



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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APRIL 8, 2013

Regular meeting of the City Council held on Monday, APRIL 8, 2013 at 8:03 p.m. in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 8:50 PM.

ORDERED: That the minutes of the City Council Meeting MARCH 25, 2013, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit, Bohler Engineering on behalf of McDonald's Restaurant, to improve the aesthetics and operational efficiencies of their restaurant which includes updates to the drive-thru at 155 Boston Post Road West, Order No. 13-1005341, all were heard who wish to be heard, hearing recessed at 8:18 p.m.; adopted.

Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy & Landers.

ORDERED: That the Employee Retirement transfer requests in the amount of \$96,569.40 which moves funds from and to various accounts as noted below to cover costs associated with the retirement of three employees, refer to **FINANCE COMMITTEE**; adopted.

BUDGET TRANSFERS --									
DEPT:		Various						FISCAL YEAR:	
FROM ACCOUNT:		TO ACCOUNT:						Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$454,218.00	\$9,898.00	11990006	51500	Fringe	\$9,898.00	11410002	50550	Head Clerk	\$11,877.00
		Reason: Retirement Payout of Vacation							
	\$17,816.40	11990006	51500	Fringe	\$17,816.40	11410003	51920	Sick Leave	\$0.00
		Reason: Retirement Payout Sick Leave							
	\$5,353.00	11990006	51500	Fringe	\$5,353.00	11440002	50770	Senior Clerk	\$13,492.00
		Reason: Retirement Payout of Vacation							
	\$51,138.00	11990006	51500	Fringe	\$51,138.00	12100003	51920	Sick Leave	\$23,881.00
		Reason: Retirement Payout Sick Leave							
	\$12,364.00	11990006	51500	Fringe	\$12,364.00	12100001	50820	Sargeant	\$205,937.00
		Reason: Retirement Payout of Vacation							
	\$96,569.40	Total			\$96,569.40	Total			

- ORDERED: That the Reappointments of Eric Asman and Joyce Torelli to the Community Development Authority for terms of three years expiring from the date of confirmation by the City Council, refer to **PERSONNEL COMMITTEE**; adopted.
- ORDERED: That the Appointment of Mitchell Gorka to the Zoning Board of Appeals for a term of three years expiring from the date of confirmation by the City Council, refer to **PERSONNEL COMMITTEE**; adopted.
- ORDERED: That the Communication from the City Solicitor Rider re: Construction Materials Service, Inc. Special Permit in proper legal form, Order No. 12/13-1005236D, **MOVE TO ITEM 21**.
- ORDERED: WHEREAS having convened in an open meeting on **April 8, 2013** the **CITY COUNCIL** of the **CITY OF MARLBOROUGH, MA** in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form **BY NO LATER THAN APRIL 10, 2013** for the **KANE ELEMENTARY SCHOOL LOCATED AT 520 FARM ROAD, MARLBOROUGH, MA** which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future to **include THE ELIMINATION OF EXISTING SEVERE OVERCROWDING, THE PREVENTION OF SEVERE OVERCROWDING EXPECTED TO RESULT FROM INCREASED ENROLLMENTS, AND REPLACEMENT OF OR ADDITION TO OBSOLETE BUILDINGS IN ORDER TO PROVIDE A FULL RANGE OF PROGRAMS CONSISTENT WITH STATE AND APPROVED LOCAL REQUIREMENTS, AS DETERMINED IN THE JUDGMENT OF THE AUTHORITY**; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the **City of Marlborough** to filing an application for funding with the Massachusetts School Building Authority, **NOW THEREFORE** the City Council of the City of Marlborough hereby authorizes the Superintendent to submit a Statement of Interest to the Massachusetts School Building Authority for the above-specified project, **APPROVED**; adopted.
- ORDERED: That the Communication from Retirement Director, Margaret Shea, re: Consideration of Cost-of-Living Adjustment (COLA), **FILE**; adopted.
- ORDERED: That the Communication from MEDC Operations Director, Tim Cummings re: Wayside Overlay District, refer to **URBAN AFFAIRS COMMITTEE**; adopted.
- ORDERED: That the Communication from the Planning Board re: Favorable Recommendation of Zoning Amendment, Order No. 12/13-1005267A, refer to **URBAN AFFAIRS COMMITTEE, BUILDING COMMISSIONER AND CITY SOLICITOR TO RENDER THEIR RECOMMENDATIONS TO THE URBAN AFFAIRS COMMITTEE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, MAY 6, 2013** as date for a **PUBLIC HEARING** On Application for Fuel Storage License, Bunker Floor Supply, 289 Elm St., for storage of 2,844 gallons of flammable liquids and 23,500 gallons of combustible liquids as noted on attached spreadsheets, refer to **PUBLIC SERVICES COMMITTEE, AND ADVERTISE**; adopted.

ORDERED: That the Communication from Attorney Gadbois, re: Submission of a draft of a Master Concept Plan and Development Agreement for the Results Way Mixed Use Overlay District, Order No. 12-1005154C, adopted December 17, 2012, to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Notice of Filing and Public Hearing, Department of Public Utilities, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, March 11, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, February 26, 2013, **FILE**; adopted.

ORDERED: That the Communication from the Hanover Insurance Group on behalf of Ann Mills, 47 Boudreau Ave., refer to **LEGAL DEPARTMENT**; adopted.

ORDERED: That the Communication from Hoefle Phoenix Gormley & Roberts, P.A. on behalf of Helen Crowe and Thomas McGovern, 65 High St., Exeter, New Hampshire, refer to the **LEGAL DEPARTMENT**; adopted.

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

- A. Paul Tanzi, 27 Beaman Lane, residential mailbox claim 2(a)
- B. Richard Kelleher, 38 Millham St., pothole or other road defect
- C. Marie Bijou, 48 Washington St., Hudson, pothole or other road defect
- D. Magdi Alfred, 14 South St., other property damage
- E. Evan Goduco, 657 Elm St., residential mailbox claim 2(a)
- F. Donna Waterman, 55 Teller St., residential mailbox claim 2(a)
- G. Lisa Colleton, 28A Blaiswood Ave., other property damage
- H. Mr. & Mrs. Nowakowski, 30 Fowler St., other property damage
- I. Karen Brunetti, 16 Eagle Dr., Douglas, pothole or other road defect
- J. John Flynn, 351 West Hill Rd., other property damage

Reports of Committees:

Present: Chairman Ossing; Finance Committee members Councilors Delano, Seymour and Jenkins. The meeting convened at 7:01 PM.

Order No. 13-1005353 – Transfer \$10,308.00 to Fund Comptroller Temporary Employee. The Finance Committee reviewed the Mayor's letter dated March 7, 2013 requesting a transfer of \$10,308.00 from Bond Issue Expense to Comptroller Finance Assistant to cover unanticipated short term absence of payroll personnel. **Recommendation of the Finance Committee is to approve the transfer 3-0. Councilor Seymour abstained.**

Order No. 13-1005352 – Transfer \$18,712.85 to Cover Upcoming Special Elections. The Finance Committee reviewed the Mayor's letter dated March 7, 2013 requesting two transfers totaling \$18,712.85 to fund costs associated with the upcoming special elections for the United States Senate. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

Order No. 13-1005368 – Transfer \$25,000.00 for the Summer Employment Initiative. The Finance Committee reviewed the Mayor's letter dated March 21, 2013 requesting the transfer of \$25,000.00 from the Sewer Loan Origination Fee to the Summer Employment Initiative. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

Order No. 13-1005369 – Transfer \$6,176.00 to Fund Widows Pension Account. The Finance Committee reviewed the Mayor’s letter dated March 21, 2013 requesting the transfer of \$6,176.00 from the Bond Issue Expense account to the Widows Pension account. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

Councilor Clancy reported the following out of the Wireless Communications Committee:

The Wireless Committee met on 4/2/2013 at 6:36 PM to review Council Order No. 12-1005249.

The request by T-Mobile to Modify an existing Wireless Communications Facility, allowing the replacement of the six (6) GSM TMA’S panel antennas currently located on the facility with six (6) Alpha Sector Air21 B4A/B2P antennas. Also, the addition of one (1) fiber optic (1” O.D.) to the Wireless Communications Facility.

Changes were made to the wording of “The Plan” to correct errors which were noted by the Wireless Committee, specifically the address. The Committee reviewed the Evidence and the Conditions making changes and corrections, where necessary. Ten (10) conditions were reviewed and agreed upon.

Members Present: Councilors Clancy and Robey; Councilor Oram was absent.

Applicant Present: Jeff Barbadora

Motion to approve and to send to the City Solicitor to be place in “Proper Legal Form” by Councilor Robey, seconded by the Chair
Motion passed: 2- 0

The Wireless Committee met on 4/2/2013 at 7:08 PM to review Council Order No. 13-1005342

The request by AT&T Mobility LLC, seeking permission to perform general maintenance to the Existing Wireless Communication Tower. Maintenance to be performed would be the reinforcement of the Tower by adding 1.25 inch thick steel plating to the surface of the Tower, up to the height of 87.5 feet and also the reconfiguring of the subgrade foundation and concrete pads at the base of the Existing WCF Tower.

Members Present: Councilors Clancy and Robey; Councilor Oram was absent

City Solicitor: Donald Rider

Applicant Present: Chris Swiniarski, Esq.

Discussion of the project was held with the reason for the upgrade, as to increase of its structural integrity. Because of the age of the tower it was deemed necessary. Review of the Evidence and Nine (9) Conditions were agreed upon, with changes of wording for clarity.

**Motion to approve and to send to the City Solicitor to be place in “Proper Legal Form” by Councilor Robey, seconded by the Chair
Motion passed: 2- 0**

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

Present: Chairman Elder, Vice Chair Clancy, Councilor Robey, Councilor Landers, Councilor Delano, President Pope

**8-27-12 – Order No. 12-1005151 - Application for Special Permit by Atty. Greg Mitrakas on behalf of Logical Partners, LLC for Special Permit to construct a three- Town House Condominium Unit on Map 68, Lot 466, 126 Pleasant Street /REFER TO URBAN AFFAIRS; PUBLIC HEARING: OCTOBER 15, 2012 – Councilor Tunnera abstained
9-10-12 – Order No. 12-1005151A - Communication from Attorney Greg Mitrakas on behalf of Logical Partners LLC, re: amendment to Application for Special Permit to construct a three-town house condominium unit on Map 68, Lot 466, 126 Pleasant Street, Order No.12-1005151.**

The Chair thanked the petitioners for working with the Committee at some of its concerns regarding the number of bedrooms and sewage connections.

Councilor Delano expressed concerns about the density of the project and stated his concern that the office can be converted to a third bedroom.

The Chair and the Committee discussed the conditions, reading only the conditions that changed from its last meeting.

At the request of the Committee and Councilors, the petitioners changed from three bedrooms to two. Also the units will now be owner occupied per request of the Committee.

President Pope asked for wording in the conditions regarding a back fence – petitioners agreed with her request; President Pope asked for wording in the conditions requiring petitioner to remove the barn on the property within three months of approval of the permit – petitioners agreed with her request.

The Chair asked if the project is approved that petitioners begin to clean up the property as soon as possible, hopefully before the full Council votes on the project.

Councilor Clancy made a motion to approve, the Chair seconded the motion. It passed 4-0 (Councilor Tunnera abstained).

Councilor Robey made a motion to ask for a suspension of the rules at the 4/8 Council meeting to refer the matter to the City Solicitor to place the proposed special permit decision in proper legal form. Vote passed 4-0.

Suspension of Rules requested – granted

ORDERED: That the Communication from the Mayor regarding Notice of Retirement for Comptroller Thomas Abel effective June 26, 2013, **FILE**; adopted.

Suspension of Rules requested – granted

ORDERED: That the Application for Special Permit from Crown Castle, on behalf of T-Mobile to exchange six existing antennas on a cell tower, 445 Simarano Dr., refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE APRIL 22, 2013 CITY COUNCIL MEETING**; adopted.

Suspension of Rules requested – granted

ORDERED: That the Application for Special Permit from Tower 16 Inc., on behalf of AT&T Wireless LLC, to modify an existing telecommunications tower at 75 Donald Lynch Blvd., refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE APRIL 22, 2013 CITY COUNCIL MEETING**; adopted.

Suspension of Rules requested – granted

ORDERED: That the Application for Special Permit from Logical Partners, LLC to construct three Townhouse Condominium Units at 126 Pleasant St, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE APRIL 22, 2013 CITY COUNCIL MEETING**.

Councilor Tunnera abstained

ORDERED: That the Operations and Oversight Committee work with the Marlborough Economic Development Corporation to receive quarterly reports in the form of a presentation before the committee on the progress of the MEDC and other items of interest regarding economic development in order to update the Marlborough City Council and the citizens of Marlborough, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED:

**VETERANS' SERVICES INTERMUNICIPAL AGREEMENT
Between the City of Marlborough and the Town of Sudbury**

Pursuant to M.G.L. c. 40, § 4A, this Intermunicipal Agreement, approved by the Marlborough City Council and the Selectmen of the Town of Sudbury, establishes the “Marlborough – Sudbury Regional Veterans District” (the “District”) and is hereby entered into and is effective from the 1st day of March, 2013 by and between the City of Marlborough (“Marlborough”) and the Town of Sudbury (“Sudbury”) (collectively, the “Parties”) in accordance with the following terms:

1. Purpose and Duties: (A) This agreement contractually enables the Director of Marlborough’s Veterans’ Services Department (the “Director”) to perform the duties of such office for Sudbury. The Director will maintain separate accurate and comprehensive records of all services performed for Sudbury.
(B) Sudbury will provide for a part-time employee (“Agent/Administrative Assistant”) to serve as administrative support for the District. Said employee will be an employee of the Town of Sudbury.

(C) The Director of Veterans Services and the Agent/Administrative Assistant will develop a schedule of available hours in each community in consultation with the Town Manager of Sudbury and the Mayor of Marlborough. The Director and the Agent/Administrative Assistant will have the ability to serve all qualifying veterans and their dependents in both municipalities regardless of which office they are working in on any particular day.

(D) The Agent/Administrative Assistant will work under the direction of the Director of Veterans Services and assist the office in carrying out relevant duties including but not limited to the coordination of benefits to eligible applicants, the completion of local and state compliance reports, and other duties as needed.

2. Term: The term of this agreement shall be from March 1, 2013 until June 30, 2014. The Town of Sudbury and the City of Marlborough reserve the right to terminate this agreement at any point with at least (45) business days written notice.
3. Location and Time of Services: The Director and the Agent/ Administrative Assistant shall perform their duties in offices to be provided by both Marlborough and Sudbury.
4. Salary and Benefits: The Director shall be an employee of Marlborough, and his salary and benefits will be paid by the City of Marlborough. Sudbury agrees to pay to Marlborough the amount of \$833.50 per month, by check made payable to the City of Marlborough, c/o Comptroller, 140 Main Street, Marlborough, MA 01752, for the duration of this agreement.
5. Distribution of Benefits to Veterans: It is understood and agreed that the distribution of benefits payments to eligible Veterans in Marlborough and Sudbury under M.G.L. c. 115 shall be paid by the respective municipality in which the eligible Veteran resides.
6. Insurance: The Parties acknowledge that they each have a minimum of \$1,000,000 of liability insurance through the Massachusetts Interlocal Insurance Association (MIIA) and that each party is covered by insurance for this joint venture as stated in the General Liability Coverage Form MGP 001.
7. Amendments: The Parties may modify this Agreement only by a written instrument signed by both Parties.
8. This District is subject to approval by the Massachusetts Department of Veterans Services.

APPROVED; adopted

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 12/13-1005236E**

FINDINGS OF FACT AND RULING

1. **Construction Materials Service, Inc.** is hereinafter referred to as “Applicant”.
2. Applicant is a party to contracts calling for the continued lease of the premises known and numbered as 379 South Street, Marlborough, Massachusetts described on Marlborough Assessor’s Map 93, Parcel 10 (hereinafter the “Site”) and proposes to construct an approximately 2,400 square foot two-story office building (hereinafter the “Project”).
3. The 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 (hereinafter the “Application”). Pursuant to Sections 650-12 of the Zoning Ordinance of the City of Marlborough, the Applicant is seeking permission to construct the office building on a non-conforming property.
4. The Site is located in a Residence A-1 zone as determined by the Zoning Map of the City of Marlborough.
5. In connection with the Special Permit Application, the Applicant has submitted a certified list of abutters, filing fees, an impact statement and twenty-three (23) copies of a detailed site plan entitled “Permit Site Plan of Land;” site address: Construction Materials Service, Inc., 379 South Street, Marlborough, MA; prepared for: Patrick Mauro, 379 South Street, Marlborough, MA; drawn by: Hancock Associates, 315 Elm Street, Marlborough, MA; scale 1”=20’, consisting of one sheet dated 10-25-12, revised through 2-21-13. Additionally the Applicant submitted a rendering of the proposed two-story wood-framed office building with floor plans and outline specifications.
6. The site plan was certified by the Building Inspector, acting 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 for a Special Permit and the City Clerk for the City of Marlborough caused notice of the same to advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
8. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on January 7, 2013. By Applicant’s request approved by the Council on March 11, 2013, the time for the Council to take final action on the Application has been extended to May 8, 2013.

9. The Applicant presented testimony at the public hearing detailing the Application, describing its anticipated 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. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to this 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. Further the City Council finds the proposed expanded use of the site, consistent with its current use, and of the structure and site as altered, will not be substantially more detrimental to the neighborhood than the continued use of the existing site and structure. The visual and drainage impacts from the proposed use will be mitigated through the proposed enhancements and location of the proposed building.

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to construct a 2,400 square foot, two-story office building as shown on the plans filed, as revised, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on Applicant, its successors and/or assigns:

1. Compliance with Building Regulations. Construction and 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 of Land;" site address: Construction Materials Service, Inc., 379 South Street, Marlborough, MA; prepared for: Patrick Mauro, 379 South Street, Marlborough, MA; drawn by: Hancock Associates, 315 Elm Street, Marlborough, MA; scale 1"=20', consisting of one sheet, dated October 25, 2012, as revised through February 21, 2013, as and if further amended during the application process.
2. Compliance with Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to this Special Permit and no occupancy certificate shall be issued until all conditions are complied with by the Applicant. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and plans submitted, reviewed and approved by the City Council as the special permit granting authority. Any changes to the plans which alter the traffic patterns or landscaping, or reduce the overall green space of the Project, will require subsequent approval by the City Council.

3. Application and Documents. All plans, drawings, site elevations and documentation provided by the Applicant as part of this Special Permit Application are herein incorporated into and become part of this Special Permit and become conditions and requirements of the same.
4. Compliance with Local, State and Federal Laws. The Applicant agrees to comply with all municipal, state and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Applicant's facility.
5. Incorporation of Plans and Drawings. All terms, conditions, requirements, approvals, plans, and drawings provided by the 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, including the Permit Site Plan referenced in Condition No. 1 above, are herein incorporated into and become part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
6. Improvements Installed Prior to Certificate of Occupancy. All site improvements that have been shown on renderings and/or the Permit Site Plan are conditions of this Special Permit and will be installed prior to the issuance of any temporary or permanent occupancy certificate; provided, however, that if all other work is completed between October 1, 2013 and June 1, 2014, all landscaping plants will be required to be installed by June 1, 2014. Applicant agrees that the permanent maintenance of the landscaping and other site improvements is an ongoing condition of this Special Permit.
7. Drainage Improvements. Prior to the completion of the Project, and prior to obtaining a certificate of occupancy, Applicant shall make all drainage improvements shown on the Project plans.
8. No Modifications to the Driveway Entrances. No modifications to the existing driveway configuration from South Street to the subject parcel are proposed. No modifications shall be allowed to the driveway as shown on the Site Plan without the Applicant returning to the City Council for modification of this Special Permit.
9. Signage. The locations and design of proposed signage shall be reviewed and approved during Site Plan Review in accordance with the sign ordinance of the City of Marlborough without variance therefrom.
10. Pavement Markings. The location and placement of pavement markings and traffic directional signage shall be reviewed and approved during Site Plan Review in accordance with applicable rules and regulations of the City of Marlborough.

11. Illumination. All illuminations of individual parking lot light fixtures shall not exceed 200-watt fixtures and shall be screened from abutting residential property. Deflectors shall be utilized and configured to mitigate light from entering abutting properties.
12. Street Opening Permit. 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 and not the City of Marlborough will bear the costs of any police detail for any work performed within the public way.
13. Trench Permits. All trenching shall be in compliance with Massachusetts law and pursuant to permits issued by the City's Department of Public Work's Engineering Division.
14. In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant, 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. After recording but prior to issuance of a building permit, Applicant shall provide the City Council and the City Solicitor's office with a copy of the recorded Special Permit.
15. Unless the context otherwise clearly requires, all references in the above conditions to "Applicant" shall also refer to Applicant's successors and assigns.
16. Applicant shall add striping to the existing paved area adjacent to the existing building on site for shop employees.
17. If during construction Applicant anticipates construction noise exceeding normal daily noise levels, Applicant shall, at least 48 hours prior to commencing with that portion of the work, so notify the abutters appearing on the Assessor's certified list accompanying the Application.

Yea: 11- Nay: 0

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:50 PM.