

REGULAR MEETING  
OCTOBER 5, 2020  
TIME: 8:00 PM

IN CITY COUNCIL  
ABSENT  
LOCATION: CITY HALL, 140 MAIN STREET, 2<sup>ND</sup> FLOOR

CONVENED:  
ADJOURNED:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 OCT -1 P 1:45

This meeting of the City Council will be held virtually on Monday, October 5, 2020 at 8:00 PM with Councilors attending in person and/or remotely. **NO PUBLIC ATTENDANCE WILL BE PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

1. Minutes, City Council Meeting, September 21, 2020.
2. Communication from the Mayor, re: Proposed Ordinance Amendment to Chapter 125 by adding a new §10(C) granting the Mayor authority to waive any two steps of the salary schedule and also adding a new §18(A) (4) allowing the Mayor the authority to grant an additional week of vacation time effective at the time of employment for all non-union personnel.
3. Communication from the Mayor, re: New Hires for the Marlborough Fire Department.
4. Communication from City Solicitor Jason Grossfield, re: Proposed License to Encroach for Handicap Access Ramps, 270-276 Main Street, in proper legal form, Order No. 20-1008045.
5. Communication from City Solicitor Jason Grossfield, re: Proposed Salary Ordinance Amendment for the position of Director of Civil Defense, Order No. 20-1008056A.
6. Communication from City Clerk Steven Kerrigan, re: State Election Call.
7. Communication from Attorney Brian Falk on behalf of WP Marlborough MA Owner, LLC (Waypoint Residential), re: Request to Extend Time Limitations to January 20, 2021 at 10:00 PM, on the Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, consisting of 188 units in 4 buildings at 339 Boston Post Road East (McGee Farm), Order No. 20-1007995C.
8. Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Garden Remedies, Inc., to amend condition #8 relative to the hours of operation for the medical and adult use marijuana retail establishment located at 416 Boston Post Road East, Order No. 18-1007318E.
9. Communication from National Grid, re: Notification of emergency work being performed on the electrical distribution system that serves certain sections of Roundtop Road.

**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.**

10. Minutes of Boards, Commissions and Committees:
  - a) School Committee, September 8, 2020.
  - b) Conservation Commission, September 3, 2020.
  - c) Commission on Disabilities, September 8, 2020.
  - d) Library Trustees, June 2, 2020.
  - e) Planning Board, August 24, 2020 & September 14, 2020.
  - f) Retirement Board, July 28, 2020 & August 25, 2020.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 SEP 29 A 8:46

**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Steven W. Kerrigan  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**SEPTEMBER 21, 2020**

Regular meeting of the City Council was held on Monday, September 21, 2020 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Councilors Participating Remotely: Oram, Perlman, Robey & Wagner. Meeting adjourned at 9:03 PM.

Council President Ossing explained that this meeting is being held under the Emergency Order of the Governor allowing relief from the Open Meeting Law (MGL c. 30A §20). The Emergency Order allows for remote participation by public bodies. President Ossing further stated that all votes of the City Council will be taken by roll call vote pursuant to 940 CMR 29.10.

The City Council President asked for a roll call to confirm attendance of all City Councilors.

**Present: 11 – Absent: 0**

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

**ORDERED:** That the Minutes of the City Council meeting, September 14, 2020, **FILE**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**ORDERED:** That the **PUBLIC HEARING** on the Application for LED Sign Special Permit, from ViewPoint Sign & Awning on behalf of Dunkin Donuts, 269 East Main Street, Order No. 20-1008085, all were heard who wish to be heard, hearing closed at 8:14 PM; adopted.

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

President Ossing called a recess at 8:14 PM and returned to open meeting at 8:15 PM.

ORDERED: That the Communication from Councilors Ossing and Tunnera, re: Municipal Aggregation – September 2020 Update, **FILE**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the Appointment of Sean Divoll as DPW Commissioner for a five-year term, and a request to start him at step two of the salary schedule and to grant 4-weeks' vacation time, refer to **PERSONNEL COMMITTEE**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Proposed Amendment to Chapter 540 "Solid Waste", in proper legal form, Order No. 20-1008042B, **FILE**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) Conservation Commission, August 6, 2020 & August 20, 2020.
- b) Retirement Board, May 26, 2020 & June 30, 2020.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

Reports of Committees:

**THERE WERE NO REPORTS OF COMMITTEE.**

ORDERED: That the Appointment of Michael Cabral to the Parks & Recreation Commission for a 3-year term to expire from date of Council confirmation, **APPROVED**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED That the Appointment of Emily Wilde to the Cultural Council for a 3-year term to expire from date of Council confirmation, **APPROVED**; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

President Ossing called a recess at 8:26 PM and returned to open meeting at 8:30 PM.

Motion by Councilor Navin to amend proposed section 540-19 B(3) entitled "Senior Citizens (Age 65 and older) and Disabled American Veterans Sticker" to change the number of pay items from "4 pay items" to "6 pay items".

**APPROVED;** adopted.

**Yea: 10 – Nay: 1**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, & Perlman.**

**Nay: Robey.**

**Suspension of the Rules requested to allow the Solicitor to speak – granted.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. By amending Chapter 540 ("Solid Waste"), Article II ("Transfer Stations") by deleting the words "Transfer Stations" in the title and replacing it with the words: "Resident Drop-Off Facility".
- II. By amending Chapter 540, Section 540-16, entitled "Provision for Station", to read as follows:

§ 540-16 Provision for resident drop-off facility.

The City shall provide, either by contract or otherwise, a resident drop-off facility for the drop-off and transfer of residential solid waste and residential recycling, and may include residential compost, generated within the City.
- III. By amending Chapter 540, Section 540-17, entitled "Use of landfill", to read as follows:

§ 540-17 Use of landfill.

The Hudson Street landfill will be closed to public use. Further use of said landfill by the public will only be allowed under emergency conditions by the Department of Public Works or as otherwise approved by the City Council.
- IV. By amending Chapter 540, Section 540-18, entitled "Definitions", by deleting the existing section in its entirety and replacing it with the following:

§ 540-18 Definitions.

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this article:

**RESIDENTIAL COMPOST:** Discarded organic material such as yard trimmings, kitchen scraps, wood shavings, cardboard and paper that is converted to compost, which can be used for soil improvement or as a fertilizer.

**RESIDENTIAL RECYCLING:** Discarded material that can be converted into reusable material as defined by the Massachusetts Department of Environmental Protection.

**RESIDENTIAL SOLID WASTE:** Discarded material that is usual to housekeeping, which is not recycling or hazardous waste as defined by the Massachusetts Department of Environmental Protection.

- V. By amending Chapter 540, Section 540-19, entitled "Stickers", by deleting the existing section in its entirety and replacing it with the following:

§ 540-19 Stickers; Use of Resident-Drop Off Facility

- (A) The resident drop-off facility shall be for the sole use of residents of the City of Marlborough. The department of public works shall issue permits in the form of stickers to be attached to each vehicle window. The department of public works shall adopt regulations for the administration of the resident drop-off facility consistent with this section.
- (B) Entrance for the use of the resident drop-off facility shall only be allowed to vehicles displaying a proper window sticker affixed to the lower, front corner of the driver's side window. Said permit shall allow use of the facility on an annual basis, from July 1 through June 30 of each year, as follows:
- (1) Residential Solid Waste / Residential Recycling Standard Sticker: \$50 annual fee. This sticker permits a maximum of 50 household bags of residential solid waste and 6 pay items.
  - (2) Residential Recycling Only Sticker: No fee.
  - (3) Senior Citizens (Age 65 and older) and Disabled American Veterans Sticker: No fee. This sticker permits a maximum of 50 household bags of residential solid waste and 6 pay items.
  - (4) Sticker Upgrades: Purchasable in \$100 increments for an additional 4 pay items. 12 household bags of residential solid waste are considered 1 pay item.
  - (5) For purposes of this subsection, Pay Items are a single load of electronics, appliances and bulk waste as defined in the regulations.

- VI. By deleting Chapter 540, Sections 540-20, 540-21, and 520-22 in their entirety.

**Adopt First Reading suspended; Second Reading; APPROVED; adopted.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**Passage to Enroll; APPROVED; adopted.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**Passage to Ordain; APPROVED; adopted.**

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**No objection to passage in one evening.**

ORDERED THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That the land off Valley Street owned by Marlborough HUB, LLC., shown on Assessor's Map 82 as Parcel 125, presently zoned partly "Residence C" and partly "Industrial", be rezoned entirely as "Residence C", as said industrial portion parcel 125 is contiguous to the proponent's residentially zoned portion of Assessors' Parcel 125, and neither contiguous to any other industrially zoned land, and not practical or feasible for lawful industrial uses.

**Passage to Ordain; DENIED.**

**Yea: 7 – Nay: 4**

**Yea: Doucette, Dumais, Tunnera, Navin, Landers, Oram, & Perlman.**

**Nay: Wagner, Irish, Ossing, & Robey.**

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:03 PM; adopted.

**Yea: 11 – Nay: 0**

**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**



*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Patricia M. Bernard*  
EXECUTIVE AIDE

*Michele W. O'Brien*  
EXECUTIVE SECRETARY

October 1, 2020

City Council President Michael H. Ossing  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Amendment to Ch. 125, Sec 10 (C) and Sec 18(A)(4) for non-union personnel**

Honorable President Ossing and Councilors:

I am submitting a draft ordinance to give me authority to waive any two steps and add an additional one week of vacation time for non-union employees at the time of hire or during employment. At the request of several City Councilors, I am submitting this correspondence to supersede previous requests to reflect consistency moving forward.

The attached draft amendment is authorizing me to waive any two steps on a salary schedule for non-union personnel. Anything over two steps will require Council approval.

Additionally, this ordinance will amend Chapter 125, Section 18(A)(4) authorizing me to grant up to one week of additional vacation effective at the time of employment for non-union personnel.

This will assist us in being competitive and recruiting well qualified candidates for future positions, as well as retain good employees.

Please see the attached proposed ordinance for review, and do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosure

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

I. By amending Chapter 125 (“Personnel”), Section 125-10, entitled “Starting minimum rate”, by **inserting** a new Section 125-10(C) to read as follows:

C. Notwithstanding anything to the contrary in this chapter, for all other employees, in order to reflect an employee’s prior experience or performance, the Mayor is authorized to waive any two steps on a salary schedule established under this chapter, at time of hiring or during employment, subject to available appropriation of funds. Any waiver of more than two steps shall require approval by the City Council.

II. By amending Chapter 125 (“Personnel”), Section 125-18, entitled “Vacations”, by **inserting** a new Section 125-18(A)(4) to read as follows:

(4) Notwithstanding anything to the contrary in this chapter, for all other employees, in order to credit an employee’s experience in prior public or private employment, the Mayor is authorized to grant an increase of up to one (1) additional week of annual vacation time which may be made effective at any time of employment. Upon granting, said additional time shall accrue on a pro-rated basis per completed month in that calendar year, and thereafter shall be received annually. Any increase in annual vacation time above one (1) week shall require approval by the City Council.

ADOPTED  
In City Council  
Order No. 20-XXX  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
508.460.3770 Fax 508.460.3698 TDD 508.460.3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Patricia M. Bernard*  
EXECUTIVE AIDE

*Michele A. O'Brien*  
EXECUTIVE SECRETARY

October 1, 2020

City Council President Michael H. Ossing  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Marlborough Fire Department New Hires**

Dear President Ossing and Councilors:

Due to recent retirements, the Marlborough Fire Department has hired six new firefighters that began employment with our fine city on September 28<sup>th</sup>.

Under Chief Breen's leadership, I'm confident that these six new professionals will bring added experience and skill to our stations. I've enclosed a recent press release that describes everyone's background.

If you have any questions, please do not hesitate to contact me.

Sincerely,

**Arthur G. Vigeant**  
Mayor

*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
508.460.3770 Fax 508.460.3698 TDD 508.460.3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Patricia M. Bernard*  
EXECUTIVE AIDE

*Michele A. O'Brien*  
EXECUTIVE SECRETARY

-FOR IMMEDIATE RELEASE-  
September 24, 2020

CONTACT: *Trish Bernard* 508-460-3770 or [pbernard@marlborough-ma.gov](mailto:pbernard@marlborough-ma.gov)

## Marlborough Fire Department Hires Six New Firefighters

MARLBOROUGH—On September 28, six new firefighters will begin employment with the City of Marlborough due to recent retirements. Marlborough restored merit to public safety hiring when the administration did away with the Civil Service testing in 2017.

“In addition to practical experience, these new recruits went through a battery of testing enabling us to hire the very best candidates to fill vacancies. We had a vast talent pool to choose from, and I look forward to working with these new employees as they acclimate to their assigned units,” said Chief Kevin J. Breen.

“It’s a challenging time for public safety employees and it’s important that we choose the most qualified applicants. Chief Breen and his staff have selected some well-rounded individuals with a multitude of backgrounds and experience,” said Mayor Arthur Vigeant.

Firefighters’ main objective is to protect lives and property and these skilled professionals will become part of the MFD brotherhood:

Ralph J. Cacciapaglia, is a Marlborough resident and a combat Veteran of the United States Army. He served as an Army Ranger team leader and is a Purple Heart recipient. Additionally, Ralph has earned a Master of Business Administration (MBA) from Boston College, Carroll Graduate School of Management.

Dylan J. Conway is a member of the Army National Guard and is trained as a combat medic. He also serves as a per diem Firefighter/EMT for the Chichester, NH Fire Department. Dylan is currently pursuing a bachelor’s degree in Fire Science Management at the American Military University. He is a third-generation firefighter and was named fire explorer of the year in 2015 at the Hudson, NH Fire Department.

Charles J. Borowy is a seasoned firefighter with more than thirteen years of experience including serving as a Lieutenant Paramedic for Holden Fire Department for the past three years. Charles is a certified fire officer, fire instructor and fire prevention officer and earned a Bachelor of Science degree in Fire Science from Anna Maria College.

Matthew M. James is a veteran of the United States Marine Corps having served his country for five years. He comes to Marlborough with a lot of firefighting experience as he has been a certified Firefighter/EMT for Maynard Fire Department for the past five years. Additionally, he holds a Bachelor of Science degree in Fire Science from Anna Maria College.

Alex G. Martinec is already an experienced, full time, career firefighter having worked as a Firefighter/EMT for the Maynard Fire Department for the past four years. Furthermore, he was the recipient of the Richard N. Bangs Award in his firefighter recruit training program at the Massachusetts Fire Academy. This award is presented to the student with the highest academic record. Alex is also pursuing a Bachelor of Science degree from Columbia Southern University.

Matthew E. Vickery is a veteran firefighter with ten years of experience including serving as a full time Firefighter/EMT with Concord Fire Department for the past six years. He is also a licensed Master Electrician and holds a Bachelor of Science degree in Emergency Management from Waldorf University.

For more information, please contact the Mayor's Office at 508-460-3770.

#



# City of Marlborough Legal Department

140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610  
LEGAL@MARLBOROUGH-MA.GOV

RECEIVED  
JASON D. GROSSFIELD  
CITY CLERK'S OFFICE  
CITY SOLICITOR  
JASON M. PIQUES  
ASSISTANT CITY SOLICITOR  
2020 SEP 29 P 2:32  
HEATHER H. GUTIERREZ  
PARALEGAL

September 29, 2020

Michael H. Ossing, President  
Marlborough City Council  
City Hall  
140 Main Street  
Marlborough, MA 01752

Re: Order No. 20-1008045: Proposed License to Encroach for Handicap Access Ramp, 270-276 Main Street

Dear Honorable President Ossing and Councilors:

In connection with the above-referenced item, enclosed please find the proposed form of license, in proper legal form, as recommended by the Legislative and Legal Affairs Committee at its September 22, 2020 meeting.

Please contact me if you have any questions.

Respectfully,

Jason D. Grossfield  
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor  
Theodore L. Scott, P.E., Interim DPW Commissioner  
Thomas DiPersio, Jr., PE, City Engineer  
Jeffrey Cooke, Building Commissioner

ORDERED:

## LICENSE TO ENCROACH

That this License to Encroach, subject to Site Plan Approval, to the record owner of 270-276 Main Street, Marlborough, Massachusetts (the "Licensee"), identified as Map 69, Lot 218 of the City's Assessor's Maps, is hereby authorized, to: encroach on and occupy, to the extent applicable, a portion of the layout of Main Street, for the purpose of constructing handicap access ramps at Licensee's sole cost and expense, as shown on a sketch to be attached hereto and made a part hereof.

The design and construction of said handicap access ramps shall conform to the applicable provisions of the requirements of the Architectural Access Board of the Commonwealth of Massachusetts, the Americans with Disabilities Act, the City of Marlborough Building and Inspectional Departments and the City of Marlborough Public Works Department.

The Licensee, its heirs and assigns, by the construction of said access ramps, hereby agrees to indemnify and save harmless the City of Marlborough, Massachusetts, and its officials, employees, agents, and representatives from any and all injury, loss or damage of whatever nature occurring upon or about said access ramps and/or the real property of the City hereinbefore described, no matter how caused, including but not limited to, all costs, expense and liabilities, including reasonable attorney's fees, incurred in connection with any injury, loss or damage or any claim or proceeding brought thereon or defense thereof. Licensee shall not cause any lien to be placed on any portion of the City's property. The obligations in this paragraph shall survive termination of this License.

Licensee shall provide the City with a certificate of insurance evidencing its maintenance of public liability and property damage insurance in sum of One Million Dollars each, naming the City of Marlborough as an additional insured on said policies.

Failure to comply with the above requirements shall cause this License to terminate at the sole discretion of the City, and Licensee shall remove all encroachments at its sole cost. Licensee shall, within thirty (30) days of receipt of this License, record same at Licensee's expense.

### Attach: Sketch Plan

ADOPTED  
In City Council  
Order No 20-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY

ATTEST:

Accepted by,

LICENSEE:

\_\_\_\_\_  
Print:  
Duly Authorized  
Dated: \_\_\_\_\_, 2020

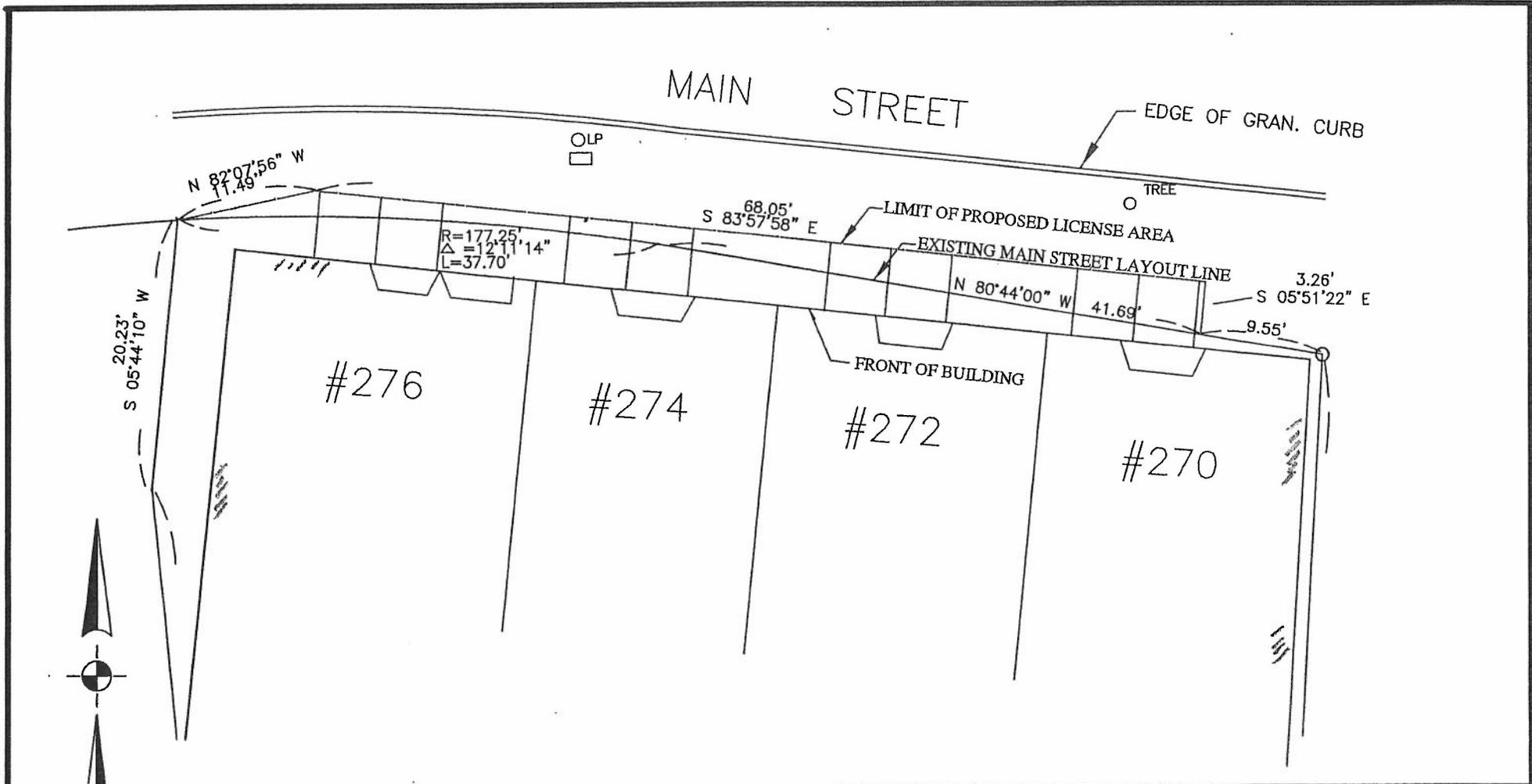
**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss.

On this \_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_

Notary Public  
My commission expires:



NOTE: PROPOSED LICENSE AREA= 115 sf

**PLAN OF PROPOSED LICENSE AREA  
IN  
MARLBOROUGH, MASSACHUSETTS**

LOCATION: 270-276 MAIN STREET  
 OWNED BY: UNION REALTY TRUST  
 PREPARED BY: ROBERT J. PARENTE, P.L.S  
 DATE: DECEMBER 17, 2019      SCALE: 1"= 12'  
 REV: JANUARY 7, 2020  
 REV: FEBRUARY 4, 2020



# City of Marlborough Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2020 OCT - 1 A 9:59  
JASON D. GROSSFIELD  
CITY SOLICITOR  
JASON M. PIQUES  
ASSISTANT CITY SOLICITOR  
HEATHER H. GUTIERREZ  
PARALEGAL

October 1, 2020

Michael H. Ossing, President  
Marlborough City Council  
City Hall  
140 Main Street  
Marlborough, MA 01752

Re: Order No. 20-1008056: Salary Ordinance Amendment re: Director of Civil Defense

Dear Honorable President Ossing and Councilors:

In connection with the above-referenced item, recommended by the Finance Committee at its September 22, 2020 meeting, I recommend the "Effective Date" of this ordinance be set to September 28, 2020.

Mass. Gen. Laws ch. 44, s. 33A requires that when an ordinance provides for an increase in salaries or wages, it must be operative for more than three months during the calendar year in which it is passed. Accordingly, I recommend establishing the "Effective Date" of this ordinance as September 28, 2020, consistent with the other salary ordinance amendments recommended by the Finance Committee. Enclosed is a proposed motion for the City Council's consideration.

I recommend the enclosed motion first be adopted prior to ordainment. Following adoption of this motion, the City Council may move to ordain the ordinance as amended. Please contact me if you have any questions.

Respectfully,

Jason D. Grossfield  
City Solicitor

Enc.

cc: Arthur G. Vigeant, Mayor

Order No. 20-1008056

**Proposed Motion:** Motion to amend the Effective Date for this ordinance, to read as follows: September 28, 2020.

COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH  
WARRANT FOR 2020 STATE ELECTION

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2020 SEP 29 A 10:50

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the City of Marlborough who are qualified to vote in Elections to vote at:

WARD ONE: Precinct 1 and 2	Francis J. Kane School, 520 Farm Road
WARD TWO: Precinct 1 and 2	Francis J. Kane School, 520 Farm Road
WARD THREE: Precinct 1	Senior Center, 40 New Street
WARD THREE: Precinct 2	Raymond J. Richer School, 80 Foley Road
WARD FOUR: Precinct 1 and 2	Senior Center, 40 New Street
WARD FIVE: Precinct 1 and 2	Masonic Lodge, 8 Newton Street
WARD SIX: Precinct 1 and 2	1LT Charles W. Whitcomb School, 25 Union Street
WARD SEVEN: Precinct 1 and 2	Hildreth School, 85 Sawin Street

On **TUESDAY, NOVEMBER 3, 2020**, then and there, for the purpose of casting their votes in the State Election for candidates for the following offices:

<b>ELECTORS OF PRESIDENT AND VICE PRESIDENT</b>	<b>FOR THESE UNITED STATES</b>
<b>SENATOR IN CONGRESS</b>	<b>FOR THIS COMMONWEALTH</b>
<b>REPRESENTATIVE IN CONGRESS</b>	<b>THIRD DISTRICT</b>
<b>COUNCILLOR</b>	<b>THIRD DISTRICT</b>
<b>SENATOR IN GENERAL COURT</b>	<b>MIDDLESEX &amp; WORCESTER DISTRICT</b>
<b>REPRESENTATIVE IN GENERAL COURT</b>	<b>FOURTH MIDDLESEX DISTRICT</b>
<b>REPRESENTATIVE IN GENERAL COURT</b>	<b>THIRTEENTH MIDDLESEX DISTRICT</b>
<b>REGISTER OF PROBATE</b>	<b>MIDDLESEX COUNTY</b>

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 5, 2020?

**SUMMARY**

This proposed law would require that motor vehicle owners and independent repair facilities be provided with expanded access to mechanical data related to vehicle maintenance and repair.

Starting with model year 2022, the proposed law would require manufacturers of motor vehicles sold in Massachusetts to equip any such vehicles that use telematics systems — systems that collect and wirelessly transmit mechanical data to a remote server — with a standardized open access data platform. Owners of motor vehicles with telematics systems would get access to mechanical data through a mobile device application. With vehicle owner authorization, independent repair facilities (those not affiliated with a manufacturer) and independent dealerships would be able to retrieve mechanical data from, and send commands to, the vehicle for repair, maintenance, and diagnostic testing.

Under the proposed law, manufacturers would not be allowed to require authorization before owners or repair facilities could access mechanical data stored in a motor vehicle's on-board diagnostic system, except through an authorization process standardized across all makes and models and administered by an entity unaffiliated with the manufacturer.

The proposed law would require the Attorney General to prepare a notice for prospective motor vehicle owners and lessees explaining telematics systems and the proposed law's requirements concerning access to the vehicle's mechanical data. Under the proposed law, dealers would have to provide prospective owners with, and prospective owners would have to acknowledge receipt of, the notice before buying or leasing a vehicle. Failure to comply with these notice requirements would subject motor vehicle dealers to sanctions by the applicable licensing authority.

Motor vehicle owners and independent repair facilities could enforce this law through state consumer protection laws and recover civil penalties of the greater of treble damages or \$10,000 per violation.

**A YES VOTE** would provide motor vehicle owners and independent repair facilities with expanded access to wirelessly transmitted mechanical data related to their vehicles' maintenance and repair.

**A NO VOTE** would make no change in the law governing access to vehicles' wirelessly transmitted mechanical data.

## **QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 5, 2020?

### **SUMMARY**

This proposed law would implement a voting system known as "ranked-choice voting," in which voters rank one or more candidates by order of preference. Ranked-choice voting would be used in primary and general elections for all Massachusetts statewide offices, state legislative offices, federal congressional offices, and certain other offices beginning in 2022. Ranked-choice voting would not be used in elections for president, county commissioner, or regional district school committee member.

Under the proposed law, votes would be counted in a series of rounds. In the first round, if one candidate received more than 50 percent of the first-place votes, that candidate would be declared the winner and no other rounds would be necessary. If no candidate received more than 50 percent of the first-place votes, then the candidate or candidates who received the fewest first-place votes would be eliminated and, in the next round, each vote for an eliminated candidate would instead be counted toward the next highest-ranked candidate on that voter's ballot. Depending on the number of candidates, additional rounds of counting could occur, with the last-place candidate or candidates in each round being eliminated and the votes for an eliminated candidate going to the voter's next choice out of the remaining candidates. A tie for last place in any round would be broken by comparing the tied candidates' support in earlier rounds. Ultimately, the candidate who was, out of the remaining candidates, the preference of a majority of voters would be declared the winner.

Ranked-choice voting would be used only in races where a single candidate is to be declared the winner and not in races where more than one person is to be elected.

Under the proposed law, if no candidate received more than 50 percent of first-place votes in the first round, the rounds of ballot-counting necessary for ranked-choice voting would be conducted at a central tabulation facility. At the facility, voters' rankings would be entered into a computer, which would then be used to calculate the results of each round of the counting process. The proposed law provides that candidates in a statewide or district election would have at least three days to request a recount.

The Secretary of State would be required to issue regulations to implement the proposed law and conduct a voter education campaign about the ranked-choice voting process. The proposed law would take effect on January 1, 2022.

**A YES VOTE** would create a system of ranked-choice voting in which voters would have the option to rank candidates in order of preference and votes would be counted in rounds, eliminating candidates with the lowest votes until one candidate has received a majority.

**A NO VOTE** would make no change in the laws governing voting and how votes are counted.

It is further ordered that the polling places legally designated by the City Council be opened at 7:00 o'clock in the forenoon and be closed at 8:00 o'clock in the evening.

The City Clerk be and hereby is authorized to cause notice to be given by publication of this Order in a local newspaper and by posting a copy of the same in a conspicuous place in the office of the City Clerk.

Per Order of the City Council  
Michael H. Ossing, President

Attest: 

Steven W. Kerrigan  
City Clerk



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 SEP 29 A 10:18

CITY OF MARLBOROUGH  
*Office of the City Council*  
140 Main Street  
Marlborough, Massachusetts 01752  
(508) 460-3711 TDD (508) 460-3610

**AGREEMENT TO EXTEND  
TIME LIMITATIONS**

Order No. 2020-1007995B  
Application for Special Permit by  
WP Marlborough MA Owner, LLC (Wayside Residential)  
339 Boston Post Road East  
Multifamily Dwelling Residential Project

The Decision of the Special Permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on **January 20, 2021**.

By: \_\_\_\_\_  
Michael H. Ossing, City Council President,  
acting on behalf of, and at the direction of,  
the special permit granting authority:  
**Marlborough City Council**

  
By: \_\_\_\_\_  
Brian R. Falk, Esq.  
**For Petitioner**

---

# MIRICK O'CONNELL

A T T O R N E Y S   A T   L A W

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 OCT -1 A 9:45

**Brian R. Falk**  
Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477  
bfalk@mirickoconnell.com  
t 508.929.1678  
f 508.983.6256

October 1, 2020

**VIA EMAIL**

Councilor Michael Ossing, President  
Marlborough City Council  
City Hall  
Marlborough, MA 01752

Re: Garden Remedies; 416 Boston Post Road East;  
Application to Amend Special Permit to Expand Operating Hours

Dear Councilor Ossing:

On behalf of my client Garden Remedies, Inc., I respectfully submit the enclosed application to amend the existing special permit for Garden Remedies' adult use marijuana retail establishment and medical marijuana treatment center at 416 Boston Post Road East.

To help address some of the negative business impacts of the COVID-19 emergency, Garden Remedies is looking to expand its hours of operation, which are set by Condition No. 8 of the existing special permit (Order No. 18-1007318E, copy enclosed). Garden Remedies proposes a change in hours as follows:

Current Hours:           Monday through Saturday, 10:00 a.m. to 8:00 p.m.;  
                                  Sunday, 10:00 a.m. to 5:00 p.m.

Proposed Hours:        Monday through Saturday, 9:00 a.m. to 10:00 p.m.;  
                                  Sunday, 10:00 a.m. to 8:00 p.m.

The proposed hours are consistent with those allowed by the City for retail stores selling alcoholic beverages.

Thank you for your time and attention to this matter.

Very truly yours,



Brian R. Falk

BRF/  
Encl.  
cc:     Client

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2020 OCT -1 A 9:45

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Garden Remedies, Inc., 307 Airport Road, Fitchburg, MA 01420

2. Specific Location of property including Assessor's Plate and Parcel Number.

416 Boston Post Road, Parcel 73-30 (Marlboro Square)

3. Name and address of owner of land if other than Petitioner or Applicant:

Marlboro Square LLC, 449 Boston Post Road, Marlborough, MA 01752

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

650-17, 650-18(45), 650-18(46), 650-32  
Article V + VI Section \_\_\_\_\_ Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_

6. Zoning District in which property in question is located:

Business (B)

7. Specific reason(s) for seeking Special Permit

The Applicant seeks to amend Condition #8 of its existing special permit regarding the hours of operation for the medical and adult use marijuana retail establishment, so that the new hours will be Monday through Saturday, 9:00 a.m. to 10:00 p.m., and Sunday from 10:00 a.m. to 8:00 p.m. This would be an increase of three (3) hours per day. The new proposed hours are consistent with those allowed by the City for retail stores selling alcoholic beverages.

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HERewith AND MADE PART OF SAID PETITION.

  
Signature of Petitioner or Applicant

Brian R. Falk, Esq.

Address: Mirick, O'Connell, DeMallie & Lougee, LLP  
100 Front Street  
Worcester, MA 01608

Telephone No. (508) 929-1678

Date: 10/1/2020

LIST OF NAMES AND ADDRESS OF ABUTTERS  
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

Garden Remedies, Inc.

---

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**)

Parcel Number	GIS Number	Cama Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner Address	Owner City	Owner State	Owner Zip
60-63	M_199006_899 990	60-63	29 MUIR WAY	KOTSIRAS GEORGE		29 MUIR WAY		MARLBOROUGH H	MA	01752
60-64	M_198969_899 944	60-64	35 MUIR WAY	CHAU KIM M		19706 MISSION PINES LN		RICHMOND	TX	77407
60-65	M_198963_899 910	60-65	39 MUIR WAY	CONSTANTINE JEFFREY M		39 MUIR WAY		MARLBOROUGH H	MA	01752
60-66	M_199039_899 914	60-66	42 MUIR WAY	LEDOUX ALLAN R		42 MUIR WAY		MARLBOROUGH H	MA	01752
73-21	M_199005_899 622	73-21	451 BOSTON POST RD EAST	LONGFELLOW PLAZA LLC		449 BOSTON POST RD EAST STE 8		MARLBOROUGH H	MA	01752
73-22	M_198977_899 537	73-22	449 BOSTON POST RD EAST	LONGFELLOW PLAZA LLC		449 BOSTON POST RD EAST STE 8		MARLBOROUGH H	MA	01752
73-23	M_198910_899 592	73-23	447 BOSTON POST RD EAST	WAYSIDE APARTMENTS LLC		369 LINDSAY POND RD		CONCORD	MA	01742
73-24	M_198772_899 488	73-24	BOSTON POST RD EAST	HERITAGE FARM LLC		ONE FINANCIAL CENTER		BOSTON	MA	02111
73-25	M_198892_899 651	73-25	BOSTON POST RD EAST	DONNELLY MASS REALTY TRUST		20880 STONE OAK PKWY	ATTN ACKERLEY OUTDOOR ADVERTIS	SAN ANTONIO	TX	78258
73-26	M_198802_899 659	73-26	BOSTON POST RD EAST	HERITAGE FARM LLC		ONE FINANCIAL CENTER		BOSTON	MA	02111
73-26A	M_198829_899 663	73-26A	BOSTON POST RD EAST	HERITAGE FARM LLC		ONE FINANCIAL CENTER		BOSTON	MA	02111
73-27	M_198751_899 657	73-27	BOSTON POST RD EAST	FOUNTAIN LAWRENCE A		C/O KURT STEINKRAUSS MINTZ LEVIN	ONE FINANCIAL CENTER	BOSTON	MA	02111
73-28	M_198581_899 590	73-28	BOSTON POST RD EAST	HERITAGE FARM LLC		ONE FINANCIAL CENTER		BOSTON	MA	02111
73-29	M_198826_899 918	73-29-10-43	99 WESTMINSTER DR #43	HARRIES LESLEY		99 WESTMINSTER DR #43		MARLBOROUGH H	MA	01752
73-29	M_198826_899 918	73-29-10-44	101 WESTMINSTER DR #44	LOWELL ALFRED E LI EST		101 WESTMINSTER DR #44		MARLBOROUGH H	MA	01752
73-29	M_198826_899 918	73-29-10-45	103 WESTMINSTER DR #45	JONES JAMES C LI EST		103 WESTMINSTER DR #45		MARLBOROUGH H	MA	01752
73-29	M_198826_899 918	73-29-10-46	105 WESTMINSTER DR #46	WILSON PETER A TR		400 ATLANTIC AVE	ATTN GOULSON & STORRS	BOSTON	MA	02110

73-29	M_198826_899 918	73-29-10-47	107 WESTMINSTER DR #47	CUCCHI ROBERT J		107 WESTMINSTER DR #47		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-10-48	109 WESTMINSTER DR #48	MCCRANN BRENDA		109 WESTMINSTER DR #48		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-1-1	70 VILLAGE DR #1	HUGHES COLLEEN M		70 VILLAGE DR #1		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-11-59	120 WESTMINSTER DR #59	DOLESH DALE W		120 WESTMINSTER DR #59		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-11-60	118 WESTMINSTER DR #60	PAOLELLA AYN TR		118 WESTMINSTER DR #60		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-11-61	116 WESTMINSTER DR #61	MCGILFRAY SUZANNE M TR		116 WESTMINSTER DR #61		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-11-62	114 WESTMINSTER DR #62	CHERISH ALAN W		114 WESTMINSTER DR #62		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-11-63	112 WESTMINSTER DR #63	QUINN MARILYN L		112 WESTMINSTER DR #63		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-11-64	110 WESTMINSTER DR #64	VAFIDES HENRY		110 WESTMINSTER DR #64		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-1-2	68 VILLAGE DR #2	CHEATHAM CATHERINE F		68 VILLAGE DR #2		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-12-53	113 WESTMINSTER DR #53	ASFAR FERIAL LEWIS TR		113 WESTMINSTER DR #53		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-12-54	115 WESTMINSTER DR #54	HARRIS ELEANOR S		115 WESTMINSTER DR #54		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-12-55	117 WESTMINSTER DR #55	KANE JOANNE B		117 WESTMINSTER DR #55		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-12-56	119 WESTMINSTER DR #56	WYNNE DONNA SOLARI TR		119 WESTMINSTER DR #56		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-12-57	121 WESTMINSTER DR #57	SUTHERLAND DEAN M		121 WESTMINSTER DR #57		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-12-58	123 WESTMINSTER DR #58	PULICE RICHARD T		123 WESTMINSTER DR #58		MARLBOROUGH MA H	01752

73-29	M_198826_899 918	73-29-1-3	66 VILLAGE DR #3	LEDUC MARIE E		101 EDINBORO ST		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-13-65	21 WESTMINSTER DR #65	VENTO RALPH P		21 WESTMINSTER DR #65		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-13-66	25 WESTMINSTER DR #66	GIUNTA PAUL W TR		25 WESTMINSTER DR #66		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-13-67	29 WESTMINSTER DR #67	CHANG MELISSA R TR		29 WESTMINSTER DR #67		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-13-68	33 WESTMINSTER DR #68	SAINT-AMANT SHERRIE R TR		33 WESTMINSTER DR #68		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-13-69	37 WESTMINSTER DR #69	OBERBECK ELEANOR M		37 WESTMINSTER DR #69		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-1-4	64 VILLAGE DR #4	EVANGELOUS MARK E		128 SOUTH BOLTON ST		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-14-70	43 WESTMINSTER DR #70	BOUVIER PATRICIA C		43 WESTMINSTER DR #70		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-14-71	47 WESTMINSTER DR #71	TOSTI CHRISTINE M		4 GASLIGHT LN		FRAMINGHAM MA	01702
73-29	M_198826_899 918	73-29-14-72	51 WESTMINSTER DR #72	DALTON MAUREEN L		51 WESTMINSTER DR #72		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-14-73	55 WESTMINSTER DR #73	DENEEN JOSEPH J TR		55 WESTMINSTER DR #73		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-1-5	62 VILLAGE DR #5	NAVISKY DAVID		62 VILLAGE DR #5		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-15-74	22 WESTMINSTER DR #74	DUNCKLEE JOEL G		22 WESTMINSTER DR #74		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-15-75	20 WESTMINSTER DR #75	PEMBERTON WILLIAM C		20 WESTMINSTER DR #75		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-15-76	18 WESTMINSTER DR #76	ROBINSON ELINA Z TR		18 WESTMINSTER DR #76	ATTN RAFAIL ZAK	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-1-6	60 VILLAGE DR #6	FEEHERRY FLORENCE E		60 VILLAGE DR #6		MARLBOROUGH MA H	01752

73-29	M_198826_899 918	73-29-16-77	54 WESTMINSTER DR #77	SIGNA SANTO S	54 WESTMINSTER DR #77	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-16-78	52 WESTMINSTER DR #78	GANLEY PATRICIA A	52 WESTMINSTER DR #78	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-16-79	50 WESTMINSTER DR #79	LINNEHAN THOMAS F TR	50 WESTMINSTER DR #79	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-17-86	32 WESTMINSTER DR #86	FAHERTY THOMAS E	32 WESTMINSTER DR #86	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-17-87	30 WESTMINSTER DR #87	SUTTON RIVELLE E	30 WESTMINSTER DR #87	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-17-88	28 WESTMINSTER DR #88	LETENDRE MAUREEN	28 WESTMINSTER DR #88	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-17-89	26 WESTMINSTER DR #89	LONGO MARTIN J	26 WESTMINSTER DR #89	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-18-80	46 WESTMINSTER DR #80	BATTAGLINO ELIZABETH B	46 WESTMINSTER DR #80	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-18-81	44 WESTMINSTER DR #81	GAZZA GEORGE E TR	44 WESTMINSTER DR #81	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-18-82	42 WESTMINSTER DR #82	YOUNG JOHN W	42 WESTMINSTER DR #82	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-18-83	40 WESTMINSTER DR #83	MORRIS LAURA B TR	40 WESTMINSTER DR #83	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-18-84	38 WESTMINSTER DR #84	BECKER KELLY A TR	38 WESTMINSTER DR #84	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-18-85	36 WESTMINSTER DR #85	EL-BISI PENELOPE A TR	36 WESTMINSTER DR #85	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-19-90	14 WESTMINSTER DR #90	RICEMAN RUTH S TR	C/O LISA KILBORN 31 WINTHROP ST EXT	WINCHESTER MA	01890
73-29	M_198826_899 918	73-29-19-91	12 WESTMINSTER DR #91	KUTTICHERY JAMES S	12 WESTMINSTER DR #91	MARLBOROUGH MA H	01752

73-29	M_198826_899 918	73-29-19-92	10 WESTMINSTER DR #92	SUTHERLAND ROBERT F		10 WESTMINSTER DR #92		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-19-93	8 WESTMINSTER DR #93	VIVALDI JOSEPH P TR		8 WESTMINSTER DR #93	ATTN ISIDORE VIVALDI	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-20-94	1 WESTMINSTER DR #94	SULLIVAN JOAN		1 WESTMINSTER DR #94		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-20-95	3 WESTMINSTER DR #95	DION CLAUDETTE J		3 WESTMINSTER DR #95		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-2-10	50 VILLAGE DR #10	VODOKLYS JANE C TR		50 VILLAGE DR #10		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-2-11	48 VILLAGE DR #11	HERMAN ROSANNE		48 VILLAGE DR #11		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-21-100	13 WESTMINSTER DR #100	CHANG MARY H TR		318 8TH ST		MANHATTAN CA BEACH	90266
73-29	M_198826_899 918	73-29-2-12	46 VILLAGE DR #12	JENNE SUZANNE M		46 VILLAGE DR #12		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-21-96	5 WESTMINSTER DR #96	LEE ANNA H		147 NOBSCOT RD		SUDBURY MA	01776
73-29	M_198826_899 918	73-29-21-97	7 WESTMINSTER DR #97	DEMARINIS ANNA LI EST		7 WESTMINSTER DR #97		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-21-98	9 WESTMINSTER DR #98	DRAGSTEDT CAROL P		9 WESTMINSTER DR #98		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-21-99	11 WESTMINSTER DR #99	CARTER ANTHONY		11 WESTMINSTER DR #99		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-2-7	56 VILLAGE DR #7	SPINELLI JAMES		56 VILLAGE DR #7		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-2-8	54 VILLAGE DR #8	SKURA CHERYL W		54 VILLAGE DR #8		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-2-9	52 VILLAGE DR #9	DONOGHUE JOHN P		52 VILLAGE DR #9		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-3-25	22 VILLAGE DR #25	DOHERTY ELEANOR B		22 VILLAGE DR #25		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-3-26	20 VILLAGE DR #26	RUSSELL MARY ELLEN TR		20 VILLAGE DR #26		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-3-27	18 VILLAGE DR #27	ISABELLE WARREN J		18 VILLAGE DR #27		MARLBOROUGH MA H	01752

73-29	M_198826_899 918	73-29-3-28	16 VILLAGE DR #28	RANA ROHIT C		16 VILLAGE DR #28	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-4-29	12 VILLAGE DR #29	GATELY WILLIAM		12 VILLAGE DR #29	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-4-30	10 VILLAGE DR #30	LYDON JEAN D TR		10 VILLAGE DR #30	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-4-31	8 VILLAGE DR #31	SARGENT MURRAY H TR		8 VILLAGE DR #31	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-4-32	6 VILLAGE DR #32	MILLER JUDITH A		6 VILLAGE DR #32	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-4-33	4 VILLAGE DR #33	SAVAGE PATRICIA A		4 VILLAGE DR #33	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-5-19	37 VILLAGE DR #19	DIDUCCA ANTHONY		37 VILLAGE DR #19	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-5-20	39 VILLAGE DR #20	ADELSON PAULA E		39 VILLAGE DR #20	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-5-21	41 VILLAGE DR #21	ALLEN AUDREY G TR		41 VILLAGE DR #21	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-5-22	43 VILLAGE DR #22	MORGELLO JOHN J TR		43 VILLAGE DR #22	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-5-23	45 VILLAGE DR #23	RICHARDSON WALTER W TR		45 VILLAGE DR #23	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-5-24	47 VILLAGE DR #24	LEVINSON TODD E TR		44 COLLIER AVE	CHERRY VALLEY MA	01611
73-29	M_198826_899 918	73-29-6-13	23 VILLAGE DR #13	HOFFER NANCY J TR		23 VILLAGE DR #13	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-6-14	25 VILLAGE DR #14	KRYSA JOHN W		25 VILLAGE DR #14	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-6-15	27 VILLAGE DR #15	HAGOPIAN RONALD R TR		30 SHAY RD	HUDSON MA	01749
73-29	M_198826_899 918	73-29-6-16	29 VILLAGE DR #16	SAWICKI MICHAEL		29 VILLAGE DR #16	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-6-17	31 VILLAGE DR #17	SEYMOUR GERALD		31 VILLAGE DR #17	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-6-18	33 VILLAGE DR #18	ROWE MARY E		33 VILLAGE DR #18	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-7-40	94 WESTMINSTER DR #40	SALAFIA LEONARD J		94 WESTMINSTER DR #40	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-7-41	92 WESTMINSTER DR #41	HILLIARD LINDA		92 WESTMINSTER DR #41	MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-7-42	90 WESTMINSTER DR #42	GARLISI ELEANOR M		90 WESTMINSTER DR #42	MARLBOROUGH MA H	01752

73-29	M_198826_899 918	73-29-8-34	83 WESTMINSTER DR #34	MACAFEE LESLIE TR		83 WESTMINSTER DR #34		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-8-35	85 WESTMINSTER DR #35	WILSON PETER A TR		400 ATLANTIC AVE		BOSTON MA	02110
73-29	M_198826_899 918	73-29-8-36	87 WESTMINSTER DR #36	BARNETT RITA L LI EST		87 WESTMINSTER DR #36		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-8-37	89 WESTMINSTER DR #37	TAYLOR LORNA M TR		89 WESTMINSTER DR #37		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-8-38	91 WESTMINSTER DR #38	SEYMOUR ALAN C		91 WESTMINSTER DR #38		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-8-39	93 WESTMINSTER DR #39	PRIEDE INDRA E		93 WESTMINSTER DR #39		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-9-49	104 WESTMINSTER DR #49	GAUDET LEO R		104 WESTMINSTER DR #49		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-9-50	102 WESTMINSTER DR #50	DUFFY DEBRA		102 WESTMINSTER DR #50		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-9-51	100 WESTMINSTER DR #51	SHADOAN BRENDA		100 WESTMINSTER DR #51		MARLBOROUGH MA H	01752
73-29	M_198826_899 918	73-29-9-52	98 WESTMINSTER DR #52	YALENEZIAN JOHN		98 WESTMINSTER DR #52		MARLBOROUGH MA H	01752
73-29A	M_198777_899 735	73-29A	BOSTON POST RD EAST	CITY OF MARLBOROUGH		140 MAIN ST		MARLBOROUGH MA H	01752
73-31	M_199012_899 802	73-31	450 BOSTON POST RD EAST	TRINITY COUNTRYSID E LIMITED PARTNERSHIP		75 FEDERAL ST 4TH FL		BOSTON MA	02110
73-32	M_199060_899 689	73-32	BOSTON POST RD EAST	BURGER KING NO 891		C/O RYAN	PO BOX 460189	HOUSTON TX	77056
73-54	M_198716_899 772	73-54	370 BOSTON POST RD EAST	ABL PROPERTIES LLC		17 MEADOW PKWY		FRANKLIN MA	02038
73-54A	M_198712_899 798	73-54A	374 BOSTON POST RD EAST	ABL PROPERTIES LLC		17 MEADOW PKWY		FRANKLIN MA	02038

MARLBOROUGH ASSESSORS

*Anthony C. Amant  
William J. Collier  
John W. ...*



## SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Garden Remedies, Inc. Address: 307 Airport Road, Fitchburg, MA 01420

Project Name: Garden Remedies Address: 416 Boston Post Road, Marlborough, MA

1. PROPOSED USE: (describe) Medical Marijuana Treatment Center and Adult Use  
Marijuana Retail Establishment

2. EXPANSION OR NEW: New use in existing space

3. SIZE: floor area sq. ft. 3,100 s.f. 1<sup>st</sup> floor same all floors same  
# buildings 1 # stories 1 lot area (s.f.) 174,240 (4 acres)

4. LOT COVERAGE: preexisting %Landscaped area: preexisting %

5. POPULATION ON SITE: Number of people expected on site at anytime:  
Normal: 8 Peak period: 18

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 8 Peak period: 18

(B) How many service vehicles will service the development and on what schedule?  
2 deliveries per week

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Preexisting

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.  
Same

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Vehicles and customers

9. AIR: What sources of potential air pollution will exist at the development? None

10. WATER AND SEWER: Describe any unusual generation of waste. None

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? None

**\*Attach additional sheets if necessary**



CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752

City Hall  
140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: 9/29/2020

SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: Garden Remedies

Project Use Summary: Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment

Project Street Address: 416 Boston Post Road

Plate: 73 Parcel: 30

Applicant/Developer Name: Garden Remedies, Inc.

Plan Date: 1986 and 1999 Revision Date: \_\_\_\_\_

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,  
*Jeffrey K. Cooke*  
MODIFICATION TO EXISTING S.P.  
ORDER # 18-1007318E

Application Fee to submit to  
City Clerk's office

Jeffrey K. Cooke  
Acting Director of Planning

\$250



**City of Marlborough, Massachusetts  
CITY CLERK DEPARTMENT**

**Steven W. Kerrigan  
City Clerk**

Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

**PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.**

- |         |   |   |
|---------|---|---|
| 1 SET   | POLICE CHIEF                                | <input checked="" type="checkbox"/>   |
| 1 SET   | FIRE CHIEF                                  | <input checked="" type="checkbox"/>   |
| 1 SET   | CITY ENGINEER                               | <input checked="" type="checkbox"/>   |
| 1 SET   | DIRECTOR OF PLANNING                        | <input checked="" type="checkbox"/>   |
| 1 SET   | CONSERVATION OFFICER (IF WETLANDS AFFECTED) | <input checked="" type="checkbox"/>   |
| 1 SET   | BUILDING COMMISSIONER                       | <input checked="" type="checkbox"/>   |
| 12 SETS | OFFICE OF THE CITY COUNCIL                  | <input checked="" type="checkbox"/>   |
| 3 SETS  | OFFICE OF THE CITY CLERK                    | <input checked="" type="checkbox"/> <b>(MUST be Original &amp; 2 Complete Sets)</b> |

*\* Via email, per Chapter 53 of the Acts of 2020, Section 17.*

  
\_\_\_\_\_  
Signature

9/30/2020  
Date

Thank you for your cooperation in this matter.

Sincerely,

*Steven W. Kerrigan  
City Clerk*

**City of Marlborough, Massachusetts  
CITY CLERK DEPARTMENT**

**Steven W. Kerrigan  
City Clerk**



I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

**Company Name**

Marlboro Square LLC

**Owner Name/Officer Name of LLC or Corporation**

Susan M.B. Winske and Michael C. Winske

**Owner/Officer Complete Address and Telephone Number**

449 Boston Post Road

Marlborough, MA 01752

**Signature of Applicant**



**Attorney on behalf of Applicant, if applicable**

Brian R. Falk, on behalf of Applicant

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.



**Tax Collector**

Middlesex South Registry of Deeds  
Electronically Recorded Document

This is the first page of the document - Do not remove

---

Recording Information

Document Number	: 187296
Document Type	: DECIS
Recorded Date	: December 10, 2018
Recorded Time	: 08:52:28 AM
Recorded Book and Page	: 71986 / 90
Number of Pages(including cover sheet)	: 11
Receipt Number	: 2276336
Recording Fee	: \$75.00

**Middlesex South Registry of Deeds**  
**Maria C. Curtatone, Register**  
**208 Cambridge Street**  
**Cambridge, MA 02141**  
**617-679-6300**  
**[www.middlesexsouthregistry.com](http://www.middlesexsouthregistry.com)**



# IN CITY COUNCIL

NOVEMBER 5, 2018

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

ORDERED:

## DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

### NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:  
Garden Remedies, Inc.  
Order No. 18-1007318E

Locus:  
416 Boston Post Rd.  
Marlborough, MA 01752  
Assessors Map 73, Parcel 30

### DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Garden Remedies, Inc. with mailing address of 307 Airport Rd., Fitchburg, MA 01420, as provided in this Decision and subject to the following Findings of Fact and Conditions.

Decision date: **November 5, 2018.**

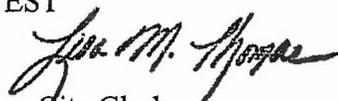
The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the **13<sup>th</sup>** day of **November, 2018.**

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

Given at Marlborough this **4<sup>th</sup>** day of **December, 2018.**

Given under Chapter 40A Section 17 of the General Laws.

A TRUE COPY  
ATTEST

  
City Clerk

Marginal reference to **Book 29928, Page 375**  
Property owner: Marlboro Square, LLC



# IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 5, 2018

PAGE 1

ORDERED:

## DECISION ON A SPECIAL PERMIT

Application of:  
Garden Remedies, Inc.

Locus:  
416 Boston Post Road  
Map 73, Parcel 30

## DECISION ON A SPECIAL PERMIT ORDER NO. 18-1007318E

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Garden Remedies, Inc. (the "Applicant") to build and operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment at 416 Boston Post Road, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

### FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 307 Airport Road, Fitchburg, MA 01420.
2. The Applicant is the prospective tenant of a commercial retail unit located at 416 Boston Post Road, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 73 as Parcel 30 (the "Site"). The Site's owner is Marlboro Square, LLC with a business address of 449 Boston Post Road, Marlborough, MA 01752
3. In accordance with Article VI, § 650-17, § 650-18(45), § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment at the Site (the "Use").
4. The Site is located in the Business Zoning District with frontage on Boston Post Road (Route 20).
5. The overall Site has an area of 174,240 +/- square feet (4 acres).



## IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 5, 2018

PAGE 2

### ORDERED:

6. The Use will occupy an existing retail unit at the Site with an area of 3,100 +/- square feet.

7. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use, as provided in this Decision.

8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, existing site plans for the Site in accordance with Rule 5 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit, and a set of drawings of the exterior and interior of the unit associated with the Use (collectively the "Plans").

9. The Application was 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.

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

11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, August 27, 2018. The hearing was closed on that date.

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

13. At the public hearing, eight members of the public spoke in favor of the Use. Two members of the public spoke in opposition to the Use.

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

A. The Applicant has complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.



## IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 5, 2018

PAGE 3

### ORDERED:

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

C. The City Council finds that the Site is located in the portion of the Business District along Massachusetts State Highway 20 (Boston Post Road) between the Sudbury town line and Phelps Street with frontage along Massachusetts State Highway 20 (Boston Post Road), in accordance with § 650-18(45)(a) and (b) and § 650-18(46)(a) and (b) of the Zoning Ordinance, and that the Site is not located within 500 feet of a school or daycare center, in accordance with § 650-32.F and § 650-32.F.1 of the Zoning Ordinance.

D. In accordance with § 650-32.C of the Zoning Ordinance, the City Council hereby determines that any adverse effects of the Use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the Site and of the proposal in relation to the Site, based upon consideration of the following:

1. Social, economic, or community needs which are served by the proposal:

Finding: The Use will provide a safe and convenient location for patients and adults to obtain medication and marijuana infused products.

2. Traffic flow and safety, including parking and loading:

Finding: The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity.

3. Adequacy of utilities and other public services:

Finding: The Site provides adequate utilities and public services for the Use.

4. Neighborhood character and social structures:

Finding: The Use is consistent with the established retail area in the vicinity of the Site.

5. Impacts on the natural environment:

Finding: The Use will have no greater impact than the established retail uses in the area.

# IN CITY COUNCIL



Marlborough, Mass., NOVEMBER 5, 2018

PAGE 4

**ORDERED:**

6. Potential fiscal impact, including impact on City services, tax base, and employment:

Finding: The Use will be revenue positive, with additional revenues coming from a local sales tax and host community agreement impact fees.

7. Hours of operation:

Finding: The hours of operation of the Use are specifically conditioned below.

8. Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the Special Permit Granting Authority:

Finding: The provision of contact information is specifically conditioned below.

9. Requiring payment of a community impact fee:

Finding: The City and the Applicant have entered a host community agreement that requires the payment of impact fees in accordance with statutory requirements.

10. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

11. Requiring regular inspections by City officials or their agents, and access to the same records which are available for inspection to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

12. Requiring employees to undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police who shall have the authority to disapprove the employment of any person(s) as a result of said background check:

Finding: This requirement is specially conditioned below.



## IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 5, 2018

PAGE 5

ORDERED:

13. Requiring surveillance cameras, capable of 24-hour video recording, archiving recordings and ability to immediately produce images, in, on, around or at the premises:

Finding: This requirement is specially conditioned below.

14. Prohibiting the sale of any materials or items unrelated to the purposes of registration by the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes:

Finding: This requirement is specially conditioned below.

15. The ability for the Business to:

- a. provide a secure indoor waiting area for clients;
- b. provide an adequate and secure pick-up/drop-off area for clients, customers and products;
- c. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals;
- d. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Business, and its impact on neighboring uses; and
- e. provide opaque exterior windows;

Finding: These requirements are specially conditioned below.

16. Signs and signage:

Finding: The signage shown on the Plans is appropriate for the Use.

17. Names of businesses, business logos and symbols, subject to state and federal law and regulations:

Finding: The name of the business, logos, and symbols associated with the Use, as provided in the Application and shown on the Plans, are appropriate for the Use.



## IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 5, 2018

PAGE 6

### ORDERED:

E. 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 operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment, 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 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.

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 Use.

3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit, as required by § 650-32.E of the Zoning Ordinance. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.

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

5. Compliance with State Requirements. In accordance with § 650-18(45)(c) and § 650-18(46)(c) of the Zoning Ordinance, the Use shall comply with all statutes and regulations of the Commonwealth of Massachusetts for the licensure and operation of a Medical Marijuana Treatment Center and/or an Adult Use Marijuana Retail Establishment.



## IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 5, 2018

PAGE 7

ORDERED:

6. Security.

- a. As shown on the Plans, the Applicant, its successors and/or assigns, shall maintain a secure entrance lobby / waiting area providing a physical separation between the exterior door of the unit and interior areas of the unit where marijuana and marijuana infused products are dispensed and sold, with security personnel available during operating hours to screen individuals arriving at the unit, to ensure that interior areas of the unit are only accessible to qualified patients / caregivers or persons over the age of 21 and to ensure that no individuals pose a direct threat to the health or safety of others.
- b. The Applicant, its successors and/or assigns, shall maintain a secure pick-up / drop-off area for patients, customers, and products.
- c. As shown on the Plans, the Use shall have opaque exterior windows.
- d. The Applicant, its successors and/or assigns, shall maintain adequate staffing so that patients and customers may make purchases in an efficient manner to avoid queuing and impacts on neighboring uses.
- e. The Applicant, its successors and/or assigns, shall maintain surveillance cameras capable of 24-hour video recording, archiving recordings, and the ability to immediately produce images, in, on, around, or at the Use.

7. Processing and Odors. There shall be no processing or manufacturing of marijuana or marijuana infused products as part of the Use. Marijuana and marijuana products shall be pre-packaged and sealed prior to arriving at the Site. Any odors associated with marijuana and marijuana infused products shall be limited to the interior of the unit. There shall be no onsite consumption or use of marijuana or marijuana infused products associated with the Use.

8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 10:00 a.m. to 8:00 p.m., and Sunday from 10:00 a.m. to 5:00 p.m.

9. Contact Information. The Applicant, its successors and/or assigns, shall provide current contact information of management and staff to the Chief of Police, the Building Commissioner, and the City Council.



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ NOVEMBER 5, 2018

PAGE 8

### ORDERED:

10. Annual Reports. The Applicant, its successors and/or assigns, shall submit to the City Council the same annual reports that must be provided to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission.

11. Inspections and Records. The Applicant, its successors and/or assigns, shall make the Use available for regular inspections by City officials or their agents, and shall provide City officials or their agents with access to the same records which are available for inspection to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission.

12. Background Checks. The Applicant, its successors and/or assigns, shall require that employees undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police, who shall have the authority to disapprove the employment of any person(s) as a result of said background check.

13. Unrelated Materials. The Applicant, its successors and/or assigns, shall not make available for sale as part of the Use any materials or items unrelated to the purposes of registration by the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes.

14. Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. At the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns, shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail.



# IN CITY COUNCIL

NOVEMBER 5, 2018

Marlborough, Mass., \_\_\_\_\_ PAGE 9

## ORDERED:

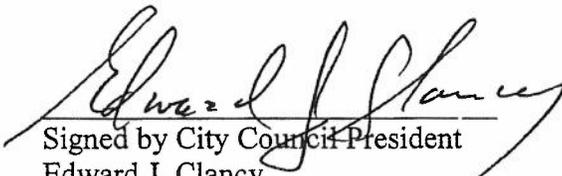
15. Partial Use: The Applicant, its successors and/or assigns, is not required to operate all portions of the Use simultaneously. The Applicant, its successors and/or assigns, may commence either the Medical Marijuana Treatment Center portion of the Use or the Adult Use Marijuana Retail Establishment portion of the Use upon receipt of all local and state permits and licenses for the respective portion of the Use, and commence the other portion of the Use at a later date. Similarly, if either the Medical Marijuana Treatment Center portion of the Use or the Adult Use Marijuana Retail Establishment portion of the Use ceases, either temporarily or permanently, the Applicant, its successors and/or assigns, may operate the other portion of the Use.

16. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, § 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex County South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

**Yea: 10 – Nay: 0 – Absent - 1**

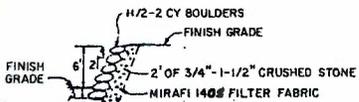
**Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, & Robey.**

**Absent: Ossing**

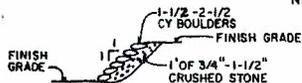
  
Signed by City Council President  
Edward J. Clancy

ADOPTED  
In City Council  
18-1007318E

SITE AREA - 4.00 AC.  
 BUILDING - 39,950 SF + 3000 SF  
 PARKING - 156 SPACES - 10' x 20'  
 4 HANDICAP SPACES  
 OPEN SPACE - 27,700 SF.  
 ZONING DISTRICT - B, A-1



RIP-RAP WALL  
NTS

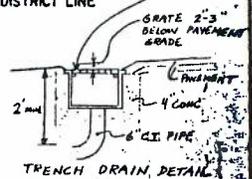


RIP-RAP SLOPE  
NTS



Alfred J. Parente

NELMAH K-1116-A-3  
HEAVY DUTY TRENCH  
DRAIN WITH GRATED  
COVER.



TRENCH DRAIN DETAIL  
NTS

NOTE:  
 ALL RETAINING WALLS SHALL BE  
 MASS D.P.W. REINFORCED  
 CONCRETE RETAINING WALLS.  
 ALL EXTERIOR EDGES OF ALL  
 SHALL BE CURBED WITH A 3"  
 REINFORCED CONCRETE  
 EXCEPT THE SERVICE DRIVE  
 WEST OF THE BUILDING.



Robert J. Parente

PLAN FROM  
ENGINEERING  
To verify P.O. as  
per 17/1/06  
7/92

CONSTRUCTION CHANGES - 3/28/06  
 3/28/06  
 8/6/06 - 3000 SF BLDG

"MARLBORO SQUARE SHOPPING-CENTER"

(FORMERLY)  
 "VILLAGE COMMONS"

SITE PLAN OF LAND  
 MAP 73  
 IN PARCEL 30  
 416 BOSTON POST ROAD EAST  
 MARLBORO, MASSACHUSETTS

OWNED BY: GLR MARLBORO REALTY TRUST  
 C/O THE HOWARD GROSSMAN CO.  
 45 BEULAH ST. FRAMINGHAM, MA. 01701

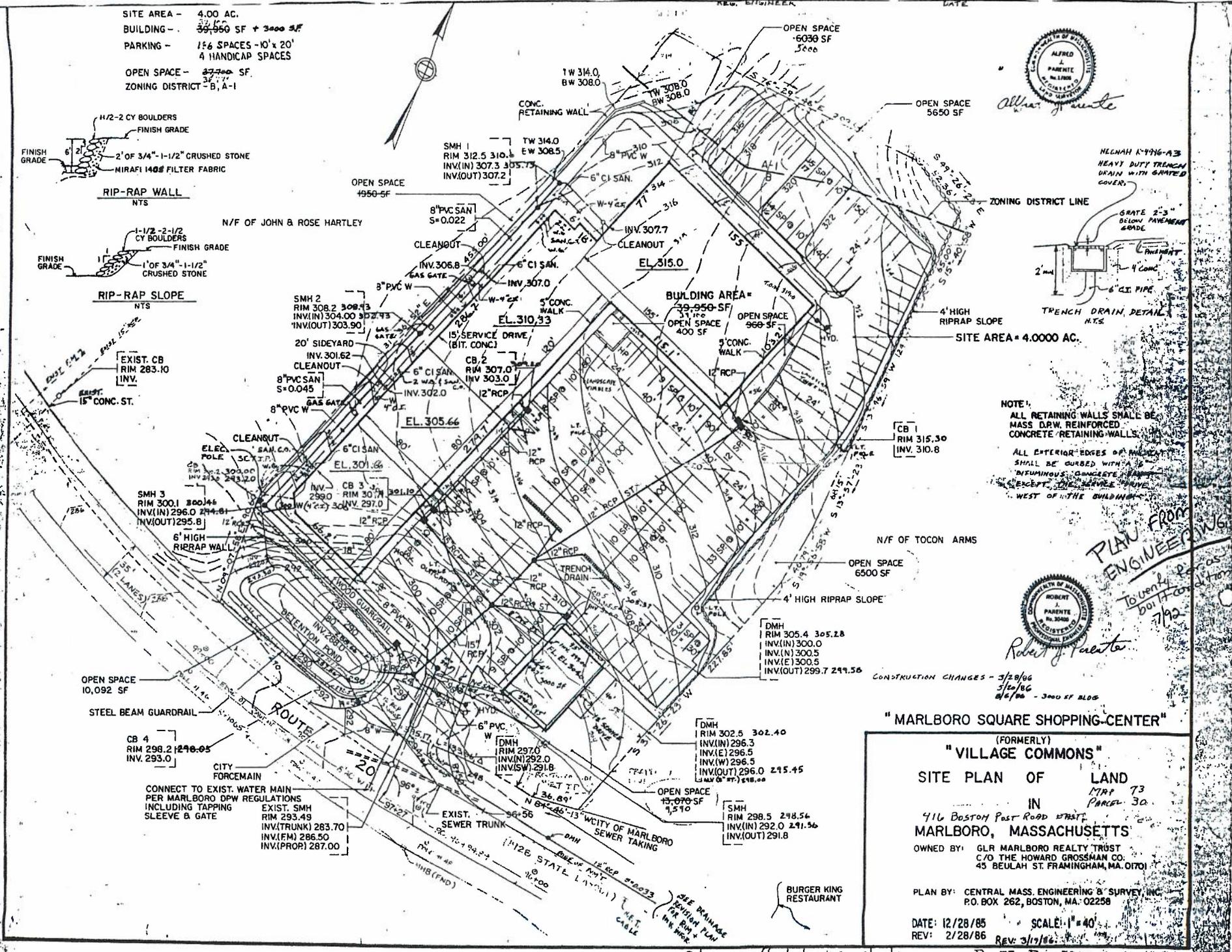
PLAN BY: CENTRAL MASS. ENGINEERING & SURVEY, INC.  
 P.O. BOX 262, BOSTON, MA. 02258

DATE: 12/28/85  
 REV: 2/28/86

SCALE: 1" = 40'

PL. 73 P. 113-12  
 416 Boston Post Rd.

Plan verified to be what  
 appears 7/17/07



BURGER KING  
RESTAURANT

SEE DRAINAGE  
REVISION PLAN  
OR P.O. AS  
PER 17/1/06



**nationalgrid**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

October 1<sup>st</sup>, 2020  
Marlborough City Hall  
140 Main St.  
Marlborough MA 01752

2020 OCT -1 A 10:21

Attn: President and Members of the Marlborough City Council:

Re: Roundtop Road

Dear President and Members:

National Grid is committed to delivering safe, reliable electric service to our customers. To complete improvements to our electrical distribution system, we will be replacing the cables and transformers that serve certain sections of Roundtop Road.

I have attached a letter that was hand-delivered to the affected residents on Wednesday September 30<sup>th</sup>. We have worked closely with the City Engineer and Department of Public Works and determined that the best course of action is to proceed with this work - as emergency work - and to follow up with formal requests for grants of location after the work is complete.

We expect to complete our excavation within approximately one to two weeks (depending on weather). We will then schedule an outage to switch affected customers over to the new equipment and will, of course, notify the affected residents of a date for the outage.

Should you have any additional questions, please contact me directly at 508 922 7460.

Thank you in advance for your cooperation and understanding.

*Bob*

Robert Moran  
Principal Manager, Customer and Community  
**nationalgrid**  
245 South Main St  
Hopedale MA 01747  
508 482 1283 / 508 922 7460

Cc: Mayor Arthur Vigeant  
DPW Acting Director - Ted Scott  
City Engineer - Tom DiPersio  
National Grid Engineering – Dana Larson, Rob Leonida



Date September 30, 2020

Dear Resident;

National Grid will be replacing the direct buried high voltage cable to improve the reliability of the electric distribution system in your neighborhood. To accomplish this, a horizontal directional drilling crew will be starting **TOMORROW OCTOBER 1ST**. Due to the number of cable faults recently experienced within the neighborhood, we have accelerated the replacement of the distribution system work. The drilling work will take place along northern / eastern edge of Roundtop Road. The cable in conduit system will be 3 feet below grade in the sidewalk adjacent to the property lines. The crew will be working for roughly 5 days. After the drilling work is completed, National Grid crews will install the new system.

EJ Electric Construction will be the drilling team performing the work starting tomorrow October 1<sup>st</sup>. You are receiving this letter as your home is on Roundtop Road in areas where crews will be operating starting tomorrow around 7AM working to around 4 PM.

During construction, you should not expect to experience power outages. Only at the time when we look to cut over to the new system will there be a short power outage that you will receive a 7-day notification of the upcoming power outage.

Once the drilling construction is complete, we will restore any grassy areas that have been affected during the installation of the new conduit system to their original conditions.

If you have any questions or concerns, **please contact me** using the contact information listed below.

We thank you for your patience as we continue to work to improve our service to you.

Sincerely,

Patrick Sullivan  
National Grid Program Manager  
Telephone: 781-493-5339  
Email: [Patrick.Sullivan4@NationalGrid.com](mailto:Patrick.Sullivan4@NationalGrid.com)

## Cable Replacement Frequently Asked Questions

### **What can I expect during excavation?**

1. A drilling rig will be installing new duct between National Grid equipment locations. The drilling rig will be maneuvered throughout the neighborhood to drill in, and ream back a new conduit system. The rig may be on private property for short periods of time.
2. The excavation could also affect vegetation within 10' of National Grid's underground equipment. National Grid will restore the disturbed areas to the original condition. Landscaping in front of equipment such as bushes that prohibits access to the equipment will be trimmed.

### **What can I expect while the cable is being replaced?**

1. National Grid crews will be installing cable at conduit access points such as transformers and handholes that may be located on your property.
2. Crews will be preparing the cable to be energized at these access points.

### **Will I experience any power outages?**

1. Yes, a separate notification will be mailed to you prior to an outage.

Patrick Sullivan  
National Grid Program Manager  
Telephone: 781-493-5339  
Email: [Patrick.Sullivan4@NationalGrid.com](mailto:Patrick.Sullivan4@NationalGrid.com)



# Marlborough Public Schools

RECEIVED  
CITY OF MARLBOROUGH  
2020 SEP 11 AM 10:41

**School Committee**  
District Education Center  
25 Union Street, Marlborough, MA 01752  
(508) 460-3509

## Call to Order

**September 8, 2020**

1. Michelle Bodin-Hettinger called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Heidi Matthews, Earl Geary, Denise Ryan, Katherine Hennessy, and Daniel Caruso. Also present were Chairman Vigeant, Superintendent Michael Bergeron, Director of Finance and Operations, Douglas Dias, and Assistant Superintendent of Teaching and Learning, Mary Murphy. The only remotely present individual was MEA Representative, Eileen Barry.

This meeting is being recorded by local cable, WMCT-TV, and is available for review.

2. **Pledge of Allegiance:** Michelle Bodin-Hettinger led the Pledge of Allegiance.

Superintendent Bergeron read the public participation guidelines, which include a phone number to call for this public hearing.

3. **Presentation:** None.

4. **Committee Discussion/Directives:** None.

5. **Communications:** None.

[www.mps-edu.org](http://www.mps-edu.org)

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*



# Marlborough Public Schools

---

*School Committee  
District Education Center  
25 Union Street, Marlborough, MA 01752  
(508) 460-3509*

## **6. Superintendent's Report:**

Superintendent Bergeron presented his report to the committee, and it is attached to the agenda.

Mr. Bergeron highlighted the COVID-19 Community-Level Data Map for September 2<sup>nd</sup>, 2020. A link to this map is provided in his report.

The Superintendent discussed the MHS Hybrid schedule. 10<sup>th</sup> & 11<sup>th</sup> grade High school students will now be enrolled in a hybrid format with A and B cohorts. Mr. Riley will communicate these changes to parents and students and is attending this School Committee meeting to answer any questions.

Superintendent Bergeron presented the proposed Athletics schedule for the fall, winter, and spring. Certain fall sports will be pushed to a later date for the "Fall Season 2" category, as specified in this report. Rule changes and modifications for particular sports will occur as well. The Mid-Wach league recommended to not run middle school sports this fall, and the Superintendent supports this recommendation. Mr. Bergeron stressed that participation and developing friendships/healthy routines are the main purpose of organized sports this academic year as opposed to winning and losing. Mr. Rudzinsky is attending this School Committee meeting to answer any questions.

Mr. Riley explained the decision-making process for switching the 10<sup>th</sup> & 11<sup>th</sup> grade schedule to being a Hybrid model. With this switch, students will receive synchronized learning during remote weeks for more courses than before. Mr. Riley explained that parents can directly reach out to him if they have questions/concerns. He then explained how the school is working directly with families to meet their child(ren)'s course needs with AP classes, Virtual High School, etc. Regarding science lectures/labs, teachers will perform the demonstrations, whether in-person, via video or using graphics, as opposed to students being hands on with experiments. All students will have access to electives, which are 100% remote.

[www.mps-edu.org](http://www.mps-edu.org)

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*



# Marlborough Public Schools

---

*School Committee  
District Education Center  
25 Union Street, Marlborough, MA 01752  
(508) 460-3509*

Mr. Rudzinsky provided some insight on the sports schedules; schedules will be based on a geographical podding system to keep things local and minimize bus trips. He explained how team meetings will be held before the season officially begins so teams can be aware of new guidelines and rules. There is a potential to hold team meetings virtually before the first day of school. Mr. Rudzinsky addressed the concern that dividing fall sports into two seasons might influence the opportunity for some students to participate. Mrs. Bodin-Hettinger and Mr. Bergeron discussed tryouts, cuts and how participation is the priority of athletics this year. Mrs. Hennessy explained some modifications for fall sports, specifically the change in the number of field hockey players allowed on the field simultaneously.

Superintendent Bergeron will be asking the School Committee to approve a hire for a temporary position: Supervisor of Remote Learning K-12.

## **A. Director of Finance & Operations Report**

Mr. Dias, the Director of Finance and Operations, reported that several meal distribution flexibilities will be extended through December 31, 2020. Included in these flexibilities are the ability to provide free meals to children and teenagers in and out (remote) of school.

Mr. Dias reminded parent(s)/guardian(s) to register their child(ren) for a bus pass. They can email [transportation@mps-edu.org](mailto:transportation@mps-edu.org). Mr. Dias discussed kindergarten and grade 1-12 routing. These routes should be communicated to families or posted by early next week at the latest. The MPS website will be updated with a new transportation FAQ page and transportation protocol page by the end of this week.

Mr. Dias updated the committee on the Facilities Department's work with the school system's HVAC consultant. Completed reports are posted on the MPS website.

Mrs. Matthews emphasized, to the public, how complex this transportation process is compared to previous years. Mr. Dias further explained this process.

Mr. Dias noted that about 80% of students who can and want to ride the bus have registered for a bus pass.

[www.mps-edu.org](http://www.mps-edu.org)



# Marlborough Public Schools

---

**School Committee**  
District Education Center  
25 Union Street, Marlborough, MA 01752  
(508) 460-3509

Superintendent Bergeron and Mrs. Hennessy briefly discussed how students shifting between models heavily influences everything, especially class sizes and structures for all models across the board. Superintendent Bergeron anticipates that students will be locked into their learning model decision within a week or so because of how much these changes affect planning.

Mr. Dias mentioned that a priority for the Facilities Department is to re-evaluate the school buildings as the year goes on; the HVAC consultant is scheduled to return in November and December so far.

## **B. Assistant Superintendent of Teaching & Learning**

Mrs. Murphy, the Assistant Superintendent of Teaching and Learning, read her report verbatim. Her report touched upon new staff orientation, remote learning planning, and the Reopening Committee. The September Professional Development Offerings are attached to this report as well.

Within the end of the report, Mrs. Murphy stated that the Reopening Committee fully supports the work and decisions that Mr. Riley did with and made for MHS students. Mrs. Matthews questioned whether School Committee members could participate in some of the professional development courses.

## **7. Acceptance of Minutes:**

### **A. Minutes of the August 25, 2020 School Committee Meeting**

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept these minutes.

Motion passed 7-0-0.

[www.mps-edu.org](http://www.mps-edu.org)

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*



# Marlborough Public Schools

---

**School Committee**  
District Education Center  
25 Union Street, Marlborough, MA 01752  
(508) 460-3509

## 8. Public Participation: None.

It should be noted that members of the public may provide comment by dialing in to the specified number and conference ID during virtual School Committee meetings or via email before the meeting to [superintendent@mps-edu.org](mailto:superintendent@mps-edu.org). Public participation is a time for your comments to be heard by the committee; it is not a question and answer session.

## 9. Action Items/Reports

### A. MHS Schedule Adjustment

Superintendent Bergeron presented Mr. Riley's proposal to use a full day opening for only the students taking the PSAT/SAT tests on October 14<sup>th</sup>, 2020. This date would focus on the needs of juniors and seniors. So far there is not a remote option for PSAT/SAT testing. Students would register for these exams through MHS. Students will be spread out throughout the high school, and staff will assist with proctoring the exams.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this proposal.

Motion passed 7-0-0.

### B. Preschool Tuition

Mr. Dias presented his proposal to eliminate the preschool tuition for FY21. This tuition normally offsets \$200,000 in salaries annually, but this amount has been secured in the revolving account to support the FY21 budget offset.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve this proposal.

Motion passed 7-0-0.

[www.mps-edu.org](http://www.mps-edu.org)

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*



# Marlborough Public Schools

---

*School Committee  
District Education Center  
25 Union Street, Marlborough, MA 01752  
(508) 460-3509*

## **C. Supervision of Remote Learning Job Description**

Superintendent Bergeron explained how COVID-19 has prompted the need for a temporary position, Supervisor of Remote Learning K-12, since parents can choose for their student(s) to enroll in a hybrid model or remote learning model. The Superintendent recommends that the School Committee vote to approve the job description for the temporary position. He discussed this job description with the Negotiations Sub-Committee prior to bringing it forth to the School Committee tonight.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this proposal.

Motion passed 7-0-0.

## **D. Policies for First Read**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to suspend the rules and vote on these policies.

Motion passed 7-0-0.

### **1. Policy 4.500 Transportation**

Mrs. Hennessy pointed out an error in this policy, which she will change.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy as amended.

Motion passed 7-0-0.

### **2. Policy 4.520 Responsibilities of Bus Drivers**

Mrs. Hennessy will update this policy to include gender neutral language.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy as amended.

Motion passed 7-0-0.

[www.mps-edu.org](http://www.mps-edu.org)

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*



# Marlborough Public Schools

---

*School Committee*  
*District Education Center*  
25 Union Street, Marlborough, MA 01752  
(508) 460-3509

**3. Policy 7.000 Remote Learning**

Mrs. Hennessy will remove the word “policy” from the title.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy as amended.

Motion passed 7-0-0.

**4. Policy 8.070 Student Initial Grade Placement**

Mrs. Hennessy will remove the words “student” and “policy” from the title.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy as amended.

Motion passed 7-0-0.

**5. Policy 8.150 Communicable Diseases**

This policy will be replaced by the following policy: 8.150 MASC Communicable Diseases.

**6. Policy 8.150 MASC Communicable Diseases**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy as amended.

Motion passed 7-0-0.

**7. Policy 8.160 Pandemic Disease**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy as amended.

Motion passed 7-0-0.

**8. Policy 8.170 Immunization of Students**

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy.

Motion passed 7-0-0.

[www.mps-edu.org](http://www.mps-edu.org)

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*



# Marlborough Public Schools

---

*School Committee  
District Education Center  
25 Union Street, Marlborough, MA 01752  
(508) 460-3509*

## **9. Policy 8.210 Participation in Extra-Curricular Activities**

Mrs. Hennessy will remove the word “policy” from the title. She will also capitalize “school committee” and “superintendent”.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy as amended.

Motion passed 7-0-0.

## **E. Acceptance of Donations and Gifts**

**Ohiopyle.** Lifetouch photo donated \$17.35 to Marlborough High School.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept this donation.

Motion passed 7-0-0.

**MA DESE RTLE Grant.** MPS was awarded a \$232,710.00 MA DESE RTLE Grant for student at home technology needs.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept this donation.

Motion passed 7-0-0.

## **10. Reports of School Committee Sub-Committees:**

Mrs. Hennessy stated that there is another policy meeting later this week.

Mrs. Matthews thanked the MEA for coming to an agreement regarding modifications on the contract for the school year.

## **11. Members' Forum:**

Mrs. Matthews has reviewed the warrant and will sign it.

Mrs. Bodin-Hettinger mentioned that the student handbook from last year will be used for this year. She also thanked the policy committee.

Mrs. Hennessy thanked MPS for having a welcoming for new teachers.

[www.mps-edu.org](http://www.mps-edu.org)



# Marlborough Public Schools

---

*School Committee  
District Education Center  
25 Union Street, Marlborough, MA 01752  
(508) 460-3509*

## **12. Adjournment:**

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 8:46 p.m.  
Motion passed 7-0-0.

Respectfully submitted,

Heidi Matthews  
Secretary, Marlborough School Committee

HM/jm

Approved September 22, 2020

[www.mps-edu.org](http://www.mps-edu.org)

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*

CITY OF MARLBOROUGH  
CONSERVATION COMMISSION

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2020 SEP 21 A 7:14

September 3, 2020 7:00 pm  
Minutes

Chairman Clancy opened the meeting and read the announcement that the meeting was being held virtual due to the COVID-19 pandemic as required by the Governor, and that the meeting was being held on the Microsoft Teams platform and was being recorded as outlined on the agenda.

**Present:** On a roll call vote with the following yeas: Edward Clancy; David Williams, Allan White, Dennis Demers, William Dunbar, John Skarin- 6 members present. Also present was Priscilla Ryder Conservation Officer.

**Absent:** Karin Paquin

**Approval of Minutes:** The minutes of August 20, 2020 were approved on a motion by Mr. Skarin second by chair to accept the minutes as written 6-0 with the following yeas: Edward Clancy; David Williams, Allan White, Dennis Demers, William Dunbar, and John Skarin.

**Public hearings:**

**Notice of Intent – Continued from Aug. 20, 2020**

178 Simpson Rd. – Joseph Bisazza

Mr. Joseph Bisazza owner, and Mr. Bob Parente P.E. were both present. Mr. Parente explained that he had submitted a revised plan at the last meeting and had moved the toe of slope 20' away from the flagged wetland area. He had submitted a planting plan for restoring the 20' wetland area done by Mr. Crossman wetland consultant. After some discussion about slope stabilization and timing the Commission reviewed the draft Order of Conditions and made the following changes. The deadline to having the work completed should be October 15, 2020; the tree stumps at the bottom of the slope and within the slope will need to be removed to prevent the slope from slumping. The other conditions were acceptable as drafted. On a motion by Mr. Skarin second by Chairman, to accept the draft Order of Conditions as amended. A roll call vote of unanimous yeas was as follows: Edward Clancy; David Williams, Allan White, Dennis Demers, William Dunbar, John Skarin-

**Notice of Intent**

86 Roosevelt St. (Map 55 Parcel 49) - Carlos Marcolino

David Cowell wetland scientist and Dan Bernier, P.E. from Hancock Associates were both present. Mr. Cowell explained that this lot similar to the last one lies within the Water Supply Protection District and therefore has a 50' no disturb buffer zone from the wetland. Mr. Bernier explained that this lot is very similar to the other #78 Roosevelt St. lot recently approved by the Commission. The only difference with this particular lot is the house is a little closer to the 50' buffer zone, and the planning board required a turnaround on the lot as the street is a dead end street and requires a firetruck turn around which doesn't exist now. The erosion controls are placed on the 50' line. There are a few trees right on the 50' buffer zone line and they would

like permission to take them down. They could leave the stumps or remove them. They can also replace trees with some healthier trees since these are full of bittersweet and are not healthy. Chairman Clancy noted that similar to the other lot they will need to manage the invasive plant removal and be sure it is properly disposed of. He also noted that the house is very close to the limit of work and there is no room to maintain the house. Also, when will the sewer go in. Mr. Bernier explained that the sewer will go in simultaneously to the houses knowing no occupancy can be issued without the sewer connection. Mr. Demers noted that they are running out of time as the roads will be closed to construction soon. Mr. Dunbar asked if the house could be longer and narrower to allow for more room in the back next to the buffer zone, so it won't be impacted during house painting or repairs. Mr. Bernier explained that they have looked at some alternatives, but then have to get variances from the zoning board of appeals for setbacks and wanted to avoid that. The Commission suggested they might want to look into that change. The hearing was opened to the audience. Ms. Peggy Giovane asked about construction vehicle turn around and complained that there was construction debris already on the side of the road, she wanted to be sure this is cleaned up and doesn't continue.

After further discussion about sewer and existing erosion control and trees along the edge of the line, the need for trash pickup and the need for input from the City Engineer prior to approval, the hearing was continued to the next meeting on September 17, 2020.

**Notice of Intent (3 separate filings as noted below one for each lot – Lot K, L & M) –**

Hayes Memorial Dr. - The Gutierrez Company

The proponent presented three separate NOI's and plans for these separate lots. The Commission reviewed each one individually, but the proponents for each are the same. For ease of the meeting they were introduced once as follows:

David Robinson from Allan and Major Inc.; Israel Lopez of Gutierrez Company were present.

**Lot L -Hayes Memorial Dr. (Map 99, Parcel 1 and Map 88 Parcel 35.)**

Mr. Robinson explained that this is the lot with the most plan changes due to the wetland line relocation approved at the last meeting. The plans show changes to: wetland line, no disturbance in the 20' no disturb buffer zone, slight change to drainage and detention basin, included a construction sequencing plan showing stockpile and fill locations and temporary drainage basins. Lot L is well balanced lot so import or export anticipated. Mr. Clancy asked if all 3 lots would be developed at the same time or separately. Mr. Lopez indicated separately. Mr. Clancy noted that adjacent properties have extremely silty clay filled glacial till soils which are very, very difficult to control. And construction sequencing will be critical to protecting the wetland. Mr. Dunbar noted that there were a lot of invasive plants on these lots and some condition related to proper disposal should be included in an Order. The slopes adjacent to the wetland were discussed and Mr. Robinson explained that they would be loamed and seeded and mowed 1x/year to establish a more meadow like slope which will be maintained to keep woody plants out. There was discussion about protection of any large trees at the toe of slope and erosion control type. Mr. Lopez noted that they expect to start construction in the spring 2021. As the city engineer still needs to review, the Commission continued this hearing to the next meeting on September 17, 2020 and asked Ms. Ryder to draft an Order of Conditions for review.

**Lot K- Hayes Memorial Dr. (Map 88, Parcel 1 and Map 88 Parcel 35)**

Mr. Robinson explained this plan is almost the same as the original June submission. This lot is mostly an export material lot. The program now includes a construction sequencing plan was included in the new plan set. The Commission noted how critical the temporary basins will be for this lot as the final drainage system on this lot is an infiltration system, so sequencing will be critical. The slopes are also much steeper and may be harder to mow. Waiting again for comments from City Engineer before finalizing. The Commission continued this hearing to the next meeting on September 17, 2020 and asked Ms. Ryder to draft an Order of Conditions for review.

**Lot M- Hayes Memorial Dr.**

Overall program stays the same, but lot was lifted up a few feet to accommodate existing sewer line requirements. Construction sequence diversion swales also provided for this lot too. Not much change on plans. Buildings will be below roadway elevation but won't be looking down on the roof. All infiltration units have water quality units (for all three lots). 2:1 slope but one section is 1.75:1 slopes all steep slopes will be loamed and seeded. Mr. Clancy noted this might need matting until vegetation is established. These slopes will not be mowed since it is steep. Over time it will grow with trees and re-naturalize these areas. So, all outside slopes will be naturalized. They will need to maintain detention basin and have a path from parking lot to the detention basin. Roof runoff and overflow from infiltration system goes to the detention basin. Mr. White asked what access around the building is. Mr. Robinson noted there is an access path around the building. Waiting for comments from City Engineer as well. This hearing was continued to the next meeting on September 17, 2020. Ms. Ryder will draft Order of Conditions for that meeting.

**Notice of Intent**

339 Boston Post Rd. and adjoining parcels - James Driscoll, WP Marlborough MA Owner, LLC

Present for this project were: Brian Falk Attorney from Mirik O'Connell, Scott Goddard of Goddard Consulting, Carlton Quinn and David Robinson of Allen and Major, and Tom Moran from Waypoint Real Estate. Mr. Falk indicated that the Commission has received updated plans and a memo summarizing the changes that have been made to address the issues raised at the last meeting. Mr. Goddard reviewed the information that he had resubmitted a NOI supplemental package dated September 2<sup>nd</sup> which includes all the revision that have been made to date. The new changes include the following: Based on the Comments made in the MEPA ENF filing the applicant has agreed to restore the first 100' riparian zone with trees and shrubs and they will keep the meadow management plan for the remainder of the project as previously discussed. Mr. Quinn explained that he provided a new set of plans which highlighted the changes which were discussed at the last meeting including the 100' inner riparian zone being restored. That there were small changes to the drainage pipe locations with the shift of the driveway, but the calculations and area of impervious surface have remained almost the same. They will do a final update of the drainage at a later date, and if changes are significant will need to come back to the Commission, but that is not anticipated at this time. The drainage report evaluates the 2, 10, and 100-year storm events as required. The floodplain impacts have been converted to cubic feet rather than square feet, the

square foot site plan simply was a point of reference. In answer to a question from Mr. Clancy, the 2014 FEMA maps were used for all the floodplain calculations.

Ms. Ryder noted that community garden is not part of the plan as noted on one of the plans so this will be clarified.

She pointed out that behind the pool the grading extends quite a way and asked what the surface treatment of this area was to be. Mr. Quinn and Mr. Goddard explained that this area would be loamed and seeded to be grass and noted that since they were restoring the paddock to a natural area and this area is already pasture this should be acceptable. The Commission discussed this at length and noted that they would like to see the whole 100' inner riparian zone restored to a natural vegetation and not be a maintained lawn. After some discussion, Mr. Moran noted that they would be ok with having a 7' landscaped mowed area outside the pool and restore the rest. As the rest of the 100' inner riparian zone will be restored with meadow, shrubs and trees. The Commission was amenable to that.

Mr. Quinn explained the snow storage plan and explained how it was to work, only the areas marked in red on the plan would be used for snow storage, and if the facility is fully parked then any snow would need to be removed from the site. Mr. Clancy noted that NO snow melting machine is to be used on the site. All excess snow must be hauled off site.

Mr. Clancy opened it up for questions from the audience. Ms. Cindy Zomar who is a city resident had the following questions: 1) clarify snow storage and areas where snow could be stored. She counts 81 spaces for snow, and worried there wouldn't be enough for residents; 2) a new crosswalk on Rte. 20; 3) garages moved can fire truck fit? 4) Moved driveways are abutters aware? 5) Filling a lot of area, what kind of fill to be used? Mr. Quinn said Geotech and LSP will oversee this. 6) Is there a deadline to get the wetland replication constructed? Ms. Ryder said 2 year are needed to establish the wetland. After some discussion, it was agreed this would be discussed during the preconstruction meeting to ensure it gets planted early, rather than later in the project; 7) P&S for the land talks about within 5 years add more units, where would they be. Mr. Falk indicated that there would be no changes that would add units, any changes would require review by the city.

Arthur Skura also a resident explained his concern with wetland replication and more often than not invasive plants will invade. What is guarantee for replication will work, disturbing wetlands, there are no guarantees. Mr. Goddard explained wetlands can be replicated successfully

Dave Doucette City Councilors – how does new driveway relate to Village Drive. Mr. Quinn noted it's directly across from Village drive. Mr. Clancy asked about signalization, Mr. Quinn noted he does not believe so. But traffic is not a wetland issue.

Mr. Dunbar asked about fencing for the pool. Will it have a gate to the meadow? Mr. Quinn said fencing is on decking of pool and no gate to open space area.

The Commission reviewed the draft Order of Conditions. The Commission reviewed some changes and specific conditions. The Commission discussed the need to put in wetland markers and noted that they should be every 50' at the edge of the 100' river front areas, this can be discussed during the preconstruction meeting. Also add a note about the protection of the undeveloped portion of the land. Most of the conditions were standard conditions for large projects. Changes to plan dates and meadow planting plan reference will be adjusted based on new documents.

After some discussion, the hearing was closed and on a motion by Mr. Skarin second by Chairman to approve the Order of Conditions as written and amended there were yeas: Edward Clancy; David Williams, William Dunbar, John Skarin. Nays: Allan White, Dennis Demers. The vote carries 4-2.

**Notice of Intent – Continued from Aug. 20, 2020**

447 Boston Post Rd. (known as Harrison Arms) - Wayside Apartments LLC

Katy Enright P.E. of Howard Stein Hudson was present and explained that she had received DEP's comments with the DEP number and has addressed their concerns. She will provide a stamped plan for stormwater, confirmation that the elevation of the detention basin will not intercept seasonal groundwater to ensure that there will be treatment, she will confirm that and will be sure there is onsite inspection when these are built to confirm. Ms. Ryder noted the city should see this too. This can be added to the Conditions. As this is a redevelopment site, they have looked at all ways to improve TSS removal which DEP had asked. They are constrained she said but have done the best they can. Mr. Clancy noted that this is certainly an improvement over existing condition. Ms. Ryder noted that the channel into the wetland area should be cleaned of accumulated sand. They will try, but the land is off their property. To be added is snow storage location and add signage about not dumping in wetlands. Planting plan for buffer zone need to work with property owner behind them since it's on their property. Needs property owner approval first. Boundary markers to be on their property not adjacent property since 20' buffer is not on their site.

The Commission was satisfied and closed the hearing. The Commission reviewed the draft Order of Conditions and after some discussion on a motion by Mr. Skarin second by Chairman to approve the Order of Conditions as written and amended there was a unanimous vote 6-0 with a roll call of yeas: Edward Clancy; David Williams, Allan White, Dennis Demers, William Dunbar, and John Skarin.

**Certificates of Compliance:**

- 212-1010 175 Maple St. – Full Certificate of Compliance and confirm violation has been resolved. Ms. Ryder indicated that she has reviewed the file and seen the lot previously and is satisfied that they have met all the conditions. Mr. Clancy asked if the fine had been paid, she will double check. On a motion by Mr. White second by Chairman to issue a full certificate of compliance was a unanimous vote 6-0 with a roll call of yeas: Edward Clancy; David Williams, Allan White, Dennis Demers, William Dunbar, and John Skarin. Hold until fine is paid.

Conservation Commission  
Minutes - September 3, 2020

- 212-1209 123 Felton St. – Full Certificate of Compliance. Ms. Ryder noted that she has visited the site numerous times and finally everything is completed per the Order of Conditions and recommended a full Certificate of Compliance. On a motion by Mr. White second by Chairman to issue a full Certificate of Compliance was a unanimous vote 6-0 with a roll call of yeas: Edward Clancy; David Williams, Allan White, Dennis Demers, William Dunbar, and John Skarin.

**Discussion/Correspondence:**

- Trail Committee Report- Ms. Ryder noted that Ms. Paquin has been leading a great team of 20+ trail committee members and have done two monthly workdays so far. Mr. Dunbar explained he has participated in fixing some stairs on Indian Hill and built a few kiosks and worked with the great volunteers who have participated. Ms. Ryder said Ms. Paquin, who couldn't attend tonight will provide a more detailed update at the next meeting.

**Next Conservation Commission meetings** – September 17<sup>th</sup> and October 1<sup>st</sup>, 2020

**Adjournment:** On a motion by Mr. White second by Chairman to adjourn, the unanimous vote 6-0 with a roll call of yeas: Edward Clancy; David Williams, Allan White, Dennis Demers, William Dunbar, and John Skarin. The meeting was adjourned.

Respectfully submitted,

  
Priscilla Ryder  
Conservation/ Sustainability Officer *es*

MARLBOROUGH COMMISSION ON DISABILITIES  
MINUTES FOR MEETING SEPTEMBER 8, 2020  
MAYOR'S CONFERENCE ROOM 4<sup>TH</sup> FLOOR  
CITY HALL

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2020 OCT -1 A 11: 53

ATTENDEES: DEBRA MCMANUS, JOHN USINAS, DAVE DOUCETTE, CHERYL SOUCY, PATRICIA CARLSON, WAYNE STANLEY.

MEETING CALLED TO ORDER AT 4:05

MINUTES READ AND ACCEPTED 6 TO 0.

TREASURERS REPORT: \$5,547.98. ACCEPTED 6 TO 0.

NEW BUSINESS

THE COMMISSION RECEIVED SEVERAL REPORTS OF AAB VIOLATORS IN MARLBOROUGH:

MISSING HP PARKING SIGNS AT:

- RUMORS SALON – 500 BOSTON POST RD EAST
- YUMMY KITCHEN – 42 BOSTON POST RD EAST
- BIG APPLE – 890 BOSTON POST RD EAST
- HALF WAY CAFÉ – 820 BOSTON POST RD EAST

PARKING SPACE & CURB CUT VIOLATIONS:

- MIRANDA BREAD – 28 BOSTON POST RD EAST
- KAPLANSKY INSURANCE – 721 BOSTON POST RD EAST
- POST ROAD CARPETS – 728 BOSTON POST RD EAST
- JOY ASIA – 735 BOSTON POST RD EAST

A MOTION WAS MADE TO SPEND UP TO \$200 TO PURCHASE A NEW PRINTER. ACCEPTED 6 TO 0.

OLD BUSINESS

- DOMINO'S PIZZA RAMP IS IN VIOLATION. DAVE WILL CONTACT THE BUILDING INSPECTOR.
- CHERYL CHECKED OUT DOUBLE T RESTAURANT THEY ONLY HAVE PICNIC TABLES WITH ATTACHED BENCHES FOR OUTSIDE SEATING.
- SHELL STATION BOSTON POST ROAD EAST. DAVE & WIFE WILL CHECK OUT BATHROOMS.

MOTION TO ADJOURN AT 4:37 PM PASSES UNANIMOUSLY.

NEXT MEETING TUESDAY October 6, 2020 Microsoft Team Meeting

INFORMATION TO FOLLOW

RESPECTFULLY SUBMITTED,

DEBRA MCMANUS

# Marlborough Public Library Board of Trustees

## Meeting Minutes

June 2, 2020

*Due to government orders prohibiting public meetings during the COVID-19 pandemic, this meeting was held online via City's Microsoft Teams.*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

JUN 02 2020 A 8:33

Meeting called to order by Tom Abel at 7:03pm

Board Members Present: Tom Abel, Fred Haas, Nena Bloomquist, Robyn Ripley, Janice Merk, Karen Bento, Rustin Kyle, Bill Brewin, Samantha Khosla

Also Present: Margaret Cardello, Library Director; Arthur Vigeant, Mayor; Steven Kerrigan, City Clerk; Wilson Chu, Assistant City Clerk; Scott Parmenter, Information Technology; Chloe Wing, 2020 Trustee Scholarship Recipient

### Documents Reviewed/Referenced:

1. Agenda
2. Minutes from the April 28, 2020 meeting
3. Trust Fund/State Aid report for April and May 2020
4. Director's Report
5. Phase 1 service plan outline
6. FY21 Library Budget with 3% and 6% cuts

### Proceedings:

1. **Minutes:** A motion (Bento/Bloomquist) to approve the minutes from the April 28, 2020 meeting was passed via a roll call vote.
2. **Trust Fund Reports:** A motion (Merk/Bloomquist) to approve the Trust Fund Reports for April and May 2020 was passed via a roll call vote.
3. **Director's Report:** (see attached for more details)
  - Margaret provided the following updates on the building renovation project:
    - The demolition of the houses at 49 West Main and 28 Witherbee has been completed. Margaret was very pleased with the work done by the contractor. The lots will be seeded with grass for a more pleasant appearance until construction can begin.
    - Margaret reported that Mayor Vigeant attended the Library Building Committee meeting on May 14 and confirmed that he wants the design work to continue as planned to ensure we meet the MBLC's January 7, 2021 submission deadline. The MBLC grant requires construction to begin no later than FY22 (July 1, 2021 – June 30, 2022).

- The current staff of six has continued working on inventory and cataloging projects in preparation for the move. They have also been supporting requests from patrons coming in via email and telephone (most of which are seeking assistance with digital materials). A new weekly newsletter was created to share news and offer at-home activities. Regular social media outreach is ongoing, as is some live online programming, such as story time for children.
- Margaret has been participating in online discussions with other library directors through the state as she plans for the resumption of library services. It has been particularly informative to speak with her peers in urban libraries who serve a diverse population. As with the opening of other services in the state, MPL will take a phased approach focusing on services that can be provided while ensuring the safety of patrons and staff. Initially, the library will offer contactless curbside pickup for materials requested by patrons online.
- Margaret provided Trustees with two variations of a FY21 budget, one representing a 3% reduction and the other representing a 6% reduction. The Mayor has requested this information from all departments as part of the FY21 planning process, in light of the economic uncertainties caused by the coronavirus.
- Mayor Vigeant provided the Trustees with additional insights regarding both the budget reduction request and the renovation project. He explained that the City is working to understand the anticipated revenue losses from the economic slowdown. The State is doing the same, and is not expected to release local aid budgets until late July. Mayors around the state are exploring a variety of options to address the revenue losses, including asking the legislature if funds awarded from the CARES Act can be used to offset those losses, since they are directly related to the coronavirus pandemic. Given all the uncertainty, Mayor Vigeant requested a budget reduction analysis from each department head to ensure both City and State officials would fully understand the impact should that step be necessary. Regarding the building renovation, the Mayor reiterated his commitment to the project. He shared that he had submitted a request to the City Council to purchase another nearby property on Witherbee which would be used to further expand parking, easing a major pain point for patrons. The MBLC grant doesn't require construction to begin until June 30, 2022 at the latest, which gives the City time to better understand its financial situation. However, Mayor Vigeant wants the design process to continue as scheduled so we are ready to go as soon as the time is right.

#### 4. **Committee Reports:**

- Marlborough Public Library Foundation:
  - MPLF Chair Nena Bloomquist noted that foundation has not met in the past several months due to the pandemic. However, donations and checks have continued to come in and she is beginning to plan for a resumption of fundraising activities as the State slowly reopens.

## 5. Old Business:

- Trustee Scholarships:
  - Chloe Wing, a scholarship recipient, joined the call so Trustees could congratulate her. The AMSA graduate will be attending Purdue in the Fall. She thanked the Trustees for the award, and Trustees wished her well in her academic career.

## 6. New Business

- Margaret expanded on her comments in the Director's Report regarding plans for the library reopening. MBLC guidelines were still pending at the time of the meeting, but she is in discussions with other city departments about changes that may be necessary, such as installing plexiglass, moving computers to ensure appropriate distancing, regular sanitization of high contact areas including bathrooms, air quality requirements, and requiring the use of masks by all personnel and patrons. A question was raised regarding whether library staff would be required to enforce public health regulations. The board agreed that the library would follow any procedures put in place at City Hall.

**7. Adjournment:** *A motion (Haas/Ripley) to adjourn was approved via roll call vote at 7:53pm.*

Minutes submitted by Janice Merk.

**MINUTES  
MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

1A

RECEIVED  
CITY CLERK'S OFFICE  
AUGUST 24, 2020

August 24, 2020

2020 SEP 22 P 12:00

**Call to Order**

The remote meeting of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture, Chris Russ and Matthew Elder. City Engineer, Thomas DiPersio, and Planning Board Administrator, Krista Holmi, also participated in the remote meeting.

**1. Meeting Minutes**

**A. July 20, 2020**

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the minutes of July 20, 2020. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

**2. Chair's Business**

A. Chair Fenby updated the Board on her assessment of social distancing measures available in Memorial Hall, the Board's usual meeting venue. The current six members could socially distance in the room in a u-configuration, but the City Engineer and support staff would need to sit in the back of the room. Ms. Fenby polled members about their level of comfort meeting in person. While some members are OK with meeting in person, others prefer remaining remote or using a hybrid approach with some members meeting in person and others participating remotely. Mr. Russ added that if a topic had a lot of public interest, it would be difficult to accommodate many people in Memorial Hall. Chair Fenby asked Councilor Robey to comment on how things are going with City Council meetings in City Hall. Councilor Robey said the situation is different. There is much more space in Council Chambers, and the meetings are filmed and broadcast live. Some Council members have elected to join remotely. Since Memorial Hall is relatively small, has low ceilings and poor ventilation, Chair Fenby believes a hybrid or remote model remains the safest approach.

**3. Approval Not Required (None)**

**4. Public Hearings (None)**

**5. Subdivision Progress Reports**

**A. Subdivision Status Report- Goodale Estates**

City Engineer DiPersio provided an update on Goodale Estates. At the last meeting, an install date for the gas main and services had not been established. Eversource has since communicated with Mr. Gillis and estimated that the gas service would be installed by the end of August. Ms. Fenby asked for Mr. LaVenture to read the 8-5-20 email communication from Mr. Gillis into the record. Once the gas line is installed, the pavement can be completed along with sidewalks and as-builts prepared. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

**6. Preliminary/Open Space /Limited Development Subdivision Submissions (None)**

**7. Definitive Subdivision Submissions (None)**

**8. Signs (None)**

**9. Informal Discussion**

A. Sem Aykanian, Esquire. Discussion of removal of restrictions from an existing 1985 ANR plan-2 S. Bolton. Attorney Aykanian provided some background regarding the 74 Main St. property (John Cotting House), which he acquired along with 2 S. Bolton St. in 1987.

The 2 S. Bolton St. property, identified as parcel 22B in the presented exhibits A-D, contained the following deed restriction: Said Lot 22B shall be used to erect an accessory building or addition to the Grantee's other property located on Main Street described in the deed recorded in Book 14124, page 518-520 (74 Main), and said Parcel 22B cannot be transferred as a single parcel. The deed goes on to say that should there be a violation of this agreement, the property shall revert to the City of Marlborough Community Development Authority (CDA). Attorney Aykanian wishes to convey the 2 South Bolton property and building.

Attorney Aykanian has reached out to the CDA to determine whether the CDA will consent to forego the enforcement of the deed restrictions. His goal with the Planning Board is to obtain a recordable instrument to release parcel 22B from the plan restriction, which states parcel 22B is not to be considered a building lot. The plan notes the parcel is to be deeded to and used in conjunction with adjoining land of the Marlborough Knights of Columbus Building Corp, now or formerly. Attorney Aykanian described this as more of a housekeeping matter for the Planning Board, since 22B already has a building on it. These two actions are necessary for him to convey the property to a separate entity. As two separately owned entities, Attorney Aykanian surmised it would be less likely that the property would be combined to create "a noxious use" on the property and believes that it will be more likely that the Greek Revival property at 74 Main St. will be preserved. It would still be possible that two owners could work out an agreement to acquire the other property.

City Engineer DiPersio asked Mr. Aykanian the original intent of the ANR plan (Plan 528 of 1985). He asked if it was to separate parcel 22A (used as City parking) from the building on 22B. Mr. Aykanian didn't think the building was in existence then. Mr. DiPersio questioned whether the deed restriction was still in effect. Often these expire after 30 years. Attorney Aykanian said that was a good question and that this may be the case, but there is nothing written or cited from his past conversations with the City's previous Solicitor, Don Rider. The deed language is enough to spook any potential buyer, so he has agreed to take up the matter with the City.

Ms. Fenby noted that the "proposed lot line" on Exhibit D in the packet appears to encroach on the building shown on 22B. City Engineer DiPersio stated that the exhibit is not a surveyed plan. Mr. Fay said a lot has changed since 1985 when this plan was endorsed, and he supports removing the restriction. He would not be supportive of anything on the property that is not consistent with the existing footprint and scale as the existing building.

## 10. Unfinished Business

### A. Definitive Subdivision Application: Commonwealth Heights

Applicant – Marlborough/Northborough Land Realty Trust (Scott Weiss, The Gutierrez Company);  
Project Engineer - Connorstone Engineering, Inc. Location – 10.6 Acres located on the corner of Forest Street and Ames Street. Middlesex Registry of Deeds Book 31932, page 445 (Lot 14).

- i. Communication from Assistant City Solicitor Piques regarding Commonwealth Heights Covenant. Assistant Solicitor Piques began by requesting that Mr. Weiss communicate their recent discussion to the Board. Mr. Weiss proposes two changes to the Commonwealth Heights covenant that appeared on this evening's agenda. The first change adds clarity to paragraph 11. The proposed changes to paragraph 11 clarify the role of the Licensed Site Professional (LSP), the responsibility for payment to the LSP by the Covenantor as well as the City's role in approving the LSP. The second amendment relates to an agreement establishing a fund for the express purpose of providing compensation to abutting property owners for any arising property damage claims. This agreement was discussed at the June 22, 2020 meeting, but the terms of such agreement did not make it into the covenant.

Mr. Weiss acknowledged this omission and supports amending the covenant to include this condition as well as the new clarifying language in item 11. Assistant City Solicitor Piques was asked whether the Planning Board could vote on the covenant this evening. Mr. Piques indicated yes, provided the vote contained the language "as amended". Mr. Fay requested that the covenant include the specific language of the amendments, including where funds are held and the mechanism for evaluating and processing claims. Mr. Weiss recognized the importance of protecting the abutters and agreed to assist in preparing the new language. Ms. Fenby asked if there were any other comments on the covenant. There were no further comments. Chair Fenby requested that Mr. LaVenture read Assistant Solicitor Pique's 8-19-20 letter into the record. The letter confirmed that the covenant was in proper legal form. He also recommended that the Planning Board adopt rules for the imposition of reasonable fees for this purpose consistent with MGL c 44, x. 53G. Draft rules were provided for review.

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to table item 10A while the parties established the amended covenant language. Yay: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0. Member Fay and Mr. Weiss will send suggested edits to Assistant City Solicitor Piques. All communication will become part of the official record.

The Board moved on to the next agenda item.

#### **10. Unfinished Business**

##### **B. Working group discussion (George LaVenture, Christopher Russ)**

Mr. LaVenture lead the discussion and began by thanking the Engineering Division for taking the time to meet with him and his working group colleague, Chris Russ. Thanks to Assistant City Engineer Collins for his preparation of review documents and for Ms. Holmi's assistance in creating this package. He acknowledged Mr. Russ for his help with this effort. Below are goals established by the working group:

**Finish Subdivision and ANR Decision Trees-** Establish decision trees to provide quick references for subdivision applications (either preliminary or definitive or open space) along with ANRs. The process chart provided by Tim Collins provides a nice visual process or workflow to complement the timeline-based versions.

**Replace Missing Table of Contents in Current Regulations-** The current version of the Marlborough Rules and Regulations Governing the Subdivision of Land (RRGSL) does not include a table of contents. The 1991 rules and regulations' table of contents was included in the package for reference. Adding a table of contents will simplify finding desired topics for members of the public and Planning Board. The rules and regulations should be available as a text searchable pdf and available for download.

**Review Past Regulation Change Recommendations for Possible Inclusion -** The 2005 proposed changes to the RRGSL should be reviewed by Engineering for applicability along with more recent Board requirements. Prioritize recommendations for full board consideration and adoption.

**Review and Update Dated Forms-** Forms A, B, C, D, E, and G are draft replacements for existing Planning Board forms listed as Appendix A, B, C, D, E, and G. Form H is the proposed Street Bond/Lot Release Request. Since these are Engineering generated documents, they should be considered by the full board for adoption. This would provide standardization of forms.

**Evaluate Subdivision Cross-Sections-** Review which standard cross-sections and/or alternates to include in the subdivision rules and regulations.

**Evaluate Planning Board Fee Schedule-** The Rules and Regulation's Appendix K Fee Schedule was last amended in 1991. These fees do not accurately represent today's costs and should be reviewed. Mr. LaVenture suggested an approach to fee restructuring. Determine the person-hours required to conduct each of the anticipated services required of the City departments. For each service, multiply the estimated person-hours by the hourly rate[s] of the person[s] required to perform each task. This could become the new "book" fee for that service. If any expendable resources are used, they may be included in the fee as well. This approach works for auto mechanics and might work here. The working group stated the city should not bear the costs to perform services required by developers and other profit driven entities. The City should break-even, i.e., recoup their resource and expended costs. The Board should still have the discretion to waive or alter fees as determined. As recommended by Assistant City Solicitor Piques, the Board should consider adopting a fee schedule for the employment of outside consultants.

Mr. Fay thanked Mr. LaVenture and Mr. Russ for beginning this review process. There is a steep learning curve for the extensive amount of information Planning Board members must digest. Establishing process flow charts and improving the ability to easily access and reference relevant materials will enable members to become effective much more quickly. Providing better tools will benefit the general public and members alike. This process will establish best practices and reduce the possibility of mistakes. Chair Fenby asked City Engineer DiPersio for his thoughts on the review. He stated he was in favor of the review and commented this was long overdue. He said Engineering will make a first pass effort to review the 2005 recommendations and report back in September. The flow charts may take some additional time. Chair Fenby requested that members review the large packet on the agenda and begin to think about what areas of the regulations individual members may be interested in reviewing in greater detail. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to refer the 2005 Recommendations to Engineering for initial review and request a report back to the Board in September. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

The Board returned to item 10A.

#### **10. Unfinished Business (Continued)**

##### **A. Definitive Subdivision Application: Commonwealth Heights**

Attorney Piques instructed the Board that the emails he received from Mr. Fay and Mr. Weiss should be read into the meeting's record. He then shared the new covenant language, which is a conglomeration of Mr. Fay's, Mr. Weiss's and his suggested amended covenant language. Attorney Piques read the 7:42 pm email from Mr. Fay re: Commonwealth Heights Covenant Amendment into the record. Attorney Piques read the 7:46 email communication from Scott Weiss re: Version with Further Revisions into the record. On a motion by Mr. Elder, seconded by Mr. Fay, the Board voted to accept and file the communications. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 6-0.

Attorney Piques was asked to display both proposed amendments so that members and Mr. Weiss could read and verify the amended covenant language. There were no objections to the amended language. Attorney Piques responded to a question by Mr. LaVenture regarding the City Engineer serving as "Arbiter" and a potential exhaustion of funds. Attorney Pique said the amended language does not foreclose any future remedy available to the abutters. Mr. Weiss conveyed that the most efficient process is to allow the contractor working on site to immediately address concerns. Mr. Elder reminded Mr. Weiss that the previous effort to develop the site resulted in unsettled damages. Mr. Fay acknowledged Mr. Weiss and The Gutierrez Company for taking steps to protect abutters. He thanked Mr. Weiss for his efforts, cooperation and patience during this process.

On a motion by Mr. Elder, seconded by Mr. Hodge, the Board voted to approve the proposed Commonwealth Heights Covenant with the following amendments:

*(Item 11 – Replace paragraph 2 with the paragraph below:)*

*The Covenantor shall pay for and engage the services of a Licensed Site Professional (LSP), to be approved by the City to advise the City and provide technical assistance on the review of construction of this project relating to dust and air quality monitoring. At the Pre-Construction Meeting, the LSP shall review Covenantor’s construction protocols concerning dust control, vegetation removal, on-site soil management (including stockpiling, stabilization and permanent disposal), off-site soil removal (if any) and reporting requirements.*

*(Condition below inserted at Item 18:)*

*Covenantor shall establish a fund and deposit a sum no less than \$25,000.00, to be held in a mutually agreeable escrow account, for the express purpose of providing compensation to abutting property owners for cognizable property damage claims arising from the intentional or unintentional actions of the Covenantor, their contractors, employees, or other agents. Abutting property owners shall promptly provide notice of any claim of property damage to Covenantor and the City Engineer; and the City Engineer shall act as the arbiter for the validity of any such claim. This paragraph is intended to supplement any additional rights an abutting property owner may have and shall not be their exclusive remedy. Covenantor shall provide proof of compliance with this section, including deposit of these funds prior to construction.*

Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

## **10. Unfinished Business**

### **A. Definitive Subdivision Application: Commonwealth Heights**

#### **ii. Endorsement Commonwealth Heights Definitive Subdivision Plan**

Ms. Holmi shared that Steven Kerrigan, City Clerk, City of Marlborough, certified that following notice of Planning Board approval and for twenty (20) days thereafter, no appeals were taken.

On a motion by Mr. LaVenture, seconded by Mr. Elder, it was duly voted:

To endorse the plan entitled “Definitive Plan of Land of Commonwealth Heights in Marlborough, MA” dated October 24, 2019 and revised through July 16, 2020.

Owner: Marlborough/Northborough Land Realty Trust 1 Wall Street, Burlington, MA 01803.

Engineer: Connorstone Consulting Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, MA 01532. Subdivider: Commonwealth Heights, LLC 128 West Main Street, Wilmington, MA 01887. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0.

Carried. 6-0.

The Gutierrez Company will forward the signed covenant to the Planning Board. Members will sign the covenant and the Commonwealth Heights plan at the Planning Board’s administrative office at 135 Neil St. Owner/Developer is responsible for presenting the Planning Board evidence that the approved covenant and endorsed plan has been filed with the Middlesex South Registry of Deeds or Land Court as applicable.

**11. Calendar Updates (None)**

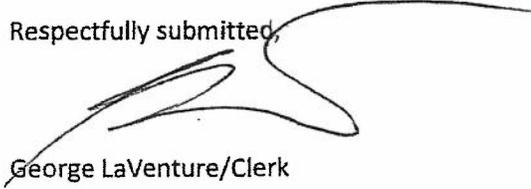
**12. Public Notices of other Cities & Towns**

- A. Town of Sudbury (4 Notices)
- B. City of Framingham (8 Notices)

On a motion by Mr. Elder, seconded by Mr. Fay, the Board voted to accept and file the notices. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to adjourn the meeting of the Planning Board. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 6-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "George LaVenture", written over a horizontal line.

George LaVenture/Clerk

/kih

**MINUTES  
MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

Call to Order

September 14, 2020

The remote meeting of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture and Chris Russ. Absent, Matthew Elder. City Engineer, Thomas DiPersio, and Planning Board Administrator, Krista Holmi, also participated in the remote meeting.

**1. Meeting Minutes**

**A. August 24, 2020**

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to accept and file the minutes of August 24, 2020. Yea: Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Carried 5-0.

**2. Chair's Business (None)**

**3. Approval Not Required**

**A. ANR Application: Weixerly Dasilva, and Thresa and Kenley Robison, 159 and 145 Langelier Lane  
Land Surveyor: HS & T Group, Inc. 75 Hammond St., Worcester, MA 01610**

Location and Description of Property: Middlesex Registry of Deeds Book 68734, page 445

Law Office of Brian W. Valanzola, 159 Langelier, Applicant representative, and Attorney Catherine Netburn, 145 Langelier, Applicant representative.

Ms. Fenby requested that Mr. LaVenture read the 9-13-20 email correspondence from Attorney Netburn into the record. Attorney Netburn respectfully requests that the ANR application submitted for consideration be withdrawn without prejudice. During the initial plan review, the Engineering Division identified an issue. If the plan were to be endorsed, one of the lots would be non-compliant with the City zoning regulations. On a motion by Mr. Russ, seconded by Mr. Hodge, the Board voted to accept and file the correspondence regarding the ANR withdrawal without prejudice. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay:0. Carried 5-0. The item was withdrawn without prejudice.

**4. Public Hearings (None)**

**5. Subdivision Progress Reports**

**A. Subdivision Status Report-**

**Goodale Estates** - City Engineer DiPersio provided an update on Goodale Estates. He will reach out to the City's Eversource contact to confirm an install date for the gas line. The install date will affect whether the subdivision will require an extension beyond December 30.

**215 Simarano** - Mr. DiPersio pointed out that the two-year approval for the definitive subdivision at 215 Simarano Drive has now expired. He does not believe any further action is required by the Board. The filing was procedural to freeze zoning, and the applicant has since constructed a storage facility on the site. Ms. Fenby asked the Board if they wished to take any further action. Mr. Fay said there is no point in expending any additional effort. The project will be removed from the status report.

**6. Preliminary/Open Space /Limited Development Subdivision Submissions (None)**

**7. Definitive Subdivision Submissions**

**A. 76 Broad St. 4-Lot Subdivision (Set Public Hearing Date)**

Applicant: W.R.E., LLC, 319 Stow Road, Marlborough, MA 01752

Engineer: Hancock Associates, 315 Elm St., Marlborough, MA 01752

Recorded Deed: Middlesex South Registry of Deeds Book 72215, Pages 106-107

Location and Description of Property: 76 Broad St., Assessor's Parcel 68-123, 1.86 acres

(Note: Submission Date: 09-09-20, Decision Due: Meeting Prior to January 22, 2021)

Chair Fenby requested that Mr. LaVenture read the 09-09-20 correspondence from Hancock Associates Project Manager, Robert DiBenedetto, PE. The letter subject: Four-Lot Subdivision, 76 Broad St. Narrative for No Comparative Impact Analysis was read into the record. The letter provides some background on the proposed 4-lot project. Each proposed lot contains a two-family dwelling, for a total of 8 units- under the 10 lots (or units) requirement for a Comparative Impact Analysis. The letter goes on to say that the shape of the lot offers little opportunity for alternative layouts, and there is no way to increase the number of lots. On a motion by Mr. LaVenture, seconded by Mr. Fay, the Board voted to accept and file the correspondence. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carries 5-0.

Chair Fenby polled the Board on a proposed Public Hearing date. October 19, 2020 was chosen. The advertisement can be created and the mailing prepared. Ms. Fenby asked if the Board had any preliminary questions. Attorney Sandra Austin and Hancock Representative, Robert DiBenedetto, were online for the discussion. Mr. Fay asked Attorney Austin for case law or statutory references to justify that easements were permitted to obtain the necessary roundings. Attorney Austin said her research did not establish that they weren't allowed. She noted two required easements for the project, one containing only right of way, and one containing a portion of a sidewalk. Mr. DiPersio requested to comment, stating that another issue is whether the use of easements constitutes a waiver of the subdivision rules and regulations. The Board requested that Attorney Austin prepare a narrative to address both points. Ms. Austin will forward the narrative to the City's Legal Department so the matter can be reviewed.

Mr. DiPersio asked Mr. DiBenedetto whether eight units was the max allowed by zoning or whether only eight were planned for the site. Mr. DiBenedetto said he was not certain of the maximum units but said the goal of the plan was two units per lot, for a total of eight units.

Ms. Fenby noted that the abutter neighborhood may need translations of the public hearing notice. She asked whether there could be other languages provided. Ms. Holmi said that Google Translate could be used to put the notices in multiple languages. Mr. Fay asked whether this is something that should be done in all cases. (He did not believe there was anything statutory to do so.) Ms. Fenby requested that the subject be added to the next agenda under "Chairs Business".

**8. Signs (None)**

**9. Informal Discussion (None)**

**10. Unfinished Business**

**A. Working group discussion (George LaVenture, Christopher Russ)**

Mr. LaVenture lead the discussion. He categorized the desired updates into two areas: Administrative and Technical. He said that the Mayor has previously stated the services of the Metropolitan Area Planning Council (MAPC) were available to the Planning Board. Ms. Fenby shared that the Mayor suggested we reach out to MAPC to partner on the desired changes. Ms. Fenby asked whether Engineering had any issues with a referral to MAPC. City Engineer DiPersio stated he had no objections. He felt that their defined scope could be narrow. He would serve as technical point person for MAPC (along with additional input from Tim Collins, Assistant City Engineer). The Board can work on the administrative pieces. Chair Fenby asked if members LaVenture and Russ would serve in that capacity. They both agreed. Ms. Fenby asked for a motion on the referral. On a motion by Mr. LaVenture, seconded by Mr. Fay, the Board voted to refer the 2005 proposed regulation changes along with new and existing cross sections to MAPC for technical review and comment. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 5-0. Engineering will work with MAPC and discuss best practices for inclusion. Relevant documents will be forwarded to MAPC.

**11. Calendar Updates**

- A. 76 Broad Street Definitive Subdivision –  
Public Hearing: October 19, 2020; Decision on definitive subdivision due : Meeting Prior to 1-22-21

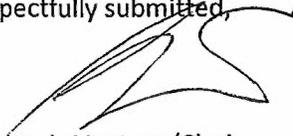
**12. Public Notices of other Cities & Towns**

- A. Town of Sudbury (4 Notices)
- B. City of Framingham (4 Notices)

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the notices. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 5-0.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to adjourn the meeting. Yea: Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Carried 5-0.

Respectfully submitted,



George LaVenture/Clerk

/kih

Minutes  
Retirement Board Meeting of  
July 28, 2020

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2020 SEP 29 P 2:11

The monthly meeting of the Marlborough Retirement Board was held on July 28, 2020. The meeting was held remotely due to the Corvid-19 crisis. Gregory Brewster, William Taylor, Daniel Stanhope, David Keene, Diane Smith, Margaret Shea, and Nathaniel Chen were participating via conference call. Other participants include Henry Jaung and Steven MacLellan of the Meketa Group and Michal Ossing.

1. The meeting was called to order at 8:15 a.m.
2. A motion was made and seconded to approve the minutes of June 30, 2020.

Diane Smith - Yes  
William Taylor - Yes  
Gregory Brewster - Yes  
Daniel Stanhope - Yes  
David Keene - Yes  
Motion carried.

3. Henry Jaung and Stephen MacLellan presented Meketa's quarterly review. Mr. Jaung reviewed the markets. He noted that the quarterly returns were very strong despite the large losses in the first quarter and unemployment numbers. During review of performance, they noted that the system returned 11.6% net of fees for 2<sup>nd</sup> quarter resulting in an asset value of approximately \$177.7 million. Year-to-date return was negative 2.6%. Jaung noted that as of July 25, 2020, the fund is likely up 1%. The managers who underperformed their benchmarks were Frontier and Fiduciary. Frontier beat its benchmark for the quarter but trailed substantially with year-to-date performance. Meketa attributed the underperformance to overweight in airline stocks. Mr. Jaung expressed more concern with Fiduciary's performance. For the quarter, they trailed their benchmark, which gained 22%, with a gain of 15.5%. Year-to-date, Fiduciary trailed their benchmark by 7.8%. Mr. Jaung also discussed the \$9 million appropriation that was received in July. \$5.7 million was invested in emerging market equities and the remaining \$3.4 million remained in cash. Emerging market equities were the best returning asset class in July returning 8.3% as of today. Jaung and MacLellan then discussed the results of the RFP for defensive US equity passive index managers. As the system increases its allocation to equities, a defensive fund would provide protection against volatility. The ideal strategy will perform in line with the US equity market during up markets while protecting in down markets. There were nine respondents to the RFP. Three respondents were disqualified. Meketa ranked the remaining six. The top two strategies were Rhumblin and Northern Trust, both of whom were ranked highly advantageous. Both strategies had similar approaches. For one-year returns ending March 31, 2020, Northern Trust lost 5.5% and Rhumblin lost 4.4%. The Russell 1000 lost 8%. Both firms beat the 10-Year Russell return of 10.4%. Rhumblin returned 12.4% and Northern Trust returned 12.2%. Mr. MacLellan reviewed beta, tracking error, and upside and downside capture. Northern Trust offered a



commingled fund with a 15-point management fee and administrative costs capped at 2%. Rhumblin's fund was a separately managed account charging 5 basis points with 2.5 basis management and licensing fees. Mr. Jaung asked the Board how they wanted to proceed. The Board felt comfortable voting today based on Meketa's analysis. After discussion, a motion was made and seconded to hire Rhumblin to manage a defensive US equity passive index strategy.

Diane Smith - Yes  
Gregory Brewster - Yes  
Daniel Stanhope - Yes  
William Taylor - Yes  
David Keene - Yes  
Motion carried

3. Approval of retirements was the next item on the agenda. Anthony Dutchka, formerly of the Department of Public Works, Christine Phillips, Theresa Seymour, and Grace Cintron, all formerly of the School Department, had applied for superannuation retirement in June. After a review of pertinent information, a motion was made and seconded to approve.

William Taylor - Yes  
Gregory Brewster - Yes  
Daniel Stanhope - Yes  
David Keene - Yes  
Diane Smith - Yes  
Motion carried.

4. The Board reviewed refunds and transfers. After discussion, a motion was made and seconded to approve all refunds and transfers.

Gregory Brewster - Yes  
Daniel Stanhope - Yes  
David Keene - Yes  
Diane Smith - Yes  
William Taylor - Yes  
Motion carried.

5. New Business / Old Business was the next item on the agenda. The director provided a brief update on the upcoming election. Election notices were being sent to retirees in monthly checks and direct deposit notices. Active members would be notified via e-mail from the Mayor's Office. Inactive members would receive notice via U.S. mail. Nomination papers were available for pick-up in the retirement office. The Board members had received a copy of Roselli, Clark, and Associate's audit. There were no findings. A motion was made and seconded to accept and place on file.

Daniel Stanhope - Yes  
David Keene - Yes



Diane Smith - Yes  
William Taylor - Yes  
Gregory Brewster - Yes  
Motion carried

6. The next item on the agenda was the Financial Review. The director made a correction in the agenda noting that the Board would be reviewing the June accounting rather than the April accounting. The Board reviewed a cash flow analysis and operating budget as of July 31, 2020. The Board also reviewed the cashbooks, journals, and trial balance for June 2020. The Board reviewed the May cash reconciliation and bank statements. A motion was made and seconded to accept and place on file.

David Keene – Yes  
Diane Smith - Yes  
William Taylor - Yes  
Gregory Brewster – Yes  
Daniel Stanhope – Yes  
Motion carried

7. The Board reviewed miscellaneous correspondence. The PERAC 2019 Investment Report was published. Marlborough ranking in the top third of retirement systems for the year. The Board also reviewed a PERAC memorandum regarding Board Member Training. A motion was made and seconded to accept and place on file.

Diane Smith – Yes  
William Taylor – Yes  
Gregory Brewster – Yes  
Daniel Stanhope – Yes  
David Keene – Yes  
Motion carried

8. Approval of Warrants was the next item on the agenda. The Board reviewed warrants #182020, #192020, and the July 2020 retiree payroll warrant. A motion was made and seconded to approve.

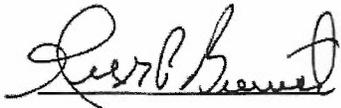
William Taylor – Yes  
Gregory Brewster – Yes  
Daniel Stanhope – Yes  
David Keene – Yes  
Diane Smith – Yes  
Motion carried

9. A motion was made and seconded to adjourn the meeting at 9:33 a.m.

Gregory Brewster – Yes  
David Keene – Yes



Daniel Stanhope – Yes  
Diane Smith – Yes  
William Taylor – Yes  
Motion carried

A handwritten signature in cursive script, appearing to read "Gregory P. Brewster".

Gregory P. Brewster, Chairman

**Minutes  
Retirement Board Meeting of  
August 25, 2020**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2020 SEP 29 P 2:11

The monthly meeting of the Marlborough Retirement Board was held on August 25, 2020. The meeting was held remotely due to the Covid-19 crisis. Gregory Brewster, William Taylor, Daniel Stanhope, David Keene, Diane Smith, Margaret Shea, and Nathaniel Chen were participating via conference call. Michael Ossing was also participating.

1. The meeting was called to order at 8:15 a.m.
  
2. A motion was made and seconded to approve the minutes of July 28, 2020.  
William Taylor - Yes  
Diane Smith - Yes  
David Keene – Yes  
Daniel Stanhope – Yes  
Gregory Brewster - Yes  
Motion carried.
  
3. Approval of retirements was the next item on the agenda. The following individuals had applied for superannuation to take effect in July 2020: Timothy Brecken, Frederick Flynn, John Ghiloni, Holly Kersey, Pamela Landry-Rudd, and Paula Murphy. After review of pertinent information, a motion was made and seconded to approve.  
Diane Smith - Yes  
David Keene – Yes  
Daniel Stanhope – Yes  
Gregory Brewster - Yes  
William Taylor – Yes  
Motion carried.
  
4. The Board reviewed refunds and transfers. After discussion, a motion was made and seconded to approve all refunds and transfers.  
David Keene – Yes  
Daniel Stanhope – Yes  
Gregory Brewster - Yes  
William Taylor – Yes  
Diane Smith - Yes  
Motion carried.
  
5. New Business / Old Business was the next item on the agenda. Biennial affidavits were mailed to the retirees. Response so far has been strong; approximately 80% had been returned. Second notices would be mailed in early September. Nomination papers for Board Member elections were available. To date, only Michael Ossing returned a nomination paper. Discussion followed about whether an elected city official was eligible to run. The director was requested to write to PERAC for their opinion on the matter. The Director told the members that PERAC had acknowledged their hire of Rhumblin to manage a defensive index



strategy. Currently, Michael Sacco's office was reviewing the management agreements. The Director spoke to the Board about difficulty she was having regarding dual membership provisions and asked if they would authorize a discussion with Sacco's office. The Board suggested she contact Middlesex County Retirement System for information.

6. The next item on the agenda was the Financial Review. The Board reviewed a cash flow analysis and operating budget as of August 31, 2020. The Board reviewed the cashbooks, journals, and trial balance for June 2020. The Board also reviewed the June and July cash reconciliation and bank statements. A motion was made and seconded to accept and place on file.

Gregory Brewster - Yes

William Taylor - Yes

Diane Smith - Yes

Dave Keene - Yes

Dan Stanhope - Yes

Motion carried

7. The Board reviewed warrants 152020, 162020, 172020, 192020, and 202020. The August payroll warrant was not yet complete due to late changes. A motion was made and seconded to approve.

William Taylor - Yes

Diane Smith - Yes

Dave Keene - Yes

Dan Stanhope - Yes

Gregory Brewster - Yes

Motion carried

8. A motion was made and seconded to adjourn the meeting at 8:30 a.m.

Diane Smith - Yes

Dave Keene - Yes

Dan Stanhope - Yes

Gregory Brewster - Yes

William Taylor - Yes

Motion carried



Gregory P. Brewster, Chairman