

REGULAR MEETING  
AUGUST 23, 2021  
TIME: 8:00 PM

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

CONVENED:  
ADJOURNED:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2021 AUG 19 P 2:00

## CITY COUNCIL AGENDA

This meeting of the City Council will be held in City Council Chambers on Monday, August 23, 2021 at 8:00 PM. **PUBLIC ATTENDANCE IS PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

1. Minutes, City Council Meeting, July 19, 2021.
2. PUBLIC HEARING on the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on the existing Pole within the public right of way at 123 Boston Post Road West, Pole #7, Order No. 21-1008355.
  - a) Tolling Agreement between Verizon Wireless and the City of Marlborough to extend time limitations to September 28, 2021 for approval of small cell wireless facility, 123 Boston Post Road West, Pole #7.
3. PUBLIC HEARING on the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on the existing Pole within the public right of way at 493 Boston Post Road West, Pole #1, Order No. 21-1008356.
  - a) Tolling Agreement between Verizon Wireless and the City of Marlborough to extend time limitations to September 28, 2021 for approval of small cell wireless facility, 493 Boston Post Road West, Pole #1.
4. PUBLIC HEARING on the Petition of Verizon Wireless for the installation of a small cell wireless facility to be located on replacement Pole within the public right of way at 11 Atkinson Drive, Pole #22 (Pole located on Ames Street), Order No. 21-1008357.
  - a) Tolling Agreement between Verizon Wireless and the City of Marlborough to extend time limitations to September 28, 2021 for approval of small cell wireless facility, 11 Atkinson Drive, Pole #22.
5. PUBLIC HEARING on the Application for Special Permit from Attorney Christopher Flood, on behalf of Post Road Mobile Home Park and Sales, Inc., to create a second mobile home park by dividing an existing permitted mobile home park at 181 Boston Post Road East, Order No. 21-1008354.
6. Communication from the Mayor, re: Grant Acceptance in the amount of \$5,000.00 from BayPath Elder Services awarded to the Council on Aging to assist with the transportation needs for Marlborough Seniors.

**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.**

7. Communication from the Mayor, re: Gift Acceptance in the amount of \$10,000.00 from the late Paul & Marie Winske to the Council on Aging to assist seniors that participate in Senior Center activities.
8. Communication from the Mayor, re: Appointment of Linda Warren to the Council on Aging Board for a 3-year term from date of Council confirmation.
9. Communication from the Mayor, re: Notification of Mayoral appointment of Kevin McLaughlin to the Cultural Council for a 3-year term effective September 1, 2021 pursuant to MGL Chapter 10 §58.
10. Communication from the Mayor, re: Proposed Amendment to the City Code, Chapter 67 §11(A) amending “Tax Collector; appointment, terms and duties” and Chapter 125 §6 “Salary Schedule” along with a Proposed Job Description pursuant to Chapter 125 §5 for the position of Tax Collector/Assistant Director of Finance.
11. Communication from the Mayor, re: Proposed Amendment to the City Code, Chapter 7, Article IV “Department of Public Works” by adding a new §31(D) relative to the position of Assistant Commissioners, along with a Proposed Job Description pursuant to Chapter 125 §5 for the position of Assistant Commissioner of Facilities.
12. Communication from the Mayor, re: Proposed Amendment to the City Code, Chapter 125 §6 “Salary Schedule” to amend the salaries for the Police and Fire Chiefs to be effective July 1, 2021.
13. Communication from Solicitor Jason Grossfield, re: Request for Special License for Temporary Charitable Purposes Sales – FEMARA, Inc., pursuant to MGL Chapter 101 §12A.
14. Communication from Solicitor Jason Grossfield, re: 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), in proper legal form, Order No. 21-1008294B.
15. Communication from Solicitor Jason Grossfield, re: Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm), in proper legal form, Order No. 20/21-1007995.
16. Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of a Free-Standing Sign, Local Roots, 910 Boston Post Road East, within the Wayside District.
17. Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of two (2) Flat Roof Signs, Val’s Plaza, 561 Boston Post Road East, within the Wayside District.
18. Petition from Massachusetts Electric and Verizon New England, to install a new jointly owned Pole #15-5 and permission for NGRID to install three (3) 50K (120/208) transformers and underground riser-perm connection to customer at 121 Bolton Street.
19. Petition from Massachusetts Electric and Verizon New England, to install a new jointly owned Pole #15-15 at 181 Cedar Hill Street.
20. Petition from Massachusetts Electric, to replace direct buried cable with cable in conduit using directional drill method on Ferrecchia Drive.
21. Communication from Diane Nelligan of One Energy, Inc., re: Request for expedited processing of request from MA Electric and Verizon for the installation of a jointly owned pole, transformers, and underground riser-perm connection at 121 Bolton Street.
22. Communication from Attorney Robert Buckley, re: Revised language on the Proposed Zoning Amendment to Chapter 650 of the Code, to add a new section to create the “Commercial Village Housing Overlay District”, Order No. 21-1008293B.

23. Communication from FEMARA, Inc., re: Request for grant of exemption from the Massachusetts Transient Vendor Law as allowed by MGL Chapter 101, §12A for their convention being held in Marlborough from September 10 – 12, 2021.
24. Communication from Central MA Mosquito Control Project, re: Personnel will be in the community responding to residents' concerns about mosquitos on various dates in August & September 2021.
25. Communication from Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid re: Approval of Deferral of major storm threshold amounts for calendar year 2020, DPU file # 21-75.
26. Communication from Commonwealth of Massachusetts Division of Banks, re: Public comment period on a proposed license application filled by Marlboro Services, Inc., d/b/a Brasil Remessa, to operate a check casher location at 38 Main Street pursuant to MGL Chapter 169A §3.
27. Communication from a resident in opposition of the Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm), Order No. 20/21-1007995.
28. Communication from a resident of Forest Street, in support of the Proposed Zoning Amendment to Chapter 650 of the Code, to add a new section to create the "Commercial Village Housing Overlay District", Order No. 21-1008293.
29. Minutes of Boards, Commissions and Committees:
  - a) Conservation Commission, July 1, 2021.
  - b) Cultural Council, June 30, 2021.
  - c) Traffic Commission, May 26, 2021.
30. CLAIMS:
  - a) David Ringland, 77 Lincoln Street, Hudson, pothole or other road defect.

## REPORTS OF COMMITTEES:

31. ORDERED: That the City Council President establish a City Council Re-Precincting Committee consisting of three members to review the 2020 census data provided by the Secretary of State's office and report back to the City Council by October 4, 2021. ....Submitted by President Ossing

## UNFINISHED BUSINESS:

From Personnel Committee

32. **Order No. 21-1008336: Appointment of William Fowler to the Planning Board for a 5-year term to expire on February 2, 2026.**

**Recommendation of the Personnel Committee is to APPROVE.** Motion made by Councilor Doucette to recommend approval of the appointment, seconded by Chair. Approved 3-0.

33. **Order No. 21-1008337: Appointment of Marcia Waldman to the Cultural Council for a 3-year term from date of Council confirmation.**

**Recommendation of the Personnel Committee is to APPROVE.** Motion made by Councilor Doucette to recommend approval of the appointment, seconded by Chair. Approved 3-0.

34. **Order No. 21-1008338: Reappointment of William Dunbar to the Conservation Commission for 3-year term to expire on February 2, 2024.**

**Recommendation of the Personnel Committee is to APPROVE.** Motion made by Councilor Doucette to recommend approval of the appointment, seconded by Chair. Approved 3-0.

From Public Services Committee

35. **Order No. 21-1008276A: Petition from Massachusetts Electric, to install a new Pole #45-2 within the public right of way approximately 103' west of Pole 25-1 on Forest Street.**

**Recommendation of the Public Services Committee is to APPROVE.** Motion made by Councilor Perlman, seconded by Chair, to recommend approval. Approved 3-0.

36. **Order No. 21-1008292A: Petition from Massachusetts Electric, to install 280' of 4-5" conduit from manhole #10 to pole #93 on Donald Lynch Boulevard near Bigelow Street.**

**Recommendation of the Public Services Committee is to APPROVE.** Motion made by Councilor Perlman, seconded by Chair, to recommend approval. Approved 3-0.

37. **Order No. 21-1008294B: Petition of Verizon Wireless for the installation of small cell wireless facility to be located on the existing Pole within the layout of the public right of way at 237 Boston Post Road West (Route 20), Pole #19.**

**Recommendation of the Public Services Committee is to APPROVE.** Motion made by Councilor Perlman, seconded by Chair, to recommend approval of the decision and the petition by Verizon Wireless for a small cell wireless installation on Pole #19 within the layout of Boston Post Road West. Vote 3-0.

From Urban Affairs Committee

38. **Order No. 20/21-1007995O: Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm).**

**Recommendation of the Urban Affairs Committee is to DENY.** Councilor Wagner moved to deny the Special Permit; the motion was seconded. Councilor Doucette asked for a Roll Call. Wagner-yes, Landers-present, Navin-yes, Doucette-yes, Robey-no. Motion to DENY carried 3-1.

**Councilors-at-Large**

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



**Ward Councilors** 1-1

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

RECEIVED  
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CITY OF MARLBOROUGH  
2021 JUL 26 7:12:05

**Council President**

Michael H. Ossing

**Council Vice-President**

Kathleen D. Robey

**CITY OF MARLBOROUGH  
CITY COUNCIL  
MEETING MINUTES  
MONDAY, JULY 19, 2021**

The regular meeting of the City Council was held on Monday, July 19, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 9:43 PM.

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

ORDERED: That the Minutes of the City Council meeting, June 21, 2021, **FILE**; adopted.

ORDERED: That the CONTINUED 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, Order No. 21-1008307B, 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 Application for Special Permit from Edgewood Entertainment, LLC, to operate indoor golf simulators and a bar area in the existing building at 229 Boston Post Road West, Order No. 21-1008328, all were heard who wish to be heard, hearing closed at 8:46 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 the Code of the City of Marlborough, Chapter 650, §5 and §18(36) by adding “Hobby Vehicle Storage” as a warehousing use in the Limited Industrial District, Order No. 21-1008344, all were heard who wish to be heard, hearing closed at 8:52 PM, adopted.

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

ORDERED: That the PUBLIC HEARING on the Application for Special Permit from Attorney Brian Falk, on behalf of Dasilva Landscaping, Inc., to construct and operate a landscaper's yard at the Airport Industrial Park, 685 Farm Road, Unit 17, Order No. 21-1008345, all were heard who wish to be heard, hearing closed at 8:59 PM, adopted.

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

ORDERED: That the PUBLIC HEARING on the Application for Special Permit from Attorney Brian Falk, on behalf of Lourival Masonry, LLC, to construct and operate a contractor's yard at the Airport Industrial Park, 685 Farm Road, Unit 18, Order No. 21-1008346, all were heard who wish to be heard, hearing closed at 9:07 PM, adopted.

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

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

ORDERED: That the Communication from Councilor Robey, re: Proposed Zoning Amendment to Chapter 650 to add a new Section 61 "Temporary Moratorium for Multi-Family Housing Projects", Order No. 21-1008274B, **FILE**; adopted.

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

**Suspension of the Rules requested to remove from the Urban Affairs Committee, Order No. 21-1008274, the Temporary Moratorium for Multi-Family Housing Projects – granted.**

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

**Suspension of the Rules requested – granted.**

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

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

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

## A. Purpose

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

## B. Temporary Moratorium

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

**APPROVED.**

**First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.**

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

ORDERED: That the Communication from Councilor Robey, re: Proposed Canopy, Chick-fil-A, 36 Apex Drive within the HRMUOD, receipt of a letter indicating a plan change to install electric heaters, Order No. 21-1008317, **MOVED TO REPORTS OF COMMITTEE** and **FILE**; adopted.

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

ORDERED: That the Appointment of John Valade as Principal Assessor for a 3-year term from date of Council confirmation, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Communication from the Planning Board, re: Negative Recommendation on the Proposed Zoning Amendment to Chapter 650 of the Code, by adding a new section to create the "Commercial Village Housing Overlay District", Order No. 21-1008293A, **FILE**; adopted.

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

**Suspension of the Rules requested to allow for a communication from Councilor Robey to be entered into the record – granted.**

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

**Suspension of the Rules requested – granted.**

ORDERED: That the City Solicitor is authorized to request on behalf of the City Council an advisory opinion from the Executive Office of Housing & Economic Development relative to guidance on what the voting threshold would be and if the land referenced in the proposed Commercial Village Housing Overlay District is an eligible project under MGL Chapter 40, §1A, **APPROVED**; adopted.

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

ORDERED: That the **WITHDRAWAL WITHOUT PREJUDICE** of the Application for Special Permit of Global Montello Group Corp., to construct and operate a drive-thru facility to serve the current Alltown Convenience Store on the site, 656 Boston Post Road East, Order No. 21-1008215B, **APPROVED**; adopted.

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

ORDERED: That the **WITHDRAWAL WITHOUT PREJUDICE** of the Application for Site Plan Review from WoHo, to construct a mixed-use project within the Marlborough Village District, 28 South Bolton Street, Order No. 21-1008277B, **APPROVED**; adopted.

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

ORDERED: That the Application for Site Plan Review from Attorney Brian Falk on behalf of Global Montello Group Corp., to add a patio with seating next to its newly renovated convenience store within the Wayside District, 656 Boston Post Road East, referred to **URBAN AFFAIRS COMMITTEE**; adopted.

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

**ORDERED:** That there being no objection thereto set **MONDAY, AUGUST 23, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Christopher Flood, on behalf of Post Road Mobile Home Park and Sales, Inc., to create a second mobile home park by dividing an existing permitted mobile home park at 181 Boston Post Road East, referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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

**ORDERED:** That there being no objection thereto set **MONDAY AUGUST 23, 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 the existing Pole within the public right of way at 123 Boston Post Road West, Pole #7, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

**ORDERED:** That there being no objection thereto set **MONDAY AUGUST 23, 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 the existing Pole within the public right of way at 493 Boston Post Road West, Pole #1, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

**ORDERED:** That there being no objection thereto set **MONDAY AUGUST 23, 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 the existing Pole within the public right of way at 11 Atkinson Drive, Pole #22 (Pole located on Ames Street), referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

**ORDERED:** That the Communications from various residents in opposition of the Application for Special Permit to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, 339 Boston Post Road East (McGee Farm), Order No. 20-1007995, **FILE**; adopted.

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, May 25, 2021 & June 8, 2021.
- b) Conservation Commission, June 3, 2021 & June 17, 2021.
- c) Historical Commission, April 15, 2021 & May 20, 2021.
- d) Traffic Commission, April 28, 2021.
- e) Zoning Board of Appeals, May 18, 2021.

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

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

- a) Bernadette Grant, 71 Roundtop Road, pothole or other road defect.
- b) Jason Lane, 36 Lanewood Avenue, Framingham, pothole or other road defect.
- c) Paulo Rego, 18 Church Street, pothole or other road defect.

Reports of Committees:

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Committee  
Wednesday, July 14, 2021  
Council Chambers  
Minutes and Report**

The Personnel Committee convened its meeting at 7:30 PM in the City Council Chamber, 2<sup>nd</sup> floor, City Hall, 140 Main Street.

Personnel Committee voting members present in the Chamber were Chair Dumais, Councilors Doucette and Landers.

Other councilors present were Councilors Wagner, Perlman, Oram, Robey, Tunnera, Irish, and Ossing.

Mayor Vigeant was present in the Chamber.

- 1) 6-21-21 – **Order No. 21-1008336: Appointment of William Fowler to the Planning Board for a five (5) year term to expire on February 2, 2026.**

**Motion made by Councilor Doucette to recommend approval of the appointment, seconded by Chair. Approved 3-0.**

- 2) 6-21-21 – **Order No. 21-1008337: Appointment of Marcia Waldman to the Cultural Council for a three (3) year term from the date of Council confirmation.**

**Motion made by Councilor Doucette to recommend approval of the appointment, seconded by Chair. Approved 3-0.**

- 3) 6-21-21 – **Order No. 21-1008338: Reappointment of William Dunbar to the Conservation Commission for a three (3) year term to expire on February 2, 2024.**

**Motion made by Councilor Doucette to recommend approval of the appointment, seconded by Chair. Approved 3-0.**

Motion made and seconded to adjourn; Meeting adjourned at 7:59 PM.

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee  
Wednesday, July 14, 2021  
Council Chambers  
Minutes and Report**

The Finance Committee convened its meeting at 7:00 PM in the City Council Chamber, 2<sup>nd</sup> floor, City Hall, 140 Main Street.

Finance voting members present were Chair Irish, Councilors Dumais, Perlman, Oram and Tunnera.

Other councilors present were Councilors Wagner, Doucette, Robey, Landers, and Ossing.

Mayor Vigeant was present in the Chamber. IT Director Gibbs was present to address the new permitting software.

Reports of Committee Continued:

**Order No. 21-1008325: Communication from Mayor Vigeant with request for Transfer in the amount of \$213,852.00 which moves funds from PEG Fund to IT Equipment to fund an upgrade of our current permitting software “ACCELA” to new software “OpenGov” – Refer to Finance Committee.**

**Motion made by Councilor Dumais, seconded by Chair, to recommend approval of the transfer. Approved 5-0.**

Chair Irish will request a suspension of the rules to approve the transfer on July 19, 2021.

Motion made by Councilor Oram, seconded by Chair, to adjourn; Meeting adjourned at 7:28 PM.

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

**City Council Public Services Committee  
Wednesday, July 14, 2021  
Council Chambers  
Minutes and Report**

The Public Services Committee convened its meeting at 6:30 PM in the City Council Chamber, 2<sup>nd</sup> floor, City Hall, 140 Main Street.

Public Services Committee members present were Chair Landers, Councilor Perlman and Councilor Irish.

Other councilors present were Councilors Robey, Ossing and Wagner.

Al Galvin addressed the petitions submitted by Mass Electric. Daniel Klasnick, Counsel for Verizon Wireless, addressed the small cell wireless facility.

1. 4-26-21 – **Order No. 21-1008276: Petition by Mass Electric to install a new pole #45/2 within the public right of way approximately 103’ west of Pole 25-1 on Forest Street.**

Comment from City Engineer DiPersio:

- The application indicates that the location of the proposed pole is to be approximately 26 feet from the centerline of the roadway. It is unclear based on this distance from the centerline that the proposed location is intended to be within, or behind the existing sidewalk (note that the other existing poles in the area are behind the sidewalk). The new pole must be located behind the sidewalk and not within the sidewalk, and no excavation of the sidewalk will be allowed.
- As long as the new pole is to be located behind the sidewalk, I have no other objections to the proposal.

**Motion made by Councilor Perlman, seconded by Chair, to recommend approval.  
Vote: 3-0.**

2. 5-10-21 – **Order No. 21-1008292: Petition of Mass Electric to install 280’ of 4-5” conduit for manhole 10 to pole #93 on Donald J. Lynch Blvd near Bigelow Street.**

## Reports of Committee Continued:

Comment from City Engineer DiPersio:

- This work must be completed before the City commences with resurfacing work on that portion of Donald Lynch Boulevard. The proposed location is not within the section of Donald Lynch Boulevard which will be resurfaced this year.
- The work will require a road opening permit from the DPW Engineering Division. The exact location of the proposed conduit shall be approved of in the field as part of the permitting, and pavement and line painting repair requirements will be set forth in the permit.
- I have no other objections to the proposal.

**Motion made by Councilor Perlman, seconded by Chair, to recommend approval.**

**Vote: 3-0.**

3. **5-10-21 – Order No. 21-1008294: 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).**

Atty. Klasnick submitted renderings of the installation and photographs of installations in other communities in Massachusetts. Due to the FCC shot clock timeline of 60 days to review the petition, Atty. Klasnick offered a draft Tolling agreement to extend the time in which to act on the petition. Solicitor Grossfield reviewed the language and by email dated July 14, 2021 confirmed it to be in proper legal form, further recommending the following motion for tonight's meeting: Move to authorize the Chair of this committee to sign the tolling agreement.

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

**City Council Urban Affairs Committee  
Tuesday, June 29, 2021  
Council Chambers  
Minutes and Report**

Urban Affairs & Housing Committee members present were Chairman Katie Robey, Councilor Landers, Councilor Wagner, Councilor Doucette, and Councilor Navin. As all committee members were participating in Council Chambers, no Roll Call votes were required.

Other Councilors present in Chambers were Councilor Ossing and Councilor Perlman.

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

**Order No. 21-1008317: Request for approval of a Canopy for the drive-thru at Chick-fil-A, 36 Apex Drive within the Hospitality and Recreation Mixed Use Overlay Zoning District.**

Donna Brown, permit manager, Michael Lawson, franchise owner, City Solicitor Jason Grossfield, and Building Commissioner Htway were present. Ms. Brown continued review of Chick-fil-A's plans to add canopies to the building, a new one near the menu board to cover both lanes of cars and replacing existing one at pick-up area. The canopies are designed to provide coverage for the employees who work outside taking orders and would provide heat in winter and fans in summer. Ms. Brown explained that the heaters would not be propane but would be using natural gas. She reviewed the clearance bars, stating there are currently two at the entrance to the drive-thru which are at a height to prevent cars from hitting the proposed canopies. They are also replacing existing lights with LED.

Reports of Committee Continued:

There was lengthy discussion by committee on use of natural gas and its impact on the environment vs using electric heaters with several members expressing desire for electric heaters. Ms. Brown stated that Chick-fil-A does use electric heaters in its stores where natural gas is not available.

**Councilor Navin moved to approve the canopy design amended to use electric heaters provided we receive a letter from corporate office by July 19<sup>th</sup> Council meeting that they agree; motion was seconded. Councilor Landers requested a roll call vote: Landers-present, Navin-yes, Wagner-yes, Doucette-yes, Robey-yes. The motion carried 4-0.**

Note-if there is no letter by July 19<sup>th</sup>, this would remain in committee, otherwise there would be a request to Suspend Rules to vote on this at the July 19<sup>th</sup> Council meeting.

**Order No. 21-1008215: Application for Special Permit from Attorney Falk on behalf of Global Montello Group Corp., to construct and operate a drive-thru facility to serve the current Alltown Convenience Store, 656 Boston Post Road East.**

The Chair read a letter from Attorney Falk requesting leave to withdraw without prejudice its application for a Special Permit to construct and operate a drive-thru facility to serve the current Alltown Convenience Store, 656 Boston Post Road East. The letter will be on the Council agenda for July 19<sup>th</sup> meeting; time for action was extended until August 24, 2021.

**Councilor Doucette moved to recommend approval of the request to withdraw without prejudice; motion was seconded. The motion carried 5-0.**

The chair will ask for Suspension of Rules to vote on this at the July 19<sup>th</sup> Council meeting.

**Order No. 21-1008277: Application for Site Plan review from Attorney Brian Falk, on behalf of WoHo, to construct a mixed-use project within the Marlborough Village District, 28 South Bolton Street.**

The Chair read a letter from Attorney Falk giving notice that WoHo formally requests to withdraw without prejudice its application for site plan approval for property at 28 South Bolton Street. At the advice of Solicitor Grossfield, no action was taken by the committee. The letter from Attorney Falk will be on the July 19<sup>th</sup> meeting where it can be accepted and placed on file.

**Order No. 20-1007995: Special Permit Application from Attorney Falk on behalf of WP Marlborough MA Owner, LLC Waypoint Residential, to build a multifamily residential project in the Business District to be known as Volaris Marlborough, consisting of 188 units in 4 buildings to be located at 339 Boston Post Road East. (The public hearing was to be held June 8, 2020 but was continued to July 20, 2020 and time for action was extended until August 24, 2021.)**

**Reports of Committee Continued:**

Attorney Brian Falk, Thomas Moran, Senior Development Manager Waypoint Real Estate, and City Solicitor Jason Grossfield were present. Attorney Falk gave a short presentation where he reminded committee members that the project was changed in scope to meet the suggestions of Council with site reduced to 3 buildings and 140 units. He also stated that the Mayor's office should be receiving a letter from MADOT indicating they would not approve a traffic light for Rt. 20 at this development's proposed driveway. Members had a copy of the draft notice of decision that had been discussed and amended at the January 26, 2021 meeting. Further discussion on the special permit had been held up in committee to give time for a response from DOT. Now that we had the response, the chair expressed a desire to finalize this as we were on summer schedule and sense was the deadline of August 24<sup>th</sup> would not be extended again. Discussion was held on need to get more data on traffic as study was done during COVID and questions on the data for traffic warrant. Attorney Falk reviewed the nine data points and none of them were met. Discussion was also held on whether we should update the information on comments at the public hearing. Solicitor Grossfield advised that the document should only contain the data from the public hearing.

**Councilor Wagner moved to deny the Special Permit; the motion was seconded. Councilor Doucette asked for a Roll Call. Wagner-yes, Landers-present, Navin-yes, Doucette-yes, Robey-no. Motion to deny carried 3-1.**

Chair will ask for Suspension of Rules at the July 19<sup>th</sup> Council meeting to refer to Solicitor to be put in proper form.

It was moved and seconded to adjourn; vote was 5-0. The meeting adjourned at 9:44 PM.

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

**Suspension of the Rules – granted.**

ORDERED: That the Transfer Request in the amount of \$213,852.00 which moves funds from PEG Fund to IT Equipment to fund an upgrade of our current permitting software “Accele” to “OpenGov”, **APPROVED**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

|                     |                     |   |              |                                    |                     |                 |              |                      |  |  |               |
|---------------------|---------------------|---|--------------|------------------------------------|---------------------|-----------------|--------------|----------------------|--|--|---------------|
|                     |                     | DEPT:   | IT           |                                    |                     |                 | FISCAL YEAR: | 2021                 |  |  |               |
|                     |                     | FROM ACCOUNT:   |              |                                    |                     | TO ACCOUNT:     |              |                      |  |  |               |
| Available           |                     |   |              |                                    |                     |                 |              |                      |  |  | Available     |
| Balance             | Amount              | Org Code  | Object       | Account Description:               | Amount              | Org Code        | Object       | Account Description: |  |  | Balance       |
| <u>\$280,196.14</u> | <u>\$213,852.00</u> | <u>27000099</u>   | <u>47750</u> | <u>Receipts Reserved-PEG Funds</u> | <u>\$213,852.00</u> | <u>19300006</u> | <u>58618</u> | <u>IT Equipment</u>  |  |  | <u>\$0.00</u> |
| Reason:             |                     | <u>Use PEG funds for full-featured citizen services</u> |              |                                    |                     |                 |              |                      |  |  |               |
|                     | \$213,852.00        | Total   |              |                                    | \$213,852.00        | Total           |              |                      |  |  |               |

President Ossing called a recess at 9:32 PM and returned to open meeting at 9:34 PM.

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

**Suspension of the Rules requested – granted.**

ORDERED: That the Tolling Agreement from Verizon Wireless, as signed by Public Services Committee Chair Landers 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, **FILE**; adopted.

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

ORDERED: That the Petition of Verizon Wireless for the installation of small cell wireless facility to be located on the existing Pole within the layout of the public right of way at 237 Boston Post Road West (Route 20), Pole #19, Order No. 21-1008294, referred to the **LEGAL DEPARTMENT TO BE PLACED IN PROPER FORM**; adopted.

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

**Suspension of the Rules requested – granted.**

ORDERED: That the Request for Approval of a Canopy for the Drive-thru at Chick-fil-A, 36 Apex Drive within the Hospitality and Recreation Mixed Use Overlay District (HRMUOD) as amended to include the installation of electric heaters as outlined in the plans submitted, **APPROVED**; adopted.

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

**Suspension of the Rules requested – granted.**

ORDERED: That the request of Urban Affairs Chair Robey to forward the proposed decision for Special Permit as submitted by Attorney Brian Falk, on behalf of WP Marlborough MA Owner, LLC, to build a multifamily residential project in the Business District to be known as Walcott Heritage Farms, at 339 Boston Post Road East (McGee Farm), Order No. 20/21-1007995, referred to the **LEGAL DEPARTMENT TO BE PLACED IN PROPER FORM**; adopted.

Recommendation of the Urban Affairs Committee is to **DENY** the Special Permit by a roll call vote of 3-1-1 (In favor, Councilors Wagner, Doucette & Navin; opposed, Councilor Robey, voting present Councilor Landers).

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 9:43 PM; adopted.



# IN CITY COUNCIL

Marlborough, Mass., JULY 19, 2021

## ORDERED:

That there being no objection thereto set **MONDAY AUGUST 23, 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 the existing Pole within the public right of way at 123 Boston Post Road West, Pole #7, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 21-1008355

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

**TOLLING AGREEMENT**

2021 AUG 19 A 7:50

This Tolling Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2021 ("Effective Date") by and between Cellco Partnership d/b/a Verizon Wireless and the City of Marlborough, Massachusetts.

**RECITALS**

WHEREAS, Cellco Partnership d/b/a Verizon Wireless has filed an application on July 14, 2021 under G.L. c. 166, §22 and Chapter 473, Article III of the City of Marlborough General Code for the location of a small cell wireless antenna and the necessary sustaining and protecting fixtures on an existing utility pole located adjacent to 123 Boston Post Road West, Marlborough, Massachusetts;

WHEREAS, the City has undertaken to schedule the application for review with the Public Services Committee;

WHEREAS, the City and Verizon Wireless working cooperatively are agreeable to allowing additional time to complete the review of the application in an orderly manner;

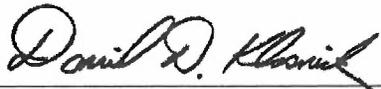
NOW, THEREFORE, the Parties agree as follows:

1. The time period within which the City must issue a written order approving or rejecting the application shall be extended through September 28, 2021 (the "Extension Date").
2. If the City fails to act on the application by the Extension Date, this Agreement shall not be construed to waive or otherwise impair the rights of the parties with respect to: (a) any claim that such failure to act is an "unreasonable delay" under 47 U.S.C. 332(c)(7)(B) or otherwise, and (b) the City to rebut such claims.

IN WITNESS WHEREOF, the Parties hereto have set their hands and caused this Agreement to be effective as of the Effective Date.

**Cellco Partnership d/b/a Verizon Wireless**

**City of Marlborough, Massachusetts**

Signature: 

Signature: \_\_\_\_\_

Print Name: Daniel D. Klasnick

Print Name: \_\_\_\_\_

Title: Counsel for Verizon Wireless

Title: \_\_\_\_\_

Date: August 17, 2021

Date: \_\_\_\_\_



## IN CITY COUNCIL

---

Marlborough, Mass., JULY 19, 2021

### ORDERED:

That there being no objection thereto set **MONDAY AUGUST 23, 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 the existing Pole within the public right of way at 493 Boston Post Road West, Pole #1, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 21-1008356

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

**TOLLING AGREEMENT**

2021 AUG 19 A 7:50

This Tolling Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2021 ("Effective Date") by and between Cellco Partnership d/b/a Verizon Wireless and the City of Marlborough, Massachusetts.

**RECITALS**

WHEREAS, Cellco Partnership d/b/a Verizon Wireless has filed an application on July 14, 2021 under G.L. c. 166, §22 and Chapter 473, Article III of the City of Marlborough General Code for the location of a small cell wireless antenna and the necessary sustaining and protecting fixtures on an existing utility pole located adjacent to 493 Boston Post Road West (Pole on Boundary Street), Marlborough, Massachusetts;

WHEREAS, the City has undertaken to schedule the application for review with the Public Services Committee;

WHEREAS, the City and Verizon Wireless working cooperatively are agreeable to allowing additional time to complete the review of the application in an orderly manner;

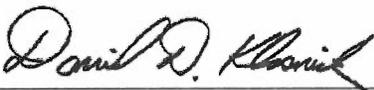
NOW, THEREFORE, the Parties agree as follows:

1. The time period within which the City must issue a written order approving or rejecting the application shall be extended through September 28, 2021 (the "Extension Date").
2. If the City fails to act on the application by the Extension Date, this Agreement shall not be construed to waive or otherwise impair the rights of the parties with respect to: (a) any claim that such failure to act is an "unreasonable delay" under 47 U.S.C. 332(c)(7)(B) or otherwise, and (b) the City to rebut such claims.

IN WITNESS WHEREOF, the Parties hereto have set their hands and caused this Agreement to be effective as of the Effective Date.

**Cellco Partnership d/b/a Verizon Wireless**

**City of Marlborough, Massachusetts**

Signature: 

Signature: \_\_\_\_\_

Print Name: Daniel D. Klasnick

Print Name: \_\_\_\_\_

Title: Counsel for Verizon Wireless

Title: \_\_\_\_\_

Date: August 17, 2021

Date: \_\_\_\_\_



## IN CITY COUNCIL

---

Marlborough, Mass., JULY 19, 2021

### ORDERED:

That there being no objection thereto set **MONDAY AUGUST 23, 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 replacement Pole within the public right of way at 11 Atkinson Drive, Pole #22 (Pole located on Ames Street), be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 21-1008357

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

**TOLLING AGREEMENT**

2021 AUG 19 A 7:50

This Tolling Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2021 ("Effective Date") by and between Cellco Partnership d/b/a Verizon Wireless and the City of Marlborough, Massachusetts.

**RECITALS**

WHEREAS, Cellco Partnership d/b/a Verizon Wireless has filed an application on July 14, 2021 under G.L. c. 166, §22 and Chapter 473, Article III of the City of Marlborough General Code for the location of a small cell wireless antenna and the necessary sustaining and protecting fixtures on a replaced utility pole located adjacent to 11 Atkinson Drive (Pole on Ames Street), Marlborough, Massachusetts;

WHEREAS, the City has undertaken to schedule the application for review with the Public Services Committee;

WHEREAS, the City and Verizon Wireless working cooperatively are agreeable to allowing additional time to complete the review of the application in an orderly manner;

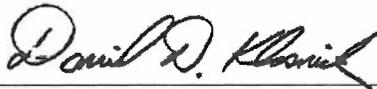
NOW, THEREFORE, the Parties agree as follows:

1. The time period within which the City must issue a written order approving or rejecting the application shall be extended through September 28, 2021 (the "Extension Date").
2. If the City fails to act on the application by the Extension Date, this Agreement shall not be construed to waive or otherwise impair the rights of the parties with respect to: (a) any claim that such failure to act is an "unreasonable delay" under 47 U.S.C. 332(c)(7)(B) or otherwise, and (b) the City to rebut such claims.

IN WITNESS WHEREOF, the Parties hereto have set their hands and caused this Agreement to be effective as of the Effective Date.

**Cellco Partnership d/b/a Verizon Wireless**

**City of Marlborough, Massachusetts**

Signature: 

Signature: \_\_\_\_\_

Print Name: Daniel D. Klasnick

Print Name: \_\_\_\_\_

Title: Counsel for Verizon Wireless

Title: \_\_\_\_\_

Date: August 17, 2021

Date: \_\_\_\_\_



# IN CITY COUNCIL

Marlborough, Mass., JULY 19, 2021

## ORDERED:

That there being no objection thereto set **MONDAY, AUGUST 23, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Christopher Flood, on behalf of Post Road Mobile Home Park and Sales, Inc., to create a second mobile home park by dividing an existing permitted mobile home park at 181 Boston Post Road East, be and is herewith referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

**Ninety days after public hearing is 11/21/21 which falls on a Sunday, therefore 11/22/21 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 21-1008354



*City of Marlborough*  
*Office of the Mayor*

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

2021 AUG 19 4:11:15  
*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

August 19, 2021

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

**RE: Grant Acceptance for Transportation**

Honorable President Ossing and Councilors,

Enclosed for your acceptance is a grant in the amount of \$5,000.00 from BayPath Elder Services for the Council on Aging transportation program.

I would like to take this opportunity to thank BayPath Elder Services for their continued support.

I will be available to answer any questions.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosure



*City of Marlborough*  
*Council on Aging and Senior Center*

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

*Patricia A. Pope*  
 EXECUTIVE DIRECTOR

July 30, 2021

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

Re: BayPath CARES ACT Title III B Funding for Transportation

Dear Mayor Vigeant,

I am please to submit to you a grant in the amount of \$5000.00 from BayPath Elder Services. This funding will be used to assist in the transportation needs of our seniors resulting from the COVID 19 Pandemic. We intend to use the funds to meet some of the medical transportation needs. At this time, our FISH volunteer transportation program has not returned. This program was of a great assistance to the seniors in Marlborough by providing rides to medical appointments.

I would like to thank BayPath Elder Services for this important grant. I am available should you or any City Councilor have any questions.

Sincerely,

Patricia A. Pope  
 Executive Director

CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: 30-Jul-21

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia A. Pope

NAME OF GRANT: Transportation

GRANTOR: BayPath Elder Services

GRANT AMOUNT: \$5,000.00

GRANT PERIOD: August 1, 2021 - June 30, 2022

SCOPE OF GRANT/  
ITEMS FUNDED provide medical and other transportation services  
transportation cost, driver and fuel expenses

IS A POSITION BEING  
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? \_\_\_\_\_

ARE MATCHING CITY  
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?  
No

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

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

**Title IIIB Transportation Grant**

**Memorandum of Understanding**

**Between**

**BayPath Elder Services, Inc. (BPES) and**

**City of Marlborough Council on Aging (Marlborough COA)**

Title IIIB, federal funding through the Older Americans Act, is granted to meet the needs in the community, and adapting services and programs to support older adults and caregivers. The Administration on Community Living (ACL) and Executive Office of Elder Affairs (EOEA) have provided guidance that expenditures under Title III programs allow flexibility for providers to meet the needs of older adults and their caregivers within the shifting COVID-19 environment. The impact of COVID-19 pandemic on the already-challenged transportation network for older adults is a current issue seeking to be addressed. To that end, BPES is providing to the Marlborough COA Title IIIB funding for transportation related expenses, based on the terms presented below.

**Term of Agreement:**

- This MOU shall commence on or about August 1, 2021 and remain in effect until June 30, 2022 or when funding is exhausted, whichever is sooner.
- No local match or monthly accounting required. At the end of the Fiscal Year 2022(June 30, 2022) or when the funds run out, whichever comes first, a full accounting on how the monies were spent will be required.
- The funding is limited to transportation related expenses as stated in the submitted Letter of Interest. Any changes in use of the funding must be approved by BPES staff prior to implementation, which approval shall not be unreasonably withheld.

**Scope of Service:**

- \$5000.00 to increase the number of rides provided by the COA mini-bus by adding to driver time/fuel costs.

**Authority**

Each person executing this agreement on behalf of BPES and Marlborough COA is an officer of that organization or authorized signatory, and that he or she is duly authorized to execute, acknowledge, and deliver this agreement (a copy of a resolution to that effect will be supplied to either party upon request).

**Entire Agreement**

This instrument contains the entire and exclusive agreement between the parties and supersedes and terminates all prior or contemporaneous arrangement, understandings and agreements, whether oral or written. This MOU may not be amended or modified, except in writing, by consent of both parties.

**Governing Law and Severability**

This MOU shall be governed by and interpreted in accordance with the laws of The Commonwealth of Massachusetts. If any provision of this MOU shall be determined to be invalid or unenforceable under applicable law, such provision shall, insofar as possible, be construed or applied in such manner as will permit enforcement; otherwise, this MOU shall be construed as if such provision had never been made part thereof.

Signed:

For BayPath Elder Services, Inc

For City of Marlborough Council on Aging

James R. Cui

Patricia A. Pope

Name

Name

Executive Director

Executive Director

Title

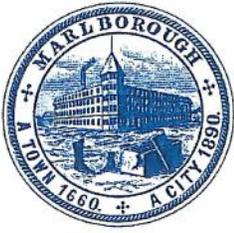
Title

7/30/21

7/30/21

Date

Date



*City of Marlborough*  
*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
MARLBOROUGH  
2021 AUG 19 A 11:15

*Arthur G. Vigeant*  
MAYOR

*Patricia M. Bernard*  
EXECUTIVE AIDE

*Ryan P. Egan*  
EXECUTIVE SECRETARY

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

August 19, 2021

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

**RE: Gift Acceptance for Council on Aging Programming**

Honorable President Ossing and Councilors,

Enclosed for your acceptance is a gift in the amount of \$10,000.00 from the late Paul Winske and his wife Marie to be allocated for Senior Center activities.

We are grateful to the Winskes for their generosity, and I would like to take this opportunity to express my condolences to the Winske family as Paul, a longstanding member of our community, has recently passed away.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures



*City of Marlborough*  
*Council on Aging and Senior Center*

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

*Patricia A. Pope*  
 EXECUTIVE DIRECTOR

August 6, 2021

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

Re: Donation from Paul (and Marie) Winske

Dear Mr. Mayor,

The Council on Aging/Senior Center has received an extremely generous donation from Paul Winske and his beloved wife, Marie. Mr. Winske has requested that the donation be used to assist seniors that participate in Senior Center activities.

Mr. Winske is a revered member of the Center and we are extremely grateful to him for this very generous donation. We will place a leaf on the Giving Tree located in the lobby of the Senior Center to commemorate this donation.

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

Respectfully,

Patricia A. Pope  
 Executive Director.

Paul Winske  
19 Catherine Drive  
Marlborough, MA 01752

August 3, 2021

Trish Pope  
Marlborough Senior Center  
40 New Street  
Marlborough, MA 01752

Trish,

Please accept this donation on behalf of myself and my beloved wife Marie. The Senior Center has been so good to me and I wanted to do something in return. I would like the money to be used to help seniors and I know that the money will be put to good use.

Sincerely,  
Paul Winske

CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging/Senior Center DATE: 6-Aug-21

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia A. Pope

NAME OF GRANT: Donation

GRANTOR: Paul Winske

GRANT AMOUNT: \$10,000.00

GRANT PERIOD: until funds are expended

SCOPE OF GRANT/  
ITEMS FUNDED Funds will be used to assist seniors  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IS A POSITION BEING  
CREATED: No  
\_\_\_\_\_

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? \_\_\_\_\_

ARE MATCHING CITY  
FUNDS REQUIRED? No  
\_\_\_\_\_

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

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

ANY OTHER EXPOSURE TO CITY?  
No  
\_\_\_\_\_

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

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

THE PAUL E WINSKE TRUST  
PAUL E WINSKE TRUSTEE  
JEFFTEY F GOGAN POA

117

53-7075/2113  
01

8/3/21

Date

CHECK AMOUNT

Pay to the  
Order of

City of Marlborough

\$ 10,000 <sup>00</sup>/<sub>100</sub>

Ten Thousand and <sup>00</sup>/<sub>100</sub>

Dollars



Photo  
Safe  
Deposit  
Details on back



Main Street

BANK

MARLBOROUGH, MA 01752  
BankMainStreet.com

For Senior Center Donations

Jeffrey Gogan POA MP



0417



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2021 AUG 19 A 11:15

*City of Marlborough*  
*Office of the Mayor*

*Arthur G. Vigeant*  
MAYOR

*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](http://www.marlborough-ma.gov)

*Ryan P. Egan*  
EXECUTIVE SECRETARY

August 19, 2021

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

**RE: Appointment of Linda Warren to the Council on Aging**

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the appointment of Linda Warren to the Council on Aging for a three-year term from her date of approval.

Ms. Warren is a retired nurse and has been a Marlborough resident for over 40 years. She is a past president of Massachusetts Chapter of the American Diabetes Association, a past volunteer and employee of the Chamber of Commerce, and area Shine Counselor, as well as an active member of the Marlborough Junior Woman's Club.

Ms. Warren enjoys helping seniors and has expressed an interest in serving on the COA board.

I've enclosed her resume for your review.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosure

Linda Warren  
107A Collins Drive  
Marlborough MA  
01752

#### Personal History

I have lived in Marlborough for 43 years. I have two grown children and two grandchildren, all of whom attended Marlborough schools and live in Marlborough.

Active member of First Church in Marlborough.

#### Pre-retirement History

Achieved a BSN and worked as a visiting nurse and diabetes educator. Finished my professional career working at Abbott Diabetes Care for 20 years.

Served as President and Chairman of the Board for the Massachusetts Chapter of the American Diabetes Association.

Charter member and Chair of the National Certification Board for Diabetes Educators for three years.

Served as a consultant to the National Diabetes Education Program for two years.

Was involved in numerous local theater and choral groups over the years.

#### Post-retirement History

Employed part time at The Paper Store for three years.

Volunteered as a SHINE counselor for four years at three Senior Centers (Hudson, Northborough, Marlborough).





*City of Marlborough*  
*Office of the Mayor*

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH

*Arthur G. Vigeant*  
 MAYOR

2021 AUG 19 A 11:15

*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

August 19, 2021

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

**RE: Appointment Notification of Kevin McLaughlin to the Cultural Council**

Honorable President Ossing and Councilors:

I am pleased to notify you that we plan to appoint Kevin McLaughlin to the Cultural Council for a three-year term effective September 1, 2021. Recently, we mistakenly sent down a member for your approval. Pursuant to MGL. Ch. 10, Sec 58, the local cultural council members are Mayoral appointments and do not require Council approval.

Mr. McLaughlin is a recent graduate of the Isenberg School at UMass Amherst and a Marlborough High School graduate who was deeply involved in the arts and humanities.

Mr. McLaughlin has expressed an interest to serve and looks forward to promoting cultural opportunities in our community.

Sincerely,

Arthur G. Vigeant  
 Mayor



*City of Marlborough*  
*Office of the Mayor*

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EXECUTIVE SECRETARY

August 19, 2021

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

**RE: Amended Job Description for City Collector**

Honorable President Ossing and Councilors:

Enclosed for your review and approval is an amended job description for a City Collector/  
Assistant Finance Director.

With recent departures in the Collector's office, it is an optimal time to make necessary changes to help retain and promote within our Finance Department. This change was one of the recommendations that the Collins Center provided during our succession planning earlier this year.

Per state law, MGL c. 44, s. 33A, we ask to expedite your approval prior to October 1<sup>st</sup> to have this position operative for three months during the calendar year in which it is passed. Finance Director Patrick Jones and I will be available at a future meeting to answer any questions.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures



*City of Marlborough*  
*Office of The Comptroller*

140 MAIN STREET  
 MARLBOROUGH, MA 01752  
 TELEPHONE (508) 460-3731, FACSIMILE (508) 481-5180

July 12, 2021

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

Dear Mayor Vigeant,

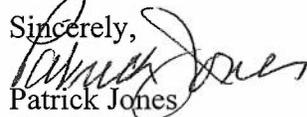
I am writing to you regarding the attached job description for the City Collector / Assistant Finance Director. As a result of succession planning within Finance Department, it has been determined that there are no clearly defined pathways from a clerical position to a department head within the division.

With the update to this position, under the direction of the Finance Director, the City Collector / Assistant Finance Director will be responsible for maintaining and improving the efficiency and effectiveness of all areas of the Finance Department (Treasury / Collectors / Assessors). This position is responsible for collection of all taxes due to the City. This senior level position performs complex duties requiring a high level of initiative and independent judgment in the planning, administration and execution of the department's programs and services in accordance with applicable Massachusetts General Laws, City policies, City Codes and relevant state, federal and local regulations.

It is my belief that this significant change to the City Collector's position is the beginning of structural reorganization which will enable the City to implement a process in which an individual will be able to move, grow and advance within city government. Currently there are large gaps in skill sets and knowledge base preventing employees to advance from a clerical position to a senior management level. By making this change, I believe this position will help bridge some of the gaps that currently exist.

I am very excited to be moving forward with this position within my department. This position is fully funded within the current Fiscal Year 2022 budget under the line item of the Collector and it will be paid at the same budgeted salary rates, but will be utilizing the non-union 7 Step Salary schedule. Thank you for your time and consideration. Please feel free to reach out with any questions you may have.

Sincerely,

  
 Patrick Jones

Cc: Ms. Christine Purple

## CITY OF MARLBOROUGH

### CITY COLLECTOR/ASSISTANT FINANCE DIRECTOR

#### DEFINITION

Under the direction of the Finance Director, the City Collector/Assistant Finance Director is responsible for maintaining and improving the efficiency and effectiveness of all areas of the Finance Department (Treasury/Collectors/Assessors). This position is responsible for collection of all taxes due to the City. This senior level position performs complex responsible duties requiring a high level of initiative and independent judgment in the planning, administration and execution of the department's programs and services in accordance with applicable Massachusetts General Laws, City policies, City Codes and relevant state, federal and local regulations.

#### ESSENTIAL JOB FUNCTIONS

*The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

- Oversees and Processes Revenue Collection;
- Responsible for effective collaboration between the Assessors and Collectors Departments;
- Manages all aspects of Tax Title;
- Oversees and maintains as well as prepares preliminary budgets within the Finance Department (Treasury/Collectors/Assessors);
- Direct supervision of the Collector's office staff and day to day operations as well as oversight of other Finance department operations and personnel;
- Prepares and issues tax refunds for Real Estate, Personal Property, Water and Excise on a monthly and end of fiscal year basis;
- Maintains relationships with outside vendors on a regular basis;
- At times, may need to assist with payroll functions within the Treasury Department;
- Provides assistance with customer service inquiries;
- Collects and processes account receivable payments;
- Collects and processes all municipal tax bills which include Real Estate, Personal Property, Water and Excise;
- Researches tax status of license and permit applicants;
- Maintains records and permanent files of all accounts as required by the State for all bills and abatement/exemptions;
- Maintains oversight of long-term Finance Department issues;
- Files reports as required;
- Processes Treasurer turn-ins daily;
- Monitors Real Estate/Personal Property, Water and Excise accounts for overpayments or shortages, refunds annually
- Notifies taxpayers on Real Estate/Personal Property bills of any missed payments;
- Performs other related duties as required.

#### SUPERVISION RECEIVED

Works under the direction of the Comptroller/Treasurer/Finance Director in accordance with applicable Massachusetts General Laws, City policies, City Codes and relevant state, federal and local regulations, and standards. The City Collector/Assistant Finance Director establishes short-range plans and objectives, departmental performance standards and assumes direct accountability for department results. Employee consults with the supervisor only where clarification, interpretation, or exception to policy may

be required or as requested by the supervisor. The employee exercises control in the development of departmental policies, goals, objectives and budgets and is expected to resolve all conflicts which arise and coordinate with others as necessary.

#### **SUPERVISION EXERCISED**

The City Collector/Assistant Finance Director is accountable for the direction and success of programs accomplished through others. Responsible for analyzing program objectives, determining the various departmental work operations needed to achieve them, estimating the financial and staff resources required, allocating the available funds and staff, reporting periodically on the achievement and status of the program objective; and recommending new goals. The manager typically formulates or recommends program goals and develops plans for achieving short and long-range objectives; operating guidelines and work operations; coordinates program efforts within the unit and with other departments; reviews work in terms of accomplishment of program objectives and progress reports, approves standards establishing quality and quantity of work; and assists or oversees the personnel function, including or effectively recommending hiring, training, and disciplining of employees.

#### **JUDGMENT**

Guidelines, which may be in the form of administrative or organizational policies, general principles, legislation or directives that pertain to a specific department or functional area, only provide limited guidance for performing the work. Extensive judgment and ingenuity are required to develop new or adapt existing methods and approaches for accomplishing objectives or to deal with new or unusual requirements within the limits of the guidelines or policies. The employee is recognized as the functional area's authority in interpreting the guidelines, in determining how they should be applied, and in developing operating policies.

#### **COMPLEXITY**

The work consists of employing many different concepts, theories, principles, techniques and practices relating to an administrative field. Assignments typically concern such matters as studying trends in the field for application to the work, assessing services and recommending improvements.

#### **NATURE AND PURPOSE OF CONTACTS**

Relationships involve constant interaction with local, state, and federal government officials, community leaders, and any other individuals to protect and promote the organization's overall interest. The position requires a high degree of diplomacy and judgment and must be able to work effectively with, and influence, all types of persons. Duties require a well-developed sense of strategy and timing in representing the organization effectively in critical and important situations that may influence the well-being of the organization.

#### **CONFIDENTIALITY**

The employee has regular access at the departmental level to a variety of sensitive and confidential information.

#### **EDUCATION AND EXPERIENCE**

Bachelor's degree in business administration, accounting or finance; or related field with certification as a municipal Treasurer/Collector preferred and five to seven years of related experience; or any equivalent combination of education, training, certification, and experience. Must be currently certified by the Mass Collectors and Treasurers Association or be able to obtain certification within four years of appointment. Must be able to be bonded. MUNIS experience preferred.

**KNOWLEDGE, ABILITY, AND SKILLS**

Knowledge: Knowledge of general accounting, bookkeeping, accounts payable/receivable, payroll, municipal finance law (as it related to municipal collection) and bank reconciliation; knowledge of applicable tax/accounting and CAMA software programs preferred.

Abilities: Ability to multi-task and manage conflict. Ability to communicate effectively both orally and in writing. Ability to understand and explain various types of correspondence, reports and media in order to explain and/ or train others. Ability to maintain good public relations and to maintain effective collaborative working relationships with City departments, department heads, fellow employees, officials and the general public and to respond in a courteous and professional manner. Ability to meet deadlines. Ability to work independently.

Skills: Public relations and strong communication skills, computer skills including spreadsheet applications; problem solving skills.

**WORK ENVIRONMENT**

The work is performed in an office environment.

**PHYSICAL, MOTOR, AND VISUAL SKILLS**

Physical Skills: The work involves physical skills typical of an office environment, including sitting, standing, walking and stooping. May be required to lift objects such as files, boxes of papers, office supplies, and office equipment weighing up to thirty (30) pounds.

Motor Skills: The work may require motor skills for activities such as moving objects, using office equipment, including but not limited to telephones, personal computers, handheld technology, and other office equipment.

Visual Skills: Visual demands require routinely reading documents for general understanding and analytical purposes and frequent computer usage.

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 Section 67-11(A), entitled “Tax Collector; appointment, term and duties.”, by inserting the following sentences at the end of the existing paragraph: Alternatively, the Mayor may, subject to confirmation of the City Council, appoint a City Collector/Assistant Finance Director for a term of two years to expire the day following his/her approval by the City Council. The City Collector/Assistant Finance Director shall assist in the oversight of financial management operations and shall perform all duties of the Tax Collector and City Collector as delineated by City Code.
  
- II. By amending Chapter 125, entitled “Personnel”, by adding to the salary schedule referenced in Section 125-6, the following:

| Position                                  | Step 1      | Step 2              | Step 3            | Step 4             | Step 5             | Step 6             | Step 7             |
|---|-------------|---------------------|-------------------|--------------------|--------------------|--------------------|--------------------|
|   | Start       | 6 months of service | 1 year of service | 2 years of service | 3 years of service | 4 years of service | 5 years of service |
| City Collector/Assistant Finance Director | \$79,668.17 | \$81,261.53         | \$82,886.76       | \$84,544.50        | \$86,235.39        | \$87,960.10        | \$89,618.17        |

ADOPTED  
 In City Council  
 Order No. 21-XXX  
 Adopted

Approved by Mayor  
 Arthur G. Vigeant  
 Date:

A TRUE COPY  
 ATTEST:



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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

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MAYOR

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*Ryan P. Egan*  
EXECUTIVE SECRETARY

August 19, 2021

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

**RE: Request to add new position - Assistant Commissioner of Facilities**

Honorable President Ossing and Councilors:

Enclosed for your review and approval is an amendment to Chapter 7, Article IV creating Assistant Commissioners which allows the City to add a new position for an Assistant Commissioner of Facilities updating our current supervisory structure. The position will oversee all City buildings and facilities promoting efficiency and longevity. This position will report directly to Commissioner Divoll and will work directly with our School Superintendent and be funded through the City and school budgets. This additional position will fall under the same salary table in place for the two current Assistant Commissioners and is included in the FY22 operating budget. A job description and salary table are enclosed for your review.

In 2014, we had combined our DPW and Facilities Departments back to alleviate some overlap and bring cohesiveness to overall operations. The City has numerous ongoing projects and it's imperative to have the right person in place to prioritize and oversee the workload.

Per state law, MGL c. 44, s. 33A, we ask to expedite your review and approval by October 1<sup>st</sup> to have this position operative for three months during the calendar year in which it is passed.

Commissioner Sean Divoll and I will be available to answer any questions at a future meeting.

Thank you in advance for your cooperation.

Sincerely,

  
Arthur G. Vigeant  
Mayor

Enclosures



*City of Marlborough*  
**Department of Public Works**

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

SEAN M. DIVOLL, P.E.  
 COMMISSIONER

August 13, 2021

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

Dear Mayor Vigeant:

This letter serves as a request for the City to create the position of Assistant Commissioner of Facilities. While developing the FY2022 budget and looking at strengths, weaknesses, needs, and opportunities it became clear that a dedicated manager charged with maintaining and improving municipal buildings with respect to safety, security, cleanliness, comfortability, and energy efficiency would serve the City well.

The City's portfolio includes over 40 buildings many of which are mission critical such as City Hall, school buildings, fire stations, the police station, and the DPW facility. In total, Facilities takes care of approximately 1.3 million square feet of floor space replete with all manner of complex mechanical, electrical, and building management systems.

In addition to maintenance, many large capital projects are either under construction or are in the planning and design phase. See below:

- Library construction (2021)
- West side fire station planning and design (on going)
- HVAC overhaul projects at Jaworek and Kane Schools (2021/2022)
- MSBA school improvement projects (in development)
- Various citywide projects (over 100 identified)

As contemplated, the Assistant Commissioner of Facilities would be the official in charge of every aspect of planning, budgeting, and managing ongoing maintenance and improvement of all public buildings. A few highlights of the essential functions of the position include:

- Directs and manages the operations of the Public Facilities Division including administrative, supervisory, and technical work related to operations, maintenance, repair, and capital improvement of all public buildings.

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

CHRISTOPHER S. LAFRENIERE  
 ASST. COMMISSIONER, UTILITIES

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

Mayor Vigeant  
 August 13, 2021  
 Page 2 of 2

- Plans, develops, and manages the Public Facilities operating budget.
- Plans, develops, and manages a multi-year capital improvement plan and budget; oversees execution of approved projects and implements a priority system.
- Ensures the prioritization and scheduling of all work relative to public buildings and facilities from program planning through timely project completion; oversees all aspects of the maintenance and construction of public buildings and properties; ascertains that the finished product meets and performs as designed. Plans, directs, and supervises the cleanliness, orderliness, maintenance, and repair of public buildings.
- Performs inspections of all areas of buildings and sites, for the purpose of suggested improvements or notification of deficiencies.
- Reviews and inspects various construction projects for compliance with approved plans and specifications; monitors and manages large building construction projects.
- Ensures projects satisfy, as necessary, the latest requirements for energy management, energy reduction, sustainability, and works closely with the Conservation/Sustainability Officer with Green Community initiatives.

The position is fully funded in the FY2022 budget under the line item *Public Facilities Director* and is split within the DPW and School budgets under *Property & Building Maintenance* and *Maintenance Schools*. Commensurate with the responsibilities of the position and with an eye toward parity and symmetry within the DPW, the position is funded at the same pay scale as the Department's existing Assistant Commissioner positions. See enclosure for the salary table.

I thank you for your review and consideration. Please feel free to contact me with any questions you may have.

Very truly yours,



Sean M. Divoll, P.E.  
 Commissioner

Enclosure

cc. Christine Purple, Human Resources Director

**CITY OF MARLBOROUGH**  
**DEPARTMENT OF PUBLIC WORKS**  
**ASSISTANT COMMISSIONER OF FACILITIES**

**POSITION PURPOSE**

The Assistant Commissioner of Facilities develops and oversees programs to ensure the proper planning, implementation, and supervising of timely and appropriate capital improvement and maintenance of all City and School buildings in the context of promoting efficiency and longevity of these community assets.

**ESSENTIAL JOB FUNCTIONS**

*(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)*

- Directs and manages the operations of the Public Facilities Division including administrative, supervisory, and technical work related to operations, maintenance, repair, and capital improvement of all public buildings.
- Plans, develops, and manages the Public Facilities operating budget
- Plans, develops, and manages a multi-year capital improvement plan and budget; oversees execution of approved projects and implements a priority system.
- Ensures the prioritization and scheduling of all work relative to public buildings and facilities from program planning through timely project completion; oversees all aspects of the maintenance and construction of public buildings and properties; ascertains that the finished product meets and performs as designed. Plans, directs, and supervises the cleanliness, orderliness, maintenance, and repair of public buildings.
- Performs inspections of all areas of buildings and sites, for the purpose of suggested improvements or notification of deficiencies.
- Reviews and inspects various construction projects for compliance with approved plans and specifications; monitors and manages large building construction projects.
- Ensures projects satisfy, as necessary, the latest requirements for energy management, energy reduction, sustainability, and works closely with the Conservation/Sustainability Officer with Green Community initiatives.
- Establishes priorities and work schedules for staff in accordance with the organization's goals; provides training opportunities for staff.
- Works with the Chief Procurement Officer to ensure timely completion of projects and smooth department operations; and that all contracted services meet the City's needs in a timely and cost-effective manner.
- Ensures that proper public procurement is followed under state bidding laws including Chapter 30B, Chapter 30-39M and Chapter 149. This includes preparing estimates, specifications and bid documents for all projects, as well as conducting pre-bid conferences.
- Answers questions and furnishes information to the public and to city employees concerning various building projects, rules, and regulations; receives complaints and responds to complaints appropriately including taking initiative to see that problems in certain situations are resolved.
- Makes appropriate recommendations to city staff as necessary to improve building operations; assists city officials, boards, commissions and agencies providing required information.
- Performs varied and responsible functions requiring comprehensive knowledge of the building trades, building systems, and building automation, such as utilities [fire protection, lighting, plumbing, elevator systems], mechanical, electrical, plumbing, generators, and HVAC. Exercises

independent judgment in responding to inquiries, in dealing with the public, and in administering building maintenance functions.

- Processes department vouchers for payment of bills; maintains detailed and accurate department budget accounts and related records for various capital projects.
- Composes routine correspondence, memoranda, and public notices. Processes department payroll and maintains related records.
- Ensures the accuracy of department files and materials.
- Conducts independent research and prepares detailed, technical reports as required.
- Develops and maintains a computerized maintenance and management system (CMMS).
- Monitors and applies as necessary for all grant opportunities relative to construction, maintenance, and preservation of public buildings including MHC and MSBA programs.
- Oversees compliance with all worker safety regulations including OSHA, AHERA, and all other relevant laws and regulations.
- Performs other related duties as assigned or as situation dictates

### **SUPERVISION**

Performs complex and highly responsible duties requiring a very high level of initiative and independent judgment in the planning, administration and execution of the department's programs and services, and in the direction of personnel; incumbent is required to work independently in formulating decisions regarding policies, procedures, operations and plans.

Supervision Received: Works under the day-to-day supervision of and reports to the Commissioner of Public Works. Building needs and priorities may be communicated from time to time by the Mayor and the Superintendent of Schools. Establishes a work plan and priorities using established guidelines and procedures; only unusual cases are referred to the Commissioner. The employee is expected to recognize instances which are out of the ordinary and which do not fall within existing instructions; the employee is then expected to seek advice and further instructions.

Supervision Given: Employee exercises department level supervision over departmental personnel. This includes management, coordination, and execution of the day to day operations, maintenance and repair of all building and site systems. In addition, the employee is responsible for overseeing the performance of various persons who may work for the City on a contractual basis including architects, engineers, and persons working on various trade work (carpenters, electricians, plumbers, etc.).

### **JUDGMENT**

Guidelines, which may be in the form of administrative or organizational policies, general principles, legislation, or directives that pertain to a specific department or functional area, only provide limited guidance for performing the work. Extensive judgment and ingenuity are required to develop new or adapt existing methods and approaches for accomplishing objectives or to deal with new or unusual requirements within the limits of the guidelines or policies. The employee is recognized as the functional area's authority in interpreting the guidelines, in determining how they should be applied, and in developing operating policies.

### **COMPLEXITY**

The work consists of employing many different concepts, theories, principles, techniques and practices relating to an administrative field. Assignments typically concern such matters as studying trends in the field for application to the work, assessing services and recommending improvements.

**NATURE AND PURPOSE OF CONTACTS**

Relationships involve constant interaction with local, state, and federal government officials, community leaders, and any other individuals to protect and promote the organization's overall interest. The position requires a high degree of diplomacy and judgment and must be able to work effectively with, and influence, all types of persons. Duties require a well-developed sense of strategy and timing in representing the organization effectively in critical and important situations that may influence the well-being of the organization.

**CONFIDENTIALITY**

Employee has access to confidential personnel records pertaining to this department and its employees as well as other information pertaining to the construction of public building projects which may include legal and litigation files.

**JOB ENVIRONMENT**

Work is performed under typical office conditions, with regular interruptions from the public and other city employees. In addition, the employee may be required to work outdoors under inclement weather conditions and may be exposed to toxic or caustic chemicals, fumes or airborne particles, explosives, radiation, and other hazards commonly found at construction sites. Employee must also be available to attend evening meetings after normal business hours. Employee is on call at all times, including nights, weekends and holidays and may be called upon to respond to after-hours emergencies such as fire, flooding, severe weather, including snow and ice removal, power outages and other situations as needed.

Errors could result in delay and confusion in the provision of service, personal injury, and damage to buildings/property, legal repercussions, monetary loss, and negative public relations for the city.

**RECOMMENDED MINIMUM QUALIFICATIONS**

Education, Training and Experience: Bachelor's Degree in Engineering, Business Administration or related field or any equivalent combination of education, training and experience which provides the required knowledge, skill, and ability to perform the essential functions of the job.

Special Requirements: Over ten (10) years' experience in facilities management (at least five (5) of which shall be supervisory experience); Certified Facility Administrator (CFA) and Mass. Certified Public Purchasing Official (MCPPO) desirable; Supplemental courses, training and/or education in a related field are highly desirable; Must possess a valid Class D State Driver's License.

**KNOWLEDGE, ABILITY AND SKILL**

Knowledge: Thorough working knowledge of building construction techniques and practices. Working knowledge of city government. Working knowledge of various construction trades; appropriate building construction code regulations including ADA and AAB requirements; working knowledge of state procurement laws with application to public construction projects including the designer selection process. Working knowledge of building systems such as HVAC, utilities, life safety, security alarms, and waste disposal. Working knowledge of energy management and energy conservation projects.

Ability: Ability to manage and direct the activities of large-scale building construction projects. Ability to meet and deal with the public effectively and appropriately. Ability to handle problems and emergencies effectively. Ability to give and follow written and oral instructions. Ability to communicate clearly, both orally and in writing, including making public presentations. Ability to operate a computer. Ability to maintain confidential information. Ability to maintain, manage and organize complex records.

Ability to deal appropriately with city employees, city officials, and building tradespersons, architects, and engineers. Ability to make basic arithmetical computations and tabulations in a timely and accurate manner. Ability to meet construction and maintenance deadlines.

*Skill:* Operates computer and general office equipment, including a calculator, copier, fax machine, e-mail, measuring equipment, hand tools, light trucks, power tools, and telephone. Must be familiar with building automation systems and web-based work order programs. Superior customer service and communication skills. Excellent organizational skills. Excellent data processing skill in the use of personal computers and pertinent office software including word processing and spreadsheet applications. Keeps records current regarding status of mechanical systems, inspections, and equipment data. Create and follow a preventive maintenance plan for all city equipment and facilities.

#### **PHYSICAL AND MENTAL REQUIREMENTS**

*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.*

Minimal physical effort generally required in performing duties under typical office conditions. Employee may be frequently exposed to outdoor weather conditions including extreme cold, hot temperatures, loud noises and vibrations from large construction equipment or systems. Position requires the ability to access construction work sites including the ability to climb significant heights and depths. The employee is frequently required to use hands to finger, handle, or feel objects, tools, or controls; and reach with hand and arms. The employee is frequently required to stand, stoop, crouch, kneel, crawl, balance, climb, sit, talk, push, pull and hear. Normal vision requirements. Employee is occasionally required to lift up to 75 pounds.

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 7, Article IV, entitled "Department of Public Works", by inserting the following new section 7-31(D):

Section 7-31(D). Assistant Commissioners.

There shall be an Assistant Commissioner of Operations, an Assistant Commissioner of Utilities, and an Assistant Commissioner of Facilities, who shall perform their respective duties under the supervision of the Commissioner of Public Works. Each position shall be appointed by the Commissioner of Public Works, and the term of office shall be coterminous with the term of the Commissioner. These positions shall be compensated in accordance with the Salary Ordinance for the position of Assistant Commissioner - DPW.

ADOPTED  
In City Council  
Order No. 21-XXX  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



08/19/2021 09:38  
6876rgui

CITY OF MARLBOROUGH  
SALARY TABLES

P 1  
pmgrstep

| EFF. DATE  | GROUP/BU                               | GRADE/<br>RANK | DESCRIPTION   | PAY BASIS | FREQUENCY  | CALC | PERIODS | HRS/<br>DAY | HRS/<br>PERIOD | DAYS/<br>PERIOD | HRS/<br>YEAR | DAYS/<br>YEAR | USE<br>PCT |
|------------|--|----------------|---------------|-----------|------------|------|---------|-------------|----------------|-----------------|--------------|---------------|------------|
| 06/20/2021 | CNOA NON-AFFILI<br>BIWEEKLY TRANSITION | ACDP           | ASST COMM DPW | A ANNUAL  | B BIWEEKLY | 11   | 26.0000 | 8.00        | 80.00          | 10.00           | 2080.00      | 260.00        | N          |

| STEP/LEVEL | PERCENT | HOURLY RATE | DAILY RATE | PERIOD SALARY | ANNUAL SALARY |
|------------|---------|-------------|------------|---------------|---------------|
| 00         | 0.0000  | 46.9178     | 375.3423   | 3,753.42      | 97,589.00     |
| 01         | 0.0000  | 48.7946     | 390.3572   | 3,903.57      | 101,492.87    |
| 02         | 0.0000  | 50.7466     | 405.9728   | 4,059.73      | 105,552.92    |
| 03         | 0.0000  | 52.7766     | 422.2127   | 4,222.13      | 109,775.29    |

\*\* END OF REPORT - Generated by Rauf Guimaraes \*\*



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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2021 AUG 19 A 11:15

*City of Marlborough*  
*Office of the Mayor*

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August 19, 2021

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

**RE: Request to Amend Salary Ordinance**

Honorable President Ossing and Councilors:

Enclosed for your review and approval is an amended salary schedule for our Police and Fire Chiefs.

We recently conducted salary surveys for Police and Fire Chiefs in several comparable municipalities and found that we were below average for similar size communities. To stay competitive, I am requesting to increase the cap to \$200,000 for both positions effective July 1, 2021.

Pursuant to MGL c. 44, s. 33A, we ask to expedite your review and approval by October 1<sup>st</sup>.

I will be available to answer any questions at a future meeting.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosure

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED "PERSONNEL," AS FOLLOWS:

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

| Position        | Step 1 | Step 2              | Step 3            | Step 4             | Step 5             | Step 6             | Step 7             |
|-----------------|--------|---------------------|-------------------|--------------------|--------------------|--------------------|--------------------|
|                 | Start  | 6 months of service | 1 year of service | 2 years of service | 3 years of service | 4 years of service | 5 years of service |
| Chief of Police |        |                     |                   |                    |                    |                    | \$200,000.00       |
| Fire Chief      |        |                     |                   |                    |                    |                    | \$200,000.00       |

II. This ordinance shall supersede and replace any existing rate for said position (if applicable) in the current salary schedule.

III. The effective date of these amendments shall be July 1, 2021.

ADOPTED  
 In City Council  
 Order No. 21-XXX  
 Adopted

Approved by Mayor  
 Arthur G. Vigeant  
 Date:

A TRUE COPY  
 ATTEST:

|                    |   |
|--------------------|---|
| <b>Part I</b>      | ADMINISTRATION OF THE GOVERNMENT                          |
| <b>Title VII</b>   | CITIES, TOWNS AND DISTRICTS                               |
| <b>Chapter 44</b>  | MUNICIPAL FINANCE   |
| <b>Section 33A</b> | SALARY PROVISIONS IN BUDGET; REQUIREMENTS AND LIMITATIONS |

Section 33A. The annual budget shall include sums sufficient to pay the salaries of officers and employees fixed by law or by ordinance.

Notwithstanding any contrary provision of any city charter, no ordinance providing for an increase in the salaries or wages of municipal officers or employees shall be enacted except by a two thirds vote of the city council, nor unless it is to be operative for more than three months during the calendar year in which it is passed. No new position shall be created or increase in rate made by ordinance, vote or appointment during the financial year subsequent to the submission of the annual budget unless provision therefor has been made by means of a supplemental appropriation. No ordinance, vote or appointment creating a new position in any year in which a municipal election is held shall be valid and effective unless said ordinance, vote or appointment is operative for more than three months during said municipal election year.

Chief Salary Results (03-2021) Final

| Police      |              |              |               |  |
|-------------|--------------|--------------|---------------|--|
| Community   | Min          | Max          | Current Gross |  |
| MARLBOROUGH |              |              | \$ 175,932.93 | PC recieves a \$500 clothing allowance;  |
| Arlington   |              | \$177,000.00 | \$202,400.00  |  |
| Andover     | \$109,362.00 | \$145,386.00 | \$188,094.00  | EMS:\$1,500; 25% Quinn; holiday pay and longevity  |
| Beverly     |              |              | \$151,221.72  | includes salary, education, holidays, uniform, wellness and logevity   |
| Billerica   |              |              | \$240,011.80  | included % increase since 2001 per personnel by-law; \$1,200 uniform; \$300 cleaning; longevity (\$58,890)   |
| Braintree   | \$130,883.48 | \$156,916.76 | \$196,145.95  | Base plus Quinn Bill:25% JD & includes clothing/cleaning allowance (do not have amount)  |
| Chelmsford  | \$119,664.85 | \$145,814.44 | \$189,900.00  | Uniform:\$900; Quinn 20%; longevity 6%   |
| Everett     |              |              | \$222,161.68  |  |
| Lexington   | \$116,007.00 | \$146,139.00 | \$181,504.00  | base \$151,253, Quinn: \$30,251  |
| Natick      | \$125,000.00 | \$165,000.00 | \$201,647.23  |  |
| Shrewsbury  | \$101,547.73 | \$142,166.82 | \$152,900.48  | Bachelors 20%; Masters 25%;7/1/2021 3.5%; Clothing: \$1750; cellular phone stipend:\$1,000   |
| Watertown   |              | \$147,893.00 | \$200,417.00  | FY2022 Base 147893 Quinn 36973 (masters) holiday 13685; dfib:1865  |
| Westfield   |              |              | \$169,744.00  | FY21   |
| Westford    |              |              | \$192,260.20  | Acting Police Chief: 159,527.20; holiday pay:3045; Quinn Bill:26,588; accreditation:1,500; longevity: 1,600  |
| Woburn      |              | \$140,353.80 | \$185,890.65  | Superior Union Benefits: accred \$1,800; sargeant training:\$600; FBI \$150; inservice\$300; Red Cross \$350; Quinn: \$35,088.45; Longevity \$7,248.40 |
| Average     |              |              | \$191,021.34  |  |

| Fire      |              |              |               |  |
|-----------|--------------|--------------|---------------|--|
| Community | Min          | Max          | Current       | Comments   |
|           |              |              | \$ 168,000.00 | FC \$1,000 clothing allowance  |
|           |              |              | \$169,000.00  |  |
|           | \$109,362.00 | \$145,386.00 | \$168,394.00  | Individual contracts (10 steps and incentive)  |
|           | \$140,000.00 |              | \$140,000.00  | includes salary, education, holidays, uniform, wellness and logevity   |
|           |              |              | \$170,125.00  | includes salary, education, holidays, uniform, wellness and logevity   |
|           | \$130,883.48 | \$156,916.76 | \$164,762.60  | Receive stipends, differentials, 5% of base salary for Associates degree in CJ; longevity and 3 weeks buyback(not included in current)             |
|           | \$119,664.85 | \$145,814.44 | \$145,704.65  | longevity 6%   |
|           |              | \$157,086.00 | \$189,625.00  | holiday:13,829; Ed:\$2,800; Longevity:\$2,100; Defib:\$1,000; Haz:\$7,210; Med Exp:\$7,210; Clothing: \$1,600; Certification: \$4,000              |
|           | \$116,007.00 | \$146,139.00 | \$159,801.00  | base:\$145,656; EMT:\$8,145; EMD:\$6,000   |
|           | \$125,000.00 | \$165,000.00 | \$161,160.00  |  |
|           | \$101,547.73 | \$142,166.82 | \$145,968.61  | department head salary schedule; education incentives same as firefighters; uniform allowance  |
|           |              | \$161,271.00 | \$188,224.00  | FY2022 Base:161,271 Educaiton 7,207; holiday 11,613; EMT/DFIB: 8,133   |
|           |              |              | \$174,554.12  | Includes:L longevity: \$10,115.47; \$400 per pay period for EMT status; 2% of base completion of the MFFA Chief Fire Officer Management Training   |
|           |              |              | \$184,818.38  | \$153426.70; Education Incentive: 15041.83; additional Education Incentive: 3,100; EMT Stipend: 3,760.46; Holiday Pay: 6,889.39; Longevity 2,600   |
|           |              | \$143,312.93 | \$162,707.93  | Fire Union Benefits: Education:\$2514; Longevity:\$5,982.56; EMT\$3,500; CDL:\$250; Training inst:\$1,100 Red cross: \$250; Supervisory:\$5,798.44 |
|           |              |              | \$166,060.38  |  |

Westford Police Chief retired in December 2020 - \$224,165 per HR Department



# City of Marlborough

## Legal Department

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

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH

JASON D. GROSSFIELD  
 CITY SOLICITOR

JASON M. PIQUES  
 ASSISTANT CITY SOLICITOR

2021 AUG 10 A 11:53  
 HEATHER H. GUTIERREZ  
 PARALEGAL

August 10, 2021

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

Re: Request for Special License for Temporary Charitable Purpose Sales – FEMARA, Inc.

Dear Honorable President Ossing and Councilors:

As requested, I am writing to provide additional information regarding the authority to review the above-referenced request of a non-profit entity, FEMARA, Inc., to obtain a “non-profit exemption to the Massachusetts Transient Vendor Law as authorized by” MGL c. 101, s. 12A. In my opinion, approval of this special license request is within the purview of the City Council and Mayor.

MGL c. 101, s. 12A provides that the appropriate city board or officer as designated by ordinance may grant to any charitable organization a special license to conduct a temporary business in which transient vendors participating in such sales will not be subject to normal transient vendor regulations. The time period may not exceed four days and the temporary business must be for a charitable purpose. In my opinion, there is not a city ordinance designating a board or officer for this specific purpose, and therefore, the power rests with the Mayor and City Council pursuant to City Ord. 1-6(A) which reserves licensing power to the Mayor and City Council when no other provision is made by ordinance.

Please contact me if you have any questions.

Respectfully,

Jason D. Grossfield  
 City Solicitor

cc: 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](mailto:LEGAL@MARLBOROUGH-MA.GOV)

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

JASON D. GROSSFIELD  
CITY SOLICITOR

2021 AUG 11 P 2:25  
JASON M. PIQUES  
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ  
PARALEGAL

August 11, 2021

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

Re: City Council Order No. 21-1008294: Small Cell Wireless Facilities Petition of Celco Partnership d/b/a Verizon Wireless, 219-237 Boston Post Road West, Marlborough

Dear Honorable President Ossing and Councilors:

I provide this letter as to the legal form of the City Council's proposed decision on the above-referenced petition submitted on behalf of Celco Partnership d/b/a Verizon Wireless. The Petition asks the Council to grant a location on an existing utility pole located adjacent to 219-237 Boston Post Road West in Marlborough, which pole is designated as National Grid pole #19.

I have reviewed the proposed draft decision and find that it is proper legal form for the Council's vote. Please contact this office if you have any questions or concerns.

Respectfully,

Jason D. Grossfield  
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor  
Thomas DiPersio, Jr., City Engineer  
Krista I. Holmi, Chief Procurement Officer  
Daniel D. Klasnick, Esq.

## IN CITY COUNCIL

**ORDERED:**

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

**PAGE 1**

That the City Council for the City of Marlborough, pursuant to M.G.L. c.166, §22 and Chapter 473, Article III of the City of Marlborough General Code entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," does hereby approve the petition of Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") dated May 3, 2021, filed with the City Clerk on May 3, 2021, to grant a location on an existing utility pole located in the layout of State Highway Route 20 (Boston Post Road West) adjacent to 219-237 Boston Post Road West in Marlborough, which pole is designated as National Grid pole #19, in order for Verizon Wireless to deploy a small cell facility thereon by constructing and maintaining telecommunications wires and appurtenances, including a pole top canister antenna, remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment (the "Small Cell Facility"), all as depicted on plans submitted with Verizon Wireless' petition and in photo simulations submitted to the City Council and Public Services Committee, which plans are attached hereto and incorporated herein; subject, however, to the following conditions, which conditions shall be binding upon Verizon Wireless, its successors and/or assigns:

1. The Small Cell Facility shall be of such material and construction, and all work shall be done in such manner, as to be satisfactory to the City Council and the Engineering Division of the City's Department of Public Works (the "City Engineering Division").
2. Verizon Wireless shall indemnify and hold harmless the City against all damages, injuries, costs, expenses, and any and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of Verizon Wireless, its employees, agents and servants in any manner arising out of the rights and privileges granted herein to Verizon Wireless for its Small Cell Facility.
3. Verizon Wireless shall comply with the requirements of existing City ordinances, including but not limited to Chapter 473, Article III, entitled "Small Cell Wireless Facilities Within Public Rights-of-Way," as may be applicable, and such requirements as may hereafter be adopted governing the construction and maintenance of the Small Cell Facility.
4. Verizon Wireless shall not install its Small Cell Facility on double poles. If National Grid pole #19 becomes a double pole in the future, Verizon Wireless shall remove its Small Cell Facility to a single pole as expeditiously as possible within the guidelines then prescribed by National Grid, but in any event no later than December 31st of the year in which National Grid pole #19 becomes a double pole; provided, however, that if Verizon Wireless is unable to comply with the December 31st deadline for reasons fairly attributable to National Grid, Verizon Wireless shall submit to the City Council a letter, to be received by the City Council prior to such deadline, requesting that the Council extend the deadline to a specified date in the subsequent year and providing good cause in support of such request.

**IN CITY COUNCIL****ORDERED:****Marlborough, Mass.** \_\_\_\_\_**PAGE 2**

5. All cutting of and/or digging into City streets and/or sidewalks by or on behalf of Verizon Wireless in conjunction with its Small Cell Facility is prohibited, as is all underground installation associated with the Small Cell Facility; provided, however, that the grounding rod proposed to be installed as part of the Small Cell Facility is permitted as long as 1) Verizon Wireless installs the rod immediately adjacent to National Grid pole #19 so as to cause minimal disturbance to the surface of the street or sidewalk, and 2) Verizon Wireless restores the street or sidewalk surface to its pre-disturbance condition to the satisfaction of the City Engineering Division.
6. The Small Cell Facility shall be color-coordinated so as to best minimize the visual impact of the Facility.
7. The Small Cell Facility's remote radio heads and associated wires, cables, fiber demarc box, electric meter and associated equipment shall be mounted on the side of National Grid pole #19 facing away from the roadway.
8. Any future modification of the Small Cell Facility by Verizon Wireless shall require further City Council Approval.
9. Any future road reconstruction or repair project by the City and/or the Commonwealth requiring the relocation of National Grid pole #19 shall result in Verizon Wireless moving their Small Cell Facility to another pole in a timely fashion after having been notified by the City Engineering Division about the road project; provided, however, that any such relocation shall require further City Council approval.
10. Prior to the commencement of construction and/or installation of the Small Cell Facility, Verizon Wireless shall provide the City Engineering Division with a written construction and/or installation schedule satisfactory to the Division.
11. Prior to the commencement of construction and/or installation of the Small Cell Facility, Verizon Wireless shall provide the City's Chief Procurement Officer (the "City CPO") with a bond from a surety authorized to do business in Massachusetts and satisfactory to the City CPO in an amount equal to the cost of removal of the Small Cell Facility from National Grid pole #19 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #19, to the condition the public way was in as of the date of this order, said amount to be determined by the City Engineering Division. The amount of the bond shall be the total of the estimate by the Division plus an annual increase of 3% for the operating life of the Small Cell Facility. Verizon Wireless shall notify the City CPO and the Division of any cancellation of, or change in the terms or conditions in, the bond.

**IN CITY COUNCIL**

**ORDERED:**

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

**PAGE 3**

- 12. Each year on July 1st, Verizon Wireless shall submit an affidavit that the Small Cell Facility remains in use and that the Small Cell Facility remains covered by liability insurance naming the City as an additional insured.
- 13. Each year on July 1st, Verizon Wireless shall pay to the City of Marlborough an annual recertification fee of \$250.00 for each year that the Small Cell Facility remains in use.
- 14. If the Small Cell Facility is no longer in use, it shall be removed by Verizon Wireless, at its expense, within 60 days. If the Small Cell Facility is not removed by Verizon Wireless within 60 days of it no longer being in use, Verizon Wireless shall pay a fine of \$100.00 per day until such installation is removed by Verizon Wireless.
- 15. Failure by Verizon Wireless to comply with any of the above conditions to the satisfaction of the City Council or, as applicable, the City Engineering Division or the City CPO shall result in the City Council's review of Verizon Wireless' petition granted herein.

Be and is herewith APPROVED.

ADOPTED  
In City Council  
Order No. 21-1008294

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

# MARLBORO\_SC31\_MA-391559

UTILITY POLE #19

237 BOSTON POST ROAD WEST  
MARLBOROUGH, MA 01752



**ENGINEER**

**NB+C**  
TOTALLY COMMITTED.

NB+C ENGINEERING SERVICES, LLC.  
165 PARKS DRIVE, SUITE 203  
CHILMARK, MA 01928  
(978) 634-4300

**APPLICANT**

**verizon**

118 FLANDERS ROAD  
WESTBORO, MA 01581  
(508) 330-3330

**SITE INFORMATION**

MARLBORO\_SC31\_MA-391559  
UTILITY POLE #19  
237 BOSTON POST ROAD WEST  
MARLBOROUGH, MA 01752

**REVISIONS**

| REV | DATE     | DESCRIPTION                 | BY  |
|-----|----------|-----------------------------|-----|
| E   | 01/07/11 | UPDATED TO LATEST STANDARDS | JVB |
| D   | 02/01/17 | REVISED                     | PRC |
| C   | 02/05/16 | REVISED                     | DRD |
| B   | 04/15/16 | REVISED                     | AMM |
| A   | 01/05/16 | PRELIMINARY                 | DRD |

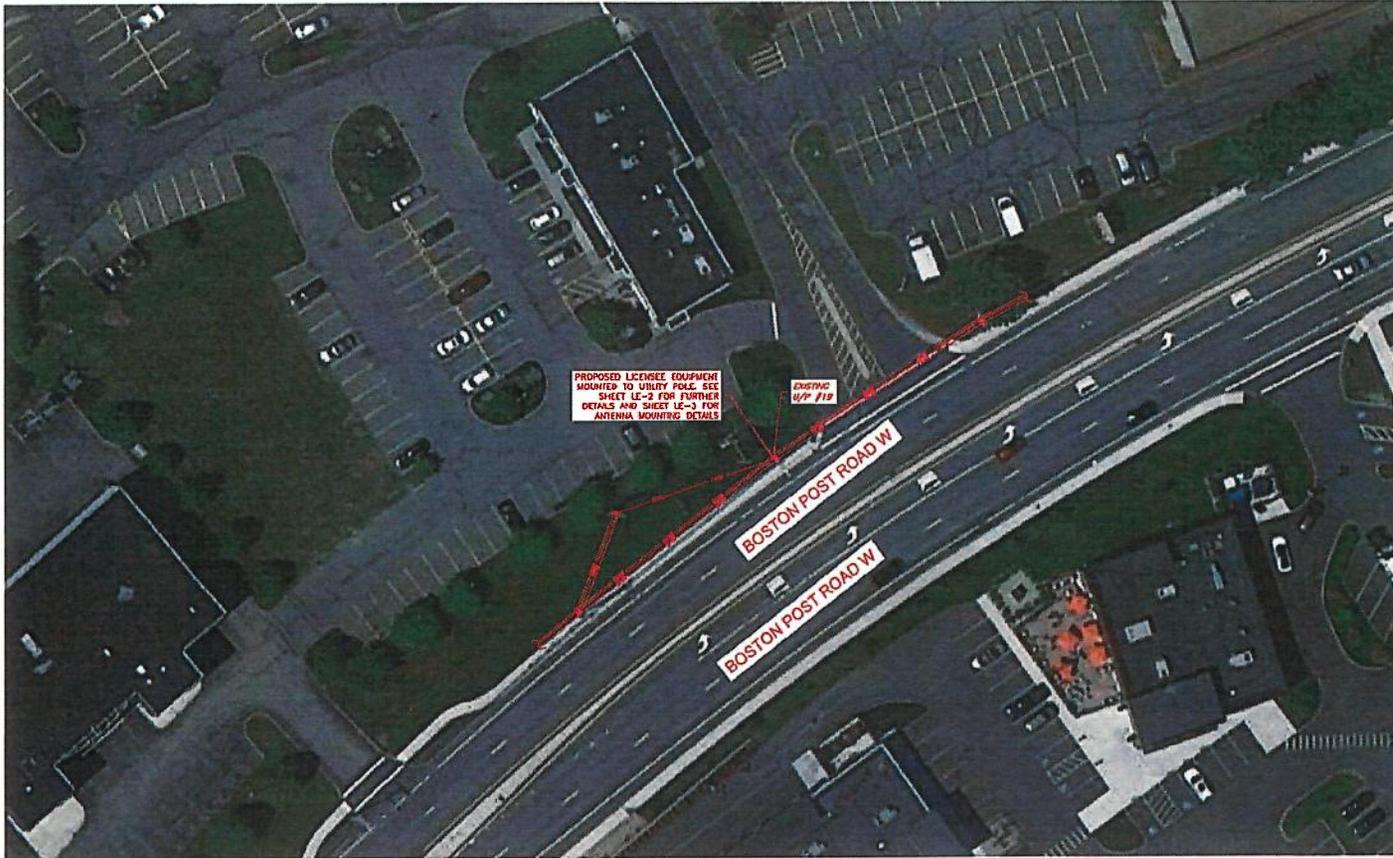
**GENERAL NOTES**

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THESE DRAWINGS ARE FORMATTED TO BE FULL SIZE AT 11"x17". ALL OTHER PRINTED SIZES ARE DEEMED "NOT TO SCALE".

**SHEET NUMBER**

# LE-1



PROPOSED LICENSEE EQUIPMENT MOUNTED TO UTILITY POLE. SEE SHEET LE-2 FOR FURTHER DETAILS AND SHEET LE-3 FOR ANTENNA MOUNTING DETAILS.

EXISTING U/P #19

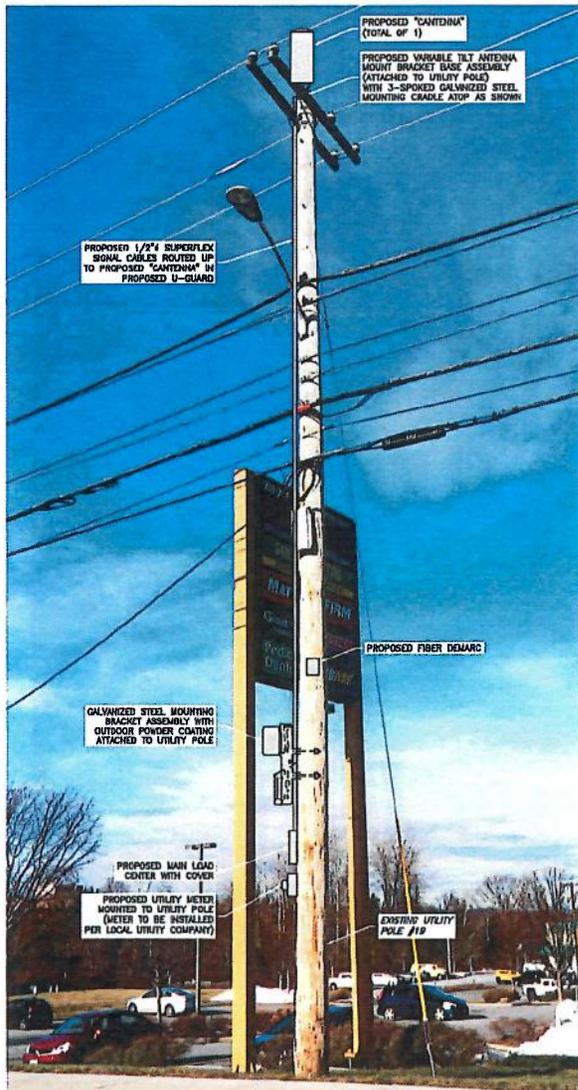
BOSTON POST ROAD W

BOSTON POST ROAD W

**SITE CONTROL POINT:**  
CENTER OF EXISTING U/P #19  
N 42.336402Z (42°-20'-18.871")  
W 71.591242Z (71°-35'-28.471")

1 LOCATION PLAN/AERIAL IMAGE  
LE-1 SCALE 1"=60'





1 UTILITY POLE PHOTO (EXISTING CONDITIONS/SCHEMATIC RENDERING)  
SCALE 1/8"

**GENERAL NOTES:**

- THESE DRAWINGS ARE DIAGRAMMATIC IN NATURE AND ARE INTENDED TO PROVIDE GENERAL INFORMATION REGARDING THE LOCATION, SIZE AND OPERATION OF THE PROPOSED WIRELESS TELECOMMUNICATIONS EQUIPMENT INSTALLATION ON THE UTILITY POLE AND ARE NOT SPECIFICALLY INTENDED FOR CONSTRUCTION.
- VERIZON WIRELESS SHALL PLACE WEATHER RESISTANT PNEUMATIC PLACARDS ON UTILITY POLE AND ANCILLARY EQUIPMENT TO IDENTIFY EQUIPMENT OWNERSHIP & CONTACT INFORMATION TO BE UTILIZED IN CASE OF EMERGENCY.
- AN ANALYSIS OF THE CAPACITY OF THE EXISTING UTILITY POLE TO SUPPORT THE PROPOSED LOADING HAS NOT BEEN COMPLETED BY H&O ENGINEERING SERVICES, LLC AND THUS, THESE DRAWINGS ARE SUBJECT TO CHANGE PENDING THE OUTCOME OF A STRUCTURAL ANALYSIS (TO BE PERFORMED BY OTHERS).
- VERIZON WIRELESS' GENERAL CONTRACTOR SHALL EXTEND EFFORTS TO ENSURE THAT ALL PROPOSED EQUIPMENT MEETS THE REQUIREMENTS OF THE EXISTING UTILITY COMPANY OR COMPANIES CURRENTLY OCCUPYING THE UTILITY POLE AND THE 2017 NATIONAL ELECTRICAL SAFETY CODE.

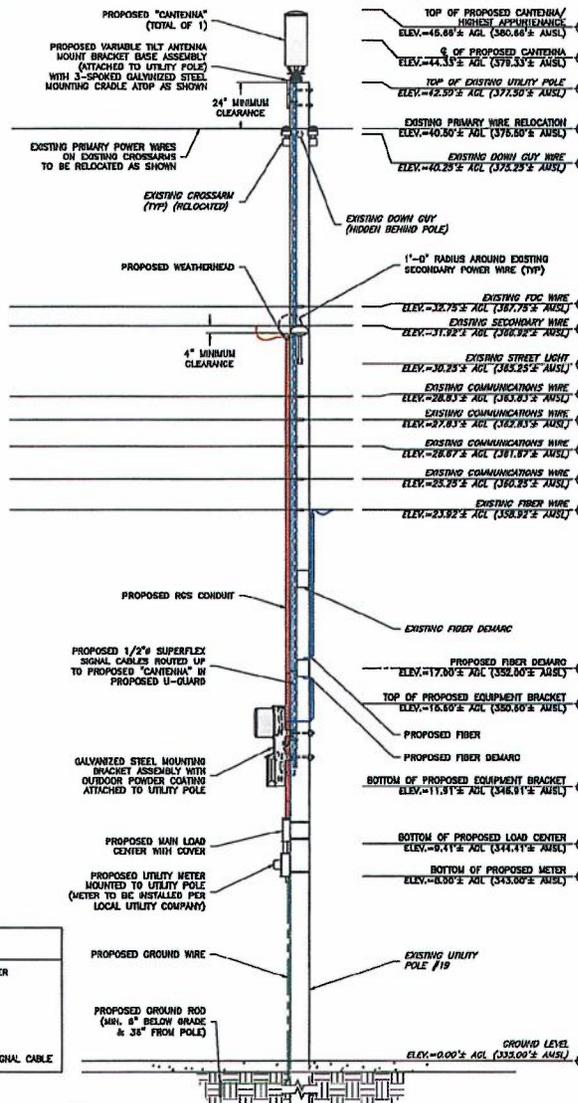
**ANTENNA AND LIGHTING NOTE:**  
CONTRACTOR SHALL POSITION/INSTALL PROPOSED ANTENNA MOUNTING/BRACKET IN SUCH A WAY SO AS TO NOT INTERFERE WITH EXISTING STREET LIGHT, PRIMARY POWER CROSSARMS (IF PRESENT), BRACKETS, BRACES, SECONDARY POWER SUPPORTS OR ANY OTHER MISCELLANEOUS APPURTENANCES AND RELATED SUPPORT BRACKETS DISCONTINUED LOCATED ON THE EXISTING UTILITY POLE.

**EQUIPMENT AND WIRING NOTE:**  
CONTRACTOR SHALL POSITION/INSTALL PROPOSED EQUIPMENT AND ASSOCIATED MOUNTING/BRAKETS IN SUCH A WAY SO AS TO NOT INTERFERE WITH EXISTING WIRES/HANDS ETC. OR ANY OTHER MISCELLANEOUS APPURTENANCES AND RELATED SUPPORT BRACKETS DISCONTINUED LOCATED ON THE FACE OF THE EXISTING UTILITY POLE.

**NOTE:**  
UTILITY POLE EXISTING APPURTENANCES AND DETAILS OF PROPOSED INSTALLATION SHOWN SCHEMATICALLY.

**LEGEND**

- FIBER BUNDLE/JUMPER
- AC POWER
- DC POWER
- GROUND
- 1/2" SUPERFLEX SIGNAL CABLE



2 UTILITY POLE ELEVATION (PROPOSED CONDITIONS)  
SCALE 1"=8"

**NB+C**  
TOTALLY COMMITTED.  
NB+C ENGINEERING SERVICES, LLC.  
132 POLLO DRIVE, SUITE 303  
WESTBORO, MA 01581  
(508) 330-3330

**verizon**  
118 FLANDERS ROAD  
WESTBORO, MA 01581  
(508) 330-3330

MARLBORO\_SC31\_MA-301559  
UTILITY POLE #19  
237 BOSTON POST ROAD WEST  
MARLBOROUGH, MA 01752

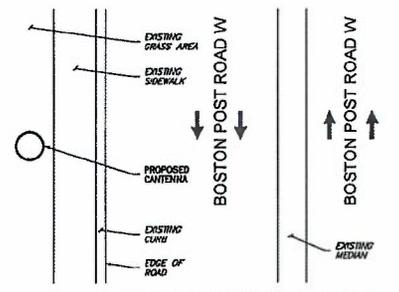
**REVISIONS**

| REV | DATE     | DESCRIPTION                | BY  |
|-----|----------|----------------------------|-----|
| E   | 01/07/21 | UPDATED TO LATEST STANDARD | JAH |
| D   | 03/01/21 | REVISED                    | JRC |
| C   | 02/24/21 | REVISED                    | DRB |
| B   | 01/24/21 | REVISED                    | ALM |
| A   | 01/05/21 | PRELIMINARY                | DRB |

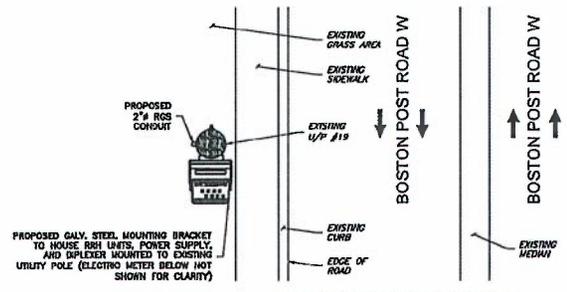
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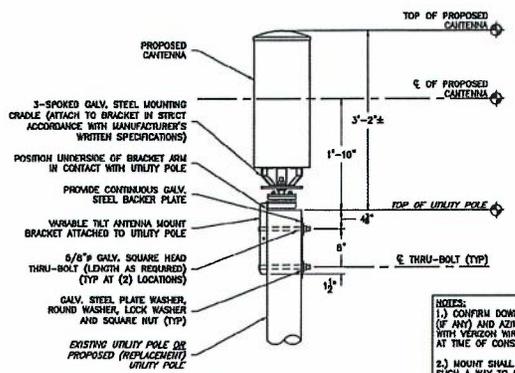
**LE-2**



1 ANTENNA ORIENTATION PLAN  
SCALE 1/8" = 1'-0"

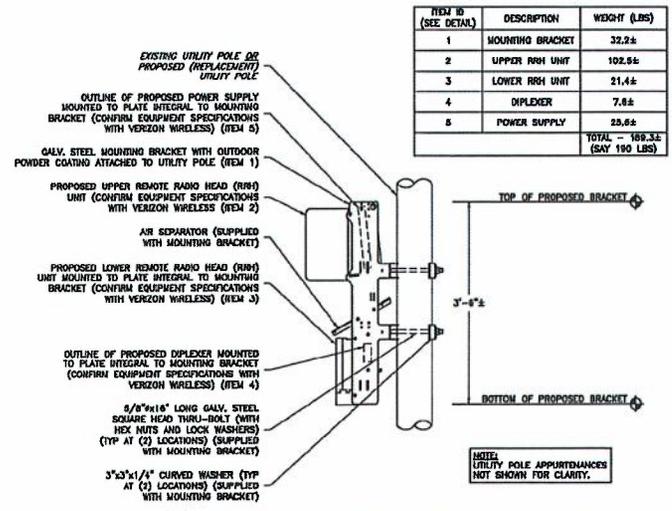


2 ANCILLARY EQUIPMENT ORIENTATION PLAN  
SCALE 1/8" = 1'-0"



3 ANTENNA MOUNT DETAIL  
SCALE 1/8" = 1'-0"

- NOTES:
1. CONFIRM DOWNTILT REQUIREMENTS (IF ANY) AND AZIMUTH SPECIFICATIONS WITH VERIZON WIRELESS AT ENGINEER AT TIME OF CONSTRUCTION.
  2. MOUNT SHALL BE INSTALLED IN SUCH A WAY TO ENSURE PROPER INSTALLATION OF ANTENNA.
  3. UTILITY POLE APPURTENANCES NOT SHOWN FOR CLARITY.



4 ANCILLARY EQUIPMENT MOUNTING BRACKET DETAIL  
SCALE 1/8" = 1'-0"

| ITEM NO (SEE DETAIL) | DESCRIPTION      | WEIGHT (LBS)  |
|----------------------|------------------|---------------|
| 1                    | MOUNTING BRACKET | 32.2#         |
| 2                    | UPPER RRH UNIT   | 102.6#        |
| 3                    | LOWER RRH UNIT   | 21.4#         |
| 4                    | DUPLEXER         | 7.8#          |
| 5                    | POWER SUPPLY     | 25.6#         |
| TOTAL - 189.6#       |                  | (SAY 190 LBS) |

**ENGINEER**

**NB+C**  
TOTALLY COMMITTED

NB+C ENGINEERING SERVICES, LLC.  
10 AFFORD DRIVE, SUITE 104  
DORSETT, MA 01922  
401-754-1414

**APPLICANT**

**verizon**

118 FLANDERS ROAD  
WESTBORO, MA 01581  
(508) 330-3330

**SITE INFORMATION**

MARLBORO\_BC31\_MA-391559  
UTILITY POLE #19  
237 BOSTON POST ROAD WEST  
MARLBOROUGH, MA 01752

**REVISIONS**

| REV | DATE     | DESCRIPTION                 | BY  |
|-----|----------|-----------------------------|-----|
| 1   | 6/10/11  | UPDATED TO LATEST STANDARDS | JWB |
| 2   | 8/21/17  | REVISED                     | PKC |
| 3   | 10/26/16 | REVISED                     | DRG |
| 4   | 6/16/16  | REVISED                     | ALM |
| 5   | 6/16/16  | PRELIMINARY                 | DRG |

**GENERAL NOTES**

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**SHEET NUMBER**

**LE-3**



**SMALL CELL ANTENNA**  
 DIMENSIONS: 14.0"±0.1 x 35.4"±0.1  
 WEIGHT: 33.0±0.1 LBS  
 QUANTITY: TOTAL OF 1

**1 TYPICAL ANTENNA SPECIFICATIONS**  
 LE-4 SCALE 1/16"



**REMOTE RADIO HEAD**  
 DIMENSIONS: 17.3"±0.1 x 17.3"±0.1 x 11.5"±0.1  
 WEIGHT: 102.5±0.1 LBS  
 QUANTITY: TOTAL OF 1



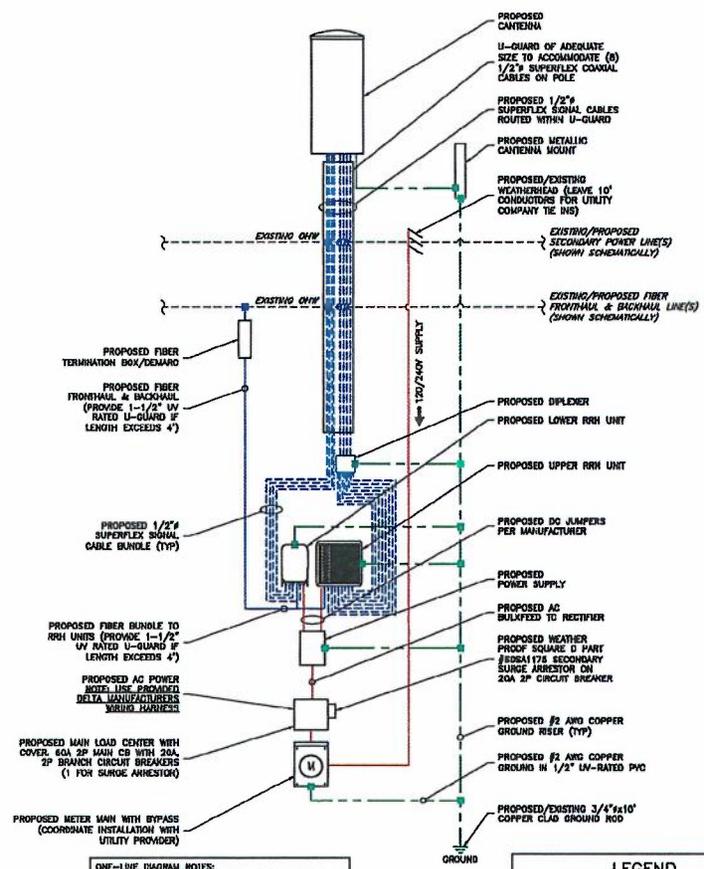
**REMOTE RADIO HEAD**  
 DIMENSIONS: 13.0"±0.1 x 9.8"±0.1 x 4.8"±0.1  
 WEIGHT: 31.4±0.1 LBS  
 QUANTITY: TOTAL OF 1

**2 TYPICAL REMOTE RADIO HEAD (RRH) UNIT DIMENSIONS**  
 LE-4 SCALE 1/16"



**DIPLEXER**  
 DIMENSIONS: 4.8"±0.1 x 7.9"±0.1 x 3.3"±0.1  
 WEIGHT: 7.8 LBS  
 QUANTITY: TOTAL OF 1

**3 TYPICAL DIPLEXER DIMENSIONS**  
 LE-4 SCALE 1/16"



**ONE-LINE DIAGRAM NOTES:**  
 1.) PROVIDE WEATHER TIGHT SEAL CONNECTORS ON ALL CONNECTIONS EACH SIDE OF ENCLOSURE HOUSING  
 2.) COORDINATE ANY FURTHER MISCELLANEOUS WIRING AND CONDUIT REQUIREMENTS WITH VERIZON WIRELESS AND ELECTRIC COMPANY

**LEGEND**

- FIBER BUNDLE/JUMPER
- AC POWER
- DC POWER
- GROUND
- - - 1/2" SUPERFLEX SIGNAL CABLE

**4 FIBER/ELECTRICAL ONE-LINE DIAGRAM**  
 LE-4 SCALE 1/16"

**ENGINEER**

**NB+C**  
 TOTALLY COMMITTED

NB+C ENGINEERING SERVICES, LLC.  
 127 POND DRIVE, SUITE 100  
 MARLBOROUGH, MA 01501  
 978-336-1211

**AFFILIANT**

**verizon**

118 FLANDERS ROAD  
 WESTBORO, MA 01581  
 (508) 330-3330

**SITE INFORMATION**

MARLBORO\_SC31\_MA-391559  
 UTILITY POLE #18  
 237 BOSTON POST ROAD WEST  
 MARLBOROUGH, MA 01752

**DESIGN RECORD**

**REVISIONS**

| REV | DATE     | DESCRIPTION                 | BY   |
|-----|----------|-----------------------------|------|
| E   | 01/07/21 | UPDATED TO LATEST STANDARDS | JWS  |
| D   | 03/01/21 | REVISED                     | PREL |
| C   | 02/22/21 | REVISED                     | DRG  |
| B   | 06/15/20 | REVISED                     | ALM  |
| A   | 01/16/20 | PRELIMINARY                 | DRG  |

**GENERAL NOTES**

THIS DOCUMENT IS THE DESIGN PROPERTY AND COPYRIGHT OF NB+C ENGINEERING SERVICES, LLC, AND FOR THE EXCLUSIVE USE BY THE TITLE CLIENT. DUPLICATION OR USE WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CREATOR IS STRICTLY PROHIBITED.

THESE DRAWINGS ARE FORMATTED TO BE FULL SIZE AT 11"X17". ALL OTHER PRINTED SIZES ARE DEEMED "NOT TO SCALE"

**SHEET NUMBER**

**LE-4**

Table 6H-3. Meaning of Letter Codes on Typical Application Diagrams

| Road Type            | Distance Between Signs** |            |            |
|----------------------|--------------------------|------------|------------|
|                      | A                        | B          | C          |
| Urban (low speed)    | 100 feet                 | 100 feet   | 100 feet   |
| Urban (high speed)   | 350 feet                 | 350 feet   | 350 feet   |
| Rural                | 500 feet                 | 500 feet   | 500 feet   |
| Expressway / Freeway | 1,000 feet               | 1,500 feet | 2,400 feet |

\*\* Speed category to be determined by the Highway agency

\*\* The column headings A, B, and C are the dimensions shown in Figures 6H-1 through 6H-6. The A dimension is the distance from the transition or part of transition to the first sign. The B dimension is the distance between the first and second signs. The C dimension is the distance between the second and third signs. (The "first sign" is the sign in a three-sign series that is closest to the TTC zone. The "third sign" is the sign that is furthest upstream from the TTC zone.)

Table 6H-4. Formulas for Determining Taper Length

| Speed (S)      | Taper Length (L) in feet |
|----------------|--------------------------|
| 40 mph or less | $L = WS^2 / 60$          |
| 45 mph or more | $L = WS$                 |

Where:  
L = taper length in feet  
W = width of offset in feet  
S = posted speed limit, or off-peak 85th-percentile speed prior to work starting, or the anticipated operating speed in mph

### STATIONARY OPERATIONS

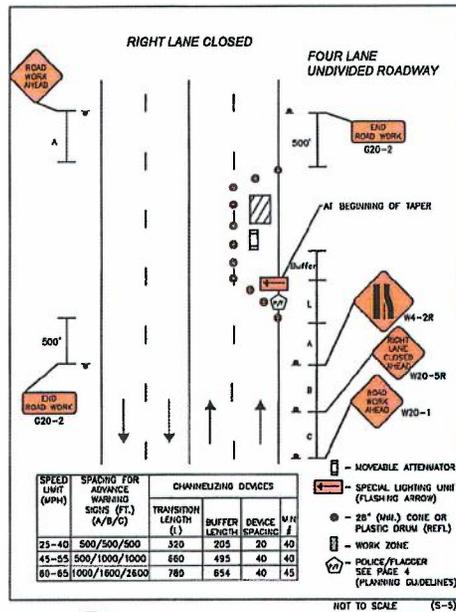


Table 6H-2. Meaning of Symbols on Typical Application Diagrams

| Symbol | Description  |
|--------|--|
|        | Arrow board  |
|        | Arrow board supported on trailer (shown facing down)             |
|        | Changeable message sign or support trailer                       |
|        | Channelizing device  |
|        | Crash cushion  |
|        | Direction of temporary traffic device                            |
|        | Direction of traffic   |
|        | Flagger  |
|        | High-level warning device (Flag line)                            |
|        | Longitudinal channelizing device                                 |
|        | Luminaires   |
|        | Pavement markings that should be removed for a long-term project |
|        | Shaded vehicle   |
|        | Sign shown facing left   |
|        | Bulldozer  |
|        | Temporary barrier  |
|        | Traffic or possession signal                                     |
|        | Truck-mounted attenuator   |
|        | Type 3 barricade   |
|        | Warning light  |
|        | Work space   |
|        | Work vehicle   |

1 WORK ZONE SAFETY TRAFFIC PLAN  
LE-5

**NB+C**  
TOTALLY COMMITTED.

NB+C ENGINEERING SERVICES, LLC.  
141 FLORENCE ST. SUITE 101  
DORCHESTER, MA 01915  
617-288-0000

**verizon**

118 FLANDERS ROAD  
WESTBORO, MA 01581  
(508) 330-3330

MARLBORO\_SC31\_MA-391559  
UTILITY POLE #19  
237 BOSTON POST ROAD WEST  
MARLBOROUGH, MA 01752

**REVISIONS**

| REV | DATE     | DESCRIPTION                 | BY  |
|-----|----------|-----------------------------|-----|
| E   | 01/07/21 | UPDATED TO LATEST STANDARDS | JMS |
| D   | 03/21/17 | REVISED                     | JPC |
| C   | 02/24/16 | REVISED                     | DRG |
| B   | 09/18/16 | REVISED                     | ALM |
| A   | 01/26/16 | PRELIMINARY                 | SHG |

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**LE-5**

DESIGNER: ENGINEER: APPLICANT: STEERING: DESIGN RECORD: GENERAL NOTES: SHEET NUMBER:



Site Name: Marlborough MA  
SC31 391559  
Wireless Communication Facility  
42.338489, -71.591241  
Marlborough, MA 01752

Photograph Information:  
Boston Post Rd W  
View from the East  
Showing the Existing Site

**NBIC**  
TOTALLY COMMITTED.



Site Name: Marlborough MA  
SC31 391559  
Wireless Communication Facility  
42.338489, -71.591241  
Marlborough, MA 01752

Photograph Information:  
Boston Post Rd W  
View from the East  
Showing the Proposed Site

**NB+C**  
TOTALLY COMMITTED.



Site Name: Marlborough MA  
SC31 391559  
Wireless Communication Facility  
42.338489, -71.591241  
Marlborough, MA 01752

Photograph Information:  
Boston Post Rd W  
View from the South  
Showing the Existing Site

**NBIC**  
TOTALLY COMMITTED.



Site Name: Marlborough MA  
SC31 391559  
Wireless Communication Facility  
42.338489, -71.591241  
Marlborough, MA 01752

Photograph Information:  
Boston Post Rd W  
View from the South  
Showing the Proposed Site

**NB-C**<sup>TM</sup>  
TOTALLY COMMITTED.



# 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

JASON D. GROSSFIELD  
 CITY SOLICITOR  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH  
 HEATHER H. GUTIERREZ  
 PARALEGAL  
 2021 AUG 17 P 4:35

August 17, 2021

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

Re: City Council Order No. 20-1007995  
 Special Permit Decision, 339 Boston Post Road East, Marlborough

Dear Honorable President Ossing and Councilors:

In accordance with Chapter 650-57C(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 as referred to this office by the City Council on July 19, 2021. Enclosed is a copy of the proposed decision. I certify that it is in proper legal form.

I note the recommendation of the Urban Affairs Committee is to deny the special permit. In the event the requested special permit is denied, I recommend the reasons and factual findings that are the basis for a denial be stated at the August 23, 2021 City Council Meeting, so a decision can be timely prepared to reflect same.

Lastly, I have reviewed the quantum of vote necessary for the grant of this special permit under the recent amendments to MGL c. 40A, and in my opinion, the vote remains a two-thirds (2/3) vote. MGL c. 40A, s. 9 was amended to reduce the required vote to a simple majority for certain special permits, including "multifamily housing that is located within 1/2 mile of a commuter rail station, subway station, ferry terminal or bus station" meeting certain affordability requirements. In my opinion, based upon the plain language of the statute, the proposed multifamily housing is not located within a 1/2 mile of the specific type of public transportation stations identified above.

Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield  
 City Solicitor

Enclosure

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

\_\_\_\_\_, 2021

**NOTICE OF DECISION  
GRANT OF SPECIAL PERMIT**

In City Council  
Order No. # 20-1007995B

Application of:  
WP Marlborough MA Owner, LLC (Waypoint Residential)

Locus:  
339 Boston Post Road East, Marlborough, MA  
Parcel 35 of Assessor Map 72, and Parcels 24, 26, 26A, and 28 on Assessors Map 73

**DECISION**

The City Council of the City of Marlborough hereby **GRANTS** the Application of WP Marlborough MA Owner, LLC, with a mailing address of 9 West Broad Street, Suite 800, Stamford, CT, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: \_\_\_\_\_, 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 [ ], 2021.

**APPEALS**

Appeals, if any shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 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:  
WP Marlborough MA Owner, LLC (Waypoint Residential)

Locus:  
339 Boston Post Road East, Marlborough, MA  
Parcel 35 of Assessor Map 72, and Parcels 24, 26, 26A, and 28 on Assessors Map 73

**DECISION ON A SPECIAL PERMIT  
ORDER NO. 20-1007995B**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to WP Marlborough MA Owner, LLC (the "Applicant") to build and operate a 140-unit multifamily dwelling residential project at 339 Boston Post Road East, as provided in this Decision and subject to the following Findings of Fact and Conditions.

**FINDINGS OF FACT**

1. The Applicant, WP Marlborough MA Owner, LLC, is a Connecticut limited liability company with an address of 9 West Broad Street, Suite 800, Stamford, CT 06902.
2. The Applicant is the prospective owner of the property located at 339 Boston Post Road East, Marlborough, Massachusetts, being shown as Parcel 35 of Assessor Map 72, and Parcels 24, 26, 26A, and 28 on Assessors Map 73 (the "Site").
3. In accordance with Article V, Section 650-17 and Section 650-18(4), of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes to build and operate a 140-unit multifamily dwelling residential project at the Site, in three buildings, with 280 on-site parking spaces, open areas, walking paths, and residential amenities (the "Use").
4. The Site is located in the Business and Residence A-2 Zoning Districts.
5. The Site has an area of 25.7 acres +/- as shown on the Plans referenced in paragraph 7 below.

6. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use.

7. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a Fiscal Impact Analysis dated January 3, 2019 by Fougere Planning & Development, Inc., a Transportation Impact Assessment dated January 12, 2019 by Vanasse & Associates, Inc., and the following plans: a detailed site plan entitled “Preliminary Site Development Plans for Walcott Heritage Farms” by Allen & Major Associates, Inc., comprised of Sheets 1 through 6 with the last revision date of December 16, 2020 (the “Plans”), attached hereto as “Attachment A.”

8. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

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

10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, July 20, 2020. The public hearing was held at the Marlborough City Hall, 140 Main Street, and by remote access in accordance with Section 17(d) of Chapter 53 of the Acts of 2020 and “An Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20” issued by Governor Charles D. Baker on March 12, 2020. The public hearing was conducted by remote participation, allowing the City Council, members of the public, and the Applicant to participate in the hearing through real-time audio and video conferencing, telephone access, and live internet streaming. The hearing was closed on July 20, 2020.

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

12. At the public hearing, ten members of the public spoke in opposition to the Use. Twenty-five members of the public submitted written comments in opposition to the Use. One member of the public submitted written comments in favor of the Use.

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

A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

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, 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 build and operate a 140-unit multifamily dwelling residential project as shown on the Plans filed, 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 of all structures on the Site 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, and shall be built according to the Plans as may be amended during Site Plan Review.

2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.

3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. 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, its successors and/or assigns, 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. The final architectural design of the Site shall be reasonably consistent with the Plans submitted by the Applicant. The final exterior features of the Site, including landscaping, shall be maintained in good condition and shall be reasonably consistent with the Plans submitted and representations made to the City Council.

5. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall ensure that its site superintendent during construction of the project is competent in stormwater and erosion control management. The Applicant shall also hire an independent Erosion Control Expert, with credentials acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This

individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

6. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties, with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review process.

7. Affordable Units. Fifteen percent (15%) of the dwelling units at the Site shall be made available as rental units at affordable prices to renters (whose annual income does not exceed eighty percent (80%) of the Area median income adjusted for family size as determined by the U.S. Department of Housing and Urban Development) in perpetuity or the longest period allowed by law (the "Affordable Housing Units"), in accordance with the provisions of Section 650-26 of the Zoning Ordinance and this condition. The Affordable Housing Units shall comply with all requirements for inclusion in the Subsidized Housing Inventory ("SHI") of the Commonwealth of Mass. Department of Housing and Community Development ("DHCD"). Prior to obtaining a certificate of occupancy for any unit within the Use, the Applicant, its successors and/or assigns, in coordination with the City and its Community Development Authority, shall file all required submissions to DHCD for inclusion of the Affordable Housing Units on the SHI and shall diligently take all actions necessary to include the Affordable Housing Units on the SHI, including without limitation, preparing and executing a regulatory agreement and declaration of restrictive covenants and/or any other restrictive instrument necessary to ensure compliance with said Zoning Ordinance and this condition, a marketing plan, and all other required documentation. All costs associated with complying with this condition, including but not limited to, the DHCD process, recording of all documents with the registry of deeds, and the marketing plan for the Affordable Units shall be borne by the Applicant, its successors and/or assigns.

8. Site Access and Roadway Improvements.

- a. The Use shall access Route 20 with a single driveway entrance located directly opposite Village Drive. The Applicant shall provide an emergency access driveway off of Route 20 on the western side of the Site, with an access or gating system approved during Site Plan Review.
- b. The Applicant, its successors and/or assigns, shall coordinate with the City and the Massachusetts Department of Transportation to ensure that development of the Use does not conflict with planned improvements to Route 20 in the vicinity of the Site. The final design and configuration of the Site's access driveways shall incorporate the latest design of the planned MassDOT improvements to Route 20 and shall be approved by both MassDOT and the Engineering Division of the Department of Public Works.

- c. In addition to the planned improvements to Route 20, the Applicant shall, in coordination with MassDOT and the Engineering Division of the Department of Public Works, make the following traffic calming improvements in the vicinity of the Site:
- (i) A radar speed sign on the southern side of Route 20 to the west of Victoria Lane;
  - (ii) A radar speed sign on the northern side of Route 20 to the east of Village Drive; and
  - (iii) Rectangular rapid flashing beacons at the proposed crosswalks over Route 20 in the vicinity of the Site.
- d. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a payment to the City in the amount of \$200,000 to be used by the City Council or its designee towards the study, design, and construction of a traffic signal at the intersection Route 20, Village Drive, and the Site's main entrance; provided however, that if the Massachusetts Department of Transportation does not authorize said traffic signal within three (3) years following the issuance of a final certificate of occupancy for the Use, then the funds may be used by the City Council or its designee for the study, design, and construction of comparable transportation safety improvements in the vicinity of the Site, for beautification improvements along Route 20 in the vicinity of the Site, or another project designed to improve transportation and aesthetics along Route 20 in the vicinity of the Site.
9. Transportation Alternatives.
- a. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a payment to the City in the amount of \$20,000 to be used by the City Council or its designee to study and/or fund shared transportation options, including but not limited to a shuttle service, to provide access between the Site and its neighboring residential properties and Downtown Marlborough.
  - b. Prior to applying for a building permit for the Use, the Applicant, its successors and/or assigns, shall submit a request to the MetroWest Regional Transit Authority to add a bus stop in the vicinity of the Site and its neighboring residential properties.
  - c. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a written summary of a program sponsored for the Site's residents to encourage shared trips and carpooling to reduce vehicle trips to and from the Site, and shall submit an annual report on this program to the Building Commissioner on or before January 30<sup>th</sup> during each year that the Use remains in operation.

10. Open Space.

- a. The Applicant, its successors and/or assigns, shall grant a conservation restriction to the City's Conservation Commission or its designee over areas of the Site identified as "CR Area 1", "CR Area 2", and "CR Area 3" (including any area outlined in red) shown on the plan attached as "**Attachment B**" (the "Restricted Land"). The form of the conservation restriction over the Restricted Land shall be approved by the City Solicitor and the City Conservation Officer prior to the issuance of a building permit. The Conservation Restriction must be approved by the Conservation Commission, the City Council, and finally signed by the Mayor before being approved by the State Secretary of Energy and Environmental Affairs. The conservation restriction must be granted and recorded prior to the issuance of a certificate of occupancy for any unit within the Use, or at a later time agreed to in writing by the City Conservation Officer. The Conservation Restriction will allow for the mowing and management of portions of CR Area 1 to enhance wildlife habitat and meadows as approved by the Conservation Commission, and shall allow for the passive recreational use of CR Area 1 by the Site's residents.
- b. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a payment to the City in the amount of \$20,000 to be used by the City Council or its designee to study and/or fund a recreational trail for pedestrians along the City-owned sewer land adjacent to the Site, to provide public access and connections between Route 20 and the Site's neighboring residential properties and Kane School.

11. Sewer Pump Station Improvements. Prior to the issuance of a building permit, the Applicant, its successors and/or assigns, shall provide a payment to the City for its Department of Public Works or its designee, not to exceed \$35,000, to be used by the City for the installation of an in-line sewage grinder at the Boston Post Road pump station in the vicinity of the Site.

12. Snow Removal. Snow removed from driveways, parking areas, and walkways at the Site may not be stored in a manner that creates a shortage of on-site parking for residents. If on-site snow storage creates a shortage of on-site parking for residents, the Applicant, its successors and/or assigns, shall have stockpiled snow removed from the Site.

13. Other Approvals. The Applicant, its successors and/or assigns, shall comply with an order of conditions from the City's Conservation Commission and a floodplain special permit from the City's Zoning Board of Appeals.

14. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex 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: \_\_\_\_\_

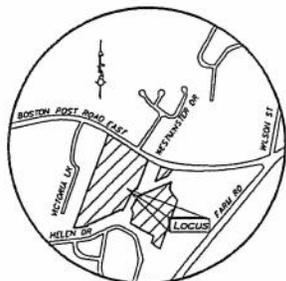
ADOPTED  
In City Council  
Order No. 20-1007995B

Adopted: \_\_\_\_\_ 2021

A TRUE COPY  
ATTEST: \_\_\_\_\_ City Clerk

**ATTACHMENT "A"**

# PRELIMINARY SITE DEVELOPMENT PLANS FOR WALCOTT HERITAGE FARMS 339 BOSTON POST ROAD EAST MARLBOROUGH, MA



**LOCUS MAP**  
NOT TO SCALE

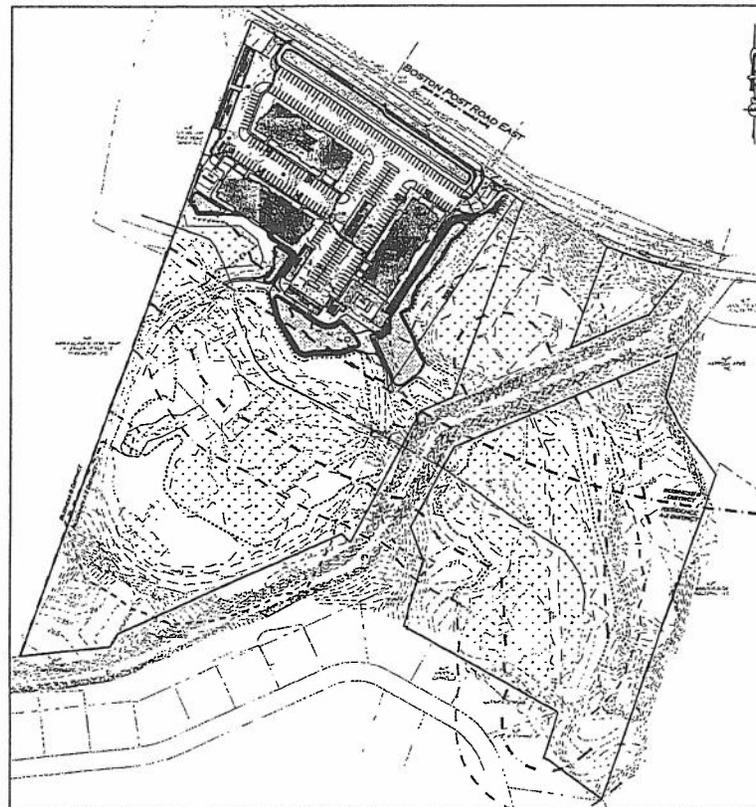
**APPLICANT:**  
WP MARLBOROUGH MA OWNER, LLC  
9 WEST BROAD STREET, SUITE 800  
STAMFORD, CT 06902  
203.210.2700

**LAND SURVEYOR, SITE ENGINEER  
LANDSCAPE ARCHITECT:**  
ALLEN & MAJOR ASSOCIATES, INC.  
100 COMMERCE WAY, SUITE 5  
WOBBURN, MA 01801  
781.935.6889

**ARCHITECT:**  
PHILLIPS ARCHITECTURE  
5901 PEACHTREE DUNWOODY ROAD, SUITE A450  
ATLANTA, GA 30328.  
770.394.1616

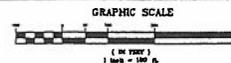
**MECHANICAL, ELECTRICAL AND PLUMBING  
CONSULTANT:**  
ENGR3 CONSULTING ENGINEERS  
100 NORTH POINT CENTER EAST, SUITE 200  
ALPHARETTA, GA 30022

**ENVIRONMENTAL CONSULTANT:**  
GODDARD CONSULTING, LLC  
291 MAIN STREET SUITE #8  
NORTHBOROUGH, MA 01532  
508.393.3784



PREPARED BY:

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ASSOCIATES, INC.**  
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environmental consulting • landscape architecture  
www.a1j.com  
100 COMMERCE WAY  
WOBBURN MA 01801  
SUITE 5  
TEL: (781) 935-6889  
FAX: (781) 935-8896  
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| LIST OF DRAWINGS           |           |            |            |
|----------------------------|-----------|------------|------------|
| DRAWING TITLE              | SHEET NO. | ISSUED     | REVISED    |
| <b>CIVIL DRAWINGS</b>      |           |            |            |
| EXISTING CONDITIONS PLAN   | Y-101     | 01-16-2020 | 07-08-2020 |
| LOCUS PLAN                 | C-001     | 12-16-2020 | ---        |
| PRELIMINARY SITE PLAN      | C-101     | 12-16-2020 | ---        |
| PRELIMINARY UTILITY PLAN   | C-102     | 12-16-2020 | ---        |
| PRELIMINARY LANDSCAPE PLAN | L-101     | 12-16-2020 | ---        |
| LANDSCAPE DETAILS          | L-501     | 12-16-2020 | ---        |



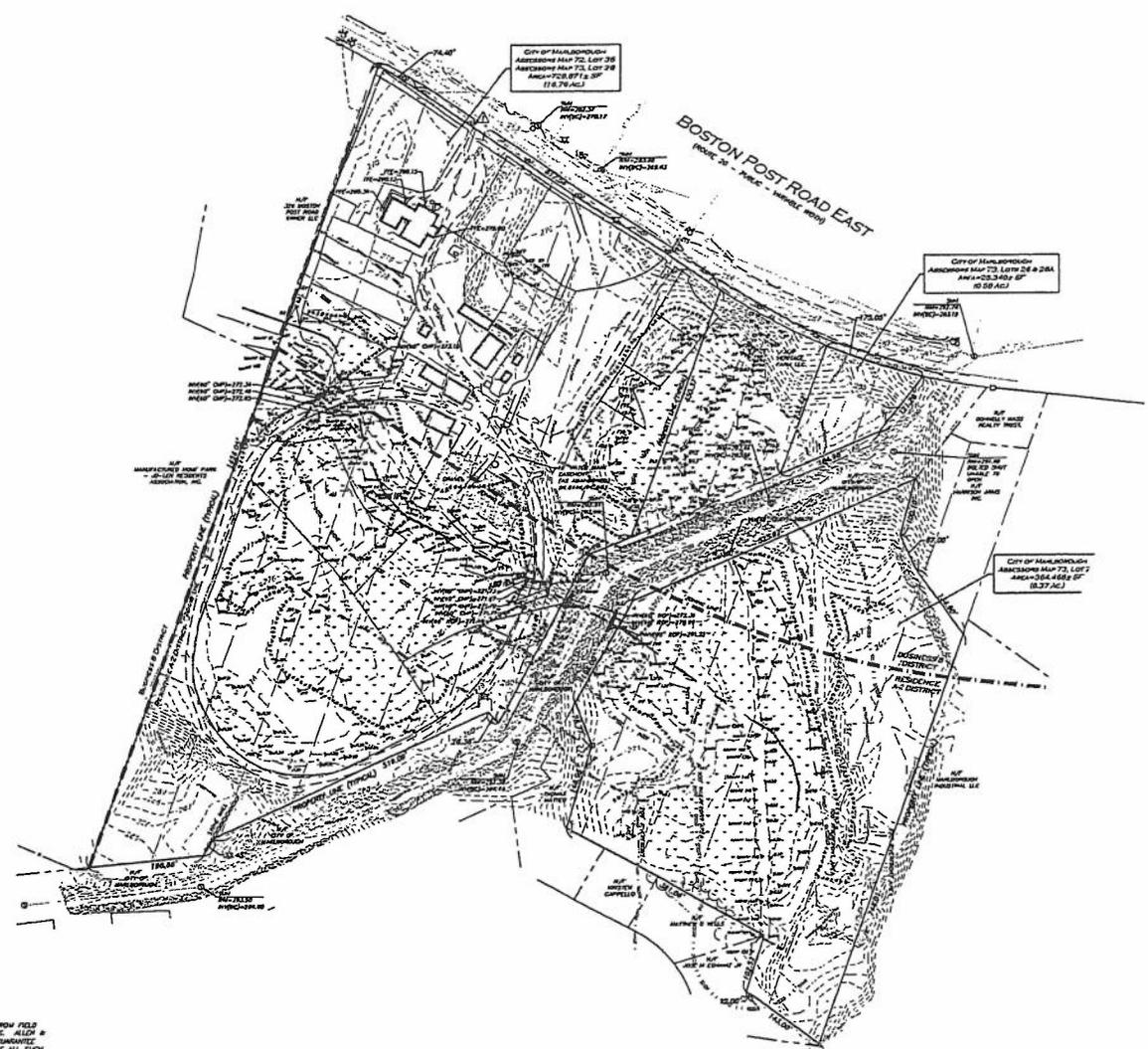
ISSUED FOR LOCAL APPROVAL: DECEMBER 20, 2019  
RESUBMISSION FOR LOCAL APPROVAL: JANUARY 31, 2020  
VARIOUS REVISIONS: FEBRUARY 3, 2020  
VARIOUS REVISIONS: FEBRUARY 20, 2020  
REVISED PER CITY COMMENTS: MAY 18, 2020  
REVISED PER CITY COMMENTS: JULY 8, 2020  
ISSUED TO CONSERVATION: AUGUST 12, 2020  
REVISED PER CONSERVATION: AUGUST 26, 2020  
REVISED FOR SITE PLAN REVIEW COMMITTEE: SEPTEMBER 11, 2020  
**REVISED FOR URBAN AFFAIRS SUBMISSION: DECEMBER 16, 2020**



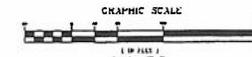
LOCUS MAP  
(NOT TO SCALE)

| BENCHMARK SUMMARY |                                     |        |
|-------------------|-------------------------------------|--------|
| BM #              | DESCRIPTION                         | ELEV.  |
| 1                 | COTTON COT SPRINKLE<br>IN UPW 26-1  | 284.10 |
| 2                 | COTTON COT SPRINKLE<br>IN UPW 26-30 | 282.10 |

| LEGEND                       |   |
|------------------------------|---|
| STONE BOUND (SB)             | — |
| IRON ROD (IR)                | — |
| DRAIN MANHOLE (DM)           | — |
| SEWER MANHOLE (SM)           | — |
| CATCH BASIN (CB)             | — |
| UTILITY POLE                 | — |
| UTILITY POLE W/ANCHOR        | — |
| UTILITY POLE W/ANCHOR        | — |
| CITY WALK                    | — |
| FIRE HYDRANT                 | — |
| WATER GATE                   | — |
| ONE WAY                      | — |
| WALKWAY (WV)                 | — |
| LIGHT                        | — |
| SIGN                         | — |
| METLAND FLAG                 | — |
| ELECTRIC METER               | — |
| CONCRETE                     | — |
| METLAND AREA                 | — |
| BUILDING                     | — |
| METLAND                      | — |
| FLOODPLAIN                   | — |
| 20' METLAND BUFFER           | — |
| 100' METLAND BUFFER          | — |
| 100' PROHIBITION BUFFER      | — |
| 200' PROHIBITION BUFFER      | — |
| CEASEMENT LINE               | — |
| 1' CONTOUR                   | — |
| 5' CONTOUR                   | — |
| PROPERTY LINE                | — |
| ARBITRARY LINE               | — |
| STONE WALL                   | — |
| TRAIL LINE                   | — |
| EDGE OF PAVEMENT             | — |
| EDGE OF CANAL                | — |
| CHALK LINE FENCE             | — |
| STOCKADE FENCE               | — |
| WIRE FENCE                   | — |
| CLAUSTRINE                   | — |
| WATER LINE                   | — |
| SEWER LINE                   | — |
| DRAIN LINE                   | — |
| OVERHEAD WIRE                | — |
| FINISHED FLOOR ELEVATION     | — |
| BITUMINOUS                   | — |
| CONCRETE                     | — |
| BITUM CENTER                 | — |
| REINFORCED CONCRETE PIPE     | — |
| POLYMER CLAY PIPE            | — |
| COMPOUNDED METAL PIPE        | — |
| CAST IRON PIPE               | — |
| DUCTILE IRON PIPE            | — |
| STONE BOUND HYDRANT MOUNT    | — |
| CONCRETE BOUND HYDRANT MOUNT | — |
| FOUL                         | — |
| HOW OR FORMERLY              | — |
| ROCK                         | — |
| PRICE                        | — |



- LOCUS REFERENCES**
- CITY OF MARLBOROUGH ASSESSORS MAP 72, LOT 33
  - ASSESSORS MAP 72, LOTS 24, 26, 28A, 27 & 28
  - BOOK 1124, PAGE 231
  - BOOK 71216, PAGE 242
  - PLAN 475 OF 1923
  - OWNER OF RECORD HERITAGE FARM LLC
- PLAN REFERENCES**
- PLAN 179 OF 1991
  - PLAN 1023 OF 1983
  - PLAN 436 OF 1986
  - LAND COURT CASE 30558R
  - PLAN 1408 OF 1987
- NOTES**
1. NORTH ARROW IS BASED ON MASSACHUSETTS GRID COORDINATE SYSTEM (MARLBAND ZONE) (MAD 83).
  2. PROPERTY LINE IS EXISTING ONE FEET/ONE INCH BOUNDARY FROM A PLAN DATED 24 JANUARY 1987 SURVEY - SEE LOTS 24, 26, 28A, 27 AND 28, CITY OF MARLBOROUGH, COUNTY OF WORCESTER, STATE OF MASSACHUSETTS, DATED MAY 30, 2018, PREPARED BY ANDREW NEW WORLD.
  3. METLAND FLAG IS SHOWN HEREON DELINEATED BY GOODWIN CONSULTING LLC AND FIELD LOCATED BY ALLEN & MAJOR ASSOCIATES, INC.
  4. VERTICAL SCALE IS HUND 66.
  5. CONTOUR INTERVAL IS ONE FOOT (1').



**UTILITY STATEMENT**

THE UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. ALLEN & MAJOR ASSOCIATES, INC. (A&M) MAKES NO GUARANTEE THAT THE UTILITIES SHOWN ACCURATELY REPRESENT ALL SUCH UTILITIES IN THE AREA EITHER IN SCOPE OF JURISDICTION OR ANY PARTIAL DEPT. AND WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. A&M HAS NOT PROBABLY LOCATED THE UNDERGROUND UTILITIES.

WE HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL SURVEY OF THE GROUND SURVEY PERFORMED ON OR BETWEEN JUNE 21, 2018 AND JANUARY 15, 2020.

July 8, 2020

PROFESSIONAL LAND SURVEYOR FOR ALLEN & MAJOR ASSOCIATES, INC.

07/08/20

| NO. | DATE     | DESCRIPTION               |
|-----|----------|---------------------------|
| 4   | 07/08/20 | CITY COMMENTS             |
| 3   | 07/08/20 | AMENDMENT                 |
| 2   | 12/20/19 | DESIGN FOR LOCAL APPROVAL |
| 1   | 11/18/19 | WARRANT REVISION          |

APPLICANT: WP MARLBOROUGH MA OWNER, LLC  
9 WEST BROAD STREET, SUITE 800  
STAMFORD, CT 06902

PROJECT: 339 BOSTON POST ROAD EAST  
MARLBOROUGH, MA

PROJECT NO. 388-01 DATE: 07/22/19

SCALE: T=80 DRAWN: DANIEL BY-BC

DRAWN BY: SAC CHECKED BY: HLL

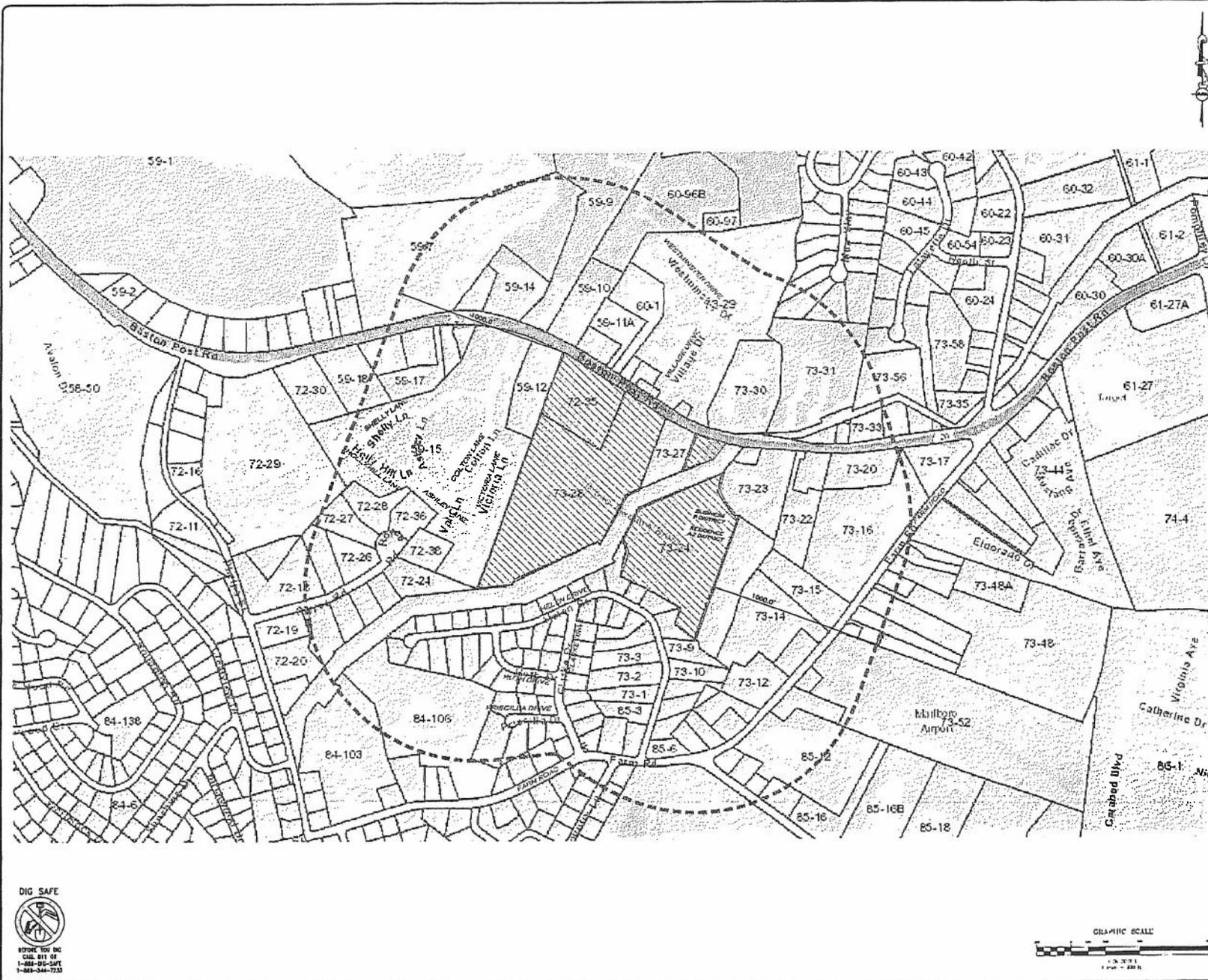
ALLEN & MAJOR ASSOCIATES, INC.

REGISTERED PROFESSIONAL ENGINEER  
STATE OF MASSACHUSETTS  
NO. 112133-012

DATE: 07/22/19  
SCALE: AS SHOWN

PROJECT NO. 388-01 DATE: 07/22/19

EXISTING CONDITIONS V-101



PROFESSIONAL SEAL FOR  
ALLEN & MAJOR ASSOCIATES, INC.

|    |            |                                       |
|----|------------|---------------------------------------|
| 15 | 10-14-2022 | REVISED FOR LUSH AMIENS SUBDIVISION   |
| 7  | 04-25-2022 | REVISED FOR SEWER MAIN TRENCH CHANGES |
| 6  | 02-24-21   | ISSUED FOR CONSTRUCTION               |
| 7  | 01-12-21   | ISSUED FOR CITY COMMENTS              |
| 6  | 07-08-20   | ISSUED FOR CITY COMMENTS              |
| 5  | 06-10-20   | ISSUED FOR CITY COMMENTS              |
| 4  | 03-25-20   | ISSUED FOR REVIEW                     |
| 3  | 02-03-20   | ISSUED FOR REVIEW                     |
| 2  | 07-13-19   | RESUBMITTED FOR LOCAL APPROVAL        |
| 1  | 02-20-19   | ISSUED FOR LOCAL APPROVAL             |

BY: [Signature] DATE: 07/08/2022

APPLICANT/OWNER:  
**WP MARLBOROUGH MA OWNER, LLC**  
 9 WEST BRIDAD STREET, SUITE 800  
 STAMFORD, CT 06902

PROJECT:  
**MULTI-FAMILY DEVELOPMENT**  
**339 BOSTON POST ROAD EAST**  
**MARLBOROUGH MA**

|              |            |             |            |
|--------------|------------|-------------|------------|
| PROJECT NO.  | 202201     | DATE:       | 12/20/2019 |
| SCALE:       | 1/8"=1'-0" | DRAWN BY:   | CM/AM      |
| DESIGNED BY: | ELM/AM     | CHECKED BY: | CM/AM      |

**ALLEN & MAJOR ASSOCIATES, INC.**  
 civil & structural engineering & land surveying  
 1000 WEST BRIDAD STREET, SUITE 800  
 STAMFORD, CT 06902  
 (203) 341-1111  
 FAX (203) 341-1111

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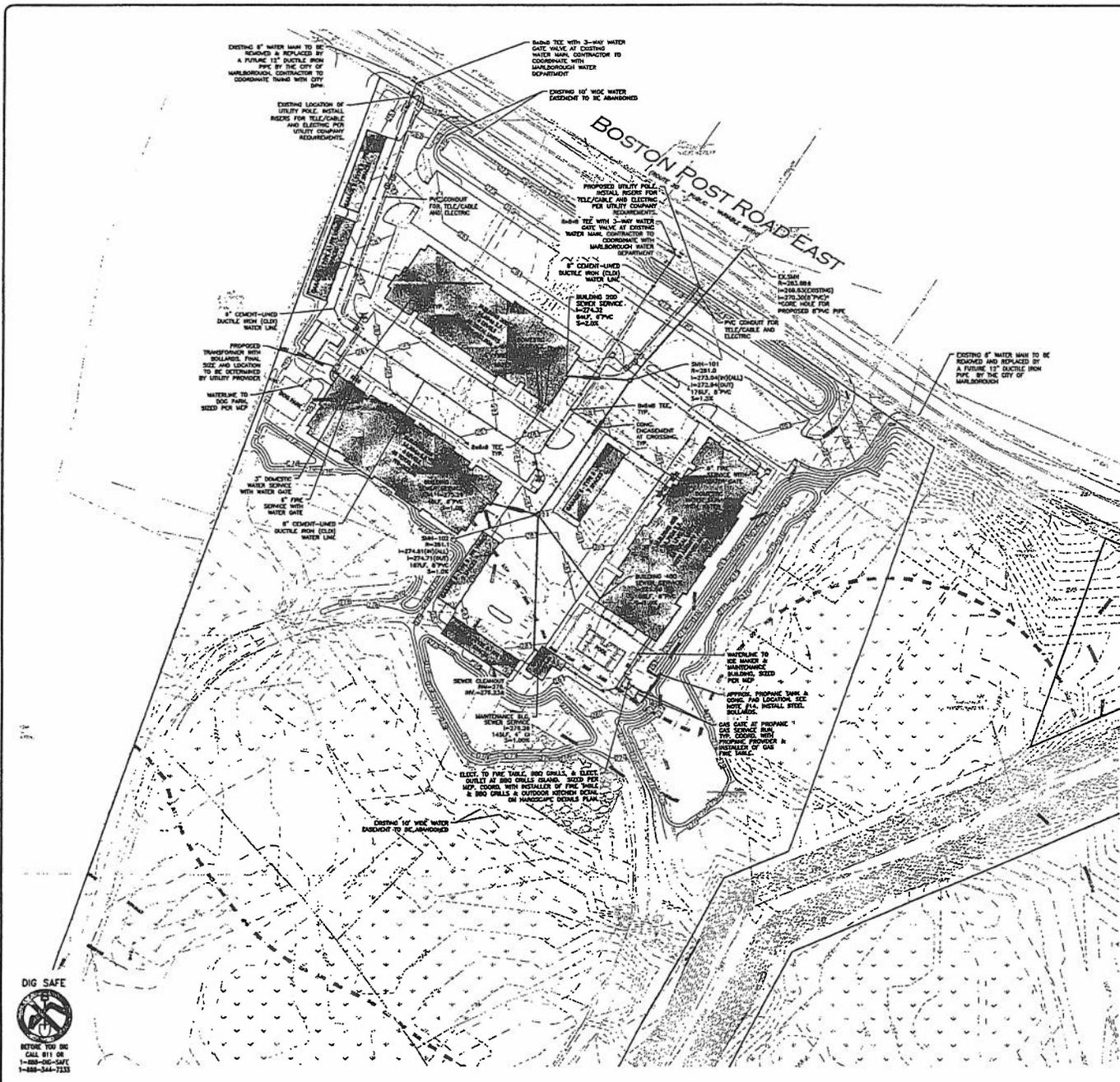


**DIG SAFE**  

 BEFORE YOU DIG  
 CALL 811 OR  
 1-888-95-5AVE  
 1-888-344-7733

P:\PROJECTS\2022-01\WP MARLBOROUGH MA OWNER, LLC\2022-01-13-15-13.dwg

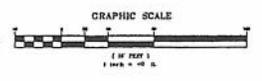




**LEGEND**

|                          |   |
|--------------------------|---|
| SEWER MANHOLE            | ○ |
| SEWER CLEANOUT           | ⊙ |
| SEWER LINE               | — |
| CONCRETE PFC ENCLOSURE   | — |
| WATER (DOMESTIC SERVICE) | — |
| WATER (PFC SERVICE)      | — |
| WATER VALVE              | ⊕ |
| PROPANE GAS LINE         | — |
| GAS VALVE                | ⊕ |
| HAND HOLE                | ⊕ |
| ELECTRICAL CONDUIT       | — |
| TELE/CABLE CONDUIT       | — |

- NOTES:**
1. THE INFORMATION SHOWN ON THIS PLAN IS THE SOLE PROPERTY OF ALLEN & MAJOR ASSOCIATES, INC. IT IS PROVIDED AS IS TO PROVIDE INFORMATION, AND NO WARRANTY, EXPRESS OR IMPLIED, IS MADE BY ALLEN & MAJOR ASSOCIATES, INC. IT IS STRICTLY PROHIBITED.
  2. THIS PLAN WAS PREPARED USING AVAILABLE SITE INFORMATION FROM SEVERAL SOURCES, SOME OF WHICH IS UNCORROBORATED. THE EXISTING CONDITIONS SHOWN HEREIN WERE TAKEN FROM A PLAN DATED "EXISTING CONDITIONS" PREPARED BY ALLEN & MAJOR ASSOCIATES, INC. DATED JULY 8, 2020, ORIGINAL SCALE 1"=40'.
  3. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN AS AN APPROXIMATE INDICATION ONLY AND ARE NOT TO BE RELIED UPON. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCURRED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PROTECT ANY AND ALL UNDERGROUND UTILITIES.
  4. THE CONTRACTOR SHALL CONTACT "DIGSAFE" AND THE CITY OF MARLBOROUGH DEPARTMENT OF PUBLIC WORKS AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION WORK TO REQUEST THE LOCATION OF THE EXISTING UTILITIES. DIGSAFE: 1-800-344-7233 CITY OF MARLBOROUGH DEPT. OF PUBLIC WORKS: 1-508-424-8910
  5. ALL ELEVATIONS REFER TO MVD 86.
  6. SEE FIRE PROTECTION PLANS FOR ADDITIONAL INFORMATION. PFC LOCATION TO BE CORROBORATED WITH PFC PROTECTION ENGINEER.
  7. POLE LOCATIONS SHOWN FOR COORDINATION PURPOSES ONLY. POLE LOCATIONS AND SYSTEMS TO BE PROVIDED BY LOCAL UTILITY CONSULTANT. SEE PHOTOGRAPHIC PLAN FOR MORE INFORMATION.
  8. UTILITIES SHOWN ON THIS PLAN ARE FOR COORDINATION PURPOSES ONLY. INDIVIDUAL UTILITY PROVIDERS AND END USERS SHALL DETERMINE THE FINAL LOCATION, SIZE AND MATERIAL OF EACH UTILITY. FINAL LOCATION OF UTILITIES TO BE PROVIDED TO THE CITY OF MARLBOROUGH FOR APPROVAL PRIOR TO INSTALLATION.
  9. MINIMUM 18" SEPARATION BETWEEN SEWER LINES AND WATER LINES SHALL BE MAINTAINED, AS SHOWN ON THIS PLAN. WHERE LESS THAN 18" SEPARATION IS POSSIBLE, BOTH LINES SHALL BE ENCASED IN CONDUIT, A MINIMUM OF 18" IN EACH DIRECTION, OR AS PRACTICABLE.
  10. PROPANE GAS SERVICE LOCATION SHOWN FOR COORDINATION PURPOSES ONLY. FINAL LOCATION OF PROPANE LINE TO BE DETERMINED BY PROPANE LINE INSTALLER. FINAL LOCATION OF PROPANE SERVICE TO BE PROVIDED TO THE CITY OF MARLBOROUGH FOR APPROVAL PRIOR TO INSTALLATION.
  11. CONTRACTOR SHALL MAINTAIN A MINIMUM OF 6" OF COVER AND A MINIMUM OF 8" OF COVER ON ALL MANHOLES.
  12. NO BILLIARDS ARE CURRENTLY SHOWN AT THIS LOCATION. HOWEVER, BILLIARDS REQUIREMENTS SHALL BE COORDINATED WITH SERVICE PROVIDER IN ACCORDANCE WITH THEIR REGULATIONS.
  13. ALL UTILITIES TO BE ABANDONED SHALL BE CUT AND COVERED AT THE MAIN PRIOR TO BUILDING EXCAVATION IN ACCORDANCE WITH CITY OF MARLBOROUGH DEPT. STANDARDS.



PROFESSIONAL ENGINEER FOR  
ALLEN & MAJOR ASSOCIATES, INC.

PROJECT NO. 202401 DATE 12/20/23  
SCALE P=MF DIAL MARK C3000P  
DESIGNED BY SA/MAA CHECKED BY: GMS  
DRAWN BY: SA/MAA

**APPROVALS:**  
VP MARLBOROUGH MA OWNER, LLC  
9 WEST BROAD STREET, SUITE 800  
STAMFORD, CT 06302

**MULTIFAMILY DEVELOPMENT**  
339 BOSTON POST ROAD EAST  
MARLBOROUGH, MA

**ALLEN & MAJOR ASSOCIATES, INC.**  
civil & structural engineering • land services  
environmental engineering • geotechnical engineering

100 STATE STREET, SUITE 200  
WINDSOR, MA 01095  
TEL: 413-528-1111  
FAX: 413-528-1100

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DRAWING TITLE: PRELIMINARY UTILITIES PLAN  
SHEET NO.: C-102

ALLEN & MAJOR ASSOCIATES, INC. 100 STATE STREET, SUITE 200, WINDSOR, MA 01095 TEL: 413-528-1111 FAX: 413-528-1100

**DIG SAFE**

BEFORE YOU DIG  
CALL 811 OR  
1-888-486-4868  
1-888-344-7233

**DIG SAFE**  
  
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 CALL 811 OR  
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 1-888-344-7333



- NOTES:**
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  2. THIS PLAN WAS PREPARED USING AVAILABLE SITE INFORMATION FROM SEVERAL SOURCES. SOME OF WHICH IS UNCORROBORATED. THE EXISTING CONDITIONS SURVEY BASE WAS TAKEN FROM A PLAN DATED 12/20/2008. V-101\* PREPARED BY ALLEN & MAJOR ASSOCIATES, INC. DATED JULY, 2011. GRAPHIC SCALE 1"=40'.
  3. ALL LANDSCAPE AREAS WITH SHRUBS, TREES, AND PERENNIALS TO HAVE 18" MINIMUM DEPTH OF TOPSOIL. EXISTING TREES TO BE TOPSOILED AND SHRUBS TO BE TOPSOILED. SEE PLANTING SCHEDULES FOR PLANTING DEPTH AT SHRUBS AND TREES. ALL AREAS OF LOAM AND SAND OR LOAM & SOIL TO HAVE 8" MINIMUM DEPTH OF TOPSOIL. TOPSOIL TO BE TESTED BY CONTRACTOR, AND APPROVED BY AASH PRIOR TO PURCHASE AND OR PLACEMENT. GENERAL CONTRACTOR, QUALIFIED CONTRACTOR, AND LANDSCAPE CONTRACTOR TO COORDINATE PROPOSED DEPTH OF EXISTING MATERIAL REMOVAL ACROSS SITE TO 18" MINIMUM AND 8" MINIMUM DEPTHS OF PROPOSED TOPSOIL NOTED ABOVE ARE MET AT NO ADDITIONAL COST TO OWNER. SEE TOPSOIL DETAIL.
  4. THIS PLAN IS A CONCEPTUAL PLAN ONLY, AND SUBJECT TO CHANGE AS PROJECT PROGRESSES.

**PLANTING PALETTE - TREES, SHRUBS, & PERENNIALS**

| KEY                                | QUANTITY | BOTANICAL NAME           | COMMON NAME       | MIN. SIZE   | SPACING  | COMMENTS  |
|------------------------------------|----------|--------------------------|-------------------|-------------|----------|-----------|
| <b>DECIDUOUS SHADE TREES</b>       |          |                          |                   |             |          |           |
| AK                                 | 750      | WALNUT JUNGLE BELLINGHAM | WALNUT BELLINGHAM | 3.5-5" O.H. | AS SHOWN | B&B       |
| JR                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3.5-5" O.H. | AS SHOWN | B&B       |
| BP                                 | 750      | WATER BIRCH              | WATER BIRCH       | 12-14" Ht.  | AS SHOWN | B&B       |
| CC                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3.5-5" O.H. | AS SHOWN | B&B       |
| FR                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3.5-5" O.H. | AS SHOWN | B&B       |
| OP                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3-3.5" O.H. | AS SHOWN | B&B       |
| <b>EVERGREEN TREES</b>             |          |                          |                   |             |          |           |
| AV                                 | 750      | WATER BIRCH              | WATER BIRCH       | 4-7" Ht.    | AS SHOWN | B&B       |
| BA                                 | 750      | WATER BIRCH              | WATER BIRCH       | 6-7" Ht.    | AS SHOWN | B&B       |
| BB                                 | 750      | WATER BIRCH              | WATER BIRCH       | 6-7" Ht.    | AS SHOWN | B&B       |
| BD                                 | 750      | WATER BIRCH              | WATER BIRCH       | 6-7" Ht.    | AS SHOWN | B&B       |
| <b>SHRUBS / ORNAMENTAL GRASSES</b> |          |                          |                   |             |          |           |
| KEY                                | QUANTITY | BOTANICAL NAME           | COMMON NAME       | MIN. SIZE   | SPACING  | COMMENTS  |
| CS                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | AS SHOWN | POT       |
| HT                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | AS SHOWN | POT       |
| HT                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | AS SHOWN | B&B       |
| IS                                 | 750      | WATER BIRCH              | WATER BIRCH       | 2'-3.5" Ht. | AS SHOWN | POT       |
| IV                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | AS SHOWN | POT       |
| PA                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | AS SHOWN | POT       |
| RA                                 | 750      | WATER BIRCH              | WATER BIRCH       | 14"-24" Ht. | AS SHOWN | POT       |
| SA                                 | 750      | WATER BIRCH              | WATER BIRCH       | 2'-3.5" Ht. | AS SHOWN | POT       |
| SD                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"-4" Ht.   | AS SHOWN | POT       |
| VO                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | AS SHOWN | POT       |
| <b>PERENNIALS</b>                  |          |                          |                   |             |          |           |
| KEY                                | QUANTITY | BOTANICAL NAME           | COMMON NAME       | MIN. SIZE   | SPACING  | COMMENTS  |
| BA                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | 34" O.C. | STAGGERED |
| EP                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | 34" O.C. | STAGGERED |
| ES                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | 34" O.C. | STAGGERED |
| HO                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | 34" O.C. | STAGGERED |
| HE                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | 34" O.C. | STAGGERED |
| HI                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | 34" O.C. | STAGGERED |
| IS                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | 34" O.C. | STAGGERED |
| MS                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | 34" O.C. | STAGGERED |
| NY                                 | 750      | WATER BIRCH              | WATER BIRCH       | 3"          | 34" O.C. | STAGGERED |



PROFESSIONAL ENGINEER FOR  
 ALLEN & MAJOR ASSOCIATES, INC.  
 10 12-16-2008 REVISED FOR LOCAL APPROVAL  
 9 08-23-2008 REVISED FOR LOCAL APPROVAL  
 8 08-13-2008 REVISED FOR CITY COMMENTS  
 7 08-13-2008 REVISED FOR CITY COMMENTS  
 6 08-13-2008 REVISED FOR CITY COMMENTS  
 5 08-13-2008 REVISED FOR CITY COMMENTS  
 4 08-13-2008 REVISED FOR CITY COMMENTS  
 3 08-13-2008 REVISED FOR CITY COMMENTS  
 2 08-13-2008 REVISED FOR CITY COMMENTS  
 1 08-13-2008 REVISED FOR CITY COMMENTS  
 REV DATE DESCRIPTION

APPLICANT/OWNER:  
 WP MAULBOROUGH MA OWNER, LLC  
 339 BOSTON POST ROAD EAST  
 MAULBOROUGH, MA 01923

PROJECT:  
 MULTI-FAMILY DEVELOPMENT  
 339 BOSTON POST ROAD EAST  
 MAULBOROUGH, MA



PROJECT TITLE: PRELIMINARY LANDSCAPE PLAN SHEET NO. L-101  
 DATE: 12/20/2008  
 SCALE: 1"=40'

ALLEN & MAJOR ASSOCIATES, INC. 1000 WASHINGTON STREET, SUITE 200, STAMFORD, CT 06902

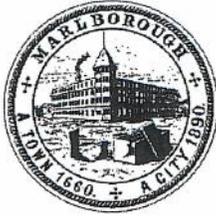


**ATTACHMENT "B"**



*City of Marlborough*  
*Commonwealth of Massachusetts*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH



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

### City Council Sign Review

7/23/2021

To City Council President and all Councilors,  
Included in this form is an applicant seeking approval from City Council as it relates to the signage project at 901 Boston Post Road East.

These signs do comply with Chapter 526 of the City of Marlborough General Code.

These signs do comply with the Zoning Requirements of the Wayside Zoning District

The sign permit applications and renderings have been included as Exhibit A.

Address of Location seeking approval 901 Boston Post Road East  
BP-2021-001080.

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

Code Enforcement Officer Ethan Lippitt

CC File  
City Council  
Commissioner Htway  
Planning Board

Letter to City Council RE: BP-2021-001080

# Exhibit A



CITY OF MARLBOROUGH

Building Department  
(508) 460-3776

BUILDING PERMIT

JOB WEATHER CARD

PERMIT NO

BP-2021-001080

ISSUE DATE

06/30/2021

APPLICANT

BOB'S SIGN SERVICE, INC.

PERMIT TO

Free Standing Sign

AT (LOCATION) 910 BOSTON POST RD, MARLBOROUGH, MA 0 ZONING DISTRICT B Bldg. Type: Commercial

SUBDIVISION MAP BLOCK LOT 62-21-- BUILDING IS TO BE: CONST TYPE USE GROUP B

WORK DESCRIPTION  
Installation of a Free Standing Sign for "Local Roots" Length 72.5, Width 4", Height 121.5, Area 61.8 SQFT.

CONTRACTOR  
LICENSE 0000  
Construction Supervisor  
BOB'S SIGN SERVICE, INC.  
87 FAY ROAD  
FRAMINGHAM, MA 01702  
**PAID**

AREA (SQ FT) EST COST(\$) 1930.00 PERMIT FEE (\$) 50.00

OWNER BLACKCOMB ASSOCIATES LLC  
ADDRESS ONE MAIN ST  
WHITINSVILLE MA 01588

BUILDING DEPT BY  
PHONE 5084050912

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

OWNERS OBTAINING THEIR OWN PERMIT OR ENTERING INTO CONTRACTS WITH UNREGISTERED CONTRACTORS OR SUBCONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK ARE NOT ELIGIBLE FOR AND DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OR GUARANTY FUND UNDER M.G.L CHAPTER 142A.

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

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

POST THIS CARD SO IT IS VISIBLE FROM STREET

BUILDING INSPECTIONS APPROVALS

| REQUIRED INSPECTIONS LISTED ON REVERSE |        |  |
|--|--------|--|
|  |        |  |
|  | OTHER: |  |
|  |        |  |

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

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

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

*AS on file*



62-21(B)  
*City of Marlborough*  
**BUILDING DEPARTMENT**  
 140 Main Street  
 Marlborough, Massachusetts 01752



Date: 5/21/21

Permit No. BP-2021-00080

Address/Location of Sign 910 BOSTON POST RD E

Name of Business LOCAL ROOTS

Name of Owner of Business KEYSTONE DEVL. Telephone 603-988-2827

Type of Sign: (check off which applies)

Flat Wall  Free Standing  Awning  Banner  Projecting

Does this site have a Special Permit  YES  NO

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

**Dimensions Sign:**

Length 72.5 Width 4" Height (Free Standing) 721.5 Area 61.8

Location of Sign on Bld. North  South  East  West

**Dimensions Façade:**

Length \_\_\_\_\_ Width \_\_\_\_\_ Area \_\_\_\_\_

[Signature] Telephone 617-470-6328  
Signature of Responsible Party

Installer Company BOB'S SIGN SERVICE INC Telephone 508 405 0912

INFO@BOBSSIGNSERVICE.COM  
Email

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

[Signature] Date 5/21/21  
Signature

Cost of Sign(s) 1930.00

Permit Fee \$ 50.00



505 Worcester Road, Framingham, MA 01701  
 alltype.com sales@alltype.com  
 TEL: 508.620.0202 FAX: 508.620.0885

|                              |          |                                   |
|------------------------------|----------|-----------------------------------|
| Order Date<br><b>6-29-21</b> | Due Date | Shipped/Deliver<br><b>Pick Up</b> |
|------------------------------|----------|-----------------------------------|

|                          |                                     |
|--------------------------|-------------------------------------|
| Designer<br><b>Peter</b> | Email<br><b>rlo@keystonedev.net</b> |
|--------------------------|-------------------------------------|

|  |
|--|
| Company<br><b>Local Roots Cannabis Crafted</b> |
|--|

|                                |
|--------------------------------|
| Contact<br><b>Rick Olstein</b> |
|--------------------------------|

|                     |
|---------------------|
| <b>617.593.2131</b> |
|---------------------|

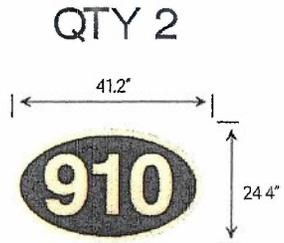
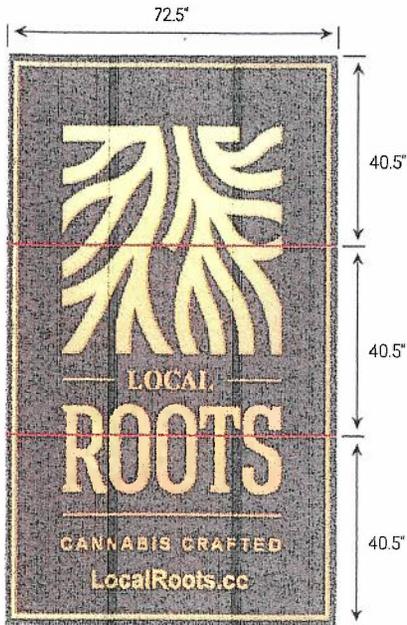
|  |
|--|
| Address<br><b>910 Boston Post Rd, Marlborough, MA 01752.</b> |
|--|

**Color Matching**  
 Pantone Color Match  No  
All Pantone colors can NOT be obtained using CMYK, but we will attempt to come as close as possible.

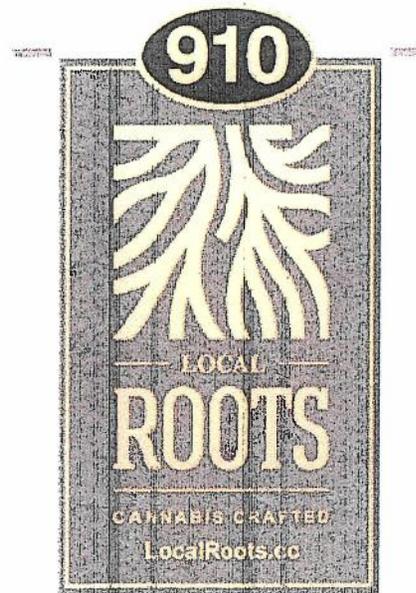
| Qty: | Size: | Description: |
|------|-------|--------------|
|------|-------|--------------|

8 misc. printed 1-sided 1/8" ACM w/ 3m luster lam @ 1815.00  
 QTY 6 72.5" x 40.5" panels = 72.5" x 121.5"  
 QTY 2 41.2"x24.4"

QTY 2 of ea panel



example w/ post



|   |                    |
|---|--------------------|
| Sub Total   | <u>1815.00</u>     |
| Tax   | <u>113.44</u>      |
| Install   | <u>---</u>         |
| Total   | <u>1928.44</u>     |
| Deposit   | <u>          </u>  |
| <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit Card | <u>          </u>  |
|   | <u>ACH Payment</u> |
| Balance Due   | <u>          </u>  |

**PLEASE CHECK PROOF!**

**Please verify all wording, spelling, art and sizes are correct before approving.**

**Production will not begin until approval is emailed back stating "APPROVED"**



505 Worcester Road, Framingham, MA 01701  
 alltype.com sales@alltype.com  
 TEL: 508.620.0202 FAX: 508.620.0885

|                              |          |                                   |
|------------------------------|----------|-----------------------------------|
| Order Date<br><b>6-29-21</b> | Due Date | Shipped/Deliver<br><b>Pick Up</b> |
|------------------------------|----------|-----------------------------------|

|                          |                                     |
|--------------------------|-------------------------------------|
| Designer<br><b>Peter</b> | Email<br><b>rlo@keystonedev.net</b> |
|--------------------------|-------------------------------------|

Company **Local Roots Cannabis Crafted**

Contact **Rick Olstein**

**617.593.2131**

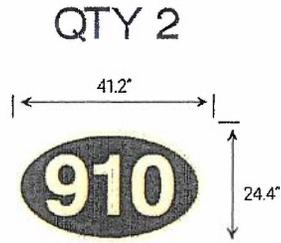
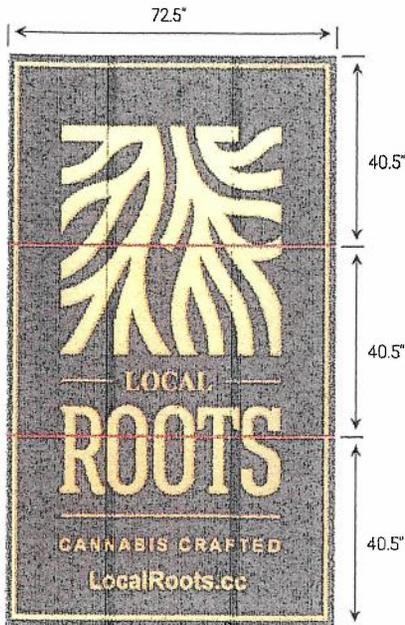
Address **910 Boston Post Rd, Marlborough, MA 01752.**

**Color Matching**  
 Pantone Color Match  
 All Pantone colors can NOT be obtained using CMYK, but we will attempt to come as close as possible. No

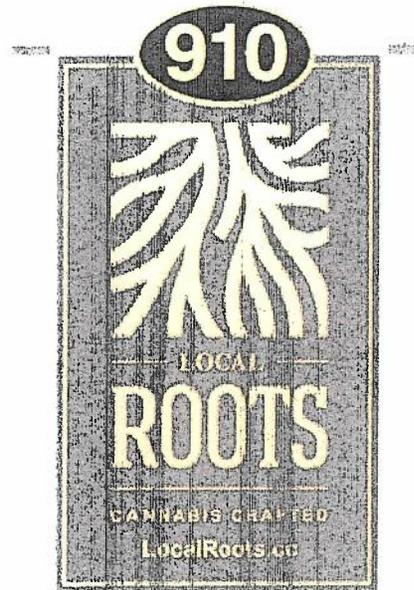
Qty:    Size:    Description:

8 misc. printed 1-sided 1/8" ACM w/ 3m luster lam @ 1815.00  
 QTY 6 72.5" x 40.5" panels = 72.5" x 121.5"  
 QTY 2 41.2"x24.4"

QTY 2 of ea panel



example w/ post



|   |                   |
|---|-------------------|
| Sub Total   | <u>1815.00</u>    |
| Tax   | <u>113.44</u>     |
| Install   | <u>--</u>         |
| Total   | <u>1928.44</u>    |
| Deposit   | <u>          </u> |
| <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit Card<br><input type="checkbox"/> ACH Payment |                   |
| Balance Due   | <u>          </u> |

**PLEASE CHECK PROOF!**

**Please verify all wording, spelling, art and sizes are correct before approving.**

Production will not begin until approval is emailed back stating "APPROVED"

Today's date \_\_\_\_\_

RE: Store Name Bob's Sign Service

Store Number 100

Store Address 1000 1st St.

To Whom It May Concern:

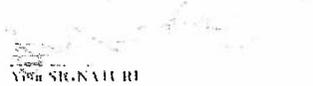
Please accept this as a Letter of Authorization providing BOB'S SIGN SERVICE and their contractors the authority to act on behalf of Bob's Sign Service in pursuit of upgrading our signage. This pertains to the following tasks in regard to signage for the 1000 1st St.

- Obtain all necessary permits and variance approvals.
- Engineering.
- Removals, patching, and painting.
- Installation.
- Electrical work.
- Any additional work as per the job specifications.

Per our lease, landlord approval *is not required* for signage alterations/upgrades.

Per our lease, landlord approval *is required* for signage alterations/upgrades.

Sincerely,

  
Your SIGNATURE

Your PRINTED name

Your title

Your company

Your Physical address

Your E-mail address

Your Telephone number

Your Fax number

Today's date

RE: Store Name

Store Number

Store Address

To Whom It May Concern:

Please accept this as a Letter of Authorization providing BOB'S SIGN SERVICE and their contractors

(Company name)

the authority to act on behalf of [Handwritten Name] in pursuit of upgrading our

(Store name)

signage. This pertains to the following tasks in regard to signage for the

(Store name)

(Store number)

(Store address)

- Obtain all necessary permits and variance approvals.
- Engineering.
- Removals, patching, and painting.
- Installation.
- Electrical work.
- Any additional work as per the job specifications.

Sincerely,

[Handwritten Signature]

Your SIGNATURE

[Handwritten Name]

Your PRINTED name

[Handwritten Title]

Your title

[Handwritten Company Name]

Your company

[Handwritten Physical Address]

Your Physical address

[Handwritten Email Address]

Your Email address

[Handwritten Telephone Number]

Your Telephone number

[Handwritten Tax Number]

Your Tax number

City of Marlborough  
Commonwealth of Massachusetts

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH



2021 JUL 21 P 1:45  
Ethan Lippitt  
Code Enforcement Officer  
140 Main Street  
Marlborough, MA 01752  
Phone: (508) 460-3776 XT 30201  
Fax: (508) 460-3736  
Email: [elippitt@marlborough-ma.gov](mailto:elippitt@marlborough-ma.gov)  
[pwilderma@marlborough-ma.gov](mailto:pwilderma@marlborough-ma.gov)

### City Council Sign Review

7/21/2021

To City Council President and all Councilors,  
Included in this form is an applicant seeking approval from City Council as it relates to the signage project at 561 Boston Post Road East.

These signs do comply with Chapter 526 of the City of Marlborough General Code.

These signs do not comply with the Zoning Requirement regarding Wayside Zoning, in that they do not meet the requirements of the signs being externally illuminated.

The sign permit applications and renderings have been included as Exhibit A and Exhibit B.

Address of Location seeking approval 561 Boston Post Road East  
BP-2021-001158 and BP-2021-001159

The relevant code section has been included in this letter for your convenience.

#### § 650-37 Special Provisions Applicable to the Wayside Zoning District

Within the Wayside Zoning District, the following provisions govern. Where these provisions conflict with other sections of the Zoning Chapter, the provisions of this section shall apply.

##### I. Signage.

(1) Except as otherwise provided in this section, signage shall conform to the provisions of Chapter 526 of the City Code, the Sign Ordinance.

(d) Signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible.

Zoning District:  
Meets Current Sign Code:  
Planning Board Variance:

Wayside Zoning  
YES  
NO

Code Enforcement Officer Ethan Lippitt

CC File  
City Council  
Commissioner Htway  
Planning Board

Letter to City Council RE: BP-2021-001158

# Exhibit A



CITY OF MARLBOROUGH

Building Department  
(508) 460-3776

BUILDING PERMIT  
JOB WEATHER CARD

PERMIT NO  
ISSUE DATE  
APPLICANT

BP-2021-001158  
07/16/2021  
RALPH R FERRIGNO, JR

PERMIT TO Flat Roof Sign

AT (LOCATION) 561 BOSTON POST RD, MARLBOROUGH, MA 017 ZONING DISTRICT B Bldg. Type: Commercial

SUBDIVISION MAP BLOCK LOT 73-39B-- BUILDING IS TO BE: CONST TYPE USE GROUP B

WORK DESCRIPTION  
Installation of a Flat Roof Sign for "Val-U-Storage" Length 108", Width 36".

CONTRACTOR  
LICENSE CS-068112  
Construction Supervisor  
SIGN DESIGN, INC.  
RALPH FERRIGNO, JR  
170 LIBERTY STREET  
BROCKTON, MA 02301  
**PAD**

AREA (SQ FT) EST COST(\$)  
2000.00 PERMIT FEE (\$) 200.00

OWNER VALCHUIS & SONS INC  
ADDRESS 547 BOSTON POST RD EAST  
MARLBOROUGH MA 01752

BUILDING DEPT BY  
PHONE 5085800094

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

OWNERS OBTAINING THEIR OWN PERMIT OR ENTERING INTO CONTRACTS WITH UNREGISTERED CONTRACTORS OR SUBCONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK ARE NOT ELIGIBLE FOR AND DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OR GUARANTY FUND UNDER M.G.L CHAPTER 142A.

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

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

POST THIS CARD SO IT IS VISIBLE FROM STREET

BUILDING INSPECTIONS APPROVALS

| REQUIRED INSPECTIONS LISTED ON REVERSE |        |  |
|--|--------|--|
|  |        |  |
|  | OTHER: |  |
|  |        |  |

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

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

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

73 - 39 B



# City of Marlborough

## BUILDING DEPARTMENT

140 Main Street  
Marlborough, Massachusetts 01752



Date: 7-13-21 Permit No. BP-2021-001158  
Address/Location of Sign 561 Boston Post Rd East  
Name of Business Val's Plaza - Val-U-Storage  
Name of Owner of Business Valchuis & Sons Inc. Telephone 508 400-8088

Type of Sign: (check off which applies)

Flat Wall <sup>roof</sup>  Free Standing  Awning  Banner  Projecting

Does this site have a Special Permit  YES  NO

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

### Dimensions Sign:

Length 108" Width 36" Height (Free Standing) \_\_\_\_\_ Area \_\_\_\_\_

Location of Sign on Bld. <sup>AS existing</sup> North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

### Dimensions Façade: Face replacement only

Length \_\_\_\_\_ Width 51' Area \_\_\_\_\_

See attached  
Signature of Responsible Party \_\_\_\_\_ Telephone \_\_\_\_\_

Installer Company Sign Design Inc. Telephone 508-245-7781  
nicoleh@signdesign.com  
Email \_\_\_\_\_ cell

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

Nicole Handrick, Sign Design  
Signature \_\_\_\_\_ Date 7-13-21

Cost of Sign(s) 2,000<sup>-</sup> Permit Fee \$ \_\_\_\_\_

Letter to City Council RE: BP-2021-001159

## **Exhibit B**



CITY OF MARLBOROUGH

Building Department  
(508) 460-3776

BUILDING PERMIT

JOB WEATHER CARD

PERMIT NO

BP-2021-001159

ISSUE DATE

07/16/2021

APPLICANT

RALPH R FERRIGNO, JR

PERMIT TO

Flat Roof Sign

AT (LOCATION) 561 BOSTON POST RD, MARLBOROUGH, MA 017 ZONING DISTRICT B Bldg. Type: Commercial

SUBDIVISION MAP BLOCK LOT 73-39B-- BUILDING IS TO BE: CONST TYPE USE GROUP B

WORK DESCRIPTION  
Installation of a Flat Roof Sign for "Store for Rent" Length 108", Width 36".

CONTRACTOR  
LICENSE CS-068112  
Construction Supervisor

SIGN DESIGN, INC.  
RALPH FERRIGNO, JR  
170 LIBERTY STREET  
BROCKTON, MA 02301

AREA (SQ FT) EST COST(\$)  
2000.00 PERMIT FEE (\$) 200.00

OWNER VALCHUIS & SONS INC

BUILDING DEPT BY

ADDRESS 547 BOSTON POST RD EAST

MARLBOROUGH MA 01752

PHONE 5085800094

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OWNERS OBTAINING THEIR OWN PERMIT OR ENTERING INTO CONTRACTS WITH UNREGISTERED CONTRACTORS OR SUBCONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK ARE NOT ELIGIBLE FOR AND DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OR GUARANTY FUND UNDER M.G.L CHAPTER 142A.

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

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

POST THIS CARD SO IT IS VISIBLE FROM STREET

BUILDING INSPECTIONS APPROVALS

| REQUIRED INSPECTIONS LISTED ON REVERSE |        |
|--|--------|
|  |        |
|  |        |
|  | OTHER: |
|  |        |

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

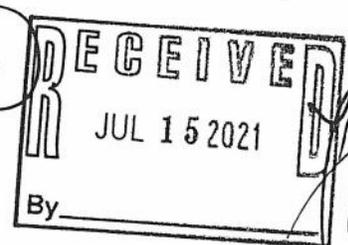
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City of Marlborough BUILDING DEPARTMENT

140 Main Street Marlborough, Massachusetts 01752



73-39(B) (B)

Date: 7-13-21 Permit No. BP-2021-001159
Address/Location of Sign 561 Boston Post Rd East
Name of Business Val's Plaza - Store for Rent
Name of Owner of Business Valchuis & Sons Inc. Telephone 508 400-8088

Type of Sign: (check off which applies)

Flat Wall (with roof check) Free Standing Awning Banner Projecting

Does this site have a Special Permit YES NO

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

Dimensions Sign:

Length 108" Width 36" Height (Free Standing) Area

Location of Sign on Bld. AS existing North South East West

Dimensions Façade: Face replacement only

Length Width 51' Area

Signature of Responsible Party See attached Telephone

Installer Company Sign Design Inc. Telephone 508-245-7781 Cell

Email nicoleh@signdesign.com

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

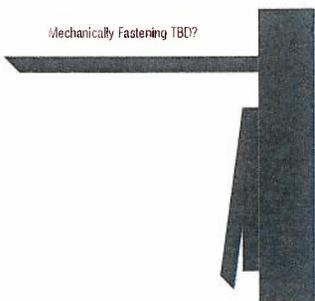
Signature Nicole Handrick, Sign Design Date 7-13-21

Cost of Sign(s) 2,000 Permit Fee \$

**Roof Mounted Sign Cabinet (Internally-Lit)**

Quantity: 2 Single-Sided

- 1 **Sign Cabinet** (All Visible Painted Black with Satin Finish)  
 Overall Size: 108"W x 36"H x 7"D  
 1" Outer Moulding / 1" Bank Moulding  
 • 2" Aluminum Angle Frame  
 • .040 Aluminum Bank Mouldings  
 • .040 White Aluminum Backer  
 • Hanley Phoenix Series LEDs
- 2 **Tenant Face**  
 Cut Size: 105.75"W x 34.75"H  
 Visual Opening: 104"W x 32"H  
 • 3/16" White Polycarbonate  
 • Translucent Pressure-Sensitive Vinyl Graphics
- 3 **Mechanically Fastened to Roof** with 2" Aluminum Angle Bracket



**140357**  
 Version 01  
 06-27-21

**Valchuis Realty Trust/  
 Valchuis & Sons, Inc.**  
 561 Boston Post Rd E  
 Marlborough, MA

**SD**  
**SIGNDESIGN**  
 VISUAL COMMUNICATION SOLUTIONS  
 170 Liberty Street  
 Brockton, MA 02301  
 508-580-0094

Ron Ferrigno

Kelly Young

CW

SCALE 10%

SHEET  
**01 of 02**

**Roof Mounted Sign Cabinet (Internally-Lit)**

Quantity: 2 Single-Sided

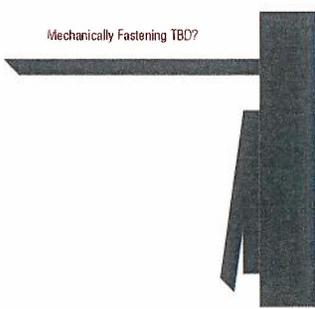
- 1 **Sign Cabinet** (All Visible Painted Black with Satin Finish)  
 Overall Size: 108"W x 36"H x 7"D  
 1" Outer Moulding / 1" Bank Moulding
  - 2" Aluminum Angle Frame
  - .040 Aluminum Bank Mouldings
  - .040 White Aluminum Backer
  - Hanley Phoenix Series LEDs
- 2 **Tenant Face**  
 Cut Size: 105.75"W x 34.75"H  
 Visual Opening: 104"W x 32"H
  - 3/16" White Polycarbonate
  - Translucent Pressure-Sensitive Vinyl Graphics
- 3 Mechanically Fastened to Roof with 2" Aluminum Angle Bracket



140357

Version 01  
06-27-21

Valchuis Realty Trust/  
Valchuis & Sons, Inc.  
561 Boston Post Rd E  
Marlborough, MA



**SD**  
**SIGNDESIGN**  
VISUAL COMMUNICATION SOLUTIONS  
170 Liberty Street  
Brockton, MA 02301  
508-580-0094

Ron Ferrigno

Kelly Young

CW

SCALE 10%

SHEET  
02 of 02

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

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PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
July 13, 2021  
2021 JUL 19 P 12:07

To the City Council  
of the City of Marlborough, Massachusetts

**MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

request permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways:

**Bolton St**

**Install new JO Pole 15-5 45/2 SE with Verion, also permission for NGRID to solely install at 9-411, install 3-50k 120/208 transformers. Intall 3-15k cutouts, install riser-perm conn to cust UG**

Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked: **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

Plan No. **3032410** Dated: **7/1/2021**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

**MASSACHUSETTS ELECTRIC COMPANY**

By: Robert Lemnicka  
Manager of Distribution Design

**VERIZON NEW ENGLAND, INC.**

By: Albert E. Bessette  
Manager, R.O.W.

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

July 13, 2021

By the City Council  
of the City of Marlborough, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED: **that MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.** be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **13th day of July**

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-- filed with this order  
Plan No. **3032410** Dated: **7/1/2021**

There may attached to said **MASSACHUSETTS ELECTRIC COMPANY** not to exceed twenty wires and by said **VERIZON NEW ENGLAND, INC.** not to exceed forty wires and four aerial cables, and all of said wires and cables shall be placed at a height of not less than eighteen feet from the ground.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:--

**Bolton St**  
**Install new JO Pole 15-5 45/2 SE with Verion, also permission for NGRID to solely install at 9-411, install 3-50k 120/208 transformers. Intall 3-15k cutouts, install riser-perm conn to cust UG**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

Received and entered in the records of location orders of the City of Marlborough, Massachusetts

Book: \_\_\_\_\_ Page: \_\_\_\_\_

\_\_\_\_\_  
City Clerk

We hereby certify that on \_\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.  
at \_\_\_\_\_ a public hearing was held on the petition of the

**MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Council of the City of

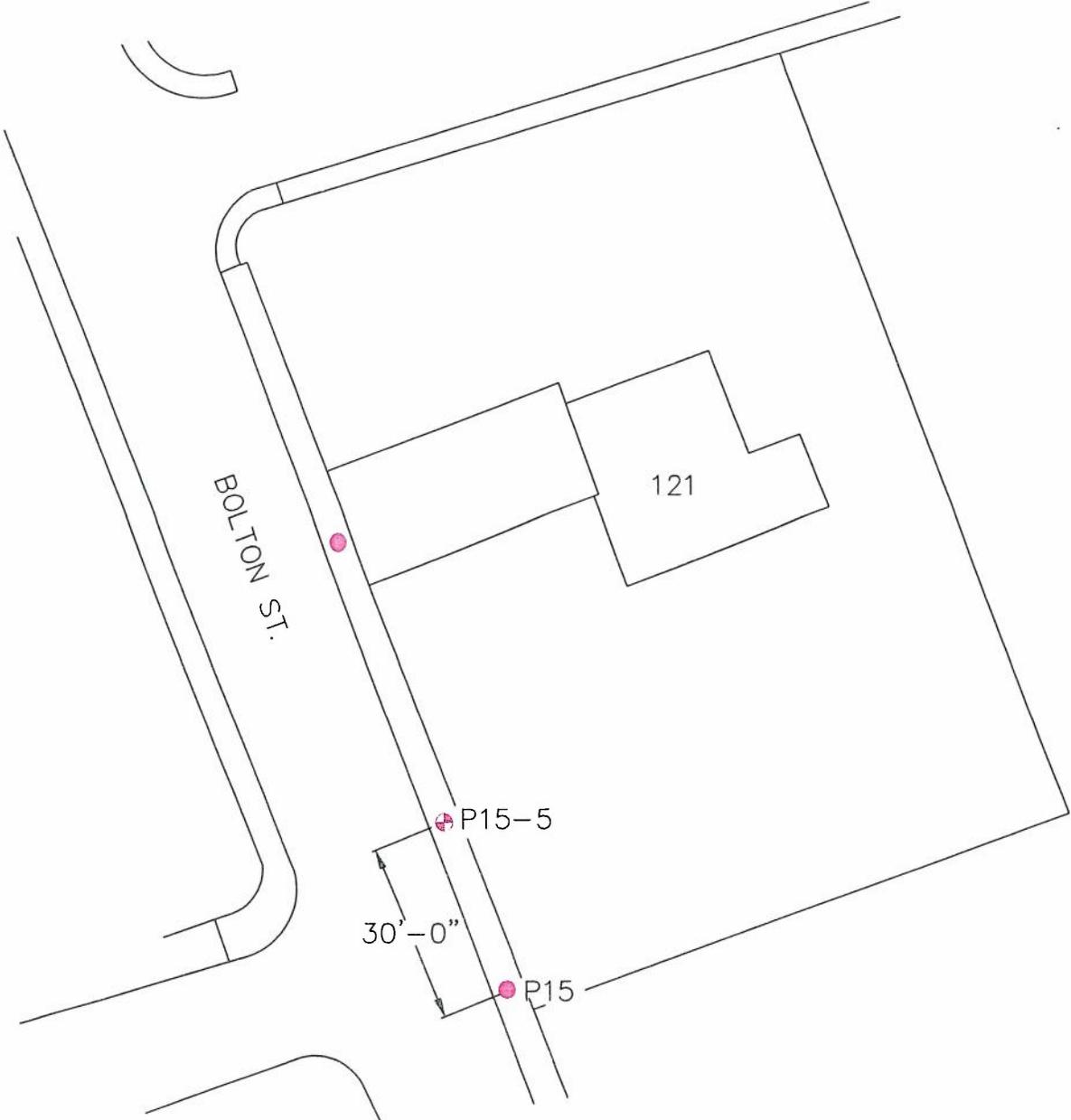
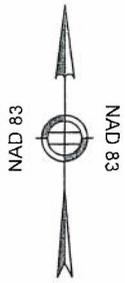
Marlborough, Massachusetts

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ recorded with the records of location orders of said City, Book \_\_\_\_\_, Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: \_\_\_\_\_  
City Clerk



LEGEND

-  PROPOSED POLE
-  EXISTING POLE

POLE 15-5  
PETITION

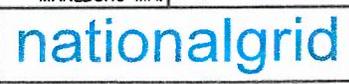
Date 5.11.2021

Designer D.L.

121 BOLTON STREET

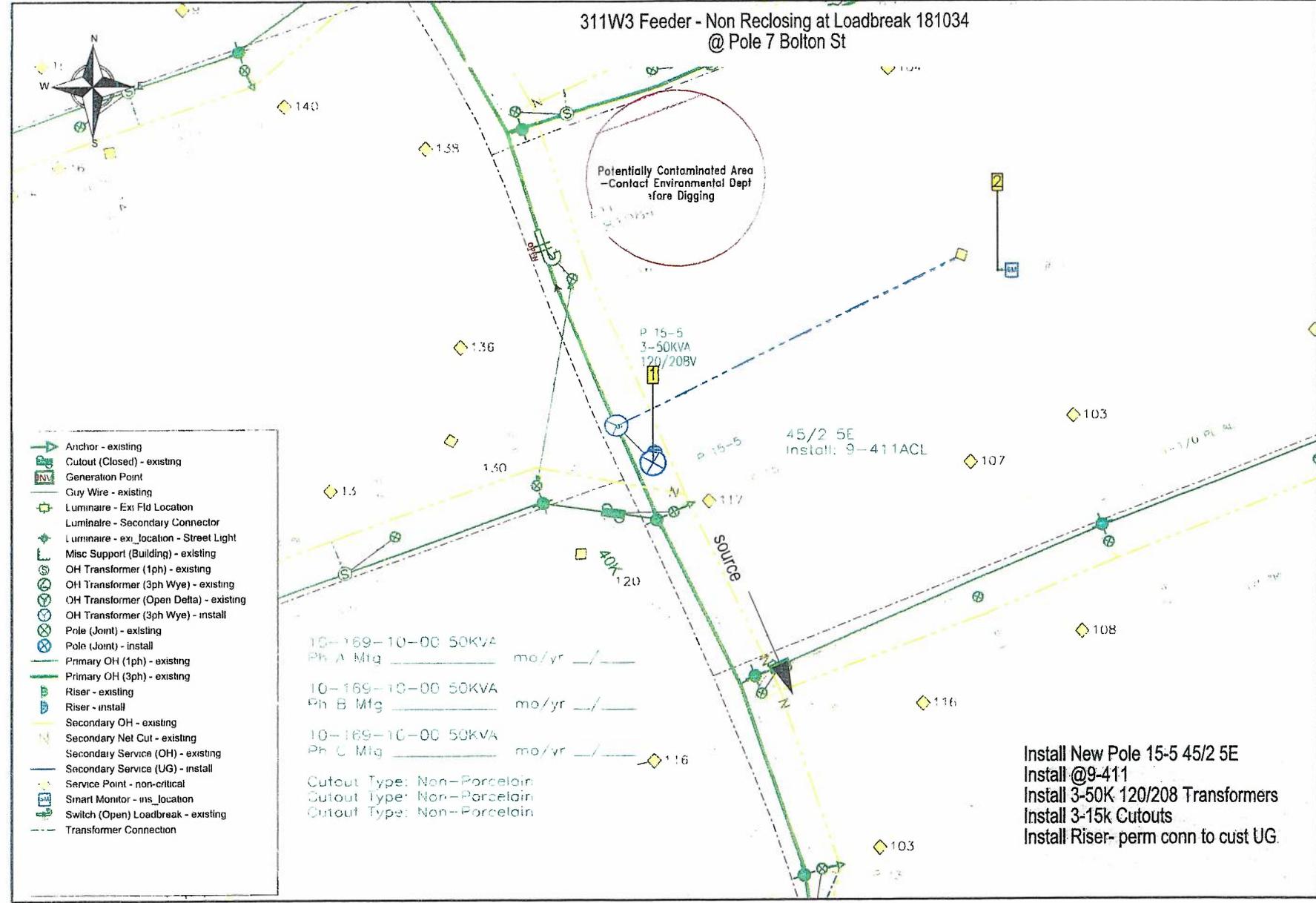
MARLBORO MA.

W/R 30320410



311W3 Feeder - Non Reclosing at Loadbreak 181034  
@ Pole 7 Bolton St

Potentially Contaminated Area  
-Contact Environmental Dept  
before Digging



- Anchor - existing
- Cutout (Closed) - existing
- Generation Point
- Guy Wire - existing
- Luminaire - Exi Flt Location
- Luminaire - Secondary Connector
- Luminaire - exi\_location - Street Light
- Misc Support (Building) - existing
- OH Transformer (1ph) - existing
- OH Transformer (3ph Wye) - existing
- OH Transformer (Open Delta) - existing
- OH Transformer (3ph Wye) - install
- Pole (Joint) - existing
- Pole (Joint) - install
- Primary OH (1ph) - existing
- Primary OH (3ph) - existing
- Riser - existing
- Riser - install
- Secondary OH - existing
- Secondary Net Cut - existing
- Secondary Service (OH) - existing
- Secondary Service (UG) - install
- Service Point - non-critical
- Smart Monitor - ms\_location
- Switch (Open) Loadbreak - existing
- Transformer Connection

10-169-10-00 50KVA  
Ph A Mtg \_\_\_\_\_ mo/yr \_\_\_/\_\_\_

10-169-10-00 50KVA  
Ph B Mtg \_\_\_\_\_ mo/yr \_\_\_/\_\_\_

10-169-10-00 50KVA  
Ph C Mtg \_\_\_\_\_ mo/yr \_\_\_/\_\_\_

Cutout Type: Non- porcelain  
Cutout Type: Non- porcelain  
Cutout Type: Non- porcelain

Install New Pole 15-5 45/2 5E  
Install @9-411  
Install 3-50K 120/208 Transformers  
Install 3-15k Cutouts  
Install Riser- perm conn to cust UG.

|                   |                                  |  |                  |           |            |
|-------------------|----------------------------------|--|------------------|-----------|------------|
| NATIONAL GRID USA |                                  | 05-21-30320410 1-10  |                  | 100 FT    |            |
| WORK REQUEST      | 05-21-30320410                   | DESCRIPTION  | 05-21-30320410   | DATE      | 03/02/2021 |
| DESIGNER          | Morris, Tara L                   | new conn serv. gas station/convenience store, 800 amps, 120/208 3 ph, 3C to pole, dist. 1 MTR 95 | AS BUILT CHANGES | FEEDER NO | 311W3      |
| JOB TITLE         | Distribution Electric Service Co | DATE   | PHONE NUMBER     | 506574520 | SHEET      |
| FOREMAN           | ENC                              | DATE   | DATE             | DATE      | DATE       |

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

May 13, 2021

By the City Council  
of the City of Marlborough, Massachusetts

Notice having been given and public hearing held, as provided by law, **IT IS HEREBY ORDERED:**  
**that MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.** be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **13th day of May**

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-- filed with this order  
Plan No. **29815354** Dated: **5/11/2021**

There may attached to said **MASSACHUSETTS ELECTRIC COMPANY** not to exceed twenty wires and by said **VERIZON NEW ENGLAND, INC.** not to exceed forty wires and four aerial cables, and all of said wires and cables shall be placed at a height of not less than eighteen feet from the ground.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:--

**Cedar Hill St**  
**Install new JO pole P15-15**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

Received and entered in the records of location orders of the City of Marlborough, Massachusetts

Book: \_\_\_\_\_ Page: \_\_\_\_\_

\_\_\_\_\_  
City Clerk

We hereby certify that on \_\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M. at \_\_\_\_\_ a public hearing was held on the petition of the **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Council of the City of

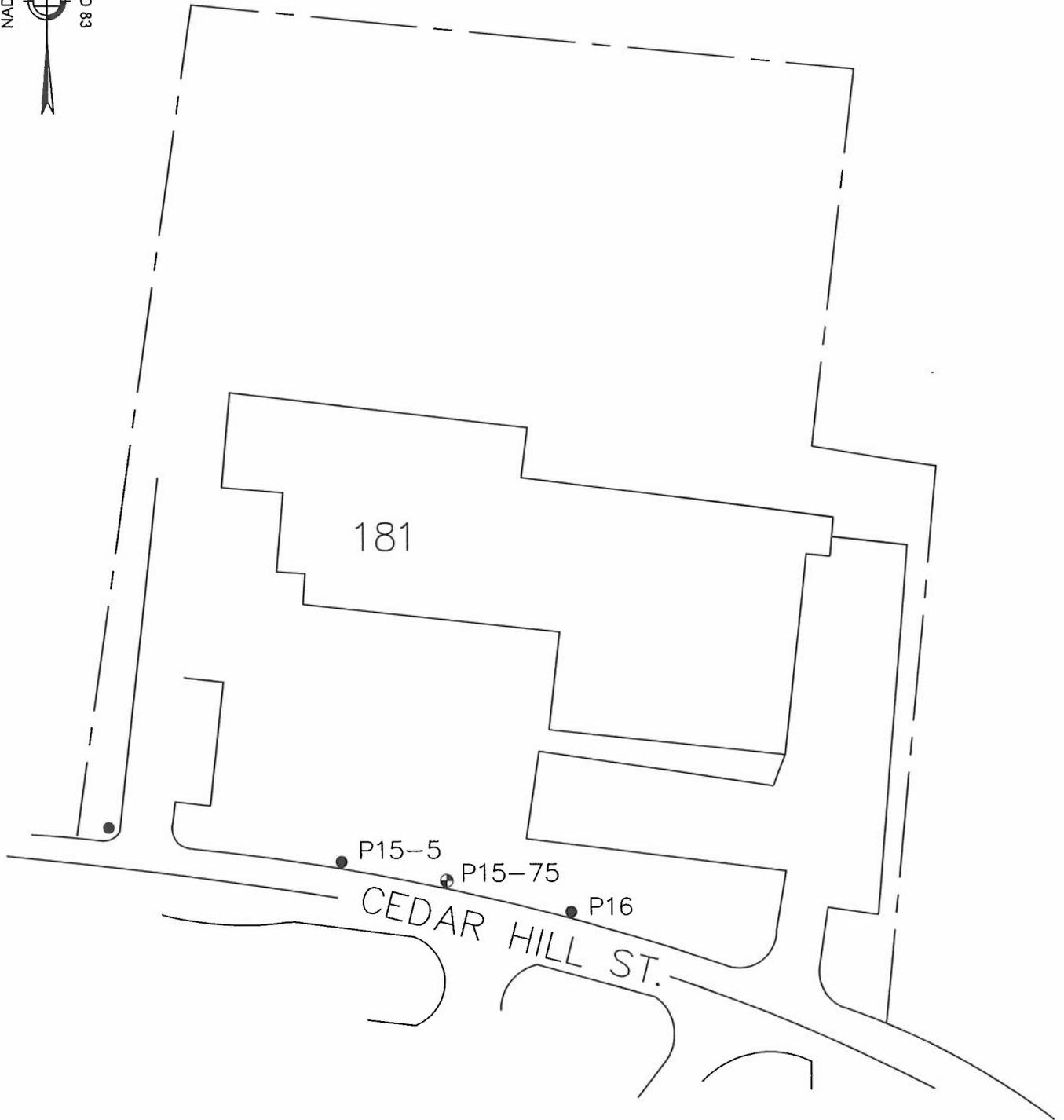
Marlborough, Massachusetts

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ recorded with the records of location orders of said City, Book \_\_\_\_\_, Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: \_\_\_\_\_  
City Clerk



LEGEND

- EXISTING J/O POLES
- ⊕ PROPOSED J/O POLE

POLE 15-75  
PETITION

181 CEDDAR HILL STREET

MARLBOROUGH MA.

Date: 5/11/2021

Designer: D.L.

W/R: 29815354

**nationalgrid**

PETITION FOR MANHOLE AND DUCT LOCATIONS

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
July 29, 2021  
2021 AUG -2 P 1:46

To the City Council  
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY requests permission to locate manholes, wires,  
and ducts, including the necessary sustaining and protecting fixtures, along and across the  
following public way:

**Ferrecchia Dr**

**Replacing direct buried cable with cable in conduit using directional  
drill method**

Wherefore it prays that after due notice and hearing as provided by law, it be granted a  
location for and permission to install and maintain manholes, ducts and wires, together  
with such sustaining and protecting fixtures as it may find necessary, said manholes and  
ducts to be installed substantially in accordance with the plan filed herewith marked--

**MASSACHUSETTS ELECTRIC COMPANY**

Plan No. 25471973 Dated: 7/12/2021

**MASSACHUSETTS ELECTRIC COMPANY**

By: Robert Leonard  
Manager of Distribution Design 

**ORDER FOR MANHOLE AND DUCT LOCATIONS**

July 29, 2021

By the City Council  
of the City of Marlborough, Massachusetts

Notice having been given and a public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that **MASSACHUSETTS ELECTRIC COMPANY** be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the **29th day of July, 2021**

All construction under this order shall be in accordance with the following conditions:--

Manholes and ducts shall be set substantially at the points indicated upon the plan marked--

**MASSACHUSETTS ELECTRIC COMPANY**

Plan No. **25471973** Dated: **7/12/2021**

The following are the public ways or parts of ways along which the manholes/ducts above referred to may be installed, and the number of manholes/ducts which may be installed thereon under this order:--

**Ferrecchia Dr**

**Replacing direct buried cable with cable in conduit using directional drill method**

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 2021

\_\_\_\_\_  
Clerk of Council

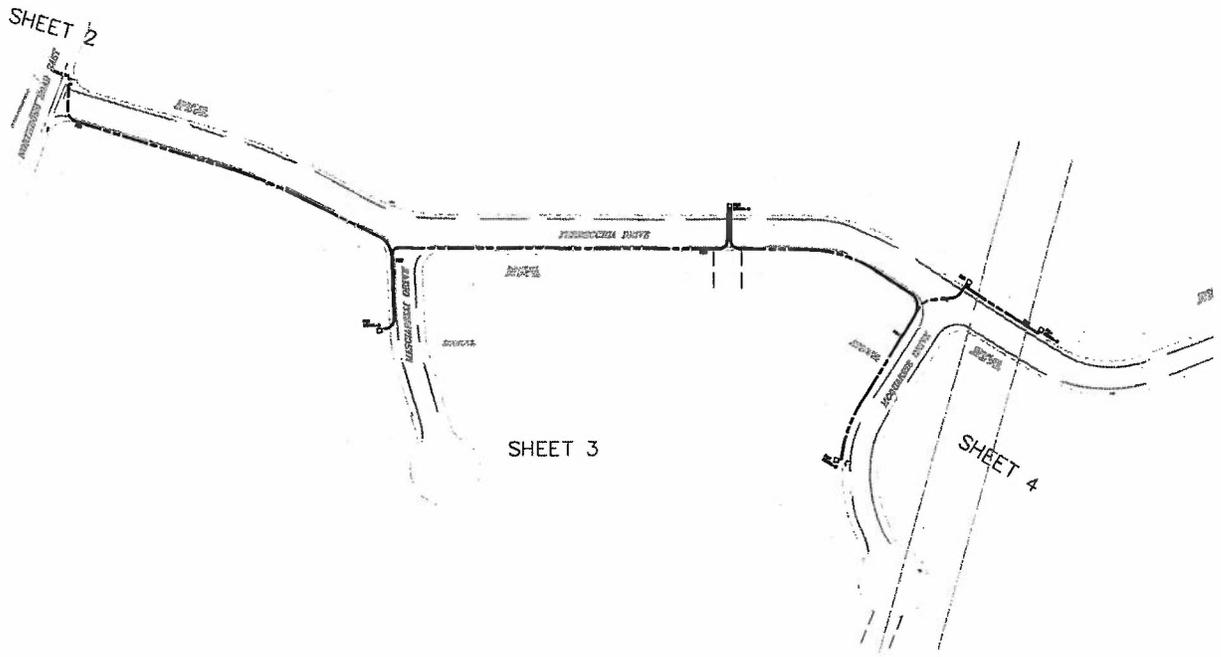
Received and entered in the records of location orders of the City of Marlborough, Massachusetts

Book: \_\_\_\_\_ Page: \_\_\_\_\_

\_\_\_\_\_  
City Clerk



Replacing direct buried cable with cable in conduit using directional drill method.



-  EXISTING J/O POLE
-  1 PHASE PAD
-  SWITCH
-  PULL BOX
-  SPLICE
-  3IN. PVC CONDUIT
-  2IN. CIC

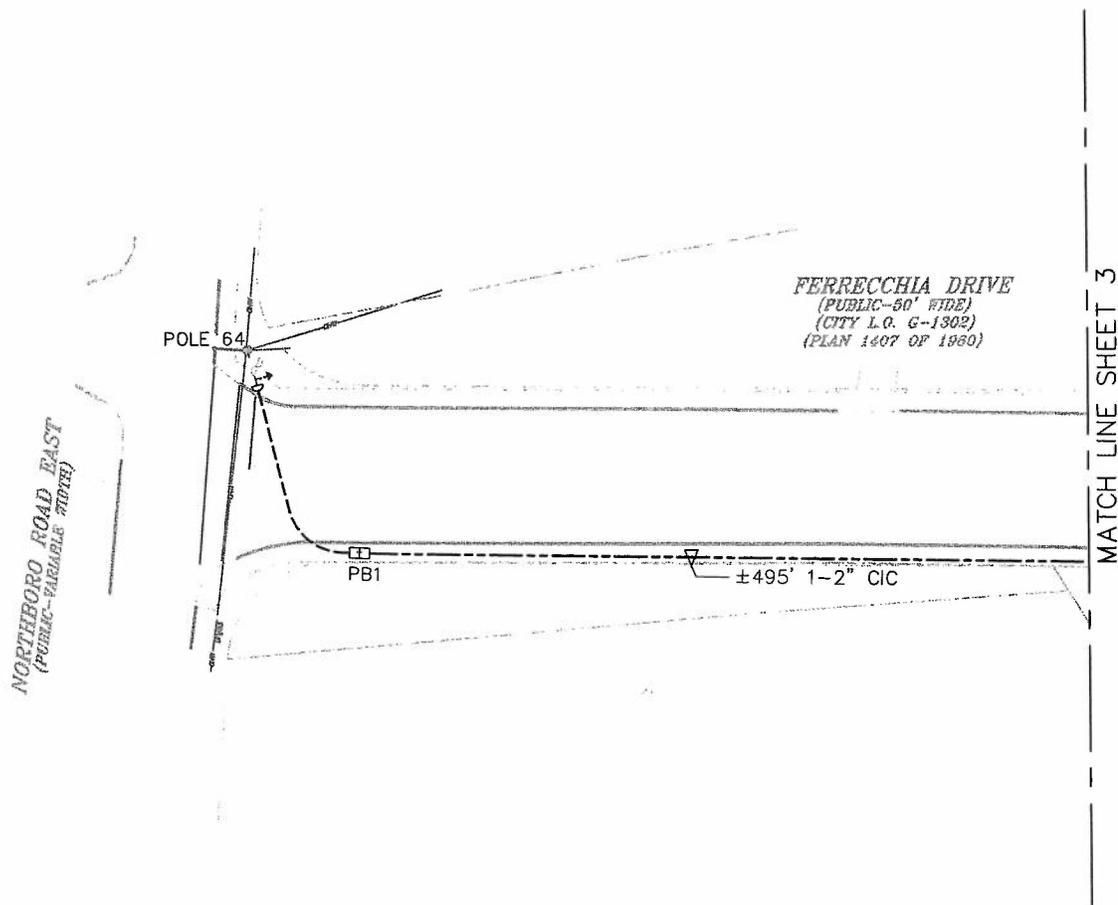
FERRECCHIA DRIVE  
PETITION

MARLBOROUGH  
SHEET 1 OF 7

|           |           |
|-----------|-----------|
| Date:     | 7.12.2021 |
| Designer: | F.ABEN    |
| MA. W/R:  | 25471973  |



Replacing direct buried cable with cable in conduit using directional drill method.



NORTHBORO ROAD EAST  
(PUBLIC-VARIABLE WIDTH)

FERRECCHIA DRIVE  
(PUBLIC-50' WIDE)  
(CITY L.O. G-1302)  
(PLAN 1407 OF 1960)

MATCH LINE SHEET 3

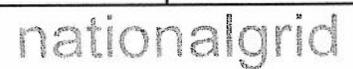
LEGEND

-  EXISTING J/O POLE
-  1 PHASE PAD
-  SWITCH
-  PULL BOX
-  SPLICE
-  3IN. PVC CONDUIT
-  2IN. CIC

FERRECCHIA DRIVE  
PETITION

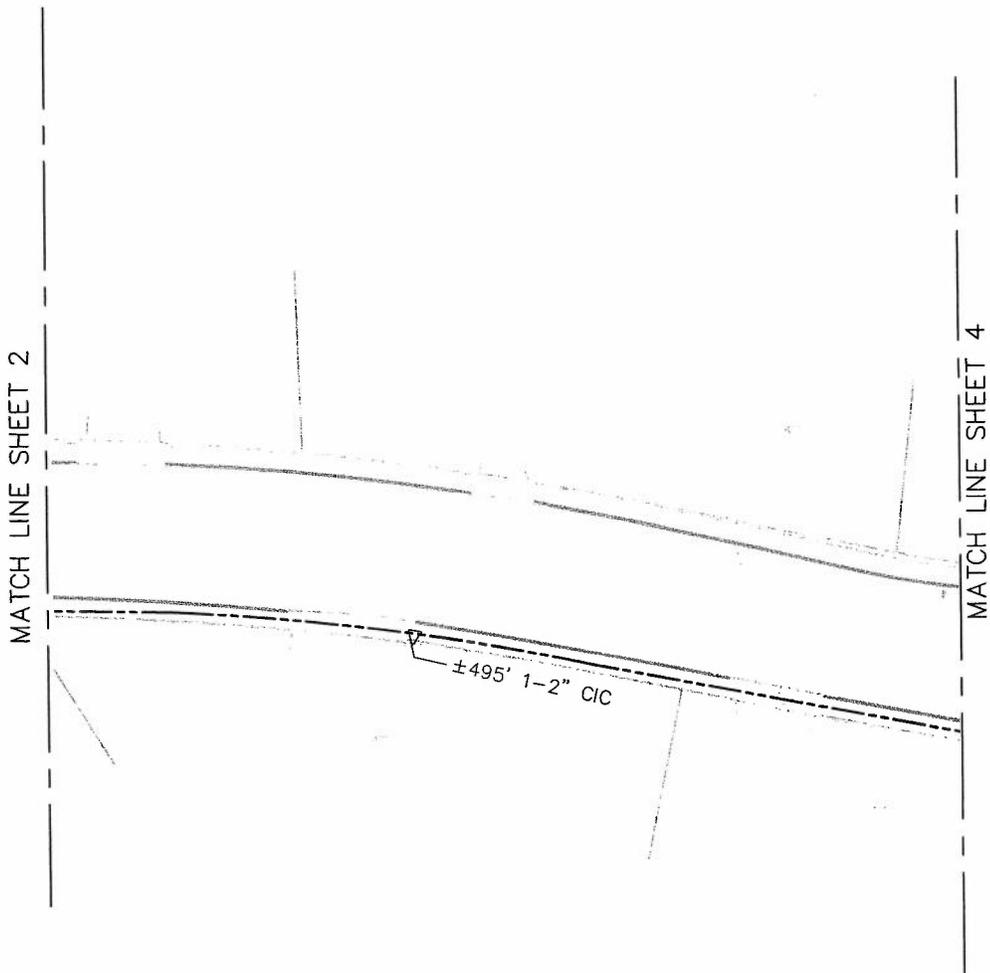
MARLBOROUGH  
SHEET 2 OF 7

Date: 7.12.2021  
Designer: F.ABEN  
MA. WR: 25471973





Replacing direct buried cable with cable in conduit using directional drill method.



| LEGEND |                   |
|--------|-------------------|
|        | EXISTING J/O POLE |
|        | 1 PHASE PAD       |
|        | SWITCH            |
|        | PULL BOX          |
|        | SPLICE            |
|        | 3IN. PVC CONDUIT  |
|        | 2IN. CIC          |

FERRECCHIA DRIVE  
 PETITION

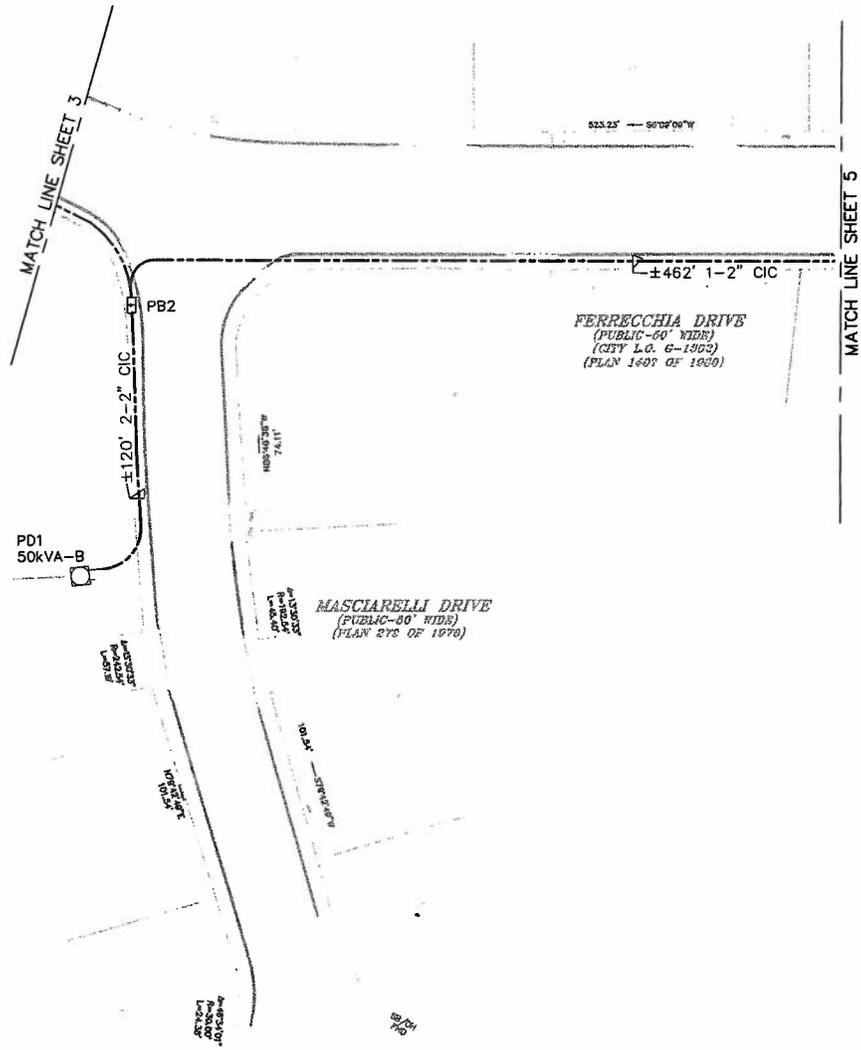
MARLBOROUGH  
 SHEET 3 OF 7

Date: 7.12.2021  
 Designer: F.ABEN  
 MA. WR: 25471973

**nationalgrid**



Replacing direct buried cable with cable in conduit using directional drill method.



| LEGEND |                   |
|--------|-------------------|
|        | EXISTING J/O POLE |
|        | 1 PHASE PAD       |
|        | SWITCH            |
|        | PULL BOX          |
|        | SPLICE            |
|        | 3IN. PVC CONDUIT  |
|        | 2IN. CIC          |

**FERRECCHIA DRIVE  
PETITION**

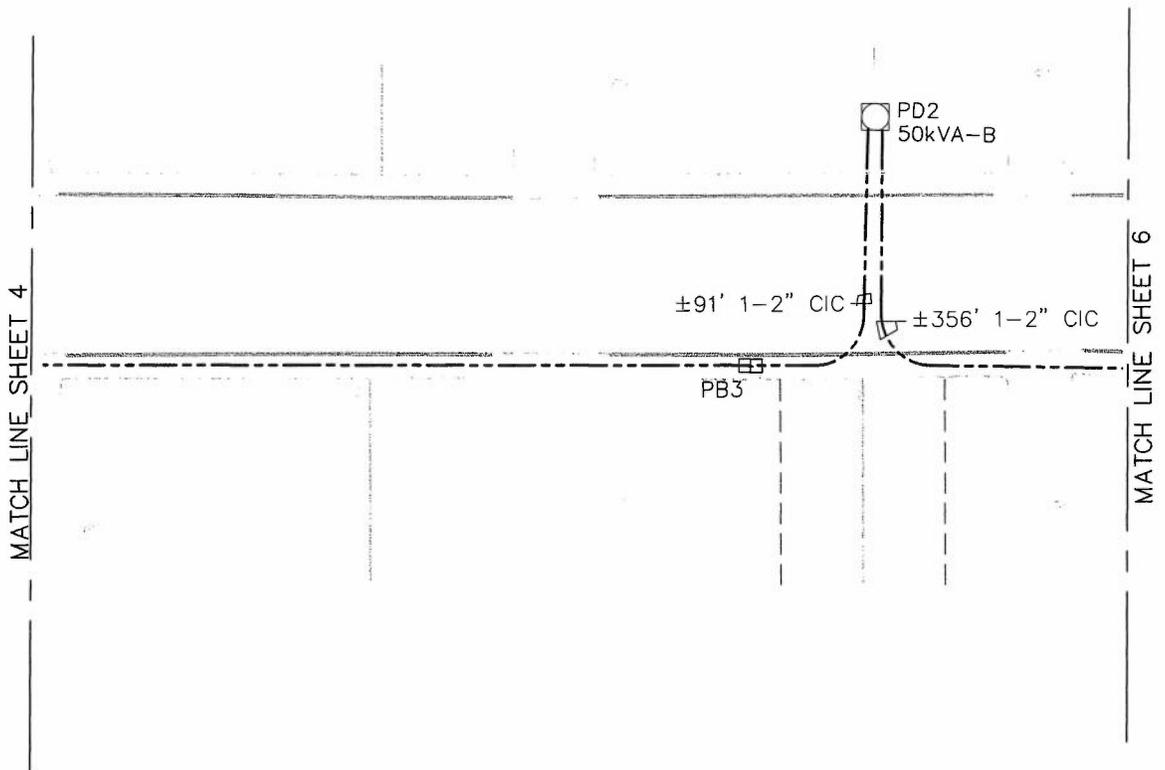
MARLBOROUGH  
SHEET 4 OF 7

|           |           |
|-----------|-----------|
| Date:     | 7.12.2021 |
| Designer: | F. ABEN   |
| MA. WR:   | 25471973  |





Replacing direct buried cable with cable in conduit using directional drill method.



LEGEND

-  EXISTING J/O POLE
-  1 PHASE PAD
-  SWITCH
-  PULL BOX
-  SPLICE
-  3IN. PVC CONDUIT
-  2IN. CIC

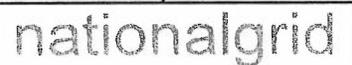
FERRECCHIA DRIVE  
PETITION

MARLBOROUGH  
SHEET 5 OF 7

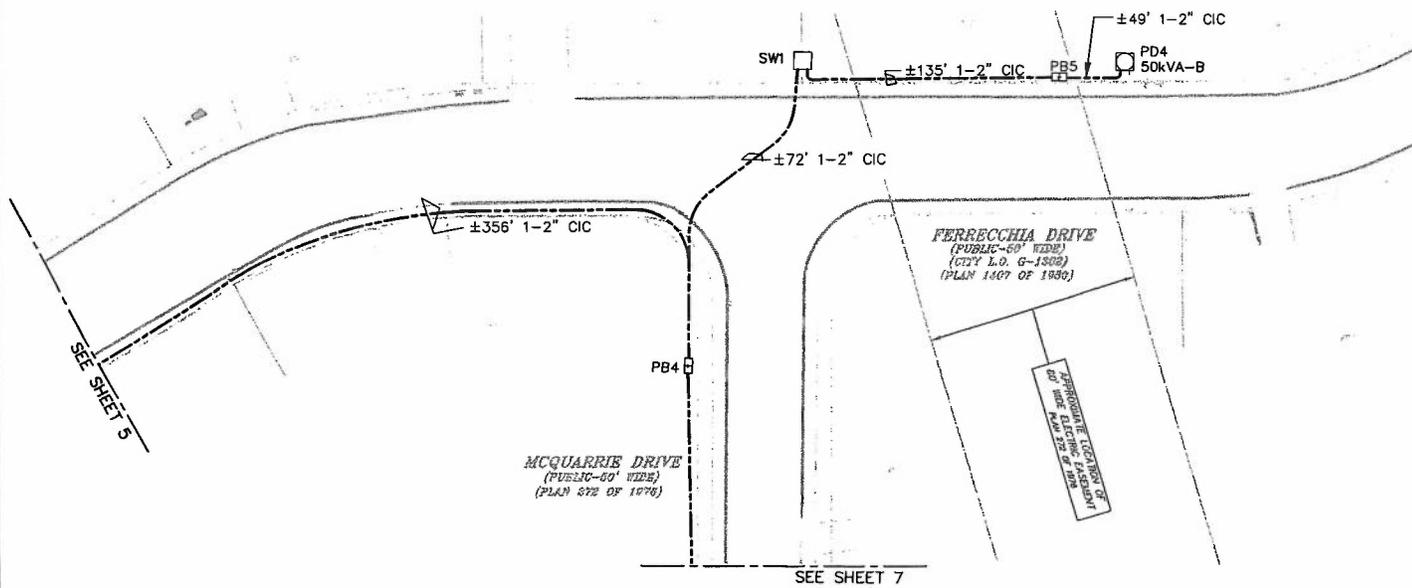
Date: 7.12.2021

Designer: F.ABEN

MA. WR: 25471973



Replacing direct buried cable with cable in conduit using directional drill method.



SEE SHEET 5

SEE SHEET 7

MCQUARRIE DRIVE  
(PUBLIC-60' WIDE)  
(PLAN 672 OF 1976)

FERRECCHIA DRIVE  
(PUBLIC-60' WIDE)  
(CITY L.O. 6-1309)  
(PLAN 1407 OF 1936)

PERMISSIVE USE  
OF STATE ELECTRIC FACILITIES  
BY THE TOWN OF MARLBOROUGH

LEGEND

- EXISTING J/O POLE
- 1 PHASE PAD
- SWITCH
- PULL BOX
- SPLICE
- 3IN. PVC CONDUIT
- 2IN. CIC

FERRECCHIA DRIVE  
PETITION

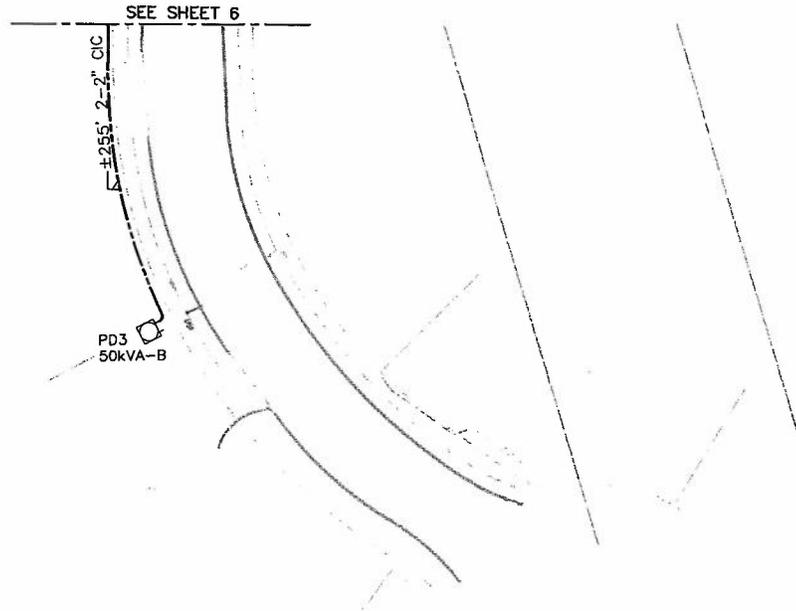
MARLBOROUGH  
SHEET 6 OF 7

Date: 7.12.2021  
Designer: F.ABEN  
WR: 25471973





Replacing direct buried cable with cable in conduit using directional drill method.



LEGEND

-  EXISTING J/O POLE
-  1 PHASE PAD
-  SWITCH
-  PULL BOX
-  SPLICE
-  3IN. PVC CONDUIT
-  2IN. CIC

FERRECCHIA DRIVE  
PETITION

MARLBOROUGH  
SHEET 7 OF 7

Date: 7.12.2021

Designer: F.ABEN

MA. W/R: 25471973





RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

420 Lakeside Ave., Suite 302  
Marlborough, MA 01752  
Tel: (508) 460-1010

2021 AUG 12 P 12:30

Fax: (781) 634-0501

Marlborough City Council  
Attention: Karen Boule  
Marlborough City Hall  
140 Main Street  
Marlborough, MA 01752

RE: Pole Resetting @ 121 Bolton Street via National Grid – Request for Expediated Processing

Dear Ms. Karen Boule;

Thank you for your time on Friday to address my concerns about the above referenced matter. It appears that although we met with National Grid at the site in February and filed all the requisite paperwork for this task back in April, for matters that are not clearly understood, National Grid did not petition the City for review until July 19, 2021. Please allow me to articulate our interest in expediting this process for this project:

Three years ago, back in May of 2018, I was asked to begin due diligence on the property located at 121 Bolton Street. It did not take long for me to discover the grim details of the disaster that occurred there. Purchasing this property was not going to be a 'normal' transaction. I delivered my determination to Mark DiarBakerly – the Owner and President of One Energy Inc. Although extremely problematic on so many fronts – environmental, community trust, unknown financial risk due to possible extended clean-up – I encouraged Mark to proceed with the purchase. The Community, the Town, and all involved needed a local entrepreneur to step up and take the risk to rehabilitate this property. It was clear from my research that no large corporation was going to touch this site, and Mr. Brown barely had the funds to complete the environmental obligations for clean-up that had already been delayed. This property would have continued to sit vacant for decades, with no clean-up, a wasteland of toxicity – an eyesore to the Community. Even at this time, the site was a regular dumping ground for all sorts of debris.

In a show of good faith, Mark agreed to move ahead and complete the clean-up obligations on his own dime that had been started by Mr. Brown. We secured the property with fencing, engaged with the LSP to get the well monitoring and clean-up back on track. We met with a coalition of neighbors organized by Michael and Karen Buckley and talked with them about our plans for clean-up and a new – state of the art – gas station and Market. The neighbors were supportive and continue to support our efforts to purge the horrible scar left by the gas accident from a decade ago. We went through the long and requisite special permitting process outlining the conditions of construction and received our Special Permit Decision on December 2, 2019. It would not be until the clean-up was completed, and the original tanks removed that we would close on the property in August of 2020, and the Special Permit was recorded on September 10, 2020.

Construction tasks began early in 2021, when the pandemic was blooming – add a pandemic to rehabilitating a once-toxic property – what could go wrong -right? We sincerely appreciate all the support the City Council has shown this project and The Community. It truly is a project we are all working on together for the improvement of this Community.

As with any construction projects – there are unintended consequences, and this project has been no different. Materials and labor costs skyrocketed. Soil was another issue that we did not anticipate – old and layered policies at the



420 Lakeside Ave., Suite 302  
Marlborough, MA 01752  
Tel: (508) 460-1010

Fax: (781) 634-0501

Marlborough City Council  
Attention: Karen Boule  
Marlborough City Hall  
140 Main Street  
Marlborough, MA 01752

DEP caused us to incur et. \$250,000 in unanticipated additional costs for the removal of the excess soil from the site. Late deliveries of materials, conflicts with rescheduling sub-contracts etc. continue to be daily challenges. But the construction progressed for the most part on plan thanks to the skill of Stephens Marquis Associates our General Contractor. But one small administrative task slipped everyone's notice – that was the electrical work required by National Grid. Even though we met with reps from Nat Grid in February (see details in email sent to The Council on Friday 7/30 @ 11:35 a.m.) National Grid did not petition the City for a hearing until July 19<sup>th</sup>, 2021.

After speaking with you on Friday, I understand that the normal course of action will layer on weeks/months of deliberating in Committees, and Public Hearings. This will only cause more costs and delays, possibly losing contracts as subcontractors will move on to other productive projects. The community will again be stuck in municipal limbo with a half-finished construction site languishing as we lumber through the State ordained process. I am asking you today to expediate the process to hopefully mitigate the time that will be lost due to the delay in submitting the request by National Grid so that we can complete this project and finally provide this neighborhood and community the beautiful, clean fresh market that they have waited so patiently for and sacrificed so much for. I am respectfully requesting that this matter be placed on the August 23<sup>rd</sup> Agenda and the Council vote to move it to Public Hearing for the September 13<sup>th</sup> meeting. If there are no objections from the public at the September meeting, I ask that the Council approve the National Grid request. I will continue to dedicate my time and efforts to obtain whatever documentation and/or materials you require to make this happen.

Thank you in advance for hearing my plea, and I hope you can see your way clear to approving this request.

Yours Truly;

A handwritten signature in blue ink, appearing to read "Diane Nelligan", with a large, stylized flourish extending to the right.

August 2, 2021

Diane Nelligan

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

Robert C. Buckley  
rbuckley@riemerlaw.com  
(617) 880-3537 direct  
(617) 692-3537 fax

2021 AUG -2 P 6:00

August 2, 2021

VIA EMAIL: kboule@marlborough-ma.gov

Kathleen Robey  
Chair, Urban Affairs Committee  
City Council  
140 Main Street, 2<sup>nd</sup> Floor  
Marlborough, MA 01752

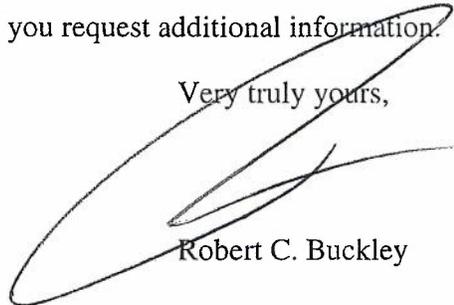
Re: Commercial Village Housing Overlay District – Ames Street, Marlborough, MA

Dear Chairwoman Robey:

Transmitted herewith please find a revised draft of the CV Village Housing Zoning Ordinance Overlay District. Changes have been made to reflect the comments of the Urban Affairs Committee at this last hearing.

Please contact the undersigned should you request additional information.

Very truly yours,



Robert C. Buckley

RCB:mw  
Enclosure

Cc: Scott Weiss, The Gutierrez Company

25560/26  
2774409.1

## ARTICLE VI

### §650-\_\_\_\_\_ - COMMERCIAL VILLAGE HOUSING OVERLAY DISTRICT

#### A. Purpose and Objectives

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

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

#### B. Authority of Permit Granting Authority

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

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

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

C. Master Plan

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

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

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

- (2) A Development Agreement in recordable form binding upon the developer/property owner. The Development Agreement shall be approved by a majority vote of the City Council prior to the issuances of the first permit/site plan

approval for development within the CV Housing Overlay, which Development Agreement may contain, without limitation:

- (a) Required mitigation (including any traffic demand management initiatives), if any, to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the CV Housing Overlay progresses.
- (b) Restrictions on development areas and such other development limitations as may be agreed upon such as, but not limited to, age restrictions and provision for affordable housing units and/or contributions, if any.
- (c) Proposed phasing of the development of the CV Housing Overlay, if any.
- (d) Obligations with respect to pedestrian and vehicular interconnectivity within the CV Housing Overlay, if any, to facilitate pedestrian access and circulation efficiencies.
- (e) The authority of the City Council to retain the necessary professionals to assist in their review of development applications, if needed.
- (f) A satisfactory soil management plan addressing any environmental condition existing on a lot to be included in the CV Housing Overlay.

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

D. Exclusivity/Control

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

E. Eligible Uses

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

- (1) The following additional uses are also permitted BY-RIGHT in the CV Housing Overlay:
  - (a) Multi-family dwelling – up to 90 dwelling units within the entire CV Housing Overlay Zoning if said units are age restricted or age targeted (by design) dwelling units
  - (b) Consumer service and retail establishments accessory and complimentary to the other principal uses at the property
- (2) The following additional uses are also permitted BY-SPECIAL PERMIT in the CV Housing Overlay:
  - (a) Multi-family dwelling within the entire CV Housing Overlay Zoning District including, without limitation, age restricted/ age targeted dwelling units in excess of 90 units

F. Dimensional Requirements

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

- (1) The CV Housing Overlay may consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the CV Housing Overlay so long as a CV Housing Overlay district shall be no less than 10 contiguous acres.
- (2) Minimum Lot Frontage measurement shall be no less than twenty (20) feet for any lot wholly located within the boundaries of the CV Housing Overlay.
- (3) Minimum Front Yard measurement shall be no less than twenty (20) feet for any lot wholly located within boundaries of a CV Housing Overlay.
- (4) Minimum Side Yard measurement shall be no less than one hundred fifty (150) feet for any lot wholly located within the boundaries of a CV Housing Overlay.
- (5) Minimum Rear Yard measurement shall be no less than one hundred fifty (150) feet for any lot wholly located in the boundary of a CV Housing Overlay.
- (6) No less than fifteen (15) feet shall separate the structural side wall of any two or more structures within the CV Housing Overlay, even if on separate lots. No less than fifteen (15) feet shall separate any area behind and or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
- (7) Maximum building height in CV Housing Overlay shall not exceed three (3) stories; a structure located within 50 feet from the property line of a directly abutting parcel in a residentially zoned district shall not exceed two and one-half (2 ½) stories in height.

- (8) Maximum Lot Coverage shall be calculated on the entire land area of the CV Housing Overlay and not on an individual lot basis, and shall not exceed 65% percent of the total area of the CV Housing Overlay.

G. Parking and Curb Cut Requirements.

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

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

H. Signage

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

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

I. Application

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

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

- (i) Compliance of sidewalks with Americans with Disabilities Act (ADA) Design Standards;

- (ii) Street façade and exterior walls visible from public ways;
- (iii) Public space;
- (iv) Scale of buildings; and
- (v) External Lighting

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

J. Standards for Roadways and Drainage

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

K. Amendments

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

**Exhibit "A"**

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

# FEMARA Inc.

PO Box 2192  
Littleton, MA 01460  
(978) 540 -0750

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2021 JUL 27 A 7:45

To Whom It May Concern:

FEMARA Inc. would like to formally request that the City of Marlborough grant us a non-profit exemption to the Massachusetts Transient Vendor Law as authorized by M.G.L. 101, Chapter 12A.

The exemption will be required for our convention to be held at the Best Western Hotel on Boston Post Road West, from September 10 through September 12, 2021.

The remainder of this letter is the background for this request.

FEMARA Inc. is an IRS-qualified non-profit 501(c)(3). FEMARA is an all-volunteer organization. No FEMARA officers or board members receive any compensation for our activities.

FEMARA runs an annual convention for ham radio operators. After expenses, all proceeds from the convention go to a scholarship program:

<https://hamxposition.org/about-femara>

<https://hamxposition.org/about-femara/scholarship-recipient>

From 1978 through 2019, the convention was held at the Holiday Inn/Boxborough Regency in Boxborough. In 2020, we had planned to move to Marlborough. Unfortunately, like many other activities, last year's event was cancelled.

This year, we will be holding the convention at the Best Western on September 10,11,12. Our current intention is to return to this venue each year on the weekend after labor day.

Part of the convention is a flea market and exhibit hall with retail sales. Normally, this requires each vendor to acquire a transient vendor license from the Commonwealth. This license is good for one year, but of course our vendors only need it for two days. The license requires a \$100 fee and a \$500 bond. Frankly, if our vendors are asked to do this, they won't come.

There is an alternative for us to do a blanket promoter's license, but that also has a steep fee, and we are required to tabulate the sales of all the vendors. As a small all-volunteer staff, we are not really set up to do this.

Prior to 2012, the state offered an automatic once-per-year automatic exemption for non-profits such as ours. The law was changed so that now the local government must grant the exemption.

So here we are. We will need something similar to what we received from Town of Boxborough in the past. I've attached the 2019 letter from the Boxborough Select Board (2019 was our last convention).

I appreciate your assistance in this matter. If you have any further questions, you can reach me by reply email, or you call/text my cell phone: 978-572-0712.

Regards,



Robert DeMattia  
president  
FEMARA, Inc.



**BOXBOROUGH SELECT BOARD**  
 29 Middle Road, Boxborough, Massachusetts 01719  
 Phone: (978) 264-1712 · Fax: (978) 264-3127  
[www.boxborough-ma.gov](http://www.boxborough-ma.gov)

Maria E. Neyland, Chair

Wesley I. Fowlks, Clerk

Susan M. Bak

Leslie R. Fox

Robert T. Stemple

August 1, 2019

Michael N. Raisbeck, President  
 FEMARA, Inc.  
 P.O. BOX 472  
 Harvard, MA 01451

Dear Mr. Raisbeck,

Thanks to your fellow board member, Bob DeMattia for attending the July 28<sup>th</sup> Select Board meeting. Pursuant to § 12A of Ch. 101 of Mass. General Laws, the Board voted unanimously (5-0) to grant to FEMARA, Inc., for a three-day period, September 6 through 8, 2019, inclusive, and consistent with the charitable purpose of FEMARA, Inc., a license to conduct under their control a temporary or transient business at the American Radio Relay League, Inc.'s (ARRL's) Convention at the Boxboro Regency in which transient vendors participating in such sale shall not be subject to the provisions of §§ 3 to 12, inclusive.

Please don't hesitate to contact me with any questions.

Sincerely,

Ryan Ferrara  
 Town Administrator



THE COMMONWEALTH OF MASSACHUSETTS  
STATE RECLAMATION & MOSQUITO CONTROL BOARD

# CENTRAL MASSACHUSETTS MOSQUITO CONTROL PROJECT

111 Otis Street, Northborough, MA 01532 - 2414  
Telephone (508) 393-3055 • Fax (508) 393-8492  
[www.cmmcp.org](http://www.cmmcp.org)



COMMISSION CHAIRMAN  
RICHARD DAY

EXECUTIVE DIRECTOR  
TIMOTHY D. DESCHAMPS

July 19, 2021

City of Marlboro  
Health Department  
Marlboro, MA 01752

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

**August 4, 11, 18, 25, September 1**

**Any of the above dates are tentative**, and all dates are subject to change due to weather conditions, mosquito populations, mosquito virus activity and/or special event spraying. This program will shut down when cool night time temperatures become predominant in the area. A detailed notice about our spray schedule is posted on the CMMCP phone system after 3:30 p.m. each day, and it is also listed on our website at <http://www.cmmcp.org>, click the "2021 Spray Schedule" button on the right.

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

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

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

Sincerely,

*Timothy D. Deschamps*

Executive Director

cc: City/Town Clerk  
Police Department



# The Commonwealth of Massachusetts

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CITY OF MARLBOROUGH

DEPARTMENT OF PUBLIC UTILITIES 2021 JUL 16 P 12:32

## NOTICE OF FILING, PUBLIC HEARING, PROCEDURAL CONFERENCE, AND REQUEST FOR COMMENTS

D.P.U. 21-75

July 16, 2021

Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, for Approval of Deferral of Major Storm Threshold Amounts for Calendar Year 2020.

On June 15, 2021, Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid (“National Grid” or “Company”), filed a petition with the Department of Public Utilities (“Department”) for authorization to defer for future recovery a total of \$13.95 million in storm cost threshold operations and expense amounts associated with nine qualifying major storm events that occurred during 2020 (“Storm Events”). The Company proposes to defer recovery of this amount until the Department’s review of the storm cost recovery filing for these Storm Events, which the Company anticipates submitting in early 2022. The Department has docketed this matter as D.P.U. 21-75.

Under the terms of National Grid’s Storm Contingency Fund (“Storm Fund”) most recently approved by the Department in the Company’s base distribution rate proceeding, D.P.U. 18-150, the following parameters apply to storm cost recovery by the Company: (a) the threshold for determining eligibility for Storm Fund recovery is \$1.55 million for each storm; (b) four storm threshold amounts are recoverable from customers through base distribution rates, which is set to include a representative number of thresholds based on past experience; (c) storms with an incremental cost in excess of \$30 million are not eligible for Storm Fund recovery; and (d) carrying charges at the prime rate accrue each month on Storm Fund costs incurred, from the time costs are incurred. Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 18-150, at 399, 416-422.

According to the Company, the number of major storm events that occurred in 2020 was extraordinary, totaling 14 events, and represents a significant deviation from the number of storms included in the Company’s most recent test year relied upon to establish its base distribution rates. The Company states that the determination to request deferral for nine events was based upon 14 total qualifying storm events that occurred during 2020 and exceeded the \$1.55 million threshold, less the four events already included in base distribution rates and one additional event, because it is reasonable to expect some variation from the representative amount already included in base distribution rates. The Company

also states that the threshold amounts for the Storm Events are currently excluded from recovery in any rate. As a result, the Company seeks to defer \$13.95 million (an amount equal to nine of the 14 threshold amounts of \$1.55 million) for consideration of recovery in a future Storm Fund recovery proceeding.

The Department formulated its current standard for reviewing requests for deferral accounting treatment in North Attleboro Gas Company, D.P.U. 93-229 (1994). If certain conditions are met, the Department has previously allowed a company to defer accounting treatment of expenses incurred prior to a test year and considered the subsequent ratemaking treatment of those expenses in the company's next base distribution rate case. D.P.U. 93-229, at 7-8. Granting a deferral would not constitute a finding that the subject expenses are reasonable or that they can be recovered from ratepayers. D.P.U. 93-229, at 4.

**Due to certain ongoing safety measures and precautions relating to in-person events as a result of the COVID-19 pandemic, the Department will conduct a virtual public hearing to receive comments on the Company's filing. The public hearing will be immediately followed by a virtual procedural conference.** The Department will conduct the hearing and procedural conference using Zoom videoconferencing on **Wednesday, August 11, 2021**, beginning at 2:00 p.m. Attendees can join by entering the link, <https://zoom.us/j/94162424982>, from a computer, smartphone, or tablet. No prior software download is required. For audio-only access to the hearings, attendees can dial in at **(301) 715-8592 (not toll free)** and then enter the **Meeting ID# 941 6242 4982**. If you anticipate providing comments via Zoom during the public hearing, please send an email by **Monday, August 9, 2021**, to [kerri.phillips@mass.gov](mailto:kerri.phillips@mass.gov) with your name, email address, and mailing address. If you anticipate commenting by telephone, please leave a voicemail message by **Monday, August 9, 2021**, at (617) 305-3611 with your name, telephone number, and mailing address.

Any person interested in commenting on the Company's filing may also submit written comments to the Department no later than the close of business (5:00 p.m.) on **Wednesday, August 11, 2021**. At this time, all filings will be submitted only in electronic format consistent with the Commission's June 15, 2021 directive related to modified filing requirements. Ordinarily, all parties would follow Sections B.1 and B.4 of the Department's Standard Ground Rules (D.P.U. 15-184-A, App. 1 (March 4, 2020)); however, until further notice, parties must retain the original paper version and the Department will later determine when the paper version must be filed with the Department Secretary.

Any person who desires to participate otherwise in the evidentiary phase of this proceeding shall file a petition for leave to intervene no later than 5:00 p.m. on **Tuesday, August 3, 2021**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To

be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business (5:00 p.m.) on the second business day after the petition to intervene was filed.

All documents must be submitted to the Department in **.pdf format** by e-mail attachment to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov) and [kerri.phillips@mass.gov](mailto:kerri.phillips@mass.gov). The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 21-75); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic file name should identify the document but should not exceed 50 characters in length. Importantly, all large files submitted must be broken down into electronic files that do not exceed 20 MB. All documents submitted in electronic format will be posted on the Department's website through our online File Room as soon as practicable (enter "21-75") at: <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber>. In addition, one copy of all written comments and petitions to intervene should be emailed to the Company's attorneys, Meabh Purcell, Esq., at [meabh.purcell@nationalgrid.com](mailto:meabh.purcell@nationalgrid.com); Andrea G. Keeffe, Esq., at [andrea.keeffe@nationalgrid.com](mailto:andrea.keeffe@nationalgrid.com); Cheryl M. Kimball, Esq., at [ckimball@keeganwerlin.com](mailto:ckimball@keeganwerlin.com); and Jessica Buno Ralston, Esq., at [jralston@keeganwerlin.com](mailto:jralston@keeganwerlin.com).

At this time, a paper copy of the filing will not be available for public viewing at the Company's offices or the Department. The filing and all subsequent related documents, pleadings and/or filings submitted to the Department and/or issued by the Department will be available on the Department's website as referenced above as soon as is practicable. To the extent a person or entity wishes to submit comments or intervene in accordance with this Notice, electronic submission, as detailed above, is sufficient. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at [DPUADACoordinator@mass.gov](mailto:DPUADACoordinator@mass.gov).

For further information regarding the Company's filing, please contact the Company's attorneys, identified above. For further information regarding this Notice, please contact Kerri DeYoung Phillips, Hearing Officer, Department of Public Utilities, at [kerri.phillips@mass.gov](mailto:kerri.phillips@mass.gov).



COMMONWEALTH OF MASSACHUSETTS
Office of Consumer Affairs and Business Regulation
DIVISION OF BANKS
1000 Washington Street, 10th Floor, Boston, MA 02118-6409
(617) 956-1500 · Fax (617) 956-1599 · TDD (617) 956-1577
www.Mass.Gov/DOB

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MIKE KENNEALLY
SECRETARY OF HOUSING AND ECONOMIC DEVELOPMENT
2021 AUG -5 12:42
EDWARD A. PALLESCHI
UNDERSECRETARY

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MARY L. GALLAGHER
COMMISSIONER

August 4, 2021

VIA Electronic Mail to: Cityclerk@marlborough-ma.gov

Steven W. Kerrigan, City Clerk
Office of the City Clerk
140 Main Street
Marlborough, MA 01752

Dear Clerk Kerrigan,

Please be advised that the Division of Banks (the Division) is establishing a public comment period on the license application filed by Marlboro Services Inc. d/b/a Brasil Remessa (the Applicant). The Applicant has applied to become licensed to operate as a check casher at 38 Main Street, Marlborough, Massachusetts under Massachusetts General Laws chapter 169A, section 3 and its implementing regulation 209 CMR 45.03.

When considering an application for a check casher license, the Division is required to assess the impact of the proposed business on the local economy and public safety. This public comment period is being held in lieu of a public hearing due to precautions still in place as a result of the 2019 novel Coronavirus (COVID-19).

The Division would greatly value your perspective and input on this matter through a written statement. Written comments should be submitted via email to Chief Director Aimee Desai at Aimee.Desai@mass.gov. Emailed comments must be received on or before Friday, September 3, 2021. If email is not available, written comments may also be submitted to the Division at the above address on or before Friday, September 3, 2021.

If you have any questions, please contact Chief Director Aimee Desai at 617-956-1564, or by email at Aimee.Desai@mass.gov.

Sincerely,

Mary L. Gallagher (handwritten signature)

Mary L. Gallagher
Commissioner of Banks
Commonwealth of Massachusetts

**Steven Kerrigan**

---

**From:** City Council  
**Sent:** Thursday, July 29, 2021 8:47 AM  
**To:** Kathleen Robey; Mike Ossing; Samantha Perlman; Mark Oram; Karen Boule; Don Landers; Robert Tunnera; David Doucette; Laura Wagner; Christian Dumais; John Irish; Sean Navin; Ossing; Donald Landers; Rob Tunnera  
**Cc:** Steven Kerrigan; Wilson Chu  
**Subject:** From Robert Cucchi: Proposed apartment complex at the old McGee vet on route 20

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 CITY OF MARLBOROUGH

07 JUL 29 A 8:54

**From:** Robert Cucchi <[rjc1945@hotmail.com](mailto:rjc1945@hotmail.com)>  
**Date:** July 29, 2021 at 6:44:30 AM EDT  
**To:** "[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)" <[citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov)>  
**Subject:** Proposed apartment complex at the old McGee vet on route 20

I realize that the state had decided not to install a traffic light at the proposed entrance which is directly across from the entrance of the Villages at Marlborough East. If you approve this project which I hope you don't due to traffic issues as well as other issues I request that you have them change their entrance and exit location.

If their entrance and exit is directly across from the Villages it would become a very dangerous situation for residents of both locations. Accidents would definitely happen and injuries and possibility death will happen.

Please vote to keep the citizens of Marlborough safe.

Bob Cucchi

Sent from my iPad

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CITY OF MARLBOROUGH

2021 AUG 16 A 9:13

August 9, 2021

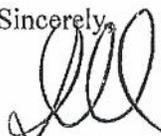
City Council  
140 Main Street  
2<sup>nd</sup> Floor  
Marlborough, MA 01752

Re: Commercial Village Housing Overlay District, Marlborough, MA

To Whom It May Concern:

I am aware of The Gutierrez Company's proposal to adopt the Commercial Village Housing Overlay District and fully endorse and support the proposal which will provide a generous buffer to existing homes abutting the property.

Sincerely,



David Silva  
343 Forest Street  
Marlborough, MA 01752

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION**

**Minutes**

**July 1, 2021(Thursday)**

**Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall**

**7:00 PM**

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CITY OF MARLBOROUGH  
2021 JUL 23 P 1:42

**Present:** Edward Clancy - Chairman; Allan White, David Williams, Dennis Demers, John Skarin, Karin Paquin and William Dunbar. Priscilla Ryder-Conservation Officer was also present.

**Absent:** None

**Approval of Minutes:** The minutes of June 3, 2021 and June 17, 2021 were reviewed and unanimously approved 7-0

**Public hearings:**

Notice of Intent

641 Pleasant St. – Big Daddy Realty Trust

Scott Hayes from Foresite Engineering was present representing the owner. He reviewed the plans with the Commission showing the house on a lot created in 2006. The house will have an access off Fitchburg St. and will need a MDOT access permit for the curb cut. The house will also have an elevated septic system. As proposed, the project honors the 20' wetland buffer zone. They have filed with the Board of Health for septic system approval. Ms. Ryder noted that John Garside, Board of Health Director provided comments dated July 1, 2021 which she read. The letter notes that the applicant needs to provide some additional information on the plans for his review. There was some discussion about the sewer connection and why they are installing a septic system. Mr. White was concerned that this area may be too wet for a septic system. Mr. Clancy noted that the house foundation is very close to the 20' buffer zone and expressed concern that this is too close to allow for construction and ongoing maintenance. Mr. Demers indicated that some type of permanent fence barrier would be needed along the 20' buffer zone so there is no encroachment.

John Kuettner from 633 Pleasant St. asked about stormwater management and noted that his basement has flooded four times in the past 12 years. He doesn't want any additional flooding caused by this new house. He also asked about the address. Mr. Hayes noted that there was discussion about the address being changed to a Fitchburg St. address so that will be resolved soon. After some more discussion, the Commission determined that a site visit was necessary before making a decision and asked Mr. Hayes to stake the house corners, lot lines & fence and the driveway location to better orient the Commission during the site visit. A site visit was set for July 20<sup>th</sup> at 5:00 PM. The hearing was continued to the July 22, 2021 meeting.

**Request for Determination of Applicability**

656 Boston Post Rd. - Global Montello Group Corp.

At the applicant's request, this item was continued to July 22, 2021 as they reassess their project.

**Certificate of Compliance:**

- 212-1033 63 Boivin Dr. (Lot 10) - Ms. Ryder noted that this was completed sometime ago and the only item missing in the request is the deed language which the homeowner is working with his lawyer to get. On a motion by Mr. William seconded by Mr. White to issue a full Certificate of Compliance and hold it until deed language is provided, the Commission voted 6-0 Dennis Demers abstained.

**Current projects and Violation updates:**

- 178 Simpson Rd. - Ms. Ryder noted that work has been completed for this project and no further fines will be assessed. She showed pictures from the site visit.
- 541 Pleasant St. – Ms. Ryder noted she had visited the site and unfortunately what is growing back in the area that was cleared is mostly invasive Japanese Knotweed and Oriental Bittersweet. The owner is still looking for a wetland consultant. The Commission noted that the deadline for getting a consultant had been May 1<sup>st</sup>. They requested that Ms. Ryder inform the owner that he needs to have hired someone by August 1<sup>st</sup> and filed a Notice of Intent by September 1<sup>st</sup>. Fines will begin after August 1<sup>st</sup> if no one has been hired. The Commission unanimously agreed with this course of action.

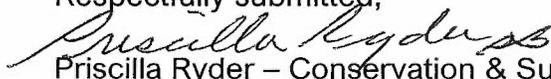
**Discussion/Correspondence/Other Business:**

- Mass Audubon & DCR – Forest Carbon Market Solutions A guide for Massachusetts Municipalities. - Ms. Ryder noted this is a new booklet just released for communities to read.
- Felton Conservation Land - Ms. Ryder has been in touch with Doug Stephan regarding haying of the Felton Conservation land fields. He is eager to do so and has signed the License agreement. The Commission agreed it would be good to have him on board and the agreement is just year to year so this can be the trial year to see how he does. Ms. Ryder indicated Mr. Stephan has equipment to keep the edges of the fields clear and keep them from encroaching in, similar to what Mr. Wright was able to do. The Commission voted unanimously 7-0 to issue a license to Mr. Stephan to do the mowing for this year.

**Next Conservation Commission meetings:** July 22<sup>nd</sup> (this is the 4<sup>th</sup> Thursday) and August 5, 2021

**Adjournment** - There being no further business, on a motion by Mr. Demers seconded by Edward Clancy to adjourn the meeting, on a unanimous 7-0 vote, the meeting was adjourned at 8:21 PM.

Respectfully submitted,



Priscilla Ryder – Conservation & Sustainability Officer



Massachusetts Cultural Council

**Marlborough Cultural Council Meeting Minutes**

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2021 AUG -3 A 11: 11

Date: Wednesday, June 30th at 7:00 PM

Location: Marlborough City Hall, Memorial Hall on 3rd floor

Members in attendance at start of meeting: Kathy Oliver Jones, Emily Wilde, Mary Avery

Member arrived late: Gabriele Luzzi arrived at 7:23

Members absent: Monica Lucey

- I. Meeting called to order 7:21
- II. Unanimously approved last two meetings' notes
- III. Discussion of grant reception
  - A. We'd like to do the grant reception in September. We can use it as a kick-off for the next grant cycle.
  - B. Grant reception rebrand as an art celebration.
  - C. We will invite elected leaders by email.
  - D. We need to print certificates. The Mayor's office should have money to help support the boards and commission, so we will reach out to them for this.
  - E. On 9/19 from 11 to 5pm there is a food truck festival run by MEDC. Mary will approach them about doing the grant reception on the same weekend. Maybe an hour before or after the festival.
  - F. We like the idea of doing the event in person, but with a slideshow that features images/video of the projects/programs. Maybe the first or last hour of the event.
  - G. Publicize the survey at the event. Print stickers or flyers with a QR code linking to the survey
- IV. Schedule upcoming Cultural Council meetings
  - A. We would like to have a regular monthly meeting. Will aim for the first Wednesday of every month.
- V. Mural Ordinance and Review Process
  - A. Samantha Perlman proposed a mural ordinance. She is working on the language. We are waiting for the City Council to take up the matter.

- B. Review draft letter to the Urban Affairs Committee regarding the Cultural Council's support for murals and interest in acting as the review body
  - C. Emily and Mary will make edits to the letter based on the discussion
  - D. Emily to follow up with Luis about other cities/towns LCCs that act as review bodies
- VI. Paradise City Arts Festival
- A. Mary mentioned that this art event is taking place in Marlborough Nov 19th. Maybe we could have a table there. Give out some info about the Council, the survey, the grant application.
- VII. Use of Council's allocated funds
- A. We'd like to do a program in the Fall or Spring
  - B. Discussion of trying to do this at the Food Truck Festival as well, if possible
  - C. We will discuss options in more detail at our next meeting. Members to bring their ideas to the meeting.
- VIII. Meeting adjourned at 8:08



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

## **DRAFT**

### **Traffic Commission Minutes**

The Regular Meeting of the Traffic Commission was held as a virtual meeting on Wednesday, April 28, 2021 at 10:00 am. Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen and Commissioner of Public Works Sean Divoll. Also present: City Engineer Tom DiPersio, Assistant City Engineer Tim Collins, Ashley Miller & Ryan Malcolm also from the Engineering Department, Sgt. Zac Attaway from the MPD Traffic Services Unit, City Council President Mike Ossing, City Councilor Christian Dumais, City Councilor Samantha Perlman and local residents Aura Gauthier and Roland Lachapelle.

Minutes taken by Karen Lambert, MPD Records Clerk.

Chief Giorgi started recording the meeting at 10:03 a.m. and began by welcoming everyone and making introductions.

#### **1- Minutes**

The minutes of the Traffic Commission meeting of Wednesday, March 31, 2021.

MOTION was made, seconded, duly VOTED:

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

#### **2 - New Business -**

2a) 406 Lincoln Street – Questions regarding Lincoln St. Paving Project & Request for flashing pedestrian crossing.

Chief Giorgi received an email from the Property Manager of 406 Lincoln Street. He was specifically asking:

1. When will the Lincoln St. paving project be starting?
2. Will this affect any of the current crosswalks between the parking lots and the building?
3. Can a flashing pedestrian crossing sign be installed in front of the Coffee Shop?

Chief Giorgi reviewed that the Traffic Commission has dealt with these issues a few times over the years in an effort to make the area safer. Tom DiPersio addressed the timeline. He said that they are finishing the utility work now and the paving project is going out to bid in the next week or so. It should be starting in June. The west end of Lincoln Street will be done first. They are hoping to finish the project before the Labor Day Parade. This end of Lincoln Street will be scheduled later in the fall. There will be some modifications to the crosswalk as part of the project. He pulled up a draft diagram for the project for reference and explained that the curb will be bumped out at the midblock crosswalk. This will make the crosswalk more visible and safer by preventing parked cars from blocking the view of those crossing. It will also make it a shorter route across. He thinks this will go a long way in addressing the safety concerns. The bump out will be on the side with the building. Chief Giorgi asked if this would then cause them to lose a parking spot? Mr. DiPersio said no because there was no parking allowed here anyways because it was so close to the intersection of Harrison Place.

Mr. DiPersio said that the crosswalk doesn't have enough people crossing to warrant a flashing pedestrian crossing signal. Tim Collins also said that this is not the City's crosswalk. It is the property of 406 Lincoln Street. He pulled up information on the Special Permit that was granted to Fairbanks Development LLC back in 2007. He said that they keep coming to the Traffic Commission and asking for things, but the owners of the property are responsible for maintenance.

Chief Giorgi asked if Mr. Collins could forward a copy of the permit so that he can walk through the conditions regarding the crosswalk and discuss it with the Property Manager.

MOTION was made, seconded, duly VOTED to REFER to Chief Giorgi to get back to the Property Manager and advise as to this discussion.

#### **2b) Traffic Concerns on Tucker Avenue**

Councilor Perlman was in attendance for this issue. She had forwarded an email to the Traffic Commission from one of her constituents from Tucker Avenue. He was concerned with the speed of school buses and other vehicles "whipping down Tucker from Sandini". He mentioned many children living on the street, including a daycare with toddlers, and kids playing street hockey. He is looking for an "out-of-the-box solution for a visual to slow down vehicles".

Chief Giorgi agreed that this can be a tough area. At the last meeting, we discussed changes in the area with an upcoming reconstruction project. Sgt. Attaway advised that he has had the speed signs up for the last four days (4/24/21 to 4/27/21) on the westbound side and provided the Extended Speed Summary. He reviewed that the average number of cars per day was 28. The maximum speed was 28 mph with an average speed of 14.6 mph. He is planning to leave the sign here for a few more days and then switch it to the

other side of the street. Chief Giorgi said that the Traffic Unit can also increase enforcement there at the same time and report back at the next meeting. Councilor Pearlman asked if she could have a copy of the summary. Sgt. Attaway will forward a copy to her.

Chief Giorgi said that sometimes speed is a matter of perception. When someone is standing still on the side of the road, the speed seems faster.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT to continue monitoring the speed and report back at the next meeting.

### 2c) Parking concerns on Gay Street

Officer Larose requested that this issue be added to the agenda. He was not able to attend today's meeting. Sgt. Attaway advised that there was a recent accident here involving a City vehicle, so Officer Larose was out here monitoring the area and saw another issue. He received a parking complaint about a school bus not being able to get by parked cars. The reporting party had to move her car to let the bus through. She said that there used to be signs for no parking on the north side of the street, however, the signs are not there now. The regulations show that only the first 150 ft. from Mechanic St. on the north side is restricted.

He had the Fire Department come down with a truck to see if they could get through. They arrived in an older spare truck that is narrower than their newer vehicles and were able to just make it. He included photos which showed the truck just being able to get by. Tim Collins had also sent an email to the Traffic Commission with information from Marlborough E Code, Chapter 586-22, General Prohibitions. This chapter and section outline basic parking parameters in the city. He explained that you can't park cars on both sides unless you allow for 2 10-foot lanes. The problem with the core of the City of Marlborough is that the streets are very narrow. He said in his email that "The solution will not be as simple as instituting No Parking regulations on one side of the street, on a street -by-street basis.

He pulled up an aerial photo of Gay Street for reference. We could designate one side as No Parking, however, then everyone just parks on the other side and now people can't park in front of their own houses. Many of the houses are multi-family with not enough driveway space available. It's definitely a problem and we've had the same issue on Newton Street a few times. In that instance, we chose not to do anything as it would cause more problems than it would solve. Other than making many streets one way in all of the core of Marlborough, there is not much that can be done.

Chief Giorgi also said the same issue is on Howland Street as well. Mr. Collins said that people are supposed to judge when they park so that there is room for others to get by. If we do restrict parking to one side, it is usually on the side with the most spots. Howland Street was a 50/50 split and people need to use common sense when they are parking. Same issue on Newton Street. As Marlborough has grown, we haven't been able to widen the streets.

Chief Giorgi asked if we could at least see which side has the most spots? A cruiser and a car wouldn't normally have a problem; however, his concern is that a fire truck can't

get through. Chief Breen asked what is the curb to curb width of the road? Mr. Collins did a quick GIS calculation and said it is about 22-23 feet wide. You clearly can't park on both sides. If parking was restricted to one side, it would definitely allow enough room for the engine to get by, but then everyone is stacked on one side. At least when using both sides, it's staggered, and you can weave in and out. If cars are all on one side and the lane is 12 feet wide, if someone is coming the other way you either have to back up or pull into a driveway. Weaving in and out may actually be better. A comprehensive study of the core or Marlborough would be needed if one way all over were to be considered. He can start by doing a count of available parking spots here on Gay Street to gather information.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to count available parking spots on both sides of Gay Street.

**2d) Continued parking concerns on Preston Street @ Elm Street**

Sgt. Attaway asked that this issue be put back on the agenda. It was discussed a few months ago and Sgt. Attaway was going to continue with monitoring and enforcement. This helped for a while; however, it is continuing to cause a problem when cars are legally parked in the area near the intersection. Cars have difficulty making the turn from Elm Street onto Preston. Sgt. Attaway is asking if the No Parking area can be extended at the corner.

Tim Collins advised that he went out and looked at the area. He pulled up a diagram showing the breakdown of the type of houses (single or multifamily), the number of bedrooms and the number of rooms in each home. The two houses on the corner are multifamily. The two houses on the corner, lot 172 and 174, are two and three family houses. The Assessors may say a certain number of people, however, there can actually be more with extra vehicles. Sgt. Attaway said that opening up the area in front of these two lots would help. Mr. Collins said that would be about 150 feet. Sgt. Attaway said that 150 feet is actually more than what is needed. He thinks that 100 feet would work. Mr. Collins said that it's the actual width of the street that is the problem, as with other streets throughout Marlborough. Restricting parking here though, may make sense. The normal restriction in the City is No Parking within 20 feet of an intersection, maybe 50 to 60 feet would be work. If the No Parking area was extended, on both sides, it would clear out the intersection and the driveway area.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to determine the exact measurements and wording for a No Parking area within 60 feet of the intersection and FORWARD the language to Chief Giorgi so he can then create the No Parking regulation for the next meeting.

**2e) Issues with Cotting Ave: Do Not Enter – One Way Signage**

Sgt. Attaway asked that this issue be added to the agenda. He said in his email that there are constant violations here as vehicles pull into the gas station. He would like to replace the signs and discuss a better location for them. Residents have been complaining. He had Officer Connors monitor the area and he saw several violations but could not enforce them because of the sign placement and faded condition.

Tim Collins pulled up a schedule of specific streets with signs that needed attention. The necessary changes were marked in red. With regard to this sign he noted "DO NOT ENTER sign at the Main Street end of the street is faded and should be replaced/relocated closer to Main Street and aligned so traffic from both directions of Main Street can see it – traffic from Main Street eastbound is using Cotting Street to access the gas station." He also noted No Parking signs and a Stop Sign on Chestnut Street that are faded and need to be replaced. He has already talked to the sign people about fixing the signs.

Mr. DiPersio remembers this issue coming up before and was questioning if we put the sign the way it is so that cars could enter the gas station here. He thinks the gas station came to them before and asked if the sign could be angled the way it is. The gas station owner may complain if the sign is moved.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to replace/relocate the sign as per Mr. Collin's instructions.

### 3-Old Business

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

#### 3e) Traffic Concerns on Oakcrest Ave.

Mr. Lachapelle and Mrs. Gauthier were in attendance for this issue. At the last meeting, this issue was referred to Engineering to investigate further. Mr. Collins went out and studied the area and determined that if a new crosswalk were created it would need to be 200 feet down from Oakcrest. The existing crosswalk, 340 feet further down the street, can't be eliminated as it is part of the School Zone. He pulled up an aerial photo with the proposed crosswalk and distance indicated. He also noted that the proposed crosswalk was a 2 ½ to 3-minute difference in time to go to the new crosswalk vs. the old crosswalk. He also looked at how many people used the trail to go school and he saw none. He did see two students that were walked to school by their parents. The question is whether a second crosswalk is warranted for just a few people. It would also be a lot of work to install as it would require curb cuts and would need to be ADA compliant. It also couldn't be any closer to Oakcrest because of the site distance required for cars to slow down.

One of the residents asked about the possibility of a flashing crossing signal. Mr. DiPersio explained about required warrants and that there are not enough people crossing here to meet the warrants. Mrs. Gauthier said that Covid was still an issue and therefore there were not as many people crossing. Now all the kids are back in school and there are more people crossing. She said that yesterday she was coming down the hill with a car in front of her when she saw someone running across the street with a carriage. She also said that when her daughter was in school, she would drive her to school because it was not safe to cross here. She has lived here for 48 years. Mr. Gauthier also talked about the two new lots on Stevens Street. People don't cross here because it's too dangerous. She thinks more people would cross if it were safer. Mr. DiPersio explained that even with a flashing sign at Oakcrest, this would not be a safe place to cross.

The other issue is that there is no sidewalk if you go south from Oakcrest toward the High School and new elementary school. Maybe a better choice would be to have a sidewalk go in that direction. Mr. DiPersio said that this would be something to consider as part of a reconstruction project, however, there is no new project planned here any time soon. Mrs. Gauthier feels that Oakcrest is getting more and more cut off and isolated from the community because of more and more development in the area. Chief Giorgi said that he does understand the issue, but Engineering Guidelines don't allow for a flashing light to be placed here. Also, it may not make sense to put a crosswalk 200 feet down when it is so close to the existing one.

Mrs. Gauthier also said that the parking lot is not being used by anyone who is handicapped. The City has made it more dangerous by adding the lot. People are using it for drop off. They are also stopping along the side of Stevens Street to drop off and pick up kids. It's a dangerous curve and the lot has added more dangers to the area. Is the crosswalk more dangerous than adding the lot? Chief Giorgi said that we are blending two issues here. If the lot was not there, we still could not put a crosswalk here.

Mrs. Gauthier said that when they moved the driveway for the McCarthy house it helped so they could see the corner. With two other houses coming in, it will block traffic even more for them. Chief Giorgi said again that if they want to cross the road safely, they need to go down to the existing crosswalk and turn around. Mrs. Gauthier asked again about the sidewalk in the other direction so they can cross up the other way. Chief Giorgi deferred to Engineering. Commissioner Divoll said that we all understand the concern, however, the last thing we want to do is put in a crosswalk that implies safety that is not there. He is willing to look into the other alternative. The problem is that Oakcrest is on the inside curve which greatly reduces site distance. Going in the other direction is also in the inside curve. Mrs. Gauthier said she is only asking that the City do more research and explore other alternatives. She knows the City has gotten very busy and that there have been a few recent deaths with people crossing the street. She knows traffic has increased. It's hard getting out of their street and it will be even more difficult when the 2 new house come in.

Chief Giorgi asked if Mr. Lachapelle would like to add anything. He was having issues with his microphone and we could not hear him. The Chief advised Mr. Lachapelle to send an email or call him if he had anything further to discuss.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to look into other options.

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

Update: Engineering drafted a response to MA DOT with the additional information they required.

MOTION was made, seconded, duly VOTED to TABLE.

**3b) Review of School Zone Regulations**

**Update:** Mr. Collins reviewed the regulations for all the schools. He pulled up the wording for "Schedule XIVA: School Zone" on which he marked changes in red. The school zone regulation currently uses the time frame "between the hours of 7:00 a.m. and 3:30 p.m." at certain locations and "between the hours of 8:00 a.m. and 4:00 p.m." for others. He would like to replace this with "from one hour before classes start to one hour one hour after classes end". He would also like to add wording (Section C) to include the flashing lights on Hosmer Street and Farm Road to the regulation. He took this wording from the Mass DOT School Zone Regulations. He advised that the Traffic Commission would need to vote on the addition of Section C to our regulations.

The actual signs in the School Zone would have specific time frames on them. We are just making the regulations standard, so they won't have to be revised if school times change.

Chief Giorgi asked about AMSA. Mr. Collins advised that he would have to table this for now as the pages for AMSA and IC School are missing. He will bring it to the next meeting.

### 3c) Review Crosswalks & Stop Signs for 2021

**Update on Crosswalks:** Tim Collins prepared the wording for the crosswalks for the regulations. In his review, he had found existing crosswalks that were not regulated. They all need to be regulated before reconstruction can be done. He will forward the language to Chief Giorgi so that he can prepare the regulation for the next meeting.

**Update of Stop Signs:** Tim Collins revised the wording for the Stop Intersections. Six stop signs will be added to the regulations and 2 stop signs will be removed. He will forward the wording to Chief Giorgi so that he can prepare the regulation for the next meeting.

### 3d) Speed Concerns on Red Spring Road & Reservoir Street

**Update:** Tim Collins reviewed what was discussed previously. The old school bus sign will be removed, the speed limit sign will be relocated and a sign with a graphic for the side street will be added. This should all be getting done shortly.

### 3f) Safety Concerns at the intersection of Lincoln St. & Cashman St. at Assabet Valley Rail Trail

**Update:** Mr. Collins advised that this should be mostly taken care of by the next meeting. This work would normally be done at night (crosswalk painting and new signage) but the temperatures have been too cold.

Chief Giorgi asked if anyone else had anything else they would like to add.

Councilor Dumais asked if he could have a copy of the schedule of crosswalks. He looked in the minutes from the last meeting but did not see it attached. Karen Lambert will get a copy from Mr. Collins.

TRAFFIC COMMISSION

8

April 28, 2021

No other concerns or comments.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:12 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 4/28/21, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, March 31, 2021.
- Email from Devin Desautels to Chief Giorgi, dated 4/20/21, re: Lincoln Street issues at 406 Lincoln St.
- Email forwarded by Councilor Perlman to Chief Giorgi, dated 4/11/21, re: Street Safety for Marlboro's Children. Original email from Carl Hansen.
- Email from Officer Larose to the Traffic Commission Members, dated 4/7/21, re: Gay Street (including photos).
- Email from Tim Collins to the Traffic Commission Members, dated 4/7/21, re: Gay Street.
- Email from Sgt. Attaway to Karen Lambert, dated 4/12/21, re: April Traffic Commission agenda items – Traffic Concerns on Preston St. and Cotting Ave.

**Additional Handouts**

- Copy of Special Permit No. 05-07-100931C for 406 Lincoln St. (Fairbanks Development LLC)
- Draft copy of Lincoln Street Reconstruction Project (from the Construction Drawings)
- Extended Speed Summary Report for Tucker Avenue (WB)
- Extended Speed Summary Report for Stevens St. @ Oakcrest Ave. (NB)
- Aerial photo of Stevens Street near Oakcrest with potential crosswalk location indicated and distance from Oakcrest.
- Diagram of Preston Street area with housing density indicated
- Proposed wording for Crosswalk Locations
- Proposed wording for Stop Intersections
- Proposed wording for School Zone Regulations
- Traffic Sign Corrections on Chestnut Street and Cotting Ave.

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**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, May 26, 2021 at 10:00 am. Members present: Chairman - Police Chief David Giorgi, 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, Officer Andy Larose from the MPD Traffic Services Unit, City Councilor Christian Dumais, City Councilor Katie Robey and local residents Aura Gauthier and Roland Lachapelle.

Minutes were taken by Karen Lambert, MPD Records Clerk, upon viewing of the recorded minutes as she was not physically present at the time of the meeting.

Chief Giorgi started recording the meeting at 10:03 a.m. and began by welcoming everyone and making introductions.

**1- Minutes**

The minutes of the Traffic Commission meeting of Wednesday, April 28, 2021.

MOTION was made, seconded, duly VOTED:

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

**2 - New Business –**

**2a) Traffic signal lights at Union St. & Bolton St. and Bolton St. & Hudson – Request for audible signal to accommodate blind pedestrians.**

Chief Giorgi received an email from John Usinas who is making this request on behalf of the Commission on Disabilities. We have done this before at the intersection of Bolton St. and Lincoln St. Tim Collins said that the pedestrian pushbuttons at this location were malfunctioning or had been hit and needed to be repaired. The contract said that they would be replaced with an audible signal. He said that MUTCD (Manual on Uniform Traffic Control Devices) says as long as everything is working, all is good, but when an

update or change is needed the entire intersection needs to be upgraded as well. The intersection of Bolton St. and Union St. is one of the oldest signalized intersections in the City. It dates back to 1975. He said that there is currently a loop detector on Union Street and that Bolton Street has the right of way. The light changes only when someone comes onto Union Street and it doesn't change for very long. The whole intersection needs to be upgraded.

It's not as easy as saying let's add an audible signal especially when there is an unprotected crosswalk at this location. Mr. Collins pulled up an aerial mapping photo of the intersection for reference. There is a crosswalk that goes from the gas station to the Middle School. There should be a push button on the gas station side. Chief Giorgi thought he remembered having an issue with this before and that the sidewalk was actually part of the gas station driveway. He asked how would the pole be erected? Mr. Collins explained that the sidewalk was constructed back in 2015. There used to be gas pumps there but now the sidewalk goes all the way across. The post should be within five feet of the crosswalk. It is an apex intersection and the crosswalk should be pulled back with a yellow truncated tactical pad underneath. There are a lot of things that would need to be done to make this a safe intersection.

Chief Giorgi asked if there are any plans to upgrade this intersection, especially with the school being there. Mr. Collins said that the audible signal would be step 1 of a much larger project. He did note that there is a school crossing guard at this location. If there are a lot of kids crossing, the guard is stopping traffic that has the green light so the kids can cross. It's dangerous because cars see the green light and keep going and don't notice the crossing guard stopping traffic for the kids.

He said they can also look into the intersection of Bolton and Hudson, but this is an entirely different scenario. It was installed when Stratus was at the Boston Scientific site. At that time, people leaving work had only one way to get to Rte. 290 and Rte. 495. They would take Hudson St. to Bolton St. and head up. There is another option now with access off Sasseville Way. If traffic counts were done again, they might find that this signalization is not even needed now. The signal here is newer but count down times would still need to be added.

Mr. Collins said that there is nothing wrong with installing audible signals, they would just need to continue with other upgrades. The audible signals would be installed by the signal maintenance company. Chief Giorgi said that he would respond back and let them know that we can start the process and go from there.

Commissioner Divoll advised that sooner rather than later, residents in the area would need to be notified of the change. Mr. Collins said that he went out to check the signal at Bolton St. and Lincoln St. and had to put his ear right up against the pole to hear the signal. One of the problems with this type of signal is that they make a constant sound and people in a residential area complain about the noise. Then the volume gets turned down and you have an audible signal that you can't even hear. Feedback from residents is necessary to have a good combination of safety vs. annoyance for residents. Steve Kerrigan agrees that the noise is a concern at Granger Blvd. and Newton St. People complain that they can hear the audible beep all night long.

**Update:** Officer Larose pulled up the revised regulation that was drafted by Chief Giorgi. As discussed at the last meeting, we are repealing the specific time limits “from 7:00 am to 3:30 pm” and replacing it with “from one hour before classes start to one hour after classes end”.

Tim Collins advised that there was one other issue specially involving the IC School. The IC School is now closed and does not need to be included in the School Zone Regulation. This section should be repealed. The School Zone signs should come down and the crosswalk will turn into a regular crosswalk not a School Zone crosswalk.

MOTION was made, seconded, duly VOTED to APPROVE the revised School Zone Regulation. ALL IN FAVOR.

Karen Lambert will forward the regulation to Steve Kerrigan for advertisement.

### 3c) Review Crosswalks & Stop Signs for 2021

**Update on Crosswalks:** Chief Giorgi also drafted the revised regulation for Section 60.1: “Crosswalk Locations”. Tim Collins noted that the two crosswalks on Washington Street were formerly the IC School crosswalks. He also noted that the crosswalk on Forest Street at AMSA School needs further discussion with the school. Students used to get dropped off across the street and the school petitioned the City for a School Zone Crosswalk. The school does not use this parking lot anymore and the crosswalk may not even be needed. The Chief advised that he has not included this crosswalk in the regulation for now and we can research this later.

MOTION was made, seconded, duly VOTED to APPROVE the amended regulation for “Crosswalk Locations”. ALL IN FAVOR

Karen Lambert will forward the regulation to Steve Kerrigan for advertisement.

### 3e) Safety Concerns at the intersection of Lincoln St. & Cashman St. at Assabet Valley Rail Trail

**Update:** At the last meeting, it was discussed that the crosswalks would be repainted and that the area was scheduled for reconstruction. Commissioner Divoll advised that the crosswalks have not been painted yet. He said that there is a backorder on crosswalk paint. This item will remain on the agenda for next month to follow up.

### 3f) Traffic Concerns on Tucker Avenue

**Update:** Officer Larose pulled up a copy of the Extended Speed Summary Report for Tucker Ave. WB. The speed sign was out at this location from 4/24/21 to 5/3/21. The summary shows an average speed of 13.9 mph. The 85<sup>th</sup> percentile was 16.2 mph with a maximum speed of 28 mph. The average volume per day was 26 vehicles. Chief Giorgi said the summary does not indicate a speed problem as the maximum speed was still under the speed limit of 30mph. The Chief asked if Officer Larose had sent this information to Councilor Pearlman. Officer Larose wasn't sure but he will talk to Sgt. Attaway and they will make sure she has a copy so she can review it with the resident who made the original request.

**3g) Parking concerns on Gay Street**

**Update:** The issue was with the width of the roadway and problems when cars were parked on both side of the road. Mr. Collins was going to measure each side and determine which side had more available parking spots. He found that the number of parking spots on each side is about equal.

Chief Giorgi said that the more he looked into and thought about this issue, he kept thinking back to a similar issue on Howland Street and many others in the City. Cars basically need to “slalom in and out” of parked cars on both sides. Mr. Collins also said that it is the same issue on Newton St., Florence St., and Howe St.

All agreed that the best idea would be to leave it as it is. Restricting parking to one side would only cause other problems.

**3h) Continued parking concerns on Preston Street @ Elm Street**

**Update:** Chief Giorgi drafted the language for the amended regulation to add the first 60 feet of Preston Street, at the intersection of Elm Street, to the Schedule of “No Stopping, Standing or Parking”. Tim Collins advised that there is also a driveway there so the no parking area is pushed back even further.

MOTION was made, seconded, duly VOTED to APPROVE the regulation. ALL IN FAVOR.

**3i) Issues with Cotting Ave: Do Not Enter – One Way Signage**

**Update:** Tim Collins advised that the Do Not Enter Sign has been relocated to the entrance of Dominos so you can’t go down to cut into the gas station. Chief Giorgi advised that he was there yesterday and said that the sign is much more obvious now, as it is visible to Main Street traffic. Councilor Robey said she was in that area recently also and saw people ignoring the sign. She thinks residents use this street and just ignore the Do Not Enter sign. Mr. Collins said he has seen gas delivery trucks doing the same thing. People see that it is a short distance and if no one is coming, they scoot across. Chief Giorgi said that at least the sign is fixed and now we can work with the gas station owner and enforcement if the problem continues.

Chief Giorgi asked if anyone else had anything else they would like to add.

Councilor Dumais brought up an issue on Valley Street. He said that when you come down from Neil Street onto Valley Street, Brook Street is hidden. He asked if there could be a sign posted there that said something like “blind street ahead”. He thought that an email had been sent to Chief Giorgi on this issue, but the Chief said that he did not receive an email. Tim Collins pulled up a photo for reference and you could see that the street is hidden. All you see are the two houses on the corner that look like they are next to each other. Mr. Collins said that we could use a yellow advisory sign with an indication of a side street, similar to what we just did on Reservoir for Red Spring Road. There is no regulation needed and we can just add the sign.

Mr. Collins also pointed out another problem in the photo. There is a garage there where cars jump the curb to park and pull off to the side. These parked cars also block the view of Brook Street. This may need to be addressed with the property owner of Code Enforcement.

No other concerns or comments.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:44 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 5/26/21, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, April 28, 2021.
- Email from John Usinas to Chief Giorgi, dated 5/5/21, re: request for audible traffic signal lights on Bolton Street (at Union St. & Hudson St.)
- Email from Tim Collins to Dave Giorgi, dated 5/20/21, re: School Zone Regulations and Crosswalk Locations
- Proposed language to revise the regulation for Ch. 586-58.1: School Zone.
- Amended regulation for the School Zone.
- Proposed language regarding the School Zone Crosswalks.
- Amended regulation for the School Zone Crosswalks.
- Amended regulation to add the first 60 feet of Preston Street (at the intersection of Elm St.) to the Schedule of "No Stopping, Standing or Parking."

**Additional Handouts**

- Extended Speed Summary for Tucker Ave. WB
- Aerial mapping photo of the intersection of Bolton Street & Union Street.
- Aerial mapping photo of Stevens Street at Oakcrest Ave., with sidewalk marked in red.
- Diagram of Steven Street at Oakcrest with sidewalk indicated.
- Revised regulation for the School Zone Crosswalks