



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 21, 2022

ORDERED:

That there being no objection thereto set **MONDAY DECEMBER 19, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for a Special Permit from Attorney Brian Falk, on behalf of Octo48, LLC d/b/a Action Precision Machining to convert a preexisting nonconforming warehouse use to a machine shop at 269 Mechanic Street, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Ninety days after public hearing is 03/19/23 which falls on a Sunday, therefore 03/20/23 would be considered the 90th day.

ADOPTED

ORDER NO. 22-1008741

MIRICK O'CONNELL

A T T O R N E Y S A T L A W

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 NOV 17 AM 9:56

Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

November 17, 2022

VIA HAND DELIVERY

Councilor Michael Ossing, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Special Permit Application for Action Precision Machining

Dear Councilor Ossing:

On behalf of my client Octo48, LLC, d/b/a Action Precision Machining (principal George Mongeau), I submit the enclosed application for a "Section 6 finding" special permit to convert a preexisting nonconforming warehouse use to a machine shop at 269 Mechanic Street.

This property has hosted various manufacturing and warehouse uses predating the original adoption of the Zoning Ordinance. The property was rezoned from Limited Industrial to Residence B in 2019 as a prerequisite to a sale of the property for a residential project. That sale never went through, and the property continued to be operated as a warehouse. Following the 2019 Zoning Map amendment, the building and parcel are preexisting nonconforming with respect to use, dimensional controls, and parking.

Action Precision Machining plans to relocate its machine shop operation to the property without exterior changes to the building. The change from one nonconforming use to another nonconforming use may be allowed through a Section 6 finding special permit from the City Council under Section 650-12.B of the Zoning Ordinance. The change in use also requires site plan approval from the Site Plan Committee.

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/

cc: Client

{Client Matter 32277/00001/A8089370.DOCX}

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 19, 2022

PAGE 1

ORDERED:

That the PUBLIC HEARING on Application for a Special Permit from Attorney Brian Falk, on behalf of Octo48, LLC d/b/a Action Precision Machining to convert a preexisting nonconforming warehouse use to a machine shop at 269 Mechanic Street, Order No. 22-1008741, all were heard who wish to be heard, hearing closed at 8:14 PM.

- a) Communications from various residents, re: Support of the Application for Special Permit by Octo48, LLC, 269 Mechanic Street.

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

PUBLIC SPEAKING IN FAVOR

Speaking in favor, attorney Brian Falk, Mirick O'Connell, 100 Front Street, Worcester appeared on behalf of the applicant, Octo48, LLC, which is doing business as Action Precision Machining, with the owner, George Mongeau, present. This is an application for a "Section 6 finding" special permit to modify the pre-existing, nonconforming warehousing use of this property to a machine shop, a light manufacturing use.

Mr. Falk had a presentation with a display of the existing building at 269 Mechanic Street. The building has been at this site since the early 1900's and was used for commercial purposes. Mr. Mongeau's father operated a business from this building in the 1960's and 1970's. This property was rezoned from Limited Industrial to Residential B in 2019 as part of a plan to build a residential project at the property. That plan did not move forward but the site has remained in commercial use, and it is now a pre-existing, non-conforming use with the change to a residential zone. It is legally pre-existing, nonconforming, the existing commercial operation can stay there indefinitely, and this is essentially a special permit to allow a modification of that pre-existing, nonconforming use. It was most recently used as a warehouse for DN Van Lines until May of this year when Mr. Mongeau purchased the property.

Mr. Falk reviewed the color version of the site plan they submitted with their application and showed the location of the building adjacent to the rail trail. Mr. Mongeau plans to operate his machine shop in the existing building and does not plan to make changes to the site at this time. It will largely stay the same but with the machine shop indoors as opposed to the warehousing use.

Action Precision is a tool and die operation making metal parts primarily for the aerospace industry. There will be six to twelve people on site during regular hours with six to twelve vehicles during the day. Deliveries will be two to three trips per week of smaller sized trucks. Mr. Mongeau is an active owner, operator and is on site most of the time that the business is in operation. This use will have a much lower impact to the surrounding neighborhood as the prior warehouse use involved numerous trucks coming and going throughout the day. Action Precision will be a much quieter neighbor.



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 19, 2022

PAGE 2

ORDERED:

This a Section 6 Finding Special Permit under Section 650-12 of the zoning ordinance. Unlike other special permits that are typically before the council, the standard of review is a little different. The council may grant this special permit upon finding the new use is not substantially more detrimental to the neighborhood than the existing nonconforming use. They believe the council may make this finding as Mr. Mongeau's use will be less detrimental to the neighborhood than the prior use. Mr. Mongeau has made himself known to the neighbors upon buying the property and he has submitted to the council letters in support of this application from three of the abutting property owners including the owner of the two properties that are on either side of the driveway to this business.

QUESTIONS FROM THE PUBLIC

President Ossing requested the City Clerk read a letter received that afternoon:

Letter addressed to the City Council regarding the Special Permit Application for Action Precision Machining, 269 Mechanic Street:

Dear Councilors,

As a 32-year resident of Marlborough living in the home my great grandfather and grandfather built in 1926, I'm writing with my concerns and questions regarding the above-mentioned property. It is my hope as an abutting property owner that this property remains residentially zoned. As we all know there's a great need in the city to create more housing. In 2019, the Council agreed that this property was well suited for residential zoning with a unanimous and uncontested vote. As voted by the City Council, this property is now residential and should remain as such. As stated, on July 11, 2019 "this will remain a consistent use pattern for the subject area." Of great concern that a change in zoning would be used as a precedence for future zoning changes in and around the immediate area and the city as a whole. The current request being voted on is to change from residential to industrial. Past zoning classification should have nothing to do with this change. The zoning was changed to residential for a reason in 2019. With this location being surrounded by all residential homes, it is of great concern. The City Council supported this change to residential for a reason and it should not be reversed. A change to reverse this decision in the middle of a residential neighborhood would allow for any future industrial operation to operate if and when there was to be a change in ownership.

Questions and concerns:

1. Answers on the impact statement, would these answers become part of a permanent order of conditions if approved?
2. Would the operation be limited to normal business hours, Monday through Friday?
3. What are the hours of operation?
4. Does this include Saturdays and Sundays?
5. Impact question 8A, currently noise is non-existent so it would not remain the same with car radios and diesel trucks running.



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 19, 2022

PAGE 3

ORDERED:

6. Drainage issues, will the new owner be responsible and required to repair? Past meetings have addressed the drainage issues.
7. What size trucks will be entering and exiting the property? There doesn't appear to be enough room for large trucks, would this mean that they would be using Mechanic Street for loading and unloading?

It is extremely presumptuous for the applicant to install signage at the property prior to the Council's hearing or even a sign permit.

On a personal note, it is my desire and belief that it is important to keep this neighborhood protected and continually work towards creating and establishing a neighborhood setting along with growing traffic and speeding, creating an increased noise level, all of which has made for a challenging "right to enjoy one's property." I'm sure that the Council and certainly the residents would agree that there are other areas located within the city better suited to place a machine shop or the like. To accommodate and/or reverse change in zoning would be irresponsible by the City Council and further disrupting a neighborhood setting and not allowing for the need for increased housing. In closing, what municipality with any consideration or concern for its residents would change residential zoned area to industrial. I thank you for hearing my concerns and addressing my questions.

Sincerely,

Mary Giorgi

270 Mechanic Street

Mr. Falk addressed some of the questions from Ms. Giorgi:

- It is not a zone change; they are not going back. It is still going to be zoned Residence B, so a residential use could come to the site at any time under the current zoning, but the existing commercial use is allowed to continue essentially indefinitely under zoning. It became pre-existing, nonconforming when the zoning map amendment took effect, and it stays that way. So, when there is a pre-existing, nonconforming use like this, the City Council may grant a change in use and that is what they are applying for, but it remains zoned residential that that change is not being upended here.
- Regarding their business hours. Mr. Mongeau runs one shift. It is not overnight or multiple shifts, it is one shift. It is generally normal business hours, sometimes as early as six but more of an eight to five operation depending upon activity. It is not typically on the weekends and maybe the odd Saturday, but not typically operating on the weekends.
- In terms of noise, Mr. Mongeau's operation over the last ten years in Leominster with the same type of use had no noise issues. It is all inside and there is no work outside.
- Trucks would be coming into the site, loading and unloading on site. They would not be using Mechanic Street, and these are typically smaller trucks not typically large wheel base 40 trucks.
- Regarding signage, there was a sign that was put up and as soon as it was brought to their attention, the sign came down.



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 19, 2022

PAGE 4

ORDERED:

PUBLIC SPEAKING IN OPPOSITION

Mary Giorgi, 270 Mechanic Street, requested to be recorded in opposition to the application.

QUESTIONS FROM THE CITY COUNCIL

Councilor Doucette asked if their intent was to use the entire facility which was confirmed by the applicant.

Councilor Oram stated it says machine shop but what type of actual work occurs within this machine shop. Mr. Mongeau explained he is a job shop that does a lot of specialty work. He does work for different companies that do some aerospace work, there are a bunch of companies down on the Cape that have autonomous subs that they make down there, and they make a lot of parts for those, titanium, and things like that so it is a lot of specialty one offs, small production runs, it is specialty work. Councilor Oram asked the question to get an idea of the noise generated such as whether they use grinders or welding torches and does noise get projected out from their work area. Mr. Mongeau stated they use some grinders, but very little, most of it is all milling and lathe machines that they do turning with or machining centers which are all enclosed. Mr. Mongeau has tried to be very courteous to his neighbors in Leominster and many times he has gone outside and talked to the neighbors about noise, and he is going to try and respect that point going forward with neighbors as they move in.

Councilor Irish asked what size vehicles they would be using to load and unload at the site; would they be minivan type sizes or something else. Mr. Mongeau indicated some of the raw materials come in on a flatbed truck or small box truck, a straight job, that is what they usually bring it in on. They do not need something that big, but they make deliveries to other places, and he is just one piece of it. They stop by, deliver one pallet off the truck, and that is it. Councilor Irish asked where they would be entering in from and Mr. Mongeau responded there are two loading docks on the building. Councilor Irish referenced when the Council rezoned the property to residential and some of the issues with the abutters and their easements and is he anticipating any change of easements on that property to widen the driveway entrance. Mr. Mongeau replied in the future yes, and he has already spoken to that neighbor; they are in agreement but have no formal deal.

Councilor Robey stated this is in Urban Affairs, and the next Urban Affairs Committee chairman has not been named but once that is determined, there will be a meeting set. For the Council, this did go to Site Plan Review Committee and Councilor Robey believed they would be going back to Site Plan so some discussion will be ensuring the look of the property and making sure that is done through their review and then it will be discussed in Urban Affairs Committee next year.

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

ADOPTED

ORDER NO. 22-1008741A

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

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Octo48, LLC, d/b/a Action Precision Machining, 269 Mechanic Street, Marlborough, MA

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

269 Mechanic Street; Parcel Number 56-125

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

Same.

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

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

Article IV Section 650-12 Paragraph B Sub-paragraph

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

Residence B

7. Specific reason(s) for seeking Special Permit

The Applicant seeks a Section 6 finding special permit pursuant to Section 650-12 of the Zoning Ordinance

to alter a preexisting nonconforming warehouse use at 269 Mechanic Street to a machine shop

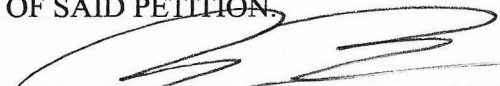
(specifically manufacturing, precision instruments, tool and die). The use, lot, parking, and principal structure

are all preexisting nonconforming. The new use will occupy the existing structure without changes to the

exterior of the building.

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: Brian R. Falk, Attorney for the Applicant
Mirick O'Connell, 100 Front Street
Worcester, MA 01608

Telephone No. 508-929-1678

Date: _____

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

Octo48, LLC, d/b/a Action Precision Machining

(Name of Petitioner)

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

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

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Octo48, LLC Address: 269 Mechanic Street, Marlborough, MA

Project Name: Action Precision Machining Address: 269 Mechanic Street, Marlborough, MA

1. PROPOSED USE: (describe) Machine Shop (manufacturing, precision instruments, tool and die)

2. EXPANSION OR NEW: Alternation of preexisting nonconforming use

3. SIZE: floor area sq. ft. 16,662 1st floor 6,898 all floors 16,662
buildings 1 # stories 2 lot area (s.f.) 32,814

4. LOT COVERAGE: > 30 % Landscaped area: < 70 % (Preexisting Nonconforming)

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 6 Peak period: 12

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 6 Peak period: 12

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

Truck deliveries 2 to 3 times per week.

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

Existing lighting.

8. NOISE:

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

Same.

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

None.

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

None.

10. WATER AND SEWER: Describe any unusual generation of waste. _____

None.

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

Small amounts of paint thinner and lubricating oil, disposed of as needed using professional services.

***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: 11/16/2022

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Action Precision Machining

Project Use Summary: Machine Shop (manufacturing, precision instruments, tool and die)

Project Street Address: 269 Mechanic Street

Plate: _____ Parcel: 56-125

Applicant/Developer Name: Octo48, LLC, d/b/a Action Precision Machining

Plan Date: September 7, 2022 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,

Tin Htway
Acting Director of Planning

**Application Fee to submit to
City Clerk's office**

\$500

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

**Steven W. Kerrigan
City Clerk**



Dear Applicant,

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

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

1 SET POLICE CHIEF _____
1 SET FIRE CHIEF _____
1 SET CITY ENGINEER _____
1 SET DIRECTOR OF PLANNING _____
1 SET CONSERVATION OFFICER (IF WETLANDS AFFECTED) _____
1 SET BUILDING COMMISSIONER _____
12 SETS OFFICE OF THE CITY COUNCIL _____
3 SETS OFFICE OF THE CITY CLERK _____ (**MUST be Original** & 2 Complete Sets)

Signature

Date

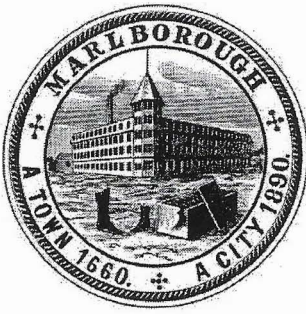
Thank you for your cooperation in this matter.

Sincerely,

*Steven W. Kerrigan
City Clerk*

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

**Steven W. Kerrigan
City Clerk**



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

Company Name

Octo48, LLC, d/b/a Action Precision Machining

Owner Name/Officer Name of LLC or Corporation

George Mongeau, Manager

Owner/Officer Complete Address and Telephone Number

269 Mechanic Street

Marlborough, MA

508-929-1678 (Attorney Brian Falk)

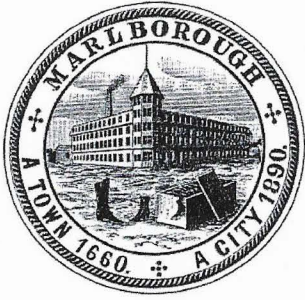
Signature of Applicant

Attorney on behalf of Applicant, if applicable


Attorney Brian Falk, on behalf of the applicant

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

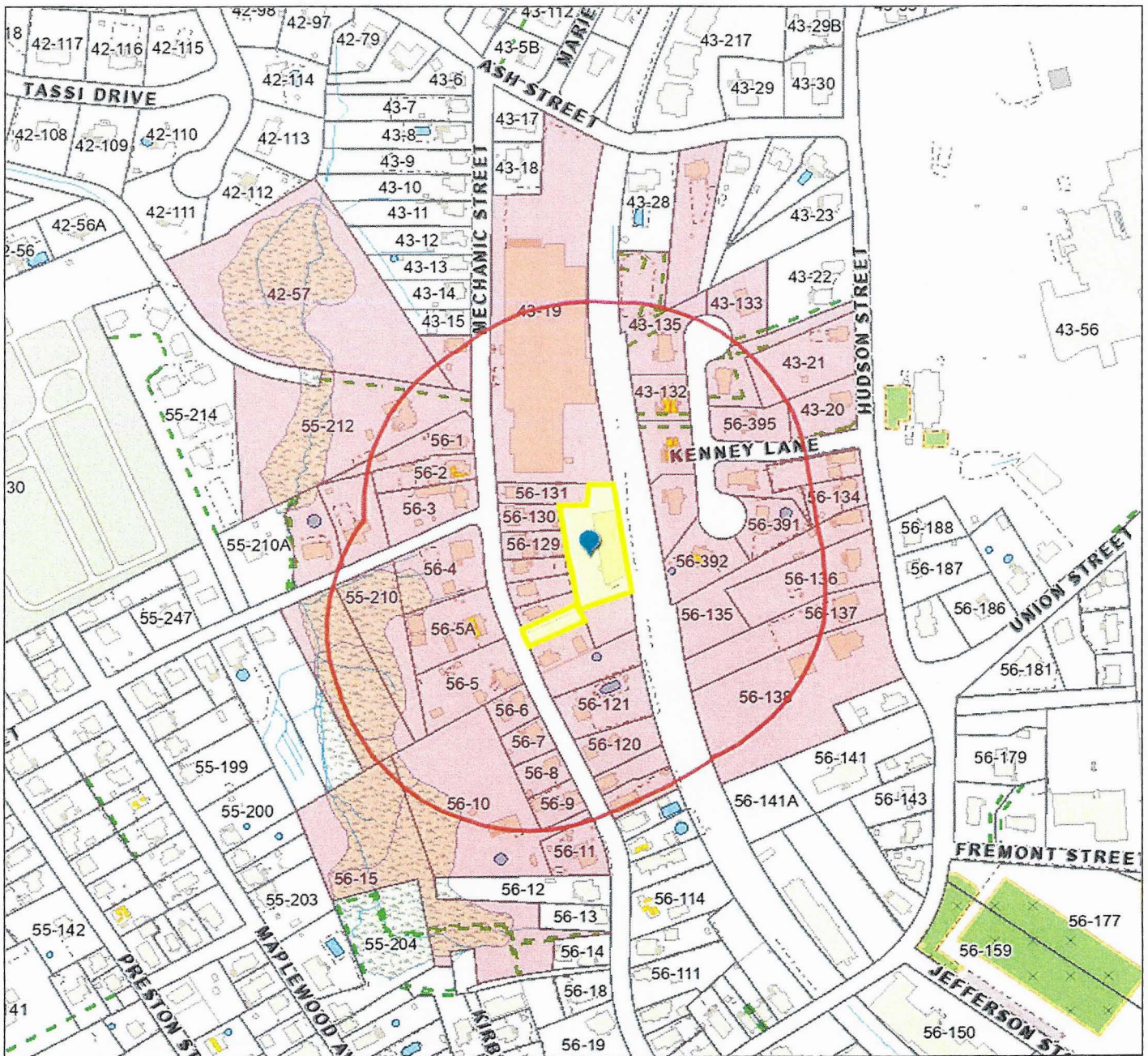

Tax Collector



City of Marlborough
Office of the Assessors
140 Main Street
Marlborough, Massachusetts 01752
TDD (508) 460-3610
Phone: (508) 460-3779

ABUTTERS LIST MAP

269 MECHANIC ST (56-125) 400 FT



Property Location 269 MECHANIC ST
 Vision ID 4374

Account # 00021704

Map ID 56/125//

Bldg # 1

Bldg Name
 Sec # 1 of 1

Card # 1 of 1

State Use 4010
 Print Date 6/23/2022 11:45:40 P

CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT					
CARM GREB LLC		4 Rolling	1 All Public	1 Paved	1 Urban	Description	Code	Appraised	Assessed	228 MARLBOROUGH, MA	
PO BOX 2664						IND BLDG	4010	779,600	779,600		
REAL_OWNERS MA 01703						IND LAND	4010	171,900	171,900		
						IND BLDG	4010	8,900	8,900		
SUPPLEMENTAL DATA						Total				960,400	960,400
Alt Prcl ID 56/125// Deed Ref Aff Housin Schedule I LCD CERT GIS ID M_195141_900338		PROBATE Assoc Pid#									

VISION

RECORD OF OWNERSHIP							BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)									
CARM GREB LLC							51213	0344	05-23-2008	U	I	900,000	1V	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
ASSABET STORAGE INC							32779	0138	05-01-2001	U	I	400,000	1	2022	4010	779,600	2021	4010	779,600	2020	4010	579,600
FERRECCHIA JAMES W							16654	0584	12-20-1985	U	I	0			4010	171,900		4010	190,900		4010	190,900
														4010	8,900		4010	9,500		4010	9,500	
							Total						960,400		Total		980,000		Total		780,000	

EXEMPTIONS				OTHER ASSESSMENTS			
Year	Code	Description	Amount	Code	Description	Number	Amount
Total			0.00				

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD			
Nbhd	Nbhd Name	B	Tracing
0001			

APPRAISED VALUE SUMMARY	
Appraised Bldg. Value (Card)	740,600
Appraised Xf (B) Value (Bldg)	39,000
Appraised Ob (B) Value (Bldg)	8,900
Appraised Land Value (Bldg)	171,900
Special Land Value	0
Total Appraised Parcel Value	960,400
Valuation Method	C
Total Appraised Parcel Value	960,400

NOTES	
1- DN VAN LINES 800-516-6837 80 STORAGE UNITS ALL THREE FLOORS FACTOR W/125A STEEL FLRS FREIGHT ELEV	
FY19 COMBINED 56-125A	

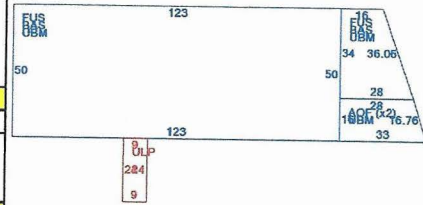
BUILDING PERMIT RECORD									
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	

VISIT / CHANGE HISTORY						
Date	Id	Type	Is	Cd	Purpose/Result	
06-14-2019	JF	02		14	Field Review	
04-06-2010	WH			00	Measured & Listed	
05-02-2006	WH			00	Measured & Listed	

LAND LINE VALUATION SECTION																
B	Use Code	Description	Zone	LA	Land Type	Land Units	Unit Price	I. Factor	Site Index	Cond.	Nbhd.	Nbhd Adj	Notes	Location Adjustme	Adj Unit Pric	Land Value
1	4010	Industrial Wareh	RB			32,782 SF	5.82	1.00000	A	1.00	C010	0.900		0	5.24	171,900

Total Card Land Units | 1 | AC | Parcel Total Land Area: | 1 | Total Land Value | 171,900

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	401	Industrial Flex			
Model	96	Industrial			
Grade	03	Average			
Stories:	2				
Occupancy	2.00				
Exterior Wall 1	20	Brick			
Exterior Wall 2					
Roof Structure	03	Gable or Hip			
Roof Cover	04	Tar & Gravel			
Interior Wall 1	01	Minimum			
Interior Wall 2					
Interior Floor 1	02	Minimum			
Interior Floor 2	12	Hardwood			
Heating Fuel	03	Gas			
Heating Type	04	Hot Air Ducted			
AC Coverage	02	Partial			
Building Use	4010	Industrial Warehouse			
Total Rooms					
Total Bedrms	00				
Total Baths	0				
Heat/AC	01	Packaged			
Class	03	Masonry			
Plumbing	02	Average			
Ceiling Finish	00	None			
Partitions	02	Average			
Wall Height	11.00				
% Conn Wall					
1st Floor Use:	4000				
			MIXED USE		
			Code	Description	Percentage
			4010	Industrial Warehouse	100
					0
					0
			COST / MARKET VALUATION		
			RCN		1,898,911
			Year Built		1917
			Effective Year Built		1960
			Depreciation Code		G
			Remodel Rating		
			Year Remodeled		
			Depreciation %		61
			Functional Obsol		
			External Obsol		
			Trend Factor		1
			Condition		
			Condition %		
			Percent Good		39
			RCNLD		740,600
			Dep % Ovr		
			Dep Ovr Comment		
			Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Bilt	Cond. Cd	% Good	Grade	Grade Adj	Appr. Value
ELEV	ELEVATOR/ST	B	2	50000.00	1960		100		1.00	39,000
PAV1	PAVING-ASPH	L	15,000	1.00	1980		59		1.00	8,900

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
AOF	Office	976	976	976	113.08	110,366	
BAS	First Floor	6,898	6,898	6,898	113.08	780,026	
FUS	Finished Upper Story	6,898	6,898	6,898	113.08	780,026	
UBM	Unfinished Basement	0	7,386	1,847	28.28	208,859	
ULP	Unfinished Loading Platform	0	216	43	22.51	4,862	
Ttl Gross Liv / Lease Area		14,772	22,374	16,662		1,884,139	



Manager Comments

269 Mechanic Street

In Urban Affairs

February 9, 2023

City Council

From: Tin Htway
Sent: Tuesday, December 13, 2022 10:00 AM
To: Mike Ossing
Cc: William Paynton; Kathleen Robey; Karen Boule; Mayor; Patricia Bernard; Ethan Lippitt; Pamela Wilderman
Subject: Re: 269 Mechanic Street Sign Question

Mike,

No permit was issued from our office. I received an email from a resident early this morning. My staff and I are attending our annual building official meeting this morning. I will look into the matter later today.

Best Regards,

Tin Htway, CBO
Building Commissioner
Marlborough Building Department
140 Main St. 2nd Floor, City Hall
Marlborough, MA 01752
(508) 460-3776 x30208

Sent from iPhone, apologies for any typos.

On Dec 13, 2022, at 9:53 AM, Mike Ossing <atlarge_3@marlborough-ma.gov> wrote:

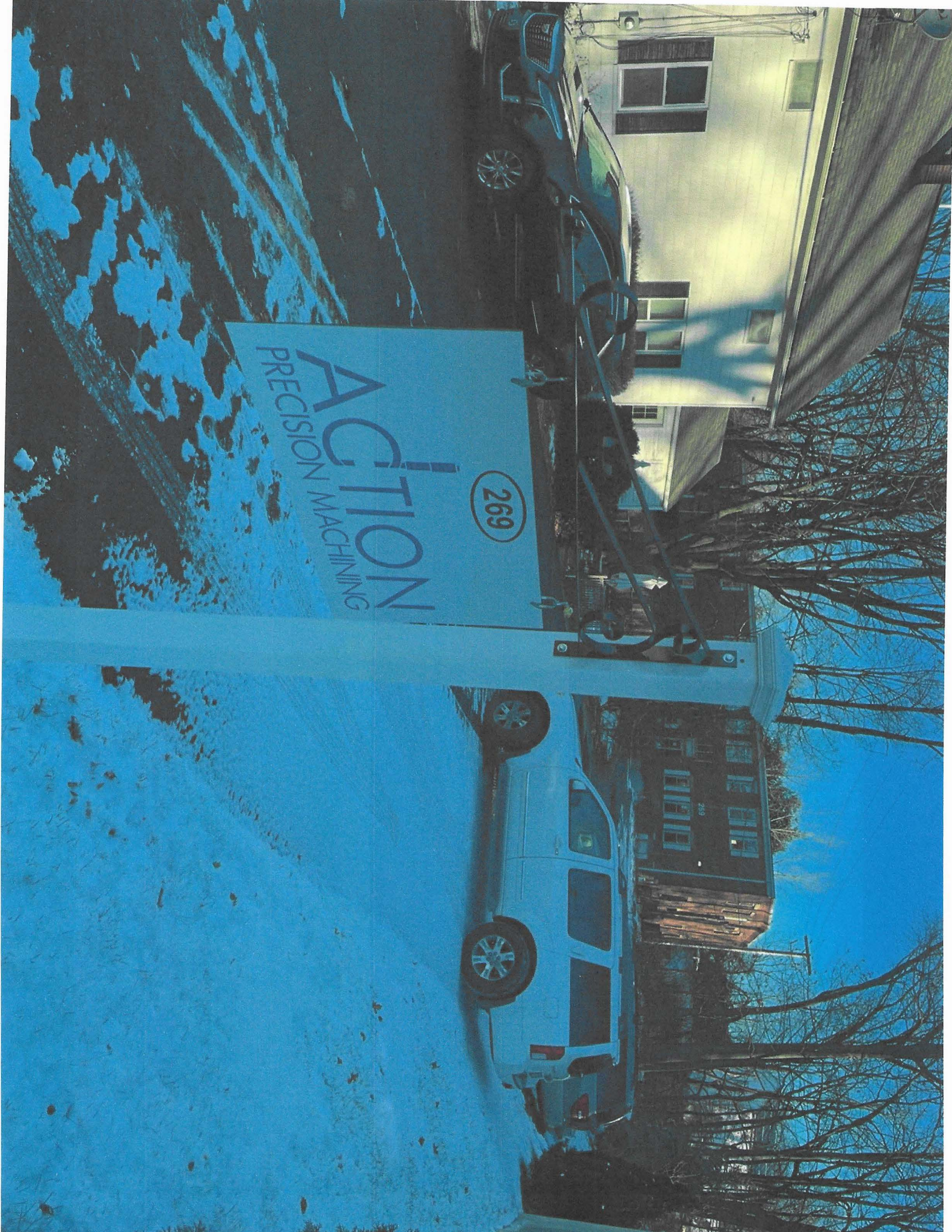
Tin/Bill

There is a sign at 269 Mechanic Street for Action Precision Machining (pictures below). They are currently before the city council for a special permit for a change of use (warehouse to machining). I was contacted by a resident regarding the sign that appears on the street. Does this type of sign require a sign permit?

Please advise prior to the public hearing which is scheduled for December 19, 2022.

Thanks

Mike



ACTION
PRECISION MACHINING

269

269

City Council

From: Pamela Wilderman
Sent: Tuesday, December 13, 2022 10:14 AM
To: bfalk@mirickoconnell.com
Cc: Tin Htway; City Council; Mayor
Subject: 269 Mechanic Street

Good morning Brian: I understand that you are representing the new owner of 269 Mechanic Street. I also understand that you have a hearing on Dec. 19. Unfortunately, your client has already erected a sign for his machine shop without benefit of a permit or occupancy.

Could you please contact your client and have that sign removed asap. I don't want to start this process by sending citations....

Pamela A. Wilderman
Chief Code Enforcement Officer
City of Marlborough
140 Main Street
Marlborough, MA 01752
508 460-3776 X30201
pwilderman@marlborough-ma.gov

City Council

From: City Council
Sent: Tuesday, January 31, 2023 5:18 PM
To: Kathleen Robey
Cc: Mike Ossing; Karen Boule
Subject: From Code Officer Wilderman: SpecialPermitMechanicStreet269_HistoricSign2023-0131.pdf
Attachments: SpecialPermitMechanicStreet269_HistoricSign2023-0131.pdf

Code Officer Wilderman provided a picture of a business sign circa 2011 at the entrance of 269 Mechanic Street.

KB

Google Maps 257 Mechanic St



Image capture: Aug 2011 © 2023 Google



269 Mechanic St

All

Street View & 360°

City Council

From: Priscilla Ryder
Sent: Thursday, January 26, 2023 4:56 PM
To: City Council
Cc: Candace McGrath; Patricia Bernard; Tin Htway; Thomas DiPersio; Jeffrey Emanuelson; Kevin Breen; David Giorgi; John Garside; Ashley Miller; Jason Grossfield
Subject: 269 Mechanic St. - Site Plan Review Committee Comments
Attachments: 3- Special Permit Decision - 269 Mechanic (A8139134x7A575).DOCX

To: Urban Affairs Committee

The Site Plan Review Committee has reviewed the Special Permit Request before City Council for 269 Mechanic St. The Committee overall had no issues with this change in use as presented. However, as with all project the city strives to make existing lots and structures come into compliance with current regulations as much as is feasible and practical given current site constraints. Therefore, Site Plan Review permit for this project is warranted. The Site Plan Review Committee will look to see improvements to, driveway entrance widening, drainage improvements between the building and the bike path, visual improvements along the bike path including plantings and cleaning up this area, and improve buffering to existing neighbors. Therefore, we have added the following condition to the draft special permit conditions E. 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 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.

If you have any questions please let us know.

Thank you.

On behalf of the Site Plan Review Committee meeting

Priscilla Ryder

Conservation/ Sustainability Officer

140 Main St., City Hall, Marlborough, MA 01752 tel: 508-460-3768

“Whenever there’s a large spill of solar energy, it’s just called a nice day” northern sun

City Council

From: Kevin Breen
Sent: Tuesday, January 31, 2023 2:16 PM
To: City Council
Subject: RE: DRAFT DECISION FROM ATTORNEY FALK FOR COMMENT: Public Hearing Notice, Special Permit, Octo48, LLC, Order No. 22-1008741

Hi Karen:

No adverse comments from MFD on this application for a special permit.

Thank you!

KJB

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Thursday, January 26, 2023 12:45 PM
To: Priscilla Ryder <pryder@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; John Garside <jgarside@marlborough-ma.gov>
Cc: Kathleen Robey <atlarge_4@marlborough-ma.gov>; Mike Ossing <atlarge_3@marlborough-ma.gov>; Karen Boule <kboule@marlborough-ma.gov>
Subject: FW: DRAFT DECISION FROM ATTORNEY FALK FOR COMMENT: Public Hearing Notice, Special Permit, Octo48, LLC, Order No. 22-1008741

I will be working with Atty. Falk and Urban Affairs members on a meeting date to review the special permit application together with the draft decision submitted by Atty. Falk.

Your comments on this request to change a legally pre-existing, nonconforming use to another use would greatly assist the committee in its review.

Thank you.

KB

Karen A. Boule, Secretary
Marlborough City Council
City Hall, 2nd Floor
Marlborough, MA 01752
508-460-3711
citycouncil@marlborough-ma.gov

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Thursday, January 19, 2023 3:01 PM
To: Priscilla Ryder <pryder@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Tin Htway <thtway@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; John Garside <jgarside@marlborough-ma.gov>
Cc: Kathleen Robey <atlarge_4@marlborough-ma.gov>; Karen Boule <kboule@marlborough-ma.gov>
Subject: DRAFT DECISION FROM ATTORNEY FALK FOR COMMENT: Public Hearing Notice, Special Permit, Octo48, LLC, Order No. 22-1008741

_____, 2023

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. 22/23-1008741

Application of:
Octo48, LLC

Locus:
269 Mechanic Street, Marlborough, MA
Parcel 125 on Assessors Map 56

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Octo48, LLC, with a mailing address of 269 Mechanic Street, Marlborough, MA, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: _____, 2023

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [] day of [], 2023.

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:
Octo48, LLC

Locus:
469 Mechanic Street, Marlborough, MA
Parcel 125 on Assessors Map 56

**DECISION ON A SPECIAL PERMIT
ORDER NO. 22/23-1008741**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Octo48, LLC (the “Applicant”) for a manufacturing use (precision instruments, tool and die) at 269 Mechanic Street, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Octo48, LLC, is a Massachusetts limited liability company with an address of 269 Mechanic Street, Marlborough, MA 01752.
2. The Applicant is the owner of the property located at 269 Mechanic Street, Marlborough, Massachusetts, being shown as Parcel 125 on Assessors Map 56 (the “Site”).
3. In accordance with Article IV, Section 650-12.B, of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes a change of the preexisting nonconforming warehouse use at the Site to a manufacturing use (precision instruments, tool and die) (the “Use”). As shown on the Plans referenced in paragraph 5 below, the Use consists of a commercial building to contain the manufacturing operation, loading areas, accessory parking, and landscaped areas.
4. 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.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a site plan entitled “Plan of Land, 269 Mechanic Street, Marlborough, Massachusetts” by Chappell Engineering Associates, LLC, dated September 7, 2022, in

accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit (the “Plans”), attached hereto as “Attachment A.”

6. The Application was certified as complete 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 has an area of 32,814 square feet +/- as shown on the Plans.

8. The Site has hosted various manufacturing and warehouse uses since the early 1900s.

9. The Site was rezoned from Limited Industrial to Residence B in 2019. Following this Zoning Map amendment, the Site became preexisting nonconforming with respect use, various dimensional controls, and parking.

10. 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 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 Monday, December 19, 2022. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on December 19, 2022.

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. As part of the public hearing, three residential abutters to the Site submitted letters in support of the Use. A letter with questions about the Use was submitted by a residential neighbor, whose opposition to the Use was noted at the public hearing.

**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 change to a manufacturing use (precision instruments, tool and die) would not be substantially more detrimental to the neighborhood than the existing warehouse use of the Site.

C. The City Council finds that the preexisting nonconforming warehouse use of the Site has not been abandoned or not used for a period of two years or more.

D. The City Council finds that the proposed Use is not enlarged to more than 25% of the floor and ground area of the preexisting nonconforming warehouse use, as no changes are proposed to the exterior of the building or the Site.

E. 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 change the preexisting nonconforming warehouse use at the Site to a manufacturing use (precision instruments, tool and die) 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 at 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.

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 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.

3. 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.

4. Operations. All manufacturing activities shall take place indoors. All loading and unloading shall take place within the Site and not on Mechanic Street. The maximum hours for manufacturing activities (excluding administrative and maintenance operations, and employees arriving and leaving before and after shifts) shall be Monday through Saturday from 7:00 a.m. to 6:00 p.m.

5. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties. Exterior lighting at the Site shall be shut off outside of operating hours, except for lighting necessary for security and emergency access.

6. Signs. Signage at the Site shall comply with the City's Sign Ordinance.

7. Noise and Air Quality. The Applicant shall comply with the City’s Noise Ordinance and shall comply with all state and federal requirements governing air quality and emissions.

8. 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 -** ___
Yea: _____, _____, _____, _____, _____, _____, _____, _____,
Nay: _____, _____,
Absent: _____, _____,

Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
Order No. 22/23-1008741

Attachment A

December 19, 2022

Councilor Michael Ossing
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Permit Application for Action Precision Machining
269 Mechanic Street, Marlborough, MA 01752

Dear Councilors,

As a 32 year resident of Marlborough living in the home my great grandfather and grandfather built in 1926. I am writing with my concerns and questions regarding the above mentioned property. It is my hope as an abutting property owner that this property remain residentially zoned.

As we all know there is a great need in this city to create more housing. In 2019 the council agreed that this property was well suited for residential zoning with it's unanimous and uncontested vote. As voted by the city council this property is now residential and should remain as such. As stated in July 11, 2019 "This will maintain a consistent use pattern for the subject area."

I have great concern that a change in zoning could be used as a precedence for future zoning changes in and around the immediate area and the city as a whole.

The current request being voted on is to change from residential to industrial. Past zoning classification should have nothing to do with this change. The zoning was changed to residential for a reason in 2019.

With this location being surrounded by all residential homes in is of great concern. The city council supported this change to residential for a reason and it should not be reversed.

A change to reverse this decision in the middle of a residential neighborhood would allow for any future industrial operation to operate if and when there was to be a change in ownership.

Questions and Concerns:

1. Answers on the impact statement; would these answers become part of a permanent order of conditions if approved?
2. Would this operation be limited to normal business hours Monday-Friday?
3. What are the hours of operation?
4. Does this include Saturdays and Sundays?

5. Impact question 8A; currently noise is non-existent, so it will NOT remain the same. Car radios, diesel trucks running?
6. Drainage issues; Will the new owner be responsible and required to repair? Past meetings have addressed the drainage issues.
7. What size trucks will be entering and exiting the property? There doesn't appear to be enough room for large trucks. Would this mean that they would be using Mechanic Street for loading and unloading?

It was extremely presumptuous for the applicant to install signage at the property prior to the councils hearing or even a sign permit.

On a personal note, it is my desire and belief that it is important to keep this neighborhood protected and continually work towards creating and establishing a neighborhood setting. Along with growing traffic and speeding; creating an increased noise level. All of which has made for a challenging "right to enjoy ones property".

I am sure that the council and certainly the residents would agree that there are other areas located within the city better suited to place a machine shop or the like.

To accommodate and or reverse a change in zoning would be irresponsible by the city council in further disrupting a neighborhood setting and not allowing for the need for increased housing.

In closing, what municipality with any consideration or concern for it's residents would change a residential zoned area to industrial?

I thank you for hearing my concerns and addressing my questions.

Sincerely,

Mary Giorgi
270 Mechanic Street
Marlborough, MA 01752