



IN CITY COUNCIL

Marlborough, Mass., APRIL 28, 2025

ORDERED:

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:
339 Boston Post Road Owner LLC
c/o Procopio Companies
35 Village Road, Suite 702
Middleton, MA 01949
Order No. 25-1009354C

Locus:
339 Boston Post Road East
Marlborough, MA 01752
Assessors Map 73, Parcels 24, 27 and 28

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application for an Amendment to an existing Special Permit originally granted by the City Council on September 12, 2022, to 339 Boston Post Road Owner LLC, with a business mailing address c/o Procopio Companies, 35 Village Road, Suite 702, Middleton, Massachusetts 01949, as provided in this Decision and subject to the following Findings of Fact and Conditions.

Decision date: **April 28, 2025.**

The Decision of the City Council was filed in the Office of the City Clerk of Marlborough on the **29th** day of **April 2025.**

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 **20th** day of **May 2025.**

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

A TRUE COPY

ATTEST:

City Clerk



IN CITY COUNCIL

Marlborough, Mass., APRIL 28, 2025

PAGE 1

ORDERED:

IN CITY COUNCIL

NOTICE OF DECISION

DECISION ON AN AMENDMENT TO A SPECIAL PERMIT

ORDER NO. 25-1009354C

Special Permit Application of:
339 Boston Post Road Owner LLC
Order No. 25-1009354C

Locus:
339 Boston Post Road East
Marlborough, MA 01752
Assessors Map 73, Parcels 24, 27 and 28

DECISION ON AN AMENDMENT TO A SPECIAL PERMIT

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to 339 Boston Post Road Owner LLC (the “Applicant”) to amend an existing special permit to build and operate a multifamily dwelling residential project at 339 Boston Post Road East, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing Massachusetts limited liability company having a business address c/o Procopio Companies, 35 Village Road, Suite 702, Middleton, Massachusetts 01949.
2. The Applicant is the owner and developer of property located at 339 Boston Post Road East, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 73, Parcels 24, 27 and 28 (the “Site”).
3. On September 12, 2022, the City Council of the City of Marlborough voted to grant a special permit authorizing the Applicant’s predecessor to build and operate an 140-unit multifamily dwelling residential project at the Site in accordance with Article V, § 650-17 and § 650-18(4) of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 82825, Page 219 (Order No. 21/22-1007995T) (the “Original Special Permit”).
4. The Site is located partially within the Business Zoning District with frontage on Boston Post Road East (Route 20) and partially within the Residence A-2 Zoning District. All buildings will be located within the Business Zoning District.



IN CITY COUNCIL

Marlborough, Mass., APRIL 28, 2025

PAGE 2

ORDERED:

5. The overall Site has an area of 25.7 +/- acres as shown in the plans referenced in the Original Special Permit.
6. On January 23, 2025, the Applicant filed with the City Clerk of the City of Marlborough an application to modify Condition No. 8(c) of the Original Special Permit under the provisions of M.G.L. c. 40A, § 9 and the Marlborough Zoning Ordinance (the "Application"). Condition No. 8(c) of the Original Special Permit required, among other things, the Applicant to coordinate with MassDOT and the Engineering Division of the Department of Public Works to make the following traffic calming improvements in the vicinity of the Site:
 - (i) *A radar speed sign on the southern side of Route 20 to the west of Victoria Lane;*
 - (ii) *A radar speed sign on the northern side of Route 20 to the east of Village Drive;*
 - (iii) *Rectangular rapid flashing beacons at the proposed crosswalks over Route 20 in the vicinity of the Site.*
7. In connection with the Application, the Applicant submitted a certified list of abutters and filing fees.
8. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
9. 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 a public hearing on the Application 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.
10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, February 24, 2025. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on February 24, 2025.



IN CITY COUNCIL

Marlborough, Mass., APRIL 28, 2025
PAGE 3

ORDERED:

11. The Applicant, through its representatives, presented written testimony in the Application and oral testimony at the public hearing detailing that the Applicant consulted and coordinated with MassDOT and the City's Engineering Division of the Department of Public Works in accordance with the requirements of Condition No. 8(c) and that the rapid flashing beacons at the proposed crosswalks over Route 20 in the vicinity of the Site had been installed. Further, the Applicant presented evidence that MassDOT would not allow the installation of the requested radar speed signs at either location on Route 20 at this time, which was reflected in a June 28, 2024 email exchange between the City Engineer and MassDOT that was included with the Application. Given that MassDOT will not permit the installation of the radar speed signs referenced in Condition No. 8(c), the Applicant proposed to make a \$25,000 payment to the City to fund the City's future installation of speed signs on the southern and northern sides of Route 20 (in the event MassDOT approves the speed signs in the future) or for other transportation safety improvements in the vicinity of the Site.
12. At the public hearing, no members of the public spoke in favor of the requested amendment to the Original Special Permit and no members of the public spoke in opposition to the requested amendment to the Original Special Permit.

The Procedural Findings of Fact specified above supplement those made in the Original Special Permit, which are expressly incorporated in this Decision by reference.

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

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed modifications are appropriate for the Site and are 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 in this Decision and in the Original Special Permit, as modified 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 in this Decision and in the Original Special Permit.
- C. 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 an amendment to delete Condition No. 8(c) of the Original Special Permit in its entirety and inserting in its place the following Condition No. 8(c):



IN CITY COUNCIL

Marlborough, Mass., APRIL 28, 2025

PAGE 4

ORDERED:

8(c) In addition to the planned improvements to Route 20, the Applicant shall, in coordination with MassDOT and the Engineering Division of the Department of Public Works, make the following traffic calming improvements in the vicinity of the Site: Rectangular rapid flashing beacons at the proposed crosswalks over Route 20 in the vicinity of the Site.

In lieu of the previously required radar speed sign on the southern side of Route 20 to the west of Victoria Lane and a radar speed sign on the northern side of Route 20 to the east of Village Drive, within thirty (30) days of the expiration of the appeal period applicable to the Decision on an Amendment to Special Permit (Order No. 25-1009354), the Applicant, its successors and/or assigns shall provide a payment to the City in the amount of \$25,000 to be used by the City Council or its designee for the future installation of the radar speed signs by the City (if MassDOT approves such installation in the future) or for other transportation safety improvements in the vicinity of the Site. Said payment shall be deposited into the McGee Farm Mitigation Stabilization Account (City Acct #83600-32728).

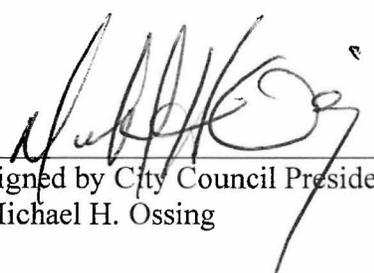
All other conditions of the Original Special Permit shall continue in full force and effect and are incorporated by reference as part of this Decision.

In accordance with the provisions of Massachusetts General Laws Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Decision on Special Permit Amendment in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit Amendment has elapsed with no appeal having been filed. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit Amendment to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: 9 – Nay: 0 Absent: 1

Yea: Vital, Doucette, Preciado, Brown, Irish, Fuccillo, Navin, Ossing & Robey.

Absent: Oram.


Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
25-1009354C
X 21/22-1007995T