



IN CITY COUNCIL

AUGUST 1, 2011

Marlborough, Mass., _____

ORDERED:

DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

Special Permit Application of:
Marlborough Hospital
157 Union Street
Marlborough, MA 01752
Order No. 11-1002924B

Locus:
157 Union Street
Assessors Map 43, Parcel 56

DECISION ON A SPECIAL PERMIT CITY COUNCIL ORDER NO. 11-1002924B

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

Decision date: August 9, 2011

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 9th day of August, 2011.

APPEALS

Appeals, if any, shall be made pursuant to Massachusetts General Laws, c. 40A, §17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, Massachusetts.

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 29th day of August, 2011.

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

A TRUE COPY
ATTEST:

A handwritten signature in black ink, appearing to read "Lisa M. [unclear]".

City Clerk



IN CITY COUNCIL

Marlborough, Mass., ~~_____~~ AUGUST 1, 2011
PAGE 1

ORDERED:

**In City Council
Marlborough, Massachusetts
Decision on a Special Permit Application**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Marlborough Hospital, a Massachusetts non-profit corporation having a mailing address of 157 Union St., Marlborough, MA 01752 as provided in this Decision and subject to the following Findings of Facts and Conditions.

1. Marlborough Hospital, a Massachusetts non-profit corporation, having a mailing address of 157 Union St., Marlborough, MA 01752, is herein referred to as "Applicant."
2. Applicant is the owner of certain real property located at 157 Union Street, Marlborough, MA, as shown on the Marlborough Assessors Maps as Map 43, Parcel 56 (the "Premises"). The land is entirely located in a Residence A-3 zoning district. The Premises have been used as a hospital since before the creation of the Marlborough zoning ordinance.
3. The Applicant, on or about May 18, 2011, filed with the City Clerk of the City of Marlborough an application for a Special Permit under the provisions of Mass. Gen. Laws c. 40A, §§ 6 and 9 and Marlborough Zoning Ordinance Article IV, § 650-12(B) (the "Application"). Applicant intends to alter the preexisting nonconforming use of the Premises by adding a Cancer Pavilion to provide radiation therapy, chemotherapy and various related medical services to patients. As part of this project, Applicant intends to reconfigure the parking on the site and to add thereto a small amount of additional impervious area for parking. As a result of this change, the lot coverage of Applicant's lot will increase from 47.8% to 48.2%.
4. In connection with the Application, Applicant filed a Summary Impact Statement, certified list of abutters, filing fee and twenty-three (23) copies of the site plan further described in Condition #1 below.
5. The site plan was certified by the Building Inspector for the City of Marlborough, acting on behalf of the City Planner, as having complied with Marlborough Zoning Ordinance Article VIII, § 650-59, Section C, Paragraph 7.
6. 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 for the permit application and the City Clerk caused to be advertised said date in the Metrowest Daily News and sent notice of said hearing to abutters entitled to notice under law.



IN CITY COUNCIL

Marlborough, Mass., ~~_____~~ AUGUST 1, 2011
~~_____~~ PAGE 2

ORDERED:

7. The Marlborough City Council, pursuant to Mass. Gen. Laws c. 40A, held a public hearing on July 18, 2011, concerning the said application. The hearing was opened and closed at that meeting.
8. Applicant presented testimony at the public hearing detailing the Application, and describing the nature of the cancer treatment services to be performed and its impact in making these services more available and convenient to residents of the community, while substantially improving the environment in which those services are administered. A number of Marlborough residents spoke in favor of the proposed project. No resident spoke in opposition. In addition, Applicant presented additional detailed project information at the Urban Affairs Committee meeting which occurred on July 25, 2011. All comments by those attending the City Council public hearing have been duly considered in making this decision.
9. Applicant provided further written and oral documentation to the City Council's Urban Affairs Committee regarding the impacts of the proposed project, and proposed building and related site modifications, in the course of the Urban Affairs Committee meeting referred to above.

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.

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 expanded use of the site, consistent with its current use, and of the structure and site as altered, will not be substantially more detrimental to the neighborhood than the continued use of the existing site and structure. The visual and drainage impacts from the proposed use will be mitigated, and the traffic impacts will be no more detrimental than current impacts. In addition, the City Council finds that the additional cancer treatment provided will provide a significant benefit to the residents of the City.



IN CITY COUNCIL

AUGUST 1, 2011

Marlborough, Mass., ~~_____~~ PAGE 3

ORDERED:

C) The City Council, pursuant to its authority under Mass. Gen. Laws c. 40A, §§ 6 and 9 and under Article IV, § 650-12, Paragraph B of the Marlborough Zoning Ordinance, GRANTS the Applicant a Special Permit to alter the pre-existing non-conforming use of the premises as specified in the plans referred to below (the "Project"), SUBJECT TO THE FOLLOWING CONDITIONS:

1. Compliance With Building Regulations. Construction and modification of all structures on the site is to be in accordance with all applicable building codes in effect in the City of Marlborough and Commonwealth of Massachusetts. The Project shall be constructed, maintained and operated according to the specifications, terms, and conditions of the Applicant's Special Permit Application and site plan (the "Site Plan"), as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee. The Site Plan referred to in this condition is the 4-page set of plans filed with the Special Permit Application and is entitled "Plan to Accompany Special Permit Application for Marlborough Hospital Cancer Pavilion in Marlborough, Massachusetts" dated May 18, 2011, by Whitman & Bingham Associates LLC, as revised on July 22, 2011. All other terms, conditions, requirements, approvals, drawings, and renderings required hereunder are made a part of and incorporated herein as a condition of the issuance of this Special Permit.

2. Compliance With Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough Ordinance, prior to the issuance of the actual Building Permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to the Special Permit and no Occupancy Permit shall be issued until the Applicant complies with all conditions. Any non-compliance with changes, alterations, modifications or amendments required by Site Plan Review shall constitute a violation of this Special Permit. Subsequent Site Plan Review shall be consistent with the Conditions of this Special Permit and the Site Plan submitted, reviewed and approved by the City Council as the Special Permit granting authority. Any changes to the Site Plan which alter the traffic patterns within the site, require the removal of landscaping, or reduce the overall green space of the Project will require subsequent approval by the City Council.

3. Application and Documents. All plans, drawings, site evaluations, and documentation provided by the Applicant as part of this Special Permit Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 1, 2011
PAGE 4

ORDERED:

4. Compliance with Local, State and Federal Laws. The Applicant agrees 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, and operation of Applicant's facility, as supplemented by applicable conditions of this Special Permit.

5. Incorporation of Plans and Drawings. All terms, conditions, requirements, approvals, plans, and drawings provided by the Applicant as part of this Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, including the Site Plan, are herein incorporated into and become part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council. The Site Plan referred to in this condition is the site plan referred to in Condition #1 above.

6. Improvements Installed Prior to Certificate of Occupancy. All site improvements that have been shown in renderings and/or the Site Plan are conditions of this Special Permit and will be installed prior to the issuance of any temporary or permanent occupancy certificate; provided, however, that if all other work is completed between October 1, 2011 and June 1, 2012, all landscaping plants will be required to be installed by June 1, 2012. Applicant agrees that the permanent maintenance of the landscaping and the other site improvements is an ongoing condition of this Special Permit.

7. Drainage Improvements. Applicant shall, prior to the completion of the Project, and prior to obtaining a Certificate of Occupancy therefor, re-crown its driveway from Hudson Street and cause construction of stormwater detention facilities on Applicant's property that are sufficient, in the opinion of the City Engineer, to significantly reduce the likelihood that stormwater from the property will avoid being captured in the existing stormwater drainage structures in said driveway, or that said stormwater will surcharge from said structures. The improvements approved by the City Engineer will include an Operation and Maintenance plan for the maintenance of said detention facilities.

8. No Modifications to Driveway Entrances. If any modifications are made to the driveway entrances and exits as shown on the Site Plan that in any way alter the traffic flows as represented in the final revision of the Site Plan submitted to the City Council as part of the Special Permit Application, and as revised during the Special Permit approval process, the Applicant shall return to the City Council for approval of these modifications to the Special Permit. Applicant shall apply for and obtain all necessary permits from the necessary parties.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 1, 2011
PAGE 5

ORDERED:

9. Catch Basins. All catch basins shall be installed in accordance with the plans submitted to the City Council and/or the City Council's Urban Affairs Committee. The catch basins shall be monitored by the Applicant on a semi-annual basis with reports given by the Applicant to the City Engineer. The catch basins are to be cleaned annually, or at more frequent intervals, by the Applicant as determined necessary by the City Engineer.

10. Maintenance of Parking Areas. Parking areas will be swept and maintained as necessary. Pursuant to the provisions of Mass. Gen. Laws c. 90, § 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission (the "Commission") to promulgate legally enforceable rules and regulations for the control of on-site traffic and parking. Applicant shall be responsible for providing, installing, and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the standards of the Manual on Uniform Traffic Control Devices. Signs demarcating compact spaces shall not detract from the "streetscape" established for the project as requested during Site Plan Review.

11. Compliance of Signs with Sign Ordinance. All building signage at the subject location shall comply with the City of Marlborough Sign Ordinance in effect at the issuance of the special permit without a variance.

12. Landscaping Maintenance. Applicant agrees to plant and maintain the Project landscaping as shown on the Site Plan as submitted to the City Council and/or the City Council's Urban Affairs Committee subject to Site Plan Review.

13. Fire Protection. Fire protection systems shall be acceptable in all respects to the City of Marlborough Fire Chief or his designee.

14. On-Site Screening. The parking lot, outdoor storage and loading areas, and refuse areas shall be appropriately screened as outlined in Chapter 650, section 47 of the Marlborough Zoning Ordinance, and shall be properly depicted on the landscaping sheet of the site plan to be approved by Site Plan Review.

15. In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant, at its expense, shall record this Special Permit in the Middlesex South 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. After recording but prior to issuance of a Building Permit, Applicant shall provide the City Council and the City Solicitor's office with a copy of the recorded Special Permit.

16. Unless the context otherwise clearly requires, all references in the above conditions to "Applicant" shall also refer to Applicant's successors and assigns.



IN CITY COUNCIL

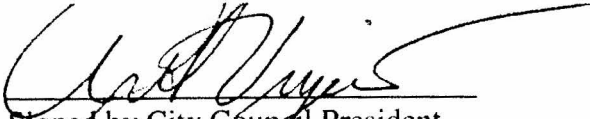
Marlborough, Mass., AUGUST 1, 2011
PAGE 6

ORDERED:

Yea: 10- Absent: 1

Yea: Delano, Ferro, Elder, Tunnera, Clancy, Landers, Ossing, Vigeant, Pope & Levy

Absent: Seymour


Signed by City Council President
Arthur G. Vigeant

ADOPTED
In City Council
Order No. 11-10022924B