



IN CITY COUNCIL

MAY 7, 2012

Marlborough, Mass., _____

ORDERED:

DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of
Marlborough Savings Bank
81 Granger Blvd.
Marlborough, MA 01752
Order No. 12-1004081C

Locus:
81 Granger Blvd.
Map 70, Parcel 152

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Marlborough Savings Bank as provided in the DECISION and subject to the following FINDINGS OF FACTS AND CONDITIONS.

Decision filed: **May 10, 2012**

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the **10th** day of **May, 2012**.

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 31st day of May, 2012.

Given under Chapter 40A sec. 11 of the General Laws.

A TRUE COPY

ATTEST:

A handwritten signature in cursive script, appearing to read "Lisa M. [unclear]".

City Clerk



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ORDERED:

DECISION ON AN APPLICATION TO MODIFY A SPECIAL PERMIT

**MARLBOROUGH SAVINGS BANK
81 GRANGER BOULEVARD
MARLBOROUGH, MA**

CITY COUNCIL ORDER NO. 12-1004081C

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 09-1002152C submitted by Marlborough Savings Bank, 81 Granger Boulevard, Marlborough, Massachusetts, as provided in this Decision and subject to the following Evidence, Findings of Fact, and Conditions.

EVIDENCE

1. Marlborough Savings Bank is hereinafter referred to as "Applicant."
2. Applicant is the lessee of the premises known and numbered as 81 Granger Boulevard, Marlborough, Massachusetts, as further described on Marlborough Assessor's Map 70, Parcel 152 (hereinafter the "Site"), and maintains a stand-alone bank facility with drive-through ATM and teller services. The Site's owner is Stephen M. Fitzpatrick, Trustee of Fitzgerald Family Investment Trust, u/d/t December 4, 2007 and recorded with the Middlesex South District Registry of Deeds in Book 50587, Page 296.
3. The Applicant, by and through its attorney, Sem Aykanian, Esq., has filed with the City Clerk of the City of Marlborough an application for a modification of a special permit (hereinafter, the "Application"), to wit, A Notice of Decision Grant of Special Permit issued by the City Council for the City of Marlborough dated June 22, 2009 by Council Order No. 09-1002152C (hereinafter, the "Original Special Permit"). In the Application, the Applicant seeks to extend the hours of operation of both the drive-through teller as well as the drive-through ATM.
4. The Site is located in a Business zone as determined by the Zoning Map of the City of Marlborough.
5. In connection with the Application to modify the Original Special Permit, the Applicant has submitted a certified list of abutters, all appropriate filing fees, and provided copies of the Application to all appropriate parties in accordance with Rules and Regulations promulgated by the City Council for the issuance of a special permit.



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6. The Application was certified by the Building Inspector for the City of Marlborough, acting for and 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. 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 to modify the Original Special Permit, 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.

8. The Marlborough City Council, pursuant to Mass. Gen. Laws c. 40A, held a public hearing on the Application on March 26, 2012.

9. The Applicant presented testimony at the public hearing detailing the Application, and describing the projected impact of the extended hours upon municipal services, the neighborhood, and traffic.

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

A. The City Council finds that the Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council, Chapter 650 (Zoning Code) of the City of Marlborough, and Mass. Gen. Laws c. 40A, §§ 9 and 11, as they pertain to modification of the Original Special Permit.

B. The City Council finds that the proposed modified use of the Site does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough or Mass. Gen. Laws c. 40A.

C. The City Council finds that the proposed modified 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 below.



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ORDERED:

D. 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 the modification of the Original Special Permit to extend the hours of operation of both the drive-through ATM as well as the drive-through teller (hereinafter, the "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 4**, which conditions shall be binding on Applicant, its successors and/or assigns:

1. The Original Special Permit (No. 09-1002152C) is hereby affirmed, is deemed to be in full force and effect, and applies to the Site without change or modification, except as provided for herein.
2. Condition 19 of the Original Special Permit shall be deleted in its entirety, and in place thereof the following shall be inserted:
 19. (a) The hours of operation of the drive-through teller at the Site shall not exceed the following times: Monday through Saturday, 8:00 AM to 8:00 PM; Sunday, 8:00 AM to 6:00 PM.
 - (b) The hours of operation of the drive-through ATM at the Site shall be 24 hours per day, seven days per week.
3. In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed. Upon said recording, Applicant shall forthwith provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.
4. As per the Permit Site Plan and the Project Narrative submitted in 2009 by Applicant as part of its application for the Original Special Permit, all of Applicant's employees shall use only the parking spaces provided at either of the City of Marlborough's municipal parking garages located on Granger Boulevard, and Applicant's employees shall refrain from using municipal ground-level parking spaces that are more suited to high turn-over patrons of other downtown businesses. Notwithstanding the foregoing, the Applicant may use the 3 parking spaces on the southerly side of the premises (at the southwest corner thereof) for its employees.



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ORDERED:

Yea: 10- Nay: 0

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

Abstained: Delano

A handwritten signature in cursive script that reads "Patricia A. Pope".

Signed by City Council President
Patricia A. Pope

ADOPTED

In City Council

Order No. 12-1004081C