



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 13, 2021

ORDERED:

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IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT EDGEWOOD ENTERTAINMENT LLC

DECISION ON A SPECIAL PERMIT ORDER NO. 21-1008328C

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Edgewood Entertainment LLC (hereinafter "Applicant Tenant"), as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. Applicant Tenant is a duly organized and existing Massachusetts LLC with its principal place of business at 48 Edgewood Road, Southborough, MA 01772.
2. The landlord is RK Associates-Marlboro, Inc., a duly organized and existing Massachusetts corporation with its principal place of business located at 50 Cabot Road, Needham, MA 02494.
3. The landlord is the title owner of the property located at 229 Boston Post Road West, Marlborough, MA, being shown as a portion of Parcel 2A on Assessors Map 78 (the "Site"). The landlord and Applicant Tenant have executed or will execute a lease regarding the Site, and its use pursuant to the terms of this special permit regarding the Site.
4. The Applicant Tenant seeks permission to utilize a portion of the Site as a commercial indoor recreation establishment and place of amusement that will include various golf entertainment features and bar area features for playing, training and entertaining patrons (the "Use") on the Site as shown on the Plans referenced below.
5. The Applicant Tenant, on June 7, 2021, filed with the City Clerk of the City of Marlborough, an Application for a Special Permit under the provisions of § 650-17 and pursuant to the procedures specified in § 650-57 of the Marlborough Zoning Ordinance (the "Application").



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6. In connection with Application, the Tenant Applicant submitted a certified list of abutters, filing fees, a site plan entitled “ALTA/NSPS Land Title Survey Plan” – labeled “Overall Building Plan” by Kelly Engineering Group, with the last revision date of October 2, 2019, a plan entitled “Lease Outline Drawing” and labeled “Current Unit Interior and Exterior” by DSH Design Group with a last revision date of December 11, 2019, and a sketch floor plan entitled “X-Golf Marlborough” (collectively, the “Plans”) attached hereto as “Attachment A.” The Site contains an existing commercial building. The Use and subject portion of the Site are shown in that building on the Plans.
7. No modifications are proposed to the exterior of the building, no structural modifications are proposed to the interior of the building, and no parking areas will be created or modified.
8. The Application has been certified by the Building Commissioner, acting on behalf of the City Planner, as being complete in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a special permit.
9. The Site is located in the Business Zoning District.
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 MGL Chapter 40A held a public hearing on July 19, 2021, concerning the Application. The hearing was opened and closed at that meeting.
12. The Applicant Tenant, 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, Holly Irvine-Salvi, representing Brian Salvi who will be managing the operation of the business and is the Applicant Tenant, described the proposed business as being one that would provide an indoor venue that will include various golf entertainment features and bar area features for playing, training, and entertaining patrons. In response to questions from city councilors, he indicated that: a) generally, customers will reserve golf bays online and/or will schedule events in advance. Walk-ins will be allowed based on golf bay availability; b) a full kitchen is not required; express ovens will be used for warming; and c) liquor license is a requirement of the franchise. No member of the public spoke, either in favor or in opposition to the Use.



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14. Following the public hearing, the Urban Affairs Committee held a meeting on July 26, 2021 during which this Application was discussed.

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

- A. The Applicant Tenant 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 Tenant, its successors and/or assigns, a Special Permit to operate an indoor recreation establishment and place of entertainment 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. 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.
 2. Signage: Any signage installed or erected on the Site shall meet the requirements of the Sign Ordinance of the City of Marlborough, without variance.



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3. Compliance with Local, State and Federal Laws: The Applicant Tenant agrees to comply with all rules, regulations and ordinances from the City of Marlborough, the Commonwealth of Massachusetts, and Federal Government as they may apply to the construction, maintenance of equipment and operation of the Use and public peace and good order if the Chief of Police determines that either the business or the Applicant Tenant are acting contrary to public peace and good order. The Chief shall notify the applicant in writing and deem corrective measures be put into effect in seven days. Upon the failure or inability of the applicant tenant to correct such measures, the Police Chief may require the applicant tenant to employ one or more police detail officers during such hours or days that the Police Chief in exercise of the sole discretion deemed to be necessary for the purpose of correcting the conditions.
4. Public Peace and Good Order: Applicant Tenant shall obtain appropriate CORI information regarding all employees of Applicant Tenant and shall keep said information available for inspection by local police upon request.
5. Parking: Per the Building Commissioner, 40 off-street parking spaces in the plaza are required for the Use.
6. Hours of Operation: The hours of operation of the Use shall not be earlier than 7:00 AM or later than 12:00 AM on any day. If the Ward Councilor, Chief of Police or other Councilor has not heard of any complaints in a year's time, then the hours of operation can remain the same. Service of alcohol shall not take place earlier than 10:00 AM and shall cease by 12:00 AM Monday-Saturday, and on Sundays shall take place not earlier than 11:00 AM and cease by 12:00 AM and shall be subject to the requirements of the Licensing Board.
7. Limits of Use: The proposed Use is to provide an indoor recreation area that will include various golf entertainment features and bar area features for playing, training and entertaining patrons.
8. Food Preparation: Applicant Tenant shall obtain a permit and any other approvals from the Director of the Marlborough Board of Health and pay the accompanying fees.
9. Certificate of Occupancy Required: No use of the premises will be made pursuant to this special permit unless and until a Certificate of Occupancy has been obtained from the Building Commissioner.



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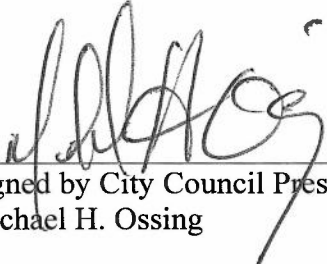
ORDERED:

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10. No Expansion of Use Area or Change in Area Configuration: Only the area of Unit 6, containing approximately 9,075 square feet, which has been specified in the Plans attached hereto, will be used for the Use. To the extent that a substantial increase in, or a change in the configuration of, the area used for this use is desired, the Building Commissioner shall determine whether such increase or change constitutes a substantial change of the permitted use, and if so, no such area increase, or configuration change shall be permitted unless and until this special permit has been modified by the City Council.
11. Subsequent Users: Before any successor tenant uses Unit 6 for the uses allowed in this special permit, the Director of the Marlborough Health Department shall determine in writing that any permit required of Applicant Tenant, and any other permit determined by the Director to be necessary, has been obtained.
12. Required Approval Regarding Sanitary Conditions: Prior to the beginning of operation of the business, the Director of the Marlborough Health Department shall determine in writing what, if any, special sanitary requirements are necessary to assure that the facility does not cause unusual health risks to those using the facility or to the public. The Director may later, in writing, amend and/or add to said requirements as he deems necessary. Such determination, and any such amendments and/or additions, shall be provided by the Director to the City Council. Any failure to comply with said sanitary requirements shall be a violation of this permit.
13. Recording of Decision: In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant Tenant, 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, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.


Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
21-1008328C

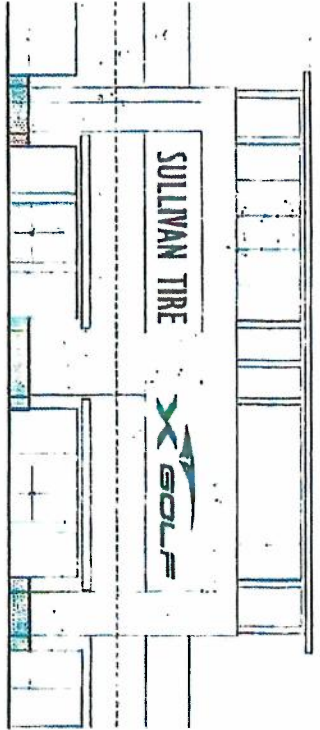
ATTACHMENT

A

1. FLOOR PLAN



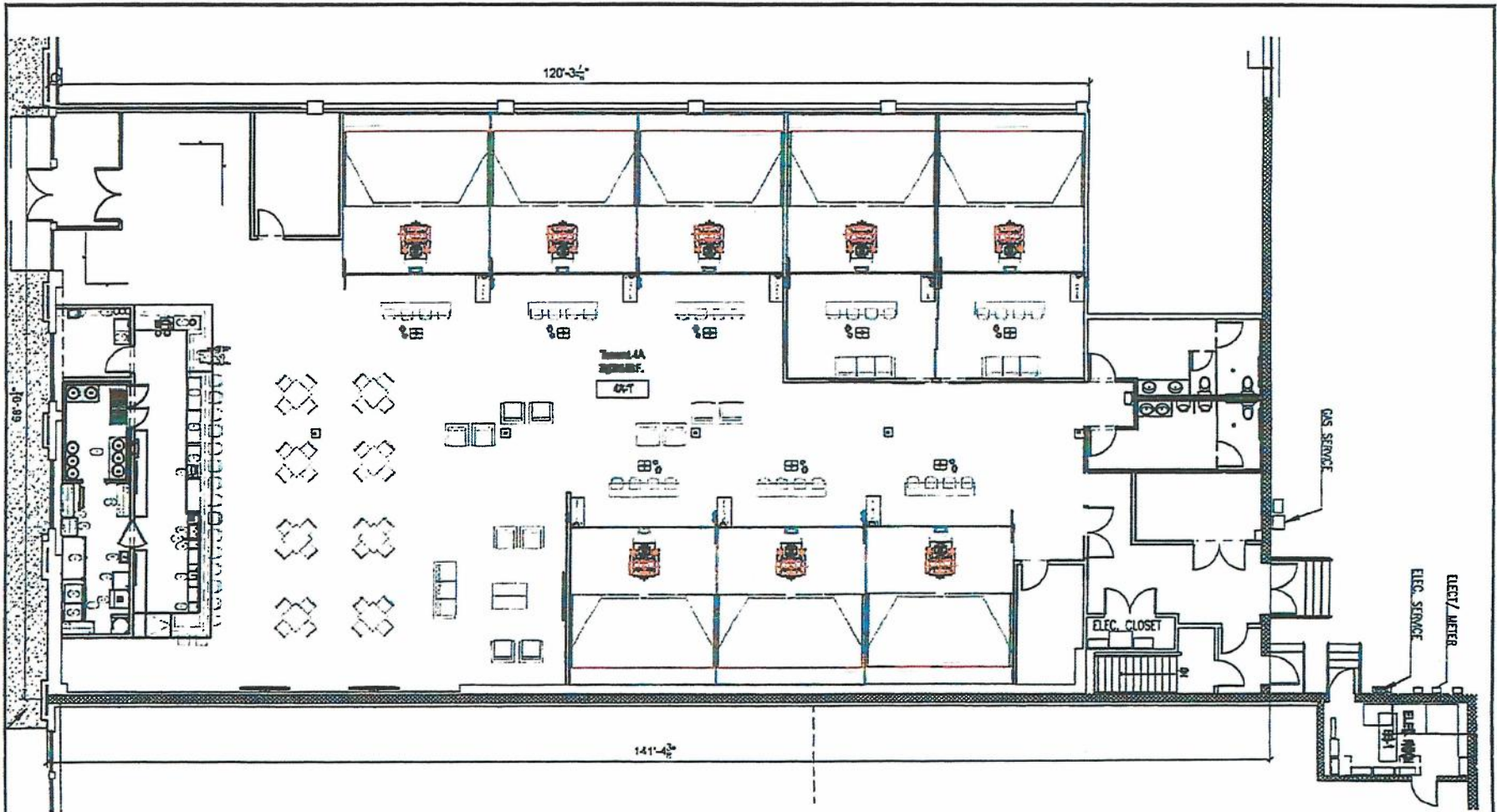
2. ELEVATION



NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE CHICAGO BUILDING CODE.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF CHICAGO.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE CITY OF CHICAGO.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 7. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
 8. ALL MATERIALS SHALL BE STORED PROPERLY ON THE SITE.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL DEBRIS AND WASTE FROM THE SITE.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.

LDD-1	LEASE OUTLINE DRAWING	DATE	DATE REVISION	 DESIGN GROUP 1111 N. LAKE ST. SUITE 200 CHICAGO, IL 60610 TEL: (773) 344-1111 FAX: (773) 344-1112 WWW.DSGROUP.COM
	PROJECT NO. 100000000 DRAWN BY: J. SMITH CHECKED BY: M. JONES DATE: 10/20/10	DATE: 10/20/10 BY: J. SMITH	DATE: 10/20/10 BY: M. JONES	

Current Unit Interior Exterior



X-GOLF Marlborough



ADC 10th Street, S.F.
 Concord, MA, 01742
 P: 617.334.1233
 G: 617.334.1234



229 Boston Post Rd W.
 Marlborough, MA

Franchise Information	DATE: 05/27/12	SHEET
	PRELIMINARY FIXTURE PLAN	1