



# IN CITY COUNCIL

Marlborough, Mass., MAY 22, 2023

ORDERED:

**IN CITY COUNCIL  
NOTICE OF DECISION  
GRANT OF SPECIAL PERMIT**

Special Permit Application of:  
Trombetta Family Limited Partnership  
655 Farm Road  
Marlborough, MA 01752  
Order No. 23-1008824C

Locus:  
655 Farm Road  
Marlborough, MA 01752  
Assessor's Map 85, Parcels 10 and 12 (Parcel 10 has an address of 10 Broadmeadow Street,  
Marlborough MA, 01752).

## 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: May 22, 2023.

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 23<sup>rd</sup> of May 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 13<sup>th</sup> of June 2023.

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

A TRUE COPY  
ATTEST:

  
City Clerk



# IN CITY COUNCIL

Marlborough, Mass., MAY 22, 2023

ORDERED:

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## IN CITY COUNCIL

### DECISION ON A SPECIAL PERMIT TROMBETTA FAMILY LIMITED PARTNERSHIP ORDER NO. 23-1008824C

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to The Trombetta Family Limited Partnership (the "Applicant") for a contractor's yard and landscape contractor's yard at 655 Farm Road, in the Limited Industrial Zoning District, as provided in this Decision and subjected to the following Findings of Fact and Conditions.

#### FINDINGS OF FACT

1. The Applicant, Trombetta Family Limited Partnership, is a Massachusetts Limited Partnership with an address of 655 Farm Road, Marlborough, MA 01752.
2. The Applicant is the owner of the property located at 655 Farm Road, Marlborough, Massachusetts, 01752 (Map 85, Parcel 12), and Charles P. Trombetta, Trustee of the 10 Broadmeadow Realty Trust, is the owner of the property located at 10 Broadmeadow Street, Marlborough Massachusetts, 01752 (Map 85, Parcel 10) (Both properties together are the "Site").
3. In accordance with Article V, Section 650-17 and Section 650-18.A(48), of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes a contractor's yard and landscape contractor's yard at the Site (the "Use"). As shown on the Plans referenced in Paragraph 5 below, the Use consists of trailers/containers, accessory parking, outdoor storage areas and landscaped areas.
4. The Applicant, by and through its engineer, 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, and a site plan entitled "Proposed Site Plan of 655 Farm Road, Marlborough, MA (Map 85, Parcels 10 and 12) dated September 15, 2022" by Connorstone Engineering, with the last revision date of May 17, 2023, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit (collectively 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.



## IN CITY COUNCIL

Marlborough, Mass., MAY 22, 2023

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### ORDERED:

7. The Site is located in the Limited Industrial Zoning District.
8. The Site has an area of 306,616 square feet.
9. The proposed lot coverage of 180,640 square feet (58.9% lot coverage) would maintain an area in compliance with Article VII, Section 650-41, Table of Lot Area, Yard and Height of Structures, of the Zoning Ordinance (maximum 60% lot coverage).

To the extent there is a residential structure on the 655 Farm Road portion of the Site (Assessor's Map 85, Parcel 12), nothing in this Special Permit authorizes such residential structure.

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 March 27, 2023. The public hearing was held at Marlborough City Hall, 140 Main Street. The hearing was closed March 27, 2023.
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. At the public hearing, eight members of the public, including the Applicant and its engineer, spoke in favor of the Use and no members of the public spoke in opposition to the Use.

### **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 present Use of the Site is an appropriate use in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or to the conditions more fully set forth herein.



# IN CITY COUNCIL

Marlborough, Mass., MAY 22, 2023

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## ORDERED:

- C. 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 for a contractor's yard and landscape contractor's yard at 655 Farm Road, 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 of all structures on the Site, if any, 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 and shall be build according to the Plans as may be amended during Site Plan Review.
  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. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions of this Special Permit. Subsequent Site Plan Review shall be consistent with the intent and conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
  3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the City Council or the Site Plan Review Committee may approve engineering changes to the Plan's, so long as said changes do not change the Use approved herein, or materially increase the impervious area of the Use, reduce the green area, or alter traffic flow, all as shown on the Plans.
  4. 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.
  5. Operating Hours. Hours of operation are limited to: 7:00AM to 7:00PM Monday through Saturday. Access for emergency business use, including for uses such as snow removal and sewer breaks, is permitted at all times.
  6. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall be responsible for ensuring that the uses on the Site do not contaminate stormwater runoff, and shall ensure that the uses on the Site do not cause adverse stormwater impacts to abutting properties.



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## ORDERED:

7. Traffic Pattern. All tenants and visitors to the contractor yard area/landscape contractor yard area are to enter and exit via the southern driveway shown on the Site Plan. Signage shall be erected on the northerly access of the site at the easterly edge of the ice cream and retail parking area prohibiting the retail customers from entering the contractor's yard/landscape contractor's yard areas and also prohibiting the contractors from entering the ice cream and retail parking area. Signage shall also be erected on the southerly access of the site at the easterly edge of the retail parking area prohibiting retail customers from entering the contractor yards/landscape contractor yards areas.
8. Screening. In accordance with Section 650-18.A(48) of the Zoning Ordinance, the Applicant shall, within a period of time to be determined during Site Plan Review by the Site Plan Review Committee, install screening to screen areas of the Site used for the storage of vehicles, equipment, and materials from adjacent properties as follows:
  - A. South Property Side Line
    - I. #20 and #30 Broadmeadow Street – existing mature screening.
    - II. #40 Broadmeadow Street – existing 6-foot private fence and longer storage building.
    - III. #56 Broadmeadow Street – existing fence is a mix of 6-foot privacy fence and 6-foot black vinyl coated chain link fence along with existing an arborvitae space and deciduous trees. Applicant to supplement screening with arborvitae and other plantings to infill gaps within existing screening as shown on the Site Plans. The material stockpiles abutting the fence are to be removed.
  - B. Rear Property Line – Existing dense vegetation provides dense screening to Wayside Athletic Club. There is a vacant parcel of land (approximately 60 feet wide) between the Site and the Wayside Athletic Club. Applicant shall remove all gravel surfaces and containers within the required 7-foot setback and install plantings as shown on the Site Plan. The gravel surfaces shall be removed and replaced with mulch, or another cover determined by the City's Conservation Officer, to discourage future encroachments into the area.
  - C. Northern Property Line – Northern Property Line abuts 667 Farm Road and 665 Farm Road. This line includes existing 6-foot stockade fencing and a 6-foot privacy fence. An existing vegetated buffer has been planted over the past several years as shown on the Site Plan.



## IN CITY COUNCIL

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### ORDERED:

The Site Plan Review Committee shall require additional planting or screening as needed to ensure adequate screening for the abutters. Defined barriers between the landscaped areas and contractor/landscape contractor yards shall be provided so as to protect the landscaped areas from being encroached upon. The vegetated screening and fencing shall be maintained and replaced/ augmented as needed over the years to ensure the proper screening, as approved, is always provided.

9. Leased Areas. 16 containers are provided, one to each of the 16 leased areas, and are utilized to provide tenants with a space to secure and protect their daily and seasonal equipment. The containers are used to store hand tools, lawn maintenance equipment, snow equipment and similar equipment. Storage of unregistered vehicles is not allowed on the Site. Tenants are not allowed to perform vehicle repairs and/or maintenance on the Site.

Only the 16 lease areas are permitted as shown on the Plans, which shall be clearly defined in the field. Only the trailers shown on the approved Plans are permitted. Applicant may, as needed to accommodate existing and future tenants, change or modify the lease areas provided that there are no more than 16 lease areas. The total lease area, and the number of lease areas (16), and/or the number of trailers, cannot be increased or expanded without an amendment to this Special Permit.

10. Outdoor Storage Areas. In accordance with Section 650-18.A(48) of the Zoning Ordinance, the outdoor storage of vehicles, equipment, and materials shall be located on impervious and otherwise dust-free surfaces. Materials shall be stored with sufficient protections to avoid damage to landscaped areas and to avoid interference with the proper functioning of stormwater infrastructure. Storage of propane, chemicals, or hazardous material is not allowed.
11. Open Space. Within a period of time to be determined during Site Plan Review by the Site Plan Review Committee, the areas of open space as shown on the Plans shall be vegetated with grass with additional trees and shrubs to be added to help provide shade to these open spaces. These areas shall remain open and shall not be used for storage of any materials or equipment. During the Site Plan Review process the open space area, gravel area, and storage areas shall all be clearly defined and delineated on the plans with provisions that these areas are clearly defined by fencing or barriers or other on-the-ground methods for easier enforcement and management of the Site.
12. Noise and Air Quality. The Applicant, its successors and/or assigns, shall comply with the City's Noise Ordinance and shall comply with all state and federal requirements governing air quality and emissions.



## IN CITY COUNCIL

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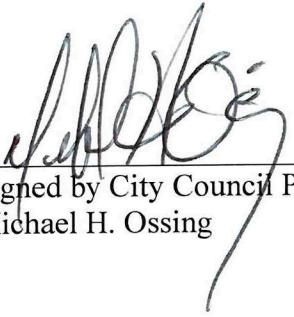
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### ORDERED:

13. Lighting. Exterior lighting at the Site shall be downward facing from three 15-foot posts shown on the Plans, with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review Process. Exterior lighting at the Site shall be shut off outside of operating hours, except for lighting necessary for security and emergency access.
14. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the Use.
15. 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, if applicable, before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the Recoded 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  
23-1008824C

ORDER NO. 23-1008824C

# ATTACHMENT

# A



# PROPOSED SITE PLAN OF 655 FARM ROAD MARLBOROUGH, MA

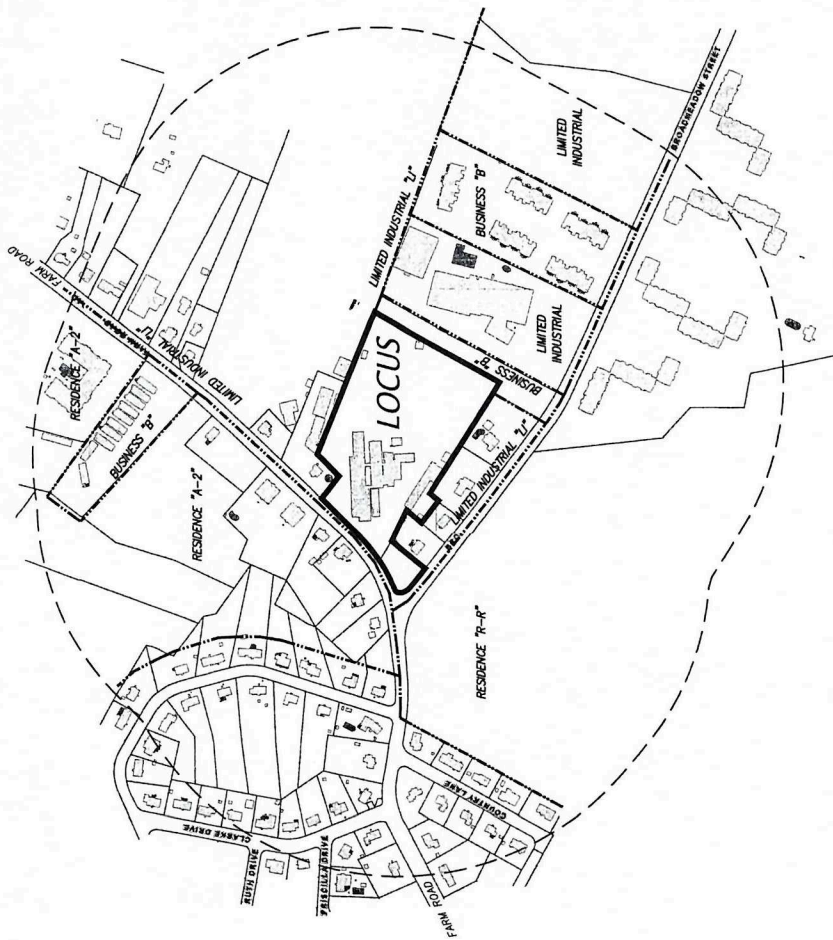
**ZONING: LIMITED INDUSTRIAL "LI"**

**LOT REQUIREMENTS**

AREA	2 ACRES
FRONTAGE	200 FEET
DEPTH	150 FEET
SIDE YARD	50 FEET
REAR YARD	50 FEET

**BUILDING HEIGHT**

MIN 6'-10" OF RESIDENTIAL ZONE 30'  
 MIN 12'-0" OF RESIDENTIAL ZONE 40'  
 MIN 25'-0" OF RESIDENTIAL ZONE 40'  
 MIN 40'-0" OF RESIDENTIAL ZONE 50'



LOCUS MAP OF #655 FARM ROAD  
SCALE: 1"=200'

**GENERAL NOTE:**

1. ALL DIMENSIONS AND REQUIREMENTS ARE BASED ON THE CURRENT CITY OF MARLBOROUGH ASSESSORS RECORDS.
2. THIS PLAN IS BASED ON A CONNORSTONE ENGINEERING INC. PERFORMED IN NOVEMBER, 2022.
3. THE LEGAL STATUS OF CUSTOMERS AND MAPS NOT DETERMINED BY THIS SURVEY.



**OWNER:**  
 TROMBETTA FAMILY LIMITED PARTNERSHIP  
 655 FARM ROAD  
 MARLBOROUGH, MA 01752

**CONNORSTONE ENGINEERING INC.**  
 CIVIL ENGINEERS, LAND SURVEYORS  
 10 SOUTHVIEW DRIVE, SUITE 7  
 MARLBOROUGH, MASSACHUSETTS 01752  
 PHONE: 508-392-3927 FAX: 508-392-5242

**PROPOSED SITE PLAN**  
 OF  
 655 FARM ROAD  
 MARLBOROUGH, MA  
 (MAP 85, PARCELS 10 & 12)

2/17/2023	REVISED
2/16/2023	SPECIAL PERMIT APPLICATION
1/11/2023	SITE PLAN REVIEW COMMENTS
10/24/2022	JKM COMMENTS
REVISION	DESCRIPTION
DRAWN BY: JKM	CHECK BY: VC
DATE: SEPTEMBER 15, 2022	
SCALE: 1"=200'	SHEET 1 OF 3

**ZONED: LIMITED INDUSTRIAL 1J**

REQUIRED	EXIST. BLDG. 'A'	EXIST. BLDG. 'B'	EXIST. BLDG. 'C'	EXIST. BLDG. 'D'
AREA	2 Acres	7,038 Acres	500'0"	750'0"
FRONTAGE	200'0"	44,427'0"	123'0"	174'0"
DEPTH	50'0"	37'0"	78'0"	133'0"
REAR	50'0"	354'1"	144'5"	133'0"

**BUILDING HEIGHT**

W/IN 0-150' OF RESIDENTIAL ZONE 'R'  
 W/IN 151'-250' OF RESIDENTIAL ZONE 'R'  
 W/IN 251'-400' OF RESIDENTIAL ZONE 'R'  
 W/IN 401'-500' OF RESIDENTIAL ZONE 'R'

**GENERAL NOTES:**

1. OWNER OF ADJACENT PROPERTIES ARE MAHAROUGH ASSASSORS RECORDS.
2. THIS PLAN IS BASED ON AN EXISTING SURVEY PERFORMED BY MAHAROUGH ENGINEERING INC. IN NOVEMBER, 2012.
3. ALL MEASUREMENTS OF ELEVATIONS AND HITS NOT DETERMINED BY THIS SURVEY.

**N/E**  
 MAHAROUGH INDUSTRIAL LLC  
 11 FARM ROAD  
 DEED BK. 14242, PG. 445

**N/E**  
 THE MODERN REALTY TRUST  
 DEED BK. 28121, PG. 546

**N/E**  
 CHRISTA HANTON  
 DEED BK. 21771, PG. 420

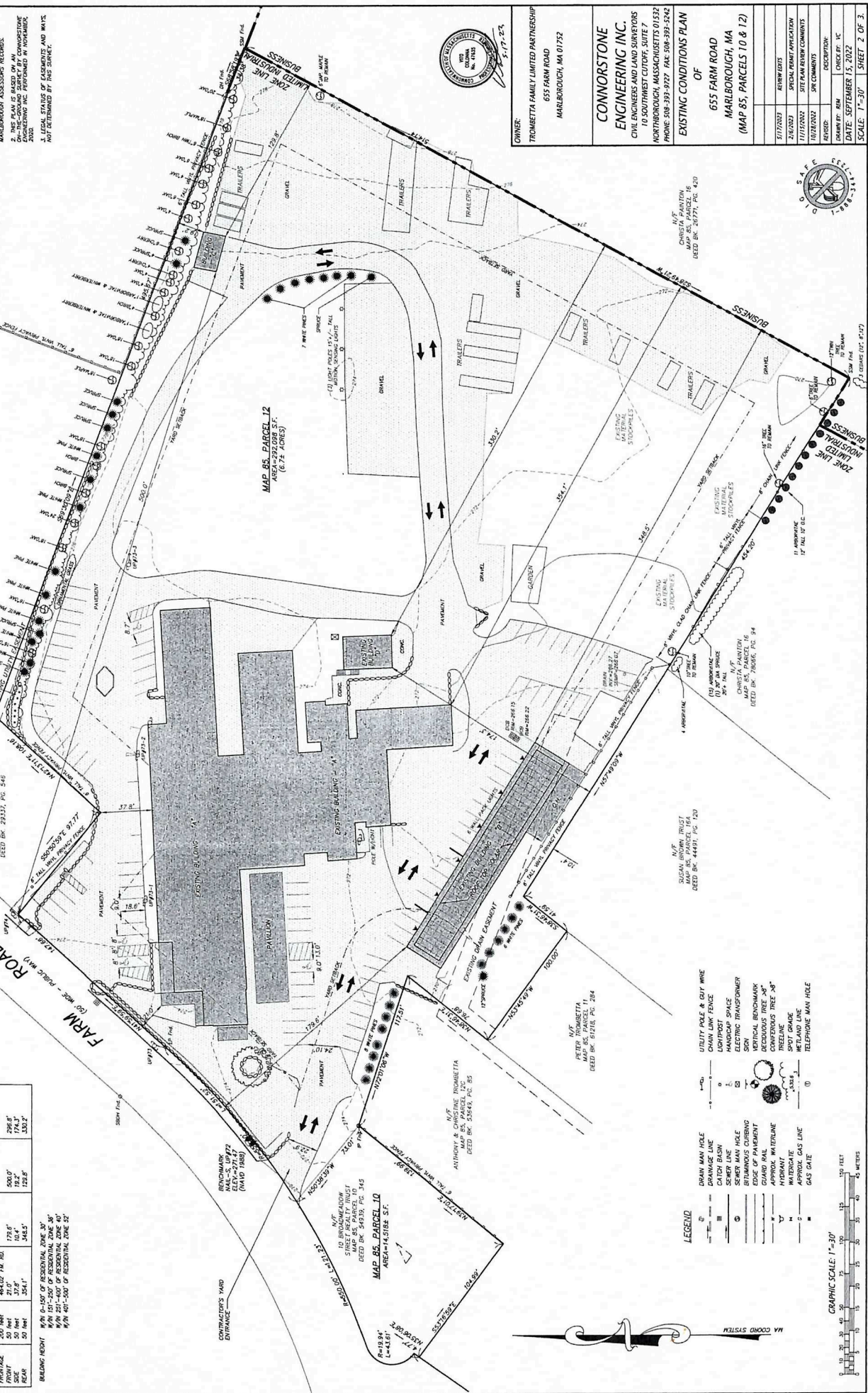
**N/E**  
 SUSAN BROWN TRUST  
 DEED BK. 44431, PG. 120

**N/E**  
 W/ETER FROMBETHA  
 DEED BK. 51215, PG. 254

**N/E**  
 ANTHONY & CHRISTINE FROMBETHA  
 DEED BK. 53545, PG. 25

**N/E**  
 10 BROADMEADOWS  
 MAP 85, PARCEL 10  
 DEED BK. 54035, PG. 345

**N/E**  
 MAP 85, PARCEL 10  
 AREA=14,078 S.F.



**LEGEND**

- DRAWN MAN HOLE
- UTILITY POLE & CUT WIRE
- CHAMBER
- LIQHTPOST
- HANDICAP SPACE
- ELECTRIC TRANSFORMER
- SEWER MAN HOLE
- EDGE OF PARKMENT
- GUARD RAIL
- APPROX. WATERLINE
- HYDRANT
- WETLAND LINE
- GAS GATE
- APPROX. GAS LINE
- TELEPHONE MAN HOLE

**GRAPHIC SCALE: 1" = 30'**

0 10 20 30 40 50 60 70 80 90 100 FEET  
 0 10 20 30 40 50 METERS

**OWNER:**  
 FROMBETHA FAMILY LIMITED PARTNERSHIP  
 655 FARM ROAD  
 MARLBOROUGH, MA 01752

**ENGINEER:**  
 CONNORSTONE  
 ENGINEERING INC.  
 CIVIL ENGINEERS AND LAND SURVEYORS  
 10 SOUTHWEST COTUIT, SUITE 7  
 NORWICH, MASSACHUSETTS 01952  
 PHONE: 508-339-3927 FAX: 508-339-3542

**EXISTING CONDITIONS PLAN**  
 OF  
 655 FARM ROAD  
 MARLBOROUGH, MA  
 (MAP 85, PARCELS 10 & 12)

DATE: SEPTEMBER 15, 2022  
 CHECKED BY: VC  
 DESIGNED BY: BMM  
 DRAWN BY: BMM  
 REVISIONS:  
 1/17/2023  
 2/15/2023  
 3/17/2023  
 4/17/2023

SCALE: 1" = 30'  
 SHEET 2 OF 3

MA COORD SYSTEM

MAHAROUGH INDUSTRIAL LLC  
 11 FARM ROAD  
 DEED BK. 14242, PG. 445

THE MODERN REALTY TRUST  
 DEED BK. 28121, PG. 546

CHRISTA HANTON  
 DEED BK. 21771, PG. 420

SUSAN BROWN TRUST  
 DEED BK. 44431, PG. 120

W/ETER FROMBETHA  
 DEED BK. 51215, PG. 254

ANTHONY & CHRISTINE FROMBETHA  
 DEED BK. 53545, PG. 25

10 BROADMEADOWS  
 MAP 85, PARCEL 10  
 DEED BK. 54035, PG. 345

MAP 85, PARCEL 10  
 AREA=14,078 S.F.

