



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Steven W. Kerrigan
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723**

NOVEMBER 18, 2019

Regular meeting of the City Council held on Monday, November 18, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 9:07 PM.

ORDERED: That the Minutes of the City Council meeting, OCTOBER 28, 2019, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On Application for LED Sign Special Permit from Poyant Signs on behalf of McDonalds, 155 Boston Post Road West, Order No. 19-1007808, all were heard who wish to be heard, hearing closed at 8:03 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Fuel Storage License, One Energy, Inc., for Underground storage of 24,000 gallons of Gasoline and 4,000 gallons of Diesel fuel, 121 Bolton Street, identified as Map 57, Parcel 289, Order No. 19-1007823, all were heard who wish to be heard, hearing closed at 8:05 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Pool Table License, Adam Krasinski of Tackle Box Brewing Company LLC, 416 Boston Post Road East, Order No. 19-1007839, all were heard who wish to be heard, hearing closed at 8:08 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Attorney Brian Falk, on behalf of David Skarin, to construct a new residential community to be known as Trailside Terrace at 19 Ash Street, Order No. 19-1007809, all were heard who wish to be heard, hearing closed at 8:26 PM; adopted.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Attorney Brian Falk, on behalf of Marlborough Hospital & UMASS Memorial Realty, Inc., to add a new Women's Imaging Center, and seeking a finding to alter a preexisting nonconforming use and alter the preexisting nonconforming lot coverage from 48.2% to 49.2% at 157 & 209 Union Street, Order No. 19-1007824, all were heard who wish to be heard, hearing closed at 8:44 PM; adopted.

Councilor Robey recused.

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

ORDERED: That the Transfer Request in the amount of \$13,226.30 from Receipts Reserved TNC Surcharge to Capital Outlay-Police Equipment, to fund the purchase of additional traffic enforcement equipment, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Police					FISCAL YEAR:	2020		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$13,226.30	\$13,226.30	27000	33088	Receipts Reserved-TNC Surchar	\$13,226.30	19300006	58593	Capital Outlay-Police Equip		\$13,354.25
	Reason:	Traffic enforcement equipment purchase								
	\$13,226.30	Total			\$13,226.30	Total				

ORDERED: That the Communication from the Mayor, re: OPEB (Other Post Employment Benefits) Trust Liability Update, **FILE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Application for LED Sign Special Permit from Attorney Elizabeth McDonough Noonan on behalf of Colbea Enterprises, LLC, 342 Boston Post Road East, in proper legal form, Order No. 19-1007670A, **MOVED TO ITEM 20**; adopted.

ORDERED: That the Communication from the MA State Lottery Commission re: Installation of Keno monitor at an existing Keno to Go agent, Pete's on The Main, 121 Main Street, **FILE**; adopted.

ORDERED: That the Communication from various retirees of the City of Marlborough re: Support for increase in COLA pursuant to MGL Chapter 32 §103(j), Order No. 19-1007689, **FILE**; adopted.

ORDERED: That the Special Permit issued to Tigercat Properties LLC, on November 13, 2017 to construct a multifamily dwelling at 487 Lincoln Street, Order No. 16/17-1006735H, shall lapse within a 3-year period, in accordance with Chapter 650 §59(A)(1) of the City of Marlborough Zoning Ordinance, **APPROVED**; adopted.

ORDERED: That the Minutes, School Committee, September 24, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Commission on Disabilities, September 3, 2019 & October 1, 2019, **FILE**; adopted.

ORDERED: That the Minutes, High School Council, October 24, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Retirement Board, August 27, 2019 & September 24, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, September 25, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, October 22, 2019, **FILE**; adopted.

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

- a) Alexandra Francois-Saint Cyr, 196 Blanchette Drive, pothole or other road defect.
- b) Rodger Weismann, 14 Todd Pond Road, Lincoln, pothole or other road defect.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee
Thursday November 14, 2019
In Council Chambers**

Finance Committee Members Present: Chairman Ossing; Councilors Oram, Irish and Dumais.

Finance Committee Members Absent: Robey

Other Councilors in Attendance: Councilors Clancy and Landers.

The meeting convened at 7:00 PM.

1. **Order No. 19-1007844 – Transfer \$322,873.25 from Reserve for Salaries Account to Fund the Firefighters Contract:** The Finance Committee reviewed the Mayor's letter dated October 28, 2019 requesting the transfer of \$322,873.25 from the Reserve for Salaries account to fund the Firefighters Contract. The new contract covers FY19, 20 and 21. The Finance Committee voted 4 - 0 to approve the transfer request to fund the Firefighters contract for fiscal years 2019 and 2020.

- The Finance Committee agreed to support suspending the rules at the November 18, 2019 City Council meeting to approve the transfer for the Firefighters contract.

Reports of Committee Continued:

2. **Order No. 19-1007818 – Transfer \$150,000.00 from Undesignated Funds to DPW Projects:** The Finance Committee reviewed the Mayor's letter dated October 17, 2019 requesting a transfer of \$150,000.00 from the Undesignated Funds account to the Capital Outlay DPW Projects account. This transfer is part of the special permit for BSL Development (The Branches) requiring a mitigation payment to purchase a sewer easement parcel and subsidize the City's construction of a concession stand and bathrooms for the athletic fields at the 1LT Charles W. Whitcomb school. The Finance Committee Voted 4 - 0 To Approve the Transfer.
3. **Order No. 19-1007838 – New Library Update:** The Finance Committee Chairman discussed the Mayor's letter offering the Library Building Committee to update the City Council on the progress of the new Library. The Finance Committee Chairman met with the Library Director earlier in the week. The Library Director indicated the final design drawings will be available shortly, the renovation costs are still under budget, the Walker Building will be used as the temporary location with a planned summer 2020 move and the Library renovation construction is planned to start in the fall of 2020. The Finance Committee acknowledged that a formal presentation to the City Council would be better served in the next legislative session when the new City Council is seated and the drawings are available. The Finance Committee Chair will ask the City Council to carry this order over to the next legislative session at the November 18, 2019 City Council meeting.

The Finance Committee adjourned at 7:16 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: October 29, 2019

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

Convened: 5:31 PM – Adjourned: 6:54 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juaire, Landers, Doucette, and Tunnera; Councilors Clancy, Oram and Robey; Jeffrey Cooke (Building Commissioner, City of Marlborough); Thomas DiPersio (City Engineer, City of Marlborough)

Order No. 19-1007763: Application for Site Plan Approval from Post Road Realty, LLC for The Green District project to be built in the Executive Residential Overlay District (EROD), at 107 Simarano Drive.

The Urban Affairs Committee met with attorney Brian Falk of Mirick O'Connell, Andre Montelli of Post Road Realty, LLC, and Joe Peznola of Hancock Associates for a discussion of their application for Site Plan Approval of The Green District project to be built in the Executive Overlay District (EROD) at 107 Simarano Drive.

Reports of Committee Continued:

One of the main concerns of the Site Plan Review Committee was the access road leading out to Cedar Hill Road. The applicant had proposed leaving it in a gravel state and gated as a true emergency access road however they have come to agreement with the members of the Site Plan Committee that the road will be in a gravel condition, but it will not be gated so it will be open to residents only and they will sign it accordingly. The section “H. Emergency Access Drive” will be amended so the road is more accurately described as a secondary entrance rather than emergency access road since it is a graveled access drive for the residents. Mr. Falk will work with the City Engineer and City Solicitor to ensure the language describes it properly. Mr. Falk will also clarify the language in section H. so it is clear what portion of the driveways shall be paved versus unpaved or graveled.

Mr. Falk stated there were two other items in the draft decision that were changed. The first is the City Engineer wanted more traditional sidewalks rather than the planned pedestrian pathways throughout the site. They changed the pedestrian pathways to the more traditional adjacent to the roadway sidewalks which will be stone dust so they will be pervious and adjacent to the driveway from Simarano Drive in and onto the site. According to the MassDOT Complete Streets policy, sidewalks are paved, and paths are not, and it was requested they adjust their terminology to reflect the requirements. The second item is “K. Simarano Drive Improvements” and the request was to make the lane widening of the left turn lane be done as part of the site one development and they have agreed to that change. It was noted in “K. Simarano Drive Improvements, 2. Simarano Drive Widening” that the TIAS describes the lane widening as happening in phase two. It was requested the language in this section be amended to accurately reference the updated plans and timeline.

Mr. Peznola reviewed a few of the other changes that will be made to the plans. These changes include the stone dust walkways and changes to the parking. Site one will have 354 paved spaces, site two will have 323 paved spaces, totaling 677 spaces on both site which is lower than what was initially submitted to the Council but still fully compliant with the zoning regulations.

The Urban Affairs Committee reviewed the following sections of the Site Plan Approval with Conditions and changes are noted in *italics*.

- A. Site Conformance
- B. Construction Staging and Safety Plan
- C. Green Buildings and Site Design
 - d. Secure bike storage and repair room *within the buildings*;
 - e. *Free* bike share program;
 - f. Dedicated ride shares drop-off locations;
- D. Construction
- E. Storm Water and Erosion Control
 - 3. NPDES: Since the project involves the disturbance of more than one acre of land area, the Applicant *shall* submit a Notice of Intent to the EPA for coverage under the NPDES Construction General Permit per EPA’s requirements. Proof of submittal shall be provided at the preconstruction meeting noted above.
- F. Landscaping
- G. Setbacks
- H. *Secondary Access Road (changes as noted above)*

Reports of Committee Continued:

- I. Internal Site *Paths* (*changes as noted above*)
- J. School Bus Access
- K. Simarano Drive Improvements
- L. Lighting
- M. General Provisions
 - 5. Time for Completion: *Language shall be added to state the work on Site 2 shall be completed within five (5) years unless the applicant has received an extension from the City Council*

Motion made by Councilor Doucette, seconded by the Chair, to approve as amended. The motion carried 5-0.

Motion made by Councilor Juairé, seconded by the Chair, to adjourn. The motion carried 5-0. The meeting adjourned at 6:54 PM.

Meeting Name: City Council Urban Affairs Committee

Date: November 07, 2019

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

Convened: 5:32 PM – Adjourned: 6:51 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juairé, Landers, Doucette, and Tunnera; Councilors Clancy, Irish, Ossing and Robey

Order No. 19-1007738C: Communication from Attorney Michael Norris on behalf of Renato Fontes, regarding Amendment to the Proposed Rezoning of land off 269 Mechanic Street identified as Map 56, Parcel 125.

The Urban Affairs Committee met with attorney Michael Norris regarding the proposed rezoning of land off 269 Mechanic Street identified as Map 56, Parcel 125. Mr. Norris previously appeared before the Urban Affairs Committee on September 18, 2019 for an initial request to rezone this property. The committee approved the request however it was later discovered there was a very small portion of land contiguous to the Rail Trail on which the building is located that was not included in the original request. Per the recommendation of the City Solicitor, Mr. Norris was advised to return to the City Council to rezone the additional portion of land from Limited Industrial to Residence B zone. The committee agreed to approve the following:

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:

Reports of Committee Continued:

That rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors Map 56, Parcel 125 presently zoned Limited Industrial 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 and a parcel containing 432 s.f. to the rear of the building on land known as the Assabet River Rail Trail currently owned by the City of Marlborough be rezoned to Residential B. The area to the rear of Map 56, Parcel 125, being a rectangle parcel 4.40' on the northerly side to and 1.86' on the southerly side a distance of 142.39'.

Motion made by Councilor Juairé, seconded by the Chair, to approve. The motion carried 5-0.

Motion made and seconded to adjourn. The motion carried. The meeting adjourned at 6:51 PM.

Meeting Name: City Council Urban Affairs Committee

Date: November 14, 2019

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

Convened: 5:30 PM – Adjourned: 6:47 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juairé, Landers, Doucette, and Tunnera; Councilors Clancy, Dumais, Irish, Oram (arrived 6:40 PM), and Ossing; Tom DiPersio (City Engineer, City of Marlborough); Priscilla Ryder (Conservation Officer, City of Marlborough)

Order No. 19-1007780: Application for Special Permit from Attorney Brian Falk, on behalf of One Energy, Inc., to authorize the alteration of a preexisting nonconforming gas station use, to a gas station, convenience store and restaurant/cafe use at 121 Bolton Street.

The Urban Affairs Committee met with attorney Brian Falk of Mirick O'Connell, Mark Diarbakerly, owner of One Energy, Inc., Diane Nelligan, project manager at One Energy, Inc., and Richard DeFusco, RLA of Ayoub Engineering on the application for a special permit to authorize the alteration of a preexisting nonconforming gas station use to a gas station/convenience store at 121 Bolton Street. They discussed the driveway openings and whether it was best to have three as proposed versus two favored by members of the Site Plan Review Committee. As the project presented to the City Council and Site Plan Review Committee, and as shown in the submitted traffic study, included three openings (two on Bolton and one on State) Councilors agreed all three openings could remain subject to further condition in the Special Permit as follows:

Petitioner shall work with the Site Plan Review Committee to minimize, if possible, the size of openings to increase green space/landscaping. The final design of the three entrances and landscaping shall require final approval by the Site Plan Review Committee.

Other changes as discussed:

- ✓ Condition ten, Signs, shall have an additional sentence that signs and exterior lighting, excluding emergency lights, shall not be illuminated outside of business hours.

Reports of Committee Continued:

- ✓ The synopsis of their liability insurance shall be made part of the special permit record and available to the proper City Officials upon request to ensure the policy is still in effect as long as the station is in operation.
- ✓ Fencing shall be a six-foot high vinyl fence around the perimeter of abutters' properties and shall include a three-foot lattice topper.
- ✓ There shall be no music or other audio at the pumps or otherwise outside other than what is necessary to make the use of the pumps or HP accessible as required by law.

Motion made by Councilor Juaire, seconded by the Chair, to approve as amended. The motion carried 5-0.

The committee agreed to request a Suspension of the Rules at the November 18, 2019 City Council Meeting to forward to the Legal Department to place in proper form for the December 2, 2019 City Council Meeting.

Order No. 19-1007762 (X 19-1007763): Application for Special Permit from Post Road Realty, LLC to construct a multi-family residential project known as the Green District in the Executive Residential Overlay District (EROD) which will consist of 475 units in two buildings at 107 Simarano Drive, Map 116, Parcels 5, 11 & 12.

The Urban Affairs Committee met with attorney Brian Falk of Mirick O'Connell, Andrew Montelli of Post Road Realty, LLC, and Joe Peznola of Hancock Associates for a discussion of their special permit application to construct a multi-family residential project at 107 Simarano Drive. Mr. Montelli reviewed the "Multifamily Development Review Criteria and Design Review Guidelines" for their project, reminding the committee this assessment was self-scoring and explaining how he arrived at the score of 120 out of a possible 195 points. The committee reviewed the special permit conditions and requested the applicant add a condition (#9) that they will comply with all Conservation Commission restrictions.

Motion made by Councilor Doucette, seconded by the Chair, to approve as amended. The motion carried 5-0.

The committee agreed to request a Suspension of the Rules at the November 18, 2019 City Council Meeting to forward to the Legal Department to place in proper form for the December 2, 2019 City Council Meeting.

Motion made by Councilor Juaire, seconded by the Chair, to adjourn. The motion carried 5-0. The meeting adjourned at 6:47 PM.

Suspension of the Rules requested – granted.

ORDERED: That the Transfer Request in the amount of \$322,873.25 which moves funds from Reserved for Salaries to various accounts within the Fire Department to fund the contract with the Firefighters Local 1714, for the period July 1, 2018 to June 30, 2021, be and is herewith **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Comptroller					FISCAL YEAR:	2020	
		FROM ACCOUNT:					TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$990,000.00	\$322,873.25	11990006	57820	Reserve for Salaries	\$16,702.67	12200001	50334	Battalion Chief	\$239,387.84
	Reason:	Fund contractual obligations				Reason:	Contractual Obligation		
					\$156,922.75	12200001	50450	Firefighters	\$2,472,816.18
	Reason:					Reason:	Contractual Obligation		
					\$14,617.33	12200001	50800	Fire Captains	\$219,147.72
	Reason:					Reason:	Contractual Obligation		
					\$1,887.50	12200001	50805	Fire Inspector	\$75,500.00
	Reason:					Reason:	Contractual Obligation		

						\$27,532.88	12200001	50810	Fire Lieutenants		\$405,154.29
	Reason:					Reason:	Contractual Obligation				
						\$224.00	12200001	51210	Civil Defense Director		\$8,960.00
	Reason:					Reason:	Contractual Obligation				
						\$4,299.95	12200003	51226	Fire Depart/First Responder		\$39,236.81
	Reason:					Reason:	Contractual Obligation				
						\$20,359.09	12200003	51300	Additional Gross Overtime		\$303,861.59
	Reason:					Reason:	Contractual Obligation				
						\$1,924.32	12200003	51324	Overtime/Vehicle Maintenance		\$26,100.85
	Reason:					Reason:	Contractual Obligation				
						\$3,451.41	12200003	51328	Call Fire Overtime		\$70,810.60
	Reason:					Reason:	Contractual Obligation				
						\$4,747.50	12200003	51412	Hazmat Pay		\$7,500.00
	Reason:					Reason:	Contractual Obligation				

						\$8,352.61	12200003	51430	Longevity		\$176,057.15
	Reason:								Contractual Obligation		
						\$12,848.16	12200003	51440	Educational Incentive		\$253,762.58
	Reason:								Contractual Obligation		
						\$6,279.49	12200003	51450	Night Shift Differential		\$58,325.20
	Reason:								Contractual Obligation		
						\$9,227.66	12200003	51480	Emergency Medical Training		\$178,993.66
	Reason:								Contractual Obligation		
						\$427.42	12200003	51481	Training Special Services		\$9,361.72
	Reason:								Contractual Obligation		
						\$19,609.50	12200003	51490	Holiday		\$345,363.30
	Reason:								Contractual Obligation		
						\$9,074.61	12200003	51920	Sick Leave Buy Back		\$184,000.00
	Reason:								Contractual Obligation		
						\$4,384.40	12200003	51940	Clothing Allowance		\$74,262.86
	Reason:								Contractual Obligation		
	\$322,873.25	Total				\$322,873.25	Total				

ORDERED: That the City Clerk advertise **MONDAY, DECEMBER 2, 2019** as **DATE FOR THE JOINT PUBLIC HEARING** with the Board of Assessors to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2020. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law, **APPROVED**; adopted.

Suspension of the Rules requested – granted.

ORDERED: That the Application for Site Plan Approval from Post Road Realty, LLC for The Green District project to be built in the Executive Residential Overlay District (EROD), at 107 Simarano Drive, refer to **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE DECEMBER 2, 2019 COUNCIL MEETING**; adopted.

Suspension of the Rules requested – granted.

ORDERED: That the Application for Special Permit from Attorney Brian Falk, on behalf of One Energy, Inc., to authorize the alteration of a preexisting nonconforming gas station use, to a gas station, convenience store and restaurant/cafe use at 121 Bolton Street, refer to **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE DECEMBER 2, 2019 COUNCIL MEETING**; adopted.

Suspension of the Rules requested – granted.

ORDERED: That the Application for Special Permit from Post Road Realty, LLC to construct a multi-family residential project known as the Green District in the Executive Residential Overlay District (EROD) which will consist of 475 units in two buildings at 107 Simarano Drive, Map 116, Parcels 5, 11 & 12, refer to **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE DECEMBER 2, 2019 COUNCIL MEETING**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Application for LED Sign Special Permit from Attorney Elizabeth McDonough Noonan on behalf of Colbea Enterprises, LLC, 342 Boston Post Road East, in proper legal form, Order No. 19-1007670A, **FILE**; adopted.

ORDERED:

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

LED Sign Special Permit
Colbea Enterprises, LLC
342 Boston Post Road East
Order No. 19-1007670B

**DECISION ON A LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 19-1007670B**

The City Council of the City of Marlborough hereby **GRANTS** the application for an LED Sign Ordinance Special Permit to Colbea Enterprises, LLC, 7 Starline Drive, Cranston, Rhode Island (the “Applicant”), 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 owner of the property located at 342 Boston Post Road East, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 59, Parcel 11 (the “Site”) and operates/will operate a gasoline station.
2. The Applicant seeks an 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 one (1) internally illuminated LED EMC sign with a 6'1" by 16'5 1/4" (100 sq. ft.) electronic message board on an existing pole.
4. In connection with the Application, the Applicant has submitted schematic design of the Site and a sketch plan showing the location of the Sign on the Site (as shown in Exhibit A).
5. The Marlborough City Council held a public hearing on the Application on October 21, 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 and shall conform to the Sign Ordinance of the City of Marlborough.

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 9:07 PM; adopted.