

### IN CITY COUNCIL

Marlborough, Mass., OCTOBER 21, 2019
PAGE 1

ORDERED:

#### IN CITY COUNCIL

### DECISION ON A SPECIAL PERMIT CAMERON GENERAL CONTRACTORS, INC.

#### CITY OF MARLBOROUGH CITY COUNCIL ORDER NO. 19-1007703D

#### **DECISION ON AN APPLIATION FOR SPECIAL PERMIT**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Cameron General Contractors, Inc. to build a Senior Independent Living Multifamily Community (a/k/a Retirement Community – Multifamily) at 96 Crowley Drive, Marlborough, MA, as provided in this Decision and subject to the following Findings of Facts and Conditions:

#### FINDINGS OF FACT

- 1. The Applicant, Cameron General Contractors, Inc. with an address of 7101 S. 82<sup>nd</sup> Street I, Lincoln, NE 68516, is the purchaser of the real property located at 96 Crowley Drive (formerly known as 90 Crowley Drive), Marlborough, MA 01752 (the "Applicant").
- 2. The Applicant is the contract purchaser of said real property which is described in a deed recorded with the Middlesex District Registry of Deeds at Book 62578, Page 190, and identified on the City of Marlborough Assessor's Maps as Map #15, Parcel 23 and a portion of real property described in a deed recorded with the Middlesex District Registry of Deeds at Book 72053, Page 471, and identified on the City of Marlborough Assessor's Map #15, Parcel 22 (collectively, the "Site").
- 3. The Applicant, on or about May 29, 2019, filed with the City Clerk of the City of Marlborough an Application to City Council for Issuance of Special Permit (the "Application") pursuant to Chapter 650 (Zoning Ordinance) of the Code of the City of Marlborough, specifically the provisions of Section 650-59 (Special Permit Procedures) and the provisions of Section 650-22(C) (Retirement Community-Multifamily Overlay District (RCO-MF)) for the development of a Senior Independent Living Multifamily Community a/k/a Retirement Community Multifamily (the "Project").

### IN CITY COUNCIL

- 4. The Application consisted of an original and 2 copies of the following: (a) Special Permit Application to the City Council for Issuance of Special Permit; (b) Filing Fee check in the amount of \$3, 475.00; (c) Certification of Filing of all Municipal Tax Returns and Payment of all Municipal Taxes; (d) Assessor's Certified List of Abutters; (e) Special Permit Summary Impact Statement; (f) Preliminary Site Plan; (g) preliminary ANR Plan for portion of property (Assessor's Map # 15 Parcel 22); (h) Special Studies: (i) Traffic Impact assessment (Study); (ii) Utilities Assessment; (i) Certificate of Completeness of Application (collectively the "Application Documents"), which are incorporated herein and become a part of this Decision. Twelve (12) packages of the Application Documents with "reduced" size plans and two packages of the Application Documents with "full" size plans were delivered to the City Counsel and one set each to the Police Chief, the Fire Chief, the City Planner (Building Commissioner), the City Engineer, and the Conservation Officer, all in accordance with Section 59 of chapter 650 of the Zoning Code of the City of Marlborough. Attached hereto as "Attachment A" are the following documents: Preliminary Site Plan for Pleasant Hill Retirement Community (last revised and dated October 10, 2019); Architectural renderings and elevations provided as part of Applicant's presentation to the Urban Affairs Committee dated August 20, 2019 (collectively, the "Plans").
- 5. In accordance with the Rules and Regulations of the City Council in Massachusetts General Laws Chapter 40A, Sections 9 and 11, the City Council established a date for a public hearing on the Application, cause to be advertised notice of said hearing on the date thereof and the Marlborough Enterprise. All necessary abutters, as certified by the Marlborough Office of the Assessor, were provided notice as required by law.
- 6. The Marlborough City Council held a public hearing on the Application on July 22, 2019 in accordance with the published notice (the "Public Hearing"). The time for the City Council to take final action on the Application is October 20, 2019.
- 7. The Applicant presented testimony at the Public Hearing, describing the Project in detail, addressing the information in the Special Permit Summary Impact Statement and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the public hearing.
- 8. Upon the closing of the Public Hearing, the City Council referred the Application to the City Council Urban Affairs Committee for review (Council Order No. 19-1007703).

### IN CITY COUNCIL

Marlborough, Mass., OCTOBER 21, 2019
PAGE 3

9. The Urban Affairs Committee reviewed the Application, along with information and testimony from the July 22, 2019 Public Hearing, in meetings held on August 20, 2019 and October 1, 2019. At the conclusion of its meeting on October 1, 2019, the Urban Affairs Committee voted to recommend approval of the Special Permit subject to the conditions set forth herein and referred the Application back to the City Council for final decision.

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

- A. The City Council finds that it may grant a Special Permit subject to such terms and conditions as it deems necessary and reasonable to protect the interests of the citizens of the City of Marlborough ("City").
- B. The City Council finds that the Application for Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough.
- C. The City Council makes each finding subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.
- D. The City Council finds that the Project complies with the standards of Section 650-22.C (Retirement Community-Multifamily Overlay District (RCO-MF)) as follows:
  - 1. Minimum parcel size: 10 acres; Project parcel size: 11.35 acres
  - 2. Maximum height: 3 stories; Project height: 3 stories
  - 3. Maximum density: 12 units/acre; Project density: 11.45 units/acre
  - 4. Unit types allowed: Studios, 1BR and 2B Units Project Unit types: Studios; 1BR and 2B Units
  - 5. Minimum Unit Living Area: 500 s.f, Maximum Unit Living Area: 1300 s.f. Project Range of Unit Living Areas: Minimum of 560 s.f. to Maximum of 1200 s.f.
  - 6. Maximum Lot Coverage: 40%; Project Lot Coverage: 37% (subject to any minor change based on adjustment of property lot line location resulting from final ANR Plan recorded)
  - 7. Minimum Frontage: 200 feet; Project Frontage: 200 feet (Crowley Drive)
  - 8. Minimum Setback (Front, Rear, Side): 50 feet; Project Setbacks: 50 feet (Principal Building)
  - 9. Minimum Parking Ratio:1.0/Unit; Project: 1.1/Unit (for 130 units)
  - 10. Minimum Landscape Area per Sec. 650-22.C (ii)(13): ± 66,667 s.f.(± 1.53 acres) Project Landscape Area: ± 243,500 s.f. (± 5.6 acres)

## IN The state of th

ORDERED:

### IN CITY COUNCIL

- E. The City Council finds, based upon the Special Permit-Summary Impact Statement, the Traffic Impact Analysis (TIA) prepared by MDM Transportation Consultants, dated May 9, 2019, including the MDM Memorandum dated May 9, 2019, to Ms. Priscilla Ryder, Coordinator/Site Plan Review Committee, re MEPA Sec. 61 Finding (EEA 12002), and related testimony at the Public Hearing, that the Project will be a low generator of traffic and will not have an adverse impact upon traffic in the surrounding area.
- F. The City Council finds, based upon the Special Permit-Summary Impact Statement and the report of the City Engineer to the Applicant's attorney dated September 11, 2018, confirmed at the Public Hearing, that connections to municipal water and sewer systems are available in Crowley Drive at the Site, and that the City water and sewer systems have the capacity to accommodate the Project.
- G. The City Council finds, based upon the Special Permit-Summary Impact Statement, and related testimony at the Public Hearing, that the proposed lighting of the exterior of the Project will comply with the City's Code requirements and will not adversely impact abutting properties.
- H. The City Council finds, based upon the Special Permit-Summary Impact Statement and related testimony at the Public Hearing, that the noise levels of the Project, when operational, will compare to noise levels of existing development in the surrounding area and that noise from the operation of one generator for emergency services, tested for 15 minutes once per month at 80 decibels, will not adversely impact abutting properties.
- I. The City Council finds, based upon the Special Permit-Summary Impact Statement and related testimony at the Public Hearing, that the Project will not cause any air pollution.
- J. The City Council finds, based upon the Special Permit-Summary Impact Statement and related testimony at the Public Hearing, that the Project will not involve the use or storage of any hazardous waste material on site.
- K. The City Council finds, based upon the findings of the 2013 Marlborough Housing Supply/Demand Needs Analysis (MAPC), the 2017 Multifamily Market and Fiscal Impact Analysis (RKG Associates) and the 2018 Fiscal Impact Memorandum re Age-Restricted Independent Living Multifamily Rental Housing (RKG Associates) that the Project will meet the intended goals and need for diverse types of housing in Marlborough by providing a senior independent living rental community for seniors in Marlborough that will also have a net positive annual fiscal benefit to the City.

### IN CITY COUNCIL

- L. The City Council finds, based upon the Urban Affairs Committee's review of the Project with reference to the *Multifamily Development Review Criteria and Design Guidelines* (the "Housing Guidelines"), that the Project substantially corresponds to the Housing Guidelines.
- M. The City Council finds that the Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications, in accordance with the provisions of Massachusetts General Laws, c. 40A, §§ 9 and 11, as amended.
- N. 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 construct a senior independent living multifamily development a/k/a Retirement Community Multifamily as shown on the Plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/assigns:
  - 1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable laws, codes, and regulations, including without limitation, Building Code and Zoning Ordinance, in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built in compliance with this Special Permit and according to the Plans as may be amended during Site Plan Review pursuant to paragraph N(3).
  - 2. <u>Compliance with Applicable Laws</u>. 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 construction, maintenance, and operation of the Project.
  - 3. Site Plan Review. The issuance of the Special Permit is further subject to final Site Plan Review in accordance with the City of Marlborough Zoning Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of final Site Plan Review, shall be further conditions of this Special Permit and conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Final 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.

### IN CITY COUNCIL

- 4. Modification of Plans. Notwithstanding conditions #1 and #3 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 of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow, increase the size, shape or position of the building, or alter the landscaping bordering the property, all as shown on the Plans.
- 5. <u>Incorporation of Submissions</u>. 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, except as otherwise altered by the City Council. The attached Addendum provides a list of pertinent submittal documentation.
- 6. Trail Construction and Grant of Easement. As shown on the Plans, the Applicant shall construct and maintain a walking trail from Pleasant St. up to the sidewalk along Crowley Drive. This trail shall be a woods trail that is level horizontally and shall be 5' wide. The exact location and final surface shall be determined and finalized during the final site plan review process. A Trail Easement shall be granted by Applicant to the City of Marlborough to allow the public to pass and repass over the trail, in a form satisfactory to the City. This Trail Easement document shall be finalized and submitted to the City Council for approval prior to issuance of a building permit.
- 7. <u>Landscape Buffers</u>. The landscaping between the Project and the two adjacent business and industrial uses shall be thick enough to provide a buffer and screening for lighting and noise between these uses. The Site Plan Review Committee shall review the landscaping to ensure these functions are being met and may require adjustments to the plan as needed.
- 8. <u>Driveway Entrance and Signage</u>. The driveway entrance and signage as shown on the Plans shall be followed. The driveway access to the Project shall be the primary access. The driveway shall serve as an emergency access only to 92 Crowley Drive. Applicant shall obtain and prepare appropriate easement documents to implement this condition that shall be recorded with the Middlesex Registry of Deeds following approval by the City Engineer and the City Solicitor. Said easement documents shall be recorded prior to the issuance of a building permit.

### IN CITY COUNCIL

Marlborough, Mass., OCTOBER 21, 2019

PAGE 7

- 9. <u>Sidewalk Connections</u>. There shall be pedestrian access from the Project by means of a sidewalk that shall connect to the sidewalk required pursuant to the approved site plan for 92 Crowley Drive. Said connection shall be made prior to issuance of the first certificate of occupancy. Also See Addendum, Item #15.
- 10. <u>Prior to First Occupancy Permit.</u> Prior to the issuance of the first occupancy permit, all items required as part of the Special Permit and site plan review must be completed. No partial certificates of occupancy shall be issued.
- 11. <u>Landscape Surety</u>. Following 18 months from the final signoff of the site work, any plant material that has died or is dying shall be replaced with a species of the same kind and size. A surety in the amount of 10% of the value of the site landscaping (including labor and materials) shall be presented to the Building Commissioner as a guarantee that any dead or dying plant material will be replaced within 18 months of the final signoff. The bond will be released once the Applicant certifies to the Conservation Officer that all dead and dying plant material has been replaced.
- 12. <u>Emergency Access</u>. As shown on the Plans, an emergency access with a knox box for emergency access is to be located at the north east corner of the Site with an exit onto the 100 Crowley Drive property. Applicant shall obtain and prepare appropriate easement documents to implement this condition that shall be recorded with the Middlesex Registry of Deeds following approval by the City Engineer and the City Solicitor. Said easement documents shall be recorded prior to the issuance of a building permit.
- 13. Speed Feedback Signs on Fitchburg Street. Applicant shall implement two Radar Speed Feedback Signs along Fitchburg Street, subject to approval by MassDOT District 3, as shown conceptually on the Plans. Such signs shall conform to applicable MassDOT requirements and shall be placed at such locations that correspond to the 25 MPH regulatory speed zone along Fitchburg Street, approximately 300 feet prior to Crowley Drive in the southbound travel direction and 240 feet prior to Crowley Drive in the northbound travel direction. The Applicant shall also remove, relocate or replace existing warning and/or regulatory signs within Fitchburg Street as required to accommodate the Radar Speed Feedback Signs and to meet applicable Manual on Uniform Traffic Controls (MUTCD) requirements subject to MassDOT District 3 review and approval.

### IN CITY COUNCIL

Marlborough, Mass., OCTOBER 21, 2019

PAGE 8

- 14. Crowley Drive Pavement Marking, Sign and Island Improvements. Applicant shall implement pavement marking, sign and traffic rumble strip improvements within the private portion of Crowley Drive as shown conceptually on the Plans. These shall include a flush, scored concrete island separating eastbound and westbound travel lanes that extends from the location of the STOP line on Crowley Drive a distance of approximately 200 feet with a variable width ranging from 8 feet to 2 feet. Associated single yellow edge lines shall outline the flush scored concrete rumble strip along with single white edge line along the northerly curbline of Crowley Drive to provide an 18-foot-wide westbound travel lane. A 25 MPH speed advisory sign (MUTCD W13-1P (25) sign type) shall also be placed alongside the westbound travel lane approximately 160 feet from Fitchburg Street.
- 15. Access to Overflow Parking. In order to ensure that there is adequate visitor parking for the Project on weekends and holidays, if necessary, Applicant shall arrange with the owner of 100 Crowley Drive for the use of 12 parking spaces for visitor only "overflow" parking, as shown on the approved plans. A pathway from the Project to the area of the overflow parking shall be provided as shown on the Plans.
- 16. Fee in Lieu Payment. Pursuant to Section 650-26. A (1) (a) of the Zoning Ordinance, Applicant shall deposit in the City Public Safety Capital Stabilization Fund a fee in lieu calculated as 15% of 130 units at \$50,000 per unit, for a total amount of \$1,000,000 (one million dollars). Said deposit shall be made prior to the issuance of the first certificate of occupancy.
- 17. <u>Job Fair</u>. The Applicant shall conduct a job fair for the Project for Marlborough residents in coordination with the Marlborough Economic Development Corporation (MEDC) and/or the Chamber of Commerce.
- 18. Recording of Decision. In accordance with the provisions of M.G.L., c. 40A, §11, Applicant, its successors and /or assigns, at its expense, shall record this Special Permit in the Middlesex 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, 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.



### IN CITY COUNCIL

Marlborough, Mass., OCTOBER 21, 2019 PAGE 9

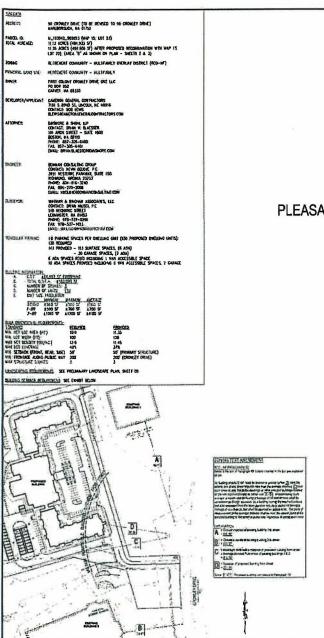
Yea: 11 - Nay: 0

Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing &

Robey.

Signed by City Council President Edward J. Clandy

**ADOPTED** In City Council 19-1007703D



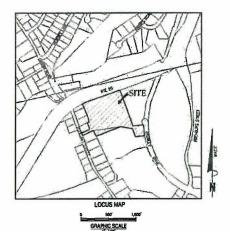


## Gred Harder Gred Country Service CO Produce Page CO

SHEET LIST TABLE

### SPECIAL PERMIT APPLICATION PRELIMINARY SITE PLAN FOR

PLEASANT HILL RETIREMENT COMMUNITY - MULTIFAMILY CITY OF MARLBOROUGH, MA





CONTRACTOR SHALL CONTACT THIS UTILITY AT BIT FOR LOCATION OF ALL UTILITIES, AT LEAST 22 HOURS PRIOR TO BEGINNING CONSTRUCTION

Pears (GalSis 202) For the Shi 200 Miles

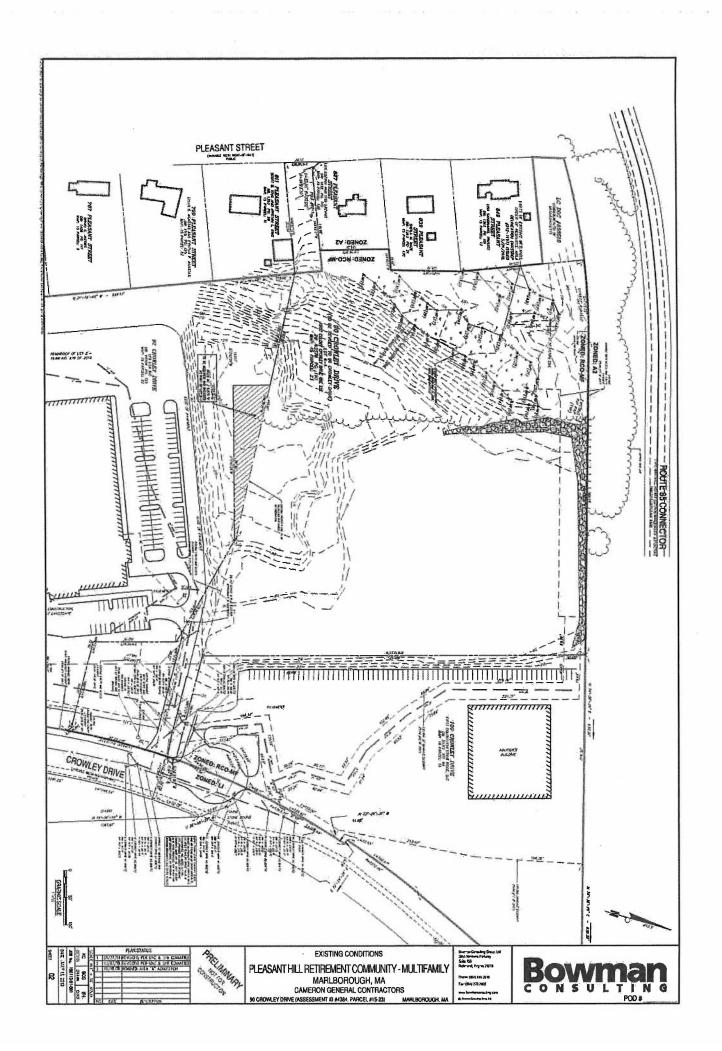
M°.

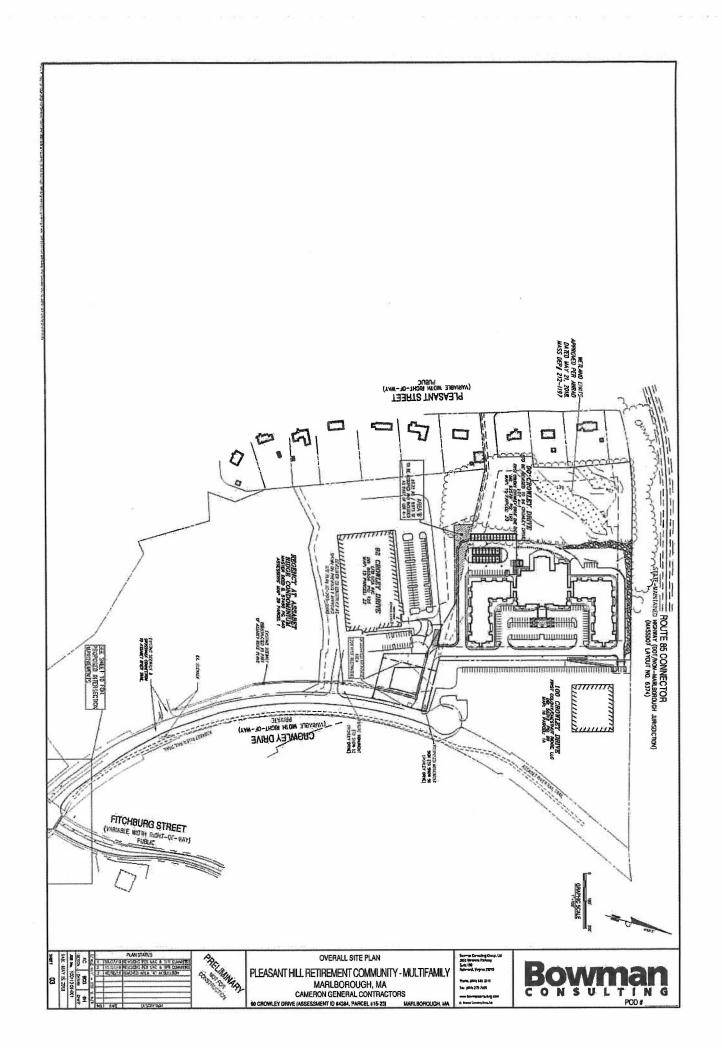
PLEASANT HILL RETIREMENT COMMUNITY-MULTIFAMILY MARREDOROUGH, MA CAMERON GENERAL CONTRACTORS

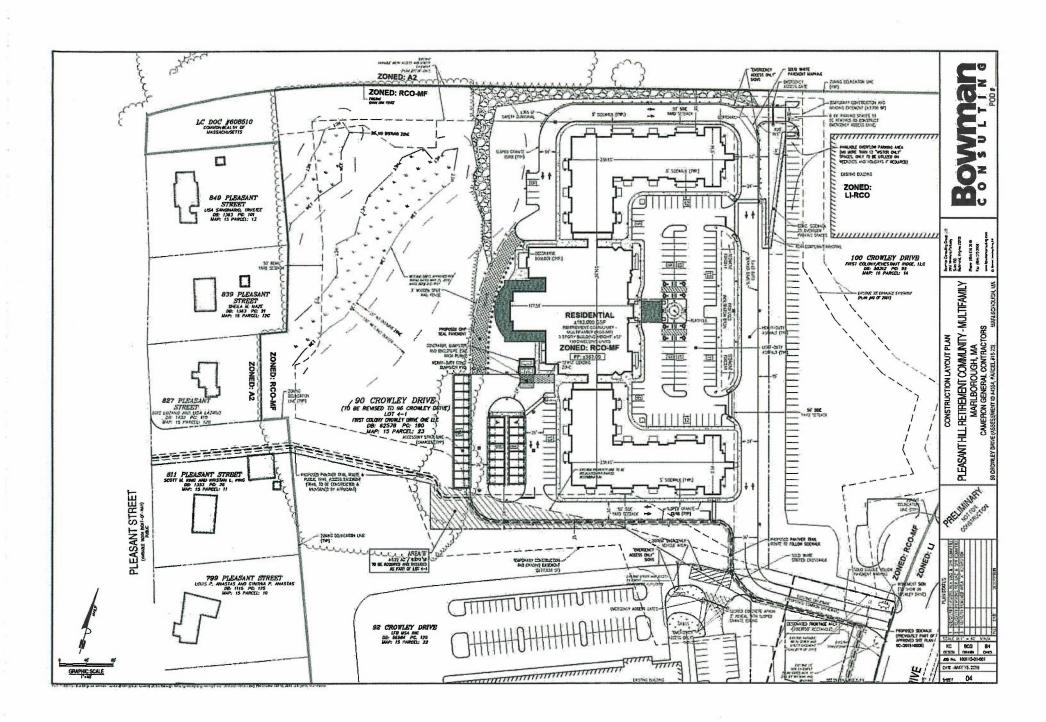
ARE IN MARY

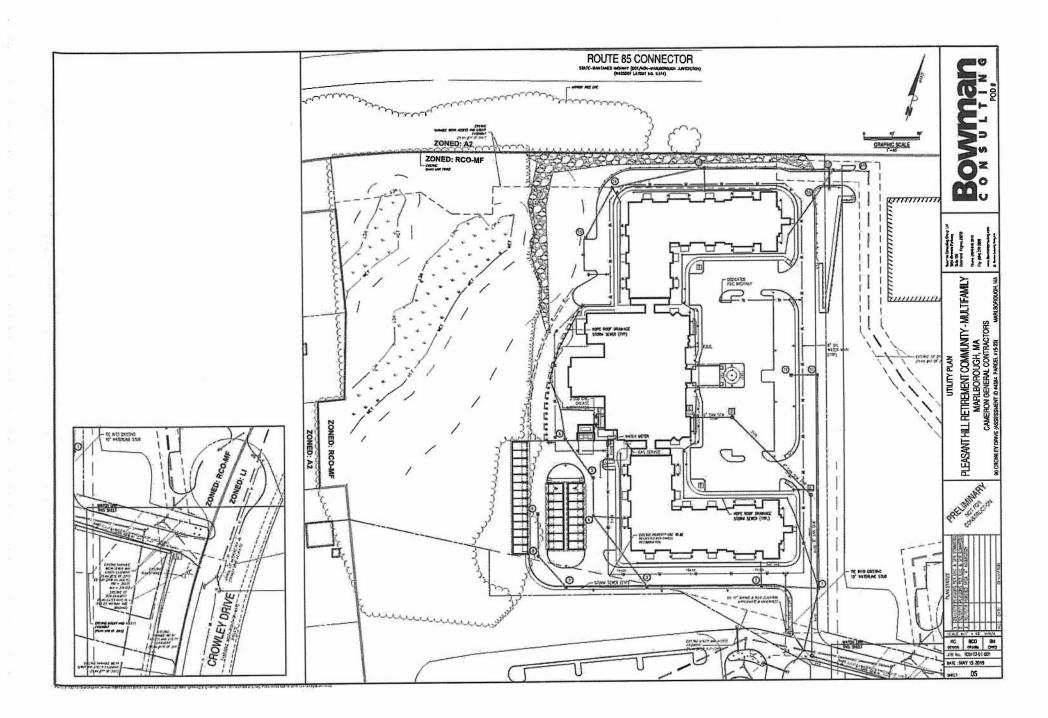


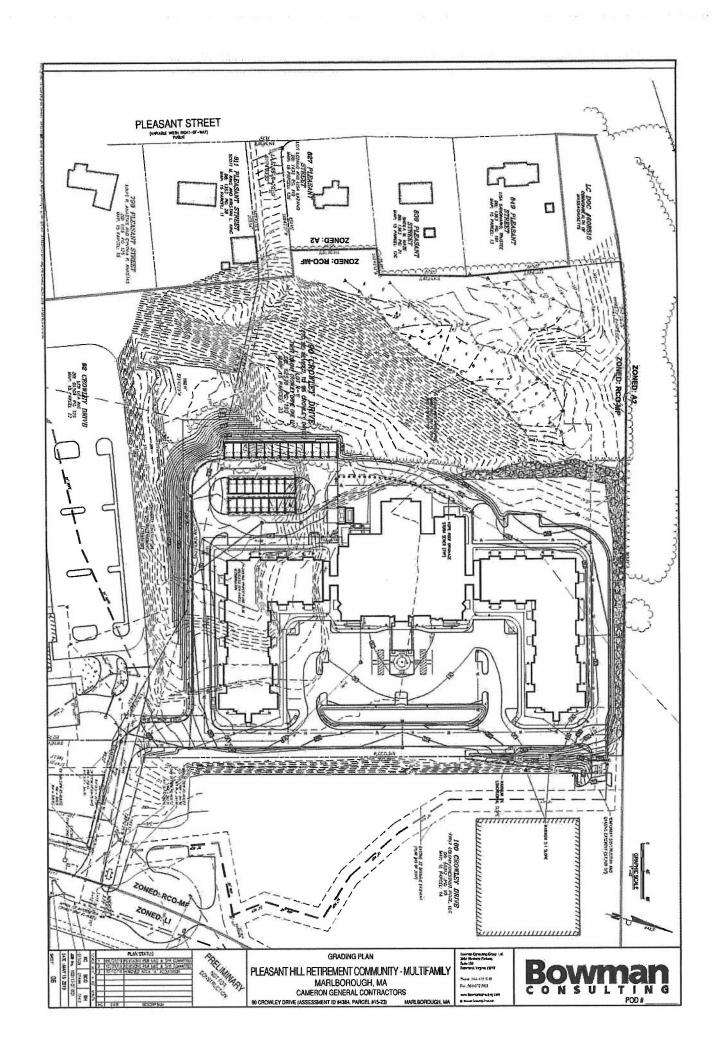
RC BCG BH DESCH DRAWN DWG CO NO 155013 01-001 BAYL HAN 1E 2513

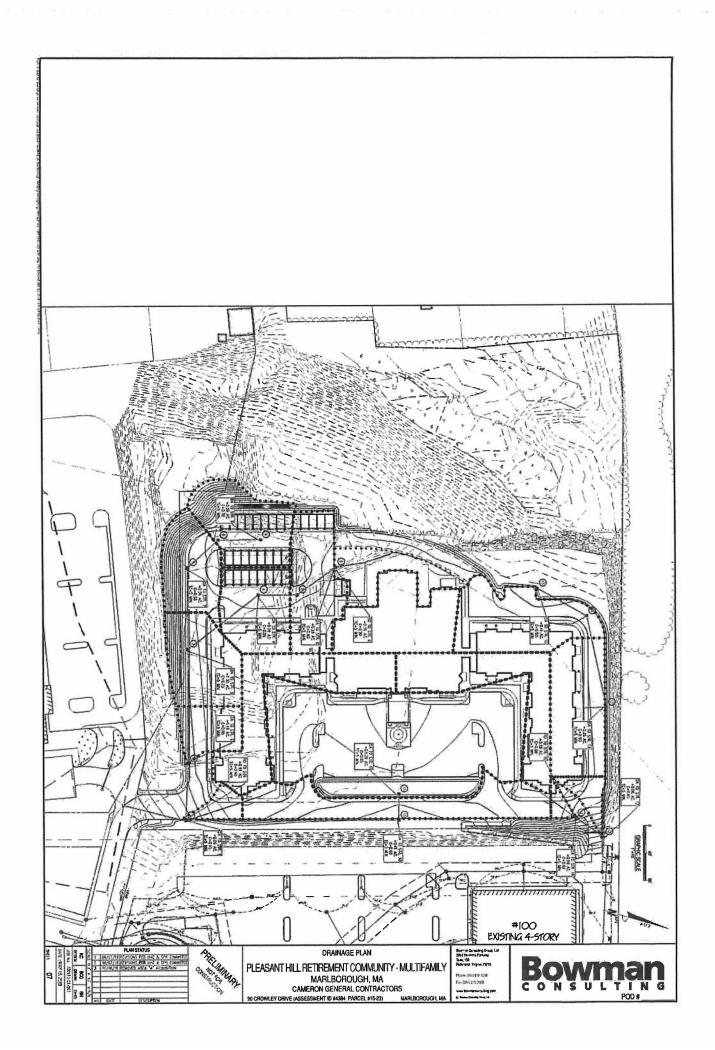


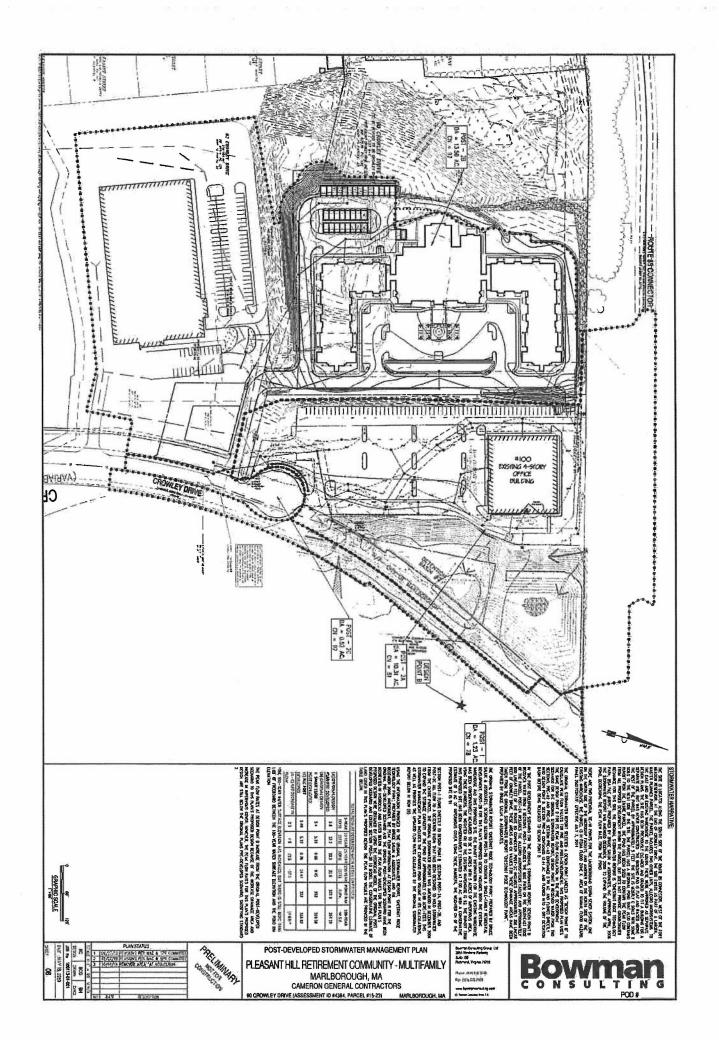


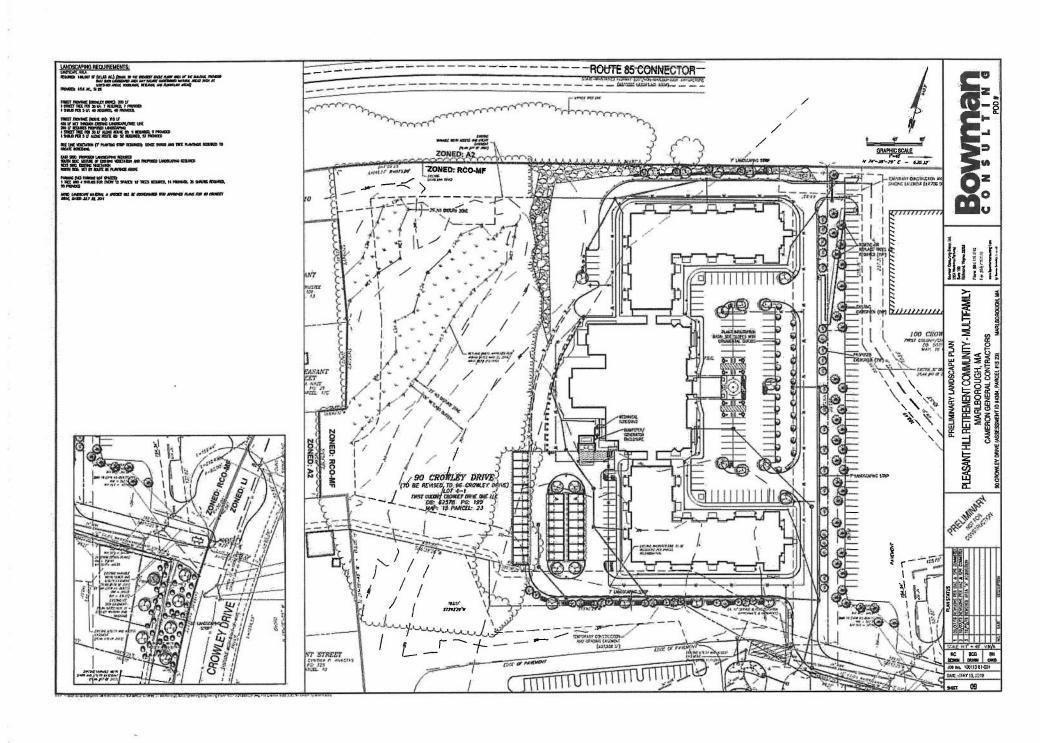


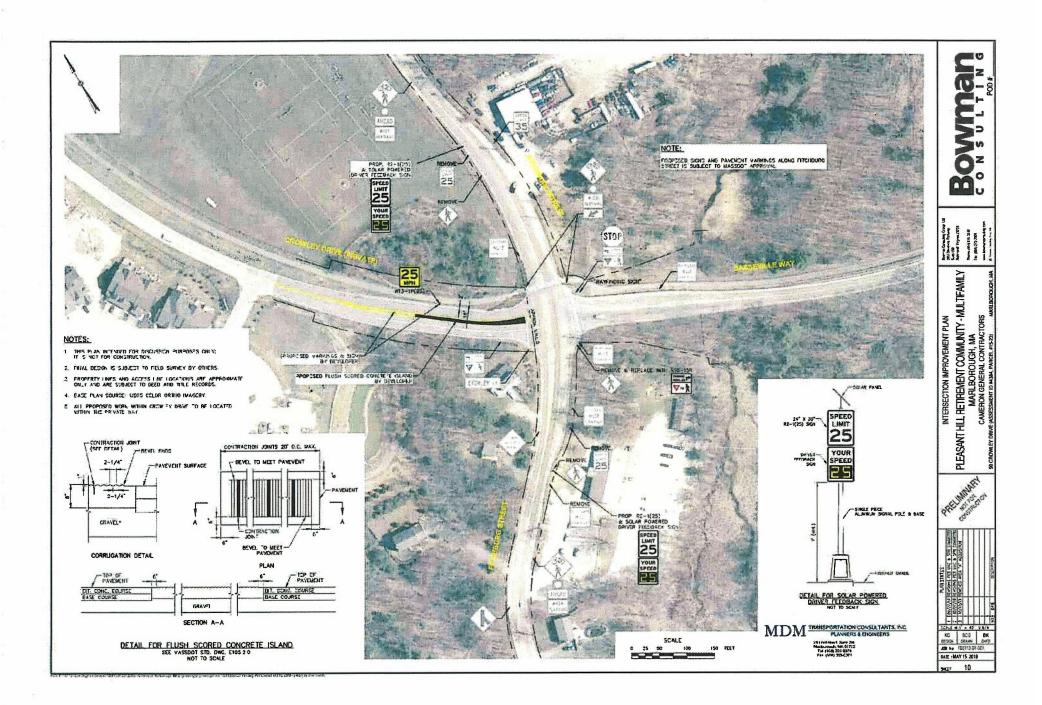












### BUILDING CONFIGURATION BUILDING DESIGN GUIDELINES



**NORTH ELEVATION** 



**SOUTH ELEVATION** 



**EAST ELEVATION** 

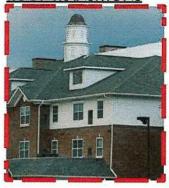


**ELEVATION** SOUTH VIEW TOWARDS THE COMMUNITY AREA





**ROOF TRANSITIONS** 



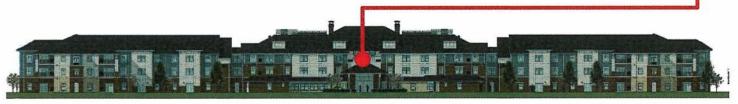
### FACADE & APPEARANCE BUILDING DESIGN GUIDELINES



**NORTH ELEVATION** 



**SOUTH ELEVATION** 



**EAST ELEVATION** 



**ELEVATION** SOUTH VIEW TOWARDS THE COMMUNITY AREA





**WINDOWS** 



HORIZONTAL DEFINITION



**VERTICAL DEFINITION** 



### ADDENDUM TO DECISION

Pursuant to Paragraph N.5 of the Special Permit Decision, the following documents are on file with the City Council and are incorporated herein by reference and are made part of this Special Permit Decision.

#### **RCO-MF Overlay District Provisions**

1. Zoning Ordinance, Section 650-22.C (ii) (RCO-MF Overlay District) adopted by the City Council on April 8, 2019 (Council Order No. 18/19-1007452G) and approved by the Mayor on April 12, 2019.

### **Special Permit Application and Related Documents and Impact Studies and Determinations**

- 2. Special Permit Application to the City Council for Issuance of Special Permit (dated May 17, 2019)
- 3. Preliminary ANR Plan for portion of property (Assessor's Map # 15 Parcel 22)
- 4. Conservation Commission Order of Resource Area Delineation (dated May 21, 2018)
- 5. Agreement to Extend Time Limitations
- 6. Fiscal Impact Summary Memorandum (RKG Associates, Inc: July 16, 2018)
- 7. Fiscal Impact Memorandum re Age-Restricted Independent Living Multifamily Housing (RKG Associates, Inc. July 19, 2018)
- 8. Traffic Impact Analysis (MDM Transportation Consultants: May 14, 2019)
- 9. MDM Memorandum dated May 9, 2019, to Ms. Priscilla Ryder, Coordinator/Site Plan Review Committee, re MEPA Sec. 61 Finding (EEA 12002)

#### Preliminary Site Plans and Site Plan Review Committee Recommendations to City Council

- 10. Preliminary Site Plan for Pleasant Hill Retirement Community (dated October 10, 2019)
- 11. Preliminary Site Plan for Pleasant Hill Retirement Community (dated September 27, 2019)
- 12. Preliminary Site Plan for Pleasant Hill Retirement Community (dated September 12, 2019) (Revised September 17, 2019 to add Overall Site Plan sheet)
- 13. Preliminary Site Plan for Pleasant Hill Retirement Community (dated May 15, 2019) (Cover sheet revised May 28, 2019 to add bedroom/unit information requested by Council)
- 14. Site Plan Review (SPR) Committee Recommended Conditions for 96 Crowley Drive. (Draft Rec'd by Applicant September 10, 2019)
- 15. Letter from William M. Pezzoni, Esq. on behalf of 92 Crowley Drive LLC regarding completion of sidewalk requirement pursuant to approved site plan for 92 Crowley Drive
- 16. SPR Committee response (October 10, 2019) to Applicant's October 4, 2019 request not to add stairs to the ramp to the overflow parking

#### City Council Public Hearing (July 22, 2019)

2019

Page \_\_

17. Presentation of Overall Project (PPT)

### **Urban Affairs Committee (UAC) Meetings**

- 18. August 20, 2019 Meeting: Presentation re How Project Corresponds to Marlborough Multifamily Development Review Criteria and Design Guidelines (PPT Presentation)
- 19. October 1, 2019 Meeting: Presentation re Review of Revised Preliminary Site Plan (dated September 27, 2019)

END OF ADDENDUM