



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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JULY 22, 2019

Regular meeting of the City Council held on Monday, July 22, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juare, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 10:12 PM.

ORDERED: That the Mayor and Council President now present the City Scholarship Awards to the following students, **FILE**; adopted.

Brian Boxell
Advanced Math & Science Academy

Ashley LeConti
Assabet Valley Regional Technical High School

Andy Bonilla
Marlborough High School

Michael O'Donnell
Marlborough High School

Jack Tobin
Marlborough High School

ORDERED: That the Minutes of the City Council meeting, June 17, 2019 **FILE**; adopted.

Motion made by Councilor Ossing to move the Communication from the Mayor, re: New and Promoted Officers of the Police Department up on the agenda, **APPROVED**; adopted.

ORDERED: That the Communication from the Mayor, re: New and Promoted Officers of the Marlborough Police Department, **FILE**; adopted.

At this time President Clancy introduced the New and Promoted Officers present, they were Lieutenant Daniel Campbell, Sargent James O'Malley, Officer Kyle Skagerlind, and Officer Alexander Nevarez, he also recognized the new Officer David Tingloff and Sargent Scott Carey who were unable to attend.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Attorney Brian Falk, on behalf of St. Mary's Credit Union, for two drive-thru facilities associated with a bank and coffee shop building to be located at 133 South Bolton Street, Order No. 19-1007720, all were heard who wish to be heard, hearing closed at 8:53 PM; adopted.

Councilor Delano recused.

Councilors Present: Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juare, Oram, Ossing & Robey.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Attorney Brian Blaesser, on behalf of Cameron General Contractors, to construct a Senior Independent Living Multifamily Community, pursuant to the provisions of the Retirement Community Multifamily Overlay District, 90 Crowley Drive, Order No. 19-1007703, all were heard who wish to be heard, hearing closed at 9:46 PM; adopted.

Councilors Present: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.

ORDERED: That the Transfer Request in the amount of \$220,000.00 from PEG Funds to IT Equipment, to fund upgrades throughout the city, refer to **FINANCE COMMITTEE**; adopted.

		CITY OF MARLBOROUGH										
		BUDGET TRANSFERS --										
	DEPT:	IT						FISCAL YEAR:	2020			
		FROM ACCOUNT:					TO ACCOUNT:					
Available											Available	
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance	
\$238,060.67	\$220,000.00	27000099	47750	Receipts Reserved-PEG Funds		\$220,000.00	19300006	58618	IT Equipment		\$0.00	
	Reason:	Use PEG funds for upcoming projects and various equipment purchases										
	\$220,000.00	Total				\$220,000.00	Total					

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Reimbursement Acceptance for the Department of Public Works in the amount of \$218,904.38 from FEMA for storm expenditures from the snow event of March 13, 2018; adopted.

ORDERED: That the Transfer Request in the amount of \$200,000.00 from Economic Development to MEDC Funding for a City Shuttle Service for a one-year period, refer to **FINANCE COMMITTEE**; adopted.

		CITY OF MARLBOROUGH										
		BUDGET TRANSFERS --										
	DEPT:	Mayor						FISCAL YEAR:	2020			
		FROM ACCOUNT:					TO ACCOUNT:					
Available											Available	
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance	
\$962,021.48	\$200,000.00	27000099	42440	Economic Development		\$200,000.00	11740006	53950	MEDC Funding		\$0.00	
	Reason:	To fund a City shuttle service										
	\$200,000.00	Total				\$200,000.00	Total					

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$2,000.00 from Target Corporation awarded to the Police Department to fund the annual Heroes and Helpers program; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$1,108.80 from Attorney General Maura Healey awarded to the Board of Health to fund an additional summer intern; adopted.

ORDERED: That the Communication from the Mayor, re: Request for Revocation of License to Encroach, 26 Monument Avenue, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Suspension of the Rules requested – granted.

ORDERED: That the Communication from the Mayor, re: Veto of Council Order No. 17/19-1007055D, Petition of AT&T, Small Cell Site on Utility Pole 2-84 at 28 Concord Road, **FILE**; adopted.

ORDERED: That the Veto issued by the Mayor, of Council Order 17/18/19-1007055D, as set forth in his letter dated June 28, 2019, relative to the Petition of AT&T to place a small cell facility on utility pole 2-84 at 28 Concord Road, **WITHDRAWN**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Application for LED Sign Special Permit, Main Street Bank, 81 Granger Boulevard, in proper legal form, **MOVED TO REPORTS OF COMMITTEE**; adopted.

Councilor Delano recused.

ORDERED: That the Communication from City Solicitor, Jason Grossfield on behalf of Councilor Delano, re: Changes to Proposed Zoning Amendment to Chapter 650 §12, Nonconforming Uses, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A NEW PUBLIC HEARING FOR MONDAY, AUGUST 26, 2019**; adopted.

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. By amending § 650-12 (Nonconforming uses) as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 650-12. Nonconforming uses.

- A. No building or other structure nor any land shall be used nor shall any building or other structure or part thereof be erected or altered except in conformity with the provisions of this chapter and any amendments thereof which apply to the district in which the building, structure or premises shall be located; provided, however, that this chapter shall not apply to the existing use of any building or structure or of land to the extent to which it was lawfully used at the time of the adoption of this chapter.
- B. This chapter shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent. Pre-existing nonconforming structures or uses may be extended or altered, provided that the City Council determines, by the grant of a special permit, that expansion or alteration of a nonconforming use or structure is not substantially more detrimental to the neighborhood than the existing nonconforming use, except that an alteration, reconstruction, extension or structural change of or to a lawful pre-existing nonconforming single-family dwelling or two-family house shall be governed by Section 650-58B(3), and subject, however, to the following provisions:

- (1) ~~Such~~ Any nonconforming use or structure which has ~~not~~ been abandoned, or not used for a period of two years or more, shall lose its protected status and be subject to this chapter, except in the case of land used for agriculture, horticulture or floriculture for a period of less than five years.
- (2) Such use is not enlarged to more than 25% of the floor and ground areas of use existing at the time of adoption of the original Zoning Ordinance, or any amendments thereto, except than any nonconforming farm may be enlarged up to the total area owned by the nonconforming farmer at the time of adoption of this chapter, and there shall be no limit as to the expansion of farm buildings.
- (3) In case the use is destroyed or damaged by fire, explosion or other catastrophe to not greater than 75% of the fair market value of the building or structure, exclusive of foundation, based upon replacement cost immediately prior to such damage, the structure or use may be restored or rebuilt at the same location and used as previously, provided that:
 - (a) The building, structure or use of land as restored or rebuilt shall be no greater in floor or land area than the maximum permitted under Subsection B(3)(b) of this section.
 - (b) The restoration or rebuilding shall conform to this chapter so far as practicable and shall be completed within two years of the catastrophe, unless approved by the City Council in writing in accordance with Article VIII.
- (4) The building or structure is completed if a permit for construction was granted prior to the adoption of this chapter and construction is accomplished within two years after the date of adoption of this chapter.
- (5) The provisions of the above Subsection B(1), (2) and ~~(4)~~(3) shall not apply to a single-family dwelling.

ORDERED: That pursuant to Massachusetts General Laws c. 40, § 3, the City of Marlborough grants a permanent utility easement, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a “National Grid”) as enclosed, constituting a Grant of Easement to Massachusetts Electric Company for electrical service to Marlborough High School at 431 Bolton Street, said grant of easement having been approved on _____ by vote of the Marlborough School Committee, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 55 Hanlon Drive, in proper legal form, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 263 Sudbury Street, in proper legal form, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 299 Sudbury Street, in proper legal form, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from David Richardson of Flying Dreams Brewing Co., 277 Main Street, to add outdoor seating on Rawlins Avenue for their establishment, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That, rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors Map 56, Parcel 125 presently zoned Limited Industrial "LI" be rezoned as Residential B as it is contiguous to the Assessors Map 56, Parcels 131, 130, 129, 128, 127, and 123, that are all currently zoned Residential B.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, AUGUST 26, 2019**; adopted.

ORDERED: That the Communication from Attorney Brian Falk, on behalf of Vincenza Sambataro, re: Request to Extend Time Limitations on the Application for Special Permit to construct a Mixed-Use Development in the Marlborough Village District consisting of both residential and commercial space, 161-175 Main Street, until 10:00 PM on September 24, 2019, **APPROVED**; adopted.

ORDERED: That there being no objection thereto set **MONDAY AUGUST 26, 2019** as the **DATE FOR PUBLIC HEARING** on the Petition from Massachusetts Electric and Verizon New England, to install a new Pole 8-5 at 150 Hayes Memorial Drive to service a new customer, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from various residents, re: Letter of Opposition to Proposed Zoning Amendment – Home Office and Contractor/Landscape Contractor Storage Yards, Order No. 18/19-1007500H, **FILE**; adopted.

ORDERED: That the Communication from Central MA Mosquito Control Project re: Responding to residents' concerns about mosquitos in their area on various dates in July 2019, **FILE AND PUBLISH ON CITY WEBSITE**; adopted.

ORDERED: That the Minutes, School Committee, June 11, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, June 5, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Commission on Disabilities, May 14, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, June 6, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, May 20, 2019 & June 3, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Retirement Board, April 30, 2019, **FILE**; adopted.

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

- a) Eden Beane, 325 Stone Road, Vassalboro, ME, other property damage and/or personal injury.
- b) Lisa McNally, 212 Glen Street, residential mailbox claim (2a).
- c) Joanis Nieves, 25 Ragina Avenue, Webster, other property damage and/or personal injury.
- d) Frank Sangiorgio, 42 Karopolios Drive, pothole or other road defect.

Reports of Committees:

Councilor Robey reported the following out of the Legislative & Legal Affairs Committee:

City Council Legislative and Legal Affairs Committee
Tuesday, July 9, 2019 6:30 PM– In Council Chambers
Minutes and Report

Present: Chairman Katie Robey, Councilor Landers, and Councilor Delano. Other Councilors- Clancy and Ossing. Other attendees-City Solicitor Jason Grossfield and City Engineer Thomas DiPersio.

Order No. 19-1007717-Proposed Easement for Sudbury Street Sewer Project, Phase 4, 55 Hanlon Drive/Allen G. Supynuk and Wendy McDonald. This grant of a 30-foot wide sewer easement containing 11,496 +/- square ft. will go across the west side of their property. The grantee shall also construct a sewer connection stub and approximately 60 ft. of service piping for connection to existing house to new sewer line, remove a 24" diameter pine tree from property and remove and reset part of an existing fence within the easement. An updated copy of the Grant of Sewer Easement shall be signed after correcting the map scale and the year of execution of agreement. Owners have signed a grant of permission to enter property.

Order No. 19-1007718-Proposed Easement for Sudbury Street Sewer Project, Phase 4, 263 Sudbury St./Daniel and Kelly Sarazen. This grant of a 30-foot wide sewer easement containing 1,647 +/- square feet will go across a corner of their backyard. The grantee shall also construct a sewer connection stub and approximately 20 ft. of service piping for connection to existing house to new sewer line and remove 3 certain dead trees and a treehouse on the property. A signed copy of the Grant of Sewer Easement shall be provided. Owners shall sign a grant of permission to enter property.

Order No. 19-1007719-Proposed Easement for Sudbury Street Sewer Project, Phase 4, 299 Sudbury St./Fred Brewitt and Lee Ann Brewitt. This grant of a 30-foot wide sewer easement containing 2,847 +/- square feet will go across a corner of their backyard. The grantee shall also construct a sewer connection stub and approximately 25 ft. of service piping for connection to existing house to new sewer line. Mr. DiPersio provided a signed copy of the Grant of Sewer Easement. Owners have signed a grant of permission to enter property.

The project required a change of plan for the location of the sewer line, so it was necessary to work with these homeowners to secure the sewer easements.

Reports of Committee Continued:

Councilor Delano moved to accept the Grant of Easement for each of the orders under a separate vote for each order; motion was seconded. The votes all carried 3-0. The Solicitor will submit the updated, signed documents on the July 22, 2019 regular meeting agenda, and a Suspension of the Rules will be requested to adopt all three easements.

It was moved and seconded to adjourn; motion carried 3-0. The meeting adjourned at 6:45 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: July 9, 2019

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 6:00 PM – Adjourned: 6:08 PM

Present: Chairman Juair (Acting); Urban Affairs Committee Members Councilors Landers, Doucette, and Tunnera; Councilors Clancy and Ossing; Jason Grossfield (City Solicitor, City of Marlborough)

Absent: Chairman Delano (recused)

Order No. 18/19-1007423E (X18/19-1007461): Application for LED Sign Special Permit, Main Street Bank, 81 Granger Boulevard. The Urban Affairs Committee met with attorney Sem Aykanian regarding Main Street Bank's request for an LED Sign Special Permit. Mr. Aykanian explained it was a two-step process, the first which was to amend the existing special permit for Main Street Bank located at 81 Granger Boulevard to allow an LED sign and the second was to request the sign under the City's sign ordinance. There was a slight delay on the applicant's part to ensure their submission was complete and accurate and they were requesting a recommendation for approval to the full City Council. Chairman Juair explained the City Solicitor approved of the application and there is one condition: "The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough." City Solicitor Grossfield stated the revised application addressed the former City Solicitor's concerns with the original application and is in proper form for the committee to report out to the City Council.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 55 Hanlon Drive, in proper legal form, **FILE**; adopted.

Suspension of the Rules requested – granted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent sewer easement shown as “Proposed Easement A”, constituting a portion of the “Proposed 30’ Wide Sewer Easement” as shown, more or less, on a plan entitled “Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1” = 50’; Date: June 10, 2019” (the “Plan”), containing 11,496+/- square feet, more or less, according to the Plan, be accepted as a municipal easement as shown on the Plan and as hereinafter described:

DESCRIPTION

The 30’-wide sewer easement shown as “Proposed Easement A”, constituting a portion of the “Proposed 30’ Wide Sewer Easement” as shown, more or less, on the Plan, to be recorded at the Middlesex County South Registry of Deeds. Containing 11,496+/- square feet, more or less, according to the Plan. The easement and Plan are attached hereto.

IT IS THEREFORE ORDERED THAT:

The 30’-wide sewer easement shown as “Proposed Easement A”, constituting a portion of the “Proposed 30’ Wide Sewer Easement” as shown, more or less, on the Plan, containing 11,496+/- square feet, more or less, being portions of the property owned by ALLEN G. SUPYNUK and WENDY MCDONALD and described in a deed recorded in the Middlesex South District Registry of Deeds, Book 42958 Page 450, be accepted as a municipal easement in the City of Marlborough.

APPROVED; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 263 Sudbury Street, in proper legal form, **FILE**; adopted.

Suspension of the Rules requested – granted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent sewer easement shown as “Proposed Easement E”, constituting a portion of the “Proposed 30’ Wide Sewer Easement” as shown, more or less, on a plan entitled “Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1” = 50’; Date: June 10, 2019” (the “Plan”), containing 1,647+/- square feet, more or less, according to the Plan, be accepted as a municipal easement as shown on the Plan and as hereinafter described:

DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement E", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on the Plan, to be recorded at the Middlesex County South Registry of Deeds. Containing 1,647+/- square feet, more or less, according to the Plan. The easement and Plan are attached hereto.

IT IS THEREFORE ORDERED THAT:

The 30'-wide sewer easement shown as "Proposed Easement E", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on the Plan, containing 1,647+/- square feet, more or less, being portions of the property owned by DANIEL A. SARAZEN and KELLY A. SARAZEN and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 49004 Page 82, be accepted as a municipal easement in the City of Marlborough.

APPROVED; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 299 Sudbury Street, in proper legal form, **FILE**; adopted.

Suspension of the Rules requested – granted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent sewer easement shown as "Proposed Easement C", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), containing 2,847+/- square feet, more or less, according to the Plan, be accepted as a municipal easement as shown on the Plan and as hereinafter described:

DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement C", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on the Plan, to be recorded at the Middlesex County South Registry of Deeds. Containing 2,847+/- square feet, more or less, according to the Plan. The easement and Plan are attached hereto.

IT IS THEREFORE ORDERED THAT:

The 30'-wide sewer easement shown as "Proposed Easement C", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on the Plan, containing 2,847+/- square feet, more or less, being portions of the property owned by FRED B. BREWITT and LEE ANN A. BREWITT and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 11198 Page 484, be accepted as a municipal easement in the City of Marlborough.

APPROVED; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re:
Application for LED Sign Special Permit, Main Street Bank, 81 Granger Boulevard,
in proper legal form, **FILE**; adopted.

Councilor Delano recused.

Suspension of the Rules requested – granted.

ORDERED:

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

LED Sign Special Permit
Main Street Bank
Order No. 18/19-1007423E
X 18/19-1007461

**DECISION ON A LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 18/19-1007423B**

The City Council of the City of Marlborough hereby **GRANTS** the application for a Sign Ordinance Special Permit to Main Street Bank (the “Applicant”) for the property located at 81 Granger Boulevard, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is the lessee of the property located at 81 Granger Boulevard, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 70, Parcel 152 (the “Site”) and maintains a stand-alone bank facility with drive-through ATM and teller services.
2. The Applicant seeks a LED Sign Special Permit, pursuant to Section 526-13 of the Code of the City of Marlborough entitled, “Electronic Message Center Signs and Digital Display Signs” (the “EMC and Digital Display Sign Ordinance”), to operate an electronic message center sign (the “Sign”) at the Site (the “Application”).
3. The Sign is a 2’ 6-15/16” by 5’ 5-3/8” double-faced monochrome electronic message center (EMC) sign, with a display area of 10.80 square feet (the product specifications are attached hereto as Exhibit A). The Sign is to be located below an internally-illuminated sign at the premises (as shown in Exhibit B).
4. In connection with the Application, the Applicant has submitted schematic designs of the Site and a sketch plan showing the location of the Sign on the Site (as shown in Exhibit C).
5. The Marlborough City Council held a public hearing on the Application on February 25, 2019.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.

**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 application for a special permit under the EMC and Digital Display Sign Ordinance.
- B. The City Council finds that the Sign complies with the standards set forth in Section 526-13.B of the EMC and Digital Display Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or the view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the EMC and Digital Display Sign Ordinance.
- D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby GRANTS the Applicant a special permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
 - 1. The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough.

APPROVED; adopted.

Yea: 10 – Nay: 0 – Abstain: 1

Yea: Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.

Abstain: Delano.

ORDERED: That the Mayor and City Council review the pros and cons of the establishment of an Alternative Energy Committee in the City of Marlborough to explore the availability of planning assistance, grants, and other funding sources to assist homeowners and members of the business community in converting to renewable and other alternative energy sources. The committee's charge will be to promote phasing out fossil fuels, refer to **WIRELESS COMMUNICATIONS COMMITTEE;** adopted.

ORDERED:

STREET CONSTRUCTION BOND

That the sum of \$4,000,000.00 (four million dollars) be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$4,000,000.00 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

APPROVED; adopted.

Yea: 11 – Nay: 0

Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing & Robey.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:12 PM; adopted.