



IN CITY COUNCIL

MAY 6, 2013

Marlborough, Mass., _____

ORDERED:

DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:
Logical Partners LLC
241 Boston Post Rd. West, 1st Floor
Marlborough, MA 01752
Order No. 12/13-1005151G

Locus:
126 Pleasant St.
Assessors Map 68, Parcel 466

DECISION

The City Council of the City of Marlborough hereby GRANTS the application of Logical Partners LLC, as provided in the DECISION and subject to Procedural Findings and Findings of Facts and Conditions.

Decision date: May 15, 2013

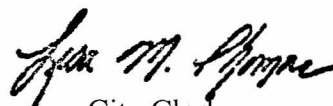
The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 15th day of May, 2013

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 5th day of June, 2013

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

A TRUE COPY
ATTEST


City Clerk



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ORDERED:

**SPECIAL PERMIT
LOGICAL PARTNERS LLC
CITY OF MARLBOROUGH, MA
CITY COUNCIL ORDER 12/13-1005151G**

The City Council of the City of Marlborough hereby **GRANTS** the Application for Special Permit of Applicant, as provided in the Decision and **SUBJECT TO THE FOLLOWING FINDINGS OF FACT AND CONDITIONS:**

EVIDENCE

1. The Applicant is Logical Partners LLC, a Massachusetts LLC with a principal place of business at 241 Boston Post Road West, 1st Floor, Marlborough, MA 01752 (the "Applicant").
2. The location of the proposed project is 126 Pleasant Street, Marlborough, MA and more particularly identified on the City of Marlboro Assessor's Map as Lot 466 of Map 68, and furthermore particularly described in a deed recorded with the Middlesex South District Registry of Deeds, Book 58142, Page 503 (the "Site").
3. The Applicant seeks a Special Permit to construct three (3) residential Townhouse style Condominium units on the Site (the "Project").
4. The Applicant is the Owner for the purpose of this Special Permit Application (the "Application").
5. The property is located in zoning district Residence B (RB), which allows multifamily dwellings as a matter of special permit.
6. The Building Inspector, acting on behalf of the City Planner, provided a Certificate of Completeness of Application as required by Para. 7 of the Rules and Regulations of Application/Petition for Special Permit by the City of Council under the Marlborough Zoning Ordinance, Chapter 650-59.
7. The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application for a Special Permit to demolish the current structures at the Site and construct three (3) residential Townhouse style Condominium units on the Site.
8. The Applicant obtained all necessary zoning variances to allow its project to proceed, said variance being recorded with the Middlesex South District Registry of Deeds, Book 59143, Page 190.



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9. A public hearing was held on October 15, 2012, in compliance with the requirements of the Code of the City of Marlborough and by the provisions of MGL Chapter 40A, as amended, and all necessary abutters were provided notice as required by law, as certified by the Office of the Board of Assessors of Marlborough. The time for the City Council to take final action on the Application was timely extended by the parties' agreement to May 15, 2013.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing and demonstrated that the Project meets all applicable Special Permit criteria provided by MGL Chapter 40A, as amended, and the Code of the City of Marlborough including, without limitation, Article VII, Section 650, Paragraph 40, Subparagraph B, and generally Section 650-59.
11. The plan submitted with the Application is entitled "Preliminary Site Plan, 126 Pleasant Street, Marlborough, MA," Prepared for Logical Partners LLC, 241 Boston Post Road West, 1st Floor, Marlborough, MA 01752; Owned by Logical Partners LLC, 241 Boston Post Road West, 1st Floor, Marlborough, MA 01752; Prepared by Thomas Land Surveyors & Engineering Consultants, Inc., 265 Washington Street, Hudson, MA 01749, scale 1" = 20', dated June 28, 2012 and revised October 11, 2012, December 11, 2012 and February 25, 2013 (the "Plan"), attached hereto as "Attachment A."

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

The City Council, pursuant to its authority under MGL Chapter 40A and the City of Marlborough Zoning Ordinance, Chapter 650, **GRANTS** the Applicant a Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application for a Special Permit to construct three (3) residential Townhouse style Condominium units on the Site.
2. The Marlborough City Council finds that all necessary Fees for the proposed Special Permit have been paid.
3. The Marlborough City Council finds that the Application was properly completed and filed by Applicant, and that all necessary abutters were provided notice as required by law, as certified by the Office of the Board of Assessors of Marlboro prior to Application submission.
4. The Plan accompanying said Application was completed in accordance with the all applicable Rules and Regulations.



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5. The Summary Impact Statement filed with said Application is sufficient for said Application and that no further studies or requirements are necessary.
6. The City Department reports as required by the Code of the City of Marlborough have been received and incorporated as deemed appropriate by the said Marlborough City Council into this final decision.
7. The Marlborough City Council finds generally that the use sought by Applicant and its impact and characteristics is not in conflict with the public health, safety, convenience and welfare and is not detrimental or offensive; and further, that the use of the Site for three (3) residential Townhouse style Condominium units is appropriate for the Site and does not derogate from the intent and purpose of MGL Chapter 40A and/or the Code for the City of Marlborough.
8. The Marlborough City Council therefore GRANTS to the Applicant a Special Permit to construct three (3) Residential Townhouse Units on the Site, pursuant to its authority under MGL Chapter 40A and the Code of the City of Marlboro, **with the following conditions:**
 - A. The Marlborough City Council conditions its approval on subsequent Site Plan Review and approval as provided under Chapter 270, Building and Site Development. The Plan may be subject to modification by the Site Plan Review Committee to the extent allowed by the Code of the City of Marlborough. Other conditions and limitations may be imposed at the time of the final Site Plan Approval by said Committee, which are not inconsistent with any term or condition attached to this Special Permit.
 - B. The applicant will work with Site Plan Review to coordinate minor cosmetic and mutually acceptable modifications to the building and/or site to make the same more Colonial in appearance so as to fit into the neighborhood.
 - C. The drainage from the site shall be reviewed during the Site Plan Review process to ensure that any excess drainage is adequately mitigated.
 - D. The building will be protected by an automatic sprinkler system under a NFPA Section 13R installation due to the low water pressure in the area and proposed garage spaces.



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- E. All existing structures and improvements at the Site will be removed pursuant to Code and subject to the approval of the Marlborough Building Inspector and the resulting residue disposed of in accordance with all applicable Federal, State, and municipal statutes, rules and regulations; in particular, within ninety (90) days after approval of this Special Permit, the Applicant shall remove the barn from the Site.
- F. Construction of the three (3) new Single-Family Townhouse Condominium units is to be in accordance with all applicable building codes currently in effect in the City of Marlborough.
- G. Pursuant to recommendations from the Urban Affairs Committee of the Marlborough City Council, the number of bedrooms for each Unit has been reduced from three (3) bedrooms to (2) bedrooms. Accordingly, each Unit will contain no more than two (2) bedrooms, be approximately 1,400 square feet, and will otherwise be substantially similar to that as shown on a 10-page set of plans entitled Project Description – Pleasant St. Project,” Builder: Lisboa; Builder’s customer: spec; Prepared by Westchester Modular Homes, Inc., 30 Reagans Mill Rd., Wingdale, NY 12594; scale ¼” = 1””; dated July 6, 2012 and revised on July 11, 2012, July 16, 2012, August 22, 2012, February 24, 2013 and March 4, 2013, attached hereto as “Attachment B.” The Units will be serviced by public water and public sewer separately metered.
- H. All Units shall consist of (2) bedrooms and shall be required to be owner-occupied, i.e., no leasing shall be allowed; and a restriction for same shall be inserted into the Master Deed creating the Condominium, and shall also be incorporated into the Unit deed for each Unit conveyed by Applicant, its successors and assigns.
- I. Existing building sewers or portions thereof may be used in connection with new construction only when they are found, on examination and testing by the Marlborough Commissioner of Public Works, to meet all Code requirements. The applicant will be required to confirm the size, material, slope, and condition of the existing sewer service. This can be accomplished via test pits and/or video-taping of the existing sewer service. A single service to the proposed building shall only be allowed if allowed and approved by the Marlborough Department of Public Works.



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- J. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South District 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 shall apply to the Building Inspector for a building permit concerning the Project. Applicant shall provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.
- K. All work performed at the Site shall be in compliance with this Special Permit decision. No other building or construction shall occur or happen without a change or modification of this Special Permit.
- L. Applicant shall provide side yard and rear yard fencing as depicted on the Plan.

Yea: 9 - Nay: 1 - Abstained: 1

Yea: Jenkins, Elder, Seymour, Clancy, Landers, Ossing, Pope, Oram & Robey

Nay: Delano

Abstained: Tunnera

Signed by City Council President
Patricia A. Pope

ADOPTED

In City Council

Order No. 12/13-1005151G