

# CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: September 18, 2018

Time: 5:30 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 SEP 14 A 8:52

1. 07-23-2018 – **Order No. 18-1007339:** Application for Special Permit from Ninja Twins LLC, regarding building a gym for children located at 19 Brigham Street, #8.  
-Refer to Urban Affairs  
-Public Hearing: September 10, 2018
2. 04-23-2018 – **Order No. 18-1007245:** Application for Special Permit from Attorney Falk, on behalf of Jefferson Street Residences, 27 Jefferson LLC, to build an 11-unit 2 story, multifamily condominium building at 27 Jefferson Street.  
-Refer to Urban Affairs  
-Public Hearing: June 18, 2018
3. 07-23-2018 – **Order No. 18-1007337:** Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Proposed Zoning Amendment to Chapter 650, §7, §17, new §39 & §41 as it relates to Neighborhood Business District, sponsored by Councilors Ossing and Irish.  
-Refer to Urban Affairs  
-Public Hearing: September 10, 2018

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JULY 23, 2018

### ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 10, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Ninja Twins LLC, re: building a gym for children located at 19 Brigham Street, #8, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, & ADVERTISE.**

**Ninety days after public hearing is 12/9/18 which falls on a Sunday, therefore 12/10/18 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 18-1007339

**CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

**APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT**

2018 JUL 10 A 11:45

1. Name and address of Petitioner or Applicant:

Ninja Twins, LLC (Paul Scalzi - Owner)

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

19 Brigham Street #8

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

Ivy Realty

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

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

Article 650 Section 17 Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_

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

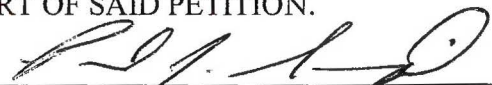
I

7. Specific reason(s) for seeking Special Permit

Recreation center Industrial Zone

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: 121 LEE DRIVE

CONCORD MA 01742

Telephone No. 978 505 3076

Date: \_\_\_\_\_

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

Ninja Twins, LLC  
(Name of Petitioner)

(Paul Scalzi - Owner)

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: Paul Scalzi Address: 121 Lee Drive, Concord 01742Project Name: Ninja Twins, LLC Address: 19 Brigham Street #81. PROPOSED USE: (describe) gym for children2. EXPANSION OR NEW: renovation - new3. SIZE: floor area sq. ft. 6,054 1<sup>st</sup> floor 6,054 all floors 6,054# buildings 1 # stories 1 lot area (s.f.) \_\_\_\_\_

4. LOT COVERAGE: \_\_\_\_\_ % Landscaped area: \_\_\_\_\_ %

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

Normal: 20 Peak period: 35

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 6 Peak period: 10

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

none7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? spot light at entry.no light will leave property

8. NOISE:

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

there should be limited noise other than cars pulling up(B) Describe any major sources of noise generation in the proposed development and include their usual times of operation. none9. AIR: What sources of potential air pollution will exist at the development? none10. WATER AND SEWER: Describe any unusual generation of waste. none11. 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? none

\*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: Ninja Twins, LLC

Project Use Summary: renovation of interior of 19 Brigham St. #8

Project Street Address: 19 Brigham Street #8

Plate: 104 Parcel: 2A

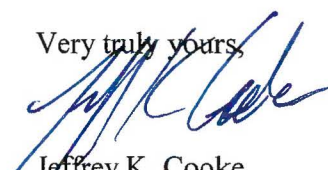
Applicant/Developer Name: Ninja Twins, LLC

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,

  
 Jeffrey K. Cooke  
 Acting Director of Planning

Application Fee to submit to  
 City Clerk's office

\$250-



**City of Marlborough, Massachusetts**  
**CITY CLERK DEPARTMENT**

**Lisa M. Thomas**  
**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 <u>DAG.</u>
1 SET	FIRE CHIEF <u>KB</u>
1 SET	CITY ENGINEER <u>ALM</u>
1 SET	DIRECTOR OF PLANNING <u>[Signature]</u>
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED) <u>n/a</u>
1 SET	BUILDING COMMISSIONER <u>[Signature]</u>
12 SETS	OFFICE OF THE CITY COUNCIL <u>AC</u>
3 SETS	OFFICE OF THE CITY CLERK <u>[Signature]</u> <b>(MUST be Original &amp; 2 Complete Sets)</b>

[Signature]  
 Signature

7.10.18  
 Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas*  
 City Clerk

**City of Marlborough, Massachusetts  
CITY CLERK DEPARTMENT****Lisa M. Thomas  
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**Ninja Twins, LLC**Owner Name/Officer Name of LLC or Corporation**Paul Scalzi**Owner/Officer Complete Address and Telephone Number**Paul Scalzi 978-505-7076121 Lee DriveConcord, MA 01742**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.

Eileen Bristol**Tax Collector**





*City of Marlborough*  
**BUILDING DEPARTMENT**

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3776 Facsimile (508) 460-3736  
building\_dept@marlborough-ma.gov

16-7  
JEFFREY COOKE, C.B.O.  
BUILDING COMMISSIONER

PATRICK DAHLGREN  
ASSISTANT BUILDING  
COMMISSIONER

WILLIAM PAYNTON  
LOCAL BUILDING INSPECTOR

RICHARD DESIMONE  
PLUMBING & GAS INSPECTOR

JOHN CAIN  
WIRING INSPECTOR

**ZONING DENIAL**

June 26, 2018

**Applicant**

Paul Scalzi DBA Ninja Twins  
121 Lee Drive  
Concord, MA 01742

**Owner**

Ivy Brigham Property, Inc.  
102 Chestnut Ridge Road, Ste. 204  
Montvale, NJ 07645

Mr. Scalzi:

Your application to operate a "gym for children" at 19 Brigham Street, Unit #8, Marlborough, MA Parcel ID #104-2A, located in the Industrial zoning district (I) is denied as it does not comply with Chapter 650- 17 of City Code of Marlborough. The "Table of Uses" states that your use requested, a "public, private or commercial recreation establishment" in the Industrial zoning district requires a "Special Permit" (SP) issued by the Marlborough City Council.

Your use requested requires special permit issued by the Marlborough City Council.

You have the right to continue to the Marlborough City Council (SPGA) for a Special Permit as stated in the City Code section 650-12B or you have the right to appeal this decision to the Zoning Board of Appeals as per section 650-58.

An appeal from this denial for a SP may be taken to the Marlborough City Council by filling a Notice of Appeal with the City Clerk within 30 days of the date of this denial letter. Further information should be obtained from the Marlborough City Council.

The code in its entirety may be found at [www.ecode360.com/MA1056](http://www.ecode360.com/MA1056)  
In your appeal, you may request a Special Permit (SP).

Sincerely,

Jeffrey Cooke, C.B.O.  
Building Commissioner  
Zoning Enforcement Officer



# Existing Building Investigation and Evaluation Report Prescriptive Compliance Method

## **USA Ninja Challenge**

19 Brigham Street, Unit #8  
Marlborough, MA 01752

19 Brigham Street – Aerial Photograph







Unit #8

Prepared by:

John C. Lyon, R.A.  
3 Rowley Road  
Topsfield, MA 01983

14 June 2018

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### Existing Conditions...

Owner of Building.....Ivy Brigham Property LLC  
..... 102 Chestnut Ridge Rd, #204  
..... Montvale, New Jersey 07645

. Construction Type IIIA:

- . Walls.....Split-faced concrete masonry units
- . Roof.....Flat, EPDM, interior roof drains
- . Super-Structure.....Galvanized steel beams and joist,  
galvanized steel columns @ 25'-0" x 30'-0" +/- on-center, 1-hour rated
- . Interior Walls.....gypsum board

. Building Height above Grade Plane...55'-5", 1 stories

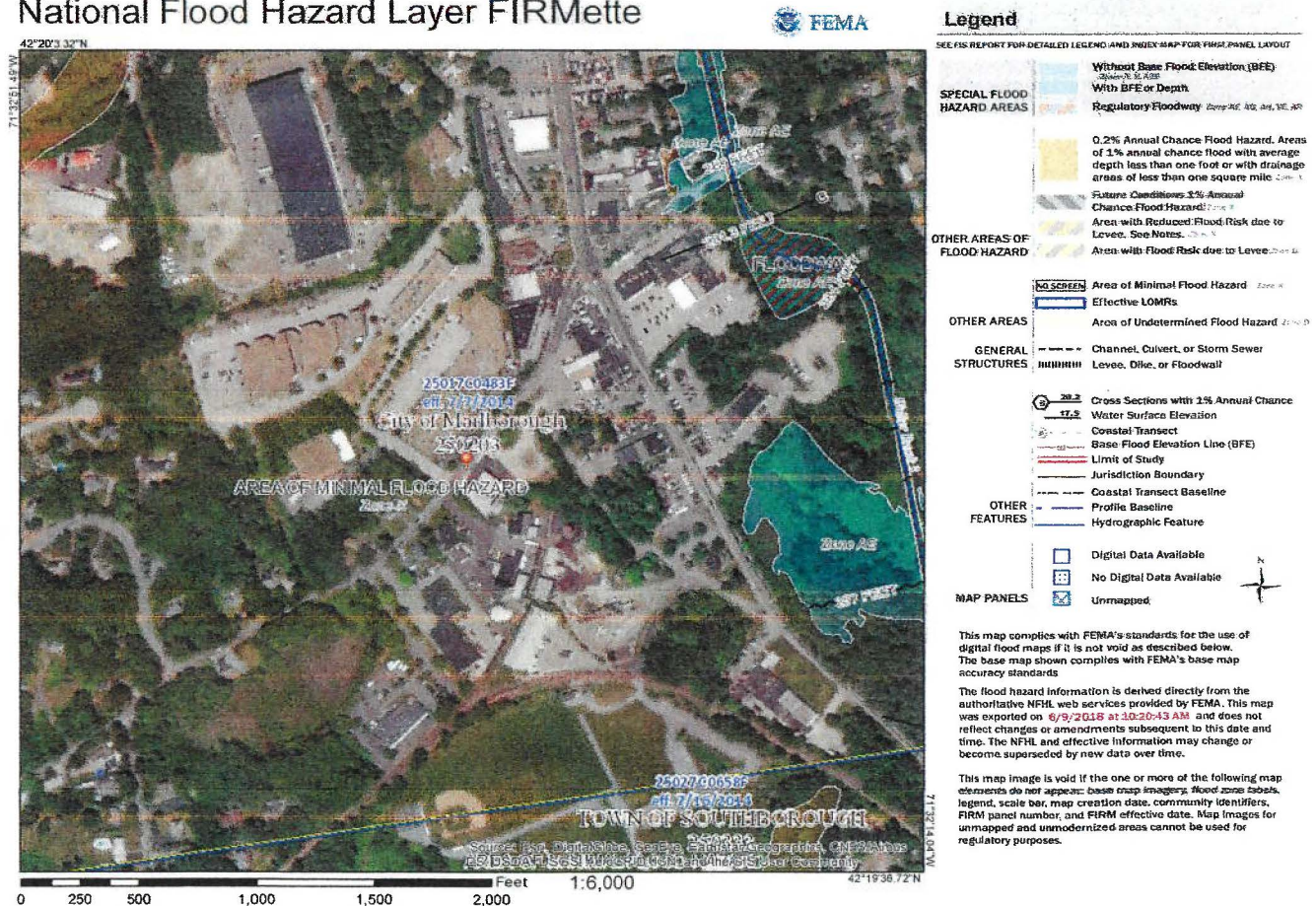
Existing Use Group.....B Business/S1 Moderate Hazard Storage

14 June 2018



Year Built..... 1984  
 Book & Page..... 64656/ 594  
 Parcel ID..... 104 2A  
 Land Area of Project..... 3.78 Acres / 164,657 sq ft  
 Gross Area of Building..... 67,964 sq ft  
 Occupancy Load of this Project..... 680 calculated @ 100 gsf/occupant  
 Zoning..... I Industrial  
 Existing marked on-site parking..... 50 spaces in front; 51 spaces in rear + truck bays  
 Fire Department Access..... Front, Left Side, Rear  
 Building Fire Protection..... Wet NFPA 13 sprinkler system/concealed  
 Means of Egress..... 3  
 Building Accessibility..... Fully 521 CMR compliant at front entry  
 Energy Conservation Conditions and Requirements:  
     In compliance with 2007 requirements  
         Walls..... Split-faced CMU with interior metal furring and fiberglass batt insulation  
         Roof..... Flat EPDM Roof sloped with tapered rigid board insulation and interior rain leaders  
         Windows..... Insulating glass  
 Hazardous Materials..... None, unless special-permitted for individual tenant

### National Flood Hazard Layer FIRMette



Flood Zone..... FEMA Zone X – Area of Minimal Flood Risk  
 Wetlands..... None

**Proposed...**

No changes to exterior building envelope, building superstructure, windows, doors (except as noted), fire suppression system, access, egress, site parking, HVAC system

Proposed Use Groups.....B Business and A3 Assembly

Tenant's Website (<http://www.usaninjachallenge.com/>) Description of Program...

- The program is designed to meet the requirements of a full physical fitness program for today's youth. We incorporate standard gymnastics apparatus including rings, bars, balance beams and tumbling surfaces. Other specialized ninja training equipment is also used, such as cargo nets, traverse walls, slack lines, ropes, ladders and warp walls. Each portion of every obstacle course also includes corresponding conditioning and flexibility stations. The desired result of this program is to improve children's strength, flexibility and all-around athleticism.
- Junior Ninja (4-5 year-olds) is a lead up to the full-sized obstacles that are used in the Ninja Challenge. 4 and 5 year-olds develop their ninja skills with smaller, easy-to-negotiate obstacles until they are ready for the full-scale equipment.

Total Areas and Calculated Occupancies of this Project:

Rear Exercise Room Use.....3,763 gross sq ft  
Front Business Use.....2,217 gross sq ft

Calc. Exercise Room Occupancy Load....76 people @ 50 gsf/person

Calculated Business Occupancy Load.....23 people @ 100 sq ft/person



# 400 foot Abutters List Report

Marlborough, MA

May 24, 2018

MARLBOROUGH ASSESSORS

16-12

*Anthony C. Amato Jr.*  
*William K. Silverstein*  
*David May Jr.*

## Subject Property:

Parcel Number: 104-2A  
CAMA Number: 104-2A  
Property Address: 19 BRIGHAM ST

Mailing Address: IVY BRIGHAM RPROPERTY LLC  
102 CHESTNUT RIDGE RD STE 204  
MONTVALE, NJ 07645

## Abutters:

Parcel Number: 104-2  
CAMA Number: 104-2  
Property Address: 41-53 BRIGHAM ST

Mailing Address: IVY BRIGHAM PROPERTY LLC  
102 CHESTNUT RIDGE RD STE 204  
MONTVALE, NJ 07645

Parcel Number: 104-24  
CAMA Number: 104-24  
Property Address: 82 BRIGHAM ST

Mailing Address: EMPLOYMENT OPTIONS INC  
82 BRIGHAM ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-25  
CAMA Number: 104-25  
Property Address: 56-66 BRIGHAM ST

Mailing Address: 56-60 BRIGHAM STREET REALTY LLC  
322 DAVIS ST  
NORTHBOROUGH, MA 01532

Parcel Number: 104-26  
CAMA Number: 104-26  
Property Address: 50 BRIGHAM ST

Mailing Address: PEARLSTEIN ALDEN TR  
232 PINE RANCH TRAIL  
OSPREY, FL 34229

Parcel Number: 104-26A  
CAMA Number: 104-26A  
Property Address: BRIGHAM ST

Mailing Address: PEARLSTEIN ALDEN TR  
232 PINE RANCH TRAIL  
OSPREY, FL 34229

Parcel Number: 104-27  
CAMA Number: 104-27  
Property Address: 38 BRIGHAM ST

Mailing Address: KI NEMA REALTY LLC  
38 BRIGHAM ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-29  
CAMA Number: 104-29  
Property Address: 20 BRIGHAM ST

Mailing Address: VIGEANT STEPHEN TR  
PO BOX 57  
MARLBOROUGH, MA 01752

Parcel Number: 104-29A  
CAMA Number: 104-29A  
Property Address: MILL ST SOUTH

Mailing Address: VIGEANT STEPHEN TR  
PO BOX 57  
MARLBOROUGH, MA 01752

Parcel Number: 104-2C  
CAMA Number: 104-2C  
Property Address: 61 BRIGHAM ST

Mailing Address: MARLBOROUGH BRIGHAM LLC  
100 NORTH ST ATTN SUPERIOR  
PRINTING INK  
TETERBORO, NJ 07608

Parcel Number: 104-3  
CAMA Number: 104-3  
Property Address: 57 BRIGHAM ST

Mailing Address: KENNEY ISABEL D LI EST  
57 BRIGHAM ST  
MARLBOROUGH, MA 01752



www.cai-tech.com

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5/24/2018

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# 400 foot Abutters List Report

Marlborough, MA  
May 24, 2018

16-13

Parcel Number: 104-30  
CAMA Number: 104-30  
Property Address: 181 MILL ST SOUTH

Mailing Address: SUNSET ROCK LLC  
1471 METHUEN ST  
DRACUT, MA 01826

Parcel Number: 104-39  
CAMA Number: 104-39  
Property Address: 168 MILL ST SOUTH

Mailing Address: MERCURI-IPPOLITO GINA  
168 MILL ST SOUTH  
MARLBOROUGH, MA 01752

Parcel Number: 104-3A  
CAMA Number: 104-3A  
Property Address: 65 BRIGHAM ST

Mailing Address: BUSA JOSEPH D  
65 BRIGHAM ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-40  
CAMA Number: 104-40  
Property Address: 150 MILL ST SOUTH

Mailing Address: ARCIERI ROBERT TR  
75 EAST MAIN ST  
WESTBOROUGH, MA 01581

Parcel Number: 104-41  
CAMA Number: 104-41  
Property Address: 148 MILL ST SOUTH

Mailing Address: ARCIERI ROBERT TR  
75 EAST MAIN ST  
WESTBOROUGH, MA 01581

Parcel Number: 104-42  
CAMA Number: 104-42  
Property Address: 417 MAPLE ST

Mailing Address: A & S DEVELOPMENT LLC  
186 MAIN ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-42A  
CAMA Number: 104-42A  
Property Address: 433 MAPLE ST

Mailing Address: ARCIERI ROBERT TR  
75 EAST MAIN ST  
WESTBOROUGH, MA 01581

Parcel Number: 104-43  
CAMA Number: 104-43  
Property Address: 115 MILL ST SOUTH

Mailing Address: ELMS AUBREY E  
1 BRIGHAM ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-48  
CAMA Number: 104-48  
Property Address: 1 BRIGHAM ST

Mailing Address: ELMS AUBREY E  
1 BRIGHAM ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-49  
CAMA Number: 104-49  
Property Address: MILL ST CENTRAL

Mailing Address: SLAAM LLC  
15 FORBES AVE  
MARLBOROUGH, MA 01752

Parcel Number: 104-50  
CAMA Number: 104-50  
Property Address: 87 MILL ST CENTRAL

Mailing Address: SLAAM LLC  
15 FORBES AVE  
MARLBOROUGH, MA 01752

Parcel Number: 104-51  
CAMA Number: 104-51  
Property Address: 109 MILL ST SOUTH

Mailing Address: B & B WHOLESALE TIRE CO  
109 MILL ST SOUTH  
MARLBOROUGH, MA 01752



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5/24/2018

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# 400 foot Abutters List Report

Marlborough, MA

May 24, 2018

Parcel Number: 104-52 CAMA Number: 104-52 Property Address: MILL ST SOUTH	Mailing Address: B & B WHOLESALE TIRE CO 109 MILL ST SOUTH MARLBOROUGH, MA 01752
Parcel Number: 104-53 CAMA Number: 104-53 Property Address: 415 MAPLE ST	Mailing Address: VIGEANT JOAN M TR 3 LAUREL ST PAXTON, MA 01612
Parcel Number: 93-14 CAMA Number: 93-14 Property Address: 413-417 SOUTH ST	Mailing Address: MARLBOROUGH SOUTH 417 CPI LLC 43 BROAD ST HUDSON, MA 01749
Parcel Number: 93-15 CAMA Number: 93-15 Property Address: 35 MILL ST CENTRAL	Mailing Address: FLORIO JAMES D TR 63 SHERBURN CIR WESTON, MA 02493
Parcel Number: 93-15A CAMA Number: 93-15A Property Address: MILL ST CENTRAL	Mailing Address: MARLBOROUGH SOUTH 417 CPI LLC 43 BROAD ST HUDSON, MA 01749
Parcel Number: 93-48 CAMA Number: 93-48 Property Address: 83 MILL ST CENTRAL	Mailing Address: SKB DEVELOPMENT LLC 103 MECHANIC ST UNIT E2 MARLBOROUGH, MA 01752
Parcel Number: 93-49 CAMA Number: 93-49 Property Address: MAPLE ST	Mailing Address: COMMONWEALTH OF MASSACHUSETTS 10 PARK PLAZA STE 4160 BOSTON, MA 02116
Parcel Number: 93-50 CAMA Number: 93-50 Property Address: 413 MAPLE ST	Mailing Address: COMMONWEALTH OF MASSACHUSETTS 10 PARK PLAZA STE 4160 BOSTON, MA 02116
Parcel Number: 93-66A CAMA Number: 93-66A Property Address: 412 MAPLE ST	Mailing Address: NOLAN CASSIDY MAPLE STREET LLC 24 ANNIE MOORE RD BOLTON, MA 01740
Parcel Number: 93-67A CAMA Number: 93-67A Property Address: 420 MAPLE ST	Mailing Address: MARLBOROUGH MAPLE REAL ESTATE TR PO BOX 95 ATTN CREATIVE DEVELOPMENT NEWTON UPPER FALLS, MA 02464
Parcel Number: 93-68 CAMA Number: 93-68 Property Address: 418 MAPLE ST	Mailing Address: NOLAN CASSIDY MAPLE STREET LLC 24 ANNIE MOORE RD BOLTON, MA 01740



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5/24/2018

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**From:** City Council  
**Sent:** Thursday, September 13, 2018 2:25 PM  
**To:** Joe Delano; David Doucette; Christian Dumais; Robert Tunnera; John Irish; Ed Clancy; Don Landers; Peter Juaire; Mark Oram; Mike Ossing; Kathleen Robey; Michael Ossing; Ed Clancy; Donald Landers  
**Cc:** Karen Boule; Sara Corbin  
**Subject:** TO COUNCILORS - Special Permit Application, Ninja Twins, LLC - Draft Decision and Plans  
**Attachments:** 19 BRIGHAM STREET - UNIT #8 Ivy Plan.pdf; 19 BRIGHAM STREET - UNIT #8.pdf; SpecialPermitDecisionNinjaTwins\_PetitionerDraft2018-0913.docx

**Note:** Public Hearing held Monday, September 10, 2018

**From:** PJ Scalzi  
**Sent:** Thursday, September 13, 2018 1:45 PM  
**To:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>  
**Subject:** Ninja Twins, LLC

**NOTICE OF DECISION  
GRANT OF SPECIAL PERMIT**

In City Council  
Order No.

Application of:

Ninja Twins, LLC  
D.B.A. USA Ninja Challenge  
121 Lee Drive  
Concord, MA 01742

Location:  
19 Brigham Street, Unit 8  
Marlborough, MA 01752  
Map 104, Parcel 2A

**DECISION**

The City Council of the City of Marlborough votes to **GRANT** a Special Permit to Ninja Twins, LLC. (herein after “Applicant Tenant”), for a commercial indoor recreation establishment and place of amusement at 19 Brigham Street, Unit 8, Marlborough, MA based on the Findings of Facts and Conditions attached hereto.

Decision filed: \_\_\_\_\_

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**APPEALS**

Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, §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

**DECISION ON A SPECIAL PERMIT  
CITY COUNCIL ORDER NO.**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Ninja Twins, LLC.(hereinafter “Applicant Tenant”), as provided in this Decision and subject to the following Findings of Facts and Conditions:

**FINDINGS OF FACTS AND CONDITIONS**

1. The landlord is Ivy Brigham Property, LLC., a duly organized and existing Limited Liability Company in the state of Delaware with its principal place of business located at 102 Chestnut Ridge Road, Ste. 204, Montvale, NJ 07654. Applicant Tenant is a duly organized and existing Massachusetts Limited Liability Company with its principal place of business at 121 Lee Drive, Concord, MA 01742 and has duly filed its Certificate of Organization Limited Liability Company with the City Clerk of the City of Marlborough to operate his business at the subject location.

2. The landlord is the title owner of the property located at 19 Brigham Street (the “Site”). The landlord and Applicant Tenant have executed or will execute a lease regarding Unit 8 at the Site, and its use pursuant to the terms of this special permit regarding Unit 8 at the Site.

3. The Applicant Tenant seeks permission to utilize Unit 8 at the Site as a commercial indoor recreation center and place of fitness training.

4. The Applicant Tenant, on July 10, 2018, filed with the City Clerk of the City of Marlborough, an Application for a Special Permit under the provisions of § 650-17 and pursuant to the procedures specified in § 650-59 of the Marlborough Zoning Ordinance (the “Application”).

5. The Site contains an existing commercial building. Unit 8 is shown in that building on plans submitted with or subsequent to the Application, the first said plan entitled “19 Brigham Street Unit #8” and the second plan being a sketch floor plan entitled “UNIT No. 8 Plan” (collectively, the “Plans”), all of which Plans are attached hereto. No modifications are proposed to the exterior of the building, minor structural modifications are proposed to the interior of the building, and no parking areas will be created or modified.

6. The Applicant Tenant seeks a special permit allowing the establishment of an indoor recreation area that will include various children’s exercise and fitness equipment/obstacles for training classes, birthday parties, and camps for children to work on physical fitness, coordination, and confidence.

7. The Plans have been certified by the Building Inspector, acting on behalf of the City Planner, as having complied with Rule 7 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 September 10, 2018, concerning the Application. The hearing was opened and closed at that meeting.

10. The Applicant 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, Richard Knight, representing Paul Scalzi who will be managing the operation of the business and is the Applicant Tenant, described the proposed business as being one that would provide an indoor venue for children's fitness to take advantage of the proposed indoor fitness facility. He indicated that the business would operate late afternoon into the early evening, and weekends, following an established training class format to ensure development and safety for children 4-17 years of age. In response to questions from city councilors, he indicated that:

- a) all employees receive background screening conducted by service provider
- b) no food would be prepared on the premises;
- c) the facility would be open to the general public to provide indoor training space for children on a daily basis; and
- d) all recreation would occur indoors.

12. No member of the public spoke, either in favor or in opposition to the proposal.

13. Following the public hearing, the Urban Affairs Committee held a meeting on a date to be determined during which this Application was discussed. At that meeting, the parties discussed various issues and proposed permit conditions to deal with them.

#### **REASONS FOR APPROVAL OF APPLICATION FOR SPECIAL PERMIT**

A. The City Council finds that the Applicant Tenant has complied with all Rules and Regulations promulgated by the Marlborough City Council for an application as they pertain to the Special Permit.

B. The use of Unit 8 for an indoor recreation establishment and place of fitness training is an appropriate use of the Unit 8-portion of the Site and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough, subject to appropriate terms and conditions provided for herein. The use sought and its impacts and characteristics are not in conflict with the public health, safety, convenience and welfare, provided the safeguards and limitations imposed herein are met.

C. The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough City Code, **GRANTS** the Applicant Tenant, its successors and

assigns, a Special Permit to operate an indoor recreation establishment and place of fitness training as per plans filed with the City Council and the City Clerk, **SUBJECT TO THE FOLLOWING CONDITIONS**, which shall be applicable to Applicant Tenant's successors and assigns, and a violation of which shall be a violation of this Special Permit:

1. Signage: Any signage installed or erected on the Site shall meet the requirements of the Sign Ordinance of the City of Marlborough, without variance.

2. Compliance with Local, State and Federal Laws: The Applicant Tenant agrees to comply with all rules, regulations and ordinances from the City of Marlborough, the Commonwealth of Massachusetts, and Federal Government as they may apply to the construction, maintenance of equipment and operation of the facility and public peace and good order in the event that the Chief of Police determines that either the business or the applicant tenant are acting contrary to public peace and good order. The Chief shall notify the applicant in writing and deem corrective measures be put into effect in seven days. Upon the failure or inability of the applicant tenant to correct such measures, the Police Chief may require the applicant tenant to employ one or more police detail officers during such hours or days that he Police Chief in exercise of the sole discretion deemed to be necessary for the purpose of correcting the conditions.

3. Public Peace and Good Order: Applicant Tenant shall obtain appropriate CORI information regarding all employees of Applicant Tenant, and shall keep said information available for inspection by local police upon request.

4. Parking: No on-street parking shall be permitted on Brigham Street or any other abutting side street or public way.

5. Hours of Operation: The hours of operation of the facility shall not be earlier than 8:00 AM or later than 8:00 PM on any day. If the Ward Councilor, Chief of Police or other Councilor has not heard of any complaints in a year's time, then the hours of operation can remain the same.

6. Limits of Use: The proposed use of the premises is to provide a place of fitness training for children, and to otherwise provide an indoor fitness facility for children. No other kinds of public use shall be allowed on the premises except those ancillary to this use.

7. Food Preparation: No food shall be prepared by the owners or the public at or in Unit 8 unless and until the Applicant Tenant obtains a permit and any other approvals from the Director of the Marlborough Board of Health and pays the accompanying fees.

8. Certificate of Occupancy Required: No use of the premises will be made pursuant to this special permit unless and until a Certificate of Occupancy has been obtained from the Building Inspector regarding the change of use of the premises.

9. No Expansion of Use Area or Change in Area Configuration: Only the area of Unit 8, containing approximately 6,000 sq. ft., which has been specified in the Plans attached hereto, will be used for the proposed use. To the extent that a substantial increase in, or a change in the configuration of, the area used for this use is desired, the Building Inspector shall

determine whether such increase or change constitutes a substantial change of the permitted use, and if so, no such area increase or configuration change shall be permitted unless and until this special permit has been modified by the City Council.

9. Subsequent Users: Before any successor tenant uses Unit 8 for the uses allowed in this special permit, the Director of the Marlborough Health Department shall determine in writing that any permit required of Applicant Tenant, and any other permit determined by the Director to be necessary, has been obtained.

10. Required Approval Regarding Sanitary Conditions: Prior to the beginning of operation of the business, the Director of the Marlborough Health Department shall determine in writing what, if any, special sanitary requirements are necessary in order to assure that the facility does not cause unusual health risks to those using the facility or to the public. The Director may later, in writing, amend and/or add to said requirements as he deems necessary. Such determination, and any such amendments and/or additions, shall be provided by the Director to the City Council. Any failure to comply with said sanitary requirements shall be a violation of this permit.

11. Recordation: In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant Tenant 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 hearing being filed. The Applicant Tenant shall provide a copy of the recorded Special Permit to the City Clerk, the City Solicitor, and the Building Inspector.

APPROVE

Yea: \_\_\_\_ Nay: \_\_\_\_

Yea:

ADOPTED \_\_\_\_\_

In City Council

Order No.

Adopted: \_\_\_\_\_

Edward J. Clancy  
City Council President

A TRUE COPY

ATTEST:

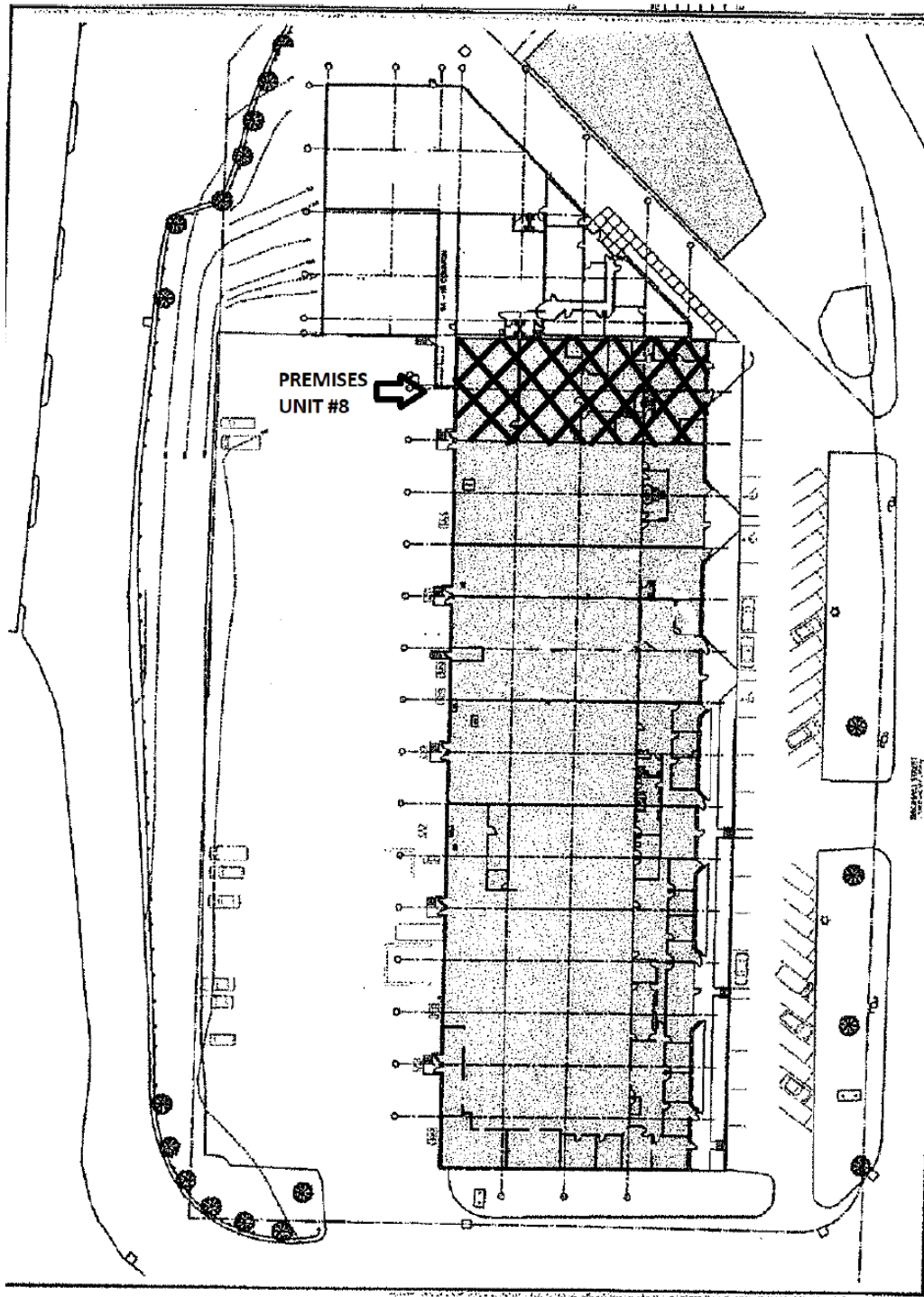
City Clerk



REVISE		PROJECT NO.	DRAWING NO.
1			
2		DRAWN/CHECKED	
3			
4		SCALE	
5		NTS	
6		DATE OF ISSUE	

19 BRIGHAM STREET

UNIT #8



## City Council

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**From:** Cathleen Liberty  
**Sent:** Thursday, September 13, 2018 2:44 PM  
**To:** City Council; John Ghiloni; Thomas DiPersio; Kevin Breen; David Giorgi; Priscilla Ryder; Jeffrey Cooke  
**Subject:** RE: TO MANAGERS - Special Permit Application, Ninja Twins, LLC - Draft Decision and Plans

Hi, the board of health has no comments.

Thanks  
Cathleen

**From:** City Council  
**Sent:** Thursday, September 13, 2018 2:31 PM  
**To:** John Ghiloni <jghiloni@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Cathleen Liberty <cliberty@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>  
**Subject:** TO MANAGERS - Special Permit Application, Ninja Twins, LLC - Draft Decision and Plans

To Managers—

Petitioner's draft special permit decision and plans requested at the September 10, 2018 public hearing before the City Council for your information and comment to assist the Urban Affairs Committee in its deliberations. The petitioner has asked that Chairman Delano place them on next Tuesday's Urban Affairs meeting.

KB

*Karen A. Boule*  
*City Council Secretary*  
*City Hall, 140 Main Street, Marlborough, MA 01752*  
*PH: 508-460-3711; FAX: 508-460-3710*  
*[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)*

## City Council

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**From:** Priscilla Ryder  
**Sent:** Thursday, September 13, 2018 3:17 PM  
**To:** Cathleen Liberty; City Council; John Ghiloni; Thomas DiPersio; Kevin Breen; David Giorgi; Jeffrey Cooke  
**Subject:** RE: TO MANAGERS - Special Permit Application, Ninja Twins, LLC - Draft Decision and Plans

Hi Karen,

I also have no comment on this project.

Thanks!

*Priscilla Ryder*

*Conservation Officer*

*140 Main St. City Hall; Marlborough, MA 01752*

Ph: 508-460-3768 ; [pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)

**From:** Cathleen Liberty  
**Sent:** Thursday, September 13, 2018 2:44 PM  
**To:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>; John Ghiloni <[jghiloni@marlborough-ma.gov](mailto:jghiloni@marlborough-ma.gov)>; Thomas DiPersio <[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)>; Kevin Breen <[kbreen@marlborough-ma.gov](mailto:kbreen@marlborough-ma.gov)>; David Giorgi <[dgiorgi@marlborough-ma.gov](mailto:dgiorgi@marlborough-ma.gov)>; Priscilla Ryder <[pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)>; Jeffrey Cooke <[jcooke@marlborough-ma.gov](mailto:jcooke@marlborough-ma.gov)>  
**Subject:** RE: TO MANAGERS - Special Permit Application, Ninja Twins, LLC - Draft Decision and Plans

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Thanks  
Cathleen

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KB

*Karen A. Boule*

*City Council Secretary*

*City Hall, 140 Main Street, Marlborough, MA 01752*

## City Council

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**From:** Thomas DiPersio  
**Sent:** Thursday, September 13, 2018 3:39 PM  
**To:** Priscilla Ryder; Cathleen Liberty; City Council; John Ghiloni; Kevin Breen; David Giorgi; Jeffrey Cooke  
**Subject:** RE: TO MANAGERS - Special Permit Application, Ninja Twins, LLC - Draft Decision and Plans

Engineering Division does not have any comments on this project.  
Thank you,

**Thomas DiPersio, Jr., PE, PLS**

City Engineer  
Department of Public Works  
135 Neil Street  
Marlborough, MA 01752  
Phone: (508) 624-6910 x33200  
[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)



**From:** Priscilla Ryder  
**Sent:** Thursday, September 13, 2018 3:17 PM  
**To:** Cathleen Liberty <[cliberty@marlborough-ma.gov](mailto:cliberty@marlborough-ma.gov)>; City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>; John Ghiloni <[jghiloni@marlborough-ma.gov](mailto:jghiloni@marlborough-ma.gov)>; Thomas DiPersio <[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)>; Kevin Breen <[kbreen@marlborough-ma.gov](mailto:kbreen@marlborough-ma.gov)>; David Giorgi <[dgiorgi@marlborough-ma.gov](mailto:dgiorgi@marlborough-ma.gov)>; Jeffrey Cooke <[jcooke@marlborough-ma.gov](mailto:jcooke@marlborough-ma.gov)>  
**Subject:** RE: TO MANAGERS - Special Permit Application, Ninja Twins, LLC - Draft Decision and Plans

Hi Karen,

I also have no comment on this project.

Thanks!

*Priscilla Ryder*  
Conservation Officer  
140 Main St. City Hall; Marlborough, MA 01752  
Ph: 508-460-3768 ; [pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)

**From:** Cathleen Liberty  
**Sent:** Thursday, September 13, 2018 2:44 PM

## City Council

---

**From:** Jeffrey Cooke  
**Sent:** Thursday, September 13, 2018 5:30 PM  
**To:** City Council; John Ghiloni; Thomas DiPersio; Kevin Breen; David Giorgi; Priscilla Ryder; Cathleen Liberty  
**Subject:** RE: TO MANAGERS - Special Permit Application, Ninja Twins, LLC - Draft Decision and Plans

The Building Dept. was no outstanding issues or comments with the SP for Unit 8, 19 Brigham DBA Ninja Twins

Jeffrey Cooke, C.B.O.  
Building Commissioner  
City of Marlborough, MA  
508-460-3776

### **Mission Statement**

To promote the safe and compatible development of the community through fair and consistent enforcement of building codes and zoning ordinances

**From:** City Council  
**Sent:** Thursday, September 13, 2018 2:31 PM  
**To:** John Ghiloni <jghiloni@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Cathleen Liberty <cliberty@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>  
**Subject:** TO MANAGERS - Special Permit Application, Ninja Twins, LLC - Draft Decision and Plans

To Managers—  
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KB

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*City Council Secretary*  
*City Hall, 140 Main Street, Marlborough, MA 01752*  
*PH: 508-460-3711; FAX: 508-460-3710*  
*[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)*



**From:** David Giorgi <[dgiorgi@marlborough-ma.gov](mailto:dgiorgi@marlborough-ma.gov)>  
**Date:** September 14, 2018 at 8:28:13 AM EDT  
**To:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>, John Ghiloni <[jghiloni@marlborough-ma.gov](mailto:jghiloni@marlborough-ma.gov)>, Thomas DiPersio <[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)>, Kevin Breen <[kbreen@marlborough-ma.gov](mailto:kbreen@marlborough-ma.gov)>, Priscilla Ryder <[pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)>, Cathleen Liberty <[cliberty@marlborough-ma.gov](mailto:cliberty@marlborough-ma.gov)>, Jeffrey Cooke <[jcooke@marlborough-ma.gov](mailto:jcooke@marlborough-ma.gov)>  
**Subject:** RE: TO MANAGERS - Special Permit Application, Ninja Twins, LLC - Draft Decision and Plans

The Police Department does not have any comments on this project.  
Thank you,  
D. Giorgi

**From:** City Council  
**Sent:** Thursday, September 13, 2018 2:31 PM  
**To:** John Ghiloni <[jghiloni@marlborough-ma.gov](mailto:jghiloni@marlborough-ma.gov)>; Thomas DiPersio <[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)>; Kevin Breen <[kbreen@marlborough-ma.gov](mailto:kbreen@marlborough-ma.gov)>; David Giorgi <[dgiorgi@marlborough-ma.gov](mailto:dgiorgi@marlborough-ma.gov)>; Priscilla Ryder <[pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)>; Cathleen Liberty <[cliberty@marlborough-ma.gov](mailto:cliberty@marlborough-ma.gov)>; Jeffrey Cooke <[jcooke@marlborough-ma.gov](mailto:jcooke@marlborough-ma.gov)>  
**Subject:** TO MANAGERS - Special Permit Application, Ninja Twins, LLC - Draft Decision and Plans

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Petitioner's draft special permit decision and plans requested at the September 10, 2018 public hearing before the City Council for your information and comment to assist the Urban Affairs Committee in its deliberations. The petitioner has asked that Chairman Delano place them on next Tuesday's Urban Affairs meeting.  
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*[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)*



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ APRIL 23, 2018

### ORDERED:

That there being no objection thereto set **MONDAY, JUNE 18, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Falk, on behalf of Jefferson Street Residences, 27 Jefferson LLC, to build an 11 unit 2 story, multifamily condominium building at 27 Jefferson Street, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE.**

**Ninety days after public hearing is 09/16/18 which falls on a Sunday, therefore 09/17/18 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 18-1007245



## IN CITY COUNCIL

Marlborough, Mass., JUNE 18, 2018

PAGE 1

ORDERED:

That the PUBLIC HEARING On the Application for Special Permit from Attorney Falk, on behalf of Jefferson Street Residences, 27 Jefferson LLC, to build an 11 unit 2 story, multifamily condominium building at 27 Jefferson Street, Order No. 18-1007245, all were heard who wish to be heard, hearing closed at 8:42 PM.

**Councilors Present: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juare, Oram, Ossing & Robey.**

### PUBLIC SPEAKING IN FAVOR

Attorney Arthur Bergeron introduced himself and explained he represented Alt.Re and Stas Burdan, the principal proposing this project. Mr. Bergeron reminded Councilors of their previous interactions with Mr. Burdan when he redeveloped the Howe Shoe Factory and St. Mary's Church and its related properties. Mr. Burdan has a track record of doing what he says he will do on his projects.

Mr. Bergeron stated the land involved in this project is zoned Residence B (RB). In a RB district, the proposed use is legal with a special permit and the number of units being proposed are allowed in a RB zone. No variances are required nor requested for this project. In the City of Marlborough, a special permit is required to build any multifamily residence of more than two units whether it is three or three-hundred. The purpose of that requirement is to allow the City Council to decide whether a project fits in with its surrounding neighborhood. The neighborhood for this proposed project was designed for multifamily residences.

Stas Burdan proceeded to review the Jefferson Street Residences project to be located at 27 Jefferson Street with a slideshow presentation. The following slides were part of his presentation:

- **Jefferson Street Residences**  
This slide was a rendering of the proposed building superimposed over the street and site view.
- **Neighborhood Zoning Map**  
This slide gave an idea of what the neighborhood looks like. Jefferson Street is a short street, about 1,000 feet long connecting Hudson Street to Highland Street and it runs parallel to the Rail Trail. There are only about ten parcels on this street. The side with the Rail Trail is zoned Commercial Automotive (CA) with seven parcels and the opposite side, the North side, is zoned RB with three parcels.



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JUNE 18, 2018

PAGE 2

ORDERED:

On the side with the Rail Trail, the largest parcel was an old shoe sole factory built in the 1890's currently being used as a commercial building. The next two parcels combined are used as municipal parking. The remaining four parcels are residential single- and two-family homes. On the North side, there is Kelleher field, the object site, and 23 Jefferson Street.

- **Photos & Views of Old House on Site**  
This slide had a Historical Society Picture showing the residences at 23 & 27 Jefferson Street as well as a photo of 27 Jefferson Street from the Assessor's Database. The proposed building is two-stories high versus the two-and-a-half-stories height of the original house.
- **Site Plan – Existing Conditions**  
The site itself is quite challenging with 118-feet of street frontage and it runs deep at almost 300-feet. There is a hill which changes its elevation about thirty-feet from one side to the other. Jefferson Street itself changes elevation fourteen-feet and the only opportunity to enter the site is from the driveway that is still present from the previous house.
- **Site Plan – Proposed**  
The proposed project meets all zoning criteria and requires no variances. It meets requirements with regards to lot setback, building height, and number of units. Eleven-units are allowed with a special permit and the lot coverage is twenty-eight percent, two-percent below allowed lot coverage. The design is such because the building is located as close to Jefferson Street as allowed by zoning and parking is underground.
- **Garage Plan**  
The cars enter an aisle twenty-four feet wide, with spaces that are eighteen-feet long by nine-feet wide per zoning requirements. There are twenty-four spaces, two more than required by the zoning. The entry to the building is close to Jefferson Street with an elevator in the lobby to allow accessibility to the first and second floors.

The dumpster enclosure required sixty-foot access which will have two oversized dumpsters, one for recycling and the other for trash which the residents can access without leaving the building. They are hidden behind overhead garage doors.





## IN CITY COUNCIL

Marlborough, Mass., JUNE 18, 2018

PAGE 3

### ORDERED:

- **First Floor**  
There are six-units, 1,300 square feet, two-bedroom, two-bath units with a central hallway.
- **Second Floor**  
Five-units, most of them are 1,300 square feet, except for Mr. Burden's unit which has an office. The second floor has a common area with a kitchenette, living area, and deck for residents.
- **Elevation. View from Kelleher Field**  
The building appears to be three-stories due to the exposed garage area but the building is cut into the hill. The garage will have open air ventilation window openings covered by a wire mesh or some other similar material.
- **Municipal Parking on Jefferson Street**  
Mr. Burdan discussed the guest parking situation. Mr. Bergeron at one time calculated that 1.61 parking spaces are used at the busiest of times so theoretically six spaces are going to be free at any given time. The residents can access the building by proximity access and the garage door will open for them. For guests, there would be an intercom device for them to contact the resident and the owner can use their phone to open the gate to access the six open spaces. In the case of larger parties, guests can park across the street in the municipal parking lot as it is not often used except for games. Last year there were seven games at Kelleher field.
- **View from Kelleher Field**  
The proposed building is neatly tucked away in the corner of its parcel and there is still much greenery and trees onsite.
- **Satellite View**  
Most of the trees are on the edge of the site and are hardwoods. He planned to keep as many as possible.
- **Kelleher Field & Marlborough Sports History to be featured**  
Mr. Burdan is a photography enthusiast and planned to feature photographs such as these in the common areas of the building.



## IN CITY COUNCIL

Marlborough, Mass., JUNE 18, 2018

PAGE 4

### ORDERED:

- **Athletic Director MHS Opinion**  
Mr. Burdan met with Jeff Rudzinsky, Marlborough High School Athletic Director, and he did not see this project interfering with the school's use of the field and its construction of two retaining walls as well as closing off the fence would prevent students from sneaking into games at the field.
- **Elevation. View from Kelleher Field**  
Mr. Burdan used this slide to show the view from Highland Street would show a building of only about one-and-a-half-stories.
- **Landscape Plan**  
Mr. Burdan met with Highland Street residents and everyone had specific issues he addressed with his landscape plan. He has an agreement in writing with the residents at 23 Jefferson Street.
- **Supported by Neighbors**  
Mr. Burdan met with all the neighbors and held a neighborhood meeting to discuss his plans. Only one neighbor did not wish to speak with him and did not attend the neighborhood meeting.
- **Site Plan – Proposed**

Mr. Bergeron made some comments to close their presentation. He stated Mr. Burdan is a wonderful developer who made the effort to speak with all the neighbors and he presented a petition to the City Clerk signed by nine of the neighbors in support of the project. He also noted they were to be for-sale units, Mr. Burdan reserved a unit for himself and the price point was \$400,000 per unit. The target market was urban young people. Mr. Bergeron also explained with the underground parking lot and the short driveway will be heated so the snow will melt and they can provide examples of how it works for Urban Affairs Committee. The project engineer, Joe Peznola of Hancock Associates was present to answer any engineering questions.

Attorney Sandra Austin, representing Linda Kettle, the owner of 23 Jefferson Street, spoke on behalf of her client. Ms. Kettle was originally against this plan due to some concerns but they contacted Mr. Bergeron and Mr. Burdan who were extremely responsive in a very neighborly fashion. Ms. Austin explained her client had three requests and all three were agreed to by Mr. Burdan. They were as follows:



## IN CITY COUNCIL

Marlborough, Mass., JUNE 18, 2018

PAGE 5

ORDERED:

1. The stone wall in front of 23 Jefferson Street would be cared for during the project.
2. Given the storms that occurred during the year, quite a few tall trees came down and provisions were made for bushes that were to be mutually agreed upon which would grow no larger than five to six feet.
3. Ms. Kettle's last and final concern was the location of the common boundary line which is against the Ms. Kettle's house. The Kettles were unaware this was the boundary line and were surprised to see it marked on the plan as such. Mr. Burdan agreed to provide a permanent easement after construction from the bushes to the Kettle's house. They sat down and put together an agreement signed by all parties and Ms. Austin asked for that agreement to be a condition of the special permit should it be approved by the City Council.

Ms. Austin concluded by stating they thought the project was a fantastic addition to the neighborhood.

Dan Johnson, resident at 30 Highland Street, spoke with Mr. Burdan and supported this project.

There is no one else speaking in favor. That part of the Public Hearing is closed.

### QUESTIONS FROM THE PUBLIC

There are no questions from the public. That part of the Public Hearing is closed.

### PUBLIC SPEAKING IN OPPOSITION

There is no one speaking in opposition. That part of the Public Hearing is closed.

### QUESTIONS FROM THE CITY COUNCIL

✓ Councilor Irish had two questions:

1. Would the project have a clear title without easements? Mr. Bergeron stated that was correct, there are two easements, one for the neighbor at 23 Jefferson Street and one for a resident on Highland Street, but there will be a clear title.





## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JUNE 18, 2018

PAGE 6

ORDERED:

2. Could there be a consideration of reducing the number of units for this project. Mr. Burdan responded by stating eleven units are allowable by the zoning and there were challenges with the site. Since it is in the side of a hill, there is no way to access it without an elevator. An elevator is an expensive item for such a small building. In normal circumstances, a small building would not have an elevator and by dividing the cost of the elevator among a smaller number of units, it would be economically unfeasible. Also, maintenance of an elevator is an expensive proposition and it would not be an option with fewer units.

Mr. Bergeron explained reducing the units from eleven to ten would not shrink the size of the building especially with the parking garage underneath the building.

✓ Councilor Juaire stated when he was the Ward Four Councilor, he found Mr. Burdan very responsive to any concerns he brought to him regarding the St. Mary's Church redevelopment project. Councilor Juaire had two items he wished to be discussed at the Urban Affairs Committee:

1. He requested information on the heated driveway and details on how it will drain to not affect Jefferson Street.
2. He wanted to see the site plan approval by the Fire Chief on how the Fire Department will access the site.

There are no further questions from members of City Council. That part of the Public Hearing is closed.

That ends the entire Public Hearing. This is currently in the Urban Affairs Committee.

That ends the entire Public Hearing. This is currently in the Urban Affairs Committee.

ADOPTED

ORDER NO. 18-1007245A



# HANCOCK ASSOCIATES

August 16, 2018

Councilor Edward Clancy, President  
Marlborough City Council  
City Hall  
Marlborough, MA 01752

Re: Jefferson Street Residences, 27 Jefferson LLC;  
Special Permit Application for Multifamily Condominium Building  
Response to Department Comments

Dear Councilor Clancy:

Hancock Associates, acting on behalf of 27 Jefferson LLC would like to present the attached revised plan in response to comments from the Chief Breen gathered at a meeting with him.

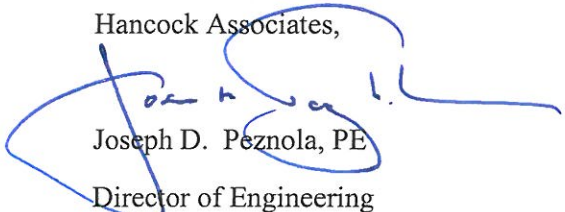
Attached is a revised site plan showing a 4 foot walkway around the whole building with connection to the back door at the garage (NE Corner). We have also noted the existing wall along Jefferson being cut back to provide direct street access to the walk. This plan does not show the emergency vehicle positions and turning movements as the last plan, but none of the geometry changes so the movements still work.

We are working with Ms. Boule to schedule another session with the Urban Affairs Committee. As discussed at the last Urban Affairs Committee meeting, the Committee expressed interest in Chief Breen or a MFD representative attending the next meeting. We have asked Chief Breen to also provide a correspondence verifying receipt of the changes and availability to attend the next meeting.

We believe we have addressed all of the concerns of the Fire Department. As stated, we will continue to work with the departments, Building Commissioner and Site Plan Review Committee to further refine the project details as needed.

Sincerely,

Hancock Associates,



Joseph D. Peznola, PE

Director of Engineering

CC: 27 Jefferson LLC

Merrick O'Connell

Chief Kevon Breen

ZONING REGULATIONS  
CITY OF MARLBOROUGH ZONING §650-41

USE: MULTI-FAMILY (11 UNITS)

ZONE RESIDENCE B	MIN LOT AREA	MIN LOT FRONTAGE	MIN SIDE YARD	MIN FRONT YARD	MIN REAR YARD	MAX HEIGHT	MAX LOT COVERAGE	LANDSCAPED AREA	MINIMUM AREA PER DWELLING UNIT	PARKING SPACES
REQUIRED	8,000 SF	100 FT	15 FT	20 FT	30 FT	2.5 STORIES	30%	10,008 SF*		22 (2 SPACES/UNIT)
PROVIDED	44,613 SF	115.5 FT	23 FT	23 FT	185 FT	2.0 STORIES	28.0%	29,467 SF	4,056 SF	24

FLOOR AREA SCHEDULE

GARAGE LEVEL	9,987 SF
FIRST FLOOR	10,008 SF
SECOND FLOOR	9,425 SF
TOTAL FLOOR AREA	29,420 SF

\*PER 650-18.9(e)  
LARGEST FLOOR AREA = 10,008 S.F.  
75% MUST BE LESS THAN 8%  
REQUIRED = 7,506 S.F.  
PROVIDED = 7,550 S.F.  
AVERAGE WIDTH AREA 1 = 40 FT (MIN. 32 FT)  
AVERAGE WIDTH AREA 2 = 50 FT

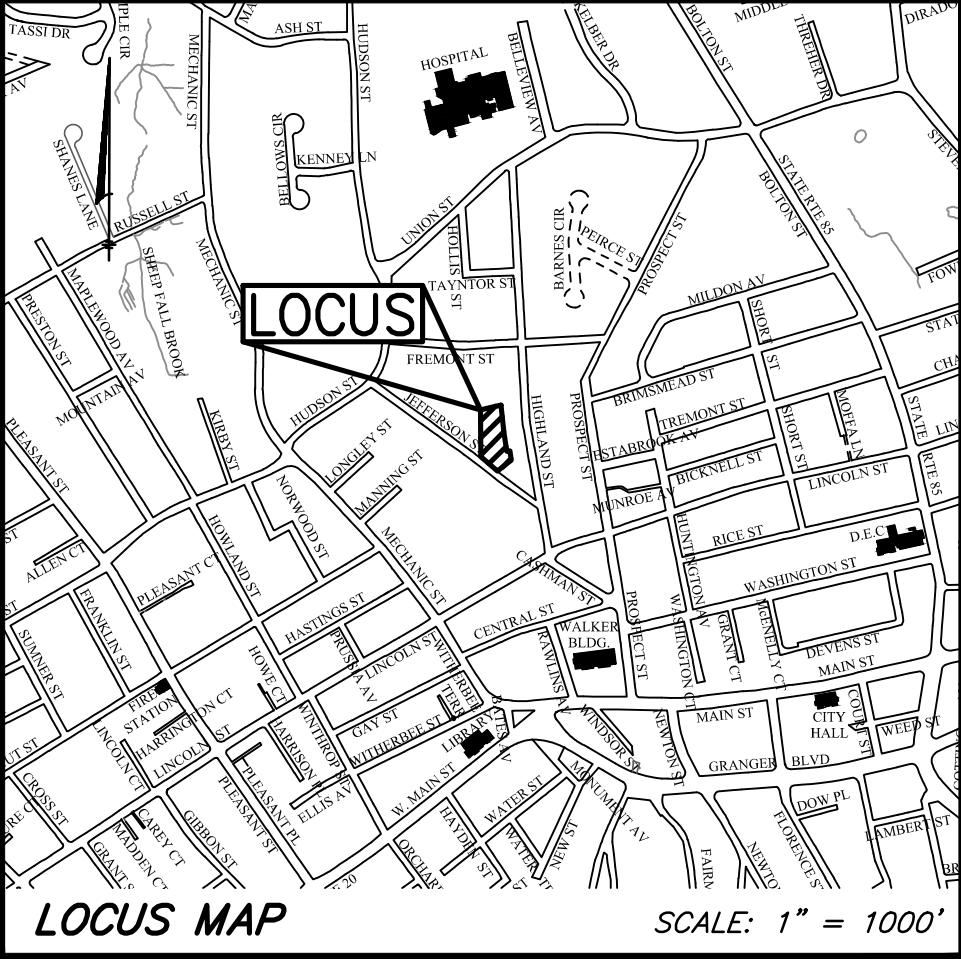
CONSTRUCTION NOTES

- C.N.1. PROPOSED UNDERGROUND INFILTRATION SYSTEM (15) STORMTECH SC-740 WITH ISOLATOR ROW  
BOTTOM OF STONE=456.5  
BOTTOM OF CHAMBER=457.0  
TOP OF CHAMBER=459.5  
MIN GRADE OVER SYSTEM=461.0
- C.N.2. PROPOSED OVERFLOW/ MAINTENANCE DMH  
2'x2' GRATE  
RIM=463.0  
INV IN=457.1
- C.N.3. KNEE WALL INTEGRATED INTO FOUNDATION ALONG WEST SIDE OF BUILDING
- C.N.4. 6" OIL/GAS SEPARATOR  
RIM=461.6  
INV IN=456.4  
INV OUT=456.3
- C.N.5. PROPOSED SMH  
RIM=461.5  
INV IN=457.8  
INV OUT=457.7
- C.N.6. PROPOSED DMH  
RIM=461.5  
INV IN=457.8  
INV OUT=457.7
- C.N.7. (2) x PROPOSED CB  
RIM=461.4  
INV=457.9  
OUTLET PIPES 12"HDPE

LOT COVERAGE SUMMARY

TOTAL LOT AREA	44,613 SF
BUILDING AREA	10,407 SF
DRIVEWAY	2,092 SF
PERMEABLE PAVER WALKWAY	381 SF

REFERENCES:  
MARLBOROUGH ASSESSOR'S MAP 56, LOT 160



CITY COUNCIL  
SPECIAL  
PERMIT SITE  
PLAN

27 Jefferson Street  
Marlborough, Massachusetts 01752

PREPARED FOR:

27  
JEFFERSON  
LLC

PO Box 650056  
West Newton, Massachusetts 02465

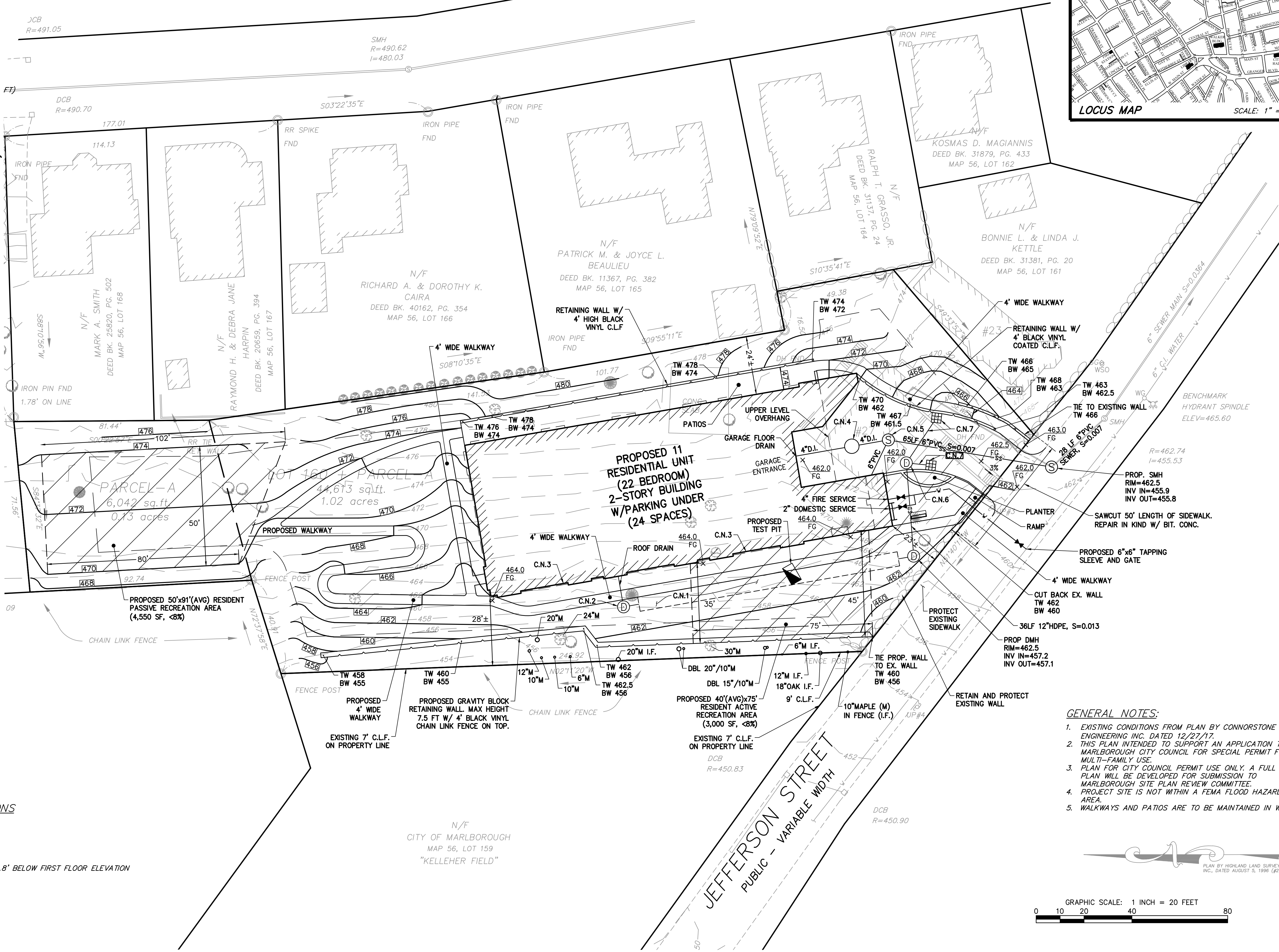
HANCOCK  
ASSOCIATES

Civil Engineers

Land Surveyors

Environmental  
Consultants

315 Elm Street, Marlborough, MA 01752  
Voice (508) 460-1111, Fax (508) 460-1121  
www.hancockassociates.com



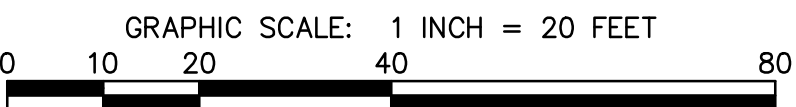
AVERAGE GRADE CALCULATIONS

NORTH SIDE 66'x4'  
EAST SIDE 168'x0'  
SOUTH SIDE 110'x11'  
WEST SIDE 170'x9'

$(66' \times 4') + (110' \times 11') + (168' \times 0') + (170' \times 9') = 5.8' \text{ BELOW FIRST FLOOR ELEVATION}$   
(66+110+168+170)

GENERAL NOTES:

- EXISTING CONDITIONS FROM PLAN BY CONNORSTONE ENGINEERING INC. DATED 12/27/17.
- THIS PLAN INTENDED TO SUPPORT AN APPLICATION TO MARLBOROUGH CITY COUNCIL FOR SPECIAL PERMIT FOR MULTI-FAMILY USE.
- PLAN FOR CITY COUNCIL PERMIT USE ONLY. A FULL SITE PLAN WILL BE DEVELOPED FOR SUBMISSION TO MARLBOROUGH SITE PLAN REVIEW COMMITTEE.
- PROJECT SITE IS NOT WITHIN A FEMA FLOOD HAZARD AREA.
- WALKWAYS AND PATIOS ARE TO BE MAINTAINED IN WINTER.



PERMIT SITE  
PLAN

PLOT DATE: Aug 15, 2018 9:30 am

DWG: 20982 PS3.dwg

LAYOUT: 1-PS

SHEET: 1 OF 1

JOB NO.: 20982

1

**From:** City Council  
**Sent:** Wednesday, September 5, 2018 3:44 PM  
**To:** Joe Delano; David Doucette; Christian Dumais; Robert Tunnera; John Irish; Ed Clancy; Don Landers; Peter Juare; Mark Oram; Mike Ossing; Kathleen Robey; Clancy; Ossing; Ossing  
**Cc:** Karen Boule; Sara Corbin  
**Subject:** From Fire Chief Breen: Follow up Input for Special Permit Application - Jefferson Street Project

**From:** Kevin Breen <[kbreen@marlborough-ma.gov](mailto:kbreen@marlborough-ma.gov)>  
**Date:** September 5, 2018 at 3:36:29 PM EDT  
**To:** Karen Boule <[kboule@marlborough-ma.gov](mailto:kboule@marlborough-ma.gov)>  
**Subject:** Special Permit Application - Jefferson Street Project

Good Afternoon Karen and City Councilors:

Please accept my apology for not being available to attend next week's Urban Affairs committee meeting. I will be out of the office and away on department business Sunday through Friday and therefore am not available to discuss and/or offer testimony concerning the special permit application for the multi-family housing project on Jefferson Street. Today, I write to offer follow-up to my original comments emailed to the council back on July 17, 2018. Since forwarding my last communication, I have met with the applicant and his engineer. Specifically, we again discussed fire department/EMS access to and egress from this building given the slope, elevations and limited space along the sides of the building as situated on this lot. As fire chief, I still have concerns regarding limited access to this building in terms of firefighting operations. However, I must also emphasize, there is nothing proposed that I find inconsistent with or contrary to existing fire and life safety codes. The applicant has brought to my attention recent changes he proposes to include improved access around the entire building via a four foot wide walkway. We also discussed his plan to minimize congestion at the front of the building where the first due fire truck (engine/ladder) would likely be positioned. Finally, he has also reconfigured the retaining wall(s). One condition that is not necessarily required by code(s) but may provide some offset in terms of improved fire protection is to require installation of standpipes and fixed hose cabinets within the buildings as directed by MFD. This email and my previous communications are offered to assist councilors who are currently reviewing this special permit application.

Thank you,

KJB

**KEVIN J. BREEN, FIRE CHIEF**  
**MARLBOROUGH FIRE DEPARTMENT**  
**215 MAPLE STREET**  
**MARLBOROUGH, MA 01752**  
**(508) 624-6986**



**From:** City Council  
**Sent:** Thursday, September 6, 2018 2:42 PM  
**To:** Joe Delano; David Doucette; Christian Dumais; Robert Tunnera; John Irish; Ed Clancy; Don Landers; Peter Juaire; Mark Oram; Mike Ossing; Kathleen Robey; Ed Clancy; Michael Ossing; Donald Landers  
**Cc:** Karen Boule; Sara Corbin  
**Subject:** FROM FIRE CHIEF BREEN—Re: Special Permit Application - Jefferson Street Project - Further explanation and photos standpipe & hose cabinet  
**Attachments:** standpipe-operations.jpg; hose cabinet.png

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**From:** Kevin Breen  
**Sent:** Wednesday, September 5, 2018 3:54 PM  
**To:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>  
**Subject:** RE: From KBoule—Re: Special Permit Application - Jefferson Street Project

Hi Karen:

Sorry, I should have explained. A standpipe is where a firefighter attaches a hose line inside a building. It is then turned on and provides water for use in fire suppression. A hose cabinet stores hose usually in a fixed, wall mounted cabinet where the fire hose is easily accessible for removal and then attached to a standpipe. Although most fire departments prefer to carry their own hose loads for use inside a building, a hose cabinet provides immediate access to firefighting/fire suppression equipment.

See the attached pictures of each ....

KJB

**KEVIN J. BREEN, FIRE CHIEF**  
**MARLBOROUGH FIRE DEPARTMENT**  
**215 MAPLE STREET**  
**MARLBOROUGH, MA 01752**  
**(508) 624-6986**

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**From:** City Council  
**Sent:** Wednesday, September 05, 2018 3:42 PM  
**To:** Kevin Breen <[kbreen@marlborough-ma.gov](mailto:kbreen@marlborough-ma.gov)>  
**Subject:** From KBoule—Re: Special Permit Application - Jefferson Street Project

Chief,  
What are standpipes and fixed hose cabinets?  
Karen





SAN



JING



OEM/ODM



**From:** City Council  
**Sent:** Wednesday, July 11, 2018 12:10 PM  
**To:** Joe Delano; David Doucette; Christian Dumais; Robert Tunnera; John Irish; Ed Clancy; Don Landers; Peter Juaire; Mark Oram; Mike Ossing; Kathleen Robey; Michael Ossing; Ed Clancy; Donald Landers  
**Cc:** Sara Corbin; Karen Boule  
**Subject:** To City Councilors: Comment From Fire Chief Breen: Special Permit Application, Housing Project, 27 Jefferson Street Comments

**From:** Kevin Breen  
**Sent:** Wednesday, July 11, 2018 10:56 AM  
**To:** Karen Boule <[kboule@marlborough-ma.gov](mailto:kboule@marlborough-ma.gov)>  
**Cc:** Nicholas Milano <[nmilano@marlborough-ma.gov](mailto:nmilano@marlborough-ma.gov)>; Frederick Flynn <[fflynn@marlborough-ma.gov](mailto:fflynn@marlborough-ma.gov)>; Jeffrey Gogan <[jgogan@marlborough-ma.gov](mailto:jgogan@marlborough-ma.gov)>  
**Subject:** 27 Jefferson Street Comments

Good Morning Karen and City Councilors:

I have reviewed the information forwarded concerning a special permit application for the multi-family housing project on Jefferson Street. Additionally, I have met with the applicant and discussed details associated with this project. Specifically, we discussed fire department/EMS access to and egress from this building given the slope, elevations and limited space along the sides of the building as situated on this lot. On behalf of Marlborough Fire Department, I write to share concerns we have regarding access to the building for firefighting operations. As proposed, the site does not support 360 degree vehicular access to this multi-story building. While this is never ideal, we also recognize it is not realistic to expect 360 degree access to every structure within the city. While the site, as proposed, does provide fire department access to the front side facing Jefferson Street, it is configured in a manner that will serve as the access driveway for residential traffic in and out of the proposed underground parking garage. This may be problematic for positioning one (1) fire department engine and/or ladder truck given the width. It can work, as long as access to this area is maintained in terms of insuring there are no live standing or parked cars allowed and a high-level of vigilance concerning snow/ice removal. All other responding units would assemble on Jefferson Street. Further, the applicant and I discussed the various retaining walls. These include those proposed near the front and along the sides. The applicant is keenly aware these walls may require modifications as we (MFD) would expect there to be easy walking access to and egress from the exit/entry points. We also expressed the need to consider ground ladder access/positioning and space requirements given the heights on various sides. I would also stress the inside travel distances require further review but acknowledge this project is proposed as a fully-sprinklered building. We expect the structure to have and maintain a fully automatic fire alarm system and fire suppression standpipe coverage and perhaps, even hose cabinets. Lastly, the applicant was amenable to adding additional egress from the structure, as we may require, to insure a high level of safety for both occupants and emergency responders. This can be reviewed in greater detail with the Building Commissioner. I remain available to answer questions and provide feedback about this unique residential project.

Thank you,

KJB

**From:** Charles Thebado <[Cthebado@marlborough-ma.gov](mailto:Cthebado@marlborough-ma.gov)>

**Date:** August 17, 2018 at 11:22:20 AM EDT

**To:** Karen Boule <[kboule@marlborough-ma.gov](mailto:kboule@marlborough-ma.gov)>

**Cc:** Peter Juair <[atlarge\\_1@marlborough-ma.gov](mailto:atlarge_1@marlborough-ma.gov)>, Mayor <[mayor@marlborough-ma.gov](mailto:mayor@marlborough-ma.gov)>, John Ghiloni <[jghiloni@marlborough-ma.gov](mailto:jghiloni@marlborough-ma.gov)>

**Subject:** RE: Kelleher Field Events

Hello Karen,

A few more things to add to my earlier email. After speaking with the DPW, discussions and plans are being made to construct a new bathroom facility that will be located next to the existing concession stand at Kelleher Field.

We are in the process of finalizing our fall field schedule and Marlborough Youth Football may be using Kelleher Field on Sundays from 8am-8pm if any of their scheduled dates are conflicting with MHS at Whitcomb which has happened in the past. MYF would also be using the PA system on those dates.

Discussions are also taking place with the Needham Soccer Tournament coordinator to move some existing tournament games from Ghiloni Park which have taken place over the past 5 years to Kelleher Field to accommodate more 11 v 11 games. This tournament runs the entire Memorial Day weekend from 8am-8pm (Sat-Mon).

I also want to let you know that the concession stand is used by Marlboro Youth Soccer, MHS, Marlboro Youth Football, and any special events that may occur at the facility.

Thanks,  
Chuck

Charles Thebado  
Recreation Director  
City of Marlborough  
Tel: 508-624-6925  
E-Mail: [cthebado@marlborough-ma.gov](mailto:cthebado@marlborough-ma.gov)

Twitter: [@Marlborough\\_Rec](#)

Facebook: [@Marlborecdept](#)



Please, consider the environment before printing this e-mail.

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**From:** Charles Thebado  
**Sent:** Friday, August 17, 2018 10:18 AM  
**To:** Karen Boule <[kboule@marlborough-ma.gov](mailto:kboule@marlborough-ma.gov)>; John Ghiloni <[jghiloni@marlborough-ma.gov](mailto:jghiloni@marlborough-ma.gov)>  
**Cc:** Peter Juairé <[atlarge\\_1@marlborough-ma.gov](mailto:atlarge_1@marlborough-ma.gov)>; Mayor <[mayor@marlborough-ma.gov](mailto:mayor@marlborough-ma.gov)>  
**Subject:** RE: Kelleher Field Events

Hello Karen,

Here are the groups that have used Kelleher Field this spring and will be using this upcoming fall season.

**Spring 2018: April 26-June 23, 2018  
used)**

Mon-Fri	5pm -8pm
Sat.	9am -5pm
Sun.	9am -4pm

**Marlborough Youth Soccer (No PA System is**

**Fall 2018: Sept. 4 – Nov. 17, 2018  
used)**

Mon-Fri	5pm -8pm
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**Marlborough Youth Soccer (No PA System is**

**Fall 2018: 9/7, 9/14, 10/19, 10/26, 11/22  
used)**

Friday Nights: 6pm-10pm

Thanksgiving Day 11/22: 10am-1pm

**MHS Football Home Games (PA System will be**

Enclosed is the city noise ordinance that we followed at Whitcomb this spring. I'm not aware at this point of any immediate plans of improvement for Kelleher Field.

If you need further assistance, please don't hesitate to contact me.

Thanks,  
Chuck

Charles Thebado  
Recreation Director  
City of Marlborough  
Tel: 508-624-6925  
E-Mail: [cthebado@marlborough-ma.gov](mailto:cthebado@marlborough-ma.gov)  
**Twitter:** @Marlborough\_Rec  
**Facebook:** @Marlbororecdept



Please, consider the environment before printing this e-mail.

# NOISE

## 431 Attachment 1

### City of Marlborough

**Table 1.0**  
**Table Identifying Noise Standard Applicable**  
**to a Particular Use and Zoning District**

Lot Location	Lot Use (as defined by Marlborough Zoning Code)		
	Residential, Farming and Institutional Uses	Business, Commercial and Office Uses	Industrial and Research Uses
Any residential district	1	1	1
Business District	1	3	1
Limited Industrial District	2	4	2
Industrial District	2	4	2
Commercial/Automotive District	2	4	2

**Table 2.0**  
**Table of Zoning District Noise Standards**

Octave Band Center Frequency of Measurement (Hz)	Maximum Allowable Octave Band Sound-Pressure Levels (dB)					
	(1)	(2)		(3)	(4)	
	Daytime	All Other Times	Daytime	All Other Times	Anytime	Anytime
31.5	61	53	66	58	63	68
63	60	52	65	57	62	67
125	56	48	61	53	58	63
250	54	44	59	49	54	59
500	50	40	55	45	50	55
1,000	47	37	52	42	47	52
2,000	43	33	48	38	43	48
4,000	39	29	44	34	39	44
8,000	38	28	43	33	38	43
Single number equivalent	53 dBA	43 dBA	58 dBA	48 dBA	53 dBA	58 dBA



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**From:** Karen Boule

**Sent:** Thursday, August 16, 2018 6:19 PM

**To:** John Ghiloni <[jghiloni@marlborough-ma.gov](mailto:jghiloni@marlborough-ma.gov)>; Charles Thebado <[Cthebado@marlborough-ma.gov](mailto:Cthebado@marlborough-ma.gov)>

**Cc:** Peter Juairé <[atlarge\\_1@marlborough-ma.gov](mailto:atlarge_1@marlborough-ma.gov)>; Mayor <[mayor@marlborough-ma.gov](mailto:mayor@marlborough-ma.gov)>

**Subject:** Kelleher Field Events

John – Chuck:

The Urban Affairs Committee, of which Councilor Juairé is a member, is reviewing a special permit application for a housing proposal that will overlook and face Kelleher Field. It will be located behind the fence that goes from Jefferson Street to Fremont Street...the one kids used to jump over to sneak into the games. ☺

During discussions, a point was made that the field gets infrequent use (MHS football games) and should not be a problem for new residents of the housing units. We have heard of resident complaints in Councilor Clancy's ward as a result of the use of the turf field, especially associated with the loud speaker, music, announcements etc.

Can you provide a list of the bookings and/or events held at Kelleher field and submit input that could assist the Urban Affairs Committee in its deliberations on the special permit application?

Being familiar with field use all over the city, can you suggest written conditions that could offer relief from future noise and other nuisance complaints issued to the Mayor, Ward Councilor and Recreation Department?

Finally, are there any immediate plans for improvements to Kelleher Field that would accelerate the use of the park?

On behalf of At-Large Councilor Juairé, thank you for your time and assistance in this matter.

KB

*Karen Boule*

*City Council Office*

*140 Main Street*

*Marlborough, MA 01752*

*508-460-3711*

**From:** City Council  
**Sent:** Monday, July 30, 2018 9:34 AM  
**To:** Joe Delano; David Doucette; Christian Dumais; Robert Tunnera; John Irish; Ed Clancy; Don Landers; Peter Juare; Mark Oram; Mike Ossing; Kathleen Robey; Clancy; Ossing; Ossing; Donald Landers  
**Cc:** Karen Boule; Sara Corbin  
**Subject:** Update from City Engineer after 7/25/18 Committee Review: To Urban Affairs - 27 Jefferson Street

**From:** Thomas DiPersio <[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)>  
**Date:** July 30, 2018 at 8:39:23 AM EDT  
**To:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>  
**Cc:** Donald Rider <[drider@marlborough-ma.gov](mailto:drider@marlborough-ma.gov)>  
**Subject:** RE: To Urban Affairs - 27 Jefferson Street

City Council Urban Affairs Committee members:

In reference to Order No. 18-1007245, application for Special Permit to build an eleven-unit two-story, multi-family condominium building at 27 Jefferson Street, I offer the following follow-up to my comments of July 23 and the meeting held on July 25:

Comment #2: As a point of correction and clarification, the concern is not with the current condition of the sidewalk, but that the sidewalk will be cut for utility connections and may be damaged during construction. However this comment need not be discussed further by the Committee nor a condition of the Special Permit. The details and the extent of sidewalk and roadway repairs/reconstruction will be spelled out as conditions of the Road Opening Permit issued by the Engineering Division, prior to start of construction.

Comment #3: This recommendation stands. The issue of Kelleher Field perimeter security can be easily resolved by extending the existing fences on the sides to the new retaining wall, so that there are no gaps.

Comment #6 has been resolved, and comments #1, 4, and 5 can be discussed further during Site Plan Committee review.

Please contact me with any questions.

**Thomas DiPersio, Jr., PE, PLS**  
City Engineer  
Department of Public Works  
135 Neil Street  
Marlborough, MA 01752  
Phone:(508)624-6910x33200  
[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)



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**From:** Thomas DiPersio  
**Sent:** Monday, July 23, 2018 4:00 PM  
**To:** City Council <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>  
**Subject:** To Urban Affairs - 27 Jefferson Street

City Council Urban Affairs Committee members:

In reference to Order No. 18-1007245, application for Special Permit to build an eleven-unit two-story, multi-family condominium building at 27 Jefferson Street, I offer the following comments:

Comments on Permit Site Plan:

1. The stormwater management system has not yet been fully designed, however we note that the plan indicates that the system will overflow to an area next to the City property at Kelleher Field near the concession stand. I am confident that there is adequate area to manage the stormwater on the site, but the final design should be such that the overflow is to the City street drain system if possible.
2. The bituminous concrete sidewalk on the north side of Jefferson Street is in need of replacement. The condition is likely to worsen with construction of the project. The Applicant should reconstruct the sidewalk as part of the project. The limits and details for the reconstruction should be part of the final site plans for review and approval.
3. The plan proposes a 4-foot high fence on top of a proposed gravity block retaining wall between the project and the City property at Kelleher Field. The final design and specifications for the proposed gravity block retaining wall will need to be reviewed and approved as part of the site plan review. The existing chain link fence that runs along this property line should be removed as part of the project, and the area below the proposed wall along the property line should be improved as part of the landscape plan. The Landscape Ordinance has requirements for the appearance of the wall face, and for landscaping in front of it. The future maintenance of the new fence and the retaining wall should be the responsibility of the owners of the condominiums.
4. It should be confirmed that there is adequate sight distance for vehicles exiting the proposed driveway, looking to the southeast.

5. The proposed retaining wall at the southeast corner of the site should be reconfigured so that the area of the driveway outside of the building can be made larger. This would make the maneuvering of vehicles easier and also facilitate the potential staging of fire or emergency vehicles adjacent to the building.
6. It should be clarified that the proposed area(s) for passive recreation meets the requirements and intent of the Ordinance. The plan shows an area of 4,000 square feet and there are notes referring to a second area of 5,000 square feet which is not shown.

A more detailed engineering site plan will be required prior to final approvals. I have no other comments on the project at this time.

Please contact me with any questions.  
Thank you,

**Thomas DiPersio, Jr., PE, PLS**

City Engineer  
Department of Public Works  
135 Neil Street  
Marlborough, MA 01752  
Phone: (508) 624-6910 x33200  
[tdipersio@marlborough-ma.gov](mailto:tdipersio@marlborough-ma.gov)



\_\_\_\_\_, 2018

**NOTICE OF DECISION  
GRANT OF SPECIAL PERMIT**

In City Council  
Order No. #18-1007245

Application of:  
27 Jefferson LLC

Locus:  
27 Jefferson Street, Marlborough, MA  
Map 56, Parcels 160 & 173

**DECISION**

The City Council of the City of Marlborough hereby **GRANTS** the Application of 27 Jefferson LLC, with a mailing address of 110 Pleasant Street, Unit 100, Marlborough, MA 01752, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: \_\_\_\_\_, 2018

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [ ] day of [ ], 2018.

**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.

A TRUE COPY  
ATTEST:

City Clerk



**ORDERED:**

**IN CITY COUNCIL**

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**DECISION ON A SPECIAL PERMIT**

Application of:  
27 Jefferson LLC

Locus:  
27 Jefferson Street, Marlborough, MA  
Map 56, Parcels 160 & 173

**DECISION ON A SPECIAL PERMIT  
ORDER NO. 18-1007245**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to 27 Jefferson LLC (the “Applicant”) to build and operate a multifamily building at 27 Jefferson Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

**FINDINGS OF FACT**

1. The Applicant, 27 Jefferson, LLC, is a duly organized and existing Limited Liability Company having a business address of 110 Pleasant Street, Unit 100, Marlborough, MA 01752.
2. The Applicant is the prospective owner of the property located at 27 Jefferson Street, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 56 as Parcels 160 and 173 (the “Site”). The Site’s current owner is the Donald C. Morris Trust, with a business address of 1047 Pikes Falls Road, Jamaica, VT 05343.
3. In accordance with Article VI, Section 650-17 and Section 650-18(4), of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to build and operate an 11-unit, 18,694 square foot +/- multifamily building with 24 underground parking spaces (the “Use”).
4. The Site is located in the Residence B Zoning District with frontage on Jefferson Street.
5. The Site has an area of 44,414 square feet +/-.

6. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use, as provided in this Decision.

7. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a detailed site plan entitled “City Council Special Permit Site Plan” prepared for 27 Jefferson LLC by Hancock Associates, 315 Elm Street, Marlborough, MA and dated February 8, 2018 (the “Site Plan”), and a set of architectural plans entitled “Project: 27 Jefferson St. Residences” prepared by Khalsa Design, 17 Ivaloo Street, Somerville, MA and dated April 18, 2018 (collectively with the Site Plan, the “Plans”).

8. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

9. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, June 18, 2018. The hearing was closed on that date.

11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.

12. At the public hearing, two members of the public spoke in favor of the Use. No members of the public spoke in opposition to the Use. Further, the Applicant submitted a petition signed by nine residents of the neighborhood near the Site in favor of the Use.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING  
FINDINGS 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 special permit applications.

B. The City Council finds that the proposed Use of the Site is an appropriate use and 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 as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to build and operate a multifamily building as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.

3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.

4. Modification of Plans. Notwithstanding conditions #1 and #3 above, the City Council or the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the Use as approved herein, or materially increase the impervious area of the Use, reduce the green area, alter traffic flow, increase the size, shape or position of the building, or alter the fencing bordering the property, all as shown on the Plans.

5. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised 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. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall ensure that its site superintendent during construction of the project is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control

plan. The Applicant, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

7. Owner-Occupancy. It shall be a condition of the by-laws of the condominium association governing the Use that all units that are sold will be purchased by a person or persons who intend to reside in the units. The condominium documents shall provide for appropriate daily fines for the violation of this section of the condominium by-laws, and will provide that this section may not be amended. No occupancy permit regarding the Use shall be issued unless and until the City Solicitor has certified to the Building Commissioner that the condominium by-laws, along with the condominium master deed, have been recorded. The Applicant, including its successors and assigns, may, following the issuance of the occupancy permit for a particular unit but prior to the conveyance thereof to the purchaser of the unit, rent said units to tenants; provided, however, that:

- a. No said unit shall be or continue to be rented after the fifth anniversary of the date of issuance of the occupancy permit of said unit;
- b. No unit shall be rented or continue to be rented after the seventh anniversary of the date of issuance of the first occupancy permit for the site;
- c. An executed "rent to own" contract shall qualify the subject unit as owner-occupied, so long as transfer of title for that unit occurs within 36 months of the starting date of the rental agreement for that unit;
- d. The Applicant, including its successors and assigns, shall continue to market the units as condominiums;
- e. No sign at the Site shall market any units as being for rent; however "rent to own" signs are permissible so long as they are in compliance with City's sign ordinance without variance; and
- f. No unit shall be rented to any person or persons for more than three years unless, prior to the expiration of those three years, said person or persons execute(s) a purchase and sale agreement.

The term "Applicant, its successors and assigns," as used herein and for purposes of this Condition 7, shall include Applicant, its successors and assigns, and any entity controlled by said entities, or controlled by the principal and/or principals of said entities.

8. Conditions Relating to Neighboring Properties. The following conditions are based upon the Applicant's discussions and agreements with the owners of properties located in the neighborhood of the Site:

- a. 68 Highland Street (Parcel 56-168): The Applicant shall preserve the existing trees on Parcel 56-173 located directly behind 68 Highland Street. The Applicant shall make good faith efforts to grant access upon Parcel 56-173 to the owner of 68 Highland Street for the installation, maintenance, and use of a bocci court or similar small, passive recreational area located close to the property line.

- b. 60 Highland Street (Parcel 56-166): The Applicant shall install a 6-foot high black chain link fence with evergreen-colored plastic slats along the boundary line of the Site adjacent to 60 Highland Street. This new fence shall be connected to the existing chain link fence located near the boundary line with 64 Highland Street.
- c. 50 Highland Street (Parcel 56-165): The Applicant shall install a berm of up to 2 feet, if/where possible, and install a 6-foot high black chain link fence with evergreen-colored plastic slats along the boundary line of the Site adjacent to 50 Highland Street.
- d. 44 Highland Street (Parcel 56-164): The Applicant shall install a 6-foot high black chain link fence with evergreen-colored plastic slats along the boundary line of the Site adjacent to 44 Highland Street. The Applicant, or the successor condominium association, shall maintain the Site in good order and, except as may be specifically authorized herein, shall not grant an easement over the Site to abutting properties.
- e. 23 Jefferson Street (Parcel 56-161):
  - i. The Applicant shall plant and maintain a hedge along and at a reasonable distance from the retaining wall that will be located above the new driveway connecting Jefferson Street to the new building garage, said reasonable distance to be sufficient to allow for the convenient maintenance of the hedge when it has grown to its mature height. The hedge location and plant type shall be mutually agreeable to the Applicant and the owner of 23 Jefferson Street, and shall at the time of planting be approximately three (3) feet in height and shall be maintained so as to not exceed five to six (5-6) feet in height at mature growth, said hedge to be located in substantially the same location as identified on the Plans. During the course of construction, the grade of the area on which the hedge will be constructed will be raised, but not to a grade that is higher than the current grade of the property at 23 Jefferson Street. The area in question will be planted after the completion of construction, but prior to the conveyance to owner of 23 Jefferson Street of an easement (described below).
  - ii. The Applicant shall, within 30 days after the issuance of an occupancy permit for the Use, grant an exclusive use permanent easement extending from the side of the hedge fronting 23 Jefferson Street to the mutual property line with the Site, in a form acceptable to the Applicant and the owner of 23 Jefferson Street. Said easement shall be recorded at the Middlesex South District Registry of Deeds, with the cost of the easement preparation to be at the expense of the Applicant and the cost of recording to be at the expense of the owner of 23 Jefferson Street.



- iii. The Applicant shall take care not to disturb and damage the wall located in front of and on the 23 Jefferson Street property during the construction process, and to assure that, to the extent that any portion of said wall that is on the Site is moved or removed as part of the driveway construction, the corner of the wall on the 23 Jefferson Street property will be rebuilt so as to be aesthetically appropriate. If any portion of the wall in front of or on the 23 Jefferson Street property is disturbed or damaged by the Applicant during construction, the Applicant shall restore the wall to its prior condition.

9. Lighting. Standard downward-facing lighting shall be used, with little to no light leaving the Site.

10. Trash Pick-Up. Trash pick-up at the Site shall be once per week and conducted during business hours only.

11. Delivery and Service Trucks. Delivery and service trucks shall conduct business at the Site during business hours only.

12. Sidewalk Reconstruction. The Applicant, its successors and/or assigns shall reconstruct the existing bituminous concrete sidewalk along the Site's frontage on Jefferson Street and as may be further agreed to by Applicant at Site Plan Review.

13. Fences and Retaining Wall. The Applicant, its successors and/or assigns shall remove the existing chain link fence that runs along the property line between the Site and the City's property at Kelleher Field; shall improve the area below the proposed retaining wall to be located at or near that property line as part of the landscaping plan; and shall maintain that retaining wall and the proposed 4-foot high fence to be built on top thereof.

14. Reconfiguration of Proposed Retaining Wall. Applicant, its successors and/or assigns shall reconfigure the proposed retaining wall to be located at the southeast corner of the Site so that the area of the driveway outside the proposed building can be made larger and the maneuvering of vehicles, including the potential staging of fire or other emergency vehicles, be made easier.

15. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its 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, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea:\_\_\_\_\_ - Nay:\_\_\_\_\_ - Absent:\_\_\_\_\_

ADOPTED  
In City Council  
Order No. 18-1007245

Adopted:\_\_\_\_\_ 2018

Approved by Mayor  
Arthur Vigeant  
Date:\_\_\_\_\_ 2018

A TRUE COPY  
ATTEST:\_\_\_\_\_ City Clerk

\_\_\_\_\_, 2018

**NOTICE OF DECISION  
GRANT OF SPECIAL PERMIT**

In City Council  
Order No. #18-1007245

Application of:  
27 Jefferson LLC

Locus:  
27 Jefferson Street, Marlborough, MA  
Map 56, Parcels 160 & 173

**DECISION**

The City Council of the City of Marlborough hereby **GRANTS** the Application of 27 Jefferson LLC, with a mailing address of 110 Pleasant Street, Unit 100, Marlborough, MA 01752, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Deleted: .

Decision date: \_\_\_\_\_, 2018

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [ ] day of [ ], 2018.

**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.

A TRUE COPY  
ATTEST:

City Clerk

**ORDERED:**

**IN CITY COUNCIL**

**DECISION ON A SPECIAL PERMIT**

Application of:  
27 Jefferson, LLC

Deleted: ,

Locus:  
27 Jefferson Street, Marlborough, MA  
Map 56, Parcels 160 & 173

**DECISION ON A SPECIAL PERMIT  
ORDER NO. 18-1007245**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to 27 Jefferson, LLC (the “Applicant”) to build and operate a multifamily building at 27 Jefferson Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

Deleted: ,

**FINDINGS OF FACT**

1. The Applicant, 27 Jefferson, LLC, is a duly organized and existing Limited Liability Company having a business address of 110 Pleasant Street, Unit 100, Marlborough, MA 01752.

2. The Applicant is the prospective owner of the property located at 27 Jefferson Street, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 56 as Parcels 160 and 173 (the “Site”). The Site’s current owner is the Donald C. Morris Trust, with a business address of 1047 Pikes Falls Road, Jamaica, VT 05343.

3. In accordance with Article VI, Section 650-17 and Section 650-18(4), of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to build and operate an 11-unit, 18,694 square foot +/- multifamily building with 24 underground parking spaces (the “Use”).

4. The Site is located in the Residence B Zoning District with frontage on Jefferson Street.

5. The Site has an area of 44,414 square feet +/-.

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6. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use, as provided in this Decision.

7. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a detailed site plan entitled “City Council Special Permit Site Plan” prepared for 27 Jefferson LLC by Hancock Associates, 315 Elm Street, Marlborough, MA and dated February 8, 2018 (the “Site Plan”), and a set of architectural plans entitled “Project: 27 Jefferson St. Residences” prepared by Khalsa Design, 17 Ivaloo Street, Somerville, MA and dated April 18, 2018 (collectively with the Site Plan, the “Plans”).

Deleted: and

8. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

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9. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, June 18, 2018. The hearing was closed on that date.

11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.

12. At the public hearing, two members of the public spoke in favor of the Use. No members of the public spoke in opposition to the Use. Further, the Applicant submitted a petition signed by nine residents of the neighborhood near the Site in favor of the Use.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING  
FINDINGS 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 special permit applications.

B. The City Council finds that the proposed Use of the Site is an appropriate use and 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 as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to build and operate a multifamily building as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

**Deleted:** <#>The City Council finds that the Plans comply with the site development provisions set forth in Section 650-22(C)(14).¶  
<#>¶

1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.

3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.

4. Modification of Plans. Notwithstanding conditions #1 and #3 above, the City Council or the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the Use as approved herein, or materially increase the impervious area of the Use, reduce the green area, alter traffic flow, increase the size, shape or position of the building, or alter the fencing bordering the property, all as shown on the Plans.

5. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised 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. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall ensure that its site superintendent during construction of the project is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control



plan. The Applicant, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

7. Owner-Occupancy. It shall be a condition of the by-laws of the condominium association governing the Use that all units that are sold will be purchased by a person or persons who intend to reside in the units. The condominium documents shall provide for appropriate daily fines for the violation of this section of the condominium by-laws, and will provide that this section may not be amended. No occupancy permit regarding the Use shall be issued unless and until the City Solicitor has certified to the Building Commissioner that the condominium by-laws, along with the condominium master deed, have been recorded. The Applicant, including its successors and assigns, may, following the issuance of the occupancy permit for a particular unit but prior to the conveyance thereof to the purchaser of the unit, rent said units to tenants; provided, however, that:

- a. No said unit shall be or continue to be rented after the fifth anniversary of the date of issuance of the occupancy permit of said unit;
- b. No unit shall be rented or continue to be rented after the seventh anniversary of the date of issuance of the first occupancy permit for the site;
- c. An executed "rent to own" contract shall qualify the subject unit as owner-occupied, so long as transfer of title for that unit occurs within 36 months of the starting date of the rental agreement for that unit;
- d. The Applicant, including its successors and assigns, shall continue to market the units as condominiums;
- e. No sign at the Site shall market any units as being for rent; however "rent to own" signs are permissible so long as they are in compliance with City's sign ordinance without variance; and
- f. No unit shall be rented to any person or persons for more than three years unless, prior to the expiration of those three years, said person or persons execute(s) a purchase and sale agreement.

The term "Applicant, its successors and assigns," as used herein and for purposes of this Condition 7, shall include Applicant, its successors and assigns, and any entity controlled by said entities, or controlled by the principal and/or principals of said entities.

8. Conditions Relating to Neighboring Properties. The following conditions are based upon the Applicant's discussions and agreements with the owners of properties located in the neighborhood of the Site:

- a. 68 Highland Street (Parcel 56-168): The Applicant shall preserve the existing trees on Parcel 56-173 located directly behind 68 Highland Street. The Applicant shall make good faith efforts to grant access upon Parcel 56-173 to the owner of 68 Highland Street for the installation, maintenance, and use of a bocci court or similar small, passive recreational area located close to the property line.

- b. 60 Highland Street (Parcel 56-166): The Applicant shall install a 6-foot high black chain link fence with evergreen-colored plastic slats along the boundary line of the Site adjacent to 60 Highland Street. This new fence shall be connected to the existing chain link fence located near the boundary line with 64 Highland Street.
- c. 50 Highland Street (Parcel 56-165): The Applicant shall install a berm of up to 2 feet, if/where possible, and install a 6-foot high black chain link fence with evergreen-colored plastic slats along the boundary line of the Site adjacent to 50 Highland Street.
- d. 44 Highland Street (Parcel 56-164): The Applicant shall install a 6-foot high black chain link fence with evergreen-colored plastic slats along the boundary line of the Site adjacent to 44 Highland Street. The Applicant, or the successor condominium association, shall maintain the Site in good order and, except as may be specifically authorized herein, shall not grant an easement over the Site to abutting properties.
- e. 23 Jefferson Street (Parcel 56-161):
  - i. The Applicant shall plant and maintain a hedge along and at a reasonable distance from the retaining wall that will be located above the new driveway connecting Jefferson Street to the new building garage, said reasonable distance to be sufficient to allow for the convenient maintenance of the hedge when it has grown to its mature height. The hedge location and plant type shall be mutually agreeable to the Applicant and the owner of 23 Jefferson Street, and shall at the time of planting be approximately three (3) feet in height and shall be maintained so as to not exceed five to six (5-6) feet in height at mature growth, said hedge to be located in substantially the same location as identified on the Plans. During the course of construction, the grade of the area on which the hedge will be constructed will be raised, but not to a grade that is higher than the current grade of the property at 23 Jefferson Street. The area in question will be planted after the completion of construction, but prior to the conveyance to owner of 23 Jefferson Street of an easement (described below).
  - ii. The Applicant shall, within 30 days after the issuance of an occupancy permit for the Use, grant an exclusive use permanent easement extending from the side of the hedge fronting 23 Jefferson Street to the mutual property line with the Site, in a form acceptable to the Applicant and the owner of 23 Jefferson Street. Said easement shall be recorded at the Middlesex South District Registry of Deeds, with the cost of the easement preparation to be at the expense of the Applicant and the cost of recording to be at the expense of the owner of 23 Jefferson Street.

- iii. The Applicant shall take care not to disturb and damage the wall located in front of and on the 23 Jefferson Street property during the construction process, and to assure that, to the extent that any portion of said wall that is on the Site is moved or removed as part of the driveway construction, the corner of the wall on the 23 Jefferson Street property will be rebuilt so as to be aesthetically appropriate. If any portion of the wall in front of or on the 23 Jefferson Street property is disturbed or damaged by the Applicant during construction, the Applicant shall restore the wall to its prior condition.

9. Lighting. Standard downward-facing lighting shall be used, with little to no light leaving the Site.

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10. Trash Pick-Up. Trash pick-up at the Site shall be once per week and conducted during business hours only.

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11. Delivery and Service Trucks. Delivery and service trucks shall conduct business at the Site during business hours only.

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12. Sidewalk Reconstruction. The Applicant, its successors and/or assigns shall reconstruct the existing bituminous concrete sidewalk along the Site's frontage on Jefferson Street and as may be further agreed to by Applicant at Site Plan Review.

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13. Fences and Retaining Wall. The Applicant, its successors and/or assigns shall remove the existing chain link fence that runs along the property line between the Site and the City's property at Kelleher Field; shall improve the area below the proposed retaining wall to be located at or near that property line as part of the landscaping plan; and shall maintain that retaining wall and the proposed 4-foot high fence to be built on top thereof.

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14. Reconfiguration of Proposed Retaining Wall. Applicant, its successors and/or assigns shall reconfigure the proposed retaining wall to be located at the southeast corner of the Site so that the area of the driveway outside the proposed building can be made larger and the maneuvering of vehicles, including the potential staging of fire or other emergency vehicles, be made easier.

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15. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its 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, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: \_\_\_\_\_ - Nay: \_\_\_\_\_ - Absent: \_\_\_\_\_

ADOPTED  
In City Council  
Order No. 18-1007245

Adopted: \_\_\_\_\_ 2018

Approved by Mayor  
Arthur Vigeant  
Date: \_\_\_\_\_ 2018

A TRUE COPY  
ATTEST: \_\_\_\_\_ City Clerk



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JULY 23, 2018

PAGE 1

## ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

I. Section 7 of Chapter 650, entitled "Districts Enumerated," is hereby amended as follows:

(1) By deleting from the first sentence the number "12" and by inserting in place thereof the number "13".

(2) By inserting at the end of the list of District types, the following:

Neighborhood Business District                      NB

II. Section 17 of Chapter 650, entitled "Table of Uses," is hereby amended as provided in the highlighted portions of Exhibit "A" attached to this order, which Exhibit "A" includes amendments not limited to the following:

(1) By inserting under the heading entitled "Zoning District Abbreviations" a new zoning district abbreviation as follows: "NB"; and

(2) By inserting beneath said new district abbreviation NB the letters "Y", "N", or "SP" as shown on said Exhibit "A".

III. Section 41 of Chapter 650, entitled "Table of Lot Area, Yards, and Height of Structures", is hereby amended as provided in the highlighted portions of Exhibit "B" attached to this order.

IV. Chapter 650, is hereby amended by inserting a new § 39, entitled "Neighborhood Business District (NB)", as follows:

### **§ 650-39 NEIGHBORHOOD BUSINESS DISTRICT (NB)**

#### **A. Purposes and Objectives.**

The purposes and objectives of the Neighborhood Business District are to encourage retail establishments and services that primarily serve the surrounding neighborhoods; enable multi-family residential and/or mixed use projects to be developed, particularly on underutilized parcels; encourage re-use/redevelopment of existing commercial, industrial or institutional properties located in the neighborhood; and assist the neighborhood to reach its full potential by encouraging restaurants, uses that take advantage of nearby open space, such as the Assabet River Rail Trail, and uses that take advantage of adjacent walkable, pedestrian-oriented neighborhoods.





# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JULY 23, 2018

PAGE 2

ORDERED:

B. Parking Requirements. Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650-49 of the Zoning Ordinance.

(1) The following provisions are applicable within the Neighborhood Business District:

[a.] Retail sales: 1 space per 250 Square feet of Gross Floor Area;

[b.] Multi-family dwelling units: 1 space per bedroom to a maximum of 2 spaces per unit; and

[c.] Restaurants, brew pubs and other eating places: The Special Permit Granting

Authority may reduce the total number of required spaces by 50% if there is a municipally-owned lot, shared parking arrangement, or significant amount of on-street spaces within 300 feet of said uses.

C. Open Space Requirements for Conversion from a 2-Family Dwelling to a 3-Family Dwelling and for Multifamily dwellings.

(1) Minimum Open Space. The minimum amount of Open Space per residential unit shall be 100 sq. ft. The open space shall be designed as usable for sitting, recreation, etc. Up to 50% of the required open space may be private open space placed in the building (recreation rooms, pools); as individual unit balconies large enough for a table and chairs; or on the roof of the structure as a garden or sitting area. Front yard planting/buffer strips which are designed for public seating or other amenities to improve the public realm, and which are made available to the public, may be included in the required open space; other required buffer and planting strips shall not count towards the required open spaces.

(2) Ground Level Open Space. All or a portion of ground level open space may be reserved for residents of the development, or made available for public use. Special permits proposals for developments which include public benefits such as public seating areas are preferred.



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JULY 23, 2018

PAGE 3

ORDERED:

- (3) Joint Open Space. Two or more developments may cooperate to share usable open space on one lot, as long as the minimum square footage per unit is maintained, and the joint open space is within 300 feet of participating developments.
  - (4) Waiver as Part of Special Permit or Under Site Plan Review. In development or redevelopment proposals where, because of site-specific circumstances, it is not possible to meet the minimum standards for Open Space, or where there is not sufficient space for ground level open space on the parcel, or where it is not desirable or possible to establish the required amount of open space for other reasons, the City, as part of Special Permit or Site Plan Review, may negotiate with the developer and may set other conditions of approval to ensure or encourage other open space benefits, or may waive strict adherence to this provision. Improvements made to an existing nearby public open space parcel, or the Assabet River Rail Trail, may be included in these negotiations.
- D. Project Review.
- (1) Site Plan Review. Projects within the Neighborhood Business District shall be subject to site plan approval in accordance with § 270-2 of the City Code.
    - (a) Site plan review applies to as of right uses and uses available by grant of a special permit within the Neighborhood Business District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas.
  - (2) Multi-family Design Review Guidelines and Review Criteria. Multi-family projects within the Neighborhood Business District will be reviewed consistent with the non-mandatory Multi-family Design Review Guidelines and Review Criteria, which guidelines and criteria will be available at the Building Department and/or on the official website of the City of Marlborough.
- E. Authority of the Special Permit Granting Authority. The City Council shall be the permit granting authority for special permit approval in the Neighborhood Business District.



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JULY 23, 2018

PAGE 4

ORDERED:

# Neighborhood Business District

- V. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit "C"). The newly established Neighborhood Business District shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

Map 68, Parcels 115, 116, 118, 119, 121, 130, 131, 132, 134, 135, 136, 154, 155, 156, 157, 158, 159, 162, 163, 164, 166, 167, 183, 184, 185, 186, 188, 189, 190, 200, 201, 202, 203; and

Map 69, Parcels 19B, 20, 21, 22, 23, 24, 25, 26, 27, 86, 87, 88, 89, 91, 94, 95, 96, 97, 99, 108, 109, 239, 240, 241, 242, 243, 243A, 243B, 257, 258, 259, 260, 261, 262, 263, 264, 265, 267, 269, 271, 274, 275, 276, 280, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 336, 337, 338, 338A, 339, 339A, 340, 341, 342, 343, 345, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 357A, 357B, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 392, 523, 523A, 528;

Those portions of Map 69, Parcels 79, 81, and 334 which are located within the B zoning district existing as of the day of this amendment; and

Map 56, Parcels 79, 80, 81, 85.

- VI. The effective date of these amendments shall be the date of their passage.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY SEPTEMBER 10, 2018.**

ADOPTED

ORDER NO. 18-1007337



# City of Marlborough

## Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3698

[LEGAL@MARLBOROUGH-MA.GOV](mailto:LEGAL@MARLBOROUGH-MA.GOV)

RECEIVED

CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

DONALD V. RIDER, JR.  
CITY SOLICITOR

M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

M. STAVROPOULOS  
PARALEGAL

July 19, 2018

President Edward Clancy and  
Members of the Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

RE: Proposed Amendment to Chapter 650 (Zoning Ordinance)  
Neighborhood Business District

Dear President Clancy and Members of the City Council:

At the request of Councilors Irish and Ossing, I submit for your consideration the attached proposed zoning amendment. On May 21, 2018 and June 25, 2018, Councilor's Irish and Ossing met with members of the Lincoln Street business community, two members of the Planning Board, the Mayor, and representatives of MEDC and MAPC to discuss zoning concepts for the French Hill/Lincoln Street area. The insights from these meetings, intended to enhance and revitalize the area, resulted in the attached proposed zoning amendment creating a new "Neighborhood Business" district. Said amendment includes Exhibits A, B and C, the latter of which is a draft map illustrating the proposed district. A final version of the map, presently in process, will be forthcoming.

The order is in proper form for your consideration. Please let me know if you have any questions.

Very truly yours,

Cynthia Panagore Griffin  
Assistant City Solicitor

Cc: Jeffrey Cooke, Building Commissioner  
Thomas DiPersio, City Engineer

PH 9/12/18  
ADV  
PB  
JA

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

I. Section 7 of Chapter 650, entitled "Districts Enumerated," is hereby amended as follows:

- (1) By deleting from the first sentence the number "12" and by inserting in place thereof the number "13".
- (2) By inserting at the end of the list of District types, the following:

Neighborhood Business District	NB
--------------------------------	----

II. Section 17 of Chapter 650, entitled "Table of Uses," is hereby amended as provided in the highlighted portions of Exhibit "A" attached to this order, which Exhibit "A" includes amendments not limited to the following:

- (1) By inserting under the heading entitled "Zoning District Abbreviations" a new zoning district abbreviation as follows: "NB"; and
- (2) By inserting beneath said new district abbreviation NB the letters "Y", "N", or "SP" as shown on said Exhibit "A".

III. Section 41 of Chapter 650, entitled "Table of Lot Area, Yards, and Height of Structures", is hereby amended as provided in the highlighted portions of Exhibit "B" attached to this order.

IV. Chapter 650, is hereby amended by inserting a new § 39, entitled "Neighborhood Business District (NB)", as follows:

**§ 650-39 NEIGHBORHOOD BUSINESS DISTRICT (NB)**

**A. Purposes and Objectives.**

The purposes and objectives of the Neighborhood Business District are to encourage retail establishments and services that primarily serve the surrounding neighborhoods; enable multi-family residential and/or mixed use projects to be developed, particularly on underutilized parcels; encourage re-use/redevelopment of existing commercial, industrial or institutional properties located in the neighborhood; and assist the neighborhood to reach its full potential by encouraging restaurants, uses that take advantage of nearby open space, such as the Assabet River Rail Trail, and uses that take advantage of adjacent walkable, pedestrian-oriented neighborhoods.

B. Parking Requirements. Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650-49 of the Zoning Ordinance.

(1) The following provisions are applicable within the Neighborhood Business District:

[a.] Retail sales: 1 space per 250 Square feet of Gross Floor Area;

[b.] Multi-family dwelling units: 1 space per bedroom to a maximum of 2 spaces per unit; and

[c.] Restaurants, brew pubs and other eating places: The Special Permit Granting Authority may reduce the total number of required spaces by 50% if there is a municipally-owned lot, shared parking arrangement, or significant amount of on-street spaces within 300 feet of said uses.

C. Open Space Requirements for Conversion from a 2-Family Dwelling to a 3-Family Dwelling and for Multifamily dwellings.

(1) Minimum Open Space. The minimum amount of Open Space per residential unit shall be 100 sq. ft. The open space shall be designed as usable for sitting, recreation, etc. Up to 50% of the required open space may be private open space placed in the building (recreation rooms, pools); as individual unit balconies large enough for a table and chairs; or on the roof of the structure as a garden or sitting area. Front yard planting/buffer strips which are designed for public seating or other amenities to improve the public realm, and which are made available to the public, may be included in the required open space; other required buffer and planting strips shall not count towards the required open spaces.

(2) Ground Level Open Space. All or a portion of ground level open space may be reserved for residents of the development, or made available for public use. Special permits proposals for developments which include public benefits such as public seating areas are preferred.

(3) Joint Open Space. Two or more developments may cooperate to share usable open space on one lot, as long as the minimum square footage per unit is maintained, and the joint open space is within 300 feet of participating developments.

(4) Waiver as Part of Special Permit or Under Site Plan Review. In development or redevelopment proposals where, because of site-specific circumstances, it is not possible to meet the minimum standards for Open Space, or where there is not sufficient space for ground level open space on the parcel, or where it is not desirable or possible to establish the required amount of open space for other reasons, the City, as part of Special Permit or Site Plan Review, may negotiate with the developer and may set other



conditions of approval to ensure or encourage other open space benefits, or may waive strict adherence to this provision. Improvements made to an existing nearby public open space parcel, or the Assabet River Rail Trail, may be included in these negotiations.

D. Project Review.

(1) Site Plan Review. Projects within the Neighborhood Business District shall be subject to site plan approval in accordance with § 270-2 of the City Code.

(a) Site plan review applies to as of right uses and uses available by grant of a special permit within the Neighborhood Business District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas.

(2) Multi-family Design Review Guidelines and Review Criteria. Multi-family projects within the Neighborhood Business District will be reviewed consistent with the non-mandatory Multi-family Design Review Guidelines and Review Criteria, which guidelines and criteria will be available at the Building Department and/or on the official website of the City of Marlborough.

E. Authority of the Special Permit Granting Authority. The City Council shall be the permit granting authority for special permit approval in the Neighborhood Business District.

V. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit "C"). The newly established Neighborhood Business District shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

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Map 69, Parcels 19B, 20, 21, 22, 23, 24, 25, 26, 27, 86, 87, 88, 89, 91, 94, 95, 96, 97, 99, 108, 109, 239, 240, 241, 242, 243, 243A, 243B, 257, 258, 259, 260, 261, 263, 258, 260, 261, 262, 263, 264, 265, 267, 269, 271, 274, 275, 276, 280, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 336, 337, 338, 338A, 339, 339A, 340, 341, 342, 343, 345, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 357A, 357B, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 392, 523, 523A, 528;

Those portions of Map 69, Parcels 79, 81, and 334 which are located within the B zoning district existing as of the day of this amendment; and

Map 56, Parcels 79, 80, 81, 85.

VI. The effective date of these amendments shall be the date of their passage.

ADOPTED

In City Council  
Order No 18-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

## 650 Attachment I

## City of Marlborough

**Table of Use Regulations**  
(§ 650-17)

[Amended 5-9-2005 by Ord. No. 05-100713C; 11-23-2009 by Ord. No. 09-1002277F;  
3-11-2013 by Ord. No. 12/13-1005235B; 10-7-2013 by Ord. No. 13-1005481D; 2-10-2014 by  
Ord. No. 13/14-1005578C; 4-28-2014 by Ord. No. 14-1005693C; 8-14-2014 by Ord. No.  
12/13/14-10052471; 12-1-2014 by Ord. No. 14-1005947C; 11-28-2016 by Ord. No. 16-  
1006631D]

**KEY:**

All uses noted with "Y" are allowed as of right, subject to any referenced conditions.

All uses noted with "SP" are allowed by special permit, subject to any referenced conditions.

All uses noted with "N" are not permitted.

	Zoning: District Abbreviations												
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV
<b>Residential Use</b>													
Single-family	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
Single-family, attached (1)	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N
Conversion of detached one-family to a two-family (2)	SP	SP	SP	SP	Y	Y	N	Y	N	N	N	N	N
Two-family homes	N	N	N	N	Y	Y	N	Y	N	N	N	N	N
Conversion of a two-family dwelling to a three (3)	N	N	N	N	SP	SP	N	SP	SP	N	N	N	N
Multifamily dwelling (4) (42)	N	N	N	N	SP	SP	N	SP	SP	N	N	N	SP
Comprehensive developments (§ 650-27)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Boarding and lodging homes	N	N	N	N	N	SP	N	N	SP	N	N	N	N
Tourist home\bed-and-breakfast	Y	N	N	N	N	Y	N	Y	N	N	N	N	SP
Open space development (§ 650-28)	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N
Trailer mobile homes (5)	SP	SP	SP	SP	SP	SP	SP	N	SP	SP	SP	SP	N
Retirement Community Overlay (§ 650-22)	N	N	N	N	N	N	N	N	N	N	SP	SP	N
Residential accessory uses (6)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Customary home occupations (7)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Yard sales, charitable sales bazaars (8)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

' (Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for use as noted in the Table of Uses.)

MARLBOROUGH CODE

	Zoning District Abbreviations												
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV
Two residential structures on a lot less than 80,000 square feet (9)	N	N	N	N	SP	SP	N	N	N	N	N	N	N
Artist studio /live/work gallery space	N	N	N	N	N	N	N	Y	N	N	N	N	Y
Recording studio/live/work space	N	N	N	N	N	N	N	Y	N	N	N	N	Y
<b>Residential Use</b>													
Assisted living facilities (44)	N	N	SP	N	N	N	N	N	N	N	N	N	N
<b>Business Uses</b>													
Convert buildings to office, bank, insurance use (18)	N	N	N	N	N	SP	N	Y	N	N	N	N	Y
Commercial kennels and animal hospitals	SP	N	N	N	N	N	N	N	N	N	N	N	N
Veterinary hospital	N	N	N	N	N	N	N	SP	N	Y	N	N	SP
Commercial kennels	SP	N	N	N	N	N	N	N	Y	Y	N	N	N
Riding academy	SP	N	N	N	N	N	N	N	SP	SP	N	N	N
Retail sales and services <75,000 square feet gross floor area (19) (43)	N	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y
Retail sales and services >75,000 square feet gross floor area (19) (43)	N	N	N	N	N	N	N	N	SP	SP	SP	SP	SP
Offices, banks, insurance and financial institutions	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y
Schools, for business, trade, music, dance, and television\or radio broadcasting studios (but not including towers)	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y
Commercial radio and television towers and wireless communications facilities (20)	SP	SP	SP	SP	SP	SP	N	SP	SP	SP	SP	SP	SP
Hotels (41)	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	Y
Hotels with conference facilities and commercial uses (21)	N	N	N	N	N	N	N	N	SP	SP	SP	SP	Y
Residential conference and training center with food and recreation services (22)	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Recreation center (23)	N	N	N	N	N	N	N	Y	N	N	SP	SP	N
Private clubs, nonprofit	N	N	N	N	N	Y	N	N	SP	SP	N	N	Y
Clubs (24)	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y
Self-service laundry	N	N	N	N	N	N	N	Y	Y	Y	N	N	SP
Medical office/clinic	SP	SP	SP	SP	SP	Y	Y	Y	Y	N	N	N	Y
Dental clinics	SP	SP	SP	SP	SP	Y	Y	Y	Y	N	N	N	Y

## EXHIBIT A

	Zoning District Abbreviations												
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV
Consumer service establishments	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y
Salesroom	N	N	N	N	N	N	N	SP	N	Y	N	N	N
Wholesale office or showroom	N	N	N	N	N	N	N	N	N	Y	N	N	N
Wholesale sale and warehousing	N	N	N	N	N	N	N	N	N	Y	N	N	N
Commercial greenhouse	N	N	N	N	N	N	N	SP	Y	Y	Y	Y	N
Motels	N	N	N	N	N	N	N	N	SP	SP	SP	SP	N
Mixed use development (42)	N	N	N	N	N	N	N	SP	SP	N	N	N	Y
Brew pubs	N	N	N	N	N	N	N	Y	SP	N	N	N	Y
Copy shops, newspaper offices	N	N	N	N	N	N	N	Y	Y	N	N	N	Y
Place of repair for cars, boats, trucks and farm equipment (25)	N	N	N	N	N	N	N	N	N	Y	N	N	N
Places of assembly	N	N	N	N	N	N	N	SP	SP	SP	N	N	SP
Outdoor recreation uses	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP
Outdoor storage (26)	N	N	N	N	N	N	N	N	Y	Y	SP	SP	N
Car parking lots, garages (27)	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Gasoline filling stations (28)	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Auto service facilities for minor repairs, changing tires and lubrication (28)	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Auto sales and service (25)	N	N	N	N	N	N	N	N	N	Y	N	N	N
Car wash (28)	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Open air markets (29)	N	N	N	N	N	N	N	N	SP	SP	N	N	Y
Shopping malls	N	N	N	N	N	N	N	N	N	N	SP	SP	N
Soil removal (30)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Accessory uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Funeral homes, parlors and mortuaries	N	N	N	N	N	Y	N	Y	N	Y	N	N	N
Public, private or commercial recreation establishments, recreation grounds or places of amusement	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP
Restaurant, cafe	N	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y
Restaurant with drive-in or drive-thru facilities (31)	N	N	N	N	N	N	N	SP	SP	SP	N	N	N
Restaurants serving food outdoors (31)	N	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y
Restaurants for employee use	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Drive-thru facilities	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Adult bookstore (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N

## MARLBOROUGH CODE

	Zoning District						Abbreviations						
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV
Adult video store (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N
Adult paraphernalia store (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N
Adult movie theatre (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N
Adult live entertainment establishment (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N
Tattoo and body piercing parlors and shops (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N
Narcotic detoxification and/or maintenance facility	N	N	N	N	N	N		N	N	SP	SP	SP	N
Medical marijuana treatment center	N	N	N	N	N	N	N	N	N	N	N	SP	N
Agriculture, Public, and Institutional Use													
Agriculture, horticulture or floriculture >5 acres (10)	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Forest, woodlots, portable, woodworking mills (11)	Y	N	N	N	N	N	N	N	N	N	N	N	N
Livestock farms > 10 acres (12)	Y	N	N	N	N	N	N	N	N	N	N	N	N
Farms and poultry farms (13)	Y	SP	SP	SP	N	N	Y	N	N	N	N	N	N
Cemeteries	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N
Hospitals and sanitarium	SP	SP	SP	SP	SP	SP	N	N	N	N	N	N	N
Correctional institutions	N	N	N	N	N	N	N	N	N	N	N	N	N
Golf courses, country clubs and beaches (14)	Y	SP	SP	SP	N	N	N	N	N	N	N	N	N
Charitable and philanthropic buildings	SP	SP	SP	SP	SP	SP	N	SP	N	N	N	N	SP
Churches and religious buildings (15)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public recreation and conservation	Y	SP	SP	SP	N	N	N	Y	N	N	N	N	N
Day camps	SP	SP	SP	SP	N	N	N	N	SP	SP	N	N	N
Public, private and religious schools, museums, libraries, parks, recreation facilities, buildings and playgrounds	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Child-care centers ( 16)	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Public utilities, not including storage yards or repair shops	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public buildings (17)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Water towers, reservoirs	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Floodplain and Wetland Protection District (§ 650-23)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y



## EXHIBIT A

	Zoning District Abbreviations												
	<b>RR</b>	<b>A-1</b>	<b>A-2</b>	<b>A-3</b>	<b>RB</b>	<b>RC</b>	<b>RC</b>	<b>NB</b>	<b>B</b>	<b>CA</b>	<b>LI</b>	<b>I</b>	<b>MV</b>
Water Supply Protection District (§ 650-24)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Convalescent and nursing homes	SP	SP	SP	SP	SP	Y	N	N	N	N	N	N	N
<b>Industrial Uses</b>													
Air ports and heliports	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Newspaper printing and publishing, job printing	N	N	N	N	N	N	N	N	N	Y	Y	Y	SP
Manufacturing where the majority of items are sold on premises to the consumer	N	N	N	N	N	N	N	N	N	Y	N	N	N
Transportation terminal and freight depot s	N	N	N	N	N	N	N	N	N	SP	SP	SP	N
Food processing plants	N	N	N	N	N	N	N	N	N	N	N	Y	N
Research, experimental labs (33)	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Bakerv (nonretail)	N	N	N	N	N	N	N	N	N	N	N	Y	N
Light non-nuisance manufacturing	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Light manufacturing, using portable electric machinery (34)	N	N	N	N	N	N	N	N	N	Y	N	N	N
Light manufacturing incidental to research	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Associated /accessory research uses (35)	N	N	N	N	N	N	N	N	N	N	SP	SP	N
Manufacturing and/or warehousing (36)	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Manufacturing or warehouse (37)	N	N	N	N	N	N	N	N	N	N	N	Y	N
Retail sales accessory to manufacturing (38)	N	N	N	N	N	N	N	N	N	N	N	Y	N
Recreation center, indoor and outdoor	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP
Power laundries	N	N	N	N	N	N	N	N	N	N	N	Y	N
Drv cleaning	N	N	N	N	N	N	N	N	Y	N	N	Y	N
Dve works	N	N	N	N	N	N	N	N	N	N	N	Y	N
Packaging or bottling plants	N	N	N	N	N	N	N	N	N	N	N	Y	N
Electric power substation for changing bulk power to distribution voltage	N	N	N	N	N	N	N	N	N	N	SP	SP	N
Accessory uses and service buildings (39)	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Large tract development (40)	N	N	N	N	N	N	N	N	N	N	N	Y	N
Data storage/ telecommunications facilities	N	N	N	N	N	N	N	N	N	N	Y	Y	

ZONING  
650 Attachment 2

**City of Marlborough**

**Table of Lot Area, Yards, and Height of Structures  
(§ 650-41)**

[Amended 12-1-2014 by Ord. No. 14-1005947C; 12-19-2016 by Ord. No. 16-1006667D]

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Maximum Lot Coverage <sup>7</sup>
Rural Residence RR	1 acre	180	25	40	50	2 ½ stories	20%
Residence A-1	22,500 square feet	150	20 <sup>2</sup>	30	40	2 ½ stories	25%
Residence A-2	18,000 square feet	120	15 <sup>2</sup>	30	40	2 ½ stories	30%
Residence A-3	12,500 square feet	100	15 <sup>2</sup>	20	30	2 ½ stories	30%
Residence B	8,000 square feet, plus 4,000 square feet for each additional dwelling unit over 2	100	15 <sup>2</sup>	20	30	2 ½ stories	30%
Residence C	10,000 square feet, plus 2,000 square feet for each additional dwelling unit over 3	90	10	20	25	3 stories	30%
Retirement Community Residence	15 acres	250 <sup>7</sup>	25 <sup>8</sup>	50 <sup>8</sup>	— <sup>8</sup>	2 ½ stories	50% <sup>9</sup>
<b>Neighborhood Business NB</b>	<b>5,000 square feet</b>	<b>50</b>	<b>10</b>	<b>15-25*</b>	<b>15-25*</b>	<b>2 ½ stories minimum; 52 ft. max</b>	<b>75%</b>
Business B	5,000 square feet	50	25 <sup>3</sup>	50	None	52 feet	30% for residential; 80% for all other uses
Commercial and Automotive CA	5,000 square feet	50	50 <sup>3</sup>	50	None	2 stories (no limit where use is exclusively for industry)	80%
Marlborough Village District MV	5,000 square feet	25	10 <sup>3</sup>	10 <sup>14</sup>	10 <sup>15</sup>	Minimum: 35 feet 6 stories: not to exceed a maximum of 70 feet <sup>12</sup>	80% <sup>13</sup>

# MARLBOROUGH CODE

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height		Maximum Lot Coverage <sup>7</sup>
						Distance from Residential Zone (feet)	Height <sup>6, 10</sup> (feet)	
Limited Industrial LI	2 acres	200	50	50	50	0 to 150:	30	60
						151 to 250:	36	
						251 to 400:	40	
						401 to 500:	52	
Industrial I	1 acre	50	25 <sup>4</sup>	40	40 <sup>5</sup>	— <sup>10</sup>		60 <sup>11</sup>

## NOTES:

<sup>1</sup> Note deleted.

<sup>2</sup> Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.

<sup>3</sup> Where abutting a residence district or within the Marlborough Village District where abutting an existing structure that has side-facing windows at the structure's lot line; otherwise 0 feet.

<sup>4</sup> Except where abutting a residence district, shall be 50 feet.

<sup>5</sup> Except for buildings extending through a block or to a railroad siding.

<sup>6</sup> For the purpose of measuring setback distances for the corresponding height restrictions, an owner of LI or I zoned land may count abutting residentially zoned land toward the setback requirement if such land is owned by the same owner. Ownership of the residential land and the LI or I land must continue to be held by the same entity.

<sup>7</sup> However, this frontage need not be contiguous.

<sup>8</sup> No part of any principal building shall be within 25 feet of any exterior lot line nor shall any part of any building be closer to any exterior lot line than the minimum side yard requirement which would have been applicable in the zoning district in which the land in question was located before it was rezoned into a Retirement Community Residence District. A building may be as close as 25 feet to the front yard line of the exterior lot; provided, however, that no said building shall be less than 50 feet from the side line of a public way.

<sup>9</sup> Excluding from lot size any land which prior to development of the site as a Retirement Community would be defined as a resource area as that term is defined in MGL c. 131, § 40.

<sup>10</sup> Buildings on a Large Tract Development Lot, which are more than 1,200 feet from a Residential Zone, may be built to a maximum height of 85 feet.

<sup>11</sup> Maximum lot coverage for a Large Tract Development Lot shall be 50%.

<sup>12</sup> Within the Marlborough Village District, special permits may allow for an increase in height to 80 feet; also, provided that the height of any development adjacent to any residential district shall be stepped down and shall not exceed 52 feet. (See § 650-33F.)

<sup>13</sup> Within the Marlborough Village District, special permits may allow for an increase in lot coverage.

<sup>14</sup> Except along the following streets in the Marlborough Village District where zero-foot setback is allowed by right: Main Street, the eastern side of South Bolton Street between Main Street and Granger Boulevard, and the northern side of Granger Boulevard between South Bolton Street and Main Street.

<sup>15</sup> Except that a special permit may be granted to reduce this to zero where public safety will not be impacted and the reduction will yield a better design.

\* 15 feet for structures under 35 feet; increases to 25 feet for taller structures.

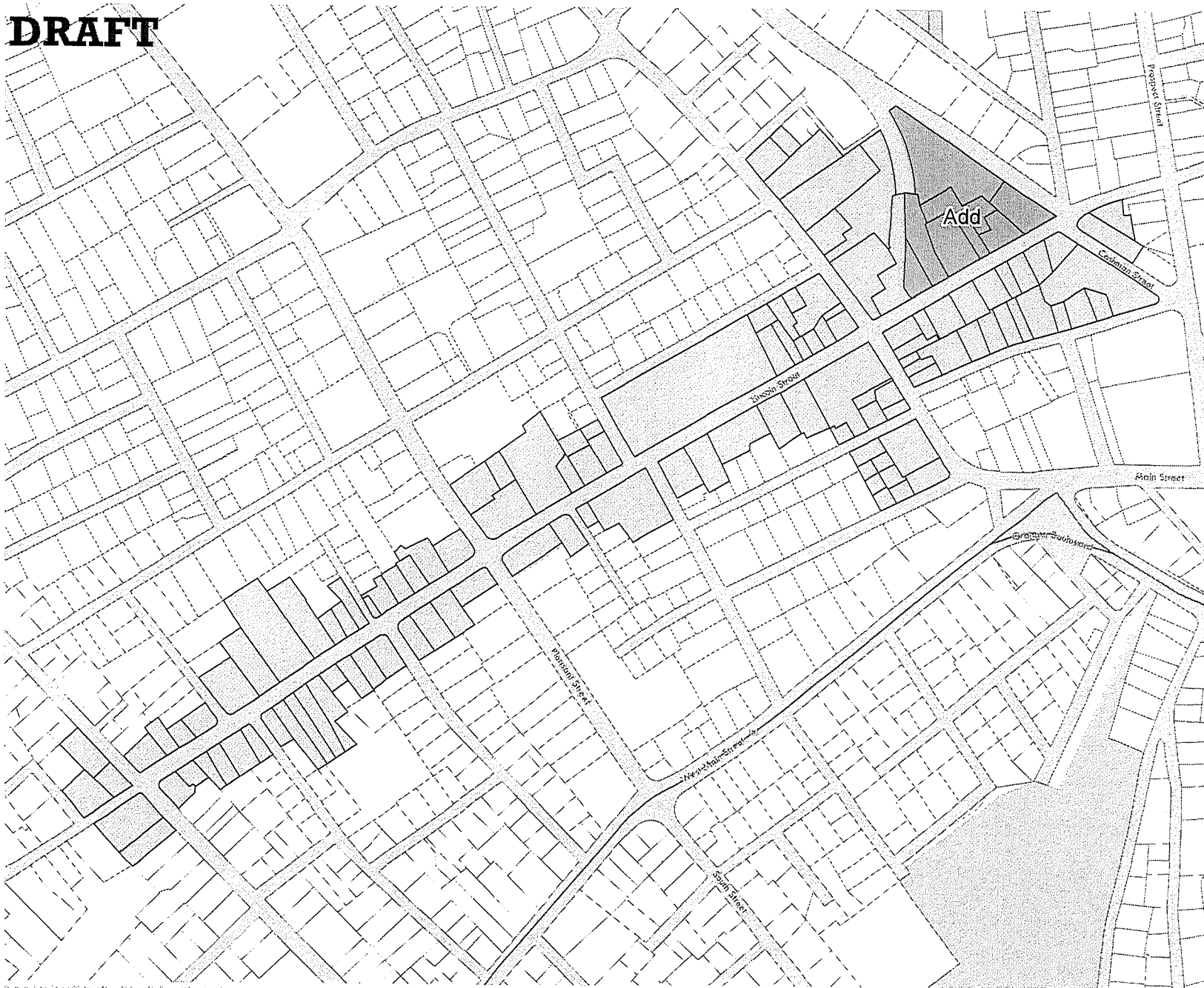
**DRAFT**

**EXHIBIT C**  
**Marlborough, MA**  
**Lincoln Street**  
**Business District**

Parcels with Frontage  
in Business District



Proposed Parcels to Include in NB  
(Currently CA)



Date: 6/11/2018



0 0.05 0.1 Miles

The information depicted on this map is for planning purposes only.  
It is not adequate for legal boundary definition, regulatory  
interpretation, or parcel-level analyses.

Produced by:  
Metropolitan Area Planning Council  
60 Temple Place, Boston, MA 02111 | (617) 933-0700

Data Sources:  
Metropolitan Area Planning Council (MAPC)  
Massachusetts Geographic Information System (MassGIS)  
Massachusetts Department of Transportation (MassDOT)

June 2018



PLANNING BOARD  
BERLIN TOWN HALL  
23 LINDEN STREET  
BERLIN, MA 01503

PLANNING BOARD  
FRAMINGHAM CITY HALL  
150 CONCORD STREET  
FRAMINGHAM, MA 01702

PLANNING BOARD  
HUDSON TOWN HALL  
78 MAIN STREET  
HUDSON, MA 01749

PLANNING BOARD  
SUDBURY TOWN HALL  
278 OLD SUDBURY ROAD  
SUDBURY, MA 01776

PLANNING BOARD  
SOUTHBOROUGH TOWN HALL  
17 COMMON STREET  
SOUTHBOROUGH, MA 01772

PLANNING BOARD  
NORTHBOROUGH TOWN HALL  
63 MAIN STREET  
NORTHBOROUGH, MA 01532

PLANNING BOARD  
WESTBOROUGH TOWN HALL  
45 WEST MAIN ST.  
WESTBOROUGH, MA 01581

MAPC  
MUNICIPAL LEGAL NOTICES  
60 TEMPLE PLACE  
BOSTON, MA 02111

PLANNING BOARD  
DEPARTMENT OF PUBLIC WORKS  
135 NEIL STREET  
MARLBOROUGH, MA 01752

BUILDING COMMISSIONER  
CITY HALL  
140 MAIN STREET  
MARLBOROUGH, MA 01752

CITY ENGINEER  
DEPARTMENT OF PUBLIC WORKS  
135 NEIL STREET  
MARLBOROUGH, MA 01752

GIS ADMINISTRATOR  
DEPARTMENT OF PUBLIC WORKS  
135 NEIL STREET  
MARLBOROUGH, MA 01752

*Noted  
2/27/18*