



IN CITY COUNCIL

Marlborough, Mass., APRIL 25, 2022

ORDERED:

IN CITY COUNCIL NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:
587 Bolton Street, Inc.
19 Westgate Road
Framingham, MA 01701
Order No. 22-1008542B
X 13-1005456B

Locus:
587 Bolton Street
Marlborough, MA 01752
Assessors Map 30, Parcel 7

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of 587 Bolton Street, Inc., with a mailing address of 19 Westgate Road, Framingham, Massachusetts, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: April 25, 2022.

The Decision of the City Council was filed in the Office of the City Clerk of Marlborough on the 27th day of April 2022.

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 18th day of May 2022.

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

A TRUE COPY
ATTEST:

City Clerk



IN CITY COUNCIL

Marlborough, Mass., APRIL 25, 2022

ORDERED:

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IN CITY COUNCIL

DECISION ON A MODIFICATION TO A SPECIAL PERMIT 587 BOLTON STREET, INC.

DECISION ON A MODIFICATION TO A SPECIAL PERMIT ORDER NO. 22-1008542B (X 13-1005456B)

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Modification to an existing Special Permit granted to 587 Bolton St Inc. to allow for the construction of a covered outdoor seating area with a bar gazebo and a sports area and fire pit location to allow for outdoor seating (the "Use") on the site at 587 Bolton Street, Marlborough, Massachusetts, as provided in the DECISION and subject to the Findings of Fact and Conditions therein.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 587 Bolton Street, Marlborough, Massachusetts 01752.
2. The Applicant is a tenant of a commercial restaurant located at 587 Bolton Street, Marlborough, Massachusetts, as shown on Assessors Map 30 Parcel 7 (the "Site"). The Site is owned by 587 Bolton Street, LLC with a business address of 19 Westgate Road, Framingham, Massachusetts 01701.
3. The Site is located in the Limited Industrial (LI) Zoning District which requires a Special Permit for the outdoor service of food.
4. On March 9, 2022, 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 650-57. The Application seeks to modify the special permit granted by the City Council on July 22, 2013 (Council Order No. 13-1005456B, Recorded with the Middlesex South Registry of Deeds at Book 63388 and Page 1) ("July 22, 2013 Special Permit") authorizing the construction of an attached outdoor deck and to serve food on the same, pursuant to the City Council's authority under MGL Chapter 40A and the Code of the City of Marlborough with conditions, including hours of operation.



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ORDERED:

5. In connection with the Application for a Modification to a Special Permit, the Applicant submitted a certified list of abutters, required filing fees and a copy of the approved City of Marlborough Site Plan Permit, "Site Plan Permit, 587 Bolton Street, Bolton Street Tavern #SC-2021-7, Construction of a covered outdoor seating area with a bar gazebo and a sports area and fire pit location to allow for outdoor seating," issued on October 18, 2021 and signed by Tin Htway, Marlborough Building Commissioner, together with Proposed Plan of 587 Bolton Street in Marlborough, Mass. prepared by Ludwig Survey Solutions, LLC, 1498 White Pond Road, Athol, MA 01331, Scott T. Ludwig, Professional Land Surveyor, #48095, dated April 15, 2021, rev. July 14, 2021, attached as Exhibit #1.
6. Pursuant to the Rules and Regulations of the City Council of 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.
7. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on April 11, 2022. The public hearing was held in the City Council Chamber, at the Marlborough City Hall, 140 Main Street. The public hearing was closed on April 11, 2022.
8. The Applicant presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic, including outlining the proposed expansion of the outside dining and ancillary activities on the Site, and stating that the hours of operation conditioned in the July 22, 2013, Special Permit would be sufficient for the Use.
9. At the Public Hearing, there were no members of the public speaking in opposition to the proposed Modification to the Special Permit.
10. No written comments in favor or in opposition were received regarding the proposed Modification to the Special Permit.
11. The Procedural Findings of Fact specified above supplement those made in the July 22, 2013, Special Permit and are expressly incorporated into this Decision by reference.



IN CITY COUNCIL

Marlborough, Mass., APRIL 25, 2022

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ORDERED:

BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS AND TAKES THE FOLLOWING ACTIONS:

- A. The Applicant has complied with the Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds the proposed Use of the Site is in harmony with the intent and general purpose of the Zoning Ordinance of the City of Marlborough when subject to appropriate terms and conditions as provided in this Decision, and in the Original Special Permit. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth in this Decision and in the July 22, 2013, Special Permit.
- C. The City Council, pursuant to its authority under MGL Chapter 40A and the City of Marlborough Zoning Ordinance, Section 650-17 and Section 650-18(A)(31), and generally Section 650-59, **GRANTS** to the Applicant a Modification to a Special Permit for construction of a covered outdoor seating area with a bar gazebo and a sports area and fire pit location to allow for outdoor seating, as set out on the plans attached as **Exhibit #1**, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
 1. Construction on the Site shall be in accordance with all applicable building codes currently in effect in the City of Marlborough and according to the approved Site Plan Permit, SC 2021-7, 587 Bolton Street, Bolton Street Tavern, Applicant: John Stournaras, 19 Westgate Road, Framingham, MA 01701, issued on October 18, 2021, expires on October 18, 2023, and associated Site Plan prepared by Ludwig Survey Solutions, LLC, 1498 White Pond Road, Athol, MA 01331 dated April 15, 2021, rev: July 14, 2021, prepared for 587 Bolton Street, LLC, 19 Westgate Road, Framingham, Mass. 01701, attached herewith as **Exhibit #1**.



IN CITY COUNCIL

Marlborough, Mass., APRIL 25, 2022

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ORDERED:

2. In furtherance of the July 22, 2013, Special Permit, no patron shall be allowed in the Use location, including the covered outdoor seating area with bar gazebo, sports area and fire pit location allowed for outdoor restaurant seating except between the following hours on the following days:

Sunday: 10 AM to 10 PM
Monday: 11 AM to 10 PM
Tuesday: 11 AM to 10 PM
Wednesday: 11 AM to 10 PM
Thursday: 11 AM to 10 PM
Friday: 11 AM to 11 PM
Saturday: 11 AM to 11 PM

The hours listed above shall be subject to review by the Site Plan Review Committee up to one year after the issuance of the certificate of occupancy for the extended outdoor seating and activities area; if the Chief of Police and pertinent ward councilor deem the hours listed above to be unacceptable, the hours of operation shall be subject to further review and revision by the City Council.

3. All work performed on the Site shall comply with this Decision. No other building or construction or activity shall occur without further modification of this Special Permit.
4. The service of alcoholic drinks on the Site, including the Use location, shall be subject to prior approval by the Marlborough Licensing Board and the Alcoholic Beverages Control Commission.
5. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties and shut off outside of operating hours, except for security lighting.
6. The Applicant shall comply with the Conservation Commission Order of Conditions approved April 15, 2021.
7. Additional planting and landscaping and ongoing maintenance around the gazebo and bar area are required to enhance the appearance of the new Use location. The Conservation Officer shall approve the plantings and landscaping. This condition shall have a two-year lookback from the date of occupancy, allowing the Conservation Officer to require and approve additional plantings and landscaping as necessary to enhance the appearance of the new Use location.



IN CITY COUNCIL

Marlborough, Mass., APRIL 25, 2022

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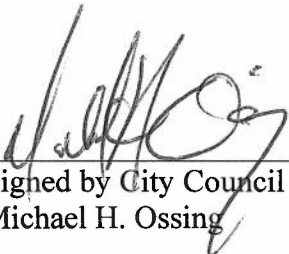
ORDERED:

8. Applicant shall install No Smoking signs at all outdoor spaces where food and/or beverages are served to the public by employees.
9. All other conditions of the July 22, 2013, Special Permit approved by the City Council on July 22, 2013, shall remain in full force and effect, and are incorporated herein by reference as part of this Decision.
10. 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 Office, the Building Department and the City Solicitor's Office.

Yea: 9 – Nay: 0 – Absent: 2

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

Absent: Navin, Landers.


Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
22-1008542B
X 13-1005456B

ORDER NO. 22-1008542B

(X 13-1005456B)

EXHIBIT

1

SC 2021-7 587 Bolton St. – Bolton Street Tavern

Map	30
Parcel	7
Site Plan #	SC 2021-7
Special Permit	
Zoning District	Limited Industrial



CITY OF MARLBOROUGH SITE PLAN PERMIT

Applicant: John Stournaras, 19 Westgate Rd. , Framingham, MA - 01751
 Owner: Same
 Location: 587 Bolton St. – Bolton Street Tavern
 Mailed to: _____ Date: _____
 Picked up by: _____ Date: _____

ISSUED ON: *October 18, 2021* Expires on: *Oct. 18, 2023* Amended on: _____

TO PERFORM THE FOLLOWING WORK:

Outdoor seating, gazebo and bar area.

THIS PERMIT MAY BE REVOKED BY THE CITY OF MARLBOROUGH UPON VIOLATION OF ANY OF ITS RULES AND REGULATIONS.

An approved or conditionally approved site plan shall be carried into effect and completed by the Applicant within two (2) years of the date of this issuance, unless the Committee Chair has granted an extension in writing. Any deviation from the approved site plan permit shall not be implemented by the applicant unless approved by the Site Plan Review Committee.

No Certificate of Occupancy shall be issued until such time as all of the appropriate departments listed below certify that all conditions have been met. Applicant shall also understand that no Certificate of Occupancy shall be issued until such time as all conditions of Chapter 270, including but not limited to, a completed set of approved "As-Built Plans" have been submitted to the Engineering and Inspectional Services Department.

Prior to an Occupancy request, contact the following for site plan inspections:

- | | |
|--------------------------------------|-------------------------|
| Police Chief- David Giorgi | 508-624-6974 |
| Fire Chief -Kevin Breen | 508-624-6984 |
| Conservation Officer-Priscilla Ryder | 508-460-3768 |
| City Engineer - Thomas DiPersio | 508-624-6910 ext. 33200 |
| Building Commissioner - Tin Htway | 508-460-3776 |
| Board of Health - John Garside | 508-460-3751 |

ADDITIONAL CONDITIONS # 1 THRU # 11 CAN BE FOUND ON THE FOLLOWING PAGES AND MUST BE FOLLOWED.

Signature 
 Tin Htway

Date 10/18/2021

Fee Type	Receipt No	Date Paid	Check No.	Amount
Formal review			8225	\$750.00

Site Plan Review Permit # SC-2021-7

Address: 587 Bolton St.

Name of project: Bolton Street Tavern

Type of project: Gazebo, fire pit; sports area

Other Permits: Conservation Commission - DEP 212-1241 Order of Conditions

Project Description: Construction of a covered outdoor seating area with a bar gazebo and a sports area and fire pit location to allow for outdoor seating.

Preconstruction meeting:

1. Prior to construction a preconstruction meeting shall be held on site with the Building Commissioner, City Engineer and Conservation Officer and site contractor responsible for doing the work. At this meeting the departments will review the plans, conditions, exchange contact information including emergency contact numbers, and inspect erosion controls.
2. The issuance of this site plan permit and the signature on the site plans by the City Engineer also serves as the Stormwater Management Plan permit required under Marlborough General Code section 271.
3. During construction all erosion control details as outlined on the approved plans shall be followed. Any changes to these erosion control plans must be approved by the City Engineer and Conservation Officer.
4. The site contractor and or site engineer shall be responsible for regular inspections of the erosion controls on at least a weekly basis and prior to and immediately after (within 12 hours) each storm event of 0.5 inches or more. Necessary repairs and maintenance of the erosion control devices shall be made expeditiously. These inspections shall be described in the reports required in the condition below.
5. The site contractor and/or site engineer will report (by e-mail) to the Conservation Officer and City Engineer weekly, during construction, summarizing the work that has been completed and compliance of the project with the approved plans.
6. The applicant, property owner, and site contractor shall be responsible for notifying the Conservation Officer and City Engineer in an expeditious manner if any visible siltation leaving the site occurs. Immediate measures shall be taken to control the siltation source and to restore any impacted areas.
7. The area on the ground under the dripline of the roof shall be stone or other material to protect the soil from erosion from roof runoff.

8. Confirm fire pit location and gas connections meets the Fire Department code requirements prior to installation.
9. As outlined in the Order of Conditions, all plantings around the new structure shall be approved by the Conservation Officer to ensure they are not invasive varieties.
10. Time for Completion: Work as provided for on the approved Site Plans shall be carried into effect and completed within two (2) years following the date of issuance of this permit, unless an extension has been granted by the Site Plan Review Committee. Such extension shall be requested prior to the expiration of this permit.
11. Hours of operation - All construction work shall be restricted to 7:00 AM to 7:00 PM Monday through Saturday, except holidays and Sunday, when all use is prohibited except with a variance by the Board of health.

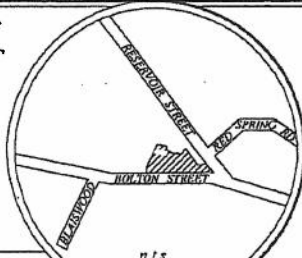
Plans titled: Proposed Plan of 587 Bolton St. in Marlborough, MA
Dated: April 15, 2021 last revised: July 14, 2021
Sheets: Sheet 1 Boundary & Sheet 2 Topography
Prepared By: Scott T. Ludwig PLS, Ludwig Survey Solutions, LLC
Prepared for: 587 Bolton St LLC

End Conditions

**PROPOSED PLAN of
587 BOLTON STREET**

in MARLBOROUGH, MASS.
BOUNDARY (sheet 1 of 2)

PREPARED FOR:
587 Bolton Street, LLC
19 Westgate Road
Framingham, Mass. 01701



April 15, 2021 Scale: 1"=60'
Rev: July 14, 2021

LOCUS MAP

ZONING REGULATIONS (LI) Limited Industrial

LOT REQUIREMENTS	REQUIRED	EXISTING	PROPOSED
1. Lot Size	2 Acres	3.1± Acres	as exist.
2. Frontage	200'	615.8'	as exist.
3. Front Yard	50'	10.9'	as exist.
4. Side Yard	50'	206±	67±
5. Rear Yard	50'	168±	82±
6. Lot Coverage	60%	47.2%	48.8%

SYMBOLS:
 □ S.B. Stone Bound
 d.h. drill hole
 ⊙ deciduous
LINETYPE:
 --- Zoning Line
 --- Topography

**SITE PLAN
APPROVAL**

R. J. J. Heath 7-15-2021
Police 7-16-21
W. P. MFA 7/16/21
Russell Rd. Consent 7/19-21
Norman D. Fenwick, Engineering
BUILDING 7/20/21

BUSINESS USE PERMITTED

Restaurant, cafe	SP
Accessory uses	Y
Restaurants serving outdoors	SP
Outdoor recreation uses	SP

*Current use described as Restaurant/ Club/ Bar,
Code 3260 (see Assessor's Card).

NOTES:

1. All information hereon shown is based upon an on the ground field survey conducted in April of 2021, with the primary instrument of survey being a Sokkia IX-1205 #XR000703.
2. Building locations and offsets shown are for zoning determinations only and are not to be used to establish property lines.
3. Portion of the premises are in Flood Zone 'AE'; Panel 25017C0481F effective on 7/7/2014. FIRM sets flood elevation at EL. 262.
4. All proposed structures hereon shown are situated above AE flood zone (EL. 262).

**MIDDLESEX SOUTH
Registry References**

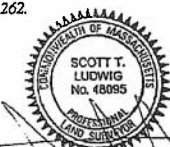
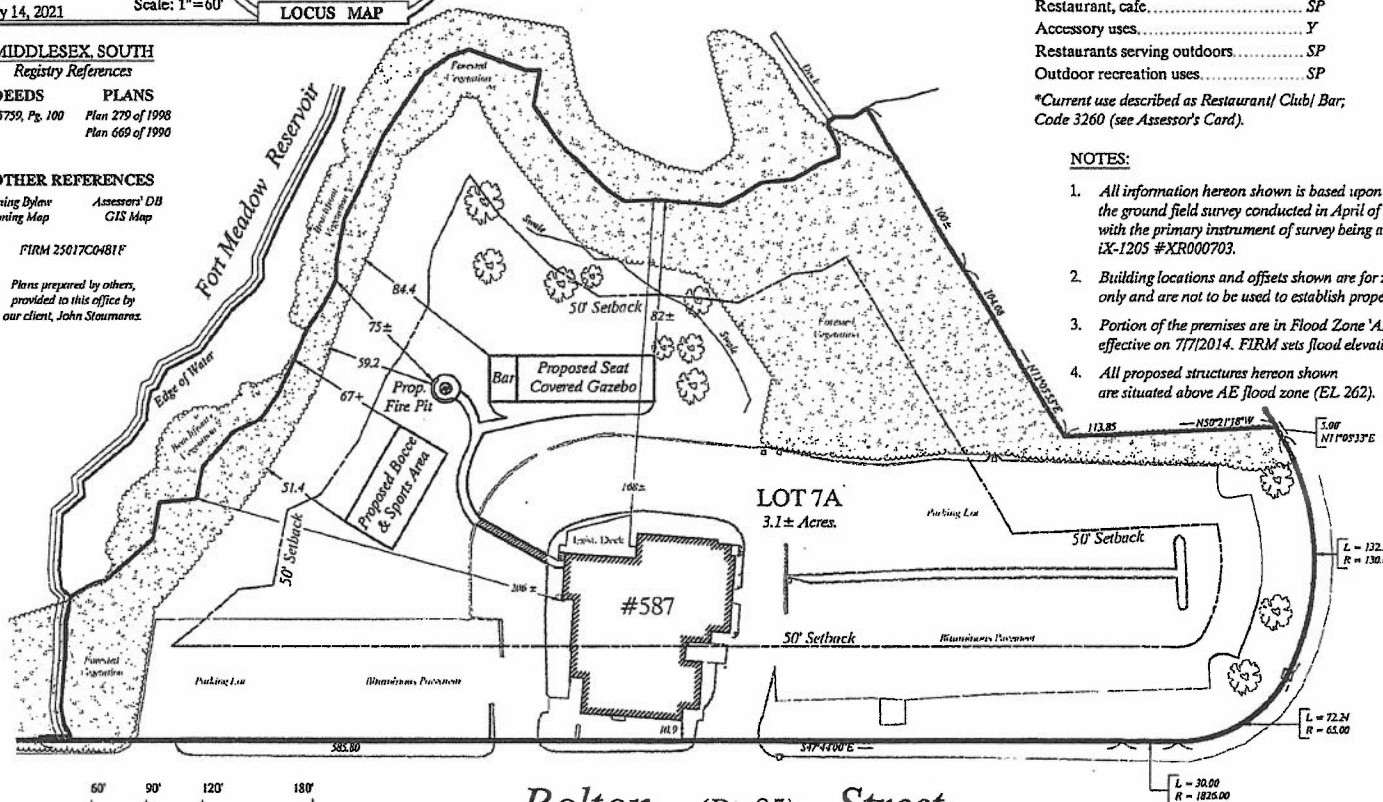
DEEDS PLANS
 Bk. 65759, Pg. 100 Plan 279 of 1998
 Plan 669 of 1990

OTHER REFERENCES

Zoning Bylaw Assessors' DB
 Zoning Map GIS Map

FIRM 25017C0481F

Plans prepared by others,
provided to this office by
our client, John Stourmarz.



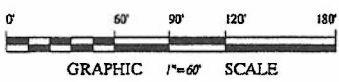
SCOTT T. LUDWIG
Professional Land Surveyor #48095

PREPARED BY:



1498 WHITE POND ROAD
ATHOL, MA 01331
LUDWIGSURVEY.COM
OFFICE@LUDWIGSURVEY.COM
(978) 496-9497

FIELD	CALC	DRAFT	CHECK
Z.T.L.	Z.T.L.	Z.T.L.	S.T.L.



Bolton (Rt. 85) Street

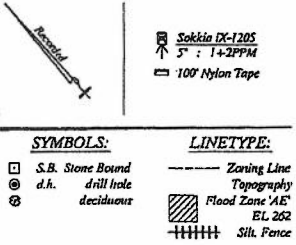
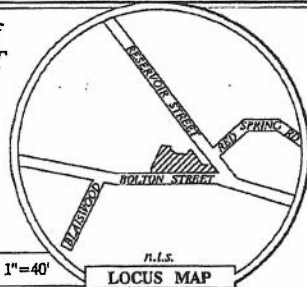
**PROPOSED PLAN of
587 BOLTON STREET**

in MARLBOROUGH, MASS.
TOPOGRAPHY (sheet 2 of 2)

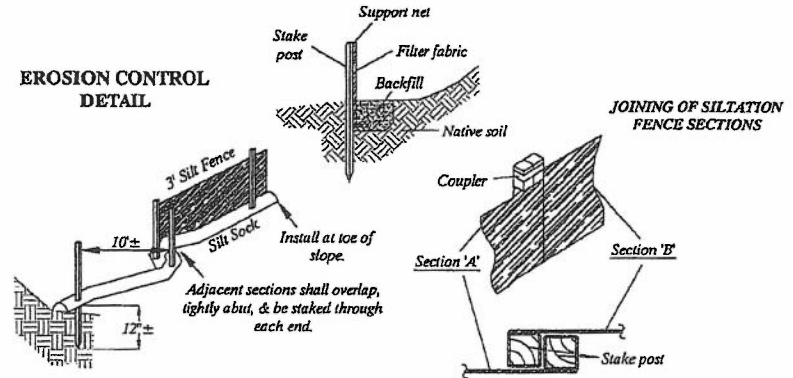
PREPARED FOR:
587 Bolton Street, LLC
19 Westgate Road
Framingham, Mass. 01701

April 15, 2021

Scale: 1"=40'



**EROSION CONTROL
DETAIL**



Construction Notes:

1. Woven wire fence to be fastened securely to fence post with wire ties or staples.
2. Filter fabric to be fastened securely to woven wire fence with ties spaced every 24" at top and mid section.
3. When two sections of filter fabric adjoin each other, they shall be overlapped by 6" and folded.
4. Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.
5. Inspection shall be frequent and repair replacement shall be made promptly as needed.
6. Fences shall be removed after serving their usefulness so as not to block or impede storm flow or drainage.

MIDDLESEX, SOUTH

Registry References

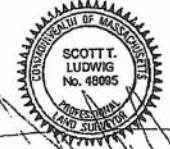
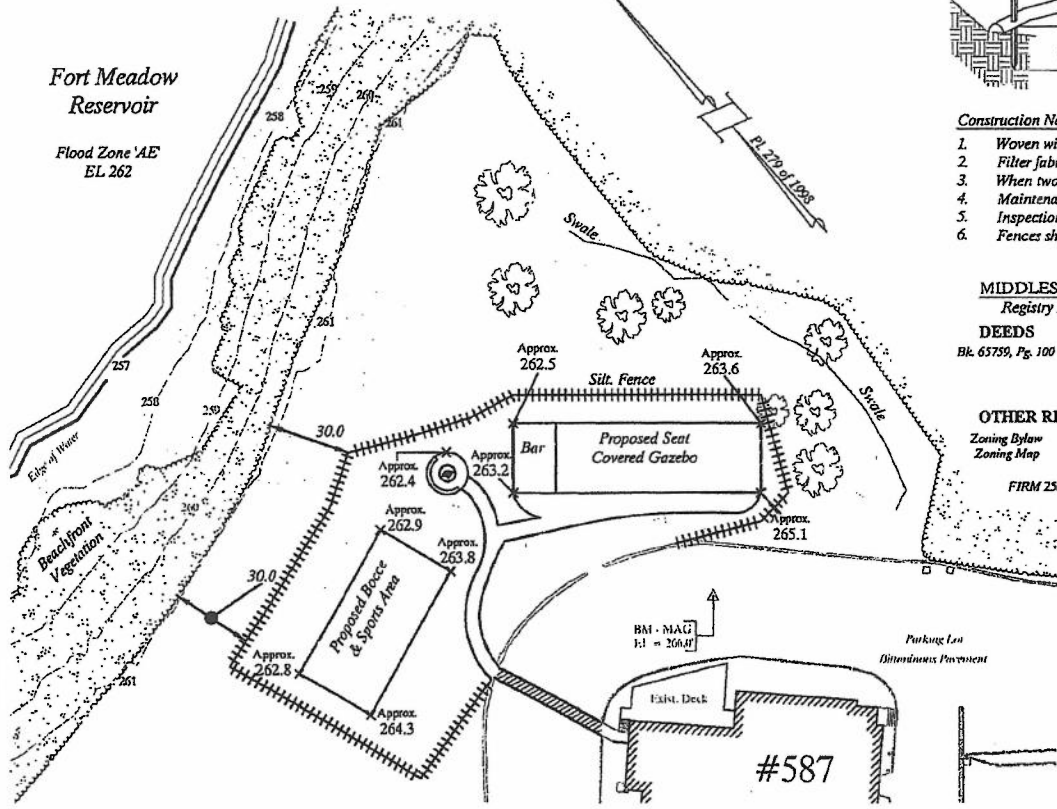
DEEDS **PLANS**
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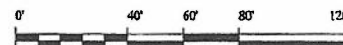
Zoning Bylaw Assessor's DB
Zoning Map GIS Map
FIRM 25017C0481F

NOTES:

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3. Portion of the premises are in Flood Zone 'AE'; Panel 25017C0481F effective on 7/7/2014. FIRM sets flood elevation at EL. 262.
4. All proposed structures hereon shown are situated above AE flood zone.



SCOTT T. LUDWIG
Professional Land Surveyor #48095



PREPARED BY:

LUDWIG
SURVEY SOLUTIONS, LLC.

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FIELD Z.T.L.	CALC Z.T.L.	DRAFT Z.T.L.	CHECK S.T.L.
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