



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

**Lisa M. Thomas  
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Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**DECEMBER 1, 2014**

Regular meeting of the City Council held on Monday, DECEMBER 1, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy, and Landers. Meeting adjourned at 9:32 PM.

ORDERED: That the minutes of the City Council meeting NOVEMBER 17, 2014, **FILE**; adopted.

ORDERED: That the **JOINT TAX CLASSIFICATION PUBLIC HEARING** with the Board of Assessors on Monday, DECEMBER 01, 2014 at 8:00 p.m. in Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street, Marlborough, MA to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2015. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law, all were heard who wish to be heard, hearing recessed at 8:59 p.m.

**Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.**

ORDERED: That the transfer of \$46,230.00.00 (forty six thousand two hundred thirty dollars) from Sale of Graves to Offset the FY2015 Tax Levy, **APPROVED**; adopted.

FROM:

Acct. # 27000-33020 \$46,230.00

Sale of Graves

TO:

To Offset 2015 Tax Levy \$46,230.00

**Suspension of the Rules requested – granted to allow Comptroller/Treasurer Brian Dohoney to speak.**

ORDERED: That the transfer of \$500,000.00 (five hundred thousand dollars) from Acquifer Protection to Offset the FY2015 Tax Levy, **APPROVED**; adopted.

FROM:

Acct. # 61000-31200 \$500,000.00

Acquifer Protection

TO:

To Offset 2015 Tax Levy \$500,000.00

ORDERED: That the transfer of \$3,680,000.00 (three million six hundred eighty thousand dollars) from Overlay Reserve to Offset the FY2015 Tax Levy, **APPROVED**; adopted.

FROM:

Acct. # 10000-32200 \$3,680,000.00

Overlay Reserve

TO:

To Offset 2015 Tax Levy \$3,680,000.00

ORDERED: That the FY2015 Residential Factor of .804390 which results in a CIP shift factor of 1.40 and produces based upon the Fiscal 2015 tax levy a residential tax rate of \$15.76 and a commercial tax rate of 27.43, **APPROVED**; adopted.

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:-

**AN ACT EXEMPTING CERTAIN POSITIONS  
IN THE MARLBOROUGH SCHOOL DEPARTMENT  
FROM THE PROVISIONS OF CIVIL SERVICE**

**Be it enacted** by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, all positions in the School Department of the City of Marlborough, classified in the Munclass Manual within the General Administrative, Clerical, and Office Services Group, identified as Occupational Group 0300; within the Manual Labor Group, identified as Occupational Group 3500; within the Food Preparation and Service Group, identified as Occupational Group 7400; and within the Equipment, Facilities and Services Group, identified as Occupational Group 1600, shall be exempt from the provisions of chapter thirty-one of the General Laws and from any civil service rules promulgated by the Human Resources Division of the Executive Office for Administration and Finance of the Commonwealth of Massachusetts.

**SECTION 2.** The provisions of section 1 of this act shall not affect the rights or status under chapter thirty-one of the General Laws of any person who was hired by the School Department of the City of Marlborough prior to July 1, 2014.

**SECTION 3.** This act shall take effect upon its passage.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2015 State 911 Department Support and Incentive Program Grant in the amount of \$99,805.00 and a Target Grant in the amount of \$1,000.00 awarded to the Police Department. The first Grant will be used to offset personnel costs in the dispatching center and cover fire alarm related purchases. The second Grant will be used to pair a Police Officer with a local family to choose Christmas gifts using Target gift cards.

ORDERED:

**DECISION ON AN APPLICATION TO FURTHER MODIFY  
A SPECIAL PERMIT**

**SPRINT**

**CITY COUNCIL ORDER NO. 14-1005984B**

Re: 450-460 Boston Post Road East (Countryside Village Apartments)

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 11/12-1003071D which had previously modified Special Permit No. 00-8479E, submitted by Sprint Spectrum Realty Company, L.P., having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint Spectrum Realty Company, L.P., acting by and through its agent, Bill Hanrahan, Network Building + Consulting, LLC (hereinafter, "the Applicant").
2. The site is located at 450-460 Boston Post Road East, Marlborough, MA, and is more particularly identified on the Assessor's Map of the City of Marlborough as Map 73, Lot 31 (hereinafter, "the Site"). The owner of record for the Site is Trinity Countryside Limited Partnership.
3. On March 26, 2007, the City Council granted to the Applicant a Special Permit to locate its wireless communications facility (3 canister antennas and associated equipment shelter) on the roof at the existing building located at 450-460 Boston Post Road East, Marlborough, MA (hereinafter, "the Original Special Permit").
4. On April 9, 2012, the City Council granted a special permit to Sprint to modify the Original Special Permit in order to replace six (6) of the currently installed CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility rooftop; six (6) remote radio heads onto an existing wireless communication facility rooftop; replace one (1) GPS mounted to the rooftop; replace two (2) cabinets with three (3)MM equipment cabinets on the existing steel dunnage on the rooftop; as well as remove all existing coax cables and replace with three (3) hybrid cables connecting the antennae to the existing equipment ("the Modified Special Permit").

5. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter “the Application”), the Applicant seeks to modify the Modified Special Permit by adding to its currently installed equipment three (3) 2.5 GHz antennas, three (3) 2.5 GHz remote radio heads and three Hybriflex fiber cables, as well as retrofitting existing equipment cabinets by adding one (1) rectifier shelf and one (1) LTE-BBU 2.5 GHz to be installed in the existing Sprint 9928 cabinet, and four (4) new batteries to be installed in the existing battery cabinet (hereinafter, “the Proposed WCF Project”), all substantially as depicted on a set of plans entitled “Sprint 2.5 Equipment Deployment, Site Number: BS03XC082, Site Name: Countryside Village Apartments, 450-460 Boston Post Road, Marlborough, MA 01752,” by Krupakaran Kolandaivelu, P.E., dated 10/2/2014, revised 10/8/14, a copy of which was provided in the Application (hereinafter “the Plans”).
6. The Applicant is a lessee of the Site’s owner for purposes of the Application.
7. The Site is located partially in the Business B Zoning District and partially in the Residential A-1 Zoning District. The Proposed WCF Project is located in the portion of the Site located in the Business B Zoning District. Wireless communication devices are allowed by grant of Special Permit in Business B Zoning Districts.
8. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
9. Pursuant to the Rules and Regulations of Application for Special Permit (“Rules and Regulations”), the Interim Building Commissioner, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
10. The Applicant has complied with all of the applicable Rules and Regulations.
11. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on November 17, 2014, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
12. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59. In anticipation of eventual Council approval of the Application, a motion was made at the conclusion of the public hearing, seconded and carried to refer this matter to the City’s Legal Department to place the proposed decision in proper legal form, subject to all conditions already in place for the existing Modified Special Permit at the Site, as if said conditions were recited herein in their entirety.
13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY  
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT  
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is 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 of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Modified Special Permit (hereinafter, "Further Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 2:**
  - 1) Applicant agrees that conditions 1 through 9 of the Modified Special Permit are fully incorporated herein as conditions of this Further Modified Special Permit, and that Applicant shall comply with said conditions.
  - 2) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Further 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 Further Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Interim Building Commissioner for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Further Modified Special Permit to the City Council's office and to the City Solicitor's office.

**Yea: 11 – Nay: 0**

**Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope Robey & Oram**

**Motion by Councilor Robey to amend D (1) from 9 to 13; adopted.**

ORDERED:

**DECISION ON AN APPLICATION TO FURTHER MODIFY  
A SPECIAL PERMIT**

**SPRINT**

**CITY COUNCIL ORDER NO. 14-1005985B**

Re: 115 Onamog Street (Fairmount Hill Water Tank)

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 12-1004032E which had previously modified Special Permit No. 02-9506B, submitted by Sprint Spectrum Realty Company, L.P., having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint Spectrum Realty Company, L.P., acting by and through its agent, Bill Hanrahan, Network Building + Consulting, LLC (hereinafter, "the Applicant").
2. The site is located at 115 Onamog Street, Marlborough, MA, and is more particularly identified on the Assessor's Map of the City of Marlborough as Map 81, Parcel 238 (hereinafter, "the Site"). The owner of record for the Site is the City of Marlborough.
3. On June 10, 2002, the City Council granted to Sprint Spectrum L.P. a Special Permit to locate a wireless communications facility on the outside face of the Fairmount Hill water tank located at 115 Onamog Street, Marlborough, MA at a height of approximately eighty-three (83) feet (hereinafter, "the Original Special Permit").
4. On April 9, 2012, the City Council granted a special permit to Sprint to modify the Original Special Permit in order to replace three (3) of the currently installed CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility water tank; six (6) remote radio heads onto the water tank; replace one (1) GPS mounted to the water tank; replace two (2) cabinets with three (3) MM equipment cabinets within the existing lease area; and remove all existing CDMA coax cables and replace with four (4) hybrid cables connecting the antennae to the existing equipment ("the Modified Special Permit"). The Modified Special Permit is recorded in the Middlesex South District Registry of Deeds at Book - 59065, Page 93.

5. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter “the Application”), the Applicant seeks to modify the Modified Special Permit by adding to its currently installed equipment three (3) 2.5 GHz antennas, three (3) 2.5 GHz remote radio heads and three Hybriflex fiber cables, as well as retrofitting existing equipment cabinets by adding one (1) rectifier shelf with three (3) rectifiers and one (1) LTE-BBU 2.5 GHz to be installed in the existing Sprint 9928 cabinet, and eight (8) new batteries to be installed in the existing battery cabinet (hereinafter, “the Proposed WCF Project”), all substantially as depicted on a set of plans entitled “Sprint 2.5 Equipment Deployment, Site Number: BS54XC930, Site Name: Fairmount Water Tank, 115 Onamog Street, Marlborough, MA 01752,” by Krupakaran Kolandaivelu, P.E., dated 10/2/2014, revised 10/8/14, a copy of which was provided in the Application (hereinafter “the Plans”).
6. The Applicant is a lessee of the Site’s owner for purposes of the Application.
7. The Proposed WCF Project is located in the Residence A Zoning District. Wireless communication devices are allowed by grant of Special Permit in Residence A Zoning Districts.
8. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
9. Pursuant to the Rules and Regulations of Application for Special Permit (“Rules and Regulations”), the Interim Building Commissioner, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
10. The Applicant has complied with all of the applicable Rules and Regulations.
11. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on November 17, 2014, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
12. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59. In anticipation of eventual Council approval of the Application, a motion was made at the conclusion of the public hearing, seconded and carried to refer this matter to the City’s Legal Department to place the proposed decision in proper legal form, subject to all conditions already in place for the existing Modified Special Permit at the Site, as if said conditions were recited herein in their entirety.
13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY  
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT  
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is 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 of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Modified Special Permit (hereinafter, "Further Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 2:**
  - 1) Applicant agrees that conditions 1 through 13 of the Modified Special Permit are fully incorporated herein as conditions of this Further Modified Special Permit, and that Applicant shall comply with said conditions.
  - 2) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Further 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 Further Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Interim Building Commissioner for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Further Modified Special Permit to the City Council's office and to the City Solicitor's office.

**Yea: 11 – Nay: 0**

**Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope Robey & Oram**



ORDERED:

**DECISION ON AN APPLICATION TO FURTHER MODIFY  
A SPECIAL PERMIT**

**SPRINT**

**CITY COUNCIL ORDER NO. 14-1005986B**

Re: 2 Mount Royal Avenue

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 12-1004064C which had previously modified Special Permit No. 97-7270, submitted by Sprint Spectrum Realty Company, L.P., having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint Spectrum Realty Company, L.P., acting by and through its agent, Bill Hanrahan, Network Building + Consulting, LLC (hereinafter "the Applicant").
2. The site is located at 2 Mount Royal Avenue, Marlborough, MA, and is more particularly identified on the Assessor's Map of the City of Marlborough as Map 79, Lots 33 and 33B (hereinafter, "the Site"). The owner of record for the Site is Mount Royal Associates, a Massachusetts limited partnership, c/o Haynes Management Inc., 34 Washington Street, Wellesley, MA 02481.
3. On December 8, 1997, the City Council granted to Sprint Spectrum L.P., d/b/a Sprint PCS, a Special Permit to locate a wireless communications facility on the roof of the building at the Site (hereinafter, "the Original Special Permit"). The Original Special Permit allowed up to nine (9) antennas and additional equipment to be installed. The Original Special Permit is recorded in the Middlesex South District Registry of Deeds ("the MSDRD") at Book 28034, Page 514.
4. On April 9, 2012, the City Council granted a special permit to Sprint to modify the Original Special Permit in order to replace three (3) CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility; six (6) remote radio heads; replace one (1) GPS mounted to the rooftop; replace one (1) cabinet with two (2) MM equipment cabinets within the existing lease area; and remove all existing CDMA coax cables and replace with three (3) hybrid cables connecting the antennae to the existing equipment ("the Modified Special Permit"). The Modified Special Permit is recorded in the MSDRD at Book 59065, Page 67.

5. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter “the Application”), the Applicant seeks to modify the Modified Special Permit by adding to its currently installed equipment three (3) 2.5 GHz antennas, three (3) 2.5 GHz remote radio heads and three Hybriflex fiber cables, as well as retrofitting existing equipment cabinets by adding one (1) rectifier shelf with three (3) new rectifiers and one (1) LTE-BBU 2.5 GHz to be installed in the existing BTS cabinet, and four (4) new batteries to be installed in the existing battery cabinet (hereinafter, “the Proposed WCF Project”), all substantially as depicted on a set of plans entitled “Sprint 2.5 Equipment Deployment, Site Number: BS03XC081, Site Name: Silgo [sic] Hill, 2 Mount Royal Avenue, Marlborough, MA 01752,” by Krupakaran Kolandaivelu, P.E., dated 10/1/14, revised 10/8/14, a copy of which was provided in the Application (hereinafter “the Plans”).
6. The Applicant is a lessee of the Site’s owner for purposes of the Application.
7. The Proposed WCF Project is located in the Business Zoning District. Wireless communication devices are allowed by grant of Special Permit in the Business Zoning District.
8. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
9. Pursuant to the Rules and Regulations of Application for Special Permit (“Rules and Regulations”), the Interim Building Commissioner, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
10. The Applicant has complied with all of the applicable Rules and Regulations.
11. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on November 17, 2014, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
12. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59. In anticipation of eventual Council approval of the Application, a motion was made at the conclusion of the public hearing, seconded and carried to refer this matter to the City’s Legal Department to place the proposed decision in proper legal form, subject to all conditions already in place for the existing Modified Special Permit at the Site, as if said conditions were recited herein in their entirety.
13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY  
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT  
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is 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 of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Modified Special Permit (hereinafter, "Further Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 2:**
  - 1) Applicant agrees that conditions 1 through 9 of the Modified Special Permit are fully incorporated herein as conditions of this Further Modified Special Permit, and that Applicant shall comply with said conditions.
  - 2) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Further 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 Further Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Interim Building Commissioner for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Further Modified Special Permit to the City Council's office and to the City Solicitor's office.

**Yea: 11 – Nay: 0**

**Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope Robey & Oram**

**Motion by Councilor Clancy to amend D (1) from 9 to 8 adopted.**

ORDERED:

**DECISION ON AN APPLICATION TO FURTHER MODIFY  
A SPECIAL PERMIT****SPRINT****CITY COUNCIL ORDER NO. 14-1005987B**

Re: 157 Union Street (Marlborough Hospital)

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 11/12-1003072D which had previously modified Special Permit No. 99-8205B, submitted by Sprint, having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

**EVIDENCE**

1. The Applicant is Sprint Spectrum Realty Company, L.P., acting by and through its agent, Bill Hanrahan, Network Building + Consulting, LLC (hereinafter “the Applicant”).
2. The site is located at 157 Union Street, Marlborough, MA, and is more particularly identified on the Assessor’s Map of the City of Marlborough as Map 43, Lot 56 (hereinafter, “the Site”). The owner of record for the Site is Marlborough Hospital.
3. On December 6, 1999, the City Council granted to Nextel Communications a Special Permit to locate and operate a wireless communications facility at the existing building located at the Site (hereinafter, “the Original Special Permit”). The Original Special Permit allowed up to nine (9) antennas and additional equipment to be installed. The Original Special Permit is recorded in the Middlesex South District Registry of Deeds (“the MSDRD”) at Book 30970, Page 260.
4. On April 9, 2012, the City Council granted a special permit to Sprint to modify the Original Special Permit in order to replace six (6) CDMA antenna with three (3) Network Vision antenna and install six (6) RRH; install two (2) new BBU cabinets and replace one (1) existing CDMA cabinet with one (1) MM-BTS cabinet, replace existing GPS with a new GPS, remove existing coax cable and install three (3) hyperflex cables (“the Modified Special Permit”). The Modified Special Permit is recorded in the MSDRD at Book 59064, Page 394.
5. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter “the Application”), the Applicant seeks to modify the Modified Special Permit by adding to its currently installed equipment three (3) 2.5 GHz antennas, three (3) 2.5 GHz remote radio heads and three Hybriflex fiber cables (hereinafter, “the Proposed WCF Project”), all substantially as depicted on a set of plans entitled “Sprint 2.5 Equipment Deployment, Site Number: BS13XC625, Site Name: Marlborough Hospital, 157 Union Street, Marlborough, MA 01752,” by Krupakaran Kolandaivelu, P.E., dated 10/2/2014, revised 10/8/14, a copy of which was provided in the Application (hereinafter “the Plans”).

6. The Applicant is a lessee of the Site's owner for purposes of the Application.
7. The Proposed WCF Project is located in the Residential A-3 Zoning District. Wireless communication devices are allowed by grant of Special Permit in the Residential A-3 Zoning District.
8. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
9. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Interim Building Commissioner, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
10. The Applicant has complied with all of the applicable Rules and Regulations.
11. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on November 17, 2014, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
12. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59. In anticipation of eventual Council approval of the Application, a motion was made at the conclusion of the public hearing, seconded and carried to refer this matter to the City's Legal Department to place the proposed decision in proper legal form, subject to all conditions already in place for the existing Modified Special Permit at the Site, as if said conditions were recited herein in their entirety.
13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY  
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT  
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is 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 of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Modified Special Permit (hereinafter, "Further Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 2:**

- 1) Applicant agrees that conditions 1 through 8 of the Modified Special Permit are fully incorporated herein as conditions of this Further Modified Special Permit, and that Applicant shall comply with said conditions.
- 2) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Further 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 Further Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Interim Building Commissioner for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Further Modified Special Permit to the City Council's office and to the City Solicitor's office.

**Yea: 10 – Nay: 0 – Abstain: 1**

**Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope & Oram**  
**Abstain: Robey**

ORDERED: That the Communication from Assistant City Solicitor Panagore-Griffin re: Proposed Amendment to Zoning Code (Chapter 650) regarding New Marlborough Village District, Order No. 14-1005947B, **MOVED TO REPORTS OF COMMITTEES**; adopted.

ORDERED: That the Communication from the Planning Board re: Favorable Recommendation to Accept Long Dr. as a Public Way, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Mark Donahue of Fletcher Tilton to **WITHDRAW WITHOUT PREJUDICE** Application for Special Permit on behalf of Chick-Fil-A, Inc. 230 Boston Post Rd. West. Order No. 14-1005761F, **APPROVED**; adopted.

**Councilor Elder requested to be recorded in opposition.**

ORDERED: That the Minutes, Recreation Commission, October 8, 2014, **FILE**; adopted.

ORDERED: That the Minutes Conservation Commission, October 2, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, November 3, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, October 21, 2014, **FILE**; adopted.

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

- A. Gilbert Schiappa, 59 Minehan Lane, pothole or other road defect.
- B. Paul & Heather DiGregorio, 32 Tremont St., other property damage and/or personal injury

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee  
Monday November 24, 2014  
In Council Chambers**

Present: Chairman Ossing; Finance Committee members Councilors Robey, Elder, Oram and Irish. Councilors Pope, Landers, Delano and Clancy (for agenda item #7) were also in attendance. The meeting convened at 5:32 PM.

1. **Order No. 14-1005998 – Transfer \$1,363,198.00 from Undesignated Funds to fund Department Equipment.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 requesting the transfer of \$1,363,198.00 from the Undesignated Funds account for DPW, Police and Emergency Management department equipment. The \$93,420.00 request for defibrillators was reduced by \$6,570.00 (new total of \$86,850.00) due to smaller sized units for the Police motorcycles. **The Finance Committee voted 5 - 0 to approve the transfer of \$1,356,628.00 for department equipment.**
2. **Order No. 14-1005999 – Transfer \$23,992.00 to Fund Senior Clerk Position in Council on Aging.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 requesting the transfer of \$23,992.00 from the Council on Aging Clerk position and DPW Finance Assistant position to fund a Senior Clerk position in the Council on Aging. **The Finance Committee voted 5 - 0 to approve the transfer.**
3. **Order No. 14-1006000 – Transfer \$20,000.00 to Fund Contract Services in the Board of Health.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 requesting the transfer of \$20,000.00 from the Mayor Audit Services account and Comptroller Senior Clerk account to fund the contract services account in the Board of Health to cover food compliance and inspectional services and plan reviews of new food establishments. **The Finance Committee voted 5 - 0 to approve the transfer.**
4. **Order No. 14-1006025 – Transfer \$226,392.31 to Fund Police Command Officers Contract for FY13, 14 and 15.** The Finance Committee reviewed the Mayor's letter dated November 13, 2014 requesting the transfer of \$226,392.31 from Reserve for Salaries (\$82,581.00) and Undesignated Funds (\$143,811.31) to fund the Police Command Officer Contract for FY13, 14 and 15. The Finance Committee voted 5 - 0 to approve the transfer. **The Finance Committee agreed to recommend suspending the rules at the December 1, 2014 City Council meeting to report the order out to the full Council.**

Reports of Committees cont'd:

- 5. Order No. 14-1006026 – Transfer \$159,777.53 to Fund Fire Department Retirements and Overtime.** The Finance Committee reviewed the Mayor's letter dated November 13, 2014 requesting the transfer of \$159,777.53 from the following accounts to cover a retirement and overtime:

  - Transfer \$25,138.43 from Firefighter account to Overtime
  - Transfer \$65,940.30 from the Fringe account to Sick Leave Buy Back
  - Transfer \$68,698.80 from the Fringe account to Firefighter account

**The Finance Committee voted 5 - 0 to approve the transfer.**
- 6. Order No. 14-1006027 – Transfer \$24,630.00 to Fund the Retirement of a DPW Employee.** The Finance Committee reviewed the Mayor's letter dated November 13, 2014 requesting the transfer of \$24,630.00 from the Fringe account to the Water Department Sick Leave Buy Back account to cover the retirement of a DPW employee. **The Finance Committee voted 5 - 0 to approve the transfer.**
- 7. Order No. 14-1005997 – Turf Field Bond for \$3,855,059.00.** The Finance Committee reviewed the Mayor's letter dated October 30, 2014 for bond request in the amount of \$3,855,059.00 to fund the city's first synthetic turf athletic field at the Whitcomb Middle School. Funding for this bond will be from the local option meals tax that is dedicated to the city parks and recreation facilities. The Finance Committee voted 4-0-1 (Councilor Elder abstained from participating) to table the order. **The Finance Committee requested the following information be made available for the next Finance Committee meeting:**

  - **A breakdown of the costs that make up the \$3,855,059.00 bond for the turf field.**
  - **A list of options to the use of rubber filler material for the turf.**
  - **The options associated with installing a spray system.**
  - **Evaluation if there would be any cost savings with installing more than one turf field.**

The Finance Committee adjourned at 7:52 PM.

Councilor Clancy reported the following out of the Legislative and Legal Affairs Committee:

Meeting Name: City Council Legislative & Legal Affairs Committee

Date: November 18, 2014

Time: 5:30 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Agenda Item(s) addressed:

Convened: 5:45 PM

Adjourned: 6:32 PM

Present: Chairman Clancy; Legislative & Legal Affairs Committee Members Councilors Robey and Delano; Councilor Landers

Also Present: Mayor Arthur Vigeant; Brian Doheny, Comptroller/Treasurer; Police Chief Mark Leonard; John Ghiloni, Commissioner of Public Works



Reports of Committees cont'd:

**Order No. 14-1005962 - An Amendment to the City Code Relative to the Municipal Finance Department Appointment Terms.**

The committee discussed amending the city code to change the length of term for the Comptroller/Treasurer from a two year appointment and the City Collector from a one year appointment to three year appointments each. The committee recommended a three year term for the Comptroller/Treasurer and a two year term for City Collector and additional changes to wording as indicated.

“The Mayor shall, subject to confirmation of the City Council, appoint a Comptroller-Treasurer for a term of three years to expire the day following his/her approval by the City Council.”

"Tax Collector; appointment, terms, and duties", is hereby amended by deleting the word “annually” and inserting in place thereof the words “for a two year term to expire the day following his/her approval by the City Council.”

The text of §67-11 contains the language “He shall perform all the duties required of him as set forth in the General Laws of the commonwealth”, in addition to changing “He” to “The Tax Collector”, it was requested “him” be changed to “him/her” so the sentence reads, “The Tax Collector shall perform all the duties required of him/her as set forth in the General Laws of the commonwealth.”

**Recommendation of the Legislative and Legal Affairs Committee is to approve as amended, the Comptroller/Treasurer to a three year term, the Tax Collector to a two year term, and with amendments as to wording.**

**Motion to approve by Councilor Delano, seconded by the Chair.**

**Motion Passed: 3-0**

**Order No. 14-1006006 - Downtown Zoning Committee Parking Recommendation.**

The committee discussed the recommendation of the Downtown Zoning Committee to increase the parking fine from \$15 to \$25 with regards to all areas where parking is prohibited or regulated excluding fire lane violations which remains unchanged.

**Recommendation of the Legislative and Legal Affairs Committee is to approve the increase of the parking fine from \$15 to \$25.**

**Motion to approve by Councilor Delano, seconded by the Chair.**

**Motion Passed: 3-0**

Reports of Committees cont'd:

**Order No. 14-1006009 - Proposed Order to Grant an Easement from the City to Massachusetts Electric Company for the Purposes of Providing New and Updated Service for Ward Park from South Street to New Street.**

The committee discussed the order to grant an easement from the City of Marlborough to Massachusetts Electric Company for the placement of poles and transformers and all necessary associated equipment to provide new and updated service for Ward Park from South Street to New Street.

**Recommendation of the Legislative and Legal Affairs Committee is to approve the requested easement as proposed.**

**Motion to approve by Councilor Delano, seconded by the Chair.**

**Motion Passed: 3-0**

**Motion made by Councilor Delano, seconded by the Chair, to request a suspension of the rules at the next regular meeting of City Council to send to the legal department for proper legal form.**

**Motion Passed: 3-0**

**Motion made by Councilor Delano, seconded by the Chair, to adjourn.**

**Motion Passed: 3-0**

**Meeting Adjourned: 6:32 PM.**

*Reported by: Chairman Clancy  
For Agenda: December 1, 2014*

**Suspension of the Rules requested – granted**

ORDERED: That the Police Department transfer request in the amount of \$226,392.31 which moves funds from and to various accounts as noted on the attached spreadsheets to fund the City’s contract with the Police Command Officers Union, Local 366, for fiscal years 2013, 2014, and 2015, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Police					FISCAL YEAR:	2015		
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$82,581.00	\$82,581.00	11990006	57820	Reverve for Salaries & Bene	\$21,045.04	12100001	50500	Police Captains	\$106,501.13	
	Reason:	Surplus in account					Police Command Contract			
\$6,103,681.00	\$143,811.31	10000	35900	Undesignated Fund Balance	\$47,614.35	12100001	50510	Police Lieutenants	\$244,201.85	
	Reason:						Police Command Contract			
					\$81,336.09	12100001	50820	Police Sergeants	\$418,123.71	
	Reason:						Police Command Contract			
					\$1,724.63	12100003	51360	Police OT - Training	\$35,974.63	
	Reason:						Police Command Contract			
					\$13,391.34	12100003	51310	Police OT - Regular	\$102,298.49	
	Reason:						Police Command Contract			
					\$514.65	12100003	51370	Police OT - Celebrations	\$3.21	
	Reason:						Police Command Contract			
					\$183.73	60080003	51380	Police OT Water/Sewer	\$294.29	
	Reason:						Police Command Contract			
					\$615.56	61090003	51380	Police OT Water/Sewer	\$0.00	
	Reason:						Police Command Contract			
					\$2,777.27	12100003	51320	OT- Court Time	\$139,382.91	
	Reason:						Police Command Contract			
					\$118.34	12100003	51319	OT - Cell Watch	\$3,523.71	
	Reason:						Police Command Contract			

						\$23.71	12100003	51329	On - Call Pay		\$8,090.64
	Reason:								Police Command Contract		
						\$7,728.53	12100003	51920	Sick Leave Buy Back		\$153,656.00
	Reason:								Police Command Contract		
						\$6,008.23	12100003	51490	Holiday Pay		\$208,690.95
	Reason:								Police Command Contract		
						\$9,077.51	12100003	51342	Longevity		\$118,185.50
	Reason:								Police Command Contract		
						\$30,702.79	12100003	51440	Educational Incentive		\$360,206.91
	Reason:								Police Command Contract		
						\$3,256.15	12100003	51450	Night Shift Differential		\$82,083.76
	Reason:								Police Command Contract		
						\$274.39	12100003	51410	First Responder		\$38,043.96
	Reason:								Police Command Contract		
	\$226,392.31	Total				\$226,392.31	Total				

**Suspension of the Rules requested – granted**

**ORDERED:** That the City of Marlborough grant a permanent utility easement, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a “NGrid”), as described in the attached Grant Of Easement and as shown on the sketch attached to said Grant as “Exhibit A,” entitled “Massachusetts Electric Southeast District, Hopedale; Feeder: 311W4; District Engineer: Bruce Kut; Work Location: 32 New Street, Marlboro, Ma; DATE: 07/24/14; EASEMENT DRAWING: 17321479,” for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating the transmission of high and low voltage electric current and for the transmission of intelligence by means of overhead and underground systems, consisting of, but not limited to, a line of six (6) poles with wires and cables strung upon and all necessary anchors, guys and appurtenances, consisting of buried wires and cables and lines of wires and cables installed in underground conduits, manholes, transformers, and vaults, said overhead and underground systems being further described in the attached Grant Of Easement which shall be recorded at the Middlesex South District Registry of Deeds, and as located in, through, over and across and upon certain parcels of land situated on the southerly end of New Street, the southerly side of Orchard Street, and the northerly side of South Street, being more particularly shown on Assessor’s Map 69, Parcel 394 and on Assessor’s Map 81, Parcel 190A.

Refer to **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM;** adopted.

## ORDERED:

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

- I. A. Chapter 650, is hereby amended by inserting in paragraph B. of § 650-5, entitled “Definitions, word usages”, the following new definitions:

**Artist Studios/Live/Work Gallery Space**

The use of all or a portion of a structure for both habitation and work by persons engaged in the creation, manufacture or assemblage of commercial graphic arts; fine arts, including but not limited to painting, printmaking, sculpting, or ceramics; art and document restoration; the performing and visual arts, including but not limited to dance, choreography, photography or filmmaking, or the composition of music (but not to include Adult Entertainment). Sales of artist-created work are also permitted in a portion of the space.

**Recording Studio/Live/Work Space**

The use of all or a portion of a structure for both habitation and work by persons engaged in sound recording and mixing, which studio may be used to record musicians, voice-over artists for advertisements or dialogue replacement in film, television or animation, or to record their accompanying musical soundtracks, to be stored on tapes, records, compact discs, computers or other storage devices.

**Bed and Breakfast**

An owner-occupied dwelling unit in which 8 or fewer rooms without kitchen facilities are let, on an overnight basis, as a temporary sleeping quarters for persons who have their residence elsewhere. Food and beverage service is limited to breakfast for registered, paying overnight guests at no additional cost. The length of occupancy by a registered guest does not exceed 14 days. Hotels, motels, boarding, lodging or rooming houses are not classified as Bed and Breakfast establishments. Extended stay may be permitted beyond fourteen days with the approval of the Building Commissioner. Such approval shall be granted only when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested.

**Brew Pub**

Restaurants which are licensed by the United States Department of Alcohol, Tobacco and Firearms and the Commonwealth of Massachusetts, under the relevant statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises, but which also produces beer and/or ale on the premises which may be sold wholesale to other establishments, but not more than 20% of the production capacity.

**Hotel**

An establishment providing lodging for guests on a short-term basis; dining rooms, function rooms and other support services may be included. Access to the individual sleeping rooms is through the lobby and interior corridors. This definition does not include boarding, lodging or rooming houses.

**Motel**

An establishment providing lodging for guests on a short-term basis; dining rooms, function rooms and other support services may be included. Access to the individual sleeping rooms is directly from parking spaces or by an exterior walkway.

**Drive-thru Facilities**

The use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-thru facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.

**Mixed Use**

A combination of Permitted (Y) or Special Permit (SP) Residential/Business Uses as listed in § 650-17, Table of Use Regulations, for a particular zoning District, located on the same lot and arranged vertically in multiple stories of a structure or horizontally adjacent to one another in one or more buildings.

The mix of uses shall be balanced and compatible and shall contribute to a vibrant downtown atmosphere, including a combination of ground floor street front uses such as retail or restaurant.

Ground floors of buildings fronting streets or public access ways shall be reserved for non-residential uses, except as specified below:

Dwelling units shall be allowed on ground floors of buildings if:

- a) The building is set behind another building that has commercial uses on the ground floor, OR
- b) The residential portion of the ground floor if a building is set behind street-front non-residential uses within the same building.

B. Chapter 650 is hereby amended by deleting from paragraph B. of § 650-5, entitled "Definitions, word usages", the definition of "Retail Sales and Services" and inserting in place thereof the following new definition:

**Retail Sales and Services**

Establishments offering goods and services, not specifically listed in the Table of Uses, to the public. Sales of a wide variety of goods and services include, but are not limited to: antiques, apparel, books, food, drugstore, sporting goods, and similar; custom services such as tailoring, photography, framing and similar; and services such as insurance, optometry, banks; dry-cleaning and laundry drop-off stations; hairdressers and barbers; health clubs, gyms, dance or yoga studios; repair services for appliances, shoes, etc.; catering and similar. Retail Sales and Services do not include Adult Entertainment, check cashing services, pawn shops, gold exchange shops, medical marijuana facilities or drug treatment facilities.

- II. Section 7 of Chapter 650, entitled “Districts Enumerated,” is hereby amended as follows:
- (1) By deleting from the first sentence the number “11” and by inserting in place thereof the number “12”.
  - (2) By inserting at the end of the list of District types, the following:  
Marlborough Village District                      MV
- III. Chapter 650 is hereby amended in 650 Attachment 1 (§ 650-17), entitled “Table of Uses,” as provided in the highlighted portions of Exhibit “A” attached to this order, which Exhibit “A” includes amendments not limited to the following:
- (1) By inserting under the heading entitled “Zoning District Abbreviations” a new zoning district abbreviation as follows: “MV”, and by inserting beneath the new district abbreviation MV the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
  - (2) Under the heading entitled “Residential Use”, by inserting a new Use category as follows: “Artist Studio/Live/Work/Gallery Space”, and by inserting beneath the district abbreviations the letters “N” and “Y” as shown on said Exhibit “A”.
  - (3) Under the heading entitled “Business Use”, by deleting from the Use category entitled “Hotels and motels” the words “and motels”, and by inserting after the word “Hotel” the following number: (41).
  - (4) Under the heading entitled “Business Use”, by inserting the word “Motels”, and by inserting beneath the district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
  - (5) Under the heading entitled “Business Use”, a new Use category as follows: “Mixed Use Development”, and by inserting beneath the district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
  - (6) Under the heading entitled “Business Use”, a new Use category as follows: “Brew Pubs”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
  - (7) Under the heading entitled “Business Use”, by inserting new Use categories as follows “Copy shops, newspaper offices”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
  - (8) Under the heading entitled “Business Use”, by inserting a new Use category entitled “Drive-thru facilities”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
  - (9) Under the heading entitled “Residential Use”, by inserting a new Use category as follows: “Recording Studio/Live/Work Space”, and by inserting beneath the district abbreviations the letters “N” and “Y” as shown on said Exhibit “A”.
- IV. Chapter 650 is hereby amended by inserting at the end of paragraph A (4) of § 650-18, entitled “Conditions for uses,” the following sentence: The above provision shall not apply to mixed-use or multi-family developments within the Marlborough Village District.

- V. Chapter 650, is hereby amended by inserting in paragraph (31) of § 650-18, entitled “Conditions for uses,” the following new paragraph [6]:

[6] Within the Marlborough Village District, a Special Permit may be granted to allow for roof-top, sidewalk, or other outdoor restaurant seating that varies the provisions of this section.

- VI. Chapter 650, is hereby amended by inserting after paragraph (40) of § 650-18, entitled “Conditions for uses,” new paragraphs numbered (41), (42), and (43) as follows:

(41) Hotels within the Marlborough Village District are by right, subject to Site Plan Approval by the City Council with input from Department staff who participate in administrative Site Plan Review as provided under § 270-2. See in § 650-33 (B) special provisions for Site Plan Review by City Council of Hotels in the Marlborough Village District.

(42) Mixed Use development, including multi-family residential uses, shall not be subject to special permit provisions for Multi-Family uses.

(43) A combination of permitted Business Uses is allowed, such as a coffee shop in a bookstore, or a restaurant in a food/wine shop, or entertainment/arcade elements accessory to a restaurant.

- VII. Chapter 650 is hereby amended by inserting after paragraph A (3) of § 650-26, entitled “Affordable housing”, the following new paragraph (4):

(4) The provisions of this section shall not apply to projects which are granted special permits within the Marlborough Village District.

- VIII. Chapter 650 is hereby amended by inserting a new § 33, entitled “Special Provisions Applicable to the Marlborough Village District (MV)”, as follows:

**§ 650-33. Special Provisions Applicable to the Marlborough Village District (MV)**

Within the Marlborough Village District (MV), the following provisions govern. Where these provisions conflict with other sections of the Zoning Ordinance, the provisions of this Section shall apply.

**A. Purpose and Vision**

The purpose of the Marlborough Village District is to implement smart growth principles with development that is compatible with the character of Downtown Marlborough. The Marlborough Village District is envisioned as the hub of community gathering places that reflects and celebrates the existing historic character and enhances the traditional village atmosphere. The vision is to build value and to support our employers with a Downtown that attracts visitors and helps to retain and recruit employees while creating new housing opportunities.



**B. Site Plan Review**

Projects within the Marlborough Village District shall be subject to Site Plan Review as provided in § 270-2, entitled “Site Plan Review and Approval”, of the City Code.

**(1) Applicability**

- (a) Site Plan Review applies to both as of right and uses available by grant of a special permit within the Marlborough Village District. Site Plan Review applicability includes, but is not limited to new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas. (See § 270-2 (3)).
- (b) Site Plan Review shall be conducted administratively, as provided in § 270-2, except for hotel uses and for those projects over 10,000 square feet, which projects shall undergo site plan review by the City Council.

**(2) Provisions for Hotel Site Plan Review**

- (a) Within the Marlborough Village District, all hotel site plan reviews shall be conducted by the City Council. Site plan approval may contain conditions on the design and uses. The occupancy of the hotel may be limited to temporary and short term occupancy, ordinarily and customarily associated with hotel use. The approval may allow extended stay to be permitted beyond thirty days with approval of the Building Commissioner. The extended stay approval may be granted only when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested. Extended stay may be permitted where the unit is rented by a business entity for use of its employees (customarily referred to as a Corporate Unit), so long as the occupant is an employee or guest of the business entity.

**(3) Provisions for Projects over 10,000 sq. ft.**

- (a) Within the Marlborough Village District, all site plan review for projects over 10,000 square feet shall be conducted by the City Council, which may delegate in part or in whole its site plan review to appropriate Department staff who participate in administrative Site Plan Review under § 270-2. This provision applies to new construction, rehabilitation, or alterations that will result in a total project size of over 10,000 square feet.

**C. Special Permit Granting Authority**

The City Council shall be the Special Permit Granting Authority within the Marlborough Village District.

#### **D. Design Standards**

- (1) The purpose of the following design standards is to promote quality development emphasizing the City's sense of history and desire for contextual, pedestrian-scaled projects. Supporting streamlined development review, design standards are integral to the Marlborough Village District regulations and must be met as part of any Site Plan Review and Approval.
  - (a) Non-mandatory Design Guidelines which will complement the design standards of this section, and which will provide a guide to the desired appearance and quality of design in the Marlborough Village District, will be available at the Building Department and/or on the official website of the City.
  - (b) In performing Site Plan Review, the City Council may employ the services of qualified professional consultants as provided under M.G.L. c. 44, § 53G, as amended, entitled "Employment of outside consultants." These services may include those of an urban designer, architect and/or landscape architect.
- (2) All Site Plan review and approval applications in the Marlborough Village District shall be subject to the following Design Standards.

##### **(a) Building Scale:**

[1] New buildings and/or substantial alterations shall be pedestrian-oriented and shall reflect the community preference for moderate-scale structures that are in harmony with the existing historic brick structures. Building design shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Such features include varied facades, rooflines, roof heights, materials, and architectural details.

[2] Buildings shall relate to the pedestrian scale by:

[a] Including appropriate architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots, or other significant pedestrian spaces.

[b] Articulating the base, middle, and top of the facade by cornices, string cornices, step-backs or other similar features.

[c] Continuous lengths of flat, blank walls adjacent to streets, pedestrian pathways, or open spaces are discouraged. Continuous blank walls in excess of 50% of the wall frontage are not allowed. If windows cannot be installed, the façade should include different materials or a design element to vary the frontage.

##### **(b) Roof Form:**

[1] Mechanical equipment located on roofs shall be screened, organized and designed as a component of the roof design, and not appear to be a leftover or add-on element.

[2] Adverse impacts on abutters from vents, HVAC, etc. are to be minimized.

**(c) Entrances:**

[1] For visibility and accessibility, all primary commercial building entrances shall be visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk.

[2] Doors shall not extend beyond the exterior facade into pedestrian pathways.

[3] Where parking is located to the rear of a building, any rear entrance is to be visible and accessible from the parking lot. Directional signage to the building entrance(s) shall be installed. All entrances are to have sufficient illumination at night time.

**(d) External Materials and Appearance:**

[1] Predominant wall materials shall be red brick, stone, or pre-cast concrete panels; wood siding may be used where the structures are adjacent to residential districts where the intent is to blend the structure more into the existing neighborhood. If painted, or coated, a non-metallic finish is to be used. Cladding materials should be consistent on all facades with the exception of special design elements such as turrets. Materials designed to “imitate” brick are not permitted.

[2] The standards for acceptable masonry construction are as follows:

[a] Acceptable masonry construction will be of standard fired clay brick units bonded together with mortar. Acceptable applications include building components such as walls, stairs, columns, arches, planter beds, etc.

[b] Utilize bricks which are sound, hard, well burnt with uniform color shape and size.

[c] The bricks should be compact, homogeneous, free from holes, cracks, flaws, air-bubbles, spawls and stone lumps.

[d] Frogged bricks shall be laid with the frogs pointing upwards.

[e] Mortar specifications shall comply with relative ASTM standards.

[f] The properties of masonry units shall comply with the requirements of relevant ASTM Standards. Masonry units are classified into the following types: solid, hollow unit, cellular, perforated and frogged.

**(e) Awnings and Canopies:**

Awnings and canopies shall be compatible with the architectural style of the building. Colors and patterns used for awnings and canopies shall be subdued and compatible with existing awnings on adjacent buildings, if any.

**(f) Reflective Materials:**

Except for minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal. Window panes shall be non-reflective.

**(g) Transparent Windows at Ground Floor of Commercial Buildings:**

Ground floor commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 35% of the facade surface.

**(h) Landscaping and Sidewalk Amenities:**

To the maximum extent possible, projects shall provide pedestrian-friendly amenities, such as outdoor seating, patios, porches or courtyards. Window boxes are encouraged. Large windows that open up to provide the experience of “open air dining” are encouraged. Site landscaping shall be maximized. Links/sidewalks designed to connect Granger Boulevard parking areas with adjacent developments are encouraged to further the goal of providing safe pedestrian access to businesses within downtown Marlborough.

**(i) Service Areas, Utilities and Equipment:**

Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets or primary public open spaces, and shall incorporate effective techniques for noise buffering from adjacent uses.

**(j) Vehicle and Pedestrian Features:**

Vehicle, pedestrian and bicycle features shall be designed to promote connectivity. Curb cuts shall be minimized.

**(k) Parking:**

To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Parking located directly between the building and the street alignment shall be discouraged.

**(l) Bicycle Parking:**

Bicycle parking shall be provided for all new development, and shall be located as close as possible to the building entrance(s). Any property required to have bicycle parking may establish a shared bicycle parking facility with any other property owner within the same block.

**(m) Sustainable Building Design:**

It is desirable that new buildings incorporate green building techniques (such as those developed by the U.S. Green Building Council).

**(n) Historic District:**

Proposed structures or alterations to existing structures within any Historic District shall be allowed the design waivers under § 650-29, but shall otherwise be as consistent as possible with both the Historic District (as determined by the Marlborough Historic District Commission) and these Design Review criteria.

**(o) Other Historic or Landmark Structures:**

Historic structures not in the Historic District but which contribute to the character of the Marlborough Village District shall to the maximum extent possible be preserved.

**E. Parking Requirements for the Marlborough Village District**

**(1) General Parking Requirements:**

The following provisions are applicable within the Marlborough Village District.

**(a) Residential Projects:**

[1] For Residential and the residential component of Mixed Use projects:

Studio and 1 bedroom units	.75 space per unit
Two bedroom units	1.25 spaces per unit

[2] Spaces in City-owned garages and lots within 1,000 feet of the development can be counted to fulfill the required spaces, with payment-in-lieu required.

**(b) Retail, Restaurant, other Business Uses:**

[1] Eliminate parking minimums per the existing Off-Street Parking (§ 650-48).

[2] A maximum of 3 spaces per 1,000 sq. ft. for these uses.

**(c) Public Assembly:**

For legal occupancy of up to 200 persons, no parking required. Over 200 persons legal occupancy, no parking required for the first 200; thereafter, a minimum of 1 space per 6 legal occupants and a maximum of 1 space per 4 legal occupants, except that parking may be reduced by special permit if the developer can show that there is adequate public parking available to service the place of assembly during the time that the facility will be used.

**(d) Hotel:**

Minimum of .75 spaces per room, maximum 1.0 spaces per room, and no parking required for employees. For hotels with 30 rooms or less, spaces in City-owned garages and parking lots within 1,000 feet of the development can be counted to fulfill the required spaces, with payment-in-lieu required.

**(2) Payment in Lieu of Parking:**

In the Marlborough Village District, any new commercial or mixed use structure that is required to provide parking spaces may make payments to the City of Marlborough in lieu of providing for all or part of the on-site required parking.

- (a) Payment made to the City of Marlborough in-lieu of providing some or all of the required off-street parking spaces for a project in the Marlborough Village District (MV) shall be allowed by-right, subject to Site Plan and Design Review.
- (b) A one-time fee to be paid shall be \$10,000 per parking space, which shall be paid prior to the receipt of an occupancy permit.
- (c) Fees in-lieu of parking shall be deposited into the City of Marlborough Downtown Parking Reserve Account, or such account as the City Council shall deem appropriate, to be used solely for expenses related to maintenance and capital repairs to the existing parking garages, improving the utilization of existing parking spaces (e.g., signage, parking management activities), reducing the need for new parking to serve the Marlborough Village District (e.g., bicycle parking, improved transit), or expenses (e.g., land acquisition, design/engineering services and construction costs) related to adding parking spaces. Requests to appropriate funds out of this Reserve Account, or such account as the City Council shall deem appropriate, shall be filed with the City Council and referred to the appropriate committee of the City Council, which committee shall have 60 days to forward its comments and recommendations before a City Council vote of the appropriation is taken. Fees collected are not to be used for routine parking lot maintenance, such as sweeping or plowing snow, or for salaries of municipal staff.

**(3) Additional Reduction in Parking Requirements:**

Required on-site parking may be reduced by 10% if one of the on-site spaces is dedicated to use by a car-share service (such as ZIP Car) and an agreement with a car-share service to place a vehicle at the site is provided as part of the Site Plan Approval process.

**F. Heights of Structures:**

To encourage redevelopment and re-use of parcels within the Marlborough Village District, minimum and maximum heights are established. Minimum heights shall be 35 feet; maximum height is 70 feet except for where a proposed structure is within 50 feet of a residential lot boundary, where the height limit shall be 52 feet. By grant of a special permit, maximum building height may be increased to 80 feet. Height limits do not include roof mounted mechanical appurtenances; however, said appurtenances, and the screening required for them in § 650-33 D (2) (b), shall be subject to Site Plan Review and Design Standards. Rooftop mechanical equipment, including wireless communications equipment, shall be located and screened to minimize impacts on abutters and the general public. No interior space shall be occupied for any purpose above these height limits. This shall not preclude the use of a flat roof for purposes allowed in this ordinance.

**G. Residential Development:**

- (1) The maximum number of residential units for which building permits may be issued in a calendar year in the Marlborough Village District is one-hundred (100), including units developed as part of a mixed use development. This upper limit may be increased by Special Permit from the City Council.
- (2) Not more than 10% of the units in any proposed development within the Marlborough Village District shall be more than 2 bedrooms in size.

**H. Private Open Space:****(1) Minimum Open Space:**

The minimum amount of Private Open Space per residential unit shall be 100 sq. ft. The open space shall be designed as usable for sitting, recreation, etc., and shall not include the required buffer strips/plantings. Up to 50% of the required private open space may be placed in the building (recreation rooms, pools); as individual unit balconies large enough for a table and chairs; or on the roof of the structure as a garden or sitting area.

**(2) Ground Level Open Space:**

All or a portion of ground level open space may be reserved for residents of the development, or made available for public use.

**(3) Joint Open Space:**

Two or more developments may cooperate to share usable open space on one lot, as long as the minimum square footage per unit is maintained, and the joint open space is within 300 ft. of participating developments.

**(4) City Council Waiver Under Site Plan Review:**

In development or redevelopment proposals where, because of site-specific circumstances, it is not possible to meet the minimum standards for Private Open Space per unit, or where there is not sufficient space for ground level open space on the parcel, or where it is not desirable or possible to establish the required amount of private open space for other reasons, the City Council, as part of Site Plan Review, may negotiate with the developer and may set other conditions of approval to ensure or encourage other open space benefits, or may waive strict adherence to this provision.

**I. Signage:**

- (1) In addition to the provisions of Chapter 526 of the Marlborough City Code, the following regulations apply within the Marlborough Village District. If the provisions of Chapter 526 conflict with this Chapter, the regulations in this Chapter apply.

**(a) Display:**

The City Council may grant a license to display, on the sidewalk, items for sale in the adjacent business, for example flowers and plant materials. The displays must enhance the pedestrian experience and not detract from the Village character.

**(b) Other Business Signs:**

To maximize parking and strengthen the business environment, "A" frame valet parking signs may be licensed by the City Council after review by the Public Services Committee. An application fee will be required.

**(c) Projecting (blade) signs:**

It is the intent of this ordinance to allow for the installation of high quality, artistic, visually appealing projecting (or blade) signs that will enhance the quality of the visitor/patron experience in the Marlborough Village district. Within the Marlborough Village District, one projecting sign per establishment shall be permitted by right, provided it meets the standards below. All projecting sign applications shall be subject to Site Plan Review and approval. Projecting signs exceeding these dimensions or using materials other than those specified may be allowed by Special Permit.

[1] The sign may not exceed six square feet in area (not including the area of the supporting bracket or hanger); the area of a hanging sign with but two (2) parallel display surfaces not over six (6) inches apart shall be determined by the measurement of a single face; for all other configurations, the area of a hanging sign shall be the sum of the areas of all display surfaces.

[2] For single-story structures, the sign shall not project above the roofline or 18 feet, whichever is lower; for multistory structures projecting signs may not extend vertically above the window sill of the second story.

[3] The projecting sign must clear sidewalks by at least eight feet from the bottom of the sign and may project no more than four (4) feet from a building or one-third the width of the sidewalk, whichever is less.

[4] The projecting sign must clear the wall by at least six inches and must project from the wall at an angle of 90°. Angular projection from the corner of a building is prohibited.



- [5] Projecting signs may only be externally lit; no internally lit signs shall be allowed. Lighting shall be properly screened so as to have no impact on abutting properties or any residential or commercial units above the business associated with the blade sign.
  - [6] All such projecting signs shall be wood, or have the visual impression of being made of wood, and shall be painted, stained, varnished or otherwise sealed. External finishing of the signs shall be maintained in its original quality; if not, the sign may be ordered to be removed as being in violation of its permit.
  - [7] Projecting signs which include 3-dimensional elements that symbolically indicate the type of business being advertised are encouraged and may be allowed by Site Plan Review whether by the City Council or under § 270-2. Any such 3-dimensional element may add up to 33% of the allowed sign area; the size of the 3-dimensional element to be measured as a cross section of the element perpendicular to the street.
  - [8] The area of the blade or projecting sign, but not the additional area occupied by any 3-dimensional element of the sign, shall count towards the total sign area (square footage) allowed under Chapter 526, the City of Marlborough sign ordinance.
- IX. Chapter 650 is hereby amended by inserting at the end of paragraph (B) of § 650-44, entitled “General off-street requirements”, the following sentence: Nothing herein shall prevent owners of abutting properties from jointly setting aside and managing an area for storage of refuse and like matter.
- X. Chapter 650 is hereby amended by inserting into 650 Attachment 2 (§ 650-41), entitled “Table of Lot Area, Yards and Height of Structures,” such amendments as provided in Exhibit “B” attached hereto.
- XI. Chapter 650, is hereby amended by inserting into § 650-47 the following:
- (1) By deleting paragraph E (1)(a)[2] in its entirety and inserting in place thereof the following new paragraph E (1)(a)[2]:
    - [2] Multi-family dwellings (except multi-family dwellings and mixed use structures in the Marlborough Village District): the minimum width of the required front yard.
  - (2) By deleting paragraphs [a] and [b] of paragraph E (1)(a)[3], entitled “Nonresidential use and districts” in their entirety and inserting in place thereof the following new paragraphs [a], [b], and [c]:
    - [a] Along Main Street in the Marlborough Village District: 0 feet.
    - [b] Commercial and Automotive Districts, and for all portions of the Marlborough Village District not fronting on Main Street: 10 feet.
    - [c] Other districts: 15 feet.

- (3) By inserting in paragraph E(1)(b) after the words “In nonresidential districts” the followings parenthetical words: (except in the Marlborough Village District).
  - (4) By inserting in paragraph F after the word “widths” in the sentence “Side line planting areas are required with the following minimum widths,” the following words: except for where structures are built according to 0-foot side yard setbacks as allowed in the Marlborough Village District.
  - (5) By inserting at the end of paragraph P of § 47 the following sentence: Within the Marlborough Village District, where significant topographic change or other site conditions on the development lot or the abutting parcel would eliminate the benefits of the above landscaping and screening requirements on the abutting parcels, other more appropriate measures may be approved as part of Site Plan Review and approval.
- XII. Chapter 650, is hereby amended by inserting into § 48, entitled “Off-Street parking”, the following:
- (1) By inserting beneath the title heading the following paragraph:

Except as may be superseded by the provisions of § 650-33 for the Marlborough Village District, the following provisions apply within all zoning districts in the City of Marlborough.
  - (2) By inserting at the end of paragraph (A) (6) the following three sentences: All new commercial and mixed use buildings shall construct loading facilities. Renovated structures shall provide for loading facilities insofar as possible. Provision for loading facilities shall be shown on site plans.
- XIII. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit “C”). The newly established Marlborough Village District shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors’ Map and Parcel Number):

69-209A; 69-210A; 69-211; 69-216; 69-216A; 69-217; 69-218; 69-218A; 69-219; 69-222;  
69-368A; 69-369A; 69-370; 69-371; 69-372; 69-373; 69-374; 69-375; 69-375A; 69-376;  
69-377; 69-377A; 69-378; 69-379; 69-381A; 69-381B; 69-382; 69-390; 69-390A; 69-390B;  
69-390C; 69-394; 69-395; 69-395A; 69-396; 69-397A; 69-422A; 69-430; 69-431; 69-431A;  
69-431B; 69-452; 69-455; 69-457; 69-458; 69-459; 69-460; 69-461; 69-462; 69-463; 69-465;  
69-466; 69-477; 69-479; 69-480; 69-481; 69-482; 69-483; 69-492; 69-494; 69-531; 70-24;  
70-25; 70-26; 70-28; 70-29A; 70-29B; 70-30; 70-30A; 70-31; 70-32; 70-33; 70-33A; 70-34;  
70-77; 70-77A; 70-78; 70-79; 70-80; 70-82; 70-103; 70-122; 70-123; 70-124; 70-125; 70-126;  
70-127; 70-128; 70-129; 70-130; 70-131; 70-131A; 70-132; 70-133; 70-134; 70-135; 70-135A;  
70-136; 70-137; 70-139; 70-140; 70-140A; 70-140B; 70-141; 70-142; 70-143; 70-143A; 70-145;  
70-145A; 70-145B; 70-147; 70-149; 70-150; 70-151; 70-152; 70-153; 70-154; 70-155; 70-156;  
70-158; 70-201; 70-202; 70-203; 70-204; 70-206; 70-208; 70-212A; 70-213; 70-215; 70-216;  
70-217; 70-218; 70-219; 70-220; 70-221; 70-222; 70-223A; 70-224; 70-226; 70-227; 70-228;  
70-229; 70-230; 70-231A; 70-236; 70-237; 70-238; 70-239; 70-240; 70-248; 70-250; 70-251;  
70-251A; 70-254A; 70-255; 70-256; 70-257; 70-258; 70-259; 70-260; 70-261; 70-267; 70-277;  
70-277A; 70-278; 70-280; 70-281; 70-282; 70-283; 70-284; 70-285; 70-289; 70-291; 70-292;  
70-293; 70-294; 70-373; 70-377; 70-378; 70-379; 70-380; 70-381; 70-382; 70-383; 70-527;  
70-528.

XIV. The effective date of these amendments shall be the date of their passage.

**First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:32 PM.