

ORDERED:

## IN CITY COUNCIL

Marlborough, Mass., DECEMBER 16, 2019

## IN CITY COUNCIL

#### NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of: Marlborough Hospital and UMASS Memorial Realty, Inc. 306 Belmont Street Worcester, MA 01604 Order No. 19-1007824C

Locus: 157 and 209 Union Street Assessors Map 43, Parcel 56 and Map 56, Parcel 192

#### DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Marlborough Hospital and UMASS Memorial Realty, Inc., with a mailing address of 306 Belmont Street, Worcester, MA, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

#### Decision date: December 16, 2019.

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the <u>18<sup>th</sup></u> day of <u>December 2019</u>.

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 8th day of January 2020.

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

A TRUE COPY ATTEST:

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City Clerk



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ORDERED:

## IN CITY COUNCIL

#### DECISION ON A SPECIAL PERMIT MARLBOROUGH HOSPITAL AND UMASS MEMORIAL REALTY, INC.

## CITY OF MARLBOROUGH CITY COUNCIL ORDER NO. 19-1007824C

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Marlborough Hospital and UMASS Memorial Realty, Inc. (the "Applicant") to alter a preexisting nonconforming hospital use and to construct and operate an medical office/clinic use at 157 and 209 Union Street, Marlborough, MA, for a women's imaging center, as provided in this Decision and subject to the following Findings of Fact and Conditions.

#### **FINDINGS OF FACT**

- 1. Marlborough Hospital is a Massachusetts hospital corporation with an address of 306 Belmont Street, Worcester, MA. UMASS Memorial Realty, Inc., is a Massachusetts nonprofit corporation with an address of 306 Belmont Street, Worcester, MA. Marlborough Hospital and UMASS Memorial Realty, Inc. are together the "Applicant."
- 2. The Applicant is the owner of the property located at 157 and 209 Union Street, Marlborough, Massachusetts, being shown as Parcel 56 on Assessors Map 43 and Parcel 192 on Assessors Map 56 (the "Site").
- 3. In accordance with Article IV, Section 650-12.B, and Article V, Section 650-17, of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes to alter a preexisting nonconforming hospital use and to construct and operate a medical office/clinic use for a women's imaging center at the Site (the "Use"). As shown on the Site Plan referenced in paragraph 5 below, the Use consists of a 4,060 square foot medical office/clinic building, 16 new parking spaces, and landscaped areas, to be incorporated as part of the larger Marlborough Hospital campus.
- 4. 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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- 5. 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 Proposed Women's Center" by Bohler Engineering, comprised of Sheets 1 through 8, with 3 additional boundary and topographic survey sheets, with the last revision date of September 27, 2019 (the "Site Plan"), and architectural drawings by LWDA Design consisting of a floor plan and exterior views of the building, attached hereto as <u>"Attachment A."</u>
- 6. 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.
- 7. The Site has an area of 861,512 square feet +/- as shown on the Site Plan.
- 8. The Site is located in the A-3 Residential Zoning District.
- 9. Section 650-17 of the Zoning Ordinance provides that a medical office/clinic use is allowed by special permit in the A-3 Zoning District.
- 10. The Site's current hospital use is preexisting nonconforming, commencing prior to the adoption of the Marlborough Zoning Ordinance in 1956.
- 11. The Site is preexisting nonconforming with respect to lot coverage, having total impervious areas of 48.2% (the A-3 District has a maximum lot coverage of 30%). The Site Plan shows that the lot coverage associated with the Use would be 49.2%.
- 12. 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 advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
- 13. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, November 18, 2019. The hearing was closed on that date.
- 14. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.



**ORDERED:** 

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15. At the public hearing, one member of the public 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 alteration of the Site to contain a medical office/clinic use with an increased lot coverage of 49.2% for the Use would not be substantially more detrimental to the neighborhood than the existing nonconforming use.
- C. The City Council finds that the preexisting nonconforming hospital use has not been abandoned for a period of two years or more.
- D. The City Council finds that the proposed Use is not enlarged to more than 25% of the floor and ground area of the preexisting nonconforming hospital use at the Site.
- E. 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.
- F. 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 alter a preexisting nonconforming hospital use and to construct and operate a medical office/clinic use for a women's imaging center at the Site as shown on the Site Plan filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
  - 1. <u>Construction in Accordance with Applicable Laws</u>. 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.



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- 2. <u>Site Plan Review</u>. 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 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 Site Plan submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
- 3. <u>Modification of Plans</u>. 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, alter traffic flow, or increase the size, shape, or position of the building, all as shown on the Site Plan.
- 4. <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, unless otherwise altered by the City Council.
- 5. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, 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, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.



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- 6. <u>Lighting</u>. 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.
- 7. <u>Pedestrian Access</u>. As part of the Use, the Applicant shall construct a pedestrian walkway from Union Street along the new driveway for the Use, with the final details of the walkway to be approved by the Site Plan Review Committee and by the City Engineer.
- 8. <u>Recording of Decision</u>. 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: 10 – Nay: 0 – Abstain: 1 Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, & Ossing. Abstain: Robey.

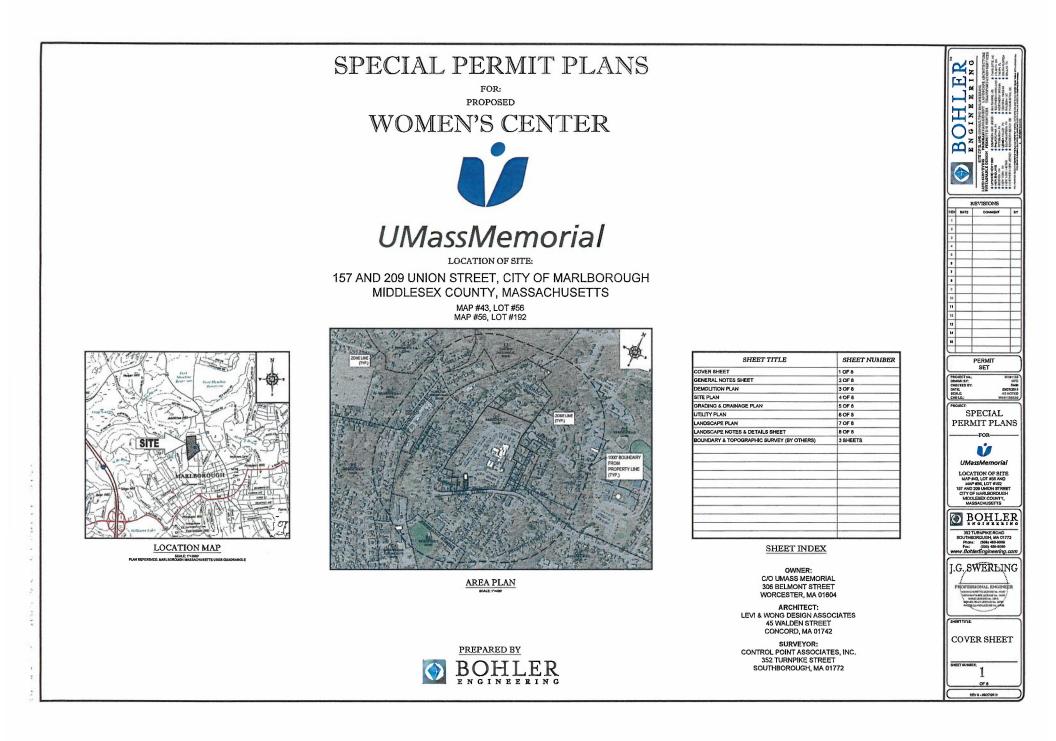
Signed by City C resident

Edward J. Clancy

ADOPTED In City Council 19-1007824C

ORDER NO. 19-1007824C

# ATTACHMENT A



#### GENERAL NOTES

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GENERAL DEMOLITION NOTES

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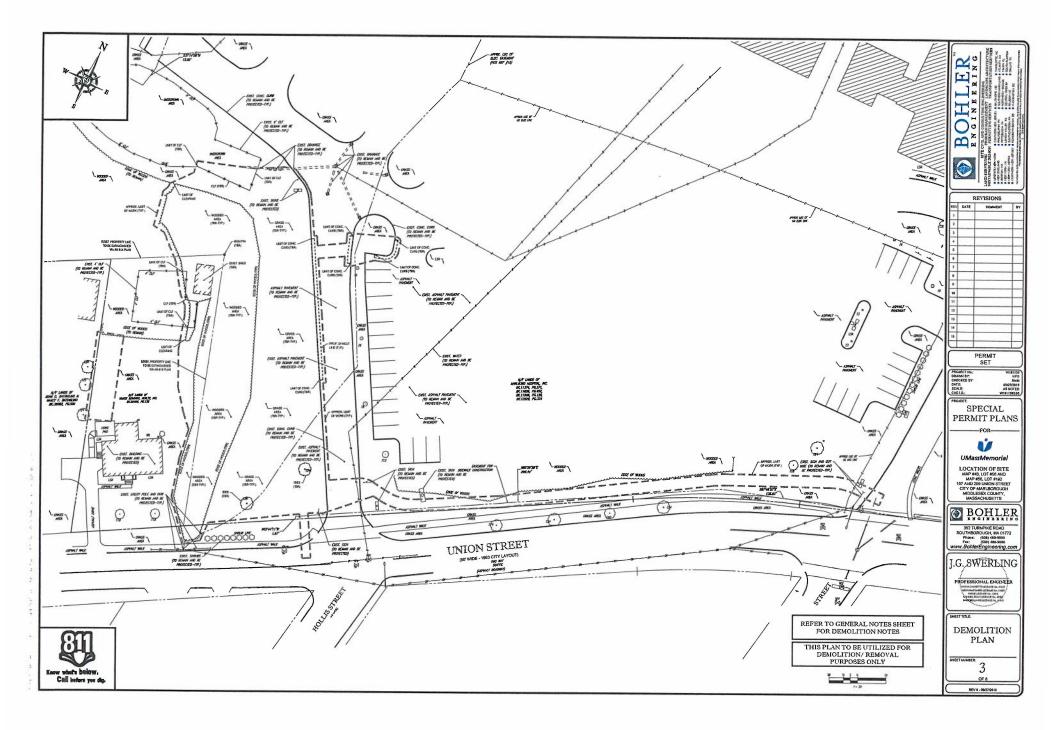
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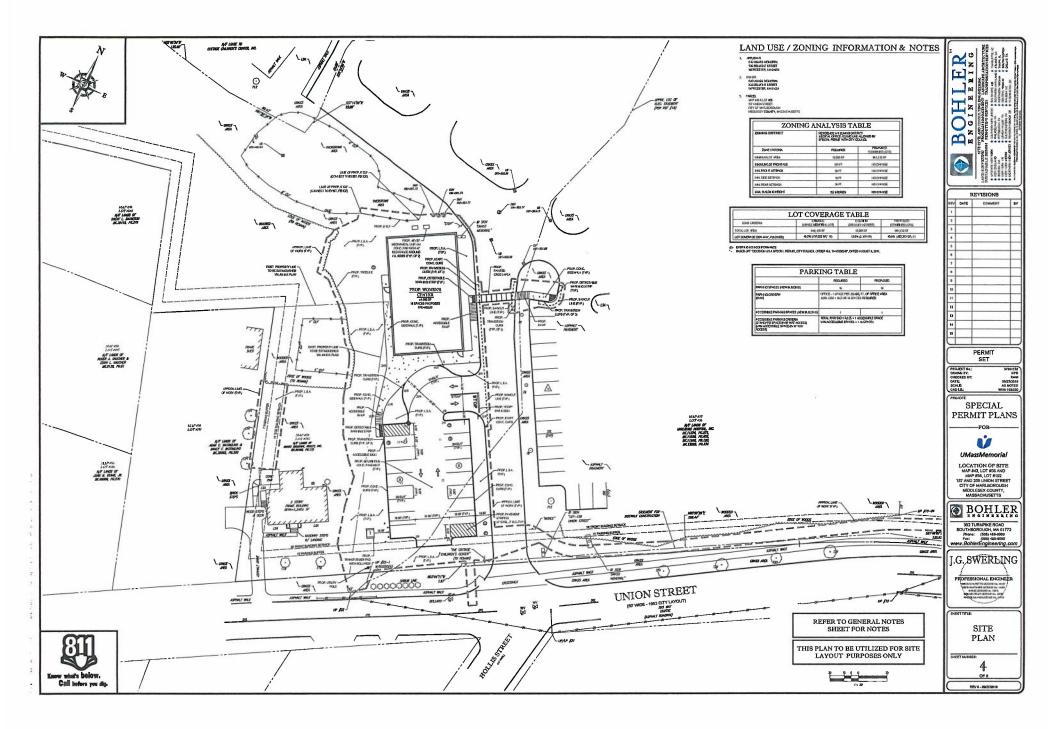
HLER NEERING MARRING M ABBREVIATIONS TICLE EVERY & TOPODUPING SUBVEY, INSPANSED BY CONTPOL PORT KEY DESCRIPTION KEY DESCRIPTION REPORT OF GEOTECH #2AL I MESTIGATION, PREPARED BY WHITESTONE ASSOCIATES, INC. OF TED OBJORN BC BOTTOM CURS PROP. PROPOSED CONTRACTOR SHALL MEM CONTRALL MORE IN ACCORDANCE WITH THE REQUIREMENTS OF THE DOD PATISON, SAVETY ALD HERE IN ACT OF WITH, 20 U.S.C. 651 IN HALL AS AN EXCEL AT D. WY RECEIVANCES, AND ADDRESS TO DEVELOP A TO BALLE TO BE REMOVED AND REPLACED TC TOP CURB TBR/R BONLER ENGINEERING WAS NO COMPACTIVAL LEGAL OR OTHER RESPONSED. ITY FOR LCO STEE M/FETY OF LOD STEE DUP BOG MCK OF CURB IBR TO BE REMOVED THE DEMOLTION PLAN IS INTENDED TO PROVIDE OBJERALI & PORTANDALI ONLY, AEGARONO REMO TO BE DEMALISHED AND OR REMORD. 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DEPRESSED E, LOCATING HO PRIVILED ALL UTLARES NO SERVICE, DOLLONG BUT NOT LIMITED TO DOL, WITER, BECTRIC, DIVITIARY HO STORU SENER, TELEPHINE, DIRE, FREE ORE: ETC, MINH UND AUXCENT TO THE LIMIT OF MODELY CONTINUES. THE CORRACTION MULT LIKE HID COMPLY WITH THE PERUMPSILIBITIS OF THE APPLICABLE TO DEFEND TO DETAIL THE ALL COMPARISON MULTIMES. LP. LOW FORIT . RADIUS TYP. TYPE MIN, MINIMUM ON THE REAL PROPERTY AND AND A REAL PROPERTY AND A REVISIONS HT. NTERSECTION MAX. MAXIMIN ARMASHA FOR N.D. COCREMENTIAL WITH THE APPLICALE UTLITY SUPPOSE PROADERS; FOR THE TELEGORITY OF PROADERS TEMENTION OF SERVICE REQUIR FROMO'T PLANE AS SEVEREMONDS, DE CORRECTOR LEEF PROADE THE UTLITY SUPPOSE AND MONEY APPLICATION IN THE DESTINAUTLITES AND INVERGENTISMENTEROLD IS AND CORRECT AND IN ASSOCIATION, AND UTLITY TO AND REQUERTING. REV DATE COMMENT POINT OF CURVATURE PC. He. 78 NUMBER PT. POINT OF TANGENCY WL WIDE 4. 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SIGN -CUPBRAMPS - SLOPE MUST NOT EXCEED 1 12 8 2% FOR A MAYNAM OF SKY (S FEET. đo 352 TURNPIKE ROAD SOUTHBOROUGH, MA 01772 GUIDE RAIL · UNDEXES - MET REPROVED AT EACH END OF RAMPS, MET PROVED POSITINE DRAMAG, AND HER THAT RECEIPT AND ANY OR BOAT 1 UTILITY POLE Phone: (508) 440-9900 Fax: (508) 440-9080 w.BohlerEngineering.c REFER TO SITE PLAN FOR ZONING I.G. SWERLING ANALYSIS TABLE AND LAND USE/ ZONING INFORMATION & NOTES PROFESSIONAL ENGINEER REFER TO LANDSCAPE NOTES & Senate Country License is and Senate Country License is hard Country License is hard Country License is prove senate is a prove DETAILS SHEET FOR TYPICAL The confluctor luter very the scores of confluctory forms from to pourse concrete. F May non-confloring to be scores of confluctory forms from the confluctor material scores and the confluctor material scores and the confluctor formation and the confluctor formati LANDSCAPE NOTES AND DETAILS SHEFT TO P GENERAL

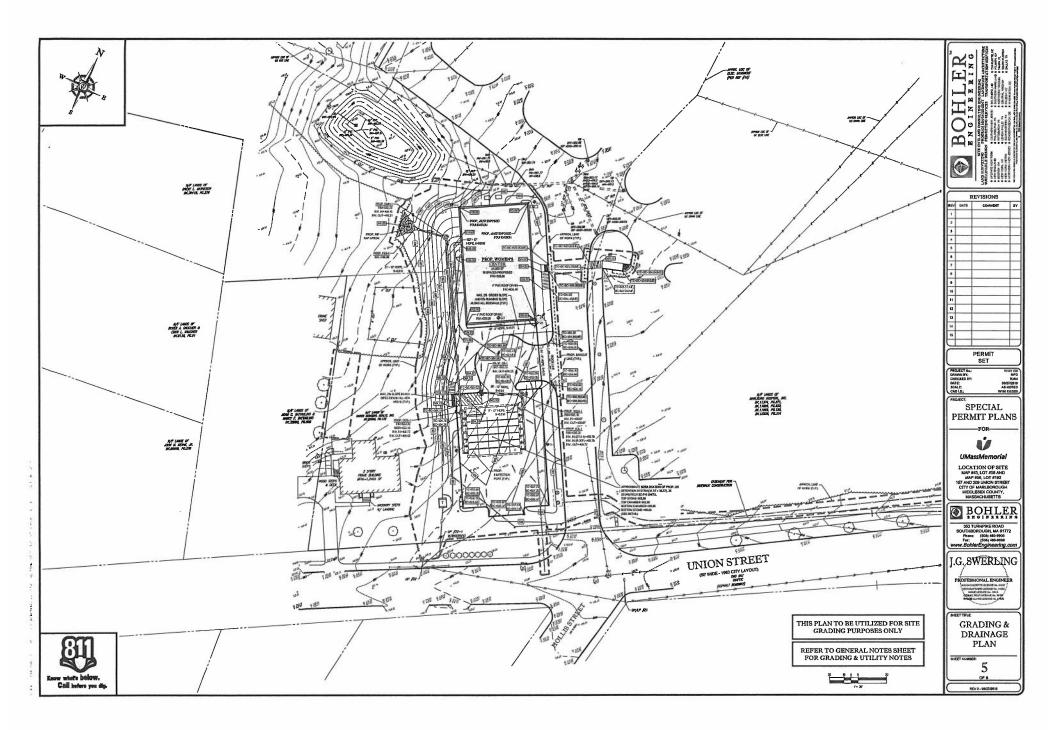
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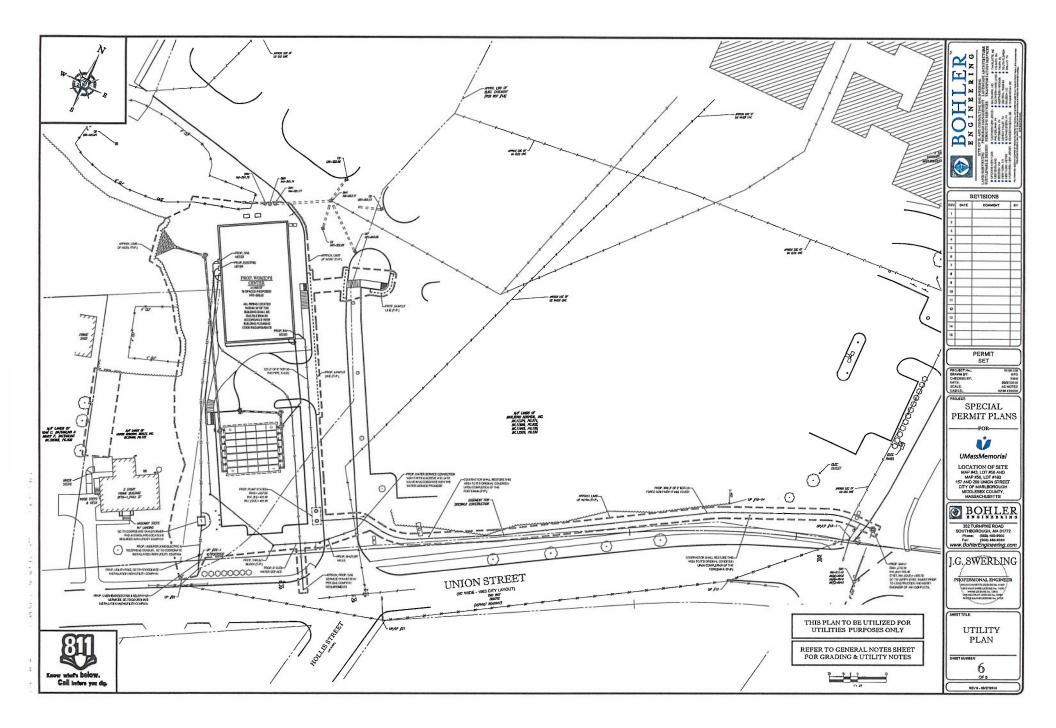
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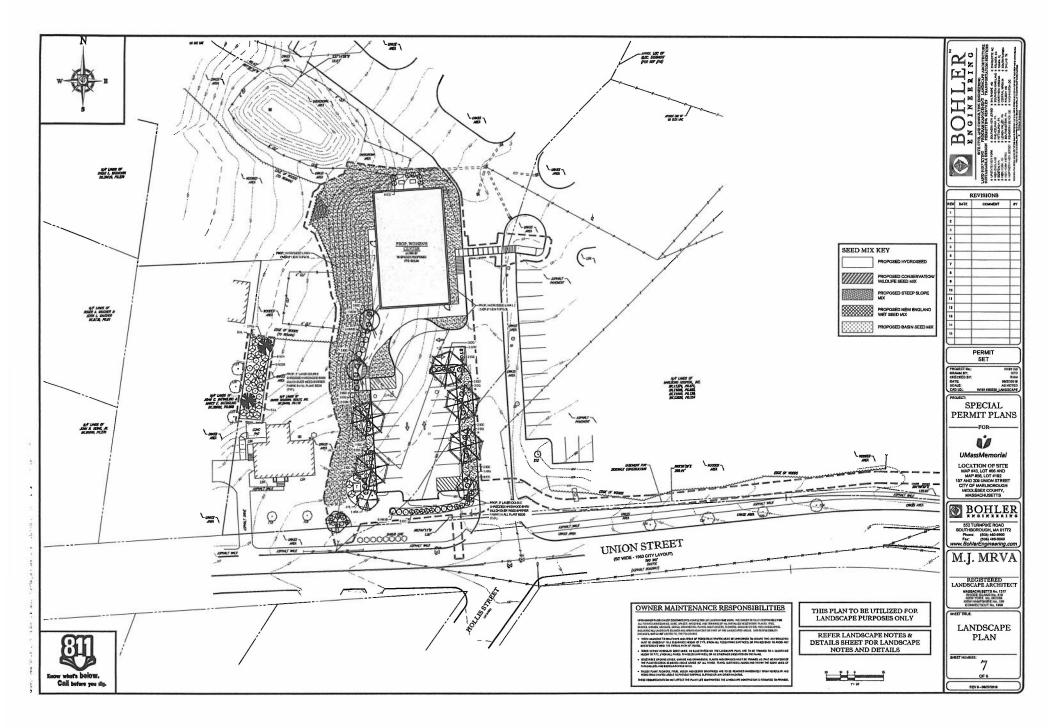
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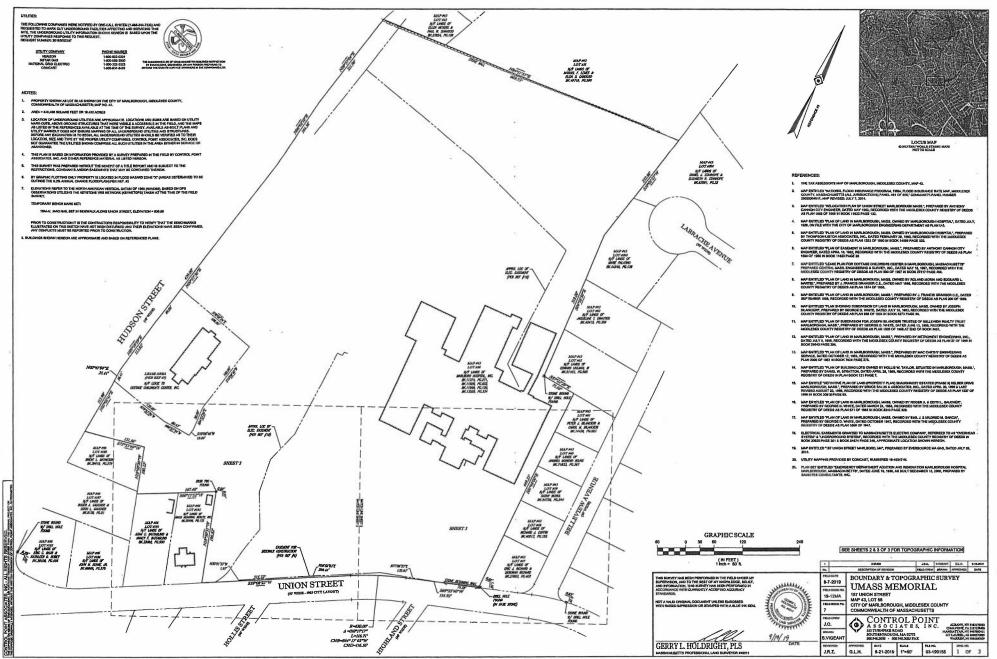




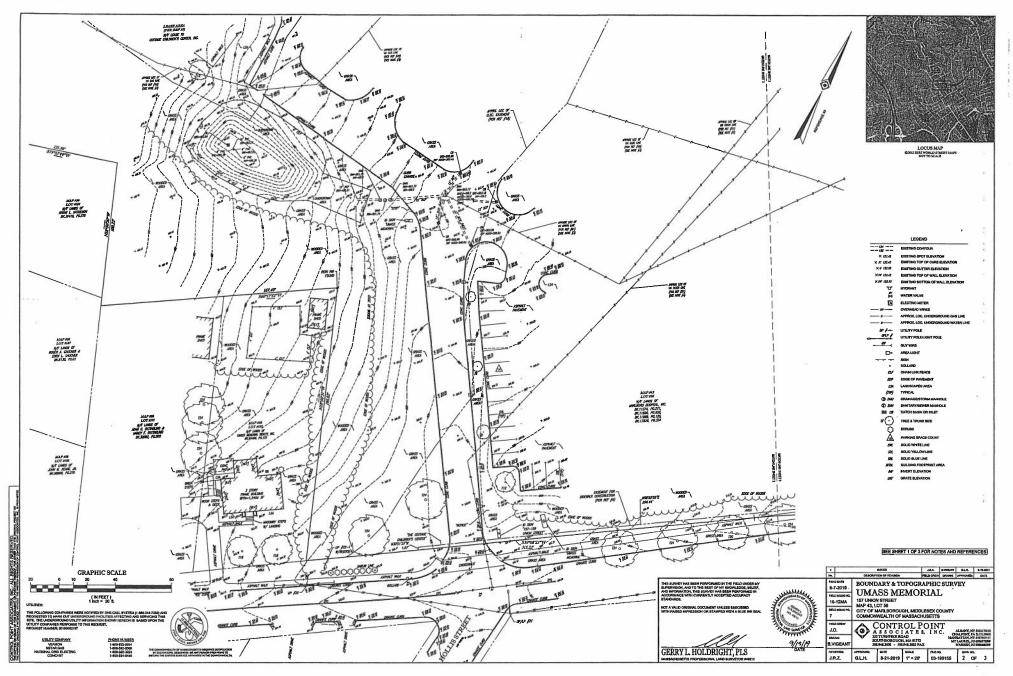




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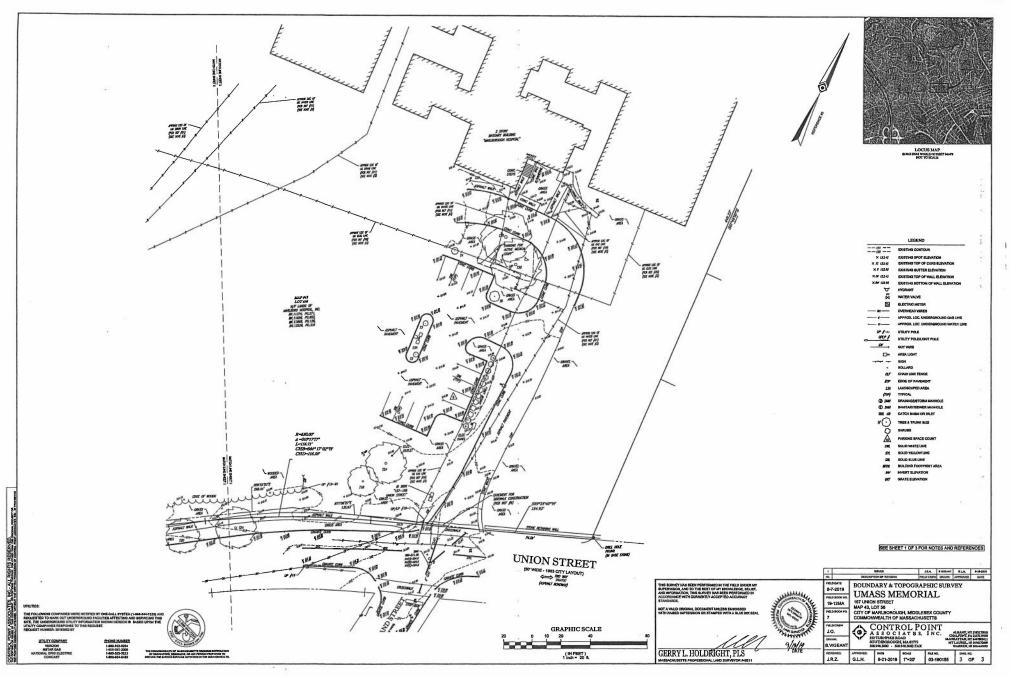
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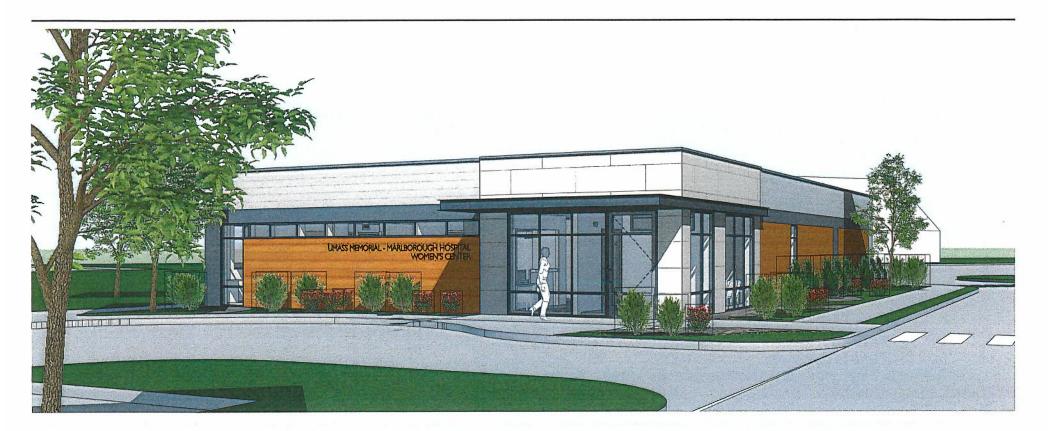
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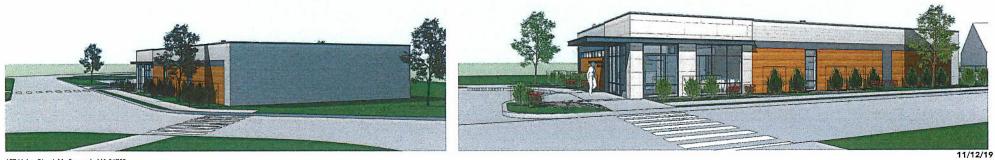
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157 Union Street, Marlborough, MA 01752

UMassMemorial Marlborough Hospital Exterior Views UMass Memorial - Marlborough Hospital - Women's Imaging Center





157 Union Street, Marlborough, MA 01752



Floor Plan UMass Memorial - Marlborough Hospital - Women's Imaging Center



10/4/19