

REGULAR MEETING
JUNE 7, 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 JUN -3 P 12:20

This meeting of the City Council will be held virtually on Monday, June 7, 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 24, 2021.
2. From Council President Ossing having Mayor Vigeant, provide an update to the City Council regarding COVID-19 and city events.
3. 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), Order No. 21-1008294.

**** TO PARTICIPATE IN THIS PUBLIC HEARING PLEASE CALL 1-617-433-9462 AND ENTER THE CONFERENCE ID 126 125 773 #. ****

4. Communication from the Mayor, re: Transfer Request in the amount of \$546,738.00 which moves funds from Economic Development to MEDC to fund the FY22 operations of Marlborough Economic Development Corporation.
5. Communication from the Mayor, re: Transfer Request in the amount of \$150,000.00 from Stabilization-Open Space to Open Space Acquisition to contribute to the purchase of 33+ acre parcel off Parmenter Road to enlarge Callahan State Park.
6. Communication from the Mayor, re: Reappointments to the Conservation Commission of Karin Paquin for a term to expire on May 5, 2023, John Skarin for a term to expire on March 7, 2022 and Allan White for a term to expire March 2, 2024.
7. Communication from the Mayor, re: Reappointments to the Parks & Recreation Commission of Robert F. Kays, William F. Doherty, Jr. and Mark A. Vital for 3-year terms respectively to expire on April 2, 2024.
8. Communication from Solicitor Jason Grossfield, re: Proposed Ordinance Amendment to Chapter 270 "Building and Site Development" Article V "Fences" relative to §19 "Permit Required" and §24 "Easements and Rights-of-Way", in proper legal form, Order No. 21-1008221.
9. Communication from Solicitor Jason Grossfield, re: Proposed Ordinance Amendment to Chapter 510 "Sewers" §2(D) "Use of Public Sewers" as submitted by Mayor Vigeant, in proper legal form, Order No. 21-1008230.

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

10. Communication from Assistant Solicitor Jason Piques, re: Application for Special Permit from Calverde Naturals, LLC, to operate an Adult Use Marijuana Retail Establishment, 239 Boston Post Road West, in proper legal form, Order No. 21-1008214B.
11. Communication from Building Commissioner Tin Htway, re: Request for approval of a Canopy for the Drive-thru at Chick-fil-A, 36 Apex Drive within the HRMUOD.
12. Minutes of Boards, Commissions and Committees:
 - a) Conservation Commission, May 6, 2021.
 - b) Cultural Council, May 4, 2021.
 - c) Commission on Disabilities, March 8, 2021 & April 13, 2021.
 - d) Traffic Commission, March 31, 2021.
13. CLAIMS:
 - a) Christopher King, 114 Kosmas Street, residential mailbox claim (2a).

REPORTS OF COMMITTEES:

14. ORDERED: That the Mayor's Office work with the City Clerk to provide the Council with a summary of vacancies and expired Board and Commission members and develop a clear process on our website by which residents can apply to join Boards and Commissions and see the responsibilities associated with that Board.Submitted by Councilor Perlman

UNFINISHED BUSINESS:

From Legislative & Legal Affairs Committee

15. **Order No. 21-1008221: Proposed Ordinance Amendment to Code, Chapter 270 "Building and Site Development Article V "Fences" relative to §19 "Permit Required" in addition to §24 "Easements and Rights of Way".**

Recommendation of the Legislative & Legal Affairs Committee is to approve as amended. Motion by Councilor Landers to recommend approval of the proposed amendments to the City Code re "Fences" as amended by Solicitor Grossfield and City Engineer, seconded by Chair Tunnera. Roll Call Vote: Robey No; Landers Yes; Tunnera Yes Motion carried 2 in favor; 1 opposed.

From Public Services Committee

16. **Order No. 21-1008295: Application for Renewal of Junk Dealer/Secondhand Dealer License by Best Buy Store, Donald J. Lynch Boulevard.**

Recommendation of the Public Services Committee is to approve pending recommendation of Police Chief. Motion made by Councilor Irish, seconded by Chair, to recommend approval of the license subject to CORI approval by Police Chief. Roll call Vote: All In favor: Irish, Perlman and Landers 3-0.

17. **Order No. 21-1008296: Application for Renewal of Junk Dealer/Secondhand Dealer License by ecoATM, Kiosk at the Solomon Pond Mall.**

Recommendation of the Public Services Committee is to approve. Police Chief Giorgi has reviewed the CORI report and recommended renewal of the ecoATM license. Motion made and seconded to recommend renewal of the ecoATM junk dealer license. Roll call Vote: All In favor: Irish, Perlman and Landers 3-0.

18. **Order No. 21-1008230: Proposed Ordinance Amendment to the City Code, Chapter 510 “Sewers” §2(D) “Use of Public Sewers” as submitted by Mayor Vigeant.**

Recommendation of the Public Services Committee is to approve. Motion by Councilor Irish, seconded by Chair, to recommend approval of the proposed amendment to the City Code, Chapter 510 “Sewers” §2(D), “Use of Public Sewers”, as submitted by Mayor Vigeant. Roll call Vote: All In favor: Perlman, Irish and Landers 3-0.

From Urban Affairs Committee

19. **Order No. 21-1008214B: Application for Special Permit from Calverde Naturals, LLC, to operate an Adult Use Marijuana Retail Establishment, 239 Boston Post Road West.**

Recommendation of the Urban Affairs Committee is to approve. Councilor Doucette moved to recommend approval for the Special Permit as amended; it was seconded. Chair Robey called the Roll; all committee members voted yes, and the motion carried 5-0. The chair will ask for a Suspension of Rules at May 24 Council Meeting to have this referred to Solicitor to be put in proper legal form.

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.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, MAY 24, 2021**

The regular meeting of the City Council was held on Monday, May 24, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers & Perlman. Councilors Participating Remotely: Oram, & Robey. Meeting adjourned at 9:30 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, May 10, 2021, **FILE**; adopted.

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 280' of 4-5" conduit from manhole #10 to pole #93 on Donald Lynch Boulevard near Bigelow Street, Order No. 21-1008292, all were heard who wish to be heard, hearing closed at 8:21 PM, adopted.

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

ORDERED: That the 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, all were heard who wish to be heard, hearing closed at 8:26 PM, adopted.

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

ORDERED: That the 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, all were heard who wish to be heard, hearing closed at 8:28 PM, adopted.

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

ORDERED: That the 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, all were heard who wish to be heard, hearing closed at 8:36 PM, adopted.

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

ORDERED: That the 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, all were heard who wish to be heard, hearing closed at 8:41 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: That the That the 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, referred to **FINANCE COMMITTEE AND ADVERTISE**; adopted.

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.

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 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 FY 2022, referred to **FINANCE COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the That the 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 transfer sheets, referred to **FINANCE COMMITTEE**; adopted.

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

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Mayor			FISCAL YEAR:		2021		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$4,059,007.44	\$38,500.00	10000	35900	Undesignated Fund	\$38,500.00	83600	32918	Stabilization-Open Space	\$629,483.26
	Reason:	To transfer annual wireless antennae payments received by the City in fiscal year 2020 to Open Space Stabilization							
	\$38,500.00	Total			\$38,500.00	Total			

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>							
	<u>\$732,937.77</u>	<u>Total</u>			<u>\$732,937.77</u>	<u>Total</u>			
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
<u>\$4,059,007.44</u>	<u>\$1,042,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$227,216.00</u>	<u>14001203</u>	<u>51390</u>	<u>Overtime-Snow & Ice</u>	<u>-\$227,215.36</u>
Reason: <u>To fund the snow & ice deficit for FY21</u>					<u>\$342,402.00</u>	<u>14001206</u>	<u>52960</u>	<u>Snow Removal</u>	<u>-\$342,401.79</u>
Reason: _____					<u>\$472,382.00</u>	<u>14001206</u>	<u>57040</u>	<u>Operating Expenses</u>	<u>-\$471,386.56</u>
	<u>\$1,042,000.00</u>	<u>Total</u>			<u>\$1,042,000.00</u>	<u>Total</u>			

Yea: 11 – Nay: 0

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

Motion by Councilor Doucette, seconded by Councilor Oram to adopt the following amendment:

That the Flat Wall Signs requested by Mobil, 656 Boston Post Road East, be required to have the sign lighting be turned off outside of business hours – DENIED.

Yea: 2 – Nay: 9

Yea: Doucette & Oram.

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

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

ORDERED: That the Request for Approval of two Flat-Wall Signs (replacements), Mobil, 656 Boston Post Road East, within the Wayside District, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That there being no objection thereto set **MONDAY, JUNE 21, 2021** as **DATE FOR PUBLIC HEARING**, on the 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, referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; 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: 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, **FILE**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the 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, **FILE**; adopted.

Yea: 11 – Nay: 0

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

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

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

- a) School Committee, 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.

Yea: 11 – Nay: 0

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

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Monday, May 17, 2021
In Council Chambers
Minutes and Report**

FY2022 Municipal Operating Budget

Finance Committee members present in Chamber: Chair Irish; Voting Committee members Councilors Dumais, Oram, and Tunnera. Finance Committee voting member participating remotely: Councilor Perlman.

Others present in Chamber: Councilors Ossing, Navin, Wagner, Doucette and Landers; Mayor Vigeant; School Superintendent Michael Bergeron; Police Chief David Giorgi; City Auditor Diane Smith; IT Director Mark Gibbs; DPW Commissioner Sean Divoll and Executive Aide Trish Bernard.

Others participating remotely: Councilor Robey; Finance Director Patrick Jones; City Collector Eileen Bristol; HR Director Christine Purple; Recreation Director Chuck Thebado; Assistant DPW Commissioner Ted Scott; Assistant DPW Commissioner Chris LaFreniere; City Engineer Tom DiPersio; COA Director Trish Pope; Fire Chief Kevin Breen; City Solicitor Jason Grossfield; Conservation Officer Priscilla Ryder; Library Director Margaret Cardello; Veterans Agent Mike Hennessy; Schools Finance & Operations Director Douglas Dias; Health Director John Garside (arrived at 6:17 PM) and School Committee Member Dan Caruso.

The meeting convened at 6:00 PM.

Order No. 21-1008291 – Communication from Mayor Vigeant together with his proposed FY2022 Municipal Operating Budget in the amount of \$173,983,364.00.

The Finance Committee voting members and other members of the City Council reviewed the Mayor's letter dated May 6, 2021 requesting the approval of the Fiscal Year 2022 operating budget in the amount of \$173,983,364.00 and discussed various budget adjustments with department managers. The Mayor's proposal represents a level funded budget with no increases over FY2021. The Mayor's letter included the following highlights:

- 1) Health Insurance costs continue to rise. The recommended medical plan increases are 5% for EPO senior plans, 3% for PPO and 3% for EPO;
- 2) The School Department operating budget of \$66,654,566.00 represents a 'zero' increase for FY22;
- 3) Based on FY22 budget figures released by the House Committee on Ways and Means, overall local aid to Marlborough increased by \$426,092.00;
- 4) Even with a zero % increase in the budget, we need to be cognizant of an increase in taxes in the fall due to the rise in residential values;
- 5) Anticipated new growth for FY22 will add an additional \$2 million in tax revenue to help stabilize the residential tax rate;
- 6) Considering the economic impact from COVID-19 on state revenues, there are no additional capital projects planned other than those sent to the City Council in February to cover infrastructure projects and planned mill and overlay of streets. However, we are borrowing \$2M of the remaining portion of the \$5M (zero percent interest bond) that was authorized four years ago for the lead service replacement program.

Responding to request from Councilor Robey, Mayor Vigeant advised there should be no reason for a supplemental budget.

It was noted that a corrected page 98 of the FY2022 budget (rubbish collection and curbside recycling) as well as the FY2022 principal & interest payments on outstanding long-term debt (Aggregate Net Debt Service) will be submitted to councilors.

Motion by Councilor Tunnera, seconded by Chair, to recommend approval of the Mayor's budget as submitted in the amount of \$173,983,364.00.

Roll Call Vote: All members in favor 5-0.

Motion by Councilor Oram, seconded by Chair, to adjourn the meeting.

Roll Call Vote: All in favor – Meeting adjourned at 8:02 PM.

Councilor Tunnera reported the following out of the Legislative & Legal Affairs Committee:

City Council Legislative Legal Affairs Committee

May 18, 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 Tunnera called the Roll – All members present:

Chair Tunnera and Councilor Landers in Chamber; Councilor Robey participating remotely.

Also in Chamber: Councilors Ossing, Doucette, and Dumais; Local Inspector/Code Officer Lippitt.

Participating Remotely: Councilor Oram, Councilor Perlman, Solicitor Grossfield, City Engineer DiPersio, DPW Commissioner Divoll and Code Officer Wilderman.

5-10-21—Order No. 21-1008221: Proposed City Code Amendment, Chapter 270 “Building and Site Development s.19 Fences in addition to s.24 Easements and Rights of Way—submitted by Councilor Doucette.

Solicitor Grossfield submitted a revised version to clarify the changes and remove any confusion for future inspectional services employees.

Councilor Doucette addressed the proposed amendments. He noted there were some issues in his condominium complex that were cleared up; however, he understood that permits were being required for fences three feet and less in height which in most communities would be allowed by right.

Councilor Robey submitted opposition to the proposed code changes.

Code Officers Wilderman and Lippitt addressed the amendments, speaking in favor of the changes.

By email dated May 17, 2021, Conservation Officer Ryder indicated she had no comments or input to the proposed changes.

City Engineer DiPersio suggested the following edits to the Solicitor's updated draft:

Change: Paragraph D. 45N (site distances) **to** (sight distances).

Delete: Section 650-41 in last line, paragraph D.

Reports of Committee Continued:

**Motion by Councilor Landers to recommend approval of the proposed amendments to the City Code re “Fences” as amended by Solicitor Grossfield and City Engineer, seconded by Chair Tunnera. Roll Call Vote: Robey No; Landers Yes; Tunnera Yes
Motion carried 2 in favor; 1 opposed.**

Motion made and seconded to adjourn; Roll Call Vote – All in favor:
Meeting adjourned at 6:52 PM.

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

**City Council Public Services Committee
May 18, 2021
Minutes and Report**

The meeting convened at 7:30 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 Ossing and Doucette

Councilor Oram, Councilor Robey, Solicitor Grossfield, DPW Commissioner Divoll, City Engineer DiPersio participating remotely.

05-10-21 – Order No. 21-1008295: Application for Renewal of Junk Dealer/Secondhand Dealer License by Best Buy Store, Donald J. Lynch Boulevard.

Robert Jamsa addressed the application.

Motion made by Councilor Irish, seconded by Chair, to recommend approval of the license subject to CORI approval by Police Chief.

Roll call Vote: All In favor: Irish, Perlman and Landers 3-0

05-10-21 – Order No. 21-1008296: Application for Renewal of Junk Dealer/Secondhand Dealer License by ecoATM, Kiosk at the Solomon Pond Mall.

Police Chief Giorgi has reviewed the CORI report and recommended renewal of the ecoATM license.

Hunter Bjorkman addressed the application.

Motion made and seconded to recommend renewal of the ecoATM junk dealer license.

Roll call Vote: All In favor: Irish, Perlman and Landers 3-0

03-08-21 – Order No. 21-1008230: Proposed amendment to the City Code, Chapter 510 Sewers s.2.(D), Use of Public Sewers as submitted by Mayor Vigeant.

Chair Landers read a letter from the Mayor into the record.

The Mayor addressed the proposed ordinance. The amendment lightens the existing restrictions currently in place and will require a sewer hookup where public sewer exists with any transfer of property with limited exceptions outlined in the draft ordinance.

Reports of Committee Continued:

The cost of adding sewer lines to several streets without public sewer has been costly and resulted in few homeowners connecting. Without written guidelines in place, the city cannot continue to move forward with additional sewer projects.

City Engineer DiPersio addressed the ordinance. The costs to build out and maintain the system, including 30 pumping stations, is costly especially when homeowners are not joining the system. The sale of the property is a practical time to require connection to the system as outlined in the new ordinance.

Councilor Ossing questioned the method to notify homeowners of the ordinance to ensure they are aware of the requirements when properties are sold.

Councilor Robey spoke in favor of clarifying the requirements.

Councilor Perlman asked for annual reporting of the numbers of homeowners connecting to the system.

Councilor Irish questioned title 5 and requirements, enforcement with foreclosures. Solicitor replied the matter could be reviewed.

Councilors Doucette expressed concerns with the ordinance indicating betterments should be reviewed. Councilor Oram agreed with betterments and reaching out to other communities for input. DPW Commissioner Divoll explained his experience with betterments indicating they can be very costly to the homeowner.

Mayor Vigeant stated it would be unfair to levy betterments at this time when they have never been levied in the history of the city.

Motion by Councilor Irish, seconded by Chair, to recommend approval of the proposed amendment to the City Code, Chapter 510 Sewers s.2 (D), Use of Public Sewers, as submitted by Mayor Vigeant.

Roll call Vote: All In favor: Perlman, Irish and Landers 3-0.

Motion made and seconded to adjourn; Roll Call Vote: In favor: Perlman, Irish, Landers
Meeting adjourned at 8:53 PM.

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

**City Council Urban Affairs Committee
Tuesday, May 11, 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 Councilor Dumais, Councilor Ossing and Councilor Perlman. City Solicitor Jason Grossfield was also in attendance. Others attending this meeting are included with each order's information.

Reports of Committee Continued:

Order No. 21-1008214 Application for Special Permit from Calverde Naturals, LLC, to operate an Adult Use Marijuana Retail Establishment, 239 Boston Post Road West

Present for this item were Steve and Kelly Tomasello, owners; Michael Allen, Head of Security; Mark Donahue, attorney at Fletcher Tilton; and Randy Miron from Boehler Engineering. The applicant confirmed they have received a Provisional License from the Cannabis Control Commission, they are building the new site with a lease for the pad to RK Plaza, and they have signed a Host Community Agreement.

The chair began reviewing the Draft Decision on a Special Permit. It was agreed that for Number 8 the Solicitor would come up with language to remove reference to Rule 5 of the Rules and Regulations as it is in error and add language specific to documents we have received. In Number 9 the reference to Rule 4, items a-m would be removed as the reference is to wrong number. In the Conditions, Number 8 listed hours. It was agreed to amend those to be Monday through Saturday, 9:00 a.m. to 10:00 p.m., and Sunday from 10:00 a.m. to 8:00 p.m.; a new Condition would be added replicating the Police Detail language from previous special permits for recreational marijuana establishments; and a new Condition that applicant must be open for business within three (3) years of receiving the final approval for the special permit.

Councilor Doucette moved to recommend approval for the Special Permit as amended; it was seconded. Chair Robey called the Roll; all committee members voted yes, and the motion carried 5-0. The chair will ask for a Suspension of Rules at May 24 Council Meeting to have this referred to Solicitor to be put in proper legal form.

Order No. 21-1008216 Proposed Zoning Map Amendment to the Results Way Mixed Use Overlay District (RWMUOD) and Proposed revisions to Chapter 650 §33 of the Zoning Code.

Present for this item were Peter Tamm and Paul Momnie, attorneys with Goulston & Storrs; Phil Dorman from Greatland Realty Partners; Dan Keches from Vanasse Hangen Brustlin, Inc. (vhb), a civil engineering company; and David Gillespie from Avalon Bay. Also present were Kevin Breen, Marlborough Fire Chief and Tom DiPersio, City Engineer.

The chair began discussion on proposed amendment to allow for hazardous and toxic chemical manufacturing as well as the recommendation from Planning Board to have Biosafety Hazard Level 3 Labs be by special permit. The chair read the Planning Board's letter into the record. Chief Breen offered comments and there was healthy discussion on the topics with the applicant offering to bring new language at the next meeting. Discussion was also held on what the map information should include, and the applicant would discuss further with Solicitor Grossfield.

The matter remains in committee with May 25th as a date to continue discussion.

Order No. 20-1007995B Special Permit Application, Wayside Residential, 339 Boston Post Road East

This item was on agenda to update committee. As the extension was approved at the May 10 Council meeting, and applicant wasn't at meeting no update was given.

It was moved and seconded to adjourn. Chair Robey called the Roll; all committee members voted yes, and the meeting adjourned at 8:58 pm.

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

Suspension of the Rules requested to allow action on the FY 2022 Budget – granted.

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 FY 2022 Budget as recommended by the Mayor in the amount of \$173,983,364.00 which represents a level funded budget compared to the FY 2021 appropriation, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

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

Suspension of the Rules requested to allow action on the Special Permit Application for Calverde Naturals – granted.

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 Application for Special Permit from Cal Verde Naturals, LLC, to operate an Adult Use Marijuana Retail Establishment, 239 Boston Post Road West, referred to the **LEGAL DEPARTMENT TO BE PLACED IN PROPER LEGAL FORM**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the Appointment of Tin Htway as Building Commissioner for a 3-year term from date of Council confirmation, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the Reappointments to the Conservation Commission of Edward Clancy, Dennis Demers and David Williams for 3-year term respectively to expire on April 26, 2024 **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the 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, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That Application for Renewal of Junk Dealer/Secondhand Dealer License, TVI, Inc., d/b/a Savers, 222A East Main Street, **APPROVED WITH THE FOLLOWING CONDITIONS AND WAIVERS**; adopted.

Conditions

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
4. Donations shall take place only during the hours of operation which shall be 9:00 A.M. to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a log book for said glue boards satisfactory to the Board of Health.

8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.
3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety.

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, Gerald Dumais, d/b/a Dumais & Sons Secondhand Store, 65 Mechanic Street, **APPROVED**; adopted.

Councilor Dumais recused.

Yea: 10 – Nay: 0 – Abstain: 1

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

Abstain: Dumais.

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

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

ORDERED: That the City Solicitor be invited to attend a future Urban Affairs meeting to provide general information to its members regarding Approval and Denial of Special Permit Applications that may be referred to it. The information can include Massachusetts case law as well as other general information, **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 Request for Approval of a Flat Wall Sign, Best Value Kitchen & Bath, 796 Boston Post Road East, within the Wayside District, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

Motion by Councilor 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 9:30 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 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), 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. 21-1008294



City of Marlborough

Office of the Mayor

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Marlborough, Massachusetts 01752
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www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

Ryan P. Egan
EXECUTIVE SECRETARY

RECEIVED
CITY CLERK'S OFFICE
MARLBOROUGH
2021 JUN -3 A 10:40

June 3, 2021

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

Re: Transfer request to fund FY22 Marlborough Economic Development Corporation's Operating Budget

Honorable President Ossing and Councilors:

Please find enclosed for your review and approval a transfer request in the amount of \$546,738.00 to fund the MEDC's FY22 operating budget.

Even through conditions of a pandemic, the MEDC has been successful in bringing in new businesses to our community. In 2020, over a dozen companies either moved to or expanded in Marlborough filling 200,000 SF of space while adding 400 jobs to our city. In addition, the MEDC granted \$130,000 to 33 small businesses, handed out over 70 bags with personal protective equipment and purchased 25 barriers for downtown restaurants to support outdoor dining in Marlborough. Most recently, BJ's Wholesale Club announced plans to move their corporate headquarters to The Campus bringing over 800 jobs to Marlborough. We are fortunate to continue this trend as it is instrumental in stabilizing the tax burden on our residents.

Also through the pandemic, MEDC continued with the annual Marlborough Works Job Fair connecting our residents with 19 employers hiring in Marlborough. They began directly connecting our student population with our large employers by utilizing video technology.

Enclosed for your review is the MEDC operating budget. Executive Director Meredith Harris looks forward to discussing this in more detail at a future Finance Committee meeting.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

ECONOMIC DEVELOPMENT FUNDING

9/30/2011 State Aid	\$165,166.12
12/31/2011 State Aid	\$190,224.55
3/31/2012 State Aid	\$132,447.82
6/29/2012 State Aid	\$146,495.56
9/30/2012 State Aid	\$185,400.20
12/31/2012 State Aid	\$182,736.99
3/31/2013 State Aid	\$123,837.95
6/28/2013 State Aid	\$152,429.69
9/20/2013 State Aid	\$196,053.08
12/30/2013 State Aid	\$204,331.94
3/31/2014 State Aid	\$134,171.82
6/30/2014 State Aid	\$165,392.81
9/30/2014 State Aid	\$225,891.57
12/31/2014 State Aid	\$215,368.61
3/31/2015 State Aid	\$139,754.81
6/30/2015 State Aid	\$181,957.00
9/30/2015 State Aid	\$246,477.46
12/31/2015 State Aid	\$243,518.11
3/31/2016 State Aid	\$147,152.99
6/30/2016 State Aid	\$188,289.73
9/30/2016 State Aid	\$250,636.64
12/31/2016 State Aid	\$261,571.54
3/31/2017 State Aid	\$144,194.44
6/30/2017 State Aid	\$199,405.00
9/30/2017 State Aid	\$260,640.83
12/31/2017 State Aid	\$280,764.79
3/31/2018 State Aid	\$158,551.10
6/30/2018 State Aid	\$213,203.36
9/28/2018 State Aid	\$263,084.77
12/31/2018 State Aid	\$290,454.60
3/29/2019 State Aid	\$205,890.60
6/28/2019 State Aid	\$186,235.82
9/30/2019 State Aid	\$279,841.59
12/31/2019 State Aid	\$276,743.06
3/31/2020 State Aid	\$176,712.01
6/30/2020 State Aid	\$67,841.56
9/30/2020 State Aid	\$90,942.83
12/31/2020 State Aid	\$44,716.83
3/31/2021 State Aid	\$70,231.92
Total Funding	\$7,288,762.10

12/5/2011 CO# 11-1003048	-\$146,837.00
12/19/2011 CO# 11-1004004	-\$3,163.00
5/21/2012 CO# 12-1005008	-\$200,000.00
12/17/2012 CO# 12-1005205	-\$277,099.00
6/3/2013 CO# 13-1005418A	-\$499,000.00
6/30/2014 CO# 14-1005840	-\$513,915.00
6/1/2015 CO# 15-1006198A	-\$731,875.00
6/20/2016 CO# 16-1006569A	-\$647,580.00
6/20/2016 CO# 16-1006569B	-\$75,000.00
6/5/2017 CO# 17-1006923A	-\$660,077.00
6/18/2018 CO# 18-1007280A	-\$679,841.00
5/6/2019 CO# 19-1007624A	-\$699,088.00
8/26/2019 CO# 19-1007732A	-\$200,000.00
6/8/2020 CO# 20-1008019	-\$485,133.00
10/5/2020 CO# 20-1008091A	-\$440,000.00
Total Transfers	-\$6,258,608.00

Available for future transfers \$1,030,154.10

June 1, 2021

Honorable Arthur G. Vigeant, Mayor
City Hall, 4th Floor
140 Main Street
Marlborough, MA 01752

RE: FY'22 Operating Budget Transfer Request

Dear Mayor Vigeant:

I write to you today seeking a transfer request for MEDC's operations and special projects for FY'22.

On behalf of the Marlborough Economic Development Corporation (MEDC), I am herewith submitting this letter proposing MEDC's fiscal year 2022 total budget in the amount of \$673,338 and requesting a transfer of funds to MEDC in the amount of \$546,738. The reason for this reduced transfer request is due to the COVID-19 pandemic. MEDC will not be utilizing funds as anticipated for the remainder of FY'21 as a result of COVID-19 and plans to apply those unused funds to fulfill the total proposed budget amount to fund the organization's FY'22 operations and special projects.

I would appreciate your approving the above transfer request of \$546,738 as soon as possible and forwarding on to the City Council allowing MEDC an opportunity to update the City Council on the progress made thus far in implementing the City's Economic Development Master Plan and to discuss the goals and objectives for FY'22.

Thank you for your kind attention to this matter and should you have any questions please do not hesitate to contact me at your earliest convenience.

Sincerely,



Meredith Harris
Executive Director

Attachments

A: FY'22 Operational Budget

Cc: Diane Smith, City Auditor
Patrick Jones, Finance Director

Attachment A

FY'22 Operational Budget

The Marlborough Economic Development Corporation (MEDC) requests a **total budget of \$673,338** to fund its' operations and special projects for FY'22 with a budget **transfer request of \$546,738**. The reason for this reduced transfer request is due to the COVID-19 pandemic. MEDC will not be using funds as anticipated for the remainder of FY'21 as a result of COVID-19 and plans to apply those unused funds to fulfill the total budget amount of \$673,338 to fund the organization's operations and special projects for FY'22.

The budget is divided into 3 categories which represent salaries, expenses and special projects. The following budget summary consists of line-item allocations for the above listed categories.

Salaries and Benefits

\$348,238 in personnel, employer taxes, insurance and fringe benefits are allocated to salaries and benefits.

Personnel & Benefits	\$323,238
Employer Payroll Taxes	\$ 25,000

Operating and Administrative Expenses

\$137,600 is allocated to operating and administrative expenses in order to conduct business.

Materials & Supplies	\$41,200
Contracted Services	\$52,700
Occupancy	\$43,700

Special Projects

\$187,500 is allocated to special projects in order for MEDC to carry out the goals and objectives of the organization.

Business Retention & Expansion	\$75,000
Hospitality & Sports Tourism	\$52,500
Urban Village & Community Development	\$10,000
City Planning Services	\$50,000

Marlborough Economic Development Corporation
Budget Overview
 July 2021 through June 2022

	Jul '21 - Jun '22
Ordinary Income/Expense	
Expense	
Payroll Expenses	
Employee Benefits	\$ 27,500.00
Employer Payroll Taxes	\$ 25,000.00
Salaries	\$ 295,138.00
Workers' Comp	\$ 600.00
Total Payroll Expenses	\$ 348,238.00
Advertising/Marketing	\$ 2,500.00
Computer Services & Licenses	\$ 7,000.00
Conferences/Meetings	\$ 3,000.00
Dues and Subscriptions	\$ 19,500.00
Insurance	\$ 3,200.00
Internet service	\$ 2,800.00
Maintenance & Repair	\$ 500.00
Media Contractor	\$ 40,000.00
Office Supplies	\$ 5,000.00
Payroll Fees	\$ 3,900.00
Phone	\$ 2,100.00
Printing and Reproduction	\$ 2,000.00
Professional Fees	\$ 5,800.00
Reimbursable Expenses	\$ 1,900.00
Rent	\$ 35,000.00
Utilities	\$ 3,400.00
Subtotal Expense	\$ 485,838.00
Special Project Expenses	
Special Projects	\$ 187,500.00
Total Special Project Expenses	\$ 187,500.00
Total Expense	673,338.00

Payroll Expenses

Salaries Full-time		PERMANENT FULL TIME					
Salaries with standard annual salary increase of up to 3%							
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
NAME	TITLE	WEEKLY SALARY FY'21	HOURLY FLAT RATE	TOTAL SALARY	WEEKLY SALARY FY'22	HOURLY FLAT RATE	TOTAL SALARY FOR YEAR
							<i>Rounded up</i>
Meredith Harris	Executive Director	1818.13	45.45	94,543	1,872.67	46.82	\$ 97,679
Linda Martins	Director of Operations	1287.50	32.19	66,950	1,326.13	33.15	\$ 68,959
Lindsey Jaworek	Hospitality & Tourism Manager / Admin.	923.08	23.08	48,000	1,153.85	28.85	\$ 60,000
VACANT	Business Development Manager				55,000.00		\$ 55,000
Salaries Full-time Total							\$ 281,638
Salaries Part-time		PART TIME					
NAME	TITLE	Hours/ week	Hourly rate	Weeks			Total Salary for Budget Year
							<i>Rounded up</i>
MEDC Intern	Internships / Summer 2021	32	13.50	8			\$ 3,500
Salaries Part-time Total							\$ 3,500
Grand Total Salaries							\$ 285,138
Employee Benefits / Payroll Taxes							
	ITEMIZE AND JUSTIFY:						AMOUNT
	Health, Dental, Retirement, etc.						\$ 37,500
	Employer Payroll Taxes						\$ 25,000
	Workers' Compensation Ins. Plan						\$ 600
					Total		\$ 63,100
	Total Salaries						\$ 285,138
Grand Total Payroll Expenses							\$ 348,238

Expenses

Expenses		MATERIALS AND SUPPLIES					
This category covers collectively all operating supplies and services, which are defined as consumable commodities, necessary to conduct business: for example, office and custodial supplies, printing and reproducing marketing collateral, subscriptions, postage, repairs and office maintenance, etc.							
ITEMIZE AND JUSTIFY							Amount
							Requested
Advertising/Marketing Supplies & Services (Ex. E-Newsletter & E-Survey Services, Creation of Marketing Flyers such as Retail/Case Studies/Incentives Toolbox, etc.)							\$ 2,500
Conferences/Meetings (Ex. Registration Fees for business events, luncheons, receptions & misc. attendance & hosting expenditures)							\$ 3,000
Maintenance & Repair (Ex. Office Water Dispenser Cleaning, Office Fixtures & Dry Cleaning/Carpet Cleaning)							\$ 500
Membership Fees/Subscriptions (Ex. CoStar Realty Services, Yearly Newspaper Subscriptions & Membership Dues)							\$ 19,500
Office Supplies (Ex. Paper, pens, notepads, binders, paper clips, staples, labels, coffee, water, etc. - Including small/light office equip <\$100)							\$ 5,000
Printing & Reproduction (Ex. Kyocera Copier Services, Re-print Marketing Collateral & Special Article Poster Prints)							\$ 2,000
Reimbursable Expenses (Ex. Employee mileage for business use, office supplies, etc.)							\$ 1,900
Website Services (Ex. Hosting Services, Domains, Internet)							\$ 2,800
Office Equipment >\$1000 (Ex. Server, Laptop replacement for staff)							\$ 4,000
TOTAL MATERIALS & SUPPLIES							\$ 41,200

Expenses

Expenses	CONTRACTED SERVICES						
Covers operating services obtained by contract with outsourced vendor. For example: accounting services, marketing & communications vendor, payroll services, etc.							
ITEMIZE AND JUSTIFY:				AMOUNT			
Accounting/Book Keeping				\$5,800			
- CPA on Retainer/Yearly Filings							
- Annual Financial Audit							
- Fiscal End Process							
Professional/Consultant Fees				\$40,000			
Media Contractor							
IT Services				\$3,000			
- Tech on Retainer/Maintenance							
- Computer Services & Licenses							
ADP Payroll Services				\$3,900			
- Processing Charges/Fees							
- Tax Services							
- Year End Processing							
TOTAL				\$52,700			

Expenses

Expenses	OCCUPANCY					
Marlborough Economic Development Corporation (MEDC)					Requested Amount	
91 Main Street, Suite 203A / 203B / 204						
	Lease Agreement				\$	35,000
	Directors & Office Liability Insurance				\$	3,200
	Utilities				\$	5,500
	- Phone Services					
	- Electricity Supply					
	TOTAL				\$	43,700



City of Marlborough
Office of the Mayor

Arthur J. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

Ryan P. Egan
EXECUTIVE SECRETARY

140 Main Street
Marlborough, Massachusetts 01752
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RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 JUN -3 A 10:40

June 3, 2021

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

Re: Transfer request to purchase 33+ acre parcel of conservation land

Honorable President Ossing and Councilors:

Please find enclosed for your review and approval a transfer request in the amount of \$150,000.00 from the Stabilization-Open Space account to purchase 33+ acre parcel off Parmenter Road which the Department of Conservation & Recreation (DCR) will be purchasing on or about June 30, 2021, to enlarge Callahan State Park. Callahan State Park is a gem for this region and an important recreational asset to the City and its residents. The City of Marlborough and the Sudbury Valley Trustees, (a regional land trust) have agreed to contribute towards the purchase by DCR of this large tract of land. The \$150,000 from the city is a small contribution towards the overall \$1.5 Million purchase price. \$500,000 is from DCR, \$750,000 is from the Land and Water Fund Grant which DCR has secured, and \$100,000 was raised by SVT as contributions towards this purchase.

The attached map shows the location of the parcel which abuts Callahan State Park on two sides and the City land to the west. As the closing is scheduled to take place by the end of this month, I would ask for a suspension of the rules to allow for this vote to happen in one evening, to ensure this transaction carries through smoothly. *If for any reason the closing does not take place, the money will be returned to the City by DCR.*

Although, I am hesitant to submit this request as it is the third attempt by the City to purchase this land, we are hopeful that the owners will follow through with the sale to the City enabling us to preserve it as conservation land.

I would like to thank, in advance, the O'Donnell family, Conservation Officer Priscilla Ryder, Sudbury Valley Trustees and DCR for their diligence.

Enclosed for your review is additional information from Priscilla Ryder and she will be available to answer any questions regarding this matter.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Arthur G. Vigeant", with a long horizontal flourish extending to the right.

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough Conservation Commission

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768 Facsimile (508) 460-3638

Edward Clancy – Chairman
Allan White
David Williams
Dennis Demers
John Skarin
Karin Paquin
William Dunbar
Priscilla Ryder Conservation Officer

June 2, 2021

Mayor Arthur Vigeant
140 Main St. City Hall
Marlborough, MA 01754

RE: Contribution of \$150,000 towards the purchase of Map. 109-1

Dear Mayor Vigeant,

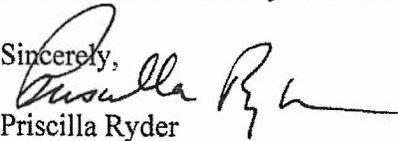
Attached please find the Order to request funding of \$150,000 towards the purchase of 33+ acre parcel of land to enlarge Callahan State Park.

Callahan State Park is a huge gem in the city used by many residents as a place to get away. The Department of Conservation Recreation has worked hard with several partners to get to a point where they have all the funding lined up and are ready to move forward and purchase the 33+ acre O'Donnell property which is nestled between Callahan State Park and City owned land off Parmenter Rd. It has been several years in the making but with help from several players including the Sudbury Valley Trustees who has raised \$100,000, a grant to the State DCR from the Land and Water Conservation Fund which is providing \$750,000 and State funding of \$500,000 and with this allocation request for \$150,000 from the City, this long awaited land deal can be closed by June 30, 2021.

This parcel has been on the Open Space and Recreation Plan list of important parcels since the first plan was issued in 1973. Its protection by DCR through this partnership is a big milestone and will be a huge asset to the city and the surrounding communities.

Please let me know if you have any questions.

Sincerely,


Priscilla Ryder
Conservation/ Sustainability Officer

Cc: Conservation Commission

DRAFT –

ORDERED:

That the City Council of the City of Marlborough hereby appropriates the sum of \$150,000.00 from the Account, number, for the purposes of contributing to the Commonwealth of Massachusetts' Department of Conservation and Recreation ("DCR") for the cost of acquisition of a parcel of land located off Parmenter Road, Marlborough (Assessor Map 109, Parcel 1) comprised of 33.39 +/- acres, further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 64087 Page 554 recorded in the Middlesex South Registry of Deeds and Land Court Certificate 257409 registered with Middlesex South Registry of Deeds. This appropriation is subject the Sudbury Valley Trustees contributing \$100,000 towards this purchase and the Commonwealth of Massachusetts proceeding with the purchase of the property with their contribution of \$1,250,000.

Said land will become part of Callahan State Park, protected in perpetuity, by DCR. Said land is to be acquired by DCR for the combined total sum of \$1.5 million.

ADOPTED

In City Council
Order No. 21-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor

FISCAL YEAR: 2021

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

Available
Balance

\$629,483.26

\$150,000.00

83600

32918

Stabilization-Open Space

\$150,000.00

19300006

58170

Open Space Acquisition

\$0.00

Reason:

For acquisition of parcel of land off Parmenter Rd

Reason:

Reason:

Reason:

Reason:

\$150,000.00

Total

\$150,000.00

Total

Department Head signature:

Auditor signature:

Finance Director signature:

STABILIZATION FUND ANALYSIS FY21:

	Open Space	Downtown Econ Development	Undesignated	Total
7/1/2020 TOTAL	628,090.71	800,000.00	15,292,998.63	\$16,721,089.34
3/8/2021 CO# 21-1008184A(Free Cash)			1,504,752.40	
3/31/2021 Interest July thru March	1,392.55		3,370.08	
Total	629,483.26	800,000.00	16,801,121.11	\$18,230,604.37



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Arthur G. Vigeant
MAYOR

2021 JUN -3 A 10:40

Patricia M. Bernard
EXECUTIVE AIDE

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

Ryan P. Egan
EXECUTIVE SECRETARY

June 3, 2021

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

RE: Re-appointments to the Conservation Commission

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the following re-appointments to the Conservation Committee based on their original expiration dates that have since expired. *(For further explanation, see attached email from Solicitor Grossfield to the Personnel Committee dated May 6, 2021).*

- Karin Paquin for a term of three years to expire 5/5/23
- John Skarin for a term of three years to expire 3/7/22
- Allan White for a term of three years to expire 3/2/24

I'd like to take this opportunity to thank each of the committee members for their continued dedication and hard work.

Please do not hesitate to contact me with any questions you may have.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

Patricia Bernard

From: Jason Grossfield
Sent: Thursday, May 6, 2021 12:16 PM
To: Christian Dumais
Cc: Karen Boule; Steven Kerrigan; Mayor; Patricia Bernard; Jason Piques
Subject: Request for Legal Opinion re: Order. No. 21-1008270, 21-1008271

Dear Honorable Chair Dumais and Committee Members:

You asked for a legal opinion as to the confirmation of appointments for staggered terms relative to the three (3) proposed pending appointments to the Licensing Board. In my opinion, upon conferring with the City Clerk and review of the appointment history, the following would be the term expiration dates for the pending office appointees, if confirmed:

1. Mary Jo Nawrocki: Term to expire June 1, 2022
2. Gregory Mitrakas: Term to expire June 1, 2024
3. David Bouvier: Term to expire June 1, 2026.

The general rule is that a holdover does not change the length of the term of office, but rather shortens the tenure of the succeeding member to hold the office's term of years. *63C Am. Jur. 2d Public Officers and Employees § 150*. "Accordingly, when the term of an office holder has expired and the office holder remains in office as a holdover . . .the successor's appointment must be made for the term commencing on the date the office holder's term expired rather than on the date of appointment, and the duration of the appointed successor's term will be the unexpired balance of the term that commenced on the expiration of the original office holder's term." *Id.* This rule is applied to the holdover periods, along with MGL c. 138, s. 5 which established a fixed term of office for successors to the Licensing Board, "...a member shall be appointed for a term of six years from the first Monday in June of the year in which the previous term expires. All members shall hold office until their respective successors are qualified."

Please let me know if you have any questions.

Thanks,
-Jason

Jason D. Grossfield
City Solicitor
City of Marlborough
City Hall, 4th Floor
140 Main Street
Marlborough, MA 01752
T: (508) 460-3771
F: (508) 460-3698
jgrossfield@marlborough-ma.gov

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City of Marlborough
Office of the Mayor

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CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2021 JUN -3
Patrick M. Bernard
EXECUTIVE AIDE

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

Ryan P. Egan
EXECUTIVE SECRETARY

June 3, 2021

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

RE: Re-appointments to the Parks & Recreation Commission

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the following re-appointments to the Parks and Recreation Commission each for a three-year term to expire on April 2, 2024:

- Robert Kays
- William F. Doherty, Jr.
- Mark A. Vital

Please note this Commission is made up of seven members with staggered expiration dates.

I'd like to take this opportunity to thank each of the committee members for their continued dedication to the City. It's great to see full recreational programming available again for all residents of all ages.

Please do not hesitate to contact me with any questions you may have.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED JASON D. GROSSFIELD
CITY CLERK'S OFFICE CITY SOLICITOR
CITY OF MARLBOROUGH
2021 MAY 28 P 12:35
JASON M. PIQUES
ASSISTANT CITY SOLICITOR
HEATHER H. GUTIERREZ
PARALEGAL

May 28, 2021

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

Re: Council Order No. 21-1008221
Ordinance Amendment, Chapter 270, Article V (Fences)

Dear Honorable President Ossing and Councilors:

In connection with the above-referenced item, enclosed please find the proposed ordinance amendment, as recommended by the Legislative and Legal Affairs Committee at its May 18, 2021 meeting. I have reviewed the proposed ordinance and placed it in proper legal form.

Please contact me if you have any questions.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Tin Htway, Building Commissioner

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 270, Article V (Fences), Section 270-19, entitled “Permit required”, by **inserting** a new Section 270-19(D) to read as follows:
 - D. No permit shall be required under this article for the following fences, provided that the fence is in full compliance with all other provisions of this article and all other City ordinances: 1) a fence not exceeding three (3) feet in height which is erected to enclose a garden and complies with Chapter 650, Zoning, Section 650-45N (Sight Distance), or 2) a fence that is not located in the minimum front, side or rear yard areas as defined in Chapter 650, Zoning, Attachment 2.

- II. Chapter 270, Article V (Fences), Section 270-24(A), entitled “Easements and rights-of-way” is hereby **amended** to read as follows:
 - A. On any lot subject to an easement where a fence will encroach upon or hinder the use of an easement area, the owner or applicant shall procure a release in writing from the holder of the easement, and said release shall be attached to the application for a fence filed with the Building Department.

ADOPTED
In City Council
Order No. 21-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough

Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
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RECEIVED JASON D. GROSSFIELD
CITY CLERK'S OFFICE CITY SOLICITOR
CITY OF MARLBOROUGH
JASON M. PIQUES
ASSISTANT CITY SOLICITOR
2021 JUN -3 A 11:11
HEATHER H. GUTIERREZ
PARALEGAL

June 3, 2021

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

Re: Council Order No. 21-1008230
Ordinance Amendment, Chapter 510 (Sewers)

Dear Honorable President Ossing and Councilors:

In connection with the above-referenced item, enclosed please find the proposed ordinance amendment, as recommended by the Public Services Committee at its May 18, 2021 meeting.

Please note that the enclosed ordinance also includes a new exemption "b" in the last paragraph relative to a new or replacement private disposal system, as proposed by the Commissioner of Public Works and Director of Public Health, for your consideration. I have reviewed the proposed ordinance and placed it in proper legal form.

Please contact me if you have any questions.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
John R. Garside, Director of Public Health
Sean M. Divoll, DPW Commissioner

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 510, ENTITLED "SEWERS," AS FOLLOWS:

I. Chapter 510, entitled "Sewers", Section 510-2, entitled "Use of Public Sewers.", subsection (D), is hereby amended to read as follows:

D. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated with the City and abutting on any street, alley or right-of-way in which there is now or may in the future be located a public sanitary sewer of the City, are hereby required, at their expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within the following time limits:

- (i) Where said public sewer now exists at the time of the effective date of this clause, the connection shall be completed: (a) prior to transfer of the property, (b) prior to change in use of a structure as set forth in Chapter 650, Zoning, (c) prior to an increase in the sewage design flow applicable to a structure for purposes of Title 5, 310 CMR 15.000, of the State Environmental Code, or (d) upon failure of any system under said Title 5, 310 CMR 15.000, whichever shall occur first.
- (ii) Where said public sewer is constructed and/or located after the effective date of this clause, the connection shall be completed: Within 180 days after date of official notice by the commissioner that the public sewer is available for connection.

For purposes of this subsection, the term "transfer" shall mean the conveyance of any interest in real property, with or without consideration, including by deed, lease, or assignment, but excluding: (a) taking a security interest in a property, including but not limited to issuance of a mortgage; (b) refinancing a mortgage or similar instrument, whether or not the identity of the lender remains the same; (c) a change in the form of ownership among the same owners, such as placing the property within a family trust of which the owners are the beneficiaries, or changing the proportionate interests among a group of owners or beneficiaries; (d) adding or deleting a spouse as an owner or beneficiary; or a transfer between spouses during life, out right or in trust, or the death of a spouse; and (e) the appointment of or a change in a guardian, conservator, or trustee.

An exemption from the connection requirement in this section may only be granted upon application to the board of health, and with the recommendation of the city engineer for reasons of either: (a) extraordinary site conditions due to which the land cannot be drained into such sewer,

or due to weather conditions limiting the ability to connect, provided that the exemption shall apply only until such incapacity is removed and subject to a private disposal system meeting all applicable requirements and any other conditions imposed by the board, or (b) for a period of five (5) years from the date of installation of a new or replacement private disposal system which fully complies with Title 5, provided that the exemption shall expire upon the failure of any such system under said Title 5.

ADOPTED
In City Council
Order No. 21-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Legal Department

140 MAIN STREET
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RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 JUN -3 A 11:11

JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

June 3, 2021

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

Re: City Council Order No. 21-1008214
Special Permit Decision, 239 Boston Post Road West, Marlborough

Dear Honorable President Ossing and Councilors:

In accordance with Chapter 650-59C (13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced special permit application.

Enclosed is a copy of the proposed decision. I certify that it is in proper legal form.

Please contact me if you have any questions or concerns.

Respectfully,

Jay Piques
Assistant City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Tin Htway, Building Commissioner

June __, 2021

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. 21-1008214

Application of:
Calverde Naturals, LLC

Locus:
239 Boston Post Road West
Map 78, Lot 2A

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Calverde Naturals, LLC, with a mailing address of 10 Briarwood Lane, Winchester, MA 01890 for a Special Permit to construct and operate an Adult Use Marijuana Retail Establishment at 239 Boston Post Road West, Marlborough, Massachusetts, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: June __, 2021

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the __ day of June, 2021.

APPEALS

Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, § 17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, MA.

A TRUE COPY
ATTEST:

City Clerk

ORDERED:

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT

Application of:
Calverde Naturals, LLC

Locus:
239 Boston Post Road West
Map 78, Lot 2A

**DECISION ON A SPECIAL PERMIT
ORDER NO. 21-1008214**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Calverde Naturals, LLC (the "Applicant") to build and operate an Adult Use Marijuana Retail Establishment at 239 Boston Post Road West, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 10 Briarwood Lane, Winchester, Massachusetts.
2. The Applicant is the prospective tenant of a commercial retail unit located at 239 Boston Post Road West, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 78 as Lot 2A (the "Site"). The Site is owned by R.K. Marlboro West, LLC, c/o RK Centers with a business address of 50 Cabot Street, Suite 200, Needham, MA 02494.
3. In accordance with Article V, § 650-17, § 650-18(A)(46), and Article VI, § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant seeks to operate an Adult Use Marijuana Retail Establishment at the Site within a single story building to be constructed by the Applicant consisting of approximately 2,800 square feet of floor area (the "Use").
4. The Site is located in the Business Zoning District with adequate frontage on Boston Post Road West (Route 20).
5. The overall Site has an area of 208,005 +/- square feet.

6. The Use entails construction of a standalone building dedicated to the use to be constructed by the Applicant within an existing development pad at the Site with an area of 2,800 +/- square feet.

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

8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, existing site plans for the Site in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit, and a set of plans, photographs, and concept designs of the exterior and interior of the unit associated with the Use (collectively the “Plans”), attached hereto as **“Attachment A.”**

9. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

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

11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, March 22, 2021. The hearing was closed on that date.

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

13. The Applicant demonstrated that the proposed Use is not located within 500 feet of an existing public or private school providing education to children in kindergarten or grades 1 through 12 as required by § 650-32(F.1)(1) of the Marlborough Zoning Ordinance.

14. At the public hearing, there were no members of the public that spoke either in support of or in opposition to the Use.

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

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

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

C. The City Council finds that the Site is located in the portion of the Business District along Massachusetts State Highway 20 (Boston Post Road) between the Northborough town line and Massachusetts State Highway Route 495 with frontage along Massachusetts State Highway 20 (Boston Post Road), in accordance with § 650-18(46)(a) and (b) of the Zoning Ordinance, and that the Site is not located within 500 feet of a school or daycare center, in accordance with § 650-32.F.1 of the Zoning Ordinance.

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

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

Finding: The Use will provide a safe and convenient location for adults to obtain marijuana and marijuana infused products. The sales occurring within Marlborough (in lieu of neighboring communities) increases revenues to the City as a result of annual community impact payments that Calverde makes to the City based on a Host Community Agreement.

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

Finding: The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity. There are adequate parking spaces within the retail development to both comply with the requirements of the Zoning Ordinance and to meet the anticipated need of customers. The parking lot also includes a 30'x30' fenced loading zone adjacent to a dumpster pad which can be secured in accordance with Cannabis Control Commission security preferences to ensure the highest level of safety during the unloading of product deliveries to the site.

3. Adequacy of utilities and other public services:

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

4. Neighborhood character and social structures:

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

5. Impacts on the natural environment:

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

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

Finding: The Use will be revenue positive, with additional revenues coming from a local sales tax and host community agreement impact fees. The proposed use will allow for the phased creation of over 30 jobs at the facility over the next three years. Calverde has committed to prioritize the hiring of local resident.

7. Hours of operation:

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

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

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

9. Requiring payment of a community impact fee:

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

10. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

15. The ability for the Business to:

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

Finding: These requirements are specially conditioned below.

16. Signs and signage:

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

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

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

E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to operate an Adult Use Marijuana Retail Establishment, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts.

2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use including without limitation the regulations promulgated by the Massachusetts Cannabis Control Commission.

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

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

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

6. Security.

a. As shown on the Plans, the Applicant, its successors and/or assigns, shall maintain a secure entry and exit vestibule providing a physical separation between the exterior door of the unit and interior areas of the unit where marijuana and marijuana infused products are dispensed and sold, with security personnel available during operating hours to screen individuals arriving at the unit, to ensure that interior areas of the unit are only accessible to persons over the age of 21 and to ensure that no individuals pose a direct threat to the health or safety of others.

b. As shown on the Plans, the Use shall have opaque exterior windows.

- c. The Applicant, its successors and/or assigns, shall maintain adequate staffing so that customers may make purchases in an efficient manner to avoid queuing and impacts on neighboring uses.
- d. The Applicant, its successors and/or assigns, shall maintain surveillance cameras capable of 24-hour video recording, archiving recordings, and the ability to immediately produce images, in, on, around, or at the Use.

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

8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 9:00 a.m. to 10:00 p.m., and Sunday from 10:00 a.m. to 8:00 p.m.

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

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

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

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

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

14. Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. Within the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during any hour of operation, then the Applicant shall stop employing a

City of Marlborough Police detail. Otherwise, at the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail.

15. Lapse of Special Permit. This Special Permit shall lapse if the Applicant fails to commence retail operations at the Site within three (3) years of the date of approval of the Special Permit, not including any time during an appeal under M.G.L. c. 40A § 17. The Applicant may with good cause, request the Council extend the provisions of this section.

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

Yea: _____ - Nay: _____ - Absent: _____

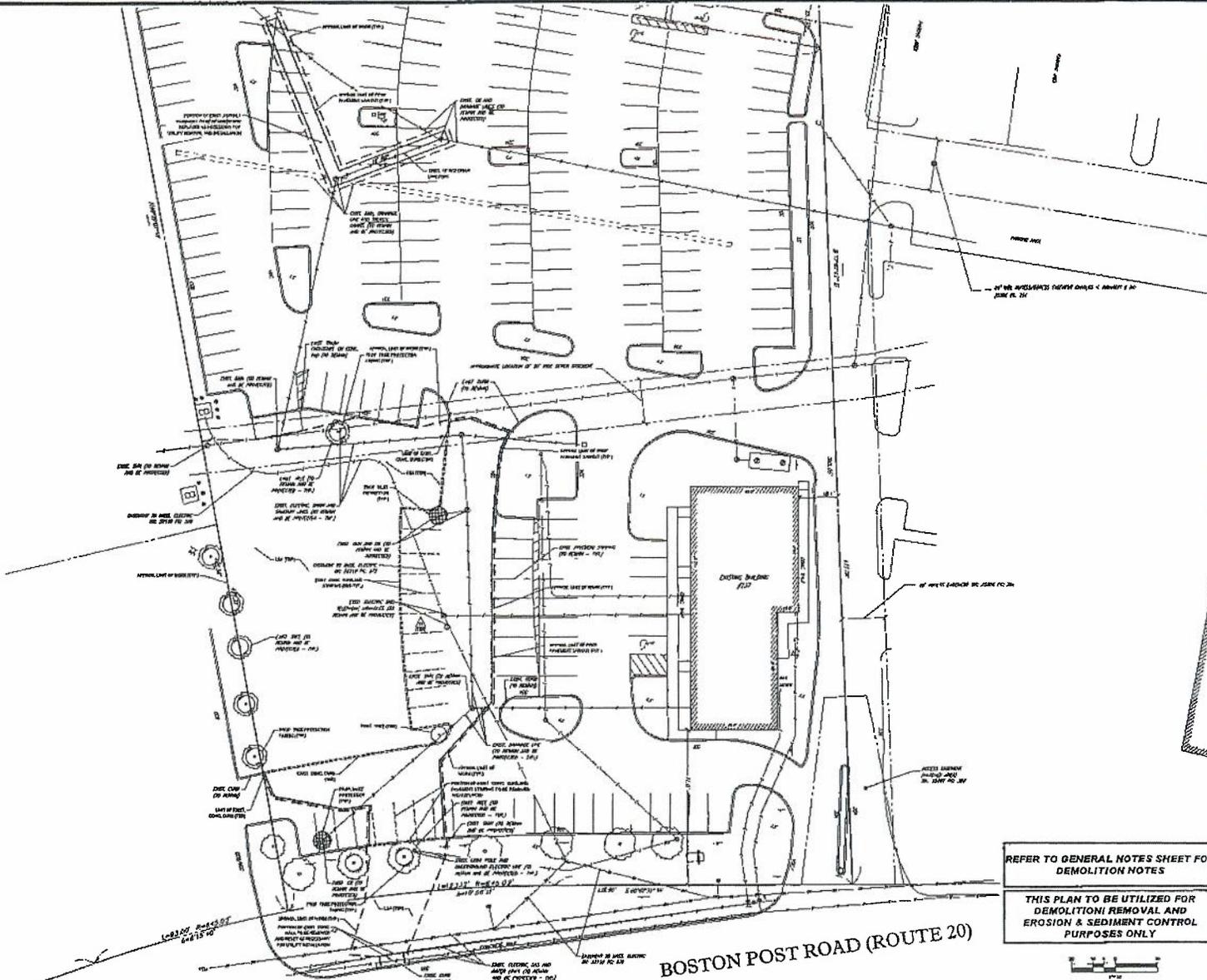
ADOPTED
In City Council
Order No. _____

Adopted: June __, 2021

A TRUE COPY
ATTEST:

City Clerk

ATTACHMENT A



BOSTON POST ROAD (ROUTE 20)

REFER TO GENERAL NOTES SHEET FOR DEMOLITION NOTES

THIS PLAN TO BE UTILIZED FOR DEMOLITION REMOVAL AND EROSION & SEDIMENT CONTROL PURPOSES ONLY

BOHLER
 CIVIL AND CONSULTING ENGINEERS
 105 TURNPIKE ROAD
 NORTHBOROUGH, MA 01772
 Phone: (508) 848-8800
 www.BohlerEngineering.com

REVISIONS

REV	DATE	REVISION

311
 Massachusetts
 800-352-9434
 ALWAYS CALL 311
 It's fast, it's free, it's the way.

ISSUED FOR PERMIT
 PROJECT NO. 2024-001
 SHEET NO. C-201
 DATE: 08/15/2024

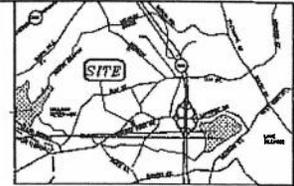
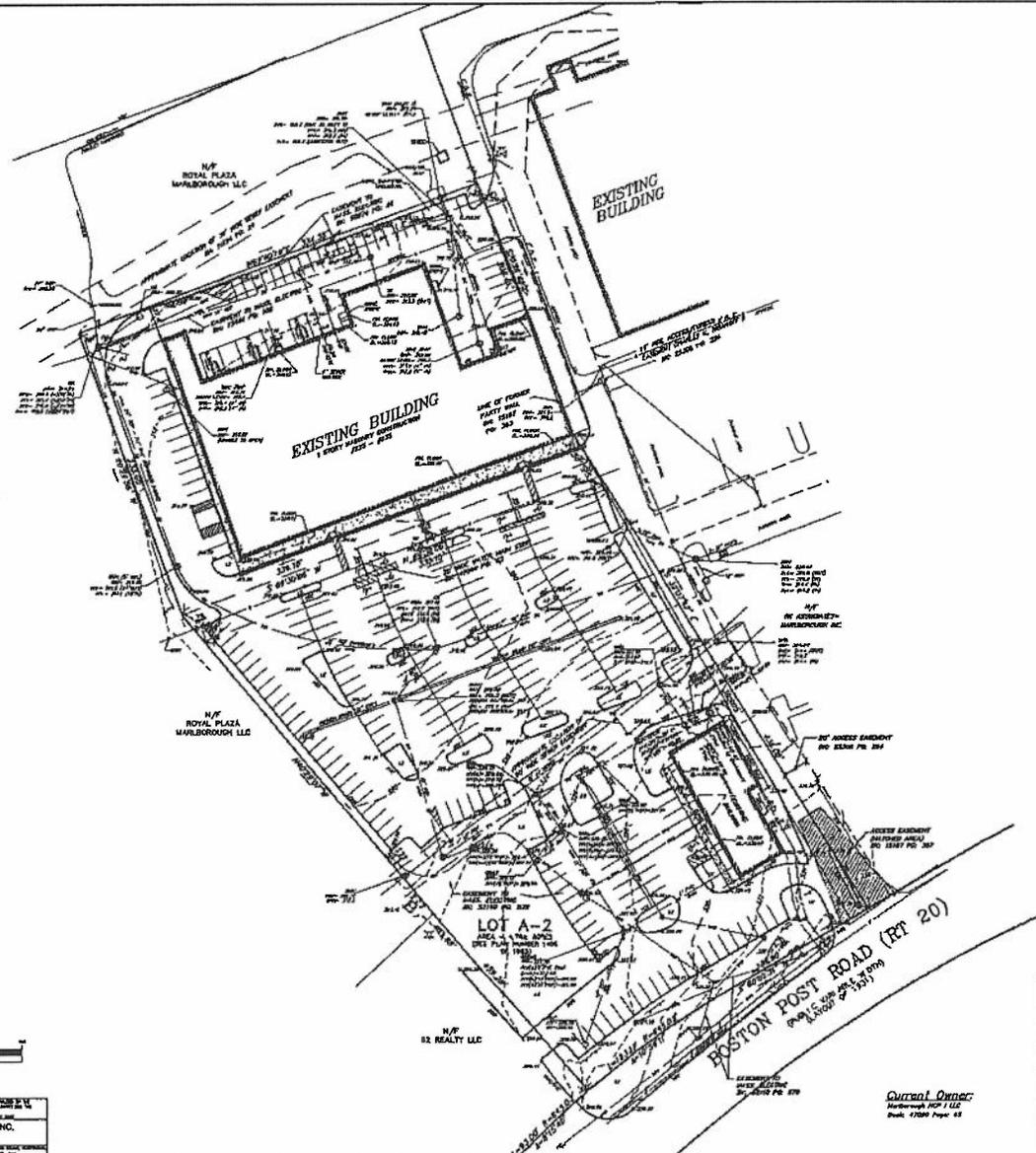
SPECIAL PERMIT PLANS
 FOR
CAL VERDE
 PROPOSED
 METAL DEMOLITION
 MAP #74, LOT #2A
 238 BOSTON POST ROAD
 CITY OF NORTHBOROUGH
 MIDDLESEX COUNTY,
 MASSACHUSETTS

BOHLER
 105 TURNPIKE ROAD
 NORTHBOROUGH, MA 01772
 Phone: (508) 848-8800
 www.BohlerEngineering.com

J.G. SWEETING
 CIVIL & ENVIRONMENTAL ENGINEERING
 100 WASHINGTON STREET
 NORTHBOROUGH, MA 01772
 Phone: (508) 848-8800

DEMOLITION AND EROSION & SEDIMENT CONTROL PLAN
 SHEET NUMBER: C-201

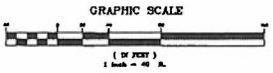
DATE: 8/15/2024



LOCUS

LEGEND	
□	CURB BARR
○	SEWER MANHOLE
⊙	SEWER MANHOLE
⊕	UTILITY POLE
⊖	ELECTRIC MANHOLE
⊗	TELEPHONE MANHOLE
⊘	UNIDENTIFIED
—	UNRECORDED
—	SPRINKLER CONCRETE CURB
—	VERTICAL CONCRETE CURB
—	VERTICAL GRANITE CURB
—	SEWER LINE
—	SEWER LINE
—	OVERHEAD ELECTRIC
—	UNDERGROUND ELECTRIC
—	SEWER LINE
—	WIRE LINE
—	LIGHT POLE
—	WIRE WALK
—	WIREY WALK
—	ISLAND

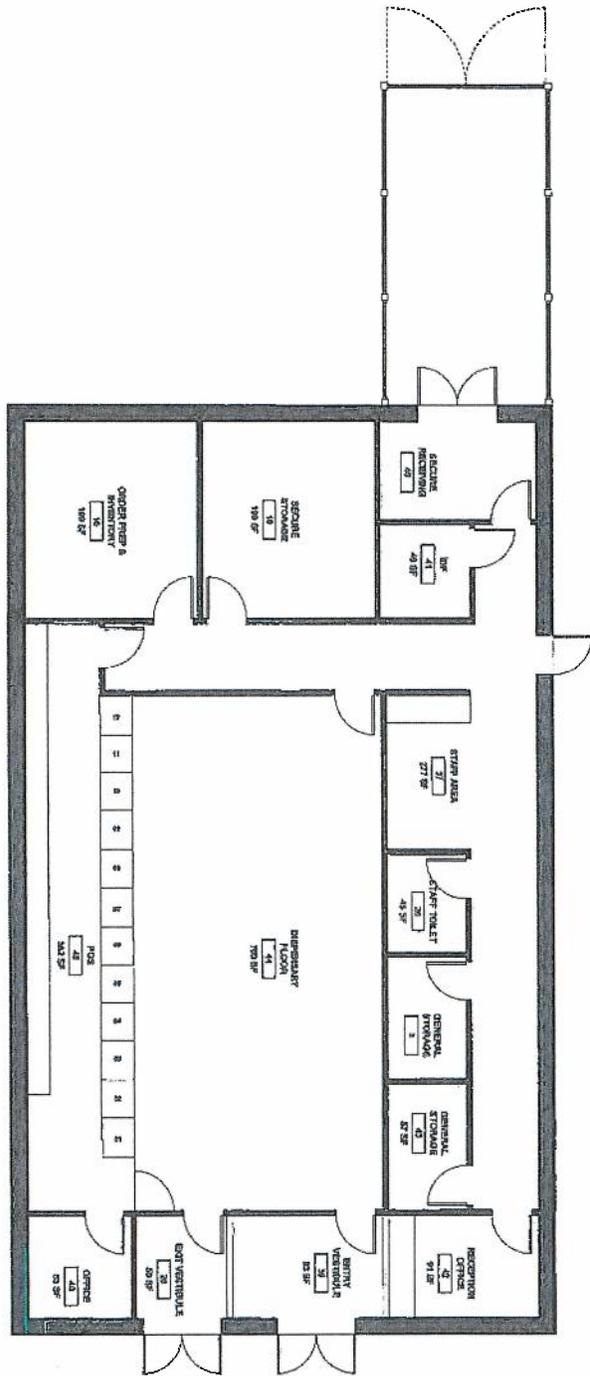
NOTES:
 1.) Underground features have been surveyed, in part, based upon information furnished by others. The Engineer is in no way responsible for subsequent errors or omissions which may have been incorporated into this plan as a result. Additionally, other work features may exist on the site the existence of which is unknown to Kelly Engineering Group, Inc. The site, location, and delivery of all such features should be verified by the appropriate authorities prior to construction.
 2.) The site and all surface improvements detailed herein were attached by a full survey of the property recorded in part of 2013 by Kelly Engineering Group, Inc.



ALL RIGHTS RESERVED
 COPYRIGHT (c) by KELLY ENGINEERING GROUP, INC.
 Kelly Engineering Group, Inc. is a registered professional engineering firm in the State of Massachusetts. All other rights reserved.
 Kelly Engineering Group, Inc. is a registered professional engineering firm in the State of Massachusetts. All other rights reserved.

Current Owner:
 Marlborough ROP 7 LLC
 Sheet: 4/100 Page: 45

SCALE 1" = 40'	DATE 01/29/14	REV	DATE	REVISION	BY
SHEET 1 OF 1					
PROJECT 219-237 BOSTON POST ROAD WEST MARLBOROUGH, MASSACHUSETTS					
EXISTING CONDITIONS PLAN					
DESIGNER KELLY ENGINEERING GROUP, INC. CIVIL ENGINEERING CONSULTANTS					
PROJECT NO. 0101-131-0000					
DRAWN BY JPM					
CHECKED BY JPM					
APPROVED BY JPM					
SHEET NO. 1					



① MAIN LEVEL FLOOR PLAN

MAIN LEVEL FLOOR PLAN
A1.0

PROJECT NO.	CONCEPT DESIGN
DATE	
OWNER	MR. CALVERDE
DESIGNER	CAVENEY ARCHITECTS
SCALE	AS SHOWN

CALVERDE
MARLBOROUGH DISPENSARY
219-227 BOSTON POST ROAD, MARLBOROUGH, MASSACHUSETTS



CAVENEY
architectural collaborative, inc.
126 WARREN ST. ■ LOWELL, MA 01852
info@caveneyarch.com
978-770-0518











City of Marlborough

BUILDING DEPARTMENT

140 Main Street
Marlborough, MA 01752
Tel. (508) 460-3776 Facsimile (508) 460-3736
building_dept@marlborough-ma.gov

TIN HTWAY
BUILDING COMMISSIONER

PATRICK DAHLGREN
ASSISTANT BUILDING
COMMISSIONER

LAUREWNT "LARRY" LEMIEUX
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

WILLIAM PAYTON
BUILDING INSPECTOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 MAY 26 A 8:30

May 25, 2021

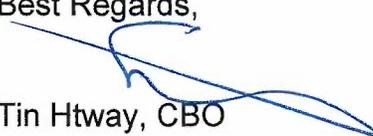
Michael H. Ossing, President
Marlborough City Council
140 Main Street
Marlborough, MA 01752

**RE: CHIC-FIL-A
CANOPY AT DRIVE-THRU**

Attached please find plans to erect a canopy over the existing drive-thru at the Chic-Fil-A location at the Apex Center. As you might recall, this vendor received one of the two drive-thru permits as part of the original special permit. Additionally, in 2016 the Council approved an amendment to Section 650-35 "the City Council shall retain authority over those aspects of Site Plan Approval for the Project which concern (i) the appearance of buildings and structures, (ii) signage, (iii) final landscaping design, and (iv) the appearance of retaining walls facing public ways."

Therefore, the Council shall perform waive, review and approve (or disapprove) the design. Should the design be waived or approved, a building permit application can be submitted and processed by this office.

Best Regards,


Tin Htway, CBO

4LEAF, Inc.

Alternate Building Commissioner



January 11, 2021

Letter of Authorization

Chick-fil-A, Inc.

5200 Buffington Road

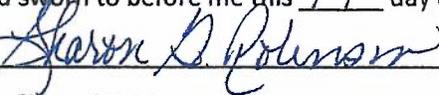
Atlanta, Georgia 30349

To Whom it May Concern,

Chick-fil-A, Inc. authorizes Interplan, LLC and their representatives to represent the company in all matters associated with the permitting of drive-thru canopies at its various locations nationwide.

X 
Jason Rosier
Project Lead, FEQ Tests & Rollouts

Subscribed and sworn to before me this 19 day of January, 2021.

Notary Public 

Seal Sharon G Robinson
NOTARY PUBLIC
Fayette County, GEORGIA
My Commission Expires 07/31/2021

My Commission Expires: 07/31/2021

CFA #9357 Marlborough

Legend

📍 36 Apex Dr



Google Earth

©2021 Europa Technologies
©2021 Google
ISFWS

8.12 ft

CFA #9357 Marlborough

Legend

36 Apex Dr



Google Earth

©2011 Europa Technologies
©2011 Google
SPWS

7.80 ft

CFA #9357 Marlborough

Legend

📍 36 Apex Dr



Google Earth

© 2021 Earthstar Technologies
© 2021 Google
USFWS

7.80 ft

CFA #9357 Marlborough

Legend
36 Apex Dr



Google Earth

©2021 Europa Technologies
©2021 Google
USFWS

6:05 PM

CFA #9357 Marlborough

Legend

📍 36 Apex Dr



Google Earth

© 2021 Europa Technologies
© 2021 Google



7.30 ft.

CFA #9357 Marlborough

Legend
36 Apex Dr



Google Earth

© 2021 Europa Technologies
© 2021 Google
USFMS

6.23 ft

CFA #9357 Marlborough

Legend
36 Apex Dr



Google Earth

© 2021 Europa Technologies
© 2021 Google

7.15 ft



CITY OF MARLBOROUGH
Conservation Commission Meeting
Minutes
May 6, 2021 (Thursday) 7:00 PM

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 JUN -1 P 3:14

This meeting was conducted virtually and recorded using the Microsoft Teams' platform.

Chairman Edward 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.marlborough-ma.gov>*

Members Present: By roll call – remotely: Karin Paquin, John Skarin, and Edward Clancy-Chairman.

In Memorial Hall: David Williams, Dennis Demers, Allan White, and William Dunbar. Also present was Priscilla Ryder, Conservation Officer

Absent: none

Approval of Minutes: The minutes of April 15, 2021 were reviewed. On a motion to accept and place on file by Mr. Skarin and second by Mr. White the minutes were unanimously approved 7-0 on a roll call vote.

Public hearings:

Request for Determination of Applicability

Lake Williams invasive plant removal and forest health improvement

Chris White and Ted Scott from the Marlborough DPW were present. Mr. White explained that he would like to remove invasive bittersweet vines and remove dead and impacted trees between the "Washington Park" corner of Main and Williams St. to behind and past the Court House to the stone wall near the small trees. He would like to remove all the invasive non-native bittersweet vines which are choking and killing the trees in this entire section. There are a few areas where reduction in tree stem density would encourage robust growth of trees and improve forest health as well. He showed the Commission some photos of the infested areas and noted that many trees have died too. He would like to remove the hazard trees including the large beach behind the courthouse. This is Phase 2 of this restoration work that began two years ago. Once the bittersweet is removed near the water's edge and inland, they would like to use goats to help keep the re-growth down and then mow it for several years before allowing more native plants to re-establish. The intent is to encourage a sweet pepper bush understory and encourage saplings to re-establish a healthy tree cover. However, with the years of

bittersweet seeds in the ground, it could take several years for these patches of bittersweet to be eradicated. The Commission discussed the machines to be used and the approach. They asked that Ms. Ryder work closely with Mr. White to ensure that the invasive plants are properly removed, including poison ivy and invasive honeysuckle. The trail is to be re-established and “uncontaminated” wood chips can be used in this area. Any bittersweet vines with any seed heads would be considered “contaminated” and would need to be removed from site and disposed of properly. The Commission emphasized that they didn’t want any re-growth from contaminated wood chips, which would negate this entire project. In answer to a question about replanting trees, Mr. White suggested a wildflower mix to start which can be mowed to help “wear out” the bittersweet over several years, and after that consider replanting if volunteer plants haven’t appeared. This can be evaluated in subsequent phases. There being no questions from the public and no further comments from the Commission, the hearing was closed. On a motion to issue a Negative Determination with standard conditions, and a requirement that Ms. Ryder work with DPW to identify areas needing attention, and that all “contaminated “ woodchips and debris be removed from site to prevent additional spread; by Mr. White second by the Mr. Clancy. The Commission took a roll call vote and voted unanimously 7-0 to issue a Negative Determination with standard conditions.

Request for Determination of Applicability

114 Naugler Ave.- Lisa Trombetta

Ms. Trombetta was present and explained that she wants to remove a very old, no longer functional pool and patio and restore the area back to a yard. She has wetlands just on the other side of the existing fence. Ms. Ryder noted that she had visited the site and the wetlands vary from 4-8 feet away from the fence. She noted that the 20’ wetland setback policy allows for existing lawns/yards to remain, but all new construction must be 20’ from the wetland. She noted the area was infested with poison ivy and bittersweet which will need to be controlled. Ms. Trombetta noted that she would like to remove the back fence entirely as it is in disrepair and just replace the front white vinyl fence. She also would like to reconstruct and repave the driveway which is also in disrepair. She would like to remove the bittersweet and poison ivy to restore the wetland buffer zone. She offered to install markers along the fence line to mark limit of work; however, the Commission decided the markers should mark the wetland line. The Commission asked questions about dewatering and to be sure only clean water enters the wetland. Ms. Trombetta indicated she was going to hire a contractor and didn’t know about how dewatering was to occur. The Commission noted that this could be discussed with the contractor at the preconstruction meeting. If water is contaminated (slimy with algae) it will need to be treated or removed from site, not put into drain or wetland. Also, it was noted that the fill needs to be clean when filling in the pool area. No old construction material, just clean fill, this can be inspected during construction as well. The yard will be loamed and seeded when done. Once the fence is down the buffer area can be

evaluated to determine proper treatment and invasive plant removal. After some discussion and no comments from the public and no additional comments from the Commission the hearing was closed. On a motion by Mr. Skarin second by Mr. Clancy issue a Negative Determination with standard conditions including wetland marker installation, clean fill requirement and dewatering protocol. The motion was approved with a roll call vote with all yeas: John Skarin, Karin Paquin, William Dunbar, David Williams, Dennis Demers and Edward Clancy. Nay-none. Abstain- Allan White.

Request for Determination of Applicability

44 Paquin Dr. - Paquin Dr. Beach Association

Mr. Dilip Phadke, explained that he is representing the Paquin Dr. Beach Association who would like permission to continue to maintain the beach area. They received a permit in 2005 allowing for maintenance which has expired. They want to address three maintenance areas: 1) restore the stonewall along the shoreline. The boat wave action over time has rolled these stones back into the water. With the approval of the Chairman these were restored when the lake water level was low this winter. 2) Trim the overgrowth around the shrubs and maintain the trees in the yard to remove dead branches and promote healthy growth. 3) Keep trench between 44 Paquin Dr. Beach and 38 Paquin Dr. free flowing. The Commission discussed the trench issue first and what would be needed. Mr. Phadke explained that the stones that used to line the trench have slumped and needs to be re-established. Mr. Clancy noted that the city does maintain drains and if it gets clogged the city DPW would be the one to open this up. The association can just be sure it is free flowing.

Tree maintenance would include clearing of shrubs and healthy thinning of the existing stand to keep them from creeping into the lawn. It was agreed that the photos provided would be the guide as to what is there now to be maintained. Irene Stokes an abutter asked for clarification on the trimming and “cleaning” of the property. Clarification was that no height is to be taken off the shrubs, just maintain them so they don’t take over any more of the lawn and periodic thinning to keep them healthy. Lawn maintenance and filling in any potholes was permitted. The cattails along the water’s edge are to remain, however the dry tops can be cut off after the winter is, however the root system should remain intact as they provide great pollution filtration benefits.

There was discussion of beach ownership, which is 14 households on the street have deeded rights to the beach. Wake board boats are also causing problems with shoreline erosion.

There being no further questions or comments from the Commission or the public the hearing was closed. On a motion, by Mr. Demers second by Mr. Clancy to issue a Negative Determination with special conditions to allow for maintenance of this property on a long term basis as follows: cattails to have the tops trimmed in fall after frost, rocks

along shoreline to be re-established, vegetation maintained to today's standard as shown in the picture which will be attached to the permit. The Commission voted unanimously on a roll call vote 7-0 to approve a Negative Determination with conditions.

Request for Determination of Applicability

656 Boston Post Rd. - Global Montello Group Corp.

At the applicants request this item was continued to the May 20, 2021 agenda.

Amend Order of Conditions (212-1193)

149 Hayes Memorial Dr. - Marlborough/Northborough Land Realty Trust

Israel Lopez of Gutierrez Co., Jen Howe and Will Park from SMMA, Mark Arnold of Goddard Consulting and Vern Kakosa of Sanborn Head (Geotech engineer) were all present virtually. Mr. Lopez explained that they want to amend the existing Order of Conditions (212-1193) with a revised site plan showing a new building layout. The work near the wetland is almost the same except for a change in the sewer line connection at the driveway entrance. Mr. Park explained that the parking lot is reduced, building is smaller, so overall the project has less impact. This revised plan shows an overall $\frac{3}{4}$ acre reduction in impervious surface. They also hired Sanborn Head to do a geotech exploration and found lots of bedrock. The drainage system therefor was also amended, and the infiltration systems shifted to other areas of the site which have soils that can infiltrate. Recharge areas will take the roof runoff. The drainage system will still include water quality units, swales to convey offsite runoff around the site, and detention basins. Ms. Howe stepped through the detailed four phase construction phasing plan which will protect the wetlands during construction by only clearing, but not grubbing all sections. Grubbing will only occur when a section is opened up and will be stabilized before the next phase is grubbed. The glacial till soils in this area can be difficult to work with, so this phasing will be essential to keep control of the site. They will use stump grindings berm as a barrier as well as silt fencing. Rock crushing will also be part of the plan as they will need to remove some of bed rock to build the project. The stoned slopes, construction entrance, location of construction trailer was all discussed. Ms. Ryder noted that the City Engineer just provided comments to the applicant today, so the Commission will need to wait for these plan changes as well. The snow storage locations were on landscaped areas; the Commission noted this needs to be on pavement to ensure better cleanup and protects the landscaped areas from snow/salt damage. Mr. Demers asked when the sewer relocation would be the replay was in Phase 1. The new location is needed to allow for adequate soil cover on this line. Mr. Dunbar noted that he had walked the line and checked the wetland flags but couldn't locate them all. Mr. Arnold of Goddard Consulting indicated he'd refreshed all the flags last week and located them all. There being no further questions or comments from the public or the Commission, the hearing was continued to the next meeting on May 20th to allow for the applicant to address comments made by our city engineer. Ms. Ryder was asked to draft amended conditions as well.

Certificate of Compliance

- 212-1237 200 Concord Rd. – Marlborough Country Club - full certificate - Ms. Ryder showed pictures of the finished golf cart bridge at the 17th hole. Helical piers could not be used due to the boulders in the way, so cement footings were installed. On a motion by Mr. Skarin second by Mr. Clancy, to issue a full Certificate of Compliance. The Commission voted all yeas by roll call vote 7-0.
- 212-847 149 Hayes Memorial Dr. (aka Devonshire @495 Center) - old permit - This project was never started and needs to be closed out. On a motion by Mr. Skarin second by Mr. Clancy, to issue a Certificate of Compliance noting that the work never was started. The Commission voted with all yeas, by roll call vote 7-0.

Violation updates:

- 212-771 Home Depot – 701 Boston Post Rd. - Al Deak, Manager, will attend. Al Deak, Home Depot Manager in Marlborough was present and explained that the storage behind the building had occurred due to seasonal ordering and making sure the stock and products were available to their customers. A lot of product gets sold in the spring. However, they are aware of the restriction and as of this morning the site behind and to the side of the building was free and clear of debris and products; and the area will remain clear going forward. The Commission noted that “no- overnight storage” signs should be installed behind the building. Mr. Deak also noted that the drainage system has been cleaned including the filter system next to the garden center. Ms. Ryder indicated she had just received the report. The Commission thanked Mr. Deak for correcting the problem and asked for assurance that this would not occur again. They noted that the fines would stop as of today as the problem has been resolved.

Current Project Updates:

- 212-1224 178 Simpson Rd.- Ms. Ryder and Mr. Clancy noted that no grass is growing in this back yard. It was to have been stabilized last fall. Mr. Bisazza has indicated to Ms. Ryder that he will be doing it soon. The Commission asked for a schedule and requested daily fines beginning on Monday after he has been given notice to comply.
- 541 Pleasant St. - Ms. Ryder noted that the owner was to have filed a Notice of Intent with the Commission by May 1st. The Commission was also to inspect this site in May to see if replanting is needed, or if re-growth has occurred to re-vegetate the area.
- 175 Maple St. - Ms. Ryder noted that this apartment complex was to have replaced the dying trees this spring, but nothing is visible yet. She will follow up with them.

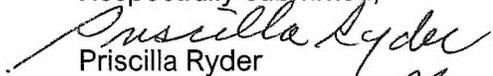
Discussion/Correspondence/Other Business:

- Beaver signs to be install at Cider Knoll - The beavers are active at Cider Knoll, so Ms. Ryder has produced some signage based on some templates from other communities to post on site to educate the public.
- Rubber mulch – comments from MACC - After the last meeting Ms. Ryder made inquiries from MACC and DEP about the issues surrounding rubber mulch and if anyone is regulating it. A response from MACC was in the Commission’s packet for their information.
- List of accomplishments FY 2020 and Goals for 2021- A copy of these accomplishments and goals was provided with the City Budget and shared with the Commission.

Next Conservation Commission meetings: May 20th and June 3, 2021

Adjournment - There was no further business, on a motion by Mr. White and second by Chairman Clancy to adjourn. On a roll call vote of all yeas 7-0, the meeting was adjourned at 9:19 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer *PR*



Massachusetts Cultural Council

Marlborough LCC Meeting Agenda

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 MAY 28 P 2:59

Marlborough LCC Meeting conducted remotely
Date: Tuesday, May 4th at 8:15 PM

Members in attendance: Kathy Oliver Jones, Gabriele Luzzi, Samantha Perlman, Emily Wilde, Mary Avery
Non-members in attendance: City Clerk Steve Kerrigan, Assistant City Clerk Wilson Chu, Luis Cotto
Absent: Monica Lucey

Participants participated remotely given precautions around COVID-19. The public could access the meeting by clicking the link on the meeting calendar page or by dialing 617-433-9462 and using conference ID 137 074 215.

I. Meeting called to order at 8:21pm.

- A. Welcome and announcement by Samantha Perlman that she will no longer be a member of the Cultural Council due to a state law that we were not previously aware of. Luis will help facilitate this meeting, and Samantha will attend as a member of the public.
- B. Luis can offer assistance as we adjust to this change in makeup. The work left to do for the upcoming months is largely to process the reimbursements that will be coming in.
- C. Emily offered to be interim chair. Kathy seconded the motion.
- D. Vote:
Kathy Oliver Jones: yes
Gabriele Luzzi: yes
Mary Avery: yes
Emily Wilde: yes
4-0 in favor

II. Updates from Samantha: Mary and Samantha worked on a press release and the Community Advocate posted a story. All denials and acceptances were sent out. Note to members to complete conflict of interest training.

III. Review minutes from June 2nd meeting

- A. Motion made by Mary to approve the minutes from the June meeting, seconded by Kathy.
- B. Vote:
Kathy Oliver Jones: yes
Gabriele Luzzi: yes
Mary Avery: yes
Emily Wilde: yes
Minutes were approved 4-0

III. Discussion of community survey.

- A. Mary suggested adding a question about interest in viewing art, such as gallery space, and called out the importance of this. We will add a question about this. Emily will add a question on this topic.
- B. Gabriele noted we should be careful not to make the survey too long.
- C. Luis suggested we can use a QR code to get the survey out
- D. Luis suggested a landing page with the different languages

- E. Best practice to get this out out before we make our guidelines for next year's grant cycle
- F. We can write a letter to the City Council to share the results of our survey
- G. Translation of the survey - school dept. has a translator and the city has used them as well. We're not sure that this person is available to us. But we could also look for a volunteer translator, and could be part of trying to recruit new members. Luis offered to help us with the Spanish translation.

IV. Social media/Facebook page

- A. Mary suggested that we could share the responsibility of posting on the facebook page

V. Programming by the MCC

- A. We have 15% for local programming
- B. Samantha described Town of Milford picnic bench artwork.
- C. Group interested in this idea, especially since some city departments have already expressed openness to the idea when Samantha discussed with them.

VI. Proposed mural ordinance

- A. The Urban Affairs Committee suggested that the cultural council be the body that would review proposed artwork.
- B. Emily liked the idea of having this council perform the work, since starting a new commission/review board would be a big lift. Gabriele cautioned we want to be very clear about the process, role of the Council, whether its recommendation can be overridden by others outside the Cultural Council
- C. Samantha believes the role would be an up or down vote on proposals, not a process that involved choosing between different options
- D. Mary suggested we meet again soon to continue this discussion

VII. Virtual Grant Reception

- A. Luis shared a blog page about recent virtual grant receptions. Mary and Emily will follow up with Luis to learn more about this.

IV. Kathy made a motion to adjourn. Seconded by Gabriele.

- A. Vote:
 - Mary Avery: yes
 - Emily Wilde: yes
 - Gabriele Luzzi: yes
 - Kathy Oliver: yes
- 4-0 in favor

Meeting adjourned at 9:30pm

Respectfully submitted by: Kathy Oliver

2021 MAY 25 A 8:59

**MARLBOROUGH COMMISSION ON DISABILITIES
MINUTES FOR VIRTUAL MEETING MARCH 8, 2021**

ATTENDEES: DEBRA MCMANUS, JOHN USINAS, DAVE DOUCETTE, CHERYL SOUCY, BARBARA ALLEN

MEETING CALLED TO ORDER AT 4:01 PM

MINUTES: READ AND ACCEPTED 5 TO 0.

TREASURERS REPORT: \$5,361.14 ACCEPTED 5 TO 0.

NEW BUSINESS

- A NEW CHARTER SCHOOL OPENING AT 280 LOCKE DRIVE ASKED AAB FOR A TEMPORARY VARIANCE FOR THE MAIN ENTRANCE. THERE WILL BE AN ACCESSIBLE SIDE ENTRANCE UNTIL THE CONSTRUCTION WORK ON AND AROUND THE FRONT ENTRANCE IS COMPLETED 12/2022.
- DESIGN PAK LOFTS: AAB COMPLAINT HANDICAP RAMP UNEVEN & NOT LEVEL. HP SPACES NOT LOCATED

CLOSEST TO THE ACCESSIBLE ENTRANCE. HP PARKING SPOT PAINTING FADED.

- **JOHN IS HAVING PROBLEMS WITH THE “CONFLICT OF INTEREST” VIDEO. WILL CALL STEVE KERRIGAN.**

OLD BUSINESS

- **NO PROBLEMS WITH HP PARKING AT EAST MAIN STREET DUNKIN DONUTS.**
-

**MOTION TO ADJOURN MADE AND ACCEPTED 5 TO 0.
ADJOURNED AT 4:15 PM.**

NEXT TEAM MEETING, TUESDAY APRIL 13, 2021 AT 4 PM.

**RESPECTFULLY SUBMITTED,
DEBRA MCMANUS, CHAIRPERSON**

2021 MAY 25 A 8:59

**MARLBOROUGH COMMISSION ON DISABILITIES
MINUTES FOR VIRTUAL MEETING APRIL 13, 2021**

ATTENDEES: DEBRA MCMANUS, JOHN USINAS, DAVE DOUCETTE, BARBARA ALLEN

MEETING CALLED TO ORDER AT 4:10 PM

MINUTES: READ AND ACCEPTED 4 TO 0.

TREASURERS REPORT: \$5,388.29 ACCEPTED 4 TO 0.

NEW BUSINESS

- A NEW CHARTER SCHOOL OPENING AT 280 LOCKE DRIVE GIVEN A TEMPORARY AAB VARIANCE FOR THE MAIN ENTRANCE. THERE WILL BE AN ACCESSIBLE SIDE ENTRANCE UNTIL THE CONSTRUCTION WORK ON THE FRONT ENTRANCE IS COMPLETED.
- DESIGN PAK LOFTS: DEB CALLED AAB SEVERAL TIMES ABOUT THE COMPLAINT BUT RECEIVED NO RETURN CALLS. DAVE WILL FOLLOW UP.

OLD BUSINESS

- THE RIDE IN BOSTON IS GIVING RIDERS 3 DIFFERENT TIMES FOR PICK UPS, SO THEY WON'T GET FINED.
- UNION & BOLTON, BOLTON & HUDSON STREETS HAVE NO AUDIBLE SIGNALS. JOHN WILL CHECK WITH STREET DEPT. ON CHAPTER 90 MONEY.

**MOTION TO ADJOURN MADE AND ACCEPTED 3 TO 0.
ADJOURNED AT 4:37 PM.**

**NEXT VIRTUAL TEAM MEETING, TUESDAY MAY 4, 2021 AT
4 PM.**

**RESPECTFULLY SUBMITTED,
DEBRA MCMANUS, CHAIRPERSON**

March 31, 2021

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 MAY 24 P 2:09



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held as a **virtual meeting** on Wednesday, March 31, 2021 at 10:00 am. Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen, Commissioner of Public Works Sean Divoll and City Clerk Steve Kerrigan. Also present: City Engineer Tom DiPersio, Assistant City Engineer Tim Collins, Ashley Miller & Ryan Malcolm also from the Engineering Department, Sgt. Zac Attaway and Officer Andy Larose from the MPD Traffic Services Unit, City Council President Mike Ossing, City Councilor Katie Robey (joined the meeting at 10:30am), City Councilor Sean Navin, City Councilor Christian Dumais and local residents Aura and Bob Gauthier, Ms. Keigwin, Shelagh Malandrinos, Elizabeth Murata and Sarah Sushchyk.

Minutes taken by Karen Lambert, MPD Records Clerk.

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

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, February 24, 2021.

MOTION was made, seconded, duly VOTED:

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

New Business Items taken out of order – Items concerning residents in attendance will be taken first.

2 - New Business –

2c) Speed Concerns on Red Spring Road & Reservoir Street

Councilor Navin explained that the main concern is with trying to take a left out of Red Spring Road onto Reservoir Street. He received a call from a resident regarding the speed of traffic traveling North on Bolton Street and taking a right on Reservoir. Cars are picking up speed and some are not aware that Red Spring Road is tucked in on the right when coming off Bolton Street. The request is for a "Blind Drive" type of sign to alert drivers that Red Spring Road is there.

Tim Collins advised that when turning from Bolton Street onto Reservoir Street there is no posted speed limit and it's also not considered "thickly settled" so the actual speed limit there is 40 mph. The speed limit is reduced to 30 mph after Red Spring Road. He pulled up an aerial photo for reference. He suggested relocating the sign so drivers could see it sooner and slow down. The area at the top of Red Spring Road on the corner also needs to be cleared of brush. Chief Giorgi also pointed out a sign for a school bus stop, however, Mr. Collins advised that there is no school bus stop at this location.

Mr. Collins suggested a sign with a graphic of a street with a side street coming off. This would let people know, especially if they weren't from the area, that there is a road coming up on the right. Red Spring Road is a private Road and the residents and/or person who owns the road, would have to be part of the road maintenance. Chief Giorgi asked Councilor Navin if could reach out to his constituent and advise as to the discussion and finding the proper contact for clearing the brush.

MOTION was made, seconded, duly VOTED REFER to ENGINEERING for the proper advance warning signage.

2d) Traffic Concerns on Oakcrest Ave.

Aura and Bob Gauthier were in attendance for this issue. An additional email from Roland and Kathleen Lachapelle, who were unable to attend, was also presented at the meeting. Aura Gauthier said that all the issues that they are concerned about are addressed in the email. Chief Giorgi read the email which outlined the dangers of trying to leave Oakcrest Ave. or cross the street. Mr. Lachapelle mentioned the increase in traffic over the last 46 years, the blind corner, the new parking lot across the street, cars speeding on Stevens Street and the fact that there is no sidewalk on Stevens Street when heading north. To take advantage of the trails or to take a walk you need to go South on Stevens, down to the crosswalk at the Jr. High, and turn around to head back North and then do the same thing when you want to return to Oakcrest.

Mrs. Gauthier also said that the parking lot across the street is reserved for handicapped parking, however, she has yet to see a car coming into the new lot with a handicapped placard. She also said that it is impossible to cross here. Chief Giorgi said that due to the blind corner it would be too dangerous to have a crosswalk at this location. The Chief said that Engineering could talk in more detail about the conditions necessary for a crosswalk.

There was also discussion about new lots going in at this location and that even the sidewalk they do have may become unavailable. If there was a sidewalk to the North on Stevens Street, they would have the option to go right to the high school entrance to cross. The residents would like to see a crosswalk with a push button and lights on either side of Oakcrest. People would then see in either direction that there was a traffic signal

there. Ms. Keigwin was also in attendance. Her main concern is that there are also kids crossing here to go to the new elementary school. She doesn't have young children herself nor does she know the answer but it's very dangerous.

Chief Giorgi talked about the site distance problem. It's not about the people crossing being able to see cars coming. It's the cars that are coming up over the hill that don't have the site distance to see the crosswalk and slow down. It was asked if a crosswalk could be placed further down Stevens Street, closer to the other crosswalk.

Tom DiPersio, City Engineer, said that we hear the concern and agree, however, need to be very careful with the placement and site distance concerns. Shelagh Malandrinos, a parent of school age children crossing here, was also in attendance. She said that she was here to represent parents. Mr. DiPersio said that Engineering would look into this issue further for the next meeting. Councilor Nevin asked if this is the time to talk about sidewalks with new lots going in.

Tim Collins said that sidewalks with curb cuts etc. are things that would need to be discussed with the Site Plan Committee. The new lots actually don't have anything to do with the crosswalk.

Officer Larose said that he would put the speed signs up out here before the next meeting. He explained how the signs also gather data regarding volume and speed so that we can see what is happening. Ms. Gauthier said that anything we can do would be an improvement.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to review and provide feedback at the next meeting.

2e) Safety Concerns at the intersection of Lincoln St. & Cashman St. at Assabet Valley Rail Trail

Chief Giorgi advised that he received two emails about the dangers of this intersection and how there are no clear signs for the crossing. Also, local resident, Elizabeth Murata was in attendance. Chief Giorgi read the two emails. One was from a woman who crosses here regularly with her dog and infant in a stroller. Even though she is exceptionally careful, drivers heading westbound have come up extremely fast and barely slow down to allow her to cross. She said, "In my opinion this intersection is a pedestrian accident waiting to happen, the crosswalk is barely visible and there are no lights to indicate a crossing". She would like to see a pedestrian crossing similar to what is on Ash Street. She included photos with her email. Both emails addressed the same basic concerns. Chief Giorgi advised that he checked this area himself yesterday and agrees that the crosswalks are very worn out.

Mr. Collins said that this intersection is part of a reconstruction project for this year. They are planning on having a flashing beacon similar to what is at Liberty Street and Granger Blvd. Repaving and repainting will also be done this year. It should be a summer project. The end result seems to be what the residents are looking for at this intersection.

Ms. Murata said that she uses the Rail Trail quite a bit and said she has seen the woman with the stroller and the dog. She completely agrees that it is just a matter of time before someone is hit. She also noted that the most available parking is also on the opposite side.

Chief Giorgi asked if Engineering could at least have the DPW paint the actual crosswalk for now. Mr. Collins said that he would check with the Street Division and have them check the lines and repaint the crosswalk and replace any signs that may be missing. All of this would help. Mr. DiPersio advised that the main point of this project is to make this crossing better and continue with easier access all the way into downtown.

Local resident, Sarah Sushchuk, logged into the meeting at this time. She is the one who sent the email and crosses here with her dog and stroller. It was reviewed with her that in the short term, the DPW would repaint the crosswalk and replace any missing signage. In the long term, the whole intersection will be updated with a flashing crossing beacon similar to the one on Granger Blvd.

Chief Giorgi said that this is a tough intersection even for drivers. Some are coming into the intersection on an angle. All agreed that flashing lights at this crosswalk will be a huge help. Officer Larose pulled up a speed summary for Lincoln St. @ Prospect St. (WB) from the end of last year. The speed wasn't that bad at the time. The average speed was 27 mph. The 85th percentile was 32 mph or less and the average volume per day was 4,173 vehicles. The blue on the pie chart shows that vehicles do slow down for the speed sign. It seems to be more of a site distance issue and intersection construction issue.

Mr. DiPersio advised that the job would go out to bid later in the spring with a proposed start date later in the summer. They will have a better idea on the timeframe when the actual contractor is onboard. Chief Giorgi asked the residents to please reach out to him again if there are any other problems or concerns.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to have the crosswalk painted and missing signage replaced.

2a) Review of School Zone Regulations

Tim Collins asked to add this item to the agenda. He pulled up a copy of the School Zone Regulations for reference. The IC School is closed but the School Zone is still showing in the regulations. This made him look into this further. Do we really need this? School Zones are controlled by the State. The School Zone signs at the IC School should be taken down and the school zone crosswalk should be changed to a regular crosswalk and added to the Schedule of Crosswalks for the City.

He also noticed that on the section about Jaworek School, the regulations don't match up to what actually happens. Instead of specific times, it makes more sense if speeds were reduced one hour before and one hour after school is in session. In reviewing the City Regulations for School Zones and Crosswalks, he found a lot of confusion and error and he would like to clean it up. In addition to revising the regulation, the actual signage needs to match. See the attached document regarding School Zone Regulations on which he indicated the specific changes necessary at each school. He also noted that we would

need to reach out to AMSA to see what they really need at this location. There are no students crossing here anymore and they really don't need a School Zone.

Mr. Collins advised that he would write up all these changes and create our own regulations for School Zones. Chief Giorgi agreed that making the language universal in the regulations is a good proposal. Then signage can be changed if scenarios change but the regulations will be uniform and enforceable. All agreed this was a good idea.

MOTION was made, seconded, duly VOTED to REFER to REFER to ENGINEERING to work through the details and prepare the language for the new regulation.

2b) Review Crosswalk & Stop Sign for 2021

Tim Collins also asked to add this item to the agenda.

Stop Signs:

Mr. Collins pulled up an aerial photo of the Glen Street area with stop sign locations indicated. In reviewing the area relative to the reconstruction work that will going on here they found that the existing stop signs and regulations don't match. For example, there are seven stop signs here, 3 are not regulated but the signs are there. Others, such as the one at Flynn and Sandini, should be reconsidered due to changes in roadway usage and traffic. This stop sign would more than likely not be approved if it was requested now. The same reason why there is not a sign at Tucker and Sandini or Hurley and Sandini. Also, the regulation shows a stop sign at Ripley and Conrad but there is no stop sign at this location and it is not needed. This stop sign should be deregulated. This should all be cleaned up as part of this reconstruction project. If a stop sign is removed that is regulated, normally what they do is take the sign down but leave the pole up. If there is a lot of negative feedback, they can always put the sign back up. The regulation will then also be removed in month when they take the pole down if there are no complaints. Mr. Collins also noted that Ripley at Conrad has a regulation but no actual stop sign. That regulation will be removed.

Councilor Dumais asked what it means when a stop sign is not regulated. Mr. Collins explained that technically if you went through a stop sign that wasn't regulated you could not be ticketed. If the stop sign is not officially regulated, it can't be enforced. Councilor Dumais wanted to clearly understand as this is a very sensitive area with a lot going on. He wants to be able to explain to constituents why a sign may be coming down or if people have questions. He asked if he could have a copy of the graphic. Mr. Collins advised that it would be forwarded to Karen Lambert to be added to the minutes as a handout at the meeting.

Crosswalks:

Tim Collins pulled up aerial photos of existing crosswalks in the same neighborhood. He found that there are existing painted crosswalks that are not regulated (see his schedule attached). There are also several proposed crosswalks that are part of the reconstruction project (also on attached schedule). He also found others that are poorly located and will be moved closer to the intersection or made to go from sidewalk to sidewalk rather than a driveway opening. Mr. Collins walked through each photo and outlined the specific

changes that would be taking place. (See the attached photos and explanations for clarification.)

Mr. Collins also pulled up the proposed wording for the new crosswalk regulations with the changes marked in red. He will forward this language to Chief Giorgi along with the language for the stop signs. Chief Giorgi will create the revised regulations for the next meeting, based on Mr. Collins' recommendations. All agreed.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to finalize the wording for the regulations and forward it to Chief Giorgi.

3-Old Business

3a) Crosswalk Issue at the EEC

Update on Crosswalks: Chief Giorgi prepared the regulation for the two missing crosswalks on Bolton Street and the regulation to add the "southerly driveway entrance" to the Schedule "Do Not Enter Streets" at the Bolton Street Municipal Lot, based on the language provided by Tim Collins.

Mr. Collins advised that when he was reviewing the regulations for Washington Street, he found another crosswalk that was missing from the regulations. The crosswalk at Bolton and Washington Street. He sent the wording to the Chief and it was added to the amended regulation.

MOTION was made, seconded, duly VOTED to APPROVE the two amended regulations. Karen Lambert will forward the approved regulation to Steve Kerrigan for advertisement.

Update of Municipal Lots:

Chief Giorgi asked if Tim Collins could explain the language for Municipal Lots. Mr. Collins pulled up wording listing all the lots and the times that they do not allow parking. The new lot on Bolton Street will be added under the section for No Parking from 2 am to 5 am. Chief Giorgi advised that he made the regulation but did not have the time frame language.

The charging station for electrical vehicles also needed to be added to the regulations. Assistant Commissioner Ted Scott is overseeing this part. They are trying to determine the best way to handle the charging station spots. It appears that time limits will be added. Counselor Robey said that when the lot on Bolton Street was brought to Planning, the charging stations were not supposed to be limited. They were supposed to be open spots for first come first serve. If not, the electric vehicle spots would sit empty when they are needed for parking. She said she does not object to the parking restriction from 2 am to 5 am. She has no issues with this as she understands the need to plow. This will need to be reviewed further with Mr. Scott.

Chief Giorgi had prepared the regulation for the Municipal Lots, however, he can revise it and take off the last section regarding the Charging Stations. Commissioner Divoll

suggested that maybe we wait until this issue is resolved and vote on the entire regulation at the same time. Chief Giorgi said that if we wait, his officers can't enforce the overnight parking restriction. Commissioner Divoll asked if this is really an issue now that the overnight parking ban is over. Sgt. Attaway said that he has only seen 1 truck that parks here overnight. Since the winter parking ban is the main issue behind the overnight parking restriction it was decided that it makes sense to table the whole issue for now so that all issues concerning the municipal lots can be regulated at the same time.

MOTION was made, seconded, duly VOTED to TABLE until the Charging Station issues in the Municipal Lots are resolved.

3b) Issues with the turn movement at intersection of Boston Post Road West & Ames Street

Update: Tim Collins advised that he is still waiting to hear back from MA DOT.

MOTION was made, seconded, duly VOTED to TABLE for the next meeting.

Chief Giorgi asked if anyone else had anything else they would like to add. No other comments.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:20 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-City of Marlborough Meeting Posting for Traffic Commission Meeting on Wednesday 3/31/21, including meeting agenda.

-Draft of Traffic Commission Minutes from Wednesday, February 24, 2021.

-Email from Chief Giorgi to Karen Lambert, dated 3/25/21, re: two new agenda items from Tim Collins – School Zone Regulations & Crosswalks & Stop Signs for 2021 (including excel spreadsheet).

-Email from Councilor Navin to Chief Giorgi, dated 3/2/21, re: Red Spring/Reservoir.

-Email to Aura Gauthier to Chief Giorgi, dated 3/16/21, re: Oakcrest Ave. Crosswalk.

-Email from Neeraj Bhatia to Chief Giorgi, dated 3/20/21, re: No pedestrian crossing or trail crossing signs.

-Email from Sarah Sushchik Thomas, dated 3/22/21, re: Lincoln St. – Cashman St. (including photos).

-Copy of the amended regulation to ADD two existing crosswalks on Bolton Street to the Schedule of "Crosswalk Locations".

-Copy of amended regulation to ADD the "southerly driveway entrance" of the Bolton Street Municipal Lot to the Schedule of "Do Not Enter Streets".

-Copy of amended regulation to DELETE Article V – "Parking Meters" and ADD, in place thereof a new Article V entitled "Municipal Parking Areas", including new Section 586-28 Municipal Parking Areas.

Additional Handouts

-Extended Speed Summary for Lincoln St. @ Prospect St. (10/31/20 to 11/5/20).

-Copy of an email from Roland & Kathleen Lachapelle, dated 3/26/21, re: March 3/31/21 meeting Oakcrest Ave. Crosswalk