

REGULAR MEETING
MAY 24, 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 MAY 20 P 1:55

This meeting of the City Council will be held virtually on Monday, May 24, 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, May 10, 2021.
2. From Council President Ossing having Mayor Vigeant, provide an update to the City Council regarding COVID-19.
3. PUBLIC HEARING on the Petition from Massachusetts Electric, to install 280' of 4-5" conduit from manhole #10 to pole #93 on Donald Lynch Boulevard near Bigelow Street, Order No. 21-1008292.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 768 509 151 #. ****

4. PUBLIC HEARING on the Proposed Rezoning of land at 290 Hudson Street, identified as Map 43, Parcel 38 from Limited Industrial to Residence A-3, Order No. 21-1008266.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 768 509 151 #. ****

5. PUBLIC HEARING on the Proposed FY 2022 Budget in the amount of \$173,983,364.00 which represents a level funded budget compared to the FY 2021 appropriation as presented by Mayor Vigeant, Order No. 21-1008291.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 768 509 151 #. ****

6. PUBLIC HEARING on the Proposed Zoning Amendment to Chapter 650 to add a new §61 "Temporary Moratorium for Multi-Family Housing Projects" for 90-days, Order No. 21-1008274.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 768 509 151 #. ****

7. PUBLIC HEARING on the Application for Modification of Special Permit from Mina Property Group, LLC, to condition #20 (Signage) to allow for increased signage at 408 Maple Street, Order No. 17/21-1006800I.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 768 509 151 #. ****

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.

8. Communication from the Mayor, re: Proposed Ordinance Amendment to Chapter 67 "Finance", §26.1 "Departmental Revolving Funds" to establish a Water and Sewer Revolving Fund and to amend the spending purposes for the Public Safety Revolving Fund.
9. Communication from the Mayor, re: Revolving Fund Spending Limits for the Public Safety Revolving Fund, the Parks and Recreation Revolving Fund the Council on Aging Revolving Fund and the proposed Water and Sewer Revolving Fund for FY22.
10. Communication from the Mayor, re: Transfer Requests from the Department of Public Works (\$2,356,437.77) and Auditor (\$55,475.00) totaling \$2,411,912.77 to fund various accounts for the remainder of FY 21 as outlined in the letters and transfer sheets provided.
11. Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of two Flat-Wall Signs (replacements), Mobil, 656 Boston Post Road East, within the Wayside District.
12. Application for Special Permit from Attorney Michael Brangwynne, on behalf of Raising Cane's Restaurants, LLC, to construct and operate a restaurant with two drive-thru service lanes on the site at, 141 Boston Post Road West.
13. Communication from David Balducci, re: Letter of Opposition to the Application for Special Permit of Raising Cane's Restaurants, LLC to construct and operate a restaurant with two drive-thru service lanes at, 141 Boston Post Road West.
14. Communication from Central MA Mosquito Control Project re: Personnel will be in the community responding to residents' concerns about mosquitos on various dates in June 2021.
15. Minutes of Boards, Commissions and Committees:
 - a) School Committee, April 13, 2021 & April 27, 2021.
 - b) Conservation Commission, April 15, 2021.
 - c) Council on Aging Board, March 9, 2021 & April 13, 2021.
 - d) Planning Board, April 5, 2021 & April 26, 2021.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Personnel Committee

16. **Order No. 21-1008269: Appointment of Tin Htway as Building Commissioner for a 3-year term from the date of confirmation.**

Recommendation of the Personnel Committee is to approve. Motion by Councilor Doucette, seconded by Chair, to recommend approval of the appointment of Tin Htway for a 3-year term from the date of confirmation. Vote 3-0.
17. **Order No. 21-1008272: Reappointments to the Conservation Commission of Edward Clancy term to expire April 26, 2024 and Dennis Demers and David Williams for 2-year terms to expire April 23, 2023.**

Recommendation of the Personnel Committee is to approve the appointments with 3-year terms each to expire April 26, 2024. Motion by Councilor Landers, seconded by Chair, to recommend approval of the reappointments of all members for 3-year terms to expire April 26, 2024. Vote 3-0.

From Public Services Committee

18. **Order No. 21-1008258A: Petition from Massachusetts Electric and Verizon New England, to install a new pole #5 and anchor which will allow for the removal of the pole and tree guy wire at 43 Berlin Road.**

Recommendation of the Public Services Committee is to approve Motion to approve made and seconded – Roll call Vote: In favor: Irish, Perlman and Landers.

19. **Order No. 21-1008259: Application for Renewal of Junk Dealer/Secondhand Dealer License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard.**

Recommendation of the Public Services Committee is to approve. Police Chief Giorgi has reviewed the CORI report and recommended approval of renewal of the Junk Dealer License. Motion to approve made and seconded – Roll call Vote: In favor: Irish, Perlman and Landers.

20. **Order No. 21-1008278: Application for Renewal of Junk Dealer/Secondhand Dealer License, TVI, Inc., d/b/a Savers, 222A East Main Street.**

Recommendation of the Public Services Committee is to approve with conditions and waivers. Police Chief Giorgi has reviewed the CORI report and recommended approval of renewal of the Junk Dealer License. Motion made and seconded to approve, subject to the longstanding conditions attached to the license. Roll call Vote: In favor: Irish, Perlman and Landers.

21. **Order No. 21-1008279: Application for Renewal of Junk Dealer/Secondhand Dealer License, Gerald Dumais, d/b/a Dumais & Sons Secondhand Store, 65 Mechanic Street.**

Recommendation of the Public Services Committee is to approve. Police Chief Giorgi has reviewed the CORI report and recommended approval of renewal of the Junk Dealer License. Motion to approve made and seconded – Roll call Vote: In favor: Irish, Perlman and Landers.

22. **Order No. 21-1008280: Application for Renewal of Junk Dealer/Secondhand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.**

Recommendation of the Public Services Committee is to approve. Police Chief Giorgi has reviewed the CORI report and recommended approval of renewal of the Junk Dealer License. Motion to approve made and seconded – Roll call Vote: In favor: Irish, Perlman and Landers.

From Urban Affairs Committee

23. **Order No. 21-1008222A: That the City Solicitor be invited to future Urban Affairs meeting to provide general information regarding the approval and denial of special Permit Applications that may be referred to the committee.**

Recommendation of the Urban Affairs Committee is to approve. Councilor Doucette moved to accept and place on file the presentation; it was seconded. Chair Robey called the Roll call; all committee members voted yes, and the motion carried 5-0.

From City Council

24. **Order No. 21-1008255: Request for Approval of a Flat Wall Sign, Best Value Kitchen & Bath, 796 Boston Post Road East, within the Wayside District.**

Recommendation of the Urban Affairs Committee is to approve. This matter was held over to the May 24, 2021 City Council meeting to allow Councilor Doucette to speak with the City Solicitor regarding a possible amendment.

Councilors-at-Large

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



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.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 MAY 17 AM 10:30

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, MAY 10, 2021**

The regular meeting of the City Council was held on Monday, May 10, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Councilors Participating Remotely: Oram, Perlman & Robey. Meeting adjourned at 9:37 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, April 26, 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:

Suspension of the Rules requested to allow the Mayor to speak – granted.

Yea: 11 – Nay: 0

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

Mayor Vigeant provided the City Council with an update on the vaccine rollout and the city's efforts regarding COVID-19.

ORDERED: That the PUBLIC HEARING on the Petition from Massachusetts Electric, to install a new Pole 45-2 within the public right of way approximately 103' west of Pole 25-1 on Forest Street, Order No. 21-1008276, all were heard who wish to be heard, hearing closed at 8:19 PM, adopted.

Councilors Present: 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 Grant Acceptance in the amount of \$5,000.00 from the Office of the Attorney General Natural Gas Fuel Assistance Program awarded to the city to be administered through the Human Services Office to help residents who struggle with gas utility bills; 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 Grant Acceptance in the amount of \$44,500.00 from the Metropolitan Area Planning Council (MAPC) awarded to the DPW to be used to plant 93 shade trees on Elm and Pleasant Streets and other locations to help reduce carbon dioxide and beautify areas; 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 \$100.00 from the Justice Resource Institute awarded to the Police Department to benefit the Youth Police Academy and R.A.D Defense Training; 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 \$18,438.70 which moves funds from Reserved TNC Surcharge to Capital Outlay Police for the purchase of additional traffic enforcement equipment, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
		DEPT: Police				FISCAL YEAR: 2021			
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$18,438.70</u>	<u>\$18,438.70</u>	<u>27000</u>	<u>33088</u>	<u>Receipts Reserved-TNC Surchar</u>	<u>\$18,438.70</u>	<u>19300006</u>	<u>58593</u>	<u>Capital Outlay-Police Equip</u>	<u>\$14,707.43</u>
Reason:		<u>Traffic enforcement equipment purchase</u>							
	\$18,438.70	Total			\$18,438.70	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 City Council supports the proposed site selection for a new fire station in west side of Marlborough at the location identified by the Fire Station Advisory Committee as Elm Street at Bigelow Street; and further, that on behalf of the City, the Mayor is authorized to negotiate and enter into an agreement to acquire any necessary interests in real property, subject to any applicable laws and a favorable vote of the City Council authorizing the appropriation of sufficient funds for the acquisition of said property, **APPROVED** and is further referred to the **FINANCE AND PUBLIC SAFETY COMMITTEES**; adopted.

Yea: 6 – Nay: 5

Yea: Doucette, Dumais, Irish, Navin, Landers, & Ossing.

Nay: Wagner, Tunnera, Oram, Perlman & Robey.

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

ORDERED: That there being no objection thereto set **MONDAY, MAY 24, 2021** as date for a **PUBLIC HEARING** for the Proposed FY22 Budget as submitted by Mayor Vigeant in the amount of \$173,983,364.00 which represents a level funded budget compared to the FY 2021 appropriation, referred to **FINANCE COMMITTEE AND ADVERTISE**; 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 Communication from City Solicitor Jason Grossfield, re: Proposed Tax Increment Financing (TIF) Agreement with BJ's Wholesale Club, Inc. and BH GRP TCAM Owner LLC, in proper legal form, Order No. 21-1008273, **MOVED TO REPORTS OF COMMITTEE and FILE**; 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 the Planning Board, re: Favorable Recommendation with Conditions on the Proposed Zoning Ordinance Amendment, Chapter 650, §33 relative to the Results Way Mixed Use Overlay District (RWMUOD), **FILE**; 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 MAY 24, 2021** as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric, to install 280' of 4-5" conduit from manhole #10 to pole #93 on Donald Lynch Boulevard near Bigelow Street, 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 Robert Buckley on behalf of Marlborough/Northborough Land Realty Trust re: Proposed Amendment to Zoning Code, Chapter 650 by adding a new section to create the "Commercial Village Overlay District", referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, JUNE 21, 2021**; adopted.

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

§650 – "COMMERCIAL VILLAGE HOUSING OVERLAY DISTRICT"

A. Purpose and Objectives

The Commercial Village Housing Overlay District (herein, also a “CV Housing Overlay”) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval (hereinafter any reference to City approval shall be deemed to mean approval by the City Council) as an alternative to land use controls that exist in the underlying zoning district(s). The establishment goals of the CV Housing Overlay are to enhance land use development and encourage desired residential growth patterns for the benefit of the public health, safety and welfare and to allow for the development of higher density housing with potential accessory uses and in close proximity to commercial uses consistent with the stated economic development objectives of the City.

The CV Housing Overlay shall be applicable to the property identified as Map 100, Parcels 24, 25, 26, and 15 (including the private way “Atkinson Drive”) and Map 89, Parcels 80-99 City of Marlborough Assessor’s map dated September 21, 2012 (formerly the property shown on Map 100, Parcels 14 and 15 as shown on City of Marlborough Assessor’s Map in effect on May 2006) and as further described on Exhibit “A” annexed hereto. The CV Housing Overlay shall be superimposed on the other zoning districts existing at the time that any land in any said underlying district is also included in the CV Housing Overlay.

B. Authority of Permit Granting Authority

The City Council shall be the Permit Granting Authority for the Master Plan approval (defined below) and for any Special Permit to be issued in the CV Housing Overlay. In all instances, a development which proceeds under the CV Housing Overlay is subject to Site Plan Approval in accordance with §270-2 of the Marlborough City Code, with the exception that the City Council shall be the Permit Granting Authority for any Special Permit approval in the CV Housing Overlay.

The City Council may elect to vary the dimensional and parking requirements of this Section by Special Permit if, in their opinion, such change shall result in a substantially improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to development and occupancy.

Special Permits within the CV Housing Overlay shall be approved by the City Council. Amendments to any Special Permits issued by the City Council shall be per the requirements of this Section (§650-35 et. seq.).

C. Master Plan

The property owner/developer of the CV Housing Overlay shall, prior to, or simultaneously with, the first application for approval of a site plan and/or special permit for the CV Housing Overlay, file the following with the City Council for approval:

- (1) A Master Plan, or preliminary project plan, inclusive of the following:
 - (a) A project narrative describing the proposed development including, without limitation, the number of units, format, restrictions, if any, of the proposed project.
 - (b) A Master Concept Plan (“Master Plan”) which shall in a general manner show:
 - (i) The location and areas of proposed development and associated uses;
 - (ii) Proposed open space (usable and natural);
 - (iii) Proposed site access curb cuts off of public ways; and
 - (iv) Proposed building “envelope(s)” where construction is anticipated to occur.
 - (c) The following information for the proposed development:
 - (i) Total land area of each development area (building envelope area);
 - (ii) Total development limitations, if any, of uses in any developable area;
 - (iii) Total maximum development (number of units; square footage/use limitations); and
 - (iv) A report/memorandum discussing site circulation and traffic impacts.

The Master Plan shall be approved by a majority vote of the City Council in order to proceed with the proposed development and, if approved, shall thereafter become the general development plan governing development at the CV Housing Overlay. The Master Plan may be amended from time to time by a majority vote of the City Council by application from the property owner/developer to reflect changing development conditions.

- (2) A Development Agreement in recordable form binding upon the developer/property owner. The Development Agreement shall be approved by a majority vote of the City Council prior to the issuances of the first permit/site plan approval for development within the CV Housing Overlay, which Development Agreement may contain, without limitation:
 - (a) Required mitigation (including any traffic demand management initiatives), if any, to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the CV Housing Overlay progresses.
 - (b) Restrictions on development areas and such other development limitations as may be agreed upon such as, but not limited to, age restrictions and provision for affordable housing units and/or contributions, if any.
 - (c) Proposed phasing of the development of the CV Housing Overlay, if any.
 - (d) Obligations with respect to pedestrian and vehicular interconnectivity within the CV Housing Overlay, if any, to facilitate pedestrian access and circulation efficiencies.
 - (e) The authority of the City Council to retain the necessary professionals to assist in their review of development applications, if needed.

The Development Agreement shall govern the implementation of the Master Plan and development at the CV Housing Overlay.

D. Exclusivity/Control

Except as specifically provided herein, uses and provisions of Article V of Chapter 650 (Zoning) relating to the underlying zoning district not otherwise impacted by this Section (§650-33 et. seq.) shall continue to remain in full force and effect, provided however that the City Council shall be the Special Permit Granting Authority, if applicable. This Section (§650-35 et. seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken in the CV Housing Overlay and supersedes any other provision of the Zoning Ordinance (except the provisions of the Water Supply Protection District). In the event of any conflict between the provisions of this Section (§650-35 et. seq.) and any other provision of the Zoning Ordinance, the provisions of this Section (§650-35 et. seq.) shall govern and control.

E. Eligible Uses

Except as specifically set forth below, all uses permitted in Residence Districts (RR, A-1, A-2, A-3, RB, RC, and RCR) either as of right or by special permit in accordance with §650-17 of the Zoning Ordinance are permitted in the CV Housing Overlay. If a use requires a Special Permit under §650-17, Table of Use Regulations, such use shall continue to require a special permit under this Section.

- (1) The following additional uses are also permitted BY-RIGHT in the CV Housing Overlay:
 - (a) Multi-family dwelling – up to 120 dwelling units within the entire CV Housing Overlay Zoning if said units are age restricted or age targeted (by design) dwelling units
 - (b) Consumer service and retail establishments accessory and complimentary to the other principal uses at the property
- (2) The following additional uses are also permitted BY-SPECIAL PERMIT in the CV Housing Overlay:
 - (a) Multi-family dwelling within the entire CV Housing Overlay Zoning District including, without limitation, age restricted/ age targeted dwelling units in excess of 120 units
- (3) Single family detached residential use is prohibited in the CV Housing Overlay.

F. Dimensional Requirements

The CV Housing Overlay shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:

- (1) The CV Housing Overlay may consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the CV Housing Overlay so long as a CV Housing Overlay district shall be no less than 10 contiguous acres.
- (2) Minimum Lot Frontage measurement shall be no less than twenty (20) feet for any lot wholly located within the boundaries of the CV Housing Overlay.
- (3) Minimum Front Yard measurement shall be no less than twenty (20) feet for any lot wholly located within boundaries of a CV Housing Overlay.

- (4) No less than fifteen (15) feet shall separate the structural side wall of any two or more structures within the CV Housing Overlay, even if on separate lots. No less than fifteen (15) feet shall separate any area behind and or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
- (5) Maximum building height in CV Housing Overlay shall not exceed 60 feet; a structure located within 50 feet from the property line of a directly abutting parcel in a residentially zoned district shall not exceed 40 feet in height.
- (6) Maximum Lot Coverage shall be calculated on the entire land area of the CV Housing Overlay and not on an individual lot basis, and shall not exceed 65% percent of the total area of the CV Housing Overlay.

G. Parking and Curb Cut Requirements.

Except as otherwise provided in this section, parking and circulation requirements shall conform with the provisions of Section §650-48 and §650-49 of the Zoning Ordinance.

- (1) General - In the CV Housing Overlay adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose.
- (2) Parking Locations - Parking may be provided at ground level, underground or in a parking garage. Parking garages can be free standing or as part of buildings dedicated to permitted uses.
- (3) Parking Spaces for Each Dwelling Unit - There shall be a minimum of 1.5 parking spaces for each dwelling unit. Where feasible, sharing of parking shall be encouraged among the various uses in the CV Housing Overlay.
- (4) Granting of Relief from Parking Regulations - The City Council may waive any of the foregoing requirements or the requirements of Section §650-48 if it makes a finding that to do so will enhance the overall design of the CV Housing Overlay.

H. Signage

Except as otherwise provided in this CV Housing Overlay, signage shall conform with the provisions of Chapter 526 of the Marlborough City Code – the Sign Ordinance.

- (1) Granting of Relief from Signage Regulations - The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the CV Housing Overlay.

I. Application

An application for a Special Permit for a development in the CV Housing Overlay shall comply with the requirements of §650-59 et. seq. of the Zoning Ordinance. In the matter of a Site Plan Approval, the application shall comply with the requirements of the City Code, Article II, Permits and Approvals, §270-2 et. seq.

The City Council in connection with a Special Permit application shall review such applications with respect to the following design criteria:

- (i) Compliance of sidewalks with Americans with Disabilities Act (ADA) Design Standards;
- (ii) Street façade and exterior walls visible from public ways;
- (iii) Public space;
- (iv) Scale of buildings; and
- (v) External Lighting

Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A building elevation shall be submitted prior to the close of the public hearing/meeting.

J. Standards for Roadways and Drainage

- (1) Roadways – Internal CV Housing Overlay roadways shall be private ways and shall be maintained by the owners/developers of the CV Housing Overlay and portions thereof. Private ways within the CV Housing Overlay, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the dimensional or material requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Storm Water Management System - The CV Housing Overlay shall have a storm water management system designed in accordance with the Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines, as amended. This system shall be privately maintained.

K. Amendments

After approval, the owner/developer may seek amendments to the approved permits. Minor amendments to a Special Permit may be made with approval by the City Code Enforcement Officer. A major amendment, consisting of any changes not approved as a minor amendment, shall be approved by a majority vote of the City Council at a public hearing. If amendments are referred to the City Council by the Code Enforcement Officer, it shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a minor or major amendment. In general, a minor modification shall not produce more than an immaterial increase in the scale of a project nor produce more than an immaterial increase in impact on City services, the environment or the neighborhood. If it is determined that revisions to a Special Permit are not minor, per Section 650-59 of the Zoning Ordinance, an application for a amended Special Permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3)(f) of Section 650-59.

Exhibit "A"

- A) Lots 1-23 as shown on a plan entitled a Definitive Subdivision Plan "Commonwealth Heights in Marlborough, MA. Endorsed by the City of Marlborough Planning Board on April 9, 2007 and recorded with the Middlesex South Registry of Deeds as Plan 549 of 2007; and
- B) The property on Forrest Avenue shown on the above referenced plan as being owned by "N/F David E. Silva"

Yea: 11 – Nay: 0

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

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

ORDERED: That there being no objection thereto set **MONDAY JUNE 7, 2021** as the **DATE FOR PUBLIC HEARING**, on the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on Pole #19 within the layout of Boston Post Road West (Route 20), 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 Landers, seconded by the Chair to adopt the following:

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Best Buy Stores LP #820, 769 Donald J. Lynch Boulevard, 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 Landers, seconded by the Chair to adopt the following:

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, ecoATM, LLC, 601 Donald J. Lynch Boulevard (kiosk in Solomon Pond Mall), 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 August 24, 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, 339 Boston Post Road East (McGee Farm), **APPROVED**; adopted.

Yea: 8 – Nay: 3

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

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

ORDERED: That the Communication from Attorney Brian Falk on behalf of Global Montello Group Corp., re: Request to Extend Time Limitations to August 24, 2021 at 10:00 PM, on the Application for Special Permit, to construct and operate a drive-thru facility to serve the current Alltown Convenience Store on the site, 656 Boston Post Road East, **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) Board of Assessors, April 2, 2021.
- b) Conservation Commission, April 1, 2021, April 13, 2021 & April 28, 2021.

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 CLAIMS, referred to the **LEGAL DEPARTMENT**; adopted.

- a) Kathy Klotz, 38 Avon Drive, Hudson, pothole or other road defect.
- b) Brian Theis, 26 Walnut Street, other property damage and/or personal injury.

Yea: 11 – Nay: 0

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

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
May 3, 2021
Minutes and Report**

The meeting convened at 6:30 PM and was held virtually with Councilors attending in person and/or remotely per the Governor's orders and began with a Roll Call vote of committee members present. Chair Irish called the Roll – All members present:

Chair Irish, Councilors Dumais and Tunnera in Chamber; Councilors Oram and Perlman participating remotely.

Also Present in Chamber: Councilors Navin, Ossing, Landers and Doucette; Mayor Vigeant. Councilors Wagner and Robey participating remotely.

Others Participating Remotely: Mayoral Aide Trish Bernard, Meredith Harris of MEDC, David Picot, Laura Felice and Mark Griffin representatives of BJ's Wholesale Club.

Reports of Committee Continued:

Order No. 21-1008273: Proposed Tax Increment Financing (TIF) Agreement with BJ's Wholesale Club, Inc. who will be leasing two buildings, comprising of 168,581 square feet located at 350 Campus Drive and 19,244 square feet located at 100 Campus Drive, Map 111, Parcel 1.

The Mayor and members of BJ's spoke in support of the TIF, explaining the advantages of the move of the headquarters from Westboro to Marlborough's industrial area. The relocation will include the construction of a new parking garage to exclusively service many of the current 800 employees relocating to Marlborough. The Mayor explained this is a local TIF and although new jobs are not being created, the current employees will frequent Marlborough's restaurants, gas stations, hotels and many more, bringing great value to our business community.

The City Solicitor will place the corrected documents in a final package to be placed on the City Council agenda for the final vote of the body.

Councilor Oram stated he is waiting for comparison information he requested before he decides on the merits of the TIF.

Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the Tax Increment Financing (TIF) Agreement together with Resolution to be amended by the City Solicitor.

Chair Irish called the Roll: Motion carried 3-1-1; (Oram/Abstained; Perlman/Opposed).

It was moved and seconded to adjourn; Chair Irish the Roll: Motion carried 5-0

The meeting adjourned at 7:26 PM

Councilor Dumais reported the following out of the Personnel Committee:

City Council Personnel Committee

May 3, 2021

Minutes and Report

The meeting convened at 7:30 PM.

All members of the Personnel Committee were present in the Chamber:

Chair Dumais, Councilors Landers and Doucette.

Councilors present in Chamber: Councilors Ossing, Navin, and Irish.

Also Present in the Chamber were Mayor Vigeant, Building Commissioner Designee Tin Htway, Conservation Commission member Dennis Demers and Conservation Commission member David Williams.

Participating remotely were Councilors Perlman, Robey, and Wagner; Conservation Commission Chair Edward Clancy; License Board members Gregory Mitrakas and David Bouvier, and License Board Appointee MaryJo Nawrocki; Mayoral Aide Patricia Bernard; HR Director Purple present for review of Tin Htway.

Reports of Committee Continued:

Order No. 21-1008269: Appointment of Tin Htway as Building Commissioner for a 3-year term from the date of confirmation.

Motion by Councilor Doucette, seconded by Chair, to recommend approval of the appointment of Tin Htway for a 3-year term from the date of confirmation. Vote 3-0.

Order No. 21-1008272: Reappointments to the Conservation Commission of Edward Clancy term to expire April 26, 2024 and Dennis Demers and David Williams for 2-year terms to expire April 23, 2023.

Motion by Councilor Landers, seconded by Chair, to recommend approval of the reappointments of all members for 3-year terms to expire April 26, 2024. Vote 3-0.

Order No. 21-1008270 and Order No. 21-1008271: The License Board appointment of MaryJo Nawrocki and Reappointments of Gregory Mitrakas and David Bouvier were postponed in committee until the next Personnel Committee for an opinion by the City Solicitor regarding staggered terms by a motion by Councilor Doucette, seconded and adopted. Vote 2-1 Chair Dumais opposed.

Chair Dumais announced the continued review of the proposed amendments to the Youth Commission would be postponed until the next Personnel Committee meeting due to late hour.

It was moved and seconded to adjourn; Motion carried 3-0. The meeting adjourned at 8:50 PM.

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

**City Council Public Services Committee
May 4, 2021
Minutes and Report**

The meeting convened at 6:30 PM and was held virtually with Councilors attending in person and/or remotely per the Governor's orders and began with a Roll Call vote of committee members present.

Chair Landers called the Roll – All members present:

Chair Landers and Councilor Irish in Chamber; Councilor Perlman participating remotely.

Also Present in Chamber: Councilors Navin, Ossing, Wagner and Doucette
Councilor Robey participating remotely.

Order No. 21-1008258: Petition from Massachusetts Electric and Verizon New England, to install a new #5 and anchor which will allow for the removal of the pole and tree guy wire at 43 Berlin Road. Public Hearing held April 26, 2021.

Motion to approve made and seconded – Roll call Vote: In favor: Irish, Perlman and Landers

Police Chief Giorgi has reviewed each of the CORI reports and recommended approval of renewal of the follow Junk Dealer Licenses:

Reports of Committee Continued:

Order No. 21-1008259: Application for Renewal of Junk Dealer/Secondhand Dealer License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard.

Motion to approve made and seconded – Roll call Vote: In favor: Irish, Perlman and Landers

Order No. 21-1008278: Application for Renewal of Junk Dealer/Secondhand Dealer License, TVI, Inc., d/b/a Savers, 222A East Main Street.

Motion made and seconded to approve, subject to the longstanding conditions attached to the license. Roll call Vote: In favor: Irish, Perlman and Landers

Order No. 21-1008279: Application for Renewal of Junk Dealer/Secondhand Dealer License, Gerald Dumais, d/b/a Dumais & Sons Secondhand Store, 65 Mechanic Street.

Motion to approve made and seconded – Roll call Vote: In favor: Irish, Perlman and Landers

Order No. 21-1008280: Application for Renewal of Junk Dealer/Secondhand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.

Motion to approve made and seconded – Roll call Vote: In favor: Irish, Perlman and Landers

Motion made and seconded to adjourn; Roll Call Vote: In favor: Perlman, Irish, Landers

Meeting adjourned at 7:10 PM

Councilor Robey reported the following of the Urban Affairs Committee:

**City Council Urban Affairs Committee
Tuesday, May 4, 2021; 7:00 PM
Via Teams & Council Chambers
Minutes and Report**

Per the Governor's orders, this meeting began with a Roll Call vote of committee members present and the chair identifying other councilors participating in the meeting.

Roll Call-Chairman Katie Robey, present; Councilor Landers, present; Councilor Wagner, present; Councilor Doucette, present; and Councilor Navin, present.

Other councilors present were Councilors Irish, Ossing, and Perlman. Councilor Dumais joined for the 2nd item.

Others attending this meeting are included with each order's information.

Order No. 21-1008255-Request for Approval of a Flat Wall Sign, Best Value Kitchen & Bath, 796 Boston Post Road East, Wayside District

Participating in this item via Teams was Marc Mallegni, owner of the business.

This item is before us because the business is located within the Wayside District which has language for signs to be externally illuminated, where possible. The sign requested is for an internally illuminated sign. The applicant had provided a new design with no internal illumination. After discussion of committee members that this would be only sign in the complex that was not internally illuminated, it was felt that having this be illuminated should be allowed.

Reports of Committee Continued:

Councilor Doucette moved to approve the application for Best Value Kitchen & Design application dated 3/18/21 for a 170" X 29.5" internally illuminated sign; it was seconded. Chair Robey called the Roll call; all committee members voted yes, and the motion carried 5-0.

The chair will ask for a Suspension of Rules at the May 10 Council meeting to have this acted on that evening.

Order No. 21-1008222-That the City Solicitor be invited to future Urban Affairs meeting to provide general information regarding the approval and denial of special Permit Applications that may be referred to the committee.

The chair asked that the Solicitor be allowed to go through his slides and then questions could be asked. She recognized Solicitor Grossfield and he went through slides offering some general information of zoning and how the city's Table of Uses, Section 17 of Chapter 650 of the City code delineates zoning in its various districts; the process; criteria for making a finding; conditions that are permissible; how to ensure fairness in process; requirements for a decision, both grant and denial; litigation of special permits; and a review of 2 specific cases in MA Land Court. Questions ranged from definition of mixed use which is found in our code. Can a condition be specific, i.e., \$50 for a fire station? It can if it is voluntary and proposed by petitioner. Concern about making subjective decisions and how to quantify things. Question on language in new legislation regarding bus stops which still needs to be clarified. If a special permit is denied but court votes to approve, do conditions carry forward?

If conditions were part of permit, yes. If conditions were part of court case, then they could be remanded back to SPGA for review. How does a municipality have a study done or have oversight for a study? There is a procedure where a municipality can obtain outside experts paid for by the applicant. Who else can be a SPGA? Who is the SPGA is established in zoning and is usually the council, the ZBA or the Planning Board. How quickly do legal challenges get dealt with? In land court it moves pretty quickly but can take a few years or can go quicker. If it goes to Housing Court or Superior court, it can be much longer as they don't usually handle this. Are there examples of cases where the city would have won the case? There are and the solicitor can provide some examples. Can a group/neighborhood entity file an appeal? Yes, there can be several appeals-the applicant could appeal conditions and others could appeal for various reasons. Can it be a group vs an individual? The question would be if the entity suffered damage due to approval. The chair brought up another addition to changes by legislature where a court can request up to a \$50,000 surety or cash bond be posted by a plaintiff.

Councilor Doucette moved to accept and place on file the presentation; it was seconded. Chair Robey called the Roll call; all committee members voted yes and the motion carried 5-0.

It was moved and seconded to adjourn. Chair Robey called the Roll; all committee members voted yes, and the meeting adjourned at 8:11 pm.

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

Suspension of the Rules requested to allow action on the TIF Agreement – granted.

Yea: 10 – Nay: 1

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

Nay: Perlman.

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

ORDERED:

RESOLUTION

WHEREAS, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents, expanding business within the City, and developing a healthy robust economy and stronger tax base for Map 111, Parcel 1 (including portions thereof) on the Marlborough Assessor's Map; and

WHEREAS, the City Council of the City of Marlborough intends to use tax increment financing as an economic development tool created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marlborough that the following activities which are necessary to pursue a Certified Project designation be authorized:

1. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Assistance Coordinating Council approve BJ's Wholesale Club, Inc.'s application for an EDIP Certified Project; and further, that:
 - a. The project is consistent with the City of Marlborough's economic development objectives and is likely to increase employment opportunities for Marlborough residents;
 - b. The project will not overburden the City of Marlborough's infrastructure and utilities;
 - c. The project as described in the proposal has a strong likelihood that it will cause a significant influx or growth in business activity, will create a significant number of jobs, and will contribute significantly to the resiliency of the Marlborough economy; and
 - d. The City Council approves BJ's Wholesale Club, Inc.'s request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP Certified Project for twenty (20) years.
2. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing, authorizes the Mayor to enter into a tax increment financing agreement with BJ's Wholesale Club, Inc. and BH GRP TCAM OWNER LLC, and authorizes submission of the tax increment financing agreement (attached hereto) to the Massachusetts Economic Assistance Coordinating Council.

APPROVED; adopted.

Yea: 8 – Nay: 3

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

Nay: Wagner, Oram & Perlman.

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

Suspension of the Rules requested to allow action on the Request for a Sign – granted.

Yea: 11 – Nay: 0

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

Councilor Doucette indicated that he would like to make an amendment to the approval to require the sign to be turned off outside of business hours. A discussion took place, regarding the Council's authority to add conditions to the approval of a sign application. This matter will be held until the May 24, 2021 meeting to allow for clarification on the addition of conditions to the sign application approval.

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

ORDERED: That the inaugural meeting of the Marlborough City Council Climate Resiliency Committee will include the discussion of current and future city projects that address climate change and improve the climate resiliency of the city and identify and discuss how state and federal programs and policies impact our community in reducing local emissions, referred to the **CLIMATE RESILIENCY COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the Human Services Committee hold a public meeting to allow the Marlborough Hospital leadership to present additional details regarding the Mass General Brigham proposed expansion, **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 There being no further business, the regular meeting of the City Council is herewith adjourned at 9:37 PM; adopted.

Yea: 11 – Nay: 0

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



IN CITY COUNCIL

Marlborough, Mass., MAY 10, 2021

ORDERED:

That there being no objection thereto set **MONDAY MAY 24, 2021** as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric, to install 280' of 4-5" conduit from manhole #10 to pole #93 on Donald Lynch Boulevard near Bigelow Street, 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. 21-1008292



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 26, 2021

ORDERED:

That the Proposed Rezoning of land at 290 Hudson Street, identified as Map 43, Parcel 38 from Limited Industrial to Residence A-3, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 24, 2021.**

Yea: 11 – Nay: 0

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

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. Section 650-8, entitled “Boundaries established; Zoning Map,” is hereby amended as shown on the accompanying map (Exhibit “A”) by re-zoning Map 43, Parcel 38, 290 Hudson Street, and portions of adjoining municipal property from “Limited Industrial District” to “Residence A-3 District.”

ADOPTED

ORDER NO. 21-1008266



IN CITY COUNCIL

Marlborough, Mass., _____ MAY 10, 2021

ORDERED:

That there being no objection thereto set **MONDAY, MAY 24, 2021** as date for a **PUBLIC HEARING** for the Proposed FY22 Budget as submitted by Mayor Vigeant in the amount of \$173,983,364.00 which represents a level funded budget compared to the FY 2021 appropriation, be and is herewith referred to **FINANCE COMMITTEE AND ADVERTISE**.

Yea: 11 – Nay: 0

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

ADOPTED

ORDER NO. 21-1008291



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 26, 2021

ORDERED:

PAGE 1

That the Proposed Zoning Amendment to Chapter 650 to add a new Section 61 Temporary Moratorium for Multi-Family Housing Projects, be and is herewith referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 24, 2021.**

Yea: 10 – Nay: 1

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

Nay: Robey.

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. By inserting a new Section 650-61 entitled “Temporary Moratorium for Multi-Family Housing Projects” as follows:

Section 650-61. Temporary Moratorium for Multi-Family Housing Projects

A. Purpose

Section 18 of chapter 358 of the Acts of 2020 adds a new section 3A to the Zoning Act (Chapter 40A of the General Laws) applicable to MBTA communities, including the city of Marlborough, providing that each MBTA community “shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right.” The Massachusetts Department of Housing and Community Development is required to promulgate guidelines to determine if an MBTA community is in compliance with section 3A, and the Department intends to issue more detailed guidelines on compliance criteria. These new requirements raise complex and novel zoning, planning, legal, and public infrastructure issues. Detailed guidelines will be informative to the city and its planning and zoning processes for siting multi-family residential uses. There is significant continued interest in the development of land and buildings for multi-family residential uses within the city which require consideration of how such development corresponds to various public infrastructure impacts. This section will allow the city time to undertake any necessary planning or zoning process to address the potential impacts of housing in the city, and consider the Department’s forthcoming detailed guidelines (once issued) and whether to amend its Zoning Ordinance.



IN CITY COUNCIL

Marlborough, Mass., APRIL 26, 2021

ORDERED:

PAGE 2

B. Temporary Moratorium

- (1) Notwithstanding any other provision of the Zoning Ordinance to the contrary, no special permit or site plan approval shall be issued for construction of multi-family housing projects for the period commencing on the first publication of notice of the public hearing on this zoning ordinance amendment and ending 90 days from the date of approval of this zoning amendment by the City Council. This moratorium shall apply to any use of land for a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building, in all zoning districts in the city. In no case shall the City accept an application for special permit or site plan approval for said housing project during this period.
- (2) The provisions of this section shall not apply to an application for a special permit or site plan approval filed with the City Clerk, or granted, prior to the date of the first publication of notice of the public hearing on this zoning ordinance amendment.
- (3) Notwithstanding this section, the Building Commissioner may authorize submittal of such an application pertaining to existing housing deemed by the Building Commissioner to constitute blight, a dilapidated building, a hazard or a nuisance, as defined by section 485-2 of the City Code; provided, however, that the Building Commissioner make any such authorization expressly conditional on the City Council's subsequent decision to process the application.

ADOPTED

ORDER NO. 21-1008274



IN CITY COUNCIL

Marlborough, Mass., _____ APRIL 26, 2021

ORDERED:

That there being no objection thereto set **MONDAY, MAY 24, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Modification of Special Permit from Mina Property Group, LLC, to condition #20 (Signage) to allow for increased signage at 408 Maple Street, 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 08/22/21 which falls on a Sunday, therefore 08/23/21 would be considered the 90th day.

ADOPTED

ORDER NO. 17/21-1006800I



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

Ryan P. Egan
EXECUTIVE SECRETARY

RECEIVED
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MARLBOROUGH
2021 MAY 20 A 11:10

May 20, 2021

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

Re: Amendment to Chapter 67, Article V, Sec 67-26.1 Department Revolving Funds

Honorable President Ossing and Councilors:

Please find enclosed for your review an amendment to Chapter 67, Article V, Sec 67-26.1 Department Revolving Funds to establish a Water and Sewer Revolving Fund and amend the spending purposes for the existing Public Safety Revolving Fund.

The creation of the Water and Sewer Fund will allow the City to segregate collected entrance fees paid for the purpose of connecting buildings to the City's water and sewer system.

Auditor Diane Smith and I will be available for any questions regarding this requested amendment.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

ORDERED:

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

- I. By amending Chapter 67, Article V, Section 67-26.1, entitled “Departmental Revolving Funds.”, by **inserting** a new Section 67-26.1(E)(4) to read as follows:

4. Water and Sewer Revolving Fund

a. Fund Name. There shall be a separate fund called the Water and Sewer Revolving Fund for the use of the Department of Public Works.

b. Revenues. The City Auditor shall establish the Water and Sewer Revolving Fund as a separate account and credit to the fund all entrance fees paid for the purpose of connecting buildings to the municipal water and sewer systems.

c. Purposes and Expenditures. During each fiscal year, the Commissioner of Public Works may incur liabilities against, and spend monies from, the Water and Sewer Revolving Fund for the purposes of infrastructure projects associated with the demand of all new development on the water and sewer systems.

d. Reports. The Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, a description of expenditures, and the year-end balances.

e. Fiscal Years. The Water and Sewer Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

- II. By amending Chapter 67, Article V, Section 67-26.1, entitled “Departmental Revolving Funds.”, by **amending** Section 67-26.1(E)(3)(c) to read as follows:

c. Purposes and expenditures. During each fiscal year, the Mayor may incur liabilities against, and spend monies from, the Public Safety Revolving Fund for the purposes of public safety related expenses.

ADOPTED
In City Council
Order No. 21-
Adopted

Approved by Mayor



City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Patricia M. Bernard
EXECUTIVE AIDE

2021 MAY 20 A 11:10

Ryan P. Egan
EXECUTIVE SECRETARY

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

May 20, 2021

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

Re: FY22 Revolving Funds Spending Limit

Honorable President Ossing and Councilors:

Please find enclosed for your review an order to set spending limits on the City's four revolving funds (pending the approval of the added Water and Sewer revolving account that is a separate item on tonight's agenda). The additional three revolving funds are Parks and Recreation, Council on Aging, and Public Safety.

I am requesting approval for expenditures from each of the revolving funds, not to exceed the following amounts:

1. Parks and Recreation Revolving Fund \$350,000.00
2. Council on Aging Revolving Fund \$70,000.00
3. Public Safety revolving Fund \$120,000.00
4. Water and Sewer Revolving Fund \$500,000.00 (pending Council approval)

Our department heads will be available to discuss and answer any questions and speak in greater detail at the upcoming Finance Committee meeting.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

ORDERED:

That the City Council hereby approves the maximum amount that shall be expended during fiscal year 2022 from each of the revolving funds as established by city ordinance, unless otherwise authorized by City Council and Mayor, as follows:

<u>Revolving Fund</u>	<u>FY2022 Spending Limit</u>
Parks and Recreation Revolving Fund	\$350,000.00
Council on Aging Revolving Fund	\$70,000.00
Public Safety Revolving Fund	\$120,000.00
Water and Sewer Revolving Fund (effective only if fund established by ordinance)	\$500,000.00

ADOPTED
In City Council
Order No. 21-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Department of Public Works

135 NEIL STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. 508-624-6910
*TDD 508-460-3610

SEAN M. DIVOLL, P.E.
COMMISSIONER

Date: May 19, 2021

To: Mayor Vigeant

From: Sean M. Divoll, Commissioner of Public Works

Re: Parks and Recreation Revolving Account: 26244401-52415

The Revenue and Expenditures for the Parks and Recreation Revolving Account are as follows:

Balance as of July 1, 2020	\$47,161.63
Encumbrance Carry Forward	\$403,479.37
Revenue received between July 1, 2019 And May 18, 2021	<u>\$335,753.86</u>
Subtotal	\$786,394.86
Expenses incurred between July 1, 2019 And May 18, 2021	\$318,435.19
Encumbrance Outstanding	<u>\$104,588.83</u>
Available Balance	\$363,370.84

Expenditures		
Vendor	Amount	Comments
A Jandris & Sons	\$ (600.00)	Return Pallet PD CE20021
Bentley Services	\$ 4,043.65	TRD 2017-Cat Concrete Splash Pad
Concord Electric	\$ 1,183.51	Various electrical supplies
Custom Insulation	\$ 9,497.00	Insulation
Electric Wholesalers	\$ 426.14	Various electrical supplies
O'Brien & Sons	\$ 206,797.00	Stevens Park Splash Pad equipment
P.M. Nasuti Plumbing	\$ 12,535.00	Various plumbing work at pools and park restrooms
Ronald A. Marini	\$ 68,967.89	Contract ED 2019-08 Ghiloni Park parking lot improvements
Steel in the Air	\$ 6,000.00	Wireless Assessment Services
The Northern Corporation	\$ 9,585.00	Restroom partitions
Total	\$ 318,435.19	

THEODORE L. SCOTT, P.E.
ASST. COMMISSIONER, OPERATIONS

CHRISTOPHER S. LAFRENIERE
ASST. COMMISSIONER, UTILITIES

THOMAS DIPERSIO, JR. P.E., P.L.S.
CITY ENGINEER



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

May 13, 2021

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

Re: Council on Aging/Senior Center Revolving Account Reauthorization

Dear Mayor Vigeant,

The Revolving Account was authorized in October of 2015 for the sole purpose of program funding at the Senior Center. We have been fortunate in the past to hold a bevy of programs for our older adults to enjoy.

When the Center reopened in April, we stopped serving curbside lunches and are focused on bringing seniors back into the building or onto the patio to enjoy classes, programs and events. Although many programs held are initially at a higher cost (i.e. holding the same program twice in one week to allow social distancing, etc.) I do feel that this will change in the not too distant future.

FY'21 has been a truly unique year and we are extremely appreciative of the approval of our request to increase spending limit this past year due to the effects of COVID-19. I am optimistic for the upcoming year and feel that returning the spending limit to \$70,000.00 should allow us to continue to meet the needs and expand program offerings for our older adults. If the increased costs continue, I would like the option of returning to the City Council if needed.

As always, we remain extremely grateful for the support the Senior Center receives from the City. Please do not hesitate to contact me with any questions.

Respectfully,

Patricia A. Pope
Executive Director



CITY OF MARLBOROUGH

Council on Aging/ Senior Center

40 New Street

Marlborough, MA 01752

508.485.6492

MEMORANDUM

TO: Mayor Arthur G. Vigeant
FROM: Trish Pope
DATE: May 13, 2021
RE: Council on Aging Revolving Account

Pursuant to the provisions of the City Council Order #15-1006306, the revolving account established by this order had income and expenses shown below:

Balance as of 7/1/20	\$	99,390.77
Total revenue generated (7/1/20 – 5/13/21)	\$	50,281.00
Funds expended (7/1/20 – 5/13/21)	\$	50,537.00
Funds encumbered	\$	0
Current Balance:	\$	99,134.77

The revenue generated represents fees associated with curbside lunch, programs and classes run through the Council on Aging. The expenditures represent payment for instructors, programs, and food costs.

The account balance remains high due to the Center being closed for most of this fiscal year.

Detailed information attached.

05/17/2021 10:06
6876ppop

CITY OF MARLBOROUGH
G/L ACCOUNT DETAIL

P 1
glactinq

Org: 26254101 Object: 57072
PROGRAM FUNDING

262 -00-00-5410-00-0-0000-6-57072

YEAR	PER	JOURNAL	EFF DATE	SRC	TR	PO/REF2	REFERENCE	AMOUNT	POSTED
2021	08	697	02/26/2021	BUA	5		REVENUE	65.00	Y
2021	08	640	02/18/2021	BUA	5		REVENUE	730.00	Y
2021	08	406	02/03/2021	BUA	5		REVENUE	14,093.00	Y
2021	07	769	01/20/2021	BUA	5		REVENUE	330.00	Y
2021	07	379	01/06/2021	BUA	5		REVENUE	1,780.00	Y
2021	06	674	12/29/2020	BUA	5		REVENUE	1,745.00	Y
2021	06	670	12/15/2020	BUA	5		REVENUE	768.00	Y
2021	06	307	12/04/2020	BUA	5		REVENUE	4,326.00	Y
2021	05	562	11/19/2020	BUA	5		REVENUE	475.00	Y
2021	05	337	11/10/2020	BUA	5		REVENUE	758.00	Y
2021	05	199	11/04/2020	BUA	5		REVENUE	3,103.00	Y
2021	04	812	10/21/2020	BUA	5		REVENUE	1,385.00	Y
2021	04	444	10/06/2020	BUA	5		REVENUE	2,018.00	Y
2021	03	681	09/29/2020	BUA	5		REVENUE	963.00	Y
2021	03	601	09/22/2020	BUA	5		REVENUE	971.00	Y
2021	03	464	09/15/2020	BUA	5		REVENUE	1,080.00	Y
2021	03	379	09/09/2020	BUA	5		REVENUE	1,740.00	Y
2021	02	682	08/27/2020	BUA	5		REVENUE	1,470.00	Y
2021	02	448	08/18/2020	BUA	5		REVENUE	7,020.00	Y
2021	02	366	08/13/2020	BUA	5		REVENUE	1,085.00	Y
2021	02	235	08/05/2020	BUA	5		REVENUE	1,475.00	Y
2021	01	847	07/30/2020	BUA	5		REVENUE	635.00	Y
2021	01	727	07/24/2020	BUA	5		REVENUE	710.00	Y
2021	01	724	07/15/2020	BUA	5		REVENUE	760.00	Y
2021	01	361	07/09/2020	BUA	5		REVENUE	1,610.00	Y

Total Amount: 51,095.00

** END OF REPORT - Generated by Patricia Pope **

05/17/2021 10:06
6876ppop

CITY OF MARLBOROUGH
G/L ACCOUNT DETAIL

P 1
glactinq

Org: 26254101 Object: 57072
PROGRAM FUNDING

262 -00-00-5410-00-0-0000-6-57072

YEAR	PER	JOURNAL	EFF DATE	SRC TR	PO/REF2	REFERENCE	AMOUNT	POSTED
2021	09	170	03/04/2021	BUA 5		CE21069	-125.00	Y
2021	08	366	02/11/2021	BUA 5		CE21063	-5.00	Y
2021	08	366	02/11/2021	BUA 5		CE21063	-10.00	Y
2021	08	366	02/11/2021	BUA 5		CE21063	-10.00	Y
2021	08	366	02/11/2021	BUA 5		CE21063	-5.00	Y
2021	06	662	12/31/2020	BUA 5		CE21053	-5.00	Y
2021	06	662	12/31/2020	BUA 5		CE21053	-5.00	Y
2021	06	662	12/31/2020	BUA 5		CE21053	-20.00	Y
2021	06	662	12/31/2020	BUA 5		CE21053	-5.00	Y
2021	06	662	12/31/2020	BUA 5		CE21053	-5.00	Y
2021	06	662	12/31/2020	BUA 5		CE21053	-5.00	Y
2021	06	661	12/17/2020	BUA 5		CE21049	-10.00	Y
2021	04	977	10/31/2020	BUA 5		REVENUE	-20.00	Y
2021	04	897	10/29/2020	BUA 5		CE21035	-509.00	Y
2021	04	672	10/22/2020	BUA 5		CE21033	-15.00	Y
2021	03	104	09/03/2020	BUA 5		CE21019	-20.00	Y
2021	02	580	08/27/2020	BUA 5		CE21017	-40.00	Y

Total Amount: -814.00

** END OF REPORT - Generated by Patricia Pope **

Org: 26254101 Object: 57072
PROGRAM FUNDING

262 -00-00-5410-00-0-0000-6-57072

YEAR	PER	JOURNAL	EFF DATE	SRC	T	PO/REF2	REFERENCE	AMOUNT	P	CHECK NO	WARRANT	VDR NAME/ITEM	DESC	COMMENTS
2021	11	345	05/13/2021	API	1		W CE21089	300.00	Y	517459	CE21089	CARDEN, INC.		
2021	09	266	03/11/2021	API	1		W CE21071	756.00	Y	515645	CE21071	CARDEN, INC.		
2021	09	80	03/04/2021	API	1		W CE21069	438.00	Y	515473	CE21069	CARDEN, INC.		
2021	09	80	03/04/2021	API	1		W CE21069	522.00	Y	515473	CE21069	CARDEN, INC.		
2021	08	557	02/25/2021	API	1		W CE21067	721.00	Y	515172	CE21067	CARDEN, INC.		
2021	08	557	02/25/2021	API	1		W CE21067	450.00	Y	515172	CE21067	CARDEN, INC.		
2021	08	557	02/25/2021	API	1		W CE21067	420.00	Y	515172	CE21067	CARDEN, INC.		
2021	08	423	02/18/2021	API	1		W CE21065	432.00	Y	515030	CE21065	CARDEN, INC.		
2021	08	423	02/18/2021	API	1		W CE21065	432.00	Y	515030	CE21065	CARDEN, INC.		
2021	08	294	02/11/2021	API	1		W CE21063	432.00	Y	514802	CE21063	CARDEN, INC.		
2021	08	294	02/11/2021	API	1		W CE21063	567.00	Y	514802	CE21063	CARDEN, INC.		
2021	08	294	02/11/2021	API	1		W CE21063	360.00	Y	514802	CE21063	CARDEN, INC.		
2021	08	294	02/11/2021	API	1		W CE21063	742.00	Y	514802	CE21063	CARDEN, INC.		
2021	08	294	02/11/2021	API	1		W CE21063	528.00	Y	514802	CE21063	CARDEN, INC.		
2021	08	294	02/11/2021	API	1		W CE21063	426.00	Y	514802	CE21063	CARDEN, INC.		
2021	08	294	02/11/2021	API	1		W CE21063	552.00	Y	514802	CE21063	CARDEN, INC.		
2021	07	613	01/28/2021	API	1		W CE21059	540.00	Y	514426	CE21059	CARDEN, INC.		
2021	07	448	01/21/2021	API	1		W CE21057	450.00	Y	514127	CE21057	CARDEN, INC.		
2021	07	445	01/21/2021	API	1		W CE21057	330.00	Y	514127	CE21057	CARDEN, INC.		
2021	07	445	01/21/2021	API	1		W CE21057	546.00	Y	514127	CE21057	CARDEN, INC.		
2021	07	445	01/21/2021	API	1		W CE21057	280.00	Y	514127	CE21057	CARDEN, INC.		
2021	07	263	01/14/2021	API	1		W CE21055	456.00	Y	513898	CE21055	CARDEN, INC.		
2021	07	263	01/14/2021	API	1		W CE21055	486.00	Y	513898	CE21055	CARDEN, INC.		
2021	07	263	01/14/2021	API	1		W CE21055	595.00	Y	513898	CE21055	CARDEN, INC.		
2021	06	562	12/31/2020	API	1		W CE21053	350.00	Y	513564	CE21053	CARDEN, INC.		
2021	06	560	12/31/2020	API	1		W CE21053	636.00	Y	513564	CE21053	CARDEN, INC.		
2021	06	560	12/31/2020	API	1		W CE21053	576.00	Y	513564	CE21053	CARDEN, INC.		
2021	06	443	12/23/2020	API	1		W CE21051	320.00	Y	513488	CE21051	BEMIS FARMS NURSE		
2021	06	442	12/23/2020	API	1		W CE21051	1,070.00	Y	513459	CE21051	CARDEN, INC.		
2021	06	442	12/23/2020	API	1		W CE21051	756.00	Y	513459	CE21051	CARDEN, INC.		
2021	06	402	12/17/2020	API	1		W CE21049	360.00	Y	513265	CE21049	CARDEN, INC.		
2021	06	400	12/17/2020	API	1		W CE21049	791.00	Y	513265	CE21049	CARDEN, INC.		
2021	06	400	12/17/2020	API	1		W CE21049	570.00	Y	513265	CE21049	CARDEN, INC.		
2021	06	400	12/17/2020	API	1		W CE21049	582.00	Y	513265	CE21049	CARDEN, INC.		
2021	06	218	12/10/2020	API	1		W CE21047	360.00	Y	513145	CE21047	CARDEN, INC.		
2021	06	218	12/10/2020	API	1		W CE21047	480.00	Y	513145	CE21047	CARDEN, INC.		
2021	06	218	12/10/2020	API	1		W CE21047	504.00	Y	513145	CE21047	CARDEN, INC.		
2021	05	612	11/25/2020	API	1		W CE21043	1,026.00	Y	512815	CE21043	CARDEN, INC.		
2021	05	612	11/25/2020	API	1		W CE21043	474.00	Y	512815	CE21043	CARDEN, INC.		
2021	05	612	11/25/2020	API	1		W CE21043	365.00	Y	512815	CE21043	CARDEN, INC.		
2021	05	610	11/25/2020	API	1		W CE21043	532.00	Y	512815	CE21043	CARDEN, INC.		
2021	05	610	11/25/2020	API	1		W CE21043	540.00	Y	512815	CE21043	CARDEN, INC.		
2021	05	610	11/25/2020	API	1		W CE21043	623.00	Y	512815	CE21043	CARDEN, INC.		
2021	05	610	11/25/2020	API	1		W CE21043	770.00	Y	512815	CE21043	CARDEN, INC.		
2021	05	610	11/25/2020	API	1		W CE21043	665.00	Y	512815	CE21043	CARDEN, INC.		
2021	05	231	11/12/2020	API	1		W CE21039	504.00	Y	512383	CE21039	CARDEN, INC.		
2021	05	126	11/05/2020	API	1		W CE21037	777.00	Y	512134	CE21037	CARDEN, INC.		
2021	05	124	11/05/2020	API	1		W CE21037	540.00	Y	512134	CE21037	CARDEN, INC.		
2021	04	836	10/29/2020	API	1		W CE21035	623.00	Y	511925	CE21035	CARDEN, INC.		
2021	04	836	10/29/2020	API	1		W CE21035	600.00	Y	511925	CE21035	CARDEN, INC.		
2021	04	836	10/29/2020	API	1		W CE21035	510.00	Y	511925	CE21035	CARDEN, INC.		

Org: 26254101 Object: 57072
PROGRAM FUNDING

262 -00-00-5410-00-0-0000-6-57072

YEAR	PER	JOURNAL	EFF DATE	SRC	T	PO/REF2	REFERENCE	AMOUNT	P	CHECK NO	WARRANT	VDR NAME/ITEM	DESC	COMMENTS
2021	04	836	10/29/2020	API	1		W CE21035	576.00	Y	511925	CE21035	CARDEN, INC.		
2021	04	579	10/22/2020	API	1		W CE21033	679.00	Y	511662	CE21033	CARDEN, INC.		
2021	04	579	10/22/2020	API	1		W CE21033	588.00	Y	511662	CE21033	CARDEN, INC.		
2021	04	579	10/22/2020	API	1		W CE21033	540.00	Y	511662	CE21033	CARDEN, INC.		
2021	04	388	10/15/2020	API	1		W CE21031	100.00	Y	511525	CE21031	RALPH L. LAMBERT		10/9/20
2021	04	386	10/15/2020	API	1		W CE21031	390.00	Y	511495	CE21031	CARDEN, INC.		
2021	04	386	10/15/2020	API	1		W CE21031	348.00	Y	511495	CE21031	CARDEN, INC.		
2021	04	198	10/08/2020	API	1		W CE21029	735.00	Y	511347	CE21029	CARDEN, INC.		
2021	04	198	10/08/2020	API	1		W CE21029	315.00	Y	511347	CE21029	CARDEN, INC.		
2021	04	20	10/01/2020	API	1		W CE21027	570.00	Y	511008	CE21027	CARDEN, INC.		
2021	04	20	10/01/2020	API	1		W CE21027	432.00	Y	511008	CE21027	CARDEN, INC.		
2021	04	20	10/01/2020	API	1		W CE21027	300.00	Y	511008	CE21027	CARDEN, INC.		
2021	04	20	10/01/2020	API	1		W CE21027	420.00	Y	511054	CE21027	BEMIS FARMS NURSE		
2021	03	560	09/24/2020	API	1		W CE21025	770.00	Y	510887	CE21025	CARDEN, INC.		
2021	03	558	09/24/2020	API	1		W CE21025	567.00	Y	510887	CE21025	CARDEN, INC.		
2021	03	556	09/24/2020	API	1		W CE21025	618.00	Y	510887	CE21025	CARDEN, INC.		
2021	03	556	09/24/2020	API	1		W CE21025	540.00	Y	510887	CE21025	CARDEN, INC.		
2021	03	556	09/24/2020	API	1		W CE21025	728.00	Y	510887	CE21025	CARDEN, INC.		
2021	03	385	09/17/2020	API	1		W CE21023	450.00	Y	510734	CE21023	CARDEN, INC.		
2021	03	385	09/17/2020	API	1		W CE21023	420.00	Y	510734	CE21023	CARDEN, INC.		
2021	03	155	09/10/2020	API	1		W CE21021	735.00	Y	510423	CE21021	CARDEN, INC.		
2021	03	155	09/10/2020	API	1		W CE21021	450.00	Y	510423	CE21021	CARDEN, INC.		
2021	03	11	09/03/2020	API	1		W CE21019	525.00	Y	510280	CE21019	CARDEN, INC.		
2021	03	10	09/03/2020	API	1		W CE21019	390.00	Y	510280	CE21019	CARDEN, INC.		
2021	02	568	08/27/2020	API	1		W CE21017	612.00	Y	510071	CE21017	CARDEN, INC.		
2021	02	567	08/27/2020	API	1		W CE21017	595.00	Y	510071	CE21017	CARDEN, INC.		
2021	02	567	08/27/2020	API	1		W CE21017	450.00	Y	510071	CE21017	CARDEN, INC.		
2021	02	454	08/20/2020	API	1		W CE21015	354.00	Y	509877	CE21015	CARDEN, INC.		
2021	02	452	08/20/2020	API	1		W CE21015	616.00	Y	509877	CE21015	CARDEN, INC.		
2021	02	451	08/20/2020	API	1		W CE21015	324.00	Y	509877	CE21015	CARDEN, INC.		
2021	02	451	08/20/2020	API	1		W CE21015	444.00	Y	509877	CE21015	CARDEN, INC.		
2021	02	451	08/20/2020	API	1		W CE21015	518.00	Y	509877	CE21015	CARDEN, INC.		
2021	02	53	08/06/2020	API	1		W CE21011	384.00	Y	509551	CE21011	CARDEN, INC.		
2021	02	53	08/06/2020	API	1		W CE21011	320.00	Y	509551	CE21011	CARDEN, INC.		
2021	02	51	08/06/2020	API	1		W CE21011	306.00	Y	509551	CE21011	CARDEN, INC.		
2021	02	51	08/06/2020	API	1		W CE21011	444.00	Y	509551	CE21011	CARDEN, INC.		
2021	01	707	07/30/2020	API	1		W CE21009	504.00	Y	509309	CE21009	CARDEN, INC.		
2021	01	707	07/30/2020	API	1		W CE21009	444.00	Y	509309	CE21009	CARDEN, INC.		
2021	01	707	07/30/2020	API	1		W CE21009	456.00	Y	509309	CE21009	CARDEN, INC.		
2021	01	707	07/30/2020	API	1		W CE21009	588.00	Y	509309	CE21009	CARDEN, INC.		
2021	01	474	07/23/2020	API	1		W CE21007	300.00	Y	509189	CE21007	BEMIS FARMS NURSE		WORKSHOP-
2021	01	474	07/23/2020	API	1		W CE21007	728.00	Y	509177	CE21007	CARDEN, INC.		
2021	01	474	07/23/2020	API	1		W CE21007	282.00	Y	509177	CE21007	CARDEN, INC.		
2021	01	333	07/15/2020	API	1		W CE21005	576.00	Y	508929	CE21005	CARDEN, INC.		
2021	01	333	07/15/2020	API	1		W CE21005	511.00	Y	508929	CE21005	CARDEN, INC.		SENIOR CT
2021	01	333	07/15/2020	API	1		W CE21005	360.00	Y	508929	CE21005	CARDEN, INC.		SENIOR CT
2021	01	333	07/15/2020	API	1		W CE21005	570.00	Y	508929	CE21005	CARDEN, INC.		SENIOR CT



CITY OF MARLBOROUGH

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

May 10, 2021

MEMORANDUM

TO: Mayor Arthur G. Vigeant
FROM: Diane Smith, City Auditor
RE: Public Safety Training Revolving Account

The income and expenditures of the Public Safety Training Revolving account are as follows:

Beginning balance as of July 1, 2020	\$ 19,512.35
Funds received to date	118,746.79
Expenditures to date-	
Trench Rescue Team Drill	(3,231.31)
District Dive Team Drill	(313.40)
Hazardous Materials Training	(1,600.00)
Infection Control Training	(606.08)
Hypothesis Development	(1,877.00)
Bullet Proof Vests	(2,453.85)
Taser Training/Recertification	(<u>36,180.89</u>)
Subtotal	(46,262.53)
Encumbrances	-
Balance as of May 10, 2021	<u>\$ 91,996.61</u>



City of Marlborough
Office of the Mayor

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

Arthur J. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

Ryan P. Egan
EXECUTIVE SECRETARY

May 20, 2021

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

Re: Year End Transfer Requests

Honorable President Ossing and Councilors:

Please find enclosed for your review and approval the year end transfer requests for the following departments:

Department of Public Works:

1. MIIA claim payment for the building damage at the Compost Building for \$732,937.77 to be transferred into Capital Outlay Compost Building. Please see the attached letter from Commissioner Sean Divoll regarding this item.
2. Transfer request in the amount of \$1,042,000.00 from the Undesignated Fund to fund the snow and ice deficit for FY21.
3. Transfer request in the amount of \$38,500.00 from the Undesignated Fund to the Open Space Stabilization account.
4. Transfer request in the amount of \$543,000.00 from available funds to cover items in the attached letter from Commissioner Sean Divoll.

Auditor:

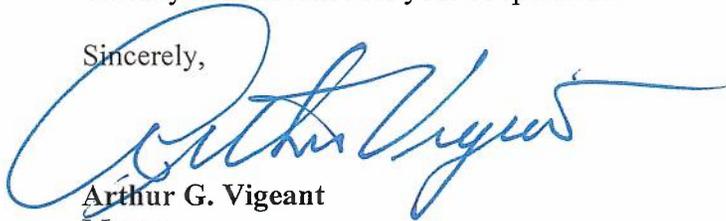
1. Transfer request in the amount of \$475.00 from Veterans Benefits to Veterans Director to fund a salary step increase for the Veterans Agent.
2. Transfer request in the amount of \$55,000.00 from various accounts to fund additional liability insurance for the Marlborough Public Library.

These transfers are needed to fund accounts for the remainder of FY21.

Our department heads will be available to discuss and answer any questions and speak in greater detail at the upcoming Finance Committee meeting.

Thank you in advance for your cooperation.

Sincerely,



Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Department of Public Works

135 NEIL STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. 508-624-6910
*TDD 508-460-3610

SEAN M. DIVOLL, P.E.
COMMISSIONER

May 19, 2021

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

Dear Mayor Vigeant:

The City is in receipt of an insurance award from MIA in the amount of \$732,937.77 for wind damage sustained at the City's compost building located at the Easterly Wastewater Treatment Plant. Metal roof panels dislodged from the structural purlins and beams rendering the building unsafe, unusable, and not feasible to fix due to its age and overall condition. The building was in use by the City to cost effectively process sludge generated at the Easterly Plant and the Westerly Plant for off-site disposal. The building has since been demolished to protect the safety of personnel working around the building.

It is our intent to rebuild with a steel and fabric structure so that we are able to resume processing sludge in the very near future.

I hereby request the insurance award be deposited in an account that the DPW can use for readying the site and constructing the building. I also request that the award is made available for extra sludge processing costs in the interim.

I kindly ask for your consideration in asking City Council to move as expeditiously as possible given the volatility of building material cost and availability.

Very truly yours,

Sean M. Divoll, P.E.
Commissioner

cc. Theodore Scott, P.E., Assistant Commissioner Operations
Christopher LaFreniere, Assistant Commissioner Utilities
Thomas DiPersio, Jr. P.E., P.L.S, City Engineer

THEODORE L. SCOTT, P.E.
ASST. COMMISSIONER, OPERATIONS

CHRISTOPHER S. LAFRENIERE
ASST. COMMISSIONER, UTILITIES

THOMAS DIPERSIO, JR. P.E., P.L.S.
CITY ENGINEER

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Public Facilities

FISCAL YEAR: 2021

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$732,937.77</u>	<u>\$732,937.77</u>	<u>27000099</u>	<u>48470</u>	<u>Insurance Proceeds over 150K</u>	<u>\$732,937.77</u>	<u>19300006</u>	<u>58255</u>	<u>Capital Outlay-Compost Bldg</u>	<u>\$0.00</u>
	Reason:	<u>Insurance Claims</u>				<u>Insurance proceeds for Compost Building damage</u>			
	Reason:								
	Reason:								
	Reason:								
	\$732,937.77	Total			\$732,937.77	Total			

Department Head signature:

[Signature] 5/19/2021

Auditor signature:

[Signature]

Finance Director signature:

[Signature]

CHECK # 187870

INSURED: Marlborough, City of
POLICY #: P00039PC2020
CLAIM #: M21PR927362-0001
CLAIMANT NAME:
DATE OF ACCIDENT: 3/2/2021
LOCATION: <Not Assigned>
IN PAYMENT OF: Wind Damage Compast Building 2500 Deductible
PAYMENT TYPE: PR/Blds/Bus/Per Prop
CHECK DATE: 5/6/2021
CHECK AMOUNT: \$ 732,937.77
TAX I.D. #:
VENDOR CODE:

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

MIIA MASSACHUSETTS
BASED
MEMBER
DRIVEN

PROPERTY / LIABILITY CLAIMS

Boston Private Bank and Trust Company
Ten Post Office Square
Boston, Massachusetts 02109-4603

CHECK NO.

187870

NOT VALID AFTER 1 YEAR FROM DATE

PAY EXACTLY SEVEN HUNDRED THIRTY-TWO THOUSAND NINE HUNDRED THIRTY-SEVEN DOLLARS AND 77 / 100**

DATE	AMOUNT
5/6/2021	\$ 732,937.77

Marlborough, City of
140 Main Street
Marlborough, MA 01752

Stephen W. Baker
D. W. Duh

VOID IF NOT CASHED WITHIN 90 DAYS

⑈ 187870 ⑈

BUDGET REPORT
AS OF MAY 13, 2021

FOR 2021 99

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
100 GENERAL FUND							
4000 DEPARTMENT OF PUBLIC WORKS							
0120 STREETS-SNOW & ICE							
14001203 51390 OVERTIME-SNOW &	125,000	0	125,000	352,215.36	.00	-227,215.36	281.8%
14001206 52960 SNOW REMOVAL	275,000	0	275,000	617,401.79	.00	-342,401.79	224.5%
14001206 57040 OPERATING EXPENS	100,000	24,750	124,750	585,973.09	10,163.47	-471,386.56	477.9%
TOTAL STREETS-SNOW & ICE	500,000	24,750	524,750	1,555,590.24	10,163.47	-1,041,003.71	298.4%
TOTAL DEPARTMENT OF PUBLIC WORKS	500,000	24,750	524,750	1,555,590.24	10,163.47	-1,041,003.71	298.4%
TOTAL GENERAL FUND	500,000	24,750	524,750	1,555,590.24	10,163.47	-1,041,003.71	298.4%
TOTAL EXPENSES	500,000	24,750	524,750	1,555,590.24	10,163.47	-1,041,003.71	
GRAND TOTAL	500,000	24,750	524,750	1,555,590.24	10,163.47	-1,041,003.71	298.4%

** END OF REPORT - Generated by Diane Smith **



City of Marlborough
Department of Public Works

135 NEIL STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. 508-624-6910
*TDD 508-460-3610

SEAN M. DIVOLL, P.E.
COMMISSIONER

Date: May 19, 2021

To: Mayor Vigeant

From: Sean M. Divoll, Commissioner of Public Works

Re: Budget Transfer Requests

Attached herewith are budget transfer requests in the amount of \$543,000 from available funds to cover costs relative to:

1. Unexpected liquid sludge removal
2. Cleaning and rock removal from Bolton Street Pump Station
3. MWRA assessment for FY2021
4. Additional legal expenses for Northborough case
5. Performing water system hydraulic modeling
6. Replace Whitcomb Middle School bathroom partitions and HVAC controls at schools
7. Covering cost of electricity and gas for the remainder of Fiscal Year

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Department of Public Works/Public Facilities

FISCAL YEAR: 2021

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$11,985</u>	<u>\$7,200.00</u>	<u>14001002</u>	<u>50520</u>	<u>Principal Clerk</u>	<u>\$75,900.00</u>	<u>11920006</u>	<u>52469</u>	<u>Repairs & Maint-Munic</u>	<u>\$136.22</u>
	Reason:	<u>Excess due to prior vacancy</u>				<u>Replace Whitomb School bathroom partitions & HVAC controls at various schools</u>			
<u>\$60,121</u>	<u>\$36,000.00</u>	<u>14001301</u>	<u>50690</u>	<u>Foreman</u>					
	Reason:	<u>Excess due to prior vacancy</u>							
<u>\$12,542</u>	<u>\$2,700.00</u>	<u>60080001</u>	<u>50630</u>	<u>Asst. Comm Utilities</u>					
	Reason:	<u>Excess due to step increases</u>							
<u>\$45,711</u>	<u>\$30,000.00</u>	<u>11920001</u>	<u>50291</u>	<u>Public Facilities Director</u>					
	Reason:	<u>Reduced Architect services</u>							
	<u>\$75,900.00</u>	Total			<u>\$75,900.00</u>	Total			

Department Head signature:

Auditor signature:

Comptroller signature:

[Signature] 5/19/2021
[Signature]
[Signature]

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Department of Public Works/Public Facilities

FISCAL YEAR: 2021

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
<u>\$59,466</u>	<u>\$50,000.00</u>	<u>11920001</u>	<u>50690</u>	<u>Foreman</u>	<u>\$50,000.00</u>	<u>11920006</u>	<u>52200</u>	<u>Natural Gas</u>	<u>\$528.00</u>	
	Reason:	<u>Excess due to vacancy</u>					<u>Cover natural gas expense thru end of Fiscal Year</u>			
<u>\$82,334</u>	<u>\$65,000.00</u>	<u>13032001</u>	<u>50386</u>	<u>HVAC</u>	<u>\$20,000.00</u>	<u>60080006</u>	<u>55660</u>	<u>Pump Stations</u>	<u>\$1,449.00</u>	
	Reason:	<u>Excess due to prior vacancy</u>					<u>Cleaning and rock removal at Bolton St Pump Station</u>			
					<u>\$45,000.00</u>	<u>61090006</u>	<u>52320</u>	<u>MWRA</u>	<u>\$6,764.00</u>	
						<u>Cover assessment from MWRA for FY21</u>				
<u>\$124,940</u>	<u>\$90,000.00</u>	<u>61090001</u>	<u>50690</u>	<u>Foreman</u>	<u>\$100,000.00</u>	<u>60080004</u>	<u>53110</u>	<u>Legal Services</u>	<u>\$1,392.50</u>	
	Reason:	<u>Excess due to vacancy</u>					<u>Cover legal expenses</u>			
<u>\$15,084</u>	<u>\$10,000.00</u>	<u>61090002</u>	<u>50520</u>	<u>Principal Clerk</u>						
	Reason:	<u>Excess due to prior vacancy</u>								
	<u>\$215,000.00</u>	Total			<u>\$215,000.00</u>	Total				

Department Head signature:

 5/19/2021

Auditor signature:



Comptroller signature:



CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Department of Public Works/Public Facilities

FISCAL YEAR: 2021

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$43,220</u>	<u>\$22,000.00</u>	<u>14001101</u>	<u>50710</u>	<u>Junior Civil Engineer</u>	<u>\$40,000.00</u>	<u>14001104</u>	<u>53180</u>	<u>Prof & Tech Services</u>	<u>\$87,353.37</u>
	Reason:	<u>Excess due to vacancy</u>				<u>Perform water modeling study</u>			
<u>\$10,800</u>	<u>\$9,050.00</u>	<u>14001103</u>	<u>51240</u>	<u>Temporart Part/Time</u>					
	Reason:	<u>Excess due to Covid-19</u>							
<u>\$21,605</u>	<u>\$8,950.00</u>	<u>14001101</u>	<u>50700</u>	<u>Grade 2 Engineering Aide</u>					
	Reason:	<u>Excess due to vacancy</u>							
<u>\$33,281</u>	<u>\$24,800.00</u>	<u>60081001</u>	<u>50910</u>	<u>Chief Treatment Plant Op</u>	<u>\$50,000.00</u>	<u>60086006</u>	<u>52935</u>	<u>Solid Waste</u>	<u>\$32,780.00</u>
	Reason:	<u>Excess due to prior vacancy</u>				<u>Cover unexpected liquid sludge removal cost</u>			
<u>\$10,194</u>	<u>\$7,200.00</u>	<u>60081001</u>	<u>50750</u>	<u>Equipment Operator</u>					
	Reason:	<u>Excess due to vacancy</u>							
<u>\$104,020</u>	<u>\$18,000.00</u>	<u>61090001</u>	<u>50740</u>	<u>Equipment Operator</u>					
	Reason:	<u>Excess due to vacancy</u>							
	<u>\$90,000.00</u>	Total			<u>\$90,000.00</u>	Total			

Department Head signature:

[Signature] 5/19/2021

Auditor signature:

[Signature]

Comptroller signature:

[Signature]

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Department of Public Works/Public Facilities

FISCAL YEAR: 2021

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$15,907</u>	<u>\$15,900.00</u>	<u>11920002</u>	<u>50520</u>	<u>Principal Clerk</u>	<u>\$162,100.00</u>	<u>11920006</u>	<u>52120</u>	<u>Electricity</u>	<u>\$135,928.00</u>
	Reason:	<u>Excess due to position not being filled</u>				<u>Cover electricity bills for remainder of FY21</u>			
<u>\$154,617</u>	<u>\$75,000.00</u>	<u>14001303</u>	<u>50740</u>	<u>Equipment Operator</u>					
	Reason:	<u>Excess due to vacancy</u>							
<u>\$44,993</u>	<u>\$33,500.00</u>	<u>14003003</u>	<u>51240</u>	<u>Attendant</u>					
	Reason:	<u>Excess due to vacancy</u>							
<u>\$43,912</u>	<u>\$18,600.00</u>	<u>14001501</u>	<u>50690</u>	<u>Foreman</u>					
	Reason:	<u>Excess due to vacancy</u>							
<u>\$102,512</u>	<u>\$13,400.00</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>					
	Reason:	<u>Excess due to vacancy</u>							
<u>\$19,724</u>	<u>\$5,700.00</u>	<u>14001403</u>	<u>50745</u>	<u>Equipment Operators</u>					
	Reason:	<u>Excess due to vacancy</u>							
	<u>\$162,100.00</u>	Total			<u>\$162,100.00</u>	Total			

Department Head signature:

Auditor signature:

Comptroller signature:

[Signature] 5/19/2021
[Signature]
[Signature]



CITY OF MARLBOROUGH
Office of the City Auditor
140 Main St.
Marlborough, MA 01752

May 19, 2021

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

RE: Year-End Transfer Request

Enclosed herewith is a transfer request to fund a step increase due to the Veterans Director and an increase to Property Liability Insurance to cover additional premiums associated with the Library project.

Please contact me if you should have any further questions regarding this information.

Sincerely,

Diane Smith, CGA
City Auditor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Various

FISCAL YEAR: 2021

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$82,282.19</u>	<u>\$475.00</u>	<u>15430006</u>	<u>57710</u>	<u>Veterans Benefits</u>	<u>\$475.00</u>	<u>15430001</u>	<u>50080</u>	<u>Veterans Director</u>	<u>\$7,213.51</u>
	Reason:	<u>Benefits running lower than expected</u>			Reason:	<u>To fund step increase at higher salary ordinance</u>			
<u>\$5,000.00</u>	<u>\$5,000.00</u>	<u>11210004</u>	<u>53080</u>	<u>Audit Services</u>	<u>\$55,000.00</u>	<u>11940006</u>	<u>57410</u>	<u>Property Liability Ins</u>	<u>\$1,587.04</u>
	Reason:	<u>Audit complete</u>			Reason:	<u>To fund additional insurance for Library move</u>			
<u>\$37,745.62</u>	<u>\$33,000.00</u>	<u>11330002</u>	<u>50520</u>	<u>Principal Clerk</u>					
	Reason:	<u>Position filled end of March</u>			Reason:				
<u>\$4,203.23</u>	<u>\$4,203.23</u>	<u>11330002</u>	<u>50588</u>	<u>Part Time Mail Clerk</u>					
	Reason:	<u>Vacant position</u>			Reason:				
<u>\$97,500.00</u>	<u>\$12,796.77</u>	<u>11330006</u>	<u>57850</u>	<u>Bond Expense</u>					
	Reason:	<u>Bond expenses down from previous years</u>			Reason:				
	Reason:				Reason:				
	<u>\$55,475.00</u>	Total			<u>\$55,475.00</u>	Total			

Department Head signature: _____

Auditor signature: _____

Finance Director signature: _____

[Handwritten Signature]
[Handwritten Signature]

City of Marlborough
Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH



2021 MAY 12 A 10:29
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

5/12/2021

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.

This sign complies with the Special Permit from 2001 Order No. 01-9068C

The sign permit application and rendering has been included as Exhibit A.

Address of Location seeking approval 656 Boston Post Road East
BP-2021-000659

Zoning District:	Wayside Zoning
Meets Current Sign Code:	YES
Planning Board Variance:	NO

Code Enforcement Officer Ethan Lippitt

CC File
City Council
Commissioner Htway

Letter to City Council RE: BP-2021-000659

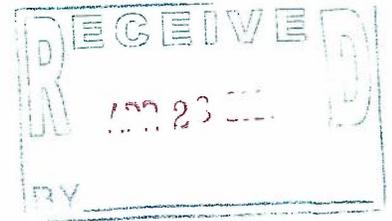
Exhibit A



City of Marlborough

BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752



B

Date: 4/21/21 Permit No. _____

Address/Location of Sign 656 BOSTON POST ROAD

Name of Business MDBIL / ALLTOWN

Name of Owner of Business GLOBAL PROPERTIES Telephone 800-225-1925

Type of Sign: (check off which applies)

Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO NO. 01-9068 C

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

Dimensions Sign:

② L 19'-2" W 4'-4" ALLTOWN AREA 83.1 SF
③ Length 7'-4" Width 15 CARWASH Area 110.6 SF

Location of Sign on Bld. North South East West

Dimensions Façade:

L 85'-0" W 13'-0" H AREA 1105 SF BUILDING
Length 48'-0" Width 13'-0" H Area 624 SF CARWASH

Carolyn A Parker Telephone 774-239-2781
Signature of Responsible Party

Installer Company JSP LAND DEVELOPMENT Telephone 413-564-0404

% capconsulting@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.

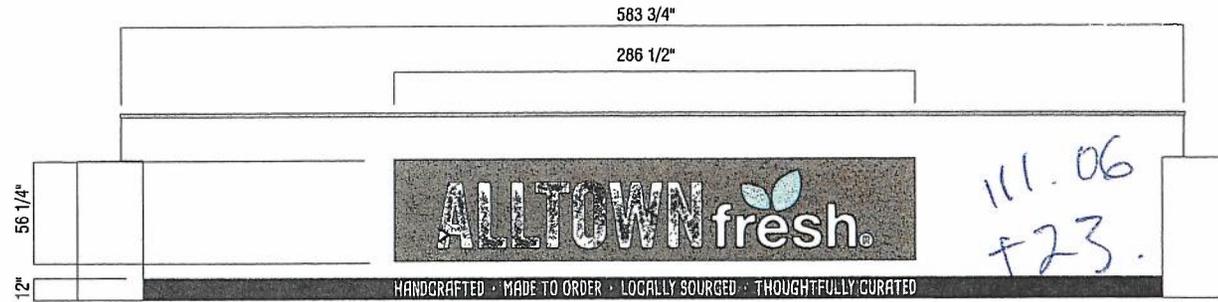
Carolyn A Parker 4/20/21
Signature Date

Cost of Sign(s) \$ 5,000.00 Permit Fee \$ 100.00
(\$50x2)

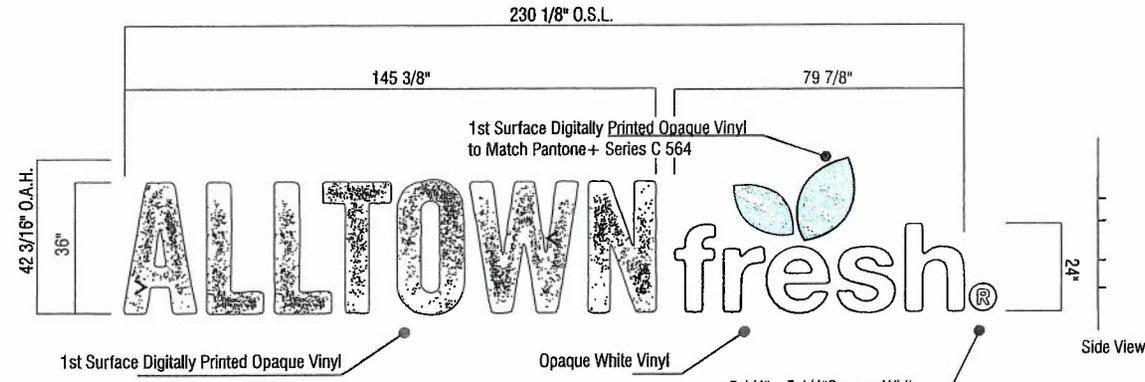
Building Fascia

4'-8 1/4" x 23'-10 1/2"

SIGN

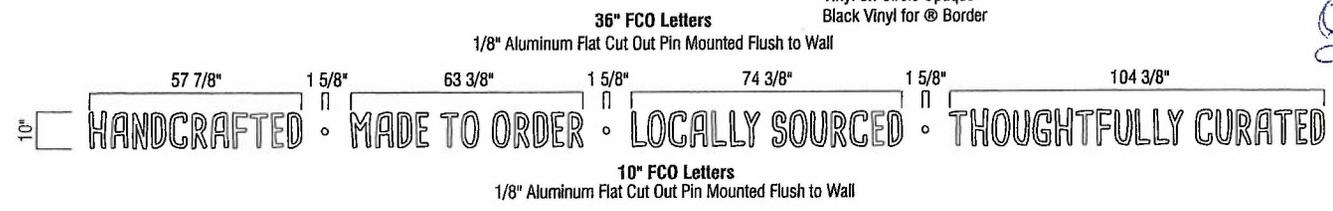


6-16



19.11

59.5
+23
82.5



Existing



Proposed



Revisions:
R5: Changed 10" FCO's to read: Handcrafted Made to order
Locally Sourced Thoughtfully Crafted...03.18.2021 m C
THIS DRAWING IS YOUR FINAL PROOF: IT SUPERSEDES ALL VERBAL AND WRITTEN COMMUNICATION BY SIGNING BELOW YOU ARE AUTHORIZING US TO MANUFACTURE TO THE ABOVE SPECIFICATION

Accounts Rep:
Project Manager: yvonne BROWN
Drawn By: m C
Underwriters (NAC) ELECTRICAL TO USE ULL LISTED



Job Number: Xx212281.E
Date: 04.15.21
Sheet Number: 1 of 1

This original is provided as planned and is not to be copied or reproduced without the permission of the

SIGN - 3

New SF Sign w/ Arc

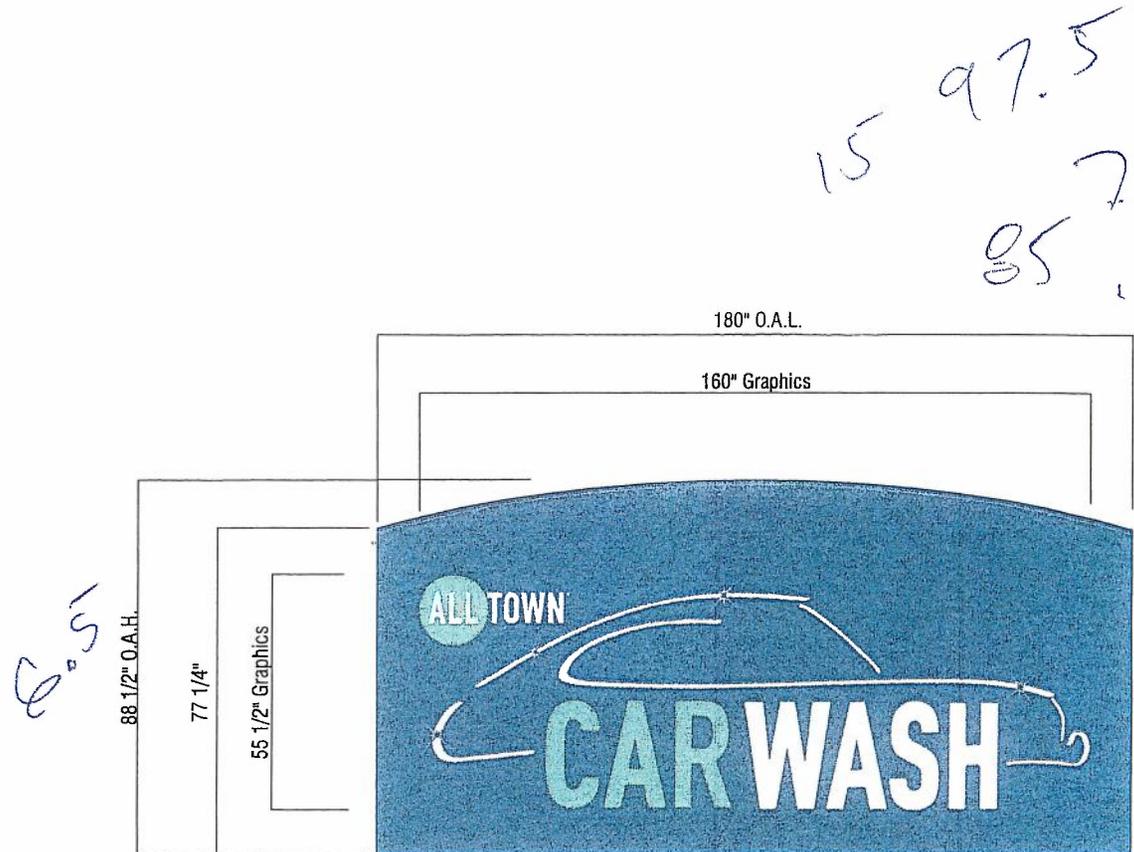
All Town Car Wash



Existing



Proposed



Colors...
 Pantone + Series C 7700 Dark Blue
 Pantone + Series C 563 Teal
 LEF-2003 White

FEDERAL HEALTH
 VISUAL COMMUNICATIONS
 www.FederalHealth.com
 1500 North Bolton Jacksonville, Tx 75766
 (93) 589-2100 (800) 888-1327 Fax (903) 589-2101

Revisions:
 R1: Received new graphics w/ new layout for logo...01.28.21
 R2: Re-added existing/proposed...02.11.21

THIS DRAWING IS YOUR FINAL PROOF: IT SUPERSEDES ALL VERBAL AND WRITTEN COMMUNICATION BY SIGNING BELOW YOU ARE AUTHORIZING US TO MANUFACTURE TO THE ABOVE SPECIFICATION

Client Approval/Date: _____

Colors Depicted in This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match.

Account Rep: _____
 Project Manager: **yvonne BROWN**
 Drawn By: **m C**

UL Underwriters Laboratories Inc. **NEC** ELECTRICAL TO USE ALL LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS. ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. LISTED ARTICLE 80 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.



Easton, MA

Job Number: **Xx208356.E**
 Date: **01.12.21**
 Sheet Number: **1** of **1**
 Design Number: _____

This original is provided as planned and is not to be copied or reprinted without the permission of Federal Health Company. All artwork approved.

GENERAL NOTES

- The bearing base for this survey originated from description recorded in Book 35438 of Deeds at Page 185.
- This property has an area of 91,391 square feet or 2.086 acres of land.
- This property is designated by Middlesex County, as Tax Map Parcel 81-2, 81-24 & 81-3.
- There was no observable evidence of survey lines at the time of this survey.
- This site has access via Boston Post Road and Pomphrey Drive, both public roadways.
- Water roadways appear to be private, unless noted, unless otherwise shown.

SCHEDULE B - TITLE EXCEPTION NOTES

This survey is based on a Title Report prepared by Stewart Title Guaranty Company, Commitment No. 09332435, dated December 1, 2009 at 4:00 a.m.

- None not listed below are standard UGA exemptions and/or are not restorable or issue that pertain to this survey.
- Taking by the Town of Marlborough to construct and maintain sewers, recorded on October 15, 1990 in Book 2004, Page 1, as confirmed by a Deed in confirmation of said taking granted by George H. Hope, dated September 28, 1862, and recorded in Book 2144, Page 185. Does not affect subject property, affects property to the north as shown on survey.

- Encumbrances granted by Catherine Berthoud to New England Telephone & Telegraph Company and the Worcester County Electric Company, dated December 14, 1851, and recorded in Book 28194, Page 508. Affects subject property, listed in nature.

- Encumbrances and other matters shown on and/or disclosed by the plan recorded as Plan No. 173 of 1998 in Book 7858, Page 443. Affects subject property, as shown on survey.

- Order of Taking (Layout No. 7595) by Massachusetts Department of Highways for alteration and layout of State Highway, shown on Boston Post Road (Route 20) dated May 30, 2001, and recorded in Book 23146. Affects subject property, as shown on survey.

- Encumbrance and other matters shown on and/or disclosed by the plan recorded as Plan No. 172 of 1998 in Book 28194, Page 444. Affects subject property, as shown on survey.

- Taking by the Commonwealth of Massachusetts (acting by and through its Department of Public Works) for the alteration and layout of Boston Post Road, dated April 10, 1928, and recorded in Book 5219, Page 418. Does not affect subject property, former Highway taking.

- Taking (Layout No. 7543) by the Commonwealth of Massachusetts (acting by and through its Department of Public Works) for the alteration and layout of Boston Post Road, dated August 14, 1991, and recorded in Book 29688, Page 243. Does not affect subject property, former Highway taking.

- Taking (Layout No. 7542) by the Commonwealth of Massachusetts (acting by and through its Department of Public Works) for the alteration and layout of Boston Post Road, dated May 28, 1993, and recorded in Book 30276, Page 502. Affects subject property, as shown on survey.

- Order of Conditions under Massachusetts Wetlands Protection Act issued by Massachusetts Commission (DEP File No. 212-961) recorded in Book 33645, Page 343. Affects subject property, 100' wetlands buffer shown on survey.

- Utility Encumbrance from Escalabold Oil Corporation to Massachusetts Electric Company dated November 8, 2003, in Book 41830, Page 107. Affects subject property, as shown on survey.

POTENTIAL ENCROACHMENT NOTES

No Potential Encroachments Found.

ZONING NOTES

Zoned: Business - B

Permitted Use Classification: Retail, Office, Bank, School, Self-storage, Laundry, Drive-through, Outdoor storage, Restaurant, Amusement, Public Storage (with special permit), Car Wash (with special permit).

Signage Regulation: See Section 8 and 9. Existing signs are subject to change and interpretation, for further information contact City of Marlborough Planning Dept. (508-253-3740).

See also: www.marlbma.gov and/or www.mass.gov for information on the Massachusetts State Building Inspection.

Site Restrictions:

- Maximum building setback: 10 feet (with provided 77.5)
- Maximum lot area: 10,000 sq. ft. (with provided 91,391 sq. ft.)
- Minimum lot frontage: 50 feet (with provided 57.37)
- Maximum building height: 35 feet (with provided 13)
- Maximum rear area ratio: N/A

Parking Restrictions:

- None and other for the consistency of retail business shall provide one parking space, 300 sq. ft. for each 100 sq. ft. of public floor space or area.
- Total regular spaces - provided: 32
- Total handicap spaces - provided: 2
- Total nonhandicap spaces - provided: 30

FLOOD ZONE NOTE

By special pleading and this property is in Zone C of the Flood Insurance Rate Map, Community Flood Map No. 25000-0001-0001, dated January 4, 1988 and is not in a Special Flood Hazard Area. By implication and to the National Flood Insurance Program (NFIP) - 500-660-6600 no base flood has been determined. Property protection is the responsibility of the property owner. No insurance or other financial aid will be provided to verify this determination or apply for a variance from the Federal Emergency Management Agency.

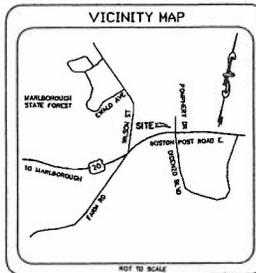
Survey Prepared By:

LEHR LAND SURVEYORS
116 SALINA STREET - SUITE 6
LIVERPOOL, NEW YORK 13098
PHONE: 315-451-3333
FAX: 315-451-3392

Surveyor's Drawing No. 10-A-41
Surveyor's SEB No. 10-A-11
Checked by: MBL
Drawn by: YWW
GRAPHIC SCALE: 1" = 30'

LEGEND OF SYMBOLS & ABBREVIATIONS

- U.P. = UTILITY POLE
- L.P. = LIGHT POLE
- = SIGN
- = CATCH BASIN
- = SANITARY MANHOLE
- = DRAINAGE MANHOLE
- = MASSACHUSETTS HIGHWAY BOUNDARY
- = IRON ROD SET
- = NAIL SET
- = MONITORING WELL
- = HANDICAP PARKING SPACE
- = AIR PUMP
- = PAY PHONE
- = VACUUM
- = ADJACENT PROPERTY LINE
- = BUILDING SETBACK LINE
- = OVERHEAD UTILITY LINES



LEGAL DESCRIPTION

PARCEL ONE

Two certain parcels of land with the buildings and improvements thereon, situated on the northerly side of Boston Post Road in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts, being now known as numbered 856, 868 and 870 Boston Post Road, and being shown on a plan entitled, "Plan of Land in Marlborough, Mass.", dated January 9, 1998, prepared by Highland Land Surveyors, Inc., and recorded with the Middlesex South District Registry of Deeds as Plan No. 172 of 1998 in Record Book 28194, Page 443. And being recorded in said Registry of Deeds in Book 28246, Page 18.

PARCEL TWO

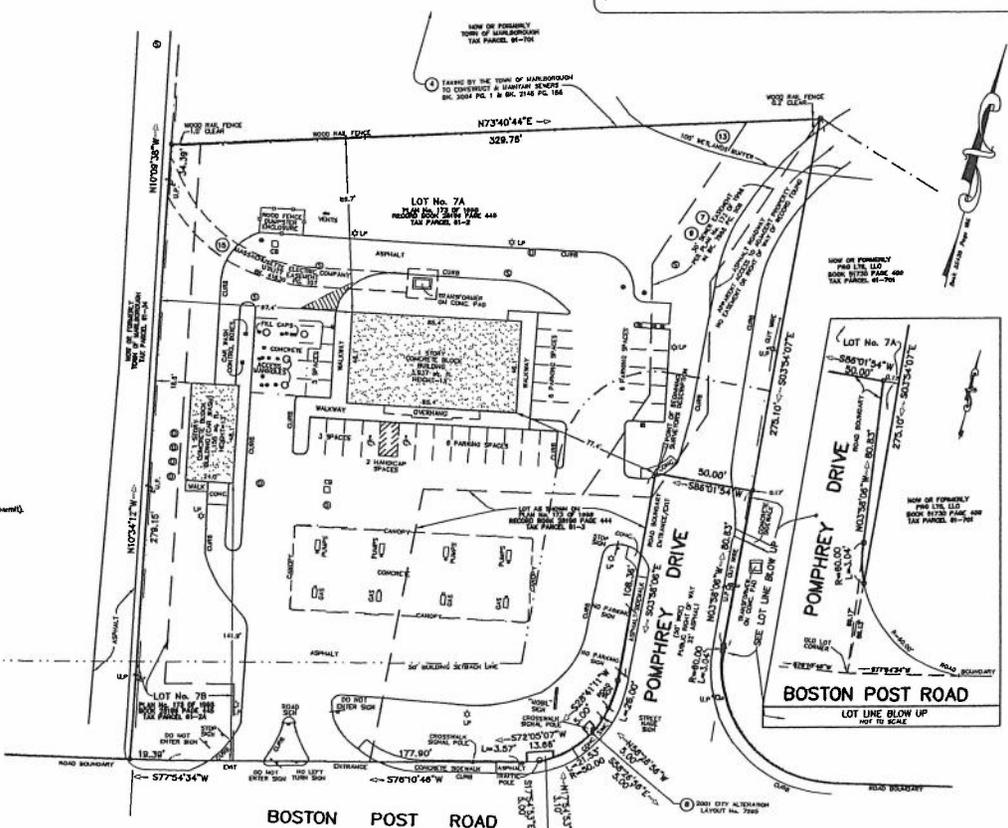
A certain parcel of land with the buildings and improvements thereon, situated on the northerly side of Boston Post Road in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts, being now known as numbered 866 Boston Post Road, and being shown on a plan entitled, "Plan of Land in Marlborough, Mass.", dated December 2, 1997, prepared by Highland Land Surveyors, Inc., and recorded with the Middlesex South District Registry of Deeds as Plan No. 172 of 1998 in Record Book 28194, Page 444.

Being the same tract of land described in a Title Report prepared by Stewart Title Guaranty Company, Commitment No. 09332435, dated December 1, 2009 at 4:00 p.m.

SURVEYORS DESCRIPTION

All that parcel of land situated on the northerly side of Boston Post Road in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts, being shown on Lots 7A and 7B on a plan entitled, "Plan of Land in Marlborough, Mass.", dated January 8, 1998, prepared by Highland Land Surveyors, Inc., and recorded with the Middlesex South District Registry of Deeds as Plan No. 173 of 1998 in Record Book 28194, Page 445. And being recorded in said Registry of Deeds in Book 28246, Page 19 and also being a parcel of land shown on a plan entitled, "Plan of Land in Marlborough, Mass.", dated December 2, 1997, prepared by Highland Land Surveyors, Inc., and recorded with the Middlesex South District Registry of Deeds as Plan No. 172 of 1998 in Record Book 28194, Page 444 and being more particularly described as follows:

- Beginning at the northwesterly terminus of Pomphrey Drive;
- Thence S.03°50'08" W., along the westerly line of Pomphrey Drive a distance of 108.36 feet to a Massachusetts Highway Bound as a point of curve;
- Thence southerly along said westerly line of Pomphrey Drive on a curve to the right, having a radius of 50.00 feet and an arc distance of 28.50 feet to a point;
- Thence N.08°29'58" W., continuing along said westerly line of Pomphrey Drive for a distance of 5.00 feet to a point;
- Thence S.38°41'11" W., continuing along said westerly line of Pomphrey Drive for a distance of 5.00 feet to a point;
- Thence S.58°24'58" W., continuing along said westerly line of Pomphrey Drive for a distance of 8.00 feet to a point of curvature;
- Thence southerly, continuing along said westerly line of Pomphrey Drive on a curve to the right, having a radius of 50.00 feet, an arc distance of 21.23 feet to its intersection with the northerly line of Boston Post Road (Also Known As Route 20);
- Thence N.17°54'53" W., continuing along said northerly line of Boston Post Road for a distance of 3.10 feet to a point;
- Thence S.72°08'07" W., continuing along said northerly line of Boston Post Road for a distance of 13.88 feet to a point;
- Thence S.17°54'53" E., continuing along said northerly line of Boston Post Road for a distance of 5.00 feet to a point of curvature;
- Thence westerly, continuing along said northerly line of Boston Post Road on a curve to the right, having a radius of 50.00 feet, an arc distance of 3.57 feet to a point;
- Thence S.78°10'44" W., continuing along said northerly line of Boston Post Road for a distance of 177.90 feet to a point;
- Thence S.77°54'34" W., continuing along said northerly line of Boston Post Road for a distance of 18.39 feet to the southeasterly corner of property now or formerly owned by the City of Marlborough;
- Thence N.10°34'18" W., along the southerly line of said City of Marlborough property for a distance of 278.15 feet to a point;
- Thence N.10°09'38" W., continuing along said southerly line of said City of Marlborough property for a distance of 24.39 feet to the southerly line of property taken by the City of Marlborough to construct and maintain sewers (BK. 2054, PG. 1 & BK. 2146, PG. 188);
- Thence N.73°40'44" E., along said southerly line of said City of Marlborough property for a distance of 329.78 feet to the most northerly corner of property now or formerly owned by FPG L.L.C. LLC;
- Thence S.03°54'07" E., along the westerly line of said FPG L.L.C. LLC property for a distance of 276.10 feet to its intersection with the southerly line of Pomphrey Drive;
- Thence northerly, using said southerly line of Pomphrey Drive on a curve to the right, having a radius of 60.00 feet, an arc distance of 3.04 feet to a point;
- Thence N.03°58'08" W., continuing along said southerly line of Pomphrey Drive for a distance of 82.83 feet to the northwesterly terminus of Pomphrey Drive;
- Thence S.08°01'54" W., along the terminus of Pomphrey Drive for a distance of 80.00 feet to the point of beginning.



ALTA/ACSM LAND TITLE SURVEY

ExxonMobil
55# 19478
656 Boston Post Road
Marlborough, Massachusetts
Surveyor's Certification

To: Exxon Mobil Corporation, ExxonMobil Oil Corporation, Stewart Title Guaranty Company and M&A Associates, Inc.

This is to certify that this map or plan and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes Items 1-4, 6, 7(a), 7(b), 7(c), 8, 9, 10, 11(c), 13 and 14 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, the undersigned further certifies that in my professional opinion, as a land surveyor registered in the Commonwealth of Massachusetts, the relative positional accuracy of this survey does not exceed that which is specified therein.

Registered Surveyor: Willam A. Rothenstein
Registration Number: 35413
in the State of Massachusetts
Date of Last Field Survey: January 21, 2010
Date of Last Renewal: March 22, 2010

PROJECT NAME: ExxonMobil M&A PROJECT No.: 1099-09-1845-174
ADDRESS: 656 Boston Post Road CITY: Marlborough STATE: Massachusetts

For Inquiries Concerning This Survey Contact MKA
National Coordinators of Land Survey Services
MKA
A National Land Services Group
6593 Commerce Court - Warrenton, Virginia 20187
Phone: (540) 428-3550 Fax: (540) 428-3560
www.mkaassociates.com

CAROLYN A. PARKER
CONSULTING

April 21, 2021

City of Marlborough
140 Main Street
Marlborough, MA 01752

Attn: Ms. Pamela Wilderman
Code Enforcement Officer

Mobil
656 Boston Post Road East
Marlborough, MA 01752
Delivery: Regular Mail

Dear Ms. Wilderman,

Enclosed please find (1) one Sign Permit Application and (2) sets of drawings showing the sign changes to the existing Mobil gas station located at 656 Boston Post Road, Marlboro, MA. The site is currently under construction with the interior of the building getting a face lift. In the process they are updating their site signage. The existing wall sign on the building has been removed and they will replace it with a new "Alltown fresh" sign with misc. text below the sign, total square footage is 83.1 sf. They will also remove and replace the sign at the carwash, they will remove the "Autowash" sign and install new "Alltown Carwash" sign at 110.6 sf. (the same size that is currently there). The existing location, illumination and overall square footage of 73.3 square feet will remain.

The contractor for the project is JSP Land Development, 181 Notre Dame Street, Westfield, MA 01085, a copy of their Worker's Compensation Insurance is enclosed. Also enclosed is an owner authorization form allowing me to obtain the necessary permits. No electrical permit is required.

Lastly, please find check #3485 in the amount of \$100.00 for the Sign Permit fees. We are set to be heard by the City Council for the freestanding sign changes on Monday April 26, 2021 and hope these sign changes can be reviewed then too, let me know. If you find everything is in order please return the permit to me in the enclosed self-addressed stamped envelope. If you have any questions or require additional information please call me at (774) 239-2781 to discuss. Thank you in advance for your time in helping to expedite this matter.

Sincerely,


Carolyn A. Parker

Cc: JSP Land Development

SPECIALIZING IN THE PETROLEUM INDUSTRY
Project Management, Permit Expediting, Drafting & Fire Suppression Plans

2021 MAY 18 P 2:45

May 11, 2021

Via Hand Delivery By Courier

Tin Htway, Building Commissioner
Inspectional Services Department
City of Marlborough
140 Main Street, 2nd Floor
Marlborough, MA 01752

Re: Raising Cane's Restaurants, LLC
Application for Issuance of Special Permit
141 Boston Post Road West (Route 20), Marlborough, Massachusetts

Dear Tin:

Per our recent call, and related to Raising Cane's Restaurants, LLC's (the "Applicant") Application for Issuance of a Special Permit at 141 Boston Post Road West (Route 20), I have enclosed a copy of the following:

1. Special Permit Application Forms
2. Special Permit Memorandum to City Council
3. Site Plans
4. Drainage Report

Per our discussion, the applicant has requested a 400-foot-radius certified abutters list from the Assessor's Office, which I will arrange to have transmitted directly to the City Clerk's office to be included with this application.

The Applicant requests to be placed on the City Council's agenda for its May 26th hearing to set a public hearing date for our Special Permit application.

If everything is in order, please sign on page four of the application materials and **arrange for this package to be sent inter-office to Eileen Bristol in the Tax Collector's office for her signature.**

Once Ms. Bristol has received the package, I can coordinate with her to have the materials filed with the City Clerk for distribution to the various City departments for their review.

Thank you for all of your assistance with this matter, and please feel free to get in touch if you wish to discuss, or if you need anything further from the Applicant.

Very truly yours,



Michael E. Brangwynne
FLETCHERTILTON PC
12 Post Office Square, 6th Floor
Boston, MA 02109
P: 617-336-2281 | F: 617-336-4481

MEB/encls.

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 MAY 18 P 2:45

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Raising Cane's Restaurants, LLC, 6800 Bishop Road, Plano, TX 75024

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

141 Boston Post Road West (Route 20); Map # 78, Parcel # 78-15A

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

RK Associates Marlboro, Inc., 50 Cabot Street, Suite 200, Needham, MA 02494

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

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

Article V Section 650-14 Paragraph B Sub-paragraph (2)

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

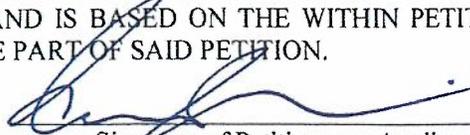
Business

7. Specific reason(s) for seeking Special Permit

The Applicant seeks Special Permit approval for the addition of a two lane drive through
as set forth in detail in the memorandum submitted with this application.

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

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



Signature of Petitioner or Applicant

Address: Adam Caraci, Raising Cane's Restaurants LLC

6800 Bishop Road, Plano, TX 75024

Telephone No. 216-769-3206

Date: 5/9/2021

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

Raising Cane's Restaurants, LLC
(Name of Petitioner)

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

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

KARAPATSAS PAUL
ONE DAVE THOMAS BLVD
DUBLIN, OH 43017

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

MARLBORO HILLS LANDLORD M
135 SOUTH RD
FARMINGTON, CT 06032

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

MCDONALDS CORPORATION
P O BOX 902
SPENCER, MA 01562

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

PAUL M LYN
139 NORTHBORO RD EAST
MARLBOROUGH, MA 01752

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

R K ASSOCIATES-MARLBORO I
50 CABOT ST STE 200
ATTN RK CENTERS
NEEDHAM, MA 02494

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

R K ASSOCIATES-MARLBORO I
50 CABOT STREET STE 200
ATTN RK CENTERS
NEEDHAM, MA 02494

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

R K ASSOCIATES-MARLBORO I
50 CABOT STREET STE 200
ATTN RK CENTERS
NEEDHAM, MA 02494

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

RB HOTEL MARLBOROUGH LLC
4100 REGENT ST SUITE G
COLUMBUS, OH 43219

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

ROYAL PLAZA MARLBOROUGH L
181 BOSTON POST RD WEST
MARLBOROUGH, MA 01752

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Raising Cane's Restaurants, LLC Address: 6800 Bishop Road, Plano, TX 75024

Project Name: Raising Cane's Restaurant Address: 141 Boston Post Road West (Route 20)

1. PROPOSED USE: (describe) Restaurant with two-lane drive through, as described in more detail in the memorandum submitted with this application.

2. EXPANSION OR NEW: New restaurant construction with two-lane drive through service.

3. SIZE: floor area sq. ft. 3,316 1st floor 3,316 all floors 3,316
buildings 1 # stories 1 lot area (s.f.) 36,338 +/-

4. LOT COVERAGE: 9.1 % Landscaped area: 30 %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 12 Staff / 10 Customers Peak period: 12 Staff / Approximately 50 customers

6. TRAFFIC: Please see the memorandum submitted with this application for items 6-11.

(A) Number of vehicles parked on site:

During regular hours: 12-15 cars Peak period: 25 - 28

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

Please see memorandum submitted with application.

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

Please see memorandum submitted with application.

8. NOISE:

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

Please see memorandum submitted with application.

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

Please see memorandum submitted with application.

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

Please see memorandum submitted with application.

10. WATER AND SEWER: Describe any unusual generation of waste.

Please see memorandum submitted with application.

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed?

Please see memorandum submitted with application.

***Attach additional sheets if necessary**



CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752

City Hall

140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: _____

SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: Raising Cane's Restaurant

Project Use Summary: New construction of restaurant with two-lane drive through service

Project Street Address: 141 Boston Post Road West (Route 20)

Plate: Map # 78 Parcel: 78-15A

Applicant/Developer Name: Raising Cane's Restaurant, LLC

Plan Date: 4/09/2021 Revision Date: _____

Dear President and Members:

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

Very truly yours,


TJK HWAY
Jeffrey K. Cooke
Building Commissioner

Application Fee to submit to
City Clerk's office

\$500.⁰⁰/xx



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

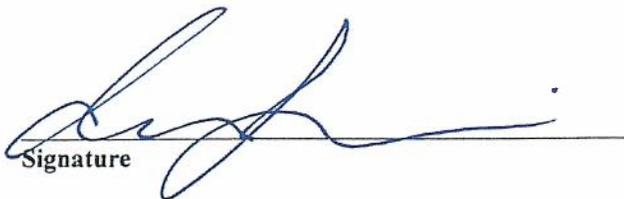
**Lisa M. Thomas
City Clerk**

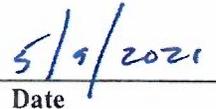
Dear Applicant,

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

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

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


Signature


Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas
City Clerk*



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

**Lisa M. Thomas
City Clerk**

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

Company Name

Raising Cane's Restaurants, LLC

Owner Name/Officer Name of LLC or Corporation

Adam Caracci

Owner/Officer Complete Address and Telephone Number

6800 Bishop Road, Plano, TX 75024

(216) 769 - 3206

Signature of Applicant



Attorney on behalf of Applicant, if applicable



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



Tax Collector

**TOWN OF MARLBOROUGH
CITY COUNCIL**

**RE: Raising Cane's Restaurants, LLC
Application for Issuance of Special Permit
141 Boston Post Road West (Route 20), Marlborough, Massachusetts**

MEMORANDUM IN SUPPORT OF APPLICATION FOR SPECIAL PERMIT

I. INTRODUCTION

The applicant, Raising Cane's Restaurants, LLC ("Raising Cane's" or the "Applicant") seeks approval of its plans for the installation of a new restaurant location at 141 Boston Post Road with a dual lane drive through service (the "Project"). The Project requires the issuance of a Special Permit from the City Council pursuant to the City of Marlborough Zoning Code:

§ 650 Attachment 1: Table of Use Regulations - Restaurant with drive-in or drive-thru facilities (31) allowed by Special Permit in Business (B) District.

II. DESCRIPTION OF PROJECT

Raising Cane's was founded in 1996 by Todd Graves in Baton Rouge, LA. Still family owned and operated, it today operates 545 Restaurants in 25 states and the Middle East. The Restaurant's concept is focused on its One Love, the chicken finger meal. That's all Raising Cane's serves ... boxes of chicken fingers, served with crinkle cut fries, coleslaw, Texas toast, and homemade Cane's sauce.

Raising Cane's will be unique to Massachusetts in that it is one of the first national concepts with a single item on its menu to enter the market. Raising Cane's gives back to the local communities we serve in five core areas – education, feeding the hungry, pet welfare, promoting active lifestyles, and developing entrepreneurship.

As part of the Project, Raising Cane's plans to construct dual drive through lanes that will be accessed through the onsite parking area, which can be entered from either Boston Post Road or Northboro Road, per the plans submitted herewith.

III. APPROPRIATENESS OF USE

In support of the issuance of a Special Permit, Raising Cane's states the following:

1. *The proposed drive-through use is in harmony with the general purposes and intent of the City Zoning Code.*

Unlike a traditional drive through facility, the proposed drive-through facility utilizes a dual lane system and the deployment of Crewmembers during peak hours to maximize efficiency

and throughput. The dual lane drive-through has become the industry standard because it reduces queuing and allows for improved circulation for vehicles and pedestrians in and around the parking areas.

Crewmembers will greet guests and direct them to pull forward as far as possible in one of the two lanes while they place and await delivery of their orders. Tablet ordering will be employed during peak hours to take orders in both lanes, take payment, and move cars through at industry-leading speeds of service. Currently, from the time a customer places their order until they leave the parking lot takes 2.5 minutes. Crewmembers will be staged throughout the drive through to ensure customers pull forward and the drive through queue is moving efficiently. Food is walked out to the outer drive through lane customers.

Based on Raising Cane's business model, it is expected that a high level of sales will be via the proposed drive through lanes. Pre-COVID, drive thru sales typically made up 75% of Raising Cane's business. Raising Cane's expects that once dining rooms reopen (currently they are still closed), this number will edge closer to 90% until consumers become comfortable eating inside again. Drive through service is therefore a necessary feature for Raising Canes to succeed as a responsible member of the local business community, particularly where many restaurants in the surrounding area, including the McDonald's restaurant on the adjacent parcel, feature drive through service.

With respect to specific impacts, as requested on the Special Permit Summary Impact Statement, the Applicant responds as follows:

Population on Site:

Raising Cane's will have 12 Crewmembers on site at all time. During off-peak hours, the Applicant expects approximately 10 customers, and up to full capacity of 72 customers at peak hours.

Traffic:

Raising Cane's has worked closely with City staff through the site plan review process to ensure that there will be efficient traffic flow into, within, and out of the site. During regular hours Raising Cane's expects 12-15 cars parked on site, and approximately 25-28 cars parked on site during peak periods. The site includes the necessary 28 parking spaces based on the seating capacity of the restaurant under the Zoning Code.

There will be food deliveries daily after the restaurant closes, and paper product and beverage product deliveries once per week during off peak hours.

The site plan has been designed to accommodate emergency vehicles and allow for turning by trucks and firetrucks.

Light:

The lot will be illuminated with pole lights which will be shielded to have less than 0.5 fC light trespass off the property. The lot is located in a well-lit Business district and therefore the Applicant submits that there will be no negative impact from lighting at the lot.

Noise:

The only noise that will be generated from the proposed drive-through use will be the noise from cars in the drive thru queue and the menu board speaker. There is no outdoor patio at this restaurant due to site constraints so there will be no ambient music onsite.

The drive-through menu board software automatically adjusts the sound to be 14 dB above ambient noise level. Typical suburban background noise is between 40 and 50 dB, and therefore, the Applicant expects the speaker post to be between 54 and 64 dB. By way of comparison, this would be less than the sound of a passing car as heard by a pedestrian on the sidewalk.

Air:

There will be no impact to air quality related to the proposed drive-through use. The restaurant does create exhaust from a Type 1 commercial hood restaurant exhaust fan, which is standard with any restaurant use, and would be expected with or without the proposed drive-through feature.

Water and Sewer:

There will be no impact on water and sewer related to the proposed drive-through use. The proposed restaurant use would have water and sewer needs, which would not change based on the addition of the drive-through feature.

Hazardous Material:

There are no hazardous materials created as a result of the proposed drive-through use.

The restaurant does generate yellow grease (fryers) which is stored in a vacuum system and pumped out into a truck via a hose connected to the vacuum tank. This is similar to a septic tank trunk but is a closed-circuit system so there is no potential for grease spillage. Grease trap waste is pumped quarterly or more frequently if required through a septic style truck.

Raising Caines does not use hazardous materials onsite. Cleaning chemicals are ordinary household type cleaning supplies (hand soap, dish detergent, floor cleaner, glass cleaner,

and sanitizing solution for tables and chairs). Hand sanitizer and alcohol wipes are now used as a response to the COVID-19 pandemic.

IV CONCLUSION

For all of the foregoing reasons, Raising Cane's respectfully submits that the proposed restaurant with drive-through use is in harmony with the general purpose and intent of the City Zoning Code as required for the issuance of a Special Permit. Raising Cane's therefore requests that the City Council issue a Special Permit pursuant to § 650-57(A)(1) and § 650 Attachment 1 (31).

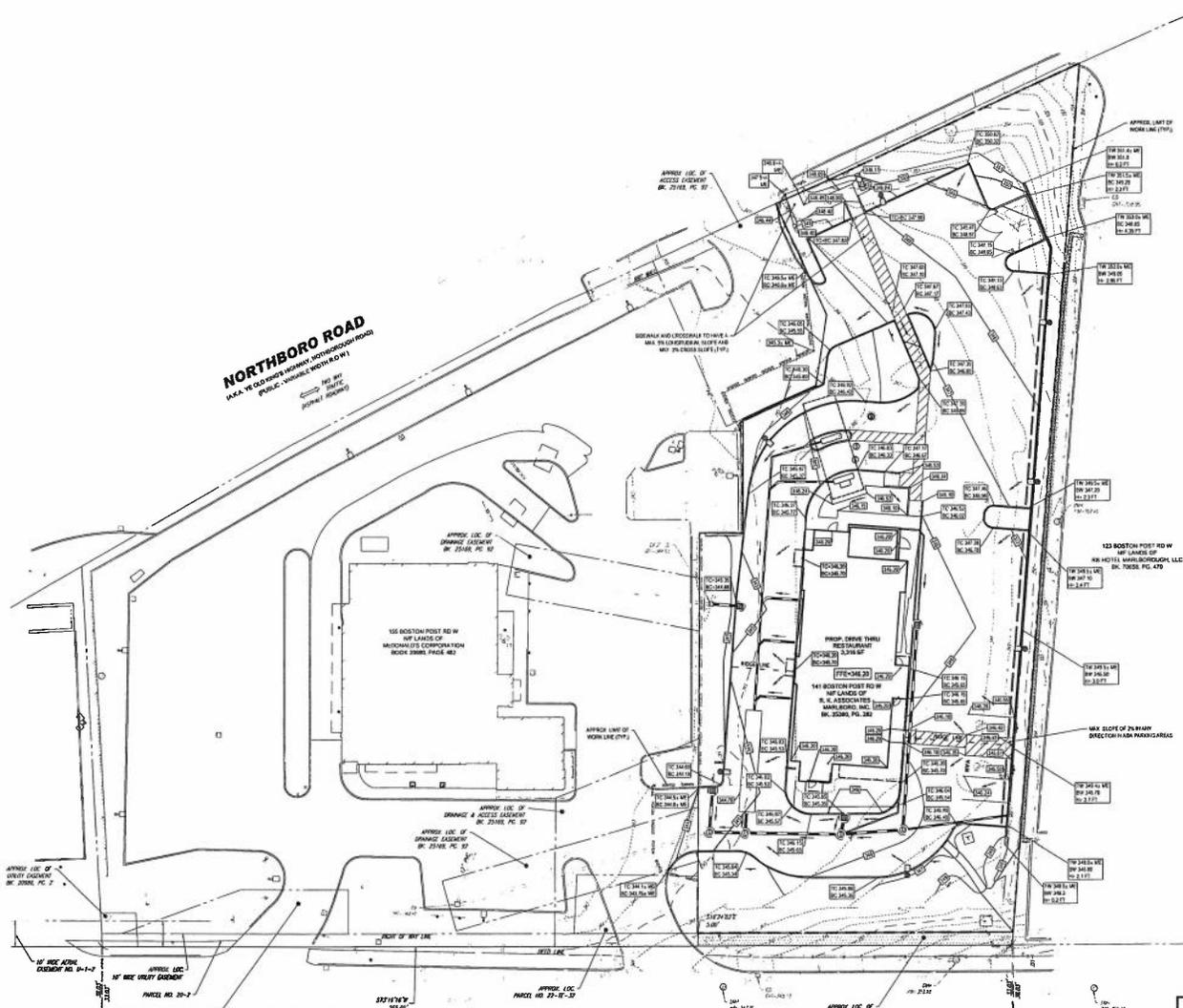
Respectfully submitted,



Mark L. Donahue, Esquire
Fletcher Tilton, P.C.
370 Main Street
Worcester, MA 01608
(508) 459-8029
mdonahue@fletchertilton.com



NORTHBORO ROAD
 AKA WOOD STREET (FORMERLY METEOROLOGICAL ROAD)
 PUBLIC VARIABLE WIDTH ROAD



LEGEND

- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- EXISTING CONTOUR
- - - PROPOSED CONTOUR
- PROPOSED FLOW ARROW WITH SLOPE
- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION
- EXISTING STORM MANHOLE
- EXISTING STORM MANHOLE
- EXISTING STORM MANHOLE
- TOP OF CURB
- TOP OF CURB
- TOP OF WALL
- TOP OF WALL
- BOTTOM OF WALL
- BOTTOM OF WALL
- SWITCH ELEVATION CONTRACTOR TO BE DETERMINED
- FINISHED FLOOR ELEVATION
- EXISTING STORM DRAINAGE PIPE

BENCHMARKS



Restaurant Support Office
 8000 Bishop Road, Plano, TX 75024
 Tel: 972-760-3100 Fax: 972-760-3101

PROJECT TITLE: RAISING CANE'S RESTAURANT
 141 BOSTON POST ROAD
 MARLBOROUGH, MA
 Prototype 4EIV
 RESTAURANT #RC0682

DESIGNER INFORMATION:
BOHLER //
 322 TURNPIKE ROAD
 SOUTHBOROUGH, MA 01772
 Phone (508) 469-0100
www.BohlerEngineering.com

PROTOTYPE UPDATE PHASE:
 UPDATE SHEET DATE:
 PROJECT MANAGER: EDD

ENTITLEMENT ISSUE
 PROFESSIONAL OF RECORD:
J. A. KURCH
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL ENGINEERING
 STATE OF MASSACHUSETTS
 LICENSE NO. 10727
 100 STATE STREET, SUITE 200
 BOSTON, MASSACHUSETTS 02109

SHEET REVISIONS: (Sheet Specific per Designer)

DATE	DESCRIPTION

SHEET TITLE: **GRADING PLAN**
 DATE: 04/03/21
 PROJECT NUMBER: W03108
 DRAWN BY: AJP
 SHEET NUMBER: **C-401**

THIS PLAN TO BE UTILIZED FOR SITE GRADING PURPOSES ONLY. REFER TO GENERAL NOTES SHEET FOR ADDITIONAL GRADING & UTILITY NOTES

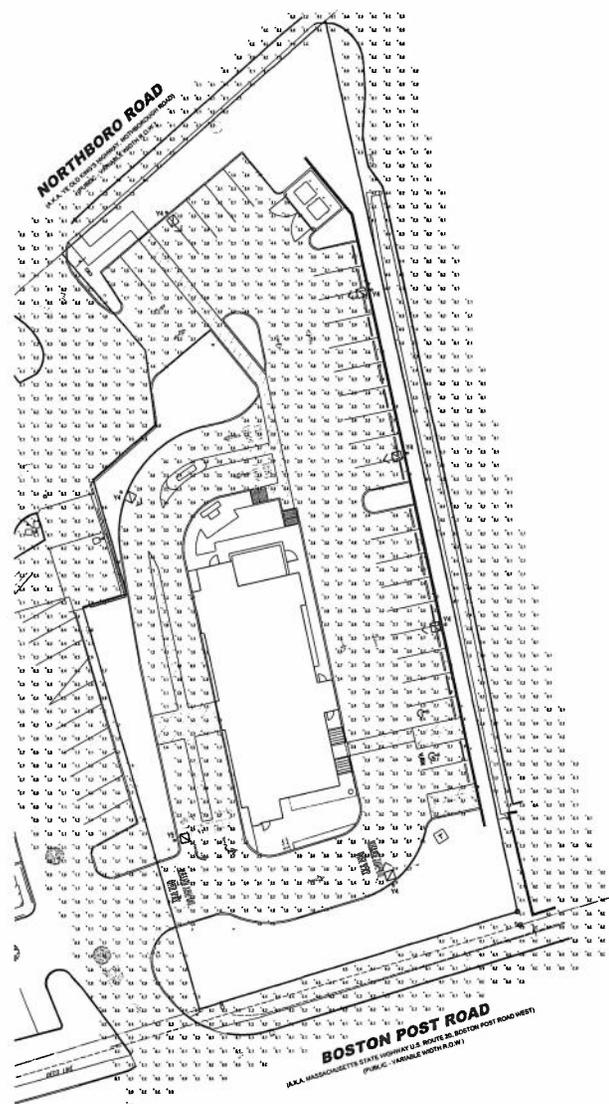


BOSTON POST ROAD
 (A.K.A. MASSACHUSETTS STATE HIGHWAY U.S. ROUTE 20, BOSTON POST ROAD WEST)
 PUBLIC VARIABLE WIDTH ROAD



EXTERIOR LIGHTING FIXTURE SCHEDULE				
TYPE	LAMP	WATTS	DESCRIPTION	CATALOG NO.
Y4	LED	160	LED POLE MOUNTED FIXTURE WITH TYPE 3 DISTRIBUTION DARK BRONZE FINISH & HOUR SIDE SHIELD, MOUNTED ON A 30' TALL SQUARE STRAIGHT STEEL POLE.	LITFCNM4P K422-LED-FP-30L-85-AMVOLT- 894-48-00000 POLE-LITFCNM4P 888-37-85-001149-00000
Y5	LED	160	LED POLE MOUNTED FIXTURE WITH TYPE 5 DISTRIBUTION & DARK BRONZE FINISH, MOUNTED ON A 30' TALL SQUARE STRAIGHT STEEL POLE.	LITFCNM5P K422-LED-FP-30L-85-AMVOLT- 894-00000 POLE-LITFCNM5P 888-37-85-001149-00000

STATISTICS					
VALUES ARE MAINTAINED					
Description	Avg	Min	Max	MaxMin	AvgMin
PARKING FIELD	2.7%	4.7%	3.9%	5.2%	3.5%
PROPERTY LINE	0.4%	2.2%	0.0%	100%	100%



PHOTOMETRIC SITE PLAN
SCALE 1" = 20'-0"



Restaurant Support Office
8800 Bishop Road, Frisco, TX 75034
Tel: 972-795-3100 Fax: 972-799-3101

STORE
RAISING CANE'S RESTAURANT
141 BOSTON POST ROAD W RT 20,
MARLBOROUGH, MA 01752
PROTOTYPE: PHEV-AV-CC
SCHEME: A
RESTAURANT #RC422
VERSION: 2020-2 RELEASE 7.14.2020



This document ("Instrument of Service") was prepared by ADA Architects, Inc. ("ADA") specifically for the referenced project and is not intended for any other use. ADA reserves all common law, statutory and other reserved rights, including copyright. This Instrument of Service shall not be used on other projects, for additions to the project or for completion of the project by others without ADA's prior written consent. Any unauthorized use of this Instrument of Service shall be at the user's sole risk and without liability to ADA. ADA makes no warranty, express or implied, or MERCHANTABILITY or of fitness for a specific purpose.

ENGINEER INFORMATION

SHEET REVISIONS		
#	DATE	TYPE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

PHOTOMETRIC SITE PLAN
DATE: 04/19/2021
JOB NO. 20241
PH1.0
SHEET NO.

Steven Kerrigan

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

From: City Council
Sent: Monday, May 17, 2021 5:00 PM
To:

Cc:
Subject: From David Balducci, Owner Operator, Sellia Group, McDonald's: Raising Canes proposed site. 141 Boston Post Road.

From: Balducci David (US Partners)
Sent: Monday, May 17, 2021 3:18 PM
To: City Council
Cc: Spadea Joseph (US Partners) ; Pace Cory (US Stores) Spadea Vincent (US Partners)
Subject: Raising Canes proposed site. 141 Boston Post Road.

Hello,

My name is David Balducci and I am with Sellia Corporation DBA McDonald's.

The purpose of this email is due to the proposed modification and redevelopment of the "Loyal Companion" site to allow for a Raising Canes with a Double drive thru.

We are very concerned that this Drive Thru proposed will interfere with the free flow of traffic at the McDonalds as we share an entrance.

Safety concerns for vehicles, patrons as well as employees of the restaurant as they navigate the parking lot are a major concern.

If traffic backs up from raising canes into McDonalds as the lines que, traffic safety is a major concern.

We understand that the permit has not been filed as of yet requesting permission to add a double drive thru but we wanted to express our initial concerns.

We will be on the lookout for future correspondence regarding this project.

Thank you

David

David Balducci
Owner Operator

Sellia Group | McDonald's
8 Lake Street, PO Box 902 | Spencer, MA 01562



THE COMMONWEALTH OF MASSACHUSETTS
 STATE RECLAMATION & MOSQUITO CONTROL BOARD
**CENTRAL MASSACHUSETTS
 MOSQUITO CONTROL PROJECT**
 111 Otis Street, Northborough, MA 01532 - 2414
 Telephone (508) 393-3055 • Fax (508) 393-8492
www.cmmcp.org



COMMISSION CHAIRMAN
 RICHARD DAY

EXECUTIVE DIRECTOR
 TIMOTHY D. DESCHAMPS

May 17, 2021

City of Marlboro
 Health Department
 Marlboro, MA 01752

Central Massachusetts Mosquito Control Project personnel will be in your community to respond to residents' concerns about mosquitoes in their area on the following dates in June/July:

June 3, 9, 16, 23, 30

Any of the above dates are tentative, and all dates are subject to change due to weather conditions, mosquito populations, mosquito virus activity and/or special event spraying. This program will shut down when cool night time temperatures become predominant in the area. A detailed notice about our spray schedule is posted on the CMMCP phone system after 3:30 p.m. each day, and it is also listed on our website at <http://www.cmmcp.org>, click the "2021 Spray Schedule" button on the right. Please pay attention to the week of June 14th, as this schedule has been modified to ensure all communities are scheduled for service that week due to the new Juneteenth holiday

Requests for service may be recorded by calling the CMMCP office at (508) 393-3055 between 7:00 AM - 3:30 PM, Monday through Friday, or logging on to <http://www.cmmcp.org>. Results of these requests may initiate an application of mosquito insecticides to defined, site-specific areas of town. Such an application may be accomplished by using truck mounted equipment depending on the extent of the application.

Per 333CMR13.03(1)(a): "Wide Area Applications of pesticides and mosquito control applications of pesticides approved by the State Reclamation and Mosquito Control Board shall not be made to private property which has been designated for exclusion from such application by a person living on or legally in control of said property." For more information please check: <http://www.cmmcp.org> and click the "No Spray Info" button on the right.

Please list this information in the local newspapers and on the local cable access channels if possible. Thank you for your assistance.

Sincerely,

Timothy D. Deschamps
 Executive Director

cc: City/Town Clerk
 Police Department



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

Call to Order

April 13, 2021

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Daniel Caruso, Earl Geary, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Also, physically present were Superintendent Michael Bergeron, Director of Finance and Operations, Douglas Dias, Assistant Superintendent of Teaching and Learning, Mary Murphy, and Assistant Superintendent of Student Services and Equity, Jody O'Brien. MEA Representative, Eileen Barry, and Student Advisory Council Representative Allison Lucas were both present as well.

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

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation:** None.
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.
6. **Superintendent's Report:**
Superintendent Bergeron updated the committee on the Spring 2021 COVID-19 Data district wide. He presented the adjusted numbers that differ from the figures in his attached report.

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Marlborough Public Schools

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Superintendent Bergeron presented April 27th as the proposed date for all secondary students (Grades 6-12) to return to school in person. He proposed that Monday, April 26th be switched to a remote day for all secondary students to allow staff and faculty to prepare for the return to in person learning the following day. The School Committee will vote on these dates and changes during the Action Item portion of this meeting. Superintendent Bergeron outlined the highlights and logistics of this full return plan, which are detailed in his report.

A. Assistant Superintendent of Teaching & Learning

Mrs. Murphy, the Assistant Superintendent of Teaching and Learning, presented an update on MCAS testing and spoke about the Title I Sponsored Parent SEL Workshop. Mrs. Murphy explained that Juniors and Seniors will not be required to take the MCAS this spring, but they can choose to for scholarship qualification purposes. ELA, Math and Science assessments in grades 3-8 will have a remote administration option this spring as well.

Mrs. Murphy described the “Social and Emotional Learning (SEL): Connecting School and Home Strategies” workshop that the district will offer on April 28th at 6:00pm. On May 6th, a second presentation will be translated into Spanish and Portuguese. Registered families will be emailed a zoom link to this workshop.

B. Director of Finance & Operations Report

Mr. Dias, the Director of Finance and Operations, reported on the FY22 MPS and State budgets and the school meals. Tonight, the School Committee will vote to approve the posting of a public hearing for the district’s FY22 budget, which is scheduled for April 27th at 7:30pm. Mr. Dias included the necessary steps that follow the hearing as well. Mr. Dias stated that a final FY22 state budget is not expected until July 1, 2021. He included the budget calendar for the FY22 state budget in his report.

Mr. Dias noted that the food service routes will be consolidated and less buses will be utilized, but every student currently receiving meals will continue to receive them. He emphasized their goal to have over 75% of students participating in the school meals program over the next few years.

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7. Acceptance of Minutes:

A. Minutes of the March 23, 2021 School Committee Meeting

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

Motion passed 7-0-0.

8. Public Participation:

The Superintendent received an email from Dierdre Manell regarding lunch for high school students, and he responded to her. Mr. Bergeron shared/summarized his response to the committee and public.

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

9. Action Items/Reports

A. Request to Submit FY22 Budget for Public Hearing

Superintendent Bergeron asked the committee to move the FY22 budget to the public hearing stage. He restated the budget request amount of \$66,654,566.00.

Motion made by Mrs. Matthews, seconded by Mrs. Chairman Vigeant to approve the public hearing posting.

Motion passed 7-0-0.

B. Grades 6-12 Hybrid Students Full Return to In-Person Learning

Superintendent Bergeron designated April 27th, 2021 as the date for a full return to in-person learning for grades 6-12. Additionally, April 26, 2021 will be a full remote day for all hybrid students.

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

Mr. Caruso and Mrs. Hennessy thanked the administration for their efforts to get the students and staff to this place.

The Superintendent thanked the faculty and staff as well.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the full return for April 27th.

Motion passed 7-0-0.

C. Policies for Removal

Mrs. Hennessy explained the reasons each policy is no longer needed.

1. Policy 8.310 Individual Student Waivers for EL

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

Motion passed 7-0-0.

2. Policy 9.100A Procedures for School Visitors

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

Motion passed 7-0-0.

D. Policies for First Read

Mrs. Hennessy presented the policies below for first read.

1. Policy 6.500 Employee Conduct

2. Policy 8.600 Student Dress Code

3. Policy 9.400 Advertising/Distribution of materials

4. Policy 9.600 Public Relations

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

E. Acceptance of Donations and Gifts

MA DESE Title III Grant. MPS received this grant worth \$68,045.00.

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

Motion passed 7-0-0.

One8 Foundation Grant. Whitcomb Science received this \$35,600.00 grant.

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

Motion passed 7-0-0.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy stated that there is a Policy Sub-Committee meeting scheduled for April 29th.

Mrs. Matthews stated that negotiations are taking place with the para unit and administrators unit.

11. Members' Forum:

Superintendent Bergeron stated that Marlborough will play Hudson in football at 10am on Kelleher field next Thursday.

Mrs. Bodin-Hettinger shared her experience at the virtual National School Boards Association Annual National Conference she attended last week. She also shared that this Friday from 9am-11am is the virtual Day on the Hill event.

Mrs. Matthews reviewed the warrant and signed it.

Mrs. Hennessy stated that the Executive Director of MIAA will be stepping down. She also noted that there is hope for spring tournaments to occur this year.

Mrs. Matthews urged the community to stay safe and smart during school vacation to allow the full return to be successful.

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Allison Lucas shared that she will be attending UMass Amherst in the fall with a major in Political Science and a minor in Criminal Justice and Public Policy. The School Committee congratulated her.

Chairman Vigeant clarified that the City of Marlborough is offering internships for college students, and potentially high school students, this year. He also noted that applications for the City's scholarships are being accepted.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 8:09 p.m.
Motion passed 7-0-0.

Respectfully submitted,

Heidi Matthews
Secretary, Marlborough School Committee

HM/jm
Approved May 11, 2021

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RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 MAY 12 AM 10:21

Marlborough Public Schools

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

Call to Order

April 27, 2021

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Daniel Caruso, Earl Geary, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Also, physically present were Superintendent Michael Bergeron, Director of Finance and Operations, Douglas Dias, Assistant Superintendent of Teaching and Learning, Mary Murphy, and Assistant Superintendent of Student Services and Equity, Jody O'Brien. MEA Representative, Eileen Barry, and Student Advisory Council Representative Allison Lucas were both present as well.

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

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation:** None.
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.
6. **Superintendent's Report:**
Superintendent Bergeron shared that the first full return day for grades 6-12 went well. Superintendent Bergeron updated the committee on the Spring 2021 COVID-19 Data throughout the district, city, and state. He presented the adjusted numbers that differ from the figures in his attached report.

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Vaccine appointments at the Marriot Courtyard are available. The Superintendent requested that the City's Facebook posts be reposted on the District's Facebook page.

Chairman Vigeant stated that no insurance or payment is required for the vaccine.

The Superintendent shared that the Middle School World Championship robotics competition will take place, virtually, May 17th-19th. Until now, Whitcomb students had not qualified for this competition since 2014. Mr. Bergeron shared the names and inventions of qualifying Whitcomb students – Katelyn Massey and Andre De Farias – competing this year.

Superintendent Bergeron updated the committee on MCAS testing at MHS.

The Superintendent discussed the school improvement plan that is in the works along with the data used to create this plan.

Principal Riley gave positive feedback about the first day his students were back full time. Allison Lucas and Principal Riley discussed AP testing locations.

A. Director of Finance & Operations Report

Mr. Dias, the Director of Finance and Operations, briefly reported on the FY21 MPS budget, FY22 budget public hearing, and the before and after school programs.

Mr. Dias stated that the District started the fiscal closing process for the FY21 budget.

Mr. Dias explained that the School Committee's public hearing for the FY22 budget will be held tonight.

Mr. Dias shared that the Marlborough Boys and Girls Club's before and after school programs in all four elementary schools still have availability. The flyer for their summer camp program at Kane School is attached to his report as well.

B. Assistant Superintendent of Student Services & Equity

Mrs. O'Brien, the Assistant Superintendent of Student Services and Equity, reported on the DESE EL Tiered Focus Monitoring (TFM) review.

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Lynne Medailleu, the Director of English Learners programs, provided a summary of this review, and DESE's official version is attached to Mrs. O'Brien's report. She explained the process leading to this review throughout this pandemic. Ms. Medailleu then discussed the review process and its findings. Marlborough was commended on its EL curriculum, parent involvement, ongoing language classes, and heritage classes. Mrs. Hennessy and Mrs. Bodin-Hettinger congratulated the EL program and educators.

7. Acceptance of Minutes: None.

8. Public Participation:

A. FY2022 Budget Public Hearing

Superintendent Bergeron asked Chairman Vigeant to call a public hearing for the FY22 Budget proposal.

There was no public participation in any of the four stages.

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

9. Action Items/Reports

A. MHS MCAS Modified Schedule Adjustment

Superintendent Bergeron requested approval of a modified schedule for MHS's MCAS testing from May 10th through May 13th of 2021. The changes are outlined in an attachment to this action item.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve the modified schedule adjustment.

Motion passed 7-0-0.

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(508) 460-3509

B. FY22 MHS Program of Studies

Principal Riley presented Marlborough High School's Program of Studies.

Mrs. Bodin-Hettinger voiced her concern about changes of certain language (Mandarin), business and engineering courses in the program of studies.

Superintendent Bergeron and Principal Riley thoroughly discussed the reasonings, such as participation based on student requests, behind these changes.

Mrs. Bodin-Hettinger proposed to keep the Mandarin courses in the program of studies but not run them.

Principal Riley further explained the decisions made to change or remove certain courses.

Principal Riley discussed the merger of Hildreth and MHS and the courses, such as cooking, that were adopted at MHS from Hildreth.

Mrs. Bodin-Hettinger requested a presentation from Mr. Padilla about alternative education before the school year ends.

Mr. Caruso asked for the reasoning behind program changes in the Music department. Principal Riley explained that these changes stem from wanting to reach more students who typically may not lean towards enrolling in music courses.

Mrs. Hennessy shared her appreciation for music courses that enable students on other educational tracks to participate, as well as her thoughts on other course changes.

Mrs. Hennessy and Principal Riley discussed courses in the Science department.

Principal Riley gave the committee a preview of conversations that the administration has had and will have with the Guidance Department.

Chairman Vigeant and Principal Riley discussed how the administration has worked with businesses on course creation, certifications, etc.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the program of studies as amended.

Motion passed 7-0-0.

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Marlborough Public Schools

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

C. FY2022 Budget Vote

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the budget of \$66,654,566.00.
Motion passed 7-0-0.

D. Policies for Removal

These policies were voted on for removal in the previous School Committee meeting.

- 1. Policy 8.310 Individual Student Waivers for EL**
- 2. Policy 9.100A Procedures for School Visitors**

E. Policies for Acceptance

1. Policy 6.500 Employee Conduct

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy.
Motion passed 7-0-0.

2. Policy 8.600 Student Dress Code

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy.
Motion passed 7-0-0.

3. Policy 9.400 Advertising/Distribution of Materials

Mrs. Hennessy noted that Mrs. Matthews suggested to have the materials in Spanish and Portuguese as well.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve this policy as amended.
Motion passed 7-0-0.

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(508) 460-3509*

4. Policy 9.600 Public Relations

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

Motion passed 7-0-0.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy stated that the Policy Sub-Committee will meet again on Thursday April 29th.

11. Members' Forum:

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

Mrs. Bodin-Hettinger stated that she was contacted by Mrs. Klein, a teacher and student advisor at MHS, regarding the Student Representative selection process.

Mrs. Hennessy responded that she would bring that topic up during the Policy Sub-Committee meeting this week.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 8:50 p.m.

Motion passed 7-0-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Heidi Matthews", with a long horizontal stroke extending to the right.

Heidi Matthews
Secretary, Marlborough School Committee

HM/jm

Approved May 11, 2021

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CITY OF MARLBOROUGH

Conservation Commission Meeting

April 15, 2021 (Thursday) 7:00 PM

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 MAY 11 A 7:04

This meeting was conducted virtually via remote participation and recorded using the Microsoft Team's platform.

Chairman Clancy read the following notice: *"Due to statewide emergency actions limiting the size of public gatherings in response to COVID-19, this meeting will be held virtually with remote participation and will be closed to in-person attendance." The public can participate via Microsoft Teams. The "link" will be posted on the City's and Conservation's websites: <https://www.marlbrough-ma.gov/>"*

Present: By roll call – remotely: Karin Paquin, William Dunbar, John Skarin, and Edward Clancy. In Memorial Hall: David Williams, Dennis Demers and Allan White.

Also present was Priscilla Ryder, Conservation Officer

Absent: none

Approval of Minutes: The minutes of April 1, 2021 were reviewed. On a motion to accept and place on file by Mr. Skarin and second by Mr. Demers the minutes were unanimously approved 7-0 on a roll call vote.

Public hearings:

Abbreviated Notice of Intent

587 Bolton St. – Bolton Street Tavern

John and Sharon Stournaras were present and explained that they have a revised plan as requested at the last meeting which contains: flood zone shown, moved gazebo and bar away from tree drip line, added erosion control barrier, avoided monitoring well in lawn, shows electric utility connections. Mr. Stournaras explained that the footings for the gazebo would suspend the floor above the ground a few inches as with a deck to prevent it from rotting. Pavers will be used for the walkway to allow for a stable access but also allow water to drain through. The Commission asked questions to clarify the building dimensions, the existing drainage and to be sure the project provides conveyance of this water, so it won't back up. They also noted that the runoff from the roof should be accommodated with rocks along the edge of the drip line. Construction sequencing was discussed and noted that all excess materials would be removed from the site. The Commission noted that this revised plan is much better and more detailed than the last one. Mr. Clancy noted that the shrubs along the waters edge have been cut to the base. Mr. Stournaras noted that they grow back pretty fast. Ms. Ryder noted that the Commission may want to set a standard on what and how a "water view" can be maintained, as others around the lake have been asking this too. After some

discussion about the current shrubs which were cut, the Commission noted that they would re-evaluate the regrowth in the late summer to determine what the long term maintenance criteria should be, they discussed the option of a 4' cut rather than to the base on an annual basis. The Chairman asked for any questions from the audience, there were none. There being no further discussion the hearing was closed. The Commission reviewed a draft Order of Conditions and made recommendations regarding re-evaluating the shoreline shrubs in Fall of 2021 to allow for a view, but still provide the function this vegetated buffer provides to the lake. Also noting that during the preconstruction meeting the site drainage shall be reviewed to be sure it will have positive drainage and no puddling. Ms. Ryder was asked to include a finding of fact explaining about the view and lawn as discussed. There being no further discussion, on a motion by Mr. Dunbar, second by Chairman Clancy to approve the Order of Conditions as drafted and amended, the Commission voted unanimously 7-0 to approve on a roll call vote of all yeas.

The following three hearings were continued to the May 20, 2021 meeting as requested by the applicants:

Notice of Intent

146 Phelps St. – Delray Realty Trust

Proposes to construct a barn, driveway, and utilities within 100 ft. of the wetland buffer zone and Riverfront of Mowry Brook.

Notice of Intent

107 Phelps St. - David Franca

Proposes to construct a new house on a vacant lot within the Riverfront Area of Mowry Brook. Map 72, Parcels 11B and 702.

And

Notice of Intent

107 Phelps St. - David Franca

Proposes to construct a driveway across this lot within the Riverfront Area and buffer zone of Mowry Brook. Map 72, Parcel 11A.

Discussion/Correspondence/Other Business:

- Solitude Lake Management - Ft. Meadow Reservoir Aquatic Management Program - 2020 Annual Summary Report. The Commission asked about the new chemical recommended ProcellaCOR. Ms. Paquin noted that it is a selective systemic but is more expensive and is guaranteed for 3 seasons. Ms. Ryder said it has only been on the market a few years. The

Commission decided not to pursue this this next year and will wait for more data to be provided.

- DPW Engineering Construction Season 2021 road work list. - this was reviewed and put on file.
- Violation – Home Depot. - Ms. Ryder noted that Home Depot has been storing materials behind the building in violation of their ongoing conditions. A violation notice has been issued and \$100 daily fines are being issued until this is resolved.
- 175 Maple St. planting - Mr. Dunbar asked if the 175 Maple St. plantings have been installed. Ms. Ryder said she would check and report back. (old Design Pack building)
- Rubber mulch - Mr. White noted that he has seen rubber mulch being sold and used and he is concerned for human health and for the environment. He noted he wanted to see if there is a way to restrict it's use especially near wetlands, but also concerned that it could impact the soil, as it contains rubber and metal parts from old rubber tires. Ms. Ryder indicated she would inquire with DEP on any restrictions etc. and report back.

Next Conservation Commission meetings: May 6th and May 20th, 2021

Adjournment - There being no further discussion, the meeting was adjourned at 8:00 PM.

Respectfully submitted,


Priscilla Ryder

Conservation/Sustainability Officer

MEETING: Virtual and In person Council on Aging Board Meeting 2021 MAY 12 A 7:58
DATE: March 9th 2021
TIME: 8:30am
ATTENDANCE: Leslie Biggar, Joseph Bisol, Jim Confrey, Brenda Costa, Pat Gallier, Mike Ossing
and Trish Pope. Virtually in attendance: Jeanne McGeough
ABSENT: Judy Kane

- I. Called to order at 8:30 AM.
- II. February Minutes approved.
- III. Director's Update:
 - a. Currently only 2nd doses are at local clinics
 - i. 1st doses need to go to larger state vaccine sites as they have been diverted by the Governor
 - ii. Board of Health on Wednesday and Fridays for those who received 1st shot on Feb 10th.
 - iii. Bouvier Pharmacy on Thursday
 - iv. We will hold 2nd dose later in the month
 - b. AARP for simple tax help is here on Mondays from 1:00-3:30
 - i. Offered thru April 12th
 - ii. Seniors will need to sign up over telephone, bring form in and leave, form is scanned, and client is to return a week later to sign form.
 1. Information taken over the phone but if no answer on the phone, they move on to next number on list
 - iii. We can only handle 60 clients
 - c. Curbside Lunch Program has been stopped for March
 - i. Clients were told that pick up was behind Kennedy's Market and only take a right upon exit in order to an prevent accident

however many were taken a left turn or trying to go straight across the street.

1. There have been many near misses when taking a left
2. The Lunch program was moved to keep the parking lot available should the BOH be able to get more vaccine.
3. We are hoping to restart the Lunch Program in April on Mondays and Wednesday with BOH approval.
4. We are seeking an increase to our revolving bank account. \$5.00 does not cover cost of the meal, overages and scholarships
 - a. Even though we deposit all \$5.00 checks into revolving account we can only remove \$70,000
 - b. We have used \$50,000 as of now

d. Looking into Reopen Center in May

- i. There may be soft opening end of April
- ii. Center on Mondays, Tuesday and Wednesday
- iii. Right now, Thursday and Friday are set up for Local Clients when vaccine becomes more available
- iv. This brings up a budget issue as now exercise groups to be set up
 1. Classes were set up for 25 to 30 attendees but would need to be reduces to 3 for spacing rules
 2. Cost would go from \$70.00 to \$210.00 each class to cover the cost of the instructors; that would mean for 2 classes Seniors would have to pay \$420.00
 3. This cost increase would be all right for April and May as we do have funds to supplement cost
 - a. Trish would prefer not to start and then have to scale back later
 4. She is looking into doing exercise out in the park
 - a. We have had instructors say that they are willing to hold exercise groups out in the park.
 - b. We are talking to other Senior Centers to see how they are handling the problem

- e. Vaccine Appointments are for Gillette, Natick and Fenway Sites
 - i. Because sites are bogged down when called with an appointment receiver must be ready to go any day and any time
 - ii. Trish and Alicia have been waiting in the “Waiting Rooms for direct links for appointments but are not able to help as many possible.
 - 1. People think we have a direct link to set up appointments
 - iii. UMass System at the Marriott is not approved by the state as of yet everyone wants to there for their vaccine because it is local
 - 1. Currently, you have to be part of the UMass System to get an appointment
 - iv. The site on the Marlborough City site is now for 2nd shots only held on Feb 10 and March 10
 - v. Bouvier had a hiccup with their site as people were sharing the link
 - 1. People who needed 1st shot were taking appointments for 2nd shots only
 - 2. Bouvier had to check list against people who had received their 1st shot
 - vi. Board of Health made appointment scheduling live for 6 hours to use the link to schedule appointment but to stop people from sharing this link it had to be reworked to be deleted after it was scheduled
 - 1. If you did not get your 1st shot on Feb 10 you cannot get your 2nd on Mar 10
 - 2. Board of Health is only getting enough doses as they had for the 1st shot
- f. Conflict of Interest Training is due again.
 - i. You need to take the online class and answer the questions which will take about 45 min. to one hour.

- ii. When completed send a copy of certificate to City Clerk
 - 1. Either print a copy and mail to City Clerk or email a picture to City Clerk
 - 2. Clerk needs to have a copy of your certificate on file
 - 3. Email directions are listed on site
 - iii. Mike has already taken to class and suggested at the end of class that a screen shot to be sent or print certificate, scan, and email.
 - 1. Do what is easier for you
 - g. Green House is on hold, but Pat suggested that a lottery would be held to have Seniors apply to win a spot for planting flowers or vegetables.
 - i. The winners would be in charge of planting and caring for plants
- IV. Joe gave highlights on BayPath
- a. BayPath would like to recognize the great job in housing units to get people vaccinated
 - b. There is a Doctor on the BayPath Board that stated that vaccine given to 90% residents and 30-55% of staff
 - i. Some did not want it
 - ii. Walgreen and CVS no longer going to Housing so Seniors need to get in line like all others
 - c. BayPath would like COA to know that if transportation is needed, they are willing to help
- V. Look into holding the next COA meeting at the Senior Center
- a. Remember all meetings are recorded and also you will receive a virtual invite to attend meeting even if you can get here
 - b. Our Mayor has not open city buildings as of yet
 - i. This also includes the Public Library who have done a great job allowing people to come and take out books

- c. Leaf for Marie will get done
 - i. Confusion as to who is in charge but check will go to Trish
 - ii. Trish is to contact Funeral Home to get birth and death dates
 - iii. Jim will then send to check to whom is in charge of getting the payments for the leaves
 - iv. Trish assures us this will get done
 - v. No addition money is needed to get this leaf

Respectfully Submitted,

Leslie Biggar

City of Marlborough COA Meeting Minutes

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2021 MAY 12 A 7:58

Meeting: Virtual and In Person Council on Aging Board Meeting

Date: April 13, 2021

Location: Sr. Center Multi-Purpose

Rm. 40 St. Marlborough, Ma.

Time: Call to order at 8:39 A.M.

Attendance: Joe Bisol, Jim Confrey, Pat Gallier, Judy Kane, Mike Ossing,
Trish Pope Virtual: Jeanne McGeough

Excused: Brenda Costa and Leslie Bigger

March Minutes to be approved at a later date.

Director's Report:

- The Senior Center opened April 5th.
- The fitness room and computer lab opened with reservations required.
 - Books and puzzles are available to go.
 - Patio is open.
 - No games per BOH. Exercise classes to begin in May with limited classes of 10 per class and 4-week sessions. Marlborough residents will have priority.
 - Limited Grab and Go lunches will continue with special Cinco de Mayo and summer bar-b-cue planned. Kennedy's Market remains the provider for the lunches. They were awarded the RFP back in March.
 - Two grants have been submitted to BayPath under Title 111.
 - Staff has been very successful in helping Marlborough residents obtain a vaccine appointment.
 - BOH may possibly receive more vaccine. There is a 2nd dose Clinic at the Senior Ctr scheduled for tomorrow.
 - The funds for the part time Volunteer Coordinator are part of the FY'22 budget.
 - The Senior Center bus driver has resigned. Residents have been using the city shuttle. The shuttle hours have been extended.
 - The Formula Grant money from the state for the towns and cities is anticipated to be reduced.
 - The Trail Blazers Club is coming back soon.
 - The library has moved to the Walker building to allow the construction project to begin.

Bay Path : Joe Bisol presented documents discussing the following issues:

- Change in distribution of monthly meetings...the COA director will receive copy of monthly meetings.
- Vaccination update for homebound residents
- Transportation and in-home visits
- Adult day care centers
- American rescue plan

Board members questions and ideas regarding items for today and future meetings:

When we mention "other business" from now on, we have to have specific items and these should be given to the director the Wednesday at noon prior to the scheduled meeting.

We discussed the leaf that was bought in Marie Elwood's honor and was placed on the Memory Tree in the lobby by Trish Pope.

The plans for the use of the Green House continue to be formulated.

Meeting adjourned

Respectfully Submitted,

Pat Gallier

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

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1A

2021 MAY 17 A 8:39
April 5, 2021

Call to Order

The **Remote Meeting** of the Marlborough Planning Board was called to order at 7:00 pm. Members present: Matt Elder, Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. March 8, 2021

On a motion by Mr. LaVenture, the Board voted to accept and file the March 8, 2021 meeting minutes. Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

2. Chair's Business (None)

3. Approval Not Required (None)

4. Public Hearings

A. Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed Use Overlay District (RMUOD). – Chapter 650-33 – Results Way Mixed Use Overlay District

Greatland Realty Partners – The Campus at Marlborough

Chairperson Fenby opened the hearing. Mr. LaVenture read the public hearing legal notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

Presentation:

Ms. Teri Ford, representing Greatland Realty Partners (One Federal Street, Suite 1810, Boston, MA 02110) presented the amendment. Ms. Ford indicated that Greatland acquired the Campus in Marlborough in June 2020. The site is 121 acres, composed of 2 parcels, zoned under Industrial (I). Currently it consists of 4 buildings totaling 530,000 sqft and 1,500 parking spaces, accessible by Campus Drive. It was originally divided into two phases. The existing buildings were completed under Phase 1, Phase 2 was never completed. The existing approved Phase 2 would allow for an additional 650,00 sqft of office space and 2,500 parking spaces. The applicant is proposing to change the zoning for development of Phase 2.

The proposed zoning change to expand the use on site would result in the following:

- Corporate HQ
- Town Square/Central Square: Amenity area/center, restaurants.
- Residential: 100 (MAX) residential townhomes David Goleski, Avalon Bay
- "Bio-ring" – Bio manufacturing, RND life science lab
- Parking

Mr. Peter Tamm, Attorney at Goulston & Storrs Law Firm. (400 Atlantic Ave, Boston, MA 02110) summarized the proposed zoning change is to expand the adjoining results way mixed used overlay district.

- Part 1: Expand across Simarano Drive to encompass these two parcels. Extend the overlay, the existing industrial zoning, resulting in no change.
- Part 2: Subtle text changes to the overlay district, allowing for two master plans and two development agreements.

Notes: No impact on existing investments/development.

Ms. Fenby declared that portion of the public hearing closed.

Speaking in Favor of the Amendment:

- Mr. LaVenture read the April 5, 2021 Letter from Mayor Vigeant to Planning Board into the record. In his letter, Mayor Vigeant expressed his support to the proposed amendment.
- City Councilor Mr. Michael Ossing (43 Varley Road, Marlborough, MA 01752) presenting four key points supporting the proposed amendment. 1) Zoning change takes advantage of a successful results way mixed use overlay districted zoning change which was adopted by Marlborough in 2012. 2) Creative Expansion 3) The 2012 MEDC (Marlborough Economic Development Corporation) Master Plan states to create mixed use zone in the Simarano Drive Corridor. 4) Bio-Ring development is an exciting opportunity for Marlborough to be a life science leader in the Commonwealth.
- Ms. Meredith Harris, Executive Director of MEDC (70 Bigelow Street Marlborough, MA 01752) stated her support for the proposed amendment.

Ms. Fenby declared that portion of the public hearing closed.

Speaking in Opposition to the Amendment:

- City Councilor Ms. Kathleen Robey (97 Hudson Street, Marlborough, MA 01752) notified the board she wants them to be aware that this is an unnecessary expansion because they can do almost everything under the current zoning, except for the housing. Ms. Robey mentioned wanting to update a master plan for the City of Marlborough, and to not rely on MEDC for zoning changes.

Ms. Fenby declared that portion of the public hearing closed.

Questions and Comments from the Planning Board:

- Mr. Elder discussed how the market changes over time. He stated that he is in favor of much of the project, but agrees with Councilor Robey, stating that his concern is the housing.
- Mr. Fay reminded the board of the standards for their review of proposed zoning changes, four factors: 1) Are the proposed changes keeping with the character of the neighborhood? 2) What would the impact be on the neighbors? 3) Will the proposed change benefit the city? 4) Is it consistent with the city zoning ordinances? He stated that he supports this change for parcel 1 but wanted more information on why this change is essential for parcel 2 (the proposed residential parcel).
 - o Mr. Kevin Sheehan of Greatland expressed the essential need of the residential area for the Town Square/Central Square to work with the marketing plan. He continued to express how all three, the Bio-ring, the Town Square and the Residential area will work with each other. Key point, this proposed plan would generate less traffic. He explained that there are two separate parcels, one is commercial, and one is the proposed residential housing parcel. He continued to explain that the proposed residential housing parcel is not optimal for commercial use/development, due to its topography.

- Mr. Russ asked, Is the Town Square concept a use that will survive with only a small number of residents on site?
 - o Mr. Sheehan explained the steps they have and will be taking to ensure the viability of the use from the community.
- Mr. Russ asked, Does the zoning changes affect the developer's abilities of the existing Results Way parcels in any way?
 - o Mr. Tamm explained that the extension in overlay would have no impact on the existing site uses.
- Ms. Fenby asked about information on bike/walking paths and connections to other areas within the city.
 - o Ms. Ford stated they have ideas and plans for this to be accomplished but nothing solid enough to be shared now. The proposed trails would be accessible to the public.
- Mr. LaVenture asked if the cap on Housing units and public bike/walking paths would be included in the development agreement.
 - o Mr. Tamm responded by saying yes.
- Mr. LaVenture asked what is the current demand for the Bio-ring portion of this proposal? He asked who plans on doing the build out?
 - o Ms. Ford stated that these buildings with these capabilities, specifically the square footage, are in high demand and it is growing. She stated that Greatland would be creating the core and shell. The companies would be creating a commercial product regulated by the FDA.
- Mr. LaVenture stated his concern for limitations on types of hazardous materials and facilities allowed.
 - o Ms. Ford explained that their expectation is that their facilities would be a bio safety level 2 or below, and level 3's are rare. (Presumably will be included in the development agreement.)
 - o Mr. Tamm stated the existing overlay currently allows level 3 facilities, and as far as the bio safety level 4 prohibition there is no proposal to change that.

Ms. Fenby closed the public hearing with the intention of further internal discussion prior to recommendation to the City Council.

5. Subdivision Progress Reports

a. City Engineer's Report

City Engineer Mr. DiPersio provided brief project updates. Shaughnesy Estates is working with legal to make sure they're comfortable with the developer's status regarding his rights and the remaining easements that they need to work out. Goodale Estates applied for their last building permit putting them on track to finish by their deadline. No update on Commonwealth Heights or on the Broad Street Subdivision.

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

7. Definitive Subdivision Submission (None)

8. Signs

A. 191-237 Boston Bost Road West, Marlborough, MA 01752 Fletcher Tilton PC – Application for Sign Variance

Mr. LaVenture read the March 26, 2021 Letter from Fletcher Tilton PC to Planning Board into the record. The letter included: Sign Variance Application; Memorandum in Support; Denial letter; Building Permit Applications; Sign Permit Applications; Site Plan; Easement Plan; Proposed Pylon Plans; Check payable to the City of Marlborough.

Ms. Fenby displayed the letter from the Building Dept. explaining why they need a sign variance.

Attorney Mr. Michael Brangwynne, on behalf of RK Associates-Marlboro, Inc. stated that the application is related to two parcels, A & B. He explained there are three existing signs at the entrances, and the proposal is to remove the smallest middle sign, and to replace the two large signs with more modern and appropriately sized signs. He stated that specifically they are seeking relief for the maximum height of the signs (526.9 (C)) and (526.9 (D)) the sign's total square footage. He explained that due to the set back of buildings on the parcel, they need larger signs for adequate advertising. He explained the relief requested is for the safety of drivers/consumers, to give them enough time to read the signs and safely enter the center.

Mr. LaVenture read the March 16, 2021 from the Pamela A. Wilderman, Code Enforcement Officer into the record. This letter is regarding the sign permit application, and states "This is to advise that the sign applications for the new freestanding signs at the above location (Boston Post Road West, Marlborough, MA 01752) is denied for the following reasons: Chapter 526.9 (C) Height, and Chapter 526.9 (D) Sign Area for Commercial Centers, and Chapter 526.9 (D) Secondary Signs.

Mr. Fay stated that he is content and that the current proposal content meets the board's standards for variance approval.

Mr. Russ asked what would a compliant sign look like? He expressed his concerns that unlevel ground will result in one side of the sign to be higher than 39 feet.

Mr. Hodge wanted to consider lowering the height while keeping all the benefits of the new sign.

Mr. Kevin explained that the first sign should be off the ground for safety to drivers and pedestrians.

Mr. Fay also mentioned the higher the sign starts the less likely it is to be vandalized.

Mr. Elder stated he is content with current proposal.

Mr. LaVenture asked how do the size of these signs compare to the existing signs? What could be done to design something closer to our regulations? He questioned any competitive disadvantage to their tenants.

Ms. Fenby asked are two signs necessary?

Mr. Jeff Tuttle, The Sign Gallery Manchester, NH: Explained the existing three signs are 20-30 feet in height, totaling 1090sqft. The new signs will be 39 feet at the highest point, totaling 1000sqft of signage space only, or 1200sqft with poles.

Mr. Kevin explained that each sign will have different display of tenants, only lease requirement tenants will be on both signs.

Mr. Kenneth Fries, Executive V.P. for RK Associates discussed the economic impact due to Covid-19 and the competitive culture due to new developments in the surrounding areas. He expressed his concerns regarding the adequate advertisement for RK's tenants.

The board took an informal poll, and Mr. Fay, Mr. Russ, Mr. Elder are in favor. Ms. Fenby, Mr. LaVenture, Mr. Hodge are not in favor.

Ms. Fenby asked to continue this discussion to the next meeting, so that the members can view the site and give it more consideration.

Mr. Fay asked for a comparison to the APEX signs.

Mr. Fay made a motion to accept and place on file all correspondence, Yea: Elder, Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

Ms. Fenby closed the public hearing with the intention of further internal discussion.

9. Correspondence (None)

10. Unfinished Business

B. Working Group Discussion – Planning Board Rules and Regulations

1. Rules and Regulations – Continued Recommendations

Mr. LaVenture provided an update to the Board on the Working Group's most recent meeting on March 31, 2021. He thanked the Engineering Division and Legal Dept. for their work and participation. He also thanked Ms. Holmi for her continued support even though she has transitioned to a new position.

Mr. LaVenture walked through each of the recommendations as shown in the summaries below:

Current regulation: ORANGE IS NEW (In the video Mr. LaVenture states green is new)

§ A676-2 Definitions.

As used in ~~(REMOVE) this chapter~~ (ADD) these Rules and Regulations, the following terms shall have the meanings indicated (ADD), the word "shall" is intended to be mandatory, the word "may" is merely permissive, the singular includes the plural, the plural shall include the singular, and the present tense includes the future and other words and phrases have the following meanings:

(ADD)

AGENT

A person other than the owner who has permission to speak on behalf of the owner.

(REVISED)

AGENT

A person other than the owner who (ADD)is authorized to speak and act on behalf of the owner.

(ADD)

DEVELOPER

The person who oversees the installation of utilities and the construction of the roadway.

(REVISED)

DEVELOPER

The person who oversees the installation of utilities and the construction of the roadway (ADD) and the person who is ultimately responsible for all obligations under the subdivision rules and regulations for completing the proposed subdivision and proposed utilities and roadway.

(ADD) NEW

HISTORIC CULTURAL ASSET – to be determined by Historic Commission

(ADD) NEW

HISTORIC STRUCTURE – to be determined by Historic Commission

Mr. LaVenture noted, for clarity since we were not defining these items, we should also add:

HISTORIC SITE – to be determined by Historic Commission

Mr. DiPersio noted, the current regulations states the applicant must provide their proposals to list of departments/officials and in addition to the current list want to add the historical commission.

Current regulation:

§ A676-7 Adequate access.

B. Standards of adequacy

Proposed change:

(ADD)

(3) Easement and fee interest. All land required for access to a subdivision must be held in fee by the Owner.

(REVISED)

(3) Easement and fee interest. All land required for access to a subdivision (ADD)"and all proposed lots depicted on the Definitive Subdivision Plan" must be held in fee by the Owner.

Current Regulation:

§ A676-10 Definitive plan.

D. Review by other City officials.

(2) One copy each to the City Solicitor for review of easement and agreements, the Commissioner of Public Works, the City Engineer, the City Planner, the Fire Chief and the Conservation Officer.

(3) Before the definitive plan is approved, the Planning Board will obtain written statements from the above officials that the proposed improvements are laid out to their satisfaction in the following respects (or, if 35 days have elapsed since transmittal of the definitive plan by the Clerk of the Planning Board to the officials without such written approval, approval will be assumed):

(a) The City Engineer as to street names and the City Solicitor as to the form of easements, covenants and performance guarantees.

(b) The Commissioner of Public Works as to the design of the street system, location of easements, monuments and drainage system.

(c) The Commissioner of Public Works as to the design of the water system and, if applicable, the sewage system.

(d) (Reserved)

Proposed change:

§ A676-10 Definitive plan.

D. Review by other City officials.

(2) One copy each to the City Solicitor for review of easement and agreements, the Commissioner of Public Works, the City Engineer, ~~(REMOVE) The City Planner, the Fire Chief and the Conservation Officer.~~ (ADD) the Fire-Chief, Conservation Officer, the Postmaster, (REVISED) Historical Commission and other city departments or agencies that the Planning Board deems necessary.

(3) Before the definitive plan is approved, the Planning Board will obtain written statements from the above officials that the proposed improvements are laid out to their satisfaction in the following respects (or, if 35 days have elapsed since transmittal of the definitive plan by the Clerk of the Planning Board to the officials without such written approval, approval will be assumed):

- (a) The City Engineer as to street names and the City Solicitor as to the form of easements, covenants and performance guarantees.
- (b) The Commissioner of Public Works as to the design of the street system, location of easements, monuments and drainage system.
- (c) The Commissioner of Public Works as to the design of the water system and, if applicable, the sewage system.
- (d) (Reserved) (ADD) The Postmaster as to the locations of the mailboxes.
- (e) (ADD) The Historical Commission as to Historic Cultural Assets.

For consistency, Mr. LaVenture recommended changing this last item to:

- (e) (ADD) The Historical Commission as to Historic Cultural Assets, Structures, and Sites.

Current regulation:

§ A676-10 Definitive plan.

- I. Release of performance guarantee.
- (4) Prior to releasing the City's interest in a performance bond or deposit or covenant, the Planning Board shall receive from the applicant the following written statements of approval or 15 days shall elapse after the request for said approval without action:

Proposed change:

- (4) Prior to releasing the City's interest in a performance bond or deposit or covenant, the Planning Board shall receive from the applicant the following written statements of approval (ADD): (REMOVE) or (ADD)15 if days shall elapse (REMOVE) after the request (ADD) without having received the required letters for said approval (ADD) the Planning Board will take no action on the request: (REMOVE) without action:-
- (4) Prior to releasing the City's interest in a performance bond or deposit or covenant, the Planning Board shall receive from the applicant the following written statements of approval (REMOVE) or days shall elapse after the request for said approval without action: (REVISED) and will not act upon any such requests without having received a favorable response on the required letters.-

Mr. LaVenture explained that after further consideration by Mr. Russ and himself, the Working Group decided to recommend additional changes to §A676-10 I-4. He noted that the required letters were actually letters affirming compliance with requirements rather than letters of approval. As he read it, Mr. LaVenture said, paragraph 1 contains the procedure for an applicant to, after completion of all required improvements, request release of bond or deposit and gain Planning Board approval. It also requires the withholding of 10% of the total completion costs for one year to until street acceptance, whichever is first. Paragraph 2, he continued, concerns pre-maintenance period expiration street inspection and whether acceptance should be recommended to the City Council. Paragraph 3 regards the post maintenance expiration period and when, if the developer has complied with all requirements and the Planning Board has recommended the City Council accept the street as a public way, maintenance monies should be returned. In addition to these, he concluded, the Engineering Department conducts annual construction cost calculations to verify the appropriateness of any existing bond.

As such, paragraph 4 could apply to any and all situations from bond reduction to complete release. The following wording was suggested for forwarding to legal without dissent:

Prior to releasing, in whole or in part, the City's interest in a performance bond or deposit or covenant, the Planning Board shall receive from the applicant the following written statements of compliance indicating that City Department's recommendation for approval or denial by the Board of the applicant's request. Any recommendation of denial shall be accompanied by remedial actions the applicant must take to come into compliance. The Board will not act upon any such request without having received recommendations for approval from the:

- (a) *Commissioner of Public Works as to construction of all ways and sidewalks, installation of monuments, street signs, lights, gutters, and curbs, required grading and drainage, and planting and seeding.*
- (b) *Board of Health as to the installation of sewage disposal facilities, if applicable, and adequate lot drainage.*
- (c) *Commissioner of Public Works as to construction and installation of water and sewer facilities.*

Current regulation:

§ A676-12 Streets.

B. Alignment.

- (5) Property lines at street intersections shall have a radius equal to 30 feet at intersections involving a major street and 25 feet at other intersections.

Proposed change:

- (5) Property lines at street intersections shall have a radius (ADD) (rounding) equal to (ADD) that noted on the Typical Roadway Cross-Sections – See Appendix F. (REMOVE) 30 feet at intersections involving a major street and 25 feet at other intersections.

(REVISED)

- (5) Property lines at street intersections shall have a radius (ADD) (rounding) (REMOVE) equal to (ADD) that noted on the Typical Roadway Cross Sections – See Appendix F. (REMOVE) 30 feet at intersections involving a major street and 25 feet at other intersections. (REVISED) adequate to accommodate a commercial vehicle with a 40-foot wheelbase (defined by AASHTO as WB-40) without being in conflict with the granite curbing or the centerline of the adjoining street.

Current Regulation:

§676-22 (Reserved) formerly Alternative Design Standards

Proposed change:

§676-22 (NEW/REVISED) Tree Preservation and Protection Plan.

- A. The intent of the Tree Preservation and Protection Plan is to encourage the preservation and protection of trees during land clearing and subdivision layout. Locations of mature trees as noted in the required report submitted by a Certified Arborist shall be taken into consideration when designing the subdivision roadway layout. Trees are recognized for their abilities to mitigate heat island effects; provide shade cover; reduce energy consumption; improve air quality; reduce noise pollution; reduce topsoil erosion and storm water runoff; provide wildlife habitat; sequester carbon; enhance the quality of life and the environment of the city; increase property values; and enhance the overall appearance of the community. The Planning Board strongly encourages the preservation of existing significant vegetation and as such will not allow the total “clear cutting” of subdivision property (REVISED) (REMOVE) ~~as a convenience to the developer.~~ No part of this tree preservation requirement shall discourage the removal of Hazardous Trees, an act which may be important to public health and safety. (REVISED) Significant mature trees over 24” in diameter @ DBH, should be strongly considered when laying out the proposed subdivision roadway and lot layouts, these trees should be retained if the location is deemed feasible.
- B. The Tree Preservation and Protection Plan shall show the existing conditions of the subdivision property, noting the size and type of all trees 12 inches in diameter or greater @ DBH along with the roadway

right-of-way layout, all easement layout lines and zoning setbacks (rear, sides and front) and the limits of proposed grading within the lots that could adversely affect the health and viability of existing trees.

- C. After reviewing and taking into account the Certified Arborist's report the Tree Preservation and Protection plan shall be prepared to show the extent of tree removal and tree preservation for the proposed subdivision design. If feasible, shade trees 12 inches in diameter or greater @ DBH, located in the side and rear yard building setbacks for each individual lot depicted on the Definitive Plan, shall be retained. All trees that would be removed as part of the subdivision design would be noted as (REM.) for to be removed or as (RET.) for to be retained.

Mr. LaVenture noted that after discussions with Mr. Russ, the Working Group recommends that the fourth sentence of paragraph A be changed to:

The Planning Board strongly encourages the preservation of existing significant vegetation and as such (REMOVE) ~~will not allow the total~~ (ADD) strongly discourages "clear cutting" of subdivision property (REVISED) (REMOVE) ~~as a convenience to the developer.~~

Current regulation:

§ A676-37 Mailboxes. Mailboxes shall be installed in accordance with Appendix J.

Proposed change:

(ADD) On subdivision roads oriented east-west or close, mail boxes should be positioned on the sunny (Northerly) side of the street, adjacent to driveways or across the street from driveways for individual lots. Clustering of up to four mailboxes should be allowed whenever the driveways for four lots are close to contiguous corners of the four lots, two lots being on each side of the street.

Mr. LaVenture added this language was suggested by Mr. Hodge.

APPENDIX K – SUBDIVISION REGULATION FEE SCHEDULE

Current regulation:

The Planning Board shall require fees for *all submissions, reviews, approvals, changes and requests as listed below.* ~~submission, review and approval of Approval Not Required Plans, Preliminary Subdivision Plans, and Inspections.~~ Said fees shall be as adopted by the Board and according to the Schedule of Fees posted in (REMOVE) City Hall (ADD) DPW – Engineering Division and available from the City Clerk's Office. Said fees shall be tendered at the times specified in the Schedule of Fees.

The Planning Board fees are established to cover all administrative costs borne by the City (REMOVE) ~~whether by City employees or by consultants.~~

(REMOVE) ~~The fees cover application filing, public notices, and advertising for hearings, data collection, analysis, Department of Public Works review, Planning Department review, zoning and subdivision regulation compliance, legal review of covenants, establishing bonding amounts, review and filing of bonding instruments, issuing lot releases, field testing, and inspections of roadways and utilities under construction, administration of acceptance of streets, issuance of street names and numbers.~~

(ADD) Filing fee shall consist of a fixed application fee plus any ~~variable proposed roadway fee~~ *supplemental fee listed below.*

~~(ADD) Costs of public notices and advertising for hearings, including any processing and mailing costs, will be paid directly by applicant. Public Hearing Deposit Fees and Mailing Deposits Fees shall be collected and a copy of the paid invoices for advertising and mailing shall be delivered to the applicant along with a check from the City of Marlborough for the unused portion of the Deposit Fees.~~

Proposed change:

(ADD) Costs of public notices and advertising for hearings, including any processing and mailing costs, will be paid directly by applicant. (REMOVE) ~~Public Hearing Deposit Fees and Mailing Deposits Fees shall be collected~~

~~and a copy of the paid invoices for advertising and mailing shall be delivered to the applicant along with a check from the City of Marlborough for the unused portion of the Deposit Fees.~~

Current regulation:

DEFINITIVE SUBDIVISION SUBMISSION

(REMOVE) \$500.00 (ADD) \$1,000.00 filing fee plus (REMOVE) \$2.00 (ADD) \$3.00 per linear foot of proposed roadway less 80 percent (80%) of (REMOVE) all (ADD) the application and proposed roadway fees paid for preliminary subdivision plan if filed within seven (7) months of filing of preliminary plan.

(REMOVE) Plus \$100.00 for advertising for public hearing.

(REMOVE) Plus mailing costs.

To be paid at the time of (REMOVE) plan (ADD) complete application submission.

Application Fee: \$1,000.00

Supplemental Fee: \$3.00 per linear foot of proposed roadway

Public Hearing Deposit Fee: \$200.00

Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for each property owner, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

Proposed change:

Application Fee: \$1,000.00

Supplemental Fee: \$3.00 per linear foot of proposed roadway

(MISSING)

Preliminary Plan Credit: less 80% of Application Fee and Supplemental Fee

Public Hearing Deposit Fee: (REMOVE) \$200.00 (ADD) The cost of advertising will be billed directly to the applicant.

Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for each property owner, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

Current regulation:

CHANGES TO SUBDIVISION PLAN SUBSEQUENT TO APPROVAL

(REMOVE) \$200.00 (ADD) \$400.00 filing fee

(REMOVE) Plus \$100.00 for advertising for public hearing, if held.

(REMOVE) Plus mailing costs.

To be paid at the time of (REMOVE) plan (ADD) complete application submission.

Application Fee: \$400.00

Public Hearing Deposit Fee: \$200.00

Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

Proposed change:

Application Fee: \$400.00

Public Hearing Deposit Fee: (REMOVE) \$200.00 (ADD) The cost of advertising will be billed directly to the applicant.

Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

Current regulation:

LIMITED DEVELOPMENT SUBDIVISION

Application Fee: \$400.00
Supplemental Fee: \$50.00 for each lot proposed
Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for properties in whole or in part, within 100 feet of the lots shown on the proposed Preliminary Plan.

Proposed change:

Application Fee: (REMOVE) \$400.00 (ADD) \$500.00
Supplemental Fee: \$50.00 for each lot proposed
Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for properties in whole or in part, within 100 feet of the lots shown on the proposed Preliminary Plan.

Current regulation:

OPEN SPACE DEVELOPMENT

Application Fee: \$1,400.00****
Supplemental Fee: \$3.00 per linear foot of proposed roadway in final plan submission
Public Hearing Deposit Fee: \$200.00
Mailing Deposit Fee: \$1.00 for each property owner, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

Proposed change:

OPEN SPACE DEVELOPMENT

(ADD) Step 1 - Concept Plan

Application Fee: (REMOVE) \$1,400.00 (ADD) \$400.00
Public Hearing Deposit Fee: (REMOVE) \$200.00 (ADD) The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for properties in whole or in part, within 100 feet of the lots shown on the proposed Open Space Development.

(ADD) Step 2 – Open Space Development Plan

Application Fee: (REMOVE) \$1,400.00 (ADD) \$1,000.00
Supplemental Fee: \$3.00 per linear foot of proposed roadway in final plan submission
Public Hearing Deposit Fee: (REMOVE) \$200.00 (ADD) The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee: Equal to ~~twice the current rate~~ the then in force mailing rate for first class mail*, for properties in whole or in part, within 500 feet of the lots shown on the proposed Open Space Development.

Mr. LaVenture noted that, where they appear, the asterisks would be removed as the note they addressed was no longer needed.

On a motion by Mr. Elder, seconded by Mr. Fay, the Board voted to adjourn the meeting. Yea: Elder, Fay, Hodge, LaVenture, Russ, Fenby. Nay: 0. Motion carried.

11. Calendar Updates (None)

12. Public Notices of other Cities & Towns (None)

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'George LaVenture', written in a cursive style.

George LaVenture/Clerk

/kmm

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

1B

2021 MAY 17 A 8:40
April 26, 2021

Call to Order

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

1. Meeting Minutes

- A. April 5, 2021 – Meeting minutes will be available at next meeting May 10, 2021.

2. Chair's Business (None)

On a motion by Mr. Russ, seconded by Mr. elder, the Board voted to move up 10.A: Unfinished Business: Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed-Use Overlay District (RWMUOD). Yea: Elder, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

10. Unfinished Business

- A. Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed-Use Overlay District (RWMUOD). Correspondence from Peter Tamm, Glouston & Storrs (400 Atlantic Avenue, Boston, MA 02110)

Mr. LaVenture read the April 5, 2021 email from Peter Tamm of Glouston & Storrs to the Planning Board into the record. The email summarized Greatland Realty Partners willingness to accept the following stipulations in support of any recommendation to extend the RWMUOD, as proposed, to the Campus property:

1. No more than 100 townhomes.
 - a. Exhibit A to the zoning text establishes that no more than 100 unites are permitted.
 - b. Greatland is further willing to "belt and suspender" this limit, by ensuring this limitation is also reflected in the development agreement and shown on the master plan to be approved by City Council.
 - c. Greatland can further commit in the development agreement and master plan that no residential use shall be permitted on the principal parcel (PID 111-1).
2. Recreational opportunities and walking trails.
 - a. Greatland is prepared to commit in the development agreement and master plan to be approved by City Council to implemeneting recreational opportunities and pedestrian amenities throughout the site.
 - b. These pedestrian facilities shall include walking trails in locations around the site and Greatland shall explore providing pedestrian connections to adjoining facilities in the course of approval of the master plan and in site plan review.
3. Bio safety level 3 labs.
 - a. The existing RWMUOD zoning allows for facilities that may provide biosafety level 3 labs as-of-right.
 - b. To the extent the Board is interested in limiting any such use within the Campus, Greatland is prepared to consider an adjustment in Exhibit A to the RWMUOD text to

apply only to Subdistrict 2 (applicable to The Campus), that provides that “biosafety level 3 labs shall only be allowed special permit of the City Council”.

Mr. LaVenture read the April 26, 2021 email from the Board Member Mr. Sean Fay to the Planning Board into the record. The email summarized Mr. Fay’s comments and his favorable recommendation to the City Council with additional guidance on the proposed zoning amendment.

The email states, “Although I am not able to attend tonight's meeting, I did want to offer my comments on the proposed zoning amendment to Chapter 650 to amend Section 33 the Results Way Mixed-Use Overlay District (RWMUOD).

As is the case with any other proposal to amend the city's Zoning Ordinance, we review the proposal in four steps. First, is the proposal in keeping with the surrounding neighborhood? Second, what is the impact on the surrounding neighborhood? Third, does the proposed zoning amendment benefit the City? And fourth, is the proposed amendment otherwise in keeping with the intent and purposes of the City's Zoning Ordinance?

Historically, the Board has been less concerned about the appearance of the finished project, but more about the long-term implications of a proposed zoning amendment. Keeping this in mind, in my opinion, the applicant has submitted materials and presented a proposal that satisfies all of our requirements. Extending the RWMUOD is very much in keeping with the character of the surrounding neighborhood, and properly designed, any development under the proposal would have a minimum impact on the surrounding neighborhood. If the developer is successful in their project the benefit to the city would be similar to those expressed in our letter to the City Council from November 26, 2012, concerning the original RUMUOD. Creating the regulatory climate in which the proposed type of development could succeed is very much in keeping with the City's recent focus and the intent and purposes of the City's Zoning Ordinance.

After reviewing the site, I agree with the applicant's representative that the parcel that is earmarked for residential is not ideal for industrial use. I am concerned about the location of Bio safety level 3 labs, and this warrants further discussion. I am always reluctant to leave such decisions open ended and subject to a special permit from the City Council. Although we may have trust and faith in the current Council, we do not know what the makeup of the Council will be in future years.

That being said, I support providing a favorable recommendation to the City Council with additional guidance.”

Mrs. Fenby asked the board if anyone had any additional questions or comments.

On a motion by Mr. LaVenture, move to provide a favorable recommendation to the City Council with the following caveats:

- that any biosafety hazard level 3 lab shall only be allowed by special permit from the City Council, and

- than adequate oversight is provided by the required City and State Departments to ensure the safe installation, operation, and when required, decommissioning of the proposed Level 3 Bio Hazard facility, and
- that facility's inspection and certification reports be made available to the City, and
- that adequate oversight is provided by the required City and State Departments to ensure safe manufacture, storage, production, use, and disposal of toxins with an Acute Toxicity Category 1 or are carcinogens or neurotoxins, and
- spills or leakage of Acute Toxicity Category 1 substances including carcinogens and neurotoxins that could result in groundwater contamination or exposure of the public be immediately reported to the appropriate City and State Departments, and
- that the development agreement and master plan require, and Greatland create, recreational opportunities and pedestrian amenities throughout the site and adjoining facilities as indicated in their email

Seconded by Mr. Russ, Yea: Hodge, LaVenture, Russ and Fenby. Nay: Elder. Motion carried.

Ms. Fenby thanked Mr. Tamm.

3. Approval Not Required

- A. Map 111 Parcel 1 - Applicant: BH GRP TCAM Owner, LLC, Deed Reference: Book 70600, Page 451
 Map 112 Parcel 10A - Applicant: IPG Photonics Corporation, Deed Reference: Book 74877, Page 455
 Surveyor: Bruce Saluk & Associates, Inc. (576 Boston Post Rd E STE 5, Marlborough, MA 01752)
 Rick Senecal IPG Photonics (337 Simarano Drive, Marlborough, MA 01752)
 Mr. Saluk explained that there are two parcels A & B as shown on the plans, owned by two abutting property owners. He explained, they would like to do a land swap.
- IPG Photonics Corporation (Owner of parcel B)
 - Greatland Realty Partners (Owner of parcel A)
- Mr. Saluk explained the agreement has been reviewed by the lawyers and everyone is happy. Included are two Appendix A: Application for endorsement of Plan Believed not to Require Approval, which have been signed by both parties.

On a motion by Mr. Russ to refer to engineering, seconded by Mr. Elder. Yea: Elder, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

4. Public Hearings (None)

5. Subdivision Progress Reports (None)

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

7. Definitive Subdivision Submissions (None)

8. Signs (None)

- A. Sign Variance Application, 191-2370 Boston Post Road West, Marlborough, MA 01752
 Representative: Michael Brangwynne, Fletcher Tilton PC (12 Post Office Square, 6th Floor, Boston, MA 02109) – continued from April 5, 2021

Mr. LaVenture read the April 26, 2021 email from Mr. Brangwynne into the record. The emails

states: "On behalf of RK Associates-Marlboro, Inc. I respectfully request a continuance of the above referenced sign variance application to the Planning Board's May 10, 2021 hearing. On a motion by Mr. Elder to accept and file the correspondence and to defer the discussion to the May 10, 2021 planning board meeting, seconded by Mr. Russ. Yea: Elder, Hodge, LaVenture, Russ and Fenby. Nay: 0. Motion carried.

9. Correspondence (None)

10. Unfinished Business

- B. Working group discussion – Planning Board Rules and Regulations
 - I. Rules and Regulations – Continued Recommendations

Mr. LaVenture provided an update to the Board on the Working Group's most recent meeting on April 22, 2021.

He started by acknowledging the support of the Engineering and Legal Departments. Specifically Engineer Tim Collins and Jay Piques, Esquire. Both have contributed and continue to contribute tremendously to our efforts. Likewise, he thanked Mr. Russ for his dedication to our efforts and generously giving of his time. The working group has met a dozen times this calendar year with an average meeting length of 2 hours. A lot of debate and discussion has occurred regarding process, intent, and practicality. Mr. LaVenture said the group looked to clarify where needed and update where required. The result is the document he presented tonight. In earlier presentations to the Board, he said, we showed small sections of the document with any proposed changes made to that section. Tonight's presentation will show all those proposals, and a few more from the Working Group meeting last week, in the full document so that the board can see how they work as a whole.

Mr. LaVenture noted this isn't the complete final draft of proposed changes. That won't exist until closer to the presentation for review and approval by the Board at a public hearing. Besides any additional input from the Board, the key outstanding items will come from the three other parties that have been asked for their thoughts.

- Legal sent the entire package of Rules, Forms, and Cross Sections to the Mayor, City Council, City Department Heads, and other interested parties for review and comment on 13 April. They were told the Working Group would be available for questions and discussion on 4 or 5 May and were asked to either schedule time or provide their feedback by 5 May. City Engineer DiPersio agreed to be the point person for that effort.
- Also on 13 April Meredith Harris of MEDC was provided the full package. She in turn provided it to MAPC for review. Dr. Fenby and Mr. LaVenture met virtually with Ms. Harris to discuss the scope of their review effort. They requested:
 - *existing experience and expertise regarding Massachusetts General Laws Part I Title VII Chapter 41 as it applies to Planning Boards and other Massachusetts municipal subdivision rules and regulations to share best practice procedures in the following areas:*

- *Street acceptance process/ROW land transference/performance guarantee release - linkage and timing*
- *Tree preservation/minimizing cutting of mature trees – creating “mature” looking subdivisions*
- *Historical site / structure / asset preservation – maintaining historically / commercially valuable heritage and documenting what can’t be kept/scenic road impact*

Mr. LaVenture said feedback was requested by 7 May to allow for review and public hearing prior to summer.

Mark Racicot of MAPC indicated staffing and scheduling may not support meeting a 7 May report but would keep us posted.

Lastly, Legal will, of course, review the proposals and any other input and make suggestions as required.

Pending any additional comments by the Board these would be worked into the Rules by the Working Group and shown to the Board as previous proposals were. This would wrap up review of those pieces requiring presentation and consideration by the Board at a public hearing.

The exact date for the public hearing is still not set as the Working Group awaits feedback from MAPC.

Mr. LaVenture requested that, should anyone have any plans to, or think they might, miss a scheduled Planning Board meeting between now and completion of the public hearing, that they please let Dr. Fenby know as soon as possible.

Concurrently, the Working Group is working with Engineering and Legal on other document templates, such as Certificates of Vote, Covenants, and others. These will be presented after the public hearing on the Rules, likely in the Fall. They would not require a public hearing.

With no questions from the Board Mr. LaVenture started the document review.

Mr. LaVenture walked through each of the recommendations as shown in the summaries below:

Chapter A676

SUBDIVISION REGULATIONS

[HISTORY: Adopted by the Planning Board of the City of Marlborough 6-25-1970; as amended through June 1, 2015 (Ch. A203 of the 1986 Code). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Works — See Ch. 7, Art. IV.

Planning Board — See Ch. 19, Art. I.

Building and site development — See Ch. 270.

Stormwater Management — See Ch. 2
Fire hydrants — See Ch. 333.

Poles, wires, and conduits — See Ch. 473.

Sewers — See Ch. 510.

Sewers; Storm — See Ch. 511.

Soil removal — See Ch. 534.

Solid waste — See Ch. 540.

Streets and sidewalks — See Ch. 551.

Water — See Ch. 608.

Wetlands — See Ch. 627.

Zoning — See Ch. 650.

- Limited Development Subdivisions — See Ch. 650-30.
- Open Space Development — See Ch. 650-28.

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APPENDIX A

- Form A Application for Endorsement of a Plan Believed not to Require Approval (ANR Plan.).
- Form A-1 Application for a Special Permit for a Limited Development Subdivision.
- Form A-2 Application for Endorsement of a Plan Believed not to Require Approval with a Special Permit having been granted by the Planning Board for a Limited Development Subdivision.

APPENDIX B

- Form B Application for Approval of a Preliminary Subdivision Plan.
- Form B-1 Application for Approval of a Preliminary Open Space Concept Plan.

APPENDIX C

- Form C Application for Approval of a Definitive Subdivision Plan.
- Form C-1 Application for Approval of an Open Space Development Plan.

APPENDIX D

- Form D Petition for Approval of a Final Plan.

APPENDIX E

- Form E Certification of Delineation of Plan.

APPENDIX F

- Typical Cross Section 1 – Secondary Residential Street, 50’ Layout – 28’ Pavement Width
- Typical Cross Section 2 – Major Residential Street, 50’ Layout – 38’ Pavement Width

Typical Cross Section 3 – Secondary Residential Street, 40’ Layout – 28’ Pavement Width

Typical Cross Section 4 – Industrial/Commercial Street, 60’ Layout – 44’ Pavement Width

Typical Cross Section 5 – “Lane Status” Street, 50’ Layout – 26’ Pavement Width

APPENDIX G

Form G Conveyance of Easements and Utilities

APPENDIX H

Form H Street Bond/Lot Release Request Form

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Typical Section for Wheelchair Ramps at Sidewalks – 3 Details

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Typical Section for Mailbox Installation

APPENDIX K

Fee Schedule

APPENDIX L

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Article I General Provisions

§ A676-1 Authority.

Under the authority vested in the Planning Board of the City of Marlborough by MGL c. 41, § 81O, said Board hereby adopts these rules and regulations governing the subdivision of land in the City of Marlborough. These regulations shall be effective after approved and certified by the Register of Deeds and Recorder of Land Court.

The current version of the Planning Board Rules and Regulations were adopted by the Marlborough Planning Board on _____ and have been recorded at the South Middlesex Registry of Deeds, Book _____ Pages _____. A copy of the current version of the Planning Board Rules and Regulations are available at the Marlborough City Clerk’s Office and the City Engineer’s Office or may be obtained on the City of Marlborough’s website: www.marlborough-ma.gov

Article II

Definitions; Applicability

§ A676-2 Definitions.

As used in these Rules and Regulations, the following terms shall have the meanings indicated, the word “shall” is intended to be mandatory, the word “may” is merely permissive, the singular includes the plural, the plural includes the singular, and the present tense includes the future and other words and phrases have the following meanings:

AGENT

A person other than the owner who is authorized to speak and act on behalf of the owner.

APPLICANT

A person (as hereinafter defined) who applies for the approval of a plan of a subdivision or a plan believed not to require approval or a person who applies under Article V. "Applicant" shall only include an owner, or their agent or representative, or their assigns.

BOARD

The Planning Board of the City of Marlborough.

CALIPER

The diameter of a tree purchased at a nursery measured 12 inches above the root ball.

DIAMETER BREAST HEIGHT (DBH)

The diameter of an existing tree measured 4 ½ feet above the highest existing grade at the base of the tree.

DEVELOPER

The person who oversees the installation of utilities and the construction of the roadway and the person who is ultimately responsible for all obligations under the subdivision rules and regulations for completing the proposed subdivision and proposed utilities and roadway.

GENERAL LAWS

(Abbreviated MGL.) The General Laws of Massachusetts. In case of rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections of the new codification.

LANE

A secondary street which serves as access to no more than eight potential dwelling units, has lot frontages averaging 150 feet or more, and is incapable of extension.

LOT

An area of land in one ownership, with definite boundaries ascertainable or to be ascertainable of record and used or set aside and available for use as the site of one or more buildings and buildings accessory.

MUNICIPAL SERVICES

Sewers, surface water drains, water pipes, and their respective appurtenances.

OWNER

As applied to real estate, the person or persons holding the ultimate fee-simple title to a parcel, tract, or lot of land, as shown by the record in the appropriate Land Registration Office. Registry of Deeds or Registry of Probate. All legal actions and dealing must be made with the owner(s).

PLAN or DEFINITIVE PLAN

The plan of a subdivision as submitted (with appropriate application) to the Board for approval, to be recorded in the Registry of Deeds and/or Land Court when approved by the Board, and such plan when approved and recorded, all as distinguished from a preliminary plan.

PRELIMINARY PLAN

A plan of a proposed subdivision or a resubdivision of land prepared in accord with Article III to facilitate proper preparation of a definitive plan.

PRESENTER

The person who formally appears before the Planning Board with an item for consideration.

ROADWAY

That portion of a way which is designed and prepared for vehicular travel.

STREET, SECONDARY

A street which in the opinion of the Board is being used or will be used primarily to provide access to abutting lots.

STREET, MAJOR

A street which in the opinion of the Board is being used or will be used as a thoroughfare between different portions of the City of Marlborough or which will otherwise carry a heavy volume of traffic.

SUBDIVISION

- A. Subdivision shall mean the division of a tract of land into two or more lots and shall include resubdivision and, when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if at the time when it is made every lot within the tract so divided has frontage on: a) a public way or a way which the Clerk of the City certifies is maintained and used as a public way; or b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or c) a way in existence when the Subdivision Control Law became effective in the city in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance, if any, of said city for erection of a building on such lot.

- B. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the city in which the land lies into separate lots on each of which one of such building remains standing, shall not constitute a subdivision.

TREE, SHADE

Any tree which casts a shadow large enough for an individual to enjoy passive recreation while being protected from the effects of the sun or, in the opinion of the Tree Warden, will cast such a shadow when mature.

TREE, STREET

Any existing tree located within 15 feet from the edge of the roadway layout that casts a shadow upon the sidewalk area or a tree planted in the required landscape easement that will, in the opinion of the Tree Warden, casts a shadow on the sidewalk area when mature.

WAY

The entire width of the layout.

Plan to VOTE here.

Article III

Submission and Approval of Plans

§ A676-3 Plan believed not to require approval (ANR Plan).

- A. Submission of plan.
- (1) Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan and who believes that their plan does not require approval under the Subdivision Control Law may submit two single matte three mil mylar copies of the plan and nine copies thereof, dark line on white background. with application Form A (see Appendix A) and all applicable fees (see Appendix K), to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. An electronic copy of their plan shall also be submitted to the City Engineer's Office, in a format acceptable to the City Engineer. For the purpose of establishing the official submission date, said submission date shall be the date the plan was presented to the Planning Board at a regularly scheduled meeting of the Planning Board. The Planning Board suggests the applicant meet with the Engineering Department to review the plans and forms for format and completeness prior to said submission to the Planning Board as outlined above. Said person shall also file, by delivery or registered mail, a notice with the City Clerk stating the date of submission for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the City Clerk shall, if required, give a written receipt therefor.
- (2) Said plan shall contain the following information:
- (a) Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.

- (b) In the case of the creation of a new lot, remaining frontage shall be shown.
 - (c) Plan shall contain statement "Approval under the Subdivision Control Law Not Required" and provide space for date and signature by the Board.
 - (d) Notice of any decisions by the Zoning Board of Appeals.
 - (e) Location of all buildings.
- B. Endorsement of plan not requiring approval. If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse the plan under the words "Approval under the Subdivision Control Law Not Required." One endorsed copy of the plan or plan set will be returned to the applicant. The other mylar copy of the plan or plan set will be retained by the Department of Public Works – Engineering Division, and the Planning Board shall notify the City Clerk in writing of its action.
 - C. Determination that plan requires approval. If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform, in writing, the applicant and return the plan. The Planning Board will also notify the City Clerk, in writing, of its action.
 - D. Failure of Board to act. If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Clerk of the City and the person submitting the plan of its action within 21 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the City Clerk shall issue a certificate to the same effect.

Plan to VOTE here.

§ A676-4 Definitive plan required.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the City, or proceed with the improvement for sale of lots in a subdivision or the construction of ways or preparation therefor or the installation of utilities and municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.

§ A676-5 Reserved.

§ A676-6 Reserved.

§ A676-7 Adequate access.

A. General.

- (1) No plan shall be endorsed as not requiring approval under the Subdivision Control Law and no subdivision plan shall be approved unless each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, MGL c. 41, §§ 81K through 81GG.
- (2) In circumstances where adequate access does not exist, in the opinion of the Planning Board, to a proposed building lot(s) said not to require approval, the Board shall require the filing of a

subdivision plan and may impose obligations on the developer to ensure that said access is made sufficient to serve the potential needs of said lot.

- (3) Easement vs fee interest. All land required for access to a subdivision and all proposed lots depicted on the Definitive Subdivision Plan, must be held in fee by the Owner(s).

B. Standards of adequacy.

- (1) Streets within a subdivision. Streets within a subdivision shall be considered to provide adequate access if and only if complying with the standards established in this section.
- (2) Ways abutting, serving, or leading to a subdivision. Ways outside a subdivision and providing access to the streets within a subdivision, or providing access to lots said not to be within a subdivision, shall normally be considered adequate only if there is assurance that, prior to construction on any lots, access will be in substantial compliance with the following for a length along the existing roadway to be determined by the Planning Board:

<u>Existing Roadway Conditions</u>	<u>Development Potentially Served</u>		
	<u>Units</u>	<u>_____</u>	<u>Industry</u>
		N/A	N/A
Minimum Right-of Way width	N/A	3 inches bituminous concrete	3 inches bituminous concrete
Surface Type	3 inches bituminous concrete	26 feet	32 feet
Minimum travelled width	22 feet	200 feet	400 feet
Minimum sight distance	200 feet 12%	11%	9%
Maximum grade			
8 or Fewer Dwelling	9 to 49 Dwelling Units	50 or More Dwelling Units or Business	

C. Obligations.

- (1) The Board may require, as a condition of its approval of a subdivision plan, that the developer dedicate or acquire and dedicate a strip of land for the purpose of widening accessways to a width as required in Subsection B above, and that the applicant either make physical improvements within such way or compensate the City for the cost of such improvements in order to meet the standards specified in Subsection B above.
- (2) In circumstances where a way is not considered sufficient to serve the potential needs of a lot shown on a plan said not to require approval, the Planning Board shall not endorse said plan and shall instead require the filing of a subdivision plan and shall impose appropriate obligations as noted above.

D. Waivers. The Board may waive strict compliance with these requirements only upon its determination following consultation with the City Engineer, City Planner, Police Chief, Fire Chief and Mayor that the way in fact will be

sufficient to serve the needs for access and utilities to serve potential needs of land abutting on or served by the way in question.

§ A676-8 Fees and expenses. To reimburse the City for the cost of plan processing, review, and other costs, fees as specified in Appendix K shall be tendered to the City by the applicant. Said fees shall be tendered at the time of application together with the application (Form A, B or C) and shall constitute a part thereof, and at other times as specified in Appendix K.

Possible VOTE here.

§ A676-9 Preliminary plan.

A. General.

(1) A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification, or disapproval, by each board. The submission of such a preliminary plan, which is not a binding commitment, will enable the subdivider, the Planning Board, the Board of Health, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in each case. An electronic copy of the plan shall also be submitted to the City Engineer's Office in a format acceptable to the City Engineer. For the purpose of establishing the official submission date, said submission date shall be the date the plan was presented to the Planning Board at a regularly scheduled meeting of the Planning Board.

(2) A properly executed application Form B (see Appendix B) shall be filed with the preliminary plan submitted to the Planning Board along with all applicable fees (see Appendix K). The applicant shall also file by delivery or registered mail a notice with the City Clerk stating the date of submission for such approval of a preliminary plan and accompanied by a copy of the completed application Form B.

B. Contents. The preliminary plan shall be drawn at a suitable scale, preferably 40 feet to the inch, and five full size prints of it shall be filed with the Planning Board along with eight half scale prints for Planning Board members and one print shall be filed with the Board of Health. The plan shall be designated as a "preliminary plan," and to form a clear basis for discussion of the problems of the subdivision and for preparation of the definitive plan, the plan should contain the following:

- (1) Major features of the land such as existing walls, fences, buildings, large trees— 12 inches in diameter or greater @DBH, wooded areas, outcroppings, ditches, the subdivision name, boundaries, North point, date, scale, legend, and title "preliminary plan."
- (2) The names of the record owner of the land and the applicant or subdivider and the name of the designer, engineer or surveyor who made the plan.
- (3) The names of all property owners within 100 feet of the subject property , as determined from the most recent local tax list.
- (4) The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision, in a general manner.
- (5) The proposed system of drainage, including adjacent existing natural waterways, in a general manner.
- (6) The approximate boundary lines of proposed lots, with approximate areas and dimensions.
- (7) The names, approximate location, and widths of adjacent streets.

- (8) The topography of the land with a maximum contour interval of two feet based on the U.S. Coast and Geodetic NAVD88 Datum. The origin of said topography shall be noted on the plan.
- (9) The profiles of existing grades and approximate proposed finished grades of the roadway drain and sewer utilities.
- (10) The water distribution system.
- (11) Comparative impact analysis. A comparative impact analysis shall be submitted for any subdivision creating frontage potentially allowing 10 or more dwelling units and in other cases where the Board determines it appropriate in light of special circumstances. If a preliminary plan is filed, the analysis shall be submitted during the preliminary plan process. If a preliminary plan is not filed, the analysis shall be filed during the definitive plan process.
 - (a) Alternatives. The analysis shall include a minimum of two layouts, which shall be considered as alternatives. The alternative layouts shall be substantially different, practical and conform to the requirements for a preliminary plan or a definitive plan, if applicable. If the Zoning Ordinance allows flexibility in lot area or dimensions, then one of the development alternatives shall attempt to optimize the intent of said flexibility as stated in the Zoning Ordinance.
 - (b) Scope. The scope of such analysis, including development alternatives to be compared and consequences to be studied, shall be proposed by the applicant for review and approval by the Planning Board. The applicant shall consult with the City Engineer, Conservation Officer, and other city departments or agencies that the Planning Board deems necessary regarding the scope, and said officials shall submit their recommendations regarding the scope to the Planning Board. After due consideration of said recommendations, the Planning Board may waive any or all the requirements for an analysis only when it is found that no useful purpose would be served thereby, as when the characteristics of the site preclude substantially different layouts, or when the applicant has provided assurance that the Planning Board's stated concerns will be met. The Planning Board may issue guidelines for the preparation of an analysis, including types of technical data that will be accepted.
 - (c) Mitigation. Possible measures for mitigation shall be outlined with the preliminary plan if the analysis is submitted during the preliminary plan. However, specific measures for mitigation do not have to be proposed until the definitive plan.
 - (d) Differences. The analysis shall indicate differences between the alternatives regarding the following, unless requested otherwise by the Planning Board:
 - [1] Groundwater and surface water. Impact upon groundwater and surface water quality and level, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer and other activities within the development;
 - [2] Wildlife and botanical features. Material effects upon important wildlife habitats, and outstanding botanical features, including wildlife corridors, and relationships to and through adjacent properties;
 - [3] Soil and vegetation. Capability of soils, vegetative cover and proposed erosion control efforts to support proposed development without danger of erosion, silting or other instability;
 - [4] Public water supply and sewerage. Impact upon City water supply and sewerage systems as existing or proposed to be improved by the developer;
 - [5] Streets and traffic. Ability of streets providing access to the subdivision to safely provide such access, including measurement of sight distance at each intersection with proposed streets, impact of development traffic on the traffic level of service, gap acceptance analysis, and analysis of hazards owing to the limited sight distances, alignment or other characteristics of access roads; and

- [6] Recreation, open space and scenic values. Difference in potential recreation for residents of the site and general public. Impact upon open space preservation and values, including trail connections and scenic views from outside and inside the site and across the site.
- (e) Decision. The Planning Board shall determine and indicate to the applicant which layout is preferred during the preliminary plan process or, alternatively, the Board may defer its determination until the definitive plan process when further information may be submitted or required.
- C. Approval. The Planning Board, preferably with the advice of the Board of Health, may give such preliminary plan approval, with or without modification or suggestion. Such approval does not constitute approval of the subdivision but facilitates the procedures for preparing and securing final approval of the definitive plan. One copy of the preliminary plan will be returned to the subdivider.

Plan to VOTE here.

§ A676-10 Definitive plan.

A. General. Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:

- (1) An original drawing of the definitive plan, and twelve copies thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
- (2) A properly executed application Form C (see Appendix C) and Petition for Approval of Final Plan, Form D (see Appendix D), along with all applicable fees (see Appendix K), including the name of the record owner of the land and the time within which the subdivider or applicant agrees to complete the ways and install the public utilities in the subdivision, and approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two years of the date of approval of his definitive plan. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until an extension request of the approval of the Definitive Subdivision Plan is filed with and approved by the Board. Any surety securing the completion of the subdivision must be extended to run concurrently with the extension of the Definitive Subdivision Plan approval. Ways not completed or portions thereof when the approval of the Definitive Subdivision Plan has expired shall thereafter be completed in accordance with the then-in-force construction standards of the Planning Board and the Department of Public Works of the City of Marlborough.
- (3) For the purpose of establishing the official submission date, said submission date shall be the date the plan was presented to the Planning Board at a regularly scheduled meeting of the Planning Board.
- (4) Comparative impact analysis. Submit all information required under §A676-10B(11) if a preliminary plan has not been filed. The applicant is encouraged to prepare and submit a preliminary plan including the comparative impact analysis during the preliminary plan process instead of the definitive plan process. If the analysis was submitted at the preliminary plan stage, the Planning Board may require the applicant, or the applicant may submit on his own initiative, further information on said analysis which is necessary for purposes of reaching a determination as to the impact of the proposal and the selection of the preferred alternative layout by the Planning Board.

B. Contents.

- (1) The definitive plan shall be prepared by a professional engineer and a professional land surveyor registered in Massachusetts and shall be clearly and legibly drawn in black ink on single matte three mil mylar. The plan shall

be at a scale of one inch equals 40 feet, or such other scale as the Planning Board may accept to show details clearly and adequately, and shall include plans and profiles of each individual street at a scale of one inch equals 40 feet horizontal and one inch equals four feet vertical. All elevations shall refer to the U.S. Coast and Geodetic NAVD88 Datum. Sheet sizes shall be 24 inches by 36 inches including a one-inch border. There shall be an index sheet at a scale of one-inch equals 100 feet, showing the entire subdivision and adjacent streets and dimensions of the lots and streets and lot numbers.

- (2) The definitive plan shall contain the following information:
 - (a) A title stating the date, scale, bench mark, North point, name and address of the record owner of the land, name and address of petitioner and of surveyor, name of proposed subdivision of land, if any, names of proposed streets and zoning classification and zoning district lines, if any, within the locus of the plan.
 - (b) Location and ownership of abutting property as it appears in the most recent tax list.
 - (c) Land abutting any limited access or controlled access highways shall show the words, "No Access," wherever applicable.
 - (d) Major features of the land, such as existing waterways, natural drainage courses, walls, fences, buildings, large trees— 12 inches in diameter or greater @DBH, wooded areas, outcroppings and ditches, that exist on or near the site at the time of survey, and the limits of any resource areas as defined under MGL c. 131, §§ 40 and 40A, as determined by a professional wetland consultant.
 - (e) Lines of existing and proposed streets, ways, lots, easements and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the City Engineer.
 - (f) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines, including lot frontage on the streets, or the boundary lines of all streets and easements, and the length, radii, agents and control angles of all curves in lot lines and street lines. All angle points or intersections of tangents along the street lines shall be shown. Areas of lots with lot numbers and areas of adjoining land of applicant not included in the subdivision will be shown.
 - (g) Location of all permanent monuments properly identified as to whether existing or proposed.
 - (h) Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both roadway widths and rights-of-way widths.
 - (i) Indication of all easements, covenants or restrictions applying to the land and their purposes, whether or not within the subdivision.
 - (j) If the property that comprises the subdivision or any part or boundary thereof has been examined, approved and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land.
 - (k) Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board (or officially authorized person).
 - (l) Existing profiles on the exterior lines drawn in fine black line, dotted for left and dashed for right side, and proposed profile of the center line drawn in fine black solid line of proposed streets at a horizontal scale of one inch equals 40 feet and vertical scale of one inch equals four feet or such scale acceptable to the Planning Board. At least two benchmarks are to be shown on plans and profiles, and grade elevations at every fifty-foot station, except in vertical curves, which shall be at every twenty-five-foot station. All existing and proposed intersections

shall be shown with all proposed grade elevations calculated. Elevations shall refer to U.S. Coast and Geodetic NAVD 88 Datum only. Gradient shall be shown by figures expressed in percent.

- (m) Size and location of existing and proposed water supply (mains and their appurtenances); size and location of all underground conduit and appurtenances; hydrants, sewer pipes and their appurtenances and/or sewage disposal systems; streetlight locations; storm drains and their appurtenances, and easements pertinent thereto and dimensions of gutters, including data on springs and percolation tests made, and method of carrying water to nearest watercourse or easements for drainage as needed, whether or not within the subdivision. If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the petitioner or subdivider, the latter shall clearly indicate what course the discharge will take and shall present to the Board evidence from the Commissioner of Public Works or the owner of adjacent property that such discharge is permitted by public or private ownership of adjacent street or property.
- (n) Hydraulic and hydrologic calculations shall be prepared by a registered professional engineer in accordance with the requirements of the City Engineer. A Stormwater Management Design Report showing that measures to mitigate stormwater impacts of the proposed subdivision have been designed, and that such measures meet the requirements set forth in the Stormwater Management Standards promulgated by the DEP under the Clean Water Act, M.G.L. c. 21, Sections 26-53 and its accompanying regulations 314 CMR 9.0 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters within the Commonwealth; and 310 CMR 10.0 Wetlands Protection Act Regulations.
- (o) All trees over 12 inches DBH within the subdivision shall be evaluated for health and structural integrity by a Certified Arborist hired by the Applicant and approved by the Planning Board. A report, prepared by the Certified Arborist, shall be utilized by the design engineer to minimize the number of such trees that would be removed in order to facilitate the design of the subdivision. The report shall be presented to the Planning Board when the Definitive Subdivision Plan is presented to the Planning Board.
- (p) Cross sections typical of each street or roadway to be constructed.
- (q) Location of proposed sidewalks.
- (r) In tabular form, as follows, for each sheet of the subdivision plans, as submitted:
 - [1] The area which is being subdivided on each sheet.
 - [2] The total area of lots included on each sheet.
 - [3] The area dedicated for street purposes, drainage, sewer or utility easements on each sheet.
 - [4] The areas reserved for parks, schools, etc. on each sheet.

SUBDIVISION NAME: _____

SHEET NO. _____

- (1) Total area of original tract shown on this plan equals _____.
 - (a) Area in lots Nos. 1, 2, 3, etc. equals _____.
 - (b) Area in streets A-B-C equals _____.
 - (c) Area in easements equals _____.
 - (d) Area reserved for parks, schools, etc. equals _____.
- Total area of subdivision equals _____.

[Should equal (1) above.]

(2) Streets:

A Street Station ___ to station ___ equals _____.

B Street Station ___ to station ___ equals _____.

C Street Station ___ to station ___ equals _____.

Total area of streets equals _____.

[Should equal (1)(b) above.]

(3) Easements:

Sewer Station ___ to station ___ equals _____.

Drainage Station ___ to station ___ equals _____.

Utility Station ___ to station ___ equals _____.

Total area of easements equals _____.

[Should equal (1)(c) above.]

(4) Other Areas:

Park area (locate) _____ equals _____.

School area (locate) _____ equals _____.

Other (define and locate) _____ equals _____.

Total remaining area equals _____.

[Should equal (1)(d) above.]

- (s) An Erosion Control Plan showing that construction erosion and sediment controls have been designed to ensure that no off-site impacts to abutting properties or wetland resource areas will result during construction of the project, and that such controls have been designed to the satisfaction of the City Engineer and, if applicable, the NPDES General Permit for Storm Water Discharges from Construction Activities and/or the Wetlands Protection Act.
- (3) A grading plan with a maximum contour interval of two-feet depicting existing and proposed topographic conditions for the entire subdivision, including on- and off-site easements. Elevations on this plan shall refer to U.S. Coast and Geodetic NAVD 88 Datum. The City shall not accept any design or layouts unless based on an actual on-the-ground survey.
- C. Review by Board of Health as to suitability of the land. At the time of filing of the definitive plan, the subdivider shall also file with the Board of Health two copies of the definitive plan, dark line on white background. The Board of Health shall, within 45 days after filing of the plan, report to the Planning Board in writing approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and where possible shall make recommendations for the adjustment thereof. Every lot shall be provided with a sewerage system or sewer connection satisfactory to the Board of Health and/or the Commissioner of Public Works.
- D. Review by other City officials.

- (1) The Clerk of the Planning Board will transmit copies of the definitive plan to City officials other than the Board of Health as follows:
 - (2) One copy each to the City Solicitor for review of easement and agreements, the Commissioner of Public Works, the City Engineer, the Fire-Chief, Conservation Officer, the Postmaster, Historical Commission, and other city departments or agencies that the Planning Board deems necessary.
 - (3) Before the definitive plan is approved, the Planning Board will obtain written statements from the above officials that the proposed improvements are laid out to their satisfaction in the following respects (or, if 35 days have elapsed since transmittal of the definitive plan by the Clerk of the Planning Board to the officials without such written approval, approval will be assumed):
 - (a) The City Engineer as to street names and the City Solicitor as to the form of easements, covenants and performance guarantees.
 - (b) The Commissioner of Public Works as to the design of the street system, location of easements, monuments and drainage system.
 - (c) The Commissioner of Public Works as to the design of the water system and, if applicable, the sewage system.
 - (d) The Postmaster as to the location of the mailboxes.
 - (e) The Historical Commission as to Historic Cultural Assets, Sites, and Structures.
- E. Soil survey. Where appropriate, the Planning Board may require soil surveys to establish the suitability of the land for the proposed storm and sanitary drainage installations.
- F. Public hearing.
- (1) Before taking any action to approve, modify and approve, or disapprove a definitive plan, the Planning Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the City once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing, or if there is no such newspaper in such City, then by posting such notice in a conspicuous place in the City Hall for a period of not less than 14 days before the day of such hearing. Notice shall also be provided to property owners within 500 feet of the subdivision.
 - (2) The procedure that the Planning Board will follow with regards to approval, disapproval or modification of the final plan submitted by the petitioner will be that as set forth in MGL c. 41, § 81U, as amended. In summary, the Board, after receiving the final plan and profiles, will review the same to determine whether they are in compliance with its adopted rules and regulations, zoning ordinances, general ordinances, departmental regulations of the Commissioner of Public Works and the Board of Health, and other laws pertaining thereto.
 - (3) Before final approval of the plan, the subdivider or petitioner shall comply with all reasonable regulations and rules of the Commissioner of Public Works and the Board of Health. Specific reference is made to the specifications for septic tanks which shall conform with the rules and regulations of the Board of Health.
 - (4) Before final approval of the plan, the subdivider or petitioner shall see to it that lots in a definitive or final plan be in conformity with the existing zoning ordinances, and failure of the lots to so comply will be adequate grounds for disapproval of the final or definitive plan. See MGL c. 41, §81Q, and amendments thereto. The Board may, as a condition of granting a permit under §81Y, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the City. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto to which reference is made on such plan and which shall, for the purpose of the Subdivision Control Law, be deemed to be a part of the plan.

- G. Performance guarantee. Before endorsement of the Board's approval of a definitive plan of subdivision, the subdivider shall agree to complete the required improvements specified in Article V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written consent of the Planning Board.
 - (1) Approval with bonds or surety. The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Article V not covered by a covenant under Subsection G(2) hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the completion of such improvements within two years of the date of the bond. Once the bond or surety is in place, the lots for which legal frontage has been provided for may be released from the Covenant by the Planning Board upon request of the subdivider and building permits may be issued by Inspectional Services.
 - (2) Approval with covenant.
 - (a) The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby such ways and services as specified in Article V, not covered by bond or deposit under Subsection G(1) hereof, shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed.
 - (b) The developer shall also note on his definitive plan that any and all lots within the subdivision are subject to the restrictions of the covenant.
- H. Adjustment of bond or surety. If the value of the work having been completed for construction of the subdivision is equal to or greater than 10% of the surety being held to complete the subdivision, the Developer may request that the penal sum of any such bond or the amount of any deposit held under Subsection G(1) above may from time to time be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part to a minimum of 10% of the total costs to complete the required improvements specified in Article V. See Appendix K and Form H for fee structure and application form.

Similarly, the penal sum of any such bond or the amount of any deposit held under Subsection G(I) above may be increased by the Planning Board.

Any reduction or increase hereunder shall be authorized pursuant to a recalculation to be done by the DPW's Engineering Division, of the amount then remaining in the applicable bond or deposit, said recalculation to be done on an annual basis for the costs of the work within a subdivision remaining to be completed. Said costs shall be the costs necessary to complete the required improvements as determined by the DPW - Engineering Division at the time of each such recalculation. Should the Planning Board determine that the surety amount being held to complete the subdivision should change, the Planning Board shall notify the City Treasurer and the Developer of their decision. The Planning Board shall notify the surety of the Planning Board's actions and request an acknowledgement of the change in the amount of surety, if applicable.

- H¼ Deeding of developer's legal interests to City. Immediately upon providing a bond or other security to construct an approved definitive subdivision plan, the developer shall deed to the City the subdivision road(s) as well as all municipal utility easements, if any. If any modifications to the approved definitive subdivision plan result in a re-location of any municipal utility, the developer shall, immediately upon installation of the re-located municipal utility, deed to the City the easement corresponding to the re-located municipal utility. The developer is also required to provide the City with a certificate of liability insurance, naming the City as an additional insured relative to the subdivision road(s) as well as all municipal utility easements, if any, to be deeded to the City.

H½. Required remedial action after lapse of time. If more than two years has elapsed from the time that the developer has installed the base course of the subdivision road pavement to the time that the developer has scheduled to pave the top course., the planning Board may require that the developer take such remedial action as may be recommended to the Board by the DPW's Engineering Division, including but not limited to patching and crack sealing the pavement, or in more acute situations, reclaiming and reconstructing the subdivision road. The cost of any such remedial action would be added to the annual recalculation, to be done by the DPW's Engineering Division pursuant to §A676- 10.0. If a developer fails to take remedial action required by the Board, the Board is authorized to rescind or modify the definitive subdivision approval.

I. Release of performance guarantee upon completion of construction.

(1) Upon the completion of all improvements required under Article V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant may send by registered mail to the City Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with the requirements contained under Article V, such statement to contain the address of the applicant, and the City Clerk shall forthwith furnish a copy of said statement to the Planning Board.

If the Planning Board determines that said construction or installation has been completed, it shall notify the City Treasurer in writing that it releases the interest of the City in such bond or deposit and that such bond or deposit shall be returned to the person or persons who furnished the same, or in the case of covenant, it shall issue a written release of the covenant suitable for recording.

However, 10% of the total costs to complete the required improvements specified in Article V shall be held by the City until:

a) one year after completion of construction (may be waived by the Planning Board in whole or in part), and

b) the Developer has formally petitioned the City, in writing, for Street Acceptance, and

c) the deeds for all land and easements required have been given to the City, and

d) the Planning Board receives from the applicant the following written statements of compliance providing that City Department's recommendation for approval by the Planning Board of the applicant's request:

(1) Commissioner of Public Works as to construction of all ways, the installation of water, sewer, and drainage utilities, and sidewalks, installation of monuments, street signs, lights, gutters, and curbs, required grading and lot drainage, and planting and seeding,

(2) Board of Health as to the installation of sewage disposal facilities, if applicable.

(3) City Engineer as to a Stormwater Management Plan.

The total costs shall be those costs necessary to complete the required improvements at the time release is applied for.

(2) Release of performance guarantee. The Planning Board shall request the Commissioner of Public Works, approximately 60 days before the expiration of the year, to make an inspection of said street or way or portion thereof to determine whether or not defects have developed therein, and to make his recommendation to the Board as to whether or not it should recommend same to the City Council for the laying out of said street or way or portion thereof as a public way. Such recommendation may be in the affirmative if the Commissioner has determined that:

a) the subdivision road(s) and subdivision infrastructure were built in full compliance with the Board's Subdivision Rules and Regulations in place at the time the Board approved the definitive subdivision plan; and

- b) the condition of the subdivision road(s) and subdivision infrastructure was acceptable at the end of the one-year maintenance period.

If the recommendation is in the affirmative, the Board shall so recommend to the City Council forthwith, including in such recommendation, notification that the year for which the developer is responsible for the maintenance of said way or portion thereof will expire on a certain date and said way should be laid out as a public way and the maintenance of same to become the responsibility of the City.

- (3) Upon the expiration of the year for which the developer is responsible for maintenance of said way, and said developer has complied with all the requirements of the Planning Board Rules and Regulations and, in accordance with an inspection report of said way from the Commissioner of Public Works, and the Board has recommended to the City Council that said way should be laid out as a public way, any monies held by said Board for the maintenance of said way shall be returned forthwith to the developer.
- (4) If the Planning Board determines that said construction or installation has not been completed, or does not receive the above written statements of compliance recommending approval, or the deeds for all land and easements required have not been given to the City, it shall specify to the applicant, in writing, by registered mail, the details wherein said construction and installation fail to comply with requirements contained within these Rules and Regulations.

Upon failure of the Planning Board to act on such application within 45 days after the receipt of the application by the City Clerk, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five-day period expires without such specification or without the release and return of the deposit or release of the covenant as aforesaid, the City Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

- J. Certificate of approval. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by delivery or registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the rules, regulations and recommendations of the Planning Board. Final approval, if granted, shall be subject to the construction specifications contained herein and shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the City Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the definitive plan has been approved and endorsed, the Planning Board shall return the original to the applicant.

- (1) The Planning Board may agree to an extension of the minimum time normally required for action following submission of a definitive plan and action thereon, upon the written request of the applicant.
- (2) Approval of the definitive plan does not constitute the laying out or acceptance by the City of street(s) within a subdivision.

- K. Decision. After the public hearing, the Board in due course will approve, modify and approve, or disapprove the definitive subdivision plan submitted. Criteria for action by the Board shall be the following:

- (1) Completeness and technical adequacy of all submissions;
- (2) Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard, or other environmental degradation;
- (3) Conformity with the requirements of Article IV;

- (4) Determination and selection of preferred plan, based upon alternatives presented in the comprehensive impact analysis (where submitted), that the subdivision will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan; that all adverse impacts upon water, sewer and street systems will be adequately mitigated; and that recreation, open space and scenic values are adequately provided for;
- (5) Determination that access to the subdivision is adequate, as provided in §A676-8;
- (6) Conformity with all applicable zoning requirements; and
- (7) Consistency with the purposes of the Subdivision Control Law.

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Article IV Design Standards

§ A676-11 Design guidelines.

- A. All subdivisions shall be designed, and improvements made by the developer consistent with the requirements of Article IV.
- B. In addition, design and construction shall accomplish the following:
 - (1) Reduce, to the extent reasonably possible:
 - (a) Volume of cut and fill;
 - (b) Area over which existing vegetation will be disturbed, especially if within 200 feet of a river, pond or stream or having a slope of more than 15%;
 - (c) Number of mature trees 12 inches in diameter or greater @ DBH removed. The retention of mature trees shall be considered in the design of the subdivision and lot layout.
 - (d) Extent of waterways altered or relocated;
 - (e) Erosion and siltation on the subdivision site shall be minimized and compliant with the City of Marlborough's Stormwater Management Ordinance (§271) and Storm Sewer Ordinance (§511). Illicit discharges onto the neighboring properties and streets is prohibited;
 - (f) Flood damage on the subdivision site shall be minimized and compliant with the City of Marlborough's Stormwater Management Ordinance (§271) and Storm Sewer Ordinance (§511). Illicit discharges onto the neighboring properties and streets is prohibited;
 - (g) Number of driveways exiting onto existing streets or ways rather than onto newly built or proposed subdivision roadways;
 - (h) Disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic environs; and
 - (i) Impact on water and sewer facility's ability to service other development in the City.
 - (2) Increase, to the extent reasonably possible:
 - (a) Vehicular use of collector streets to void traffic on streets providing house frontages;
 - (b) Legal and physical protection of views from public ways;

- (c) Street layout facilitating south orientation of houses; and
- (d) Use of curvilinear street patterns.

§ A676-12 Streets.

A. Location.

- (1) All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel and an attractive street layout in order to obtain the maximum safety and amenity for future residents of the subdivision, and they shall be in accord with the Rules and Regulations of the Commissioner of Public Works.
- (2) The proposed streets shall conform, so far as practicable, to any existing plans of the Planning Board and, when adopted by the Planning Board, to the Master or Study Plan or parts thereof adopted.
- (3) Provision satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.
- (4) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.

B. Alignment.

- (1) Street jogs with center-line offsets of less than 150 feet shall be avoided whenever practicable.
- (2) The minimum center-line radii of curved streets shall be as follows:
 - (a) Other secondary streets and Lanes: 150 feet.
 - (b) Major Streets and Commercial/Industrial streets: 350 feet.
- (3) A center-line tangent section at least 150 feet in length shall separate all reverse curves on major streets and any reverse curves on secondary streets where the sum of their center-line radii is less than 500 feet.
- (4) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60°.
- (5) Property lines at street intersections shall have a radius adequate to accommodate a commercial vehicle with a 40-foot wheelbase (defined by AASHTO as WB-40) without being in conflict with the granite curbing or the centerline of the subdivision street and the adjoining street.
- (6) Streets shall be laid out so as to intersect at intervals which will permit block size to be in a range of 600 feet to 1,200 feet in length, unless otherwise specified by the Planning Board. In lieu of actual construction of a cross street, in special instances the Planning Board may approve an easement for a future street.

C. Width.

- (1) The minimum width of rights-of-way shall be as follows:
 - (a) Residential streets: 50 feet.
 - (b) Streets in an Industrial/Commercial subdivision development: 60 feet.

D. Grade.

- (1) The center-line gradient for any street shall not be less than 1%.
- (2) The maximum center-line grade for streets shall be as follows:

- (a) Lane: 10%.
- (b) Other secondary street: 8%.
- (c) Major street: 5%.
- (3) Where changes in grade exceed 1%, reasonable vertical curves, as required by the Commissioner of Public Works, will be provided, and where a grade is 5% or greater within 150 feet of the intersection of street right-of-way lines, there shall be provided a levelling area of at least 75 feet with a maximum grade of 3%. The horizontal tangent distance between any two reverse vertical curves shall be a minimum of 100 feet.
- (4) Vertical curves shall be a minimum of 100 feet in horizontal length and provide for a minimum sight distance of 200 feet.
- E. Dead-end streets.
 - (1) Dead-end streets shall not be longer than 500 feet unless, in the opinion of the Planning Board, such a greater length is necessitated by topography or other local conditions.
 - (2) Dead-end streets shall be provided at the closed end with a turnaround having a property line diameter of 120 feet for a major street and 100 feet for a secondary street, unless otherwise specified by the Planning Board.
 - (3) The slope of the road shall not exceed 3% beyond a point 75 feet before the radius point of the turnaround area.

§ A676-13 Curb cuts.

- A. Driveways shall be minimum of 10 feet and a maximum of 24 feet in width for the required front yard setback and may have an additional three feet of width on each side at the edge of travel way for a turning radius.
- B. Driveways to service the individual building lots shall comply with the applicable provisions of the City Code.
- C. Wheelchair ramps shall be provided as shown in Appendix I of this chapter.

§ A676-14 Easements.

- A. Easements for utilities carrying underground wires, where required, or for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 30 feet wide.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Planning Board may require that there be provided a stormwater easement or drainage right-of-way of adequate width and proper side slope.
- C. Access to park and conservation land owned by the City shall be provided, if required by the Planning Board, and shall be at least 40 feet wide.
- D. Any and all easements to be accepted by the City shall be bounded at all Points of Curvature, Points of Tangency and angle points prior to acceptance by the City of Marlborough.
- E. Whenever an easement line intersects a lot line or street layout line, distances shall be shown relative to lot corners or Points of Curvature and Points of Tangency.

§ A676-15 Open space.

- A. Before approval of a plan, the Planning Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the

purposes of a park and/or playground. Each such area shall be so located as to serve adequately all parts of the subdivision as approved by the Planning Board. The Planning Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions. All areas to be reserved for park and/or playground purposes shall contain not less than one acre or shall be part of a similar area in an adjoining subdivision so that the total area is not less than one acre. Unless otherwise specifically approved by the Planning Board, the total amount of area to be reserved for park and/or playground purposes shall be no less than 10% of the gross area of this subdivision. Any land so reserved shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the Planning Board.

- B. The Planning Board may, unless the applicant has not previously agreed to dedicate the park or parks to the City or other entity such as a homeowners' association, require by appropriate endorsement on the plan that no building shall be erected upon such park or parks without its approval until the expiration of a period of two years following the completion of the subdivision roadways and utilities, or until the occupancy of the subdivision shall have occurred in dwellings on at least 2/3 of the lots in the subdivision, whichever date occurs last. The applicant shall then promptly notify by mail the Planning Board, Conservation Commission, Recreation Commission, Mayor and the occupants of all homes in the subdivision as follows: "You are hereby notified that the site required to be set aside by the Planning Board as a park or recreation area in this subdivision is available for purchase by the City or others and, if not purchased within six months, must be released by the Planning Board for the developer's use for a new building on the site. You may contact the Planning Board on this matter for more information."
- C. A plan of the entire subdivision showing the proposed location of the park shall be sent by the applicant with each notification.

§ A676-16 Protection of natural features.

Due regard shall be shown for all-natural features, such as large trees, wooded areas, watercourses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. Whenever feasible, shade trees 12 inches in diameter or larger shall not be removed. The Applicant may be required to hire a certified consulting arborist to identify those trees which can be saved and thrive upon the completion of the subdivision, show those trees on the Definitive Subdivision Plans and certify as to such.

"I hereby certify that the trees shown on this plan as to be retained (RET.), if preserved, will add attractiveness and value to the subdivision. Those trees not designated as to be retained (RET.) have no significant value where they would need to be retained."

§ A676-17 Lot drainage.

Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of adequate width and proper side slope shall be provided. Storm drainage shall be designed in accord with specifications of the Commissioner of Public Works.

§ A676-18 Fire alarms. (Reserved)

§ A676-19 Fire hydrants.

Hydrants shall be provided every 500 running feet on one side of each street unless a greater distance is approved by the Commissioner of Public Works in writing. They shall be a style approved both by the Fire Chief, the Commissioner of Public Works and the American Insurance Association.

§ A676-20 Sidewalks, grass plots, trees.

See cross sections in Appendix F.

§ A676-21 Streetlights.

Streetlighting shall be provided for each subdivision street and shall be such as to give the equivalent of not less than 4,000 lumens of light installed at intervals of 350 feet unless otherwise specified by the Planning Board.

§676-22 Tree Preservation and Protection Plan.

- A. The intent of the Tree Preservation and Protection Plan is to encourage the preservation and protection of trees during land clearing and subdivision layout. Locations of mature trees as noted in the required report submitted by a Certified Arborist shall be taken into consideration when designing the subdivision layout. Trees are recognized for their abilities to mitigate heat island effects; provide shade cover; reduce energy consumption; improve air quality; reduce noise pollution; reduce topsoil erosion and storm water runoff; provide wildlife habitat; sequester carbon; enhance the quality of life and the environment of the city; increase property values; and enhance the overall appearance of the community. The Planning Board strongly encourages the preservation of existing significant vegetation and as such strongly discourages the total “clear cutting” of subdivision property. No part of this tree preservation requirement shall discourage the removal of Hazardous Trees, an act which may be important to public health and safety. Significant mature trees over 24” in diameter @ DBH, should be strongly considered when laying out the proposed subdivision roadway and lot layouts, these trees should be retained if the location is deemed feasible.
- B. The Tree Preservation and Protection Plan shall show the existing conditions of the subdivision property, noting the size and type of all trees 12 inches in diameter or greater @ DBH along with the roadway right-of-way layout, all easement layout lines and zoning setbacks (rear, sides and front) and the limits of proposed grading within the lots that could adversely affect the health and viability of existing trees.
- C. After reviewing and taking into account the Certified Arborist’s report the Tree Preservation and Protection plan shall be prepared to show the extent of tree removal and tree preservation for the proposed subdivision design. If feasible, shade trees 12 inches in diameter or greater @ DBH, located in the side and rear yard building setbacks for each individual lot depicted on the Definitive Plan, shall be retained. All trees that would be removed as part of the subdivision design would be noted as (REM.) for to be removed or as (RET.) for to be retained.

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Article V

Required Improvements for an Approved Subdivision

§ A676-23 General.

- A. No street or way through private property shall be accepted by the City unless the same be previously constructed and completed in accordance with the standard cross section (see Appendix F), street layout plan, profile and the following: (amended 5-1-15)
- B. Unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the most recent editions of the following: Commonwealth of Massachusetts Department of Public Works' Standard Specifications for Highways and Bridges, hereinafter referred to as the "Standard Specifications," as amended; the Commonwealth of Massachusetts Construction Manual, Construction Standards and the special provisions included hereinafter.

- C. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications. In case of conflict between these specifications or special provisions and the aforesaid Standard Specifications, amendments or addenda, these specifications and special provisions shall take precedence and shall govern.
- D. To facilitate reference, each paragraph in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications.
- E. Wherever in the Standard Specifications or other contractual documents the following terms, or pronouns in place of them, are used, the intent and meaning shall be interpreted by substitution as follows:

COMMONWEALTH

City of Marlborough.

DEPARTMENT

Department of Public Works, City of Marlborough.

ENGINEER

The Commissioner of Public Works of the City of Marlborough, acting directly or through an authorized representative acting within the scope of the particular duties entrusted to him.

- F. The extent of work required is as shown approximately upon approved plans and, in compliance with the standard cross section plans, stakes shall be set which will indicate the exact amount of cut or fill.
- G. As each construction operation is completed; it shall be approved by the Engineer previous to starting work in the succeeding operation.
- H. At the time the street or way or portion thereof is ready for acceptance and to facilitate acceptance by the City of Marlborough, The developer shall have prepared and certified by a registered land surveyor a "plan of acceptance" drawn with black ink on single matte, three-mil Mylar (size: 18 inches by 24 inches or 24 inches by 36 inches), showing widths, areas, lengths, bearings of all boundary lines of streets and easements and radii, tangents and central angles of all curves in street lines. It shall show that all stone bounds have been set.
- (1) A blank space four inches by eight inches shall be provided on the lower right-hand corner on the plan for a title block to be filled in by the City Engineer. The surveyor shall place a certification on the plan stating: "The street (or way or portion thereof) is laid out and the bounds have been set as shown on this plan," and it shall be dated, signed and the surveyor's stamp affixed thereon. The plan shall be submitted to the City Engineer.
- I. The developer will have the original plans and profiles that were submitted to the Planning Board and that are on file in the City Engineer's office corrected and certified by his Engineer to show the actual as-built locations and grades of all utilities and roadway profile and any changes authorized by the Planning Board. This will be done in a manner approved by the City Engineer.

§ A676-24 Street and roadway.

- A. The roadway shall be graded and prepared for pavement as follows:
 - (1) Clearing and grubbing shall be performed to remove stumps, brush, roots, boulders and like from the area of the travelled way, shoulders, sidewalks and utility trenches, but elsewhere existing vegetation shall be preserved wherever feasible.
 - (2) Roadway earth excavation shall remove all unsuitable materials encountered down to the true surface of the subgrade in preparation for foundation of roadway, sidewalks, driveways and berms. Approved materials such as gravel and loam obtained in the excavation may be used in fills, as required, if in the opinion of the Engineer they are suitable.

- (3) When, in the opinion of the Engineer, suitable material is not available within the limits of the highway location to form the subgrade or subbase, the contractor shall obtain such additional material from other sources in accordance with this section and as may be approved by the Engineer.
- (4) The subgrade surface (16 inches below the finished surface grade) shall be prepared true to the lines, grades and cross sections given and properly rolled. All unsuitable material and organic materials below the subgrade surface shall be removed to a depth determined by the Engineer, and the space thus made shall be filled with special gravel borrow, containing no stones over six inches in their largest diameter.
- (4-1/2) A layer of geotextile fabric shall be installed beneath the gravel base specified in §A676- 24.A(5).) The required fabric shall be TenCate Mirafi® 500X woven polypropylene geotextile material or approved equal.
- (5) Gravel base course shall consist of approved gravel placed upon the subgrade or subbase as directed and in accordance with these specifications and in reasonably close conformity with the lines and grades shown on the plans or established by the Engineer.
- (6) The gravel shall be spread in layers upon the prepared subgrade from self-spreading vehicles or with power graders of approved types or by hand methods. Gravel shall be spread in layers not more than four inches thick, compacted measure.
- (a) The gravel shall be compacted and placed to the tolerance as stipulated in MassDOT Standard Specifications for Highways and Bridges (Current Edition) – Section 401, Gravel Sub-base and Section 402 Dense Grade Crushed Stone for Sub-base.
- (b) At the conclusion of this step, the roadway shall be staked in all locations where permanent monuments are to be installed as provided in §A676-29.
- B. Roadways shall be constructed for the full length of all streets within the subdivision and shall have the same curb radius required in §A676-13B above.
 - (1) The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Planning Board. Provided however, that the minimum center line radius for a paved width less than 32 feet shall be 150 feet.
 - (2) The minimum width of roadways shall be as follows:
 - (a) Lanes: 26 feet.
 - (b) Other secondary streets: 28 feet.
 - (c) Major streets, residential: 38 feet; industrial and commercial: 44 feet.
- C. The wearing surface of roadways shall be of Class 1 bituminous concrete pavement, Type I-1. This type of pavement shall be composed of mineral aggregate, mineral filler and bituminous material, plant mixed and laid hot. The pavement shall be constructed in two courses for residential streets: 1 ½ inch top course laid upon a 2 ½ inch binder course, with a final pavement depth after rolling of 4 inches and for Industrial/Commercial streets: 1 ½ inch top course laid upon a 2 ½ inch binder course, and a 3 inch base course on which the binder course is laid, with a final pavement depth after rolling of 7 inches. Pavement shall be placed upon the prepared surface and in conformity with lines, grades and typical cross section shown on plans. Material and construction methods shall conform to all other requirements of Section 460 of the Standard Specifications, except that no such construction shall be undertaken before March 30 of any year nor after November 1 of any year without written permission of the City Engineer.
- D. Embankments outside the right-of-way shall be evenly graded and pitched at a slope of not greater than two horizontal to one vertical in fill. Where cuts are made in ledge, other slopes may be determined with the approval

of the City Engineer. Where terrain necessitates greater slopes, retaining wall, terracing, fencing or riprap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with the Planning Board and approved by the City Engineer. The subdivider must furnish to the City duly recorded access easements for maintenance of the slopes, terraces or retaining walls. All such slopes shall be grassed in accordance with the specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.

- E. Dust control shall be provided throughout the entire project. Sprinklers, watering trucks, calcium chloride, fencing, etc. shall be employed as directed by the DPW – Engineering Division or the Code Enforcement Office.

§ A676-25 Utilities.

- A. Excavation for structures including foundations for drains, sewers and water pipes, walls and other structures shall be made to the depth as indicated on plans or established by the Engineer. Rock excavation designated as Class B encountered in trench excavation shall be removed as directed by the City Engineer.
- B. All drain, sewer, gas and water pipes and other structures shall be installed upon the completion of roadway subgrade and before the placing of the subbase, gravel base course, sidewalks or pavement.
 - (1) Sewer and water mains shall be installed in accordance with the ordinances of the City of Marlborough. Gravity sewer and drain lines shall be designed with a minimum slope of 1% and a maximum slope of 9%.
 - (2) Gas mains shall be installed if gas connection is available unless said installation is specifically waived by the Planning Board.
- C. Adequate disposal of surface and subsurface water shall be provided and pipes, manholes and catch basins shall be provided according to the sizes and depths as indicated on the plans and in conformity with the requirements of the Massachusetts Department of Public Works Standard Specifications for Highway and Bridges (current Edition) and shall be built on both sides of the roadway at intervals not to exceed 300 feet, unless otherwise provided by the Planning Board, and at such other places as deemed necessary by the Commissioner of Public Works and the Planning Board to assure the unimpeded flow of all natural watercourses, to assure adequate drainage of all low points and to provide proper runoff of stormwater. In no instances shall catch basins be located along a driveway cut.
 - (1) The standard depth of catch basins shall be four feet below invert of lowest drain. Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in conformity with the requirements of of the Massachusetts Department of Public Works Standard Specifications for Highway and Bridges (current Edition) for installation of pipes. The outlet pipe for all catch basins shall be equipped with the “Eliminator” hood by Ground Water Rescue or approved equal.
 - (2) Class IV reinforced concrete pipe shall be used for all drain lines and installed according to the size and grade shown on the approved definitive plan.
- D. On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations and requirements of the Board of Health.
- E. Where adjacent property is not subdivided or where all the property of the applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision, at such grade and size which will, in the opinion of the Planning Board, permit their proper extension.

§ A676-26 Sidewalks, curbs and gutters.

- A. Unless otherwise specified by the Planning Board, the sidewalks shall extend the full length of each side of the street and shall be of the following minimum widths:
 - (1) Along secondary streets: where placed adjacent to curbing: six feet including curb. Where a grass strip has been placed between the sidewalk and curbing; five feet six inches
 - (2) Along major streets: where placed adjacent to curbing: six feet including curb. Where a grass strip has been placed between the sidewalk and curbing; five feet six inches
- B. Bituminous concrete sidewalks having a minimum thickness of three inches after compression shall be constructed on a six-inch gravel foundation to the required lines and grades in accordance with these specifications. The sidewalk shall be constructed with a vertical granite curbing as approved by the Commissioner of Public Works.
- C. If desired, granolithic sidewalks shall be constructed as directed by the Engineer in conformity with this section of the Standard Specifications.

§ A676-27 Grass plots.

- A. Grass plots on secondary road layouts may be permitted.
- B. Grass plots on major roads or secondary roads (based on sixty-foot layout) may be permitted if desired by the Planning Board.

§ A676-28 Trees.

- A. Street trees of a species approved by the Tree Warden shall be planted on each side of each street in a subdivision, except where the definitive plan showed trees to be retained which are healthy and adequate. Such trees shall be located outside of the right-of-way as shown in the profile and standard cross section plans, Appendix F, approximately at forty-foot intervals, and shall be at least 12 feet in height and a minimum of three-inch caliper. Existing trees designated to remain shall be protected in a manner deemed acceptable to the Tree Warden.
- B. The subdivider shall plant shade trees as needed to provide at least two areas of shade to each lot.
- C. If allowed by the Tree Warden, Shade Trees located within 15 feet of the roadway layout may also be designated as Street Trees and be designated as both a Shade Tree and a Street Tree.
- D. Street Tree compensation. For those street trees required, that cannot be planted within the required landscape strip adjacent to the roadway right-of-way and there are not any trees adjacent to the roadway that can be considered as street trees, compensation for those street trees may be given in one of the following ways: (1) monetary value given to the City of Marlborough for the purpose of planting trees, (2) as trees planted elsewhere in the subdivision, or (3) trees planted within the City of Marlborough. Option chosen is at the discretion of the Planning Board with approval from the Tree Warden. All tree locations will be selected by the Tree Warden.

§ A676-29 Monuments.

- A. Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets along all easements as described in § A676-14D, and at all other points where, in the opinion of the Planning Board, permanent monuments are necessary.
- B. Monuments shall be standard permanent granite, six inches by six inches by four feet, with a polished top and drill hole in the center. Monuments shall be installed at the time of final grading with the top of the monument set

flush with the final grade surface. The City engineer shall have the discretion to modify the type of monumentation and method of setting monumentation based on actual field conditions

§ A676-30 Street signs and names.

- A. Street signs shall be installed at each intersection to conform to the standard established by the Commissioner of Public Works.
- B. Street names shall be approved by the City Engineer to prevent duplication and to provide names in keeping with the character of the City.
- C. All streets, not Accepted as Public Ways shall have a designation sign - PRIVATE WAY placed on top of the Street sign.

§ A676-31 Streetlights.

- A. Streetlights shall be installed in all subdivisions by the utility for the developer in each section as developed prior to the reduction or moving or release of bond or release from covenant thereon. §

A676-32 Fire alarm system.

(Reserved)

§ A676-33 Underground lines.

Telephone and electric lines and service connections shall be installed underground in accord with the procedure required by the Commissioner of Public Works.

§ A676-34 Cable television.

Cable television shall be installed in accordance with the requirements of the Commissioner of Public Works to serve all lots within the proposed subdivision.

§ A676-35 Signage.

Regulatory and warning signs shall be approved by the Marlborough Traffic Commission and installed in accordance with the requirements of the City Engineer.

§ A676-36 Guardrails.

Guardrails shall be provided at the locations designated by the City Engineer. §

A676-37 Mailboxes.

- A. Mailboxes shall be installed in accordance with Appendix J.
- B. On subdivision roads oriented east-west or close, mail boxes should be positioned on the sunny (Northerly) side of the street, adjacent to driveways or across the street from driveways for individual lots. Clustering of up to four mailboxes should be allowed whenever the driveways for four lots are close to contiguous corners of the four lots, two lots being on each side of the street.

Possible VOTE here (might vote after reviewing Article V & VI).

Article VI

Administration

§ A676-38 Variation.

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgement of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

§ A676-39 Reference.

For matters not covered by these rules and regulations, reference is made to MGL c. 41, §§ 81K to 81GG, inclusive.

§ A676-40 Building permit.

- A. No building shall be erected within a subdivision without written release from the Planning Board.
- B. The Building Inspector shall not issue any permit for the erection of a building until he is first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under MGL c. 41, § 81X, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board, and in the event that the Board has by rule or regulation required that not more than one building for dwelling purposes be erected or placed or converted to use as such on any lot without its consent, that the Building Inspector is satisfied that such consent has been obtained; MGL c. 41, § 81Y, and amendments thereto.

§ A676-41 Inspections.

- A. Inspections shall be arranged for by the subdivider with the proper City Department for the purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.
- B. Inspection shall be requested in writing at least 48 hours in advance of each inspection to the proper City Department.
- C. Inspection shall be for the following:
 - (1) Satisfactory excavating of unsuitable material and excess material;
 - (2) Satisfactory filling of sub-base material and base material;
 - (3) Satisfactory compacting of sub-base and base material;
 - (4) Satisfactory completion of the pavement courses;
 - (5) Satisfactory finish grading of grass plots and structural soils;
 - (6) Satisfactory placing of curbs and gutters;
 - (7) Satisfactory construction of sidewalks;
 - (8) Satisfactory installation of sanitary sewers and related equipment or on-site disposal systems;
 - (9) Satisfactory installation of water mains and appurtenances;
 - (10) Satisfactory installation of surface and subsurface drainage system and related equipment; and

- (11) Satisfactory installation of monuments.
- D. The Planning Board may establish the order of the required inspection and may require satisfactory completion of one step before the subdivider proceeds to the next. It may require tests to be done by the subdivider as a condition for approval when in the opinion of the Planning Board it is advisable.
- E. The proper City official shall indicate on Form G, (Appendix G) provided by the Planning Board the date of inspection and the approval and shall file such form with the Planning Board.

§ A676-42 Validity.

The invalidity of any section or provision of this regulation shall not invalidate any other section or provision thereof.

Plan to VOTE here.

Mr. LaVenture summarized and reviewed the following appendices/forms:

- Appendix K – Subdivision Regulations Fee Schedule
- Form A – Application for Endorsement of Plan Believed not to Require Approval (ANR Plan)
- Form A1 – Application for Special Permit for a Limited Development Subdivision Plan
- Form A-2 – Application for Endorsement of Plan Believed not to Require Approval with Special Permit Having been Granted by the Planning Board for a Limited Development Subdivision
- Form B – Application for Approval of a Preliminary Subdivision Plan

Ms. Fenby and Mr. LaVenture discussed the best options for the forms/appendices section for the public hearing, and the voting process. Mr. LaVenture suggested they should present and vote on Appendix K first, which includes the fee changes. He suggested grouping all the other forms together and then doing a vote.

- Form B-1 – Application for Approval of a Preliminary Open Space Concept Plan
- Form C – Application for Approval of Definitive Subdivision Plan
- Form C-1 – Application for Approval of Open Space Development Plan
- Form D – Petition for Approval of Final Plan
- Form E – Certificate of Delineation of Plan
- Form G – Conveyance of Easements and Utilities
- Form H – Street Bond/Lot Release Request Form
- Form L – Planning Board Application – Presentation Permission Form

The Appendix and forms above are displayed in the same order below:

APPENDIX K
SUBDIVISION REGULATIONS FEE SCHEDULE

The Planning Board shall require fees for all submissions, reviews, approvals, changes, and requests as listed below. Said fees shall be as adopted by the Board and according to the Schedule of Fees posted in DPW – Engineering Division and available from the City Clerk’s Office. Said fees shall be tendered at the times specified in the Schedule of Fees.

The Planning Board fees are established to cover all administrative costs borne by the City.

Filing fee shall consist of a fixed application fee plus any supplemental fee listed below.

INFORMAL DISCUSSIONS

No fee required.

APPROVAL NOT REQUIRED (ANR PLAN)

Application Fee:	\$100.00
Supplemental Fee:	\$ 50.00 for each lot altered \$ 50.00 for each lot created
Mailing Deposit Fee:	Equal to the then in force rate for first class mail, for each property owner, for properties in whole or in part, within 100 feet of the lots shown on the proposed ANR Plan.

To be paid at the time of plan submission.

PRELIMINARY SUBDIVISION PLAN

Application Fee:	\$400.00
Supplemental Fee:	\$ 2.00 per linear foot of proposed roadway
Mailing Deposit Fee:	Equal to the then in force rate for first class mail, for each property owner, for properties in whole or in part, within 100 feet of the lots shown on the proposed Preliminary Plan.

To be paid at the time of plan submission.

DEFINITIVE SUBDIVISION PLAN

Application Fee:	\$1,000.00
Supplemental Fee:	\$ 3.00 per linear foot of proposed roadway
Preliminary Plan Credit:	less 80% of Application Fee and Supplemental Fee
Public Hearing Deposit Fee:	The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee:	Equal to the then in force rate for first class mail, for each property owner, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

To be paid at the time of plan submission.

CHANGES TO A SUBDIVISION PLAN SUBSEQUENT TO APPROVAL

Application Fee: \$400.00
Public Hearing Deposit Fee: The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee: Equal to the then in force rate for first class mail, for properties in whole or in part, within 500 feet of the lots shown on the proposed Definitive Plan.

To be paid at the time of plan submission.

LIMITED DEVELOPMENT SUBDIVISION

Application Fee: \$500.00
Supplemental Fee: \$ 50.00 for each lot proposed
Mailing Deposit Fee: Equal to the then in force rate for first class mail, for properties in whole or in part, within 100 feet of the lots shown on the proposed Preliminary Plan.

To be paid at the time of plan submission.

OPEN SPACE DEVELOPMENT

Step 1 - Concept Plan

Application Fee: \$400.00
Public Hearing Deposit Fee: The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee: Equal to the then in force rate for first class mail, for properties in whole or in part, within 100 feet of the lots shown on the proposed Open Space Development.

To be paid at the time of plan submission.

Step 2 – Open Space Development Plan

Application Fee: \$1,000.00
Supplemental Fee: \$3.00 per linear foot of proposed roadway
Public Hearing Deposit Fee: The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee: Equal to the then in force rate for first class mail, for properties in whole or in part, within 500 feet of the lots shown on the proposed Open Space Development.

To be paid at the time of plan submission.

COMPLETION DATE EXTENSION

Application Fee: \$200.00

To be paid at the time of plan submission.

SCENIC ROAD REQUEST

Application Fee: \$ 50.00
Public Hearing Deposit Fee: The cost of advertising will be billed directly to the applicant.
Mailing Deposit Fee: Equal to the then in force rate for first class mail, for properties in whole or in part, within 100 feet of the proposed work.

To be paid at the time of plan submission.

SIGN VARIANCE REQUEST

Application Fee: \$50.00

To be paid at the time of plan submission.

SPECIAL STUDIES BY CONSULTANTS

All expenses in connection with any special consultant's studies, (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 fee or paid directly to the consultant.

All fees to be paid in the form of a check payable to the City of Marlborough.

Signed: _____

Barbara L. Fenby, Chairperson

MARLBOROUGH CITY PLANNING BOARD

FORM A
APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

*File one completed form with the Planning Board and then file a copy
with the City Clerk in accordance with the requirements of §A676-3.*

Marlborough, Massachusetts

*Note: Use as many sheets as necessary to fully describe
all of the properties affected in this plan submission.*

(Date)

To the Marlborough Planning Board:

The undersigned, believing that the accompanying plan of their property in the City of Marlborough does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submit said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant: _____

Address: _____

Email: _____ Telephone: _____

2. Name of Surveyor: _____

Address: _____

Email: _____ Telephone: _____

3. Deed of Property in the South Middlesex Registry of Deeds: _____

4. Property address, description of property and plan reference: _____ Map: _____ Parcel: _____

5. Number of lots altered: _____ Number of lots created: _____

Signature of Owner

Print

Address: _____



↑ RESERVED FOR OFFICIAL USE ↑
A copy must be delivered to the City Clerk's Office
40

FORM A-1

APPLICATION FOR SPECIAL PERMIT FOR A LIMITED DEVELOPMENT SUBDIVISION PLAN

File one completed form with the Planning Board and a copy with the City Clerk in accordance with the requirements of §A676-9.

Marlborough, Massachusetts

Note: Use as many sheets as necessary to fully describe all of the properties affected in this plan submission

(Date)

To the Marlborough Planning Board:

The undersigned, herewith submits the accompanying Preliminary Plan of Property located in the City of Marlborough for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board in the City of Marlborough.

1. Name of Applicant: _____

Address: _____

Email: _____ Telephone: _____

2. Name of Owner (if different): _____

Address: _____

Email: _____ Telephone: _____

3. Name of Surveyor: _____

Address: _____

Email: _____ Telephone: _____

4. Deed of Property in the South Middlesex Registry of Deeds: _____

5. Property address, description of property and plan reference: _____ Map: _____ Parcel: _____

6. Number of Lots shown on the preliminary plan: _____

Signature of Owner

Print

Address: _____

↑ RESERVED FOR OFFICIAL USE ↑
A copy must be delivered to the City Clerk's Office

FORM A-2
APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL
WITH A SPECIAL PERMIT HAVING BEEN GRANTED BY THE PLANNING BOARD FOR A LIMITED
DEVELOPMENT SUBDIVISION

*File one completed form with the Planning Board and then file a copy
with the City Clerk in accordance with the requirements of §A676-3.*

Marlborough, Massachusetts

*Note: Use as many sheets as necessary to fully describe
all of the properties affected in this plan submission.*

(Date)

To the Marlborough Planning Board:

The undersigned, believing that the accompanying plan of their property in the City of Marlborough does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submit said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant: _____

Address: _____

Email: _____ Telephone: _____

2. Name of Surveyor: _____

Address: _____

Email: _____ Telephone: _____

3. Deed of Property in the South Middlesex Registry of Deeds: _____

4. Property address, description of property and plan reference: _____ Map: _____ Parcel: _____

5. Special permit approved by Planning Board approved on: _____ (attach special permit to application).

Signature of Owner

Print

Address: _____

↑ RESERVED FOR OFFICIAL USE ↑
A copy must be delivered to the City Clerk's Office

FORM B
APPLICATION FOR APPROVAL OF A PRELIMINARY SUBDIVISION PLAN

*File one completed form with the Planning Board and a copy
with the City Clerk in accordance with the requirements of §A676-9.*

Marlborough, Massachusetts

*Note: Use as many sheets as necessary to fully describe
all of the properties affected in this plan submission*

(Date)

To the Marlborough Planning Board:

The undersigned, herewith submits the accompanying Preliminary Plan of Property located in the City of Marlborough for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board in the City of Marlborough.

1. Name of Applicant: _____

Address: _____

Email: _____ Telephone: _____

2. Name of Owner (if different): _____

Address: _____

Email: _____ Telephone: _____

3. Name of Engineer: _____

Address: _____

Email _____ Telephone: _____

4. Deed of Property in the South Middlesex Registry of Deeds: _____

5. Property address, description of property and plan reference: _____ Map: _____ Parcel: _____

6. Length of proposed roadway: _____ feet.

Signature of Owner

Print

Address: _____

↑ RESERVED FOR OFFICIAL USE ↑
A copy must be delivered to the City Clerk's Office

FORM B- 1
APPLICATION FOR APPROVAL OF A PRELIMINARY OPEN SPACE CONCEPT PLAN

*File one completed form with the Planning Board and a copy
with the City Clerk in accordance with the requirements of §A676-9.*

Marlborough, Massachusetts

*Note: Use as many sheets as necessary to fully describe
all of the properties affected in this plan submission*

(Date)

To the Marlborough Planning Board:

The undersigned, herewith submits the accompanying Preliminary Plan of Property located in the City of Marlborough for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board in the City of Marlborough.

1. Name of Applicant: _____

Address: _____

Email: _____ Telephone: _____

2. Name of Owner (if different): _____

Address: _____

Email: _____ Telephone: _____

3. Name of Engineer: _____

Address: _____

Email: _____ Telephone: _____

4. Deed of Property in the South Middlesex Registry of Deeds: _____

5. Property address, description of property and plan reference: _____ Map: _____ Parcel: _____

6. Number of Lots shown, without excessive slopes or wetlands: _____

Signature of Owner

Print

Address: _____

↑ RESERVED FOR OFFICIAL USE ↑
A copy must be delivered to the City Clerk's Office

FORM C
APPLICATION FOR APPROVAL OF DEFINITIVE SUBDIVISION PLAN

*File one completed form with the Planning Board and one copy
with the City Clerk in accordance with the requirements of §A676-10.*

Marlborough, Massachusetts

*Note: Use as many sheets as necessary to fully describe
all of the properties affected in this plan submission*

(Date)

Preliminary plan approved on: _____

To the Marlborough Planning Board:

The undersigned, herewith submits the accompanying Definitive Plan of Property located in the City of Marlborough for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board in the City of Marlborough.

1. Name of Applicant: _____
Address: _____
Email: _____ Telephone: _____
2. Name of Owner (if different): _____
Address: _____
Email: _____ Telephone: _____
3. Name of Engineer: _____
Address: _____
Email: _____ Telephone: _____
4. Deed of Property in the South Middlesex Registry of Deeds: _____
5. Property address, description of property and plan reference: Map: _____ Parcel: _____

6. Length of proposed roadway: _____ feet

Signature of Owner

Print

Address: _____

↑ RESERVED FOR OFFICIAL USE ↑
A copy must be delivered to the City Clerk's Office

FORM C-1
APPLICATION FOR APPROVAL OF OPEN SPACE DEVELOPMENT PLAN

*File one completed form with the Planning Board and one copy
with the City Clerk in accordance with the requirements of §A676-10.*

Marlborough, Massachusetts

*Note: Use as many sheets as necessary to fully describe
all of the properties affected in this plan submission*

(Date)

To the Marlborough Planning Board:

The undersigned, herewith submits the accompanying Definitive Plan of Property located in the City of Marlborough for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations governing the Subdivision of Land of the Planning Board in the City of Marlborough.

1. Name of Applicant: _____
Address: _____
Email: _____ Telephone: _____
2. Name of Owner (if different): _____
Address: _____
Email: _____ Telephone: _____
3. Name of Engineer: _____
Address: _____
Email: _____ Telephone: _____
4. Deed of Property in the South Middlesex Registry of Deeds: _____
5. Property address, description of property and plan reference: Map: _____ Parcel: _____

6. Length of proposed roadway: _____ feet

Signature of Owner

Print

Address: _____

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A copy must be delivered to the City Clerk's Office

FORM D
PETITION FOR APPROVAL OF FINAL PLAN Page 1
*File one completed form with the Marlborough Planning Board and a copy
with the City Clerk in accordance with the requirements of §A676-10.*

Date: _____.

Subdivision Name: _____.

Applicant(s): _____.

To the Planning Board:

The undersigned petitioner desires to subdivide a parcel of land and to open in the City of Marlborough, as described on plot, ways or street for access to all lots of land within the parcel. Said parcel of land is described as follows:

All as more particularly described and bounded on a plot or plan filed herewith and made a part of this petition. The following are all of the mortgages and other liens or encumbrances on the whole or any part of the described property:

The undersigned hereby applies for the approval of said plan by the Planning Board. The undersigned hereby covenants and agrees with the City of Marlborough upon the approval of said plan:

- a. to complete the ways as finally approved by the Board within **2 years** from the date hereof;
- b. to install utilities in accordance with the Rules and Regulations of the Planning Board, the Commissioner of Public Works, Board of Health, and all general as well as Zoning Ordinances of said City, as are applicable to the installation of utilities within the limits of ways or streets;
- c. to complete and construct the said streets or ways in accordance with Section II (General Requirements) and the approved plan, profile, and cross-sections of same. All to be in accordance with the specifications provided for in said Rules and Regulations of the Board. Said plans, profiles, cross-sections, and construction specifications are specifically, by reference, incorporated herein and made a part of this petition. This petition shall be binding upon all heirs, executors, administrators, successor, grantees of the whole or part, and assigns of the undersigned.

Signature of Applicant(s):

_____ Print: _____

_____ Print: _____

_____ Print: _____

_____ Print: _____

FORM D
PETITION FOR APPROVAL OF FINAL PLAN Page 2

SUBDIVISION NAME: _____

SHEET NO.: _____ (Complete for each sheet of the subdivision plans as submitted)

- (1) Total area of original tract shown on this plan equals _____.
- (a) Area in lots Nos. 1, 2, 3, etc. equals _____.
- (b) Area in streets A-B-C equals _____.
- (c) Area in easements equals _____.
- (d) Area reserved for parks, schools, etc., equals _____.
- Total area of Subdivision Lots equals _____.(Should equal (1a) above.)
- (2) Streets:
- (a) Street _____ : Station _____ + _____ to Station _____ + _____ Equals _____ square feet.
- (b) Street _____ : Station _____ + _____ to Station _____ + _____ Equals _____ square feet.
- (c) Street _____ : Station _____ + _____ to Station _____ + _____ Equals _____ square feet.
- Total Area of Streets equals _____ . (Should equal (1b) above.)
- (3) Easements:
- (a) Easement _____ : Station _____ + _____ to Station _____ + _____ Equals _____ square feet.
- (b) Easement _____ : Station _____ + _____ to Station _____ + _____ Equals _____ square feet.
- (c) Easement _____ : Station _____ + _____ to Station _____ + _____ Equals _____ square feet.
- Total Area of Easements equals _____ . (Should equal (1c) above.)
- (4) Other Areas:
- (a) Park Area (locate) _____ equals _____ square feet.
- (b) School Area (locate) _____ equals _____ square feet.
- (c) Other (define and locate) _____ equals _____ square feet.
- Total remaining area equals _____ . (Should equal (1d) above.)
- (5) A grading plan with two-foot (2') contour intervals depicting existing and proposed topographic conditions for the entire subdivision including on and off-site easements. The City shall not accept any design or layouts unless based on an actual on-the-ground survey.

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A copy must be delivered to the City Clerk's Office

FORM E

CERTIFICATE OF DELINEATION OF PLAN

File one completed form with the Marlborough Planning Board and a copy with the City Clerk in accordance with the requirements of §A676-10.

Date: _____

Subdivision Name: _____

Applicant(s): _____

To the Planning Board:

In preparing the plan entitled _____

my source of information about the location of boundaries shown on said plan were one or more of the following:

1. Deed from _____ to _____

Dated _____ and recorded in the Middlesex South District Registry of Deeds:

Book _____ Page _____

2. Other plans as follows: _____

3. Oral information furnished by: _____

4. Actual measurement on the ground from a starting point established by: _____

5. Other sources: _____

Signature of Engineer or Surveyor

FORM G

CONVEYANCE OF EASEMENTS AND UTILITIES

File one completed form with the Planning Board and one copy with the City Clerk in accordance with the requirements of Section VI-F.

_____, of _____.
(name of owner) (address of owner)

Middlesex County, Massachusetts; for the consideration of _____.

hereby grants, transfers and delivers unto the City of Marlborough a municipal corporation in Middlesex County, the following:

A. The perpetual rights and easements to construct, inspect, repair, remove, replace, operate and forever maintain (1) a sanitary sewer or sewers with any manholes, pipes, conduits and other appurtenances, (2) pipes, conduits and their appurtenances for the conveyance of water, and (3) a covered surface and ground water drain or drains with any detention/retention basins, manholes, pipes, conduits and their appurtenances, and to do all other acts incidental to the foregoing, including the right to pass along and over the land for all the aforesaid purposes, in, through, and under the whole of _____, dated _____, said plan is made and said plan is incorporated herein for a complete and detailed description of said roads.

B. The perpetual rights and easements to use for _____
(describe use or purpose)

of the following parcel of land situated on _____ in said City of Marlborough and
(name of street(s))
bounded and described as follows: _____

The grantor warrants that the aforesaid easements are free and clear of all liens or encumbrances, that he (she/it) has good title to transfer the same, and that he will defend the same against claims of all persons.

For grantor's title see deed from _____ dated _____,
20____, and recorded in Middlesex South District Registry of Deeds, Book _____, Page _____.

This is not a homestead property.

And (to be completed if a mortgage exists) _____
(name of mortgage holder)

_____ the present holder of a
(name and address)

mortgage on the above described land, which mortgage is dated _____, 20____, and recorded in the

FORM G

CONVEYANCE OF EASEMENTS AND UTILITIES

South Middlesex Registry of Deeds as Book _____, Page _____, for consideration paid, hereby releases unto the City of Marlborough forever from the operation of said mortgages, the rights and easements hereinabove granted and assents thereto.

Authorized Signature of Mortgagee

Owner

IN WITNESS WHEREOF we have hereunto set our hand and seals this _____ day of

_____ 20 ____.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

_____, 20 ____

Then personally appeared the above named _____
and acknowledged the foregoing to be

his/her/their free act and deed, before me.

Notary Public

My commission expires on: _____.

seal

NOTE: This conveyance is NOT effective until accepted by city council.

FORM H

STREET BOND/ LOT RELEASE REQUEST FORM

File one completed form with the City Engineer in accordance with the requirements of Section III-b.

FILL OUT SECTION A AND RETURN TO THE CITY ENGINEER'S OFFICE – PLANNING BOARD ADMINISTRATOR

SECTION A:

SUBDIVISION: _____ DATE _____.

DEVELOPER: _____.

DATE OF EXPIRATION FOR SUBDIVISION APPROVAL: _____.

NATURE OF REQUEST:

BOND ESTABLISHMENT

LOT RELEASE COVENANT RECORDING INFORMATION BOOK _____ PAGE _____

BOND REDUCTION BOND RELEASE CURRENT BOND AMOUNT \$ _____

BOND EXPIRATION DATE: _____

FORM OF BOND: _____

DESCRIPTION OF WORK PERFORMED: _____

Provide the following:

- Updated Construction Schedule
- Certificate from the Tax Collector stating that all taxes are current and that there are no municipal liens on the property
- Certificate from the Code Enforcement Officer stating that the property is free from blight and other enforcement actions
- Continuation Certificate to verify bond status (current expiration date and bond amount)

The developer should be present at the Planning Board meeting for possible discussion regarding the progress of the construction of the subdivision.

Bond Reductions will not be considered unless the work performed has a value of at least 10% of the current bond amount. _

SECTION B – (FOR OFFICE USE ONLY)

PROJECT REVIEW SUMMARY: _____

DATE SCHEDULED FOR PLANNING BOARD REVIEW: _____.

FORM L
PLANNING BOARD APPLICATION – PRESENTATION PERMISSION FORM
*File one completed form with the Planning Board and then file a copy
with the City Clerk in accordance with the requirements of §A676-3.*

Marlborough, Massachusetts

(Date)

To the Marlborough Planning Board:

I the undersigned, Applicant/Presenter have been given permission by the following property owners to present to the Marlborough Planning Board, the following submittal(s) for their consideration:

For a special permit:

- Preliminary Open Space Development Plan Preliminary Limited Development Subdivision Plan (LDS)

For endorsement/approval:

- Approval Not Required (ANR) (LDS) Preliminary Subdivision Plan
 Open Space Development Plan Definitive Subdivision Plan

5. Name of Applicant/Presenter: _____
Address _____
Email _____ Telephone _____
Signature: _____

6. Plan Description: _____

7. Property Description:

Map: _____ Parcel: _____
Owner: _____ Deed Reference: _____
PRINT

Signature: _____ Date: _____

Map: _____ Parcel: _____
Owner: _____ Deed Reference: _____
PRINT

Signature: _____ Date: _____

FORM L
PLANNING BOARD APPLICATION – PRESENTATION PERMISSION FORM

Map: _____ Parcel: _____

Owner: _____
PRINT

Deed Reference: _____

Signature: _____

Date: _____

Map: _____ Parcel: _____

Owner: _____
PRINT

Deed Reference: _____

Signature: _____

Date: _____

|

Mr. LaVenture explained that if anyone wanted to see the Appendices I, J, they talk about sidewalk cuts, American's with Disability Act, and mailbox placements. He explained there were no changes made to those appendices.

Ms. Fenby asked whether there had been any changes to the cross-sections.

Mr. LaVenture explained that there was only one small change due to an error that Mr. DiPersio had noticed. He touched base on the previously added language regarding, the course depths, soil types, matting and additional definitions.

Mr. LaVenture went over the typical cross-section 1, 2, 3, 4 and 5. He noted, previously they removed the top down views and was it was replaced with verbiage to make it clearer.

Ms. Fenby noted the added landscape easements.

Mr. LaVenture reminded the board that the proposed changes still need to be reviewed by the Mayor, the Council, Departments Heads, MAPC and legal still need to weigh in. However, legal has been involved in the working group discussions, so they have been seeing the language along this process. He thanked Mr. Piques for all his help and time during this process. He noted that H ¼ is still under review.

Ms. Fenby thanked everyone for their time and help during this process.

With no questions from the Board Mr. LaVenture concluded the Working Group's presentation.

All items presented were referred to Legal for review.

11. Calendar Updates (None)

12. Public Notices from other Cities and Towns (None)

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to adjourn the meeting. Yea: Fay, Hodge, LaVenture, Russ and Fenby. Nay: 0. (Mr. Elder has been disconnected) Motion carried.

Respectfully submitted,



George LaVenture/Clerk

/kmm