



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 26, 2016

ORDERED:

DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:
Crabtree Lake Williams, LLC
Lakeside Ave.
Marlborough, MA 01752
Order No. 16-1006636B

Locus:
Lakeside Ave.
Assessors Map 67, Parcel 45, and Map 68, Parcel 30A

DECISION

The City Council of the City of Marlborough hereby GRANTS application of Crabtree Lake Williams, LLC, a Massachusetts limited liability company having a mailing address of 50 Deer Run, Ayer, Massachusetts 01432 (the "Applicant"), to amend an existing special permit, as provided in this Decision and subject to the following Findings of Fact and Conditions.

Decision date: September 26, 2016.

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 28th day of September, 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 19th day of October, 2016.

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

A TRUE COPY
ATTEST


City Clerk



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ORDERED:

DECISION ON AN AMENDMENT TO ORIGINAL SPECIAL PERMIT

**CITY COUNCIL ORDER NO. 16-1006636B
X08/09-1002051E**

Application of:
Crabtree Lake Williams, LLC
Locus:
Lakeside Avenue, Marlborough, MA
MBLU 67-45, 68-30A

FINDINGS OF FACT AND CONDITIONS

The City Council of the City of Marlborough hereby GRANTS the application of Crabtree Lake Williams, LLC, a Massachusetts limited liability company having a mailing address of 50 Deer Run, Ayer, Massachusetts 01432 (the "Applicant"), to amend an existing special permit, as provided in this Decision and subject to the following Findings of Fact and Conditions.

PROCEDURAL FINDINGS OF FACT

1. Applicant is the owner of certain real estate located on Lakeside Avenue, Marlborough, MA, as shown on City of Marlborough Assessors Maps Map 67, Parcel 45 and Map 68, Parcel 30A (the "Site").
2. On June 18, 2009, the City Council of the City of Marlborough voted to grant a special permit concerning the Site, as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 53183, Page 1 (the "Original Special Permit").
3. The Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Condition #2 of the Original Special Permit in order to vary the method of securing i) the completion of the remaining Special Permit conditions and ii) the issuance of occupancy permits for individual condominium units, under the provisions of M.G.L. c. 40A, § 9 and the Marlborough Zoning Ordinance, Article VI, § 650-59.C(20) (the "Application").



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ORDERED:

4. In connection with the Application, Applicant filed a Summary Impact Statement, certified list of abutters, filing fee and copies of the existing site plan for the Site.

5. The existing site plan was certified by the Planning Department of the City of Marlborough, acting by and through the Building Commissioner, as having complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit or an amendment thereof.

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 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.

7. On Monday, August 29, 2016, the City Council held a public hearing concerning the Application. The hearing was opened and closed on that date.

8. The Applicant, through its representatives, presented testimony at the public hearing detailing the project, describing its impact upon municipal services, the neighborhood, and traffic.

9. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit, 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.

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.



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ORDERED:

C. The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough Zoning Ordinance, GRANTS the Applicant an amendment to modify Condition #2 of the Original Special Permit (the "Amended Special Permit") in order to vary the method of securing i) the completion of the Special Permit conditions and ii) the issuance of occupancy permits for individual condominium units, by deleting said Condition #2 in its entirety and inserting in place thereof the following:

2. Site Plan Review. The issuance of the Amended Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough Code, prior to issuance of the Building Permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall become further conditions to the Amended Special Permit. A Permanent Occupancy Permit for any of the individual condominium units may issue upon a written determination by the Building Commissioner that the Site, or a phased portion thereof, is substantially complete, providing for a phased development of the Site; provided, however, that no Permanent Occupancy Permit shall be issued for any of the last four (4) individual condominium units until the Building Commissioner issues a written determination that (i) all conditions of the Amended Special Permit have been complied with by the Applicant, or (ii) any remaining items of work necessary to comply with all conditions of the Amended Special Permit have been secured by the Applicant through a bond, cash deposit, letter of credit, tri-party agreement or other form of security deemed satisfactory to the Building Commissioner. Site Plan Review shall be consistent with the Amended Special Permit. Any violation of a condition of the Site Plan Approval shall be a violation of the Amended Special Permit.

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

In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its successors and/or assigns at its expense shall 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 further shall provide to the Building Commissioner's office and the City Solicitor's office a copy of the recorded Amended Special Permit before the issuance of any Occupancy Permit, permanent or otherwise, regarding the Site.



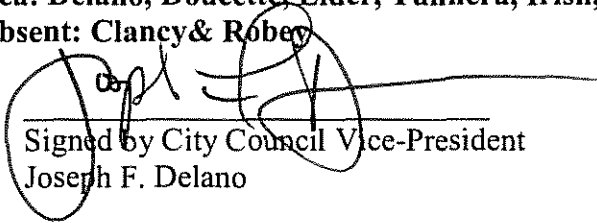
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ORDERED:

Yea: Delano, Doucette, Elder, Tunnera, Irish, Landers, Juair, Oram, & Ossing

Absent: Clancy & Robey



Signed by City Council Vice-President
Joseph F. Delano

ADOPTED
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