



IN CITY COUNCIL

Marlborough, Mass., APRIL 6, 2015

ORDERED:

DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:
Digital Federal Credit Union
835-865 & 905 Donald Lynch Blvd.
Marlborough, MA 01752
Order No. 14/15-1006011E
X14/15-1006053D
X03-10047B

Locus:
835-865 & 905 Donald Lynch Blvd.
Assessors Map 50, Parcels 9, 3A & 3B

DECISION

The City Council of the City of Marlborough hereby GRANTS the application of Digital Federal Credit Union as provided in the DECISION and subject to Procedural Findings and Findings of Facts and Conditions.

Decision date: April 15, 2015

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 15th day of April, 2015.

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 6th day of May, 2015.

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

A TRUE COPY
ATTEST


City Clerk



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ORDERED:

DECISION ON A SPECIAL PERMIT

IN CITY COUNCIL

Special Permit
Digital Federal Credit Union
Order No. 14/15-1006011E
X14/15-1006053D
X-03-10047B

DECISION ON A SPECIAL PERMIT CITY COUNCIL ORDER NO. 14/15-1006011E

The City Council of the City of Marlborough hereby GRANTS the application to amend a Special Permit to Digital Federal Credit Union (the "Applicant") for the property located at 835-865 and 905 Donald J. Lynch Boulevard, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is the owner of the property located at 835-865 and 905 Donald J. Lynch Boulevard, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 50, Parcels 9, 3A and 3B (the "Site").
2. The Site is subject to a special permit issued by the City Council of the City of Marlborough dated June 16, 2003, Order No. 03-10047B (the "Original Special Permit," attached hereto as Exhibit A).
3. In light of the recent amendment to the City Code creating § 526-13 entitled, Electronic Message Center Signs and Digital Display Signs, the Applicant seeks to amend the Original Special Permit by removing Condition #7 which prohibits signs on the Site which have moving parts, message boards, LCDs or equivalent features; and inserting in place thereof a new Condition #7 comporting with § 526-13 (the "Application").
4. In connection with the Application, the Applicant has submitted a certified list of abutters, filing fees, and the existing approved site plan for the Site entitled, "As-Built Plan, Donald J. Lynch Boulevard Office Park," prepared by Cornerstone Consulting Civil Engineers and Land Surveyors, dated July 20, 2004 (the "Plans").



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ORDERED:

5. The Plans were 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.

6. 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 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.

7. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on Monday, February 23, 2015.

8. The Applicant, through its representatives, presented testimony at the public hearing detailing the Application. No individual in attendance at the public hearing spoke in opposition to the Application.

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 an Amended Special Permit, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:



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ORDERED:

1. The Original Special Permit is amended by removing Condition #7 in its entirety and inserting in place thereof the following:

7) The location and design of any signage on the Site shall be reviewed and approved by the City of Marlborough in accordance with the Sign Ordinance of the City of Marlborough.

2. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant, its successors and/or assigns shall, at its expense, record this Amended Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Amended Special Permit has elapsed with no appeal having been filed, and before the Applicant, its successors and/or assigns, has applied to the Building Commissioner for any building permit that may be required concerning the Sign. The Applicant, its successors and/or assigns shall also furnish proof of recording to the City Solicitor's Office and the City Council immediately subsequent to recording.


3. Except as amended by this Decision, the Original Special Permit remains in full force and effect.

Yea: 9 – Nay: 1 – Abstain: 1

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

Nay: Elder

Abstain: Delano


Signed by City Council President
Patricia A. Pope

ADOPTED
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