

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, NOVEMBER 8, 2021

The regular meeting of the City Council was held on Monday, November 8, 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 8:49 PM.

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

ORDERED: That the Minutes of the City Council meeting, October 18, 2021, **FILE**; adopted.

Mayor Vigeant provided the City Council with an update on COVID-19 and city events.

That the PUBLIC HEARING on the Proposed Zoning Amendment to Chapter 650, requested by the Mayor, to extend the Housing Moratorium on the acceptance of any new multi-family housing projects through December 31, 2021, Order No 21-1008414, all were heard who wish to be heard, hearing closed at 8:23 PM, adopted.

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

That the PUBLIC HEARING on the Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Garden Remedies, Inc., requesting to update the signage at the Marlboro Square Retail Plaza, 416 Boston Post Road East, Order No 21-1008417, all were heard who wish to be heard, hearing closed at 8:26 PM, adopted.

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

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

To remove from the Urban Affairs Committee, Order No. 21-1008417A, the Application for Modification of Special Permit for Garden Remedies, 416 Boston Post Road East – granted.

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

ORDERED: That the Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Garden Remedies, Inc., requesting to update the signage at the Marlboro Square Retail Plaza, 416 Boston Post Road East, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE NOVEMBER 22, 2021 COUNCIL MEETING**; adopted.

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

ORDERED: That the Certification from Ward 4 Councilor Robert Tunnera as required under MGL Chapter 39 §23D (“Mullin Rule”), regarding the Application for Special Permit 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, Order No 21-1008395, **FILE**; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance to the Council on Aging/Senior Center in the amount of \$675.00 from the Winske and Fitzpatrick families in memory of Paul Winske and Kay Fitzpatrick to be used for programming; 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 to the Conservation Commission in the amount of \$186.30 from Benjamin Rippey to be placed in the Conservation Maintenance Fund; 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 \$250.00 from Keep Massachusetts Beautiful to the Conservation Commission to be used to install a Native Pollinator Preservation Garden at Ghiloni Park; 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 \$10,000.00 from a Legislative earmark to be used for the purchase of defibrillators for the senior housing office, and other locations throughout the city; 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 \$15,244.00 from the United States Department of Justice awarded to the Police Department to be used for upgrade and replacement of the department’s defibrillators; 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 Christopher Flood, on behalf of Post Road Mobile Home Park and Sales, Inc., to create a second mobile home park by dividing an existing permitted mobile home park at 181 Boston Post Road East, in proper legal form, Order No. 21-1008354, **MOVED TO ITEM 17** 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 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, in proper legal form, Order No 21-1008395, **MOVED TO ITEM 18** and **FILE**; adopted.

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

ORDERED: Pursuant to Chapter 270 §2.E(8)(b) and its role as the Site Plan Review authority under the Marlborough Village District Zoning, Chapter 650 §34 of the Code of the City of Marlborough, the City Council hereby **APPROVES** the request of M & E Ventures Corporation to extend the time limit to complete the mixed-use project by one year, to February 10, 2023 as outlined by the Site Plan, dated November 5, 2018; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY, DECEMBER 6, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk, on behalf of J & D Landscape Contractors, to construct and operate both a contractor's yard and landscape contractor's yard at the Airport Industrial Park, 101 Airport Boulevard, Unit 12, 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, October 12, 2021.
- b) Conservation Commission, October 7, 2021.
- c) Council on Aging, September 14, 2021.
- d) Planning Board, September 27, 2021 & October 4, 2021.
- e) Traffic Commission, July 28, 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) Engels Varela, 44 Central Street, #2, other property damage and/or personal injury.
- b) Cuiyan Zhang, 46 Barnard Road, residential mailbox claim (2a)

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Report and Minutes
Monday – October 25, 2021**

This meeting convened at 7:15 PM in the City Council Chamber. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting and non-voting members present: Chair Irish; Councilors Wagner, Doucette, Dumais, Perlman, Oram, Robey, Tunnera, Navin, Landers and Ossing. IT Director Mark Gibbs and Finance Director Patrick Jones addressed the transfer.

10-18-21 – Order No. 21-1008427: Communication from Mayor Vigeant with Transfer request in the amount of \$146,288.00 from PEG Funds to IT Equipment to fund the purchase of an electronic time system and equipment.

Reports of Committee Continued:

Chair Irish read the letter from the Mayor requesting the transfer for a long overdue, much needed update to an archaic system by integrating this new paperless, time tracking and employee scheduling system.

Per Mr. Gibbs, the payroll program will be tied into Munis, requiring an annual fee of \$22,000.00 in addition to the upfront cost of \$146,288.00.

Finance Director Jones stated the conversion process will be completed in steps, baby steps—starting with three small departments and then seamlessly bringing on other departments with the goal to simplify the payroll process for small and large departments. Departments with simple payroll will be rolled out first, with police and fire being converted next year.

Motion by Councilor Oram to recommend approval of the transfer of \$146,288.00 from PEG Funds to IT Equipment for the purchase of an electronic time system and equipment, seconded by Chair Irish and approved. Vote 5-0.

Motion by Councilor Perlman to adjourn; seconded by Chair and approved.

Meeting adjourned at 7:45 PM.

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Public Services Committee
Report and Minutes
Monday – October 25, 2021**

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

Voting and non-voting members present: Chair Dumais; Councilors Doucette, Perlman, Robey, Irish, Navin, Landers, and Ossing. Councilor Wagner arrived at 6:50 PM. Councilors Oram and Tunnera arrived respectively at 7:00 and 7:05 PM. Appointees were present in the Chamber to be interviewed as noted.

- 1) **10-04-21 – Order No. 21-1008412:** Appointment of Donna Scalcione to the Council on Aging Board for a four-year term effective the date of Council confirmation.

Motion by Councilor Doucette to recommend approval of the appointment of Donna Scalcione, seconded by Chair Dumais and approved as submitted. Vote 3-0.

- 2) **10-04-21 – Order No. 21-1008413:** Appointment of Raymond Magee to the Council on Aging Board for a four-year term from the date of Council confirmation.

Motion by Councilor Doucette to recommend approval of the appointment of Raymond Magee, seconded by Chair Dumais and approved as submitted. Vote 3-0.

- 3) **10-18-21 – Order No. 21-1008428B:** Reappointment of Priscilla Ryder as Conservation Officer for a three-year term from date of Council confirmation. **Unable to attend – Postponed in Committee.**

Reports of Committee Continued:

- 4) **10-18-21 – Order No. 21-1008428A:** Reappointment of Mark Gibbs as Data Processing Director/Director of Information Technology for a three-year term from date of Council confirmation.

Motion by Councilor Doucette to recommend approval of the appointment of Mark Gibbs, seconded by Chair Dumais and approved as submitted. Vote 3-0.

- 5) **09-27-21 – Order No. 21-1008408:** Appointment of Christopher Firicano as City Collector/Asst. Director of Finance for a term to expire two years after the date of Council confirmation.

Motion by Councilor Doucette to recommend approval of the appointment of Christopher Firicano, seconded by Chair Dumais and approved as submitted. Vote 3-0.

Motion by Councilor Doucette to adjourn, seconded by Chair and approved.

Meeting adjourned at 7:07 PM.

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

ORDERED:

**DECISION ON A SPECIAL PERMIT
POST ROAD MOBILE HOME PARK AND SALES, INC.**

**DECISION ON A SPECIAL PERMIT
ORDER NO. 21-1008354C**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Post Road Mobile Home Park and Sales, Inc. (the “Applicant”) to create a mobile home park by dividing a currently permitted mobile home park into two separate parks at 181 Boston Post Road East, Marlborough, MA as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Post Road Mobile Home Park and Sales, Inc. is a Massachusetts corporation with an address of 181 Boston Post Road East, Marlborough, MA 01752.
2. The Applicant is the owner of the property located at 181 Boston Post Road East, Marlborough, MA being shown as Parcel 29 on Assessors Map 72, including the portion shown as “Lot 2” on the Plan referenced below (the “Site”).
3. In accordance with Article V, Section 650-17 and Section 650-18(A)(5), of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes to create a mobile home park on the Site by dividing a currently permitted mobile home park into two separate parks with the new mobile home park retaining ten (10) permitted mobile home sites (the “Use”) as shown on the Plan referenced below.

4. The Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the proposed Use.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a detailed site plan entitled “Post Road Mobile Homes & Sales Inc.” in Marlboro, Massachusetts, prepared by RJP Construction & Engineering, 21 Chapin St., Northborough, MA, dated May 10, 2021 (the “Plan”) attached hereto 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 Business-B District.
8. The Site has an area of approximately 78,043 square feet as shown on Plan.
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 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, August 23, 2021. The hearing was closed on that date.
11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use.
12. At the public hearing, no members of the public spoke in opposition to the Use.

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

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.
- C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to create a mobile home park by dividing a currently permitted mobile home park into two separate parks, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. 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.
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 Zoning Ordinance and Site Plan Review Ordinance prior to undertaking the Use. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions of this Special Permit. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plan submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
3. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
4. 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
AUBUCHON REALTY COMPANY, INC.**

**DECISION ON A SPECIAL PERMIT
ORDER NO. 21-1008395E**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Aubuchon Realty Company, Inc. (the "Applicant") to build and operate a drive-thru facility for a bank, a drive-thru facility for a coffee shop restaurant, and a walk up window for a coffee shop restaurant, and to modify a preexisting nonconforming use as a dry cleaner by adding said uses (the "Use") at 661 Boston Post Road East, in the Wayside Zoning District, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Aubuchon Realty Company, Inc., is a Massachusetts corporation with an address of 73 Junction Square Drive, Concord, MA 01742.

2. The Applicant is the owner of the property located at 661 Boston Post Road East, Marlborough, Massachusetts, being shown as Parcel 27A on Assessors Map 61 (the "Site").
3. In accordance with Article IV, Section 650-12.B, Article V, Section 650-14.B(2), Section 650-17, Section 650-18(A)(31), and Section 650-37 of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant seeks approval for the Use at the Site, as shown on the Plans referenced in paragraph 5 below.
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, and a site plan entitled "Proposed Site Plan Documents" by Bohler Engineering, with the last revision date of September 29, 2021, (the "Plans") attached hereto 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 Wayside Zoning District.
8. The Site has an area of 91,824 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, October 4, 2021. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on October 4, 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 opposition to the Use.
13. Councilor(s) were absent from the single session of the public hearing on the Application. Prior to the vote on this decision, Councilor(s) filed a written certification as to examination of all the evidence and testimony received at the hearing session as set forth in "Attachment B" hereto, made as part of the record of the hearing, in accordance with Massachusetts General Laws Chapter 39, Section 23D.

**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 finds that the alteration of the Site with respect to the preexisting nonconforming dry cleaner use would not be substantially more detrimental to the neighborhood than the existing nonconforming use.
- D. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to build and operate a drive-thru facility for a bank, a drive-thru facility for a coffee shop restaurant, and a walk up window for a coffee shop restaurant, and to modify a preexisting nonconforming use as a dry cleaner by adding said uses at 661 Boston Post Road East, 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 City Council, 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 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. Noise. The drive-thru facilities shall use high-quality speaker systems that minimize noise and comply with the noise ordinance of the City of Marlborough. The drive-thru audio speakers 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.
7. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties. Exterior lighting at the Site shall be shut off outside of operating hours, except for lighting necessary for security and emergency access.
8. Traffic Flow. The Applicant, its successors and/or assigns, shall install and maintain signage that directs drivers exiting the Site to use the signalized intersection at DiCenzo Boulevard and Boston Post Road East for purposes of traveling west. The Applicant, its successors and/or assigns, shall also install and maintain signage at the east end of the Site, such that it is visible from the DiCenzo Boulevard / Boston Post Road East intersection, that directs drivers headed west on Boston Post Road East to use DiCenzo Boulevard to access the Site's drive-thru facilities, in order to reduce illegal left-turns into the current Target driveway to the west of the Site.
9. 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.
10. 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 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 8:49 PM; adopted.