City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

Steven W. Kerrigan
City Clerk

Special Permit Application Package

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, THAT THE CODE of the City of Marlborough, as amended, Zoning Ordinance §650-59 "C" RULES, be further amended as follows:

RULES AND REGULATIONS OF APPLICATION/PETITION FOR SPECIAL PERMIT BY THE CITY COUNCIL UNDER THE MARLBOROUGH ZONING ORDINANCE.

1. Submission of Application:
   A. Informal Pre-Application Review: The applicant may request the Planning Board to schedule an informal pre-application review, for the purpose of reviewing proposals and alternatives. By this means. The City may have the opportunity to have input into the planning and design process at its earliest level, and submission materials can be established.
   B. The application shall be filed with the City Clerk in accordance with Paragraph C below, on the form provided by the City Clerk. (See Section 4).
   C. Application Materials: The Application or Petition for Special Permit shall be made in writing by the applicant or his duly authorized agent, who shall file the following number of sets of application material to be **hand-delivered** at the Offices set forth below: (amended 10-7-02, Order No. 02-9687B)

Please see page 12 for City Clerk's instructions for distribution to Departments.

1 SET	POLICE CHIEF_____
1 SET	FIRE CHIEF_____
1 SET	CITY ENGINEER_____
1 SET	DIRECTOR OF PLANNING_____
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED) _____
1 SET	BUILDING COMMISSIONER_____
12 SETS	OFFICE OF THE CITY COUNCIL____
3 SETS	OFFICE OF THE CITY CLERK _____ (**MUST be Original** & 2 Complete Sets)

2. Notice to City Council: Following the submission, the City Clerk shall promptly notify the City Council and forward one copy of the application to the City Council. The Clerk shall retain two copies in the City Clerk's office.

3. Fees:
   At the time of application, the applicant shall pay a filing fee at the Office of the City Clerk in the amount set forth below: (amended 2-9-04, Order No. 04-9962C)

   A. Residential Construction and Use Only:
      (1) For plans proposing more than three (3) housing units, $300.00 (three hundred) dollars;
      (2) For plans proposing more than three (3) housing units, a base fee of $300.00 (three hundred) dollars plus an additional fee of $25.00 (twenty-five) dollars for each housing unit in excess of three (3).
   B. Non-Residential Construction and Use Only
      (1) For plans proposing construction containing not more than 34,999 square feet of floor area, $500.00 (five-hundred) dollars;
      (2) For plans proposing construction containing from 35,000 square feet of floor area up to and including 49,000 square feet of floor area, $1,000.00 (one-thousand) dollars.

(3) For plans proposing construction containing from 50,000 square feet of floor area up to and including 99,000 square feet of floor area, $1,500.00 (one-thousand five-hundred) dollars.
(4) For plans proposing construction containing 100,000 square feet of floor area, or any greater amount, $2,000.00 (two-thousand) dollars.

C. Residential and Non-Residential Use only **without new construction:**
Fifty percent (50%) of the fees specified in above paragraphs A and B, as appropriate.
D. Mixed or Miscellaneous:
Filing fee for the above shall be the highest fee that may be charged pursuant to either of the above classifications, with a minimum filing fee $500.00 (five-hundred) dollars.
E. Hotels and Motels (only applicable where Special Permit is required):
Hotels and ancillary commercial uses shall be treated as a "Non-Residential" use under Paragraph B.
F. Fees for amendments to Special Permits and Resubmittal of Application:
(See Section 20)
(1) Substantial amendments: 75% of the above fees.
(2) Minor amendments: 50% of the above fees.
(3) No amendments: 0% of the above fees.

The determination as to whether an amendment is substantial or minor shall be made at the time of certification of the application by the City Planner as required in Section 7 of these Rules, prior to the submission to the City Clerk, in accordance with the criteria in Section 20 herein.

4. Application Content: Application or Petition must contain the following information on the form provided by the City Clerk:

A. The name and address of the Petitioner or Applicant;

B. Name and address of owner of land, if other than Petitioner or Applicant;

C. The location of the Property for which a Special Permit is sought (street address and **plate and parcel number)**;

D. The zoning district in which the property lies;

E. The legal interest of the applicant or petitioner (owner, prospective owner etc.);

F. The specific Article, Section and Paragraph of the Zoning Ordinance under which a Special Permit can be granted;

G. The specific reason for seeking the permit;

H. List of names of abutters, including:

(1) Names and addresses of all abutters within 400 (four hundred) feet of each sideline and rear line of said property in question;

(2) Name and address of the owner of the property directly across the street;

(3) Names and addresses of the owners of property adjoining the land across the street and lying within 400 (four hundred feet) of the extended sidelines of the land in question;

(4) Name of the property owner other than above which abuts in any way upon the land described in the petition or application.

Said list of abutters must be certified by the Office of the Board of Assessor's of Marlborough prior to submission; said certification shall be the evidence of compliance with this paragraph.

5. Preliminary Site Plan: Where the application involves new construction, each application must be accompanied by a preliminary site plan as outlined below. When the application is for new use not involving new construction, the application must be accompanied by the approved existing site plan for the existing building or use.

The preliminary site plan shall contain among other things the following information; (Note; additional information is required for Final Site Plan Review and Approval-See Chapter 270; Building and Site Development.

A. Title Block:
   (1) Proper heading, containing project title (if any).
   (2) Name and address of owner, and engineer, architect or surveyor.
   (3) Street number (as assigned by City Engineer).
   (4) Assessor's Plate and parcel number.
   (5) Scale of drawing.
   (6) Date and revision date.

B. General Information on Lot:
   (1) Locus Map – showing location of lot and names of all surrounding streets within 1,000 (one thousand) feet of boundaries of lot. (See Paragraph D1 below) concerning location of buildings on surrounding lots). Identify on Locus Map all other parcels within 1,000 (one thousand) feet in which applicant has any financial interest.
   (2) North arrow.
   (3) Zoning district in which the property lies and any zoning district boundary lines which may cross the locus, including Floodplain and Wetland Protection Districts. Show zoning lines on Locus Map and on other plans if appropriate.
   (4) The lot – completely dimensioned.
   (5) Lot area – in acres and is square feet.

C. Existing Conditions: Buildings and structures, setback dimensions, parking, driveways, landscaped area, boundaries of wooded areas and wetlands, topography and easements. (Show on separate sheet if appropriate so as to distinguish from proposed uses).

D. Proposed Buildings and Structures:
   (1) Location of all proposed structures on the lot, and those to remain. Show all building and yard dimensions.
   (2) For proposed non-residential and multi-family developments, show approximate location of all existing buildings on all abutting lots. (Information may be shown on Locus Map if appropriate).
   (3) Stores and elevations – Number of stories.
   (4) Floor areas – Building floor areas for each floor and in total.

E. Parking, Driveways and Exterior Features:
   (1) Location of all driveways, walkways, parking spaces, pick-up, delivery, loading storage and rubbish disposal areas, outdoor lighting and similar exterior site features.
   (2) Identification of all proposed uses on site.
   (3) Calculation of parking spaces required according to Zoning requirements.

Lot Coverage and Landscaping:

(1) Lot coverage – Identification of all areas included within "lot coverage" and "landscape areas", and calculation of percentage of lot coverage. (See definitions in Zoning Ordinance).

(2) Location of Areas to be landscaped (planted).

F. Topography – Existing and proposed topography at two contour intervals (N.G.V.D. datum preferred).

G. Easements – Location and type of any easements and any existing and proposed drainage system (natural or otherwise) within the site.

H. Utilities – Location of all existing utilities within 100 (one hundred) feet in any direction of the proposed work, unless waived by the City Engineer. Also, show the location and pertinent data relating to the proposed services.

I. Wetland – Boundaries of wetland and floodplain areas as defined under GL C. 131 §40, Mass Wetlands Protection Act, and GL C. 131 §40A, Mass Inland Wetlands Restriction Act.

Note: Applicants proposing new buildings should refer to City Code, Chapter 270; Building and Site Development, for additional information which will be required later at Final Site Plan Review and Approval.

6. Special Studies:

A. All Projects: All applications for all projects requiring Special Permits shall include a completed Summary Impact Statement on page 10.

B. Projects of Large Size or Impact:

(1) For projects as specified in Paragraph 2 below, which have not been required to file an Environmental Impact Report in connection with obtaining any State or Federal approvals, the applicant shall submit with the application the following studies which shall include appropriate measures to mitigate any impacts and which shall be prepared by qualified consultants according to a scope as determined by the City Engineer and City Planner.

a. A Traffic impact study of the area in which the project is to be located, and

b. A study of ability of public utilities and service to accommodate the development.

(2) This requirement shall apply to:

a. All projects over fifty housing units, or 25,000 (twenty-five thousand) sq. ft. non-residential floor area, or fifty hotel rooms, where a Special Permit is required, except where not appropriate in the opinion of the City Engineer and Planner, and

b. Other projects if required by the City Engineer and Planner as being necessary due to existing or projects problems in the vicinity of the project.

(3) The applicant may request a waiver from paragraph (2A and 2B above) by submitting a written request to City Council to waive the above requirements prior to submission.

7. Certification of a Completeness of Application: The applicant shall submit, with the application, the form on page 11 signed by the City Planner certifying that:

   A. The preliminary site plan being filed with the application meets all prior referenced information requirements.

   B. The plan(s) conform in all respect to City Code and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal periods concerning said variances have ended.

   C. The application is complete and conforms to these Rules and Regulations.

Note: Said certification shall not imply that the application will be approved by the City Council, nor limit the conditions or the changes that may be required by the City Council or subsequently at Site Plan Review and Approval.

8. Date for Public Hearings: The President of the City Council shall, upon receipt of applications or petitions, set a date for a public hearing and direct the City Clerk to advertise notice of said hearing, at the expense of the Applicant, and give notice to all abutters in conformance with Chapter 40A of the Massachusetts General Laws, as amended. (amended 9-12-05, Order No. 05-100863B)

9. Public Hearing: The City Council shall hold a public hearing on the properly completed application, as provided in Chapter 40A, within sixty-five days after the filing of an application, and, except as hereinafter provided, the City Council shall take final action on an application within ninety days after the hearing. The hearing may be recessed and continued at a specified date as mutually agreed upon by the City Council and applicant.

10. City Department Reports:

   A. The City Planner, City Engineer, Conservation Officer, Police Chief and Fire Chief, Board of Health and any other Board, Department or Commission if appropriate, shall review and make written recommendations on the proposal, either at the Public Hearing held before the City Council, or at any subsequent City Council Committee meetings, as appropriate. The City Council shall not make a final decision on an application for a Special Permit until the appropriate departments have submitted reports or recommendations thereon or, if no such reports have been received within sixty days since the filing of an application which has been certified to be complete in accordance with these regulations.

   B. The reports shall be pertinent to each department and may include, if appropriate, a review of (1) the adequacy of on-site facilities and design, (2) the adequacy of the data and the methodology used by the applicant to determine off-site impacts of the proposed development, (3) the effects of the projected impacts of the proposed development, and (4) the adequacy of the off-site mitigation proposed, if any is needed. Said departments may recommend conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

11. Extension of Time for Action, Leave to Withdraw:

   A. The period within which final action shall be taken may be extended for a definite period by mutual written agreement of the City Council and the applicant, pursuant to M.G.L. C. 40A §9, as amended.

   B. The City Council may, in its sole discretion, grant leave to withdraw without prejudice so that the applicant may submit a revised application which shall not be considered as a repetitive petition. Such revised application shall be treated as a new application but shall be subject to the fee schedule under Section 3F.

12. Findings and Conditions by City Council:

    A. In acting on applications for Special Permits, the City Council may make such findings as provided herein or called for by the subject matter and may impose such conditions, safeguards, or limitations on matters relating to the proposal as may affect the public health, safety, welfare and convenience, including conditions on time and use. No Special Permit shall issue, except upon a general finding that the use sought and its impact and characteristics shall not be in conflict with public health, safety, convenience and welfare and shall nor be detrimental or offensive, provided the conditions, safeguards or limitations, if any, are met.

    B. No Right to Special Permit: An applicant is not entitled by right to a Special Permit and the City Council, in its discretion, may decline to grant Special Permit.

13. Draft Finding Required by Applicant: Within twenty-one days following the Public Hearing the Applicant or Petitioner shall submit a draft of the proposed findings and reasons for the approval of the Special Permit to the applicable City Council committee and to all City Departments listed under Section 10 for their review and comment as appropriate. Said findings shall have been certified by the City Solicitor as being in proper legal form prior to vote by the City Council.

14. Vote: In conformance with the General Laws of the Commonwealth of Massachusetts, a two thirds vote of the entire City Council shall be required to grant a Special permit.

15. Notice of Decision: Notice of decision shall be rendered pursuant to the provisions of Chapter 40A of the Massachusetts General Laws, as amended.

16. Recoding of Decision Granting Permit: The applicant shall be responsible for filing in the Registry of Deed or, where applicable, in the Land Court of the Commonwealth, a copy of the decision granting a Special Permit. Prior to the issuance of a building permit, the applicant shall present to the Building Inspector evidence of such recording.

17. Lapse and Abandonment: A Special Permit shall lapse in accordance with the provisions of Massachusetts General Laws Chapter 40A.

18. Permits for Use and Construction: No permit for the construction or alteration of any structure or for any use of the site of a structure on the site shall be granted by the Inspector of the Buildings if the Special Permit has lapsed or the project has been abandoned in accordance with the previous paragraph and Chapter 650, Zoning Ordinance, or if evidence of recording of a copy of the decision of the City Council granting the Special Permit has not been given to the Building Inspector.

19. Construction in Conformity with Application: In the event that the City Council approves a Special Permit, any use, construction, subsequent reconstruction, or substantial exterior alterations shall be carried out only in conformity with all conditions and limitations included in the decision of the City Council and only in essential conformity with the application on the basis of which the finding and determination was made.

20. Revision of Special Permit:

    A. After the grant of a Special Permit by the City Council, minor revisions in the approved preliminary site plan may be made from time to time in accordance with applicable law, ordinances and regulations, but the use or development approved under such Special Permit shall otherwise be in accordance with the plans referred to, and such conditions as my be included in the decision of the City Council.

    B. If a preliminary site plan for a shopping mall shows thereon a "permissible building area," revisions to the buildings and other improvements located within the permissible building area may be made without the approval of the City Council as long as the plan showing such

revisions are submitted and approved by the Building Inspector prior to the commencement of the construction of such revisions.

C. The determination as to whether a change is a "minor" modification shall be made by the Director of Planning at final site plan review and approval and by the City Building Inspector at issuance of building permit. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the neighborhood. If it is determined that such revisions are nor minor, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Section 3F.

21. Subsequent Site Plan Review:

A. Where applicable, Special Permits for use or construction shall also be subject to later approval by applicable City Departments, as provided under Chapter 650, Zoning, or Chapter 270, Building and Site Development. However, nothing herein shall preclude an applicant from applying for Site Plan Review and approval prior to approval of a Special Permit. The premilinary site plan submitted with the Special Permit application may be subject to modification by said City Departments through subsequent Site Plan Review and Approval to the extent allowed under Section 20 above. In addition, other conditions and limitations may be imposed at the time of the Final Site Plan Approval by said City Departments, which are not inconsistent with any term or condition attached to said Special Permit by the City Council.

B. Should the City Council impose conditions in the Special Permit requiring a modification to the preliminary site plan submitted with the application, the plan shall be revised to comply with the conditions prior to receiving Final Site Plan Approval.

22. Maintenance of Special Permit:

A. Applicant or Petitioner shall provide status reports to the Office of the Building Commissioner during construction of a project and after completion of a project. The status reports shall identify the level of compliance achieved for each Special Permit condition and must be submitted at intervals determined by the City Council. On completion of the project, reports shall be submitted six (6) months after completion and then annually, due on January first of each year, unless waived by the City Council.

B. The Building Commissioner shall report annually to the City Council, due on March 1 of each year, the status of Special Permits granted by the City Council.

ADOPTED

In City Council
Order No. 89-90/3111
Adopted April 30, 1990
Amended: October 7, 2002
Order No. 02-9687B

Approved by Mayor
Michael P. Hogan
Date: May 3, 1990

A TRUE COPY
ATTEST:
City Clerk

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

_____

2. Specific Location of property including Assessor's Plate and Parcel Number.

_____

3. Name and address of owner of land if other than Petitioner or Applicant:

_____

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

   Article_____Section_____Paragraph_____Sub-paragraph_____

6. Zoning District in which property in question is located:

_____

7. Specific reason(s) for seeking Special Permit

_____

_____

_____

_____

_____

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HEREWITH AND MADE PART OF SAID PETITION.

_____
Signature of Petitioner or Applicant

Address: _____

_____

Telephone No._____

Date: _____

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

_____

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: _____ Address: _____

Project Name: _____ Address: _____

1. PROPOSED USE: (describe)_____

_____

2. EXPANSION OR NEW: _____

3. SIZE: floor area sq. ft._____1st floor_____ all floors_____

buildings_____ # stories_____ lot area (s.f.)_____

4. LOT COVERAGE: _____%Landscaped area: _____ %

5. POPULATION ON SITE: Number of people expected on site at anytime:

   Normal: _____ Peak period:_____

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours:_____Peak period:_____

(B) How many service vehicles will service the development and on what schedule?

_____

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? _____

_____

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

_____

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. _____

_____

9. AIR: What sources of potential air pollution will exist at the development? _____

_____

10. WATER AND SEWER: Describe any <u>unusual</u> generation of waste. _____

_____

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? _____

_____

***Attach additional sheets if necessary**



CITY OF MARLBOROUGH

MARLBOROUGH, MASSACHUSETTS 01752

City Hall

140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council Date: _____

SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: _____

Project Use Summary: _____

Project Street Address: _____

Plate: _____Parcel: _____

Applicant/Developer Name: _____

Plan Date:_____Revision Date:_____

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

Application Fee to submit to City Clerk's office

_____

Tin Htway
Acting Director of Planning

City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

Steven W. Kerrigan
City Clerk

Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.

1 SET	POLICE CHIEF_____
1 SET	FIRE CHIEF_____
1 SET	CITY ENGINEER_____
1 SET	DIRECTOR OF PLANNING_____
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED) _____
1 SET	BUILDING COMMISSIONER_____
12 SETS	OFFICE OF THE CITY COUNCIL____
3 SETS	OFFICE OF THE CITY CLERK _____ (**MUST be Original** & 2 Complete Sets)

_____ _____

Signature **Date**

Thank you for your cooperation in this matter.

Sincerely,

Steven W. Kerrigan
City Clerk

City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

Steven W. Kerrigan
City Clerk

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

Company Name

_____

Owner Name/Officer Name of LLC or Corporation

_____

Owner/Officer Complete Address and Telephone Number

_____

_____

_____

Signature of Applicant

_____

Attorney on behalf of Applicant, if applicable

_____

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

_____

Tax Collector