

REGULAR MEETING
FEBRUARY 8, 2021
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

2021 FEB -4 P 1:30

This meeting of the City Council will be held virtually on Monday, February 8, 2021 at 8:00 PM with Councilors attending in person and/or remotely. **NO PUBLIC ATTENDANCE WILL BE PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, January 25, 2021.
2. PUBLIC HEARING on the Petition from Massachusetts Electric to install a new solely owned pole #5 in the public right of way on North Bigelow Street to accommodate substation expansion, Order No. 21-1008189.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 926 637 173 #. ****

3. PUBLIC HEARING on the Application for Modification of Special Permit from Todd Wilson, on behalf of Diversified Funding Acquisition LLC/Atlantic Property Management, to add kitchenettes to existing guest rooms for use as an extended stay hotel and the conversion of manager's residence to a guest room for a total of 65 guest rooms at 880 Donald J. Lynch Boulevard (Quality Inn), Order No. 21-1008171.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 926 637 173 #. ****

4. Communication from the Mayor, re: Grant Acceptance in the amount of \$80,436.00 from the Executive Office of Elder Affairs (EOEA) awarded to the Council on Aging which will be utilized for many of the enrichment programs and services offered by the Senior Center.
5. Communication from the Mayor, re: Proposed Amendment to Chapter 125 "Personnel" §6 of the Code to add a stipend for members of the Conservation Commission effective April 1, 2021, in addition a Transfer Request from Summer Employment to Conservation Commission Members to cover the proposed stipends through June 30, 2021.
6. Communication from the Mayor, re: Reappointment of James Griffin to the Board of Health for a 3-year term to expire on February 5, 2024.
7. Communication from the Mayor, re: Appointment of Phillip Short to the Board of Health for a 3-year term to expire on February 5, 2024, replacing Robin Williams who has served on the board for 6-years.
8. Communication from Code Enforcement Officer Ethan Lippett, re: Request for Approval of a Flat Wall Sign, Edible (formerly Edible Arrangements), 1025 Boston Post Road East, within the Wayside District.

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.

9. Communication from the Planning Board, re: Notice of Grant of Variance/Appeal to the Sign Ordinance (Chapter 526) for Serrato Signs, LLC on behalf of St. Mary's Credit Union (Starbucks), 133 South Bolton Street.
10. Application for Sign Special Permit, from Serrato Signs, LLC on behalf of Starbucks (St. Mary's Credit Union), 133 South Bolton Street.
11. Minutes of Boards, Commissions and Committees:
 - a) School Committee, January 4, 2021.
 - b) Board of Assessors, December 8, 2020.
 - c) Conservation Commission, January 7, 2021.
 - d) Library Trustees, January 5, 2021.
 - e) Planning Board, January 11, 2021.
 - f) Traffic Commission, December 30, 2020.
 - g) Zoning Board of Appeals, January 19, 2021.
12. CLAIMS:
 - a) Sharon Boegel, 180 Naugler Avenue, residential mailbox claim (2b).
 - b) Chris Taylor, 159 Barnard Road, residential mailbox claim (2b).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

Councilors-at-Large

Mark A. Oram
Michael H. Ossing
Samantha Perlman
Kathleen D. Robey

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 FEB -3 P 4:45



Ward Councilors

Ward 1 – Laura J. Wagner
Ward 2 – David Doucette
Ward 3 – J. Christian Dumais
Ward 4 – Robert J. Tunnera
Ward 5 – John J. Irish
Ward 6 – Sean A. Navin
Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, JANUARY 25, 2021**

The regular meeting of the City Council was held on Monday, January 25, 2021 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 8:47 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.

Motion by Councilor Tunnera, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, January 4, 2021, **FILE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Tunnera, seconded by the Chair to adopt the following:

ORDERED: That the Communication from City Council President Ossing re: City Council Regular Meeting Schedule and City Council Committee Assignments for Legislative Year 2021, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the PUBLIC HEARING on the Application for 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, Order No. 20-1008162, all were heard who wish to be heard, hearing closed at 8:17 PM; adopted.

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

President Ossing called a recess at 8:18 PM and returned to open meeting at 8:19 PM.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Appointment of Krista Holmi as Chief Procurement Officer for a 3-year term effective the day after Council confirmation, replacing Beverly Sleeper who will be retiring on April 3, 2021, referred to the **PERSONNEL COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Appointment of Jonathan Steinberg to the Board of Assessors for a 3-year term from date of Council confirmation, replacing Anthony Arruda who recently retired after 40 years of service, referred to the **PERSONNEL COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Appointment of Shanissa Sampson to the Parks & Recreation Commission for a 3-year term from date of Council confirmation, referred to the **PERSONNEL COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$250.00 from Andrea Bibi of BB Realty awarded to the Police Department to support the K-9 program; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$1,000.00 from The Marlborough Foundation awarded to the Council on Aging to be used for plants in the greenhouse; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED: Pursuant to MGL c. 40 §4A and MGL c. 115 §10, the Mayor is authorized to enter into an inter-municipal agreement (“IMA”) relative to the “Marlborough-Sudbury Regional Veterans’ District”, to continue to enable the Director of the Marlborough Veterans’ Services Department to perform the duties of such office for Sudbury and to share the services and costs associated with doing so per attached IMA agreement, referred to the **VETERANS AFFAIRS COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$1,504,785.40 which moves funds from Undesignated Fund (Free Cash) to OPEB Trust pursuant to the financial policy of the city, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT:		Mayor				FISCAL YEAR:		2021	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Balance
\$15,047,854.00									
\$1,504,785.40	10000	35900	Undesignated Fund	\$1,504,785.40	87500	35900	OPEB Trust		\$12,287,064.87
Reason:	Transfer funds to OPEB trust								
\$1,504,785.40	Total			\$1,504,785.40	Total				

Yea: 11 – Nay: 0

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$1,504,785.40 which moves funds from Undesignated Fund (Free Cash) to Undesignated Stabilization pursuant to the financial policy of the city, referred to the **FINANCE COMMITTEE**; adopted.

BUDGET TRANSFERS --										
DEPT:		Mayor				FISCAL YEAR:		2021		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
\$15,047,854.00	\$1,504,785.40	10000	35900	Undesignated Fund	\$1,504,785.40	83600	32925	Undesignated Stabilization	\$15,294,571.21	
Reason:		To increase undesignated stabilization funds								
	\$1,504,785.40	Total			\$1,504,785.40	Total				

Yea: 11 – Nay: 0

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$579,275.76 from Undesignated Fund (Free Cash) to Miscellaneous Mitigation account to be used to finish mitigation costs related to trench repair, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		DPW				FISCAL YEAR:		2021		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
\$15,047,854.00	\$579,275.76	10000	35900	Undesignated Fund	\$579,275.76	31040506	59573	FY20 Streets Reconstruction	\$1,325,323.20	
Reason:		Funds received from Eversource								
	\$579,275.76	Total			\$579,275.76	Total				

Yea: 11 – Nay: 0

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

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Transfer Request in the amount of \$39,447.00 from various departments for FY 21, which moves funds from and to accounts as noted on the spreadsheet, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -											
DEPT:		Various		FISCAL YEAR:		2021					
Available Balance	Amount	FROM ACCOUNT:	Org Code	Object	Account Description:	Amount	TO ACCOUNT:	Org Code	Object	Account Description:	Available Balance
\$76,260.00	\$30,492.00	11990006	57820		Reserve for salaries	\$5,572.00	11510001	50175		Paralegal	\$16,964.80
	Reason:					Reason:				To cover pay increase through June 30th	
						\$3,440.00	15120001	50605		Director of BOH	\$38,698.63
	Reason:					Reason:				To cover pay increase through June 30th	
						\$7,380.00	15430001	50080		Veterans Director	\$20,213.31
	Reason:					Reason:				To cover pay increase through June 30th	
						\$14,100.00	14001103	51183		Planning Board Members	\$600.00
	Reason:					Reason:				To fully fund through June 30th	
\$10,935.00	\$2,500.00	11620004	53932		Election Programming	\$1,460.00	11610002	50770		Senior Clerk	\$18,450.95
	Reason:				Surplus	Reason:				To fund comp time paid out in January	
\$8,294.52	\$685.00	11610004	53180		Clerks-Professional & Tech	\$1,725.00	11610001	50050		City Clerk	\$37,345.68
	Reason:				Surplus	Reason:				To fully fund through June 30th.	
\$38,414.46	\$5,770.00	11410002	50550		Head Clerk	\$5,770.00	11410004	53180		Assessors-Prof & Tech	\$0.00
	Reason:				Surplus due to a retirement	Reason:				To fully fund RRG contract through June 30th	
	\$39,447.00	Total				\$39,447.00	Total				

Yea: 11 – Nay: 0

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Request for a Free-Standing Sign, Brasileirinho Market, 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.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Request for a Flat Wall Sign, CBD and Co., LLC, 1031 Boston Post Road East, #102, within the Wayside District, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Landers, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY FEBRUARY 8, 2021** as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric to install a new solely owned pole #5 in the public right of way on North Bigelow Street to accommodate substation expansion, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Robey, seconded by the Chair to adopt the following:

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 March 31, 2021 at 10:00 PM, on the Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, at 339 Boston Post Road East (McGee Farm), **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

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

- a) School Committee, November 24, 2020 & December 8, 2020.
- b) Conservation Commission, November 19, 2020 & December 3, 2020.
- c) Library Trustees, December 1, 2020.
- d) Planning Board, December 21, 2020.
- e) Registrars of Voters, September 16, 2019.

Yea: 11 – Nay: 0

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

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

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

- a) David Adrian, 56 Elm Street, #10, Worcester, pothole or other road defect.
- b) Mary Dalpe, 164 Lakeshore Drive, other property damage and/or personal injury.
- c) Linda Powazinik, 27 Libby Avenue, residential mailbox claim (2a).

Yea: 11 – Nay: 0

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

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEE.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

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.

Suspend First Reading; Adopt Second Reading; APPROVED.

Yea: 9 – Nay: 2

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

Nay: Perlman & Robey.

Passage to Enroll; APPROVED.

Yea: 9 – Nay: 2

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

Nay: Perlman & Robey.

Passage to Ordain; APPROVED.

Yea: 9 – Nay: 2

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

Nay: Perlman & Robey.

No objection to passage in one evening.

Motion by Councilor Tunnera, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:47 PM; adopted.

Yea: 11 – Nay: 0

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



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 25, 2021

ORDERED:

That there being no objection thereto set **MONDAY FEBRUARY 8, 2021** as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric to install a new solely owned pole #5 in the public right of way on North Bigelow Street to accommodate substation expansion, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

Yea: 11 – Nay: 0

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

ADOPTED

ORDER NO. 21-1008189



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 4, 2021

ORDERED:

That there being no objection thereto set **MONDAY, FEBRUARY 8, 2021** as the **DATE FOR PUBLIC HEARING**, On the Application for Modification of Special Permit from Todd Wilson, on behalf of Diversified Funding Acquisition LLC/Atlantic Property Management, to add kitchenettes to existing guest rooms for use as an extended stay hotel and the conversion of manager's residence to a guest room for a total of 65 guest rooms at 880 Donald J. Lynch Boulevard (Quality Inn), be and is herewith referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Yea: 11 – Nay: 0

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

Ninety days after public hearing is 05/09/21 which falls on a Sunday, therefore 05/10/21 would be considered the 90th day.

ADOPTED

ORDER NO. 21-1008171



City of Marlborough
Office of the Mayor

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

2021 FEB -4 A 11:40

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

February 4, 2021

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

RE: Grant Acceptance for Council on Aging

Honorable President Ossing and Councilors:

I am submitting for your approval the acceptance of a grant from the Executive Office of Elder Affairs in the amount of \$80,436.00.

This grant will be utilized to operate the Senior Center and the many enrichment programs, transportation services, exercise classes that our seniors enjoy participating in. Although the Senior Center is currently closed, we will be planning a reopening, soon, as our over 75 population start to get their vaccinations. Presently, there are weekly virtual programming and discounted lunch being provided by our staff.

We are thankful to the Executive Office of Elder Affairs for providing these funds to continue operations at our Senior Center.

Thank you for your consideration and please do not hesitate to contact me or Executive Director Trish Pope with any questions.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosure

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Council on Aging DATE: 20-Jan-21

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia A. Pope

NAME OF GRANT: EOEA Formula Grant

GRANTOR: EOEA

GRANT AMOUNT: \$80,436.00

GRANT PERIOD: July 1, 2020 - June 30, 2021

SCOPE OF GRANT/
ITEMS FUNDED Programs, transportation, exercise classes, administration,
and enrichment programs

IS A POSITION BEING
CREATED: Yes, part-time Bus Driver (no benefits)

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**



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

January 20, 2021

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

Re: EOEA Formula Grant Funding

Dear Mayor Vigeant,

I am pleased to submit to you a grant award in the amount of \$80,436.00 from the Executive Office of Elder Affairs. This grant award reflects the statewide per capita funding of \$12.00 per senior as reflected in the 2010 U.S. Census report. We are very grateful that our State Legislators and Governor saw fit to maintain the per capita funding during this very trying time. This essential funding will allow us to continue to provide a vast variety of exercise classes, programs, transportation and administration as well as enrichment opportunities for our older adults.

We look forward to utilizing this grant to continue to enhance the quality of life for our older adult population here in Marlborough. I am available should you or the City Council have any questions.

Sincerely,

Patricia A. Pope
Executive Director

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the Standard Contract Form Instructions and Contractor Certifications, the Commonwealth Terms and Conditions for Human and Social Services or the Commonwealth IT Terms and Conditions which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.masscomptroller.org/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

CONTRACTOR LEGAL NAME: CITY OF MARLBOROUGH (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: EXECUTIVE OFFICE OF ELDER AFFAIRS MMARS Department Code:	
Legal Address: (W-9, W-4): 140 MAIN ST MARLBOROUGH, MA 01752-3812		Business Mailing Address: 1 ASHBURTON PL BOSTON, MA 02100	
Contract Manager: TRISH POPE	Phone: 508-405-0492	Billing Address (if different):	
E-Mail: ppope@marlborough-ma.gov	Fax:	Contract Manager: STACEY ANNE O'CONNELL	Phone: 617-222-7419
Contractor Vendor Code: VC0000192112		E-Mail: STACEY.O'CONNELL@MASS.GOV	Fax: 617-727-9300
Vendor Code Address ID (e.g. "AD001"): AD_001, (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s): FY21COAMARLBOROUGH00 RFR/Procurement or Other ID Number: BD-21-1040-1040C-1040L-57550	

<p><input checked="" type="checkbox"/> NEW CONTRACT</p> <p>PROCUREMENT OR EXCEPTION TYPE: (Check one option only)</p> <p><input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department)</p> <p><input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget)</p> <p><input type="checkbox"/> Department Procurement (Includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation)</p> <p><input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget)</p> <p><input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget)</p> <p><input checked="" type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)</p>	<p><input type="checkbox"/> CONTRACT AMENDMENT</p> <p>Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____.</p> <p>Enter Amendment Amount: \$ _____ (or "no change")</p> <p>AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.)</p> <p><input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget)</p> <p><input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget)</p> <p><input type="checkbox"/> Contract Employee (Attach any updates to scope or budget)</p> <p><input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions documents are incorporated by reference into this Contract and are legally binding: (Check ONE option): Commonwealth Terms and Conditions Commonwealth Terms and Conditions For Human and Social Services Commonwealth IT Terms and Conditions

COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00.

Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)

Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or new total if Contract is being amended). \$ 80,436.00

PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: agree to standard 45 day cycle statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT: This contract is to distribute a formula grant award to the Councils on Aging of the municipalities of the Commonwealth, as appropriated in the Chapter 227 of the Acts of 2020. The award amount is determined by a census-based allocation of available grant funding. The performance period for this award is 7/1/20-6/30/21. The municipality certifies that the funds will be used for COA activities, and will complete a final fiscal report accounting for how these grant funds were applied. All approved obligations incurred prior to the effective date of this agreement (for which payment obligations have been triggered) and are intended to be part of this agreement, are to be funded from the total amount awarded under this agreement. This contract, once executed by both parties, will be treated as the sole invoice for the maximum obligation of this contract. COAs are responsible for returning this executed contract by no later than June 30, 2021.

ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:

1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date.

2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date.

3. were incurred as of JULY 1, 2020, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.

CONTRACT END DATE: Contract performance shall terminate as of JUNE 30, 2021, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.

CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:

X: Arthur Vigeant Date: 4/9/21
(Signature and Date Must Be Handwritten At Time of Signature)

Print Name: Arthur Vigeant
Print Title: Mayor

AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:

X: _____ Date: _____
(Signature and Date Must Be Handwritten At Time of Signature)

Print Name: _____
Print Title: _____



City of Marlborough
Office of the Mayor

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
MAYOR
2021 FEB -4 A 11:40
Patricia M. Bernard
EXECUTIVE AIDE

Michele A. O'Brien
EXECUTIVE SECRETARY

February 4, 2021

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

RE: Conservation Commission member stipend & transfer

Honorable President Ossing and Councilors:

I am submitting for your approval the acceptance of amending Ch. 125-6 to grant Conservation Commission members a \$150.00 stipend per commission meeting attended effective April 1, 2021.

I've attached a draft order from City Solicitor Grossfield for review. If approved, this will compensate our Conservation Commission members for their time and effort. During this pandemic, I've spent time listening to all active boards and commissions and noted the dedication of our Conservation Commission members regarding actively reviewing sites, discussing the history and ultimately preserving the City's natural resources.

Enclosed is a transfer for \$3,150.00 from the Summer Employment to Conservation Commission Members line item to cover the stipends through June 30, 2021.

This Commission has an extensive knowledge of Marlborough that often goes unnoticed, and we appreciate all their efforts.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

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 BY AMENDING CHAPTER 125, ENTITLED "PERSONNEL," AS FOLLOWS:

- I. By adding to the salary schedule referenced in Section 125-6 the following:

<u>Position</u>	<u>Rate</u>
Conservation Commission Member	\$150 Per Conservation Commission Meeting Attended

This ordinance shall supersede and replace any existing rate for said position in the current salary schedule.

ADOPTED
In City Council
Order No. 21-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor

FISCAL YEAR: 2021

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

Available
Balance

\$50,000.00

\$3,150.00

11210003

51250

Summer Employment

\$3,150.00

12410003

51186

Conservation Comm Members

\$0.00

Reason:

Unused due to COVID-19

To fund stipends for board members

Reason:

Reason:

Reason:

\$3,150.00

Total

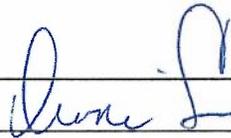
\$3,150.00

Total

Department Head signature:

Auditor signature:

Finance Director signature:





City of Marlborough
Office of the Mayor

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

2021 FEB -4 A 11:40

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 F. O'Brien
EXECUTIVE SECRETARY

February 4, 2021

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

RE: Re-appointment to the Board of Health

Honorable President Ossing and Councilors:

I am submitting for your approval the re-appointment of James Griffin to the Board of Health for a three-year term effective February 1, 2021.

Mr. Griffin has been serving nearly seven years and brings a wealth of experience from the healthcare industry. Currently, Mr. Griffin is a licensed respiratory therapist at Marlborough Hospital and a Clinical Reviewer at UMass Medical School.

I'd like to take this opportunity to thank Mr. Griffin for agreeing to continue his service to the City of Marlborough especially during this crucial time of need.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

RECEIVED
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CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2021 FEB -4 A 11:40

Patricia M. Bernard
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508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Michele A. O'Brien
EXECUTIVE SECRETARY

February 4, 2021

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

RE: Appointment to the Board of Health

Honorable President Ossing and Councilors:

I am submitting for your approval the appointment of Phillip Short to the Board of Health for a three-year term effective February 1, 2021. Mr. Short will be replacing Robin Williams who has served on our board for six years. I'd like to take this opportunity to thank Ms. Williams for her dedication and service to the City of Marlborough.

Mr. Short is a lifelong resident of Marlborough and a co-owner of Short & Rowe Funeral Home. His background offers over 15 years in the mortuary business and will give the board an additional perspective outside of the medical field. Enclosed is his resume for your review.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

PHILLIP SHORT

Marlborough, MA 01752

PROFESSIONAL SUMMARY

Licensed funeral director with a background in health, sanitation and safety procedures looking to give time to his community to improve community by helping to establish, maintain and enforce public health.

SKILLS

- Consulting
- Program oversight
- Financial Leadership
- Staff Management

WORK HISTORY

President, 06/2005 to Current

Short And Rowe Funeral Home – Marlborough, Massachusetts

- Consult with families or friends of the deceased to arrange funeral details, such as obituary notice wording, casket selection, or plans for services.
- Direct and supervise work of embalmers, funeral attendants, death certificate clerks, cosmetologists, or other staff.
- Monitor funeral service operations to ensure that they comply with applicable policies, regulations, and laws.
- Negotiate contracts for prearranged funeral services.
- Offer counsel and comfort to families and friends of the deceased.
- Plan and implement changes to service offerings to meet community needs or increase funeral home revenues.
- Plan and implement sales promotions or other marketing strategies and activities for funeral home operations.
- Schedule funerals, burials, or cremations.
- Sell funeral services, products, or merchandise to clients.
- Complete and maintain records such as state-required documents, tracking documents, or product inventories.
- Identify skill development needs for funeral home staff.

EDUCATION

Associate of Arts: English, 06/1995

Assumption College - Worcester, MA

Associate of Arts: Funeral Service And Mortuary Science, 06/1997
Mount Ida College - Newton Center, MA

City of Marlborough
Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 JAN 29 A 10:12



Ethan Lippitt
Code Enforcement Officer
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3776 XT 30201
Fax: (508) 460-3736
Email: elippitt@marlborough-ma.gov
pwilderma@marlborough-ma.gov

City Council Sign Approval Form

12/18/2020

To City Council President and all Councilors,
Included in this form is an applicant seeking approval from city council as it relates to the signage project at the below address. In this copy of the permit application there is the design for the sign to be installed on the wall of the building at 1025 Boston Post Rd. East. It will replace the current existing sign.

Address of Location seeking approval 1025 Boston Post Rd. East

BP-2020-001749

Zoning District:

Meets Current Sign Code:

Planning Board Variance:

Wayside Zoning

YES

NO

Code Enforcement Officer Ethan Lippitt

CC

File
City Council
Commissioner Cooke



City of Marlborough BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752

6213 (B)



Date: 12/01/20

Permit No. BP 2020-001749

Address/Location of Sign 1025 Boston Post Rd

Name of Business EDIBLE (formerly Edible Arrangements)

Name of Owner of Business Irina Salgan Telephone 508-485-3200

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

Is this a replacement of a same size existing sign(s) YES NO

Dimensions Sign:

Length 10' Width 4' Height (Free Standing) _____ Area 40sq.ft.

Location of Sign on Bld. North South _____ East _____ West _____

Dimensions Façade:

Length 37' Width 10'h. Area 370 sq.ft.

[Signature] _____ Telephone 508-624-0055
Signature of Responsible Party

Installer Company Sign Right Telephone 508-624-0055

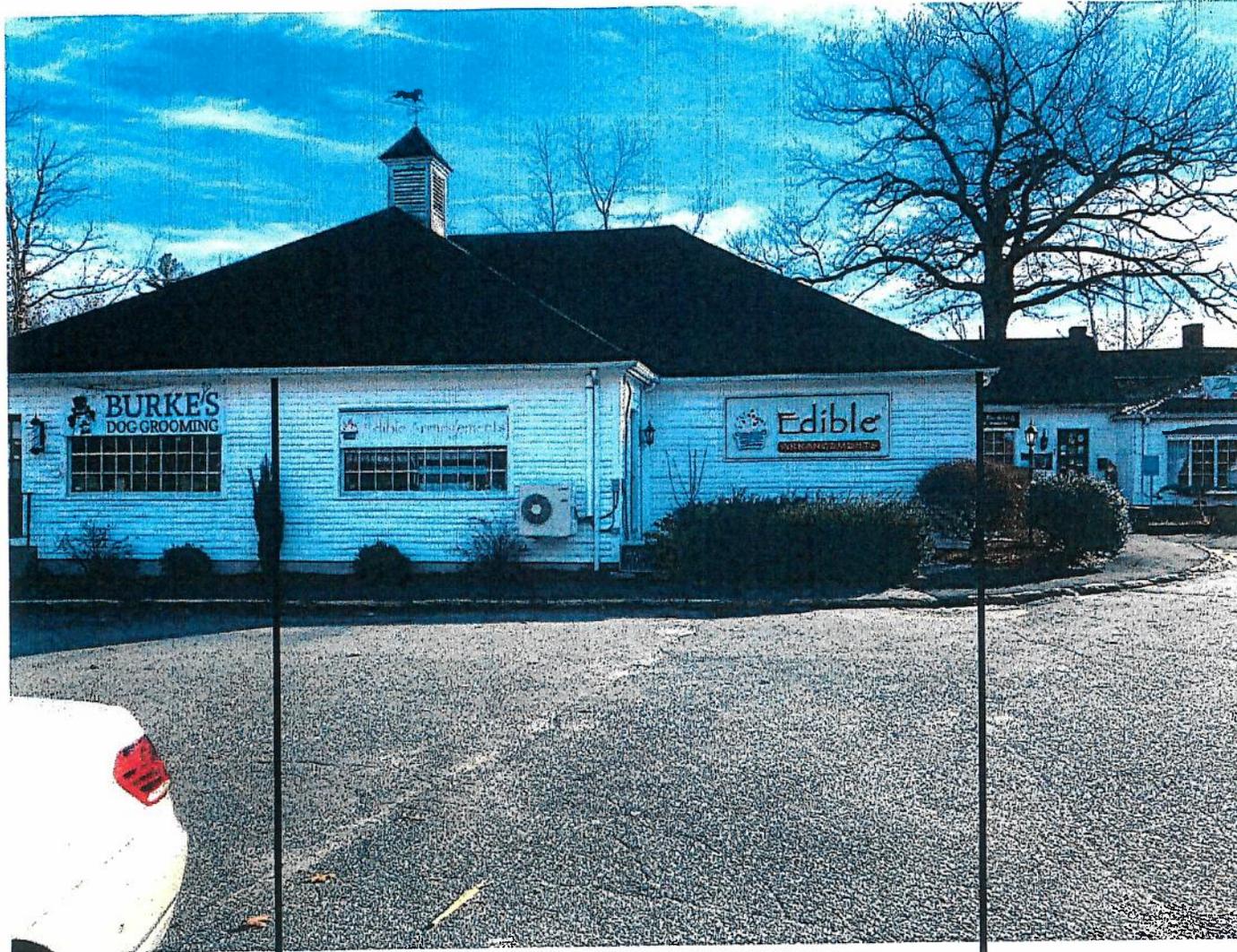
signright1@verizon.net
Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

[Signature] _____ 12/9/20
Signature Date

Cost of Sign(s) \$750 Permit Fee \$ \$50

1025 BOSTON POST RD.





- FLAT WALL SIGN
- .75" PLYWOOD
- FLAT GRAPHICS
- LAG BOLTED TO
SAME LOCATION

THESE PLANS MUST
BE KEPT ON SITE

Building Permit Issued:

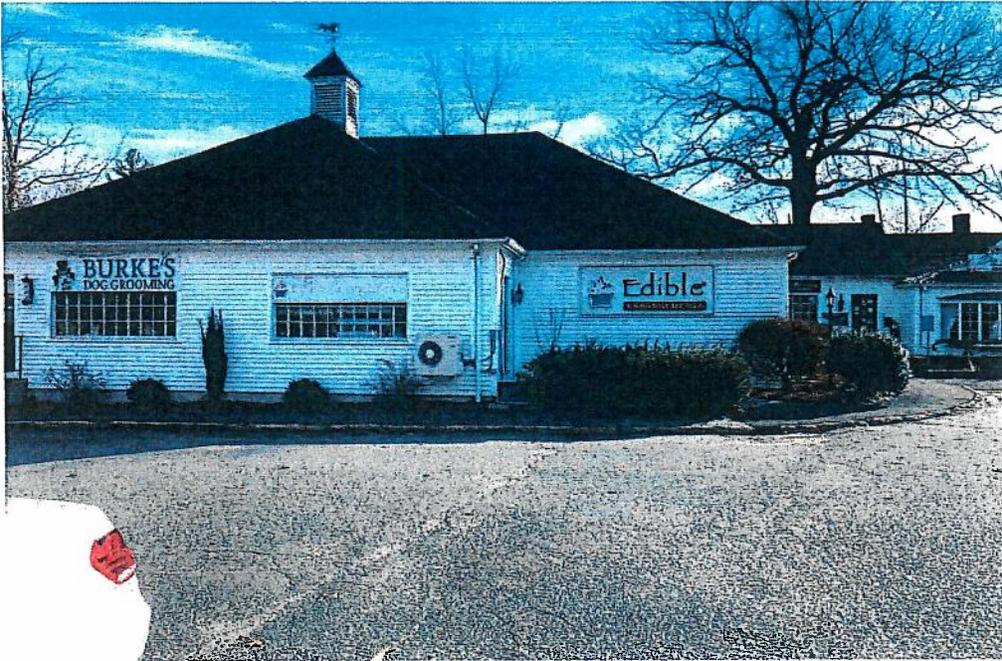
Date:

Authorized By:

REPLACEMENT WALL SIGN - SAME SIZE
4'h. x 10'w.

SIGN-RIGHT

729 Farm Road
Marlborough, MA 01752
508-624-0055 ph.
508-624-0056 fx.
signright1@verizon.net



THESE PLANS MUST
BE KEPT ON SITE

Building Permit Issued:

Date:

Authorized By: 



4' x 10' WALL SIGN

SIGN-RIGHT

729 Farm Road
Marlborough, MA 01752

508-624-0055 ph.

508-624-0056 fx.

signright1@verizon.net



CITY OF MARLBOROUGH

Building Department
(508) 460-3776

BUILDING PERMIT

PERMIT NO

BP-2020-001749

ISSUE DATE

12/11/2020

APPLICANT

WALTER ENRIGHT

JOB WEATHER CARD

PERMIT TO

Flat Wall Sign

AT (LOCATION) 1025 BOSTON POST RD EAST, MARLBOROUGH ZONING DISTRICT B Bldg. Type: Commercial

SUBDIVISION MAP BLOCK LOT 62-13- BUILDING IS TO BE: CONST TYPE USE GROUP Business

WORK DESCRIPTION
Instillation of a Flat Wall Sign for "Edible" Length 10', Width 4', Area 40 SQFT, North.

CONTRACTOR
LICENSE 0000 Construction Supervisor
SIGN RIGHT
WALTER ENRIGHT
729 FARM ROAD
MARLBOROUGH, MA 01752

AREA (SQ FT) EST COST(\$) 750.00 PERMIT FEE (\$) 50.00
OWNER SASZA REALTY LLC
ADDRESS 999 BOSTON POST RD EAST
MARLBOROUGH MA 01752

PHONE 508-624-0055

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

MINIMUM INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK: 1) FOUNDATIONS OR FOOTINGS. 2) PRIOR TO COVERING STRUCTURAL MEMBERS (READY FOR LATH OR FINISH COVERING) 3) FINAL INSPECTION BEFORE OCCUPANCY 4) REFER TO DETAILED INSPECTION SCHEDULE
APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.
WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL PLUMBING/GAS AND MECHANICAL INSTALLATIONS.

POST THIS CARD SO IT IS VISIBLE FROM STREET

Table with 3 columns: Building Inspections Approvals, Required Inspections Listed on Reverse, and Other.

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE.

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.



City of Marlborough
Planning Board

Administrative Office
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD

Barbara L. Fenby, Chair
Philip Hodge
Sean N. Fay
George LaVenture
Christopher Russ
Matthew Elder

Krista Holmi, Administrator
(508) 624-6910 x33200
kholmi@marlborough-ma.gov

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 FEB -2 P 4:40

1-29-21

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

RE: Application for Sign Variance/Appeal – Serrato Sign, LLC on Behalf of St. Mary's Credit Union/Starbuck's - 133 S. Bolton St.

Honorable President Ossing and Councilors:

At its regularly scheduled meeting on 1/25/2021, the Planning Board voted to grant the above referenced sign variance to Serrato Sign, LLC. Please see the attached decision for additional conditions and details of the Board's actions.

Sincerely,

Barbara L. Fenby
Chairperson

Enclosure

cc: Building Commissioner
City Clerk



City of Marlborough Planning Board

Administrative Office
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD
Barbara L. Fenby, Chair
Philip Hodge
Sean N. Fay
George LaVenture
Christopher Russ
Matthew Elder
Krista Holmi, Administrator
(508) 624-6910 x33200
kholmi@marlborough-ma.gov

Variance/Appeal to Provisions of Sign Ordinance: Decision of Planning Board

Date of Hearing: 01-11-21, 01-25-21

Place of Hearing: Remote Microsoft Teams Meeting

1. Applicant name: Serrato Signs, LLC on behalf of St. Mary's Credit Union
2. Address of business in Marlborough: 133 S. Bolton St., Marlborough, MA 01752
3. Applicant business is : Owner of Property, Tenant, Other - Owner Representative
4. Name of person appearing at hearing on behalf of business: Andy Serrato, Serrato Signs, LLC
5. Date of Building Inspector's decision from which appeal is taken: 12/16/20
6. Section of Sign Ordinance in question: Section 526-13 Electronic Message Center Signs; Digital Display Signs (Added 8-25-2014 by Ord. No. 14-1005880B)
7. Reason for variance request: § 526-13 (B)(12) Setbacks from residential zoned area: Sign must be set back a minimum of 200 feet from the nearest point of any abutting residentially zoned district.
8. Description of sign: Digital Order Screen "DOS" displays customer order. Active during customer order process only.

DECISION OF PLANNING BOARD:

The Board decided this case on: 01-25-21 - On a motion by Mr. Fay, seconded by Mr. Elder, the Board voted to approve the variance request for closer placement (of the sign) conditioned upon the determination of appropriate screening to the abutting residential neighborhood (by the City's Engineering Division) and acceptance of the applicant's stated terms of use - that the "DOS" digital customer order screen goes blank between customer orders. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. **A Special Permit Must be Obtained from the Marlborough City Council Prior to Sign Placement.**

Appeal was

A) Granted

B) Denied

- A) Appeal was granted under **§ 526-13 (B)(12)**: If because of the shape, size and/or proximity of a commercial lot to a residentially zoned district it is not possible to place the sign more than 200 feet from the nearest point of an abutting residentially zoned district, then the Planning Board may grant a variance for closer placement, provided that when located within 200 feet of a residentially zoned district, all digital display portions of the sign shall be oriented so that no portion of the sign is visible from an existing primary residential structure in that district. The Board concluded that a sign whose view has been limited by screening, has "oriented" the sign so that it would not be visible to the existing residential structure(s).

Barbara L. Fenby
Barbara L. Fenby, Chair

1-29-21
Date



City of Marlborough

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CITY OF MARLBOROUGH

2021 FEB -2 P 4:40

MARLBOROUGH CITY COUNCIL

ELECTRONIC MESSAGE CENTER SIGNS AND DIGITAL DISPLAY SIGNS
SIGN PERMIT APPLICATION TO MARLBOROUGH CITY COUNCIL

SIGN SPECIAL PERMIT

INSTRUCTIONS: This application must be completed and submitted to the City Council. Applicant must attach to this application a copy of the Building Commissioner's decision detailing the requirements and reason for City Council action. This application form must be signed by the applicant or authorized agent (and the owner of the property if the owner is not the applicant) prior to submittal to the City Council.

1. Location of the property where sign is located (street and number):

133 South Bolton Street

2. What other signs exist on the property (type, size, location):

3. Are there other signs on the property of similar type to what is requested in the Sign Permit Application? If so, please state size and location:

NO

4. Names of business or activity applying for sign:

Starbucks

5. Applicant:

Andrew Serrato / Serrato Signs LLC

Street/City/Zip Code:

15 Dewey Street
Worcester, Ma 01609

6. Building Owner:

Jim Petkewich St. Mary's Credit Union
Street/City/Zip Code:
46 Lizotte Drive
Marlborough, Ma 01757

7. Contact Information. Please provide an E-mail address as well as Business and Mobile telephone numbers.

Building Owner.

E-mail: jpetkewich@stmaryscreditunion.org Business: 508-490-6738 Mobile: 774-249-2027

Agent/Owner of Business where sign will be located.

E-mail: _____ Business: _____ Mobile: _____

Applicant.

E-mail: andy@serratosigns.com Business: 508-756-7204 Mobile: _____

8. Applicant is (please check).

Business Owner: _____ Tenant: Other (describe): Sign Installer

Required Attachments

Description of Sign and Plan: Please include letter from Building Commissioner noted above together with plans and renderings to assist the City Council in its deliberations on the application for a Sign Special Permit. Other pertinent information may be submitted with this application and may be required by the City Council.

The City Council will hold a Public Hearing on the Sign Special Permit Application. Applicant shall pay for advertising of Hearing. Applicant shall obtain a certified abutters' list from the Assessors' Office to attach to this application. Applicant shall notify abutters of Hearing and provide proof of mailing prior to the Hearing.

After the close of the Public Hearing, Applicant shall submit a draft Sign Special Permit Decision to the City Council, through the appropriate City Council Committee. A sample decision will be provided to Applicant upon request.

[Signature]

Applicant Signature

1/27/2020

Date

[Signature]

Property Owner Signature

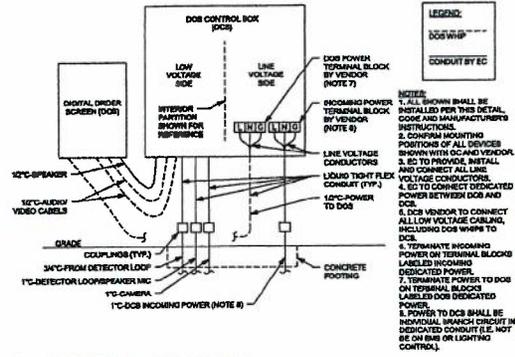
12/15/2020

Date

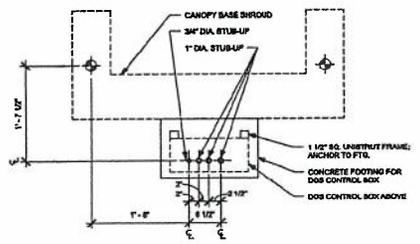
NOTE: New Electronic Message Center Signs or Digital Display Signs may not be erected until the City Council Sign Special Permit has been granted and building permit has been issued by the Building Department.

DOS ON CANOPY - DCB ON UNISTRUT

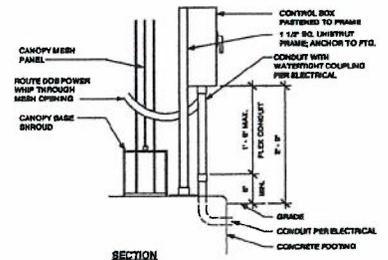
Qty. 1



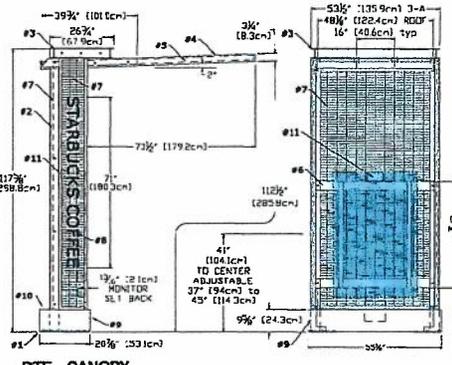
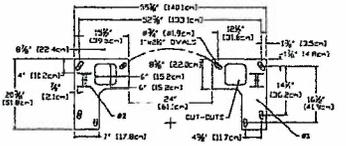
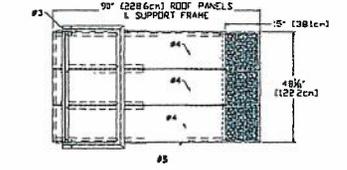
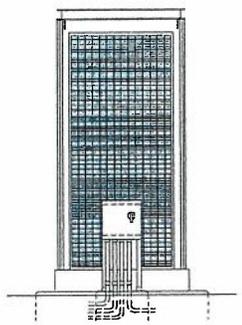
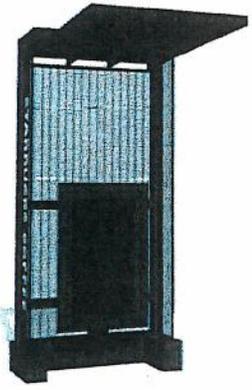
DTE - DOS CONTROL BOX WIRING
 Scale: 1/2" = 1' (11x17 paper)



DTE - DOS CONTROL BOX CONDUIT STUB-UPS AT CANOPY
 Scale: 1/2" = 1' (11x17 paper)



DTE - DOS CONTROL BOX AT CANOPY
 Scale: 1/2" = 1' (11x17 paper)



DTE - CANOPY
 Scale: 1/4" = 1' (11x17 paper)

- #1 - TWO - 3/4" (19mm) STEEL BASE PLATES W/ OVAL HOLES FOR SWIVEL POSITION
- #2 - TWO - BACK TO BACK C&T.25 (4"x4"x1/2") STEEL POSTS
- #3 - WELDED ALUMINUM HEADER, C4"x1.58" CHANNEL
- #4 - THREE - ALUMINUM ROOF PANELS SEAMLESS RAISED SIDE EDGES 15" OF LASERED PATTERN W/ DRIP EDGE BEHIND
- #5 - WELDED STEEL PERIMETER ROOF FRAME
- #6 - WELDED 3/8" STEEL (5mm) MONITOR SUPPORT FRAME WITH HGT ADJUSTMENT
- #7 - WELDED STEEL 1" (25.4mm) O-C WIRE GRID BACK & SIDE PANELS IN WELDED RECTANGULAR STEEL TUBE FRAMES
- #8 - 4" x 8" x 1/2" (113.3mmx322.7mm) WHITE ACRYLIC LETTERS, FIXED TO LH GRID PANEL W/ANTI-TAMPER SCREWS
- #9 - WELDED ALUMINUM BASE COVERS
- #10 - WELDED ALUMINUM WATER-TIGHT ELECTRIC ENCLOSURE (REAR HATCH)
- #11 - LED CEILING FLOODLIGHT, WIRED COMPLETE

HILTON DISPLAYS
 125 HILLSIDE DRIVE • GREENVILLE SC 29607
 P 803 353 9132 • F 864 242 2204
 www.hiltondisplays.com

QID 19-47575

JOB NAME

Starbucks 7831

LOCATION

**133 South Bolton St.
 Marlborough, MA 01782**

CUSTOMER CONTACT

SALESMAN / PM

Joe Nolasco

DESIGNER

Jesse Black

DWG. DATE

11-11-19

REV. DATE / REVISION

9-9-20 BS

SCALE

As Noted

FILE

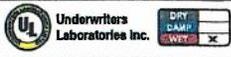
**2019/Starbucks/Marlborough MA/
 19-47575/SB Marlborough MA
 19-47575.cdr**

DESIGN SPECIFICATIONS ACCEPTED BY:

EST: CLIENT:

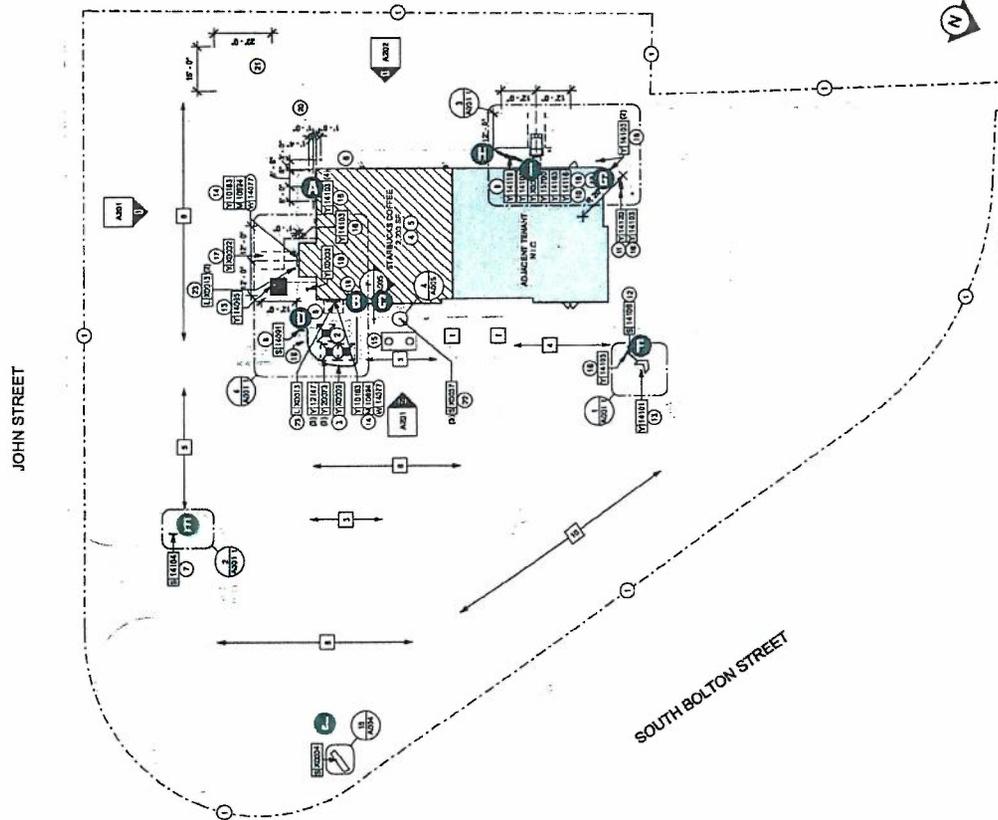
SLS/PM: LANDLORD:

THE INTENT OF THIS DRAWING IS TO SHOW A CONCEPTUAL REPRESENTATION OF THE PROPOSED SIGNAGE. DUE TO VARIATIONS IN PRINTING DEVICES AND SUBSTRATES, THE FINISHED PRODUCT MAY DIFFER SLIGHTLY FROM DRAWING.



SITE PLAN

- A** 14" CHANNEL LETTERS
- B** 16" CHANNEL LETTERS
- C** 48" DT WALL SIGN
- D** 46" TY/EO DIRECTIONAL
- E** 46" DT DIRECTIONAL
- F** CLEARANCE BAR
- G** PRE-MENU BOARD
- H** MENU BOARD
- I** DOS ON CANOPY
- J** TENANT PANELS



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QID 19-47575

JOB NAME

Starbucks 7831

LOCATION

**133 South Bolton St.
 Marlborough, MA 01752**

CUSTOMER CONTACT

SALESMAN / PM

Joe Nolasco

DESIGNER

Jesse Black

DWG. DATE

11-11-19

REV. DATE / REVISION

9-9-20 BS

SCALE

As Noted

FILE

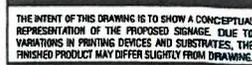
**2019/Starbucks/Marlborough MA/
 19-47575/SB Marlborough MA
 19-47575.cdr**

DESIGN SPECIFICATIONS ACCEPTED BY:

EST: CLIENT:

SI./SYM: LANDLORD:

THE INTENT OF THIS DRAWING IS TO SHOW A CONCEPTUAL REPRESENTATION OF THE PROPOSED SIGNAGE. DUE TO VARIATIONS IN PRINTING DEVICES AND SUBSTRATES, THE FINISHED PRODUCT MAY DIFFER SLIGHTLY FROM DRAWING.



City of Marlborough
Commonwealth of Massachusetts



Ethan Lippitt
Code Enforcement Officer
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3776 XT 30201
Fax: (508) 460-3736
Email: elippitt@marlborough-ma.gov
pwilderma@marlborough-ma.gov

12/16/2020

Serrato Signs, LLC
Andrew Serrato
15 Dewey Street
Worcester, MA 01609

RE: Sign Permit Application BP-2020-001554

To whom it may concern,

On 11/04 a sign permit application was submitted for an LED menu board sign to be installed at 133 South Bolton Street. The location of this sign to be installed is in direct violation of 526-13 B 12, in that all LED signs installed within 200 feet of a residentially zoned This sign installation is not allowed per Marlborough General City Code §526-13 in that a special permit is required for all Electronic Message Center Signs.

§ 526-13 Electronic message center signs; digital display signs.

[Added 8-25-2014 by Ord. No. 14-1005880B]

A. Applicability

(2) The regulations in § 526-13 permit digital display signs and electronic message center (EMC) signs in all zoning districts except for Rural Residence (RR) Districts, Residence (A-1) Districts, Residence (A-2) Districts, Residence (A-3) Districts, Residence B (RB) Districts, Residence C (RC) Districts, Retirement Community Residence (RCR) Districts, and the Downtown Business District outlined in § 526-9L, in which districts such signs are strictly prohibited. Digital display signs and EMC signs shall be permitted with the approval of the Building Commissioner, shall be subject to all other provisions governing signs in Chapter 526, the City's Sign Ordinance, and shall require a special permit.

[Amended 10-6-2014 by Ord. No. 14-1005921A]

B. Standards. EMC signs and digital display signs shall be allowed by special permit, but only pursuant to the following standards:

(12) Setbacks from residential zoned areas. The sign must be set back a minimum distance of 200 feet from the nearest point of any abutting residentially zoned district. If, because of the shape, size and/or proximity of a commercial lot to a residentially zoned district it is not possible to place the sign more than 200 feet from the nearest point of an abutting residentially zoned district, then the Planning Board may grant a variance for closer placement, provided that when located within 200 feet of a residentially zoned district, all digital display portions of the sign shall be oriented so that no portion of the sign is visible from an existing primary residential structure in that district.

Your rights for an appeal have been included below.

§ 526-12 Administration and penalties.

C. Rights to appeal.

(1) Any applicant for a permit, any person who has been ordered by the Building Commissioner to incur expense in connection with a sign and any person dissatisfied with any refusal, order or decision of the Building Commissioner may appeal to the Planning Board within 30 days from the date of such refusal, order or decision. The fee for the filing of said appeal shall be \$25, payable to the City of Marlborough upon the filing of said appeal. After written notice given to such parties as the Planning Board shall order, the Planning Board shall address the appeal at a regularly scheduled meeting of the Board. Applying the standards described in Subsection C(2) below, where applicable, and interpreting this chapter, the Planning Board shall affirm, annul or modify such refusal, order or decision within 45 days after hearing the appeal. The action of the Building Commissioner may be annulled or modified only by a two-thirds vote of the Planning Board. If the action of the Building Commissioner is modified or annulled, the Building Commissioner shall issue a permit or order in accordance with the decision of the Planning Board.

[Amended 10-6-2014 by Ord. No. 14-1005921A]

The special permit application can be found at: https://www.marlborough-ma.gov/sites/g/files/vyh1if3411/f/uploads/sign_led_message_center_special_permit_city_council_with_ordinance_0.pdf

Code Enforcement Officer Ethan Lippitt

CC File
City Council
Planning Board Secretary



ABUTTERS LIST FOR 133 SOUTH BOLTON ST, MARLBOROUGH, MA (70-242A) - 400 FT

Parcel Number	GIS Number	Cama Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner Address 2	Owner City	Owner State
70-129A	M_196451_899 241	70-129A	0 JOHN ST	COMMONWEALTH OF MASSACHUSETTS		10 PARK PLAZA SUITE 4160		BOSTON	MA
70-166	M_196205_899 336	70-166	69 HOWE ST	TSavidis KATHERINE M TR		15 GRACE CIR		MARLBOROUGH	MA
70-169	M_196207_899 318	70-169	75 HOWE ST	FRONGILLO JOHN		75 HOWE ST		MARLBOROUGH	MA
70-172	M_196219_899 300	70-172	79 HOWE ST	CANCIO AIRES F TR		9 MARGARET CIR		HUDSON	MA
70-176	M_196224_899 281	70-176	85 HOWE ST	PITTOLETTI VANDERLAND O		399 BERLIN RD		MARLBOROUGH	MA
70-182	M_196218_899 263	70-182	91 HOWE ST	WILUSZ DAVID E		10 LAKE ST #2B		WHITE PLAINS	NY
70-183	M_196226_899 254	70-183	93 HOWE ST	LOURENCO LUCIANA		845 SARATOGA ST		BOSTON	MA
70-184	M_196231_899 243	70-184	97 HOWE ST	CENATUS GINETTE		97 HOWE ST		MARLBOROUGH	MA
70-185	M_196235_899 227	70-185	99 HOWE ST	CHRISTENSEN ERIC		53 EWALD AVE		MARLBOROUGH	MA
70-186	M_196238_899 214	70-186	103 HOWE ST	BRASWEL ELEANOR H		12 BELMONT ST		MARLBOROUGH	MA
70-187	M_196278_899 221	70-187	2 SPRUCE ST	SOLIS NARCISO B		20 LEONARD DR		MARLBOROUGH	MA
70-188	M_196307_899 225	70-188	4 SPRUCE ST	ESTES CHARLES L III TR		250 STOW RD		MARLBOROUGH	MA
70-190	M_196332_899 272	70-190	30 BRIDGE ST	MATSIKIS JAMES		30 BRIDGE ST		MARLBOROUGH	MA
70-191	M_196316_899 271	70-191	40 BRIDGE ST	ANDREWS WAYNE L		40 BRIDGE ST		MARLBOROUGH	MA
70-192	M_196309_899 246	70-192	3 SPRUCE ST	YEHOSHUA HOLDINGS LLC		PO BOX 1802		BROOKLINE	MA
70-193	M_196291_899 246	70-193	1 SPRUCE ST	GIRON RENE M		1 SPRUCE ST		MARLBOROUGH	MA
70-194	M_196272_899 239	70-194	100 HOWE ST	PETERS PAUL R SR TR		4 LENA RD		NATICK	MA
70-195	M_196270_899 250	70-195	98 HOWE ST	HOLDEN CHERYL M		98 HOWE ST		MARLBOROUGH	MA

70-196	M_196267_899 262	70-196	94 HOWE ST	MEYER FREDERICK W JR		125 SANDINI RD		MARLBOROUGH H	MA
70-197	M_196262_899 277	70-197	90 HOWE ST	LANDRY ANDRIA J		90 HOWE ST		MARLBOROUGH H	MA
70-198	M_196281_899 273	70-198	48 BRIDGE ST	SPENCER DALE L		48 BRIDGE ST		MARLBOROUGH H	MA
70-199	M_196292_899 272	70-199	46 BRIDGE ST	FERRECCHIA STEFANIE R TR		172 SHAWMUT AVE		MARLBOROUGH H	MA
70-200	M_196302_899 273	70-200	44 BRIDGE ST	RENAUD MELISSA E		44 BRIDGE ST		MARLBOROUGH H	MA
70-204	M_196268_899 346	70-204	75 SOUTH BOLTON ST	ARAK II LLC		C/O WALGREEN CO	PO BOX 1159	DEERFIELD	IL
70-238	M_196302_899 420	70-238	62 COTTING AVE	MILLER HENRI M		62 COTTING AVE		MARLBOROUGH H	MA
70-239	M_196302_899 396	70-239	66 COTTING AVE	BUCKLEY SARAH J		66 COTTING AVE		MARLBOROUGH H	MA
70-240	M_196376_899 340	70-240	96 SOUTH BOLTON ST	HUDSON NATIONAL BANK		PO BOX 460049	C/O RYAN	HOUSTON	TX
70-241	M_196396_899 297	70-241	SOUTH BOLTON ST	CITY OF MARLBOROUGH H		140 MAIN ST		MARLBOROUGH H	MA
70-243	M_196451_899 260	70-243	95 MAPLE ST	DECIERO FRANCIS P		17 WILKINS ST		HUDSON	MA
70-245	M_196432_899 286	70-245	128 SOUTH BOLTON ST	EVANGELOUS MARK E TR		128 SOUTH BOLTON ST		MARLBOROUGH H	MA
70-246	M_196406_899 305	70-246	12 BRIDGE ST	EVANGELOUS MARK		128 SOUTH BOLTON ST		MARLBOROUGH H	MA
70-247	M_196428_899 315	70-247	8 BRIDGE ST	ARCHILA PROPERTIES LLC		21 BALCOM RD		MARLBOROUGH H	MA
70-248	M_196420_899 351	70-248	69 MAPLE ST	WILLIAMS TONG LI		1 SCHIPPER FARM LN		SOUTHBOROUGH H	MA
70-250	M_196404_899 349	70-250	BRIDGE ST	WILLIAMS TONG LI		1 SCHIPPER FARM LN		SOUTHBOROUGH H	MA
70-251	M_196361_899 402	70-251	55 MAPLE ST	KANE MAPLE ST LLC		63 MAPLE ST		MARLBOROUGH H	MA
70-251A	M_196362_899 365	70-251A	SOUTH BOLTON ST	COMMUNITY NATIONAL BANK		PO BOX 460049	C/O RYAN	HOUSTON	TX
70-462	M_196451_899 390	70-462	64-66 MAPLE ST	RESNICK MARC TR		100 FELTON ST STE 201	ATTN BEANTOWN COMPANIES	WALTHAM	MA

70-481	M_196491_899 353	70-481	14 SHAWMUT AVE	WOLF RICHARD R		14 SHAWMUT AVE		MARLBOROUGH H	MA
70-482	M_196462_899 355	70-482	2 SHAWMUT AVE	LEGER PAUL J		2 SHAWMUT AVE		MARLBOROUGH H	MA
70-483	M_196489_899 293	70-483	90 MAPLE ST	JOHN A RAWLINS BUILDING ASSOCIATION		90 MAPLE ST		MARLBOROUGH H	MA
70-484	M_196526_899 295	70-484	23 SHAWMUT AVE	GILROY EDWARD J JR		4 CRESTVIEW DR		SOUTHBOROUGH GH	MA
70-495	M_196529_899 249	70-495	104 MAPLE ST	WALSH TIMOTHY S TR		104 MAPLE ST		MARLBOROUGH H	MA
70-496	M_196530_899 213	70-496	9 GREENDALE AVE	AYOTTE JONATHAN T		9 GREENDALE AVE		MARLBOROUGH H	MA
70-496A	M_196510_899 211	70-496A	3 GREENDALE AVE	SPENCE FRANK B		3 GREENDALE AVE		MARLBOROUGH H	MA
70-497	M_196555_899 214	70-497	13 GREENDALE AVE	ORJI CHEKWUBE MARY		13 GREENDALE AVE		MARLBOROUGH H	MA
70-530	M_196475_899 215	70-530	MAPLE ST	COMMONWEA LTH OF MASSACHUSE TTS		10 PARK PLAZA STE 4160		BOSTON	MA
70-530A	M_196464_899 243	70-530A	MAPLE ST	COMMONWEA LTH OF MASSACHUSE TTS		10 PARK PLAZA STE 4160		BOSTON	MA
82-100	M_196243_899 132	82-100	125 HOWE ST	DEMERS MATTHEW R		62 MORELAND GREEN DR		WORCESTER	MA
82-101	M_196234_899 154	82-101	117 HOWE ST	TSIANATELIS MEROPI		15 FOWLER ST		MARLBOROUGH H	MA
82-104	M_196239_899 205	82-104	107 HOWE ST	DAVIS RICHARD M		107 HOWE ST		MARLBOROUGH H	MA
82-105	M_196241_899 190	82-105	111 HOWE ST	TOMANEK RICHARD C		1 CORTLAND DR		HUDSON	MA
82-106	M_196243_899 176	82-106	115 HOWE ST	BATISTA MARIA DE FATIMA		115 HOWE ST		MARLBOROUGH H	MA
82-107	M_196280_899 206	82-107	108 HOWE ST	MONROY JOSE D		108 HOWE ST		MARLBOROUGH H	MA
82-108	M_196282_899 192	82-108	112 HOWE ST	FERRO MICHAEL A		112 HOWE ST		MARLBOROUGH H	MA
82-109	M_196304_899 205	82-109	47 JOHN ST	BAILEY ELIZABETH A		47 JOHN ST		MARLBOROUGH H	MA

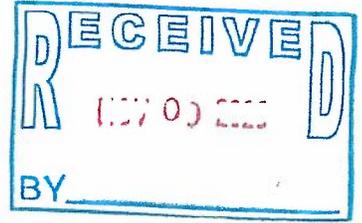
82-110	M_196318_899 205	82-110	41 JOHN ST	VALIANTI PAUL E		126 EDINBORO ST		MARLBOROUGH MA H
82-111	M_196333_899 223	82-111	39 JOHN ST	EMANS CHARLES W		39 JOHN ST		MARLBOROUGH MA H
82-112	M_196347_899 224	82-112	35 JOHN ST	ST MARYS CREDIT UNION		46 LIZZOTTE DR		MARLBOROUGH MA H
82-113	M_196361_899 226	82-113	31 JOHN ST	ST MARYS CREDIT UNION		ATTN ACCOUNTS PAYABLE	P O BOX 729	MARLBOROUGH MA H
82-115	M_196312_899 163	82-115	48 JOHN ST	GLEASON CYNTHIA		32 KNIGHT RD		FRAMINGHAM MA
82-115A	M_196360_899 159	82-115A	JOHN ST	CITY OF MARLBOROUGH		140 MAIN ST		MARLBOROUGH MA H
82-115B	M_196285_899 160	82-115B	52 JOHN ST	DASILVA AGENOR L JR		52 JOHN ST		MARLBOROUGH MA H
82-116	M_196302_899 135	82-116	128 HOWE ST	ZINDLE JODIE M		128 HOWE ST		MARLBOROUGH MA H
82-117	M_196294_899 105	82-117	134 HOWE ST	POIRIER RONALD A		C/O SARA POIRIER	134 HOWE ST	MARLBOROUGH MA H
82-118	M_196296_899 082	82-118	142 HOWE ST	TURIEO SALVATORE D		142 HOWE ST		MARLBOROUGH MA H
82-125	M_196369_899 057	82-125	HOWE ST	MARLBOROUGH H HUB LLC		128 SOUTH BOLTON ST		MARLBOROUGH MA H
82-125A	M_196365_899 126	82-125A	VALLEY ST	STETSON HEIRS OF				
82-126	M_196325_899 083	82-126-138-1	138 HOWE ST #1	TEMPLE ROBERTA B LI EST		138 HOWE ST #1		MARLBOROUGH MA H
82-126	M_196325_899 083	82-126-140-2	140 HOWE ST #2	NEY RUSSELL H		140 HOWE ST #2		MARLBOROUGH MA H
82-126	M_196325_899 083	82-126-C-	138-140 HOWE ST					
82-131	M_196437_899 136	82-131	135 MAPLE ST	GREMAR REALTY LLC		759 WAVERLY ST		FRAMINGHAM MA
82-131A	M_196439_899 102	82-131A	141 MAPLE ST	RAPS REALTY LLC		499 WASHINGTON ST		AUBURN MA
82-241	M_196518_899 131	82-241	134 MAPLE ST	WILLIAMS TONG LI		1 SCHIPPER FARM LN		SOUTHBOROUGH MA
82-242	M_196519_899 145	82-242	130 MAPLE ST	LOPEZ LUIS ALBERTO OSORIO		130 MAPLE ST		MARLBOROUGH MA H
82-243	M_196513_899 160	82-243	126 MAPLE ST	MONFALCONE JOSEPH		126 MAPLE ST		MARLBOROUGH MA H

82-244	M_196544_899 161	82-244	15 GREENWOOD ST	CAMACHO IVELISSE		15 GREENWOOD ST		MARLBOROUG H	MA
82-246	M_196515_899 189	82-246	10 GREENWOOD ST	GRASSO MICHAEL A		10 GREENWOOD ST		MARLBOROUG H	MA
82-246A	M_196542_899 190	82-246A	14 GREENWOOD ST	MONTEIRO EDSON		14 GREENWOOD ST		MARLBOROUG H	MA
82-284	M_196473_899 164 :	82-284	0 MAPLE STREET	METROPOLITA N DISTRICT COMMISSION		251 CAUSEWAY ST STE 500		BOSTON	MA



City of Marlborough BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752



Date: 11/4/2020 Permit No. _____

Address/Location of Sign 133 South Bolton Street

Name of Business Starbucks

Name of Owner of Business _____ Telephone _____

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

Is this a replacement of a same size existing sign(s) YES NO

Dimensions Sign: DOS on Canopy

Length _____ Width _____ Height (Free Standing) _____ Area _____

Location of Sign on Bld. North _____ South _____ East _____ West _____

Dimensions Façade:

Length _____ Width _____ Area _____

Signature of Responsible Party [Signature] member Telephone 508-756-7004

Installer Company Serrato Signs LLC Telephone 508-756-7004

Email linda@serratosigns.com

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

Signature [Signature] member Date 11/4/2020

Cost of Sign(s) 6000 Permit Fee \$ _____



CITY OF MARLBOROUGH

Building Department
(508) 460-3776

**BUILDING
PERMIT
JOB WEATHER CARD**

PERMIT NO: **BP-2020-001554**
ISSUE DATE: **11/04/2020**
APPLICANT: **LINDA SLAUENWHITE**

PERMIT TO: _____ SIGN: _____

AT (LOCATION): **133 SOUTH BOLTON ST, MARLBOROUGH, MA 0** ZONING DISTRICT: **B** Bldg. Type: **Commercial**

SUBDIVISION MAP BLOCK LOT: **70-242A--** BUILDING IS TO BE: _____ CONST TYPE: _____ USE GROUP: _____

WORK DESCRIPTION
DOS ON CANOPY

CONTRACTOR
LICENSE: **CS-078124**
Construction Supervisor
SERRATO SIGNS, LLC.
ANDREW SERRATO
15 DEWEY STREET
WORCESTER, MA 01609

AREA (SQ FT): _____ EST COST(\$): **0.00** PERMIT FEE (\$): **50.00**

OWNER: **ST MARYS CREDIT UNION**
ADDRESS: **ATTN ACCOUNTS PAYABLE**
MARLBOROUGH MA 01752

BUILDING DEPT BY: _____ PHONE: _____

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

MINIMUM INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK: 1) FOUNDATIONS OR FOOTINGS. 2) PRIOR TO COVERING STRUCTURAL MEMBERS (READY FOR LATH OR FINISH COVERING) 3) FINAL INSPECTION BEFORE OCCUPANCY 4) REFER TO DETAILED INSPECTION SCHEDULE

APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.

WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL PLUMBING/GAS AND MECHANICAL INSTALLATIONS.

POST THIS CARD SO IT IS VISIBLE FROM STREET

BUILDING INSPECTIONS APPROVALS

REQUIRED INSPECTIONS LISTED ON REVERSE		
	OTHER: _____	

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

PERMIT WILL BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE.

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.



City of Marlborough Planning Board

Administrative Office
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD
Barbara L. Fenby, Chair
Philip Hodge
Sean N. Fay
George LaVenture
Christopher Russ
Matthew Elder
Krista Holmi, Administrator
(508) 624-6910 x33200
kholmi@marlborough-ma.gov

Variance/Appeal to Provisions of Sign Ordinance: Decision of Planning Board

Date of Hearing: 01-11-21, 01-25-21 Place of Hearing: Remote Microsoft Teams Meeting

1. Applicant name: Serrato Signs, LLC on behalf of St. Mary's Credit Union
2. Address of business in Marlborough: 133 S. Bolton St., Marlborough, MA 01752
3. Applicant business is : Owner of Property, Tenant, Other - Owner Representative
4. Name of person appearing at hearing on behalf of business: Andy Serrato, Serrato Signs, LLC
5. Date of Building Inspector's decision from which appeal is taken: 12/16/20
6. Section of Sign Ordinance in question: Section 526-13 Electronic Message Center Signs; Digital Display Signs (Added 8-25-2014 by Ord. No. 14-1005880B)
7. Reason for variance request: § 526-13 (B)(12) Setbacks from residential zoned area: Sign must be set back a minimum of 200 feet from the nearest point of any abutting residentially zoned district.
8. Description of sign: Digital Order Screen "DOS" displays customer order. Active during customer order process only.

DECISION OF PLANNING BOARD:

The Board decided this case on: 01-25-21 - On a motion by Mr. Fay, seconded by Mr. Elder, the Board voted to approve the variance request for closer placement (of the sign) conditioned upon the determination of appropriate screening to the abutting residential neighborhood (by the City's Engineering Division) and acceptance of the applicant's stated terms of use - that the "DOS" digital customer order screen goes blank between customer orders. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried. **A Special Permit Must be Obtained from the Marlborough City Council Prior to Sign Placement.**

Appeal was A) Granted B) Denied

- A) Appeal was granted under **§ 526-13 (B)(12)**: If because of the shape, size and/or proximity of a commercial lot to a residentially zoned district it is not possible to place the sign more than 200 feet from the nearest point of an abutting residentially zoned district, then the Planning Board may grant a variance for closer placement, provided that when located within 200 feet of a residentially zoned district, all digital display portions of the sign shall be oriented so that no portion of the sign is visible from an existing primary residential structure in that district. The Board concluded that a sign whose view has been limited by screening, has "oriented" the sign so that it would not be visible to the existing residential structure(s).

Barbara L. Fenby
Barbara L. Fenby, Chair

1-29-21
Date



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

Call to Order

January 4, 2021

1. Chairman Vigeant called the special meeting of the Marlborough School Committee to order at 6:00 p.m. at 17 Washington Street, Marlborough, MA. Members remotely present included Michelle Bodin-Hettinger, Earl Geary, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Member Daniel Caruso was physical present, alongside Superintendent Michael Bergeron, and Director of Finance and Operations, Douglas Dias. Chairman Vigeant, MEA Representative, Eileen Barry, Assistant Superintendent of Teaching and Learning, Mary Murphy, and Assistant Superintendent of Student Services and Equity, Jody O'Brien, were all remotely present.

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

2. COVID-19 Discussion

Superintendent Bergeron began the COVID-19 discussion with an update on testing. Binax testing kits were given to MPS for symptomatic students and staff. This testing has over a 95% validity rate. To be able to share information with parents and the Board of Health, a policy will need to be updated, which Mrs. Hennessy will work on with the Superintendent.

Mrs. Matthews proposed that the return to hybrid model gets pushed back to Tuesday, January 19th, because two weeks after the holidays is January 15th, which is a Friday, and that following Monday, the 18th, is a holiday. She suggested that Cohort B should begin the hybrid return in-person first, as the Superintendent has previously suggested.

Mrs. Hennessy voiced her agreement with Mrs. Matthews' proposed return date. She emphasized how cases have already risen since the holidays.

Mrs. Barry acknowledged that this meeting is referring to grades 3-12 students who are fully remote, but she questioned whether the current PK-grade 2 and EL students in school should/could be included or influenced in a decision made tonight.

www.mps-edu.org



Marlborough Public Schools

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

Superintendent Bergeron stated that 22 students are COVID positive across the district, and this figure is split evenly between secondary and elementary students. There are no current quarantines, but there are staff and students in isolation from close contact to family members. At Hildreth School, no classrooms run by MPS have been quarantined, but one classroom run by the Boys and Girls Club has been quarantined. The Superintendent explained the difference between quarantining elementary and secondary students. Secondary students are team-based so more students and staff must be quarantined, but elementary students are classroom-based, which means less individuals are affected by any quarantines. The Superintendent strongly advocated to keep in school the priority students who are learning in person already.

Mrs. Hennessy voiced her hope that the elementary students would interact less with others outside of school since they might remain in their home situation and her belief that older students are more likely to interact with other kids their age outside of their home.

Mrs. Barry offered up an alternative solution: a staggered return to school, by grade or school. This solution would ease staff, student, and family concerns regarding everyone returning to school simultaneously.

Superintendent Bergeron mentioned another school district that had a staggered opening with their elementary students coming back one week and their secondary students returning the next week. He recommended that the cohorts stay together for a staggered opening if the committee discusses this option.

Mrs. Bodin-Hettinger reemphasized that the case numbers in schools tend to be students who are contracting the virus from within their family pods. She also stated that January 11th is too soon to return to school.

Chairman Vigeant explained that the Health Department and Hospital were not comfortable giving a recommendation until later this week, but it would have been too last minute to wait to have a School Committee meeting to vote on this matter after their recommendation. He expressed that waiting longer may be better for physical health but not mental health, so a lot must be considered when deciding what date is best to return to the hybrid model.

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



Marlborough Public Schools

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

The Superintendent noted that a low percentage of students switched from hybrid to full remote learning for this semester.

Mrs. Barry stressed that this decision is not set-in stone; if numbers rise there could be another meeting before January 19th to push back the return to hybrid learning.

Chairman Vigeant does not want to change decisions on a weekly basis or choose a learning model for the rest of the year yet, but he acknowledges that decisions can change. He reiterated the importance of getting children back together in school.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to extend the return date to hybrid learning for grades 3-12 students currently remote to January 19, 2021.

Motion passed 7-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, Ryan, and Vigeant.

3. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 6:32 p.m.

Motion passed 7-0-0. Yes: Bodin-Hettinger, Caruso, Geary, Hennessy, Matthews, Ryan, and Vigeant.

Respectfully submitted,

Heidi Matthews
Secretary, Marlborough School Committee

HM/jm

Approved January 26, 2021

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CITY OF MARLBOROUGH BOARD OF ASSESSORS

MEETING MINUTES: December 8, 2020

OPEN SESSION

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CITY OF MARLBOROUGH

2021 JAN 26 A 11:20

1. CALL TO ORDER: 10:07 a.m.

2. MEMBERS PRESENT: 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 Cynthia Luke, IT (monitoring virtual meeting)

3. MOTION TO ACCEPT: Minutes of the October 30, 2020, meeting
Mr. Manzello; second Ms. Silverstein
Vote 2-0 Mr. Manzello, Ms. Silverstein

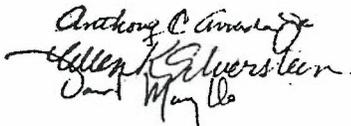
4. MOTION TO ACCEPT: Minutes of the November 24, 2020, meeting
Mr. Manzello; second Ms. Silverstein
Vote 2-0 Mr. Manzello, Ms. Silverstein

5. EXECUTIVE SESSION: 10:12 a.m.
(Meeting adjourned directly from Executive Session)



1.26.2021

MARLBOROUGH ASSESSORS



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CITY OF MARLBOROUGH
2021 JAN 22 P 3:47

CITY OF MARLBOROUGH MEETING

Conservation Commission

Minutes

January 7, 2021 (Thursday)

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

Present: On a roll call vote with the following yeas: Edward Clancy, David Williams, John Skarin, and Karin Paquin were remote. William Dunbar arrived after the minutes were approved. Allan White, Dennis Demers and Priscilla Ryder-Conservation Officer were in Memorial Hall. All 7 members were present.

Absent: none

Approval of Minutes: The Commission reviewed the minutes of Nov. 19th and Dec. 3rd, 2020. Mr. Skarin made a motion to approve, second by the Chairman. It was voted unanimously to approve 6-0 on a roll call vote all yeas: Edward Clancy, Dennis Demers, Karin Paquin, John Skarin, Allan White, David Williams. (Mr. Dunbar arrived after this vote). (Note the meeting of Dec. 17, 2020 had been postponed due to a lack of a quorum)

Public hearings:

Notice of Intent – (Continued from Nov. 18, 2020 meeting)

146 Phelps St. - Delray Realty Trust

Mr. Parente was present representing the owner Delray Realty Trust, Dave Winski. At the last meeting the Commission discussed the Riverfront Area restrictions. Tonight, Mr. Parente wanted to confirm that the wetland boundaries as shown on the plans are approved, and if so, he will redesign the new barn structure to meet the requirements. Ms. Ryder and Ms. Paquin confirmed that they had inspected the Bordering Vegetated Wetland (BVW), Riverfront flags, and Ms. Ryder shared the 100-year floodplain map as well. After some discussion, the Commission members confirmed that the wetland resource areas shown on the plan are accurate. The abutters Gerald and Karin Flynn expressed concern that they don't know yet what it will look like and wanted to confirm the use of the space and wanted assurance it would not be a living space. Chairman Clancy noted that new plans are to be submitted and noted the concern. The hearing was continued to the February 18, 2021 meeting to allow time for the applicant to revise the plans.

Notice of Intent – Continued from Nov. 18th, 2020

2 Spring Ln. - Michael Matros

Mr. Bob Parente, the project engineer, and the owner Michael Matros were present

Ms. Ryder reviewed the comments that had been provided by DEP regarding whether Ch. 91 shoreline access permit or a wildlife habitat evaluation was needed, because they are disturbing more than 50' of the bank along Ft. Meadow. Ms. Ryder confirmed that a Ch. 91 permit was not needed as Ft. Meadow is not a "Great Pond". Mr. Parente asked if the Commission could evaluate whether wildlife evaluation is required. Ms. Ryder reviewed the bank regulations at 310 CMR 10.54 with the Commission. The Commission concluded that the existing rock piles old wall along the shoreline aligns with the regulations pertaining to a man-made wall. Therefore, the performance standards are that it prevents erosion of the shoreline and contain the floods at the water's edge. The owner, Mr. Matros, indicated that he has only lived in the house a few years, but they continue to lose soil from their yard into the lake because the wall is in such disrepair. Mr. Parente indicated they would like to put up an interlocking block wall that is 18" buried, to reveal 12" more or less, but will match the existing contours so there is no filling or alteration of the 100 year floodplain which is located at the 262' elevation as shown on the plan. After discussions about the wall replacement and the eroding shoreline, the Commission agreed that no wildlife habitat evaluation would be necessary, and the wall could be replaced as long as it did not impact the floodplain. The Commission asked for a wall detail on the plans.

The second item that was discussed was the **sewer connection**. Ms. Ryder noted that City Engineer DiPersio had asked why the current pump system couldn't be used. Mr. Parente indicated they'd like to tie into the sewer as shown which works on gravity. After some discussion about the proximity of this connection to the lake and dewatering needed, the Commission asked Mr. Parente to contact the City Engineer to be sure this design was acceptable, and to move the sewer connection as far away from the water as possible. It was also recommended that they install a backflow preventer to ensure the trunk line can't back up into the house. Sewer connection need to check with engineering to confirm this connection work.

After further discussion about the minor house plan changes and the inclusion of the foundation drain, at the applicants request the hearing was continued to January 21st, at which time the applicant will provide a revised plan as noted above and any input from the City Engineer. At this next meeting the Commission will do a final review and review a draft set of conditions. The hearing was continued.

Violation/project updates:

- Goodale Estates – Jenkins Lane - Ms. Ryder noted that during the Christmas day rain event muddy water was leaving this site. She reviewed a violation notice with the Commission. After some discussion the Commission voted unanimously on a roll call vote 7-0 on a motion to approve and ratify this violation notice.

Certificate of Compliance:

- 212-1036 37 Boivin Dr. (Lot 13) - Robert DiBenedetto of Hancock Associates was present. He explained that his client is seeking a Certificate of Compliance for this house lot, however in reviewing the Order of Conditions and discussions with Ms. Ryder

January 7, 2021

she has noted that several items of the Order of Conditions had not yet been addressed. One of which was that the revised house plan was to have received prior approval from the Commission before construction if it deviated from the area originally approved. He showed the new house footprint superimposed on the approved house footprint. The new footprint is closer to the wetlands in one area and further in others. He also showed the proposed deck which was not on the original approved plans. He also noted that the deck and walkway and retaining walls have not been completed. The commission asked about the construction of the boulder wall and if it had filter fabric in front of the wall to prevent fine soil from migrating, how will the deck footings be installed given the boulder wall location, the proposed fence as required in the Order of Conditions, the roof drain design and location of discharge, the deck footings cannot impact the boulder wall, and the stabilization of the ground- there is no loam and seed yet and everything is not stable. The Commission also noted that the erosion controls have been damaged and that they all need to be reestablished since the site won't be finally stabilized until the spring. Mr. DiBenedetto will convey all of this to the owner. The Commission asked Ms. Ryder to convey this in writing to the building commissioner too as well as the project owner to ensure all these items are addressed. The Commission noted that they would not be issuing a Certificate of Compliance for this lot until such time that everything is addressed; and the lawn area is landscaped and stable.

- 212-1037 23 Boivin Dr. (lot 14) – Mr. DiBenedetto explained that they are not ready with this one but will return when they are.

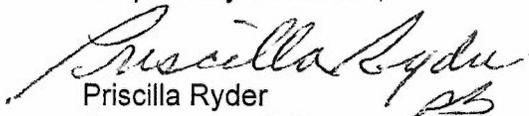
Discussion/Correspondence/Other Business - The Commission accepted the following correspondence.

- List of 2021 meeting dates.
- Revised Commission Members information

Next Conservation Commission meetings – January 21st and Feb. 4th, 2021

Adjournment: There being no further business, on a motion by Mr. White, second by Mr. Demers, the Commission voted unanimously on a roll call vote 7-0 to adjourn at 8:52 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

Marlborough Public Library Board of Trustees
Meeting Minutes

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January 5, 2021

Bigelow Auditorium, Marlborough Public Library and Microsoft Teams

2021 FEB -4 A 8:03

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

Board Members Present in Bigelow Auditorium: Fred Haas, Nena Bloomquist, Janice Merk, Rustin Kyle, Bill Brewin, Karen Bento

Board Members Present on Microsoft Teams: Tom Abel, Samantha Khosla, Robyn Ripley

Also Present in Bigelow Auditorium: Margaret Cardello, Library Director; Mark Gibbs, Marlborough IT Director

Also Present on Microsoft Teams: Samantha Perlman, Marlborough City Councilor

Documents Reviewed/Referenced:

1. Agenda
2. Minutes from the December 1, 2020 meeting
3. Trust Fund/State Aid report for December 2020
4. Director's Report
5. Naming Opportunity Memorandum of Agreement for Cattarin Family

Proceedings:

1. **Minutes:** *A motion (Brewin/Haas) to approve the minutes from the December 1, 2020 meeting was passed via a roll call vote.*
2. **Trust Fund Reports:** *A motion (Brewin/Bloomquist) to approve the trust fund reports for December 2020 was passed via a roll call vote.*
3. **Director's Report:**
 - The new pickup schedule for the Contactless Holds Pickups program launched on January 4. Patrons have been pleased with the change and appreciate having a broader window to collect their requested items.
 - The construction documents for the library renovation and expansion project have been completed and submitted to the MBLC. Margaret and the project team (architects and project manager) will meet with the MBLC next week to address any outstanding questions they may have. Once the MBLC Building Consultants approve the documents, the City can request the third grant payment of \$2,037,325. The City must now determine when to place the project out for bid. The grant stipulates that a signed construction contract must be in place by June 30, 2022.

- The Library Building Committee met on December 10 to review the latest renderings and schedule. Margaret has posted the renderings on the library website to share them with the public. The next meeting is expected to take place in March, when the parking plan will be discussed.
- The Children’s Librarian, Jennie Simopoulos, ran several holiday programs in December that once again illustrated the staff’s creativity and determination to serve patrons of all ages during the pandemic. The programs included making pop-up cards, science experiments, themed story times, and other crafts. Individual activity boxes were provided to children who registered. Margaret estimated approximately 30 children registered for each program, and all activities were very well received.

4. **Committee Reports:**

- Marlborough Public Library Foundation:
 - MPLF Chair Nena Bloomquist shared that the Cattarin family of Marlborough has made a generous donation to the Foundation’s Capital Campaign. In recognition of their support, a study room in the new facility will be named for the family. Nena presented the Naming Opportunity Memorandum of Agreement to the board for approval. *A motion (Kholza/Bloomquist) to approve the Naming Opportunity Memorandum of Agreement was passed via a roll call vote.*
 - Nena also shared that her children surprised her over the holidays by making a similar donation to the Capital Campaign, in honor of her dedication to the library. A study room in the new library will be named for the Bloomquist-Farrell family. The Memorandum of Agreement will be submitted to the Trustees at the next meeting.
 - The Foundation will be sending tax receipts to donors in January.

5. **Old Business:**

- Margaret received a formal letter from the City Solicitor which contains the language previously accepted by the Trustees concerning the restoration, preservation, and ownership of the Book of Town Records from 1666 to 1698. *A motion (Brewin/Kyle) to accept the letter was approved via a roll call vote.* Following the approval, Margaret said that she would investigate digitization and restoration options for the book.

6. New Business

- The annual election of officers took place at this meeting. Having received no nominations for the positions of Chair, Vice Chair and Secretary, Tom proposed the existing slate of officers serve for another year. All were in agreement, and the board elected Tom Abel as Chair, Bill Brewin as Vice Chair and Janice Merk as Secretary for the coming year.
- Bill asked Margaret if there were plans to vaccinate the staff prior to the library's reopening. Margaret has not received information regarding that from the City. City Councilor Samantha Perlman noted that the City is following the vaccine distribution guidelines established by Governor Baker's administration.
- Nena informed the Trustees that the local high schools were putting together their Scholarship Booklets for graduating seniors. The board discussed revising the essay question used for the Trustees Scholarship to have students reflect on the challenges of this past year. Nena agreed to develop a new question.

7. Adjournment: *A motion (Kyle/Bloomquist) to adjourn was approved at 7:32pm.*

Minutes submitted by Janice Merk.

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A
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CITY OF MARLBOROUGH
2021 FEB -3 P 1:28

Call to Order

January 11, 2021

The remote meeting of the Marlborough Planning Board was called to order at 7:00 pm. Members present- Barbara Fenby, Matt Elder, Sean Fay, Phil Hodge, George LaVenture and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio, Assistant City Solicitor, Jason Piques and Planning Board Administrator, Krista Holmi.

First order of Business: Planning Board Organizational Meeting – Election of Clerk and Chairperson

Chair Fenby opened the organizational meeting. Mr. Elder opened the nominations for Clerk. Mr. Fay nominated Mr. George LaVenture to serve as Clerk of the Planning Board. There were no additional nominations. On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to elect Mr. George LaVenture to serve as Planning Board Clerk for the year 2021. Yea: Elder, Fay, Hodge, Russ, Fenby. Nay: 0. Abstained: Mr. LaVenture. Motion carried. George LaVenture opened the nominations for Planning Board Chairperson by nominating Dr. Fenby. There were no other nominations for Chairperson. On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to elect Dr. Barbara Fenby as Chairperson of the Marlborough Planning Board for the year 2021. Yea: Elder, Fay, Hodge, LaVenture, Russ. Nay: 0. Abstained: Fenby. Motion carried.

1. Meeting Minutes

A. December 21, 2020

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the December 21, 2020 meeting minutes. Yea: Elder, Fay, LaVenture, Russ and Fenby. Nay: 0. Abstained: Hodge. Motion carried.

2. Chair's Business

A. Proposed 2021 Planning Board Meeting Calendar

Chair Fenby brought the proposed calendar to the Board's attention, requesting member feedback. The Board had no issues with the calendar. Mr. Fay indicated that he would be absent for the July 19 meeting, and Mr. Elder anticipated missing the June 21 meeting.

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

A. Subdivision Status Report

City Engineer DiPersio provided brief project updates on Goodale Estates and 76 Broad Street, but those will be discussed in further detail in other agenda items. Engineering has exchanged emails with the Commonwealth Heights developer. Construction on the project hasn't begun. Two options are under consideration- selling the property or doing something on their own. The developer anticipates a preliminary construction schedule in the coming months.

B. Goodale Estates

i) Performance Bond (informational)

At the last meeting, the Board voted to approve the reduction of the bond securing the completion of the subdivision to \$123,000. The anticipated rider did not arrive in time for publication but will be forthcoming.

ii) Executed Second Amendment to Performance Agreement (informational)

The executed Second Amendment appeared in the agenda, which confirms an extension of the approval (completion) until 12-31-21. Final paving and landscaping were intentionally delayed due to extensive lot construction.

Mr. Hodge noted extensive jack hammering on the private lots. Mr. DiPersio acknowledged the considerable ledge on the property. This site work is unavoidable during the foundation work and laying of the utilities. Engineering has not received any neighborhood complaints, however.

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

7. Definitive Subdivision Submissions (None)

8. Signs

- A. Application for Sign Variance – Serrato Signs, LLC on behalf of St. Mary’s Credit Union/Starbucks 133 S. Bolton St. Andy Serrato of Serrato Signs was online to introduce the variance request. It was the determination of the Building Department that the Digital Order Screen (DOS) was considered an electronic sign. Due to the sign’s proximity to an existing residential zone, a variance is required from the Planning Board.

Mr. Serrato explained that the screen is only active when a driver is in front of the screen. The screen displays items ordered and the order cost. Chair Fenby inquired about the other signs surrounding the DOS, and Mr. Serrato indicated those static menu displays are allowed by right and have received approval. Members Fay and Elder visited the site. It does appear that the sign is visible from existing residential properties. Mr. Fay read from the ordinance.

Setbacks from residential zoned areas. The sign must be set back a minimum distance of 200 feet from the nearest point of any abutting residentially zoned district. If, because of the shape, size and/or proximity of a commercial lot to a residentially zoned district it is not possible to place the sign more than 200 feet from the nearest point of an abutting residentially zoned district, then the Planning Board may grant a variance for closer placement, provided that when located within 200 feet of a residentially zoned district, all digital display portions of the sign shall be oriented so that no portion of the sign is visible from an existing primary residential structure in that district.

The project’s site plan was displayed, and various screening options were discussed including shrubbery, fencing or polarized filters on the screen, which could potentially limit visibility. Mr. Fay asked Assistant City Solicitor Piques whether the Board had any other authority to grant the variance other than that explicitly mentioned in the referenced code section. Solicitor Piques will do some additional research and provide a review on that question. Councilor Robey addressed the Board and discussed another installation near City center that had requested a variance. In the end, zoning allowed the installation. There was a discussion as to whether the proposed wall on the corner of the property could provide adequate screening. Chair Fenby requested that Mr. Serrato explore possible screening options at the site. She said that Engineering may be used as a resource in exploring site screening options. Mr. Fay commented that small screen displays are commonplace and can facilitate street safety by avoiding order delays and vehicle backups onto roadways. Mr. LaVenture commented that it may be time for the City to look at an overarching policy on these types of signs. Chair Fenby solicited a motion. On a motion by Mr. Fay, seconded by Mr. Hodge, the Board voted to accept and file the correspondence and to refer to Legal. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

Ms. Fenby asked Mr. Serrato if he understood his direction for the next meeting. He should determine how to best protect the abutting residences. Mr. Elder commented that he did not favor the lens option. Its effectiveness could not be evaluated until after the variance was granted. Chair Fenby invited members to view another DOS installation at the APEX Center Starbucks and to view the proposed site at 133 S. Bolton before the next meeting on January 25.

9. Correspondence (None)

10. Unfinished Business

A. Ongoing Review - Definitive Subdivision Application - 76 Broad St. 4-Lot Subdivision

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

Engineer: Hancock Associates, 315 Elm St., Marlborough, MA 01752. Robert DiBenedetto, Representative.
Attorney Sandra Austin, Counsel.

i. Letter from Attorney Sandra Austin re: Request for Extension of Decision

Mr. LaVenture read the January 5, 2021 letter from Attorney Sandra Austin into the record. On behalf of her client, W.R.E., LLC she requests an extension on the time to act on the 76 Broad St. subdivision application from January 22, 2021, until February 12, 2021. On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the correspondence and to extend the time for decision on the 76 Broad St. definitive subdivision from January 22, 2021 until February 12, 2021. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

ii. Draft Certificate of Vote

Attorney Austin provided a draft certificate of vote for the 1-11-21 agenda. Mr. Russ questioned whether the applicant could build more units than proposed, since zoning could allow a greater density. City Engineer DiPersio commented that higher density would not be allowed by right but would need to be by special permit. A legal question was presented. If the plan contained a note restricting the number of units, is that enforceable? On a motion by Mr. Fay, seconded by Mr. Elder the Board voted to accept and file the correspondence and refer the draft certificate of vote and the question regarding enforcement of plan notations to Legal. Yea: Elder, Fay, Hodge, Elder, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

B. Working group discussion – Planning Board Rules and Regulations

i. Fees, Cross-Section, Forms – Update

Mr. LaVenture updated the Board on the working group developments. The group met on Friday, January 8th to continue its discussion of proposed fees. He noted several documents were distributed to members prior to the Planning Board meeting, which will illustrate the group's discussion. Mr. LaVenture worked through each document.

1) Proposed fee changes for Appendix K – Subdivision Regulation Fee Schedules.

He explained that fee changes were proposed after the following considerations:

- review of fees charged by 16 MA communities [Beverly, Billerica, Braintree, Everett, Fitchburg, Framingham, Holyoke, Hudson, Natick, Salem, Shrewsbury, Southborough, Westfield, Weston, Woburn, and Worcester],
- use of the Bureau of Labor Statistics Consumer Price Index inflation calculator to see the present buying power of the 1991 fees ; and
- sample calculations performed by Assistant City Engineer Collins and City Engineer DiPersio.

Mr. LaVenture explained the working group was proposing the follow fee changes:

APPROVAL NOT REQUIRED PLAN

CURRENT: \$50.00 filing fee, plus \$50.00 for each lot described on the plan.

PROPOSED: \$100.00 application fee, plus \$100.00 for each lot altered and for each building lot created.

PRELIMINARY SUBDIVISION PLAN

CURRENT: \$200.00 filing fee plus \$1.00 per linear foot of proposed roadway. Plus \$100.00 for advertising for public hearing, if held.

PROPOSED: \$400.00 application fee plus \$2.00 per linear foot of proposed roadway.

DEFINITIVE SUBDIVISION PLAN

CURRENT: \$500.00 filing fee plus \$2.00 per linear foot of proposed roadway less 80 percent (80%) of all fees paid for preliminary subdivision plan if filed within seven (7) months of filing of preliminary plan. Plus, mailing costs.

PROPOSED: \$1000.00 application fee plus \$3.00 per linear foot of proposed roadway less 80 percent (80%) of the application and proposed roadway fees paid for preliminary subdivision plan if filed within seven (7) months of filing of preliminary plan.

CHANGES TO SUBDIVISION PLAN SUBSEQUENT TO APPROVAL

CURRENT: \$200.00 filing fee. \$100.00 advertising for public hearing, if any. Plus, mailing costs.

PROPOSED: \$400.00 application fee.

INSPECTION OF SUBDIVISION CONSTRUCTION

CURRENT: \$50.00 plus \$1.00 per linear foot of proposed roadway.

PROPOSED: None. Not previously charged

SUBDIVISION EXTENSION REQUEST

CURRENT: None.

PROPOSED: \$200.00 application fee.

SCENIC ROAD REQUEST

CURRENT: None.

PROPOSED: \$50.00 application fee.

SIGN VARIANCE REQUEST

CURRENT: None.

PROPOSED: \$50.00 application fee.

SPECIAL STUDIES BY CONSULTANTS

All expenses in connection with any special consultant's study, (such as a traffic, impact, ground water, or sub-surface study) considered necessary by the Planning Board shall be borne by the applicant in full and shall be in addition to the filing or other fee and paid directly to the consultant.

2) Mr. LaVenture discussed removing "process" from the Appendix K fee document, favoring "fee only" information. The Subdivision Rules and Regulation document would detail the process of fee payments.

3) Proposed language changes for the Appendix K – Subdivision Regulation Fee Schedules.

Mr. LaVenture reviewed proposed language changes to Appendix K that would implement the proposed fee changes and the following:

- reiterating that Planning Board fees are established to cover administrative costs borne by the City,
- defining the Filing Fee as consisting of a fixed Application Fee plus any variable Proposed Roadway Fee; and
- making the costs of public notice and advertising for hearings, including any processing and mailing costs, payable by applicant directly to the vendor.

The three documents were generally accepted by the Board but will need to be reviewed by Legal. Matthew Elder expressed his reservations about raising fees during these times.

City Engineer DiPersio shared numerous pictures from subdivisions around the City. Photos depict the various cross-sections including pavement width and right of way variations.

ii. Assignment of next tasks

For the next meeting of the Planning Board, Engineering will provide the proposed cross-sections for inclusion in the updated subdivision regulations.

Mr. LaVenture also asked Board members to begin reviewing the regulations for suggested changes. It will be more efficient if everyone can work ahead a bit and prepare for requested input. Please pass any comments including specific language recommendations to Ms. Holmi.

11. Calendar Updates

A. Extension of the time to act – 76 Broad St. Definitive Subdivision Application - Feb. 12, 2021. Decision is due by the February 8 meeting.

12. Public Notices of other Cities & Towns

- A. City of Framingham – 7 Notices
- B. Town of Berlin – 1 Notice

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and all file remaining items and to adjourn the meeting. Yea: Elder, Fay, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

Respectfully submitted,



George LaVenture/Clerk

/kih

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CITY OF MARLBOROUGH

2021 JAN 28 P 5:07



**CITY OF MARLBOROUGH
OFFICE OF TRAFFIC COMMISSION
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752**

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held as a **virtual meeting** on Wednesday, December 30, 2020 at 10:00 am. Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen, Commissioner of Public Works Sean Divoll and City Clerk Steve Kerrigan. Also present: City Engineer Tom DiPersio, Assistant City Engineer Tim Collins, Sgt. Zac Attaway from the MPD Traffic Services Unit, City Councilor Katie Robey, City Councilor Mike Ossing, City Councilor Rob Tunnera and local resident Barry Hunter.

Minutes taken by Karen Lambert, MPD Records Clerk.

Chief Giorgi started recording the meeting at 10:00 and began by welcoming everyone and making introductions.

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, November 25, 2020.

MOTION was made, seconded, duly VOTED:

TO APPROVE – All in Favor - Accept and Place on File.

2 - New Business –

2a) Use of utility poles to hang City-owned signs.

At the last meeting Commissioner Divoll asked if there was any language in the City Code about having to obtain permission from utility companies to hang signs on their poles. The Commissioner did some research, however, most of what he could find related to private signs not public signs. He referenced several specific articles regarding issues in other communities with private signs being hung on utility poles (i.e. yard sales

etc.). He feels that the City should probably set an example and not use the utility poles for City-owned signs either, unless there is no other option available. He said that it would be a better look for the City.

Chief Giorgi asked if the Traffic Commission needed to draft language to this effect or if this issue could be handled internally through the DPW. All agreed that the easiest and best solution was to refer this to the DPW to handle.

MOTION was made, seconded, duly VOTED to REFER to Commissioner Divoll and the DPW for enforcement.

2b) Request for No Parking Signs on Diconzo Blvd.

This request came from the Property Manager for Northborough Property Management. The Trustees at Williamsburg Heights, the condo association behind Home Depot, wanted to know if the City could install No Parking signs on Diconzo where it meets Settlers Lane, Pioneer Tail and Bowstring Way. The complaint was that residents can't see around the cars when they are trying to pull out. Chief Giorgi questioned if this was more of an enforcement issue. Are cars parking too close to the intersections?

Tim Collins said that these aren't actual streets but rather named driveways. It seems like they are asking us to ticket their own residents. Maybe this is something they should handle internally through the condo association. He questioned if everyone in the condo association is in agreement with this? There is already a City Ordinance in place which prohibits parking within 20 feet of an intersection. An internal memo from the condo association to their members could be helpful. Mr. Collins also said there are actually two condo associations for the area, one for the inner loop and one for the outer loop. Chief Giorgi advised that he would reach out to the Management Company to advise of the discussion.

MOTION was made, seconded, duly VOTED to REFER to Chief Giorgi to talk to the Management Company.

3-Old Business

3b) Request for No Parking Sign – Paquin Drive.

Mr. Barry Hunter was in attendance for this issue. His property on Paquin Drive borders the local beach entrance. He is requesting "No Seasonal Parking" in the area. They have a lot of issues with beach goers, who are not local residents, parking here in the summer. The City puts up temporary cardboard No Parking signs here in the summer, however, he is asking about the plans for the coming year and would like to see permanent signs installed.

Tim Collins pulled up an example of a sign from Cullinane Drive. This is exactly what Mr. Hunter is requesting. Chief Giorgi said that it was helpful that Mr. Hunter was in attendance as the Traffic Commission was under the impression that he just wanted one No Parking sign next to the beach entrance. The actual request is for "Seasonal No

Parking” on the entire street. Chief Giorgi said that it makes sense to do this. He said that Sgt. Attaway and his officers are the ones who post the temporary signs. They are the same signs that are used on Causeway Street and Lakeshore Drive.

Steve Kerrigan questioned that if we do this on Paquin Drive, are there other streets that should be addressed at the same time? It makes more sense to address the issue as a whole vs. one street at a time. Sgt. Attaway said that they posted the temporary signs up Miles Standish Drive and the 10 driveways onto Simpson Road. They didn't get all the way up to Paquin Drive. All agreed that it does make sense to look at a specific radius and see what areas are most impacted and sign the whole area. The main factor is how far people want to walk. Tim Collins asked if we were talking about residents parking there or everyone or overflow. Some people who are coming from outside will just park past the signs and walk down. The Chief said if we are doing “No Seasonal Parking” on Paquin Drive we should at least do Miles Standish Drive up to Simpson Road. This would be a good start.

Tim Collins brought up the huge problem this past summer with large crowds at the beach before it was officially open and while the facilities were still closed. Mr. Hunter said that the temporary signs do work the way they are supposed to and are helpful, however, he would like to see something more permanent. Commissioner Divoll said that if we do expand the seasonal no parking area, what happens if a resident has a party over the summer and now has no extra parking in front of their house. Mr. Collins said that this is what he was alluding to before. He also asked if the regulation could be altered to coincide with normal beach hours? Sgt. Attaway suggested dusk to dawn. We just have to make sure residents understand that the signs are being requested. Mr. Collins suggested maybe adding “permitted” parking. It was also suggested that if a resident was planning to have a party, they could call the Police Department and advise as to their address and the date. Sgt. Attaway said that enforcing this would be very difficult. Chief Giorgi suggested using “authorized” or “no beach parking”. He asked if we needed to make a regulation. The Commission can vote on the concept now and Tim Collins can present specific wording for a vote at the next meeting.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to propose the wording for the seasonal no parking signs.

3a) Speed and Parking Issues on Church Street.

- 1) Update on Speed Limit Signs:** Tim Collins was looking for new locations for the Speed Limit Signs. He was reviewing what was needed and where signs would be most appropriate. There are 4 existing Speed Limit signs, however, they are all on utility poles. He is proposing more notice toward East Main Street closer to the Sandwich Shop as there is a lot of traffic coming into the area. It's better to go from 4 to 6 signs to notify of the 25-mph speed limit. This should be sufficient here and then maybe at the bend in the road by Essex Street. The site distance issue should be all set.
- 2) Update on No Parking Signs:** Tim Collins reviewed the area and made suggestions on where to restrict parking. He focused on the areas of concern rather than the entire street. He will prepare the wording for the regulation for the next meeting. The regulation will clearly specify where parking is restricted.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for the new sign locations and the wording for the parking restrictions.

3c) Complaint Concerning No Parking Signs on River Street.

Chief Giorgi prepared the revised regulations for the parking restrictions. The original regulation which created No Parking on the entire length of River Street, both sides, was repealed. The new regulation which adds the West/South side of River Street to the Schedule of "No Stopping, Standing or Paring Anytime". A second regulation was created to add the East/North Side of River Street to the Schedule of "Parking Prohibited Certain Hours". This would alleviate the problems for neighbors. The regulations were voted on at the last meeting based on Tim Collins' recommendation.

Karen Lambert will forward the amended regulations to Steve Kerrigan for Advertisement.

Chief Giorgi asked if any of the Councilors present had anything else they would like to discuss.

Councilor Tunnera was interested in knowing which streets would be included in the 'Seasonal No Parking' area. He specifically asked about Richard Road which is off of Miles Standish Drive. Chief Giorgi said that the area would have to be extended further to include Richard Road. Sgt. Attaway said that we can continue to do the temporary seasonal signs up in that area. If it continues to be a problem, it can be readdressed.

Councilor Ossing mentioned that with regard to the Dicenzo Blvd. issue, it might be a good idea to reach out to Councilor Doucette as he lives in that area. Chief Giorgi advised that he would call him to discuss.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:41 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- City of Marlborough Meeting Posting for Traffic Commission Meeting on Wednesday, December 30, 2020 including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, November 25, 2020.
- Email from Chief Giorgi, dated 11/30/20, Re: December Meeting – Reminder to add "Use of utility poles to hang City-owned signs" to the agenda.

-Email from Devin Desautels to the Police Department, dated 12/1/2020, Re: Request for parking limit signs on Dicenso Blvd., including diagram with locations indicated.

-Copy of amended regulations to REPEAL Schedule of “No Stopping, Standing or Parking Anytime” on both sides of River Street and ADD revised regulation to include the West/South Side only.

-Copy of amended regulation to ADD the East/North Side of River Street to the Schedule for “Parking Prohibited Certain Hours”.

Additional Handouts

None

**City of Marlborough
Zoning Board of Appeals
January 19, 2021 7:00 PM
Minutes
Microsoft Teams Meeting**

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2021 FEB -2 P 3:12

Location – 0 Locke Dr.

ZBA Case # 1471-2020

Map 67, Parcels 2 and 2B

Applicant: Keith H. Kline, Trustee

Date of Appeal: Dec. 11, 2020

Date of Meeting: January 19, 2021

Zoning relief requested: Variance Request - To construct a single-family dwelling at 0 (Zero) Locke Dr. being Map 67, Parcels 2 & 2B, located in the Residence A-2 zoning district. Proposal does not comply with:

- Chapter 650-41 Table of Lot Area, Yards, and Height of Structures of City Code of Marlborough – The zoning code states that the use requested requires 18,000 sq. ft. vs. the proposed 13,112 sq. ft. of area in an A-2 zoning district.
- Chapter 650-42 - Lot Shape – Unable to fit the required rectangle within the lot lines.

Members present in City Hall: Paul Giunta-Chairman and Thomas Pope. Also, Susan Brown-Secretary.

Present remotely: Ralph Loftin, Thomas Golden and Robert Levine

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

Present remotely was the applicant Keith H. Kline.

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

A packet submitted by the applicant containing the following:

- The application form, with an Addendum to Variance Application, Dorothea J. Kline Revocable Trust, Locke Dr. (Parcel ID 67-2 & 67-2B),
- A denial letter from the Building Commissioner, dated Dec. 6, 2020
- Plan entitled ZBA Petition Plan, Map 66, Parcels 2 & 2B, Locke Drive, Marlborough, MA, prepared by Sullivan, Connors & Associates, Stamped by Varoujan H. Hagopian, dated Sept. 18, 2018, last revised Nov. 24, 2020.
- Certified list of abutters
- Filing fee of \$130.00

The property in question is located at 0 (Zero) Locke Dr. being Map 67, Parcels 2 & 2B. Located in Zoning District Residence A-2. (it should be noted that at the rear of the parcels in question is zoned Limited Industrial)

Keith Kline made a presentation in accordance with his narrative entitled: Addendum to Variance Application, Dorothea J. Kline Revocable Trust, Locke Dr. (Parcels ID 67-2 and 67-2B) (in Board's file). John and Dorothea Kline were parents of Keith Kline. They formed the Dorothea J. Kline Revocable Trust. (in Board's file) Some of the highlights in the narrative were:

- a. 1958, John and Dorothea Kline acquired the Locke Dr. property. This lot was essentially rectangular in shape with an area of approximately 18,450 sq. ft.
- b. Because of takings for the construction of I-495, the relocation of Locke Dr. and associated takings by the City of Marlborough, the lot now contains 13,157 sq. ft. vs. the minimum required 18,000 sq. ft. for Zoning District Residence A-2.
- c. 2005, an old Zoning Board of Appeals file (1327-2005) was reviewed by the Board, where John Kline received two variances, for Lot Shape and Lot Area. Due to health issues, the variances lapsed (variances are good for 1 year).
- d. The lot was rezoned from Limited Industrial to Residence A-2 approximately 2 years prior to the ZBA's grant of the 2005 variances (1327-2005) to John Kline.

The applicant, Keith Kline, proposes to construct a single-family home which will meet all current zoning setbacks. Again, the two deviations are Lot Shape and Lot Area. It should be noted that at the rear of the parcels in question, the area is zoned Limited Industrial.

Topography – the parcels slopes slightly to the rear.

Mr. Kline stated the hardship as when the Kline family acquired Locke Dr. the property had an area of over 18,000 sq. ft. (Zoning District Residence A-2 requires a minimum of 18,000 sq. ft.) and was essentially rectangular in shape and as such would have met the lot area and lot shape requirements of Chapters 650-41 and 650-42. Thru land takings for the construction of I-495 and the relocation of Locke Dr. thru no fault of their own, they are left with an undersized and oddly shaped lot which is undevelopable and unusable for practical purposes. Without relief, the property is virtually worthless and unusable for its intended and otherwise permitted residential use in a residential district.

The Board questioned whether the two parcels (Parcels 2 and Lot 2B) would have to be combined legally to create one lot. The applicant stated that considering both lots are under common ownership, he believes they would be considered one lot. As a condition, if variances were granted, the Board would like to make sure it is legally one lot. The Board stated that prior to the issuance of a building permit, the applicant shall go before the city's Planning Board to combine Parcels 2 and 2B into one lot and the new stamped plan shall be submitted to the Building Dept. and the Zoning Board of Appeals. Said new plan shall be recorded at the Registry of Deeds.

There were no questions from the audience. Or were there any opposition to the petition.

Zoning Board of Appeals

Minutes – January 19, 2021

Page 3 of 4

Speaking in favor of the petition was Cheryl Kline (wife of Keith Kline, applicant) 44 Short St. Marlborough, MA

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

After much discussion, a motion was made by Robert Levine and seconded by Thomas Golden to grant the two requested variances as follows:

- Chapter 650-41 Table of Lot Area, Yards, and Height of Structures of City Code of Marlborough – The zoning code states that the use requested requires a minimum of 18,000 sq. ft. vs. the proposed 13,112 sq. ft. of area in an A-2 zoning district.
 - A motion was made by Ralph Loftin and seconded by Robert Levine to grant a variance for Lot Area. The Board voted 5-0 to grant the variance, with Paul Giunta, Ralph Loftin, Robert Levine, Thomas Pope and Thomas Golden voting in the affirmative.

- Chapter 650-42 - Lot Shape – Unable to fit the required rectangle within the lot lines.
 - A motion was made by Robert Levine and seconded by Ralph Loftin to grant a variance for Lot Shape. The Board vote 5-0 to grant the variance, with Paul Giunta, Ralph Loftin, Robert Levine, Thomas Pope and Thomas Golden voting in the affirmative.

Decision

Based on the above findings and the plan presented entitled: ZBA Petition Plan Map 67, Parcels 2 and 2B Locke Dr., Marlborough, MA, Prepared by: Sullivan, Connors & Associates, Stamped by: Varoujan H. Hagopian, Dated: 9/18/2018, Last revised: Nov. 24, 2020 the Board finds that thru land takings for the construction of I-495 and the relocation of Locke Dr. thru no fault of their own, the applicant is left with an undersized and oddly shaped lot which is undevelopable and unusable for practical purposes. Without relief, the property is virtually worthless and unusable for its intended and otherwise permitted residential use in a residential district. In constructing a proposed house which will meet all other zoning setbacks, except for Lot Shape and Lot Area, it will not be a detriment to the public good because there are many other residential homes in the area.

The Board voted 5-0 to grant zoning relief (variances) for:

- Chapter 650-41 Table of Lot Area, Yards, and Height of Structures of City Code of Marlborough – The zoning code states that the use requested requires 18,000 sq. ft. vs. the proposed 13,112 sq. ft. of area in an A-2 zoning district.
- Chapter 650-42 - Lot Shape – Unable to fit the required rectangle within the lot lines.

Zoning Board of Appeals

Minutes – January 19, 2021

Page 4 of 4

with the following **conditions**:

1. Prior to the issuance of a Building Permit, the applicant shall go before the city's Planning Board to combine Parcels 2 and 2B into one lot and record the stamped plan with the registry of Deeds. A copy of the stamped plan should be provided to the Building Dept. and to the Zoning Board of Appeals for their files.
2. These two variances for Lot Shape and Lot Area are only for a proposed single-family home. All other zoning requirements, i.e. zoning setback requirements, lot coverage, height will conform according to criteria listed for Zoning District Residence A-2.
3. Prior to the issuance of a Building Permit, the applicant at their expense shall record these zoning reliefs (variances) in the Middlesex South District Registry of Deeds after the City Clerk has certified that the 20-day appeal period has elapsed with no appeal having been filed and before the applicant shall apply to the Building Dept. for a building permit.

End of Conditions

Respectfully submitted,


Paul Giunta – Chairman 
Zoning Board of Appeals