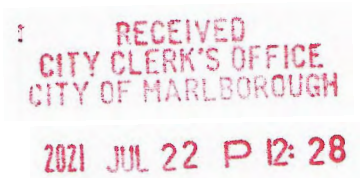


**City of Marlborough Public Meeting Posting**

**AMENDED**

**Item Added to Agenda**



Meeting Name: **City Council Urban Affairs Committee**  
Date: **July 27, 2021**  
Time: **6:30 PM**  
Location: **City Council Chamber, 2<sup>nd</sup> Floor, City Hall**

This meeting will be held in the City Council Chamber in City Hall at 140 Main Street. Public attendance is permitted. The meeting will be televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city's website, home page ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

1) 5-10-21 – Order No.21-1008293 X 18-1007134B: Petition from Atty. Robert Buckley on behalf of Marlborough/Northborough Land Realty Trust re: Proposed Amendment to Zoning Code, Chapter 650 by adding to Article VI Section 650-35 COMMERCIAL VILLAGE OVERLAY DISTRICT (the CVOD) in accordance with Exhibit “A” attached to petition available for viewing in the City Clerk’s Office.  
-REFER TO URBAN AFFAIRS AND PLANNING BOARD  
PUBLIC HEARING: JUNE 21, 2021

2) 6-14-21 – Order No.21-1008328: Special Permit Application, Edgewood Entertainment LLC to operate XGolf, an indoor golf simulator recreational facility with bar area in an existing building at 229 Boston Post Road West  
-REFER TO URBAN AFFAIRS  
PUBLIC HEARING: JULY 19, 2021

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

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

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

**NOTICE OF DECISION  
GRANT OF SPECIAL PERMIT**

In City Council  
Order No. 21-1008328

Application of:

Edgewood Entertainment, LLC.  
48 Edgewood Rd.  
Southborough, MA 01772

Locus:  
229 Boston Post Rd. West  
Marlborough, MA 01752  
Map 78, Parcel 2A

**DECISION**

The City Council of the City of Marlborough votes to **GRANT** a Special Permit to Edgewood Entertainment, LLC. (hereinafter "Applicant Tenant"), for a commercial indoor recreation establishment and place of amusement at 229 Boston Post Rd. West, Marlborough, MA based on the Findings of Facts and Conditions attached hereto.

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

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

ATTEST:

City Clerk

**DECISION ON A SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 13-1005482D**

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

**FINDINGS OF FACTS AND CONDITIONS**

1. The landlord is RK Associates-Marlboro, Inc., a duly organized and existing Massachusetts corporation with its principal place of business located at 50 Cabot Rd, Needham, MA 02494. Applicant Tenant is a duly organized and existing Massachusetts Corporation with its principal place of business at 48 Edgewood Rd., Southborough, MA 01772 and has duly filed its Articles of Incorporation with the City Clerk of the City of Marlborough to operate his business at the subject location.

2. The landlord is the title owner of the property located at 229 Boston Post Rd. West (the “Site”). The landlord and Applicant Tenant have executed or will execute a lease regarding the Site, and its use pursuant to the terms of this special permit regarding the Site.

3. The Applicant Tenant seeks permission to utilize the Site as a commercial indoor recreation establishment and place of amusement.

4. The Applicant Tenant, on June 7, 2021, filed with the City Clerk of the City of Marlborough, an Application for a Special Permit under the provisions of § 650-17 and pursuant to the procedures specified in § 650-59 of the Marlborough Zoning Ordinance (the “Application”).

5. The Site contains an existing commercial building. The site is shown in that building on plans submitted with or subsequent to the Application, the first said plan entitled “Overall Building Plan,” the second plan entitled “Current Unit Interior and Exterior” and the third plan being a sketch floor plan entitled “X-Golf Marlborough” (collectively, the “Plans”), both of which Plans are attached hereto. No modifications are proposed to the exterior of the building, no structural modifications are proposed to the interior of the building, and no parking areas will be created or modified.

6. The Applicant Tenant seeks a special permit allowing the establishment of an indoor recreation area that will include various golf entertainment features and bar area features for playing, training and entertaining patrons.

7. The Plans have been certified by the Building Inspector, acting on behalf of the City Planner, as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a special permit.

8. Pursuant to the Rules and Regulations of the City Council and the provisions of M.G.L. c. 40A, the City Council established a date for public hearing for the Application and the

City Clerk caused to be advertised said date in the MetroWest Daily News and sent written notice of said hearing to those abutters entitled to notice under law.

9. The Marlborough City Council pursuant to M.G.L. c. 40A held a public hearing on July 19, 2021, concerning the Application. The hearing was opened and closed at that meeting.

10. The Applicant presented evidence at the public hearing detailing the proposed use and its limited impact upon City services, the neighborhood and traffic.

11. At the public hearing, Holly Irvine-Salvi, representing Brian Salvi who will be managing the operation of the business and is the Applicant Tenant, described the proposed business as being one that would provide an indoor venue that will include various golf entertainment features and bar area features for playing, training and entertaining patrons. In response to questions from city councilors, he indicated that:

- a) generally, customers will reserve golf bays online and/or will schedule events in advance. Walk-ins will be allowed based on golf bay availability.
- b) a full kitchen is not required, express ovens will be used for warming
- c) liquor license is a requirement of the franchise

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

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

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

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

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

C. The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough City Code, **GRANTS** the Applicant Tenant, its successors and assigns, a Special Permit to operate an indoor recreation establishment and place of entertainment as per plans filed with the City Council and the City Clerk, **SUBJECT TO THE FOLLOWING CONDITIONS**, which shall be applicable to Applicant Tenant's successors and assigns, and a violation of which shall be a violation of this Special Permit:

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

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

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

4. Parking: Per building inspector 40 off-street parking spaces in the plaza are required.

5. Hours of Operation: The hours of operation of the facility shall not be earlier than 7:00 AM or later than 12:00 AM on any day. If the Ward Councilor, Chief of Police or other Councilor has not heard of any complaints in a year's time, then the hours of operation can remain the same.

6. Limits of Use: The proposed use of the premises is to provide a place indoor recreation area that will include various golf entertainment features and bar area features for playing, training and entertaining patrons

7. Food Preparation: Applicant Tenant obtains a permit and any other approvals from the Director of the Marlborough Board of Health and pays the accompanying fees.

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

9. No Expansion of Use Area or Change in Area Configuration: Only the area of Unit 6, containing approximately 9,075 sq. ft., which has been specified in the Plans attached hereto, will be used for the proposed use. To the extent that a substantial increase in, or a change in the configuration of, the area used for this use is desired, the Building Inspector shall determine whether such increase or change constitutes a substantial change of the permitted use, and if so, no such area increase, or configuration change shall be permitted unless and until this special permit has been modified by the City Council.

9. Subsequent Users: Before any successor tenant uses Unit 6 for the uses allowed in this special permit, the Director of the Marlborough Health Department shall determine in

writing that any permit required of Applicant Tenant, and any other permit determined by the Director to be necessary, has been obtained.

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

11. Recordation: In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant Tenant shall, at its expense, record this Special Permit with the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal hearing being filed. The Applicant Tenant shall provide a copy of the recorded Special Permit to the City Clerk, the City Solicitor, and the Building Inspector.

APPROVE

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

Yea:

ADOPTED \_\_\_\_\_

In City Council  
Order No. 21-1008328  
Adopted: \_\_\_\_\_

Michael H. Ossing  
City Council President

A TRUE COPY

ATTEST:

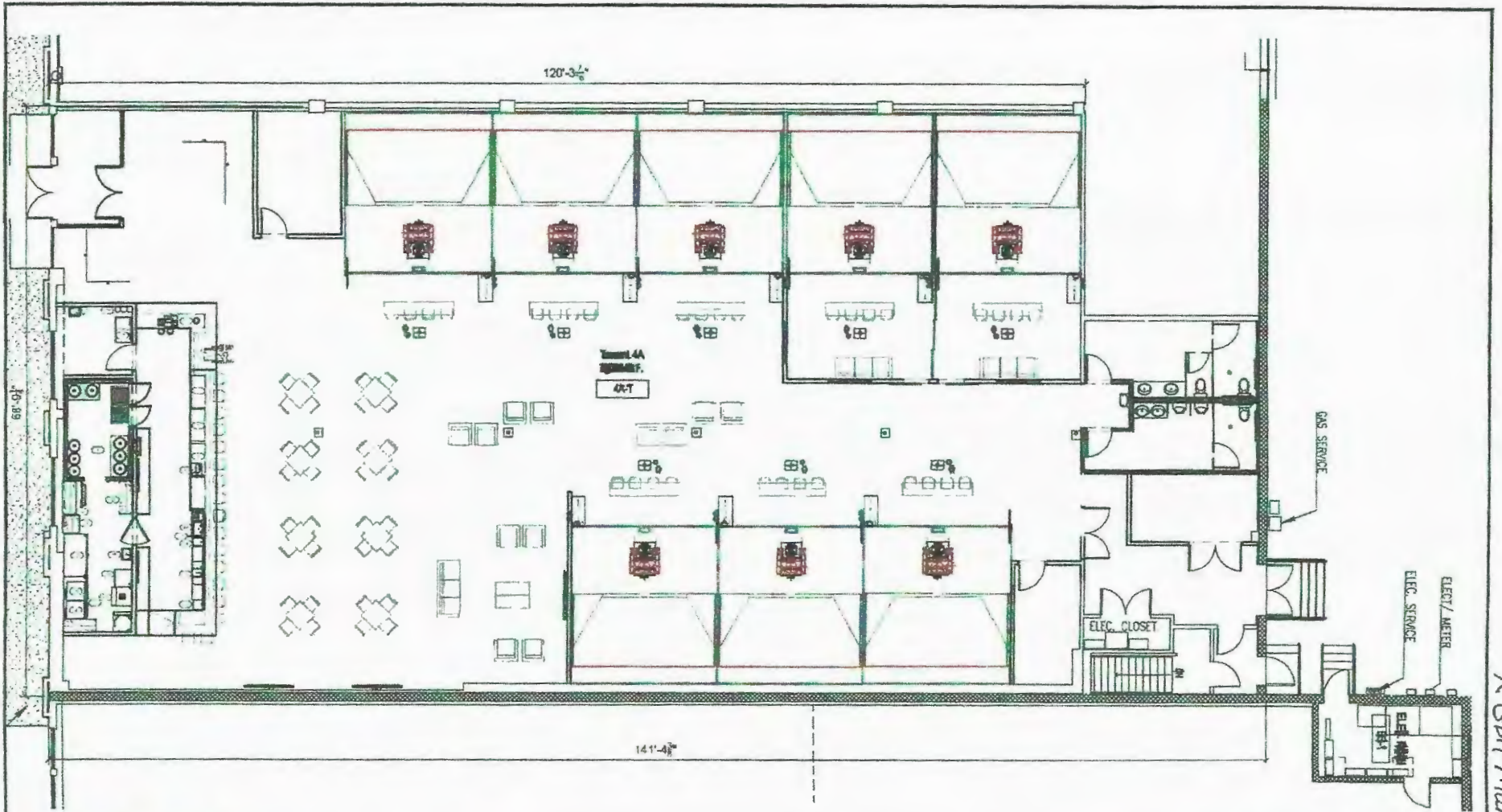
City Clerk











7500 Main Street, S.F.  
 Concord, MA, 03301  
 Tel: 603.251.7753  
 www.adcfranchise.com



229 Boston Post Rd W.  
 Marlborough, MA

Franchise Information

DATE: 05/27/12

SHEET

PRELIMINARY  
 FIXTURE  
 PLAN

1

X-GOLF Marlborough