adopted by Marlborough City Council – 10 in favor; 1 absent (Ossing)

Yea: Levy, Pope, Vigeant, Katz, Ferro, Schafer, Juaire, Webster, Clancy, Towle.

Nay: Ossing

ADOPTED

In City Council

Order No. 06100-1186B

Adopted June 26, 2006

A TRUE COPY

ATTEST:

Jo-Ann E. Reynolds  
City Clerk