



IN CITY COUNCIL

FEBRUARY 22, 2016

Marlborough, Mass.,

ORDERED:

DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:
110 Pleasant LLC
26 Elderwood Dr.
Stoughton, MA 02072
Order No. 15/16-1006395D

Locus:
110 Pleasant St.
Assessors Map 68, Parcel 462

DECISION

The City Council of the City of Marlborough hereby GRANTS the application of 110 Pleasant LLC, a Massachusetts limited liability company having a mailing address of 26 Elderwood Dr., Stoughton, MA 02072 as provided in the DECISION and subject to Procedural Findings and Findings of Facts and Conditions.

Decision date: **February 22, 2016**

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the **1st** day of **March, 2016**.

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 **22nd** day of **March, 2016**.

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

A TRUE COPY
ATTEST


City Clerk



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ORDERED:

**DECISION ON A SECOND AMENDMENT
TO ORIGINAL SPECIAL PERMIT AND
FIRST AMENDMENT TO SPECIAL PERMIT
GRANTED TO 110 PLEASANT LLC**

**CITY COUNCIL ORDER NO. 15/16-1006395C /
X10-1002683F & X11-1002923F**

Application of:
110 Pleasant LLC
Locus:
110-118 Pleasant Street
Map 68, Parcel 462

FINDINGS OF FACT AND CONDITIONS

The City Council of the City of Marlborough hereby GRANTS the application of 110 Pleasant LLC, a Massachusetts limited liability company having a mailing address of 26 Elderwood Drive, Stoughton, MA 02072, as provided in this Decision and subject to the following Findings of Fact and Conditions.

PROCEDURAL FINDINGS OF FACT

1. 110 Pleasant LLC, a Massachusetts limited liability company having a mailing address of 26 Elderwood Drive, Stoughton, MA 02072, is referred to hereinafter as the "Applicant."
2. Applicant is the owner of certain real estate located at 110-118 Pleasant Street, Marlborough, MA, as further described in a deed recorded at the Middlesex South District Registry of Deeds in Book 55633, Page 468 (hereinafter, the "Premises").
3. On September 27, 2010, the City Council of the City of Marlborough voted to grant the Applicant a special permit concerning the Premises, as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 55633, Page 471 (hereinafter, the "Original Special Permit").
4. On December 5, 2011, the City Council of the City of Marlborough voted to grant the Applicant an amended special permit concerning the Premises, as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 58300, Page 306 (hereinafter, the "First Amendment").



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5. On December 17, 2015, the Applicant submitted to the City Clerk of the City of Marlborough an application seeking to amend the Original Special Permit and the First Amendment under the provisions of M.G.L. c. 40A, § 9 and the Marlborough Zoning Ordinance, Article IV, § 650-12.B and Article VI, § 650-59.C(20) (hereinafter, the "Application").

6. In connection with the Application, Applicant filed a Summary Impact Statement, certified list of abutters, filing fee and twenty (20) copies of the existing Site Plan.

7. The existing Site Plan was certified by the Planning Department of the City of Marlborough (Building Commissioner) as having complied with 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 applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk caused to be advertised the public hearing's date in the MetroWest Daily News and sent notice of said hearing to abutters entitled to notice under law.

9. On January 25, 2016, the City Council held a public hearing concerning the Application. The hearing was opened and closed on that date.

10. The Applicant presented testimony at the public hearing detailing the Application. All testimony made by those speaking at the public hearing have been duly considered in making this Decision.

11. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit and in the First Amendment, which are expressly incorporated herein by reference.

BASED UPON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT AND TAKES THE FOLLOWING ACTIONS:

A) The City Council finds that Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application.



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B) The City Council finds that the proposed use of the site, subject to the conditions imposed below, will not be in conflict with the public health, safety, convenience and welfare and will not be detrimental or offensive. Further, the City Council finds that the proposed new use of the site, and the structure as altered, will not be substantially more detrimental to the neighborhood than the continued use of the existing site and structure for manufacturing and other non-conforming uses. The visual impacts from the proposed use have been mitigated, and the traffic impacts will be no more detrimental than the possible impacts from industrial uses. In addition, the City Council finds that the proposed residential use may act as a catalyst in encouraging further growth in, and improvements to, the surrounding area.

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 a Second Amendment to the Original Special Permit and the First Amendment to alter the preexisting nonconforming use of the Premises to a residential use and to alter the preexisting nonconforming structure that exists thereon, through the adaptive reuse of the structure to accommodate eighteen (18) residential housing units (the "Project"), by:

- (a) deleting Condition Number 7 and substituting there for a new Condition Number 7, as set forth below;
- (b) deleting the Condition Number 22 and substituting there for a new Condition Number 22, as set forth below;
- (c) deleting Condition Number 24 and substituting there for a new Condition Number 24, as set forth below;
- (d) inserting a new Condition Number 27, as set forth below; and
- (e) inserting a new Condition Number 28, as set forth below.

All other conditions of the Original Special Permit and the First Amendment shall continue in full force and effect, and are expressly incorporated herein by reference.

7. Limit and Type of Residential Units. The Project will contain no more than eighteen (18) residential units which will all be two-bedroom units as referenced in the modified site plans and further depicted on related architectural building permit plans.



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24. No Further Subdivision of Condominiums. Applicant shall cause there to be included in the Master Deed creating the condominium for the Project a requirement that there shall be no further units created within the condominium other than the eighteen (18) residential units allowed through this special permit. Prior to the issuance of the first occupancy permit for the first unit of the Project, the City Solicitor shall verify in writing to the Building Commissioner that the Master Deed creating the condominium for the Project has been recorded, that said requirement is contained in the Master Deed, and that the Master Deed contains a provision that said Master Deed requirement prohibiting the creation of further units may not be eliminated.

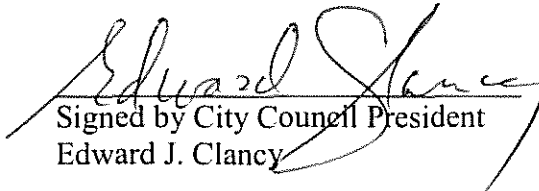
27. Prior Decisions. The Project may consist of up to eighteen (18) residential units, notwithstanding anything in the Original Special Permit or the First Amendment to the contrary.

28. Recording. This Second Amendment to the Original Special Permit and the First Amendment shall be recorded at the Middlesex South District Registry of Deeds in accordance with the provisions of M.G.L. Chapter 40A, § 11. The Applicant (110 Pleasant LLC, 26 Elderwood Drive, Stoughton, MA 02072), including its successors and assigns, shall be responsible for recording, at its expense, this Second Amendment, and shall present evidence of said recording to the City Solicitor's office, which thereupon shall duly forward said recording evidence to the Building Commissioner.

Yea: 10 – Nay: 0 – Abstain:1

Yea: Delano, Doucette, Elder, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey

Abstain: Tunnera


Signed by City Council President
Edward J. Clancy

ADOPTED
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