



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 29, 2019

PAGE 1

ORDERED:

DECISION ON AN APPLICATION TO FURTHER MODIFY A SPECIAL PERMIT IN CITY COUNCIL

Further Modified Special Permit
Main Street Bank
Order No. 18/19-1007461D
X09-1002152C
X12-1004081C

DECISION ON AN APPLICATION TO FURTHER MODIFY A SPECIAL PERMIT CITY COUNCIL ORDER NO. 18/19-1007461D

The City Council of the City of Marlborough hereby GRANTS the application to further modify a previously modified special permit to Main Street Bank (the "Applicant") for the property located at 81 Granger Boulevard, Marlborough, Massachusetts, as provided in this decision ("Decision") and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is the lessee of the property located at 81 Granger Boulevard, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 70, Parcel 152 (the "Site"), and maintains a stand-alone bank facility with drive-through ATM and teller services. The Site's owner is Stephen M. Fitzpatrick, Trustee of Fitzgerald Family Investment Trust, u/d/t December 4, 2007 and recorded with the Middlesex South District Registry of Deeds in Book 50587, Page 296.
2. The Site is subject to a special permit issued by the City Council of the City of Marlborough dated June 22, 2009, Order No. 09-1002152C (the "Original Special Permit," attached hereto as Exhibit A), as modified by Council Order No. 12-1004081C (the "Modified Special Permit") attached hereto as Exhibit B.
3. In light of the amendment to the Marlborough City Code creating § 526-13 entitled, "Electronic message center signs; digital display signs," the Applicant seeks to amend the Original Special Permit, as modified by the Modified Special Permit, by removing Condition #4 which prohibits signs on the Site which have "so-called message board or LCD components" or equivalent features; and inserting in place thereof a new Condition #4 requiring that such signs comport with § 526-13 (the "Application").



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Marlborough, Mass., _____ APRIL 29, 2019

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ORDERED:

4. In connection with the Application, the Applicant has submitted a certified list of abutters, filing fees, and the existing approved site plan for the Site entitled, "Permit Site Plan, Marlborough Savings Bank", prepared for Marlborough Savings Bank, drawn by Hancock Associates, 315 Elm Street, Marlborough, MA, scale 1" = 20', dated March 5, 2009, with a final revision date of May 29, 2009 (the "Plan").
5. The Plan was certified by the acting City Planner for the City of Marlborough as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
6. 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.
7. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on February 25, 2019.
8. The Applicant, through its representatives, presented testimony at the public hearing detailing the Application. No individual in attendance at the public hearing spoke in opposition to the Application.

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 further modified 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 further modified special permit (the "Further Modified Special Permit"), SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:



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Marlborough, Mass., _____ APRIL 29, 2019

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ORDERED:

1. The Original Special Permit, as modified by the Modified Special Permit, is further modified by removing Condition #4 in its entirety and inserting in place thereof the following:
 - 4) The location and design of any signage on the Site shall be reviewed and approved by the City of Marlborough in accordance with § 526-13 entitled, "Electronic message center signs; digital display signs," as set forth in the City Code of the City of Marlborough.
2. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant, its successors and/or assigns shall, at its expense, record this Further Amended Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Further Amended Special Permit has elapsed with no appeal having been filed, and before the Applicant, its successors and/or assigns, has applied to the Building Commissioner for any building permit that may be required concerning the Sign. The Applicant, its successors and/or assigns shall also furnish proof of the Further Amended Special Permit's recording to the City Solicitor's Office and the City Council immediately subsequent to recording.
3. Except as amended by this Decision, the Original Special Permit, as modified by the Modified Special Permit, remains in full force and effect.

Yea: 10 – Nay: 0 – Absent: 1

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

Absent: Delano


Signed by City Council President
Edward J. Clancy

ADOPTED
In City Council
18/19-1007461D



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 29, 2019

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ORDERED:

EXHIBIT A

A9



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass., _____

ORDERED:

NOTICE OF DECISION GRANT OF SPECIAL PERMIT



2009 00196888

Bk: 53650 Pg: 542 Doc: DEC18
Page: 1 of 9 10/08/2009 10:20 AM

In City Council
Order No.09- 1002152C

Application of:
Marlborough Savings Bank
166 Main St.
Marlborough, MA 01752

Locus:
81 Granger Blvd. and 51 Howe St.
Map 70, Parcels 152, 157, 209

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Marlborough Savings Bank as provided in the **DECISION** and subject to the following **FINDINGS OF FACTS AND CONDITIONS**.

Decision filed: July 7, 2009.

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on July 7, 2009.

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.
Given at Marlborough this 28th day of July, 2009.

Given under Chapter 40A sec. 11 of the General Laws.

A TRUE COPY
ATTEST:


City Clerk

SEM AYKANIAN ESQ.
74 MAIN STREET
MARLBOROUGH, MA 01752



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass.,

PAGE 1

ORDERED:

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Marlborough Savings Bank, 166 Main Street, Marlborough, MA for ATM and banking services drive-through facilities, in connection with a proposed stand alone bank facility, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. Marlborough Savings Bank is hereinafter referred to as "Applicant".
2. Applicant is a party to contracts calling for the acquisition of the premises known and numbered as 81 Granger Boulevard and 51 Howe Street, Marlborough, Massachusetts described on Marlborough Assessor's Map 70, Parcels 152, 157 and 209 (hereinafter the "Site") and proposes to construct a stand alone bank facility with ATM and banking services drive-through.
3. Applicant, by and through its site engineer, Hancock Associates, has filed with City Clerk of the City of Marlborough an application for a Special Permit. Pursuant to Section 650-16 of the Zoning Ordinance of the City of Marlborough (2008 Code) Applicant is seeking permission for the drive-through facility.
4. The Site is located in a Business zone as determined by the Zoning Map of the City of Marlborough.
5. In connection with the Special Permit Application, Applicant has submitted a traffic impact and access study, certified list of abutters, filing fees, fire truck access, and a detailed site plan entitled "Permit Site Plan, Marlborough Savings Bank", prepared for Marlborough Savings Bank, drawn by Hancock Associates, 315 Elm Street, Marlborough, MA, scale 1"=20', dated March 5, 2009 and consisting of seven pages, with a final revision dated May 29, 2009 and consisting of eight pages.
6. The site plan was certified by the acting City Planner for the City of Marlborough as having complied with Rule 4, items (a) through (m), of 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 for a Special Permit 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.



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass., _____
PAGE 2

ORDERED:

8. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on April 6, 2009.
9. Applicant presented testimony at the public hearing detailing the application, describing its impact upon municipal services, the neighborhood, and traffic.

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

- A. Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to the special permit application.
- 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 and operate drive through banking services 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 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 Commonwealth of Massachusetts and shall be built according the site plan entitled "Permit Site Plan, Marlborough Savings Bank", prepared for Marlborough Savings Bank, drawn by Hancock Associates, 315 Elm Street, Marlborough, MA, scale 1"=20', dated March 5, 2009 and consisting of seven pages, with a final revision dated May 29, 2009 and consisting of eight pages.



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass., _____ PAGE 4

ORDERED:

7. Snow storage and removal is to be maintained and conducted on site by Applicant, its successors and/or assigns in accordance with the terms of snow removal plan as submitted with the Application for Special Permit. Applicant, its successors and/or assigns shall provide off-site snow removal as required and if deemed necessary by the City of Marlborough Commissioner of Public Works.
8. There shall be no overnight parking at the Site.
9. All catch basins shall be installed in accordance with the plans submitted to the City Council and/or the City Council's Urban Affairs Committee. The catch basins shall be monitored on a semi-annual basis with reports given to the City Engineer annually. The catch basins are to be cleaned by Applicant, its successors and/or assigns annually, or at more frequent intervals as determined necessary by the City Engineer.
10. Applicant, its successors and/or assigns agrees to plant and maintain the Project landscaping as shown on the Site Plan as submitted to the City Council and/or the City Council's Urban Affairs Committee as may be amended during Site Plan Review.
11. The drive-through teller window shall employ a pedestal speaker system of a quality that seeks to minimize the noise emanating from the speaker system and with full compliance of 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 District in accordance with the noise ordinance of the City of Marlborough.
12. Applicant, its successors and/or assigns agrees to screen the Project's trash area by constructing a six foot (6') white vinyl fence screen. Applicant, its successors and/or assigns further agrees that the dumpsters located on Site will be covered. No trash pickup shall occur before 7:00 AM or after 6:00 PM or at any time during weekends.



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass., _____ PAGE 5

ORDERED:

13.

Applicant, its successors and/or assigns agrees that the Site will be subject to a review of the traffic configuration after one-year from the issuance of the Occupancy Permit to determine whether any alterations need to be made to the entrances and egresses to the Site to accommodate traffic flow and ensure public safety and agrees to make changes in compliance with the Marlborough Department of Public Works and Traffic Commission's recommendations.

14.

(a.) All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of this Special Permit Application and as amended 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.

(b.) Notwithstanding condition (a.) hereof, engineering changes may be made to said plans by the Site Plan Review Committee 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, alter traffic flow or increase the size of the building shown on the plan.

15.

In connection with the installation of improvements within public right-of-ways which requires a street opening permit, the City Engineer shall be provided with a schedule of work and the construction procedures to be utilized prior to the commencement of such work. To the extent a police detail is required for such improvements, the Applicant, its successors and/or assigns, and not the City of Marlborough, will bear the costs of any police detail for any work performed within the public way.

16.

Parking areas will be swept and maintained by Applicant, its successors and/or assigns as necessary. Pursuant to the provisions of Massachusetts General Laws, Chapter 90 Sec. 18, Applicant, its successors and/or assigns shall submit a written request and grant of authority to the Marlborough Traffic Commission (the "Commission") to promulgate legally enforceable rules and regulations for the control of on-site and off-site traffic and parking. Applicant, its successors and/or assigns shall be responsible for providing, installing and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the standards of the Uniform Manual On Traffic Control Devices.



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass., _____ PAGE 6

ORDERED:

17. The Police Chief or his designee, may, in the exercise of his professional discretion to protect public safety, order the temporary closure of the drive-through facilities.
18. In accordance with the recommendation of the Building Inspector, the three parcels which make up the site shall be shown as combined on a plan drafted and approved by the Planning Board of the City of Marlborough pursuant to Massachusetts General Laws, Chapter 41, Sec. 81X.
19.
 - a) The hours of operation for the drive-through teller operation shall not exceed the following times:
Monday through Friday, 8:00 AM to 6:00 PM; Saturday, 9:00 AM to 12:00 Noon.
 - b) The operation of the drive-through ATM at the site shall be suspended from 12: 00 Midnight to 5:00 AM; the City Council, after one (1) year from the date when the drive-through ATM commences operations, may review and amend the hours of operation for the drive-through ATM.
20. Applicant's Traffic Engineer will study and report to the Engineering Division of the City's Department of Public Works regarding recommendations for adjustment, if any, to the traffic signal timing on at the intersection of Granger Boulevard and South Bolton Street. Any such adjustments shall only be made with the approval of the said Engineering Division and, if needed, the Commonwealth of Massachusetts.
21. All work performed on Granger Boulevard and South Bolton Street shall be done during off peak hours and, prior to commencement of such work, Applicant, its successors and/or assigns shall provide a traffic management plan relating to the same for approval by the Engineering Division of the City's Department of Public Works.
22. Applicant, its successors and/or assigns will remove and cap existing water and sewer services to 51 Howe Street.



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass.,

PAGE 7

ORDERED:

23. Prior to construction, utility easements shall be established and granted to the City for construction, maintenance or repair of existing City infrastructure including, but not limited to, water, sewer, drain, and traffic control. Landscaping in the area of such easements shall be coordinated by the Applicant, its successors and/or assigns with the Engineering Division of the City's Department of Public Works in the field so as to avoid conflicts with existing infrastructure.
24. 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.
25. The hand hole which is currently within the proposed driveway layout of Granger Boulevard shall be relocated by Applicant, its successors and/or assigns as approved by the City of Marlborough's Department of Public Work's Engineering Division. If the reinforced concrete sidewalk panels are impacted because of said work, Applicant, its successors and/or assigns shall replace the concrete panels to the limits indicated by the City Engineer.
26. Applicant, its successors and/or assigns shall erect and maintain fencing in accordance with the plans and the fence ordinance for the City of Marlborough.
27. During construction, all workers shall park their personal vehicles either on the Site or on the upper levels of the City's parking garages. Any construction vehicles shall be parked on Site.
28. During construction, no vehicles shall be staged on public ways.
29. Applicant, its successors and/or assigns shall utilize HVAC equipment and an emergency generator on the roof of the structure with advanced acoustical technology by which excessive sound emanating from said equipment will be substantially abated in accordance with the noise ordinance for the City of Marlborough and therefore protect the public health, welfare, safety and quality of life for abutting residential properties. Testing of the emergency generator shall be limited to Applicant, its successors and/or assigns' hours of operation as set forth in Condition 19(a) herein.



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass., PAGE 8

ORDERED:

- 30. Applicant, its successors and/or assigns shall be required to hire a site engineer who shall be 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 stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan, the approved erosion control plan, and, if applicable, the Conservation Commission's Order of Conditions. The Applicant, its affiliates, successors and/or assigns shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

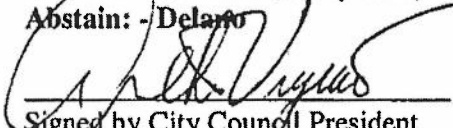
- 31. If the drainage system (during construction and post-construction) constructed by Applicant, its successors and/or assigns fails and the failure is the cause of damage to another's property, Applicant, its successors and/or assigns shall be responsible to pay the owner of said damaged property the full cost of the repair and or replacement of the damaged property. In the event Applicant, its successors and/or assigns does not pay for the damage, it shall be a violation of this Special Permit.

- 32. In accordance with the provisions of M.G.L. c.40A, Sec.11, 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 a Building Permit is issued. Applicant, its successors and/or assigns shall also furnish proof of recording to the City Solicitor's Office and the City Council immediately subsequent to recording.

Yea: 10 – Nay: 0

Yea: Ferro, Schafer, Juajre, Seymour, Clancy, Landers, Ossing, Pope Vigeant, Levy

Abstain: - Delano


 Signed by City Council President
 Arthur G. Vigeant

ADOPTED
 In City Council
 Order No. 09-1002152C



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 29, 2019

PAGE 5

ORDERED:

EXHIBIT B



IN CITY COUNCIL

MAY 7, 2012

Marlborough, Mass.

ORDERED:

DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of
Marlborough Savings Bank
81 Granger Blvd.
Marlborough, MA 01752
Order No. 12-1004081C

Locus:
81 Granger Blvd.
Map 70, Parcel 152

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Marlborough Savings Bank as provided in the DECISION and subject to the following FINDINGS OF FACTS AND CONDITIONS.

Decision filed: May 10, 2012

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 10th day of May, 2012.

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.

Given at Marlborough this 31st day of May, 2012.

Given under Chapter 40A sec. 11 of the General Laws.

A TRUE COPY

ATTEST:

A handwritten signature in black ink, appearing to read "Lisa M. [unclear]", is written over the printed name of the City Clerk.

City Clerk



IN CITY COUNCIL

Marlborough, Mass., _____ MAY 7, 2012
PAGE 1

ORDERED:

DECISION ON AN APPLICATION TO MODIFY A SPECIAL PERMIT

**MARLBOROUGH SAVINGS BANK
81 GRANGER BOULEVARD
MARLBOROUGH, MA**

CITY COUNCIL ORDER NO. 12-1004081C

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 09-1002152C submitted by Marlborough Savings Bank, 81 Granger Boulevard, Marlborough, Massachusetts, as provided in this Decision and subject to the following Evidence, Findings of Fact, and Conditions.

EVIDENCE

1. Marlborough Savings Bank is hereinafter referred to as "Applicant."
2. Applicant is the lessee of the premises known and numbered as 81 Granger Boulevard, Marlborough, Massachusetts, as further described on Marlborough Assessor's Map 70, Parcel 152 (hereinafter the "Site"), and maintains a stand-alone bank facility with drive-through ATM and teller services. The Site's owner is Stephen M. Fitzpatrick, Trustee of Fitzgerald Family Investment Trust, u/d/t December 4, 2007 and recorded with the Middlesex South District Registry of Deeds in Book 50587, Page 296.
3. The Applicant, by and through its attorney, Sem Aykanian, Esq., has filed with the City Clerk of the City of Marlborough an application for a modification of a special permit (hereinafter, the "Application"), to wit, A Notice of Decision Grant of Special Permit issued by the City Council for the City of Marlborough dated June 22, 2009 by Council Order No. 09-1002152C (hereinafter, the "Original Special Permit"). In the Application, the Applicant seeks to extend the hours of operation of both the drive-through teller as well as the drive-through ATM.
4. The Site is located in a Business zone as determined by the Zoning Map of the City of Marlborough.
5. In connection with the Application to modify the Original Special Permit, the Applicant has submitted a certified list of abutters, all appropriate filing fees, and provided copies of the Application to all appropriate parties in accordance with Rules and Regulations promulgated by the City Council for the issuance of a special permit.



IN CITY COUNCIL

Marlborough, Mass., _____ MAY 7, 2012
PAGE 2

ORDERED:

6. The Application was certified by the Building Inspector for the City of Marlborough, acting for and on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m) of 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 to modify the Original Special Permit, 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 Mass. Gen. Laws c. 40A, held a public hearing on the Application on March 26, 2012.
9. The Applicant presented testimony at the public hearing detailing the Application, and describing the projected impact of the extended hours upon municipal services, the neighborhood, and traffic.

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

- A. The City Council finds that the Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council, Chapter 650 (Zoning Code) of the City of Marlborough, and Mass. Gen. Laws c. 40A, §§ 9 and 11, as they pertain to modification of the Original Special Permit.
- B. The City Council finds that the proposed modified use of the Site does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough or Mass. Gen. Laws c. 40A.
- C. The City Council finds that the proposed modified 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 below.



IN CITY COUNCIL

MAY 7, 2012

Marlborough, Mass., _____ PAGE 3

ORDERED:

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 the modification of the Original Special Permit to extend the hours of operation of both the drive-through ATM as well as the drive-through teller (hereinafter, the "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 4**, which conditions shall be binding on Applicant, its successors and/or assigns:

1. The Original Special Permit (No. 09-1002152C) is hereby affirmed, is deemed to be in full force and effect, and applies to the Site without change or modification, except as provided for herein.
2. Condition 19 of the Original Special Permit shall be deleted in its entirety, and in place thereof the following shall be inserted:
 19. (a) The hours of operation of the drive-through teller at the Site shall not exceed the following times: Monday through Saturday, 8:00 AM to 8:00 PM; Sunday, 8:00 AM to 6:00 PM.
 - (b) The hours of operation of the drive-through ATM at the Site shall be 24 hours per day, seven days per week.
3. In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed. Upon said recording, Applicant shall forthwith provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.
4. As per the Permit Site Plan and the Project Narrative submitted in 2009 by Applicant as part of its application for the Original Special Permit, all of Applicant's employees shall use only the parking spaces provided at either of the City of Marlborough's municipal parking garages located on Granger Boulevard, and Applicant's employees shall refrain from using municipal ground-level parking spaces that are more suited to high turn-over patrons of other downtown businesses. Notwithstanding the foregoing, the Applicant may use the 3 parking spaces on the southerly side of the premises (at the southwest corner thereof) for its employees.



IN CITY COUNCIL

Marlborough, Mass., _____ MAY 7, 2012
PAGE 4

ORDERED:

Yea: 10- Nay: 0

Yea: Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram & Robey

Abstained: Delano

A handwritten signature in cursive script that reads "Patricia A. Pope".

Signed by City Council President
Patricia A. Pope

ADOPTED
In City Council
Order No. 12-1004081C