

March 17, 2021

Manager Comments
Amended
Special Permit Decision
Fire Code Report

Modification to add kitchenettes to
existing guest rooms and convert
manager's residence to guest room for
total of 65 units

In Urban Affairs

NOTICE OF DECISION
GRANT OF MODIFICATION OF SPECIAL PERMIT

In City Council
Order No. 21-1008171

Application of Diversified Funding Acquisition LLC
63 Atlantic Avenue
Boston, MA 02110

Locus:
880 Donald J. Lynch Boulevard
Map 50, Parcel # 4B

DECISION

The City Council of the City of Marlborough voted to **GRANT** a Modification of a Special Permit for a 65-guest room extended-stay hotel to Diversified Funding Acquisition LLC, having a usual place of business at 63 Atlantic Avenue, Boston, Massachusetts 02110, and its successors or assigns, as provided in this decision (hereinafter referred to as the “Decision”), subject to the following Findings of Facts and Conditions.

Decision filed: _____, 2021

The Decision of the City Council was filed in the Office of the City Clerk of Marlborough on the ____ day of _____, 2021.

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, Massachusetts.

DECISION ON A SPECIAL PERMIT APPLICATION

The City Council of the City of Marlborough hereby GRANTS the application for a Modification of a Special Permit (hereinafter the “Special Permit Modification”) to Diversified Funding Acquisition LLC, having a usual place of business at 63 Atlantic Avenue, Boston, Massachusetts 02110, and its successors or assigns, as provided in the Decision and subject to the following Findings of Facts and Conditions:

FINDINGS OF FACTS AND CONDITIONS

1. Diversified Funding Acquisition LLC is a limited liability company authorized to do business in Massachusetts having a usual place of business at 63 Atlantic Avenue, Boston, Massachusetts 02110, hereinafter referred to as the “Applicant.”
2. Devki, L.L.C., is a limited liability company authorized to do business in Massachusetts having a usual place of business at 29 Horizon Drive, Cranston, Rhode Island 02921. Devki, L.L.C. is the owner of the property known as 880 Donald J. Lynch Boulevard, Marlborough, Massachusetts, and shown on the City of Marlborough Assessor’s Maps as Map 50, Parcel 4B (hereinafter referred to as the “Site”).
3. On December 31, 2020, the Applicant filed with the City Clerk of the City of Marlborough an application (hereinafter referred to as the “Application”) for a modification of a special permit under Chapter 650 (Zoning) of the Code of the City of Marlborough (hereinafter referred to as the “Zoning Ordinance”), Article VIII, Section 650-59. The Application seeks to modify the special permit granted by the City Council on October 6, 1986 for a 64-room hotel on the Site (hereinafter the “Special Permit”) as follows: (a) to approve the addition of kitchenettes to all guest rooms, and (b) to approve the conversion of the Manager’s residence to a guest room, for a total of 65 guest rooms (the “Project”). The Project does not include any external changes on or to the Site or any expansion or alteration of the shape or size of the existing building on the Site (hereinafter the “Building”).
4. The Application consisted of the following: (a) an Application to the City Council for the Special Permit Modification; (b) a Special Permit Application Certification by the Planning Department; (c) a Special Permit Summary Impact Statement; (d) a Certification of Payment of Municipal Taxes; (e) a filing fee of \$250.00; and (f) Exhibits to the Application, including (i) a Special Permit Narrative, (ii) a copy of the Special Permit, as recorded, (iii) a copy of architectural drawings setting out the proposed interior improvements to the Building, (iv) a copy of the Building Commissioner’s letter denying the application for a building permit until such time as the Applicant obtains the Special Permit Modification, and (v) a Certified Copy of the Abutters List from the City of Marlborough Assessor’s Office.
5. The Planning Department certified the Application under the provisions of Article VIII, Section 650-59C(1) of the Zoning Ordinance as complying with the information requirements of the application rules and being complete and conforming to the Zoning

Ordinance and the rules and regulations for submission of an application for a modification of a special permit.

6. Pursuant to the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A, the City Clerk established a date for a public hearing on the Application and caused to be advertised notice of said date and hearing in the appropriate newspaper and received confirmation that notice of said hearing was sent to abutters entitled to notice under law. Such notice was published, mailed, and posted in accordance with applicable law.
7. Pursuant to Massachusetts General Laws Chapter 40A, the City Council held a public hearing concerning the Application (hereinafter the “Public Hearing”) on Monday, February 8, 2021.
8. The Applicant presented testimony at the Public Hearing detailing the Project, its impact upon municipal services, the neighborhood, and such other issues as the City Council deemed appropriate with due consideration to the concerns of members of the public.
9. The Applicant provided written and oral documentation and testimony to the City Council regarding (a) the improvements associated with the Project and (b) the Project’s positive economic impact on the community. No person or organization spoke in opposition to the Application.
10. The Project is located on a 2.2±-acre parcel of land on the south side of Donald J. Lynch Boulevard. The Applicant seeks to improve a hotel that has been in operation on the Site for approximately 34 years.
11. The Site is zoned Limited Industrial, and the proposed use is allowed with a special permit from the City Council. The hotel use was authorized in 1986 by the Special Permit.
12. There will be no change to the size or shape of the Site, to the area covered by impervious surface, or to the size or shape of the Building.
13. The Project consists of adding kitchenettes to the 64 hotel rooms in the Building without changing the dimensions of those rooms, and converting the manager’s residence to a 65th hotel room, also with a kitchenette. Other minor interior changes are proposed that are consistent with use as a hotel.
14. The Site presently has 70 parking spaces and will still have 70 parking spaces if the Special Permit Modification is issued. The Zoning Ordinance requires one parking space per guest room. The conversion of the manager’s residence to a guest room, for a total of 65 guest rooms, does not require additional parking spaces to be added to the Site.
15. The Site is connected to the municipal water system, but not the municipal sewer system; rather, sewage disposal is currently handled through an on-site septic system. As a

condition of approval set forth below, the Applicant will connect the building to the municipal sewer system. This connection will not adversely impact the municipal sewer system. The Project will not create any material change to (a) the existing traffic impacts of the hotel or (b) the impact per room on the municipal water system.

16. The proposed work includes necessary upgrades to the electrical utilities serving the building. After the interior remodeling work is complete, the electricity service will be adequate to supply power to the kitchenettes added to the existing hotel rooms.
17. The Project facilitates extended stays by hotel guests, who will contribute disposable income to the local business community by purchasing goods and services.
18. The Applicant produced a report dated March 5, 2021, from Eric M. Camiel, P.E., C.E.T., a professional fire protection engineer with the firm Jensen Hughes (hereinafter referred to as the "Fire Code Report"). The Fire Code Report presents the results of an on-site inspection and code review of the existing fire protection sprinkler system, specifically evaluating the impact of the proposed guest room alterations on the code compliance of the existing sprinkler system layout. The Fire Code Report finds that the installation of cabinetry in accordance with the plans appended to the Application will not adversely affect the existing sprinkler layout in five of the six types of proposed unit layouts, those five being Type A, B, C, E, and F Units. The Fire Code Report finds that the installation of cabinetry in accordance with the plans appended to the Application will obstruct the existing sidewall sprinkler located in one type of proposed unit layout, that being Type D Units. There are four (4) proposed Type D Units. The Fire Code Report notes that the Applicant will modify the sprinkler layout for Type D Units so that these units are code compliant after the alterations are complete.

**BASED UPON THE ABOVE, THE CITY COUNCIL FO THE CITY OF
MARLBOROUGH MAKES THE FOLLOWING FINDINGS AND CONDITIONS**

1. The City Council finds that it may grant the Special Permit Modification, subject to the terms and conditions set forth in this Decision, to encourage the most appropriate use of the Site and promote and conserve the health and general welfare of the inhabitants of the City of Marlborough.
2. Pursuant to Massachusetts General Laws Chapter 40A, § 9, the City Council finds that the Project is in harmony with the general purpose and intent of the Zoning Ordinance. In addition, pursuant to Article VIII, Section 650-59(C)(12)(a) of the Zoning Ordinance, the City Council finds that the proposed Special Permit Modification is not in conflict with public health, safety, convenience and the welfare and is not detrimental or offensive. The Project does not produce a material increase in the scale of a development, nor does it produce a material increase in impact on municipal services, the environment, or the neighborhood. The City Council makes this determination subject to the completion and adherence by the Applicant to the conditions more fully set forth herein.
3. The Applicant has complied with all of the relevant rules and regulations promulgated by the City Council as they pertain to the Application.

4. Pursuant to its authority under General Laws Chapter 40A, the City Council GRANTS the Applicant the Special Permit Modification to convert the manager's residence to a guest room for a total of 65 guest rooms and to add kitchenettes to each of the guest rooms, and to make other modifications all as set out on the plans appended to the Application, subject to the following conditions (the "Conditions"):
 - (a) Project Plans and Specifications. Construction of the interior improvements to the Building shall be in accordance with all applicable building codes and zoning regulations presently in effect in the City of Marlborough and the Commonwealth of Massachusetts.
 - (i) The Project shall be constructed, maintained and operated according to the specifications, terms, and conditions of the Application, and in compliance with the Conditions.
 - (ii) All plans and other documentation provided by the Applicant as part of the Application are herein incorporated into and become a part of this Special Permit Modification and become conditions and requirements of the same.
 - (iii) Notwithstanding Condition (i) and (ii) hereof, changes may be made to said plans as approved by the Building Commissioner so long as said changes do not change the use of the Site as approved herein, or increase the size or shape of the Building.
 - (b) Hazardous Waste. The Applicant shall comply with all directives by the Department of Environmental Protection of the Commonwealth of Massachusetts relative to the existence of any hazardous waste which may be located on the Site, including compliance with the provisions of Massachusetts General Laws Chapter 21E and any other laws and as they relate to the authority of the City of Marlborough Fire Chief.
 - (c) Compliance with Local, State and Federal Laws. The Applicant shall comply with all applicable rules, regulations and ordinances of the City of Marlborough and the Commonwealth of Massachusetts and Federal agencies as they may apply to the construction, maintenance, and operation of the Project, including, without limitation, the State Building Code.
 - (d) Water-Sewer. The Applicant shall connect the existing building to the municipal sewer system. Provided that it is feasible and legally permissible, the Applicant shall connect the building to the sewer system via the sewer line that serves the adjacent parcel with a street address of 876 Donald J. Lynch Boulevard, shown on the City of Marlborough Assessor's Maps as Map 50, Parcel 4A. If it is not feasible or legally permissible to connect via the service line at 876 Donald J. Lynch Boulevard, then the Applicant may connect to the municipal sewer system associated with Donald J. Lynch Boulevard, including excavating the road, if necessary, provided that the Applicant satisfy such conditions as are required by the Department of Public Works and are customary for similarly-situated connections. In either case, the Applicant shall present a design plan showing the proposed sewer connection for approval by

the Department of Public Works and shall obtain all necessary permits and approvals prior to commencing the construction work on the sewer connection. The kitchenettes shall not include garbage grinders until the building is connected to the municipal sewer system. Water and sewer services provided to the Project shall be subject to currently applicable City-wide water and sewer charges subject to annual adjustment by the Commissioner of Public Works.

- (e) On Duty Employees: During the operation of the facility, one employee will be on duty at all times.
- (f) Fire Protection Sprinkler System: The Applicant shall adhere to the Fire Code Report and shall modify the sprinkler layouts in Type D Units so that, upon completion of the alterations to the four Type D Units, these units shall have fire protection sprinkler systems that are code compliant. Upon completion of these modifications, the Applicant shall submit a follow-up report to the Fire Department presenting the opinion of a professional fire protection engineer that the modified sprinkler layout for all four Type D Units is code compliant.

APPROVED

Yea: ___ - Nay: ___ - Abstained: ___

Yea:

Abstained:

ADOPTED

In City Council

Order No. 21-1008171

Adopted _____, 2021

NOTICE OF DECISION
GRANT OF MODIFICATION OF SPECIAL PERMIT

In City Council
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63 Atlantic Avenue
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Locus:
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Map 50, Parcel # 4B

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4. The Application consisted of the following: (a) an Application to the City Council for the Special Permit Modification; (b) a Special Permit Application Certification by the Planning Department; (c) a Special Permit Summary Impact Statement; (d) a Certification of Payment of Municipal Taxes; (e) a filing fee of \$250.00; and (f) Exhibits to the Application, including (i) a Special Permit Narrative, (ii) a copy of the Special Permit, as recorded, (iii) a copy of architectural drawings setting out the proposed interior improvements to the Building, (iv) a copy of the Building Commissioner’s letter denying the application for a building permit until such time as the Applicant obtains the Special Permit Modification, and (v) a Certified Copy of the Abutters List from the City of Marlborough Assessor’s Office.
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condition of approval set forth below, the Applicant will connect the building to the municipal sewer system. This connection will not adversely impact the municipal sewer system. The Project will not create any material change to: (a) the existing traffic impacts of the hotel, or (b) the impact per room on the ~~receiving sewers, and (c) the impact per room on the~~ municipal water system.

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BASED UPON THE ABOVE, THE CITY COUNCIL FO THE CITY OF MARLBOROUGH MAKES THE FOLLOWING FINDINGS AND CONDITIONS

1. The City Council finds that it may grant the Special Permit Modification, subject to the terms and conditions set forth in this Decision, to encourage the most appropriate use of the Site and promote and conserve the health and general welfare of the inhabitants of the City of Marlborough.

2. Pursuant to Massachusetts General Laws Chapter 40A, § 9, the City Council finds that the Project is in harmony with the general purpose and intent of the Zoning Ordinance. In addition, pursuant to Article VIII, Section 650-59(C)(12)(a) of the Zoning Ordinance, the City Council finds that the proposed ~~modification of the~~ Special Permit Modification is not in conflict with public health, safety, convenience and the welfare and is not detrimental or offensive. The Project does not produce a material increase in the scale of a development, nor does it produce a material increase in impact on municipal services, the environment, or the neighborhood. The City Council makes this determination subject to the completion and adherence by the Applicant to the conditions more fully set forth herein.

3. The Applicant has complied with all of the relevant rules and regulations promulgated by the City Council as they pertain to the Application.
4. Pursuant to its authority under General Laws Chapter 40A, the City Council GRANTS the Applicant the Special Permit Modification to convert the manager's residence to a guest room for a total of 65 guest rooms and to add kitchenettes to each of the guest rooms, and to make other modifications all as set out on the plans appended to the Application, subject to the following conditions (the "Conditions"):
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 - (i) The Project shall be constructed, maintained and operated according to the specifications, terms, and conditions of the Application, and in compliance with the Conditions.
 - (ii) All plans and other documentation provided by the Applicant as part of the Application are herein incorporated into and become a part of this Special Permit Modification and become conditions and requirements of the same.
 - (iii) Notwithstanding Condition (i) and (ii) hereof, changes may be made to said plans as approved by the Building Commissioner so long as said changes do not change the use of the Site as approved herein, or increase the size or shape of the Building.
 - (b) Hazardous Waste. The Applicant shall comply with all directives by the Department of Environmental Protection of the Commonwealth of Massachusetts relative to the existence of any hazardous waste which may be located on the Site, including compliance with the provisions of Massachusetts General Laws Chapter 21E and any other laws and as they relate to the authority of the City of Marlborough Fire Chief.
 - (c) Compliance with Local, State and Federal Laws. The Applicant shall comply with all applicable rules, regulations and ordinances of the City of Marlborough and the Commonwealth of Massachusetts and Federal agencies as they may apply to the construction, maintenance, and operation of the Project, including, without limitation, the State Building Code.
 - (d) Water-Sewer. The Applicant shall connect the existing building to the municipal sewer system. Provided that it is feasible and legally permissible, the Applicant shall connect the building to the sewer system via the sewer line that serves the adjacent parcel with a street address of 876 Donald J. Lynch Boulevard, shown on the City of Marlborough Assessor's Maps as Map 50, Parcel 4A. If it is not feasible or legally permissible to connect via the service line at 876 Donald J. Lynch Boulevard, then the Applicant may connect to the municipal sewer system associated with Donald J. Lynch Boulevard, including excavating the road, if necessary, provided that the

Applicant satisfy such conditions as are required by the Department of Public Works and are customary for similarly-situated connections. In either case, the Applicant shall present a design plan showing the proposed sewer connection for approval by the Department of Public Works and shall obtain all necessary permits and approvals prior to commencing the construction work on the sewer connection. The kitchenettes shall not include garbage grinders until the building is connected to the municipal sewer system. Water and sewer services provided to the Project shall be subject to currently applicable City-wide water and sewer charges subject to annual adjustment by the Commissioner of Public Works.

(e) On Duty Employees: During the operation of the facility, one employee will be on duty at all times.

(f) Fire Protection Sprinkler System: The Applicant shall adhere to the Fire Code Report and shall modify the sprinkler layouts in Type D Units so that, upon completion of the alterations to the four Type D Units, these units shall have fire protection sprinkler systems that are code compliant. Upon completion of these modifications, the Applicant shall submit a follow-up report to the Fire Department presenting the opinion of a professional fire protection engineer that the modified sprinkler layout for all four Type D Units is code compliant.

APPROVED

Yea: ___ - Nay: ___ - Abstained: ___

Yea:

Abstained:

ADOPTED

In City Council

Order No. 21-1008171

Adopted _____, 2021

March 5, 2021

Todd Wilson
Diversified Funding Incorporated
63 Atlantic Avenue
Boston, MA 02110
Cell 781-760-8230
Office 781-284-3885
TWilson@dfi.cc

**Re: Typical Unit Sprinkler Evaluation Report
Quality Inn, 880 Donald Lynch Blvd. Marlborough, MA 01752**

Dear Todd:

As requested, Jensen Hughes is providing this code review letter to Diversified Funding Inc. (Client) regarding the layout of the existing sprinkler system within the existing hotel building located at 880 Donald Lynch Blvd. in Marlborough, MA. Specifically, this review has been conducted to evaluate the impact the proposed unit alterations will have on the code compliance of the existing sprinkler system layout within each typical unit. Jensen Hughes has assumed that the existing sprinkler system layout is code compliant and has previously been approved by all relevant authorities at the original time of building construction. Jensen Hughes conducted a visual survey of a select number of each typical unit layout on March 4th, 2021. This report is based on the site observations from this site survey as well as a review of the proposed alteration drawings dated February 18, 2021 prepared by “*Conant Design Group*” and/or “*The Architectural Team*”.

APPLICABLE CODES and STANDARDS

The following codes and standards are applicable and referenced in this letter.

- 780 CMR, *The Massachusetts State Building Code*, 9th Edition, which adopts and amends the 2015 Edition of the International Building Code (IBC) and the 2015 Edition of the International Existing Building Code (IEBC).
- 527 CMR 1, *Massachusetts Comprehensive Fire Safety Code*, which adopts and amends the 2015 Edition of NFPA 1, *Fire Code*.
- NFPA 13, *Standard for the Installation of Sprinkler Systems*, As referenced by 527 CMR and 780 CMR.

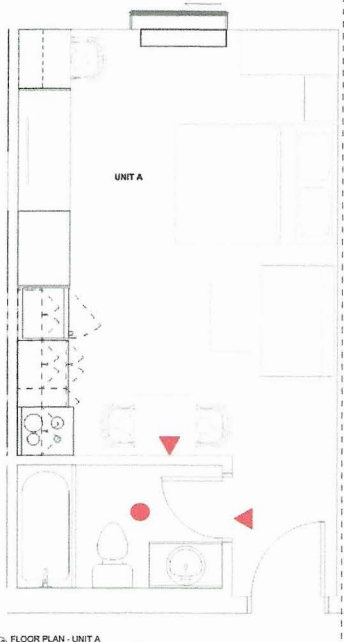
BACKGROUND INFORMATION

The building is 3 stories in height (2 above grade, 1 basement) and has a footprint of approximately 14,100 sq.ft.. The Basement Floor of the building consists of back-of-house areas, storage, a fitness center, and a laundry room. The First Floor consists of the main lobby, a small food/dining space, a business space, back of house support / employee areas, and 33 guest rooms. The Second Floor of the building consists of 38 guest rooms. It is understood that there are a total of 6 typical unit layouts that comprise the 72 guest rooms as depicted on the proposed alteration drawing sheets ID.03 through ID.05. From Jensen Hughes’ observations, the sprinkler system layout is different but typical for each unit layout throughout the building. These typical unit layouts along with annotations indicating the locations of the existing sprinklers are shown in the following figures for clarity.

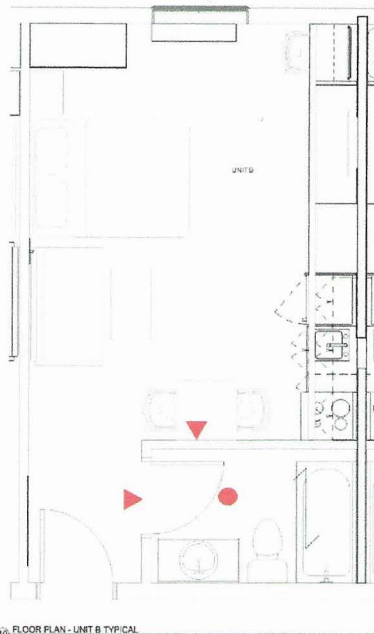
O: +1 401-736-8992
F: +1 401-736-8929

33 Arch Street | Floor 16
Boston, MA 02111 USA

jensenhughes.com



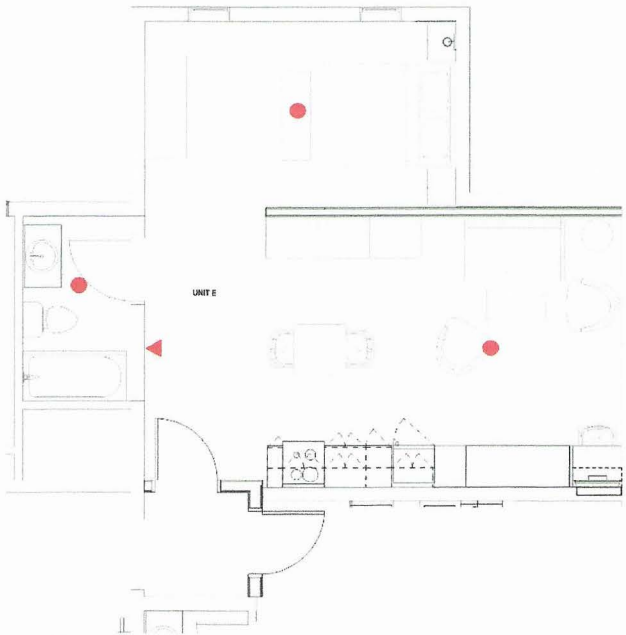
8. FLOOR PLAN - UNIT A
 1/2" = 1'-0"



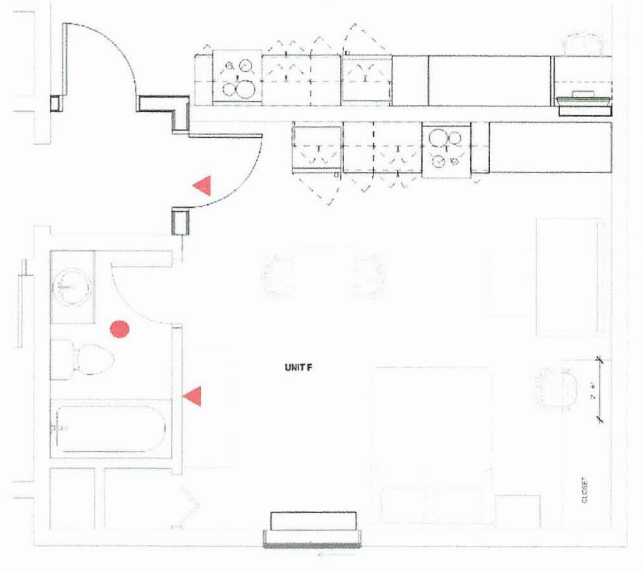
10. FLOOR PLAN - UNIT B TYPICAL
 1/2" = 1'-0"



10. FLOOR PLAN - UNIT C TYPICAL
 1/2" = 1'-0"



10. FLOOR PLAN - UNIT E
 1/2" = 1'-0"



11. FLOOR PLAN - UNIT F
 1/2" = 1'-0"



10. FLOOR PLAN - UNIT D TYPICAL
 1/2" = 1'-0"

SYMBOLS LEGEND

- EXISTING SIDEWALL SPRINKLER
- EXISTING PENDENT SPRINKLER

Based on the previous figures, the installation of the proposed cabinetry in the units will not adversely affect the existing sprinkler layout in typical units A, B, C, E and F. The proposed cabinet installation for typical Unit D is along the same wall where an existing sidewall sprinkler is located. These cabinets and/or storage on top of them are considered obstructions to sprinkler discharge per NFPA 13. Jensen Hughes understands that there are a total of four (4) units in the building that are of Type D. It is further understood that Diversified Funding Inc. plans to modify the sprinkler layout as required for compliance in these four (4) Type D units at the time of construction.

Jensen Hughes appreciates the opportunity to assist Diversified Funding Inc. If you have any questions please contact me at 401-736-8992 or ecamiel@jensenhughes.com.

Sincerely,

JENSEN HUGHES



Eric M. Camiel, PE, CET
Fire Protection Engineer

City Council

From: Thomas DiPersio
Sent: Monday, March 8, 2021 7:45 AM
To: City Council; Jeffrey Cooke; David Giorgi; Kevin Breen; Priscilla Ryder; Christopher LaFreniere; John Garside
Cc: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin; Steven Kerrigan; Wilson Chu
Subject: RE: REVISED DECISION: TO MANAGERS FOR COMMENT: DRAFT DECISION - City Council Order No. 21-1008171 - Application for Modification of Special Permit - 880 Donald J Lynch Blvd, Marlborough, MA

The revised decision addresses my previous comments.
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)624-6910x33200
tdipersio@marlborough-ma.gov



From: City Council <citycouncil@marlborough-ma.gov>
Sent: Friday, March 5, 2021 3:48 PM
To: Thomas DiPersio <tdipersio@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Christopher LaFreniere <clafreniere@marlborough-ma.gov>; John Garside <jgarside@marlborough-ma.gov>
Cc: Christian Dumais <ward_3@marlborough-ma.gov>; David Doucette <ward_2@marlborough-ma.gov>; Don Landers <ward_7@marlborough-ma.gov>; John Irish <ward_5@marlborough-ma.gov>; Karen Boule <kboule@marlborough-ma.gov>; Kathleen Robey <atlarge_4@marlborough-ma.gov>; Laura Wagner <ward_1@marlborough-ma.gov>; Mark Oram <atlarge_2@marlborough-ma.gov>; Michael Ossing <Michael.Ossing@comcast.net>; Mike Ossing <atlarge_3@marlborough-ma.gov>; Robert Tunnera <ward_4@marlborough-ma.gov>; Samantha Perlman <atlarge_1@marlborough-ma.gov>; Sean Navin <ward_6@marlborough-ma.gov>; Steven Kerrigan <skerrigan@marlborough-ma.gov>; Wilson Chu <wchu@marlborough-ma.gov>
Subject: REVISED DECISION: TO MANAGERS FOR COMMENT: DRAFT DECISION - City Council Order No. 21-1008171 - Application for Modification of Special Permit - 880 Donald J Lynch Blvd, Marlborough, MA

FYI – Petitioner revised per manager comments.
KB

Karen A. Boule, Secretary

City Council

From: Priscilla Ryder
Sent: Monday, March 8, 2021 5:35 PM
To: City Council; Thomas DiPersio; Jeffrey Cooke; David Giorgi; Kevin Breen; Christopher LaFreniere; John Garside
Cc: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin; Steven Kerrigan; Wilson Chu
Subject: RE: REVISED DECISION: TO MANAGERS FOR COMMENT: DRAFT DECISION - City Council Order No. 21-1008171 - Application for Modification of Special Permit - 880 Donald J Lynch Blvd, Marlborough, MA

Hi,
I have reviewed the changes and have no comments.

Thanks!

Priscilla Ryder
Conservation/ Sustainability Officer
140 Main St., City Hall
Marlborough, MA 01752
508-460-3768

"Whenever there's a large spill of solar energy, it's just called a nice day" northern sun

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Friday, March 5, 2021 3:48 PM
To: Thomas DiPersio <tdipersio@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Christopher LaFreniere <clafreniere@marlborough-ma.gov>; John Garside <jgarside@marlborough-ma.gov>
Cc: Christian Dumais <ward_3@marlborough-ma.gov>; David Doucette <ward_2@marlborough-ma.gov>; Don Landers <ward_7@marlborough-ma.gov>; John Irish <ward_5@marlborough-ma.gov>; Karen Boule <kboule@marlborough-ma.gov>; Kathleen Robey <atlarge_4@marlborough-ma.gov>; Laura Wagner <ward_1@marlborough-ma.gov>; Mark Oram <atlarge_2@marlborough-ma.gov>; Michael Ossing <Michael.Ossing@comcast.net>; Mike Ossing <atlarge_3@marlborough-ma.gov>; Robert Tunnera <ward_4@marlborough-ma.gov>; Samantha Perlman <atlarge_1@marlborough-ma.gov>; Sean Navin <ward_6@marlborough-ma.gov>; Steven Kerrigan <skerrigan@marlborough-ma.gov>; Wilson Chu <wchu@marlborough-ma.gov>
Subject: REVISED DECISION: TO MANAGERS FOR COMMENT: DRAFT DECISION - City Council Order No. 21-1008171 - Application for Modification of Special Permit - 880 Donald J Lynch Blvd, Marlborough, MA

FYI – Petitioner revised per manager comments.

KB

Karen A. Boule, Secretary
Marlborough City Council
City Hall, 2nd Floor
Marlborough, MA 01752
508-460-3711

City Council

From: Kevin Breen
Sent: Wednesday, March 10, 2021 4:44 PM
To: City Council; Thomas DiPersio; Jeffrey Cooke; David Giorgi; Priscilla Ryder; Christopher LaFreniere; John Garside
Cc: Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin; Steven Kerrigan; Wilson Chu
Subject: RE: REVISED DECISION: TO MANAGERS FOR COMMENT: DRAFT DECISION - City Council Order No. 21-1008171 - Application for Modification of Special Permit - 880 Donald J Lynch Blvd, Marlborough, MA

Good Afternoon Karen:

In response to the information provided, (specifically, the report from a fire protection engineer addressing sprinkler head types and layout concerns), I have no additional comments at this time. I am satisfied the applicant has at least considered the topic matter I relayed and will address same if the project proceeds as planned. MFD will work with Commissioner Cooke and others to insure all modifications are appropriate to current code requirements.

Please thank the applicant for responding to my initial concerns/questions.

KJB

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

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Friday, March 5, 2021 3:48 PM
To: Thomas DiPersio <tdipersio@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Christopher LaFreniere <clafreniere@marlborough-ma.gov>; John Garside <jgarside@marlborough-ma.gov>
Cc: Christian Dumais <ward_3@marlborough-ma.gov>; David Doucette <ward_2@marlborough-ma.gov>; Don Landers <ward_7@marlborough-ma.gov>; John Irish <ward_5@marlborough-ma.gov>; Karen Boule <kboule@marlborough-ma.gov>; Kathleen Robey <atlarge_4@marlborough-ma.gov>; Laura Wagner <ward_1@marlborough-ma.gov>; Mark Oram <atlarge_2@marlborough-ma.gov>; Michael Ossing <Michael.Ossing@comcast.net>; Mike Ossing <atlarge_3@marlborough-ma.gov>; Robert Tunnera <ward_4@marlborough-ma.gov>; Samantha Perlman <atlarge_1@marlborough-ma.gov>; Sean Navin <ward_6@marlborough-ma.gov>; Steven Kerrigan <skerrigan@marlborough-ma.gov>; Wilson Chu <wchu@marlborough-ma.gov>
Subject: REVISED DECISION: TO MANAGERS FOR COMMENT: DRAFT DECISION - City Council Order No. 21-1008171 - Application for Modification of Special Permit - 880 Donald J Lynch Blvd, Marlborough, MA

FYI – Petitioner revised per manager comments.

KB

City Council

From: David Giorgi
Sent: Wednesday, March 10, 2021 5:46 PM
To: Kevin Breen
Cc: City Council; Thomas DiPersio; Jeffrey Cooke; Priscilla Ryder; Christopher LaFreniere; John Garside; Christian Dumais; David Doucette; Don Landers; John Irish; Karen Boule; Kathleen Robey; Laura Wagner; Mark Oram; Michael Ossing; Mike Ossing; Robert Tunnera; Samantha Perlman; Sean Navin; Steven Kerrigan; Wilson Chu
Subject: Re: REVISED DECISION: TO MANAGERS FOR COMMENT: DRAFT DECISION - City Council Order No. 21-1008171 - Application for Modification of Special Permit - 880 Donald J Lynch Blvd, Marlborough, MA

Good Evening,

The Police Department does not have any additional comments on this project.

Thank you,
D. Giorgi

On Mar 10, 2021, at 4:44 PM, Kevin Breen <kbreen@marlborough-ma.gov> wrote:

Good Afternoon Karen:

In response to the information provided, (specifically, the report from a fire protection engineer addressing sprinkler head types and layout concerns), I have no additional comments at this time. I am satisfied the applicant has at least considered the topic matter I relayed and will address same if the project proceeds as planned. MFD will work with Commissioner Cooke and others to insure all modifications are appropriate to current code requirements.

Please thank the applicant for responding to my initial concerns/questions.

KJB

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

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Friday, March 5, 2021 3:48 PM
To: Thomas DiPersio <tdipersio@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Christopher LaFreniere <clafreniere@marlborough-ma.gov>; John Garside <jgarside@marlborough-ma.gov>
Cc: Christian Dumais <ward_3@marlborough-ma.gov>; David Doucette <ward_2@marlborough-



IN CITY COUNCIL

Marlborough, Mass., JANUARY 4, 2021

ORDERED:

That there being no objection thereto set **MONDAY, FEBRUARY 8, 2021** as the **DATE FOR PUBLIC HEARING**, On the Application for Modification of Special Permit from Todd Wilson, on behalf of Diversified Funding Acquisition LLC/Atlantic Property Management, to add kitchenettes to existing guest rooms for use as an extended stay hotel and the conversion of manager's residence to a guest room for a total of 65 guest rooms at 880 Donald J. Lynch Boulevard (Quality Inn), be and is herewith referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Ninety days after public hearing is 05/09/21 which falls on a Sunday, therefore 05/10/21 would be considered the 90th day.

ADOPTED

ORDER NO. 21-1008171

Gareth I. Orsmond

100 Summer Street
22nd Floor
Boston, MA 02110

617.488.8181 voice
617.824.2020 fax
gorsmond@pierceatwood.com
www.pierceatwood.com

Admitted in: MA, NH

December 31, 2020

BY EMAIL AND FEDERAL EXPRESS

Steven W. Kerrigan, City Clerk
City of Marlborough
Marlborough City Hall
140 Main Street
Marlborough, MA 01752

**Re: 880 Donald J. Lynch Boulevard, Marlborough, MA
Application for Modification of Existing Special Permit**

Dear Mr. Kerrigan:

Enclosed please find an application for modification of an existing special permit to operate a hotel located at 880 Donald J. Lynch Boulevard in Marlborough.

Also enclosed is a check in the amount of \$250.00, made out to the Town of Marlborough as payment of the filing fee for the above-referenced application.

I look forward to discussing the application with the City Council.

Please do not hesitate to call or write if you have questions or need additional information.

Thank you for your courtesy.

Very truly yours,



Gareth I. Orsmond

GIO/smg
Enclosures

**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:**
Todd Wilson, Diversified Funding Acquisition LLC/Atlantic Property Management,
c/o Gareth Orsmond, Pierce Atwood LLP, 100 Summer St., Boston, MA 02110

2. **Specific Location of Property including Assessor's Plate and Parcel Number.**
880 Donald J. Lynch Boulevard, Marlborough, MA 01753; Assessors Map 50, Lot 4B

3. **Name and address of owner of land if other than Petitioner or Applicant:**
Devki, L.L.C., 880 Donald J. Lynch Boulevard, Marlborough, MA 01752

4. **Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)** Prospective owner: potential purchaser under signed purchase and sale agreement

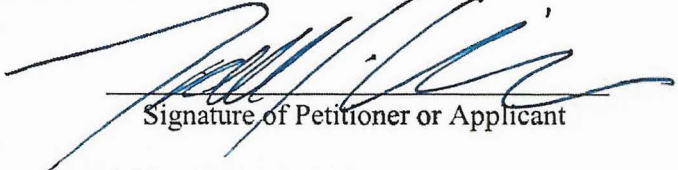
5. **Specific Zoning Ordinance under which the Special Permit is sought:**
Article 650 Section 59 Paragraph C Subparagraph 20 ;
see also Table of Use Regulations, § 650-17 (requirements for hotel in LI district)

6. **Zoning District in which property in question is located:** Limited Industrial (LI)

7. **Specific reason(s) for seeking Special Permit**
See Exhibit A: Special Permit Narrative.

8. **List of names and addresses of abutter.** See Exhibit E: Abutter's List, as certified by the Marlborough Assessors and received by the City Clerk's Office on December 23, 2020

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: 63 Atlantic Avenue
Boston, MA 02110
Telephone No. 791-284-3885

Date: December 31, 2020

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

Todd Wilson, as representative of Diversified Funding Acquisitions LLC and Atlantic Property Management

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**)

Name	Parcel No.	Property Address	Owner Address
Commonwealth of Massachusetts	50-1	River Road	100 Cambridge St., Ste. 900 Boston, MA 02114
Riverbridge Association Inc.	50-2	River Road	15 Cape Lane Brewster, MA 02631
Riverbridge Association Inc.	50-3C	River Road	15 Cape Lane Brewster, MA 02631
Digital Federal Credit Union	50-3A	905 Donald J. Lynch Blvd.	220 Donald J. Lynch Blvd. Marlborough, MA 01752
Digital Federal Credit Union	50-3B	River Road	220 Donald J. Lynch Blvd. Marlborough, MA 01752
Digital Federal Credit Union	50-9	853-856 Donald J. Lynch Blvd.	220 Donald J. Lynch Blvd. Marlborough, MA 01752
Marlboro Business Center Limited Partnership	50-3D	Donald J. Lynch Blvd.	71 3 rd Avenue Burlington, MA 01803
Marlboro Business Center Limited Partnership	50-3E	Donald J. Lynch Blvd.	71 3 rd Avenue Burlington, MA 01803
Berlin Properties	50-4A	876 Donald J. Lunch Blvd.	c/o New England Development 75 Park Plaza Boston, MA 02116 ATTN: Accounting Dept.

See Exhibit E for a list of abutters certified by the Board of Assessors Office

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Todd Wilson, Address: 63 Atlantic Avenue, Boston, MA 02110
Diversified Funding Acquisition LLC/
Atlantic Property Management

Project Name: Extended Stay Hotel Address: 880 Donald J. Lynch Blvd., Marlborough, MA 01752

1. **PROPOSED USE:** Addition of kitchenettes to guest rooms for use as extended stay hotel; conversion of manager's residence to guest room for a total of 65 guest rooms.
2. **EXPANSION OR NEW:** Neither; interior remodeling only.
3. **SIZE: floor area sq. ft.** No change (28,280 s.f. existing) **1st floor** No change **all floors** No change
buildings 1 **# stories** 2 **lot area (s.f.)** 96,450 s.f.
4. **LOT COVERAGE:** No change **% Landscaped Area:** No change from existing conditions.
5. **POPULATION ON SITE:** Number of people expected on site at anytime:
Normal: 50 **Peak period:** 65
*These are estimates only, as population will vary by occupancy and number of guests per room.
6. **TRAFFIC:**
(A) Number of vehicles parked on site:
During regular hours: 45 **Peak period:** 65
*These are estimates only, as population will vary by occupancy and number of guests per room.
(B) How many service vehicles will service the development and on what schedule?
There will be no change from existing conditions.
7. **LIGHT:** **How will the development be lit at the exterior? How much light will leave the property and enter the abutting property?** There will be no change from existing conditions.
8. **NOISE:**
(A) Compare the noise levels of the proposed development to those that exist in the area now.
There will be no change from existing conditions.
(B) Describe any major sources of noise generation in the proposed development and include their usual times of operation.
There will be no change from existing conditions.
9. **AIR:** **What sources of potential air pollution will exist at the development?** None known. There will be no change from existing conditions.
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?**
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: 30 DEC 2020

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Extended stay hotel

Project Use Summary: Addition of kitchenettes to existing guest rooms for use as an extended stay hotel; conversion of manager's residence to guest room for total of 65 guest rooms

Project Street Address: 880 Donald J. Lynch Blvd., Marlborough, MA 01752

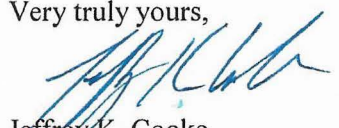
Plate: 50 **Parcel:** 4B

Plan Date: December 1, 2020 (floor plans only) **Revision Date:** N/A

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**

\$250⁰⁰/₁₀₀



City of Marlborough, Massachusetts
CITYCLERKDEPARTMENT
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**

**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

Devki, L.L.C.

Owner Name/Officer Name of LLC or Corporation

Suresh Patel

Owner/Officer Complete Address and Telephone Number

29 Horizon Drive

Cranston, RI 02921

Signature of Applicant

Suresh Patel

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

EXHIBITS

**Application to City Council for Issuance of Special Permit by Todd Wilson,
Diversified Funding Acquisitions LLC/Atlantic Property Management, dated
December 31, 2020**

EXHIBIT A

SPECIAL PERMIT NARRATIVE

Background

The applicant, Todd Wilson, as the authorized representative of Diversified Funding Acquisitions LLC and Atlantic Property Management (the “Applicant”), submits this application (the “Application”) for modification of an existing special permit for hotel use at an approximately 2.2-acre parcel of land located at 880 Donald J. Lynch Boulevard (the “Property”). Since 1986 or thereabouts, the Property has been operated as a hotel pursuant to a special permit for a 64-room hotel granted by the City Council on October 6, 1986, recorded with the Middlesex South Registry of Deeds in Book 18318, Page 218 (the “Original Special Permit”), a copy of which is Exhibit B of the Application.

The Applicant seeks to add kitchenettes to the guest rooms so that it can operate the Property as an extended stay hotel. Attached as Exhibit C of the Application is a plan set entitled “DFI Marlboro Quality Inn,” dated December 1, 2020, prepared by The Architectural Team Inc. (the “Floor Plans”).¹ The Floor Plans show the proposed changes to the guest rooms.

In addition to adding kitchenettes in accordance with the Floor Plans, the Applicant seeks to convert the manager’s residence into a guest room so that the total number of guest rooms will be 65, one more than the 64 rooms referenced in the Original Special Permit.

The Applicant does not propose any changes to the building exterior or to the site (*e.g.*, parking and landscaping), except for replacing the existing signage on account of the change in ownership.

By letter dated December 21, 2020, Building Commissioner Cooke informed the Applicant and the current owner, Devki, L.L.C., that the proposed changes are “significant enough of a change to require modification of the original Special Permit.” Attached as Exhibit D of the Application is a copy of Building Commissioner Cooke’s determination.

Legal Requirements

Pursuant to M.G.L. c. 40A, § 9, the special permit granting authority (“SPGA”) may grant a special permit where it finds that the use is “in harmony with the general purpose and intent of the ordinance or by-law....” The City Council is the SPGA for special permits for hotel use. Pursuant to § 650-59(B)(12)(a) of the Zoning Ordinance, the City Council, as SPGA, may grant a special permit “upon a general finding that the use sought and its impact and characteristics shall not be in conflict with public health, safety, convenience and welfare and shall not be detrimental or offensive.” This finding takes into consideration the conditions, safeguards, or limitations imposed in the special permit, if any.

¹ Although the Floor Plans refer to the existing Quality Inn, the Applicant will not operate the Property as a Quality Inn or as any other hotel franchise. The Applicant is a local company with its headquarters in Boston; it owns and operates its own properties independently of any franchise.

Because the proposed improvements to the Property meet these criteria, the Applicant respectfully requests that the City Council approve the Application for a modification of the Original Special Permit. The City Council necessarily made the required findings to permit a hotel use when it granted the Original Special Permit. The Application does not propose any external changes to the Property, aside from removing franchise-protected signage and replacing this signage with its own signs. The Property will still have 70 parking spaces, more than the 65 parking spaces that the Zoning Ordinance requires for a hotel use. The changes enhance the amenities offered to hotel guests by adding kitchenettes. The kitchenettes will be available to all guests, not just guests who are on an extended stay for business purposes or otherwise. Regardless of the purpose of the stay, the new amenities will make it possible for guests to stay at the hotel for a longer period of time and thereby contribute more to local businesses, both as employees on business trips and as customers of other businesses.

For the foregoing reasons, the Applicant urges the City Council to grant the Application and modify the Original Special Permit by authorizing the kitchenettes and increasing the number of guest rooms from 64 to 65.

EXHIBIT B

ORIGINAL SPECIAL PERMIT DATED OCTOBER 6, 1986

3 1 8 3 1 8 P 2 1 8

D10-



IN CITY COUNCIL 7/15/87 11:21 TR 332 RE 10.00

Marlborough, Mass., OCTOBER 6 19 86

ORDERED:

That the application of Attorney Douglas J. Rowe, on behalf of ^{Stephen D. Burwick, Trustee} MITOKI REALTY TRUST of 370 Main St, Worcester, MA. for a SPECIAL PERMIT to construct a 64 room Hotel at Donald J. Lynch Blvd. and River Road, under Article V, Section 8, paragraph D of the Zoning Ordinance, be and is herewith GRANTED subject to fulfilling the requirements of the Fire Department and Legal matters pertaining to sewer.

ADOPTED
In City Council
Order No. 1102B
Adopted October 6, 1986

A TRUE COPY
ATTEST:

City Clerk

This is to certify that twenty (20) days have passed since the granting of the above decision and no appeal thereto has been filed with this office.

Given at Marlborough this nineteenth day of June, 1987,

Attest:
City Clerk

Deed Reference: 16855-354

EXHIBIT C

PLANS ENTITLED "DFI MARLBORO QUALITY INN," DATED DECEMBER 1, 2020,
PREPARED BY THE ARCHITECTURAL TEAM INC.

Plans provided
in original packet
to City Councilors
+ filed with the
City Clerk.

EXHIBIT D

**LETTER DATED DECEMBER 21, 2020 FROM JEFFREY COOKE, C.B.O.,
BUILDING COMMISSIONER**



City of Marlborough
BUILDING DEPARTMENT

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

JEFFREY COOKE, C.B.O.
BUILDING COMMISSIONER

PATRICK DAHLGREN
ASSISTANT BUILDING
COMMISSIONER

WILLIAM PAYNTON
LOCAL BUILDING INSPECTOR

LAURENT LEMIEUX
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

ZONING DENIAL

December 21, 2020

To: **OWNER**
DEVKI, LLC
880 Donald Lynch Blvd.
Marlborough, MA 01752

APPLICANT
Todd Wilson
63 Atlantic Avenue
Boston, MA 02110
twilson@DFI.cc

Mr. Wilson:

Your Building Permit application #2020-001695 to construct/add kitchenettes in each unit of the hotel at 880 Donald J. Lynch Blvd., Marlborough, MA Parcel ID #50-4B, located in the Limited Industrial zoning district (LI) is denied as it does not comply with existing Special Permit (SP) issued in 1986 by the Marlborough City Council the Special Permit Granting Authority (SPGA). This will require you to seek a modification to the original SP.

I have researched and found that the City Council granted a Special Permit on or about October 6, 1986 for a 64-room hotel. I have determined that is a significant enough of a change to require a modification to the original Special permit.

You have the right to continue to the Marlborough City Council (SPGA) for a Special Permit as stated in the City Code section 650-59 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 modification of a Special Permit may be taken to the Marlborough City Council by filling a application 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
In your appeal, you may request a modification to an existing Special Permit (SP).

Sincerely,

Jeffrey Cooke, C.B.O.
Building Commissioner
Zoning Enforcement Officer
CC: files
City Council
Gareth Orsmond by email gorsmond@PierceAtwood.com

EXHIBIT E

CERTIFIED ABUTTER'S LIST

ABUTTERS - 880 DONALD J. LYNCH BLVD (50-4B) - 400 FT

Parcel Number	GIS Number	Cama Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner Address 2	Owner City	Owner State	Owner Zip
50-1	M_189722_899 937	50-1	RIVER RD	COMMONWEALTH OF MASSACHUSETTS		100 CAMBRIDGE ST STE 900		BOSTON	MA	02114
50-2	M_189760_900 022	50-2	RIVER RD	RIVERBRIDGE ASSOCIATION INC		15 CAPE LANE		BREWSTER	MA	02631
50-3A	M_189939_900 037	50-3A	905 DONALD J LYNCH BLVD	DIGITAL FEDERAL CREDIT UNION		220 DONALD J LYNCH BLVD		MARLBOROUGH	MA	01752
50-3B	M_189830_900 033	50-3B	RIVER RD	DIGITAL FEDERAL CREDIT UNION		220 DONALD J LYNCH BLVD		MARLBOROUGH	MA	01752
50-3C	M_189789_900 025	50-3C	RIVER RD	RIVERBRIDGE ASSOCIATION INC		15 CAPE LANE		BREWSTER	MA	02631
50-3D	M_190098_899 915	50-3D	DONALD J LYNCH BLVD	MARLBORO BUSINESS CENTER LIMITED PARTNER		71 3RD AVE		BURLINGTON	MA	01803
50-3E	M_189828_899 999	50-3E	DONALD J LYNCH BLVD	MARLBORO BUSINESS CENTER LIMITED PARTNER		71 3RD AVE		BURLINGTON	MA	01803
50-4A	M_189864_899 820	50-4A	876 DONALD J LYNCH BLVD	BERLIN PROPERTIES LIMITED PRTR		C/O NEW ENGLAND DEVELOPMENT	75 PARK PLAZA ATTN ACCT DEPT	BOSTON	MA	02116
50-9	M_190062_900 086	50-9	853-865 DONALD J LYNCH BLVD	DIGITAL FEDERAL CREDIT UNION		220 DONALD J LYNCH BLVD		MARLBOROUGH	MA	01752

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C/O NEW ENGLAND DEVELOPMENT
75 PARK PLAZA ATTN ACCT DEPT
BOSTON, MA 02116

COMMONWEALTH OF MASSACHUS
100 CAMBRIDGE ST STE 900
BOSTON, MA 02114

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DIGITAL FEDERAL CREDIT UN
220 DONALD J LYNCH BLVD
MARLBOROUGH, MA 01752

MARLBORO BUSINESS CENTER
71 3RD AVE
BURLINGTON, MA 01803

MARLBORO BUSINESS CENTER
71 3RD AVE
BURLINGTON, MA 01803

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