

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 – Robert J. Tunnera
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, SEPTEMBER 13, 2021

The regular meeting of the City Council was held on Monday, September 13, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 9:21 PM.

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

ORDERED: That the Minutes of the City Council meeting, August 23, 2021, **FILE**; adopted.

Mayor Vigeant provided the City Council with an update regarding COVID-19.

That the **PUBLIC HEARING** on the Petition from Massachusetts Electric and Verizon New England, to install a new jointly owned Pole #15-5 and permission for NGRID to install three (3) 50K (120/208) transformers and underground riser-perm connection to customer at 121 Bolton Street, Order No 21-1008373, all were heard who wish to be heard, hearing closed at 8:17 PM, adopted.

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

That the **PUBLIC HEARING** on the Petition from Massachusetts Electric and Verizon New England, to install a new jointly owned Pole #15-15 at 181 Cedar Hill Street, Order No 21-1008374, **CONTINUED UNTIL SEPTEMBER 27, 2021 AT 8:00 PM**, adopted.

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

That the **PUBLIC HEARING** on the Petition from Massachusetts Electric, to replace direct buried cable with cable in conduit using directional drill method on Ferrecchia Drive, Order No. 21-1008375, all were heard who wish to be heard, hearing closed at 8:22 PM, adopted.

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

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

ORDERED: That the Communication from Councilor Ossing and Councilor Tunnera, re: Municipal Aggregation – September 2021 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 Grant Acceptance in the amount of \$28,721.48 from Executive Office of Public Safety & Security, FY22 State 911 Grant Program, awarded to the Police Department to fund the purchase of equipment, conduct quality assurance reviews and offset overtime costs for Dispatch personnel; 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 Grant Acceptance in the amount of \$154,964.00 from Executive Office of Public Safety & Security, FY22 State 911 Grant Program, awarded to the Police Department to be used to offset personnel overtime costs in the Public Safety Dispatching Center; 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 Grant Acceptance in the amount of \$38,072.48 from Executive Office of Public Safety & Security, FY22 State 911 Grant Program, awarded to the Police Department to fund all mandated trainings for Dispatch personnel; 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 Grant Acceptance in the amount of \$7,000.00 from BayPath Elder Services, awarded to the Council on Aging which will be utilized to assist seniors to obtain "A Hoarding and Clutter Free Lifestyle"; 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 Grant Acceptance in the amount of \$4,000.00 from BayPath Elder Services, awarded to the Council on Aging which will be utilized to have two (2) trained and certified staff members in PEARLS (Program to Encourage Active Rewarding Lives); 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 in the amount of \$7,500.00 from Digital Federal Credit Union (DCU) to the Police Department to support the departments community outreach programs such as the Youth Academy and the Christmas Heroes for Helpers program; adopted.

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

ORDERED: That the Transfer Request in the amount of \$93,243.00 which moves funds from Reserved for Salaries to Sick Leave Buy Back and Longevity to fund recent retirements in the Department of Public Works and Police Departments, referred to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Various					FISCAL YEAR:	2022	
		FROM ACCOUNT:					TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$1,075,817.00	\$93,243.00	11990006	57820	Reserve for Salaries	\$31,375.00	12100003	51920	Sick Leave Buy Back	\$142,155.10
	Reason:							Retirement payout	
					\$22,189.00	14001303	51920	Sick Leave Buy Back	\$0.00
								Retirement payout	
					\$2,040.00	14001303	51430	Longevity	\$22,188.78
	Reason:							Retirement payout	
					\$34,106.00	14001103	51920	Sick Leave Buy Back	\$0.00
	Reason:							Retirement payout	
					\$3,533.00	14001103	51430	Longevity	\$10,879.63
	Reason:							Retirement payout	
	\$93,243.00	Total			\$93,243.00	Total			

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

ORDERED: That the Transfer Request in the amount of \$70,645.00 which moves funds from Assistant Building Commissioner to Contract Services to fund additional resources to assist within the Building Department, referred to **FINANCE COMMITTEE**; adopted.

	CITY OF MARLBOROUGH										
	BUDGET TRANSFERS --										
	DEPT:	Inspectional Services					FISCAL YEAR:	2022			
		FROM ACCOUNT:					TO ACCOUNT:				
Available										Available	
Balance	Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance
\$82,360.00	\$70,645.00	12410001	50095	Asst Building Commissioner		\$70,645.00	12410004	53140	Contract Services		\$0.00
	Reason:	Vacant position					Outsourcing of inspectional services				
	\$70,645.00	Total				\$70,645.00	Total				

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Proposed Zoning Amendment to Chapter 650 of the Code, to add a new section to create the “Commercial Village Housing Overlay District”, in proper legal form, Order No. 21-1008293, **MOVED TO ITEM 28** and **FILE**; adopted.

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Application for Special Permit from Attorney Michael Brangwynne, on behalf of Raising Cane’s Restaurants, LLC, to construct and operate a restaurant with two drive-thru service lanes on the site at, 141 Boston Post Road West, in proper legal form, Order No. 21-1008307, **MOVED TO ITEM 29** and **FILE**; adopted.

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Application for Special Permit from Edgewood Entertainment, LLC, to operate indoor golf simulators and a bar area in the existing building at 229 Boston Post Road West, in proper legal form, Order No. 21-1008328, **MOVED TO ITEM 30** and **FILE**; adopted.

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Application for Special Permit from Attorney Brian Falk, on behalf of Dasilva Landscaping, Inc., to construct and operate a landscaper's yard at the Airport Industrial Park, 685 Farm Road, Unit 17, in proper legal form, Order No. 21-1008345, **MOVED TO ITEM 31** and **FILE**; adopted.

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Application for Special Permit from Attorney Brian Falk, on behalf of Lourival Masonry, LLC, to construct and operate a contractor's yard at the Airport Industrial Park, 685 Farm Road, Unit 18, in proper legal form, Order No. 21-1008346, **MOVED TO ITEM 32** and **FILE**; adopted.

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Application for Site Plan Review from Attorney Brian Falk on behalf of Global Montello Group Corp., to add a patio with seating next to its newly renovated convenience store within the Wayside District, 656 Boston Post Road East, in proper legal form, Order No. 21-1008353, be **MOVED TO ITEM 33** and **FILE**; adopted.

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

ORDERED: That the request of the City Clerk to authorize In-Person Early Voting for the Municipal Election scheduled for Tuesday, November 2, 2021 beginning on Saturday, October 23, 2021 and ending on Friday, October 29, 2021 pursuant to Chapter 29 of the Acts of 2021 and that the hours be set according to the schedule below, **APPROVED**; adopted.

IN-PERSON EARLY VOTING HOURS:

Saturday, October 23, 2021	9:00 AM to 3:00 PM
Sunday, October 24, 2021	10:00 AM to 4:00 PM
Monday, October 25, 2021	8:30 AM to 7:00 PM
Tuesday, October 26, 2021	8:30 AM to 5:00 PM
Wednesday, October 27, 2021	7:00 AM to 5:00 PM
Thursday, October 28, 2021	8:30 AM to 5:00 PM
Friday, October 29, 2021	8:30 AM to 5:00 PM

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

ORDERED: That there being no objection thereto set **MONDAY SEPTEMBER 27, 2021** as the **DATE FOR PUBLIC HEARING**, on the Petition from Petition from Crown Castle NG East LLC, to install underground conduit on Crowley Drive and Fitchburg Street, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Communication from the Executive Office of Housing and Economic Development, re: Request for advisory opinion on 'Eligible Location' of proposed Commercial Village Housing Overlay District, **FILE**; adopted.

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

ORDERED: That the Communication from Central MA Mosquito Control Project, re: Personnel will be in the community responding to residents' concerns about mosquitos on various dates in September 2021, **FILE**; adopted.

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

ORDERED: That the Communication from Scott Weiss of the Gutierrez Company, re: Proposed "Commercial Village Housing Overlay District", Order No. 21-1008293, **FILE**; adopted.

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

ORDERED: That the Communication from Michele Guadagnino and Michael Tutterman, re: Request to transfer name and renew for an additional 5-year term the license for parking by the owners of 56 Emmett Street, referred to the **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE**; adopted.

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

ORDERED: That the Communication from a resident in opposition of the Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm), Order No. 20/21-1007995, **FILE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 4, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk, on behalf of Aubuchon Realty Company, Inc., for two drive-through facilities associated with a new Starbucks and a bank at the Wayside Crossing Plaza, 661 Boston Post Road East referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; 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) School Committee, June 22, 2021.
- b) Conservation Commission, July 22, 2021, August 5, 2021 & August 19, 2021.
- c) Historical Commission, June 17, 2021.
- d) Planning Board, June 7, 2021 & June 21, 2021.

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

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

- a) Gloria Oliveira, 30 Main Street, Marlborough, other property damage and/or personal injury.
- b) Cloves Freitas, 15 Briarwood Lane, Marlborough other property damage and/or personal injury.
- c) Richard Lamy, 76 Phelps Street, Marlborough, residential mailbox claim (2a).

Reports of Committees:

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

**City Council Public Services Committee
Report and Minutes
September 8, 2021**

The Public Services Committee convened its meeting at 7:00 PM in the City Council Chamber, 2nd floor, City Hall, 140 Main Street. Public Services Committee members present were Chair Landers, Councilor Perlman and Councilor Irish. Other Councilors present were Councilors Navin and Doucette. Others Present: Daniel Klasnick, Counsel for Verizon Wireless, addressed the three petitions for small cell wireless facilities.

By email dated 9/8/21, City Engineer DiPersio submitted petitioner has addressed his questions and he has no further concerns with these three requests.

Order No. 21-1008355: Application submitted by Daniel D. Klasnick on behalf of Cellco Partnership, d/b/a Verizon Wireless, for Small Cell Wireless installation to be located on existing Pole #7 within public right of way at 123 Boston Post Road West, Pole height 36.75 feet; proposed Antenna height 39.92 feet.

The first small cell wireless installation will be located in the public right of way in the vicinity of the Embassy Suites hotel. Chair Landers read through the proposed, draft conditions submitted by Atty. Klasnick. No changes were suggested to the draft.

Motion by Councilor Perlman, seconded by Councilor Irish, to recommend approval of the petition as submitted to locate a small cell facility on Pole #7 within public right of way at 123 Boston Post Road West. Vote 3-0

Order No. 21-1008356: Application submitted by Daniel D. Klasnick on behalf of Cellco Partnership, d/b/a Verizon Wireless, for Small Cell Wireless installation to be located on existing Pole #1 within public right of way at 493 Boston Post Road West, Pole on Boundary Street, Pole height 43.0 feet; proposed Antenna height 46.17 feet.

The second small cell wireless installation requested by Verizon Wireless will be located on existing Pole #1 located on Boundary Street. Chair Landers noted the draft conditions for all three sites are very similar. Atty. Klasnick submitted the draft petition is based on requirements set forth in the city's ordinance governing small cell wireless facilities.

Motion by Councilor Irish, seconded by Councilor Perlman, to recommend approval of the petition as submitted to locate a small cell facility on Pole #1 within public right of way at 493 Boston Post Road West. Vote 3-0

Order No. 21-1008357: Application submitted by Daniel D. Klasnick on behalf of Cellco Partnership, d/b/a Verizon Wireless, for Small Cell Wireless installation to be located on a replacement Pole #22 within public right of way at 11 Atkinson Drive, Pole on Ames Street, Pole height 38.5 feet; proposed Antenna height 41.50 feet.

Motion by Councilor Perlman, seconded by Councilor Irish, to recommend approval of the petition as submitted to locate a small cell facility on replacement Pole #22 within right of way at 11 Atkinson Drive. Vote 3-0

Reports of Committee Continued:

Motion by Councilor Perlman, seconded by Chair, to adjourn; Adjourned at 7:38PM

Chair will request suspension of the Rules to refer to the City Solicitor to place all (3) three draft petitions on the September 27, 2021 agenda for final votes by the City Council.

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

Suspension of the Rules – granted.

ORDERED: That the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on the existing Pole within the public right of way at 123 Boston Post Road West, Pole #7, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE SEPTEMBER 27, 2021 COUNCIL MEETING**; adopted.

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

Suspension of the Rules requested – granted.

ORDERED: That the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on the existing Pole within the public right of way at 493 Boston Post Road West, Pole #1, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE SEPTEMBER 27, 2021 COUNCIL MEETING**; adopted.

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

Suspension of the Rules requested – granted.

ORDERED: That the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on replacement Pole within the public right of way at 11 Atkinson Drive, Pole #22 (Pole located on Ames Street), referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE SEPTEMBER 27, 2021 COUNCIL MEETING**; adopted.

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

That the Proposed Zoning Amendment to Chapter 650 of the Code, to add a new section to create the “Commercial Village Housing Overlay District”, be amended in Section F “Dimensional Requirements” (7) by adding after the words “three (3) stories”, the following “or 45 feet in height” and further in the same section by adding after the words “two and on-half (2 ½) stories in height”, the words “or 38 feet”, **APPROVED**; adopted.

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

ORDERED: That the Proposed Zoning Amendment as further amended by Councilor Robey to Chapter 650 of the Code, to add a new section to create the “Commercial Village Housing Overlay District”, Order No. 21-1008293, **DENIED**; adopted.

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

ORDERED:

**DECISION ON A SPECIAL PERMIT
RASING CANE'S RESTAURANTS, LLC**

**DECISION ON A SPECIAL PERMIT
ORDER NO. 21-1008307E**

The City Council of the City of Marlborough hereby **GRANTS** the application for a Special Permit to Raising Cane's Restaurants, LLC for the installation of a new restaurant with dual lane drive through service at 141 Boston Post Road West (Route 20), Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Raising Cane's Restaurants, LLC, has offices located at 6800 Bishop Road, Plano, Texas, and is hereinafter referred to as the "Applicant."
2. The Applicant is party to a lease agreement with RK Associates Marlborough, Inc., which owns the premises known and numbered as 141 Boston Post Road West (Route 20), Marlborough, Massachusetts and further described on Marlborough Assessor's Maps at Map 78, Parcel 15A (hereinafter, the "Site"). In accordance with Article V, Sections 650-14(B)(2) and 650-17 of the Zoning Ordinance of the City of Marlborough, Applicant is seeking the approval of a new restaurant with dual lane drive through service at the Site (hereinafter, the "Project").
3. The Applicant has filed with City Clerk of the City of Marlborough an application for a Special Permit (hereinafter, the "Application").
4. The Site is located in the Business zoning district as determined by the Zoning Map of the City of Marlborough.
5. In connection with the Application, Applicant has submitted a certified list of abutters, filing fees, and a detailed site plan titled "Proposed Site Plan Documents for Raising Cane's Proposed Restaurant with Drive-Thru. Location of Site: 141 Boston Post Road West, City of Marlborough, Middlesex County, Massachusetts, Map #78, Lot 15A", prepared by Bohler Engineering, 352 Turnpike Road, Southborough, MA, scale 1"=80', dated April 9, 2021, most recently revised July 12, 2021 (hereinafter, the "Plans") as **Attachment "A"**.
6. 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.
7. 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 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.

8. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the Application on Monday, June 21, 2021, which was continued to Monday, July 19, 2021.
9. Applicant, through its counsel, traffic consultant and civil engineering consultant, presented testimony at the public hearing detailing the application, describing its impact upon municipal services, the neighborhood, and traffic.
10. At the public hearing, no members of the public spoke in favor of the Project and one member of the public indicated they were not in opposition and raised certain traffic concerns with respect to the Project.
11. The Applicant submits that the Project will provide an added benefit to the community in the form of desired quality food services provided in an efficient manner. The Applicant further submits that the Project is in harmony with the general purpose and intent of the City Zoning Code as required for the issuance of a Special Permit.

**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 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** Applicant a Special Permit to construct a restaurant with dual lane drive through service as shown on the Plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on 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 Plans 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 in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications, or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed, and approved by the City Council as the Special Permit Granting Authority. Any changes to the Plans which alter the traffic patterns or landscaping, or reduce the overall green space of the Project, will require subsequent approval by the City Council.

3. Compliance with Applicable Laws. Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of Applicant's Project.
4. Signage. The locations and design of signage shall be reviewed and approved by the City of Marlborough during Site Plan Review in accordance with the sign ordinance of the City of Marlborough. It is a further condition that the location of the signage shall not be substantially different than that shown on the Plans submitted herewith, allowing, however, for minor changes in the field so as to avoid conflicts with existing City infrastructure.
5. Pavement Markings/Traffic Signage. The location and placement of pavement markings and traffic directional signage shall be reviewed and approved by the City of Marlborough during Site Plan Review in accordance with applicable rules and regulations of the City of Marlborough.
6. No Overnight Parking. There shall be no overnight parking at the Site.
7. Landscaping. Applicant, its successors and/or assignees agrees to maintain the Project landscaping substantially in conformance with the Plans as submitted to the City Council and/or the City Council's Urban Affairs Committee, as may be amended during Site Plan Review.
8. Noise. The drive through shall employ a speaker system of a quality that seeks to minimize the noise emanating from the speaker system and in full compliance with the noise ordinance of the City of Marlborough. The drive through audio speakers also shall not produce noise at the property line greater than that which would be allowed at the property line in a Residential zoning district, in accordance with the noise ordinance of the City of Marlborough.
9. 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.
10. Engineering Changes. Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, or increase the size of the building shown on the Plans.
11. Parking Areas. Parking areas will be swept and maintained by Applicant, its successors and/or assigns as necessary. Applicant, its successors and/or assigns shall be responsible for providing, installing and maintaining all signage or markings required by the Marlborough Traffic Commission. Such signage or markings shall meet the standards of the Manual on Uniform Traffic Control Devices.
12. Hours of Operation. The hours of operation for the restaurant will be Sunday through Thursday, 9:00 AM to 1:00 AM and Friday to Saturday, 9:00 AM to 3:30 AM. The hours of operation for the drive through facility will be Sunday through Thursday, 9:00 AM to 1:00 AM and Friday to Saturday, 9:00 AM to 3:30 AM.

13. Trenching; Staging. All trenching shall be in compliance with Massachusetts law and pursuant to permits issued by the Engineering Division of the City's Department of Public Works. During construction, no vehicles shall be staged on public ways.
14. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this 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: 10 – Nay: 1

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Ossing, Perlman, & Robey.

Nay: Oram.

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

ORDERED:

**DECISION ON A SPECIAL PERMIT
EDGEWOOD ENTERTAINMENT LLC**

**DECISION ON A SPECIAL PERMIT
ORDER NO. 21-1008328C**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Edgewood Entertainment LLC (hereinafter "Applicant Tenant"), as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. Applicant Tenant is a duly organized and existing Massachusetts LLC with its principal place of business at 48 Edgewood Road, Southborough, MA 01772.
2. The landlord is RK Associates-Marlboro, Inc., a duly organized and existing Massachusetts corporation with its principal place of business located at 50 Cabot Road, Needham, MA 02494.
3. The landlord is the title owner of the property located at 229 Boston Post Road West, Marlborough, MA, being shown as a portion of Parcel 2A on Assessors Map 78 (the "Site"). The landlord and Applicant Tenant have executed or will execute a lease regarding the Site, and its use pursuant to the terms of this special permit regarding the Site.
4. The Applicant Tenant seeks permission to utilize a portion of the Site as a commercial indoor recreation establishment and place of amusement that will include various golf entertainment features and bar area features for playing, training and entertaining patrons (the "Use") on the Site as shown on the Plans referenced below.
5. The Applicant Tenant, on June 7, 2021, filed with the City Clerk of the City of Marlborough, an Application for a Special Permit under the provisions of § 650-17 and pursuant to the procedures specified in § 650-57 of the Marlborough Zoning Ordinance (the "Application").

6. In connection with Application, the Tenant Applicant submitted a certified list of abutters, filing fees, a site plan entitled “ALTA/NSPS Land Title Survey Plan” – labeled “Overall Building Plan” by Kelly Engineering Group, with the last revision date of October 2, 2019, a plan entitled “Lease Outline Drawing” and labeled “Current Unit Interior and Exterior” by DSH Design Group with a last revision date of December 11, 2019, and a sketch floor plan entitled “X-Golf Marlborough” (collectively, the “Plans”) as **“Attachment A.”** The Site contains an existing commercial building. The Use and subject portion of the Site are shown in that building on the Plans.
7. No modifications are proposed to the exterior of the building, no structural modifications are proposed to the interior of the building, and no parking areas will be created or modified.
8. The Application has been certified by the Building Commissioner, acting on behalf of the City Planner, as being complete in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a special permit.
9. The Site is located in the Business Zoning District.
10. 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.
11. The Marlborough City Council pursuant to MGL Chapter 40A held a public hearing on July 19, 2021, concerning the Application. The hearing was opened and closed at that meeting.
12. The Applicant Tenant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
13. At the public hearing, Holly Irvine-Salvi, representing Brian Salvi who will be managing the operation of the business and is the Applicant Tenant, described the proposed business as being one that would provide an indoor venue that will include various golf entertainment features and bar area features for playing, training, and entertaining patrons. In response to questions from city councilors, he indicated that: a) generally, customers will reserve golf bays online and/or will schedule events in advance. Walk-ins will be allowed based on golf bay availability; b) a full kitchen is not required; express ovens will be used for warming; and c) liquor license is a requirement of the franchise. No member of the public spoke, either in favor or in opposition to the Use.
14. Following the public hearing, the Urban Affairs Committee held a meeting on July 26, 2021 during which this Application was discussed.

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

- A. The Applicant Tenant 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 Tenant, its successors and/or assigns, a Special Permit to operate an indoor recreation establishment and place of entertainment as shown on the Plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
 - 1. 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.
 - 2. Signage: Any signage installed or erected on the Site shall meet the requirements of the Sign Ordinance of the City of Marlborough, without variance.
 - 3. Compliance with Local, State and Federal Laws: The Applicant Tenant agrees to comply with all rules, regulations and ordinances from the City of Marlborough, the Commonwealth of Massachusetts, and Federal Government as they may apply to the construction, maintenance of equipment and operation of the Use and public peace and good order if the Chief of Police determines that either the business or the Applicant Tenant are acting contrary to public peace and good order. The Chief shall notify the applicant in writing and deem corrective measures be put into effect in seven days. Upon the failure or inability of the applicant tenant to correct such measures, the Police Chief may require the applicant tenant to employ one or more police detail officers during such hours or days that the Police Chief in exercise of the sole discretion deemed to be necessary for the purpose of correcting the conditions.
 - 4. Public Peace and Good Order: Applicant Tenant shall obtain appropriate CORI information regarding all employees of Applicant Tenant and shall keep said information available for inspection by local police upon request.
 - 5. Parking: Per the Building Commissioner, 40 off-street parking spaces in the plaza are required for the Use.
 - 6. Hours of Operation: The hours of operation of the Use shall not be earlier than 7:00 AM or later than 12:00 AM on any day. If the Ward Councilor, Chief of Police or other Councilor has not heard of any complaints in a year's time, then the hours of operation can remain the same. Service of alcohol shall not take place earlier than 10:00 AM and shall cease by 12:00 AM Monday-Saturday, and on Sundays shall take place not earlier than 11:00 AM and cease by 12:00 AM and shall be subject to the requirements of the Licensing Board.

7. Limits of Use: The proposed Use is to provide an indoor recreation area that will include various golf entertainment features and bar area features for playing, training and entertaining patrons.
8. Food Preparation: Applicant Tenant shall obtain a permit and any other approvals from the Director of the Marlborough Board of Health and pay the accompanying fees.
9. Certificate of Occupancy Required: No use of the premises will be made pursuant to this special permit unless and until a Certificate of Occupancy has been obtained from the Building Commissioner.
10. No Expansion of Use Area or Change in Area Configuration: Only the area of Unit 6, containing approximately 9,075 square feet, which has been specified in the Plans attached hereto, will be used for the Use. To the extent that a substantial increase in, or a change in the configuration of, the area used for this use is desired, the Building Commissioner shall determine whether such increase or change constitutes a substantial change of the permitted use, and if so, no such area increase, or configuration change shall be permitted unless and until this special permit has been modified by the City Council.
11. Subsequent Users: Before any successor tenant uses Unit 6 for the uses allowed in this special permit, the Director of the Marlborough Health Department shall determine in writing that any permit required of Applicant Tenant, and any other permit determined by the Director to be necessary, has been obtained.
12. Required Approval Regarding Sanitary Conditions: Prior to the beginning of operation of the business, the Director of the Marlborough Health Department shall determine in writing what, if any, special sanitary requirements are necessary to assure that the facility does not cause unusual health risks to those using the facility or to the public. The Director may later, in writing, amend and/or add to said requirements as he deems necessary. Such determination, and any such amendments and/or additions, shall be provided by the Director to the City Council. Any failure to comply with said sanitary requirements shall be a violation of this permit.
13. Recording of Decision: In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant Tenant, its successors and/or assigns, 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: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED:

**DECISION ON A SPECIAL PERMIT
DASILVA LANDSCAPING, INC.**

**DECISION ON A SPECIAL PERMIT
ORDER NO. 21-1008345C**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Dasilva Landscaping, Inc. (the “Applicant”) for a landscape contractor’s yard at 685 Farm Road, Unit 17, also known as 49 Airport Boulevard, in the Limited Industrial Zoning District, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Dasilva Landscaping, Inc., is a Massachusetts corporation with an address of 110 Dartmouth Street, Marlborough, MA 01752.
2. The Applicant is the prospective owner of the property located at 685 Farm Road, Unit 17, Marlborough, Massachusetts, also known as 49 Airport Boulevard, being shown as a portion of Parcel 52 on Assessors Map 73 (the “Site”).
3. In accordance with Article V, Section 650-17 and Section 650-18(A)(48), of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes a landscape contractor’s yard at the Site (the “Use”). As shown on the Plans referenced in paragraph 5 below, the Use consists of a building, accessory parking, outdoor storage areas, and landscaped areas.
4. 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.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a site plan entitled “Proposed Site Plan of Use Area #17 Airport Boulevard” by Connorstone Engineering, with the last revision date of August 10, 2021, a landscaping plan entitled “Proposed Landscape Plan of Use Area #17 Airport Boulevard” by Connorstone Engineering, with the last revision date of July 13, 2021, and a site plan for the overall Airport Industrial Park entitled “Proposed Site Plan for Driveway, Drainage & Landscaping of 677-681 Farm Road” approved by the Site Plan Committee on October 24, 2019 (collectively the “Plans”) as **“Attachment A.”**
6. 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.
7. The Site is located in the Limited Industrial Zoning District.
8. The Site has an area of 30,000 square feet +/- as shown on the Plans.

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, July 19, 2021. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on July 19, 2021.
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 favor of the Use and 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 for a landscape contractor's yard at 685 Farm Road, Unit 17, also known as 49 Airport Boulevard, as shown on the Plans filed, **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 Plans 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 Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications, or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed, and approved by the City Council as the Special Permit Granting Authority.

3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the City Council or the Site Plan Review Committee may approve engineering changes to the Plans, so long as said changes do not change the Use as approved herein, or materially increase the impervious area of the Use, reduce the green area, alter traffic flow, or increase the size of the building, all as shown on the Plans.
4. 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.
5. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, 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, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.
6. Fencing. In accordance with Section 650-18(A)(48) of the Zoning Ordinance, the Applicant shall install solid fencing to screen areas of the Site used for the storage of vehicles, equipment, and materials from the street and adjacent properties, and shall maintain the fencing in good repair. The fencing shall comply with the requirements of all applicable City Ordinances.
7. Outdoor Storage Areas. In accordance with Section 650-18(A)(48) of the Zoning Ordinance, the outdoor storage of vehicles, equipment, and materials shall be located on impervious and otherwise dust-free surfaces. Materials shall be stored with sufficient protections to avoid damage to landscaped areas and to avoid interference with the proper functioning of stormwater infrastructure. Lawn areas shall be separated from adjacent parking/storage areas with curbing. The bulk storage of bark mulch at the Site shall be subject to fire safety conditions approved through the Site Plan Review process. The Site shall not be used to store grass clippings or similar debris.
8. Indoor Storage Areas. Building areas used to store vehicles, equipment, and materials indoors shall be equipped with floor drainage systems designed to prevent fuel, oil, and other hazardous materials from entering the stormwater or sewer systems, approved through the Site Plan Review process.
9. Vehicle Repairs and Maintenance. The Site may not be used for major repairs of vehicles and equipment, but minor maintenance of vehicles and equipment which are exclusively operated as part of the Use may be performed indoors only, subject to Condition #10.
10. Noise and Air Quality. The Applicant, its successors and/or assigns, shall comply with the City's Noise Ordinance and shall comply with all state and federal requirements governing air quality and emissions.

11. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties, with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review process. Exterior lighting at the Site shall be shut off outside of operating hours, except for lighting necessary for security and emergency access.
12. Compliance with Applicable Laws. The Applicant, its successors and/or assigns 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, its successors and/or assigns, 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: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED:

**DECISION ON A SPECIAL PERMIT
LOURIVAL MASONRY, CO., LLC**

**DECISION ON A SPECIAL PERMIT
ORDER NO. 21-1008346C**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Lourival Masonry Co., LLC (the "Applicant") for contractor's yard at 685 Farm Road, Unit 18, also known as 37 Airport Boulevard, in the Limited Industrial Zoning District, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Lourival Masonry Co., LLC, is a Massachusetts limited liability company with an address of 24 Hager Street, Marlborough, MA 01752.
2. The Applicant is the prospective owner of the property located at 685 Farm Road, Unit 18, Marlborough, Massachusetts, also known as 37 Airport Boulevard, being shown as a portion of Parcel 52 on Assessors Map 73 (the "Site").
3. In accordance with Article V, Section 650-17 and Section 650-18(A)(48), of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes a contractor's yard at the Site (the "Use"). As shown on the Plans referenced in paragraph 5 below, the Use consists of a building, accessory parking, outdoor storage areas, and landscaped areas.
4. 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.

5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a site plan entitled “Proposed Site Plan of Use Area #18 Airport Boulevard” by Connorstone Engineering, with the last revision date of August 10, 2021, a landscaping plan entitled “Proposed Landscape Plan of Use Area #18 Airport Boulevard” by Connorstone Engineering, with the last revision date of July 13, 2021, and a site plan for the overall Airport Industrial Park entitled “Proposed Site Plan for Driveway, Drainage & Landscaping of 677-681 Farm Road” approved by the Site Plan Committee on October 24, 2019 (collectively the “Plans”) as **“Attachment A”**.
6. 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.
7. The Site is located in the Limited Industrial Zoning District.
8. The Site has an area of 30,000 square feet +/- as shown on the Plans.
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, July 19, 2021. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on July 19, 2021.
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, two members of the public spoke in favor of the Use and 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 for a contractor's yard at 685 Farm Road, Unit 18, also known as 37 Airport Boulevard, as shown on the Plans filed, **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 Plans 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 Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications, or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
 3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the City Council or the Site Plan Review Committee may approve engineering changes to the Plans, so long as said changes do not change the Use as approved herein, or materially increase the impervious area of the Use, reduce the green area, alter traffic flow, or increase the size of the building, all as shown on the Plans.
 4. 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.
 5. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, 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, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

6. Fencing. In accordance with Section 650-18(A)(48) of the Zoning Ordinance, the Applicant shall install solid fencing to screen areas of the Site used for the storage of vehicles, equipment, and materials from the street and adjacent properties, and shall maintain the fencing in good repair. The fencing shall comply with the requirements of all applicable City Ordinances.
7. Outdoor Storage Areas. In accordance with Section 650-18(A)(48) of the Zoning Ordinance, the outdoor storage of vehicles, equipment, and materials shall be located on impervious and otherwise dust-free surfaces. Materials shall be stored with sufficient protections to avoid damage to landscaped areas and to avoid interference with the proper functioning of stormwater infrastructure. Lawn areas shall be separated from adjacent parking/storage areas with curbing.
8. Indoor Storage Areas. Building areas used to store vehicles, equipment, and materials indoors shall be equipped with floor drainage systems designed to prevent fuel, oil, and other hazardous materials from entering the stormwater or sewer systems, approved through the Site Plan Review process.
9. Vehicle Repairs and Maintenance. The Site may not be used for major repairs of vehicles and equipment, but minor maintenance of vehicles and equipment which are exclusively operated as part of the Use may be performed indoors only, subject to Condition #10.
10. Noise and Air Quality. The Applicant, its successors and/or assigns, shall comply with the City's Noise Ordinance and shall comply with all state and federal requirements governing air quality and emissions.
11. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties, with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review process. Exterior lighting at the Site shall be shut off outside of operating hours, except for lighting necessary for security and emergency access.
12. Compliance with Applicable Laws. The Applicant, its successors and/or assigns 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, its successors and/or assigns, 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: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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

ORDERED: That the City Council of the City of Marlborough does hereby approve the Site Plan Permit, which sets forth an Approval with conditions of the site plans submitted by Global Montello Group Corp., to add a patio with seating at 656 Boston Post Road East, Marlborough, **APPROVED**; adopted.

Motion by Councilor Tunnera, 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 9:21 PM; adopted.