



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 MAY -5 P 1:40

CITY OF MARLBOROUGH
City Council Agenda

Monday, May 9, 2022
8:00 PM

This meeting of the City Council will be held in City Council Chambers, City Hall, 140 Main Street. **PUBLIC ATTENDANCE IS PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34), or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, April 25, 2022.
2. PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new pole and remove the old pole and install underground cable for city work around the pump station on Cullinane Drive, Order No. 22-1008586.
3. PUBLIC HEARING on the Proposed Fiscal Year 2023 Budget as submitted by Mayor Vigeant in the amount of \$181,260,899.00 which represents a 4.18% increase over the Fiscal Year 2022 appropriation, Order No. 22-1008584.
4. PUBLIC HEARING on the Application for a Special Permit and Site Plan Approval from Cellco Partnership d/b/a Verizon Wireless to install a new stealth Wireless Communication Facility, including an 80-foot stealth pole with accessory ground equipment at 739-769 Donald J. Lynch Boulevard, Order No. 22-1008570.
5. PUBLIC HEARING on the Application for Special Permit from Attorney Brian Falk, on behalf of Alta Marlborough, LLC (Wood Partners), to build a mixed-use project in the Neighborhood Business District consisting of 10,074 square feet of ground floor retail and commercial space, 276 dwelling units in addition to an on-site parking garage with 448 spaces to be located at the corner of Lincoln and Mechanic Streets, Order No. 22-1008572.
 - a) Communication from Jared Saad of Canty Brothers Construction, re: Letter of support for the Special Permit on the proposal by Alta Marlborough, LLC (Wood Partners) for a mixed-use project at the corner of Lincoln and Mechanic Streets.
6. PUBLIC HEARING on the Proposed Zoning Amendment from Attorney Brian Falk on behalf of Alta Marlborough, LLC (Wood Partners), to Chapter 650 §39 "Neighborhood Business District", Order No. 22-1008571.
7. Communication from Solicitor Jason Grossfield, re: City Council Orders 21/22-1008402A-3 and 21/22-1008402B-4 regarding opinion on ambiguity associated with the two (2) Orders and any suggested wording to resolve same.

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

8. Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Map Amendment for parcels of land located on Jefferson and a small portion of Lincoln Streets, identified as Map 56, Parcels 147, 148, 150, 151, 152, & 153 in addition to Map 56, Parcels 154, 155, 156, 157 & 158, Order No. 21/22-1008475C.
9. Petition from Massachusetts Electric, to replace three (3) sections of direct buried cable and replace with new primary cable in conduit on Stone Hill Road.
10. Application for Renewal of Junk Dealer/Secondhand Dealer License, Jean Rabelo, d/b/a Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Road East.
11. Notice from Attorney Brian Falk on behalf of Alta Marlborough, LLC (Wood Partners), re: Notice of a Balloon Test relative to the proposed project at Lincoln and Mechanic Streets to occur on Wednesday, May 18, 2022, at 5:00 PM.
12. Communication from National Grid, re: Notice of potential work relative to their current Vegetation Management Plan.
13. Minutes of Boards, Commissions and Committees:
 - a) Commission on Disabilities, August 3, 2021 & March 8, 2022.
 - b) Library Trustees, April 5, 2022.
 - c) Traffic Commission, March 2, 2022.
 - d) Zoning Board of Appeals, April 5, 2022.
14. CLAIMS:
 - a) Richard Aldrich, 117 Bolton Street, other property damage and/or personal injury.
 - b) Karolyn Gowaski, 126 Langelier Lane, residential mailbox claim (2a).
 - c) Thomas Tucker, 11 Hawkins Lane, residential mailbox claim (2b).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

15. **Order No. 22-1008567: Transfer Request in the amount of \$589,691.00 which moves funds from Economic Development to MEDC to fund the FY23 operations of the Marlborough Economic Development Corporation (MEDC).**

Recommendation of the Finance Committee is to APPROVE.

On a motion by Councilor Dumais, seconded by the Chair, the committee voted 5-0 to recommend approval of the MEDC FY2023 Operating Budget in the amount of \$589,691.00.

16. **Order No. 22-1008536A: Bond Request in the amount of \$500,000.00 (Five hundred thousand dollars) for the cost of reconstruction or making extraordinary repairs to the Sligo Hill Water Tank.**

Recommendation of the Finance Committee is to APPROVE.

DPW Commissioner Divoll explained funding for the companion \$1M maintenance program for the tanks is being funded by ARPA funds and the program includes all of the city's water tanks. Commissioner Divoll stated in the future a reoccurring budget request will be required to maintain the tanks. This bond will refurbish the Sligo Hill water tank which is in need of extraordinary repairs. Councilor Robey was concerned that ARPA funds were not being used to fund the entire project and reminded Councilors that the bond requires eight votes. On motion by Councilor Oram, seconded by the Chair, the committee voted 3 in favor, 2 (Dumais & Perlman) opposed (3-2) to recommend approval of the bond. Councilor Irish will ask Mayor Vigeant to forward the City Council a list of the projects being funded by ARPA.

17. **Order No. 22-1008536C: Bond Request in the amount of \$5,175,000.00 (Five million one hundred seventy-five thousand dollars) for the purpose of paying the cost of street construction.**

Recommendation of the Finance Committee is to APPROVE.

Commissioner Divoll and City Engineer DiPersio addressed the street construction bond. On a motion by Councilor Oram, seconded by the Chair, the committee voted 5-0 to approve the bond for street construction and reconstruction.

18. **Order No. 22-1008536D: Transfer Request in the amount of \$1,448,100.00 from Undesignated Fund (Free Cash) to various departmental Capital Requests.**

Recommendation of the Finance Committee is to APPROVE.

On a motion by Councilor Dumais, seconded by the Chair, the committee voted 5-0 to approve the Transfer of \$1,448,100.00 from Undesignated Fund to various departmental requests including the following capital items: fire squad truck, refurbishing pools, Evergreen Cemetery expansion project, school HVAC upgrades, Reservoir Street bump out and Public Works equipment.

From City Council

19. **Order No. 21/22-1008402A-3: Mayoral Veto relative to the Proposed Order to authorize the purchase of 100 Locke Drive for a west side Fire Station.**

Action postponed until the May 9, 2022, City Council meeting, and further that the Solicitor provide written clarification regarding the ambiguity of the Order and suggested wording to resolve the ambiguity at the May 9, 2022, City Council meeting.

20. **Order No. 21/22-1008402B-4: Mayoral Veto relative to the Transfer Request in the amount of \$5,092,666.66 for the acquisition of 100 Locke Drive for a new Fire Station.**

Action postponed until the May 9, 2022, City Council meeting, and further that the Solicitor provide written clarification regarding the ambiguity of the Order and suggested wording to resolve the ambiguity at the May 9, 2022, City Council meeting.

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 – Teona C. Brown
 Ward 5 – John J. Irish
 Ward 6 – Sean A. Navin
 Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
 CITY COUNCIL
 MEETING MINUTES
 MONDAY, APRIL 25, 2022**

The regular meeting of the City Council was held on Monday, April 25, 2022, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Oram, Perlman & Robey. Councilors Absent: Navin & Landers. Meeting adjourned at 9:00 PM.

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

ORDERED: That the Minutes of the City Council meeting, April 11, 2022, **FILE**; adopted.

That the CONTINUED PUBLIC HEARING on the Petition of New Cingular Wireless, PCS, LLC (d/b/a AT&T) for a grant of location for one (1) small cell wireless facility to be located on an existing pole within the public right of way in the vicinity of 241 Forest Street, Order No. 22-1008558A, all were heard who wish to be heard, hearing closed at 8:03 PM, adopted.

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

Councilors Absent: Navin & Landers.

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

ORDERED: Communication from the Mayor, re: Acceptance of Gikas Lane as a Public Way, Order No. 22-1008553, **FILE**; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$3,000.00 from the Sudbury, Assabet and Concord Rivers Cooperative (SuAsCo) awarded to the Conservation Commission to be used to control the invasive oriental bittersweet at Ghiloni Park; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$51,885.00 from the Massachusetts Department of Public Health awarded to the Health Department to be used for clinic staffing, supplies, case investigation and COVID-19 preventative messaging; adopted.

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

ORDERED: That the Transfer Request in the amount of \$698,083.18 for the Department of Public Works, which moves funds from various accounts to Electricity (\$652,083.18) to cover the cost of higher usage during COVID-19 and Overtime (\$46,000.00) to cover costs in overtime due to hydrant flushing and water main breaks, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2022		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$38,000	\$38,000.00	14003006	52920	Rubbish Collection	\$203,172.10	13032006	52120	Electricity	\$5,418	
	Reason:	Available funds from Credit				Due to increased energy usage as a result of Covid-19				
\$82,633	\$82,000.00	14003006	52925	Curbside Recycling						
	Reason:	Available funds from Credit and Grant								
\$48,122	\$13,700.00	14001101	50660	Assistant City Engineer						
	Reason:	Excess due to prior vacancy								
\$36,922	\$36,922.10	14001101	50700	Senior Engineering Aide						
	Reason:	Excess due to vacancy								
\$68,002	\$24,550.00	14001101	50710	Junior Civil Engineer						
	Reason:	Excess due to vacancy								
\$8,000	\$8,000.00	14001103	51240	Temporary Part-Time						
	Reason:	Excess due to vacancy								
	\$203,172.10	Total			\$203,172.10	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2022		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$6,000	\$6,000.00	14001303	51240	Temporary Part-Time	\$82,350.00	13032006	52120	Electricity	\$5,418	
	Reason:	Excess due to no part time help used				Due to increased energy usage as a result of Covid-19				
\$55,416	\$20,150.00	14001403	50745	Equipment Operator						
	Reason:	Excess due to prior vacancy								
\$212,314	\$44,200.00	14001503	50740	Equipment Operator						
	Reason:	Excess due to vacancy								
\$24,602	\$7,000.00	14001503	51240	Temporary Part-Time						
	Reason:	Excess due to less summer help in summer 2021								
\$5,000	\$5,000.00	14003003	51470	Interim Foreman						
	Reason:	Excess due to vacancy at East Plant SMEO								
	\$82,350.00	Total			\$82,350.00	Total				

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2022	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$16,289</u>	<u>\$16,289.40</u>	<u>60081001</u>	<u>50750</u>	<u>Equipment Operator</u>	<u>\$39,416.08</u>	<u>13032006</u>	<u>52120</u>	<u>Electricity</u>	<u>\$5,418</u>
Reason:		<u>Excess due to vacancy</u>				Due to increased energy usage as a result of Covid-19			
<u>\$13,018</u>	<u>\$2,500.00</u>	<u>60085001</u>	<u>50750</u>	<u>Equipment Operator</u>					
Reason:		<u>Excess due to vacancy</u>							
<u>\$71,872</u>	<u>\$14,000.00</u>	<u>60085001</u>	<u>50850</u>	<u>Treatment Plant Op</u>					
Reason:		<u>Excess due to prior vacancy</u>							
<u>\$6,626</u>	<u>\$6,626.68</u>	<u>11920001</u>	<u>50291</u>	<u>Asst. Comm of Utilities</u>					
Reason:		<u>Excess due to vacancy</u>							
	<u>\$39,416.08</u>	Total			<u>\$39,416.08</u>	Total			

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2022	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$65,523</u>	<u>\$35,350.00</u>	<u>11920003</u>	<u>50560</u>	<u>Custodian</u>	<u>\$10,350.00</u>	<u>13032006</u>	<u>52120</u>	<u>Electricity</u>	<u>\$5,418</u>
Reason:		<u>Excess due to vacancy</u>				Due to increased energy usage as a result of Covid-19			
					<u>\$25,000.00</u>	<u>61090003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$16,871</u>
Reason:						Due to water main breaks and hydrant flushing			
<u>\$37,795</u>	<u>\$37,795.00</u>	<u>13032001</u>	<u>50291</u>	<u>Asst. Comm of Utilities</u>	<u>\$21,000.00</u>	<u>61090003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$16,871</u>
Reason:		<u>Excess due to vacancy</u>				Due to water main breaks and hydrant flushing			
					<u>\$16,795.00</u>	<u>13032006</u>	<u>52120</u>	<u>Electricity</u>	<u>\$5,418</u>
Reason:						Due to increased energy usage as a result of Covid-19			
	<u>\$73,145.00</u>	Total			<u>\$73,145.00</u>	Total			

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

Councilor Doucette requested a Suspension of the Rules requested to allow the City Clerk to speak – granted.

ORDERED: That the Transfer Request in the amount of \$44,000.00 for the City Clerk’s Office, which moves funds from various accounts to Capital Outlay-Voting Equipment for the purchase of Poll Pads to be used during elections, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT: City Clerk/Election						FISCAL YEAR: 2022			
Available Balance	Amount	FROM ACCOUNT: Org Code	Object	Account Description:	Amount	TO ACCOUNT: Org Code	Object	Account Description:	Available Balance
\$4,038.19	\$3,500.00	11610004	53180	Prof & Tech Services	\$44,000.00	19300006	56300	Voting Equipment	\$0.00
		Reason: Surplus				Reason:			
\$3,050.00	\$3,000.00	11620002	50141	Clerk					
		Reason: Vacant position				Reason:			
\$25,687.25	\$17,000.00	11620002	50520	Principal Clerk					
		Reason: Vacant position				Reason:			
\$4,006.25	\$4,000.00	11620003	51460	Constables					
		Reason: Surplus				Reason:			
\$1,169.00	\$1,000.00	11620004	53930	Printing					
		Reason: Surplus				Reason:			
\$10,111.65	\$8,500.00	11620004	53932	Election Programming					
		Reason: Surplus				Reason:			
\$14,564.00	\$7,000.00	11620006	53871	Poll Workers					
		Reason: Surplus				Reason:			
	\$44,000.00	Total			\$44,000.00	Total			

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

ORDERED: That the Transfer Request in the amount of \$75,000.00 which moves funds from Economic Development to MEDC to replenish the Economic Development Toolbox, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Mayor						FISCAL YEAR: 2022			
Available Balance	Amount	FROM ACCOUNT: Org Code	Object	Account Description:	Amount	TO ACCOUNT: Org Code	Object	Account Description:	Available Balance
\$984,934.02	\$75,000.00	27000099	42440	Economic Development	\$75,000.00	11740006	53950	MEDC Funding	\$0.00
		Reason: To allow the MEDC to continue it's support to small businesses with financial grant incentive programs for FY23				Reason:			
	\$75,000.00	Total			\$75,000.00	Total			

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

ORDERED: Reappointment of Joseph Bisol to the Council on Aging Board for a 4-year term to expire on May 4, 2026, and the Appointment of Zella Haesche to the Council on Aging Board for a 4-year term to expire on May 4, 2026, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Proposed Amendment to the City Code, Chapter 125 §6 "Salary Schedule" to amend the salary for the Sealer of Weights and Measures as submitted by the Mayor, referred to **FINANCE COMMITTEE** and **ORDERED ADVERTISED**; adopted.

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

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

<u>Position</u>	<u>Rate</u>
Sealer of Weights and Measures	Not to Exceed \$25 Per Hour.

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

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

ORDERED: That there being no objection thereto set **MONDAY, MAY 9, 2022**, as date for a **PUBLIC HEARING** for the Proposed FY23 Budget as submitted by Mayor Vigeant in the amount of \$181,260,899.00 which represents a 4.18% increase over the FY 2022 appropriation, referred to **FINANCE COMMITTEE** and **ORDERED ADVERTISE**; adopted.

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

ORDERED: That the Communication from the Mayor, re: Veto of City Council Orders 21/22-1008402B-3 & 21/22-1008402A-2, relative to proposed Order to authorize the purchase of 100 Locke Drive and the Transfer Request in the amount of \$5,092,666.66, **POSTPONED ACTION UNTIL MAY 9, 2022, AND THE SOLICITOR TO PROVIDE WRITTEN CLARIFICATION REGARDING THE AMBIGUITY OF THE ORDERS AND SUGGESTED WORDING TO RESOLVE THE AMBIGUITY FOR THE MAY 9, 2022, CITY COUNCIL MEETING**; adopted.

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

ORDERED: That the 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, **MOVED TO AFTER AGENDA ITEM #25**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY MAY 9, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to install a new pole and remove the old pole and install underground cable for city work around the pump station on Cullinane Drive, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Application for Taxi/Livery License from Nathan Sebuliba d/b/a Indelible Homecare, Inc., to operate a Livery Service with one vehicle, 97 Neil Street, referred to **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Communication from Attorney Brian Falk on behalf of Post Road Realty, LLC, re: Request to modify the bedroom mix at the Green District, Simarano Drive, **FILE IN ADDITION THE CITY COUNCIL ACKNOWLEDGES THAT THIS IS A MINOR CHANGE WHICH THE BUILDING COMMISSIONER CAN APPROVE**; adopted.

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

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

- a) School Committee, March 8, 2022 & March 22, 2022.
- b) Conservation Commission, March 17, 2022.
- c) Planning Board, March 14, 2022.

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

ORDERED: That the following CLAIMS, referred to the **LEGAL DEPARTMENT**; adopted.

- a) John Costanza, 99A Parmenter Road, Framingham, pothole or other road defect.
- b) Dakota Grieco, 77 Tremont Street, #2, pothole or other road defect.

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Thursday, April 14, 2022
Minutes and Report**

This meeting convened at 6:30 PM and was held in the City Council Chamber and open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and was available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting members present: Chair Irish, Councilors Dumais, Perlman, Oram and Brown.

Non-Voting members present: Councilors Ossing, Wagner, Doucette, Robey, Landers. Councilor Navin (arrived at 7:30 PM).

Others Present: Mayor Vigeant and managers were present to address the following Orders.

1. **03-14-22 – Order No. 22-1008551: Statement of Interest for Marlborough Public Schools to the Massachusetts School Building Authority (MSBA) relative to the RICHER SCHOOL.**

School officials discussed the statement of interest and the importance of planning for future space needs. The statement is an annual requirement and if not successful this year will be submitted again.

Reports of Committee Continued:

On a motion by Councilor Dumais, seconded by the Chair, the committee voted 5-0 to recommend approval of the statement of interest under suspension of the rules on 4/25/22.

- 2. 04-11-22 – Order No. 22-1008567: MEDC FY2023 Operating Budget in the amount of \$589,691.00.**

Meredith Harris and Linda Martins addressed the MEDC budget with councilors. It was noted the Tool Box funds were not included in the operational budget and will be funded by a future transfer to be submitted by the Mayor.

On a motion by Councilor Dumais, seconded by the Chair, the committee voted 5-0 to recommend approval of the MEDC FY2023 Operating Budget in the amount of \$589,691.00.

- 3. 3-14-22 – Order No. 22-1008536 CAPITAL IMPROVEMENT PLAN: BONDS AND TRANSFER REQUEST TOTALING \$19,910,000.00 FROM MAYOR VIGEANT:**

Order No. 22-1008536A: Request for Appropriation of Five Hundred Thousand (\$500,000.00) for the purpose of paying the cost of reconstruction or making extraordinary repairs to the SLIGO HILL WATER TANK. DPW Commissioner Divoll explained funding for the companion \$1M maintenance program for the tanks is being funded by ARPA funds and the program includes all of the city's water tanks. Commissioner Divoll stated in the future a reoccurring budget request will be required to maintain the tanks. This bond will refurbish the Sligo Hill water tank which is in need of extraordinary repairs. Councilor Robey was concerned that ARPA funds were not being used to fund the entire project and reminded councilors that the bond requires eight votes.

On motion by Councilor Oram, seconded by the Chair, the committee voted 3 in favor, 2 (Dumais & Perlman) opposed (3-2) to recommend approval of the bond. Councilor Irish will ask Mayor Vigeant to forward the City Council a list of the projects being funded by ARPA.

Order No. 22-1008536B: Request for Appropriation in the amount of One Million (\$1,000,000.00) Dollars for the purpose of paying the cost of water main construction or reconstruction.

Commissioner Divoll addressed the water main improvements. Councilor Oram questioned whether ARPA funds were considered in place of this bond; the Mayor replied in the negative.

On a motion by Councilor Oram to approve the bond, seconded by the Chair, the committee voted 1-4 (Chair in favor) Does Not Carry. The Order remains in committee.

Order No. 22-1008536C: Request for appropriation in the amount of Five Million One Hundred Seventy-Five Thousand (5,175,000.00) for the purpose of paying the cost of street construction.

Commissioner Divoll and City Engineer DiPersio addressed the street construction bond.

On a motion by Councilor Oram, seconded by the Chair, the committee voted 5-0 to approve the bond for street construction and reconstruction.

Reports of Committee Continued:

Order No. 22-1008536D: Request for Transfer in the amount of \$1,448,100.00 from Undesignated Fund (Free Cash) to various departmental CAPITAL REQUESTS.

Including the following capital items: fire squad truck, refurbishing pools, Evergreen Cemetery expansion project, school HVAC upgrades, Reservoir Street bump out and Public Works equipment. DPW managers addressed the DPW items in the transfer. The proposed new vehicle, F550 truck with water gate valve, is especially welcome by the DPW to allow staff to have a mechanized means to better manager water gates. It is specialized for use by the Water Department and will not be used for plowing.

On a motion by Councilor Dumais, seconded by the Chair, the committee voted 5-0 to approve the Transfer of \$1,448,100.00 from Undesignated Fund to various departmental requests including the following capital items: fire squad truck, refurbishing pools, Evergreen Cemetery expansion project, school HVAC upgrades, Reservoir Street bump out and Public Works equipment.

Motion made and seconded to adjourn; the meeting adjourned at 8:35 PM.

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

**City Council Urban Affairs Committee
Wednesday, April 20, 2022
Minutes and Report**

This meeting convened at 6:30 PM in the City Council Chamber and was open to the public. 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).

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

Other councilors present were Councilor Brown, Councilor Oram, and Councilor Ossing.

Others Present: Mr. John Stournaras was there as the Applicant.

Order No. 22-1008542 (X 13-1005456B): Application for a Modification of a Special Permit from 587 Bolton Street, Inc., to allow for outdoor seating, a gazebo, and bar area at 587 Bolton Street.

Mr. Stournaras explained his plan for the property and answered questions clarifying the additional seating would be for seasonal use and the food would come from the restaurant. No outside food would be allowed on the premises. The alcohol would come from the restaurant to the bar area at gazebo and be brought back inside each night. There would be temporary outside washing stations that were approved by Health Dept.

The chair read through the comments from Department Heads and then through the conditions of the draft application for modification of the Special Permit approved in 2013.

Reports of Committee Continued:

Councilor Navin moved to approve the draft Special Permit with the following additions to be added in as the solicitor's office sees fit:

1. The Applicant shall comply with the Conservation Commission Order of Conditions approved April 15, 2021.
2. Additional planting and landscaping and ongoing maintenance around the gazebo and bar area are required to enhance the appearance of this new facility. The Conservation Officer shall approve the plantings and landscaping. This condition shall have a two-year lookback from the date of occupancy.
3. Applicant shall install No Smoking signs at all outdoor spaces where food and/or beverages are served to the public by employees.

Motion was seconded and vote carried 4-0 (Landers absent) to recommend approval of the amended Modification of a Special Permit.

The solicitor's office will try to have this in proper form for the April 25th Council agenda. If it is ready, a Suspension will be asked to vote on it on April 25. If not, then a suspension would be asked to refer this to the solicitor to be ready for the May 9th council meeting

Councilor Doucette moved to adjourn; the motion received a second, and vote carried 4-0. The meeting was adjourned at 7:08 PM.

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

Suspension of the Rules requested – granted.

ORDERED: Resolved: Having convened in an open meeting on 04/25/2022, prior to the SOI submission closing date, the City Council of the City of Marlborough in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 2022 for the Richer Elementary School located at 80 Foley Road, Marlborough, MA 01752 which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future;

The District is submitting the Statement of Interest under three priorities:

Priority 2: Elimination of severe overcrowding

Priority 4: Prevention of severe overcrowding expected to result from increased enrollments

Priority 5: Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility

The Richer Elementary School SOI would address overcrowding at the elementary level as well as capital maintenance concerns at that building. The MSBA and the District's Study Enrollment Certification for the Goodnow Brothers project predicted in 2015 that Marlborough would have 2,260 K-5 students by FY26, and the District's actual K-5 enrollment in FY22 is 2,478 students. Priorities two and four would address this overcrowding in our elementary schools, which has caused non-traditional classroom spaces throughout the District to be used as classrooms. Further, priority five would address Richer Elementary's outdated HVAC and plumbing systems, as well as aged building envelope systems (windows, roof) that require modernization;

and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Marlborough to filing an application for funding with the Massachusetts School Building Authority.

APPROVED; adopted.

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

Suspension of the Rules requested – granted.

ORDERED: That the Proposed Tax Increment Financing (TIF) Agreement with Solmetex, LLC and LPCH 1000 Nickerson L.P., (attached) who will be occupying 65,000 square feet in a building located at 1000 Nickerson Drive, Map 88, Parcel 29 and Parcel 36 (including portions thereof), referred to the **FINANCE COMMITTEE**; adopted.

Suspension of the Rules requested – granted.

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

ORDERED That the Communication from Assistant Solicitor Jeremy McManus, re: Application for a Modification of a Special Permit from 587 Bolton Street, Inc., to allow for outdoor seating, a gazebo, and bar area at 587 Bolton Street, in proper legal form, Order No. 22-1008542A, FILE; adopted.

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

ORDERED

**DECISION ON A MODIFICATION TO A SPECIAL PERMIT
587 BOLTON STREET, INC.**

**DECISION ON A MODIFICATION TO A SPECIAL PERMIT
ORDER NO. 22-1008542B
(X 13-1005456B)**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Modification to an existing Special Permit granted to 587 Bolton St Inc. to allow for the construction of a covered outdoor seating area with a bar gazebo and a sports area and fire pit location to allow for outdoor seating (the “Use”) on the site at 587 Bolton Street, Marlborough, Massachusetts, as provided in the DECISION and subject to the Findings of Fact and Conditions therein.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 587 Bolton Street, Marlborough, Massachusetts 01752.
2. The Applicant is a tenant of a commercial restaurant located at 587 Bolton Street, Marlborough, Massachusetts, as shown on Assessors Map 30 Parcel 7 (the “Site”). The Site is owned by 587 Bolton Street, LLC with a business address of 19 Westgate Road, Framingham, Massachusetts 01701.
3. The Site is located in the Limited Industrial (LI) Zoning District which requires a Special Permit for the outdoor service of food.
4. On March 9, 2022, the Applicant filed with the City Clerk of the City of Marlborough an application (hereinafter referred to as the “Application”) for a modification of a special permit under Chapter 650 (Zoning) of the Code of the City of Marlborough (hereinafter referred to as the “Zoning Ordinance”), Article VIII, Section 650-57. The Application seeks to modify the special permit granted by the City Council on July 22, 2013 (Council Order No. 13-1005456B, Recorded with the Middlesex South Registry of Deeds at Book 63388 and Page 1) (“July 22, 2013 Special Permit”) authorizing the construction of an attached outdoor deck and to serve food on the same, pursuant to the City Council’s authority under MGL Chapter 40A and the Code of the City of Marlborough with conditions, including hours of operation.

5. In connection with the Application for a Modification to a Special Permit, the Applicant submitted a certified list of abutters, required filing fees and a copy of the approved City of Marlborough Site Plan Permit, "Site Plan Permit, 587 Bolton Street, Bolton Street Tavern #SC-2021-7, Construction of a covered outdoor seating area with a bar gazebo and a sports area and fire pit location to allow for outdoor seating," issued on October 18, 2021 and signed by Tin Htway, Marlborough Building Commissioner, together with Proposed Plan of 587 Bolton Street in Marlborough, Mass. prepared by Ludwig Survey Solutions, LLC, 1498 White Pond Road, Athol, MA 01331, Scott T. Ludwig, Professional Land Surveyor, #48095, dated April 15, 2021, rev. July 14, 2021, attached as Exhibit #1.
6. Pursuant to the Rules and Regulations of the City Council of the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application, and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
7. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on April 11, 2022. The public hearing was held in the City Council Chamber, at the Marlborough City Hall, 140 Main Street. The public hearing was closed on April 11, 2022.
8. The Applicant presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic, including outlining the proposed expansion of the outside dining and ancillary activities on the Site, and stating that the hours of operation conditioned in the July 22, 2013, Special Permit would be sufficient for the Use.
9. At the Public Hearing, there were no members of the public speaking in opposition to the proposed Modification to the Special Permit.
10. No written comments in favor or in opposition were received regarding the proposed Modification to the Special Permit.
11. The Procedural Findings of Fact specified above supplement those made in the July 22, 2013, Special Permit and are expressly incorporated into 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 Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds the proposed Use of the Site is in harmony with the intent and general purpose of the Zoning Ordinance of the City of Marlborough when subject to 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 July 22, 2013, Special Permit.

- C. The City Council, pursuant to its authority under MGL Chapter 40A and the City of Marlborough Zoning Ordinance, Section 650-17 and Section 650-18(A)(31), and generally Section 650-59, **GRANTS** to the Applicant a Modification to a Special Permit for construction of a covered outdoor seating area with a bar gazebo and a sports area and fire pit location to allow for outdoor seating, as set out on the plans attached as **Exhibit #1**, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. Construction on the Site shall be in accordance with all applicable building codes currently in effect in the City of Marlborough and according to the approved Site Plan Permit, SC 2021-7, 587 Bolton Street, Bolton Street Tavern, Applicant: John Stournaras, 19 Westgate Road, Framingham, MA 01701, issued on October 18, 2021, expires on October 18, 2023, and associated Site Plan prepared by Ludwig Survey Solutions, LLC, 1498 White Pond Road, Athol, MA 01331 dated April 15, 2021, rev: July 14, 2021, prepared for 587 Bolton Street, LLC, 19 Westgate Road, Framingham, Mass. 01701, attached herewith as **Exhibit #1**.
 2. In furtherance of the July 22, 2013, Special Permit, no patron shall be allowed in the Use location, including the covered outdoor seating area with bar gazebo, sports area and fire pit location allowed for outdoor restaurant seating except between the following hours on the following days:

Sunday:	10 AM to 10 PM
Monday:	11 AM to 10 PM
Tuesday:	11 AM to 10 PM
Wednesday:	11 AM to 10 PM
Thursday:	11 AM to 10 PM
Friday:	11 AM to 11 PM
Saturday:	11 AM to 11 PM

The hours listed above shall be subject to review by the Site Plan Review Committee up to one year after the issuance of the certificate of occupancy for the extended outdoor seating and activities area; if the Chief of Police and pertinent ward councilor deem the hours listed above to be unacceptable, the hours of operation shall be subject to further review and revision by the City Council.
 3. All work performed on the Site shall comply with this Decision. No other building or construction or activity shall occur without further modification of this Special Permit.
 4. The service of alcoholic drinks on the Site, including the Use location, shall be subject to prior approval by the Marlborough Licensing Board and the Alcoholic Beverages Control Commission.
 5. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties and shut off outside of operating hours, except for security lighting.
 6. The Applicant shall comply with the Conservation Commission Order of Conditions approved April 15, 2021.

7. Additional planting and landscaping and ongoing maintenance around the gazebo and bar area are required to enhance the appearance of the new Use location. The Conservation Officer shall approve the plantings and landscaping. This condition shall have a two-year lookback from the date of occupancy, allowing the Conservation Officer to require and approve additional plantings and landscaping as necessary to enhance the appearance of the new Use location.
8. Applicant shall install No Smoking signs at all outdoor spaces where food and/or beverages are served to the public by employees.
9. All other conditions of the July 22, 2013, Special Permit approved by the City Council on July 22, 2013, shall remain in full force and effect, and are incorporated herein by reference as part of this Decision.
10. In accordance with the provisions of Massachusetts General Laws Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council Office, the Building Department and the City Solicitor's Office.

Yea: 9 – Nay: 0 – Absent: 2

Yea: Wagner, Doucette, Dumais, Brown, Irish, Oram, Ossing, Perlman, & Robey.

Absent: Navin, Landers.

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

ORDERED: That the City Council hereby rescinds Order No. 21-1008473 Acceptance of the Coronavirus Local Fiscal Recovery Fund (CLFRF) package in the amount of \$11,835,814.00.

Background: The Mayor submitted a letter dated December 16, 2021, requesting the City Council approve the American Rescue Plan Act of 2021 (ARPA) CLFRF package for \$11,835,814. The Mayor's letter stated these funds can only be used for four broad purposes:

1. Addressing the public health emergency and/or negative economic impacts,
2. Investment in water, sewer or broadband infrastructure,
3. Revenue loss due to the pandemic, and
4. Premium pay for essential workers

The Mayor's letter further states "It is our intent to use the large majority of these funds for investment in water and sewer projects."

The City Council approved the grant request at the December 20, 2021, city council meeting with the understanding that the funds would be used for water/sewer infrastructure projects as stated in the Mayor's letter.

The Department of the Treasury issued the final rule on how the CLFRF funds can be used in 2022 with an effective date of April 1, 2022.

One of the new provisions of the final rule is the ability to use the first \$10 million of CLFRF funds for "general government services." The final rule lists some common examples of "general government services" to include construction of schools and hospitals, road building and maintenance and other infrastructure, health services, general government administration, staff and administrative facilities, environmental remediation, and provision of police, fire and other public safety services (including the purchase of fire and police vehicles).

Based on the new provision on how to spend CLFRF funds, the City Council should vote to rescind Order 21-1008473. The Mayor can then resubmit the \$11,835,814 CLFRF grant and the Mayor and City Council can have a collaborative discussion on how the funds can be used in accordance with the new guidance.

APPROVED; adopted.

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

ORDERED: That the Reappointment of John Usinas to the Disabilities Commission for a 3-year term from date of Council confirmation, **APPROVED;** adopted.

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

ORDERED: That the Reappointment of Wayne Stanley to the Disabilities Commission for a 3-year term from date of Council confirmation, **APPROVED;** adopted.

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

ORDERED: That the Application for Renewal of Taxi/Livery License from Katsunori Tanaka d/b/a Global Limousine & Tour Services, to operate a Livery Service (One Vehicle) at 17 Eager Court, **APPROVED;** adopted.

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

ORDERED: That the Application for Taxi/Livery License from Josiah Ihechukwu d/b/a ROA Health System, to operate a Livery Service (Two Vehicles) at 43 Bowstring Way, **APPROVED**; adopted.

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

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

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

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

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

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

An exemption from the connection requirement in this section may only be granted upon application to the Board of Health, and with the recommendation of the City Engineer for reasons of: (a) extraordinary site conditions that prohibit or severely limit the feasibility of connection to such public sewer, provided that the exemption shall apply only until such incapacity is removed and subject to a private disposal system meeting all applicable requirements and any other conditions imposed by the board; (b) an escrow or other acceptable agreement is in place requiring the connection be completed within six (6) months after a property transfer; or (c) for a period of five years from the date of installation of a new or replacement private disposal system which fully complies with Title 5, provided that the exemption shall expire upon the failure of any such system under said Title 5.

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 Dumais, seconded by the Chair to adopt the following:

ORDERED: That the Reappointment of Catherine Usinas to the Disabilities Commission for a 3-year term from date of Council confirmation, **APPROVED**; adopted.

ORDERED That the Marlborough City Council meet in Executive Session under Purpose 3 of the Open Meeting Law, MGL Chapter 30A §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 not re-convene in open session after the Executive Session.

APPROVED; adopted.

Yea: 9 – Nay: 0 – Absent: 2

Yea: Wagner, Doucette, Dumais, Brown, Irish, Oram, Ossing, Perlman, & Robey.

Absent: Navin & Landers.

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 9:00 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., APRIL 25, 2022

ORDERED:

That there being no objection thereto set **MONDAY MAY 9, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to install a new pole and remove the old pole and install underground cable for city work around the pump station on Cullinane Drive, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**

ADOPTED

ORDER NO. 22-1008586



IN CITY COUNCIL

Marlborough, Mass., APRIL 25, 2022

ORDERED:

That there being no objection thereto set **MONDAY, MAY 9, 2022**, as date for a **PUBLIC HEARING** for the Proposed FY23 Budget as submitted by Mayor Vigeant in the amount of \$181,260,899.00 which represents a 4.18% increase over the FY 2022 appropriation, be and is herewith referred to **FINANCE COMMITTEE AND ADVERTISE**.

ADOPTED

ORDER NO. 22-1008584



IN CITY COUNCIL

Marlborough, Mass., APRIL 11, 2022

ORDERED:

That there being no objection thereto set **MONDAY MAY 9, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for a Special Permit and Site Plan Approval from Celco Partnership d/b/a Verizon Wireless to install a new stealth Wireless Communication Facility, including an 80-foot stealth pole with accessory ground equipment at 739-769 Donald J. Lynch Boulevard, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE AND ADVERTISE**.

One-hundred fifty days after the date of filing (04/06/22) is 09/03/22 which falls on a Saturday, therefore 09/06/22 would be considered the 150th day.

ADOPTED

ORDER NO. 22-1008570



IN CITY COUNCIL

Marlborough, Mass., APRIL 11, 2022

ORDERED:

That there being no objection thereto set **MONDAY MAY 9, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk, on behalf of Alta Marlborough, LLC (Wood Partners), to build a mixed-use project in the Neighborhood Business District consisting of 10,074 square feet of ground floor retail and commercial space, 276 dwelling units in addition to an on-site parking garage with 448 spaces to be located at the corner of Lincoln and Mechanic Streets, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE AND ADVERTISE**.

Councilor Dumais Recused.

Ninety days after public hearing is 08/07/22 which falls on a Sunday, therefore 08/08/22 would be considered the 90th day.

ADOPTED

ORDER NO. 22-1008572

Steven Kerrigan

22-1008572

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 MAY -2 A 8:18

From: Mike Ossing
Sent: Saturday, April 30, 2022 7:34 AM
To: Jared S
Cc: Steven Kerrigan; Karen Boule
Subject: RE: Canty Brothers Construction | Letter Of Support For The Marlborough Alta Project

Hello Jared

Thanks for taking the time to provide your comments on the Alta Project. I will have the City Clerk add your letter to the record. If you would like to voice your opinion at the public meeting, The City Council will be conducting a public meeting on Monday May 9, 2022 at 8 PM.

I wish you and Canty Brothers Construction continued success.

All the best.

Michael Ossing
President, Marlboro City Council

From: Jared S
Sent: Friday, April 29, 2022 6:42 PM
To: Mike Ossing
Cc: Kathleen Robey ; Mark Oram Samantha
Perlman ; Laura Wagner David Doucette
Christian Dumais ; Teona Brown
; John Irish ; Sean Navin
Don Landers

Subject: Canty Brothers Construction | Letter Of Support For The Marlborough Alta Project

Hi Michael, Kathleen, & Marlborough City Council,

I hope all is well! Mr. Canty & our entire Canty Brothers Construction Team (located at 322 Lincoln Street Marlborough MA) wanted to send over a Letter of Support for the potential Marlborough Alta Project, attached above. As you will see within the letter, we are excited and hopeful the project receives approval from the city. We truly believe this potential project would positively affect our surrounding area and would be the absolute best use for this specific property. Any questions at all, please don't hesitate to give us a call or stop by our office-showroom location anytime.

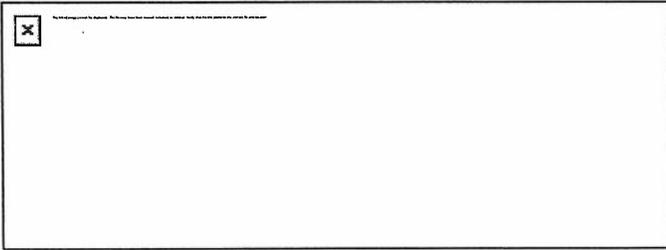
**Always available here in the office at: 781-893-8169 (ask directly for Jared)*

Thanks again,

Jared A. Saad | Marketing Director | **Canty Bros. Construction**

Marlborough, MA 01752 | Web: <https://cantybrothers.com/>

Phone: 781-893-8169





IN CITY COUNCIL

Marlborough, Mass., APRIL 11, 2022

ORDERED:

That the Communication from Attorney Brian Falk on behalf of Alta Marlborough, LLC (Wood Partners), re: Proposed Zoning Amendment to Chapter 650 §39 "Neighborhood Business District", be and is herewith referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 9, 2022.**

Councilor Dumais Recused.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED BY AMENDING CERTAIN PROVISIONS OF ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, MASSACHUSETTS, CHAPTER 650 §39 "NEIGHBORHOOD BUSINESS DISTRICT", BY ADDING A NEW PARAGRAPH F AS FOLLOWS:

- F. The City Council may, by special permit, elect to vary the dimensional, parking, design, and landscaping requirements applicable to a mixed-use development in the Neighborhood Business District upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent or purpose of this section (650-39, et seq.). This authority continues subsequent to occupancy.

ADOPTED

ORDER NO. 22-1008571



City of Marlborough

Legal Department

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

JASON D. GROSSFIELD
 CITY SOLICITOR
 RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 JEREMY P. MCMANUS
 ASSISTANT CITY SOLICITOR
 2022 MAY -5 A 11:16
 SUSAN A. CORREIA
 PARALEGAL

May 5, 2022

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

Re: City Council Order Nos. 21/22-1008402A and 21/22-1008402B

Dear Honorable President Ossing and Councilors:

You have requested this office's opinion as to ambiguity associated with the two (2) above-referenced orders, and any suggested wording to resolve same. I address each question in turn below.

In reviewing these orders as to legal form, in my opinion, if both orders are put into effect it may result in an unintended duplicate appropriation of funds. It may be advisable as part of any further review by the City Council to consider whether to again pass the orders, if any, to approve only one (Order. No. 21/22-1008402A) rather than both orders.

Order No. 21/22-1008402A: Paragraph (2) of the order authorizes a \$5,092,666.66 appropriation of funds from Undesignated for the purposes of acquiring the property at 100 Locke Drive. The initial submittal of the order by the Mayor included a budget transfer from Stabilization to the Land Acquisition account. Subsequently, the Mayor submitted an amendment to the transfer to change the source of funds to the Undesignated Fund. Paragraph 2 of the order as adopted by the City Council¹ reflects the source change to Undesignated.

Order No. 21/22-1008402B: The order approves an amended transfer of \$5,092,666.66 from the Undesignated Fund (Account 10000 35900) to an account, Land Acquisition (Account 19300006 58120), for the same purpose.

It is my understanding that the following transfers may occur if each order were carried into effect. Order No. 1008402A would result in \$5,092,666.66 dedicated to the specified purpose, with the funds transferred out of the Undesignated Fund and into the Land Acquisition account. Order No. 1008402B would result in another \$5,092,666.66 dedicated to the same purpose, with those funds also transferring out of the Undesignated Fund and into the Land Acquisition account.

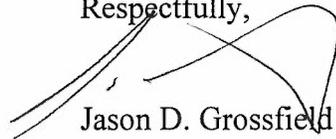
¹ I note the adopted order also contains a paragraph (4) subjecting the order of authorization to purchase to a separate transfer of funds into a stabilization account.

You have also requested an opinion as to whether any changes in wording are necessary to resolve any ambiguity. In my opinion, there are no particular changes to the text itself that are legally required in order to address the above concern, which relates to how many transfers are authorized (one versus two) and the total amount of funds to be transferred for this purpose (\$5,092,666.66 versus \$10,185,333.32).

For reference, under MGL c. 43, s. 55, when the Mayor disapproves and returns to the City Council an adopted order relative to the affairs of the city, the City Council "shall enter the objections at large on its records, and again consider it." If the City Council "shall again pass such order" by a two thirds vote of all its members, it shall then be in force. In my opinion, under section 55, each of the above-referenced orders are considered again in the same form as originally adopted by the City Council without changes to the text. Nevins v. City Council of Springfield, 227 Mass. 538, 544 (1917). If any amendments to either order were desired, it is necessary to do so through submittal of a new order for the City Council's consideration as a separate item.

Please contact me if you have any questions or concerns.

Respectfully,



Jason D. Grossfield
City Solicitor

cc: Arthur G. Vigeant, Mayor
Diane Smith, City Auditor



City of Marlborough Planning Board

Administrative Office
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD

Barbara L. Fenby, Chair

Philip Hodge

Sean N. Fay

George LaVenture

Christopher Russ

Matthew Elder

William Fowler

Katlyn Miller, Administrator

(508) 624-6910 x33200

kmiller@marlborough-ma.gov

April 27, 2022

Mr. Arthur Vigeant, Mayor
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Council Order #21/22-1008475B, Proposed Zoning Map Amendment, Section 650-8 - Parcels of land located on Jefferson and a small portion of Lincoln Streets, identified as Map 56, Parcels 147, 148, 150, 151, 152 & 153 and Map 56, Parcels 154, 155, 156, 157 & 158.

Honorable Mayor Vigeant and Councilors:

At its regularly scheduled meeting on April 25, 2022, the Board took the follow action regarding the above-referenced Council order:

On a motion by Mr. LaVenture seconded by Mr. Russ, the Board voted to make a favorable recommendation to the City Council for the Proposed Zoning Map Amendment to Section 650-8 - Parcels of land located on Jefferson and a small portion of Lincoln Streets, identified as Map 56, Parcels 147, 148, 150, 151, 152 & 153 and Map 56, Parcels 154, 155, 156, 157 & 158. Yea: Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion Carried. 5-0

The Board provided the following reasons in reaching its recommendation:

- The proposed Zoning Map Amendment is consistent with the character of the surrounding neighborhood;
- The proposed Zoning Map Amendment would not be overly burdensome to the neighbors;
- The proposed Zoning Map Amendment would provide the neighborhood a more cohesive piece of zoning and the Zoning Amendment would benefit the City;
- The proposed Zoning Amendment would be keeping with the intent and purposes of the City Zoning Ordinance.

Sincerely,

Barbara L. Fenby (KM)

Barbara L. Fenby
Chairperson

Enclosure

cc: Building Commissioner
City Clerk

PETITION FOR MANHOLE AND DUCT LOCATIONS

Decemeber 1, 2021

RECEIVED
CITY CLERK
CITY OF MARLBOROUGH
2022 APR 28 A 9:40

To the City Council
of the City of Marlborough, Massachusetts

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

Stone Hill Rd

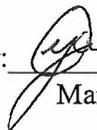
Replace 3 sections of direct buried cable and replace with new primary cable in conduit.

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

MASSACHUSETTS ELECTRIC COMPANY

Plan No. 25454471 Dated: 4/8/2019

MASSACHUSETTS ELECTRIC COMPANY

By:  DBA Robert Leonida
Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATIONS

December 1, 2021

By the City Council
of the City of Marlborough, Massachusetts

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

that MASSACHUSETTS ELECTRIC COMPANY be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the **1st day of December, 2021**

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

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

Plan No. **25454471** Dated: **4/8/2019**

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

Stone Hill Rd

Replace 3 sections of direct buried cable and replace with new primary cable in conduit.

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

Clerk of Council

Received and entered in the records of location orders of the City of Marlborough, Massachusetts
Book: _____ Page: _____

City Clerk

We hereby certify that on _____, 20_____, at _____ o'clock, _____ M
at _____ a public hearing was held on the petition of

MASSACHUSETTS ELECTRIC COMPANY for permission to construct the underground electric conduits described in the order herewith recorded, and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the underground electric conduits under said order. And that thereupon said order was duly adopted.

Council of the City of

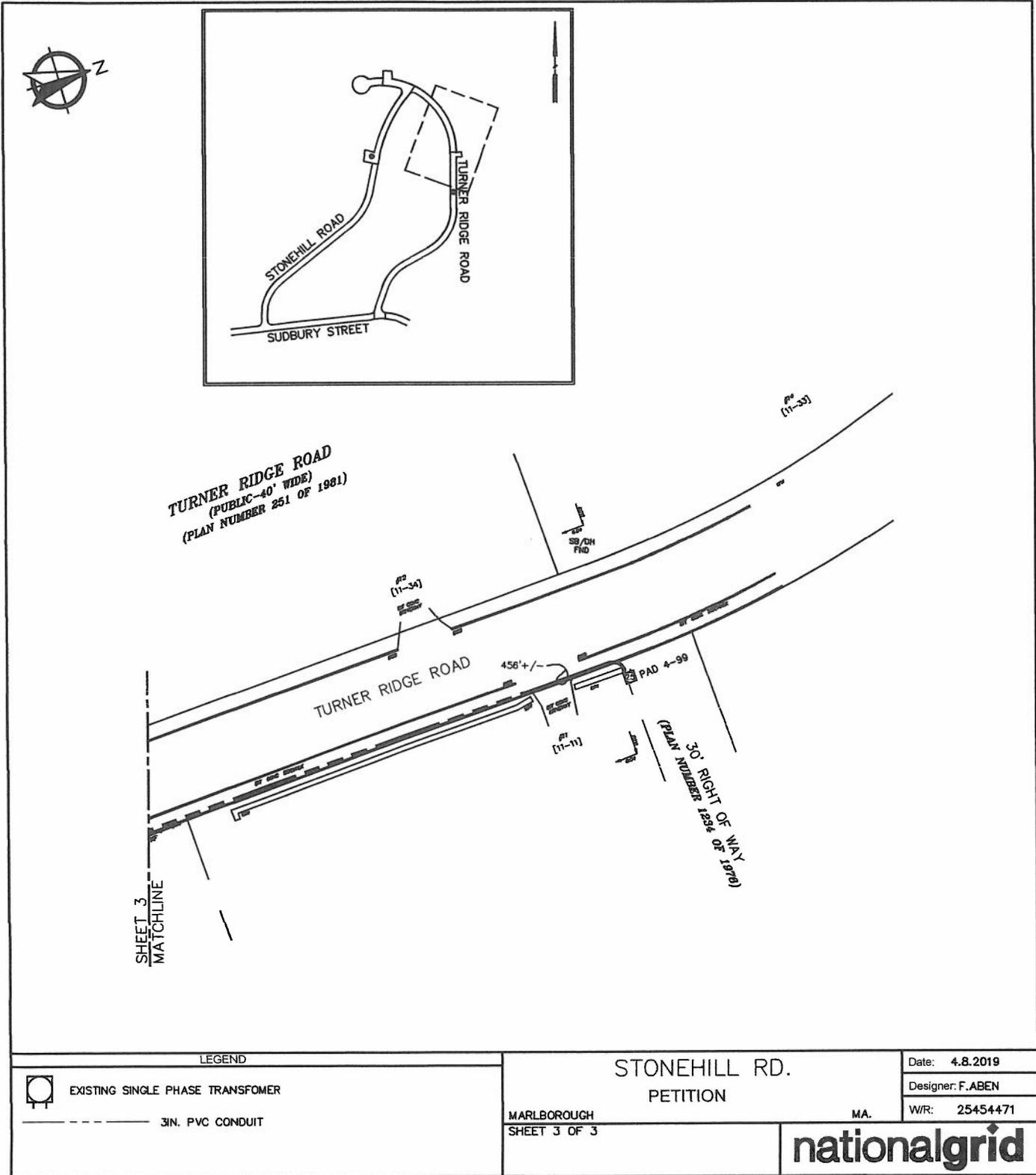
Marlborough, Massachusetts

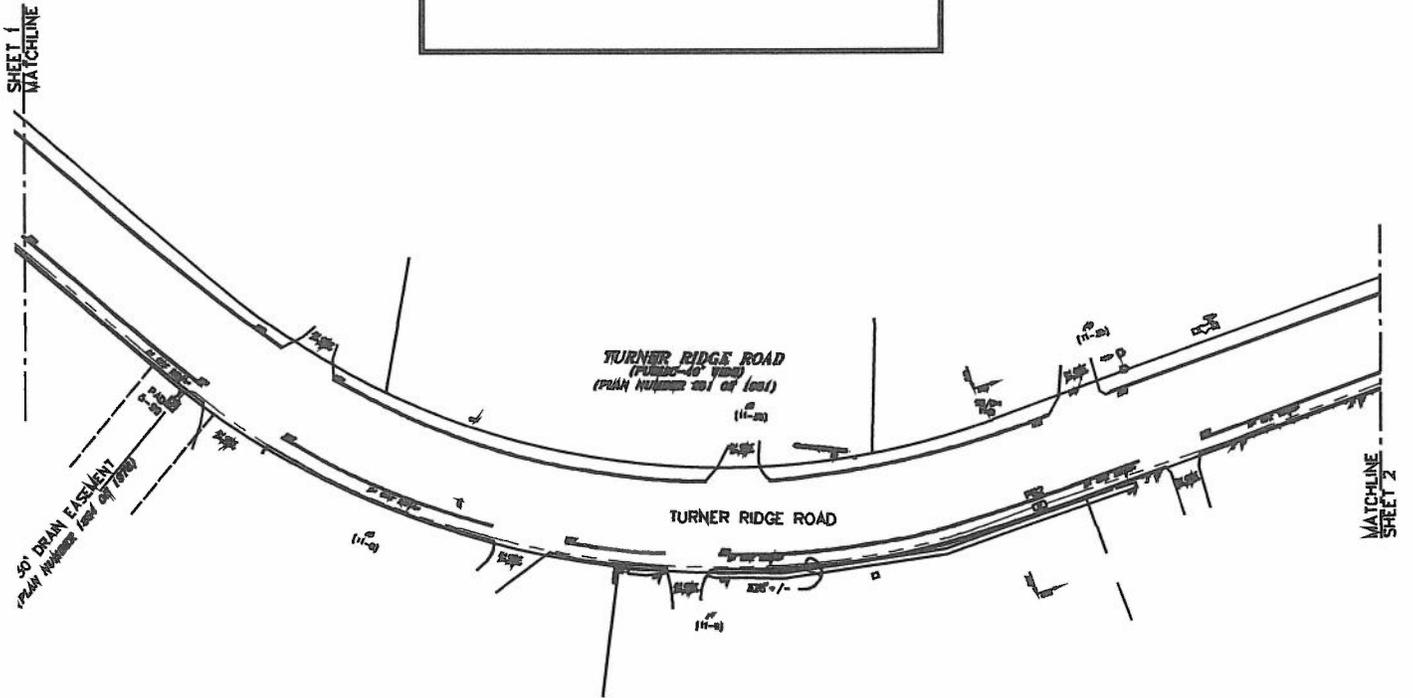
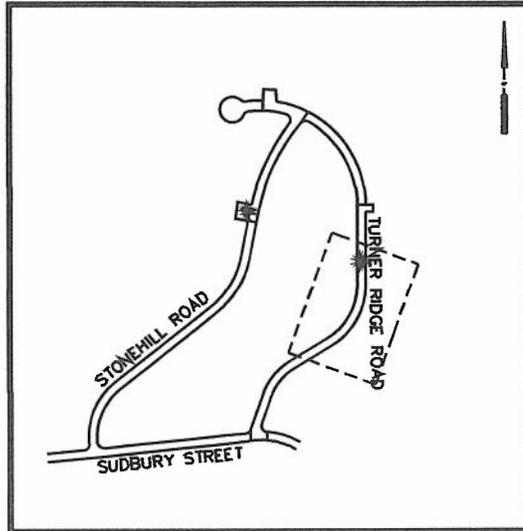
CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts, on the _____ day of _____ 2021 and recorded with the records of location orders of said City, Book _____, Page _____.

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

Attest: _____
City Clerk





LEGEND

-  EXISTING SINGLE PHASE TRANSFORMER
-  PULLBOX
-  3IN, PVC CONDUIT

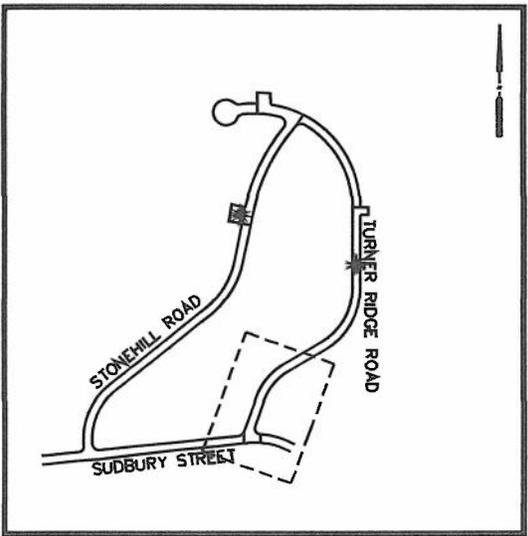
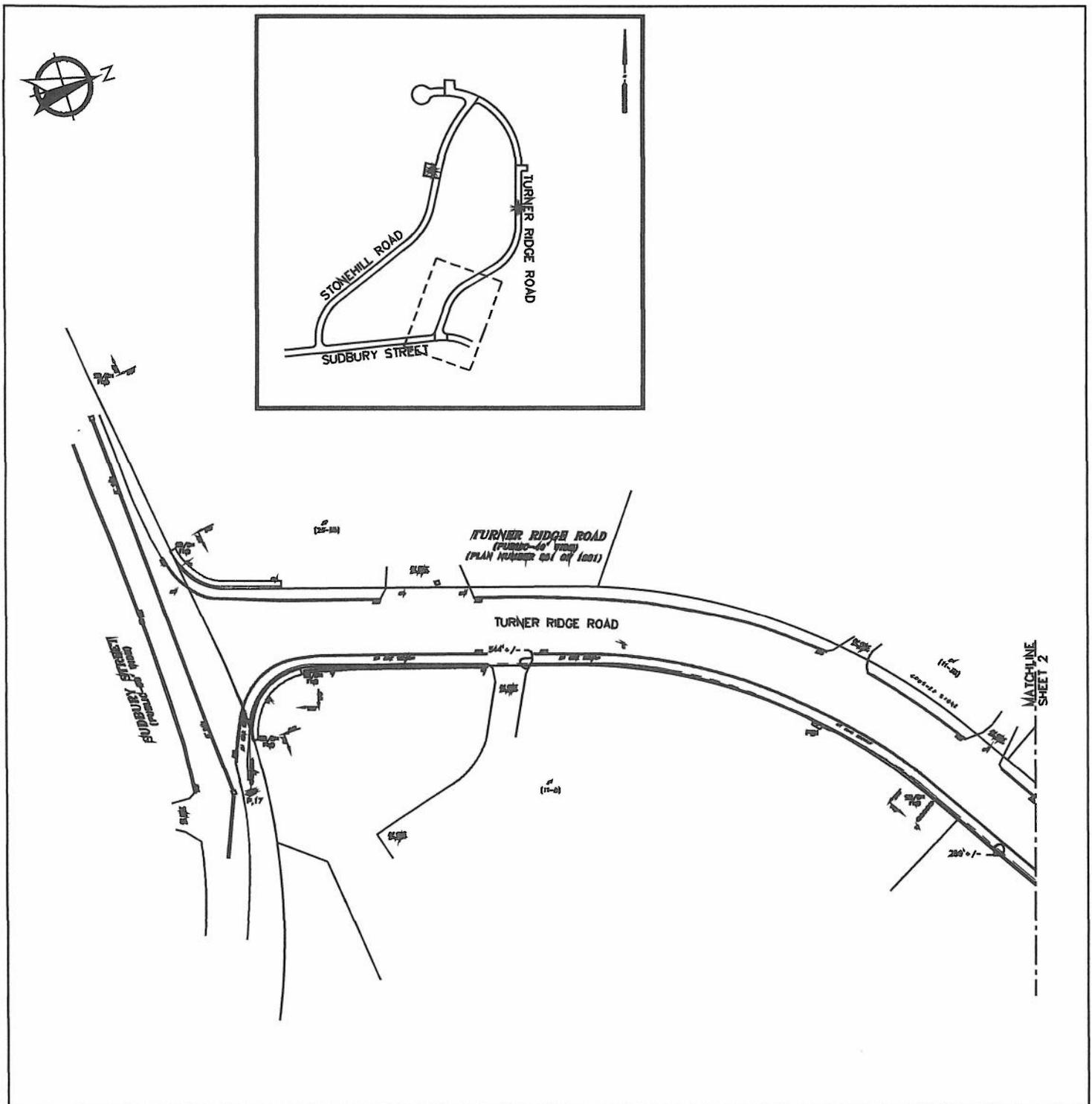
TURNER RIDGE ROAD
PETITION

MARLBOROUGH
SHEET 2 OF 3

MA.

Date: 4.8.2019
Designer: F, ABEN
WR: 25454471





LEGEND

-  EXISTING POLE
-  PULLBOX
-  3/4" PVC CONDUIT

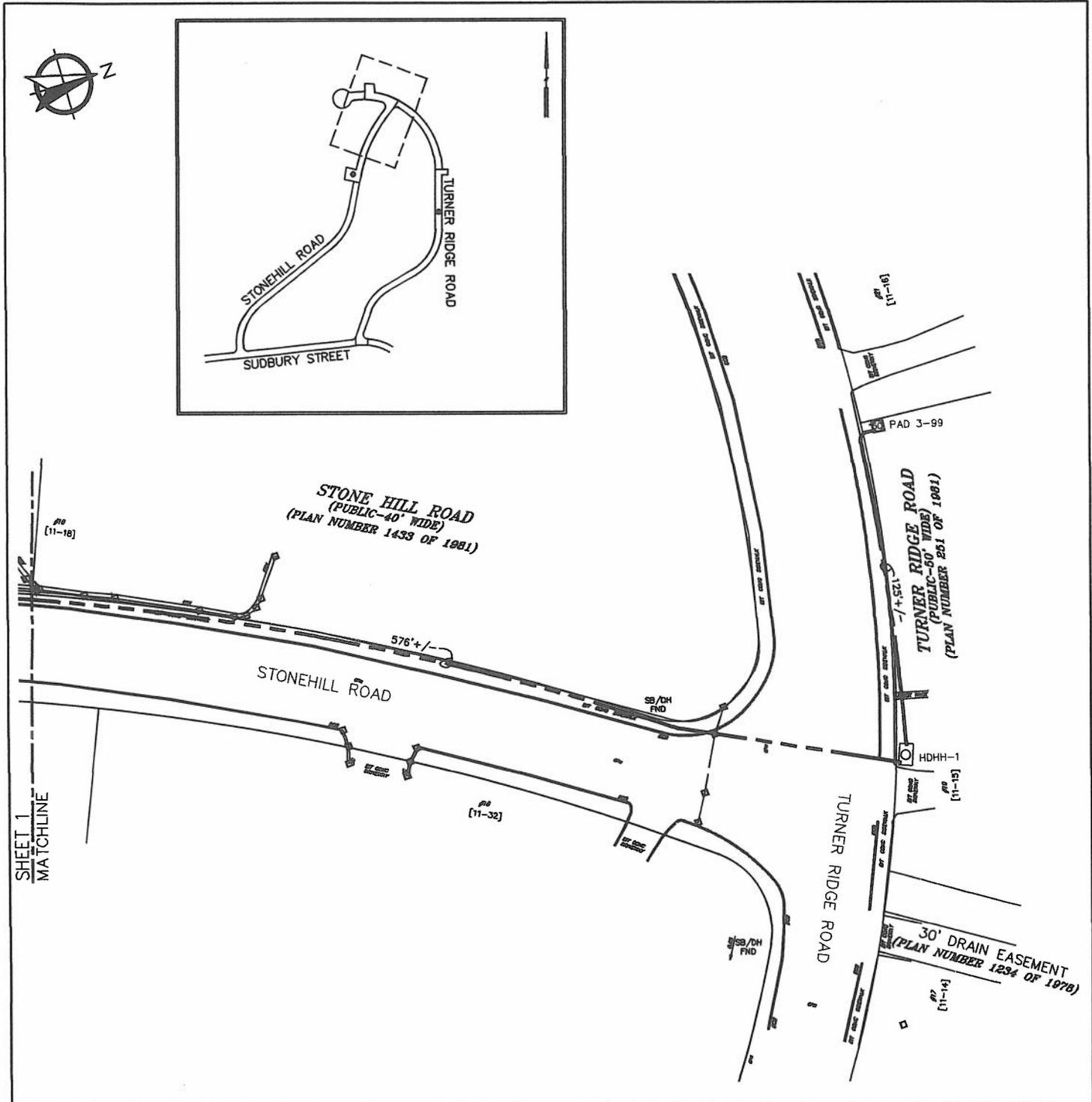
TURNER RIDGE ROAD
PETITION

MARLBOROUGH
SHEET 1 OF 3

MA.

Date: 4.8.2019
Designer: F. ABEN
WR: 25454471





SHEET 1
MATCHLINE

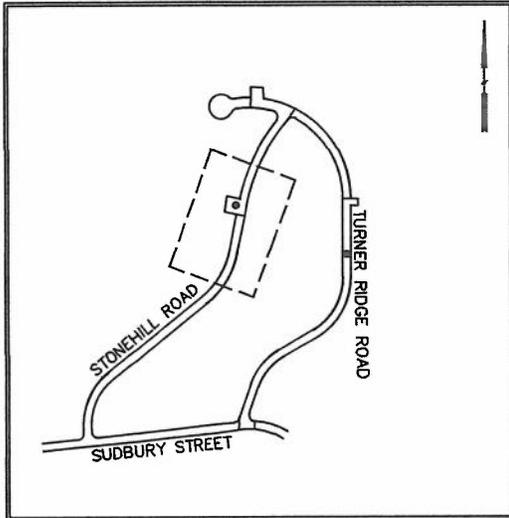
LEGEND	
	EXISTING SINGLE PHASE TRANSFORMER
	3IN. PVC CONDUIT

STONEHILL RD.
PETITION

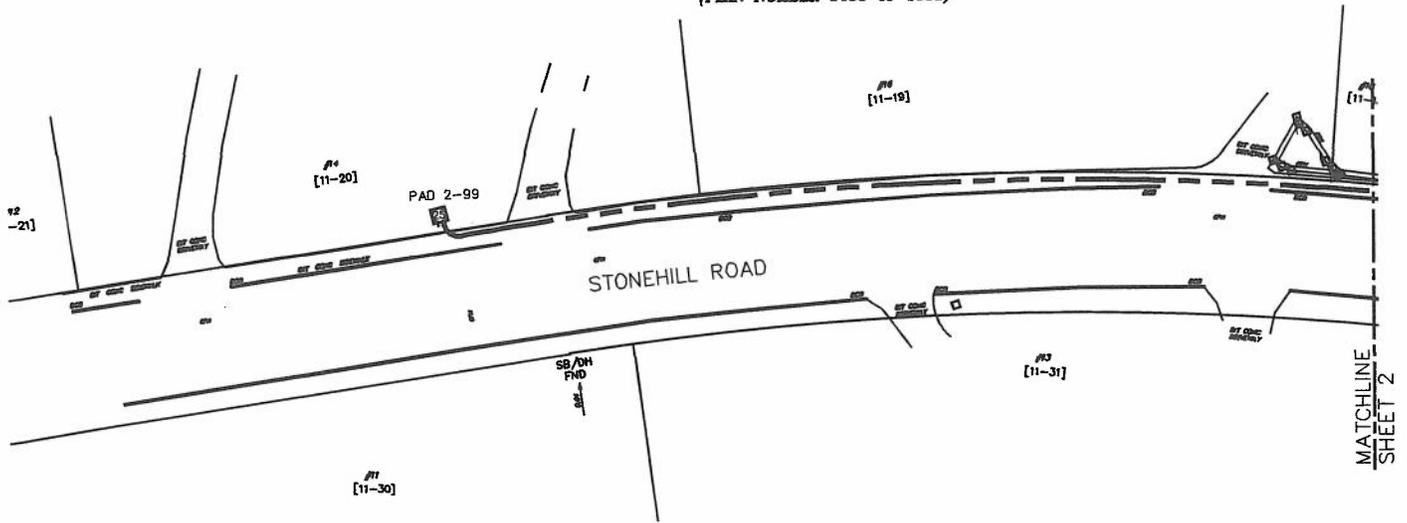
MARLBOROUGH
SHEET 2 OF 2

Date: 4.8.2019
Designer: F.ABEN
MA. W/R: 25454471

nationalgrid



STONE HILL ROAD
 (PUBLIC-40' WIDE)
 (PLAN NUMBER 1433 OF 1981)



LEGEND



EXISTING SINGLE PHASE TRANSFORMER

3IN. PVC CONDUIT

STONEHILL RD.
 PETITION

MARLBOROUGH
 SHEET 1 OF 2

MA.

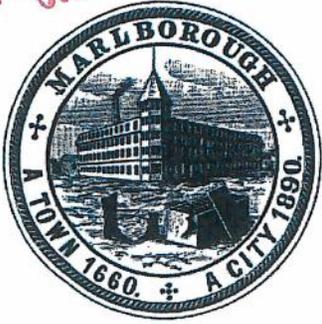
Date: 4.8.2019

Designer: F.ABEN

WR: 25454471



19
6659



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

RECEIVED
CITY CLERK DEPARTMENT
CITY OF MARLBOROUGH, MASSACHUSETTS

2022 APR 29 10:13

**Steven W. Kerrigan
City Clerk**

MARLBOROUGH, MA

DATE: 4/29/22

To the City Council:

Owner Name: Jean Rabelo

Residential Address: 67 N. Quinsigamond Ave Unit 15
Shrewsbury, MA 01545

Telephone Number: _____

Business Name: POST ROAD Used AUTO PARTS of MARLBORO, INC

Business Address: 785 BOSTON POST ROAD, MARLBORO

Business Telephone Number: 508-485-1414

Email Address: pruapjes@aol.com

Cell Number: _____

Owner Signature: Jean Rabelo

The above-signed _____ respectfully requests that he/she be granted a Junk Dealer/Second Hand Dealer License.

In City Council

NOTICE OF BALLOON TEST

ALTA MARLBOROUGH PROJECT

283 – 325 Lincoln Street, Marlborough

Wednesday, May 18, at 5:00 PM

(Rain/Wind Date: Thursday, May 19, 5:00 PM)

The proponent of the Alta Marlborough mixed-use project at 283 – 325 Lincoln Street (corner of Lincoln and Mechanic Streets) in Marlborough will be conducting a balloon test on **Wednesday, May 18, at 5:00 PM**. Balloons will be flown at the site to demonstrate the height of the proposed structures.

In the event of inclement weather, the test will be conducted on Thursday, May 19, at 5:00 PM. Please check the Community Events Calendar on the City of Marlborough website (www.marlborough-ma.gov) for updates.

Please call Attorney Brian Falk with any questions: 508-929-1678.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 MAY -4 P 1:55



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

April 25, 2022

Marlborough City Council
140 Main Street
Marlborough, MA 01752

2022 MAY -2 P 5:30

Dear City Council:

In a letter sent on November 9, 2021, you received notification that National Grid would carry out late winter-spring mechanical control, cut surface (CST) or basal treatment; a summer selective foliage treatment; and, as necessary, summer and fall CST and basal treatments on rights-of-way, which pass through your municipality. Information on National Grid’s approved Yearly Operational Plan (YOP) and maps showing the rights-of-way to be treated were included with that letter.

The current Vegetation Management Plan (VMP) and approved 2022 YOP are posted on the state website:

<https://www.mass.gov/doc/national-grid-vmp-2019-2023/download>
<https://www.mass.gov/doc/national-grid-2022-yop/download>

Although you already received and reviewed copies of the YOP map(s) with the original notification please let us know if there are any additional *sensitive areas* located on or near the rights-of-way. Please advise us as soon as possible so we can establish permanent GIS records and implement appropriate field protective actions. We particularly rely on this process to collect corrections to the public wells and to record the location of private wells.

National Grid’s YOP details specific information pertaining to the intended 2022 program. Please note that the YOP also lists the rights-of-way from the 2021 treatment program in case National Grid needs to request a “touch-up” retreatment of scattered locations from our contractor(s). If upon review of the previous year’s treatments, National Grid finds a site(s) within your municipality that need follow-up treatments, this letter serves as notification of that follow-up treatment. The individual landowner(s) will be also be notified about this work. *Please note that scheduled rights-of-way are subject to change based on workplan constraints*

Commonwealth of Massachusetts recommended herbicides for use in *sensitive areas* listed in Section 7 (pages 13-15) of the YOP will be selectively applied to target vegetation by experienced, Massachusetts’ licensed/certified applicators that walk along the rights-of-way using backpack equipment. Copies of the manufacturers’ herbicide labels and fact sheets are also included in the YOP, Appendices 8 and 9.

Potential Treatment Periods*

January 17, 2022 – May 30, 2022	May 30, 2022 - Oct 15, 2022	Oct 15, 2022 – Dec 31, 2022
CST	Foliar	CST
Basal	CST	Basal
Dormant stem	Basal	Dormant Stem
	Cut stubble	

* The exact treatment dates are dependent upon weather conditions and field crew progress.

In compliance with 333 CMR 11.06-11.07, no herbicide applications will occur before the conclusion of the 45-day YOP review period, the 21-day treatment notice and the 48-hour newspaper notice. At the end of these review periods, which can run concurrently, no application shall commence more than ten days before nor conclude more than ten days after the treatment periods listed above.

The work will be performed by one of the following vegetation management vendors:

Lewis Tree Service, Inc.	Stanley Tree	Vegetation Control Service, Inc.
300 Lucius Gordon Drive	662 Great Road	2342 Main Street
West Henrietta, NY 14586	North Smithfield, RI 02896	Athol, MA 01331
(585) 436-3208	(401) 765-4677	(978) 249-5348
Lucas Tree Experts	BluRoc	
12 Northbrook Drive	15 Atwood Dr, Suite 301	
Falmouth, ME 04105	Northampton, MA 01060	
(800) 339-8873	(413) 887-3653	

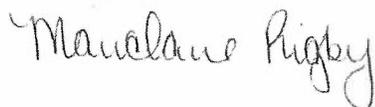
This informational 21-day notification follows Chapter 132B, section 6B of the Massachusetts General Laws, 333 CMR 11.05-11.07 Rights of Way Management and Chapter 85, Section 10 of the Acts of 2000. National Grid's vegetation management program is subject to federal and state regulations only. By statute, local permits or rulings are not applicable.

For inquiries concerning safety of the herbicides, please contact:

Director of Rights-of-Way Programs
 Department of Agricultural Resources
 251 Causeway Street, Suite 500
 Boston, MA 02114-2151
 Telephone: (617) 626-1781

Please contact me if you have any questions about the application and monitoring of the vegetation control program. The best way to contact me is through email at mariclaire.rigby@nationalgrid.com or please leave a message at 508-860-6282

Sincerely,



Mariclaire Rigby
 Lead Vegetation Strategy Specialist

cc: Board of Health
 Conservation Commission
 Massachusetts Pesticide Bureau

Municipality: Marlborough ROW#(S): 1693 1694 4205

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2021 APR 26 A 9:52

**MARLBOROUGH COMMISSION ON DISABILITIES
 MINUTES FOR MEETING AUGUST 3, 2021
 MAYOR'S CONFERENCE ROOM 4TH FLOOR
 CITY HALL**

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

MEETING CALLED TO ORDER AT 4:00 PM

MINUTES: READ AND MOTION TO ACCEPT AS AMENDED PASSED 5 TO 0.

TREASURERS REPORT: \$5,490.69 ACCEPTED 5 TO 0.

NEW BUSINESS

- **29 PLEASANT STREET:** CHERYL SOUCY REPORTED THAT THE RESTORATIONS & UPDATES ON THE WHEELCHAIR ACCESSIBLE APARTMENTS ON PLEASANT STREET HAVE BEEN COMPLETED. CHERYL WILL CALL VONNIE MORRIS, MCDA, TO REQUEST A TOUR.
- **EQUIPMENT:** A MOTION WAS MADE TO RE-PAY DEBRA MCMANUS UP TO \$500.00 FOR THE RECOVERY OF COMMISSION VITAL DOCUMENTS & REPLACING OF NECESSARY EQUIPMENT BY JOHN USINAS. ACCEPTED 5 TO 0, 1 ABSTAIN.
- **PATRICIA CARLSON:** PATTY WILL BE RESIGNING FROM THE COMMISSION IN SEPTEMBER DO TO A RELOCATION TO THE CAPE.

OLD BUSINESS

- **LOW VISION GROUP** - JOHN USINAS SPOKE TO A LARGE GROUP. HE EXPLAINED WHAT THE COD WAS & WHAT WE DO, IN ADDITION TO ANSWERING MANY QUESTIONS.
- **DESIGN PAK LOFTS:** DAVE WILL BE FOLLOWING UP WITH THE BUILDING INSPECTOR.
- **DUNKIN DONUTS:** PARKING CONTINUES TO BE A PROBLEM. WE WILL SPEAK WITH DAVID CORRIEA.

**MOTION TO ADJOURN MADE AND ACCEPTED 6 TO 0,
PASSES UNANIMOUSLY**

ADJOURNED AT 5:02 PM.

**NEXT IN PERSON MEETING TUESDAY OCTOBER 5, 2021 AT 4
PM, CITY HALL IN THE MAYOR'S CONFERENCE ROOM ON
THE 4TH FLOOR**

**RESPECTFULLY SUBMITTED,
DEBRA MCMANUS, CHAIRPERSON**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 APR 26 A 9:52

MARLBOROUGH COMMISSION ON DISABILITIES
MINUTES FOR MEETING MARCH 8, 2022
MAYOR'S CONFERENCE ROOM 4TH FLOOR
CITY HALL

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

MEETING CALLED TO ORDER AT 4:15 PM

MINUTES: APPROVED 5 TO 0.

TREASURERS REPORT: \$5,077.03 ACCEPTED 5 TO 0.

NEW BUSINESS

- **CATHY USINAS:** WE WELCOMED JOHN'S NEW WIFE AND PROSPECTIVE COMMISSION MEMBER TO OUR MEETING. WE ALL HOPE SHE WILL WANT TO JOIN US.
- **WHEELCHAIR:** A WHEELCHAIR HAS BEEN DONATED. WE WILL CONTACT THE MWCIL TO FIND WHERE TO DONATE IT.
- **BARBARA ALLEN** TESTIFIED FOR A BILL TO PROVIDE PAYMENT TO REHABILITATION COUNCILORS, FOR THEIR SERVICES.

OLD BUSINESS

- **29 PLEASANT STREET:** VONNIE MORRIS IS LEAVING MCDA. CHERYL SOUCY WILL KEEP IN CONTACT WITH CHAD FOR UPDATES ON OUR ABILITY TO SURVEY THE APARTMENTS AS THEY ARE COMPLETED.
- **240 MAIN STREET:** THE ELEVATOR HAVE REPAIRED.
- **DESIGN PAC:** DAVE DOUCETTE WILL FOLLOW UP ON THE PROGRESS OF HP PARKING SPACES.

MOTION TO ADJOURN. ACCEPTED 5 TO 0.

ADJOURNED AT 4:43 PM.

NEXT MEETING TUESDAY APRIL 5, 2022 AT 4 PM, CITY HALL IN THE MAYOR'S CONFERENCE ROOM ON THE 4TH FLOOR

RESPECTFULLY SUBMITTED,

DEBRA MCMANUS, CHAIRPERSON

Marlborough Public Library Board of Trustees
Meeting Minutes
April 5, 2022
Meeting held at the Walker Building

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2022 MAY -4 P 2:01

The meeting was called to order by Fred Haas at 7:06 p.m.

Board members attending:

Tom Abel
Karen Bento
Nena Bloomquist
Bill Brewin
Fred Haas
Samantha Khosla
Rustin Kyle
Janice Merk
Robyn Ripley

Also attending: Margaret Cardello, Library Director

Documents reviewed/referenced:

1. Agenda
2. Minutes from March 1, 2022 meeting
3. Trust Fund/State Aid Reports for March 2022
4. Director's Report
5. Scholarship Essay Contest submissions
6. Community Bulletin Board Policy
7. Policy #2-1: Freedom to Read Statement
8. Policy #2-2: Library Bill of Rights
9. Policy #2-3: Interpretations of the Library Bill of Rights
10. Policy #2-4: Confidentiality of Library Records

Proceedings:

1. **Minutes:** A motion (Bloomquist, Kyle) to approve the minutes from the March 1, 2022 meeting was passed.
2. **Trust Fund Reports:** A motion (Abel, Bloomquist) to approve the Trust Fund for March 2022 reports was passed.

3. Director's Report:

- Margaret updated the Trustees about the construction project. The concrete wall formation, which will continue this month, is going well. The condition of the terra cotta decorative elements over the front entrance is being evaluated to see how extensive the restoration process will be for this portion of the Carnegie.
- The library expansion will reach a big project milestone in May, when the steel goes up. Current projections are that the last steel beam will be put in place in mid-June. A topping off ceremony is being tentatively scheduled for mid-June.
- Frequent posting of photographs and updates about the expansion project on Facebook, as well as in the Monthly Digest newsletter, have helped keep the community informed of the progress that is being made, and has helped increase interest.
- Margaret provided the Trustees with a revised Community Bulletin Board policy, as well as the ALA materials she edited to include MPL policies "for local interpretations of the principles contained in these documents."
- Margaret updated the Trustees about staffing issues, including the return of a staff member who accepted the position of Cataloger/Head of Technical Services. The two open PT Reference positions have also been filled.
- Tom Abel, Fred Haas, and Margaret met with the Mayor and his finance team to review the FY23 budget request. On March 30 Margaret received feedback that \$40,000 from the initial request needed to be cut. To make this happen, \$31,815 was cut from library materials, \$2,000 was cut from library supplies, and \$6,185 was cut from the Library Page line which represents one position.
- AMSA student, Nico Solimine, interviewed Margaret about the library renovation project. Her article will be published in their school newspaper, and will be a great piece for the community to read.
- On April 28, Annie Glater, Erin Bassler, and Margaret will be participating in the 2022 Scholar Bee to benefit the Dollars for Scholars Program. Their team's name will be "Lore Keepers."

4. Marlborough Public Library Foundation:

- Janice Merk reported that Alison Grice's donation has received a lot of great coverage, and many positive comments and feedback online.
- People have been extremely responsive to the Facebook and social media posts about the two, beautiful fireplaces in the Carnegie Building that were uncovered during the renovation. The Facebook post reached over 10,000 people and was shared more than 25 times.

- The Foundation's page on the MPL website continues to be updated. They are working on making it easier for people to make donations directly online. Eventually, donor names and what they've donated will be posted on the website.

5. Old Business:

- Bill Keyles will be meeting with the Mayor at the end of the month to update him on the progress of the renovation.
- Margaret couldn't find a new posting policy, but reviewed the current Community Bulletin Board Policy.
- A motion (Ripley, Merk) to approve Policy #2-1: Freedom to Read Statement; Policy #2-2: Library Bill of Rights; Policy #2-3: Interpretations of the Library Bill of Rights; Policy #2-4: Confidentiality of Library Records; and the Community Bulletin Board Policy was passed.

6. New Business:

- Margaret and the Trustees discussed possible reasons why fewer MPL Trustees Scholarship applicants submitted essays this year as compared to years in the past, even though it was publicized.
- A motion (Abel, Khosla) to award a single scholarship to the recipient of the MPL Trustees Scholarship, was passed.
- A motion (Abel, Ripley) to award a \$1,500 scholarship to the recipient of the MPL Trustees Scholarship, was passed.
- A motion (Bloomquist, Brewin) to award the MPL Trustees Scholarship to applicant #1, was passed.

7. **Adjournment:** A motion (Kyle,Ripley) to adjourn was passed and the meeting adjourned at 7:49 p.m.

Minutes submitted by Karen Bento

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2022 MAY -3 A 8:43



**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, March 2, 2022 at 10:00 am. (This is the February meeting that was originally scheduled for February 23, 2022). The meeting was also recorded and is available to view online at the City of Marlborough's website (www.marlborough-ma.gov). Members present: Chairman - Police Chief David Giorgi, Commissioner of Public Works Sean Divoll and City Clerk Steve Kerrigan. Also present: City Engineer Tom DiPersio, Ashley Miller also from the Engineering Department, Sgt. Zac Attaway and Officer Andy Larose from the MPD Traffic Services Unit, City Councilor Katie Robey and Fernanda (last name unknown) from Sugar Heaven Bakery & Café.

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, January 26, 2022:

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

Chief Giorgi asked to take the agenda items out of order and address New Business Item 2c) first as Fernanda was in attendance for this issue.

2 - New Business

2c) Request for 15-minute parking at Sugar Heaven.

The owner of Sugar Heaven is requesting at least two 15-minute parking spaces that her customers can use for picking up orders. Her business is located at the corner of Lincoln St. and Mechanic Street. She has been open for about two years and has received many complaints about there being nowhere to park. The few available spaces always seem to be occupied. This parking issue has caused her to lose business. Officer Larose pulled up a photo of the area for reference. There is a municipal lot across the street but if customers are carrying cakes or a large order it is difficult to run across Lincoln Street. There is also a driveway in the back of the store but there is a dumpster there and this is not part of her property. Fernanda has checked with the landlord about parking here and he said no. She believes there is space for three cars next to her business on Lincoln St.

Tom DiPersio and Ashely Miller reviewed the current parking regulations here. Ms. Miller explained that she found conflicting information. Currently there is a no parking regulation on Lincoln Street that says 160 feet. Mr. DiPersio said it is definitely a tight corner but maybe they could put a 15-minute space further down so trucks can still make the turn. The road is not wide enough to paint a parking space but maybe the area could be marked with a sign for "No Parking Here to Corner" and then one 15-minute space. The regulation could be amended to read "no parking for 60 feet". Also, no one should be parking near the crosswalk. Ms. Miller said that because of the building you can't see around the corner when making the turn or pulling out of the driveway.

It was discussed that when the lot across the street is developed there is talk about widening the street and adding angled parking spots. There is a one-hour parking spot across the street on Mechanic Street, however, there is also a gym on that side and that space seems to always be taken.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to see if two parking spaces (or at least one) can fit on Lincoln Street near Sugar Heaven and what is necessary to create them and provide a recommendation at the next meeting.

2a) Illegal parking concerns at several locations.

Chief Giorgi has received numerous complaints over the past year about cars parking too close to intersections, i.e., within 20 feet of an intersection. The biggest issue is at the corner of Central Street and Mechanic Street. The Chief also received emails from Councilor Irish and Councilor Oram on this issue at this same location. Councilor Oram also referenced parking concerns on Grant Street across from the church parking lot entrance/exit and on West Main Street to the corner of Broad St. Councilor Dumais sent an email regarding parking concerns on Emmett St. Councilor Brown also sent an email regarding parking concerns at West Main St. and Broad St.

Chief Giorgi advised that in the past, this issue has been referred to the Police Department for enforcement. However, it seems to be occurring more frequently and becoming more of a problem. Many times when the Police Department receives a complaint, especially at the corner of Central Street, the vehicle is gone by the time the officer arrives. People are using this area for short term parking to run into the store. The big question is how to address this particular parking issue.

Mr. DiPersio mentioned that the Traffic Commission had previously discussed painting the curbs. This gives a visual reminder but then the curb must be maintained by the city.

Steve Kerrigan said that it's an even bigger problem in the winter when there are piles of snow. Officer Larose brought up photos for reference. Chief Giorgi advised that the Police Department has tried to educate the public. They have made posts on the MPD Facebook page advising that there is no parking allowed within 20 feet of an intersection, however, he's not sure how much this has helped. Officer Larose said that it is easier to enforce this in neighborhoods because it usually involves the same people, and he can write tickets. It's more difficult to enforce this parking restriction on random cars on other streets because the cars are often gone on arrival.

It was discussed that the Police Department will continue to work on enforcement, however, it was determined that a sign for "No Parking Here to Corner" is needed at the intersection of Mechanic St. and Central St.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for continued enforcement and REFER to ENGINEERING to install the proper signage on Central St.

2b) Traffic/Safety Issues on Ash Street.

Chief Giorgi read through the email submitted by Matthew Wisniewski. He expresses concerns that the road is "unfit from a safety and drivability perspective". He mentioned the untreated multiyear road damage, a narrow/windy roadway and the constant flow of traffic and speeding that has led to growing safety concerns. He wants to understand the City's plans to address his concerns in this area.

Mr. DiPersio advised that this road is on the radar and may be a project for this year. It has been on the City's priority list for several years. Chief Giorgi asked what the project would entail. Mr. DiPersio said it is a resurfacing project. It does not entail adding width or sidewalks or anything else. Councilor Robey said that cars tend to go faster when a road is resurfaced and then turns into more complaints. Chief Giorgi advised that he would get back to Karen Boule regarding the discussion as she had forwarded Mr. Wisniewski's email to the Traffic Commission.

MOTION was made, seconded, duly VOTED to REFER to Chief Giorgi to get back to Karen Boule, City Council Secretary.

3-Old Business

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

Update: Ashley Miller had written a follow-up email to Lori Shattuck from MA DOT. Lori advised that they would like to get an idea of how the intersection would operate with the proposed changes now that traffic seems to be more normal. They will do traffic counts and perform an analysis and will get back to her. School vacation and weather may be a factor. Ms. Miller advised that she would continue to follow up. All agreed that the option presented previously by Commissioner Divoll, i.e., eliminating the middle lane, is the best option.

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

3b) Resident concerns at 315 Cook Lane.

Update: Tom DiPersio advised that Engineering has reviewed the request and agree that something can be done to protect the property. They can put together a plan and an estimate. Sgt. Attaway will update the homeowner and advise that Engineering is working on this.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING and to Sgt. Attaway for follow-up.

c) Time Limit Parking at 240 Main Street.

Update: Chief Giorgi prepared the regulation to delete the 30-minute time limit parking on a specific section of Main Street from Article VII, Schedule XII "Time Limit Parking". All in favor.

The only 30-minute parking spaces on Main Street are the 4 spaces in front of 240 Main Street. All the rest of the parking spaces on Main Street are 2-hour parking. With regard to the missing signs, Ms. Miller advised that she would send an email to the appropriate party requesting that the signs be installed.

MOTION was made, seconded, duly VOTED to REFER to Ashely Miller to ensure the proper signs are installed.

Chief Giorgi asked if anyone else had anything to add:

Councilor Robey asked a question about the left turn into the High School from Bolton Street. She said that the left turn lane is not long enough to accommodate turning vehicles so those wanting to go straight get held up at the light. The road does look wide enough. Commissioner Divoll said that this may be an issue with the timing of the light, but he wouldn't want to change it as it is only an issue for a very short time of the day. Engineering advised that they could take a look at this.

Discussion also followed regarding issues with the lights at Navin on Rte. 85 into Hudson and also at Bolton St. and Union St. Mr. DiPersio advised that new signal equipment is included in their capital budget request. This would definitely be helpful.

The high school issue seems to be more of a timing issue. Sgt. Attaway asked if timing on the lights could be switched for just an hour. Under normal circumstances there is plenty of time but when so many people are trying to turn into the school it becomes an issue. Mr. DiPersio was not sure and said this would be a question for Daigle Electric. Engineering will look into this also.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:38 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, March 2, 2022, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, January 26, 2022.
- Email from Councilor Oram to Chief Giorgi, dated 2/8/22, re: Parking on Central and Mechanic, including photo.
- Email from Councilor Oram to Karen Boule with a CC to Chief Giorgi, dated 2/17/22, re: Additional pictures for Traffic Commission.
- Email chain forwarded by Karen Boule to Chief Giorgi, dated 2/10/22, re: Ward 5 Query – Plans for Ash Street? Original email from Mat Wisniewski.
- Email from Sugar Heaven to Chief Giorgi, dated 2/13/22, re: Sugar Heaven Parking.
- Email chain dated 2/10/22, with cc to Chief Giorgi, re: Ames Street/Route 20 “No Right on Red”.
- Amended regulation to DELETE a specific section of Main Street from Article VII, Schedule XII -“Time Limit Parking”.

Additional Handouts

- Email to Chief Giorgi from Councilor Brown, dated 2/23/22, re: Friday’s Traffic Commission Agenda (parking issues at the corner of West Main and Broad).
- Email from Councilor Irish to Chief Giorgi, dated 2/24/22, re: Parking on Central St./Mechanic St.
- Email from Councilor Dumais to Chief Giorgi, dated 3/1/22, re: Traffic Agenda Item 2A, including picture (Emmett Street).



City of Marlborough
Zoning Board of Appeals
140 Main Street
Marlborough, Massachusetts 01752

Tel. (508) 460-3768

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2022 APR 25 A 7:25

Minutes
 April 5, 2022

Variance Request
Zoning Board of Appeals Case # 1486-2022

Applicant: Richard McDevitt

Date of Appeal: February 8, 2022

Location of Subject Property: 91 Chandler St.

Petition: This is a variance request. To construct a new 24 ft. x 24 ft. detached garage and driveway extension at 91 Chandler St. Map 57 Parcel 285, Zoning District Residence A-3. Does not comply with Chapter 650 Article 41, "Table of Lot Area, Yards and Height of Structures" of the City Code of Marlborough. Relief requested: A deviation of 2.67% from the required maximum Lot Coverage of 30%. The existing Lot Coverage is 19.54% vs. the proposed 32.67%.

Meeting date: April 5, 2022

Roll call of members present: Ralph Loftin-Chairman, Robert Levine, Thomas Pope, Thomas Golden and Paul Giunta. Also present were:

- Susan Brown- Secretary
- Tin Htway – Building Commissioner
- William Paynton – Building Inspector
- Applicant: Richard McDevitt

Documents in Board's file:

- ZBA applicant form with filing fee of \$130.00
- Denial letter from building department dated February 2, 2022
- Drawings entitled: Plan showing proposed garage, prepared for Richard McDevitt, 91 Chandler St., dated Nov. 16, 2021, Prepared by Jarvis Land Survey, Inc. Signed by Kevin Jarvis.

It was noted to the audience that the Board is hearing a variance request. The audience was made aware that the public meeting was being recorded.

Mr. McDevitt, the applicant, made his presentation.

According to plans this is a narrow-shaped lot with frontage of 60.01 ft. and area of 9,306 sq. ft. The applicant bought this property in 2020.

According to the city's GIS map, there are other lots in the area that are similar to the lot in question regarding frontage, area, shape, topography, and soil conditions. Thus, not unique to the neighborhood. The applicant agreed.

The applicant stated hardships were:

- This minor deviation of 2.67% in lot coverage would not be a detriment to the neighborhood.
- The house in question and most of the existing homes in the area were built in the 50's with lot size and shape are similar to his lot.
- His proposal will improve his lot and will be an asset to the neighborhood.

Ralph Loftin, Chairman, explained to the applicant that there are 3 factors the Board must consider before a variance can be granted. First, the property should be unique from others in the area in terms of shape, topography, or soil conditions; second, the hardship experienced by the applicant must arise from these unique features of the property; third, whether the variance can be granted without detriment to the public good. The Board must view the hardship as interfering with or preventing the use of the property as zoned if not relieved by the requested variance.

There was some discussion about the easement which runs almost in the middle of the lot as shown on the city's GIS map. The plot plan submitted by the applicant shows the easement close to the left side lot line. Tin, Building Commissioner, stated that he would rely on the applicant's plot plan vs. the city's GIS maps. The Building Commissioner will investigate this easement issue with the city's engineer before any permits are issued.

Tin Htway, Building Commissioner, stated the proposed detached garage could be pulled forward, closer to the house which may eliminate some pavement, thus a variance will not be needed.

There were no questions from the audience. Speaking in favor of the petition - None
Speaking in opposition – None.

A motion was made by Paul Giunta, seconded by Thomas Golden to close the public portion of the hearing. By a vote of 5-0 the public portion of the hearing was closed.

The Board felt that the applicant's stated hardship was not sufficient to grant a variance. The applicant does have options in where to place the detached garage.

The Board asked the applicant if he desired to "Withdraw Without Prejudice", otherwise the Board would continue with a vote.

The applicant requested to "Withdraw Without Prejudice."

A motion was made by Paul Giunta, seconded by Thomas Golden to accept the applicant's request to "Withdraw Without Prejudice". By a vote of 5 – 0 the applicant's request to "Withdraw Without Prejudice" was accepted.

There being no other business before the Board, a motion to adjourn was made by Thomas Pope and seconded by Robert Levine. By a vote of 5-0 the meeting was adjourned.

DECISION

The applicant requested to “Withdraw Without Prejudice”. A motion was made by Paul Giunta, seconded by Thomas Golden to accept the applicant’s request to “Withdraw Without Prejudice”. By a vote of 5 – 0 the applicant’s request to “Withdraw Without Prejudice” was accepted.

*The Building Commissioner will investigate the location of the easement on this property.

Variance Request

Zoning Board of Appeals Case # 1483-2022

Applicant: Sergio Dearaujo

Date of Appeal: December 17, 2021

Location of Subject Property: 61 Emmett St.

Petition: This petition involves three variance requests: (1) To demolish an existing retaining wall and construct a new retaining wall. Relief sought: Chapter 650-41 of the City Code of Marlborough, existing Lot Coverage is 34.4% vs. the proposed 45.8%. (2) Chapter 650-48 Driveway modification does not conform to off street parking. Relief sought: Existing driveway width is ± 34 ft. vs. the proposed ± 62 ft. (3) Chapter 65048C(5)(a)(1) off-street parking shall not be permitted in the area between the front lot line and the prescribed minimum front yard. Relief sought: Chapter 48C(5)(b)(1) Parking side and rear yard, proposing 4 ft. vs. required 5 ft. Property is located at 61 Emmett St. being Map 81 Parcel 126, located in Zoning District Residence C (RC).

Meeting date: April 5, 2022

Roll call of members present: Ralph Loftin-Chairman, Robert Levine, Thomas Pope, Thomas Golden and Paul Giunta. Also present were:

- Susan Brown- Secretary
- Tin Htway – Building Commissioner
- William Paynton – Building Inspector
- Applicant: Sergio Dearaujo
- Two members of the public: abutters at 159 W. Main St. and 49 Emmett St.

Documents in Board’s file:

- ZBA applicant form with filing fee of \$130.00
- Denial letter from building department dated December 9, 2021
- Drawings entitled: Certified Plot Plan showing Proposed retaining wall, prepared by Hogan Surveying, Dated 12/2/2021

- Letter from Thomas DiPersio, City Engineer, dated 12/30/2021 Re: Fence in public way-61 Emmett St.
- Color photos of the property.
- A document that addresses the retaining wall easement for 58 Emmett St.
- Extension Permit granted on Jan. 17, 2022 to extend opening of hearing to April 5, 2022.

It was noted to the audience that the Board is hearing a variance request. The audience was made aware that the public meeting was being recorded.

The applicant described his proposal to create additional off-street parking.

The applicant stated hardships were:

- This is a single-family house with 3 people residing at this location. The existing driveway will only accommodate two cars. He also has a cargo van. There is a garage, but it is used for storage.
- It is difficult during the winter parking ban to park vehicles in his driveway.
- The applicant also desires an additional parking space for his son who will have a car in the future.
- He also pointed out that his proposal would be an asset to the neighborhood in keeping additional cars off the street.

Questions from the audience:

- An abutter from 159 West Main St. had some questions regarding the location of 61 Emmett St. to his property. After some discussion, they realized they will not be impacted by this petition.

Speaking in favor of the petition:

- An abutter from 49 Emmett St. stated she is in favor of the petition. She stated that Emmett St. is a very busy street. For the applicant to create more parking on his lot will mean fewer cars to park on the street during the winter parking ban. Her concern is that if a variance was granted, she wanted to be assured that this will not create any additional silt or water run-off from 61 Emmett St.

Speaking in opposition – None

A motion was made by Paul Giunta, seconded by Thomas Pope to close the public portion of the hearing. By a vote of 5-0, the public portion of the hearing was closed.

Some of the Board Members felt that the applicant's stated hardship was not sufficient to grant a variance.

The Board discussed whether if variances were granted, the applicant would go before the Site Plan Review Committee with their petition, as the denial letter states. It was noted that one- and two-family structures are exempted from this process. The Board can make this a condition if a variance is granted.

There is a document in Board's file that addresses the retaining wall easement at 58 Emmett St. (located to the left of 61 Emmett St.) but not the other retaining wall portion (located at the right of 61 Emmett St.) that is on the city's property ROW.

FINDING OF FACTS:

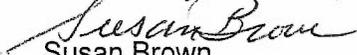
1. The neighborhood is a congested area with many cars and homes.
2. 61 Emmett St. is at the end of a dead-end street; sloping slightly towards the street.
3. The street is narrow with parking permitted on both sides of the street.
4. Off street parking in the neighborhood is difficult to find during the city's winter parking ban.
5. The city's GIS map shows other lots in the area that are similar in area and shape.
6. Facing 61 Emmett St. to the left is a retaining wall easement on 58 Emmett St. the other retaining wall portion (located to the right) is on city property/ROW (according to the Grant of Easement in Board's file provided in an e-mail from Tin Htway, Building Commissioner).

DECISION

A motion was made by Thomas Golden and seconded by Thomas Pope to grant the variance for Lot Coverage. By a vote of 3-2 the vote did not carry. Because the vote did not carry, the other 2 variance requests became moot. Thus, the petition was denied.

The Board felt the hardship as stated by the applicant does not arise from the soil conditions, shape, or topography of the land, thus is not a hardship according to Mass. General Law Chapter 40A Section 10.

Respectfully submitted,


Susan Brown
Secretary