



IN CITY COUNCIL

Marlborough, Mass., APRIL 10, 2023

ORDERED:

IN CITY COUNCIL
NOTICE OF DECISION
GRANT OF SPECIAL PERMIT

Special Permit Application of:
Marie Esther Health Center, Inc.
144 Turnpike Road, Suite 220
Southborough, MA 01772
Order No. 22/23-1008768C

Locus:
720 Boston Post Road East
Marlborough, MA 01752
Assessors Map 61, Parcel 7

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Marie Esther Health Center, Inc., with a mailing address of 144 Turnpike Road, Suite 220, Southborough, MA 01772, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: April 10, 2023.

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 12th of April 2023.

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

Given at Marlborough this 3rd of May 2023.

Given under Chapter 40A Section 17 of the General Laws.

A TRUE COPY

ATTEST:

City Clerk



IN CITY COUNCIL

Marlborough, Mass., APRIL 10, 2023

ORDERED:

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IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT MARIE ESTHER HEALTH CENTER, INC. ORDER NO. 22/23-1008768C

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Marie Esther Health Center, Inc. (the "Applicant") for expansion of the existing convalescent home/nursing home use at 720 Boston Post Road East, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Marie Esther Health Center, Inc., is a registered not-for-profit corporation formed under Chapter 180 of the General Laws and exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code, with an address of 144 Turnpike Road, Suite 220, Southborough, MA 01772.
2. The Applicant is the owner of the property located at 720 Boston Post Road E, Marlborough, Massachusetts, being shown as Parcel 7 on Assessors Map 61 (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 to renovate 10,490 square feet of the preexisting nonconforming convalescent home/nursing home use at the Site to create 12 additional rest home beds (the "Use"). As shown on the Plans referenced in paragraph 5 below, the Use consists of a commercial building containing the convalescent home/nursing home operation, loading areas, accessory parking, and landscaped areas.
4. The Applicant, by and through its Executive Director, filed with the City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a site plan entitled "Title Commitment By: Fidelity National Title Insurance Company Commitment Number: 18T963-2022 Effective Date: 4/20/2022 Date of Field Survey: 4/5/2022" by Blew & Associates, P.A., dated May 16, 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 is located in the Wayside Zoning District and has an area of 984,090 square feet +/-, as shown on the Plans.



IN CITY COUNCIL

Marlborough, Mass., APRIL 10, 2023

ORDERED:

PAGE 2

8. 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.
9. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, January 23, 2023. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on January 23, 2023.
10. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, including describing its impact upon the neighborhood.
11. As part of the public hearing, no members of the public expressed support or opposition about the Use or its potential impacts.

**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 expansion of the convalescent home/nursing home use to include an additional 12 rest home beds would not be substantially more detrimental to the neighborhood than the existing convalescent home/nursing home use of the Site.
- C. The City Council finds that the preexisting nonconforming convalescent home/nursing home 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 convalescent and nursing home use, as no changes are proposed to the exterior of the building on 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 expand the preexisting nonconforming convalescent home/nursing home use at the Site as shown on the Plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:



IN CITY COUNCIL

Marlborough, Mass., APRIL 10, 2023

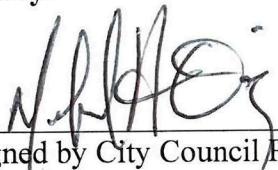
PAGE 3

ORDERED:

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. Future Site Changes. Future changes to the exterior of the building or to the Site shall be subject to site plan review.
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. Operations will be continuous as the Use at the Site will be 24 hours a day each day of the year.
5. Staffing. As a skilled nursing facility licensed by the Massachusetts Department of Public Health, the Applicant will maintain the required staffing levels for all licensed beds, including the additional 12 rest home beds. The Applicant will maintain staffing levels as needed to care for the new rest home residents and maintain its DPH licensure.
6. Lighting. Exterior lighting at the Site shall remain unchanged by this renovation.
7. Signs. Signage at the Site shall comply with the City's Sign Ordinance.
8. 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.
9. 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. 22/23-1008768C

ATTACHMENT

A

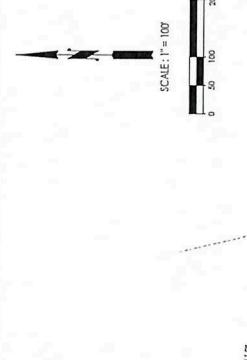
ALTA/NSPS LAND TITLE SURVEY

TO: FIRST AMERICAN TITLE INSURANCE COMPANY;
THE CLIENT HAS REVIEWED THIS SURVEY AND HAS ACCEPTED THE RESULTS THEREOF. THE CLIENT HAS REVIEWED THIS SURVEY AND HAS ACCEPTED THE RESULTS THEREOF. THE CLIENT HAS REVIEWED THIS SURVEY AND HAS ACCEPTED THE RESULTS THEREOF.

SCHEDULE B EASEMENTS

- 1. THE SURVEYED PROPERTY IS BOUND BY THE BOUNDARIES OF THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA.
- 2. THE SURVEYED PROPERTY IS BOUND BY THE BOUNDARIES OF THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA.
- 3. THE SURVEYED PROPERTY IS BOUND BY THE BOUNDARIES OF THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA.

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SURVEYOR'S NOTES

THE COMMISSIONER OF REVENUE HAS REVIEWED THIS SURVEY AND HAS ACCEPTED THE RESULTS THEREOF. THE COMMISSIONER OF REVENUE HAS REVIEWED THIS SURVEY AND HAS ACCEPTED THE RESULTS THEREOF.

BOUNDARY DETAIL

LINE	BEARING	DISTANCE	AREA
1	N 00° 00' 00" E	100.00 FT	100.00 SQ FT
2	E 00° 00' 00" S	100.00 FT	100.00 SQ FT
3	S 00° 00' 00" W	100.00 FT	100.00 SQ FT
4	W 00° 00' 00" E	100.00 FT	100.00 SQ FT

TRAJECT INFO

TRACT	AREA
TRACT 1	100.00 ACRES
TRACT 2	100.00 ACRES
TRACT 3	100.00 ACRES
TRACT 4	100.00 ACRES

UTILITY MAP

UTILITY MAP showing the location of utility lines and easements.

FEMA FLOOD NOTE

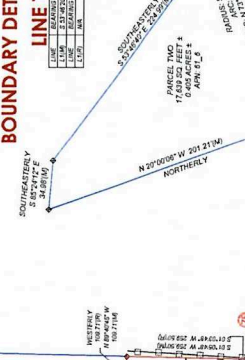
FEMA FLOOD NOTE providing information on flood zones and elevations.

SIGNIFICANT OBSERVATIONS

SIGNIFICANT OBSERVATIONS detailing specific findings and measurements.

BUILDINGS

BUILDINGS listing the structures shown on the survey.



UTILITY MAP

UTILITY MAP showing the location of utility lines and easements.

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FEMA FLOOD NOTE providing information on flood zones and elevations.

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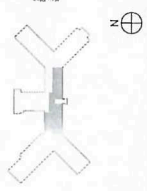
FEMA FLOOD NOTE providing information on flood zones and elevations.

SIGNIFICANT OBSERVATIONS

SIGNIFICANT OBSERVATIONS detailing specific findings and measurements.

Alliance Health & Human Services

Marie Esther Rest Home
Expansion
Alliance Health - Marie Esther
First Floor
1000 Marie Esther Blvd.
Marysville, WA 98270



**LWDA
DESIGN**

Architect: 10000 1st Avenue, Suite 100
Marysville, WA 98270
www.lwda.com

DOCUMENT NO: 10100
Revision: 01/2016
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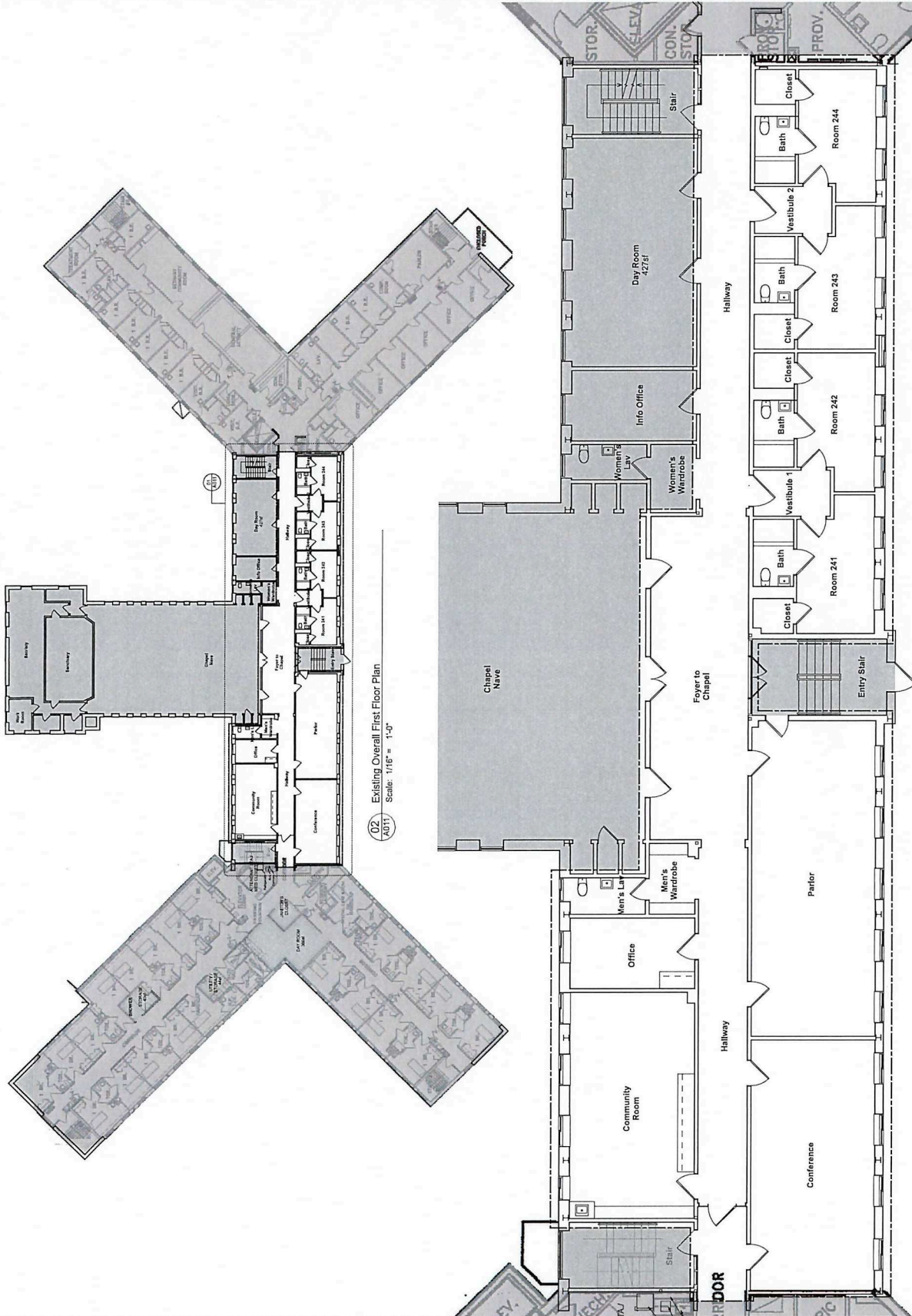
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Marysville, WA 98270
www.meyerandpartners.com
L.A. West Partners
3000 1st Avenue, Suite 110
Seattle, WA 98101
www.lawest.com



Existing Plan - First Floor

A011



02 Existing Overall First Floor Plan
A011 Scale: 1/16" = 1'-0"

01 Existing First Floor Plan
A011 Scale: 3/16" = 1'-0"

Alliance Health & Human Services

Marie Esther Rest Home
Expansion
Alliance Health - Marie Esther
First Floor
Northbrook, MA 01061



LWDA DESIGN

45 Volker Road, Concord, MA 01742
www.lwda.com

DOCUMENT OWNER: Alliance Health
PROJECT NO: 19-001
DATE: 08/20/19
SCALE: 3/16" = 1'-0"
DRAWN BY: [Redacted]
CHECKED BY: [Redacted]
APPROVED BY: [Redacted]

CONSULTING ENGINEERS
MEP: AHA Engineers
1000 North Main Street
Northbrook, MA 01061
Tel: 781-272-3000
Fax: 781-272-3001
www.aha-engineers.com



Project Name	Marie Esther
Project No.	19-001
Scale	3/16" = 1'-0"
Drawn By	[Redacted]
Checked By	[Redacted]
Approved By	[Redacted]
Date	08/20/19

Floor Plan - First Floor

A111

Floor Plan Notes

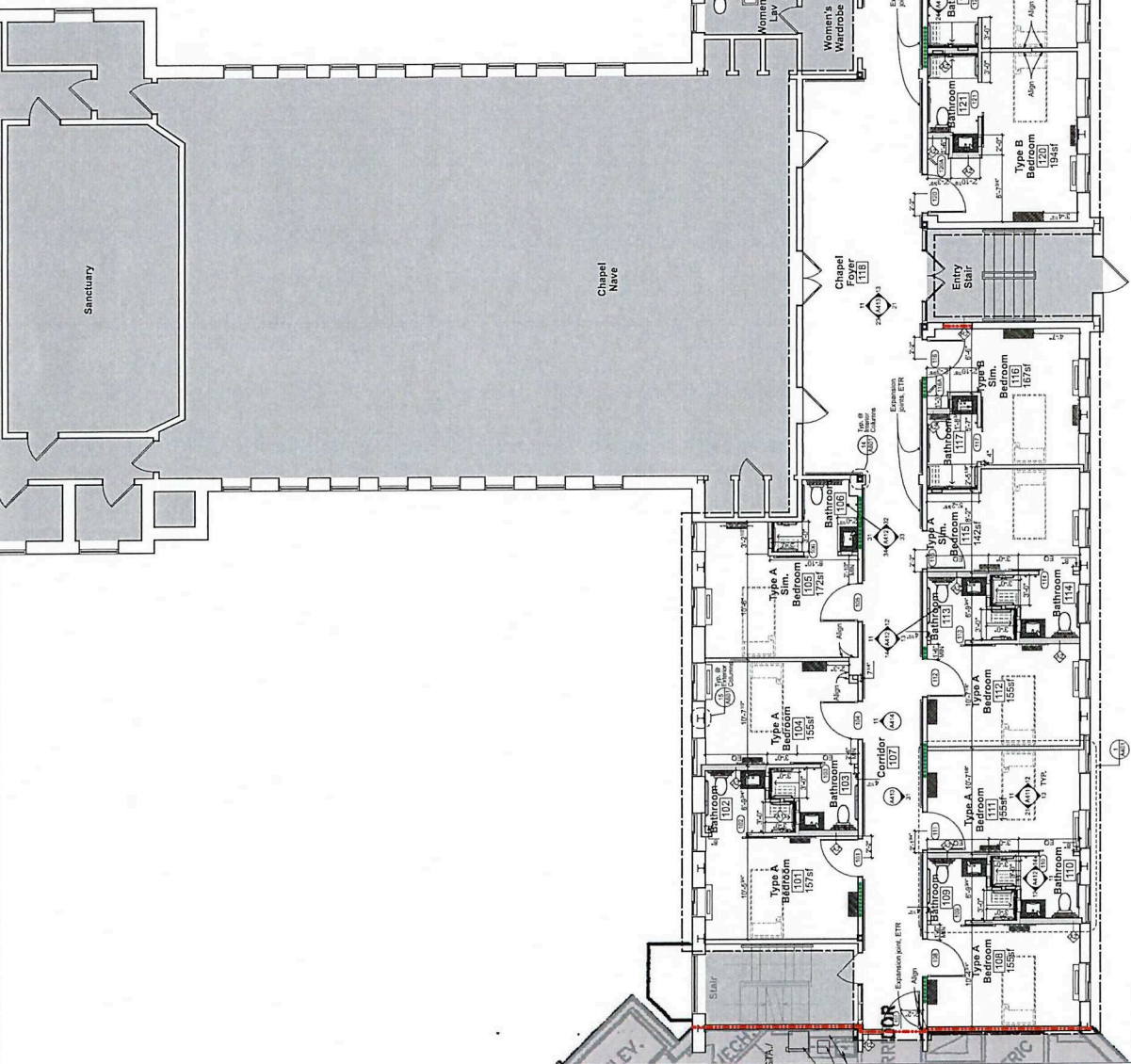
1. Refer to Electrical Schedule for all electrical notes.
2. Refer to Mechanical Schedule for all mechanical notes.
3. All rooms shall be finished to the same level unless otherwise noted. All floor leveling partitions shall be finished to the same level unless otherwise noted.
4. All rooms shall be finished to the same level unless otherwise noted. All floor leveling partitions shall be finished to the same level unless otherwise noted.
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15. All rooms shall be finished to the same level unless otherwise noted. All floor leveling partitions shall be finished to the same level unless otherwise noted.

All columns within the limit of project work area to be 2-hour fire-rated per UL Assemblies X326, X338, or X664 - see A601 for details.

Floor Plan Legend

	Not in contract
	Limit of project work area
	New Smoke Partition
	New 1-hour rated wall
	New 2-hour rated Fire Barrier
	New 1-hour Smoke Barrier
	Existing wall or partition to remain
	Existing wall or partition to remain
	New partition
	Existing door to remain
	Door number, refer to Door Schedule
	New door
	Plumbing fixtures
	New fire extinguisher cabinet
	New equipment (by owner)
	Room name
	Room number
	Elevation number
	Detail number
	Drawing number
	Drawing number

See A401 Enlarged Plans for typical resident room/bathroom dimensions



03 Floor Plan
A111 Scale: 3/16" = 1'-0"