

### Councilors-at-Large

Mark A. Oram  
Michael H. Ossing  
Samantha Perlman  
Kathleen D. Robey



### Ward Councilors

Ward 1 – Laura J. Wagner  
Ward 2 – David Doucette  
Ward 3 – J. Christian Dumais  
Ward 4 – Teona C. Brown  
Ward 5 – John J. Irish  
Ward 6 – Sean A. Navin  
Ward 7 – Donald R. Landers, Sr.

### Council President

Michael H. Ossing

### Council Vice-President

Kathleen D. Robey

## **CITY OF MARLBOROUGH CITY COUNCIL MEETING MINUTES MONDAY, OCTOBER 23, 2023**

The regular meeting of the City Council was held on Monday, October 23, 2023, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 11:08 PM.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the Special City Council meeting, SEPTEMBER 29, 2023, **FILE**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, OCTOBER 2, 2023, **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Request to Withdraw without Prejudice the Application for installation of a Free-Standing EMC Sign at 247 Maple Street, from Jenn Robichaud of Barlo Signs on behalf of Kennedys Restaurant and Market, **APPROVED**; adopted.

That the PUBLIC HEARING on the Application from Barlo Signs on behalf of Kennedys Restaurant and Market for installation of a Free-Standing EMC Sign at 247 Maple Street, Order No. 23-1008963, be **CANCELLED**; adopted.

**Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

That the RESCHEDULED PUBLIC HEARING on the Application for Special Permit from Attorney Brian Falk, on behalf of Somar Landscape, Inc., to construct and operate a Landscaper's Yard at the Airport Industrial Park, 59 Airport Boulevard, Unit 16, Order No. 23-1008965A, all were heard who wish to be heard, hearing closed at 8:10 PM; adopted.

**Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

That the PUBLIC HEARING on the Proposed Zoning Amendment to Chapter 650 “Zoning” to amend §22 “Retirement Community Overlay Districts” to include Map 39, Parcels 5 and 26B located on Robin Hill Street currently located in the LI District to accommodate an over 55 community combining both townhouse and multifamily components for a new condominium ownership neighborhood, Order No. 23-1008964, all were heard who wish to be heard, hearing closed at 9:29 PM; adopted.

**Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

That the CONTINUED PUBLIC HEARING on the Proposed Zoning Amendment to Chapter 650 “Zoning” of the Code to add a new section to create the “Red Spring Road Overlay District” (RSR), Order No. 23-1008964B, all were heard who wish to be heard, hearing closed at 10:37 PM; adopted.

- a) Petition from various Marlborough and Hudson residents in support of the Proposed Zoning Amendment to Chapter 650 “Zoning” to add a new section to create the “Red Spring Road Overlay District (RSROD), Order No. 23-1008951A.

**Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Ossing, Perlman & Robey.**

**Councilor Oram Recused.**

Motion by Councilor Wagner, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Councilors Ossing & Wagner, re: Municipal Aggregation – September 2023 Update, **FILE**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance of a metal bench from the friends of Robert F. Kays, which has been placed at Memorial Beach; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Mayor, re: Notification of Temporary Appointment pursuant to MGL Chapter 41 §61A of David R. Williams as Comptroller/Treasurer effective October 4, 2023, for a 60-day term to expire December 3, 2023, **FILE**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Mayor, re: Notification of Extension of Temporary Appointment pursuant to MGL Chapter 41 §61A of Theodore L. Scott as Interim Commissioner of the Department of Public Works for an additional 60-day term to expire December 20, 2023, **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, re: Application for Special Permit from Attorney Brian Falk on behalf of Post Road Realty, LLC to construct a multifamily and commercial (retail/ restaurant/other commercial use) project in the Executive Residential Overlay (EROD) District which will consist of 475 residential units, 4800 sf of commercial space at Simarano Drive and Cedar Hill Street, in proper legal form, Order No. 23-1008952B, **MOVED TO #19 & FILE**; adopted.

Motion by Councilor Brown, seconded by the Chair to adopt the following:

ORDERED: That the Communication from City Clerk Steven Kerrigan, re: Municipal Election Call, **FILE**; adopted.

Motion by Councilor Brown, seconded by the Chair to adopt the following:

ORDERED: That Pursuant to Chapter 92 of the Acts of 2022, on the recommendation of the Board of Registrars of Voters, the City Council of the City of Marlborough hereby approves In-Person Early Voting at City Hall, 140 Main Street, Marlborough for the Municipal General Election per the scheduled listed, **APPROVED**; adopted.

Saturday, October 28, 2023	9:00 AM to 3:00 PM
Monday, October 30, 2023	9:00 AM to 6:00 PM
Tuesday, October 31, 2023	9:00 AM to 4:00 PM
Wednesday, November 1, 2023	7:00 AM to 4:00 PM
Thursday, November 2, 2023	9:00 AM to 4:00 PM
Friday, November 3, 2023	7:00 AM to 4:00 PM

Motion by Councilor Brown, seconded by the Chair to adopt the following:

ORDERED: That the Communication from the Town of Northborough, re: Notification of a hearing of the Zoning Board of Appeals relative to a project at 440 West Main Street, Northborough, **FILE**; adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) Commission on Disabilities, April 3, 2023.
- b) Conservation Commission, September 21, 2023.
- c) Historical Commission, July 20, 2023.
- d) Library Trustees, May 2, 2023, June 6, 2023 & August 8, 2023.
- e) Municipal Aggregation Committee, August 10, 2023, August 15, 2023 & October 16, 2023.

Motion by Councilor Perlman, seconded by the Chair to adopt the following:

ORDERED: That the following CLAIMS, referred to the **LEGAL DEPARTMENT**; adopted.

- a) Randa Azab, 123 Robert Road, pothole or other road defect.
- b) Chris Belli, 24 Country Lane, pothole or other road defect.
- c) Duniya Kajang, 565 Sherman Farm Road, Burrillville, RI, pothole or other road defect.
- d) Donald LaCouture, 517 Farm Road, other property damage and/or personal injury.
- e) Augusto Mourao, 47 Gay Street, pothole or other road defect.
- f) Mark Nawrocki, 337 Brigham Street, other property damage and/or personal injury.
- g) Jonathan Paolillo, 6 Merifield Lane, Natick, pothole or other road defect.
- h) Verizon, 86 Hosmer Street, other property damage and/or personal injury.

Councilor Perlman reported the following out of the Public Services Committee:

**Councilor Landers Recused.**

**City Council Legislative & Legal Affairs Committee  
October 16, 2023  
Minutes and Report**

This meeting convened at 8:10 PM as other Committee meetings ran longer than expected. It was held in the City Council Chamber on the second floor of City Hall. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) and Verizon/Fios Channel 34) and is available for viewing using the link under the Meeting Videos tab on the city's website, home page ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

**Committee Members Present:** Chair Perlman, Councilors Oram, and Robey

**Other Councilors Present:** Councilors Doucette, Dumais, Brown, Irish, Navin, Ossing

**Also Present:** City Engineer DiPersio

**Order No. 23-1008962: Proposed Easement for a parcel of land at South Bolton and Main Street, Map 70, Parcel 126 in addition to a Gift Acceptance from the Marlborough Historical Society.**

Chair Perlman opened the meeting at 8:10 PM and welcomed Attorney Doug Rowe to give a presentation about the Marlborough Historical Society's proposal. Attorney Rowe shared an example of the Museum in the Streets sign that covers the legacy of Samuel Boyd. They intend to build a statue of Samuel Boyd designed by the commissioned artist David Kapetanopoulos, originally from Marlborough. Mr. Kapetanopoulos also commissioned the Shoe Worker's Monument located on South Bolton Street. Samuel Boyd, a former Marlborough selectman, was known as the "Father of our City." He opened the City's first shoe-manufacturing business on Maple Street and grew the community from 3,000 to 13,000 residents.

Chair Perlman opened the discussion to Committee members for questions. Councilor Oram motioned to approve with intent for discussion. Councilor Doucette asked for clarification on the location. Councilor Robey brought up the transfer box and potential reconfiguration of the corner at the site given the current construction. Attorney Rowe shared it would still take a long period of time before building at the site so they could work alongside the city's construction. He also shared that the statue would mirror the bronze material of the Shoe Worker's Monument and they plan to raise the statue. Chair Perlman asked for clarification on the design and Attorney Rowe mentioned the sketch in the packet was only an example.

Councilor Oram clarified his motion to approve the easement and gift acceptance. On the motion, seconded by Chair Perlman, the Committee approved the order 3-0.

On a motion made by Councilor Oram, seconded by Chair Perlman, and approved 3-0, the Committee adjourned at 8:24 PM.

Reports of Committee Continued:

Councilor Robey reported the following out of the Urban Affairs Committee:

**City Council Urban Affairs Committee  
October 16, 2023  
Minutes and Report**

This meeting convened at 6:45 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, [www.marlborough-ma.gov](http://www.marlborough-ma.gov).

Urban Affairs & Housing Committee voting members present were Chairman Katie Robey, Councilor Doucette, Councilor Landers, Councilor Navin, and Councilor Wagner.

Also present were Councilors Brown, Dumais, Irish, Perlman, Oram, and Ossing.

**Order No. 23-1008979: Request for City Council approval of a Master Sign Plan for various internally illuminated wall and freestanding signs for the Green Gold Group Medical and Adult Use Marijuana facility located at 910 Boston Post Road East within the Wayside Zoning District.**

The chair opened the meeting by reading through the letter from Building Commissioner Htway delineating the current signage, what is allowed in the Wayside District, what the sign plan proposes, and what the applicant is seeking relief for 650-37 I. (1)(d) in that their business will have more than two wall signs, and two of the three signs will **be internally illuminated**. Councilor Doucette pointed out an error in Commissioner Htway's letter #9 where it says, "within the Wayside Zoning District Section 650-37 I. (1)(d) allows for only internally lit signage." The actual language is *Signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible*.

The chair asked Commissioner Htway to submit a corrected letter as she believes all three signs on the building will be internally illuminated as they are described as **"front lit lightbox and front lit channel letters."** Although not yet received, the revised letter will be included in the final committee recommendation.

Councilor Wagner moved to approve a sign above the main entrance, a sign on the corner of building facing Big Apple Deli and what is described as a "bonus-area wall sign" on building facing Rt. 20, **all internally lit**; motion received a second from the chair. Councilor Doucette moved to amend the motion to require the signs be turned off when business is closed; the motion received a second from the chair.

The amendment to turn off the signs when the business is closed carried 4-1 (Landers). The amended motion to recommend approval of the 3 externally lit signs with requirement that signs be turned off when the business is closed carried 4-1 (Navin).

The chair will report this order out of committee on Monday October 23<sup>rd</sup> and ask for a suspension of the rules to vote on the signage request that same evening.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting adjourned at 8:07 PM.

**Suspension of the Rules requested – granted.**

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Master Sign Plan as submitted for various internally illuminated wall and free-standing signs for Green Gold Group at 910 Boston Post Road East within the Wayside District, **APPROVED WITH THE FOLLOWING CONDITION:** adopted.

1. All signs at the location are to be turned off when the business is closed.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That the Petition of Mass Electric and Verizon to install new joint owned pole on High Street approximately 300' east of the centerline of the intersection of High Street and Bolton Street and to install a new manhole and underground conduit from new pole to new manhole and to existing transformer 1-2 on Exchange Street, be and is herewith **APPROVED WITH THE FOLLOWING CONDITIONS:** adopted.

1. The Engineering Division will approve final location of underground conduit in the field prior to the start of construction.
2. Petition is subject to the eleven (11) standard conditions.

**STANDARD CONDITIONS**

1. Any necessary easements are to be obtained from affected property owners.
1. A street opening permit must be applied for by the proposed contractor performing the work.
2. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
3. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
4. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
5. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
6. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
7. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
8. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
9. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
10. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED:

**IN CITY COUNCIL  
DECISION ON A SPECIAL PERMIT**

**ORDER NO. 23-1008952C**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Post Road Realty LLC (the “Applicant”) to build and operate a two-phase mixed-use project, with 475 residential units and commercial space (retail/restaurant/other commercial use), at Simarano Drive, Cedar Hill Street, and Green District Boulevard, as provided in this Decision and subject to the following Findings of Fact and Conditions.

**FINDINGS OF FACT**

1. The Applicant, Post Road Realty LLC, is a Connecticut limited liability company with an address of 11 Unquowa Road, Fairfield, CT 06824.
2. The Applicant is the prospective owner of the property located at Simarano Drive, Cedar Hill Street, and Green District Boulevard in Marlborough, Massachusetts, being shown as Parcels 5, 11, 12, and 13 on Assessors Map 116 (the “Site”).
3. In accordance with Article VI, Section 650-36.D(2), of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes to build and operate a two-phase mixed-use, multi-family residential and commercial (retail/restaurant/other commercial use) project, with 475 residential units, commercial space, on-site parking, open space areas, walking trails, and residential amenities (the “Use”).
4. The Site is located in the Executive Residential Overlay District.
5. The Site has an area of 1,873,840 square feet +/- as shown on the Site Plan referenced in paragraph 7 below.
6. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use.
7. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a detailed site plan entitled “Green District Phases 3 & 4”, with civil engineering plans by Hancock Associates, a set of architectural plans by Bargmann Hendrie + Archetype, and a landscaping plan by Brown + Sardina, all dated August 16, 2023 (collectively, the “Site Plan”, attached hereto as **“ATTACHMENT A.”**
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, September 18, 2023. The hearing was closed on that date.
11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
12. At the public hearing, no members of the public spoke in opposition to the Use.

**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 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 Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to build and operate a two-phase mixed-use project, with 475 residential units and commercial space (retail/restaurant/other commercial use), as shown on the Site Plan, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
  1. Construction in Accordance with Applicable Laws. 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 the Commonwealth of Massachusetts and shall be built according to the Site Plan as may be amended during Site Plan Review.
  2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the City Council in accordance with Section 650-36 of the Zoning Ordinance prior to the issuance of a building 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 additional changes, alterations, modifications, or amendments, as required during the process of Site Plan Review, shall be further conditions of this Special Permit and conditions attached to the building permit, and a final occupancy permit shall not be issued until the Applicant has complied with all conditions, provided, however, that subsequent to the issuance of this Special Permit and Site Plan Approval, the Site Plan Review Committee may authorize the phasing of site and building work depending upon weather conditions and other factors. In accordance with Section 650-36.H of the Zoning Ordinance, the Building Commissioner may approve minor modifications to the Special Permit and the Site Plan.

3. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs, and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council. The final architectural design of the Site shall be reasonably consistent with the Site Plan submitted by the Applicant. The final exterior features of the Site, including landscaping, shall be maintained in good condition and shall be reasonably consistent with the Site Plan submitted and representations made to the City Council.
4. Storm Water and Erosion Control Management. The Applicant shall ensure that its site superintendent during construction of the project is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.
5. Affordable Units.
  - (a) Ten percent (10%) of the dwelling units at the Site shall be made available as rental units at affordable prices to renters (whose annual income does not exceed eighty percent (80%) of the Area median income adjusted for family size as determined by the U.S. Department of Housing and Urban Development) in perpetuity or the longest period allowed by law (the "Affordable Housing Units"), in accordance with the provisions of Section 650-26 of the Zoning Ordinance and this condition. The Affordable Housing Units shall comply with all requirements for inclusion in the Subsidized Housing Inventory ("SHI") of the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities ("EOHLC"). Prior to obtaining a certificate of occupancy for any unit within the Use, the Applicant, in coordination with the City and its Community Development Authority, shall file all required submissions to EOHLC for inclusion of the Affordable Housing Units on the SHI and shall diligently take all actions necessary to include the Affordable Housing Units on the SHI, including without limitation, preparing and executing a regulatory agreement and declaration of restrictive covenants and/or any other restrictive instrument necessary to ensure compliance with said Zoning Ordinance and this condition, a marketing plan, and all other required documentation. All costs associated with complying with this condition, including but not limited to, the EOHLC process, recording of all documents with the registry of deeds, and the marketing plan for the Affordable Units shall be borne by the Applicant.

- (b) In lieu of requiring that fifteen percent (15%) of the dwelling units at the Site be made available at affordable prices to renters, the Applicant shall provide a payment to the City of \$50,000 per affordable dwelling unit that would have been otherwise required under Section 650-26 of the Zoning Ordinance. For Phase 3 of the Use, the number of applicable units is 12, for a total payment of \$600,000. For Phase 4 of the Use, the number of applicable units is 12, for a total payment of \$600,000. The payment for Phase 3 required by this condition shall be made prior to the issuance of a building permit for Phase 3, and the payment for Phase 4 shall be made prior to the issuance of a building permit for Phase 4, and the payments shall be deposited into the West Side Fire Station Stabilization Account 83600-32900.
6. Green District Boulevard Relocation. As part of Site Plan Review, the Applicant shall provide revised plans showing a relocation of Green District Boulevard in the vicinity of Phase 3 to reduce impacts on wetland buffer zone areas, and as part of that relocation the Applicant shall evaluate the viability of parking decks in Phase 3 to further reduce impacts on wetland buffer zone areas and shall provide an updated fire apparatus access analysis.
  7. Crosswalk Installation. Not later than the issuance of a final certificate of occupancy for Phase 4 of the Use, the Applicant shall have a crosswalk installed across Simarano Drive, connecting to the sidewalk along Cedar Hill Street. The crosswalk work shall include ADA-compliant wheelchair ramps and pedestrian signals that are integrated into the existing traffic signal equipment.
  8. Drainage Assessment. As part of Site Plan Review, the Applicant shall conduct an assessment of existing drainage issues along the property line between Phase 4 and Cedar Hill Street and incorporate such assessment into the Site's overall site stormwater management design.
  9. Green Design. The Applicant shall utilize best practices to design energy-efficient buildings and shall design buildings and accessory structures to accommodate accessory solar energy facilities and/or other technologies. The Applicant shall use best efforts to provide all-electric utilities contingent upon the utility company being able to commit to such service during the project's ordinary construction timeline.
  10. Parking Data. As part of Site Plan Review, the Applicant shall provide up-to-date parking data from Phase 1 of the Site (such as the number of units currently occupied and the average number of parking spaces being utilized per day), to assist the City Council with the review of Phase 3 and Phase 4.
  11. Conservation Commission Approval. The Applicant shall obtain and comply with an Order of Conditions from the City's Conservation Commission.
  12. Compliance with Applicable Laws. The Applicant agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.

13. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 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, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

**Yea: 9 – Nay: 2**

**Yea: Wagner, Doucette, Dumais, Brown, Navin, Landers, Ossing, Perlman, & Robey.**

**Nay: Oram & Irish.**

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

**ORDERED** There being no further business, the regular meeting of the City Council is herewith adjourned at 11:08 PM; adopted.