



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 23, 2023

ORDERED:

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IN CITY COUNCIL
DECISION ON A SPECIAL PERMIT
ORDER NO. 23-1008952C

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Post Road Realty LLC (the “Applicant”) to build and operate a two-phase mixed-use project, with 475 residential units and commercial space (retail/restaurant/other commercial use), at Simarano Drive, Cedar Hill Street, and Green District Boulevard, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Post Road Realty LLC, is a Connecticut limited liability company with an address of 11 Unquowa Road, Fairfield, CT 06824.
2. The Applicant is the prospective owner of the property located at Simarano Drive, Cedar Hill Street, and Green District Boulevard in Marlborough, Massachusetts, being shown as Parcels 5, 11, 12, and 13 on Assessors Map 116 (the “Site”).
3. In accordance with Article VI, Section 650-36.D(2), of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes to build and operate a two-phase mixed-use, multi-family residential and commercial (retail/restaurant/other commercial use) project, with 475 residential units, commercial space, on-site parking, open space areas, walking trails, and residential amenities (the “Use”).
4. The Site is located in the Executive Residential Overlay District.
5. The Site has an area of 1,873,840 square feet +/- as shown on the Site Plan 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.
7. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a detailed site plan entitled “Green District Phases 3 & 4”, with civil engineering plans by Hancock Associates, a set of architectural plans by Bargmann Hendrie + Archetype, and a landscaping plan by Brown + Sardina, all dated August 16, 2023 (collectively, the “Site Plan”, attached hereto as **“ATTACHMENT A.”**)



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8. 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.
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, September 18, 2023. 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, 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 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 two-phase mixed-use project, with 475 residential units and commercial space (retail/restaurant/other commercial use), as shown on the Site Plan, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:



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1. Construction 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 Site Plan 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 City Council in accordance with Section 650-36 of the Zoning Ordinance prior to the issuance of a building permit. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Site Plan submitted, reviewed, and approved by the City Council as the Special Permit Granting Authority. Any additional changes, alterations, modifications, or amendments, as required during the process of Site Plan Review, shall be further conditions of this Special Permit and conditions attached to the building permit, and a final occupancy permit shall not be issued until the Applicant has complied with all conditions, provided, however, that subsequent to the issuance of this Special Permit and Site Plan Approval, the Site Plan Review Committee may authorize the phasing of site and building work depending upon weather conditions and other factors. In accordance with Section 650-36.H of the Zoning Ordinance, the Building Commissioner may approve minor modifications to the Special Permit and the Site Plan.
3. 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. The final architectural design of the Site shall be reasonably consistent with the Site Plan submitted by the Applicant. The final exterior features of the Site, including landscaping, shall be maintained in good condition and shall be reasonably consistent with the Site Plan submitted and representations made to the City Council.
4. Storm Water and Erosion Control Management. The Applicant shall ensure that its site superintendent during construction of the project 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 shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.



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5. Affordable Units.
 - (a) Ten percent (10%) of the dwelling units at the Site shall be made available as rental units at affordable prices to renters (whose annual income does not exceed eighty percent (80%) of the Area median income adjusted for family size as determined by the U.S. Department of Housing and Urban Development) in perpetuity or the longest period allowed by law (the "Affordable Housing Units"), in accordance with the provisions of Section 650-26 of the Zoning Ordinance and this condition. The Affordable Housing Units shall comply with all requirements for inclusion in the Subsidized Housing Inventory ("SHI") of the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities ("EOHLC"). Prior to obtaining a certificate of occupancy for any unit within the Use, the Applicant, in coordination with the City and its Community Development Authority, shall file all required submissions to EOHLC for inclusion of the Affordable Housing Units on the SHI and shall diligently take all actions necessary to include the Affordable Housing Units on the SHI, including without limitation, preparing and executing a regulatory agreement and declaration of restrictive covenants and/or any other restrictive instrument necessary to ensure compliance with said Zoning Ordinance and this condition, a marketing plan, and all other required documentation. All costs associated with complying with this condition, including but not limited to, the EOHLC process, recording of all documents with the registry of deeds, and the marketing plan for the Affordable Units shall be borne by the Applicant.
 - (b) In lieu of requiring that fifteen percent (15%) of the dwelling units at the Site be made available at affordable prices to renters, the Applicant shall provide a payment to the City of \$50,000 per affordable dwelling unit that would have been otherwise required under Section 650-26 of the Zoning Ordinance. For Phase 3 of the Use, the number of applicable units is 12, for a total payment of \$600,000. For Phase 4 of the Use, the number of applicable units is 12, for a total payment of \$600,000. The payment for Phase 3 required by this condition shall be made prior to the issuance of a building permit for Phase 3, and the payment for Phase 4 shall be made prior to the issuance of a building permit for Phase 4, and the payments shall be deposited into the West Side Fire Station Stabilization Account 83600-32900.
6. Green District Boulevard Relocation. As part of Site Plan Review, the Applicant shall provide revised plans showing a relocation of Green District Boulevard in the vicinity of Phase 3 to reduce impacts on wetland buffer zone areas, and as part of that relocation the Applicant shall evaluate the viability of parking decks in Phase 3 to further reduce impacts on wetland buffer zone areas and shall provide an updated fire apparatus access analysis.



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7. Crosswalk Installation. Not later than the issuance of a final certificate of occupancy for Phase 4 of the Use, the Applicant shall have a crosswalk installed across Simarano Drive, connecting to the sidewalk along Cedar Hill Street. The crosswalk work shall include ADA-compliant wheelchair ramps and pedestrian signals that are integrated into the existing traffic signal equipment.
8. Drainage Assessment. As part of Site Plan Review, the Applicant shall conduct an assessment of existing drainage issues along the property line between Phase 4 and Cedar Hill Street and incorporate such assessment into the Site's overall site stormwater management design.
9. Green Design. The Applicant shall utilize best practices to design energy-efficient buildings and shall design buildings and accessory structures to accommodate accessory solar energy facilities and/or other technologies. The Applicant shall use best efforts to provide all-electric utilities contingent upon the utility company being able to commit to such service during the project's ordinary construction timeline.
10. Parking Data. As part of Site Plan Review, the Applicant shall provide up-to-date parking data from Phase 1 of the Site (such as the number of units currently occupied and the average number of parking spaces being utilized per day), to assist the City Council with the review of Phase 3 and Phase 4.
11. Conservation Commission Approval. The Applicant shall obtain and comply with an Order of Conditions from the City's Conservation Commission.
12. Compliance with Applicable Laws. The Applicant 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 Use.



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13. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, 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: 2

Yea: Wagner, Doucette, Dumais, Brown, Navin, Landers, Ossing, Perlman, & Robey.

Nay: Oram & Irish.

Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
23-1008952C
X 19-1007762C

ATTACHMENT

A



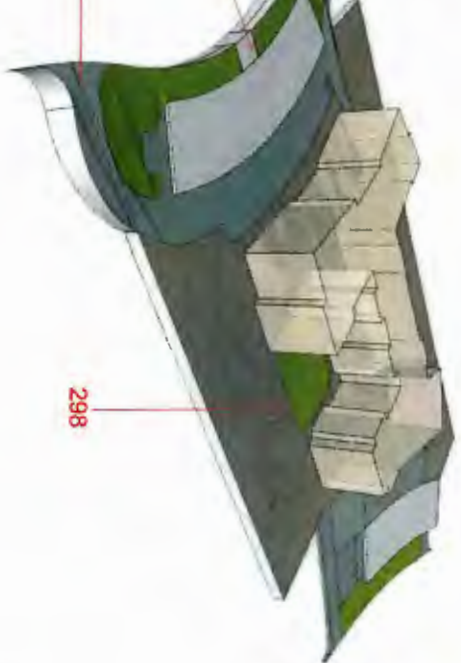
Images Prepared by
Bergmann Hendrie + Archetype



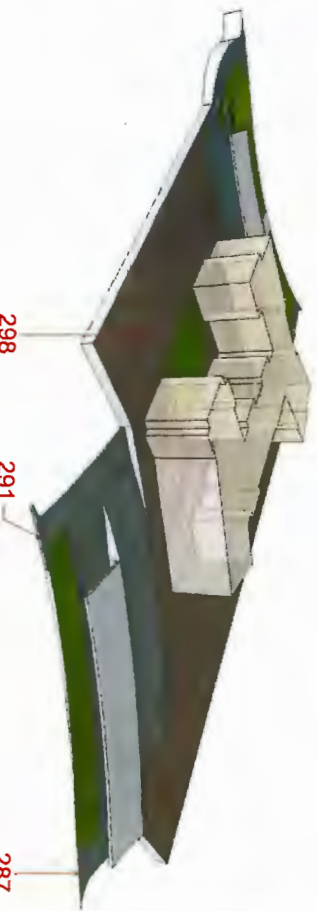
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Bangmann Hendrie + Archetype



Images Prepared by
Bergmann Hendle + Archetype



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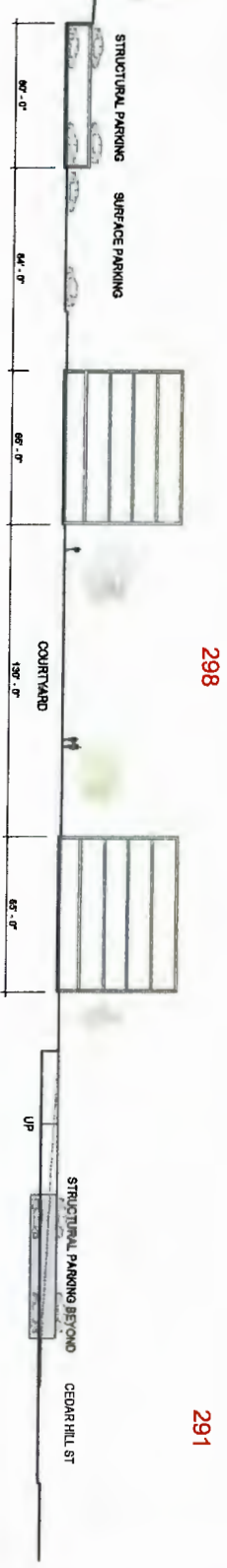


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4 SITE SECTION



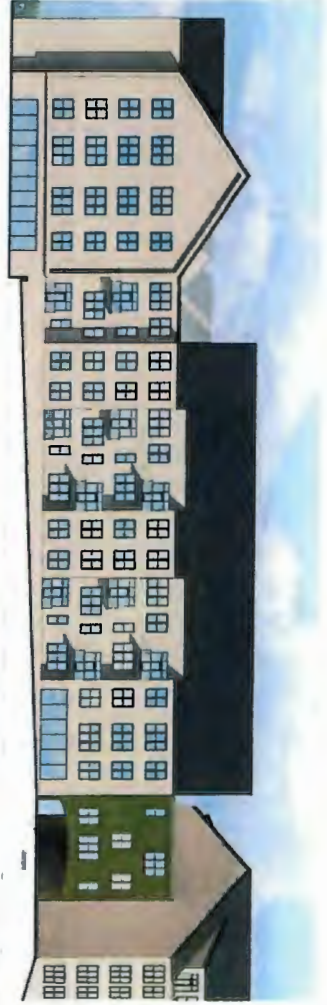
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BUILDING 3 NORTH ELEVATION

- 4x 36' 0"
- 4x 36' 0"
- 4x 36' 0"
- 4x 36' 0"
- 4x 36' 0"
- 4x 36' 0"
- 4x 36' 0"
- 4x 36' 0"



BUILDING 3 WEST ELEVATION

- 4x 36' 0"
- 4x 36' 0"
- 4x 36' 0"
- 4x 36' 0"
- 4x 36' 0"
- 4x 36' 0"
- 4x 36' 0"
- 4x 36' 0"



BUILDING 3 EAST ELEVATION

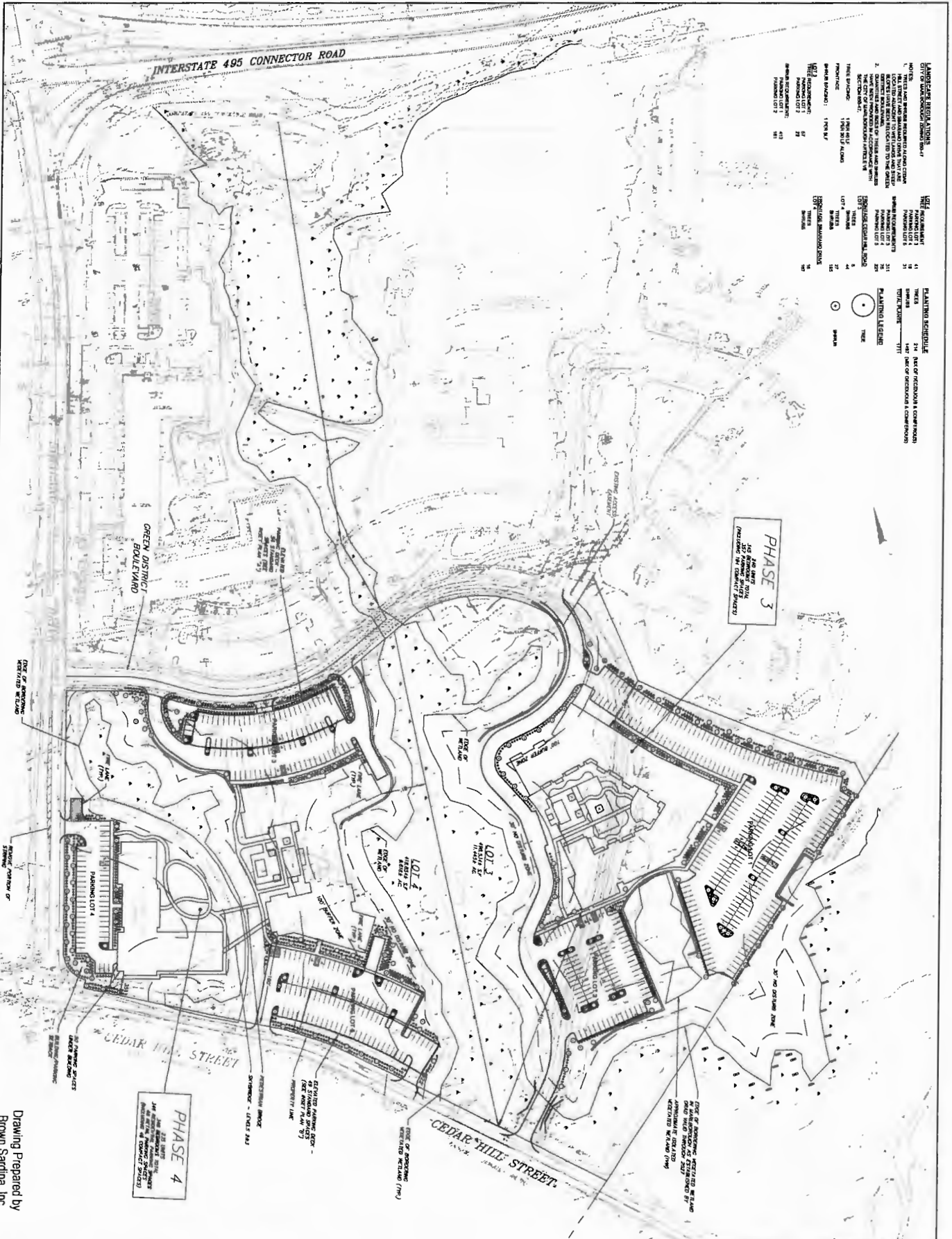
- 4x 36' 0"
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- 4x 36' 0"



BUILDING 4A NORTH ELEVATION



BUILDING 4B WEST ELEVATION



LANDSCAPE REVISIONS

CITY OF BURLINGTON (ZONING BOARD)

NO. 1: ALL TREES AND SHRUBS TO BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. ANY TREES AND SHRUBS THAT ARE DAMAGED OR REMOVED SHALL BE REPLACED WITH THE SAME OR BETTER SPECIES AND SIZE WITHIN 90 DAYS OF THE DATE OF REMOVAL. THE CITY OF BURLINGTON OFFICE OF LANDSCAPE ARCHITECTURE SHALL REVIEW AND APPROVE ALL LANDSCAPE REVISIONS.

NO. 2: ALL TREES AND SHRUBS TO BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. ANY TREES AND SHRUBS THAT ARE DAMAGED OR REMOVED SHALL BE REPLACED WITH THE SAME OR BETTER SPECIES AND SIZE WITHIN 90 DAYS OF THE DATE OF REMOVAL. THE CITY OF BURLINGTON OFFICE OF LANDSCAPE ARCHITECTURE SHALL REVIEW AND APPROVE ALL LANDSCAPE REVISIONS.

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PHASE 3
 100,000 SQ. FT.
 100,000 SQ. FT.
 100,000 SQ. FT.

PHASE 4
 100,000 SQ. FT.
 100,000 SQ. FT.
 100,000 SQ. FT.

Drawing Prepared by
 Brown Sardina, Inc.



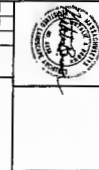
GREEN DISTRICT PHASES 3 & 4
 GREEN DISTRICT BOULEVARD

Green District Boulevard
 Marlborough, Massachusetts 01752

POST ROAD REALTY LLC
 11 Linnston Road
 Fairfield, Connecticut 06424

HANCOCK ASSOCIATES
 Civil Engineers
 Land Surveyors
 Wetland Scientists

35 Old St. Warehouse, St. Albans, VT 05478
 800-850-1234
 WWW.HANCOCKASSOCIATES.COM



SPECIAL PERMIT SITE PLAN

DATE: 11/15/2017
 SHEET: 2 OF 3
 PROJECT NO: 27057

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