

REGULAR MEETING
DECEMBER 21, 2020
TIME: 8:00 PM

IN CITY COUNCIL
ABSENT
LOCATION: CITY HALL, 140 MAIN STREET, 2ND FLOOR

CONVENED:
ADJOURNED:
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2020 DEC 17 P 12:45

This meeting of the City Council will be held virtually on Monday, December 21, 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.marlbrough-ma.gov).

1. Minutes, City Council Meeting, December 7, 2020.
2. Communication from Councilors Ossing and Tunnera, re: Municipal Aggregation – December 2020 Update.
3. Communication from the Mayor, re: Grant Acceptance in the amount of \$25,000.00 from the National Highway Traffic Safety Administration awarded to the Police Department to be used for municipal road safety.
4. Communication from the Mayor, re: Grant Acceptance in the amount of \$13,071.00 from the Department of Justice awarded to the Police Department for the purchase of equipment upgrades for first responders.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$6,000.00 from the Brigham Family Trust awarded to the Senior Center to be used for programming.
6. Communication from the Mayor, re: Gift Acceptance in the amount of \$3,000.00 for the Police Department from Michael Burnell, Lawrence Bertucci and Christina Barreira employees of Cummings Properties, LLC to be used for community outreach programs by the Police Department.
7. Communication from City Solicitor Jason Grossfield, 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, in proper legal form, Order No. 20-1008108.
8. Application for Special Permit from Attorney Brian Falk, on behalf of Speedy Auto Repair, Inc., to relocate an existing auto body shop from 315 Maple Street to 412-418 Maple Street in the Commercial Automotive Zoning District; with a land area of less than one acre in addition to a preexisting nonconforming structure on the site.
9. Minutes of Boards, Commissions and Committees:
 - a) Board of Assessors, October 30, 2020 & November 24, 2020.
 - b) Library Board of Trustees, November 3, 2020.
 - c) Zoning Board of Appeals, November 17, 2020.

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.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

10. **Order No. 20-1008140: Transfer request in the amount of \$80,000.00 which moves funds from PEG Fund to IT Equipment to fund upgrades for Accela for various departments.**

Recommendation of the Finance Committee is to approve. On motion by Councilor Oram, seconded by Chair, the committee recommends approval of the transfer in the amount of \$80,000.00 from PEG Fund to IT Equipment to fund upgrades for Accela for various departments. Vote 5-0 Roll Call – all in favor: Irish, Dumais, Tunnera, Oram, Perlman.

From Public Services Committee

11. **Order No. 20-1008136A: Petition from Eversource Energy to install approximately 465' of 8" Intermediate Pressure Gas Main as part of a system improvement on South Street between 417 South Street and Maple Street.**

Recommendation of the Public Services Committee is to approve with conditions. On motion by Councilor Irish, seconded by Chair, the committee recommends approval of the petition from Eversource Energy to install 465' of 8" Intermediate Pressure Gas Main as part of a system improvement on South Street between 417 South Street and Maple Street, subject to the following three conditions from the City Engineer:

1. A field visit with Eversource and Engineering shall be conducted prior to the start of work so that the location of the new main within the roadway can be approved;
2. Final trench paving conditions shall be set forth in the Road Opening Permit;
3. This work shall not be permitted to start until the Spring of 2021.

Vote 3-0 Roll Call – all in favor: Perlman, Irish, Landers.

12. **Order No. 20-1008143: Application for renewal of Junk Dealer/Secondhand Dealer License from ecoATM, LLC, 601 Donald J. Lynch Boulevard.**

Recommendation of the Public Services Committee is to approve. On motion by Councilor Irish, seconded by Chair, the committee recommends approval of the renewal of the Junk Dealer/Secondhand Dealer License to ecoATM, LLC, 601 Donald Lynch Boulevard. Vote 3-0 Roll Call – all in favor: Perlman, Irish, Landers.

From Personnel Committee

13. **Order No. 20-1008108: 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.**

Recommendation of Personnel Committee is to approve as amended. On a motion by Councilor Doucette, seconded by Chair, the committee recommends approval of Section 125-10C as amended by deleting the words, **'or during employment'** which would authorize the Mayor to waive two steps but only at the time of initial hiring and to remove the word **'any'** in new section 125-18 (A)(4) Vacations which will authorize the Mayor to grant an increase of up to one (1) additional week of annual vacation time which may be effective at (strike out the word **'any'**) time of employment. Vote 3-0.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 DEC 11 P 4:00

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

DECEMBER 7, 2020

Regular meeting of the City Council was held on Monday, December 7, 2020 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Councilors Participating Remotely: Wagner, Oram, Perlman & Robey. Meeting adjourned at 9:31 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.

Yea: 11 – Nay: 0

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

ORDERED: That the Minutes of the City Council meeting, November 16, 2020, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the **JOINT TAX CLASSIFICATION PUBLIC HEARING** with Board of Assessors to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2021, all were heard who wish to be heard, hearing closed at 8:37 PM; adopted.

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

Assessor's Present: Silverstein.

Assessor's Absent: Arruda & Manzello.

ORDERED: That the Transfer of \$49,725.00 (forty-nine thousand, seven hundred twenty-five dollars) from Sale of Graves to Reduce the FY 2021 Tax Levy, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Mayor's Office				FISCAL YEAR:		2021	
FROM ACCOUNT:						TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
<u>\$49,725.00</u>	<u>\$49,725.00</u>	<u>27000</u>	<u>33020</u>	<u>Sale of Graves</u>	<u>\$49,725.00</u>	<u>To reduce FY21 Tax Levy</u>			<u>\$0.00</u>
Reason:		<u>Sale of Graves revenue from FY20 to reduce FY21 tax levy</u>							
	\$49,725.00	Total			\$49,725.00	Total			

Yea: 11 – Nay: 0

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

ORDERED: That the Transfer of \$1,163,659.01 (one million, one hundred sixty-three thousand, six hundred fifty-nine dollars & one cent) from Overlay Reserve to reduce the FY 2021 Tax Levy, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Mayor's Office				FISCAL YEAR:		2021	
FROM ACCOUNT:						TO ACCOUNT:			
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
<u>\$1,163,659.01</u>	<u>\$1,163,659.01</u>	<u>10000</u>	<u>32200</u>	<u>Overlay Reserve</u>	<u>\$1,163,659.01</u>	<u>To reduce FY21 Tax Levy</u>			<u>\$0.00</u>
Reason:		<u>Excess overlay from FY17 to reduce FY21 tax levy</u>							
	\$1,163,659.01	Total			\$1,163,659.01	Total			

Yea: 11 – Nay: 0

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

ORDERED: That the Marlborough City Council votes in accordance with MGL, Chapter 40, §56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2021 tax rates and set the Residential Factor at 0.8063 with a corresponding CIP shift of 1.43 pending approval of the City's annual tax recap by the Massachusetts Department of Revenue, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

Suspension of the Rules requested to allow Mayor Vigeant to make a presentation to outgoing Assessor Anthony Arruda – granted

Yea: 11 – Nay: 0

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

President Ossing called a recess at 8:48 PM and returned to open meeting at 8:50 PM.

Suspension of the Rules requested to allow Assistant DPW Commissioner Ted Scott to speak– granted

Yea: 11 – Nay: 0

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$21,600.00 from the Department of Environmental Protection awarded to the Department of Public Works to offset the rising costs of processing recyclable materials, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$7,500.00 from Digital Federal Credit Union (DCU) donated to the Police Department to support the departments youth programming efforts and the Christmas Heroes for Helpers program, **APPROVED**; 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 Ordinance Amendment to Chapter 270 Building and Site Development §9 "Fees" as recommended by the Mayor and Building Commissioner, in proper legal form, Order No. 20-1008134, **MOVED TO AGENDA ITEM 19**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from Assistant City Solicitor Jason Piques, re: Application for LED Sign Special Permit, from ViewPoint Sign & Awning on behalf of Dunkin Donuts, 269 East Main Street, in proper legal form, Order No. 20-1008085B, **MOVED TO AGENDA ITEM 20**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from Assistant City Solicitor Jason Piques, re: 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, in proper legal form, Order No. 18/20-1007318H, **MOVED TO REPORTS OF COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Request for Approval of a Flat Wall Sign, Emporium Brasil, 581 Boston Post Road East, within the Wayside District, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from Attorney Brian Falk on behalf of WP Marlborough MA Owner, LLC (Waypoint Residential), re: Request to Extend Time Limitations to February 28, 2021 at 11:00 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), **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from the Public Employee Retirement Administration Commission (PERAC) re: Required FY22 Appropriation in the amount of \$9,524,575.00, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from Central MA Mosquito Control Project, re: Notice of 2021 Commission meeting dates, **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) School Committee, October 13, 2020, October 27, 2020 & November 10, 2020.
- b) Commission on Disabilities, October 6, 2020.
- c) Conservation Commission, October 15, 2020 & November 5, 2020.
- d) Council on Aging Board, October 13, 2020.
- e) Marlborough Historical Commission, August 20, 2020 & October 15, 2020.
- f) Library Board of Trustees, October 6, 2020.
- g) Parks & Recreation Commission, October 7, 2020.

Yea: 11 – Nay: 0

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

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

- a) Flavia Sousa, 15 Hunter Avenue, #6A, residential mailbox claim (2b).

Yea: 11 – Nay: 0

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

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

City Council Finance Committee
Monday, November 23, 2020; 7:05 PM
In Council Chambers and via Microsoft Teams

Finance members in Chamber: Chair Irish; Councilors Tunnera and Dumais

Finance members participating remotely: Councilors Oram and Perlman

Other members in Chamber: Councilors Landers, Ossing, Navin, Doucette

Other members participating remotely: Councilor Wagner

Also present in Chamber: Mayor Vigeant

Also present remotely: IT Director Gibbs, City Auditor Diane Smith, Finance Director Patrick Jones

Chair Irish called the meeting to order at 7:05 p.m. calling the roll – Councilors Dumais, Tunnera, Oram, Perlman and Irish in attendance.

11-16-20 – Order No. 20-1008140: Communication from Mayor Vigeant with Transfer request in the amount of \$80,000.00 which moves funds from PEG Fund to IT Equipment to fund upgrades for Accela for various departments.

IT Director Gibbs addressed the transfer.

Councilor Oram asked if paying permit fees online when making application could be investigated.

On motion by Councilor Oram, seconded by Chair, the committee recommends approval of the transfer in the amount of \$80,000.00 from PEG Fund to IT Equipment to fund upgrades for Accela for various departments. Vote 5-0

Roll Call – all in favor: Irish, Dumais, Tunnera, Oram, Perlman

Motion made and seconded to adjourn;

Roll Call – all in favor: Irish, Dumais, Tunnera, Oram, Perlman

Meeting adjourned at 7:21PM

Councilor Landers reported the following out of the Public Services Committee:

City Council Public Services Committee
Monday November 23, 2020; 6:15 PM
In Council Chambers and via Microsoft Teams

Public Services members in Chamber: Chair Landers and Councilor Irish

Other members in Chamber: Councilors Dumais, Ossing and Navin

Public Services member participating remotely: Councilor Perlman

Chair Landers called the meeting to order at 6:15 PM calling the roll – Councilors Irish, Perlman and Landers in attendance.

11-16-20 – Order No. 20-1008143: Application for renewal of Junk Dealer/Secondhand Dealer License from ecoATM, LLC, 601 Donald J. Lynch Boulevard

By email dated November 12, 2020, Police Chief Giorgi informed the committee he received the CORI report for ecoATM and is without objection to the renewal of the license.

By email dated November 19, 2020, Karen Wang, Regulatory Affairs Coordinator, ecoATM submitted the annual report for the kiosk inside the Solomon Pond Mall indicating so far in 2020 they have collected/recycled 280 devices, paying members of the community close to \$9,000.00.

On motion by Councilor Irish, seconded by Chair, the committee recommends approval of the renewal of the Junk Dealer/Secondhand Dealer License to ecoATM, LLC, 601 Donald Lynch Boulevard. Vote 3-0 Roll Call – all in favor: Perlman, Irish, Landers

11-02-20 – Order No. 20-1008136: Petition from Eversource Energy to install approximately 465' of 8" Intermediate Pressure Gas Main as part of a system improvement on South Street between 417 South Street and Maple Street.

By email dated November 13, 2020, City Engineer DiPersio submitted the following for consideration:

- ✓ A field visit with Eversource and Engineering shall be conducted prior to the start of work so that the location of the new main within the roadway can be approved.
- ✓ Final trench paving conditions shall be set forth in the Road Opening Permit.
- ✓ This work shall not be permitted to start until the Spring of 2021.

On motion by Councilor Irish, seconded by Chair, the committee recommends approval of the petition from Eversource Energy to install 465' of 8" Intermediate Pressure Gas Main as part of a system improvement on South Street between 417 South Street and Maple Street, subject to the following three conditions from the City Engineer:

1. A field visit with Eversource and Engineering shall be conducted prior to the start of work so that the location of the new main within the roadway can be approved;
2. Final trench paving conditions shall be set forth in the Road Opening Permit;
3. This work shall not be permitted to start until the Spring of 2021.

Vote 3-0 Roll Call – all in favor: Perlman, Irish, Landers

Motion made and seconded to adjourn; All in favor by Roll Call vote – Meeting adjourned: 6:26PM

Councilor Dumais reported the following out of the Personnel Committee:

City Council Personnel Committee
Monday November 23, 2020
In Council Chambers and via Microsoft Teams

Personnel members in Chamber: Chair Dumais; Councilors Doucette and Landers;

Other members in Chamber: Councilors Ossing, Irish, Navin and Tunnera/arrived at 6:50PM

Members participating remotely: Councilor Perlman; Councilor Oram/arrived at 6:48PM

Also present in Chamber: Mayor Vigeant

10-5-20 – Order No. 20-1008108: Communication from Mayor Vigeant with proposed amendments to the City Code, Chapter 125, PERSONNEL:

Section 125-10 Starting Minimum Rate, by inserting a new section 125-10 (C) Notwithstanding anything contrary in this chapter, for all other employees (non-union) in order to reflect an employee's prior experience or performance, the Mayor is authorized to waive any (2) two steps on a salary schedule established under this chapter, at time of hiring or during employment; and also to add

Section 125-18 Vacations, by inserting a new section 125-18 (A) (4) Notwithstanding anything contrary in this chapter, for all other employees (non-union) 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, pro-rated per completed month in that calendar year and thereafter received annually.

Any increase in annual vacation time above one week shall require City Council approval.

Chair Dumais called the meeting to order at 6:30PM.

Councilor Doucette supported the proposal with an amendment that would authorize the Mayor to waive two steps on the salary schedule but only at the time of hiring and to strike the words, 'or during employment' and to authorize the Mayor to grant an increase of up to one additional week of vacation but only at the time of hiring and not at any time of employment and any additional waiving of steps and vacation time would require City Council approval.

Councilor Landers supported the Mayor's proposal re steps but did not support adding vacation time except during initial employment or when the appointment is being renewed.

Councilor Irish supported the Mayor's proposal with sunset clause.

Councilor Ossing supported granting authorization to the Mayor to waive two steps and to grant a week of vacation but only at the time of hiring given the potential for abuse.

Councilor Navin agreed with granting the Mayor some flexibility at the time of hiring, agreeing with President Ossing.

Councilor Perlman stated she is less concerned about the timing than the transparency— because taxpayer dollars are involved there should be a reporting mechanism to the City Council, not necessarily when negotiations are ongoing but when the Mayor uses this authorization so that councilors know when the steps are waived or vacation time is granted.

Councilor Oram agreed with Councilor Perlman regarding the reporting mechanism as councilors should be aware when inequities exist as it might be necessary to have salary surveys on a more regular basis to ensure equity between new hires and longstanding employees.

On a motion by Councilor Doucette, seconded by Chair, the committee recommends approval of Section 125-10C as amended by deleting the words, '**or during employment**' which would authorize the Mayor to waive two steps but only at the time of initial hiring and to remove the word '**any**' in new section 125-18 (A)(4) Vacations which will authorize the Mayor to grant an increase of up to one (1) additional week of annual vacation time which may be effective at (strike out the word '**any**') time of employment. Vote 3-0

Motion made and seconded to adjourn;
Meeting adjourned at 7:03PM

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

City Council Urban Affairs Committee
Thursday, November 19, 2020; 7:00 PM
In Council Chambers and via Microsoft Teams

The chair called meeting to order and stated that with some in chambers and some virtual, all votes would be by Roll Call.

The chair took Roll Call of voting members to confirm attendance: **present via Microsoft Teams**-Chairman Katie Robey, Councilor Wagner; **present in Chambers**-Councilor Landers, Councilor Doucette, and Councilor Navin.

Also attending in Chambers: Councilor Ossing.

Councilor Oram and Councilor Perlman joined via Teams later in the meeting.

Others attending via Microsoft Teams: Tom DiPersio, City Engineer; Attorney Brian Falk for both items; for Garden Remedies Dr. Karen Munkacy, Jeffrey Herold and Mark Curtin; for WP Marlborough MA Tom Moran, Carlton Quinn, Dennis Hargis and Bob Buckley.

Order No. 18/20-1007318G: 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.

Applicant reminded all that the public hearing was just held and reminded the committee this is to modify the hours of operation. The chair read into record all comments from the department heads with none having an issue with the change, but the Board of Health reminded them that they must meet the governor's regulations to close at 9:30 PM.

Councilor Doucette moved to add another condition to read: The dispensary shall provide addiction related material to the public; the motion was seconded by Councilor Landers. Roll call vote: Councilor Landers-no, Councilor Navin-no, Councilor Wagner-no, Councilor Doucette-yes, Councilor Robey-no. The vote was 4-1; the motion did not carry.

Councilor Navin moved to recommend approval of the modification of special permit to amend the hours of operation; it was seconded by chair.

Roll Call vote: Councilor Doucette-yes, Councilor Navin-yes, Councilor Landers-yes, Councilor Wagner-yes, Councilor Robey-yes. The motion carries 5-0.

The chair called for a recess.

Order No. 20-1001007995B: Application for Special Permit by WP Marlborough MA Owner LLC, 339 Boston Post Road East to construct a multifamily dwelling residential project.

Applicant began the meeting with a PowerPoint highlighting the changes to the plans which include a 25% reduction of the project, eliminates one of the four buildings, reduces the unit count from 188 to 140, adjusts the setback on Rt.20 from 50 feet to 120 feet, and removes the satellite parking lot. In addition, this amended plan will leave 70% of site as greenspace-the riding ring will become a walking trail for residents with interior maintained under a meadow management plan monitored by the Conservation commission and the southeastern parcel will be restricted open space. The chair then read thru the amended Special Permit decision submitted by applicant and highlighted the changes: adding language to make it clear the applicant would hire an independent Erosion Control Expert as specified in the Conservation Commission conditions; adding in the final design of the site's access driveways would incorporate designs planned by MADOT and approved by both MADOT and the City Engineer; the applicant would conduct a traffic signal warrant analysis; the applicant would provide payment not to exceed \$35,000 to be used for installation of an in-line sewage grinder at the Boston Post Road pump station near site; and that on-site storage of snow would be removed from site if it created a shortage of parking spots for residents.

After discussion by voting committee members and others, it was decided that the next steps would be to have formal plans submitted to Site Plan with comments from department heads to come to this committee and then set up meeting to continue discussion. Conservation Officer Ryder, as a member of Site Plan discussion, will determine if this also needs to go back to Conservation Commission for review. Applicant did not speak in opposition to this procedure.

Councilor Doucette moved to extend the time limit to February 28, 2021; the motion was seconded. Roll Call vote: Councilor Landers-yes, Councilor Doucette-yes, Councilor Wagner-yes, Councilor Navin-yes, Councilor Robey-yes.

Councilor Doucette moved to adjourn; it was seconded. Roll Call: Councilor Navin-yes, Councilor Landers-yes, Councilor Wagner-yes, Councilor Doucette-yes, Councilor Robey-yes. The meeting adjourned at 8:27 PM.

ORDERED: That the Communication from Assistant City Solicitor Jason Piques, re: 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, in proper legal form, Order No. 18/20-1007318H, **FILE**; adopted.

Yea: 11 – Nay: 0

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

Suspension of the Rules requested – granted

Yea: 11 – Nay: 0

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

ORDERED:

IN CITY COUNCIL

**DECISION ON AMENDMENT TO SPECIAL PERMIT
GARDEN REMEDIES, INC.
ORDER NO. 18/20-1007318I**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Garden Remedies, Inc. (the “Applicant”) to amend an existing special permit 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 tenant of a commercial retail unit located at 416 Boston Post Road East, 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 East, Suite 6, Marlborough, MA 01752.
3. On November 5, 2018, the City Council of the City of Marlborough voted to grant a special permit authorizing the Applicant to build and operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment at the Site (the “Use”) 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, as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 71986, Page 90 (the “Original Special Permit”).
4. On October 1, 2020, the Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Condition No. 8 of the Original Special Permit in order to change the maximum hours of operation of the Use, under the provisions of MGL c. 40A, § 9 and the Marlborough Zoning Ordinance (the “Application”).

5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a copy of the existing special permit dated November 5, 2018, and existing site plans for the Site in accordance the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit attached hereto as “Attachment A.”
6. 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 7, of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
7. Pursuant to the Rules and Regulations of the City Council 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 advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
8. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, November 16, 2020. The public hearing was held at the Marlborough City Hall, 140 Main Street, and by remote access in accordance with Section 17(d) of Chapter 53 of the Acts of 2020 and “An Order Suspending Certain Provisions of the Open Meeting Law, MGL c. 30A, § 20” issued by Governor Charles D. Baker on March 12, 2020. The public hearing was conducted by remote participation, allowing the City Council, members of the public, and the Applicant to participate in the hearing through real-time audio and video conferencing, telephone access, and live internet streaming. The hearing was closed on November 16, 2020.
9. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
10. At the public hearing, no members of the public spoke about the Use or submitted written comments about the Use.
11. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit, which are expressly incorporated in this Decision by reference.

**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.
- B. The City Council finds that the proposed Use of the Site, with the modified operating hours set forth in the conditions below, 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 in this Decision and in the Original Special Permit. 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 in this Decision and in the Original Special Permit.
- C. The City Council incorporates by reference Finding C in the Original Special Permit.

- D. The City Council incorporates by reference Finding D in the Original Special Permit.
- 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 an amendment to modify Condition No. 8 of the Original Special Permit, as follows:

1. By deleting Condition No. 8 in its entirety and inserting in its place the following condition:
 8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 9:00 AM to 10:00 PM, and Sunday from 10:00 AM to 8:00 PM.

All other conditions of the Original Special Permit shall continue in full force and effect and are incorporated by reference as part of this 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: 11 – Nay: 0

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

ORDERED: That the Reappointment of Eileen Bristol as City Collector, for a 2-year term effective 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 Mary Watson Avery to the Cultural Council for a 3-year term 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 Patrick Jones as Finance Director/Treasurer, for a 3-year term effective 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 Barbara Pellegrini Allen to the Commission on Disabilities for a 3-year term from date of Council confirmation, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: Communication from City Solicitor Jason Grossfield, re: Proposed Ordinance Amendment to Chapter 270 Building and Site Development §9 “Fees” as recommended by the Mayor and Building Commissioner, in proper legal form, Order No. 20-1008134, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED At a regular meeting of the City Council held on Monday, DECEMBER 7, 2020, the following proposed amendment to the City Code, Chapter 270 Building and Site Development, section 9 “Fees” with proposed changes as recommended by the Mayor and the Building Commissioner, having been read was **ORDERED ADVERTISED**.

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. Chapter 270, Section 270-9(A), is hereby amended to read as follows:

Construction costs for all new buildings and structures will be determined from values as listed in the most current ICC Building Valuation Data. ICC Building Valuation Data is updated every six months. Permit fee is based on entire "Estimate Cost of Construction". Proof of costs is a signed contract.

II. Chapter 270, Section 270-9(E), entitled “Fees”, is hereby amended to read as follows:

Type of Permit

Fee

Building Residential	
1 or 2 Family Residential Construction	\$10 per \$1,000, \$50 Minimum
Renewable Energy (PV, Wind, Hydro) Storage Excluded	\$0.03 per watt Direct Current, \$50 Minimum
Building Commercial	
All Commercial Construction	\$10 per \$1,000, \$100 Minimum
Suppression, Fire Alarm, HVAC, Sheet Metal, and/or Mechanical	\$10 per \$1,000, \$100 Minimum. If Permit Application is associated with active building permit, \$50
Renewable Energy (PV, Wind, Hydro) Storage Excluded	\$0.03 per watt Direct Current, \$100 Minimum

Building Miscellaneous		
	Demolition, residential	\$10 per Thousand of Total Construction Cost, \$50 Minimum. Accessory structures less than 200 SF, \$25
	Demolition, commercial	\$10 per Thousand of Total Construction Cost, \$100 Minimum
	Solid Fuel/Wood/Coal Stoves/Fireplaces	\$50
	Tents	\$50 Residential, \$100 per year Non-residential
	Pools, above ground and in ground	\$50 Above Ground, \$100 In Ground
	Amusements	\$15 per booth and/or ride, \$100 Minimum
	Fences	\$25
	Sign Structure	\$10 per Thousand, \$50 Minimum
	Work/Jobsite Trailer	\$100 per trailer
Occupancy		
	Occupancy and Use Certificate to occupy existing space	\$50 when no building permit is required
	Occupancy and Use Certificate to occupy new space	Included in Building Permits for new buildings
	Temp CO Residential	\$50 per 30 days, max 90 days
	Temp CO Commercial	\$200 per 30 days, max 90 days
Gas Residential		
	New Construction 1 or 2 Family	\$150 per unit
	New Construction 3+ units	\$100 per unit
	Appliance replacement or addition	\$40 + \$15 per unit after the 1st
Gas Commercial		
	All Commercial Gas Work	\$10 per Thousand, \$100 Minimum
Plumbing Residential		
	Residential 1 or 2 Family	\$150 per unit
	Residential 3+ units	\$100 per unit
	Residential Alterations (new or replacements)	\$40 + \$8 per unit after the 1st
	Residential Trailer Water or Sewer	\$40

Plumbing Commercial		
	All Commercial Plumbing	\$10 per Thousand, \$100 Minimum
Wiring Residential		
	New house construction 1 or 2 Family	\$150 per unit
	Service change	\$50 per 100 AMP, +\$25 per additional 100 AMPS
	Renewable Energy Permit Fee	\$0.03 per watt Direct Current, \$50 Minimum
	Minimum Permit Fee	\$10 per \$1000 of contract cost, minimum \$75
Wiring Commercial		
	New Construction or Addition	The greater of \$100 OR \$10 per \$1000 of wiring job cost
	Carnivals	\$250
	Signs and billboards	\$75
	Temporary service	\$100
	Renewable Energy (Not Storage)	\$0.03 per watt Direct Current, \$100 Minimum
	Institutional (Maintenance Permit)	\$250 annually
Inspections		
	Work Beginning before obtaining a Permit	DOUBLE PERMIT FEE
	Reinspection fee (ALL TRADES), each inspector	\$50 Minimum
	After Hours Inspection - Detail	\$400 Minimum
	Gas Test	\$40
Administrative Related Fees		
	Commercial Plan Review Fee	2 cents per SF over 5,000 SF, 1st 5,000 SF included in base fee
	Permit Extension	\$50
	Permit Revision with no added construction costs	\$50
	Administrative Fee (Replacement Building Card, Zoning Letter, Change of Use Letter)	\$25

110 ANNUAL INSPECTIONS – Fee Schedule					
Use Group	Use Group	Use Group Descriptions	Minimum Inspections	Maximum Certification Period	Fees for Maximum Certification Period
A-1	Assembly - Theaters over 400 Capacity	With Stage and Scenery Movie Theater	Semi-Annual	One Year	\$150
		Movie Theater	Semi-Annual	One Year	\$150
A-1	Assembly - Theaters 400 or less Capacity	With Stage and Scenery Movie Theater	Annual	One Year	\$75
		Movie Theater	Annual	One Year	\$75
A-2	Restaurants, Assembly Night Clubs or similar uses	Over 400 Capacity	Semi-Annual	One Year	\$150
A-3	Assembly Lecture Halls, Recreation Centers, Terminals, Locations of Worship.	Over 400 Capacity	Semi-Annual	One Year	\$125
		400 or Less Capacity	Annual	One Year	\$50
A-4	Assembly	Low Density, Recreation & Similar Uses	Prior to Issuance of each new Certificate	Five Years	\$40
A-5	Assembly	Stadiums, Bleachers, Places of outdoor assembly	Prior to Issuance of each new Certificate	One Year	\$40+\$15 per 1000 over 5000.
E	Educational	Educational	Prior to Issuance of each new Certificate	One Year	\$50
E	Day Care	Child Day Care Centers	Prior to Issuance of each new Certificate	One Year	\$50
I-1	Group Home		Prior to Issuance of each new Certificate	One Year	\$50

I-2	Residents incapable of self-preservation: hospitals, nursing homes, mental hospitals, certain day care facilities		Prior to Issuance of each new Certificate	Two Years	\$75 per 100 beds, +\$2 per 10 beds over 100.
I-3	Residents Restrained: prisons, jails, detention centers, etc.		Prior to Issuance of each new Certificate	Two Years	\$75 per 100 beds, +\$2 per 10 beds over 100.
I-4	Adult and/or child day care facilities.		Prior to Issuance of each new Certificate	One Year	\$50
R-1	Hotels, Motels, Boarding Houses, etc.		Prior to Issuance of each new Certificate	One Year	\$40 per 10 rooms, +\$1 per room over 10 rooms, Minimum \$100.
R-1	Detoxification Facilities		Prior to Issuance of each new Certificate	Two Years	\$75
R-2	Multi-Family		Prior to Issuance of each new Certificate	Five Years	\$75 per 3 dwelling units, +\$2 per dwelling after 3.
R-2	Dormitories and R-2 Congregate Living		Prior to Issuance of each new Certificate	One Year	\$40 per 10 rooms, +\$1 per room over 10 rooms, Minimum \$100.
R-2	Summer Camps for Children		Annual	One Year	\$15 per 100 beds, +\$8 per 100 beds after the first 100 beds, +\$15 for each assembly building
R-3	Residential Care facilities licensed by DDS or DMH		Annual	One Year	\$75 per 100 beds, +\$2 per 10 beds over 100.
R-4	Residential care/assisted living facilities (\leq 16 persons)		Annual	One Year	\$75 per 100 beds, +\$2 per 10 beds over 100.
R-5	Residential Special Occupancy	Limited Group Residence	Annual	One Year	\$75 per 100 beds, +\$2 per 10 beds over 100.
Any	Facilities licensed by the Alcohol Beverage Control Commission where alcoholic beverages are served and consumed.		Annual as per M.G.L. c. 10, §74	One Year as per M.G.L. c. 10, § 74	\$75

Any	House Museums (as recognized by Massachusetts Historical Commission)	Annual	One Year	\$50
Any	Fire Escapes, etc. per 780 CMR 10.00: <i>Means of Egress</i>	Five Years	Five Years	\$50

III. Effective Date. These amendments shall take effect on July 1, 2021.

Yea: 11 – Nay: 0

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

ORDERED That the Communication from Assistant City Solicitor Jason Piques, re: Application for LED Sign Special Permit, from ViewPoint Sign & Awning on behalf of Dunkin Donuts, 269 East Main Street, in proper legal form, Order No. 20-1008085B, FILE; adopted.

Yea: 11 – Nay: 0

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

ORDERED

**DECISION ON AN LED SIGN SPECIAL PERMIT
IN CITY COUNCIL**

LED Sign Special Permit
Andrade/Lisa Realty LLC
Dunkin’ Donuts Restaurant
269 East Main Street
Order No. 20-1008085C

**DECISION ON AN LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 20-1008085C**

The City Council of the City of Marlborough hereby **GRANTS** the application for a Sign Special Permit to Andrade/Lisa Realty LLC – Dunkin’ Donuts (the “Applicant”) for the property located at 269 East Main Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings, Findings of Facts and Conditions.

PROCEDURAL FINDINGS

1. The Applicant is the owner of the property located at 269 East Main Street in Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 58, Parcel 69A (the “Site”) and maintains a stand-alone fast food restaurant with drive-through service lanes.
2. The Applicant seeks a LED Sign Special Permit, pursuant to Section 526-13 of the Code of the City of Marlborough entitled, “Electronic Message Center Signs; Digital Display Signs” (the “EMC and Digital Display Sign Ordinance”), to operate electronic message center signs (the “Signs”) at the Site (the “Application”).

3. The Signs are two menu boards each of which is no larger than 29.53” by 59.06” (the product specifications are attached hereto as “**Attachment A**”). The Signs are to be located in the same location as the existing menu boards.
4. In connection with the Application, the Applicant submitted a picture of the existing menu board and drive thru at the Site, as well as a photo and drawing of the LED menu as proposed for the Site, attached hereto as “**Attachment B.**”
5. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, September 21, 2020. The public hearing was held at the Marlborough City Hall, 140 Main Street, and by remote access in accordance with Section 17(d) of Chapter 53 of the Acts of 2020 and “An Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20” issued by Governor Charles D. Baker on March 12, 2020. The public hearing was conducted by remote participation, allowing the City Council, members of the public, and the Applicant to participate in the hearing through real-time audio and video conferencing, telephone access, and live internet streaming. The hearing was closed on November 16, 2020.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the proposed changes to the Signs.
7. At the public hearing, no members of the public spoke about the signs or submitted written comments about the signs.

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

- A. The Applicant has complied with all the rules and regulations promulgated by the Marlborough City Council as they pertain to an application for an LED sign special permit under Section 526-13 of the Sign Ordinance.
- B. The City Council finds that the proposed Signs comply with the standards set forth in Section 526-13.B of the Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Signs do not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Signs do not substantially block visibility of signs on abutting lots; the Signs do not substantially block solar access of, or view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Signs are appropriate; and the dimensions of the Signs complies with the area limitations of the Sign Ordinance.
- D. The City Council, pursuant to its authority under Section 526-13 of the Sign Ordinance, hereby **GRANTS** the Applicant an LED Sign Special Permit for the Signs, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Owner, its successors and/or assigns:

1. The Signs shall be operated in accordance with the Sign Ordinance of the City of Marlborough; and in addition, the Signs shall be turned off when the restaurant is not open for business.
2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application/hearing process before the City Council, are incorporated into and become part of this LED Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.
3. The Applicant shall install a clearance sign at the entrance of the drive thru, per attached drawing from Viewpoint Sign & Awning, shown as "Attachment C."

Yea: 11 – Nay: 0

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

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:31 PM; adopted.

Yea: 11 – Nay: 0

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



Marlborough City Council
Robert J. Tunnera
Michael H. Ossing
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

December 14, 2020

Honorable Members
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Municipal Aggregation – December 2020 Update

Dear Honorable Members:

In accordance with Order No.19-1007578B, this correspondence informs the City Council of the third quarter savings from the approved fixed price contract with Inspire that will provide stability and predictability and on a yearly average be lower than the National Grid Fixed Basic Service Rates during the same period. The contract with Inspire runs through January 2024.

Colonial Power has compiled the third quarter 2020 data and the City residents saved over \$78,000 in their electricity bill compared to the National Grid Basic Service Rate. Refer to the table in Attachment 1 and the graph in Attachment 2.

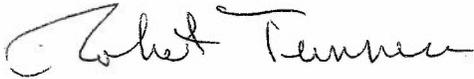
As a reminder, the City contract with Inspire is 100% wind Renewable Energy Credits (RECs). The savings are even greater when compared to the National Grid Green options.

Looking ahead to the fourth quarter 2020, the City residents participating in the municipal aggregation program can anticipate even greater savings as the National Grid “winter” Fixed Basic Service Rate took effect in November (0.12388 \$/kW-hr). This is significant as the City residents will continue to see savings over the Nation Grid Fixed Basic Service rate and the requirements in order 19-1007578B will be satisfied by “on a yearly average be lower than the National Grid Fixed Basic service rates during the same time period.”

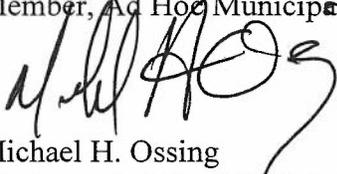
This information will be updated periodically and forwarded to the Councilors in accordance with Order 19-1007578B.

As Councilors, you can take pride in your decision to support Municipal Aggregation as we are saving our residents money on their electricity bills. Since November 2019, City residents have saved over \$1,690,000.

Sincerely,



Robert J. Tunnera
Member, Ad Hoc Municipal Aggregation Committee



Michael H. Ossing
Chairman Ad Hoc Municipal Aggregation Committee

Attachment 1: Table showing Residential Savings with Inspire Energy

Attachment 2: 3rd quarter 2020 status report – Graph illustrating Marlboro aggregation savings

Attachment 1

Table Showing Residential Savings with Inspire Energy

Date	NGrid Basic Service Rate (\$/kW-hr)	City Rate (\$/kW-hr)	City Residential User Savings	City Residential Commercial Industrial Savings
Fourth Quarter 2019	Oct - .10793 Nov - .13957 Dec - .13957	Oct - .09732 Nov - .09690 Dec - .09690	\$606,864	\$730,877
First Quarter 2020	Jan – Mar .13957	Jan – Mar .09690	\$812,208	\$1,034,500
Second Quarter 2020	Apr - .13957 May - .09898 Jun - .09898	Apr – Jun .09690	\$250,226	\$199,003
Third Quarter 2020	Jul – Sept 0.09898	Jul – 0.09690 Aug – 0.09390 Sept – 0.09390	\$78,671	\$(49,279)*

- *National Grid sets different rate for commercial/industrial users that are not associated with the National Grid residential fixed basic service rate.

**CITY OF MARLBOROUGH COMMUNITY CHOICE POWER SUPPLY PROGRAM
STATUS REPORT Q3 2020**

Prepared December 2020

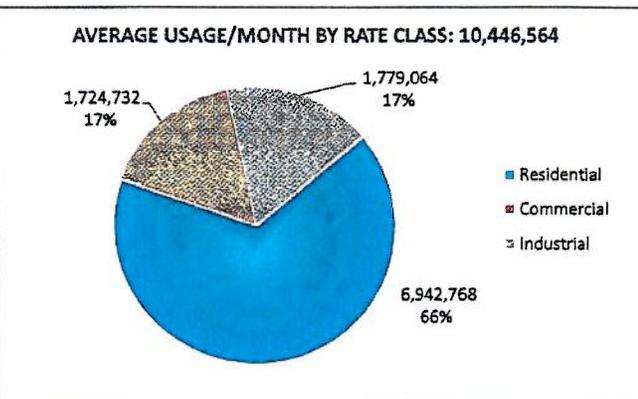
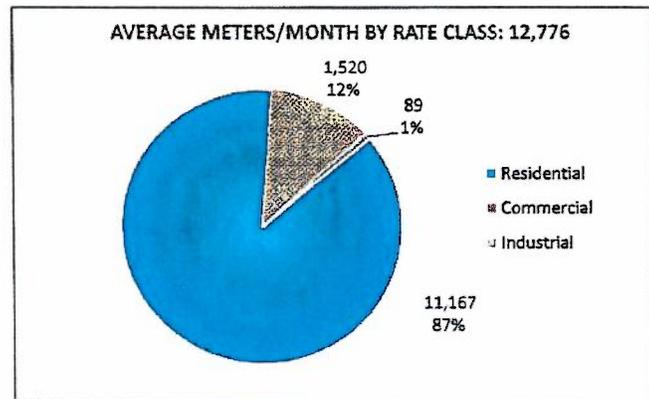
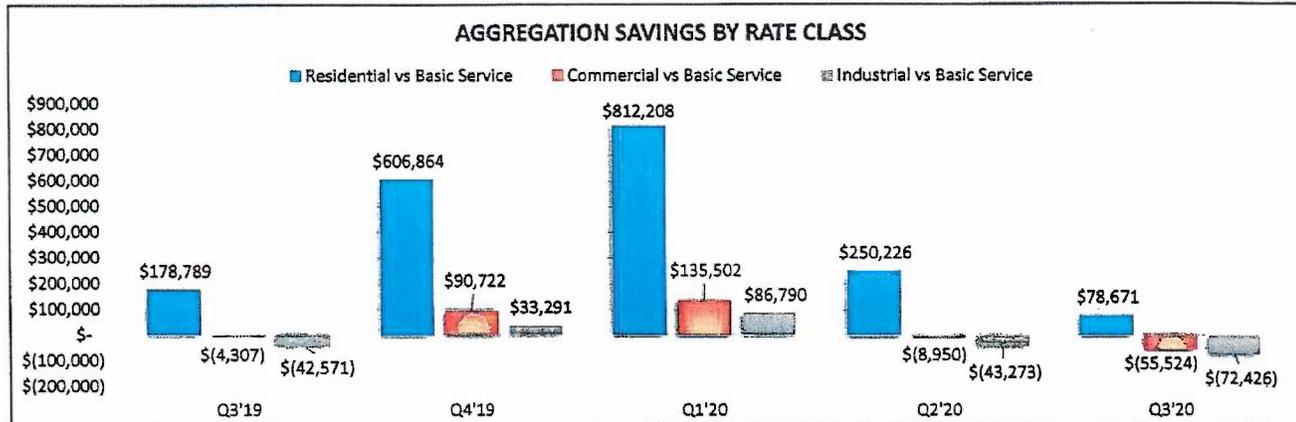
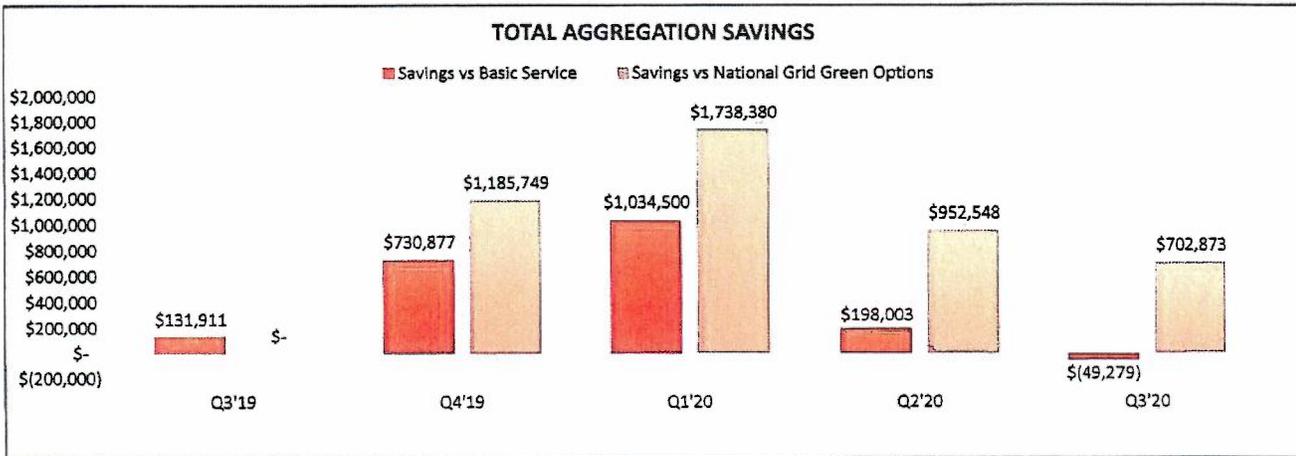
This report has been prepared by Colonial Power Group with information/data being provided by the Competitive Supplier and National Grid. The purpose of the report is to provide information about the City of Marlborough's Community Choice Power Supply Program, which currently provides competitive power supply to approximately 12,800 customers in the City. The data provided by the Competitive Supplier is not available until three months after the month it is used. For example, power is *Used* in January, *Invoiced* in February, *Paid* in March and *Reported* in April.

PROGRAM RATES			
Term	May 2019 – Nov 2019	Nov 2019 - Aug 2020	Aug 2020 - Jan 2024
Competitive Supplier	Dynegy	Inspire	Inspire
Standard Offering	\$0.09732 / kWh Meet MA Requirements	\$0.09690 / kWh 100% National Wind RECs	\$0.09390 / kWh 100% National Wind RECs
Optional Offering	\$0.09804 / kWh 100% National Wind RECs	N/A	N/A

COMPARISON TO NATIONAL GRID RATES

[Click here for NGRID GreenUp Info](#)

As of November 2019, the City of Marlborough chose a 100% green product as its standard offering, which supports renewable energy as 100% of the power supply is offset with Renewable Energy Certificates (REC's). Prior to that the standard offering met MA RPS. The City's aggregation savings are directly tied to the margin of savings between the Program's rates and National Grid's corresponding Basic Service rates as well as the level of consumption by participating consumers. Basic Service rates change twice a year or more, depending on utility and rate class. As a result, the aggregation rate may not always be lower than the Basic Service rate. The goal of the aggregation is to deliver savings over the life of the Program against the Basic Service rate. However, such savings and future savings cannot be guaranteed.





City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK
CITY OF MARLBOROUGH
MAYOR
Arthur G. Vigeant

2020 DEC 17 P 12:03
Patricia M. Bernard
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Michele A. O'Brien
EXECUTIVE SECRETARY

December 17, 2020

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

Re: Grant acceptance for MPD-municipal road safety

Dear President Ossing and Councilors:

Enclosed for your acceptance is a grant for \$25,000.00 from the National Highway Traffic Safety Administration to be used for municipal road safety.

Funding will cover the cost of needed equipment and training while supplementing traffic enforcement strategies.

We are grateful to the Mass Executive office of Public Safety and Security as well as the National Highway Traffic Safety Administration for these vital public safety funds.

If you have any questions, please do not hesitate to contact me or Chief David Giorgi.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



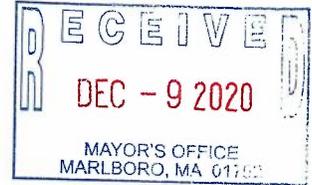
City of Marlborough

Police Department

355 Bolton Street, Marlborough, Massachusetts 01752
Tel. (508)-485-1212 Fax (508)-624-6938



David A. Giorgi
Chief of Police



December 7, 2020

Mayor Arthur G. Vigeant
City Hall
140 Main Street
Marlborough, MA 01752

Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$25,000.00 from the Massachusetts Executive Office of Public Safety and Security's Office of Grants and Research. The award is funding in support of the Municipal Road Safety program with funding made possible by the National Highway Traffic Safety Administration. The award will allow our department to supplement our traffic enforcement strategies in order to keep the City's streets safe, as well purchase any needed equipment or training.

Attached is a copy of the Notice of Grant Award letter, the grant approval letters from the Office of the Governor of Massachusetts and the Executive Office of Public Safety & Security Office of Grants and Research, and a copy of Governor Baker's press release regarding the awards. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to let me know.

Sincerely,

David A. Giorgi
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police DATE: December 7, 2020

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: David A. Giorgi

NAME OF GRANT: Executive Office of Public Safety and Security's Office of Grants and Research

GRANTOR: National Highway Traffic Safety Administration

GRANT AMOUNT: \$25,000.00

GRANT PERIOD: November 24, 2020 to September 15, 2021

SCOPE OF GRANT/
ITEMS FUNDED Funding to be used to support the department's Municipal Road Safety(MRS)
program which includes equipment and training, crime prevention and enforcement
activities. In addition, supplemental traffic enforcement strategies will be a focus in
order to make streets safer throughout the City.

IS A POSITION BEING
CREATED: N/A

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? N/A

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

ANY OTHER EXPOSURE TO CITY?
N/A

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: ASAP

**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**



CHARLES D. BAKER
Governor

Office of the Governor Commonwealth of Massachusetts

State House
Boston, Massachusetts 02133
Tel: (617) 725-4000

KARYN E. POLITO
Lieutenant Governor

November 24, 2020

Chief Giorgi
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Dear Chief Giorgi:

Congratulations! We are pleased to inform you that the Executive Office of Public Safety and Security's Office of Grants and Research (OGR) has awarded the Marlborough Police Department \$25,000 for your Municipal Road Safety program. Funds are being made available from the National Highway Traffic Safety Administration grant award.

Please note that funding will be made available through September 15, 2021. All documents necessary to make this award official will be provided to you by OGR. If you have any questions, please feel free to email Richard Valeri, OGR Program Coordinator at richard.valeri@mass.gov or by telephone at 617-933-3528.

Once again, congratulations and we thank you for the work you do to keep Massachusetts roads safe for everyone.

Sincerely,

Handwritten signature of Charles D. Baker in black ink.

Governor Charles D. Baker

Handwritten signature of Karyn E. Polito in black ink.

Lt. Governor Karyn E. Polito



**The Commonwealth of Massachusetts
Executive Office of Public Safety & Security**

Office of Grants & Research

Ten Park Plaza, Suite 3720-A

Boston, Massachusetts 02116

Tel: 617-725-3301

Fax: 617-725-0260

www.mass.gov/ogr

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Thomas A. Turco, III
Secretary

Kevin J. Stanton
Executive Director

November 24, 2020

Chief Giorgi
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Dear Chief Giorgi:

The Executive Office of Public Safety and Security's **Office of Grants and Research (OGR)** is pleased to announce that the **Marlborough Police Department** has been awarded **\$25,000** in funding to support the Municipal Road Safety program. Funding was made possible by the National Highway Traffic Safety Administration and is available through September 15, 2021.

Additional correspondence, including all the necessary documents required to make this award official are included in your authorizing award email along with details on how your award amount will be distributed among the elements requested in your application.

Please note your official start date will be the date that your returned contract is signed and dated by OGR. Costs incurred prior to the date of the contract being fully executed will not be eligible for reimbursement.

If you have any questions regarding your contract, please do not hesitate to contact Richard Valeri, Program Coordinator at richard.valeri@mass.gov or by telephone at (617)-725-3267.

My staff and I look forward to working with you and your department on this important public safety initiative.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin J. Stanton'.

Kevin J. Stanton
Executive Director

Baker-Polito Administration Awards \$7.8 Million in Federal Grants for Highway Safety, Crime Prevention, and Education Initiatives

Boston – Today, Governor Charlie Baker, Lieutenant Governor Karyn Polito and Public Safety and Security Secretary Thomas Turco announced that more than 160 law enforcement agencies will receive \$7.8 million in federal grant funding made possible through the Edward J. Byrne Memorial Justice Assistance Grant (JAG) program and the National Highway Traffic Safety Administration. These grants will provide access to equipment and strengthen training, crime prevention and enforcement initiatives across the Commonwealth.

“Our administration remains committed to maximizing federal resources to support the Commonwealth’s cities and towns,” **said Governor Charlie Baker**. “These grants will provide technology and equipment that enables the dedicated women and men in law enforcement to engage their communities in meaningful ways..”

The JAG program is the leading source of criminal justice funding awarded by the Department of Justice to state and local jurisdictions. Local police departments, sheriffs, and the Municipal Police Training Committee (MPTC) received a combined \$4.6 million in funding for several needs, including protective equipment and communications infrastructure.

The National Highway Traffic Safety Administration provided \$3.2 million to fund traffic enforcement campaigns, safety equipment, and non-enforcement activities by local police. All the initiatives contribute to reducing vehicle crashes and the resulting injuries and loss of life.

“In big cities and small towns alike, these federal resources will bolster so much of what we do to help make our communities safer,” **said Lieutenant Governor Polito**. “These resources will also empower law enforcement to engage residents and respond effectively on behalf of victims and survivors.”

The Office of Grants and Research (OGR) within the Executive Office of Public Safety and Security serves as the State Administering Agency for federal funding from several sources, including the Department of Homeland Security, the Department of Justice, and the National Highway Traffic Safety Administration.

“As a strategic priority, public safety professionals think regularly about how equipment and public awareness campaigns can strengthen their approach to evolving threats,” **said Secretary Turco**. “I commend our staff at OGR for their steady leadership in the midst of the pandemic to identify and fund initiatives that create opportunities for law enforcement to develop their capabilities.”

“OGR embraces its responsibility to distribute federal funds in a way that makes a difference in the 351 communities of the Commonwealth,” **said OGR Executive Director Kevin Stanton**. “The level of care and thoughtfulness with which law enforcement approaches our grant process will undoubtedly carry over as they implement their initiatives in our communities.”

National Highway Traffic Safety Administration Grant Recipients

The 161 agencies receiving awards from OGR to fund traffic enforcement campaigns, safety equipment, and non-enforcement activities are as follows:

Abington	\$20,000	Falmouth	\$25,000
Acton	\$25,000	Fitchburg	\$39,642
Agawam	\$24,990	Foxborough	\$18,990
Amesbury	\$19,546	Framingham	\$40,000
Amherst	\$20,383	Gardner	\$15,095
Arlington	\$20,000	Georgetown	\$11,995
Ashburnham	\$11,993	Gloucester	\$24,930
Athol	\$11,967	Grafton	\$19,984
Auburn	\$19,814	Granby	\$12,000
Barnstable	\$40,000	Great Barrington	\$11,955
Barre	\$11,989	Groton	\$5,832
Bedford	\$19,000	Groveland	\$11,946
Beverly	\$37,909	Hadley	\$12,000
Billerica	\$34,619	Hamilton	\$5,619
Bolton	\$11,748	Hanover	\$14,304
Boston	\$40,000	Hardwick	\$10,556
Bourne	\$19,909	Harvard	\$11,980
Braintree	\$25,000	Harwich	\$19,981
Brewster	\$12,000	Haverhill	\$39,931
Bridgewater	\$24,998	Hingham	\$24,498
Brimfield	\$11,742	Holbrook	\$8,518
Brockton	\$40,000	Holden	\$19,999
Brookline	\$17,980	Holland	\$7,162
Buckland	\$11,660	Holyoke	\$32,400
Burlington	\$25,000	Ipswich	\$20,000
Chelsea	\$40,000	Kingston	\$20,000
Chesterfield	\$11,978	Lakeville	\$11,942
Chicopee	\$39,790	Lancaster	\$11,967
Cohasset	\$11,973	Lawrence	\$39,573
Danvers	\$17,000	Leicester	\$12,000
Dartmouth	\$25,000	Leominster	\$40,000
Dedham	\$24,991	Leverett	\$11,992
Deerfield	\$12,000	Lowell	\$40,000
Douglas	\$11,869	Lunenburg	\$9,882
Dudley	\$12,000	Lynn	\$40,000
East Bridgewater	\$20,000	Manchester By The Sea	\$12,000
East Brookfield	\$11,948	Marlborough	\$25,000
East Longmeadow	\$20,000	Mashpee	\$20,000



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2020 DEC 17 12:03
Patricia M. Bernard
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Michele A. O'Brien
EXECUTIVE SECRETARY

December 17, 2020

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

Re: Grant acceptance for MPD-equipment upgrades

Dear President Ossing and Councilors:

Enclosed for your acceptance is a grant for \$13,071.00 from the U.S. Department of Justice to be used for equipment upgrades for first responders.

Funding will cover the cost of upgrading thermal imaging equipment, modified field first-aid kits and the purchase of automated external defibrillators.

We are grateful to the U.S. Justice Department for funding these vital equipment upgrades and apparatus for our first responders.

If you have any questions, please do not hesitate to contact me or Chief David Giorgi.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough

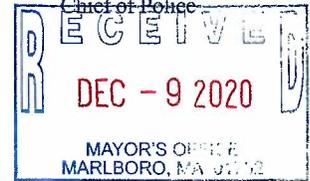
Police Department

355 Bolton Street, Marlborough, Massachusetts 01752
Tel. (508)-485-1212 Fax (508)-624-6938



David A. Giorgi

Chief of Police



December 7, 2020

Mayor Arthur G. Vigeant
City Hall
140 Main Street
Marlborough, MA 01752

Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$13,071.00 from the Office of Justice Programs (OJP), United States Department of Justice (DOJ). The award is part of the Office of Justice Programs funding opportunity entitled "JAG Local: Eligible Allocation Amounts of Less than \$25,000.00." The award will allow our department to purchase equipment upgrades for our first responders to include thermal imaging equipment, modified field first-aid kits for each officer to carry, as well as an Automated External Defibrillator and additional batteries for our current AED's.

Attached is a copy of the Notice of Grant Award letter, the grant approval letter from the United States Department of Justice and a copy of the email sent to Lt. Daniel Campbell who submitted the grant application. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to let me know.

Sincerely,

David A. Giorgi
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police DATE: December 7, 2020

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: David A. Giorgi

NAME OF GRANT: JAG Local: Eligible Allocation Amounts of Less Than \$25,000.

GRANTOR: United States Department of Justice(DOJ)

GRANT AMOUNT: \$13,071.00

GRANT PERIOD: September 30, 2020 to September 30, 2021

SCOPE OF GRANT/
ITEMS FUNDED Funding to be used for project entitled Equipment Upgrade for First Responders.
Upgrades include purchase of thermal imaging equipment, modified field first aid kits
for each officer and purchase of Automated External Defibrillator and additional batteries.

IS A POSITION BEING
CREATED: N/A

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? N/A

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS TO BE
USED:

ANY OTHER EXPOSURE TO CITY?
N/A

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: ASAP

**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**



Department of Justice (DOJ)
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 19, 2020

Chief David Giorgi
City of Marlborough
140 Main Street
Marlborough, MA 01752-3812

Dear Chief Giorgi:

On behalf of Attorney General William P. Barr, it is my pleasure to inform you that the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), has approved the application by City of Marlborough for an award under the OJP funding opportunity entitled "JAG Local: Eligible Allocation Amounts of Less than \$25,000." The approved award amount is \$13,071. These funds are for the project entitled Equipment Upgrade for First Responders and Search and Rescue.

The award document, including award conditions, is enclosed. The entire document is to be reviewed carefully before any decision to accept the award. Also, the webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm) is to be consulted prior to an acceptance. Through that "Legal Notices" webpage, OJP sets out -- by funding opportunity -- certain special circumstances that may or will affect the applicability of one or more award requirements. Any such legal notice pertaining to award requirements that is posted through that webpage is incorporated by reference into the award.

Please note that award requirements include not only award conditions, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. Because these requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds), it is vital that all key staff know the award requirements, and receive the award conditions and the assurances and certifications, as well as the application as approved by OJP. (Information on all pertinent award requirements also must be provided to any subrecipient of the award.)

Should City of Marlborough accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Please direct questions regarding this award as follows:

- For program questions, contact Shaketta Cunningham, Program Manager at (202) 514-4493; and
- For financial questions, contact the Customer Service Center of OJP's Office of the Chief Financial Officer at (800) 458-0786, or at ask.ocfo@usdoj.gov.

We look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Katharine T. Sullivan".

Katharine T. Sullivan
Principal Deputy Assistant Attorney General

Encl.

David Giorgi

From: Daniel Campbell
Sent: Monday, December 7, 2020 9:43 AM
To: David Giorgi
Subject: FW: DOJ Justice Grants System - Award Number 2020-DJ-BX-0103 Notification

From: Default
Sent: Sunday, October 18, 2020 2:53 PM
To: Daniel Campbell
Subject: DOJ Justice Grants System - Award Number 2020-DJ-BX-0103 Notification



JUSTgrants
JUSTICE GRANTS SYSTEM

Congratulations! Application 2020-H7913-MA-DJ submitted under the 2020 BJA FY 20 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation has been selected for an award. Please log into Justice Grants System (JustGrants) at <https://justgrants.usdoj.gov> to see award details.

For assistance logging into JustGrants, contact JustGrants.Support@usdoj.gov or 833-872-5175.

Prior to the Authorized Representative accepting the award, the Entity Administrator needs to assign a Financial Manager (responsible for submitting the Federal Financial Form), a Grant Award Administrator (responsible for submitting Grant Award Modifications, Performance Reports and Closeouts) and an Alternate Grant Award Administrator (responsible for submitting Grant Award Modifications) to the award.

To be eligible for payment, follow the Automated Standard Application for Payments (ASAP) recipient enrollment and login guidance at the JustGrants Website www.justicegrants.usdoj.gov. Please do not reply to this message. You



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2020 DEC 17 P 12:03

Patricia M. Bernard
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Michele A. O'Brien
EXECUTIVE SECRETARY

December 17, 2020

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

Re: Grant acceptance for Council on Aging Brigham Family Trust

Dear President Ossing and Councilors:

Enclosed for your acceptance is a grant from the Brigham Family Trust for the Senior Center to be used for programming.

Funding will cover the cost of 24 gaming tablets to be used on loan to seniors. Seniors will be able to curbside pickup devices to be used at home providing another alternative activity while the Senior Center remains closed.

We are very appreciative of the Brigham Family Trust for their continued generosity.

If you have any questions, please do not hesitate to contact me or Executive Director Trish Pope.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Council on Aging and Senior Center

40 New Street
Marlborough, Massachusetts 01752
Telephone (508) 485-6492 Facsimile (508) 460-3726

Patricia A. Pope
EXECUTIVE DIRECTOR

December 10, 2020



Mayor Arthur Vigeant
City Hall
140 Main Street
Marlborough, MA 01752

Re: Brigham Grant

Dear Mayor Vigeant,

I am pleased to submit to you a grant in the amount of \$6000.00 from the Brigham Family Trust which will be used for a new program at the Center called the Senior Gamer. This program will help alleviate some of the isolation and loneliness that is being experienced by so many seniors due to the pandemic.

We would like to thank the Marlborough Brigham Family Trust for the opportunity to create a new and innovative program that will assist our seniors during these very trying times.

I am available should you or the Councilors have any questions.

Sincerely,

Patricia A. Pope
Executive Director.

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Council on Aging/Senior Center DATE: 10-Dec-20

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia A. Pope

NAME OF GRANT: Senior Gamer

GRANTOR: Marlborough Brigham Family Trust

GRANT AMOUNT: \$6,000.00

GRANT PERIOD: 2021

SCOPE OF GRANT/ Program, education, assesment and adminstration

ITEMS FUNDED 24 Senior Gamer devices

IS A POSITION BEING
CREATED: no

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? no

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

ANY OTHER EXPOSURE TO CITY?
no

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: as soon as possible

**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**

November 30, 2020

Marlborough Senior Center
Patricia Pope, Executive Director
40 New Street
Marlborough, MA 01752

Dear Ms. Pope,

The Trustees of the Marlborough Brigham Family Trust are pleased to inform you that after careful consideration of this year's grant applications, we are awarding \$6,000.00 toward your request of funding for providing "Senior friendly tablets equipped with brain games".

This year over 20 applicants requested more than \$110,000 in their collective grant applications. We were very encouraged not only by the level of interest of our community organizations in this funding opportunity, but even more so by the quality and diversity of the grant applications. Unfortunately, we were not in a position to fund all of the requests but we believe the funds we are awarding will significantly help these organizations implement meaningful programs in our community.

Please note that a condition of accepting the grant, and any previous grants, is submitting to the Family Trust proof of how the money is being used where we may request receipts, purchase orders, canceled checks and other documents that justifies the utilization of the granted funds. All verified information will be held in the strictest confidence allowed by law.

We are very proud of being part of the Brigham Family vision and carrying out their hopes and dreams of leaving a lasting legacy of making a positive difference in the community of Marlborough.

Sincerely,

The Trustees of the Marlborough Brigham Family Trust

MARLBOROUGH BRIGHAM FAMILY TRUST

PO BOX 221
MARLBOROUGH, MA 01752

1226

53-7075/2113
01

12/7/2020

Date

FRAUDARMOR

Pay to the
Order of

Council on Aging / Senior Centers \$ *6,000.00*

Six Thousand And 00/100s Dollars

Security
Features
Details on
Back.



Marlborough
SAVINGS BANK

MARLBOROUGH, MA 01752
www.agreatbank.com

For _____

Patricia A. Cape MP
1226 *Patricia A. Cape*



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
MAYOR

2020 DEC 17 12:03
Patricia M. Bernard
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Michele A. O'Brien
EXECUTIVE SECRETARY

December 17, 2020

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

Re: Grant acceptance for MPD-community outreach

Dear President Ossing and Councilors:

Enclosed for your acceptance is a grant for \$3,000.00 from the Cummings Community Giving program through Cummings Properties LLC and their affiliate New Horizons of Marlborough.

This gift will help fund community outreach programs for the Marlborough Police Department.

We are grateful to the Cummings Community Giving program and Michael Burnell, Lawrence Bertucci and Christina Barreira who each selected the MPD as their chosen recipient.

If you have any questions, please do not hesitate to contact me or Chief David Giorgi.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough

Police Department

355 Bolton Street, Marlborough, Massachusetts 01752
Tel. (508)-485-1212 Fax (508)-624-6938



David A. Giorgi
Chief of Police

December 2, 2020

Mayor Arthur G. Vigeant
City Hall
140 Main Street
Marlborough, MA 01752



Dear Mayor Vigeant:

The Marlborough Police Department has received three donation checks in the amount of \$1,000.00 each from Cummings Community Giving as presented by Cummings Properties LLC which is affiliated with the New Horizons facility in Marlborough. The gift donation was made in the honor of and at the recommendation of three New Horizon employees and Marlborough residents- Michael Burnell, Lawrence Bertucci, and Christina Barreira. The donation has been offered to the department as Cummings Community Giving seeks to recognize and support the communities where colleagues and employees of their firm live. In addition, the donation significantly aids the department's ability to offer community outreach programs to residents of the City and is a genuine gesture of support welcomed by our officers.

Attached is a copy of the three letters which our department received from Cummings Community Giving, a Notice of Grant Award, as well as copy of the checks. I am requesting that the donation be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to let me know.

Sincerely,

David A. Giorgi
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police DATE: December 2, 2020

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief David A. Giorgi

NAME OF GRANT: _____

GRANTOR: Cummings Properties LLC/New Horizons- Marlborough

GRANT AMOUNT: \$3,000.00

GRANT PERIOD: _____

SCOPE OF GRANT/
ITEMS FUNDED Donation to M.P.D. on behalf of Cummings Properties employees who live in
Marlborough and who nominated the department for a donation.

IS A POSITION BEING
CREATED: N/A

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? N/A

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
N/A

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:
N/A

ANY OTHER EXPOSURE TO CITY?
N/A

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: NO

**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**



November 23, 2020

Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Congratulations! Cummings Properties is delighted to present **Marlborough Police Department** with a \$1,000 donation to be used for the area of greatest need.

This gift is in honor of, and is being made at the recommendation of:
Lawrence Bertucci,

Through Cummings Community Giving, our firm seeks to recognize and support the communities where colleagues in its real estate division and its affiliated New Horizons retirement communities (Marlborough and Woburn) live. Along with this gift, please accept our heartfelt appreciation for your valuable work, as well as our very best wishes for your organization's continued success.

Please contact Communications Admin Cindy Carey at 781-569-2335 or cxc@cummings.com with questions. More information about Cummings Community Giving is available at www.cummings.com/charity.

Sincerely,

CUMMINGS PROPERTIES, LLC

A handwritten signature in black ink that reads 'Dennis Clarke'.

Dennis A. Clarke
Chairman and CEO



Share the good news! Draw attention to your cause by snapping a photo with the mini-poster on the back of this letter and posting it on social media, using **#CumminsCG**.

PS. To save your time and funding, please do not add our organization to any mailing lists. Although we are interested in the good work so many local nonprofits are doing, we are unable to read the vast amount of correspondence we receive. Thank you.

Cummings Buildings Power Charities

Cummings Properties 200 West Cummings Park, Woburn, MA 01801 | 781-935-8000



November 23, 2020

Detective Patrick Hogan
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Congratulations! Cummings Properties is delighted to present **Marlborough Police Department** with a \$1,000 donation to be used for the area of greatest need.

This gift is in honor of, and is being made at the recommendation of:
Cristina Barreira,

Through Cummings Community Giving, our firm seeks to recognize and support the communities where colleagues in its real estate division and its affiliated New Horizons retirement communities (Marlborough and Woburn) live. Along with this gift, please accept our heartfelt appreciation for your valuable work, as well as our very best wishes for your organization's continued success.

Please contact Communications Admin Cindy Carey at 781-569-2335 or cxc@cummings.com with questions. More information about Cummings Community Giving is available at www.cummings.com/charity.

Sincerely,

CUMMINGS PROPERTIES, LLC

A handwritten signature in black ink that reads 'Dennis Clarke'.

Dennis A. Clarke
Chairman and CEO



Share the good news! Draw attention to your cause by snapping a photo with the mini-poster on the back of this letter and posting it on social media, using **#CummingsCG**.

PS. To save your time and funding, please do not add our organization to any mailing lists. Although we are interested in the good work so many local nonprofits are doing, we are unable to read the vast amount of correspondence we receive. Thank you.

Cummings Buildings Power Charities

 Cummings Properties 200 West Cummings Park, Woburn, MA 01801 | 781-935-8000



November 23, 2020

Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Congratulations! Cummings Properties is delighted to present **Marlborough Police Department** with a \$1,000 donation to be used for the area of greatest need.

This gift is in honor of, and is being made at the recommendation of:
Michael Burnell,

Through Cummings Community Giving, our firm seeks to recognize and support the communities where colleagues in its real estate division and its affiliated New Horizons retirement communities (Marlborough and Woburn) live. Along with this gift, please accept our heartfelt appreciation for your valuable work, as well as our very best wishes for your organization's continued success.

Please contact Communications Admin Cindy Carey at 781-569-2335 or cxc@cummings.com with questions. More information about Cummings Community Giving is available at www.cummings.com/charity.

Sincerely,

CUMMINGS PROPERTIES, LLC

A handwritten signature in black ink that reads 'Dennis Clarke'.

Dennis A. Clarke
Chairman and CEO



Share the good news! Draw attention to your cause by snapping a photo with the mini-poster on the back of this letter and posting it on social media, using **#CummingsCG**.

PS. To save your time and funding, please do not add our organization to any mailing lists. Although we are interested in the good work so many local nonprofits are doing, we are unable to read the vast amount of correspondence we receive. Thank you.

Cummings Buildings Power Charities

 Cummings Properties 200 West Cummings Park, Woburn, MA 01801 | 781-935-8000

Cummings Properties, LLC
Woburn Cash Mgmt LLC., Escrow Agent
200 West Cummings Park
Woburn, MA 01801

People's United Bank
One Conant Street
Danvers, MA 01923

53-7116
2113

Date
11/4/2020

Check No.
1191985

Check Amount
1,000.00

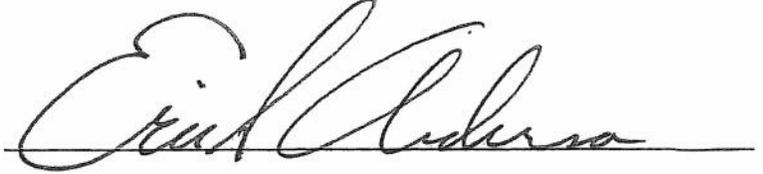
One Thousand AND 00/100 Dollars

Pay to the order of:

MARLBOROUGH POLICE DEPARTMENT

355 BOLTON STREET
MARLBOROUGH, MA 01752

VOID IF NOT CASHED WITHIN 120 DAYS WITHIN DATE OF ISSUE



SECURITY LOCKS WILL DISAPPEAR WHEN COPIED OR WITH NORMAL BODY HEAT

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER

Cummings Properties, LLC
Woburn Cash Mgmt LLC., Escrow Agent
200 West Cummings Park
Woburn, MA 01801

People's United Bank
One Conant Street
Danvers, MA 01923

53-7116
2113

Date
11/4/2020

Check No.
1191986

Check Amount
1,000.00

One Thousand AND 00/100 Dollars

Pay to the order of:

MARLBOROUGH POLICE DEPARTMENT

355 BOLTON STREET
MARLBOROUGH, MA 01752

VOID IF NOT CASHED WITHIN 120 DAYS WITHIN DATE OF ISSUE



SECURITY LOCKS WILL DISAPPEAR WHEN COPIED OR WITH NORMAL BODY HEAT

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER

Cummings Properties, LLC
Woburn Cash Mgmt LLC., Escrow Agent
200 West Cummings Park
Woburn, MA 01801

People's United Bank
One Conant Street
Danvers, MA 01923

53-7116
2113

Date
11/4/2020

Check No.
1191984

Check Amount
1,000.00

One Thousand AND 00/100 Dollars

Pay to the order of:

MARLBOROUGH POLICE DEPARTMENT

355 BOLTON STREET
MARLBOROUGH, MA 01752

VOID IF NOT CASHED WITHIN 120 DAYS WITHIN DATE OF ISSUE



SECURITY LOCKS WILL DISAPPEAR WHEN COPIED OR WITH NORMAL BODY HEAT



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

JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

December 15, 2020

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

Re: Order No. 20-1008108: Proposed Ordinance Amendments to Chapter 125 (Personnel: Starting Minimum Rate; Vacations)

Dear Honorable President Ossing and Councilors:

In connection with the above-referenced item, enclosed please find the proposed ordinance amendments, in proper legal form, as recommended by the Personnel Committee at its November 23, 2020 meeting.

Please contact me if you have any questions.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor

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, 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 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. 20-1008108
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2020 DEC 16 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

December 16, 2020

VIA EMAIL

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

Re: Speedy Auto Repair; 412 – 418 Maple Street;
Special Permit Application for an Auto Body Repair Use

Dear Councilor Ossing:

On behalf of my client Speedy Auto Repair Inc. (Iraja "Junior" Oliveira), I respectfully submit the enclosed application for a special permit to relocate the existing Speedy Auto Repair auto body shop from 315 Maple Street to 412 – 418 Maple Street.

While this property is located in the Commercial Automotive Zoning District, it has a land area of less than one acre, and therefore any auto repair use requires a special permit, pursuant to Section 650-18.A(25) of the Zoning Ordinance. In addition, the property contains a preexisting, nonconforming structure and therefore a change of use requires a special permit pursuant to Section 650-12.B of the Zoning Ordinance and M.G.L. c. 40A, Section 6. The use will also require Site Plan Approval from the Site Plan Committee.

Speedy Auto Repair is excited about the opportunity to expand in a new location. We look forward to our public hearing.

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**

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Speedy Auto Repair Inc. (Iraja Oliveira), 315 Maple Street, Marlborough, MA

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

412-418 Maple Street Parcel 93-68 and Parcel 93-66A

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

Nolan Cassidy Maple Street, LLC, P. O. Box 348, Montgomery Center, VT 05471

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

5. Specific Zoning Ordinance under which the Special Permit is sought:
V 650-18.A(25)

Article IV Section 650-12.B Paragraph V 650-17, Sub-paragraph _____

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

Commercial Automotive (CA)

7. Specific reason(s) for seeking Special Permit

The Applicant seeks to relocate the existing Speedy Auto Repair auto body shop from 315 Maple Street to

412-418 Maple Street. An auto repair use on a lot with less than 1 acre requires a special permit. The property

also contains a preexisting nonconforming structure, and a change of use of such a structure requires a special permit.

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

Telephone No. (508) 929-1678

Date: 12/16/2020

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

Speedy Auto Repair, 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**)

ABUTTERS 412 MAPLE ST (93-66A) AND 418 MAPLE ST (93-68) - 400 FT

Parcel Number	GIS Number	Cama Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner Address 2	Owner City	Owner State	Owner Zip
104-2	M_196366_897 892	104-2	41-53 BRIGHAM ST	SBLO BRIGHAM BUSINESS PARK LLC		C/O LINCOLN PROPERTY CO	534 KING ST	LITTLETON	MA	01460
104-29	M_196561_897 800	104-29	20 BRIGHAM ST	VIGEANT STEPHEN TR		PO BOX 57		MARLBOROUGH	MA	01752
104-2A	M_196494_897 864	104-2A	19 BRIGHAM ST	SBLO BRIGHAM BUSINESS PARK LLC		C/O LINCOLN PROPERTY CO	534 KING ST	LITTLETON	MA	01460
104-41	M_196616_897 810	104-41	148 MILL ST SOUTH	ARCIERI ROBERT TR		75 EAST MAIN ST		WESTBOROUGH	MA	01581
104-42	M_196630_897 856	104-42	417 MAPLE ST	A & S DEVELOPMENT LLC		186 MAIN ST		MARLBOROUGH	MA	01752
104-43	M_196564_897 910	104-43	115 MILL ST SOUTH	ELMS AUBREY E		115 MILL ST SOUTH		MARLBOROUGH	MA	01752
104-44	M_196775_897 899	104-44	424 MAPLE ST	EMPIRE MANAGEMENT MARLBORO HOLDINGS LLC		171 GREAT RD		ACTON	MA	01720
104-50	M_196558_897 989	104-50	87 MILL ST CENTRAL	SLAAM LLC		15 FORBES AVE		MARLBOROUGH	MA	01752
104-51	M_196565_897 958	104-51	109 MILL ST SOUTH	B & B WHOLESALE TIRE CO		109 MILL ST SOUTH		MARLBOROUGH	MA	01752
104-53	M_196613_897 911	104-53	415 MAPLE ST	VIGEANT JOAN M TR		3 LAUREL ST		PAXTON	MA	01612
93-106	M_196497_898 175	93-106	28 MILL ST CENTRAL	ADVOCATES INC		1881 WORCESTER RD		FRAMINGHAM	MA	01701
93-108	M_196661_898 089	93-108	69 RIVER ST	DEAGUIAR RONIE MOREIRA TR		69 RIVER ST		MARLBOROUGH	MA	01752
93-111	M_196751_898 151	93-111	56 WALKER ST	FERRO MICHAEL F		56 WALKER ST		MARLBOROUGH	MA	01752
93-14	M_196318_898 054	93-14	413-417 SOUTH ST	ICBP IV HOLDINGS 32 LLC		ONE SANSOME ST STE 1500		SAN FRANCISCO	CA	94104
93-15	M_196487_898 096	93-15	35 MILL ST CENTRAL	FLORIO JAMES D TR		83 SHERBURN CIR		WESTON	MA	02493
93-16	M_196418_898 113	93-16	23 MILL ST CENTRAL	DESOUZA VINICIUS		23 MILL ST CENTRAL		MARLBOROUGH	MA	01752

MARLBOROUGH ASSESSORS

*Andrew C. Conroy
Assessor
Dan W. Poirier*

93-48	M_196537_898 062	93-48	83 MILL ST CENTRAL	SKB DEVELOPME T LLC		103 MECHANIC ST	UNIT E2	MARLBOROU G H	MA	01752
93-49	M_196587_898 044	93-49	MAPLE ST	COMMONWEA LTH OF MASSACHUSE TTS		10 PARK PLAZA STE 4160		BOSTON	MA	02116
93-50	M_196578_898 067	93-50	413 MAPLE ST	COMMONWEA LTH OF MASSACHUSE TTS		10 PARK PLAZA STE 4160		BOSTON	MA	02116
93-51	M_196566_898 120	93-51	405 MAPLE ST	GENTILOTTI JAMES G		27 EDWARDS RD		MENDON	MA	01756
93-52	M_196550_898 181	93-52	401 MAPLE ST	GENTILOTTI GERALD D TR		27 EDWARDS RD		MENDON	MA	01756
93-62	M_196626_898 195	93-62	386 MAPLE ST	MINA PROPERTY GROUP LLC		C/O HOWARD WILNER	1199 WORCESTER RD	FRAMINGHAM	MA	01701
93-63	M_196612_898 171	93-63	390 MAPLE ST	MINA PROPERTY GROUP LLC		C/O HOWARD WILNER	1199 WORCESTER RD	FRAMINGHAM	MA	01701
93-63A	M_196650_898 165	93-63A	398-400 MAPLE ST	MINA PROPERTY GROUP LLC		C/O HOWARD WILNER	1199 WORCESTER RD	FRAMINGHAM	MA	01701
93-64	M_196635_898 131	93-64	402 MAPLE ST	BOSTON OIL CHANGE LLC		25 MAIN ST		HARTFORD	CT	06106
93-65	M_196640_898 109	93-65	408 MAPLE ST	MINA PROPERTY GROUP LLC		C/O HOWARD WILNER	1199 WORCESTER RD	FRAMINGHAM	MA	01701
93-66	M_196623_898 084	93-66	410 MAPLE ST	LINTON DAVID H TR		110 WHITE TAIL LN		LANCASTER	MA	01523
93-67	M_196672_898 056	93-67	73 RIVER ST	DEAGUIAR RONIE MOREIRA TR		69 RIVER ST		MARLBOROU G H	MA	01752
93-67A	M_196702_897 954	93-67A	420 MAPLE ST	MARLBOROU G H MAPLE REAL ESTATE TR		PO BOX 95	ATTN CREATIVE DEVELOPME T	NEWTON UPPER FALLS	MA	02464
93-80	M_196694_898 193	93-80	50 RIVER ST	MERCURIO JOSEPH F		16 BAKER ST		MILFORD	CT	06461
93-80A	M_196700_898 162	93-80A	54 RIVER ST	PANTA MAYBELLINE		50 FLAGG RD		WESTFORD	MA	01886-3415
93-81	M_196708_898 127	93-81	68 RIVER ST	JOSEPHSON LINDA E		49 PINE ST		HUDSON	MA	01749
93-82	M_196719_898 087	93-82	6 WALKER ST	TUTTLE JUNE E TR		6 WALKER ST		MARLBOROU G H	MA	01752

93-83	M_196792_898 070	93-83	35 WALKER ST	CAFERELLI DAVID J		35 WALKER ST		MARLBOROUGH H	MA	01752
93-85	M_196781_898 124	93-85	58 WALKER ST	FERRO MICHAEL F TR		56 WALKER ST		MARLBOROUGH H	MA	01752
999-1	M_196634_898 455	999-1	SUDBURY WATER SHED	METROPOLITAN DISTRICT COMMISSION		251 CAUSEWAY ST STE 900		BOSTON	MA	02114-2104
999-3	M_197056_897 734	999-3	SUDBURY WATER SHED	MDC		251 CAUSEWAY ST STE 900		BOSTON	MA	02114-2104

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Speedy Auto Repair Inc. Address: 315 Maple Street

Project Name: Speedy Auto Repair Address: 412-418 Maple Street

1. PROPOSED USE: (describe) Auto body repair

2. EXPANSION OR NEW: New use in an existing structure

3. SIZE: floor area sq. ft. 8,560 1st floor 8,560 all floors 8,560

buildings 1 # stories 1 lot area (s.f.) 33,059

4. LOT COVERAGE: 89% %Landscaped area: 11 %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 6 Peak period: 8

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 6 Peak period: 8

(B) How many service vehicles will service the development and on what schedule?

Occasional deliveries during normal business hours.

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Standard downward-facing light fixtures

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.
Same as other uses in the Commercial Automotive District.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Noise during business hours from automobiles and repair equipment.

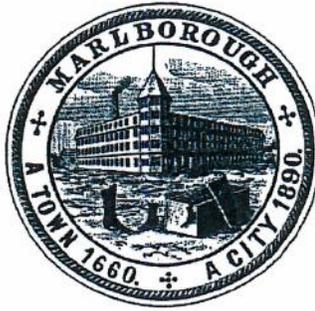
9. AIR: What sources of potential air pollution will exist at the development? _____

Auto exhaust.

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? Excess paint is stored in a secure container provided by a professional waste removal vendor. Once full, the container is removed and replaced by the vendor.

***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: 11 DEC 2020

SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: Speedy Auto Repair

Project Use Summary: Auto body repair

Project Street Address: 412-418 Maple Street

Plate: 93 Parcel: 68 and 66A

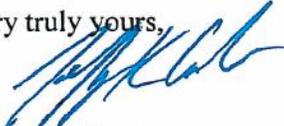
Applicant/Developer Name: Speedy Auto Repair Inc.

Plan Date: 11/23/2020 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
Acting Director of Planning

Application Fee to submit to
City Clerk's office

\$250⁰⁰/_{xx}

**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	<u> X </u>
1 SET	FIRE CHIEF	<u> X </u>
1 SET	CITY ENGINEER	<u> X </u>
1 SET	DIRECTOR OF PLANNING	<u> X </u>
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED)	<u> X </u>
1 SET	BUILDING COMMISSIONER	<u> X </u>
12 SETS	OFFICE OF THE CITY COUNCIL	<u> X </u>
3 SETS	OFFICE OF THE CITY CLERK	<u> X </u> (<u>MUST be Original</u> & 2 Complete Sets)

*** Filed via email, in accordance with
Section 17 of Chapter 53 of the Acts
of 2020.**

Signature

12/16/2020

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

Speedy Auto Repair Inc.

Owner Name/Officer Name of LLC or Corporation

Iraja Oliveira

Owner/Officer Complete Address and Telephone Number

315 Maple Street

Marlborough, MA 01752

Signature of Applicant

Attorney on behalf of Applicant, if applicable

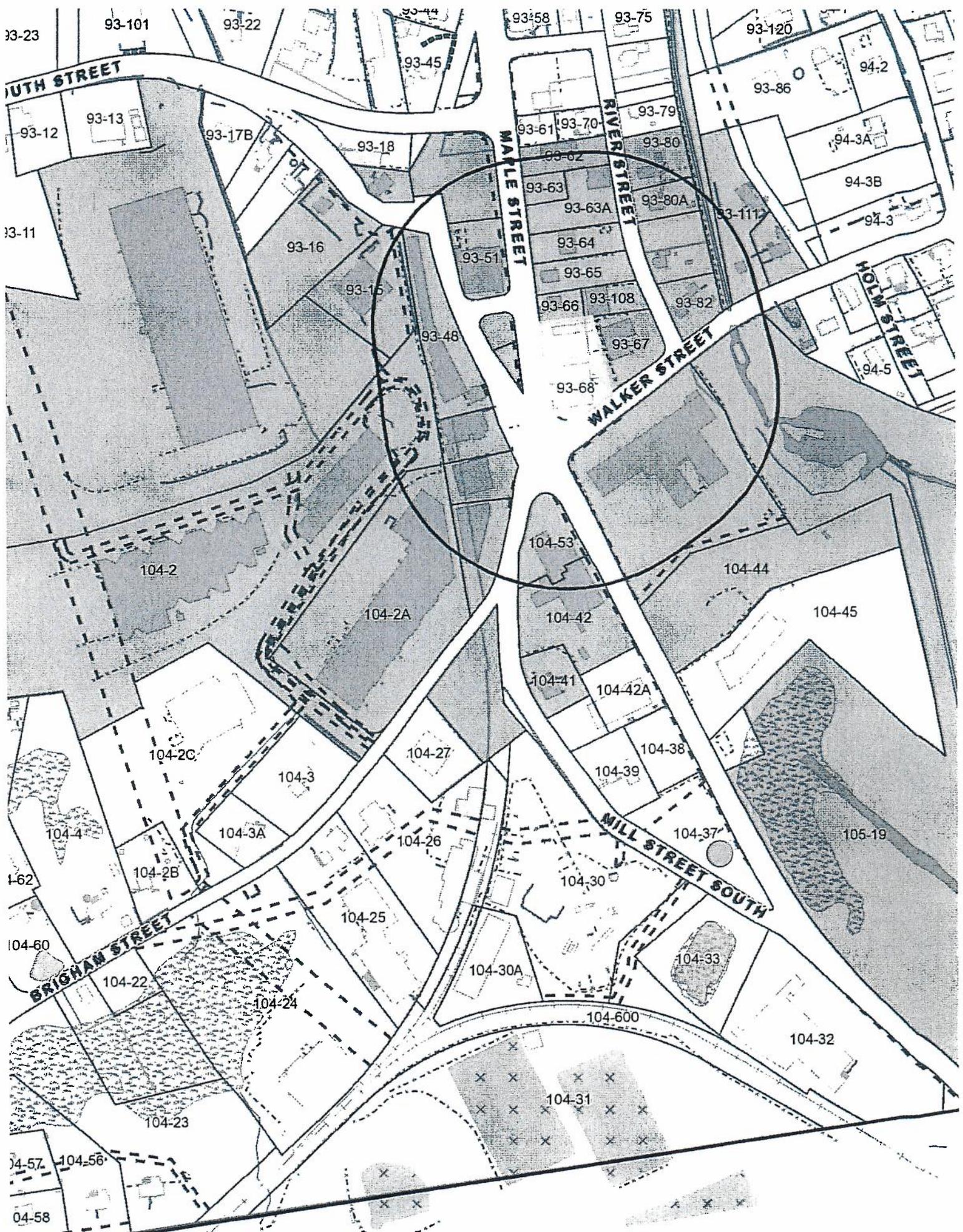
A handwritten signature in black ink, appearing to read "Brian R. Falk".

Brian R. Falk

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

A handwritten signature in black ink, appearing to read "Eileen Bristol".

Tax Collector



418 MAPLE STREET

Marlborough, Massachusetts 01752

PREPARED FOR
SPEEDY AUTO REPAIR, INC.

3158 Maple Street
Marlborough Massachusetts 01752

HANCOCK ASSOCIATES

Civil Engineers

Land Surveyors

Landscape Architects

Wetland Scientists

185 CENTRE STREET, DANVER, MA 01921
PHONE (978) 777-3050, FAX (978) 774-7888
WWW.HANCOCKASSOCIATES.COM

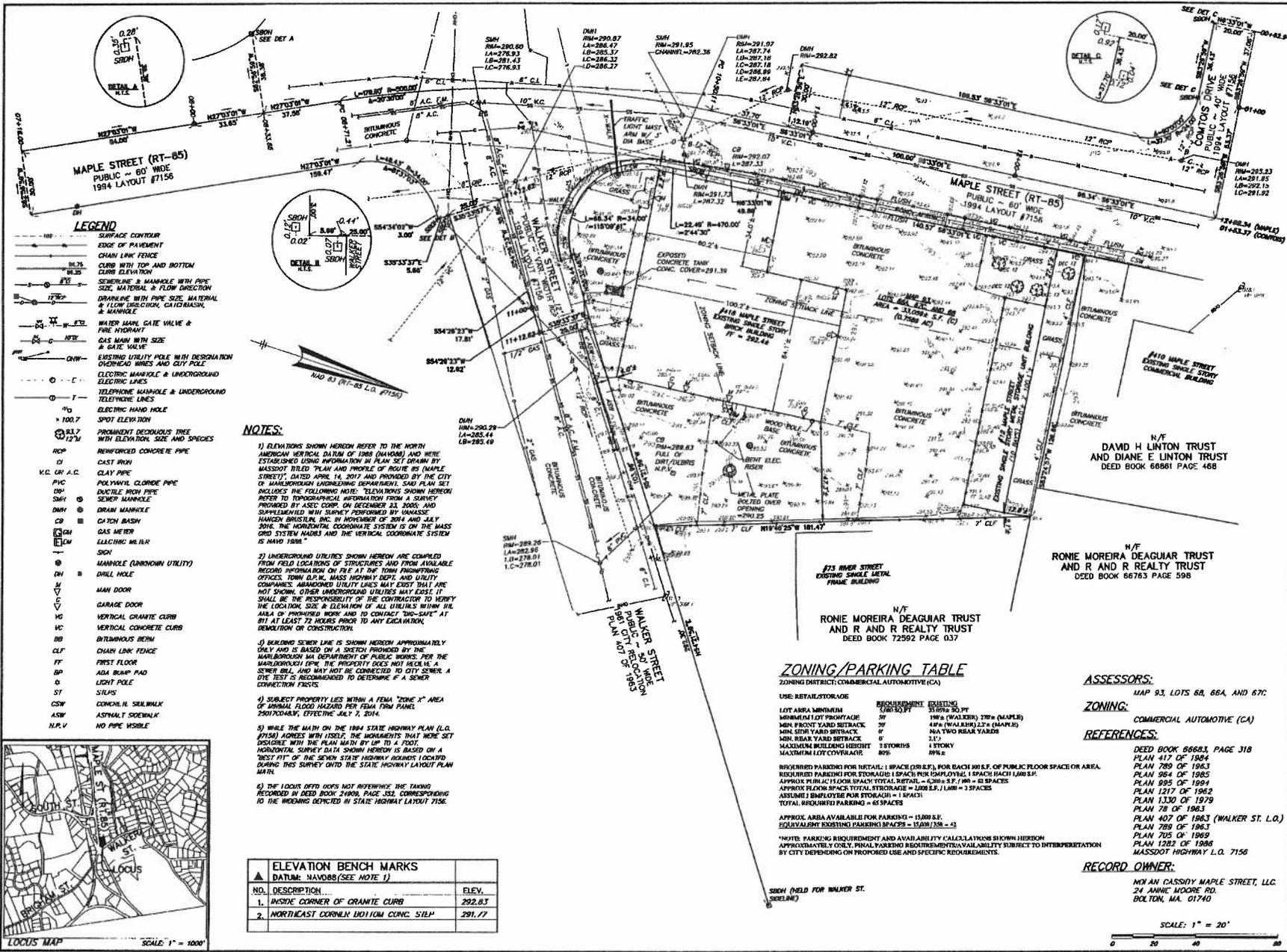


NO.	APP.	DATE	REVISION/DESCRIPTION

EXISTING CONDITION PLAN OF LAND IN MARLBOROUGH, MA

DATE: 1/23/20 DRAWN BY: JLB
SCALE: 1" = 20' CHECK BY: JLB

PROJECT NO.: 24297



NOTES:

- ELEVATIONS SHOWN HEREIN REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88) AND WERE ESTABLISHED USING INFORMATION IN PLAN SET DRAWN BY MASSDOT BIDDING PLAN AND PROFILES OF ROUTE 85 (MAPLE STREET), DATED APRIL 14, 2017 AND PROVIDED BY THE CITY OF MARLBOROUGH ENGINEERING DEPARTMENT. SAID PLAN SET INCLUDES THE FOLLOWING NOTE: TELEVISIONS SHOWN HEREIN REFER TO TOPOGRAPHICAL INFORMATION FROM A SURVEY PROVIDED BY ASCE CORP. ON DECEMBER 21, 2005, AND SUPERSEDED BY SURVEY PERFORMED BY HANCOCK ASSOCIATES, INC. IN NOVEMBER OF 2014 AND JULY 2016. THE HORIZONTAL COORDINATE SYSTEM IS ON THE MASS GRID SYSTEM MGRS AND THE VERTICAL COORDINATE SYSTEM IS NAVD 1988.
- UNDERGROUND UTILITIES SHOWN HEREIN ARE COMPILED FROM FIELD LOCATIONS OF STRUCTURES AND FROM AVAILABLE RECORDS INFORMATION ON FILE AT THE TOWN ENGINEERING OFFICES, TOWN CLERK, MASS HIGHWAY DEPT. AND UTILITY COMPANIES. UNANNOUNCED UTILITY LINES MAY EXIST THAT ARE NOT SHOWN. OTHER UNDERGROUND UTILITIES MAY EXIST. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION, SIZE & ELEVATION OF ALL UTILITIES WITHIN THE AREA OF PROPOSED WORK AND TO CONTACT "DIG-SAFE" AT 811 AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION, DEMOLITION OR CONSTRUCTION.
- BUILDING SEWER LINE IS SHOWN HEREIN APPROXIMATELY ONLY AND IS BASED ON A SKETCH PROVIDED BY THE MARLBOROUGH MA DEPARTMENT OF PUBLIC WORKS. PER THE MARLBOROUGH DPW, THE PROPERTY DOES NOT BELIEVE A SEWER LINE, AND MAY NOT BE CONNECTED TO CITY SEWER. A DYE TEST IS RECOMMENDED TO DETERMINE IF A SEWER CONNECTION EXISTS.
- SUBJECT PROPERTY LIES WITHIN A FEMA "ZONE 1" AREA OF ANNUAL FLOOD HAZARD PER FEMA FIRM PANEL 25012044M, EFFECTIVE JULY 7, 2014.
- WHILE THE BATH ON THE 1984 STATE HIGHWAY PLAN (L.O. #7156) AGREES WITH THESE, THE MONUMENTS THAT WERE SET DISAGREE WITH THE PLAN IN UP TO A FOOT. HORIZONTAL SURVEY DATA SHOWN HEREIN IS BASED ON A "BEST FIT" OF THE SEVEN STATE HIGHWAY BOUNDARIES LOCATED DURING THIS SURVEY OVER THE STATE HIGHWAY LAYOUT PLAN MAP.
- THE LOCUS DEED DOES NOT REFER TO THE TAKING RECORDED IN DEED BOOK 24909, PAGE 152, CORRESPONDING TO THE WEDDING DEPICTED IN STATE HIGHWAY LAYOUT #7156.

ELEVATION BENCH MARKS		
DATUM: NAV88(SEE NOTE 1)		
NO.	DESCRIPTION	ELEV.
1.	INSIDE CORNER OF GRANITE CURB	292.83
2.	NORTHEAST CORNER DOWNSIDE CONC. SILEP	291.17

ZONING/PARKING TABLE

ZONE: DISTRICT: COMMERCIAL AUTOMOTIVE (CA)

USE/RETAIL/STORAGE	REQUIREMENT	EXISTING
LOT AREA MINIMUM	3760 SQ. FT.	33,692 SQ. FT.
MINIMUM LOT FRONTAGE	50'	180' (WALKER) 275' (MAPLE)
MIN. FRONT YARD SETBACK	50'	40' (WALKER) 2.5' (MAPLE)
MIN. SIDE YARD SETBACK	0'	N/A TWO REAR YARDS
MIN. REAR YARD SETBACK	0'	N/A
MAXIMUM BUILDING HEIGHT	3 STORIES	1 STORY
MAXIMUM LOT COVERAGE	80%	89%

REQUIRED PARKING FOR RETAIL: 1 SPACE PER 100 S.F. OF PUBLIC FLOOR SPACE OR AREA.
REQUIRED PARKING FOR STORAGE: 1 SPACE PER EMPLOYEE, 1 SPACE EACH LAB S.F.
APPROX. PARKING: 15,000 S.F. TOTAL RETAIL = 150 S.F. / 100 = 150 SPACES
APPROX. FLOOR SPACE TOTAL STORAGE = 220,000 S.F. / 1,000 = 220 SPACES
(ASSUMING EMPLOYEE PER STORAGE) = 1 S.P.A.I.T.
TOTAL REQUIRED PARKING = 45 SPACES

APPROX. AREA AVAILABLE FOR PARKING = 15,000 S.F.
EQUIVALENT EXISTING PARKING SPACES = 15,000 / 100 = 150

NOTE: PARKING REQUIREMENT AND AVAILABILITY CALCULATIONS SHOWN HEREIN APPLICABLE ONLY TO PALV YARDING REQUIREMENTS. AVAILABILITY SUBJECT TO INTERPRETATION BY CITY DEPENDING ON PROPOSED USE AND SPECIFIC REQUIREMENTS.

ASSESSORS:
MAP 93, LOTS 68, 66A, AND 67C

ZONING:
COMMERCIAL AUTOMOTIVE (CA)

REFERENCES:
DEED BOOK 66683, PAGE 318
PLAN 417 OF 1984
PLAN 789 OF 1983
PLAN 984 OF 1985
PLAN 995 OF 1994
PLAN 1217 OF 1982
PLAN 1330 OF 1979
PLAN 78 OF 1983
PLAN 407 OF 1983 (WALKER ST. L.O.)
PLAN 789 OF 1983
PLAN 715 OF 1989
PLAN 1282 OF 1986
MASSDOT HIGHWAY L.O. 7156

RECORD OWNER:
MAYAN CASSIDY MAPLE STREET, LLC.
24 ANNIE MOORE RD.
BOLTON, MA. 01740

SCALE: 1" = 20'

LOCUS MAP SCALE: 1" = 1000'

CITY OF MARLBOROUGH BOARD OF ASSESSORS

MEETING MINUTES: October 30, 2020

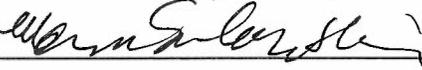
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2020 DEC -8 P 12:35

1. CALL TO ORDER: 10:15 a.m.
2. MEMBERS PRESENT: Anthony Arruda, David Manzello (participating remotely), and Ellen Silverstein (participating remotely)
Also in attendance: Jonathan Frank, Regional Principal Assessor, Cindy Healy, Senior Clerk, Patricia Mespelli, Head Clerk, and Mark Gibbs, IT (monitoring virtual meeting)
3. MOTION TO ACCEPT: Minutes of the May 4, 2020, meeting
Mr. Arruda; second Mr. Manzello
Vote 3-0 (Mr. Arruda, Mr. Manzello, Ms. Silverstein)
4. DISCUSSION: Jonathan Frank presented figures derived from Multiple Listing Service data for the period of 1/1/2020 through 10/29/2020. Compared to the same period last year in Marlborough, the number of sales of single-family homes decreased by 18 percent, average sale price increased by 11 percent, median days on market decreased from 38 to 13. Compared to the same period last year in Marlborough, the number of sales of condominiums decreased by eight percent, average sale price increased by 23 percent, median days on market decreased from 35 to eight.
5. APPROVE AND SIGN: **Reports of Posted Motor Vehicle Abatements** for the periods of 2/15/2020 through 5/1/2020 and 5/4/2020 through 10/22/2020.
Motion to Approve: Vote 3-0 (Mr. Arruda, Mr. Manzello, Ms. Silverstein)
6. DISCUSS AND VOTE: Increase minimum fee for certified abutters lists to \$30.00 from \$20.00.
Motion to Grant: Mr. Manzello; second Ms. Silverstein
Vote 3-0 (Mr. Arruda, Mr. Manzello, Ms. Silverstein)
7. DISCUSSION: In conformance with MGL Chapter 59, Section 38D, assessment of penalty fees of \$50.00 for Class one residential properties and \$250.00 for Class three commercial and Class four industrial properties, for failure to comply with request(s) from the Board of Assessors for written income and expense information within the time and in the form prescribed. Process would include cover letter with application, with specific language regarding penalty fee, and reminder postcard. Further research is required for implementation before the next fiscal year, relative to integration with the Collector's office and the MUNIS system.
8. DISCUSS AND APPROVE: **Fiscal Year 2020 3ABC Filings**, deemed to be in conformance with eligibility requirements by Jonathan Frank, with the exception of 555 Forest Street, owned by Partners Healthcare System, Inc., which requires further discussion.
Motion to Approve: Ms. Silverstein, second Mr. Manzello
Vote 3-0 (Mr. Arruda, Mr. Manzello and Ms. Silverstein)

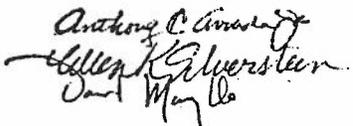
9. EXECUTIVE SESSION: 10:52 a.m.

10. MOTION TO CONCLUDE: Mr. Arruda, Mr. Manzello, Ms. Silverstein
Meeting adjourned 11:05 a.m.





MARLBOROUGH ASSESSORS



CITY OF MARLBOROUGH BOARD OF ASSESSORS

MEETING MINUTES: November 24, 2020

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2020 DEC -8 P 12:35

1. **CALL TO ORDER:** 10:00 AM

2. **MEMBERS PRESENT:** Anthony Arruda, in person (Participating remotely) are David Manzello, and Ellen Silverstein
Also in attendance: Jonathan Frank, Regional Principal Assessor, Cindy Healy, Senior Clerk, and Mark Gibbs, IT Monitoring Virtual meeting

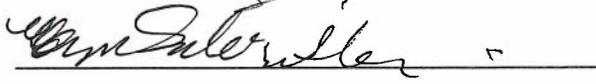
3. **DISCUSS AND VOTE:** Vote on release of overlay funds for the fiscal year 2017 in the amount of \$1,163,659.01

Motion to accept: Vote 3-0 (Mr. Arruda, Mr. Manzello and Ms. Silverstein)

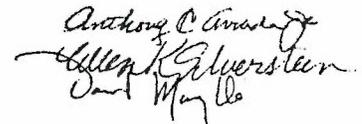
4. Jon Frank suggested planning our next board meeting within the next couple of weeks. The board agreed on Tuesday December 8th at 10:00 AM. Cindy Healy asked the board if it was OK to use the Assessor stamp for signage of approval of release of overlay funds. The board agreed to use the stamp for signatures.

5. **MOTION TO CONCLUDE** – Mr. Arruda, Mr. Manzello and Ms. Silverstein
Meeting Adjourned: 10:05 AM





MARLBOROUGH ASSESSORS



Marlborough Public Library Board of Trustees
Meeting Minutes

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November 3, 2020
Bigelow Auditorium, Marlborough Public Library

2020 DEC 14 P 2: 05

Meeting called to order by Tom Abel at 7:02pm

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

Also Present: Margaret Cardello, Library Director

Documents Reviewed/Referenced:

1. Agenda
2. Minutes from the October 6, 2020 meeting
3. Trust Fund/State Aid report for October 2020
4. Director's Report

Proceedings:

1. **Minutes:** *A motion (Kyle/Haas) to approve the minutes from the October 6, 2020 meeting was passed.*
2. **Trust Fund Reports:** *A motion (Merk/Ripley) to approve the trust fund reports for October 2020 was passed.*
3. **Director's Report:**
 - Work continues to move forward on the construction documents for the library renovation and expansion project. Review sessions are planned for the IT/AV, HVAC, and Mechanical, Electrical and Plumbing systems. Another cost estimate was performed on the library renovation and expansion project, based on the latest construction documents. The project remains on budget. Once the documents are submitted to the state in January 2021, as required by the Mass Board of Library Commissioners (MBLC) grant, the City will determine when the project can be sent out to bid. The Project Team feels that needs to take place no later than March 2022 in order to meet the state's June 30, 2022 deadline to have a signed construction contract in place.
 - Tom and Margaret met with the Mayor and the City's HR director to review reopening plans and the additional staffing that would be required. There are currently only 7 employees (including Margaret) on staff, following the significant reduction of 18 staff positions earlier this year. At this time, the Mayor does not want to expand the library staff, so the initial library reopening proposal cannot be implemented since the current staff is too small to support it. The Trustees

discussed other possible options, at a high level. Margaret has been in regular contact with other librarians across the state and shared some information about what is working and what is not in other cities and towns. *A motion (Merk/Bento) requesting Margaret work with the staff on revised reopening strategies and report back to the Board in December was passed.*

4. Committee Reports:

- Marlborough Public Library Foundation:
 - MPLF Chair Nena Bloomquist reported that the Foundation has started updating the presentation materials that are used in the capital campaign. The team is also working on refreshing the website information, and has plans to resume activity on the Facebook page. Nena is also reaching out donors who have not yet fulfilled their 2020 pledges

5. Old Business:

- Margaret has been in conversations with the City Solicitor about the request from the Marlborough Historical Commission to have the library contract with a restoration service to preserve the historic Marlborough Proprietor's Book and the display it in the library. *A motion (Brewin/Bloomquist) to table further discussion on this topic until Margaret has received all the necessary information was passed.*

6. New Business

- There was no new business.

7. Adjournment: *A motion (Ripley/Brewin) to adjourn was approved at 7:56pm.*

Minutes submitted by Janice Merk.

**City of Marlborough
Zoning Board of Appeals
November 17, 2020
Minutes
Microsoft Teams Meeting**

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2020 DEC -8 A 9:56

7:00 PM **Location - 28 Richard Rd.** **ZBA Case # 1470-2020**
Applicant: **Peter Keeping**
Date of Appeal: **Sept. 21, 2020**

Zoning relief requested: Variance Request - To construct a carport at 28 Richard Rd., located in a Residence A-3 Zoning District. This proposal does not comply with Chapter 650-41 of the City Code of Marlborough. The "Table of Lot Area, Yards and Height of Structures" states that the side yard setback minimum is 15 ft. vs. the proposed 10 ft. Being Map 19, Parcel 265.

Meeting date: November 17, 2020

Members present in City Hall: Paul Giunta-Chairman, Robert Levine, and Thomas Pope. Also, Susan Brown-Secretary.
Present remotely: Ralph Loftin and Thomas Golden

A roll call of members present: Paul Giunta-yea, Robert Levine-yea, Thomas Golden-yea, Thomas Pope-yea and Ralph Loftin-yea

Present in City Hall were Paul Giunta, Robert Levine and Thomas Pope.
Members meeting remotely were Ralph Loftin and Thomas Golden

Present remotely were also the applicants - Peter and Irene Keeping.

The hearing was opened with the reading of the legal notice by Thomas Pope.

The applicant, Peter Keeping, started the meeting with his presentation. He stated he would like to construct a carport over the existing driveway. According to the plan presented, the 13.7 ft. x 20.0 ft. carport will be abutting or attached to the house and extended to the edge of the driveway. He does not have any design plans for the carport as of this date, but he felt it would be on columns with a roof.

There are existing bushes at the side lot line which may act as a buffer between the two houses.

The applicants have lived in this house for 25-30 years.

The stated hardship by the applicants:

1. Irene Keeping, the wife, has arthritis. The ailment makes it difficult for her to reach her car from the house during winter months.

2. The topography of the lot slopes upward from the street to the rear of the house. The portion of the driveway that abuts the house, where the proposed carport will be constructed is slightly flat.

The existing driveway is 10 ft. from the side lot line. The propose carport will not go beyond the edge of the existing driveway. This proposal will not be a detriment to the neighborhood. She also stated that considering no one has objected to the petition, she does not see why they can't receive a variance. The proposed carport will not take away from the appearance of the neighborhood.

The Board stated that personal hardship is not a criteria for granting a variance. There is nothing in the above stated hardships that constitutes a hardship according to Mass. General Law Chapter 40A. The Board further stated that:

1. The applicants are not prevented from using their property as it is zoned for.
2. Having a personal medical disability is not a hardship
3. A variance goes with the property and recorded against the property, not to an individual.
4. The Board gave a few examples of a hardship, according to Mass. General Law Chapter 40A.
5. By granting a variance, it would set a precedent to other similar lots in the area.
6. Almost every house lot in the area is square in shape and situated on a slope lot with a slope driveway. The lot in question is not unique to other lots in the area.

Questions from the general public – none.

Speaking in favor or in opposition to the petition – none.

Speaking remotely in favor of the petition:

- Henry Stevenson – 38 Richard Rd. Marlborough, MA – stated he is not opposed to the proposed carport. He would like to see a design of the proposed carport. His concern was that he does not want to see a wall added to the side of the proposed carport, facing his house. The applicant stated that the carport will be constructed with columns.

After much discussion, the applicants requested to “Withdraw Without Prejudice”

A motion was made by Robert Levine and seconded by Thomas Pope to allow the applicant to “Withdraw Without Prejudice”. A roll call vote was taken: Paul Giunta-yea, Robert Levine-yea, Ralph Loftin-yea, Thomas Golden-yea and Thomas Pope-yea. Vote 5-0 to allow the applicant to “Withdraw Without Prejudice”.

A motion was made by Robert Levine and seconded by Thomas Golden to close the public hearing. A roll call vote was taken: Paul Giunta-yea, Robert Levine, Ralph Loftin-yea, Thomas Golden-yea and Thomas Pope-yea. Vote 5-0 to close the public hearing.

7:30 PM **Location – 192 Reservoir St.** **ZBA Case # 1469-2020**
Applicant: David Dowd
Date of Appeal: September 8, 2020

Applicant, David Dowd, dba KDG Deals, LLC, 157 Cullinane Dr. Marlborough, MA, was before the Board seeking a Special Permit under the Floodplain and Wetland Protection District and a variance for a 15.5. ft. front yard setback vs. the minimum required 20 ft.

This hearing was opened on Oct. 20, 2020 with a continuation date of Nov. 17, 2020.

Special Permit – Chapter 650-23

- The Board and the applicant discussed the history of this lot as follows:
According to Timothy Collins, Assistant City Engineer, investigation and memo dated October 15, 2020 the following was discovered as stated in part:
 - 1958 – Vincent Simarano purchased 186 Reservoir St. Map 17 Parcel 12.
 - 1962 – two properties. Map 17 Parcels 11 & 12, being held in common ownership, were used to apply for and receive a building permit to construct a single-family house – 186 Reservoir St.
 - 1963 – Vincent Simarano purchased 192 Reservoir St. Map 17 Parcel 11.
 - 1990 – Reservoir St. was reconstructed and widened. No land was taken for this project.
 - 1996 - July 24, 1996 – Plan submitted for 192 Reservoir St. to the engineering dept. for a proposed house which conformed to the zoning setbacks
 - 1997 - 196 Reservoir St., shown on the city's Assessor's Maps as 5-15, was granted a Special Permit by the ZBA (Case # 1199-97).
 - 1998 - Foundation was poured at 192 Reservoir St. and then covered, and no additional construction on this property has taken place, as purported by the applicant. Two alterations were made to the foundation: the garage door constructed on the southwest side of the foundation and a bump out for a front entry. No permit was obtained for the bump-out.
 - The two properties #186 and #192 Reservoir St. were never located on the same property. 192 Reservoir St. is a non-conforming lot because the previous owner created a violation in the front yard setback.

The Project site has an existing foundation since 1998 to construct a house. A house was never built, and the foundation served as a garage for the adjacent property (186 Reservoir St.) when the two lots were under common ownership. The property is now two separate lots.

The Project Site has frontage on Reservoir St. and abuts Ft. Meadow Reservoir at the rear.

Project: The Applicant proposes to conduct certain work in the rear of the existing foundation to add a narrow walkway and two decks on helical piers. The land disturbance will be minimized. A small retaining wall will help to ensure that the slopes will be stable, and a narrow walkway provides access to the rear of the house. A small section (41 sq. ft.) of the walkway near the shoreline will be within the 100-year floodplain elevation. As proposed, the walkway will be at or below the existing grades, therefore there will be no impact to the flood storage capacity of the

project. The conservation commission feels that if the owner follows the Order of Conditions, protection of the adjacent lake should be ensured.

Site Plan: The Applicant submitted a plan entitled "Site Plan, 192 Reservoir St. Marlborough, MA. Prepared by: Bruce Saluk & Assoc. Inc. dated: 8/12/2020 Last revised date: 10/28/2020 Sheet C1 (1 of 2)

According to the Marlborough City Code, Chapter 650-23(E) Floodplain and Wetland Protection District, the proposed Special Permit Application was distributed to the Board of Health, Planning, Engineering Department and the Conservation Commission for comments. Conservation issued an Order of Conditions (212-1233) and the city's engineering department produced a memo dated Oct. 15, 2020.

There was no one speaking in favor or in opposition to the petition.

The Board received a memorandum, dated November 13, 2020 from Conservation Agent Priscilla Ryder, on behalf of the Conservation Commission, finding that the project meets the criteria of the Floodplain District. The Commission issued an Order of Conditions (DEP 212-1233 - memo is in Board's file).

The Board received a memorandum dated October 15, 2020 from Assistant City Engineer, Timothy Collins. (memo is in Board's file)

In accordance with Section 650-23G of the Floodplain and Wetland Protection District Ordinance, the Board finds that:

According to the Order of Conditions issued by the Conservation Commission, a small section, (41 sq. ft.) of the walkway near the shoreline will be within the 100-year floodplain elevation. As proposed the walkway will be at or below the existing grades, therefore there will be no impact to the flood storage capacity of the project. The proposed petition will not derogate from the intent and purpose of the Floodplain District nor endanger the health and safety of the public nor the legitimate use of other land in the City.

The Applicant will need to meet the requirements of the Building Department and the Conservation Dept. (Order of Conditions-DEP 212-1233).

The Board was concerned about the contours of the lot and the impact of the proposal may have to Ft. Meadow Reservoir.

A motion was made by Robert Levine and seconded by Thomas Pope to close the public hearing. A vote was taken: Paul Giunta-yea, Robert Levine-yea, Ralph Loftin-yea, Thomas Golden-yea and Thomas Pope-yea. Vote 5-0 carries to close the public hearing.

A motion was made by Paul Giunta and seconded by Ralph Loftin to GRANT a Special Permit under the Floodplain and Wetland Protection District with conditions. A vote was taken: Paul Giunta-yea, Robert Levine-yea, Ralph Loftin-yea, Thomas Golden-yea and Thomas Pope-yea. Vote 5-0 carries to GRANT a Special Permit with Conditions.

List of correspondence in Board's file:

1. Letter of denial from Jeffrey Cooke – dated August 19, 2020
2. Letter from Timothy Collins, Assistant City Engineer, date Oct. 15, 2020
3. Memo from Conservation Commission – dated Nov. 13, 2020

Based on the above, the ZBA **grants** this Special Permit under City Zoning Ord. 650-23, Floodplain and Wetland Protection District, subject to the following CONDITIONS:

1. The Applicant will comply with the plan presented entitled: "Site Plan, 192 Reservoir St. Marlborough, MA. Prepared by: Bruce Saluk & Assoc. Inc. dated: 8/12/2020 Last revised date: 10/28/2020 Sheet C1 (1 of 2)
2. The Applicant will comply with the Conservation Commission's Order of Conditions (212-1233) issued on November 20, 2020.
3. No Building Permits can be issued until such time as the Applicant presents to the Building Commissioner evidence that this special permit and variance decision has been filed with the Registry of Deeds or Land Court as applicable.
4. Any modifications to the Plan as noted on Condition #1 above, will be reviewed by the Building Commissioner and/or the Conservation Officer to see if it warrants a return to the Zoning Board of Appeals for review.

Respectfully submitted,


Paul Giunta
Chairman