

# CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: December 1, 2016

Time: 5:00 PM (Please note earlier time.)

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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2016 NOV 23 A 9 19

07-25-2016 – **Order No. 16-1006634:** Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for the use of a car wash at Apex Center in the Hospitality and Recreation Mixed Use Overlay District, 22 Apex Drive.

-REFER TO URBAN AFFAIRS COMMITTEE

-PUBLIC HEARING: SEPTEMBER 12, 2016

07-25-2016 – **Order No. 16-1006635:** Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for a car wash in Zone B of Water Supply Protection District, 22 Apex Drive.

-REFER TO URBAN AFFAIRS COMMITTEE

-PUBLIC HEARING: AUGUST 29, 2016

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

**The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.**

**Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.**



## IN CITY COUNCIL

JULY 25, 2016

Marlborough, Mass.,

### ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 12, 2016** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for the use of a car wash at Apex Center in the Hospitality and Recreation Mixed Use Overlay District., 22 Apex Dr., be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

**Ninety days after public hearing is 12/11/16 which falls on a Sunday, therefore Monday, 12/12/16 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 16-1006634



# IN CITY COUNCIL

OCTOBER 17, 2016

Marlborough, Mass.,

**ORDERED:**

**Suspension of the Rules requested - granted**

That the Communication from Attorney Ericksen on behalf of Walker Realty LLC, re: request to extend time limitations on Proposed Car Wash, specifically to allow for a use of a car wash at Apex Center in the Hospitality and Recreation Mixed Use Overlay District until on or before December 26, 2016, Order No. 16-1006634B, be and is herewith **APPROVED.**

**ADOPTED**

**ORDER NO. 16-1006634C**



## IN CITY COUNCIL

JULY 25, 2016

Marlborough, Mass., \_\_\_\_\_

### ORDERED:

That there being no objection thereto set **MONDAY, AUGUST 29, 2016** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Ryan Development LLC on behalf of Apex WR 1031 LLC and Walker Realty LLC for Proposed Car Wash, specifically to allow for a car wash in Zone B of Water Supply Protection District, 22 Apex Dr., be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

**Ninety days after public hearing is 11/27/16 which falls on a Sunday, therefore Monday, 11/28/16 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 16-1006635



# IN CITY COUNCIL

OCTOBER 17, 2016

Marlborough, Mass.,

## ORDERED:

**Suspension of the Rules requested - granted**

That Communication from Attorney Ericksen on behalf of Walker Realty LLC, re: request to extend time limitations on Proposed Car Wash, specifically to allow for a car wash in Zone B of Water Supply Protection District, Order No. 16-1006635A, until on or before December 26, 2016 be and is herewith **APPROVED**.

ADOPTED

ORDER NO. 16-1006635B

## City Council

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**From:** Mark Leonard  
**Sent:** Tuesday, November 15, 2016 8:09 AM  
**To:** City Council  
**Subject:** RE: Urban Affairs to meet November 15, 2016 at 6:00 PM in City Council Chamber - Revised Special Permit, Apex Car Wash attached

I do have concerns about the 24 hour operation of the car wash, so I think at a minimum the proposed language should be part of the special permit. I am concerned about the noise that may be created and travel to the nearby residential neighborhoods, and I am also concerned about people using this as a gathering spot late at night.

I am OK with the proposed language and we can monitor the car wash operation once it is open.

Mark F. Leonard  
Chief of Police  
Marlborough Police Department  
355 Bolton Street  
Marlborough, MA 01752  
Office: 508-485-1212 x36974  
Fax: 508-624-6938

**From:** City Council  
**Sent:** Thursday, November 10, 2016 5:50 PM  
**To:** Mark Leonard <mleonard@marlborough-ma.gov>  
**Subject:** Urban Affairs to meet November 15, 2016 at 6:00 PM in City Council Chamber - Revised Special Permit, Apex Car Wash attached

Hello Chief:

The Petitioner has submitted the following change to the car wash special permit. Would you like to comment? We will meet next Tuesday.

10. Hours of Operation. The hours of operation for the carwash shall be twenty-four (24) hours per day, seven (7) days per week. Notwithstanding these hours of operation, if after the first six (6) months of operation the Chief of Police determines, in his good faith and reasonable discretion, that there is a legitimate public safety or nuisance concern associated with the 24 hour per day operation, then upon a recommendation from the Chief of Police, the City Council may, after notice to the Applicant (its successors and/or assigns) and a meeting, amend this Special Permit to limit the hours of operation at the carwash to 6 a.m. to 1 a.m., seven (7) days per week. Said determination shall be made, if at all, within a reasonable period of time after the first six (6) months of operation but in no event later than within the first nine (9) months after operation.

Thanks.  
KB

*Karen A. Boule*  
*Office of the City Council*  
*City of Marlborough*

# City of Marlborough Commonwealth of Massachusetts



## Site Plan Review Staff

Douglas Scott, Building Commissioner  
Kevin Breen, Fire Chief  
Mark Leonard, Police Chief  
Priscilla Ryder, Conservation Officer  
Thomas DiPersio, City Engineer  
Cathleen Liberty, Board of Health

Phone: (508) 460-3768

Email: [sbrown@marlborough-ma.gov](mailto:sbrown@marlborough-ma.gov)  
[pryder@marlborough-ma.gov](mailto:pryder@marlborough-ma.gov)

## MEMORANDUM

To: Councilor Delano, Chairman  
City Council Urban Affairs Committee

From: Priscilla Ryder on behalf of the Site Plan Review Committee *PRY*

Date: October 25, 2016

RE: Comments on Special Permit Request for Proposed Car Wash and Restaurant Drive Through at Apex Center

The Site Plan Review Committee reviewed the Special Permit applications associated with the proposed car wash facility at 22 Apex Dr. and restaurant drive through at 157 Apex Dr. which are proposed as part of the Apex Center Complex. We provide the following comments and recommendations for conditions:

**Car Wash:** The car wash is proposed in the HRMUOD district and within Zone B of the Water Supply Protection District. The following conditions are recommended:

1. **Water Use- Well-** The applicant has proposed to drill a well to service the car wash to reduce or eliminate the need for city water for this facility. Therefore, the following steps are necessary:
  - a. Prior to the issuance of a building permit, the applicant will provide a report on the well construction and hydrogeologic conditions. The report shall indicate flow capacity and construction details of the well and its connection to the car wash system.
  - b. The well report shall also confirm to the Board of Health and Conservation Officer that the well is deep enough not to interfere with surface water in the adjacent wetlands, or the supply of water to Millham Reservoir.

- c. The well must be located outside the Floodplain and Wetlands protection district, and must be properly sealed to prevent potential contamination from entering the aquifer.
  - d. Any restroom facilities or wash rooms for workers with sinks located inside the carwash must be serviced by potable water not the well water as required by the Board of Health.
2. **Sewer Discharge-** The applicant has committed to the recycling of approximately 25% of their water, to reduce sewer discharge from the car wash. Prior to the issuance of a building permit, the applicant shall review with the Sewer Department the final process design, and the need to apply for an Industrial Waste Discharge Permit for the proposed discharge.
  3. **Carwash Equipment Monitoring** - All carwash equipment shall be monitored on an annual basis with reports given to the Director of the Water and Sewer division of the Department of Public Works. The purpose of said report shall be to demonstrate that the nature of the effluent discharged to the Marlborough sewer system is acceptable.
  4. **Hazardous materials spill containment** - As this car wash is proposed in Zone B of the Water Supply Protection District it will need to meet the design criteria as outlined in the ordinance as follows:
    - a. Protection against toxic or hazardous material discharge or loss through corrosion, accidental damage, spillage or vandalism shall be provided. Such protection shall include provisions for spill control in the vicinity of chemical delivery points and shall include secure storage provisions for corrodible or dissolvable materials. Secondary containment structures must be provided which are large enough to contain the volume of the containers total storage capacity per local Fire Department requirements.
  5. **Emergency response-** A spill prevention, control and countermeasure plan to prevent contamination of soil or water in the event of accidental spills or the release of materials shall be reviewed by the Fire Department. Compliance with recommendations of the Fire Department on said plan shall be required.
  6. **The exit pads** from the car wash, as described, will be heated during the winter months, in order to prevent icing. This shall be made part of the design and submitted for review and approval with the building permit application.
  7. **Disposal of chemical containers** - All container that has been used for the storage of chemicals used in the carwash process shall adhere to any/all disposal requirements consistent with safety precautions and RCRA etc.

These conditions when implemented and followed should serve to provide protection against contamination of the city's water supply.

**Restaurant Drive Through:** As presented the restaurant drive through is for a Friendly's restaurant. The concern raised by the Committee was about the car stacking to the pick-up window and if that would be adequate if the restaurant changed in the future from a Friendly's to some other restaurant use or another use all together. Given this concern the following condition is recommended:

8. The drive-thru window shall only be applicable to the Friendly's Restaurant. Any other uses or users of any type or nature must go before the City Council for further review for the purpose of changing said use or users and approval of said uses or users.

If you have any questions on the above, please let me know.

**IN CITY COUNCIL**

ORDERED:

**DECISION ON A SPECIAL PERMIT**

**IN CITY COUNCIL**

Special Permit  
Ryan Development LLC  
Order No. 16-\_\_\_\_\_

**DECISION ON A SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 16-\_\_\_\_\_**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Ryan Development LLC (the "Applicant") to build and operate a car wash in the Hospitality and Recreation Mixed Use Overlay District (HRMUOD) located at 22 Apex Drive, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

**FINDINGS OF FACT AND RULING**

1. The Applicant, is a duly organized and existing Limited Liability Company having a business address of 4 Lan Drive, Westford, Massachusetts 01886.
2. Apex WR 1031 LLC is the owner of the property located at 22 Apex Drive, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 78, Parcels 12, 14, 38 and 39, and Map 89, Parcel 7 (the "Site").
3. The Applicant proposes to build and operate a new car wash facility at the Site (the "Use") as part of the larger Apex Center development (the "Project").
4. The Site is located in the HRMUOD, following the City Council's approval of a Master Concept Plan for the Project (See Order No. 16-1006443G-1), approval of the Development Agreement for the Project (See Order No. 16-1006443G-2), and the Owner's acquisition of the Site (See deed recorded in the Middlesex South District Registry of Deeds in Book 67444, Page 575).
5. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an application for a special permit for the Use in Zone B of the WSPD, as provided in this Decision and subject to the following.
6. In connection with the Application, the Applicant has submitted a certified list of abutters, filing fees, and a detailed site plan entitled "22 Apex Drive Building Pad and Site Plan"

prepared by Hancock Associates and dated May 16, 2014, last revised August 10, 2016 (the "Plans").

7. The Plans were certified by the Building Commissioner of the City of Marlborough, 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.

8. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

9. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on Monday, September 12, 2016. The hearing was opened and closed on that date.

10. The Applicant, through its representatives, presented testimony at the public hearing detailing the Project, describing its impact upon municipal services, the neighborhood, and traffic.

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

A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to build and operate a car wash in Hospitality and Recreation Mixed Use Overlay District District as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws: Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

2. Compliance with Applicable Laws: The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Project.

3. Site Plan Review: The issuance of the Special Permit is further subject to that certain Site Plan Review Decision issued on \_\_\_\_\_ for the overall Project, which Site Plan Review Decision was issued in accordance with the HRMUOD Ordinance and the City of Marlborough Site Plan Review Ordinance.

4. Modification of Plans. Notwithstanding conditions #1 and #3 above, the City Council or the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow, increase the size, shape or position of the building, or alter the fencing bordering the property, all as shown on the Plans.

5. Incorporation of Submissions: All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

6. Car Wash Safety Factor. The Chief of Police or his designee shall have authority to order the carwash temporarily closed when an "icing" or unsafe condition on the public way exists due to the carwash or weather conditions, as determined solely by the Chief of Police or his designee.

7. Carwash Equipment Monitoring. All carwash equipment shall be monitored on an annual basis with reports given to the Director of the Water and Sewer division of the Department of Public Works.

8. Concrete Aprons. The concrete aprons located at the exit of the carwash bays shall be heated during the winter months to prevent icing. This shall be included in the design submitted for building permit.

9. Disposal of Chemical Container's. All containers that have been used for the storage of chemicals shall adhere to any and all disposal requirements consistent with safety precautions and the RCRA.

10. Hours of Operation. The hours of operation for the carwash shall be twenty-four (24) hours per day, seven (7) days per week. Notwithstanding these hours of operation, if after the first six (6) months of operation the Chief of Police determines, in his good faith and reasonable discretion, that there is a legitimate public safety or nuisance concern associated with the 24 hour per day operation, then upon a recommendation from the Chief of Police, the City Council may, after notice to the Applicant (its successors and/or assigns) and a meeting, amend this Special Permit to limit the hours of operation at the carwash to 6 a.m. to 1 a.m., seven (7) days per week. Said determination shall be made, if at all, within a reasonable period of time after the first six (6) months of operation but in no event later than within the first nine (9) months after operation.

11. Compliance with Related Special Permit. The Applicant has also applied for a permit for the Use in the Zone B. Any conditions attached to the approval of that special permit are also incorporated herein and made a part hereof.

12. Recording of Decision. In accordance with the provisions of M.G.L. c. 40A, § 11, Applicant, its successors and/or assigns at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed.

Yea: \_\_\_\_\_ - Nay: \_\_\_\_\_ - Absent: \_\_\_\_\_

ADOPTED

In City Council

Order No. 16- \_\_\_\_\_

Adopted: \_\_\_\_\_ 2016

Approved by Mayor

Arthur Vigeant

Date: \_\_\_\_\_ 2016

A TRUE COPY

ATTEST: \_\_\_\_\_ City Clerk

**IN CITY COUNCIL**

ORDERED:

**DECISION ON A SPECIAL PERMIT**

**IN CITY COUNCIL**

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Special Permit  
Ryan Development LLC  
Order No. 16-1006635

**DECISION ON A SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 16-1006635**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Ryan Development LLC (the "Applicant") to build and operate a car wash in Zone B of the Water Supply Protection District located at 22 Apex Drive, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

**FINDINGS OF FACT AND RULING**

1. The Applicant, is a duly organized and existing Limited Liability Company having a business address of 4 Lan Drive, Westford, Massachusetts 01886.
2. Apex WR 1031 LLC is the owner of the property located at 22 Apex Drive, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 78, Parcels 12, 14, 38 and 39, and Map 89, Parcel 7 (the "Site").
3. The Applicant proposes to build and operate a new car wash facility at the Site (the "Use") as part of the larger Apex Center development (the "Project").
4. The Site is located in the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), following the City Council's approval of a Master Concept Plan for the Project (See Order No. 16-1006443G-1), approval of the Development Agreement for the Project (See Order No. 16-1006443G-2), and the Owner's acquisition of the Site (See deed recorded in the Middlesex South District Registry of Deeds in Book 67444, Page 575).
5. The Site is also located in Zone B of the Water Supply Protection District (WSPD).
6. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an application for a special permit for the Use in Zone B of the WSPD, as provided in this Decision and subject to the following.

7. In connection with the Application, the Applicant has submitted a certified list of abutters, filing fees, and a detailed site plan entitled "22 Apex Drive Building Pad and Site Plan" prepared by Hancock Associates and dated May 16, 2014, last revised August 10, 2016 (the "Plans").

8. The Plans were certified by the Building Commissioner of the City of Marlborough, 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.

9. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

10. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on Monday, August 29, 2016. The hearing was opened and closed on that date.

11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Project, describing its impact upon municipal services, the neighborhood, and traffic.

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

A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to build and operate a car wash in Zone B of the Water Supply Protection District as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws: Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

2. Compliance with Applicable Laws: The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Project.

3. Site Plan Review: The issuance of the Special Permit is further subject to that certain Site Plan Review Decision issued on November 2, 2016 for the overall Project, which Site Plan Review Decision was issued in accordance with the HRMUOD Ordinance and the City of Marlborough Site Plan Review Ordinance.

4. Modification of Plans. Notwithstanding conditions #1 and #3 above, the City Council or the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow, increase the size, shape or position of the building, , all as shown on the Plans.

5. Incorporation of Submissions: All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

6. Disposal of Chemicals Containers. No container that has been used for the storage of chemicals used in the carwash process will be disposed of in the dumpster located on the property.

8. Hazardous Materials Spill Containment. Protection against toxic or hazardous material discharge or loss through corrosion, accidental damage, spillage or vandalism shall be provided. Such protection shall include provisions for spill control in the vicinity of chemical delivery points and shall include secure storage provisions for corrodible or dissolvable materials. Secondary containment structures must be provided which are large enough to contain the volume of the containers total storage capacity per local Fire Department requirements.

9. Emergency response. A spill prevention, control and countermeasure plan to prevent contamination of soil or water in the event of accidental spills or the release of materials shall be reviewed by the Fire Department. Compliance with recommendations of the Fire Department on said plan shall be required.

10. Sewer Discharge. The Applicant shall utilize some recycling of water (approximately 25% of their water usage) to reduce sewer discharge from the car wash. Prior to the issuance of a building permit, the Applicant shall review with the Sewer Department the final process design, and the need to apply for an Industrial Waste Discharge Permit for the proposed discharge.

11. Water Use- Well. The Applicant has proposed to drill a well to partially service the car wash to reduce the need for city water for this facility. Therefore, the following steps are necessary:

- a. Prior to the issuance of a building permit, the Applicant will provide a report on the well construction. The report shall indicate flow capacity and construction details of the well and its connection to the car wash system.
- b. The well report shall also confirm to the Board of Health Agent and Conservation Officer that the well is deep enough not to interfere with surface water in the adjacent wetlands, or the supply of water to the Millham Reservoir.
- c. The well must be located outside of the Floodplain and Wetlands protection district, and must be properly sealed to prevent potential contamination from entering the aquifer.
- d. Any restroom facilities or wash rooms for works with sinks located inside the car wash must be serviced by potable water not the well water as required by the Board of Health.

12. Storage of Flammables Prohibited. No flammable materials, except those, like diesel and oil, that may be used to heat the premises, will be stored at the site.

13. Activity Prohibition in Zone A. No activity that is accessory to a carwash, including but not limited to the pre-washing of cars, will be allowed in Zone A.

14. Compliance with Related Special Permit. The Applicant has also applied for a special permit for the Use in the HRMUOD. Any conditions attached to the approval of that special permit are also incorporated herein and made a part hereof.

15. Recording of Decision. In accordance with the provisions of M.G.L. c. 40A § 11, the Applicant, its successors and/or assigns at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed.

Yea: \_\_\_\_\_ - Nay: \_\_\_\_\_ - Absent: \_\_\_\_\_

ADOPTED

In City Council

Order No. 16-1006635

Adopted: \_\_\_\_\_ 2016

Approved by Mayor

Arthur Vigeant

Date: \_\_\_\_\_ 2016

A TRUE COPY

ATTEST: \_\_\_\_\_ City Clerk