



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JUNE 23, 2008

ORDERED:

Suspension of the Rules requested – granted

## NOTICE OF DECISION GRANT OF SPECIAL PERMIT

In City Council  
Order No. 08-1001795B

Application of:  
Bell Atlantic Mobile of Massachusetts Corporation, Ltd.

Locus:  
75 Donald Lynch Boulevard  
Map 13, Parcel 2

### DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Bell Atlantic Mobile of Massachusetts Corporation, Ltd. as provided in the DECISION and subject to the following FINDINGS OF FACTS AND CONDITIONS.

Decision filed: July 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 July, 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 July, 2008.

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

A TRUE COPY  
ATTEST:

City Clerk



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ORDERED:

**BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION, LTD.**

**SPECIAL PERMIT  
FINDINGS OF FACT AND CONDITIONS**

**DECISION ON A SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 08-1001795**

Re: 75 Donald J. Lynch Boulevard

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION, LTD., having a usual place of business at 400 Friberg Parkway, Westborough, MA 01581, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION, LTD., d/b/a Verizon Wireless which has a business address of 400 Friberg Parkway, Westborough, MA 01581 (hereinafter "Applicant").
2. Through its Application for a Special Permit, the Applicant seeks permission to allow co-location of wireless communications antennas on an existing telecommunications tower and supporting equipment on the ground within an existing compound (hereinafter "Proposed WCD Project"), substantially as depicted on a set of plans entitled "Marlborough 4, Donald J. Lynch Blvd., Marlborough, MA" by Bay State Design Associates, Inc., dated December 21, 2007, revised January 3, 2008, as submitted with the Special Permit Application, and as further revised May 5, 2008 (hereinafter "Plans").
3. The location of the Proposed WCD Project is 75 Donald J. Lynch Boulevard. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Parcel No. 2 of Plate 13. The owner of record for the site is Albert D. Bombard.
4. The Applicant is a sub-lessee of New Cingular Wireless, which owns the existing telecommunications tower at the site and leases the underlying compound area.



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### ORDERED:

5. The Site is zoned LI. Wireless communication devices are allowed by grant of Special Permit in LI Zoning Districts.
6. The Special Permit is being sought pursuant to Article VI, Section 200-25 and Article VIII, Section 200-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the City Planner certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCD Project on March 10, 2008, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing demonstrating that the Proposed WCD Project meets all the applicable Special Permit criteria of Article VI, Section 200-25 and Article VIII, Section 200-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCD Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Applicant's Special Permit application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, applicable to the proposed Wireless Communications Device.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY  
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT  
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.



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## ORDERED:

- B) The Site is an appropriate location for the Proposed WCD Project and the Proposed WCD Project is 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 of this Approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its proposed WCD Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant its Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 8:**
  - 1) The Proposed WCD 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, and in compliance with the Conditions of the Grant of Special Permit as well as with the conditions set forth in Chapter 200-25F of the Marlborough Zoning Ordinance.
  - 2) All plans, site evaluations, briefs and other documentation provided by the Applicant as part of this Special Permit Application 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.
  - 3) The Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Proposed WCD Project.
  - 4) All terms, conditions, requirements, approvals, plans and drawings required hereunder are hereby made a part of and incorporated herein as a condition to the issuance of this Special Permit.





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## ORDERED:

Yea: 10 – Nay: 0

Yea: Delano, Ferro, Schafer, Juairé, Clancy, Landers, Ossing, Pope, Vigeant, Levy

Councilor Seymour abstained

A handwritten signature in cursive script, reading "Arthur G. Vigeant", is written over a horizontal line.

Signed by City Council President  
Arthur G. Vigeant

ADOPTED  
In City Council  
Order No. 08-1001795B