



# IN CITY COUNCIL

Marlborough, Mass., APRIL 10, 2023

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## ORDERED:

That the PUBLIC HEARING on the Application for a Special Permit from Attorney Sem Aykanian, on behalf of SUCIU LLC, d/b/a Exela Storage, to add additional storage units to a nonconforming storage facility located at 846 Boston Post Road East within the Wayside District, Order No. 23-1008823A, all were heard who wish to be heard, hearing closed at 8:22 PM.

**Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

## PUBLIC SPEAKING IN FAVOR

Speaking in favor was Sem Aykanian, an attorney with law offices at 74 Main Street, representing the petitioner SUCIU LLC with the LLC being named for his clients, Jasmine Mathews and her husband, Alexe Suci.

Mr. Aykanian explained this is 846-850 Boston Post Road and is the property directly east of the former Halfway Café. It was originally a Kane Storage facility and consists of two lots, the smaller lot immediately to the right of the Halfway Café and the larger lot which houses most of this storage facility. It is in the Wayside District, so the storage facility is not an allowed use anymore, but it is a preexisting, nonconforming use. Over the years, where it was Kane Storage on the main parcel, the use of the storage facility has crept into the smaller parcel. The house at 846 Boston Post Road East is in really bad shape. His clients bought the property, she is an emergency room physician, and he has a history and background in the moving and storage business. This is a mom-and-pop shop, not part of any corporate chain. They bought the property thinking that maybe they would try and rehab the house and get a rental income, but the house is in really bad condition and has not been lived in for several years. Looking at the property, Mr. Aykanian stated there is very little of a decent argument that could be made from a land use planning that this should be a residence. There is a future Mexican restaurant on one side and a heavy storage facility on the other side, it is not a place most people would want to live and it not the highest and best use given what is on the ground. Furthermore, looking to the right of the house, there is a wetlands area. It was also discovered that this property does not have a regular septic system but a cesspool that has failed. So, to put in a new septic system would be cost prohibitive near the wetlands area. Also, although it is not completely impervious, the soil is compacted pretty hard. Mr. Aykanian explained they have been in front of the Conservation Commission for their proposal and there was some question with the Building Department about whether they had to appear before the City Council, but they did proceed with the Conservation Commission who paused their application with them so the applicant could receive City Council approval before proceeding any further. Priscilla Ryder and the Conservation Commission are pausing their application until they can hopefully return with a positive vote from the City Council.



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Mr. Aykanian displayed some current photographs of the property and indicated it would take a lot for it to be livable aside from the fact they do not think it is a great place to live. He next presented a rendering of what they are proposing from the view of Route 20/Boston Post Road where there are five storage facility units on top of five units on the same foundation as the existing structure. Mr. Aykanian explained access is by Old Boston Post Road, the road that goes down to the transfer station, where one would take a right to get into this building. Mr. Aykanian displayed a rendering with the view from the street where there is a platform to access it and a walkway going around and that is how one would access it with a loading dock on that side. The next view was from the entrance, the storage units on the left are already in place and that is what they are proposing. It is a modest increase in the nonconformity. Units one to five are accessed via the gravel driveway on the first level and six to ten are accessed by the loading dock. In the applicant's packets, there are enlarged copies of the actual plan done by their engineers. Their proposal is still with the Conservation Commission where there have been several productive meetings and Mr. Aykanian was confident, they were going to be able to satisfy them for this minimal increase. There will be no increase in the square footage from what is there now, and it will remove an eye sore from that site.

### QUESTIONS FROM THE PUBLIC

Robert Preciado, 5 Springhill Avenue, asked what the Conservation Commission had said about the property and their modifications to it. Mr. Aykanian has not been a part of those hearings, but their engineer has so he could not exactly answer the question, but he knew there had been some give and take and there have been some plan modifications and he has a lot of confidence in Priscilla Ryder and the Conservation Commission, but he has not been part of those discussions. President Ossing stated the next Conservation Commission meeting is April 20<sup>th</sup> at 7:00 PM when this will be on the agenda.

Harmony Larson, 173 Barnard Road, noted from the rendering, it looks like they have big metal bins like a tractor trailer might haul and she asked if they are moveable, are they permanent, and will they look like they blend in with the other units on the site. Mr. Aykanian stated they are designed to not be moved; they can be moved but they are not designed for someone moving so they will be staying at the site.

### PUBLIC SPEAKING IN OPPOSITION

No one spoke in opposition.



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### QUESTIONS FROM CITY COUNCIL

Councilor Doucette knows the property very well and he agreed it has been slowly deteriorating over time. He noted those are effectively shipping containers and Mr. Aykanian believed that was correct and invited Mr. Suciu up to answer questions. Councilor Doucette thought if this was done right, it can be an improvement to the property and not replacing an eyesore with another one. He would like to see some sort of blockage like arborvitaes or something similar. Mr. Aykanian agreed that was a good idea and something they can work on in committee. Councilor Doucette did not consider their rendering to be a showstopper but if it is something that people drive by and do not notice he is fine with that too.

Councilor Wagner was having a hard time understanding access and requested clarification. Mr. Suciu explained there is the loading dock for trucks and would be at the same level as the units. Councilor Wagner's concern was people would stop on Route 20 to access the upper level. Mr. Aykanian stated there is no access from Route 20.

Councilor Perlman had a question on the image from the front of the new design and its proximity to Boston Post Road. She understands it may not be a correct rendering of how close it might be but definitely in committee it would be important to know what that setback is because it does feel like if people are accessing it from that direction, it almost feels like it should be reversed, and one would access it from the other side. She would like them to be thoughtful about that as they work with conservation. They obviously want to take care of the wetlands because if it was a residential property and would need repairs to utilize it and this does seem like a use that could fit particularly given the existing units but she would be concerned about the access point so that is something to consider as they move forward. Mr. Aykanian referred Councilor Perlman to the actual plans that do show the setbacks.

Councilor Oram asked what would prevent someone from driving their car to the front because he did not see any barriers between Route 20 and the storage trailers. Mr. Aykanian did not think the slope was even doable, but it is something they can address in committee and Councilor Oram's point was well taken. Councilor Oram thought arborvitaes being put in would prevent access and Mr. Aykanian thought that would help.

Dr. Jasmine Mathews, 10 Sherbrooke Drive, Dover, was at the conservation meetings and could answer the questions regarding the trees and shrubbery. Dr. Mathews explained they felt very positively about this, but they did question the proximity of the wetlands and what they would do to make it a little sightlier. The discussion was about there being some trees that are dead and would have to be taken care of and things conservation was dealing with but what they discussed is the applicant would be replacing whatever trees are coming out and then to protect Route 20, they would be putting trees and shrubbery to block it and make it a little bit more sightly but also in light of the conservation meeting and it will be addressed again later in the month but it has been an active discussion in terms of what they are putting in, where and how many.



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Councilor Oram repeated his concern to Dr. Mathews that cars would try and pull off Route 20 and make a quick visit and move along and he wanted to make sure there is something in place to prevent that from happening. Mr. Aykanian stated there would be no ability to access this unless you drive through as designed.

Councilor Landers concern is always curb appeal and he does not find this design too attractive. The units themselves could come off of a container ship and he asked if they are going with that style. Mr. Aykanian stated it has yet to be determined but these are samples and color, and design can be adjusted but this was a rendering they hired to have done but it can be further discussed in committee. Councilor Landers thought design, color, and landscaping should be considered as it is the entrance to the city and from their presentation it looks like a construction site was trying to get going and they dumped these ten containers on the site. There is no curb appeal, and the site is half mile into the city. There are a lot of storage units in the city and some of them do not look too bad and if they adjusted their design to not be a big box it would look better. Mr. Aykanian stated they are committed to making it better than what is there now.

Councilor Robey asked Mr. Aykanian if his clients owned the Exela that is next door to this lot which he confirmed. Councilor Robey noted in looking at all of this information on the GIS map, it looks like the storage that is currently behind the existing house is abutting onto city property as is one of the other storage containers on the other lot and was that discussed in conservation. Mr. Aykanian stated that has yet to be determined but it is something they saw and have some concern about, but it should not affect this particular proposal. Councilor Robey was looking because there is nothing that says they cannot, and she drove into the Exela driveway of the existing property next door, and one can actually drive around the back of that building to get to this property as another way to get there versus coming in off Route 20 on the entrance to the city's transfer station which was confirmed by Mr. Aykanian. Councilor Robey was in agreement that this does not have curb appeal. She stated this is in Urban Affairs and reminded everyone, this is a preexisting, nonconforming site and they do not have to do anything with it if they choose not to. They specifically changed the zoning so that storage units could not be in this area but unfortunately one exists.

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

ADOPTED

ORDER NO. 23-1008823B