



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 27, 2023

ORDERED:

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DECISION ON A SPECIAL PERMIT OCTO48, LLC ORDER NO. 22/23-1008741C

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.



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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 to 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 be 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.



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- 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. Site Plan Review shall consider among other things the adequacy of the Site's existing driveway for the Use, options to improve drainage behind the building in the vicinity of the rail trail, options for visual improvements along the rail trail, including plantings, and options to improve screening for abutting properties.
 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. No deliveries of materials or equipment to the Site, and no shipments from the Site, shall be permitted on Saturday or Sunday. 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 AM to 6:00 PM. The overnight parking of commercial vehicles (including trucks and trailers) on the Site is prohibited, except for commercial vehicles owned or used by the Applicant as part of the Use. Any currently parked commercial vehicles on the site shall be removed from the site prior to commencing Use operations.



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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, with any free-standing sign at the Site's driveway entrance being substantially the same as the sign shown in the photo attached hereto as "Attachment B."
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: 11 – Nay: 0

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

Signed by City Council President
Michael H. Ossing

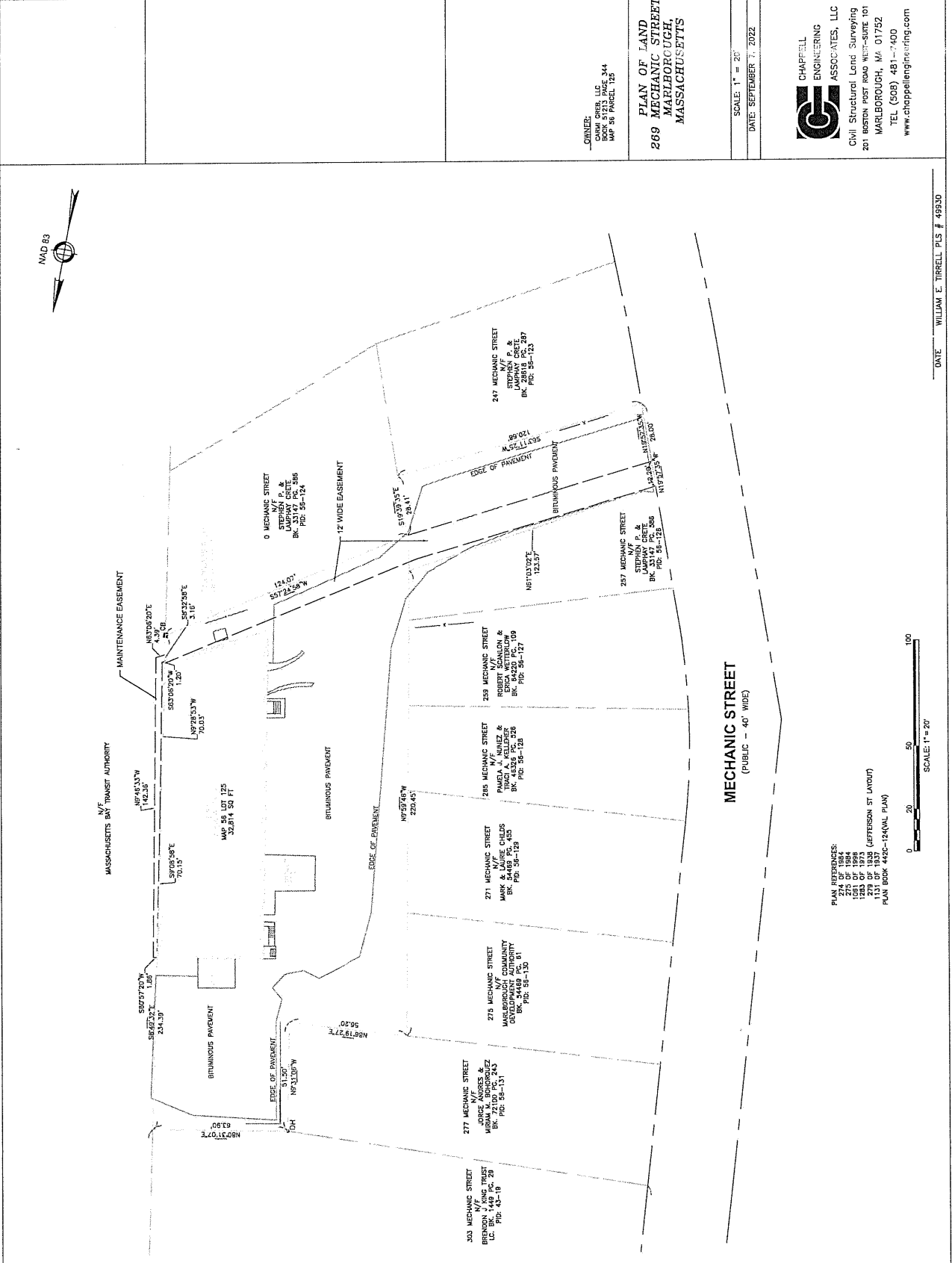
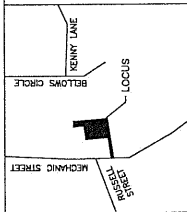
ADOPTED
In City Council
22/23-1008741C

ORDER NO. 22/23-1008741C

ATTACHMENT

A

MAD 83



MASSACHUSETTS BAY TRANSIT AUTHORITY

MAINTENANCE EASEMENT

12' WIDE EASEMENT

MECHANIC STREET
(PUBLIC - 40' WIDE)

OWNER:
CARM CREER, LLC
100 S PARKWAY #344
MARLBOROUGH, MA 01752

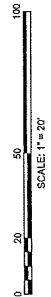
PLAN OF LAND
269 MECHANIC STREET
MARLBOROUGH,
MASSACHUSETTS

SCALE: 1" = 20'
DATE: SEPTEMBER 7, 2022



CHAPPELL
ENGINEERING
ASSOCIATES, LLC
Civil Structural Land Surveying
201 Boston Post Road West-Suite 101
MARLBOROUGH, MA 01752
TEL: (508) 481-7400
www.chappellengineering.com

PLAN REFERENCES:
275 OF 1984
275 OF 1988
1983 OF 1973
275 OF 1938 (JEFFERSON ST LAYOUT)
1983 OF 1973
PLAN BOOK 4425-124(VAL PLAN)



DATE: WILLIAM E. TIRRELL PLS # 49930

ORDER NO. 22/23-1008741C

ATTACHMENT

B

