

DRAFT DECISION

TROMBETTA'S
CONTRACTOR YARD

IN URBAN AFFAIRS

MAY 1, 2023

ORDERED:

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT

Application of:
Trombetta Family Limited Partnership

Locus:
655 Farm Road, Marlborough MA, 01752
Assessor's Map 85, Parcels 10 and 12 (Parcel 10 has an address of 10 Broadmeadow Street, Marlborough MA, 01752).

Owners:
Trombetta Family Limited Partnership and Charles P. Trombetta, Trustee of the 10 Broadmeadow Realty Trust (Parcel 12).

**DECISION ON A SPECIAL PERMIT
ORDER NO. 23-100824**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to The Trombetta Family Limited Partnership (the "Applicant") for a contractor's yard at 655 Farm Road, in the Limited Industrial Zoning District, as provided in this Decision and subjected to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicants, Trombetta Family Limited Partnership is a Massachusetts Limited Partnership with an address of 655 Farm Road, Marlborough, MA 01752.
2. The Applicant is the owner of the property located at 655 Farm Road, Marlborough Massachusetts, 01752 (Map 85, Parcel 12) and Charles P. Trombetta, Trustee of the 10 Broadmeadow Realty Trust is the owner of the property at 10 Broadmeadow Street, Marlborough Massachusetts, 01752 (Map 85, Parcel 10) (Both properties together are the "Site").
3. In accordance with Article V, Section 650-17 and Section 650-18.A(48), of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes

a contractor's yard at the Site (the "Use"). As shown on the Plans referenced in Paragraph 5 below, the Use consists of trailers/containers, accessory parking, outdoor storage areas and landscaped areas.

4. The Applicant, by and through its engineer, filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application) for the Use.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a site plan entitled "Proposed Site Plan of 655 Farm Road, Marlborough, MA (Map 85, Parcels 10 and 12) dated September 15, 2022" by Connorstone Engineering, with the last revision date of November 15, 2022, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special (collectively the "Plans") attached hereto as "Attachment A".
6. The Application was certified as completed by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
7. The Site is located in the Limited Industrial Zoning District.
8. The Site has an area of 306,616 square feet.
9. The proposed lot coverage of 180,640 square feet (58.9% lot area) would maintain an area in compliance with Zoning Table of Lot Area, Yard and Height of Structures (60%).
10. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statues 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 advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on March 27, 2023. The public hearing was held at Marlborough City Hall, 140 Main Street. The hearing was closed March 27, 2023.
12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
13. At the public hearing, eight members of the public spoke in favor of the Use and no members of the public spoke in opposition to 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 present Use of the Site is an appropriate use 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 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 for a contractor's yard at 655 Farm Road, 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, if any, 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 build according to the Plans as may be amended during Site Plan Review.
 2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions Subsequent Site Plan Review shall be consistent with all the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
 3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the City Council or the Site Plan Review Committee may approve engineering changes to the Plans, so long as said changes do not change the Use approved herein, or materially increase the impervious area of the Use, reduce the green area or alter traffic flow, all as shown on the Plans.
 4. 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.
 5. Operating Hours. Hours of operation are 7:00AM to 7:00PM Monday through Saturday.

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. 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. Traffic Pattern. All tenants and visitors are to enter and exit via the southern driveway shown on the Site Plan.
8. Screening. In accordance with Section 650-18(48) of the Zoning Ordinance, the Applicant shall install screening to screen areas of the Site used for the storage of vehicles, equipment, and materials from adjacent properties as follows:
 - A. South Property Side Line
 - I. #20 and #30 Broadmeadow Street- existing mature screening.
 - II. #50 Broadmeadow Street- existing 6-foot private fence and longer storage building.
 - III. #56 Broadmeadow Street- existing fence is a mix of 6-foot privacy fence and 6-foot black vinyl coated chain link fence along with existing an arborvitae space and deciduous trees. Applicant to supplement screening with arborvitae and other plantings to infill gaps within existing screening as shown on the Site Plans. The material stockpiles abutting the fence are to be removed.
 - B. Rear Property Line- Existing dense vegetation provides dense screening to Wayside Athletic Club. There is a vacant parcel of land (approximately 60 feet wide) between the Site and the Wayside Athletic Club. Applicant shall remove all gravel surfaces and containers within the required 7-foot setback and install plantings as shown on the Site Plan.
 - C. Northern Property Line- Northern Property Line abuts 667 Farm Road and 665 Farm Road. This line includes existing 6-foot stockade fencing and a 6-foot privacy fence. An existing vegetated buffer has been planted over the past several years as shown on the Site Plan.
9. Leased Areas. Containers are provided to each leased area and are utilized to provide tenant with a space to secure and protect their daily and seasonal equipment. The containers are used to store hand tools, lawn maintenance equipment, snow equipment and similar. Storage of unregistered vehicles is not allowed. Tenants are not allowed to perform vehicle repairs and/or maintenance within the contractor's yard.

- 10. Outdoor Storage Areas. In accordance with Section 650-18(48) of the Zoning Ordinance, the outdoor storage of vehicles, equipment, and materials shall be located on impervious and otherwise dust-free surfaces. Materials shall be stored with sufficient protections to avoid damage to landscaped areas and to avoid interference with the proper functioning of stormwater infrastructure. Storage of propane, chemicals, or hazardous material, is not allowed.
- 11. Noise and Air Quality. The Applicant, its successors and/or assigns, shall comply with the City's Noise Ordinance and shall comply with all state and federal requirements governing air quality and emissions.
- 12. Lighting. Exterior lighting at the Site shall be downward facing from three 15-foot posts shown on the Site Plan with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review Process. Exterior lighting at the Site shall be shut off outside of operating hours, except for lighting necessary for security and emergency access.
- 13. 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 Recoded Special Permit to the City Council's Office, the Building Department, and the City Solicitor's Office.

Yea: _____ - Nay: _____ - Absent _____
 Yea: _____, _____, _____, _____, _____, _____, _____,
 Nay: _____, _____,
 Absent: _____, _____,

 Signed by City Council President
 Michael H. Ossing

ADOPTED
 In City Council
 Order No. 23-100824

