

REGULAR MEETING
OCTOBER 4, 2021
TIME: 8:00 PM

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

CONVENED:

ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 SEP 30 P 1:15

CITY COUNCIL AGENDA

This meeting of the City Council will be held in City Council Chambers on Monday, October 4, 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.marlbrough-ma.gov).

1. Minutes, City Council Meeting, September 27, 2021.
2. PUBLIC HEARING on the Application for Special Permit from Attorney Brian Falk, on behalf of Aubuchon Realty Company, Inc., for two drive-through facilities associated with a new Starbucks and a bank at the Wayside Crossing Plaza, 661 Boston Post Road East, Order No 21-1008395.
3. Communication from the Mayor, re: Gift Acceptances in the amount of \$495.00 from the Assabet River Rail Trail (ARRT) and \$121.50 from Karen Ebner to be used for tree replacement along the Assabet River Rail Trail off Crowley Drive.
4. Communication from the Mayor, re: Appointment of Donna Scalcione to the Council on Aging Board for a 4-year term from date of Council approval.
5. Communication from the Mayor, re: Appointment of Raymond Magee to the Council on Aging Board for a 4-year term from date of Council approval.
6. Communication from the Mayor, re: Request that the City Council extend the Housing Moratorium on the acceptance of any new multi-family housing projects through December 31, 2021.
7. Communication from Solicitor Jason Grossfield, re: Request for Executive Session to discuss litigation strategy relative to WP Marlborough MA Owner, LLC v. Marlborough City Council.
8. Communication from Solicitor Jason Grossfield, re: Request for Executive Session to consider the purchase or value of real property located at 100 Locke Drive.
9. Communication from Solicitor Jason Grossfield, re: Request to transfer name and renew for an additional 5-year term the license for parking by the owners of 56 Emmett Street, in proper legal form, Order No. 21-1008394.
10. Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Garden Remedies, Inc., requesting to update the signage at the Marlboro Square Retail Plaza, 416 Boston Post Road East.

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.

11. Application for Site Plan Review from Attorney Brian Falk on behalf of Aubuchon Realty Company, Inc., related to the proposed expansion and upgrade of the retail plaza within the Wayside District, at 661 Boston Post Road East.
12. Minutes of Boards, Commissions and Committees:
 - a) Fort Meadow Commission, April 21, 2021, May 27, 2021, June 17, 2021, July 15, 2021 & August 19, 2021.
 - b) Traffic Commission, June 30, 2021.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Legislative & Legal Affairs Committee

13. **Order No. 21-1008394A: Communication from Michele Guadagnino and Michael Tutterman requesting to transfer and renew for an additional five-year term the license for parking on city property by the owners of 56 Emmet Street.**

Recommendation of the Legislative & Legal Affairs Committee is to APPROVE. Motion by Councilor Robey, seconded by Councilor Landers, to recommend approval of the transfer of the license for parking on city property by the owners of 56 Emmet Street, Michele Guadagnino and Michael Tutterman. Vote 3-0.

From Personnel Committee

14. **Order No. 21-1008351: Appointment of John Valade as Principal Assessor for a 3-year term from the date of Council confirmation.**

Recommendation of the Personnel Committee is to APPROVE. Motion made by Councilor Doucette to recommend approval of the appointment of John Valade as Principal Assessor, seconded by Chair, and approved as submitted. Vote 3-0.

15. **Order No. 21-1008365: Appointment of Linda Warren to the Council on Aging for a 3-year term from the date of Council confirmation.**

Recommendation of the Personnel Committee is to APPROVE. Motion by Councilor Doucette to recommend approval of the appointment of Linda Warren to the Council on Aging, seconded by Councilor Landers, and approved as submitted. Vote 3-0.

From Urban Affairs Committee

16. **Order No. 21-1008372: Request for approval of two (2) Flat Roof Signs, Val's Plaza, 561 Boston Post Road East in the Wayside District.**

Recommendation of the Urban Affairs Committee is to APPROVE both signs. Councilor Doucette moved to approve the illuminated flat roof sign to read *Val-U- Storage*; motion was seconded. The motion carried 5-0. Councilor Doucette moved to approve the illuminated flat roof sign to read *Store For Rent*; motion was seconded. The motion carried 5-0.

From Finance Committee

17. **Order No. 21-1008367B: Proposed Job Description pursuant to Chapter 125 entitled “Personnel” §5 “Preparation of Classification Descriptions” of the Code, relative to the position of City Collector/Assistant Director of Finance.**

Recommendation of the Finance Committee is to APPROVE. Motion by Councilor Perlman to recommend approval of the new job description, seconded by Chair and adopted. 5-0.

18. **Order No. 21-1008368B: Proposed Job Description pursuant to Chapter 125 entitled “Personnel” §5 “Preparation of Classification Descriptions” of the Code, relative to the position of Assistant Commissioner of Facilities.**

Recommendation of the Finance Committee is to APPROVE. Motion by Councilor Dumais to recommend approval of the job description as amended, seconded by Chair and adopted. 5-0.

19. **Order No. 21-1008389: Transfer Request in the amount of \$93,243.00 which moves funds from Reserved for Salaries to Sick Leave Buy Back and Longevity to fund recent retirements in the Department of Public Works and Police Departments.**

Recommendation of the Finance Committee is to APPROVE. Motion by Councilor Oram to recommend approval, seconded by Chair and adopted. 5-0.

20. **Order No. 21-1008390: Transfer Request in the amount of \$70,645.00 which moves funds from Assistant Building Commissioner to Contract Services to fund additional resources to assist within the Building Department.**

Recommendation of the Finance Committee is to APPROVE. Motion by Councilor Oram to recommend approval, seconded by Chair and adopted. 5-0.

Councilors-at-Large

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

**Ward Councilors**

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

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2021 SEP 30 A 8:00

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
 CITY COUNCIL
 MEETING MINUTES
 MONDAY, SEPTEMBER 27, 2021**

The regular meeting of the City Council was held on Monday, September 27, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Irish, Navin, Landers, Oram, Perlman & Robey. Councilors Absent: Tunnera. Meeting adjourned at 8:43 PM.

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

ORDERED: That the Minutes of the City Council meeting, September 13, 2021, **FILE**; adopted.

That the CONTINUED PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new jointly owned Pole #15-75 at 181 Cedar Hill Street, Order No 21-1008374A, all were heard who wish to be heard, hearing closed at 8:03 PM, adopted.

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

Councilors Absent: Tunnera.

That the PUBLIC HEARING on the Petition from Crown Castle NG East LLC, to install underground conduit on Crowley Drive and Fitchburg Street, Order No 21-1008392, all were heard who wish to be heard, hearing closed at 8:08 PM, adopted.

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

Councilors Absent: Tunnera.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$250,000.00 from the Marlborough Public Library Foundation to be used to offset costs related to the Library renovations; adopted.

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

ORDERED: That the Transfer Request in the amount of \$5,092,666.66 from Stabilization to Land Acquisition to fund the proposed purchase of land at 100 Locke Drive for a new Fire Station, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Mayor				FISCAL YEAR:		2022	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:			
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:	
\$16,801,711.42	\$5,092,666.66	83600	32925	Stabilization-Undesignated	\$5,092,666.66	19300006	58120	Land Acquisition	
Reason:		For acquisition of parcel at 100 Locke Drive							
\$5,092,666.66		Total		\$5,092,666.66		Total			

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Petition of Cellco Partnership d/b/a 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, in proper legal form, Order No. 21-1008355, **MOVED TO ITEM 16 and FILE**; adopted.

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Petition of Cellco Partnership d/b/a 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, in proper legal form, Order No. 21-1008356, **MOVED TO ITEM 17 and FILE**; adopted.

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

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Petition of Cellco Partnership d/b/a 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), in proper legal form, Order No. 21-1008357, **MOVED TO ITEM 18 and FILE**; adopted.

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

ORDERED: That the Communication from City Clerk Steven Kerrigan, re: Proposed Reprecincting Map and census block data, referred to the **REPRECINCTING COMMITTEE**; adopted.

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

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment to Chapter 650, §5 and §18(36) by adding "Hobby Vehicle Storage" as a warehousing use in the Limited Industrial District, **FILE**; adopted.

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

ORDERED: That the Proposed Master Concept Plan and Development Agreement as submitted by Attorney Peter Tamm on behalf of the Campus at Marlborough within the Results Way Mixed Use Overlay District (RWMUOD), referred to the **URBAN AFFAIRS COMMITTEE**; adopted.

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

ORDERED: That the Council President send a communication to the MA State Lottery Commission, to record the City Council's opposition to the issuance of a Keno Monitor to existing Keno To Go agents, Monti's Mini Market, 274 Maple Street, **APPROVED**; 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) City Council Climate Resiliency Committee, June 29, 2021.
- b) School Committee, August 24, 2021.
- c) Board of Assessors, June 9, 2021.
- d) Historical Commission, July 15, 2021.
- e) Library Board of Trustees, June 1, 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) Charles Group Holdings, Inc., 1110 Concord Road, other property damage and/or personal injury.

Reports of Committees:

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Committee
Report and Minutes
Monday – September 20, 2021**

This meeting convened at 6:15 PM in the City Council Chamber. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Committee members present were Chair Dumais, Councilors Doucette and Landers.

Other Councilors Present were Councilors Wagner, Robey, Irish, Navin, and Ossing.

Also in attendance were Linda Warren and John Valade were present in the Chamber to be interviewed by councilors for their appointments submitted by Mayor Vigeant.

Order No. 21-1008365: Appointment of Linda Warren to the Council on Aging for a 3-year term from the date of Council confirmation.

Motion by Councilor Doucette to recommend approval of the appointment of Linda Warren to the Council on Aging, seconded by Councilor Landers, and approved as submitted. Vote 3-0

Order No. 21-1008351: Appointment of John Valade as Principal Assessor for a 3-year term from the date of Council confirmation.

Motion made by Councilor Doucette to recommend approval of the appointment of John Valade as Principal Assessor, seconded by Chair, and approved as submitted. Vote 3-0

Motion made by Councilor Doucette to adjourn, seconded by Chair and approved.
Meeting adjourned at 6:32 PM.

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

**City Council Urban Affairs Committee
Report and Minutes
Monday – September 20, 2021**

Urban Affairs & Housing Committee members present were Chairman Katie Robey, Councilor Landers, Councilor Doucette, Councilor Navin and Councilor Wagner.

Other councilors present were Councilor Ossing, Councilor Irish, and Councilor Perlman. Councilor Tunnera and Councilor Oram were present for the second item on the agenda-Val's Plaza.

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

Order No. 21-1008344: Communication from Attorney Falk on behalf of Marlborough Industrial, LLC, re: Proposed zoning Amendment to Chapter 650, s 5 and s. 18 (36) by adding 'Hobby Vehicle Storage' as a warehousing use in the Limited Industrial District.

Reports of Committee Continued:

Attorney Falk was present for the applicant. The chair read the letter from the Planning Board with a favorable recommendation as well as a communication from the Stevens Family Foundation. The letter raised concern about what they plan to do with the property and the impact of the zoning change going forward.

On a motion by Councilor Doucette, this was postponed in committee. Vote 5-0

Order No. 21-1008372: Request for approval of two (20 Flat Roof Signs, Val's Plaza, 561 Boston Post Road East in the Wayside District.

Mr. Valchuis, owner of Val's Plaza was present for this item. The chair reminded members this request was referred to the City Council because the signs are located in the Wayside Zoning district where illuminated signs are not allowed without Council approval. The chair asked about the permit application which indicated the signs were only replacing the face but photos of site show there are no signs currently in place for these two requests. Mr. Valchuis stated he had taken down the signs when the new roof was installed as they were rusty and in poor condition. He desires the new signs to match what is in place for the other businesses of the plaza. Discussion was held on the sign to read 'Store for Rent' and if there was a need to have an illuminated roof top sign for this when he could apply for a temporary sign instead. The owner indicated he preferred to have both sign boxes installed at same time, but he could just put in a blank white face if that was preferred.

Councilor Doucette moved to approve the illuminated flat roof sign to read *Val-U- Storage*; motion was seconded. The motion carried 5-0.

Councilor Doucette moved to approve the illuminated flat roof sign to read *Store For Rent*; motion was seconded. The motion carried 5-0.

It was moved and seconded to adjourn. The vote was 5-0 and the meeting adjourned at 7:12pm.

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

**City Council Legislative and Legal Affairs Committee
Report and Minutes
Monday – September 20, 2021**

This meeting was held in the City Council Chamber. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Committee members present were Chair Tunnera, Councilors Robey and Landers.

Other Councilors present Councilors Ossing, Wagner, Doucette, Dumais, Irish, Navin, Oram, and Perlman.

Order No.21-1008394: Communication from Michele Guadagnino and Michael Tutterman requesting to transfer and renew for an additional five-year term the license for parking on city property by the owners of 56 Emmet Street.

Reports of Committee Continued:

This license was first granted to Richard F. and Jane A. Sullivan on May 5, 2003 by City Council Order No.03-9919A and signed by Mayor Mauro on May 7, 2003 and has been renewed continually since that date to successor owners of 56 Emmet Street.

Motion by Councilor Robey, seconded by Councilor Landers, to recommend approval of the transfer of the license for parking on city property by the owners of 56 Emmet Street, Michele Guadagnino and Michael Tutterman. Vote 3-0

Motion made and seconded to adjourn.

Meeting adjourned at 8:02 PM.

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

**City Council Public Services Committee
Report and Minutes
Monday – September 20, 2021**

This meeting was convened at 7:16 PM in the City Council Chamber. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlbrough-ma.gov).

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

Other Councilors in present Councilors Ossing, Wagner, Doucette, Navin, Tunnera, Oram, Robey and Dumais.

Also in attendance were City Engineer DiPersio and NGrid's Robert Moran addressed the petitions.

Order No.21-1008375: Petition from Mass Electric to replace direct buried cable with cable conduit using directional drill method on Ferrecchia Drive. Public Hearing held 9/13/21.

Mr. DiPersio confirmed his department would coordinate with NGrid representatives the details of the petition. Responding to inquiries regarding the scheduling and notices regarding the project, Mr. Moran stated he was unsure of the timeline, but the duration would be shorter than a traditional open trench with 7 days' notice provided for power outage and courtesy notifications as required.

Motion by Councilor Perlman to recommend approval of the petition, seconded by Councilor Irish and approved as submitted. 3-0

Order No.21-1008373: Petition from Mass Electric and Verizon New England to install a new jointly owned Pole #15-5 (45-2) and permission for NGrid to solely install at 9-411, install three (3) 50K (120/208) transformers and 3-15K cutouts, install riser-perm connection to customer underground at 121 Bolton Street. Public Hearing held 9/13/21

Mr. Moran addressed the petition, indicating NGrid will be installing one new pole 20' north of an existing pole. Mr. DiPersio confirmed that initially he hoped not to have a third pole; however, addressing the petition with Mr. Moran and others at NGrid, acknowledges the requirement for the third pole.

Reports of Committee Continued:

He stated he would work with NGrid to ensure there are no issues with egress to the site due to the siting of the pole. Replying to councilor inquiries, Mr. Moran stated he would look into straightening of the existing poles, that charging stations were not included in the petition, and the two other poles in front of the station are not available to service 121 Bolton Street.

Motion by Councilor Perlman to recommend approval of the petition, seconded by Councilor Irish and approved as submitted. 3-0

Motion made and seconded to adjourn; Meeting adjourned at 7:55 PM.

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Report and Minutes
Monday – September 20, 2021**

The meeting was televised on WMCT-TV (Comcast Ch 8) or Verizon/Fios Ch 34) and available for viewing at Meeting Videos tab on the city's website, home page www.marlborough-ma.gov).

Present: Voting Members: Chair Irish, Councilors Oram, Perlman, Dumais, and Tunnera;

Other Councilors Present: Councilors Ossing, Robey, Landers, Navin, Doucette and Wagner.

This meeting convened at 8:03 PM in the Council Chamber. Public attendance was permitted.

Order No. 21-1008389: Transfer of \$93,243.00 from Reserved for Salaries to Sick Leave Buyback and Longevity to fund retirements in DPW and Police Departments.

Motion by Councilor Oram to recommend approval, seconded by Chair and adopted. 5-0

Order No. 21-1008390: Transfer of \$70,645.00 from Assistant Building Commissioner to Contract Services to fund additional resources in Building Department.

Motion by Councilor Oram to recommend approval, seconded by Chair and adopted. 5-0

Order No. 21-1008367A: Proposed addition to Ch.125-6, Salary Ordinance City Collector/Assistant Director of Finance together with proposed amendment to Ch.67-11(A) to provide for alternative appointment by the Mayor.

Motion by Councilor Oram to recommend approval, seconded by Chair and adopted. 5-0. **Chair will suspend rules for action.**

Order No. 21-1008367B: Proposed Job Description, City Collector/Assistant Director of Finance.

Motion by Councilor Perlman to recommend approval of the new job description, seconded by Chair and adopted. 5-0

Order No. 21-1008368A: Proposed amendment to City Code, DPW, to insert s.7-31 (D) Assistant Commissioners to create new position, Assistant Commissioner of Facilities to be appointed by the DPW Commissioner, term to be coterminous with the Commissioner.

Motion by Councilor Oram to recommend approval to include suspension of rules, seconded by Chair and adopted. 5-0 **Chair will suspend rules for action.**

Reports of Committee Continued:

Order No. 21-1008368B: Proposed Job Description, Assistant Commissioner of Facilities.

Motion by Councilor Dumais to recommend approval of the job description as amended, seconded by Chair and adopted. 5-0

Order No. 21-1008369: Proposed Salary Ordinance, Police Chief and Fire Chief, No Steps, Minimum-Maximum: \$200,000.00, Effective July 1, 2021.

Motion by Councilor Tunnera to approve as amended, Maximum Salary up to \$200,000.00, no table; effective July 1, 2021, seconded by Chair and adopted. 5-0 Mayor will provide job descriptions.

Chair will suspend rules for action.

Motion made and seconded to adjourn. Meeting adjourned at 9:12 PM

Motion by Councilor Perlman, seconded by Chair, to adjourn; Adjourned at 7:38PM

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

Suspension of the Rules requested to allow a late Communication from the Mayor – granted.

ORDERED: That the Appointment of Christopher Firicano as City Collector/Assistant Director of Finance for a 2-year term to expire the day following approval by the City Council, referred to the **PERSONNEL COMMITTEE**; adopted.

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

Suspension of the Rules requested – granted.

ORDERED: That the Request to transfer name and renew for an additional 5-year term the license for parking by the owners of 56 Emmett Street, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE OCTOBER 4, 2021 COUNCIL MEETING**; adopted.

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

Suspension of the Rules requested – granted.

ORDERED: That the Petition from Massachusetts Electric, to replace direct buried cable with cable in conduit using directional drill method on Ferrecchia Drive **APPROVED**; adopted.

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

Suspension of the Rules requested – granted.

ORDERED: That the Petition of Petition from Massachusetts Electric and Verizon New England, to install a new jointly owned Pole #15-5 (45-2) and permission for NGRID to solely install at 9-411, install three (3) 50K (120/208) transformers and 3-15k cutouts, install riser-perm connection to customer underground at 121 Bolton Street, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. The exact location of the new pole shall be marked on the ground and approved by the Engineering Division prior to start.
2. The proposed location (30 feet north of existing pole #15) is close to the sewer service to the building and may need to be adjusted to avoid conflict.
3. The location shall be selected so as not to impede sight distance for vehicles exiting the southern driveway.
4. The entire sidewalk panel shall be replaced at the location of the new pole.

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

Suspension of the Rules requested – granted.

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

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 Irish, seconded by the Chair to adopt the following:

Suspension of the Rules requested – granted.

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.

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 Irish, seconded by the Chair to adopt the following:

Suspension of the Rules requested – granted.

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

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

<u>POSITION</u>	<u>SALARY</u>
Chief of Police	Maximum Salary up
Fire Chief	to \$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.

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 Landers, seconded by the Chair to adopt the following:

ORDERED: 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 July 9, 2021, filed with the City Clerk on July 9, 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 123 Boston Post Road West in Marlborough, which pole is designated as National Grid pole #7, 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. To the extent any requested relief from the siting standards in City Ord. Ch. 473, Article III is authorized by this approval, such relief is provided consistent with Ord. Sec. 473-27(B).
4. Verizon Wireless shall not install its Small Cell Facility on double poles. If National Grid pole #7 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 #7 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.

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 #7 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 #7 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 #7 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 #7 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #7, 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.
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.

APPROVED; adopted.

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

ORDERED: 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 July 9, 2021, filed with the City Clerk on July 9, 2021, to grant a location on an existing utility pole located in the layout of City Right of Way Boundary Street adjacent to 493 Boston Post Road West in Marlborough, which pole is designated as National Grid pole #1, 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. To the extent any requested relief from the siting standards in City Ord. Ch. 473, Article III is authorized by this approval, such relief is provided consistent with Ord. Sec. 473-27(B).
4. Verizon Wireless shall not install its Small Cell Facility on double poles. If National Grid pole #1 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 #1 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.

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 #1 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 #1 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 #1 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 #1 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #1, 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.
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.

APPROVED; adopted.

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

ORDERED: 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 July 9, 2021, filed with the City Clerk on July 9, 2021, to grant a location on a replacement utility pole located in the layout of City Right of Way Ames Street adjacent to 11 Atkinson Drive in Marlborough, which pole is designated as National Grid pole #22, 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. To the extent any requested relief from the siting standards in City Ord. Ch. 473, Article III is authorized by this approval, such relief is provided consistent with Ord. Sec. 473-27(B).
4. Verizon Wireless shall not install its Small Cell Facility on double poles. If National Grid pole #22 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 #22 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.

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 #22 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 #22 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 #22 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 commencement of construction and/or installation of the Small Cell Facility, National Grid shall replace the existing pole #22 with a new pole as further described in the plans attached hereto. Notwithstanding anything to the contrary, the Small Cell Facility shall not be placed on said existing pole, and this Grant of Location only authorizes the Small Cell Facility to be placed on the new replacement pole.
12. 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 #22 and for the repair and/or restoration of the public way, in the vicinity of National Grid pole #22, 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.
13. 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.
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16. 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.

APPROVED; adopted.

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

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:43 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass. SEPTEMBER 13, 2021

ORDERED:

That there being no objection thereto set **MONDAY, OCTOBER 4, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk, on behalf of Aubuchon Realty Company, Inc., for two drive-through facilities associated with a new Starbucks and a bank at the Wayside Crossing Plaza, 661 Boston Post Road East, be and is herewith referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Ninety days after public hearing is 01/02/22 which falls on a Sunday, therefore 01/03/22 would be considered the 90th day.

ADOPTED

ORDER NO. 21-1008395



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
 MAYOR

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

Priscilla M. Bernard
 EXECUTIVE AIDE

2021 SEP 30 A 11:40

Ryan P. Egan
 EXECUTIVE SECRETARY

September 30, 2021

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

Re: Gifts acceptance – Conservation

Honorable President Ossing and Councilors:

Please find enclosed for your acceptance two gifts in the amount of \$495.00 from the Assabet River Rail Trail (AART) and \$121.50 from Karen Ebner to pay for a tree replacement along the AART off of Crowley Drive. These gifts will be placed in the Conservation Maintenance Fund to be used for the purchase and installation of this tree.

I'd like to take this opportunity to thank the AART and Ms. Karen Ebner for their continued support and commitment in preserving our conservation land.

If you have any questions, please feel free to reach out to me or Conservation Officer Priscilla Ryder.

Sincerely,


 Arthur G. Vigeant
 Mayor

Enclosures



City of Marlborough Conservation Commission

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768 Facsimile (508) 460-3747

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

September 20, 2021

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

RE: Acceptance of Gift to Conservation Maintenance Fund
To replace dead tree on the Assabet River Rail Trail (ARRT)

Dear Mayor Vigeant,

The City of Marlborough through the Conservation Commission has been given two gifts from Assabet River Rail Trail Inc, and Karen Ebner for \$495 and \$121.50 respectively to pay for a tree to be replaced along the ARRT off Crowley Dr. There are several trees in this section that have died and we will be working with ARRT Inc and others to seek funding over time to replace dead and dying trees along the trail. ARRT Inc collected funds from the Ebner family and friends in order to do this tree replacement. I have worked with Chris White to confirm that this donation will cover the cost of the tree and its installation so there will be no cost to the city. As required by MGL Ch. 44 Section 53A ½ the acceptance and expenditure of these gifts totaling \$616.50 requires your approval. We would like these funds placed in the Conservation Maintenance Fund account #845 00005 54000 to be used for the purchase and installation of this tree on the ARRT.

If you have any questions on the above, please let me know.

Sincerely,

Priscilla Ryder
Conservation Officer

Cc: Con. Com.
Sean Divoll

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Conservation DATE: 8/31/2021

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Priscilla Ryder

NAME OF GRANT: Gift

GRANTOR: ARRT Inc and Karen Ebner

GRANT AMOUNT: gift of \$616.50 (two checks \$495 & 121.50)

GRANT PERIOD: N/A

SCOPE OF GRANT/
ITEMS FUNDED Funds to be used to buy a tree and install it to replace
a dead tree on the ARRT near Crowley Dr.

IS A POSITION BEING
CREATED: no

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

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: Oct-21

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

0284

Assabet River Rail Trail, Inc.

DATE 8/16/21 5-7017/2110

PAY TO THE ORDER OF City of Marlborough \$ 495⁰⁰

Four hundred ninety five and no DOLLARS

Citizens Bank®

FOR Babe David / Tree T. Bowie MP

⑈000 284⑈



KAREN ERNER

HOPE ♥ LOVE ♥ LIFE

1222

53-8644/2113

8/23/21 Date



Pay to the order of City of Marlboro \$ 121.50

one hundred & twenty one & 50/100 Dollars



federal credit union

600 Main Street, Waltham MA 02452

for _____

Karen Erner MP



1222

Harland Clarke

HOPE & COURAGE



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH

2021 SEP 30 A 11:40

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

Ryan P. Egan
EXECUTIVE SECRETARY

September 30, 2021

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

RE: Appointment of Donna Scalcione to Council on Aging

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the appointment of Donna Scalcione to the Council on Aging for a four-year term from her date of approval.

Ms. Scalcione is a retired journalist and also spent 24 years in the health care industry. She is an active member of the Sudbury Valley Trustees and most recently led a weekly session for adult English language learners.

Ms. Scalcione enjoys helping seniors stay healthy and has expressed an interest in keeping them connected by 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

3PM 9/27

CANDIDATE FOR COUNCIL ON AGING

Name: Donna Scalcione Email: donnauuadm@gmail.com

Address: 742 Stevens Street, Marlborough

Home Phone: Cell Phone

How did/do you hear about the COA: ad in the Senior Center newsletter

Have you given your time previously as a Volunteer? Yes
If yes, in what capacity: Most recently leading a weekly conversation session for those learning English through the Marlborough Public Library (was in person, now on zoom) and office help and data base projects for Sudbury Valley Trustees. Also numerous committees at my church

Why do you want to become a board member? What would you like to get out of the experience? I think every board should reflect the diversity of the community. As a lesbian who has lived in Marlborough since the 1970's, as a parent who has had three children go through the public school system, and as a homeowner, I am invested in this City. Now, as a senior myself, I'd like to help ensure we are doing all we can to help seniors stay healthy and connected.

What interests, activities or hobbies do you enjoy? I provide a temporary foster home for dogs that need to be re-homed, enjoy geocaching, hiking, walking, learning new skills and information, reading, playing guitar, drum and the harmonica, and doing crossword and jigsaw puzzles.

Education/training, hobbies or other skills: BA English, computer skills such as Word, Excel, former newspaper freelance writer, former facilities manager.

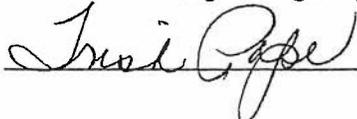
What other organizations do you belong to? All Dog Rescue, Maltese Rescue, Marlborough Democratic City Committee, Sudbury Valley Trustees, First Parish Unitarian Universalist Sudbury

Are you willing to attend a training/information session for board members? Yes

Are you willing to undergo a CORI background check? Yes

What are your current interests in the COA? Serving the community

Any addition information or comments? I am reliable, detail-oriented, experienced with working with groups of people, a self-starter

Sponsor:  Date: 9/13/2021

DONNA SCALCIONE

742 Stevens Street
Marlboro, MA 01752

- 8/16 to 6/19 **Congregational Administrator**, First Parish Unitarian Universalist Northboro
- Manage all office functions (voicemail, email, US mail, filing, supplies, equipment)
 - First responder. Greet/direct visitors in person and over the telephone.
 - Assist Minister with administrative duties. Assist Director of Religious Education, Music Director, and committees as time allows.
 - Manage database and other lists to enhance communications within the congregation.
 - Publish Sunday order of service. Edit and publish monthly newsletter. Update and publish church directories, annual reports and other written materials.
 - Manage data base of pledge money and donations given to the church
 - Serve as Liaison to renters
- 9/14 to 6/16 **Teacher** Sudbury Extended Day (school year, part time)
Oversee the safety and activities of children and lead craft activities
- 7/08 to 7/14 **Congregational Administrator**, First Parish of Sudbury Unitarian Universalist (part time)
- Manage all office functions (voicemail, email, US mail, filing, supplies, equipment)
 - First responder. Greet/direct visitors in person and over the telephone.
 - Assist Minister with administrative duties. Assist DRE, Music Director, Community Life Coordinator, and committees as time allows.
 - Manage database and other lists to enhance communications within the congregation.
 - Publish Sunday order of service. Edit and publish newsletter twice a month. Update and publish church directories, annual reports and other written materials.
 - Manage office budget
 - Serve as liaison to renters/space users. Manage online calendar of space use.
- 5/06 to 6/09 **Church Administrator**, Unitarian Church of Marlborough & Hudson (part time)
- Manage all office functions (voicemail, email, US mail, filing, supplies, equipment)
 - First responder. Greet/direct visitors. Liaison to space users.
 - Assist Senior and Associate Minister with confidential correspondence. Assist committees with reports, visitor's packets, correspondence and database management
 - Publish Sunday order of service. Edit and publish monthly Newsletter. Create and distribute press releases, informational brochures and other publicity materials.
 - Pay invoices using QuickBooks Accounting Program
 - Process plate/pledge payments. Make bank deposits and report to Board

DONNA SCALCIONE

Page 2 of 3

1/96 to
2/06**Administrative Services Coordinator, VNA Care Network (full time)**

- Manage facilities issues at nine agency sites, includes all aspects of building maintenance such as safety, HVAC, plumbing, electrical, lawn and garden
 - Serve as liaison to office equipment maintenance vendors, office cleaning staff, building maintenance staff, contractors, and landlords
 - Serve as a resource for staff regarding facilities issues, office supplies and equipment, and furniture
 - Negotiate prices and service agreements with vendors and contractors for office supplies/equipment, furniture. Verify and approve invoices
- Administer and troubleshoot the telephone and voice mail system for 1200 users located in over 15 sites
- Coordinate special projects such as changes to office furniture layout and "traffic flow;" inter-and intra-office relocation of individuals, departments or entire sites; and office renovation and construction projects
- Conduct one-to-one and group trainings on Communications (i.e. by fax, interoffice mail, pager, phone and voice mail)
- Manage the packing, retrieval and destruction of records stored off-site
- Manage, publish and oversee monthly distribution of employee listing
- Supervise Receptionists and coordinate the assignment of tasks

4/91 to
12/95**Office Manager, Cambridge Visiting Nurse Association (full time)**

- Supervise five support staff (receptionists, office assistant, medical records staff) and coordinate the assignment of tasks.
- Delegate and provide general secretarial and administrative support to several departments, including word processing and data base management
- Coordinate special projects such as office renovations, relocation of individuals/departments within the office, installation of telephone and PC networking equipment.
- Purchase medical and office supplies, and medical and office equipment; negotiate prices and service agreements with vendors and contractors
- Manage medical and office supplies, and medical and office equipment; administer the telephone system and network of personal computers; perform inventory control, troubleshooting, and general maintenance.
- Serve as liaison to the landlord, the maintenance and office cleaning staff

1989 to
4/91**Business Manager, Health Information Referral Service, Inc. (full time)**

- Managed Benefits and Payroll for a staff of 35.
- Managed Accounts Receivable, including state contracts documentation.
- Managed Accounts Payable, including bank reconciliation, general ledger accounting and spreadsheets.
- Prepared documentation for insurance reimbursement and Medicaid billing.
- Assisted the Director in public relations and grant writing.

DONNA SCALCIONE

Page 3 of 3

1982 to 1989 **Administrative Assistant**, Health Information Referral Service, Inc. (full time)

- Performed data base management of client statistics, word processing, bookkeeping, and invoicing.

1980 to 1982 **Assistant Managing Editor** of the *Unitarian Universalist World* (part time)

- Performed editing, proofreading, and layout functions. Wrote feature stories.

1978 to 1991 **Freelance Advertising Copywriter and Feature Writer** (part time)

- Created and designed advertising copy, flyers, brochures, and press releases.
- Wrote human interest stories for a variety of publications
- Performed freelance editing and proofreading for *UU World*, et. al.

Education & Experience BA in Liberal Arts/English, Massachusetts State College at Salem
Completed a variety of seminars including Microsoft Office & Outlook, time management, effective communications, combating workplace negativity, telephone system management, OSHA Regulations, and supervisory skills



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
MARLBOROUGH

2021 SEP 30 A 11:40

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

Ryan P. Egan
EXECUTIVE SECRETARY

September 30, 2021

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

RE: Appointment of Raymond Magee to Council on Aging

Honorable President Ossing and Councilors:

I am pleased to submit for your approval the appointment of Raymond Magee to the Council on Aging for a four-year term from his date of approval.

Before retiring, Mr. Magee spent 40 years at Draper Labs as an Engineer and worked closely with various divisions of the U.S. Armed Forces.

Mr. Magee has been an active volunteer in our community for many years, and most recently he spends his time at the Marlborough Community Cupboard and assists with the Senior Mobile Market making food deliveries. He has expressed an interest in continuing to serve, and I feel his varied background will be an asset to the Council on Aging.

I've enclosed his resume for your review.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

CANDIDATE FOR COUNCIL ON AGINGName: Raymond Magee Email: rjmagee@comcast.net.Address: 793 Stevens St. Marlboro MA.Home Phone: Cell Phone How did/do you hear about the COA: Working at the Food Pantry Have you given your time previously as a Volunteer? Yes No If yes, in what capacity: Support the Food Pantry and deliver food for the SeniorMobile Market

Why do you want to become a board member? What would you like to get out of the experience?

Now that I am retired I want to give back to my community as much as I canWhat interests, activities or hobbies do you enjoy? Wood working, building furniture, tennis, cycling, hikingEducation/training, hobbies or other skills: BS/MS in MathematicsWhat other organizations do you belong to? Currently, only the Food PantryAre you willing to attend a training/information session for board members? YesAre you willing to undergo a CORI background check? YesWhat are your current interests in the COA? Support the CoA goals for the good of the Marlborough Senior CommunityAny addition information or comments? Sponsor: *Patricia L. Gage* Date: 9 Sept. 2021

9/23 1:15 PM

5-3

To: Patricia Pope
From: Ray Magee
Date: 9 September 2021
Subj.: Council On Aging Application

Trish,

Attached is my application for the open Council on Aging position. I have also included a copy of my last professional resume.

I was employed by the Charles Stark Draper Laboratory for 40 years. I retired in 2017 from full time work and remained as a per Diem employee for two years retiring completely in March 2019. My wife and I have supported the Senior Mobile Market since 2017 and I began working at the Pantry in 2019.

In the past, my community involvement has included President of the Jaworek Parent Teacher Organization, Treasurer of the Triboro Youth Hockey, and President of the New England Figure Skating Club.

I hope you will find my experience useful to you in participating in the Council on Aging.

Thank you,

A handwritten signature in black ink, appearing to read "R Magee". The signature is stylized and written in a cursive-like font.

Raymond Magee

Raymond J. Magee
Division Staff
System Integration and Test

Security Clearance: Top Secret/SCI

Experience Summary

Mr. Magee has been at the Charles Stark Draper Laboratory since 1977. During this time he has been primarily responsible for analysis in support of inertial system development and the evaluation of instrument and system test data. In particular, Mr. Magee has been responsible for designing and analyzing tests to determine and improve calibration and alignment accuracy of Air Force and Navy guidance sets, design and analysis of rocket sled tests and centrifuge tests for IMU model validity determination, improved instrument and system error models, digital simulation and post processing of system data using Kalman filtering techniques.

He has been responsible for test and analysis of AF and Navy RLG based reentry instrumentation packages, development of post flight processing software packages for the evaluation of flight experiments, and Minuteman III system upgrades and systems engineering tasks. Other activities have included technical director for the development of a fiber optic attitude package for space applications; a Solid State IMU Program in which he is involved in system engineering, requirements analysis, the development of instrument and system test plans, and responsible for instrument and system test activities; and IMU radiation testing for land based strategic system applications.

Mr. Magee has been a group leader for System Integration and Test in the Systems Engineering and Evaluation Directorate. He was also the Systems Engineer responsible for the development of an Enhanced Ground Test system to enhance reliability and accuracy testing of the Trident II guidance system with less reliance on flight tests.

Mr. Magee has also been involved with intelligence programs since 1980. He has worked closely with and has had contracts with many agencies in the community including, DIA, CIA, NAIC, and NSA.

Currently Mr. Magee is on staff to the System Integration and Test Division.

Skills Inventory

Engineering Management: Four years leading an analysis group as part of the Air Force Department. Task leader for various analysis, test, and evaluation programs for the Air Force and Navy.

Program Management: Three years managing programs for the Navy SP-28 and the Air Force Research Lab.

Systems Engineering & Analysis: Task leadership in complex systems development and evaluation. Development of inertial sensor and system performance models. Extensive analysis and testing of systems and instruments for various DoD organizations. Exploitation and evaluation of foreign components for various government agencies.

Systems Integration, Test & Evaluation: Mr. Magee is the group leader for System Integration and Test in the Systems Engineering and Evaluation Directorate. He is also the Systems Engineer responsible for the development of an Enhanced Ground Test system to enhance reliability and accuracy testing of the Trident II guidance system with less reliance on flight tests.

Employment History

Charles Stark Draper Laboratory
Cambridge, Massachusetts
07/78 - Present

08/10 – Present
Division Staff (Distinguished Member of the Technical Staff)

Mr. Magee is currently dedicated to a set of classified programs for which he is the PM/TD.

02/02 – 08/10
Group Leader (Distinguished Member of the Technical Staff)
 System Integration and Test

Mr. Magee is the group leader for System Integration and Test in the Systems Engineering and Evaluation Directorate. He is also the Systems Engineer responsible for the development of an Enhanced Ground Test system to enhance reliability and accuracy testing of the Trident II guidance system with less reliance on flight tests.

11/99 - 02/02
Senior Systems Engineer
 Systems Engineering and Analysis

Serving as systems engineer for the development of a new, high performance integrated GPS/INS for the USN and AFRL. Developed system specifications, performance capabilities and requirements, mission operational concepts, and supporting flight experiments.

Served as task leader in the development of a fiber-optic gyro for the system and served as the IPT team lead for the development of the inertial sensors.

96 - 99
Program Manager
 Strategic Systems Program Office

Served as program manager for the development and test of a new Air Force strategic system. Also served as program manager for various Navy reentry instrumentation programs.

77 - 96
Principal Member Technical Staff

Worked in various engineering organizations providing analytic support for the testing and evaluation of inertial instruments and systems. Activities included rocket sled testing, centrifuge testing, laboratory test and associated data analysis, development of calibration and compensation algorithms.

Education

Baccalaureate Degree, Mathematics, Millersville College
 Masters Degree, Mathematics, Northeastern University

Publications

Numerous technical reports and memos.



City of Marlborough
Office of the Mayor

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

2021 SEP 30 A 11:41

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

September 30, 2021

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

RE: Request for Housing Moratorium Extension

Honorable President Ossing and Councilors:

I am requesting the City Council to extend the housing moratorium with regards to accepting new housing projects to December 31, 2021. As a reminder, this requested moratorium does not include single family homes. Enclosed is a draft of the proposed extension.

We currently have ten approved projects along with six potential that totals nearly 2,000 units. We continue to wait on the definitive regulations of the Governor's housing bill so we can adapt and potentially capitalize on state grant funding that is relevant to housing and transportation. We have been told recently by the Lt. Governor that the information should be available in the coming weeks.

Thank you in advance for your consideration. Please do not hesitate to contact me with any questions you may have.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

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 **amending** Section 650-61 entitled “Temporary Moratorium for Multi-Family Housing Projects”, said zoning ordinance amendment adopted by City Council Order No. 21-1008274, in order to extend the temporary moratorium, as follows:

- a. Section 650-61(B)(1): Delete the following words in the first sentence: “ending 90 days from the date of approval of this zoning amendment by the City Council.” and replace them with the following: “ending December 31, 2021.”

ADOPTED
In City Council
Order No. 21-

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST



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

2021 SEP 30 A 11:44

September 30, 2021

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

Re: WP Marlborough MA Owner, LLC v. Marlborough City Council (Land Court No. 21 MISC 000451) - Request to Enter Executive Session

Dear Honorable President Ossing and Councilors:

I respectfully request that this Honorable City Council convene in Executive Session. The purpose of the session is to discuss strategy with respect to the above-referenced litigation as an open meeting may have a detrimental effect on the litigating position of the City Council.

Enclosed please find a proposed order, to be conducted by roll call vote, in order to enter into executive session. The open meeting law requires that the public body chair declare that an open meeting may have a detrimental effect on the litigating position of the public body. The order must specify whether the City Council will or will not re-convene in open session after the executive session.

Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor

ORDERED:

Moved that the Marlborough City Council meet in executive session under Purpose 3 of the Open Meeting Law, MGL c. 30A, s. 21(a)(3), to “discuss strategy with respect to...litigation if an open meeting may have a detrimental effect on the...litigating position of the public body” regarding the pending matter, *WP Marlborough MA Owner, LLC v. Marlborough City Council* (Land Court No. 21 MISC 000451), as the chair hereby declares that discussion in an open session may have a detrimental effect on the City and the City Council’s litigating position.

The City Council will [or will not] re-convene in open session after the executive session.

Be and is herewith APPROVED.



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

2021 SEP 30 A 11:44

September 30, 2021

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

Re: Acquisition of 100 Locke Drive, Marlborough – Request to Enter Executive Session

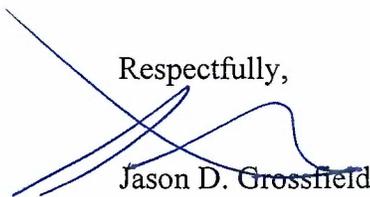
Dear Honorable President Ossing and Councilors:

I respectfully request that this Honorable City Council convene in Executive Session. The purpose of the session is to consider the purchase or value of the above-referenced real property, as discussion in an open session may have a detrimental effect on the City's negotiating position.

Enclosed please find a proposed order, to be conducted by roll call vote, in order to enter into executive session. The open meeting law requires that the public body chair declare that an open meeting may have a detrimental effect on the negotiating position of the public body. The order must specify whether the City Council will or will not re-convene in open session after the executive session.

Please contact me if you have any questions or concerns.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Kevin Breen, Chief

ORDERED:

Moved that the Marlborough City Council meet in executive session under Purpose 6 of the Open Meeting Law, MGL c. 30A, s. 21(a)(6), to “consider the purchase, exchange, lease or value of real property” regarding the property located at 100 Locke Drive, as the chair hereby declares that discussion in an open session may have a detrimental effect on the City and the City Council’s negotiating position.

The City Council will [or will not] re-convene in open session after the executive session.

Be and is herewith APPROVED.



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
2021 SEP 29 P 2:17

September 29, 2021

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

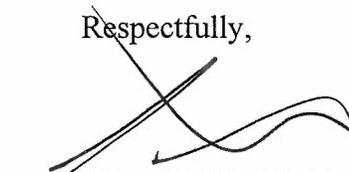
Re: City Council Order No. 21-1008394: License for Parking Purposes, 56 Emmett Street, Marlborough

Dear Honorable President Ossing and Councilors:

As requested, I provide this letter as to the legal form of the enclosed above-referenced license for parking by the owners of 56 Emmett Street.

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

ORDERED:

That the portion of the public way identified on a plan entitled, "Plan of Land in Marlborough, Massachusetts, to be licensed to Richard F. and Jane A. Sullivan, 56 Emmett Street for parking, Prepared by: City of Marlborough Department of Public Works, Engineering Division (BWT), Scale: 1" = 20', January 2002," which is attached hereto and incorporated herein by reference, and containing 316.41± square feet (the "Licensed Premises"), which Order No. 03-9919A declared available for disposition for the sole purpose of parking by the owners of 56 Emmett Street, is herewith approved as a license for the current owners of 56 Emmett Street, Michele Guadagnino and Michael Tutterman, based, however, upon the following conditions:

1. The license shall be on a temporary five-year basis, requiring further City Council approval five years from the date of adoption of this order;
2. The licensees shall utilize the licensed premises for the parking of the vehicle(s) in their household, and they shall not permit the parking of their vehicle(s) on the public way so as to impede snow removal operations conducted by or on behalf of the City of Marlborough;
3. The licensees' use of the portion of the public way approved under this license, each year it is in effect, shall coincide with the period of the City of Marlborough's winter parking ban for that year, and the licensed portion of the public way shall otherwise be available to other neighbors and abutters for parking purposes at other times of the year, especially during the summer months; and
4. The licensees shall indemnify and hold harmless the City of Marlborough from any liability arising as a result of their use of the licensed portion of the public way for parking purposes.

ADOPTED
In City Council
Order No.

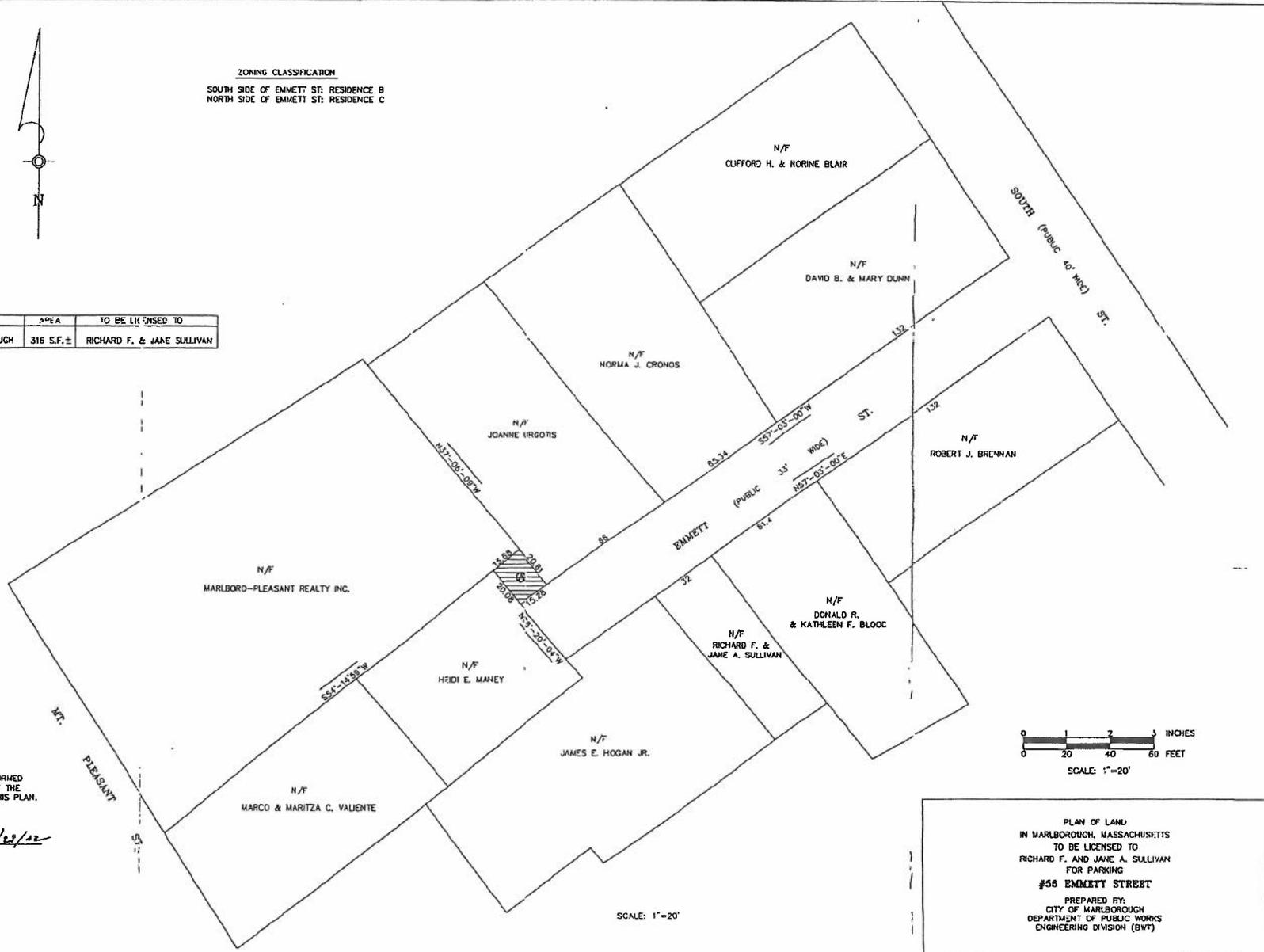
Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



ZONING CLASSIFICATION
 SOUTH SIDE OF EMMETT ST: RESIDENCE B
 NORTH SIDE OF EMMETT ST: RESIDENCE C

PARCEL	OWNER	AREA	TO BE LICENSED TO
(A)	CITY OF MARLBOROUGH	316 S.F. ±	RICHARD F. & JANE SULLIVAN



BEARING SYSTEM AS DEPICTED ON DEED 27468 BOOK 9585 PAGE 562 ALONG EMMETT ST. R.O.W.

I HEREBY CERTIFY THAT I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS IN PREPARING THIS PLAN.

Paul A. Sharon 1/20/02
 PAUL A. SHARON #24038
 REGISTERED LAND SURVEYOR



SCALE: 1"=20'

PLAN OF LAND
 IN MARLBOROUGH, MASSACHUSETTS
 TO BE LICENSED TO
 RICHARD F. AND JANE A. SULLIVAN
 FOR PARKING
#56 EMMETT STREET
 PREPARED BY:
 CITY OF MARLBOROUGH
 DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION (BWT)

SCALE: 1"=20' JANUARY 2002

MIRICK O'CONNELL
ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 SEP 30 A 9:43
Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

September 30, 2021

VIA HAND DELIVERY

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

Re: Garden Remedies; 416 Boston Post Road East;
Application to Amend Special Permit to Modify Signage

Dear Councilor Ossing:

On behalf of my client Garden Remedies, Inc., I respectfully submit the enclosed application to amend the existing special permit for Garden Remedies' adult use marijuana retail establishment and medical marijuana treatment center at 416 Boston Post Road East. This application seeks approval to update the signage for Garden Remedies at the Marlboro Square retail plaza.

Section 650-32.C of the Zoning Ordinance requires that the City Council consider "signs and signage", among several other factors, when issuing a special permit for a marijuana establishment. In accordance with that requirement, the City Council's original 2018 special permit for Garden Remedies included Finding D.16, which provides that "[t]he signage shown on the Plans is appropriate for the Use." This application for an amended special permit would update Finding D.16 and approve new signage for Garden Remedies.

The new signage package updates the wall sign above Garden Remedies' retail location, adds window and door wraps, and updates Garden Remedies' panel on the Marlboro Square pylon sign. These proposed sign changes follow recent façade upgrades at Marlboro Square.

Thank you for your time and attention to this matter.

Very truly yours,



Brian R. Falk

BRF/
Encl.
cc: Client

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Garden Remedies, Inc., 307 Airport Road, Fitchburg, MA 01420

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

416 Boston Post Road, Parcel 73-30 (Marlboro Square)

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

Marlboro Square LLC, 449 Boston Post Road, Marlborough, MA 01752

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

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

650-17, 650-18(45), 650-18(46), 650-32
Article V + VI Section _____ Paragraph _____ Sub-paragraph _____

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

Business (B)

7. Specific reason(s) for seeking Special Permit

The Applicant seeks to amend Finding D.16, Signs and signage, of its existing special permit, to authorize new signage as shown on the enclosed renderings.

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

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



Signature of Petitioner or Applicant
Brian R. Falk, Esq.
Address: Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street
Worcester, MA 01608

Telephone No. (508) 929-1678

Date: 9/27/2021

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

Garden Remedies, Inc.

(Name of Petitioner)

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

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

ABUTTERS - 416 BOSTON POST RD. EAST, MARLBOROUGH, MA (73-30) - 400 FT.

Parcel Number	GIS Number	Cama Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner Address 2	Owner City	Owner State	Owner Zip	Use Code
60-63	M_199006_899 990	60-63	29 MUIR WAY	KOTSIRAS GEORGE		29 MUIR WAY		MARLBOROUGH H	MA	01752	1010
60-64	M_198969_899 944	60-64	35 MUIR WAY	DAC TA PHUC		35 MUIR WAY		MARLBOROUGH H	MA	01752	1010
60-65	M_198963_899 910	60-65	39 MUIR WAY	CONSTANTINE JEFFREY M		39 MUIR WAY		MARLBOROUGH H	MA	01752	1010
60-66	M_199039_899 914	60-66	42 MUIR WAY	LEDOUX ALLAN R		42 MUIR WAY		MARLBOROUGH H	MA	01752	1010
73-20	M_199059_899 623	73-20	481-495 BOSTON POST RD EAST	VALTERO ENTERPRISES LLC		22 PENNY LN		MILFORD	MA	01757-1516	3250
73-21	M_199005_899 622	73-21	451 BOSTON POST RD EAST	LONGFELLOW PLAZA LLC		449 BOSTON POST RD EAST STE 8		MARLBOROUGH H	MA	01752	3410
73-22	M_198977_899 537	73-22	449 BOSTON POST RD EAST	LONGFELLOW PLAZA LLC		449 BOSTON POST RD EAST STE 8		MARLBOROUGH H	MA	01752	3230
73-23	M_198910_899 592	73-23	447 BOSTON POST RD EAST	WAYSIDE APARTMENTS LLC		PO BOX 424		WINCHESTER	MA	01890	1120
73-24	M_198772_899 488	73-24	BOSTON POST RD EAST	HERITAGE FARM LLC		ONE FINANCIAL CENTER		BOSTON	MA	02111	1320
73-25	M_198892_899 651	73-25	BOSTON POST RD EAST	DONNELLY MASS REALTY TRUST		20880 STONE OAK PKWY	ATTN ACKERLEY OUTDOOR ADVERTIS	SAN ANTONIO	TX	78258	3910
73-26	M_198802_899 659	73-26	BOSTON POST RD EAST	HERITAGE FARM LLC		ONE FINANCIAL CENTER		BOSTON	MA	02111	3910
73-26A	M_198829_899 663	73-26A	BOSTON POST RD EAST	HERITAGE FARM LLC		ONE FINANCIAL CENTER		BOSTON	MA	02111	3910
73-27	M_198751_899 657	73-27	BOSTON POST RD EAST	FOUNTAIN LAWRENCE A		C/O KURT STEINKRAUSS	ONE FINANCIAL CENTER	BOSTON	MA	02111	3900
73-28	M_198581_899 590	73-28	BOSTON POST RD EAST	HERITAGE FARM LLC		ONE FINANCIAL CENTER		BOSTON	MA	02111	3900
73-29	M_198826_899 918	73-29-10-43	99 WESTMINSTER DR #43	HARRIES LESLEY		99 WESTMINSTER DR #43		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-10-44	101 WESTMINSTER DR #44	LOWELL ALFRED E LI EST		101 WESTMINSTER DR #44		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-10-45	103 WESTMINSTER DR #45	JONES JAMES C LI EST		103 WESTMINSTER DR #45		MARLBOROUGH H	MA	01752	1020

73-29	M_198826_899 918	73-29-10-46	105 WESTMINSTER DR #46	WILSON PETER A TR		ATTN GOULSON & STORRS	400 ATLANTIC AVE	BOSTON MA	02110	1020
73-29	M_198826_899 918	73-29-10-47	107 WESTMINSTER DR #47	CUCCHI ROBERT J		107 WESTMINSTER DR #47		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-10-48	109 WESTMINSTER DR #48	MCCRANN BRENDA		109 WESTMINSTER DR #48		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-1-1	70 VILLAGE DR #1	HUGHES COLLEEN M		70 VILLAGE DR #1		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-11-59	120 WESTMINSTER DR #59	DOLESH DALE W		120 WESTMINSTER DR #59		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-11-60	118 WESTMINSTER DR #60	PAOLELLA AYN TR		118 WESTMINSTER DR #60		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-11-61	116 WESTMINSTER DR #61	MCGILFRAY SUZANNE M TR		116 WESTMINSTER DR #61		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-11-62	114 WESTMINSTER DR #62	CHERISH ALAN W		114 WESTMINSTER DR #62		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-11-63	112 WESTMINSTER DR #63	QUINN MARILYN L		112 WESTMINSTER DR #63		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-11-64	110 WESTMINSTER DR #64	VAFIDES HENRY		110 WESTMINSTER DR #64		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-1-2	68 VILLAGE DR #2	CHEATHAM CATHERINE F		68 VILLAGE DR #2		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-12-53	113 WESTMINSTER DR #53	ASFAR FERIAL LEWIS TR		113 WESTMINSTER DR #53		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-12-54	115 WESTMINSTER DR #54	HARRIS ELEANOR S		115 WESTMINSTER DR #54		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-12-55	117 WESTMINSTER DR #55	KANE JOANNE B		117 WESTMINSTER DR #55		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-12-56	119 WESTMINSTER DR #56	WYNNE DONNA SOLARI TR		119 WESTMINSTER DR #56		MARLBOROUGH MA	01752	1020
73-29	M_198826_899 918	73-29-12-57	121 WESTMINSTER	SUTHERLAND DEAN M		121 WESTMINSTER DR #57		MARLBOROUGH MA	01752	1020

73-29	M_198826_899 918	73-29-12-58	123 WESTMINSTER DR #58	PULICE RICHARD T		123 WESTMINSTER DR #58		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-1-3	66 VILLAGE DR #3	LEDUC MARIE E		101 EDINBORO ST		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-13-65	21 WESTMINSTER DR #65	VENTO RALPH P		21 WESTMINSTER DR #65		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-13-66	25 WESTMINSTER DR #66	GIUNTA PAUL W TR		25 WESTMINSTER DR #66		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-13-67	29 WESTMINSTER DR #67	CHANG MELISSA R TR		32 BEAVER POND RD		MILFORD	MA	01757	1020
73-29	M_198826_899 918	73-29-13-68	33 WESTMINSTER DR #68	DANIELS KATHLEEN COFFEY		33 WESTMINSTER DR #68		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-13-69	37 WESTMINSTER DR #69	OBERBECK ELEANOR M		37 WESTMINSTER DR #69		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-1-4	64 VILLAGE DR #4	EVANGELOUS MARK E		128 SOUTH BOLTON ST		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-1-40	1-123 VILLAGE DR								995
73-29	M_198826_899 918	73-29-14-70	43 WESTMINSTER DR #70	BOUVIER PATRICIA C		43 WESTMINSTER DR #70		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-14-71	47 WESTMINSTER DR #71	TOSTI CHRISTINE M		4 GASLIGHT LN		FRAMINGHAM	MA	01702	1020
73-29	M_198826_899 918	73-29-14-72	51 WESTMINSTER DR #72	DALTON MAUREEN L		51 WESTMINSTER DR #72		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-14-73	55 WESTMINSTER DR #73	DENEEN JOSEPH J TR		55 WESTMINSTER DR #73		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-1-5	62 VILLAGE DR #5	ANDRUZZI NICOLAS F		62 VILLAGE DR #5		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-15-74	22 WESTMINSTER DR #74	DUNCKLEE JOEL G		22 WESTMINSTER DR #74		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-15-75	20 WESTMINSTER DR #75	PEMBERTON WILLIAM C		20 WESTMINSTER DR #75		MARLBOROUGH H	MA	01752	1020

73-29	M_198826_899 918	73-29-15-76	18 WESTMINSTER DR #76	ROBINSON ELINA Z TR		18 WESTMINSTER DR #76	ATTN RAFAIL ZAK	MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-1-6	60 VILLAGE DR #6	FEEHERRY FLORENCE E		60 VILLAGE DR #6		MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-16-77	54 WESTMINSTER DR #77	SIGNA SANTO S		54 WESTMINSTER DR #77		MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-16-78	52 WESTMINSTER DR #78	GANLEY PATRICIA A		52 WESTMINSTER DR #78		MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-16-79	50 WESTMINSTER DR #79	LINNEHAN THOMAS F TR		50 WESTMINSTER DR #79		MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-17-86	32 WESTMINSTER DR #86	FAHERTY THOMAS E		32 WESTMINSTER DR #86		MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-17-87	30 WESTMINSTER DR #87	SUTTON RIVELLE E		30 WESTMINSTER DR #87		MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-17-88	28 WESTMINSTER DR #88	LETENDRE MAUREEN		28 WESTMINSTER DR #88		MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-17-89	26 WESTMINSTER DR #89	LONGO MARTIN J		26 WESTMINSTER DR #89		MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-18-80	46 WESTMINSTER DR #80	BATTAGLINO ELIZABETH B		46 WESTMINSTER DR #80		MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-18-81	44 WESTMINSTER DR #81	GAZZA GEORGE E TR		44 WESTMINSTER DR #81		MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-18-82	42 WESTMINSTER DR #82	YOUNG JOHN W		42 WESTMINSTER DR #82		MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-18-83	40 WESTMINSTER DR #83	MORRIS LAURA B TR		40 WESTMINSTER DR #83		MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-18-84	38 WESTMINSTER DR #84	BECKER KELLY A TR		38 WESTMINSTER DR #84		MARLBOROUGH MA H	01752	1020
73-29	M_198826_899 918	73-29-18-85	36 WESTMINSTER DR #85	EL-BISI PENELOPE A TR		36 WESTMINSTER DR #85		MARLBOROUGH MA H	01752	1020

73-29	M_198826_899 918	73-29-19-90	14 WESTMINSTER DR #90	WELLS LINDA SUE		5 LAUREL DR		HUDSON	MA	01749	1020
73-29	M_198826_899 918	73-29-19-91	12 WESTMINSTER DR #91	KUTTICHERY JAMES S		12 WESTMINSTER DR #91		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-19-92	10 WESTMINSTER DR #92	SUTHERLAND ROBERT F		10 WESTMINSTER DR #92		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-19-93	8 WESTMINSTER DR #93	VIVALDI JOSEPH P TR		400 HEMENWAY ST APT 241	ATTN ISIDORE VIVALDI	MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-20-94	1 WESTMINSTER DR #94	SULLIVAN JOAN		1 WESTMINSTER DR #94		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-20-95	3 WESTMINSTER DR #95	DION CLAUDETTE J		3 WESTMINSTER DR #95		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-2-10	50 VILLAGE DR #10	VODOKLYS JANE C TR		50 VILLAGE DR #10		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-2-11	48 VILLAGE DR #11	HERMAN ROSANNE		48 VILLAGE DR #11		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-21-100	13 WESTMINSTER DR #100	CHANG MARY H TR		18655 WEST BERNARDO DR APT 329		SAN DIEGO	CA	92127	1020
73-29	M_198826_899 918	73-29-2-12	46 VILLAGE DR #12	JENNE SUZANNE M		46 VILLAGE DR #12		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-21-96	5 WESTMINSTER DR #96	LEE ANNA H		6 SAXONY DR		SUDBURY	MA	01776	1020
73-29	M_198826_899 918	73-29-21-97	7 WESTMINSTER DR #97	MCANN STEACIE PATRICIA A		7 WESTMINSTER DR #97		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-21-98	9 WESTMINSTER DR #98	DRAGSTEDT CAROL P TR		9 WESTMINSTER DR #98		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-21-99	11 WESTMINSTER DR #99	CARTER ANTHONY		11 WESTMINSTER DR #99		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-2-7	56 VILLAGE DR #7	SPINELLI JAMES		56 VILLAGE DR #7		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-2-8	54 VILLAGE DR #8	SKURA CHERYL W		54 VILLAGE DR #8		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-2-9	52 VILLAGE DR #9	KRASNOFF MARY F		52 VILLAGE DR #9		MARLBOROUGH H	MA	01752	1020

73-29	M_198826_899 918	73-29-3-25	22 VILLAGE DR #25	DOHERTY ELEANOR B		22 VILLAGE DR #25		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-3-26	20 VILLAGE DR #26	RUSSELL MARY ELLEN TR		20 VILLAGE DR #26		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-3-27	18 VILLAGE DR #27	FORD DAVID P		18 VILLAGE DR #27		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-3-28	16 VILLAGE DR #28	KANE JAMES F TR		16 VILLAGE DR #28		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-4-29	12 VILLAGE DR #29	GATELY WILLIAM TR		12 VILLAGE DR #29		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-4-30	10 VILLAGE DR #30	LYDON JEAN D TR		10 VILLAGE DR #30		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-4-31	8 VILLAGE DR #31	SARGENT MURRAY H TR		8 VILLAGE DR #31		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-4-32	6 VILLAGE DR #32	FUENTES MIRYAM		6 VILLAGE DR #32		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-4-33	4 VILLAGE DR #33	SAVAGE PATRICIA A		4 VILLAGE DR #33		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-5-19	37 VILLAGE DR #19	DIDUCCA ANTHONY P TR		37 VILLAGE DR #19		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-5-20	39 VILLAGE DR #20	ADELSON PAULA E		39 VILLAGE DR #20		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-5-21	41 VILLAGE DR #21	ALLEN AUDREY G TR		41 VILLAGE DR #21		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-5-22	43 VILLAGE DR #22	MORGELLO JOHN J TR		43 VILLAGE DR #22		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-5-23	45 VILLAGE DR #23	RICHARDSON WALTER W TR		45 VILLAGE DR #23		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-5-24	47 VILLAGE DR #24	LEVINSON TODD E TR		44 COLLIER AVE		CHERRY VALLEY	MA	01611	1020
73-29	M_198826_899 918	73-29-6-13	23 VILLAGE DR #13	HOFFER NANCY J TR		23 VILLAGE DR #13		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-6-14	25 VILLAGE DR #14	FULCHINO MATTHEW		684 TREMONT ST UNIT#6		BOSTON	MA	02118	1020
73-29	M_198826_899 918	73-29-6-15	27 VILLAGE DR #15	HAGOPIAN RONALD R TR		30 SHAY RD		HUDSON	MA	01749	1020
73-29	M_198826_899 918	73-29-6-16	29 VILLAGE DR #16	SAWICKI MICHAEL		29 VILLAGE DR #16		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-6-17	31 VILLAGE DR #17	SEYMOUR GERALD		31 VILLAGE DR #17		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-6-18	33 VILLAGE DR #18	ROWE MARY		33 VILLAGE DR #18		MARLBOROUGH H	MA	01752	1020

73-29	M_198826_899 918	73-29-7-40	94 WESTMINSTER DR #40	SALAFIA LEONARD J		94 WESTMINSTER DR #40		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-7-41	92 WESTMINSTER DR #41	HILLIARD LINDA		92 WESTMINSTER DR #41		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-7-42	90 WESTMINSTER DR #42	GARLISI ELEANOR M		90 WESTMINSTER DR #42		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-8-34	83 WESTMINSTER DR #34	MACAFEE LESLIE TR		83 WESTMINSTER DR #34		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-8-35	85 WESTMINSTER DR #35	WILSON PETER A TR		400 ATLANTIC AVE		BOSTON	MA	02110	1020
73-29	M_198826_899 918	73-29-8-36	87 WESTMINSTER DR #36	BARNETT RITA L LI EST		87 WESTMINSTER DR #36		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-8-37	89 WESTMINSTER DR #37	TAYLOR LORNA M TR		89 WESTMINSTER DR #37		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-8-38	91 WESTMINSTER DR #38	SEYMOUR ALAN C		91 WESTMINSTER DR #38		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-8-39	93 WESTMINSTER DR #39	PRIEDE INDRA E		93 WESTMINSTER DR #39		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-9-49	104 WESTMINSTER DR #49	GAUDET LEO R		104 WESTMINSTER DR #49		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-9-50	102 WESTMINSTER DR #50	LOTT LORENA		13 CULLINANE DR		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-9-51	100 WESTMINSTER DR #51	SHADOAN BRENDA		100 WESTMINSTER DR #51		MARLBOROUGH H	MA	01752	1020
73-29	M_198826_899 918	73-29-9-52	98 WESTMINSTER DR #52	YALENEZIAN JOHN		98 WESTMINSTER DR #52		MARLBOROUGH H	MA	01752	1020
73-29A	M_198777_899 735	73-29A	BOSTON POST RD EAST	CITY OF MARLBOROUGH		140 MAIN ST		MARLBOROUGH H	MA	01752	9300

73-31	M_199012_899 802	73-31	450 BOSTON POST RD EAST	TRINITY COUNTRYSID E LIMITED PARTNERSHIP		75 FEDERAL ST 4TH FL		BOSTON	MA	02110	1120
73-31A	M_199021_899 684	73-31A	BOSTON POST RD EAST	TRINITY COUNTRYSID E LIMITED PARTNERSHIP		75 FEDERAL ST 4TH FL		BOSTON	MA	02110	3920
73-31B	M_199069_899 710	73-31B	BOSTON POST RD EAST	TRINITY COUNTRYSID E LIMITED PARTNERSHIP		75 FEDERAL ST 4TH FL		BOSTON	MA	02110	3920
73-32	M_199060_899 689	73-32	BOSTON POST RD EAST	BURGER KING NO 891		C/O RYAN	PO BOX 460189	HOUSTON	TX	77056	3370
73-54	M_198716_899 772	73-54	370 BOSTON POST RD EAST	ABL PROPERTIES LLC		17 MEADOW PKWY		FRANKLIN	MA	02038	3370
73-54A	M_198712_899 798	73-54A	374 BOSTON POST RD EAST	ABL PROPERTIES LLC		17 MEADOW PKWY		FRANKLIN	MA	02038	3260

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Garden Remedies, Inc. Address: 307 Airport Road, Fitchburg, MA 01420

Project Name: Garden Remedies Address: 416 Boston Post Road, Marlborough, MA

1. PROPOSED USE: (describe) Modified signage for existing use.

Marijuana Retail Establishment

2. EXPANSION OR NEW: New use in existing space

3. SIZE: floor area sq. ft. 3,100 s.f. 1st floor same all floors same

buildings 1 # stories 1 lot area (s.f.) 174,240 (4 acres)

4. LOT COVERAGE: preexisting %Landscaped area: preexisting %

5. POPULATION ON SITE: Number of people expected on site at anytime:

Normal: 8 Peak period: 18

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 8 Peak period: 18

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

2 deliveries per week

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

8. NOISE:

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

Same

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

9. AIR: What sources of potential air pollution will exist at the development? None

10. WATER AND SEWER: Describe any unusual generation of waste. None

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? None

***Attach additional sheets if necessary**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall

140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: 9/27/2021

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Garden Remedies

Project Use Summary: Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment

Project Street Address: 416 Boston Post Road

Plate: 73 Parcel: 30

Applicant/Developer Name: Garden Remedies, Inc.

Plan Date: 1986 and 1999 Revision Date: _____

Dear President and Members:

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

Very truly yours,

Tin Htway
Acting Director of Planning

**Application Fee to submit to
City Clerk's office**

\$250

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

**Steven W. Kerrigan
City Clerk**



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

Company Name

Marlboro Square LLC

Owner Name/Officer Name of LLC or Corporation

Susan M.B. Winske and Michael C. Winske

Owner/Officer Complete Address and Telephone Number

449 Boston Post Road

Marlborough, MA 01752

Signature of Applicant

Attorney on behalf of Applicant, if applicable

Brian R. Falk, on behalf of Applicant

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

Tax Collector

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

**Steven W. Kerrigan
City Clerk**



Dear Applicant,

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

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

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

[Signature]
Signature

9/30/2021
Date

Thank you for your cooperation in this matter.

Sincerely,

Steven W. Kerrigan
City Clerk

Signage Reference

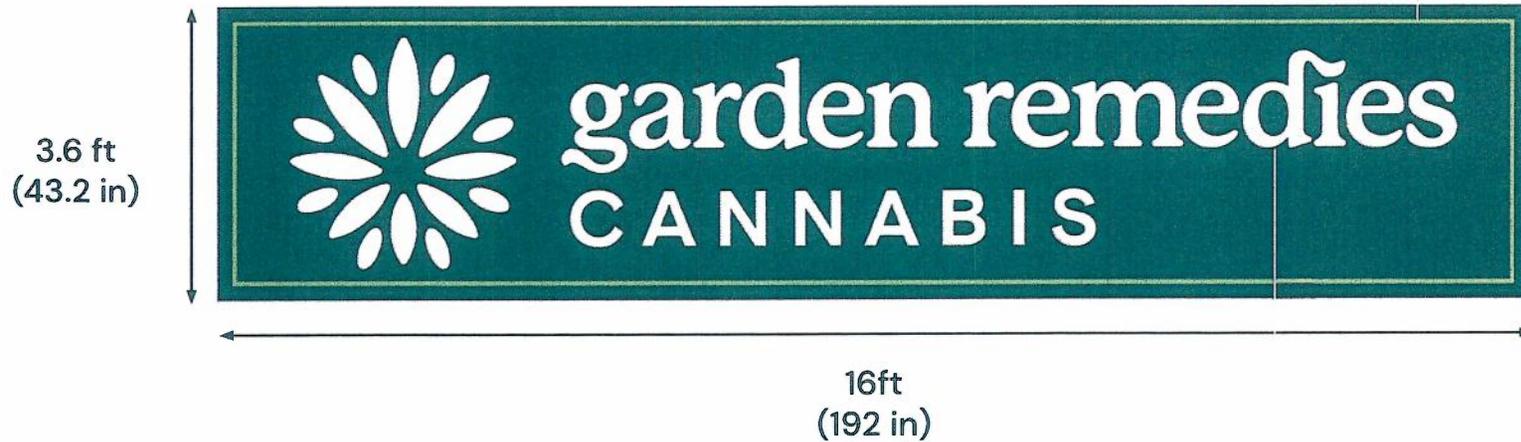


Storefront Sign Dimensions

Dimensions are approx.
Field measurements
required for final sizes.

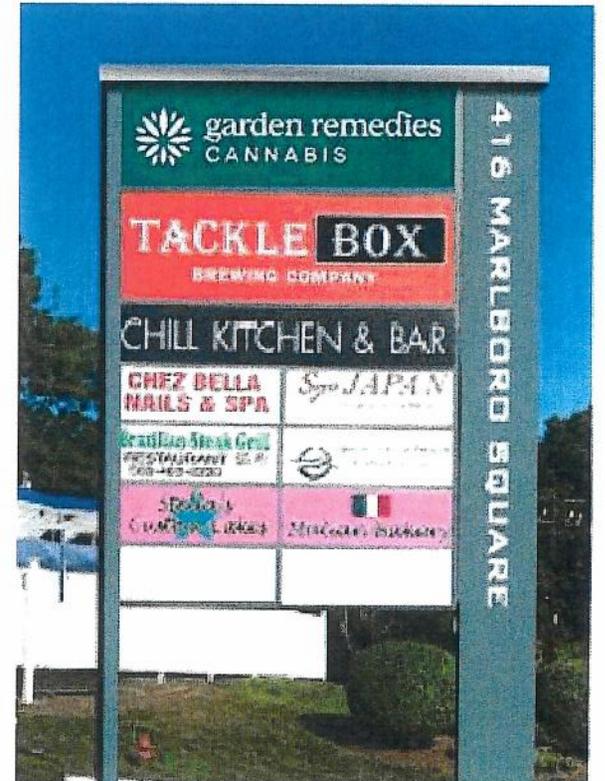
Light green border is
beveled into back panel.

Total: 57.6 sq ft

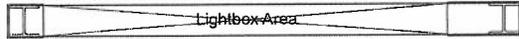


Daisy Icon and Channel
Letters with internally-lit
LED drivers

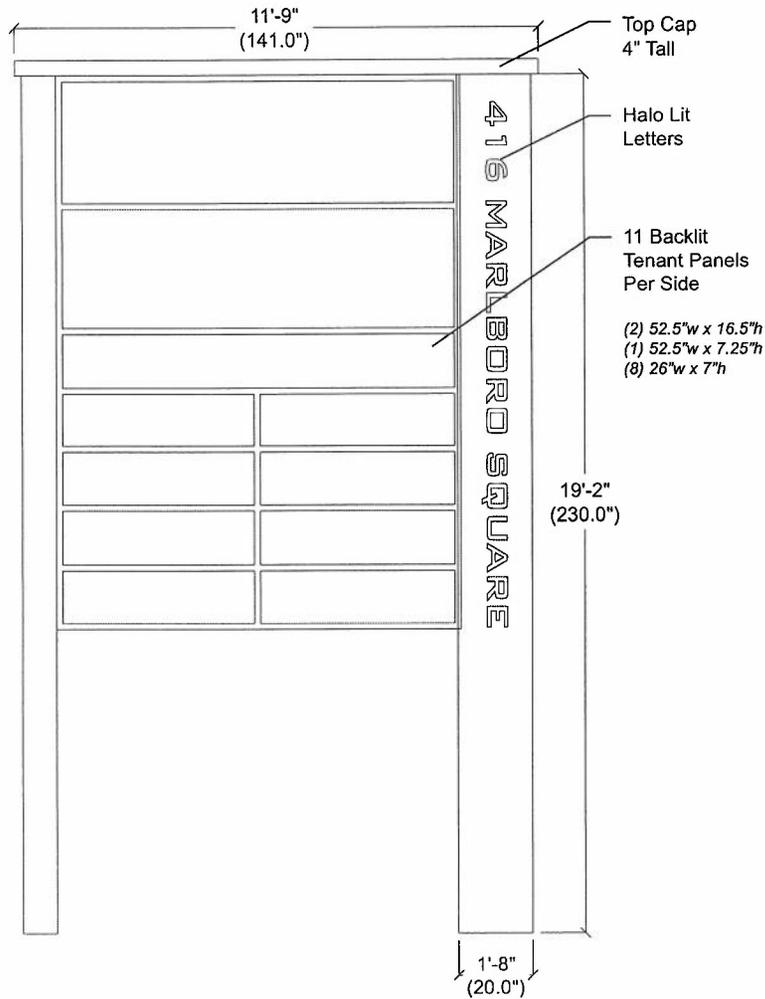
Marlborough Exterior Signage



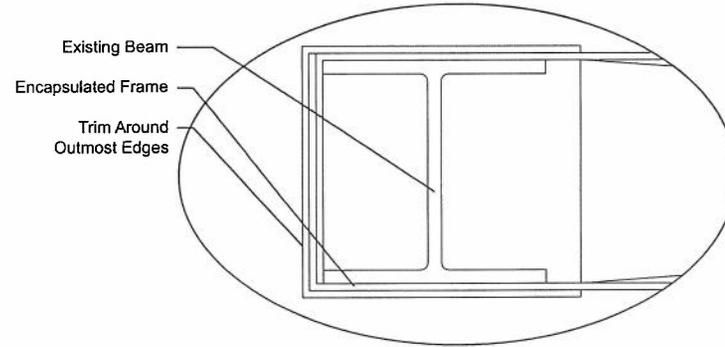
Project: 0821_41 Garden Remedies - Marlborough - Monument Sign



Top View Detail



Front View Detail



Enlarged Top View Detail

**BOSTON
BUILDING
WRAPS**

General Notes

Utilizing existing frame structure

Client:

Dennis Carroll
—
Pilot | Yellowfly
o 617.330.5111
c 617.306.7203
PilotAgency.com

Project Location:

Marlborough MA

Artist:

Derek B.

Revision #

① (2) (3) (4) (5) (6) (7) (8) (9) (10)

Date: 09/08/2021

Drawing No.

Scale: 3/8" = 1' 0"

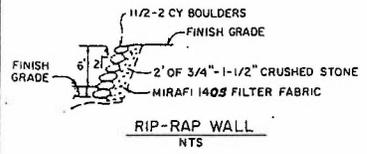
M01

Boston Building Wraps Inc Right to Authorship Credit. Client and/or Commissioner, hereafter referred to as User, and Boston Building Wraps Inc. hereafter referred to as BBWInc. ,agree that when asked, User must properly identify BBWInc. as the creator of artwork for future reproduction. Both parties agree that authorization to proceed with project whether per written estimate or verbal authorization will act as User's naming of BBWInc.; as vendor for said services. User does not have a proactive duty to display BBWInc.'s name together with Work, but User may not seek to mislead others that Work was created by anyone other than BBWInc. User request of BBWInc. to create project relevant drawings, sketches and/or artwork includes only the final, deliverable art, and not any preliminary Work or sketches. In the event of Termination. Either party may terminate the contract at any time through written request. The User shall upon termination pay BBWInc. all unpaid amounts due for Services completed prior to notice of termination.

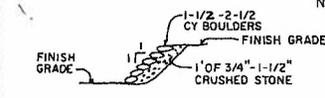
SITE AREA - 4.00 AC.
 BUILDING - 33,950 SF + 3000 SF
 PARKING - 156 SPACES - 10' x 20'
 4 HANDICAP SPACES
 OPEN SPACE - 37,700 SF
 ZONING DISTRICT - B, A-1



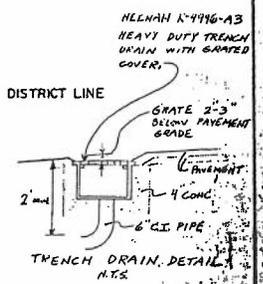
Alfred J. Parente



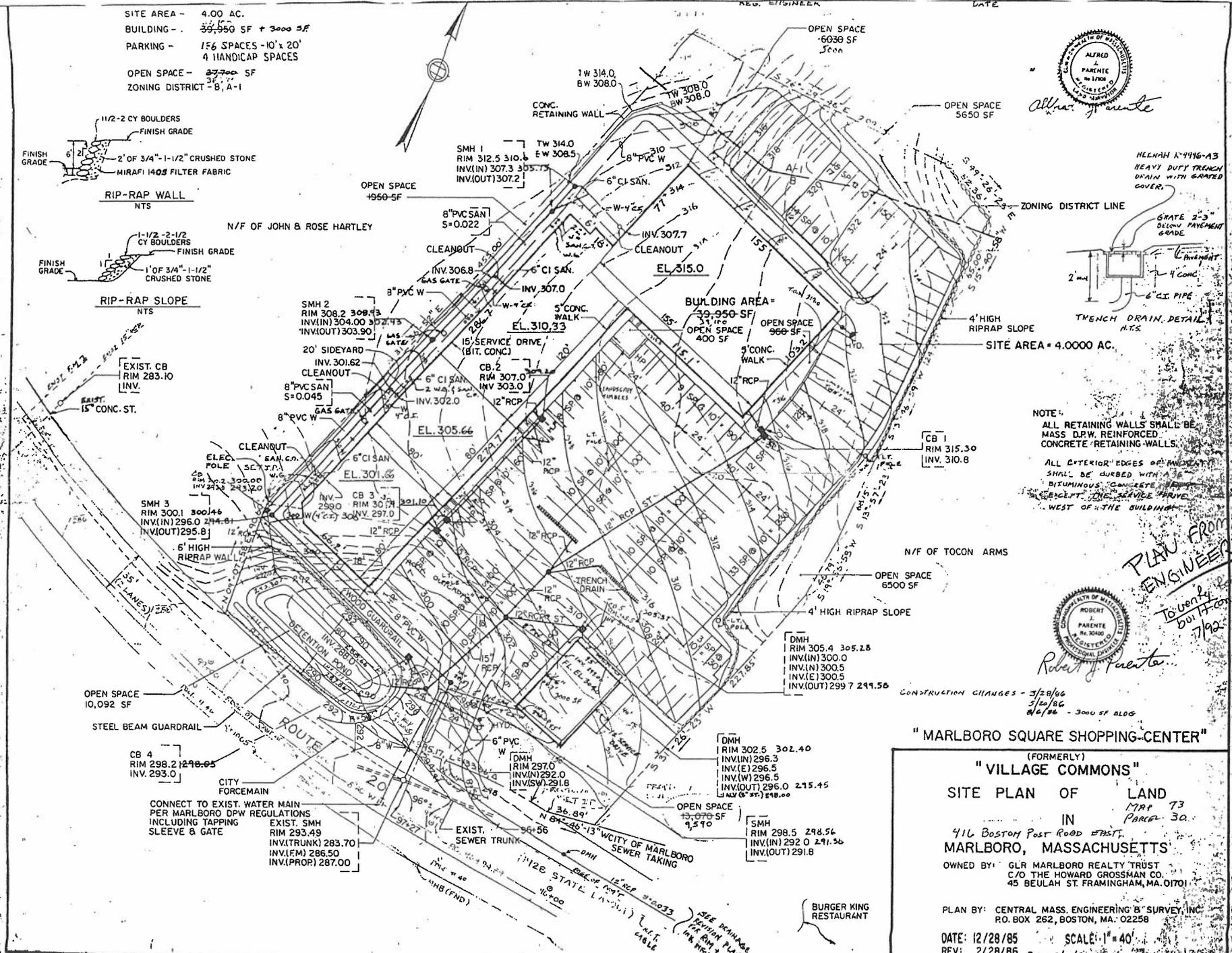
RIP-RAP WALL
NTS



RIP-RAP SLOPE
NTS



TRENCH DRAIN DETAIL
NTS



NOTE:
 ALL RETAINING WALLS SHALL BE MASS D.P.W. REINFORCED CONCRETE RETAINING WALLS.
 ALL EXTERIOR EDGES OF PAVEMENT SHALL BE CURBED WITH 3\"/>



Robert J. Parente

PLAN FROM ENGINEERING
Town of Marlboro
7/92

CONSTRUCTION CHANGES - 3/28/86
 5/22/86
 8/6/86 - 3000 SF ADJG

"MARLBORO SQUARE SHOPPING-CENTER"
 (FORMERLY)
 "VILLAGE COMMONS"
 SITE PLAN OF LAND
 1789 73
 PARCELS 30
 IN
 416 BOSTON POST ROAD EAST,
 MARLBORO, MASSACHUSETTS
 OWNED BY: GLR MARLBORO REALTY TRUST
 C/O THE HOWARD GROSSMAN CO.
 45 BEULAH ST. FRAMINGHAM, MA. 01701
 PLAN BY: CENTRAL MASS. ENGINEERING & SURVEY, INC.
 P.O. BOX 262, BOSTON, MA. 02258
 DATE: 12/28/85 SCALE: 1" = 40'
 REV: 2/28/86 REV: 3/17/86

Plan verified to be what

PL. 73 P.L. 30
416 Boston Post Rd.

Middlesex South Registry of Deeds
Electronically Recorded Document

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Recording Information

Document Number	: 187296
Document Type	: DECIS
Recorded Date	: December 10, 2018
Recorded Time	: 08:52:28 AM
Recorded Book and Page	: 71986 / 90
Number of Pages(including cover sheet)	: 11
Receipt Number	: 2276336
Recording Fee	: \$75.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com



IN CITY COUNCIL

NOVEMBER 5, 2018

Marlborough, Mass., _____

ORDERED:

DECISION FOR SPECIAL PERMIT IN CITY COUNCIL

NOTICE OF DECISION GRANT OF SPECIAL PERMIT

Special Permit Application of:
Garden Remedies, Inc.
Order No. 18-1007318E

Locus:
416 Boston Post Rd.
Marlborough, MA 01752
Assessors Map 73, Parcel 30

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Garden Remedies, Inc. with mailing address of 307 Airport Rd., Fitchburg, MA 01420, as provided in this Decision and subject to the following Findings of Fact and Conditions.

Decision date: **November 5, 2018.**

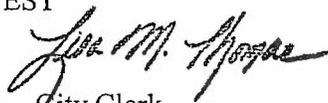
The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the **13th day of November, 2018.**

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.

Given at Marlborough this **4th day of December, 2018.**

Given under Chapter 40A Section 17 of the General Laws.

A TRUE COPY
ATTEST


City Clerk

Marginal reference to Book 29928, Page 375
Property owner: Marlboro Square, LLC



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 5, 2018

PAGE 1

ORDERED:

DECISION ON A SPECIAL PERMIT

Application of:
Garden Remedies, Inc.

Locus:
416 Boston Post Road
Map 73, Parcel 30

DECISION ON A SPECIAL PERMIT ORDER NO. 18-1007318E

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Garden Remedies, Inc. (the "Applicant") to build and operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment at 416 Boston Post Road, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 307 Airport Road, Fitchburg, MA 01420.
2. The Applicant is the prospective tenant of a commercial retail unit located at 416 Boston Post Road, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 73 as Parcel 30 (the "Site"). The Site's owner is Marlboro Square, LLC with a business address of 449 Boston Post Road, Marlborough, MA 01752
3. In accordance with Article VI, § 650-17, § 650-18(45), § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment at the Site (the "Use").
4. The Site is located in the Business Zoning District with frontage on Boston Post Road (Route 20).
5. The overall Site has an area of 174,240 +/- square feet (4 acres).



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 5, 2018
PAGE 2

ORDERED:

6. The Use will occupy an existing retail unit at the Site with an area of 3,100 +/- square feet.

7. 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, as provided in this Decision.

8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, existing site plans for the Site in accordance with Rule 5 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit, and a set of drawings of the exterior and interior of the unit associated with the Use (collectively the "Plans").

9. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

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

11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, August 27, 2018. The hearing was closed on that date.

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

13. At the public hearing, eight members of the public spoke in favor of the Use. Two members of the public spoke in opposition to the Use.

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

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



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 5, 2018

PAGE 3

ORDERED:

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

C. The City Council finds that the Site is located in the portion of the Business District along Massachusetts State Highway 20 (Boston Post Road) between the Sudbury town line and Phelps Street with frontage along Massachusetts State Highway 20 (Boston Post Road), in accordance with § 650-18(45)(a) and (b) and § 650-18(46)(a) and (b) of the Zoning Ordinance, and that the Site is not located within 500 feet of a school or daycare center, in accordance with § 650-32.F and § 650-32.F.1 of the Zoning Ordinance.

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

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

Finding: The Use will provide a safe and convenient location for patients and adults to obtain medication and marijuana infused products.

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

Finding: The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity.

3. Adequacy of utilities and other public services:

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

4. Neighborhood character and social structures:

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

5. Impacts on the natural environment:

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



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 5, 2018

PAGE 4

ORDERED:

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

Finding: The Use will be revenue positive, with additional revenues coming from a local sales tax and host community agreement impact fees.

7. Hours of operation:

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

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

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

9. Requiring payment of a community impact fee:

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

10. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 5, 2018

PAGE 5

ORDERED:

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: These requirements are specially conditioned below.

16. Signs and signage:

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

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

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



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 5, 2018
PAGE 6

ORDERED:

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

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

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

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

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

5. Compliance with State Requirements. In accordance with § 650-18(45)(c) and § 650-18(46)(c) of the Zoning Ordinance, the Use shall comply with all statutes and regulations of the Commonwealth of Massachusetts for the licensure and operation of a Medical Marijuana Treatment Center and/or an Adult Use Marijuana Retail Establishment.



IN CITY COUNCIL

Marlborough, Mass., _____ NOVEMBER 5, 2018

PAGE 7

ORDERED:

6. Security.

- a. As shown on the Plans, the Applicant, its successors and/or assigns, shall maintain a secure entrance lobby / waiting area providing a physical separation between the exterior door of the unit and interior areas of the unit where marijuana and marijuana infused products are dispensed and sold, with security personnel available during operating hours to screen individuals arriving at the unit, to ensure that interior areas of the unit are only accessible to qualified patients / caregivers or persons over the age of 21 and to ensure that no individuals pose a direct threat to the health or safety of others.
- b. The Applicant, its successors and/or assigns, shall maintain a secure pick-up / drop-off area for patients, customers, and products.
- c. As shown on the Plans, the Use shall have opaque exterior windows.
- d. The Applicant, its successors and/or assigns, shall maintain adequate staffing so that patients and customers may make purchases in an efficient manner to avoid queuing and impacts on neighboring uses.
- e. The Applicant, its successors and/or assigns, shall maintain surveillance cameras capable of 24-hour video recording, archiving recordings, and the ability to immediately produce images, in, on, around, or at the Use.

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

8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 10:00 a.m. to 8:00 p.m., and Sunday from 10:00 a.m. to 5:00 p.m.

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



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 5, 2018

PAGE 8

ORDERED:

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

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

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

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

14. Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. At the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns, shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail.



IN CITY COUNCIL

NOVEMBER 5, 2018

Marlborough, Mass., _____ PAGE 9

ORDERED:

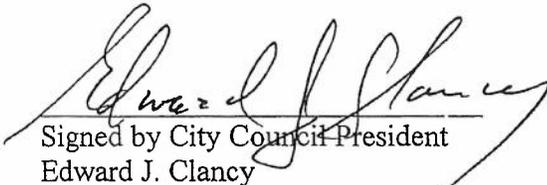
15. Partial Use: The Applicant, its successors and/or assigns, is not required to operate all portions of the Use simultaneously. The Applicant, its successors and/or assigns, may commence either the Medical Marijuana Treatment Center portion of the Use or the Adult Use Marijuana Retail Establishment portion of the Use upon receipt of all local and state permits and licenses for the respective portion of the Use, and commence the other portion of the Use at a later date. Similarly, if either the Medical Marijuana Treatment Center portion of the Use or the Adult Use Marijuana Retail Establishment portion of the Use ceases, either temporarily or permanently, the Applicant, its successors and/or assigns, may operate the other portion of the Use.

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

Yea: 10 – Nay: 0 – Absent - 1

Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, & Robey.

Absent: Ossing


 Signed by City Council President
 Edward J. Clancy

ADOPTED
 In City Council
 18-1007318E

Middlesex South Registry of Deeds
Electronically Recorded Document

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Recording Information

Document Number	: 14271
Document Type	: DECIS
Recorded Date	: January 21, 2021
Recorded Time	: 11:53:10 AM
Recorded Book and Page	: 76747 / 587
Number of Pages(including cover sheet)	: 8
Receipt Number	: 2592396
Recording Fee	: \$105.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com



IN CITY COUNCIL

Marlborough, Mass., ~~DECEMBER 7, 2020~~

ORDERED:

IN CITY COUNCIL

NOTICE OF DECISION GRANT OF AMENDMENT TO SPECIAL PERMIT

Special Permit Application of:
Garden Remedies, Inc.
307 Airport Road
Fitchburg, MA 01420
Order No. 18/20-1007318I

Locus:
416 Boston Post Road East
Marlborough, MA 01752
Assessors Map 73, Parcel 30

DECISION

The City Council of the City of Marlborough hereby GRANTS the Application for an Amendment to an existing Special Permit to Garden Remedies, Inc. originally granted by the City Council on November 5, 2018, with mailing address of 307 Airport Road, Fitchburg, MA 01420, as provided in this DECISION and subject to the following Findings of Fact and Conditions.

Decision date: DECEMBER 7, 2020.

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 9TH day of DECEMBER 2020.

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.

Given at Marlborough this 31st day of DECEMBER 2020.

Given under Chapter 40A Section 17 of the General Laws.

A TRUE COPY
ATTEST:

City Clerk



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 7, 2020

ORDERED:

PAGE 1

IN CITY COUNCIL

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

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Garden Remedies, Inc. (the "Applicant") to amend an existing special permit to build and operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment at 416 Boston Post Road, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 307 Airport Road, Fitchburg, MA 01420.
2. The Applicant is the tenant of a commercial retail unit located at 416 Boston Post Road East, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 73 as Parcel 30 (the "Site"). The Site's owner is Marlboro Square, LLC with a business address of 449 Boston Post Road East, Suite 6, Marlborough, MA 01752.
3. On November 5, 2018, the City Council of the City of Marlborough voted to grant a special permit authorizing the Applicant to build and operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment at the Site (the "Use") in accordance with Article VI, § 650-17, § 650-18(45), § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough, as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 71986, Page 90 (the "Original Special Permit").
4. On October 1, 2020, the Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Condition No. 8 of the Original Special Permit in order to change the maximum hours of operation of the Use, under the provisions of MGL c. 40A, § 9 and the Marlborough Zoning Ordinance (the "Application").
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a copy of the existing special permit dated November 5, 2018, and existing site plans for the Site in accordance the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit attached hereto as "Attachment A."



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 7, 2020

ORDERED:

PAGE 2

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

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

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



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 7, 2020

ORDERED:

PAGE 3

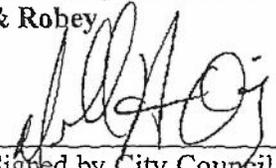
- B. The City Council finds that the proposed Use of the Site, with the modified operating hours set forth in the conditions below, is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided in this Decision and in the Original Special Permit. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth in this Decision and in the Original Special Permit.
- C. The City Council incorporates by reference Finding C in the Original Special Permit.
- D. The City Council incorporates by reference Finding D in the Original Special Permit.
- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant an amendment to modify Condition No. 8 of the Original Special Permit, as follows:
1. By deleting Condition No. 8 in its entirety and inserting in its place the following condition:
 8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 9:00 AM to 10:00 PM, and Sunday from 10:00 AM to 8:00 PM.

All other conditions of the Original Special Permit shall continue in full force and effect and are incorporated by reference as part of this Decision.

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

Yea: 11 – Nay: 0

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


 Signed by City Council President
 Michael H. Ossing

ADOPTED
 In City Council
 18/20-1007318I

ORDER NO. 18/20-1007318I

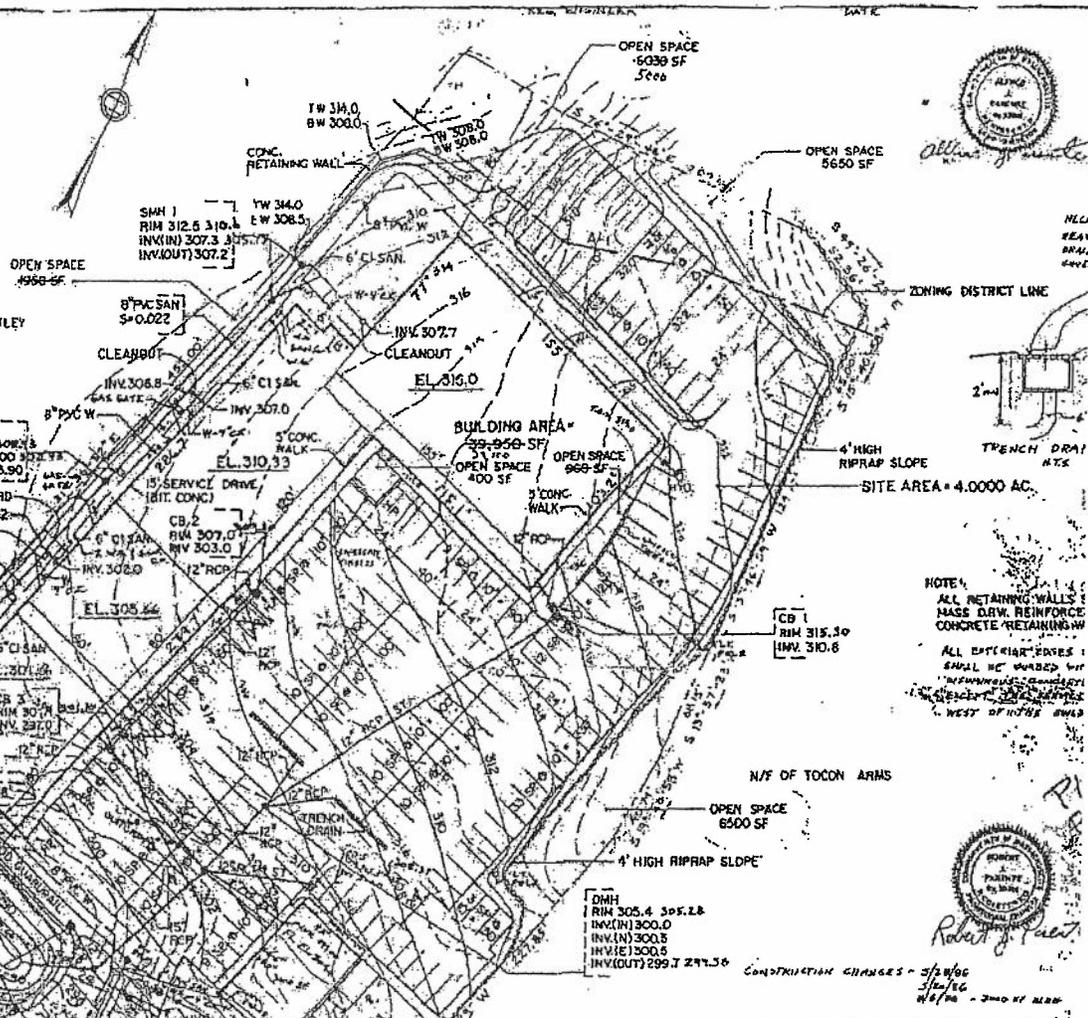
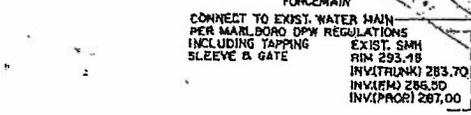
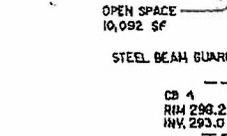
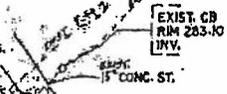
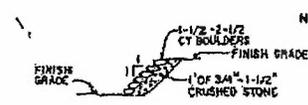
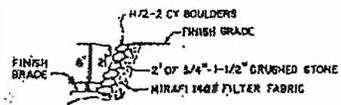
ATTACHMENT

A

SITE AREA - 4.00 AC.
 BUILDING - 23,150 SF + 3000 SF
 PARKING - 116 SPACES - 10' x 20'
 4 HANDICAP SPACES
 OPEN SPACE - 27,900 SF.
 ZONING DISTRICT - B, A-1



Robert J. Pelt



NOTE:
 ALL RETAINING WALLS SHALL BE MASS. D.B.W. REINFORCED CONCRETE RETAINING WALLS.
 ALL EXISTING UTILITIES SHALL BE NUMBERED BY THE ENGINEER AND LOCATED BY THE SURVEYOR.
 WEST OF THIS WALL



Robert J. Pelt

" MARLBORO SQUARE SHOPPING "

(FORMERLY)
 " VILLAGE COMMONS "

SITE PLAN OF LA

IN

416 Boston Post Road
 MARLBORO, MASSACHUSETTS

OWNED BY: 6LR MARLBORO REALTY TRUS
 C/O THE HOWARD GROSSMAN
 45 BELLAW ST FRAMINGHAM,

PLAN BY: CENTRAL MASS. ENGINEERING
 P.O. BOX 262, BOSTON, MA 02221

DATE: 12/28/85 SCALE: 1" = 40'
 REV: 2/28/86 REV: 3/17/86

Plan verified to be what
 records - 11710 3 75 12

FL 73 P.L. 40
 416 Boston Post Rd

MIRICK O'CONNELL
ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Brian R. Falk
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
bfalk@mirickoconnell.com
t 508.929.1678
f 508.983.6256

2021 SEP 30 A 9:45

September 30, 2021

VIA HAND DELIVERY

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

Re: Aubuchon Realty Company, Inc.;
Site Plan Review Application - 661 Boston Post Road East

Dear Councilor Ossing:

On behalf of my client Aubuchon Realty Company, Inc., I respectfully submit an application seeking site plan review for 661 Boston Post Road East, known as the Wayside Crossing plaza.

Aubuchon purchased this property in June of 2021 and is proposing an expansion and upgrade of the retail plaza. The project will include a new Starbucks building with a dedicated drive-through lane, indoor and outdoor seating, and a pick-up window. In addition, the project will add to the site's existing retail building to host one new retail tenant and a new bank, with two dedicated drive-through lanes for the bank. Parking at the site will increase from 48 spaces to 66 spaces, and the project will include landscaping and pedestrian/bicycle upgrades consistent with the requirements of the Wayside Zoning District. Site access will be from the Target driveway using two existing curb cuts and a new curb cut near the drive-through lanes. Preexisting uses at the site will remain unchanged.

Because this site is located in the Wayside District, the City Council is the site plan review authority. As required by Section 650-37.B(1)(c), this application will first go through administrative site plan review with the Site Plan Committee, followed by final review and approval by the City Council. This site plan review application is in addition to the special permit application pending before the City Council.

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/
Encl.
cc: Client



City of Marlborough

SITE PLAN APPROVAL APPLICATION (For Non-Residential and Major Residential Projects)

Type of Hearing (check one)

Major Renovation Minor Renovation

Please Print

DATE: _____

PROJECT

Name of facility: Wayside Crossing

Address: 661 Boston Post Road East (Route 20), Marlborough

Assessor's Map No. 61 Parcel No. 27A

APPLICANT

Name: Aubuchon Realty Company, Inc.

Address: 73 Junction Square Drive, Concord, MA 01742

Telephone: (508) 929-1678 (Attorney Brian R. Falk) Fax: _____

Email: bfalk@mirickoconnell.com

OWNER'S CONSENT

If applicant is not the owner, is written consent of the owner or owner's agent attached (see Section 270-2(B) (7))? Owner YES NO

PROPERTY OWNER

Name: Same

Address: _____

Telephone: _____ Fax: _____

Email: _____

APPLICANT'S ENGINEER (preparing site plan)

Name: Bohler Engineering

Address: 352 Turnpike Road, Southborough, MA 01772

Telephone: (508) 480-9900 Fax: _____

Email: mbombaci@bohlereng.com

APPLICANT'S LANDSCAPE ARCHITECT

Name: Matthew J. Mrva, Bohler Engineering

Address: 352 Turnpike Road, Southborough, MA 01772

Telephone: (508) 480-9900 Fax: _____

Email: mmrva@bohlereng.com

PROJECT INFO

PROPOSED USE (see Section 63-5(B) (1))

Non-Residential Residential

Provide a brief description of the project; including the proposed type of use, whether expansion of new, size of buildings, number of new parking spaces, any unusual utility use of impact on abutters (traffic, noise, lighting, odors, hazardous material, etc.)

The Applicant seeks site plan approval to construct a new coffee shop restaurant with a drive-through facility at the Wayside Crossing retail plaza. The Applicant also seeks site plan approval to add new retail space and a drive-through facility for a bank, along with expanded parking, landscaping, and pedestrian improvements at the site. Please see the enclosed Project Narrative for further information.

Identify all zoning districts, including overlay zones applicable to this site. The zones must also be shown on the site plan cover sheet. (See Section 270-2 (C) (2) (b) (3)).

ZONING DISTRICT(S) Wayside

WHAT OTHER PERMITS REQUIRED (check off which applies)

- City Council for Special Permit
 - ZBA Special Permit
 - ZBA Variance
 - Wetlands Protection Act
 - Section 404, Clean Water Act (Army Corps)
 - C 91 Waterways Permit
 - Subdivision Control Act (Planning Board)
 - State Curb Cut (MA Highway)
 - Indirect Access Permit (MA Highway)
 - MEPA ENF or EIR (EOEA)
 - Sewer Connection Permit (DPW, City Council, DEP)
 - Street Opening Permit (DPW, Engineering Dept)
 - Sewer Connection (DPW, City Council, DEP)
 - Other: _____
- Blasting Permit (Fire Dept)
 - Title V Approval (Board of Health)
 - Food Permit (Board of Health)
 - Building Permit (Building Dept)
 - Sign Permit (Building Dept)

WHAT IS THE FEDERAL FLOOD INSURANCE RATE ZONE? Zone X

SUBMITTED PLANS AND REPORTS

See Section 270-2 (C) for submission requirements. Please include a locus map per Section 270-2 (C) (2) (b) (1)

<u>Proposed Site Plan Documents, last revised 9/29/2021</u>	<u>J.A. Kucich</u>
Title	Date
	Stamped By

Fee

For Minor Site Plan without a building: \$750

For a Minor Site Plan (with a building under 8,000 square feet): \$1,000, plus \$0.03 a square foot of building gross floor area

For a Major Site Plan (with a building over 8,000 square feet): \$2,000, plus \$0.06 square feet per square feet of building gross floor area

\$2,000
<u>+\$ 957 (\$0.06 x 15,950 s.f.)</u>
\$2,957

PUBLIC NOTICE

Applicants for Site Plan Approval under Chapter 270-2 of the Marlborough City Code must publish a public notice in a newspaper of general circulation within the area at least once within two weeks of filing a Site Plan application using the format below. A copy of the public notice must be submitted with the application. Applications for Site Plan Approval shall not be certified as complete unless the public notice is properly published.

Date of Publication: October 6, 2021

Name of Newspaper: MetroWest Daily News
(Form of notice attached)

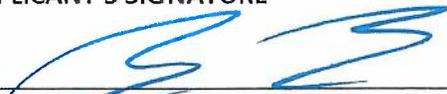
HISTORIC BUILDING NOTICE

Is the site within 250 feet of any building, cemetery or monument built before 1850? YES NO

If in doubt, ask the Historic Commission (508 481-2400). If the answer is YES, send a photocopy notice and one copy of the site plans (excluding utilities) to:

Chairman, Historic Commission
City Hall
Marlborough, MA 01752

APPLICANT'S SIGNATURE



Applicant or Representatives Signature

9/29/2021
Date

Applicant shall submit this form to the Building Dept with all required plans (8 copies of plans, 4 copies of Traffic and Drainage reports) after a "Pre-Application Review" with the City reviewing Authority at which most requirements can be examined and discussed.

The applicant maybe required to attend a Preliminary scoping session with the Site Plan Review Committee prior to submitting this form.

Office Use Only:

Date Received: _____

Site Plan Number: _____

SITE PLAN APPROVAL PUBLIC NOTICE FORM

Applicants for Site Plan Approval under Chapter 270-2 of the Marlborough City Code must publish a public notice once in a newspaper of local circulation, using the format below at least once within two weeks of filing an application. A copy of the public notice must be submitted to the Building Department with the application for Site Plan Approval.

City of Marlborough Public Notice of Site Plan Submission

A proposed site plan has been submitted for the following project and is available for public inspections during regular business hours at the office of the Building Inspector, City Hall, Second Floor, 140 Main Street, Marlborough, MA 01752

Project Name and Type or Use: Wayside Crossing

Project Street Address: 661 Boston Post Road East (Route 20), Marlborough

Applicant's Name: Aubuchon Realty Company, Inc.

The City will accept public comments in written form until 14 days from the date of this publication. This notice is published in accordance with the City Code, Chapter 270-2 Site Plan Review and Approval.



352 Turnpike Road
 Southborough, MA 01772
 508.480.9900

August 23, 2021

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

**Re: Project Narrative to Accompany Special Permit/Site Plan Applications
 Proposed Improvements to Wayside Crossing Shopping Plaza
 661 Boston Post Road East (Route 20), Marlborough, MA – Map 61, Lot 27A**

The Applicant, Aubuchon Realty Company, Inc., owns the subject property and seeks a Special Permit from the Marlborough City Council for a proposed expansion to the existing 8,800± square foot (SF) plaza to include an additional 2,100± SF of retail space, a 2,800± SF bank with drive-through, and a 2,250± SF coffee shop with drive-through. Specifically, the Applicant seeks a Special Permit and Site Plan Approval for the proposed restaurant with drive-through use and for the drive-through associated with the proposed bank.

Existing Site Context:

The project site (the "Site") is located at 661 Boston Post Road East, identified as Tax Assessor's Map 61, Lot 27A and consisting of approximately 2.11± acres of land. The Site is bordered to the north by Boston Post Road East (Route 20), bordered to the west by an easement/access drive (Gikas Circle) providing access to the Target retail store south of the parcel, bordered to the east by Diczno Boulevard, and bordered to the south by a drive aisle on the Target parcel connecting Diczno Boulevard and Gikas Circle. The Site is located within Wayside Zoning District, where the proposed retail and bank uses are permitted-by-right, and the proposed restaurant with drive-through and drive-through associated with the bank are permitted with a Special Permit through the Marlborough City Council. The project also requires Site Plan Approval by the City Council in accordance with the requirements of the Wayside Zoning District.

The eastern portion of the site is currently developed with a multi-use building known as Wayside Shopping Plaza consisting of a dry cleaner, dental group, and office space. The site also contains an existing paved parking area with forty-eight (48) spaces, walkways, drive aisles, drive-through services for the dry cleaner, and other site improvements. The site is currently accessed via an ingress only driveway connection to the internal connecting drive south of the site on the eastern side of the existing building and a full access driveway connection to the internal connecting drive south of the site on the western side of the existing building. The western portion of the Site currently consists of cleared land and areas covered by scrub vegetation and secondary tree growth.

Easements on-site consist of a thirty (30) foot wide drainage easement which runs west to east through the Site, containing existing subsurface drainage infrastructure connecting on-site drainage and drainage west of the site to the Diczno Boulevard drainage infrastructure. Easements on-site also consist of temporary and permanent easements along the Boston Post Road frontage, associated with the forthcoming Massachusetts Department of Transportation Route 20 improvements. Additionally, the subject parcel has access and utility easement rights over the Target parcel to the south of the site.

BOHLER //

Proposed Project:

The project proposes to maintain and expand upon the existing plaza. The project proposes a 2,100± SF retail space and 2,800± SF bank with drive-through attached to the existing 8,800± SF building. The bank drive-through is proposed to include separate teller and ATM drive-through lanes. Additionally, the project proposes a separate 2,250± SF coffee shop building with drive-through proximate to the western property boundary. The coffee shop is proposed to include separate drive-through and bypass lanes, outdoor seating area, outdoor pickup window, and other associated site improvements.

The project proposes to extend the existing parking area through the proposed development. Sixty-four (64) parking spaces are proposed to be provided for the project inclusive of parking in accordance with the Americans with Disabilities Act (ADA) standards, meeting the parking requirements noted under §650-37 of the Marlborough Zoning Ordinance (Special Provisions Applicable to the Wayside Zoning District). The project proposes to maintain the existing ingress only driveway east of the existing building, and proposes a new full access curb cut to the internal connecting drive south of the site between the proposed coffee shop and bank uses. The previous full access driveway is proposed to be maintained to provide access for solid waste containers and for dry cleaner loading operations. The proposed bank drive-through is designed with teller and ATM drive-through lanes separate from the overall site circulation. The proposed coffee shop is designed with a drive-through lane designed to accommodate eleven (11) queued vehicles with a full bypass lane proximate to same.

Site Improvements:

In consideration of the interests of the Wayside Zoning District, the project has been designed to provide enhanced pedestrian connectivity within and through the proposed development. Sidewalk and crosswalk connections are proposed between the on-site uses. Additionally, the project proposes to provide sidewalk connections to the sidewalk along Boston Post Road East and the sidewalk on the Target parcel proximate to Gikas circle, providing pedestrian connectivity through the site from Boston Post Road East to the sidewalk infrastructure associated with the existing Target development. The sidewalk connections will also provide access to the City's nearby trail network. Additionally, a bicycle rack is proposed proximate to the proposed coffee shop.

Proposed on-site landscaping is also designed in consideration of the Wayside Zoning District. The project proposes to maintain landscape buffers in accordance with the Marlborough Zoning Ordinance, including a minimum fifty (50) foot wide landscape buffer along Boston Post Road. Additionally, internal landscape islands are proposed within the proposed parking areas and proximate to the proposed coffee shop and bank drive-throughs.

The project proposes a new stormwater management system designed to accommodate newly developed areas in accordance with the Massachusetts Department of Environmental Protection (MassDEP) Stormwater Management Handbook and City of Marlborough requirements. The stormwater management system is proposed to include deep-sump hooded catch basins to collect and pre-treat stormwater, which are proposed to direct runoff to a proposed subsurface detention/infiltration basin. The proposed stormwater management system proposes to treat runoff in accordance with applicable requirements, reduce the calculated stormwater runoff rates for all storms analyzed, and increase groundwater recharge. Please see the enclosed Drainage Report for additional information.

The project proposes to provide water and sewer connections to the existing utility infrastructure

BOHLER //

located within the connecting drive south of the subject site. The proposed uses are not anticipated to represent a significant demand on water and sewer facilities. Additionally, electric, communications, and gas services are anticipated to be made to the existing infrastructure located proximate to the connecting drive south of the site.

Separate fully screened solid waste enclosures are proposed for the coffee shop and retail/bank uses. Large delivery trucks or frequent deliveries are not anticipated to be required for the proposed uses. Delivery vehicles are anticipated to utilize the proposed parking and drive aisle circulation. Ample snow storage is anticipated to be available as reflected on the Site Layout Plan (Sheet C3.0) within the enclosed Proposed Site Plan Documents.

Lighting has been designed with lighting fixtures consistent with dark-sky standards and are proposed to be fully shielded where proximate to property boundaries. Limited light trespass from the subject site is calculated to be proposed as reflected on the Lighting Plan (Sheet C7.3) of the enclosed Proposed Site Plan Documents. Limited noise generation is anticipated from the proposed development, with the proposed commercial uses consistent with nearby uses. The proposed uses are not anticipated to represent a negative impact to air quality or produce noxious odors.

Wayside Zoning District Review Criteria:

The project has been designed in consideration with the site plan and special permit approval review criteria of the Wayland Zoning District noted under §650-37(K)(1) of the Marlborough Zoning Ordinance as further detailed below:

- (a) Compliance of the design with the design standards in the above Subsection H;

The project has been designed in accordance with the Design Standards noted under §650-37(H) of the Marlborough Zoning Ordinance as further detailed below:

1. Site layout.

The proposed site layout has been designed in accordance with the provisions of the Wayside Zoning District. Specifically, the proposed buildings have been located as close to Boston Post Road as practical while respecting the existing drainage easement through the property. Additionally, proposed parking areas have been located to the sides of proposed buildings to the extent practicable, with the exception of existing parking areas and the proposed extension of same. Proposed landscape buffers inclusive of shade trees and shrub plantings are proposed on all sides of the proposed development to enhance landscaping to Boston Post Road and the internal circulation located on the Target parcel.

2. Pedestrian and bicycle circulation.

The project has been designed to provide sidewalk connections between the existing and proposed buildings, the Boston Post Road sidewalk, the sidewalk infrastructure located on the Target parcel, and the City's trail network. Additionally, a bicycle rack is proposed on-site proximate to the proposed coffee shop, located to not obstruct pedestrian or vehicular movements. ADA accessible parking spaces in accordance with the standards associated with same are proposed proximate to the proposed uses, providing an ADA accessible path to the entrances of same.

3. Outdoor pedestrian spaces.

BOHLER //

As previously noted, an internal sidewalk infrastructure is proposed within the site to connect proposed uses on-site, and to connect the existing and proposed buildings to the sidewalk infrastructure surrounding the site. The proposed coffee shop is designed to include an outdoor seating area, which is located proximate to the secondary driveway infrastructure on the Target parcel. Additionally, the proposed coffee shop is anticipated to include a proposed outdoor pickup window for patrons who would prefer complete their order at the exterior of the building.

4. Building design.

The proposed coffee shop building is designed to avoid blank walls, and includes brick banding along the base of the façade and additional textured banding proximate to the roofline. Storefront windows are proposed on the entrance side of the building. Awnings are proposed along the storefront side of the building, over the doorway proximate to Boston Post Road, and over the proposed drive-through window.

The proposed additional retail and bank spaces are also designed to avoid blank walls, with banding proposed along the base of the façade and storefront windows along each front façade. A raised parapet with cornice is proposed along the roofline of the building addition to provide screening of rooftop units.

Additionally, the project is proposed to include improvements to the existing shopping plaza, including replacement of the existing bright blue awning with a more natural dark gray color that will better match the proposed on-site buildings and the surrounding area.

(b) Compliance of the sidewalks with Americans with Disabilities Act (ADA) design standards;

The project has been design with ADA accessible parking spaces in accordance with standards associated with same, and with ADA accessible paths connecting the spaces to the building entrances. Additionally, an accessible path in accordance with the ADA requirements has been design connecting the on-site sidewalk infrastructure with the sidewalk infrastructure along Boston Post Road and the sidewalk infrastructure located on the Target parcel.

(c) Scale of the buildings relative to the surroundings;

The project consists of existing and proposed one-story buildings, similar to other commercial buildings along Boston Post Road proximate to the subject site. The proposed building and overall development footprint areas relative to the parcel size are similar to other commercial buildings proximate to the subject site. Accordingly, the proposed building scale is expected to be appropriate for the area.

(d) Quality of the design materials for building facades visible from public ways;

As previously noted, the proposed buildings have been design with material banding, storefront windows, and awnings to increase the visual interest as visible from public ways.

(e) Quality of the design and materials for public space; and

As previously noted, the project has been designed with a comprehensive landscape plan both along the perimeter of the site and internal to proposed on-site parking and circulation. Proposed on-site pedestrian circulation and seating areas are proposed to



be concrete sidewalk and designed in accordance with ADA requirements. The proposed outdoor seating area is design with a perimeter aluminum fence. All parking and pedestrian spaces are proposed to be sufficiently lit with LED lighting as shown on the Lighting Plan included within the Proposed Site Plan Documents.

- (f) Placement of utilities and wiring underground, to the extent practicable.

All on-site utilities are anticipated to be underground to the extent practicable, except as otherwise required by the utility owner(s).

Summary:

As noted herein, we believe that the project has been design in accordance with the requirements of the Marlborough Zoning Ordinance and the Wayside Zoning District. We look forward to further discussing the project with the City Council at an upcoming hearing.



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

RECEIVED
CITY CLERK'S OFFICE
Fort Meadow Commission
2021 SEP 28 A 10:42



TOWN OF HUDSON
Hudson, Massachusetts 01749

April 21, 2021
Fort Meadow Commission Meeting Minutes

7:00 PM - Meeting called to order at the Marlborough City Hall and via teleconferencing.

In attendance

- Marlborough Commissioners Lee Thomson, Paul Gould, and Agent Carl Blatchley
- Hudson Commissioner Gary Pelletier
- Hudson and Marlborough residents were invited to attend virtually.

Minutes

- Minutes from the September 17, 2020 meeting were reviewed and approved by Commissioners Lee Thomson, Gary Pelletier and Paul Gould as written

Incidents

- It was reported that the ATV that had been submerged after falling through the ice near the Hudson beach was removed 4/8/2021. The incident had been reported to the town of Hudson and environmental authorities.
- A damaged and dying tree was removed from the narrows before it fell into water.

Drawdown

- The spillway was closed on 3/5/2021 to bring Fort Meadow Reservoir up from its winter level.
- The water is now at 2.4 feet above the winter spillway level, in years past it would be at least 4.3 feet above as of this date. More rain is needed to get Fort Meadow Reservoir at a safe level for boating.

Boat Launch & Recreation Department

- The boat launch will be opened Memorial weekend. Lee will discuss the possibility of an earlier opening date with the Recreation Department if the water is at an acceptable level before that weekend.
- Gary volunteered to summarize the existing three pages of safety rules for the attendants to hand out at the launch. Gary will get input from other committee members and Lee will discuss the handout with the Recreation Department.

Water Skiers and Wake Boats

- Some discussion was held, more work is needed to define and improve safety on Fort Meadow Reservoir.

Algae and Weeds

- A contract is in place for a survey and treatment of weeds and algae this year. Some concern was expressed about weeds that were missed last year. Lee will continue his discussions with the contractor and with the city authorities to set a date for the survey. He will review a copy of the plan with the committee before treatment.



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

Fort Meadow Commission



TOWN OF HUDSON
Hudson, Massachusetts 01749

Fisherman Program

- Fisherman registration and keys are now being handled by the Marlborough Recreation Department. Information on fisherman registration, keys and related requests should be directed to Charles Thebado, Director, of the Marlborough Recreation Department at 508-624-6925.

Boating Class

- Charles Thebado of the Marlborough Recreation Department is looking at various boating classes.

Website

- The Commission has been offered an opportunity to provide material for the City of Marlboro website. The Commission will define what we would like posted.

2021 Remaining Meeting Schedule

- Meetings will be held at 7:00 PM on the 3rd Thursday of the months of May, June, July, August, and September. When technical possible, teleconferencing will be used which may require changes in the planned location and the date of meetings. Meetings will always be held at either the Hudson Town Hall or at Marlborough City Hall. The locations planned at this time are as follows.
- Hudson Town Hall, Auditorium 2nd floor, 78 Main Street, Hudson, MA: on July 15, 2021, and on September 16, 2012
- Marlborough City Hall, first floor, 140 Main Street, Marlborough, MA: on May 20, 2021, June 17, 2021, and on August 19, 2021

7:43 PM - Meeting adjourned



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

RECEIVED
CITY CLERK'S OFFICE
Fort Meadow Commission
2021 SEP 28 A 10:42



TOWN OF HUDSON
Hudson, Massachusetts 01749

May 27, 2021
Fort Meadow Commission Meeting Minutes

7:00 PM - Meeting called to order at the Marlborough City Hall and via teleconferencing.

In attendance

- Marlborough Commissioners Lee Thomson, Paul Gould, and Agent Carl Blatchley
- Hudson Commissioner Gary Pelletier
- Hudson and Marlborough residents were invited to attend virtually.

Minutes

- Minutes from the April 21, 2020 meeting were reviewed and approved by Commissioners Lee Thomson, Gary Pelletier and Paul Gould as written

Incidents

- None to report

Boat Launch & Recreation Department

- The Marlboro Recreation Department got the washing station operational, and the boat launch is now open to fisherman. It will be open to the public for Memorial weekend.
- Gary Pelletier condensed the safety rules for handout to boaters at the launch site. The commissioners will provide written comments to Gary, once reviewed Lee Thomson will discuss them with the Recreation Department.

Drawdown

- Due to lack of rain the water level is approximately 5 inches below where it would normally be at this time of the year.

Buoys & Dock Supplied

- Buoys are out. Some of the new buoys do not stand straight without additional weigh attached.
- Gary Pelletier and Paul Gould will provide a list of needed supplies at the next meeting.

Wakes from Water Skiers and Wake Boats

- More research is needed.



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

Fort Meadow Commission



TOWN OF HUDSON
Hudson, Massachusetts 01749

Algae and Weeds

- A survey was completed, and treatment map provided on 5/27/2021 identifying evasive weeds which will be chemically treated. The commission reviewed the treatment plan and requested a review of the results of the treatment once completed. Lee Thomson reported treatment is scheduled for 6/9/2021 or 6/10/2021. If able to be completed that date will mesh well with the beach openings schedule for 6/14/2021.

Boating Class

- Charles Thebado of the Marlborough Recreation Department is continuing to look at various boating classes.

Website

- The Commission has been offered an opportunity to provide material for the City of Marlboro website. Discussion started on what should be posted.

2021 Remaining Meeting Schedule

- Meetings will be held at 7:00 PM on the 3rd Thursday of the months of June, July, August, and September. Meetings will always be held at either the Hudson Town Hall or at Marlborough City Hall. The locations planned are as follows.
- Marlborough City Hall, first floor, 140 Main Street, Marlborough, MA on July 15, 2021, and on September 16, 2012
- Hudson Town Hall, Auditorium 2nd floor, 78 Main Street, Hudson, MA: on May 20, 2021, June 17, 2021, and on August 19, 2021

7:49 PM - Meeting adjourned



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

RECEIVED
CITY CLERK'S OFFICE
Fort Meadow Commission

2021 SEP 28 A 10:42



TOWN OF HUDSON
Hudson, Massachusetts 01749

June 17, 2021
Fort Meadow Commission Meeting Minutes

7:00 PM - Meeting called to order at the Marlborough City Hall and via teleconferencing.

In attendance

- Marlborough Commissioners Lee Thomson, Paul Gould
- Hudson Commissioner Gary Pelletier

Minutes

- Minutes from the May 27, 2021 meeting were reviewed and approved by Commissioners Lee Thomson, Gary Pelletier and Paul Gould as written

Incidents

- Sunday, June 6th Commissioners Gould and Pelletier stopped 2 jet skis for unsafe and erratic behavior. The jet skis were rented for the day by 2 individuals staying in a rented lake house (AirBNB). Lake rules will be distributed to owner of the AirBNB house.

Buoys & Dock Supplied

- Hudson purchased buoy rope and 5 anchors with remaining 2021 funds.
- Marlborough will purchasing 3 buoys and associated hardware.

Jetskis and Wake boats

- Discussion about how to address the growing size of boats wakes that are used for wakesurfing and wakeboarding and the potential personal property damage and shoreline erosion. Recommend individual boater education and utilizing the middle of the basins for wakesurfing. Additional research is needed.

Algae and Weeds

- Lake was treated for invasive weeds per the agreed upon plan on Wednesday, June 9th. Post weed treatment follow up survey will be scheduled.

Boating Class

- Charles Thebado of the Marlborough Recreation Department is continuing to look at various boating classes. (No update)



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

Fort Meadow Commission



TOWN OF HUDSON
Hudson, Massachusetts 01749

Boat Launch & Recreation Department

- Final update (minor changes) needed of the condensed safety and lake rules. Then copies will be distributed for handout to boaters at the launch site and with the Recreation Departments (Marlborough and Hudson).

Website

- The Commission has been offered an opportunity to provide material for the City of Marlboro website. Discussion started on what should be posted. Content should be consistent with Hudson and updated accordingly.

2021 Remaining Meeting Schedule

- Meetings are held at 7:00 PM on the 3rd Thursday of the months of May, June, July, August, and September. Meetings are held at either the Hudson Town Hall or at Marlborough City Hall. The locations planned are as follows.
- Marlborough City Hall, first floor, 140 Main Street, Marlborough, MA on July 15, 2021, and on September 16, 2021
- Hudson Town Hall, Auditorium 2nd floor, 78 Main Street, Hudson, MA - August 19, 2021

7:56 PM - Meeting adjourned



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

RECEIVED
CITY CLERK'S OFFICE
Fort Meadow Commission
2021 SEP 28 A 10:42



TOWN OF HUDSON
Hudson, Massachusetts 01749

July 15, 2021
Fort Meadow Commission Meeting Minutes

7:00 PM - Meeting called to order at the Marlborough City Hall

In attendance

- Marlborough Commissioners Lee Thomson, Paul Gould
- Hudson Commissioner Gary Pelletier

Minutes

- Minutes from the June 17, 2021 meeting were reviewed and approved by Commissioners Lee Thomson, Gary Pelletier and Paul Gould as written

Incidents

- None

Boat Launch & Recreation Department

- The condensed safety and lake rules were provided to the launch attendants so they could be given to boaters at the launch site. Lee Thomson will verify that distribution is happening.

Buoys & Dock Supplied

- Three buoys were ordered by Lee Thomson and are ready for him to arrange pick up. Associated hardware was purchased by Paul Gould. Some of the new buoys need 5 pound weights added to allow them to stand straight.

Water Level

- The water level is now ideal since the gate was opened temporarily to deal with the results of the significant rain over the last few weeks.

Jet skis and Wake boats

- No updates.

Algae and Weeds

- A letter was sent to request a post treatment survey. No response to date, Lee Thomson will follow up with the contractor.



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

Fort Meadow Commission



TOWN OF HUDSON
Hudson, Massachusetts 01749

Website

- Gary Pelletier has written text for the Hudson website and will distribute it to the Commission for review. Following review, he will post it on the Hudson site. Carl Blatchley will edit it and distribute it to the Commission for review for the Marlborough website.

New Hudson Agent

- The Commission is pleased to welcome JP Onate as the agent from Hudson.

2021 Remaining Meeting Schedule

- Meetings are held at 7:00 PM on the 3rd Thursday of the months of May, June, July, August, and September. Meetings are held at either the Hudson Town Hall or at Marlborough City Hall. The locations are planned as follows.
- Marlborough City Hall, first floor, 140 Main Street, Marlborough, MA on September 16, 2012
- Hudson Town Hall, Auditorium 2nd floor, 78 Main Street, Hudson, MA - August 19, 2021

7:19 PM - Meeting adjourned



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

RECEIVED
CITY CLERK'S OFFICE
Fort Meadow Commission
2021 SEP 28 A 10:42



TOWN OF HUDSON
Hudson, Massachusetts 01749

August 19, 2021
Fort Meadow Commission Meeting Minutes

7:00 PM - Meeting called to order at the Hudson Town Hall

In attendance

- Marlborough Commissioners Lee Thomson, Paul Gould and agent Carl Blatchley
- Hudson Commissioner Gary Pelletier and agent JP Onate

Minutes

- Minutes from the July 15, 2021, meeting were reviewed and approved by Commissioners Lee Thomson, Gary Pelletier and Paul Gould as written

Incidents

- None

Boat Launch & Recreation Department

- Lee Thomson and Carl Blatchley verified that the attendants are handing out the condensed safety and lake rules to people launching watercraft.

Buoys & Dock Supplied

- Three buoys picked up by Lee Thomson and moved to storage with Paul Gould.

Water Level

- This summer began with little rain but in July and August the lake received a great deal of rain. For instance, the lake rose 4.8 inches during the last storm. The level has been under good control by opening the gate as needed and/or letting the water pour over the spillway. The level is now ideal.

Jet skis and Wake boats

- No updates.

Algae and Weeds

- Some time ago Lee Thomson sent a letter to Solitude Lake Management the company under contract to request a post treatment survey. Because of their lack of response a partial payment has been withheld. Lee will continue following up with them.



CITY OF MARLBOROUGH
Marlborough, Massachusetts 01752

Fort Meadow Commission



TOWN OF HUDSON
Hudson, Massachusetts 01749

Website

- Carl Blatchley presented material developed for the City of Marlborough website which was in part based upon the material on the Town of Hudson website. Carl will forward the material to Mark Gibbs the City of Marlborough IT Director.

Tree in the Water

- The tree in the water on the shore on Fort Meadow Drive in Hudson was viewed and determined not to be a safety problem.

Drawdown

- The ideal timing for the drawdown of the lake was discussed. The conclusion was that the Fort Meadow Commission voted to recommend a winter long drawdown of Fort Meadow Reservoir starting November 1 with a projected spillway closure March 1, 2022, depending upon environmental conditions.

2021 Remaining Meeting Schedule

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- Marlborough City Hall, first floor, 140 Main Street, Marlborough, MA on September 16, 2012

7:53 PM - Meeting adjourned

TRAFFIC COMMISSION

1

June 30, 2021

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 SEP 29 A 9:52



**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 on Wednesday, June 30, 2021 at 10:00 am. The meeting was also recorded and is available to view online on the City of Marlborough website (www.marlborough-ma.gov). Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen, Commissioner of Public Works Sean Divoll and City Clerk Steve Kerrigan. Also present: City Engineer Tom DiPersio, Assistant City Engineer Tim Collins, Ashley Miller & Ryan Malcolm also from the Engineering Department, Officer Andy Larose from the MPD Traffic Services Unit (attended remotely), City Councilor Katie Robey, City Councilor Robert Tunnera and City Councilor Sean Navin.

Minutes taken by Karen Lambert, MPD Records Clerk.

Chief Giorgi started recording the meeting at 10:02 a.m. and began by welcoming everyone and making introductions.

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, May 26, 2021.

MOTION was made, seconded, duly VOTED:

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

2 - New Business –

2a) Bike Path Flashing Light Request – Hudson St.

Priscilla Ryder, Conservation/Sustainability Officer for the City of Marlborough, submitted this issue. She explained in her email that she has received a few requests for a flashing pedestrian light on the Bike Path on Hudson Street just past Kelleher Field as cars “pay no heed to the crosswalk painted there and speed right through regardless of bikes or pedestrians waiting at the crosswalk”.

Chief Giorgi said that the Traffic Commission has received complaints here in the past and as a result, the pavement on the inside of the crosswalk was painted to make it more visible and a pedestrian crossing sign was placed in the roadway. The sign always seems to be getting hit. He asked Engineering if there were any future plans or current discussions on this area. Tom DiPersio said no, but he went on to explain 2 different types of flashing yellow beacons. One type has a pedestrian push button, the other has a motion activated signal. Part of the problem is that there is still no guarantee that cars will stop.

Tim Collins said that the pedestrian still has to be careful. The main issue is with pedestrians going into the road before the traffic has stopped. The law in Massachusetts is to yield to pedestrians. A traffic light with a push button would turn to red and then require a stop. Steve Kerrigan said that there must also be warrants for placing a stop light here.

Chief Giorgi thinks they are looking for consistency with the crossings along the trail. Tom DiPersio said that Engineering can take a look at this. He mentioned the one on Maple Street at St. Mary's. The request was made at Site Plan and they had to do this. Chief Giorgi asked what kind of light was at Lincoln St. Mr. DiPersio said it was solar powered with a push button, so they didn't have to do any trenching for a conduit. The Chief also mentioned the one at Granger and asked if we could do something like that on Hudson Street. Mr. DiPersio said that yes, they can definitely look at this.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to review and make a recommendation.

2b) Cashman Street – One Way

Tim Collins asked to add this item to the agenda on behalf of the DPW. He advised that they are adding a dedicated bike lane on Cashman Street to Prospect Street and need to make Cashman Street a one-way street in order to do this. They also need to determine which direction the one way should travel.

Tom DiPersio explained that the City applied for, and was awarded, a grant from the MADOT for the end of the Rail Trail at Lincoln Street. A crossing beacon at Lincoln Street is part of the grant. They went through many designs to make a safe connection from the bike trail to the center of town. They provided a diagram for reference with a bike lane marked in green. Ashley advised that the connection on Cashman would be a separated bike lane which would be a 10-foot wide, 2-way bike lane, with a 2-foot buffer with lane delineators (posts) along the path. When it reaches Prospect Street it becomes a shared use path on the sidewalk for bikes and pedestrians down to Main Street. They will be bumping out the sidewalk to make it wider. There was no way to fit the same type of path in Prospect Street because the Greek Church uses both sides of the street for church parking and other events. Tom DiPersio said that they may have signs to walk bikes here or people may still use the street anyway.

Ashley provided traffic counts that were taken on 6/18/21 and 6/24/21 through 6/28/21. They actually put the traffic counters out twice. The first time they put them out they had problems with them coming up and they didn't feel it was an accurate count, however, both times showed more traffic from Washington Street toward Lincoln Street. The 26th

and 27th are a Saturday and Sunday. If you look at the counts on 6/26, it shows a total of 666 cars going from Prospect Street toward Lincoln Street and 390 cars going from Lincoln toward Prospect. This pattern was consistent on the other days.

Steve Kerrigan asked if any residents would be impacted by this. Ashley said that there is one house with a driveway on Cashman. Chief Giorgi asked about traffic volume during the week. The traffic counts for 6/24 and 6/25 (Thursday and Friday) are significantly higher but still show a higher volume traveling from Prospect St. toward Lincoln St. On 6/24 there were 834 vehicles traveling from Prospect toward Lincoln and 494 from Lincoln toward Prospect. On 6/25 there were 809 vehicles traveling from Prospect toward Lincoln and 466 from Lincoln toward Prospect. It was also noted that construction work is being done there and that this would also have an effect on volume. Monday 6/28 shows a total count of 724 traveling from Prospect toward Lincoln and 415 traveling from Lincoln toward Prospect. All were surprised that there was more traffic traveling up Cashman Street then down Cashman Street.

Tom DiPersio said if you're going east to downtown, Mechanic Street is there and is an easy option. Councilor Tunnera said that when you're trying to come out of Cashman Street onto Lincoln Street it is rough as cars are "flying down the hill". Councilor Robey said it's also difficult to go straight across from Cashman Street to Highland Street. Mr. DiPersio explained that part of this project includes a slight realignment of the intersection to try to "tighten it up" which will help. The building on the corner is also in the way and blocks the sight distance. Chief Giorgi asked if the redesign was going to make Cashman and Highland more across from each other. Mr. DiPersio said yes, as much as they could. You can get a sense of this in the diagram.

Councilor Robey asked why the bike path was planned for the opposite side of Cashman? This makes people have to cross at the corner to the opposite side to continue down the path. Mr. DiPersio advised that this was mainly because of the church parking lot. Chief Giorgi also noted that there would be no traffic turning into Cashman if the street were one-way so it really wouldn't be an issue. Tim Collins asked if there was a stop condition on Cashman. Yes, there is a stop sign. Chief Breen asked about physical barriers. The proposal includes fiberglass posts every 10 feet. Chief Giorgi asked if they would be like the ones that the MADOT placed on Boston Post Road West by the daycare center. Yes, they are. They would need to be removed for plowing.

There is no warrant needed to make the road one-way based on the width of the roadway. There is not enough room for 2-way travel with parking on both sides. Steve Kerrigan asked how the general public and neighbors would be notified. Tim Collins advised that it would be similar to what was done on Bigelow with signs to the effect of "New Traffic Pattern Ahead" and a "Do Not Enter sign" off of Lincoln Street. Mr. Kerrigan asked if we could test this first to see what would happen to the traffic pattern in the area. Mr. DiPersio said this was a good idea and definitely worth doing. There will be an increase in traffic from Lincoln onto Prospect. It's a tight maneuver. Mr. Kerrigan said it is a weird intersection and you're not sure who goes first. Councilor Robey agreed that it's hard to turn left off Highland and left off Cashman. Cars will be sitting on Lincoln Street waiting to turn. People will be upset no matter what is done.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to test the change in traffic pattern and report back at the next meeting.

2c) Reservoir @ Red Spring Road

Officer Larose asked if this could be on the agenda again as there was a serious motorcycle accident here the other night. He wanted to discuss a possible roadway redesign/improvement. There were concerns brought up a few months ago about vehicles coming off Red Spring Road onto Reservoir. At the time, the 30mph speed limit sign was moved closer to Bolton Street and a new sign was installed indicating that there was a side street approaching.

Officer Larose put the speed signs out from 4/15/21 to 4/21/21. He pulled up a copy of the Extended Speed Summary Report for reference. He noted that the maximum speed was 53 but if you look at the max speed per hour column, you see that vehicles are "flying" at all times of the day. He also had a diagram of the intersection with turn movements and notes on stopping distance. He said that from Red Spring Road, in order to see a vehicle, react and stop, you would have to see the oncoming vehicle when it was still on Bolton Street. This is impossible. He also had photos which show him on his motorcycle turning onto Reservoir with Officer Connors waiting to turn out of Red Spring Road. The photos show him coming around the turn. With the tree, you can only see the bottom of the motorcycle. In the last photo, you clearly see the motorcycle, but the point of perception does not leave enough leeway to react and stop. Chances are that the vehicle will have already pulled out of Red Spring Road. This is with the motorcycle traveling at 30 mph. He is assuming that the car is going across Reservoir and making a hard left so the person coming down the hill has even less time to react. He has been watching the area and you can't see that Red Spring Road is around the corner.

Steve Kerrigan said that he was in the area recently and it looks like the brush has now been cut back. Officer Larose took his photos on Monday of last week. Commissioner Divoll said that the brush was actually cut back yesterday. Mr. Kerrigan thought the sight distance now seemed a little better.

Officer Larose's recommendation is to block off the sweeping right turn from Bolton Street onto Reservoir Street and be forced to slow down and take the hard right turn onto Reservoir St. As soon as you make the turn here you are looking at a direct view of Red Spring Road. Steve Kerrigan questioned what would happen to the traffic on Bolton Street. Mr. Collins said there is enough room here to create an exclusive turn lane. It would be another lane parallel to Bolton Street so you can still travel straight through on Bolton Street when someone else is making the turn.

Councilor Robey asked if the church on the corner would interfere with this at all. Engineering said it would not. Mr. Kerrigan asked if the entire intersection would be redesigned. Mr. DiPersio said that the pavement on Bolton Street is very wide, but they can definitely take a look at this. Chief Giorgi asked if the State would need to be involved. Mr. Collins advised, no, the City owns the road. Chief Giorgi also asked if the island would have to be shifted. See the arial photo attached. Chief Breen asked if the dedicated lane for the right turn and the left turn from the opposite direction would turn in the same lane. Engineering advised, yes.

Tom DiPersio said that this is where his head went also and is a good recommendation from Officer Larose. Councilor Robey expressed concern about the cost of the redesign

to the City. It was asked if speed was a factor in this motorcycle accident. Chief Giorgi advised that the reconstruction report is not complete yet, but sight distance is also an issue. Councilor Navin said that clearly the residents from Red Spring Road are concerned and it would certainly “throw people for a loop” if this was done but if it can help to reduce the possibility of serious accidents it is a good idea to try something like this. There needs to be a reasonable expectation of safety when making the turn out of Red Spring Road.

Commissioner Divoll said that Engineering can come up with a rough sketch and cost estimate for further discussion at the next meeting. Officer Larose also asked if the side street warning sign could be moved closer to Red Spring Road. Right now, you can see it from Bolton Street, and it looks like it has something to do with the turn from Bolton Street to Reservoir Street.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for further review.

2d) Speeding Traffic on Danjou Drive

Councilor Doucette asked that this issue be added to agenda. Chief Giorgi read his email. He has received complaints about cars and delivery trucks speeding down the street (probably accidentally) and then turning around. He said that considering the length of the street and the number of homes, it should be a quiet street. It is a cul-de-sac and kids ride bikes there and are also playing in the street. He is asking if any additional signage can be added at the entrance, possible “Caution Children” or “No Exit”.

Chief Giorgi said that he went out and looked at the street. There is a black and yellow dead-end sign there, but it is small and up high. Mr. Collins advised that this is where the City puts these types of signs. He said the street is 850 feet long and has 11 houses. The City does have warning signs that require yearly permits, however, they usually involve a warning for a deaf child or an autistic child for example. He advised that it is dangerous to use “children ahead” signs to allow children to play in the street. It is a liability for the City. He said that if you drove the entire length in 20 seconds you would have to go 29 mph. If you did it in 15 seconds, it would be 38 mph.

Chief Giorgi agrees with not using “caution children” signs. His only suggestion would be to make the dead-end sign bigger or to bring it down lower. He asked if the speed sign could be placed on the pole there to gather real data vs. perceived data. The problem could also involve a specific delivery vehicle. He will talk to Councilor Doucette.

Chief Breen said that it doesn't seem like people would be entering this road without meaning to go this way. You don't accidentally go down Danjou Drive. Mr. Collins said it seems more like they don't want people driving through the cul-de-sac.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT.

2e) Parking on Essex Street

Councilor Doucette sent an email to Chief Giorgi advising that he has received complaints about people parking on both sides of the street “making it almost a pinball effect dodging cars on the street”. He is asking if it makes sense to have parking allowed on the south side only.

Chief Giorgi advised that he did email Councilor Doucette back and told him that the Traffic Commission has talked about this same issue on many other streets. Tim Collins advised that the pavement on Essex Street, closer to Cook Lane, is 20 feet wide and near Church Street it is 28 feet wide. There are also multi-family homes with narrow driveways. The problem seems to be at the Church Street end. The road is wider and accommodating it but there are more residents with cars. This is the same problem all over the core of Marlborough, for example, Howland St., Gay St. and Newton St. All of these areas have open parking on the whole street.

MOTION was made, seconded, duly VOTED to REFER to Chief Giorgi to get back to Councilor Doucette regarding the discussion.

3-Old Business

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

Update: The Traffic Commission has been waiting for a response from the MADOT, however, Tim Collins doesn't know what the hold up is as Mr. Frawley from MADOT is the one who suggested this.

MOTION was made, seconded, duly VOTED to TABLE.

3b) Traffic Concerns on Oakcrest Ave.

Update: Tim Collins advised that he has done some surveys but had issues with the data. He needs to go back and investigate further.

MOTION was made, seconded, duly VOTED to TABLE.

3c) Safety Concerns at the intersection of Lincoln St. & Cashman St. at Assabet Valley Rail Trail

Update: Engineering advised that this is all set for now as the crosswalk has been painted.

3d) Traffic signal lights at Union St. & Bolton St. and Bolton St. & Hudson – Request for audible signal to accommodate blind pedestrians.

Update: Chief Giorgi advised that he did speak with Councilor Navin on this issue. Councilor Navin was in attendance (remotely) for today's discussion. The main concern is the noise 24 hours per day. Tim Collins said that if it's similar to the one at Bolton St. and Lincoln St., the volume has been turned down so low that you can't even hear it. The

issue is that it can be turned down low, but then it can be so low that it can't be heard by the person who needs it. There has to be a happy medium between the person with the vision impairment who needs the sound and the noise level that would be appreciated by the neighbors.

Tim Collins advised that as of tomorrow, there will be a new budget for traffic signal maintenance, and this can be done. He thinks we should hold off on making any changes to the signal at Hudson St. and Bolton St. as we may not even need the signal there. He reviewed that when Stratus was at this location, this was the only exit from the facility. Now that Boston Scientific is there, there is another exit for the facility. Chief Giorgi asked what it would become? Mr. Collins advised that it would be an unsignalized intersection. Councilor Robey disagreed and said that no, we need this traffic signal. Mr. Collins reiterated the fact that traffic signals are not supposed to be used to slow people down. They are used to help with traffic issues. This signal was added as the result of a traffic issue. Tom DiPersio advised that the first step would be to do a traffic count here. If the decision was made not to have the light here, why would be upgrading this intersection. Councilor Robey asked about people who were trying to cross the street here. Mr. Collins said that there are other signalized intersections they could walk to in order to cross safely.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to update the signal at Union St. & Bolton St. with the audible signal.

Chief Giorgi asked if anyone else had anything else they would like to add.

Councilor Tunnera asked to discuss the traffic on Bigelow Street. He received an email from a constituent with concerns. Tim Collins gave a brief history and reviewed that there were initially 5 stop signs on Bigelow. A resident complained about them and it was determined that none of these stop signs met the Warrants for usage. The Traffic Commission said that if they were not warranted, they would be taken down. One of the warrants has to do with traffic volume. The side street volume did not even come close to the warrant. Councilor Pope, the City Councilor at that time, did not want them taken down. Engineering had to try to come up with a creative way to meet at least one of the warrants. If there was a pedestrian crossing that could someday result in the potential to build sidewalks on Bigelow, then they could leave certain stop signs up. It was determined that this possible potential existed in two locations, and two signs were left up and the other three removed.

Steve Kerrigan asked if there was even room to build sidewalks on either side of Bigelow. Mr. Collins advised that they were never told to investigate the actual sidewalks, just to come up with a way to keep some of the stop signs. Tom DiPersio said that Bigelow Street is one of the old country roads where there really is not enough room. Two permanent electronic speed limit signs were installed when the other three stop signs were taken down, one at Flag and one at Shea.

Mr. Collins said that we may need to have another conversation with the hotels in the area. Huge coach buses travel down Bigelow to the NESCC when using their GPS. They can't be excluded from the road, however, Wes Tuttle (from NESCC) used to ask bus drivers to stay off residential roads. Chief Giorgi advised that he would touch base with

them and Councilor Tunnera was asked to explain the sidewalk situation to his constituent.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for enforcement of speed on Bigelow Street.

No other concerns or comments.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:13 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 6/30/21, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, May 26, 2021.
- Email from Priscilla to Chief Giorgi and Tom DiPersio, dated 6/4/21, re: Bike path flashing light request – Hudson St.
- Email from Tim Collins to Chief Giorgi, dated 6/23/21, re: Cashman Street – One Way.
- Email from Officer Larose to Chief Giorgi, dated 6/18/21, re: Reservoir @ Red Spring Road.
- Extended Speed Summary Report for Reservoir Street, NB.
- Email from Councilor Doucette to Chief Giorgi, dated 6/10/21, re: Speeding traffic on Danjou Drive.
- Email from Councilor Doucette to Chief Giorgi, dated 6/27/21, re: Essex Street Parking.

Additional Handouts

- Cashman Street Traffic Counts, 6/24/21 to 6/28/21
- Diagram of Lincoln Street and Cashman Street with proposed Bike Lane indicated.
- Cashman Street Traffic Counts, 6/18/21
- Email from Councilor Tunnera to Chief Giorgi, dated 6/28/21, re: Traffic on Bigelow Street and Sidewalks.
- Email from Lori Shattuck (MADOT) to Chief Giorgi, dated 6/28/21, re: Route 20 at Ames Street.
- Extended Speed Summary for Reservoir St., NB from 4/2/21 to 4/21/21, including photos.