



# IN CITY COUNCIL

DECEMBER 5, 2016

Marlborough, Mass.,

ORDERED:

## DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

### NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:  
Crabtree Lake Williams, LLC  
50 Deer Run  
Ayer, MA 01432  
Order No. 16-1006683C

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

### DECISION

The City Council of the City of Marlborough hereby GRANTS the Application of Crabtree Lake Williams, LLC, having a mailing address of 50 Deer Run, Ayer, MA 01432 as provided in the DECISION and subject to Procedural Findings and Findings of Facts and Conditions.

Decision date: **December 5, 2016.**

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the **9<sup>TH</sup>** day of **December, 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 **30<sup>TH</sup>** day of **December, 2016.**

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

A TRUE COPY  
ATTEST

  
City Clerk



# IN CITY COUNCIL

Marlborough, Mass., DECEMBER 5, 2016  
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ORDERED:

## DECISION ON AN AMENDMENT TO AN AMENDED SPECIAL PERMIT

CITY COUNCIL ORDER NO. 16-1006683C  
X16-1006636B  
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 amended 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. On September 26, 2016, the City Council of the City of Marlborough voted to grant an amendment to the Original Special Permit, as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 68276, Page 423 (the "First Amended Special Permit").



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## ORDERED:

4. On September 22, 2016, the Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Conditions #20, #22, #23, #36, #38 and #39 of the Original Special Permit, as amended by the First Amended Special Permit, in order to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond Street, under the provisions of M.G.L. c. 40A, § 9 and the Marlborough Zoning Ordinance, Article VI, § 650-59.C(20) (the "Application").

5. 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.

6. The existing site plan was certified by the Planning Director 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.

7. 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.

8. On Monday, October 17, 2016, the City Council held a public hearing concerning the Application. The hearing was opened and closed on that date.

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

10. With respect to the First Amended Special Permit, the Applicant expressly acknowledges that the phased-occupancy of the Site requires prior approval by the City of Marlborough Department of Public Works' Water/Sewer Division of all service connections, construction of sidewalks to at least binder grade at the subject building, and the submission of interim as-built plans.

11. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit and the First Amended Special Permit, which are expressly incorporated herein by reference.



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Marlborough, Mass., \_\_\_\_\_ DECEMBER 5, 2016  
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ORDERED:

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.

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 Conditions #20, #36, # 38 and #39 of the Original Special Permit, as amended by the First Amended Special Permit (the "Second Amended Special Permit"), in order to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond Street, as follows:

1. By deleting Condition #20 in its entirety and inserting in place thereof the following:

20. Snow Storage on Emergency Access Road. There will be no storage of snow on the emergency access road east of the gate and fencing as shown on the Site Plan, abutting the Bond Street neighbors. The Applicant, its affiliates, successors and/or assigns shall clear snow from the emergency access road, as required by the Fire Department, into the Project Site away from the abutting Bond Street neighbors, and store and stockpile in designated snow storage areas as delineated on the Site Plan page SP 7 "Snow Storage Plan". No snow may be brought onto the Site from off site. In addition, the Applicant, its affiliates, successors and/or assigns shall make reasonable efforts to ensure that snow is removed from the emergency access road in such a way that does not disturb the abutting Bond Street neighbors.



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## ORDERED:

2. By deleting Condition #36 in its entirety and inserting in place thereof the following:

36. Construction of Emergency Access Road. As shown on the plan entitled "Supplemental Instruction for Site Plan of Land in Marlborough Massachusetts Entitled Overlook at Lake Williams" dated November 16, 2016 and prepared by S.J. Mullaney Engineering, Inc. (the "Supplemental Plan"), which was submitted to the City Council and the City Council's Urban Affairs Committee to supplement the existing site plan for the Site, the entire emergency access road shall be constructed using grass covered porous pavement materials. The emergency access road shall have a vertical clearance of sixteen feet (16'). Applicant, its affiliates, successors and/or assigns shall erect a sign at or near the western terminus of the emergency access road warning that parking which would block and/or impede emergency access from that road to the Project Site is strictly prohibited.

3. By deleting Condition #38 in its entirety and inserting in place thereof the following:

38. Emergency Access Road Gate. The emergency access road gate shall be maintained so as to operate freely by one person, and shall be provided and maintained with an opening and locking system approved by the Fire Department. The emergency access road gate shall be a six (6') foot high chain link fence with white vinyl slats consistent in design with the proposed stockade fence along the Bond Street side of the Project as noted herein. An approved fire annunciator panel shall be located on the main entrance roadway into the Project, with details of its exact location and installation requirements to be determined during the Site Plan Review and fire alarm permitting process.

4. By deleting Condition #39 in its entirety and inserting in place thereof the following:

39. Vegetation on Emergency Access Road. The emergency access road shall be maintained as a grass lawn accessible by emergency vehicles by means of porous pavement materials as shown on the Supplemental Plan.



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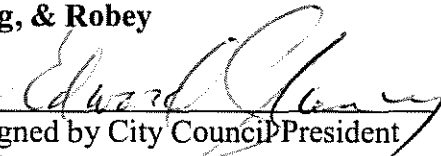
**ORDERED:**

All other conditions of the Original Special Permit and the First Amended 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 Second Amended Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Second 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.

**Yea: 11 – Nay: 0**

**Yea: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing, & Robey**

  
Signed by City Council President  
Edward J. Clancy

ADOPTED  
In City Council  
16-1006683C