



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 10, 2014

**ORDERED:**

## DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

### NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Application of:  
Sandra and Anthony Antico Real Estate LLC  
72 Jefferson St.  
Marlborough, MA 01752

And

Sky High Studios, Inc.  
289 Elm St., Unit 114  
Marlborough, MA 01752

Order No. 13/14-1005582E

Locus:  
289 Elm St., Unit 114  
Map 68, Parcel 20B & 19

### DECISION

The City Council of the City of Marlborough hereby GRANTS the Application of Sandra and Anthony Antico Real Estate LLC & Sky High Studios, Inc., as provided in the DECISION and subject to Procedural Findings and Findings of Facts and Conditions.

Decision Filed: **February 19, 2014**

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the **19<sup>th</sup>** day of **February, 2014.**

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 **12<sup>th</sup>** day of **March, 2014.**

Given under Chapter 40A Section 11 of the Massachusetts General Laws

A TRUE COPY  
ATTEST

  
City Clerk





# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 10, 2014  
PAGE 2

## ORDERED:

7. The Site Plan was certified by the Building Commissioner, acting on behalf of the City Planner, as having complied with Rule 5, items A through J, of the Rules and Regulations promulgated by the City Council for the issuance of a special permit.

8. Pursuant to the Rules and Regulations of the City Council and the provisions of M.G.L. c. 40A, the City Council established a date for public hearing for the Application and the City Clerk caused to be advertised said date in the MetroWest Daily News and sent written notice of said hearing to those abutters entitled to notice under law.

9. The Marlborough City Council pursuant to M.G.L. c. 40A held a public hearing on January 13, 2014, concerning the Application. The hearing was opened and closed at that meeting.

10. The Applicants' attorney presented evidence at the public hearing detailing the proposed use and its limited impact upon City services, the neighborhood and traffic.

11. At the public hearing, Lauren Forest, President of Sky High Studios, Inc., who will also be managing the operation of the business, described the proposed business as being one that would provide a unique combination of exercise instruction, combining two forms of adult (age 15 and older) exercise and fitness training that have become increasingly popular: pole fitness and aerial aerobics. She testified that neither of these forms of fitness training is currently available in this geographical area. She provided illustrations of the equipment to be used in such training. All of the equipment, she said, is currently available for viewing at the proposed permit location. She indicated at the public hearing that her hours of operation were proposed to be:

- Monday-Thursday: 10:00 AM – 9:00 PM
- Friday-Sunday: (regular) 10:00 AM – 4:00 PM
- Friday-Sunday (special events) 5:00 PM – 10:00 PM

She indicated that, given the location of Suite 114, the operation of the business would not in any way disrupt area residences. She estimated that the total number of people at the site at any one time would be 20, and that the peak parking demand would be for 20 parking spaces. She said that she also intends to allow the use of the facility for private functions. She showed building plans indicating where Suite 114 is located in the building, and showing that it is located far away from any residence in the area.





## IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 10, 2014  
PAGE 4

### ORDERED:

3. Hours of Operation: The hours of operation of the facility shall not be earlier than 8:30 AM or later than 9 PM on Mondays through Fridays, and between 10 AM and 4 PM on Saturdays, Sundays and holidays. For special events held on Fridays, Saturdays and Sundays, the facility shall not operate later than 10 PM.
4. Limits of Use: The proposed use of Suite 114 is to provide a place for pole fitness and aerial aerobic instruction and functions related thereto. No other kinds of recreation or public amusement shall be allowed on Suite 114 except those deemed by the Building Inspector to be ancillary to this use.
5. Certificate of Occupancy Required: No use of Suite 114 will be made pursuant to this special permit unless and until a Certificate of Occupancy has been obtained from the Building Commissioner regarding the use of Suite 114.
6. No Expansion of Use Area: Only the area of Suite 114, containing approximately 2,000 sq. ft, which has been specified in a sketch in the files of the Urban Affairs Committee, a copy of which is attached hereto as Attachment 3, will be used for the proposed use. To the extent that a substantial increase in the area used for this use is desired, the Building Inspector shall determine whether such increase constitutes a substantial change of the permitted use, and if so, no such expansion shall be permitted unless and until this special permit has been modified by the City Council.
7. No Alcohol. No alcohol shall be served or consumed at or in Suite 114.
8. As-Built Plans. The build-out of Suite 114 shall be completed, and the Applicant Landlord shall submit to the Building Inspector the as-built plans for Suite 114, on or before May 30, 2014. In the event this deadline is not complied with, the Applicant Landlord shall submit to the City Council, on or before June 12, 2014, a written report explaining the non-compliance.
9. Recordation: In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant Landlord shall, at its expense, record this Special Permit with the Middlesex South District 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 being filed. Prior to the Building Inspector's issuance of a building permit for Suite 114, the Applicant Landlord shall provide a copy of the recorded Special Permit to the City Clerk, the City Solicitor, and the Building Inspector.



**NOTES**

PARKING: 123 SPACES + 32 AFTER-HOURS SPACES  
 TOTAL LOT AREA = 10.44 ACRES ± = 603,246.40 S.F. ±  
 LOT COVERAGE = 21 %  
 LANDSCAPED AREA COVERAGE = 7.5 %

DEED REFERENCE: MIDDLESEX COUNTY BOOK 60671 PAGE 209  
 PLAN REFERENCES:

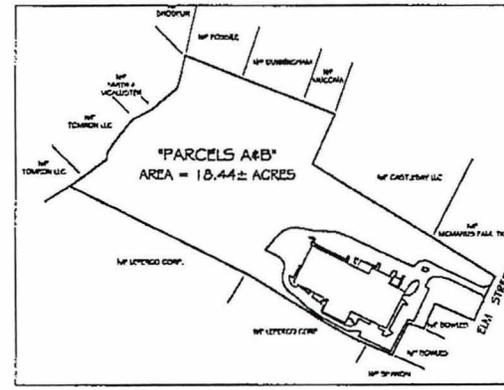
- MIDDLESEX COUNTY REG. PLAN #542 OF 1970
- "AS BUILT" PLAN BY GUERARD SURVEY CO. & ASSOC.  
DATED JULY 12, 1969
- "AS BUILT" SITE PLAN BY THOMPSON-LISTON ASSOC.  
DATED MAY 20, 1962

EXISTING TOPOGRAPHY AND UTILITY LOCATIONS SHOWN FROM SURVEYS BY TISHEC AND FROM AS BUILT PLANS ON RECORD.

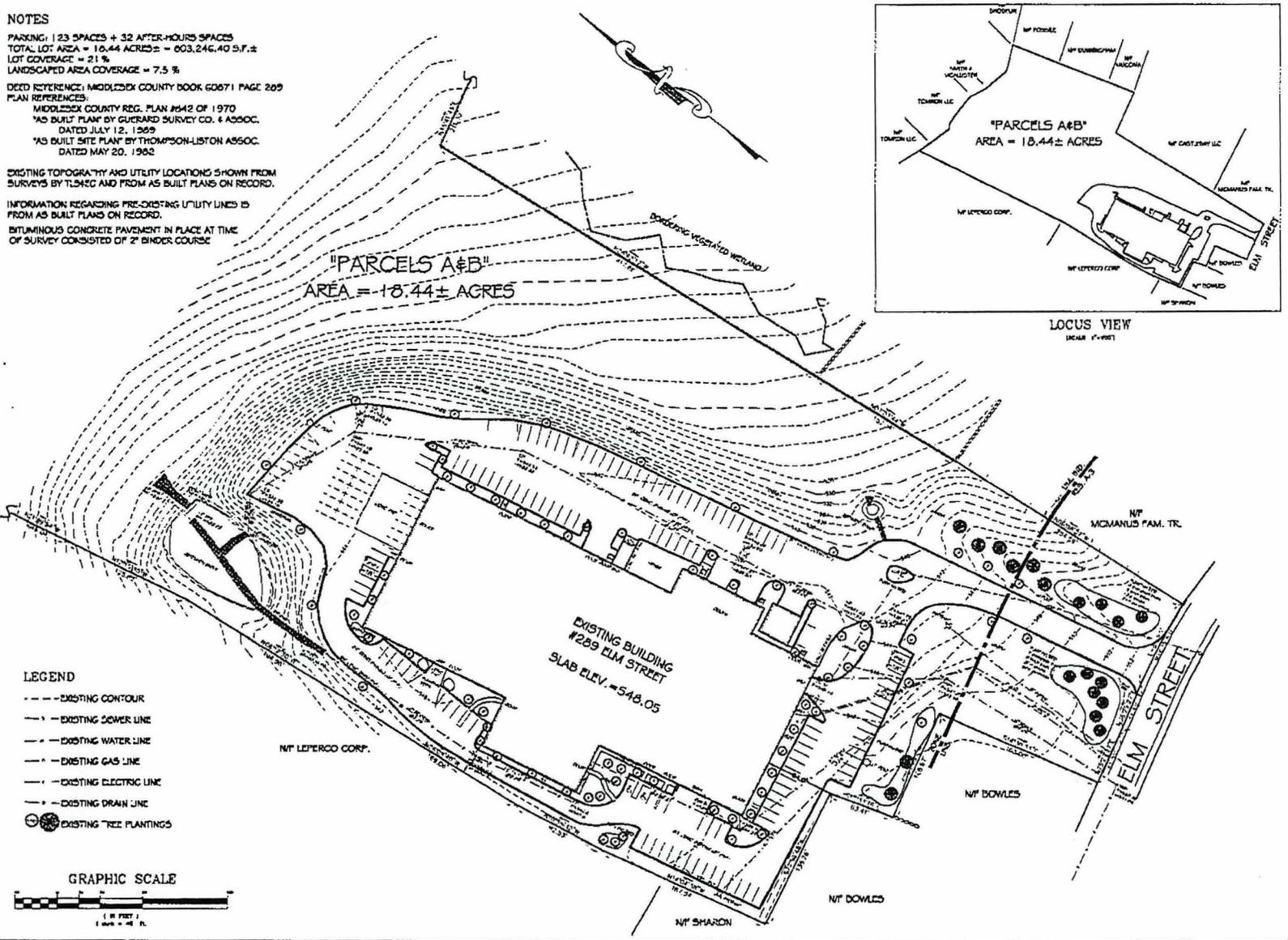
INFORMATION REGARDING PRE-EXISTING UTILITY LINES IS FROM AS BUILT PLANS ON RECORD.

BITUMINOUS CONCRETE PAVEMENT IN PLACE AT TIME OF SURVEY CONSISTED OF 2" BINDER COURSE

"PARCELS A&B"  
 AREA = 10.44 ± ACRES



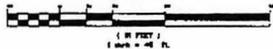
LOCUS VIEW  
 (SCALE 1"=100')



**LEGEND**

- - - EXISTING CONTOUR
- - - EXISTING POWER LINE
- - - EXISTING WATER LINE
- - - EXISTING GAS LINE
- - - EXISTING ELECTRIC LINE
- - - EXISTING DRAIN LINE
- ⊙ EXISTING TREE PLANTINGS

**GRAPHIC SCALE**





THOMAS DIPREOLO JR., P.E.  
 LICENSE #10077



THOMAS DIPREOLO SR., P.E.  
 LICENSE #20984

No.	Date	Description

Drawn by  
 Sandra & Anthony Antico  
 Real Estate, LLC  
 104 Old Connecticut Path  
 Raytown, MA 01778

Checked by  
 Sandra & Anthony Antico  
 Real Estate, LLC  
 104 Old Connecticut Path  
 Raytown, MA 01778

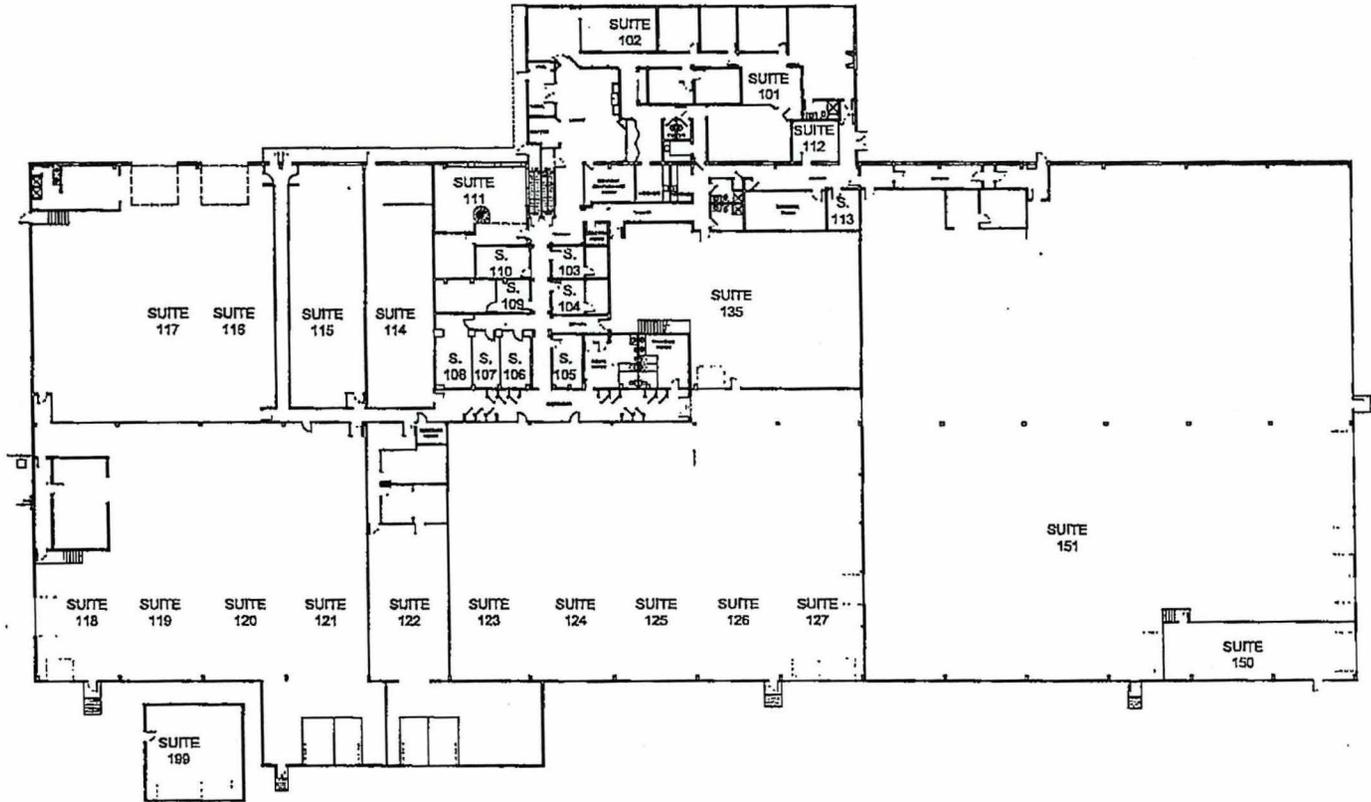
Prepared by  
 THOMAS LAND SURVEYORS  
 & ENGINEERS, INC.  
 1000 State Street  
 Marlborough, MA 01752

Site  
 AS BUILT SITE PLAN  
 ANTIQO BUSINESS CENTER  
 100 Elm Street  
 MARLBOROUGH, MA

SCALE 1"=40'  
 DRAWN BY  
 CHECKED BY T. DIPREOLO  
 PLOTTER NAME: AutoCAD LT 2011  
 PLOTTED BY  
 PLOT DATE: October 09, 2013  
 JOB NO. 0486

SH88T 1 OF 1

Attachment 2



1 FIRST FLOOR PLAN  
NO SCALE

Design and Documents by  
**MAHONEY  
ARCHITECTS**  
70 Seven Star Lane  
Concord, MA  
978-287-4223

**ANTICO BUSINESS CENTER**  
289 ELM STREET  
MARLBOROUGH, MA

LP-1

November 7, 2013

Attachment 3

