



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 9, 2019

ORDERED:

DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:
St. Mary's Credit Union
133 South Bolton Street
Marlborough, MA 01752
Order No. 19-1007720B

Locus:
133 South Bolton Street, 31 & 35 John Street
Assessors Map 70, Parcel 242A and Map 82, Parcels 112 & 113

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of St. Mary's Credit Union, with a mailing address of 133 South Bolton Street, Marlborough, MA 01752, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: **September 9, 2019.**

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the **13th of September 2019.**

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 **4th day of October 2019.**

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

A TRUE COPY
ATTEST


City Clerk



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DECISION FOR SPECIAL PERMIT

**ST. MARY'S CREDIT UNION
133 South Bolton Street
Marlborough, MA**

**CITY OF MARLBOROUGH
CITY COUNCIL ORDER NO. 19-1007720B**

DECISION ON AN APPLICATION FOR SPECIAL PERMIT

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to St. Mary's Credit Union (the "Applicant") to build and operate a drive-thru facility for a bank and a drive-thru facility for a coffee shop restaurant at 133 South Bolton Street and 31 and 35 John Street, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, St. Mary's Credit Union, is a state-chartered credit union with a mailing address of 133 South Bolton Street, Marlborough, MA 01752.
2. The Applicant is the owner of the property located at 133 South Bolton Street and 31 and 35 John Street, Marlborough, MA, shown on Assessor's Map 70 as Parcel 242A and on Map 82 as Parcels 112 and 113 (collectively, the "Site").
3. In accordance with Article V, Sec. 650-14(B)(2), Sec. 650-17, and Sec. 650-18(31) of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to build and operate at the Site a drive-thru facility for a bank with two (2) service lanes, and a drive-thru facility for a coffee shop restaurant with one (1) service lane (the "Use"), which is permissible by special permit.
4. The Site is located in the Business District.
5. The Site has an area of 62,630 square feet +/- as per the Plans referenced in paragraph 7 below.
6. 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.



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7. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a detailed site plan entitled "Special Permit Plans for St. Mary's Credit Union" by Bohler Engineering dated June 6, 2019 (the "Plans").
8. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
9. 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.
10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, July 22, 2019. The hearing was closed on that date.
11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
12. At the public hearing, three (3) 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 proposed Use of the Site is an appropriate use and 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 assigns to the conditions more fully set forth herein.
- 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 to build and operate a drive-thru facility for a bank and a drive-thru facility for a coffee shop restaurant 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:



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1. Construction; Compliance in Accordance with Applicable Laws. Construction of all structures on 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, and shall be built according to the Plans as may be amended during Site Plan Review. The Applicant agrees to comply with all municipal, state, and federal rules, regulations, statutes, and ordinances as they may apply to the construction, maintenance, and operation of the Use.
2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review 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.
3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the City Council or the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the Use as approved herein, or materially increase the impervious area of the Use, reduce the green area, increase the size or shape of the building, or alter the fencing bordering the Site, 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.



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5. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall ensure that its site superintendent during construction of the Use is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.
6. Parking. The Applicant shall not prohibit persons using the City's John Street Playground from parking at the Site subject to the reasonable rules and regulations of the Applicant. The Applicant shall not permit overnight parking at the Site.
7. Pedestrian Safety Improvements. The Applicant shall address pedestrian safety improvements within the right of way near the Site during the Site Plan Review process, subject to Traffic Commission review and approval where applicable.
8. Drive-Thru Speakers. The drive-thru facilities shall employ speaker systems of a quality that seeks to minimize the noise emanating from the speaker system and shall operate in full compliance with the Noise Ordinance of the City of Marlborough. The drive-thru speaker systems shall not produce noise at the property line greater than that which would be allowed at the property line in a residential zoning district, in accordance with the Noise Ordinance of the City of Marlborough.
9. Drive-Thru Hours of Operation. The hours of operation of the bank and coffee shop drive-thru facilities shall not exceed 5:00 a.m. to 11:00 p.m, except that an automated teller machine (ATM) within the bank drive-thru may operate 24 hours per day.
10. Trash Area. No trash pickup shall occur on Sunday. On Monday through Saturday, no trash pickup shall occur before 7:00 a.m. or after 6:00 p.m. The Applicant shall address the screening of the Site's trash area during the Site Plan Review process, provided that the trash area shall be concealed with concrete, cement, brick, or similar materials and landscaped to screen the trash area from neighboring properties.



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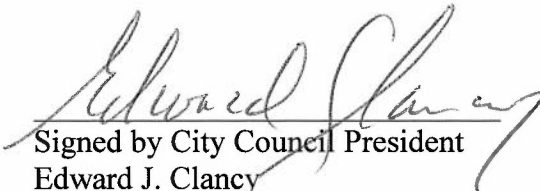
11. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties, with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review process.
12. Signs. The Site shall not contain more than one free-standing sign. This limitation shall not apply to on-premises directional and traffic safety signs.
13. Drive-Thru Lane Widths. The Site's drive-thru lanes shall have a width of at least ten (10) feet, including at the areas located adjacent to the drive-thru windows, and bypass lanes shall have a width of twelve (12) feet wherever possible.
14. 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: 9 – Nay: 1 – Abstain: 1

Yea: Doucette, Tunnera, Irish, Clancy, Landers, Juair, Oram, Ossing & Robey.

Nay: Dumais

Abstain: Delano


Signed by City Council President
Edward J. Clancy

ADOPTED
In City Council
19-1007720B