



IN CITY COUNCIL

Marlborough, Mass., MAY 21, 2007

ORDERED:

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

In City Council
Order No. 07-1001465D

Application of:
Fore Kicks II
190 Rolling Meadow Dr.
Holliston, Ma 01746

Locus:
219 Forest Street,
Map 90, Parcel 2
201 Forest Street,
Map 90, Parcel 2C

DECISION

The City council of the City of Marlborough hereby **GRANTS** the Application Fore Kicks II Inc. as provided in the DECISION and subject to the following **FINDINGS OF FACTS AND CONDITIONS**.

Decision filed:

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 1st day of June, 2007.

APPEALS

Appeals, if any shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 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, Ma.

ATTEST:

David M. Lucci
Acting City Clerk



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DECISION FOR SPECIAL PERMIT

IN CITY COUNCIL

Special Permit
Fore Kicks II, Inc.
Order No. 07-100-1465D

DECISION ON AN APPLICATION FOR SPECIAL PERMIT

The City Council of the City of Marlborough hereby Grants the Application for Special to Fore Kicks II, Inc., c/o 190 Rolling Meadow Drive, Holliston, Massachusetts 01746, as provided in the Decision and subject to the following Procedural Findings, Findings of Facts and Conditions:

PROCEDURAL FINDINGS

1. Fore Kicks II, Inc. is a corporation organized and existing under the laws of the Commonwealth of Massachusetts having a principal place of business at 190 Rolling Meadow
2. David P. Depietri, Trustee of 219 Forest Street Realty Trust under declaration of trust dated December 12, 1997 recorded in the Middlesex South District Registry of Deeds in Book 28039, Page 220, having a principal place of business at 40 Mechanic Street, Marlborough, MA 01752, is the owner of the land at 219 Forest Street, Assessor's Map 90 Parcel 2 and David P. Depietri, Trustee of the 201 Forest Street Realty Trust under declaration of trust dated November 14, 1996



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recorded in the Middlesex South District Registry of Deeds in Book 26825, Page 1 is the owner of property located at 201 Forest Street, Assessor's Map 90 Parcel 2C. Said properties are further described in the following deeds recorded in the Middlesex South District Registry of Deeds: 219 Forest Street, Book 28039, Page 226 and 201 Forest Street, Book 26825, Page 22. The property located at 219 and 201 Forest Street is located in a Limited Industrial District as shown on the "Zoning District Map of the City of Marlborough, Massachusetts, January, 1969".

3. The Applicant, on or about February 8, 2007, filed with the City Clerk of the City of Marlborough an Application for a Special Permit, herein referred to as the "Application". The Application is authorized under the provisions of Chapter 200 (Zoning) of the Code of the City of Marlborough, Article V Sections 200-17 and 200-18 Paragraph (23). The reason for the Application is to allow the construction and use of 219 Forest Street and a portion of 201 Forest Street for an outdoor and indoor commercial recreation facility (the "Project") which is an allowable use in a Limited Industrial District with a Special Permit from the City Council.
4. The Application filed with the City Clerk on February 8, 2007 consisted of the following: (a) Application Fee in the amount of \$2,000.00; (b) 3 (three) original copies of the Application for a Special Permit; (c) Preliminary Site Plan (the "Site Plan") in accordance with Section 200-59 Paragraph C. (5) (The land shown on the Site Plan shall be the "Site"); (d) Special Permit Application Certification by Planning Department; (e) Certified copies of Abutters' Lists for the City of Marlborough; and (f) Special Permit-Summary Impact Statement (collectively, the "Documents"). Eleven sets of Documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner, the Building Inspector, the City Engineer, and the Conservation Officer, all in accordance with Chapter 200 Section 200-59 of the Zoning Code of the City of Marlborough. The documents are incorporated herein and become part of this Decision.
5. The Applicant filed with the Application a Certificate of Completeness of Application on a form signed by the City Planner for the City of Marlborough as having complied with the provisions of Chapter 200 (Zoning Code) Section 200-59, C. (7) (a), (b) and (c).
6. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A, Sections 9 and 11, the City Council established a date for a public hearing on the Application, caused to be advertised



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notice of said hearing and the date thereof in the MetroWest Daily News and mailed said notice to those entitled thereto.

7. The Marlborough City Council held a public hearing on the Application on March 12, 2007 in accordance with the published notice (the "Public Hearing"). The hearing was opened and closed on said date.
8. The Applicant presented testimony at the Public Hearing detailing the project, its impact upon municipal services, the neighborhood, traffic, drainage, lighting, and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the public hearing. Subjects of concern to the public were field lighting, noise from the outdoor fields, drainage, lighting, and the type of activities which might take place at the facility. Some members of the public spoke in favor of the project, some spoke against, some had questions and some commented without stating a position for or against the project.
9. The Applicant provided written and oral documentation and testimony to the City Council and the City Council's Urban Affairs Committee regarding the development of the site, the drainage, traffic considerations, lighting, noise, safety considerations during and after construction, affect on nearby wetlands, water and sewer use, the design and construction of the Project to include operational considerations during and after construction, handicap accessible issues, the economic impact on the community, and mitigation of impacts. Members of the public through e-mails also expressed concerns about many of the above issues during the Urban Affairs Committee meetings.

**BASED UPON THE ABOVE THE CITY COUNCIL OF THE CITY OF
MARLBOROUGH MAKES THE FOLLOWING FINDINGS:**

- A. The City Council finds that it may grant a Special Permit ("Special Permit") subject to terms and conditions it deems necessary and reasonable to protect the citizens of the City of Marlborough (also referenced herein as the "City").
- B. The City Council finds the Application for Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough or Massachusetts General Laws Chapter 40A, et. seq.



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- C. The City Council finds that the proposed use of the Site for the Project is an appropriate use and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough. The construction of the Project will compliment the existing business uses in the City of Marlborough and surrounding communities, and will enhance the development goals of the City and the region by providing additional services, increased employment opportunities, increased recreational opportunities, positive impact on the hospitality resources of the City, and a continuation and expansion of a positive asset to the City of Marlborough.
- D. The Site Plan, as submitted and as may be amended by the Site Plan Review Committee during the site plan review process, provides for improvements which will protect the environment and not have adverse impacts to the community. The City Council makes this determination subject to the completion and adherence by the Applicant to the approved site plan by the Site Plan Review Committee and the conditions more fully set forth herein.
- E. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough, and Chapter 200 (Zoning Code) of the City of Marlborough and Massachusetts General Laws Chapter 40A, Sections 9 and 11.

GRANT OF SPECIAL PERMIT WITH CONDITIONS

The City Council of the City of Marlborough pursuant to its authority under Chapter 200 (Zoning Code) of the Code of the City of Marlborough and Massachusetts General Laws Chapter 40A, GRANTS to the Applicant a Special Permit to construct the Project to be used as a multi-sport and recreation facility as set forth in the application and as per the plans submitted to the City Council and subject to the following conditions:

1. **Construction of the Project.** (a) Construction of all structures on the Site is to be in accordance with all applicable building codes and zoning regulations in effect in the City of Marlborough and Commonwealth of Massachusetts, and shall be built according to the Site Plan prepared by Connorstone Consulting Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7 Northborough, Massachusetts, February 6, 2007 filed with the Permit Application and as amended April 18, 2007 during the application process. The Applicant's Site Plan indicates a permitted building area in which the building is to be located. Once the



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Site Plan is approved by the Site Plan Approval Process, no other approvals will be required for the actual location of a building or buildings within such permitted building area, provided such changes in location of building and other matters shall be processed pursuant to the Site Plan Review process.

2. **Inspectional Services Mitigation.** Applicant shall, prior to issuance of the Building Permit for the project, provide a payment to the City of Marlborough Inspectional Services Fund in the amount of five thousand (\$5,000.00) dollars to offset the increases in costs associated with the Project. The City shall expend said funds as needed to contract for temporary staff, materials, supplies, and equipment so as to enable the Inspections Staff to provide adequate, timely inspection of the Project.
3. **Beneficial Owner.** The location shown as the Site on the Preliminary Site Plan consists of 219 Forest Street (Marlborough Assessors Map 90, Parcel 2); plus a portion of land from 201 Forest Street (Marlborough Assessors Map 90, Parcel 2C), part of which will be conveyed to become part of 219 Forest Street subject to prior ANR approval from the Marlborough Planning Board, and part of which will be burdened by an access and utility easement to benefit 219 Forest Street. This Special Permit is only for the benefit of and is issued to Fore Kicks II, Inc., its successors and assigns, as owner of 219 Forest Street, Marlborough, Massachusetts (Marlborough Assessors Map 90, Parcel 2); and as owner of the portion of 201 Forest Street (Marlborough Assessors Map 90, Parcel 2C) shown on the Preliminary Site Plan as part of 219 Forest Street; and as beneficiary of the access and utility easement that will burden 201 Forest Street. If ANR approval is not obtained from the Marlborough Planning Board relative to the portion of 201 Forest Street shown on the Preliminary Site Plan, this Special Permit shall lapse. If Fore Kicks II, Inc., its successors and assigns, does not obtain ownership of 219 Forest Street (Marlborough Assessors Map 90, Parcel 2), as well as ownership of the portion of 201 Forest Street shown on the Preliminary Site Plan as part of 219 Forest Street, as well as the beneficial interest in the access and utility easement that will burden 201 Forest Street, this Special Permit shall lapse.
4. **Hazardous Waste.** The Applicant shall comply with all directives by the Department of Environmental Protection of the Commonwealth of Massachusetts relative to the existence of any hazardous waste which may be located on the Site, compliance of the provisions of Massachusetts General Laws Chapter 21E and any other applicable government codes and as they relate to the authority of the



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17. **Forest Street Entrance and Roadway Improvements.** Prior to the issuance of any Occupancy Permit for this Project, Applicant will have completed construction of the improvements to include sidewalks with vertical granite curbing along Forest Street and to the entrance and exit of the Site that are shown on the Site Plan, as amended during the application/hearing process before the City Council and/or Urban Affairs Committee. To the extent modifications are made to the entrances and exits of the Site Plan that in any way alter the traffic flows as represented in the final revision of the Site Plan, then Applicant shall return to the City Council for approval of these modifications to the Special Permit. Applicant shall apply for and get all necessary permits from the necessary parties.
18. **Neighborhood Traffic Mitigation.** Prior to the issuance of an Occupancy Permit regarding the Project, Applicant will pay to the City the sum of Twenty Thousand (\$20,000.00) Dollars to provide a Fund from which funds can be expended, as directed by the Police Chief, to provide increased and targeted traffic enforcement in the Forest Street and Glen Street neighborhood area.
19. **Serving of Alcoholic Beverages.** No alcohol beverages shall be served on the premises.
20. **Amusement Devices.** The Applicant may provide for the public's use up to twenty (20) amusement devices, such as video games in the area designated as the "Arcade." Other amusement devices, such as pool tables, foosball, ping-pong, shuffle board, and similar type amusement games may be located in the Kick Back Club Area. The number of said other amusement devices shall be limited to no more than two of each type of game.
21. **Fitness.** The Fitness Club may be used at all times by those individuals and families involved in the athletic programs being conducted at the time of the use of the Fitness Club by such individuals. Except for individuals who are in a program being conducted in the facility, either as a participant or as a parent, the Fitness Club membership shall be limited to 100 individuals.
22. **Sport and Recreation Activity.** (a) Indoor and outdoor field uses are for sport and recreation activity involving athletics, physical training, and other activities that can normally be conducted on a gym floor, a grass field or a playground. (b) Indoor fields shall not be used for boxing matches, pro wrestling, raves or



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exhibitions involving motorized vehicles. (c) Outdoor fields shall not be used for any of the indoor prohibited uses or for football games.

23. **For-Profit Entity.** The legal entity owning the land must be maintained as a "for-profit entity" and shall not become a non-profit organization which is exempt from property taxes.
24. **Limitation of Use of Outdoor Field.** No outdoor field shall be used for any activity other than athletic events or for any use allowed by the Zoning Ordinance, even if that activity or use is not proscribed and/or not prohibited hereunder, so long as the property is operating under the Special Permit.
25. **Limitation of Use of Indoor Fields.** Indoor fields shall be used only for athletic events and related activities.
26. **Additional Activities.** Additional activities in the building shall include administrative, concession areas, pro shop, function rooms, exercise areas, wireless internet room, meeting rooms, and arcade area.
27. **Other Activities.** In the event the Applicant wishes to conduct an activity, either on the outdoor fields or in the indoor facility, and such activity is not allowed by the provisions of this Special Permit, the Applicant can request from the City Council permission to conduct such activity.
28. **Prohibition of Legalized Gambling.** The Applicant will not allow legalized gambling on the premises.
29. **Prohibition of Cell Towers.** Except for the sole benefit of the public safety departments, the school district, the public works department and other departments of the City of Marlborough with approval of City Council, no wireless communication tower or device is permitted on the site outside the building.
30. **Preference for Marlborough Teams.** Applicant will give preference to teams from Marlborough as to the use of the facility.
31. **Mitigation for School District.** While this Special Permit is in effect, Applicant will give the City of Marlborough School District (MSD) at no charge up to fifty field hours per calendar year use of the outdoor and or indoor fields. Said use is



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limited to athletic teams and clubs of the MSD. So long as a field is available, MSD may reserve the use of a field through the Marlborough Athletic Director no earlier than seven days (7) prior to the date of use. Use of the fields by MSD must be in accordance with the provisions of this Special Permit and the standards set by the Applicant for the operation and use of the facility. In the event the use by the students is not in accordance with the provisions of this Special Permit or the standards set by the Applicant, this provision may be terminated with assent of the City Council.

32. **Terms of Operation.** The Project shall be maintained and operated according to the specifications, terms, and conditions of the Applicant's Special Permit Application, as amended during the application/hearing process before the City Council and/or the Urban Affairs Committee, and in compliance with the Conditions of the Grant of Special Permit.
33. **Screening of Trash Dumpster.** Applicant shall screen the Project's trash area by constructing a fence so as to hide the trash receptacle from sight. The dumpster on the Site will be covered. Removal of trash from the dumpster shall be between the hours of 9:00 AM and 7:00 PM only, Monday through Friday.
34. **Landscaping.** (a) The Project landscaping shall be implemented as shown on the Site Plan submitted with the Application. (b) The Applicant shall install and maintain a six foot high cedar stockade fence on the westerly side of the property by 245 Forest Street beginning 10 feet from Forest Street to the rear parking lot. In addition to providing the owner of 245 Forest Street with sufficient and desirable buffer, between said property and the Site, Applicant will provide an additional 10,000.00 for the installation of fencing and shrubbery along the rear of said property. Said fencing and shrubbery may be located on 245 Forest Street. The entire Site shall be inspected at least weekly to pick up any litter and appropriately discard it. After one (1) year following the issuance of an Occupancy Permit, the City Council may review and make adjustments to the landscaping plan, in compliance with the landscape ordinance.
35. **Utilities Review.** The detailed review of drainage and on-site and off-site utilities will be performed as part of the Site Plan Review Process. Changes to such drainage and utilities as may be required by the City Engineer during this review shall be provided. The Applicant will deliver to the City Engineer, prior to the commencement of construction of the water and sewer improvements, copies of



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the final plans and schedule of work of such improvements for final review and approval by the City Engineer.

36. **Payment of Outstanding Real Estate Taxes.** All outstanding real estate taxes on the Site must be paid within thirty days of the issuance of a Building Permit. No work may take place on the Site until all real estate taxes are paid in full.
37. **Water-Sewer.** Water and Sewer services provided to the Project shall be subject to currently applicable City-wide water and sewer charges subject to annual adjustment by the Commissioner of Public Works. Use of the City's water supply for irrigation purposes may be permitted only upon demonstration by the Applicant to the City Engineer that on-site supplies are inadequate due to quantity or quality.
38. **Conservation Restriction:** Prior to the issuance of an Occupancy Permit, the applicant shall convey to the Conservation Commission in the name of the City of Marlborough, under the provisions of Massachusetts General Laws Chapter 40, Section 8C, a Conservation Restriction on the Conservation Area shown on the Site Plan as amended. Said Conservation Restriction shall limit the use of the Conservation Area to walking (not skiing) trails to be used by the Applicant and its clients, guests and invitees. It shall prohibit the construction of buildings, parking lots, athletic fields or structures of any kind. It shall prohibit the cutting, removing or otherwise destroying trees, shrubs, grasses or other vegetation, except for the purpose of creating walking paths. Any cutting of trails must be approved by the Conservation Commission prior to any such cutting. The purpose of the Conservation Restriction shall also include the protection of the City of Marlborough's water supply, as this land falls within the watershed of Millham Reservoir. The Conservation Restriction will not grant to the Conservation Commission, to the general public or to any other person any right to enter upon the Premises, excepting the right granted to the Conservation Commission and its representatives to enter the property for the purpose of inspecting compliance with the terms of the Conservation Restriction. The Conservation Restriction shall be approved by the Conservation Commission and the City Solicitor and the Massachusetts Secretary of Environmental Affairs. It shall contain the provisions hereof. The Conservation Restriction shall be recorded in the Middlesex South District Registry of Deeds and shall be in perpetuity. It shall be recorded simultaneously with the deed of the property to the Applicant or his designee and shall not be subject or subordinate to any mortgage.



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39. **Rules and Regulations of the Architectural Access Board.** (a) The Applicant, prior to the issuance of an Occupancy Permit, will provide a building which is in compliance with the Code of Massachusetts Regulations Title 521 or obtain a variance under the provisions of Massachusetts General Laws Chapter 22, Section 13A. (b) The Applicant is encouraged to work with the Marlborough Commission on Disabilities in providing a facility which complies with the Architectural Access Board Rules and Regulations and the Americans with Disabilities Act Accessibility Guidelines.
40. **Hours of Operation.** (a) Indoor: The hours of operation for the indoor facility will be no earlier than 7:00 AM nor later than 12:00 AM midnight local time. (b) Outdoor Fields: The hours of operation for the outdoor fields will be 8AM through 9:15 PM on Monday through Thursday; 8 AM through 10:15 PM on Friday; and 8:30 AM through 9:30 PM on Saturday, Sunday and Holidays. (c) The City Council, after one (1) year from the opening of the outdoor fields, may review and amend the start and end times provided for in (a) and (b) above. (d) The indoor and outdoor facilities will be closed the fourth Thursday of November and the 25th day of December each year. (e) The Applicant or any successor may seek one-day exceptions to this condition by making a request for exception at any monthly meeting of the City Council.
41. **Lighting for Parking Lots** (a) Exterior parking lot lighting shall not spill on to abutting residential property. (b) Parking lot light poles shall not exceed 20 feet in height. (c) Reflectors shall be utilized and configured to mitigate light from entering abutting residential properties. (d) Light fixtures shall consist of high pressure sodium lights not exceed 200 watts. (e) Exterior parking lot lighting shall be extinguished each day no later than 1:00 AM local time, except for any security lighting required by the Marlborough Police Department.
42. **Outdoor Field Lighting.** (a) Outdoor field lighting poles shall be no higher than seventy (70) feet. (b) Outdoor field lighting will be extinguished no later than 9:15 PM Monday through Thursday; 10:15 PM on Friday and 9:30 PM on Saturday, Sunday and Holidays. (c) No field shall be lighted if there is no activity taking place thereon. (d) The Applicant has filed a Photo Metric Plan with the Urban Affairs Committee, which plan shall become part of the Special Permit. (e) Within one (1) year of the erection of the field lights and the beginning of the use of the fields, the City Council reserves the right to review the



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lighting plan for the fields and adjust the number of light fixtures and illumination intensity of the site.

43. **Access Route.** Applicant will publish directions to the facility. Employees of the Applicant will give directions to its users, clients, vendors or anyone else going to the facility. The directions will be posted in a place of prominence at the site, in pamphlets, advertising, and on the Applicant's website. The directions will be to use Exit 23C off Route 495, to take a right hand turn onto Simarano Drive and to take a right onto Forest Street. The Applicant shall identify the same route in the opposite direction to be used for exiting the Site.
44. **Recording.** In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant at its expense shall record this Special Permit and the Conservation Restriction in the Middlesex South District Registry of Deeds after the Marlborough City Clerk has certified that the twenty (20)-day period for appeals of this Special Permit has elapsed with no appeal having been taken. This Special Permit and the Conservation Restriction shall be recorded prior to the first mortgage. The Applicant shall file a copy of the recorded Special Permit with the City Council.
45. **Site Plan Review.** The issuance of the Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough Ordinances, 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 all conditions are complied with by Applicant. Site Plan Review shall be consistent with this Special Permit. Any violation of a condition of Site Plan Approval shall be a violation of this Special Permit.
46. **Enforceability.** All terms, conditions, requirements, approvals, plans, and drawings required hereunder are made a part of and incorporated herein as a condition of the approval hereof and shall be enforceable against the Applicant and Owner jointly and severally.
47. **Requirements.** All Plans, photo renderings, site evaluations, briefs, and other documentation provided by the Applicant as part of this Special Permit Application as amended during the application process and hearings before the City Council and/or Urban Affairs Committee are herein incorporated and



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become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

48. **Incorporated by Reference.** The Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Applicant's Special Permit Application, as amended during the application/hearing process before the City Council and/or the Urban Affairs Committee, and in compliance with the Conditions of the Grant of Special Permit. All plans, applications and submissions to the City Council as part of the Special Permit Application are hereby incorporated by reference.
49. **Applicant's Reports to Building Commissioner.** The Applicant shall provide status reports to the Building Department regarding compliance with the Special Permit at the following intervals:
 - A. during construction, every sixty (60) days;
 - B. thirty (30) days prior to the anticipated occupancy date for the Project; and
 - C. once annually on January 1 for two (2) years after issuance of the Certificate of Occupancy for the Project.
50. **Signage.** (a) All signage at the subject location shall comply with the new City of Marlborough Sign Ordinance without variance. The building sign and the free-standing sign at the entrance to the site on Forest Street shall be similar in design, color and concept to the sample sign design filed with the Urban Affairs Committee, which sample design is incorporated herein as part of the record.
51. **No-Cut Buffer Zone.** A no-cut buffer zone as shown on the Site Plan as amended will be maintained as shown on the Site Plan presented to Urban Affairs Committee with a minimum forty foot (40') no-cut buffer area. Applicant will work with the abutting residential property owner located at 245 Forest Street to provide a buffer between the Site and the residential property. Said buffer may consist of fencing, planting or both. In the event the Applicant and abutter are unable to agree on the buffer mitigation, the Applicant shall return to the City Council and the City Council will provide a reasonable mitigation plan consisting of fencing, plantings or both.
52. **Outdoor Field Requirements.** (a) No loudspeaker may be used outside of the building or at an outdoor event of any kind. (b) Portable tilt and roll bleacher seats may be provided for seating of no more than sixty (60) spectators for each field. (c) No stadium seating may be erected at the outdoor fields. (d) Toilet facilities



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shall be provided in the building at a point just east of the ends of the fields. (e) No outdoor swimming pool shall be built.

53. **Alteration, Change Or Modification.** (a) Any future alteration, change or modification of the Project, including a substantial change in use, shall require a filing for modification of the Special Permit herein granted with the City Council. (b) Any future alteration, change or modification to Special Permit conditions 16. Parking Areas, 34. Landscaping, 40. Hours of Operation, and 42. Outdoor Field Lighting, shall require a filing with the City Council for modification of the Special Permit herein granted.
54. **Conflict Resolution.** Because of the unique use and operation of the Project, the Applicant shall meet with the Ward Councilor as needed to review and resolve any issues that may arise with respect to the operation of the Project. This provision in now way, however, shall prohibit or limit the Applicant from discussing or resolving any issues with the Ward Councilor or directly with the neighbor/s.

Yea: 10 – Abstain: 1

Yea: Katz, Ferro, Schafer, Juairé, Webster, Clancy, Towle, Ossing, Pope, Levy

Abstain: Vigeant



Signed by City Council Vice President
Scott Schafer

ADOPTED

In City Council

Order No. 07100-1465D

A TRUE COPY

ATTEST:

Acting City Clerk