



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 10, 2014

ORDERED:

## DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

### NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Application of:  
Sandra and Anthony Antico Real Estate LLC  
72 Jefferson St.  
Marlborough, MA 01752

And

Sky High Studios, Inc.  
289 Elm St., Unit 114  
Marlborough, MA 01752

Order No. 13/14-1005582E

Locus:  
289 Elm St., Unit 114  
Map 68, Parcel 20B & 19

### DECISION

The City Council of the City of Marlborough hereby GRANTS the Application of Sandra and Anthony Antico Real Estate LLC & Sky High Studios, Inc., as provided in the DECISION and subject to Procedural Findings and Findings of Facts and Conditions.

Decision Filed: **February 19, 2014**

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the **19<sup>th</sup>** day of **February, 2014.**

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 **12<sup>th</sup>** day of **March, 2014.**

Given under Chapter 40A Section 11 of the Massachusetts General Laws

A TRUE COPY  
ATTEST

  
City Clerk





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## ORDERED:

7. The Site Plan was certified by the Building Commissioner, acting on behalf of the City Planner, as having complied with Rule 5, items A through J, of the Rules and Regulations promulgated by the City Council for the issuance of a special permit.

8. Pursuant to the Rules and Regulations of the City Council and the provisions of M.G.L. c. 40A, the City Council established a date for public hearing for the Application and the City Clerk caused to be advertised said date in the MetroWest Daily News and sent written notice of said hearing to those abutters entitled to notice under law.

9. The Marlborough City Council pursuant to M.G.L. c. 40A held a public hearing on January 13, 2014, concerning the Application. The hearing was opened and closed at that meeting.

10. The Applicants' attorney presented evidence at the public hearing detailing the proposed use and its limited impact upon City services, the neighborhood and traffic.

11. At the public hearing, Lauren Forest, President of Sky High Studios, Inc., who will also be managing the operation of the business, described the proposed business as being one that would provide a unique combination of exercise instruction, combining two forms of adult (age 15 and older) exercise and fitness training that have become increasingly popular: pole fitness and aerial aerobics. She testified that neither of these forms of fitness training is currently available in this geographical area. She provided illustrations of the equipment to be used in such training. All of the equipment, she said, is currently available for viewing at the proposed permit location. She indicated at the public hearing that her hours of operation were proposed to be:

- Monday-Thursday: 10:00 AM – 9:00 PM
- Friday-Sunday: (regular) 10:00 AM – 4:00 PM
- Friday-Sunday (special events) 5:00 PM – 10:00 PM

She indicated that, given the location of Suite 114, the operation of the business would not in any way disrupt area residences. She estimated that the total number of people at the site at any one time would be 20, and that the peak parking demand would be for 20 parking spaces. She said that she also intends to allow the use of the facility for private functions. She showed building plans indicating where Suite 114 is located in the building, and showing that it is located far away from any residence in the area.



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## ORDERED:

12. A number of Marlborough residents spoke in favor of the proposal. A petition supporting the proposal was also presented by Applicant Tenant. The petition, which includes over 100 signatures, is in the files of the Urban Affairs Committee. No one spoke in opposition to the proposal.

13. Following the close of the public hearing, the Urban Affairs Committee conducted meetings regarding the proposal on January 21, 2014. At that time, the members of the Committee developed proposed permit conditions that are reflected below. There was a vote of the Committee recommending approval of the proposal with those conditions. The vote was 5-0 in favor.

### **REASONS FOR APPROVAL OF APPLICATION FOR SPECIAL PERMIT**

A. The City Council finds that the Applicants have complied with all Rules and Regulations promulgated by the Marlborough City Council for an application as they pertain to the Special Permit.

B. The use of Suite 114 for a commercial recreation establishment to provide instruction in pole fitness and aerial aerobics is an appropriate use of Suite 114 and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough, subject to appropriate terms and conditions provided for herein. The use sought and its impacts and characteristics are not in conflict with the public health, safety, convenience and welfare, provided the safeguards and limitations imposed herein are met.

C. The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough City Code, **GRANTS** the Applicant Landlord and the Applicant Tenant, their successors and assigns, a Special Permit to operate a commercial recreation establishment as per plans filed with the City Council and the City Clerk, **SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Signage: Any signage installed or erected on the Site shall meet the requirements of the Sign Ordinance of the City of Marlborough, without variance.

2. Compliance with Local, State and Federal Laws: The Applicant Landlord and the Applicant Tenant agree to comply with all rules, regulations and ordinances of the City of Marlborough, Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance, equipping and operation of the facility.





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**ORDERED:**

**Yea: 10 – Nay: 0 – Absent: 1**

**Yea: Delano, Page, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Robey & Oram**

**Absent: Elder**

Signed by City Council President  
Patricia A. Pope

ADOPTED  
In City Council  
Order No. 13/14-1005582E