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CITY OF MARLBOROUGH

2023 FEB 23 PM 1:05

CITY OF MARLBOROUGH

City Council Agenda

Monday, February 27, 2023

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, February 13, 2023.
2. Communication from City Solicitor Jason Grossfield, re: Application for a Special Permit from Marquel Frink and Divino Oliveira on behalf of All Fur Love, to operate a dog grooming business to be located at 75 Lincoln Street, in proper legal form, Order No. 22/23-1008723.
3. Communication from City Solicitor Jason Grossfield, re: Application for a Special Permit from Attorney Brian Falk, on behalf of Octo48, LLC d/b/a Action Precision Machining to convert a preexisting nonconforming warehouse use to a machine shop to be located at 269 Mechanic Street, in proper legal form, Order No. 22/23-1008741.
4. Communication from City Solicitor Jason Grossfield, re: Application for a Special Permit from Attorney Terrence Morris, on behalf of 272 Lincoln LLC, to build a 12-unit multi-family dwelling with accessory parking to be located at 272 Lincoln Street, in proper legal form, Order No. 22/23-1008709.
5. Application for a Special Permit from Attorney Sem Aykanian, on behalf of SUCIU LLC, d/b/a Exela Storage, to add additional storage units to a nonconforming storage facility to be located at 846 Boston Post Road East within the Wayside District.
6. Application for a Special Permit from Connorstone Engineering, on behalf of Trombetta Family Limited Partnership, to allow the use of an existing Contractor/Landscape Contractor Yard within the LI district to be located at 655 Farm Road.
7. Minutes of Boards, Commissions and Committees:
 - a) Conservation Commission, January 12, 2023.
 - b) Historical Commission, December 15, 2022.
 - c) Planning Board, December 5, 2022, December 19, 2022 & January 9, 2023.
8. CLAIMS:
 - a) Clarisse Sugar, 127 Worcester Road, Westminster, pothole or other road defect.
 - b) Lorraine Watson, 80 Elm Street, #7, pothole or other road defect.

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.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

9. **Order No. 23-1008794: Communication from Mayor Vigeant with Transfer in the amount of \$100,000.00 from PEG Funds to Marlborough Cable Trust to fund the balance of FY23 budget for WMCT-TV.**

Recommendation of the Finance Committee is to APPROVE.

On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfer in the amount of \$100,000.00 from PEG funds to the Marlborough Cable Trust for the operation of WMCT-TV for FY2023. Vote 5-0.

10. **Order No. 23-1008795A: Bond Request in the amount of \$500,000.00 (Five hundred thousand dollars) for the cost of SEWER construction and/or reconstruction.**

Recommendation of the Finance Committee is to APPROVE.

On a motion by Councilor Oram, seconded by Chair, the committee voted to recommend approval. Vote 5-0.

11. **Order No. 23-1008795B: The sum of \$1,000,000.00 (One million dollars) for the cost of WATER construction and/or reconstruction.**

Recommendation of the Finance Committee is to APPROVE.

On a motion by Councilor Oram, seconded by Chair, the committee voted to recommend approval. Vote 5-0.

12. **Order No. 23-1008795C: The sum of \$8,770,000.00 (Eight million seven hundred seventy thousand dollars) for the cost of STREET and infrastructure construction, reconstruction and/or rehabilitation.**

Recommendation of the Finance Committee is to APPROVE.

On a motion by Councilor Oram, seconded by Chair, the committee voted to recommend approval. Vote 5-0.

From Personnel Committee

13. **Order No. 22-1008690: Reappointment of Rene Perdicaro to the Community Development Authority for a term to expire March 9, 2024.**

Recommendation of the Personnel Committee is to APPROVE.

Motion by Councilor Doucette, seconded by Chair, the committee recommends approval. Vote 3-0.

14. **Order No. 22-1008763: Appointment of Joseph Delano to the Board of Registrars of Voters for a 3-year term to expire on April 1, 2024.**

Recommendation of the Personnel Committee is to APPROVE.

Motion by Councilor Doucette, seconded by Chair, the committee recommends approval. Vote 3-0.

15. **Order No. 23-1008784: Appointment of Elizabeth Jalonski to the Board of Registrar of Voters for a 2-year term to expire on April 1, 2025.**

Recommendation of the Personnel Committee is to APPROVE.

Motion by Councilor Doucette, seconded by Chair, the committee recommends approval. Vote 3-0.

16. **Order No. 22-1008764: Reappointment of Fred Haas to the Library Board of Trustees for a 3-year term to expire January 7, 2025.**
Recommendation of the Personnel Committee is to APPROVE.
Motion by Councilor Doucette, seconded by Chair, the committee recommends approval. Vote 3-0.
17. **Order No. 22-1008764: Reappointment of Samantha Khosla to the Library Board of Trustees for a 3-year term to expire April 2, 2024.**
Recommendation of the Personnel Committee is to APPROVE.
Motion by Councilor Doucette, seconded by Chair, the committee recommends approval. Vote 3-0.
18. **Order No. 23-1008782: Appointment of Dillon LaForce to the Planning Board for a 5-year term to expire February 1, 2027.**
Recommendation of the Personnel Committee is to APPROVE.
Motion by Councilor Doucette, seconded by Chair, the committee recommends approval. Vote 3-0.
19. **Order No. 22-1008756: Appointment of John Harmon as Human Resources Director for term to expire 3 years from date of Council confirmation.**
Recommendation of the Personnel Committee is to APPROVE.
Motion by Councilor Doucette, seconded by Chair, the committee recommends approval. Vote 3-0.
20. **Order No. 22-1008735: Appointment of Richard Tomanek to the Board of Health for 3-year term to expire on February 5, 2024.**
Recommendation of the Personnel Committee is to APPROVE.
Motion by Councilor Doucette, seconded by Chair, the committee recommends approval. Vote 3-0.
21. **Order No. 23-1008798: Appointment of James Fortin to the Planning Board, for a 5-year term to expire on February 1, 2027.**
Recommendation of the Personnel Committee is to APPROVE.
Motion by Councilor Doucette, seconded by Chair, the committee recommends approval. Vote 3-0.

From Urban Affairs Committee

22. **Order No. 22/23-1008723: Application for Special Permit from Marquel Frink and Divino Oliveira on behalf of all Fur Love to operate a dog rooming business at 75 Lincoln Street.**
Recommendation of the Urban Affairs Committee is to DENY.
Councilor Landers moved to deny the Grant of Special Permit to All Fur Love as their use of the site as a dog grooming business is substantially more detrimental to the neighborhood than the existing nonconforming use. Motion received a second and carried 5-0.
23. **Order No. 22/23-1008741: Special Permit Application from Attorney Falk on behalf of Octo48, LLC d/b/a Action Precision Machining to convert a preexisting, nonconforming warehouse use to a machine shop at 269 Mechanic Street.**
Recommendation of the Urban Affairs Committee is to APPROVE.
Councilor Landers moved to approve the Grant of Special Permit as amended; motion received a second and carried 4-0.
24. **Order No. 22/23-1008709: Application for Special Permit from Attorney Terrance Morris on behalf of 272 Lincoln LLC to build a 12-unit multifamily dwelling with accessory parking to be located at 272 Lincoln Street.**
Recommendation of the Urban Affairs Committee is to APPROVE.
Councilor Wagner moved to approve the draft Decision on the Special Permit with Conditions as amended. The motion was seconded and carried 4-0.

Councilors-at-Large

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

Ward Councilors

Ward 1 – Laura J. Wagner
 Ward 2 – David Doucette
 Ward 3 – J. Christian Dumais
 Ward 4 – 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, FEBRUARY 13, 2023**

The regular meeting of the City Council was held on Monday, February 13, 2023, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 9:12 PM.

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

ORDERED: That the Minutes of the City Council meeting, JANUARY 23, 2023, **FILE**; adopted.

That the PUBLIC HEARING on the Proposed Ordinance Amendment to Chapter 315 “Enforcement”, §2 “Non-criminal Disposition” to ensure consistency with state law as submitted by the Mayor and Board of Health, Order No. 23-1008796, all were heard who wish to be heard, hearing closed at 8:06 PM, adopted.

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

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

ORDERED: That the Communication from Council President Ossing, re: Appointment of Councilor Robey as Council Liaison to assist with the Multifamily Development Review Criteria and Guidelines working group, **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 \$15,500.00 from the MA Emergency Management Agency (MEMA) awarded to Marlborough Emergency Management to be used to fund the acquisition of additional equipment and supplies for an emergency shelter; 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 Acceptances in the amount of \$175,000.00 from the MA Office of Travel and Tourism awarded to the Department of Public Works to be used for upgrades and repairs to the Westerly Water Treatment Plant and the cost for roof replacement at the Lake Williams pumping station; adopted.

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

ORDERED: That the Transfer Requests totaling \$1,643,049.68 from various departments for FY23, which moves funds from and to accounts as outlined in the transfer sheets, referred to **FINANCE COMMITTEE**; adopted.

Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance
\$500,000.00	11990006	57820	Reserve for Salaries		\$1,200.00	16990006	57100	FI Meadow-Instate Travel		\$0.00
	Reason:	Reserved for retirements				Fuel reimbursement increased per Mayor				
\$160,000.00	60019906	58891	Loan Origination Fee		\$117,400.00	12100003	51920	Police Sick Leave Buy Back		\$0.00
	Reason:	No expected sewer borrowing this fiscal year				Sick leave buyback due to 4 retirements				
\$5,906,264.80	10000	35900	Undesignated Fund Balance		\$41,700.00	12200003	51920	Fire Sick Leave Buy Back		\$0.00
	Reason:					Sick leave buyback due to 1 retirements				
					\$235,000.00	12200001	50450	Firefighter		\$1,543,718.38
	Reason:					Anticipated contractual negotiations				
\$395,300.00	Total				\$395,300.00	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS -										
DEPT:		Treasurer/Collector				FISCAL YEAR:		2023		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$42,403.63	\$25,100.00	11330002	50520	Principal Clerk	\$25,100.00	11330001	50040	Treasury Payroll Manager	\$0.00	
	Reason:	Vacant position				Original assessment was amended				
\$194,690.51	\$194,690.51	11990006	53565	COVID 19	\$156,803.00	13900006	53280	Assabet Valley Regional	\$2,610,177.50	
	Reason:	Funds no longer needed				Original assessment was amended				
\$112,500.00	\$79,112.49	11330006	57850	Bond Issue Expense	\$98,000.00	11490006	53999	Tax Title-Other Services	\$524.42	
	Reason:	Costs will be offset with premiums				Aggressively going after delinquent properties				
					\$19,000.00	11440004	53999	Collector-Other Services	\$500.72	
	Reason:					Aggressively going after delinquent properties				
	\$298,903.00	Total			\$298,903.00	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		DPW - East Plant				FISCAL YEAR:		2023		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$190,120	\$20,000.00	60081001	50850	Treatment Plant Operator	\$20,000.00	60081006	52464	Rep/Maint - East Plant	\$25,700.30	
	Reason:	Excess due to vacancy				Increased equipment repair				
\$66,100	\$20,000.00	60081001	50750	Equipment Operator	\$20,000.00	60081006	52464	Rep/Maint - East Plant	\$25,700.30	
	Reason:	Excess due to vacancy				Increased equipment repair				
\$510,044	\$183,000.00	60086006	52935	Solid Waste Disposal	\$183,000.00	60081006	55950	East Waste Water	\$25,637.81	
	Reason:	Less sludge than anticipated				Increased chemical cost				
\$510,044	\$35,000.00	60086006	52935	Solid Waste Disposal	\$35,000.00	60081003	51310	Overtime - Regular	\$16,588.18	
	Reason:	Less sludge than anticipated				Increased overtime usage				
\$258,000.00		Total			\$258,000.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT:		DPW - West Plant			FISCAL YEAR:		2023		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$510,044	\$30,000.00	60086006	52935	Solid Waste Disposal	\$30,000.00	60085003	51310	Overtime - Regular	\$21,463.62
Reason:		Less sludge than anticipated			Increased overtime usage				
\$510,044	\$70,000.00	60086006	52935	Solid Waste Disposal	\$70,000.00	60085006	55980	West Waste Water	\$87,481.57
Reason:		Less sludge than anticipated			Increased chemical cost				
\$510,044	\$40,000.00	60086006	52935	Solid Waste Disposal	\$40,000.00	60085006	52463	Rep/Maint - West Plant	\$2,514.03
Reason:		Less sludge than anticipated			Additional repair/maint needed				
\$53,551	\$7,500.00	60081001	50910	Hd Treatment Plant Operator	\$7,500.00	60085006	52463	Rep/Maint - West Plant	\$2,514.03
Reason:		Excess due to vacancy			Additional repair/maint needed				
\$147,500.00		Total			\$147,500.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		DPW - Sewer			FISCAL YEAR:		2023		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$510,044	\$27,000.00	60086006	52935	Solid Waste Disposal	\$27,000.00	61090006	52320	Water - MWRA	\$0.00
Reason:		Less sludge than anticipated			Increased chemical cost				
\$510,044	\$90,000.00	60086006	52935	Solid Waste Disposal	\$90,000.00	60080006	55660	Pumping Station	\$2,625.52
		Less sludge than anticipated			Increased equipment repair				
\$117,000.00		Total			\$117,000.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		DPW - Water				FISCAL YEAR:		2023		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance
\$59,500	\$45,000.00	14001101	50700	Grade 2 Engineer	\$45,000.00	60080004	53110	Legal Services		\$0.00
Reason:		Excess due to vacancy				Northborough - legal fees				
\$147,929	\$15,000.00	61090001	50690	Foreman	\$15,000.00	60080004	53110	Legal Services		\$0.00
Reason:		Excess due to vacancy				Northborough - legal fees				
\$190,120	\$20,000.00	60081001	50850	Treatment Plant Operator	\$20,000.00	60080004	53110	Legal Services		\$0.00
Reason:		Excess due to vacancy				Northborough - legal fees				
\$34,864	\$20,000.00	14001503	51240	Part-Time Help	\$20,000.00	60080004	53110	Legal Services		\$0.00
Reason:		Excess due to vacancy				Northborough - legal fees				
\$100,000.00		Total			\$100,000.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		DPW - Facilities and Administration				FISCAL YEAR:		2023		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance
\$97,950.22	\$20,000.00	11920003	50560	Custodian	\$20,000.00	11920006	52469	Rep/Maint Buildings		\$91,529.03
Reason:		Excess due to vacancy				Increased building repair				
\$42,300.00	\$42,300.00	11920001	50291	Asst. Comm. - Facilities	\$42,300.00	13032006	52469	Rep/Maint Buildings		\$177,563.27
Reason:		Excess due to vacancy				Increased building repair				
\$26,140.00	\$8,000.00	13032001	50291	Asst. Comm. - Facilities	\$8,000.00	11920006	53999	Other Services		\$52,639.91
Reason:		Excess due to vacancy				Increased material cost				
\$26,140.00	\$700.00	13032001	50291	Asst. Comm - Facilities	\$700.00	14001002	50062	Financial Anaylst		\$24,789.27
Reason:		Excess due to vacancy				Former employee benefit cost				
\$71,000.00		Total			\$71,000.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		DPW - Fleet and RDF				FISCAL YEAR:		2023		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$66,100	\$7,000.00	60081001	50750	Equipment Operator	\$7,000.00	14001403	51310	Overtime - Regular	\$3,091.72	
Reason:		Excess due to vacancy				Usage due to vacancy				
\$66,100	\$30,000.00	60081001	50750	Equipment Operator	\$30,000.00	14003003	51310	Overtime - Regular	\$4,915.69	
Reason:		Excess due to vacancy				Usage due to vacancy				
\$37,000.00	Total					\$37,000.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		FIRE				FISCAL YEAR:		2023		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$337,330.59	\$50,000.00	12200001	50810	Fire Lieutenant	\$50,000.00	12200006	52560	Vehicle Repair & Maint.	\$96,934.49	
Reason:		Vacancy				Cost increases due to service issues w/ fleet				
\$20,007.00	\$1,500.00	12200002	50400	Part time Clerk	\$1,500.00	12200006	51990	Meal allowance	\$940.82	
Reason:		Vacancy				Significant events requiring mutual aid from several communities increased rehab expenses				
\$337,330.59	\$10,000.00	12200001	50810	Fire Lieutenant	\$10,000.00	12200007	58512	Fire Dept Equipment	\$10,812.37	
Reason:		Vacancy				Equipment for new Squad 1				
\$55,005.86	\$15,000.00	12200003	51430	Longevity	\$15,000.00	12200007	58512	Fire Dept Equipment	\$10,812.37	
Reason:		Retirements				Equipment for new Squad 1				
\$20,007.00	\$10,000.00	12200002	50400	Part time Clerk	\$10,000.00	12200006	58590	Protective Equipment	\$22,494.80	
Reason:		Vacancy				New hire cost over runs				
\$86,500.00	Total					\$86,500.00	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		IT			FISCAL YEAR:		2023		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$50,000.00	\$29,000.00	11550002	50520	Principal Clerk - IT	\$29,750.00	11550006	53420	Telephone-City	\$12,691.00
	Reason:	Position vacant for part of the year				Due to upgrade of phone switches			
\$129,758.84	\$30,500.00	16100003	51261	Part-Time Library Clerks	\$29,750.00	11550006	53421	Telephone-School	\$2,533.53
	Reason:	Vacancies				Due to upgrade of phone switches			
	\$59,500.00	Total			\$59,500.00	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Legal			FISCAL YEAR:		2023		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$29,093.62	\$8,000.00	11510001	50030	Paralegal	\$48,500.00	11510004	53110	Legal Services	\$4,552.50
	Reason:	Position vacant for part of the year				Needed to fully fund through June 30th			
\$5,906,264.80	\$40,500.00	10000	35900	Undesignated Fund Balance					
	\$48,500.00	Total			\$48,500.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Human Resources				FISCAL YEAR:		2023		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$129,758.84	\$22,775.00	16100003	51261	Part-Time Library Clerks	\$15,000.00	11520001	50530	HR Director	\$32,102.15	
	Reason:	Vacancies					Needed to fully fund through June 30th			
					\$7,775.00	11520006	57380	Conference & Training	\$33,190.22	
	Reason:						To cover requested training through June 30th			
	\$22,775.00	Total			\$22,775.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Board of Health				FISCAL YEAR:		2023		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$10,595.00	\$1,071.68	15120001	50220	Sealer of Weights-BOH	\$450.00	15120003	51430	Longevity	\$0.00	
	Reason:	Available funds					Employee eligible but was not budgeted			
					\$621.68	15120003	51920	Sick Leave Buy Back	\$0.00	
	Reason:						Employee eligible but was not budgeted			
	\$1,071.68	Total			\$1,071.68	Total				

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

ORDERED: That the City Council authorizes increasing the maximum amount that may be expended from the Public Safety Revolving Fund during fiscal year 2023 as set forth in Council Order No. 22-1008604B-1, from \$120,000.00 to \$203,000.00, referred to **FINANCE COMMITTEE**; adopted.

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

ORDERED: That the Communication from the Mayor, re: Proposed Order to Amend the Senior Citizen Property Tax Work Off Program, to increase the amount of the tax deduction from \$1,000.00 to \$1,500.00 to eligible seniors, referred to the **FINANCE COMMITTEE**; adopted.

WHEREAS, the City of Marlborough accepted Massachusetts General Laws Chapter 59, § 5K (City Council Order No. 12-1004062) authorizing the establishment of a property tax work-off program for senior citizens beginning in FY 2013;

WHEREAS, the City adopted local rules for the program as set forth in City Council Order No. 12-1004062, later amended in 2019 by City Council Order No. 19-1007547;

WHEREAS, the City seeks to increase the maximum abatement that senior citizen volunteers may earn for a fiscal year in this program from \$1,000.00 to \$1,500.00;

NOW THEREFORE, it is hereby ordered that the City adopts the following local rules for the program, superseding the above-referenced prior adopted local rules, effective _____:

CITY OF MARLBOROUGH

SENIOR CITIZEN PROPERTY TAX WORK-OFF ABATEMENT PROGRAM RULES

- A. Age. The individual applying to participate in the program must have attained the age of sixty (60) years prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligation.
- B. Property Ownership. The applicant seeking the reduction must have resided in the City for at least five (5) consecutive calendar years prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligation.

The property as to which the tax reduction is sought must be owned by, or serve as the primary residence of, the applicant seeking the reduction. Qualified rental properties must be owner-occupied.

The property as to which the tax reduction is sought shall be eligible for only one (1) abatement per tax year, no matter how many individuals may be the record owners of that property.

- C. Qualifications The applicant seeking the reduction must have annual gross income, as calculated by the Department of Revenue, that qualifies for the senior circuit breaker tax credit in the calendar year prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligations.

No individual is eligible to seek a reduction in his or her real property tax obligations if, for the tax year he or she would otherwise be eligible, he or she is employed by the City of Marlborough on either a full-time or part-time basis.

All individuals will be required to disclose any potential or perceived conflicts of interest on their application, including but not limited to, residing in the same residence or household with a full or part-time City employee, and working for a business or entity that performs contractual services for the City.

- D. Maximum Abatement and Hourly Rate The maximum abatement that a participant may earn is \$1,500.00 per fiscal year. A participant will receive credit for their services at an hourly rate equal to the state's minimum wage rate (currently \$15.00 per hour, therefore, a participant must work a total of 100 hours to receive the maximum abatement).
- E. Program Administration Limitations If the number of eligible applicants for this program exceeds the number of available positions in a given fiscal year, a lottery shall be held by the Council on Aging to determine placement. From time to time, eligible applicants who possess unique skills or talents that would aid municipal operations may be placed in positions upon direct approval of the Mayor. The number of annual participants will not exceed 30 (fractional volunteers can be combined to equal one participant) without prior City Council approval.

The Council on Aging, in cooperation with the Assessor's Office and the Personnel Department of the City, shall have the responsibility to maintain a record for each applicant participating in the program, including but not limited to records for the number of hours of service volunteered by each applicant and the total amount by which his or her real property tax obligation has been reduced on his or her tax bill. A copy of such records shall be provided to the applicant prior to the issuance of his or her actual tax bill.

Prior to the end of each fiscal year, the Mayor's office shall furnish an annual report and summary of this program to the City Council.

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

ORDERED: That the Appointment of Chad Carter as the Executive Director of the Community Development Authority for a 3-year term to expire on January 31, 2026, **APPROVED**; adopted.

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

ORDERED: That the Reappointment of Diane Smith as City Auditor for a 3-year term to expire on February 24, 2026, **APPROVED**; adopted.

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

ORDERED: That the Reappointment of Michael Hennessy as Director of Veterans' Services for a 3-year term to expire on March 23, 2026, **APPROVED**; adopted.

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

ORDERED: That Reappointments to the Council on Aging for 4-year terms of Patricia Gallier and Leslie Biggar to expire on May 4, 2026, **APPROVED**; adopted.

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

ORDERED: That the Reappointments to the Library Board of Trustees for 3-year terms of Thomas Abel to expire January 7, 2025, William Brewin to expire September 23, 2024, Rustin Kyle to expire September 23, 2024, Janice Merk to expire February 2, 2024, and Robyn Ripley to expire February 1, 2025, **APPROVED**; adopted.

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

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Mayor, on behalf of the City of Marlborough, to enter into and execute a Local Initiative Program (LIP) Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project (Local Action Units), in substantially the form attached hereto, with the Commonwealth of Massachusetts Department of Housing and Community Development and Green District Owner, LLC. Said Regulatory Agreement is relative to the first phase of the "Green District" residential development on Simarano Drive, as required by Condition No. 6 (Affordable Units) of the Special Permit decision of the City Council (Order No. 19-1007762), **APPROVED**; adopted.

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

ORDERED: That the Proposed Ordinance Amendment to Chapter 473 "Poles, Wires and Conduits" to amend §30 "Aesthetics and Additional City Requirements" to address siting requirements for small cell wireless facilities, including installation equipment, referred to the **PUBLIC SERVICES COMMITTEE & ORDERED ADVERTISED**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 473 OF THE CODE OF THE CITY OF MARLBOROUGH BE AMENDED AS FOLLOWS:

- I. By amending Chapter 473 (Poles, Wires and Conduits), Section 473-30 (Aesthetics and additional City requirements), Subsection A(7) to read as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

For purposes of this chapter, a small cell wireless facility shall mean "small wireless facilities" as defined in 47 C.F.R. 1.6002(1) as may be amended.

The maximum height of any antenna mounted to an existing pole shall not exceed 24 inches above the height of the then-existing pole, provided that in any event, all small cell wireless facilities shall:

(a) Be mounted on structures 50 feet or less in height including their antennas as defined in 47 C.F.R. § 1.1320(d); or

(b) Be mounted on structures no more than 10 percent taller than other adjacent structures; or

(c) Not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.

~~(a) No small cell wireless facility shall be located on a pole that is less than 26 feet in height; and~~

~~(b) No facility shall exceed 35 feet in height, including but not limited to the pole and any antenna that produces above the pole.~~

- II. By amending Chapter 473 (Poles, Wires and Conduits), Section 473-30 (Aesthetics and additional City requirements), Subsection A(5) to read as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

Small cell wireless installation equipment (meters, boxes, etc.) shall be mounted on the pole a minimum of 11 8 feet above ground level and a maximum of 9 feet above ground level.

- III. The effective date of these amendments shall be the date of passage.

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

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, re: Application for Special Permit by Brian Martinelli on behalf of Dish Wireless to install 3 new antennas and a 5'x 7' platform on an existing cell tower located on city property located at 860 Boston Post Road, in proper legal form, Order No. 22/23-1008710, **MOVED TO ITEM 24 & FILE**; adopted.

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

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, re: Proposed Order of Acceptance along with acceptance plan and description of easements regarding Goodale Estates Subdivision, Acceptance of Jenks Lane as Public Way, in proper legal form, Order No. 22-1008767, **MOVED TO REPORTS OF COMMITTEE & FILE**; adopted.

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

ORDERED: That the Request for Approval of a Flat Wall Sign, Harry's Construction, 561 Boston Post Road East, within the Wayside District, referred to the **URBAN AFFAIRS COMMITTEE**; adopted.

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

ORDERED: That the Request for Approval of two (2) Replacement Flat Wall Signs, and Replacement of Free-Standing Sign Panels, Home Décor Group, 576 Boston Post Road East, within the Wayside District, **APPROVED**; adopted.

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

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation of Goodale Estates Subdivision, Acceptance of Jenks Lane as Public Way, Order No. 22-1008767, **FILE**; adopted.

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

ORDERED: That the Communication from the Central MA Mosquito Control Project, re: Budget Notification for FY24 and Compliance Certification Policy, **FILE**; adopted.

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

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

- a) School Committee, January 10, 2023.
- b) Council on Aging, November 29, 2022.
- c) Library Trustees, September 22, 2022.
- d) Zoning Board of Appeals, January 31, 2023.

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

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

- a) Jessica Camara, 43 Curtis Avenue, Unit B, pothole or other road defect.
- b) Emmanuel Diaz, 19B Cook Lane, pothole or other road defect.
- c) Arnold Johansen, 226 Stow Road, residential mailbox claim (2a).
- d) Heath Karp, 113 Highland Street, other property damage and/or personal injury.
- e) Herzen Reis, 12 Gates Avenue, residential mailbox claim (2b).
- f) Kevin Ripston, 10 Dwight Avenue, Natick, pothole or other road defect.
- g) Bruno de Araujo Souza, 15 Girard Street, residential mailbox claim (2a).

Reports of Committees:

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

**City Council Public Services Committee
Monday, January 30, 2023
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).

Voting members present were Chair Landers, Councilor Irish and Councilor Brown.

Other Councilors present were Councilors Ossing, Navin, Robey, Perlman and Dumais.

Order No. 22-1008767: Communication from Kevin Gillis on behalf of Northborough Capital Partners, LLC, re: Proposed Order to accept JENKS LANE as a Public Way together with municipal deed and easements.

By email dated January 30, 2023, Asst. Solicitor McManus submitted a revised, clean copy of the Order of Acceptance for Jenks Lane which incorporates edits placing it into legal form. The Solicitor's Office received a new deed on January 30, 2023, but there are additional edits to be made by the applicant to clarify the easement description, per the City Engineering Division, and to fix an error with the LLC's state. Otherwise, it is in legal form. If the Committee desires, Asst. Solicitor McManus recommends the following motion: Move to recommend acceptance of Jenks Lane as a public way subject to receipt of an executed deed from the Applicant and approval of the same by the Legal Department.

By letter dated January 25, 2023, the Marlborough Planning Board voted 5-0 to recommend to the Marlborough City Council that Jenks Lane be accepted as a public way and the appurtenant easement be accepted as municipal easements in the City of Marlborough.

On a motion by Councilor Irish, seconded by Councilor Brown, the committee recommends acceptance of Jenks Lane as a public way subject to receipt of an executed deed from the Applicant and approval of the same by the Legal Department. Vote 3-0

On a motion made, seconded, and approved, the meeting adjourned at 6:37 PM.

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

**City Council Finance Committee
Monday, January 30, 2023
Minutes and Report**

This meeting convened at 7:00 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

Voting Members Present: Chair Irish, Councilors Dumais, Perlman, Brown and Oram.

Non-Voting Members Present: Councilors Ossing, Landers, Navin, Robey and Doucette.

Reports of Committee Continued:

Mayor Vigeant; WMCT-TV Executive Director Malyar; DPW Commissioner Divoll and City Engineer DiPersio addressed the following Orders:

Order No. 23-1008794: Communication from Mayor Vigeant with Transfer in the amount of \$100,000.00 from PEG Funds to Marlborough Cable Trust to fund the operation of WMCT-TV for FY2024.

The Mayor explained the splitting of the operational funds for the Cable Trust into two fiscal years avoids exceeding the \$500,000.00 limit and unnecessary annual audits. Director Malyar addressed the transfer and new programming since his tenure at the station.

On a motion by Councilor Perlman, seconded by Chair, the committee voted to recommend approval of the transfer in the amount of \$100,000.00 from PEG funds to the Marlborough Cable Trust for the operation of WMCT-TV for FY2024. Vote 5-0.

Order No. 23-1008795: Communication from Mayor Vigeant with Capital Bond Request in the amount of \$10,270,000.00 which includes various reconstruction of streets, drain and sidewalk repairs throughout the city:

Order No. 23-1008795A: The sum of \$500,000.00 be and is hereby appropriated for SEWER construction and/or reconstruction.

Order No. 23-1008795B: The sum of \$1,000,000.00 be and hereby appropriated for WATER construction and/or reconstructing.

Order No. 23-1008795C: The sum of \$8,770,000.00 be and hereby appropriated for STREET and infrastructure construction, reconstruction and/or rehabilitation.

The Mayor advised this early submittal will allow the city to get in the construction loop as many communities compete for the same contractors for these projects. The Mayor intends to use the future ARPA funding from the State to reduce the bonds. Any ARPA funding will require Council approval. He further explained if the bonds are approved, the city would ban first and not bond for at least a year. The Mayor announced the lead service program is complete. City Engineer DiPersio gave his staff the credit and thanks for completing the program that included over 1000 lead services in the city. The Mayor explained the costly total reconstruction and replacement of lines in a street vs. overlays which may not last as long but greatly improve road conditions and are more cost effective.

On a motion by Councilor Oram, seconded by Chair, the committee voted to recommend approval of Order No. 23-1008795: Bond request in the amount of \$10,270,000.00 which includes various reconstruction of streets, drain and sidewalk repairs throughout the city. Vote 5-0. (Chair Irish called for votes on each bond separately; all approved 5-0).

Motion made and seconded to adjourn; meeting adjourned at 7:42 PM.

Reports of Committee Continued:

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

**City Council Personnel Committee
Monday, January 24, 2023
Minutes and Report**

This meeting convened at 7:00 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).

Voting members: Chair Dumais, Councilors Navin and Doucette.

Non-Voting members: Councilors Ossing, Landers, Wagner, and Robey.

Order No. 22-1008690: Communication from Mayor with Reappointment to the Community Development Authority of Rene Perdicaro for a term to expire March 9, 2024.

Order No. 22-1008763: Communication from Mayor with appointment of Joseph Delano to the Board of Registrars of Voters for a 3-year term to expire on April 1, 2024.

Order No. 23-1008784: Communication from Mayor with appointment of Elizabeth Jalonski to the Board of Registrar of Voters for a 2-year term to expire on April 1, 2025.

Order No. 22-1008764: Communication from Mayor with Reappointment of Samantha Khosla to the Library Board of Trustees for a 3-year term to expire April 2, 2024.

Order No. 22-1008764: Communication from Mayor with Reappointment of Fred Haas to the Library Board of Trustees for a 3-year term to expire January 7, 2025.

Order No. 23-1008782: Communication from Mayor with appointment of Dillon LaForce to Planning Board for term to expire February 1, 2027.

Order No. 22-1008756: Communication from Mayor with appointment of John Harmon as Human Resources Director for term to expire 3 years from date of confirmation.

On separate motions by Councilor Doucette, seconded by Chair, the committee recommends approval of the above reappointments and appointments for the terms and expiration dates as submitted by Mayor Vigeant. All Votes were 3-0.

Reports of Committee Continued:

On motion by Councilor Navin, seconded by Chair, the meeting adjourned at 7:25 PM.

**City Council Personnel Committee
Monday, January 30, 2023
Minutes and Report**

This meeting convened at 6:45 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).

Voting members: Chair Dumais, Councilors Navin and Doucette

Non-Voting members: Councilors Ossing, Landers, Irish, Brown, Robey and Perlman, Councilor Oram (arrived at 6:52 PM).

Order No. 22-1008735: Communication from Mayor with appointment of Richard Tomanek to the Board of Health for 3-year term to expire on February 5, 2024.

On a motion by Councilor Doucette, seconded by Chair, the committee recommends approval of the appointment of Richard Tomanek to the Board of Health for 3-year term to expire on February 5, 2024. Vote 3-0

Order No. 23-1008798: Communication from Mayor with appointment of James Fortin to the Planning Board, replacing Matthew Elder who recently resigned, for a 5-year term to expire on February 1, 2027. Councilor Oram arrived during the interview of Mr. Fortin to suggest there may be programs to assist new members about the role of the planning board. The Mayor advised councilors of the Solicitor's ongoing in-house training with city boards and plans to provide in-house training to members of the Planning Board when all are seated. Councilor Robey stated the CPTC (Citizen Planner Training Collaborative) has helpful zoom classes on many subjects. She will search and advise of any helpful topics found on their website.

On a motion by Councilor Navin, seconded by Chair, the committee recommends approval of the appointment of James Fortin to the Planning Board, replacing Matthew Elder who recently resigned, for a 5-year term to expire on February 1, 2027. Vote 3-0

On a motion made and seconded, the meeting adjourned at 6:58 PM.

On motion by Councilor Navin, seconded by Chair, the meeting adjourned at 7:25 PM.

Reports of Committee Continued:

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

**City Council Legislative & Legal Affairs Committee
Monday, February 9, 2023
Minutes and Report**

This meeting convened at 7:00 PM. It was held in the City Council Chamber on the second floor of City Hall. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) and Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Committee Members Present: Chair Perlman, Councilors Oram and Robey

Other Councilors Present: Councilors Irish, Landers, Ossing and Wagner

Also Present: Health Director John Garside

Order No. 23-1008796: Communication from Mayor Vigeant and the Board of Health with proposed amendment to City Code, Ch. 315 Enforcement, s.2 "Non-criminal Disposition" to ensure consistency with state law.

Chair Perlman reminded the members that a public hearing on this item will occur at the February 13th Council meeting. She reviewed the original letter submitted by the City Solicitor to provide an overview of the suggested changes. Chair Perlman then reviewed the substantive edits provided by the Solicitor with the following overarching objectives: clarifying a specific penalty as required by state law, describing how penalties are applied to repeat violations, and updating the table of enforcing city personnel and ordinance or regulations which can be enforced by the non-criminal process.

Director Garside confirmed that he worked with the Building Commissioner and Solicitor to also revise local Board of Health regulations. He affirmed that non-criminal disposition ticketing is not a tool they frequently use but may apply in instances of a third offense when there is a compliance issue.

Councilor Oram brought up that this is a useful tool but reiterated that it should not be used all the time. Councilor Perlman confirmed the ordinance changes are effective upon passage and requested that the website be updated accordingly. The city clerk confirmed he will post the information under the new code section on the city website.

Councilor Robey brought up the need to update 'motorized scooters' as defined in the ordinance. She mentioned stormwater management and was curious about the fines listed (#31 in the chart from the proposed ordinance). Councilor Ossing brought up that items outside the scope of this ordinance update could be addressed at a later time. Councilor Robey also brought up that the \$25 per offense for smoking-related to schools (#24) stuck out as very different than fines for other offenses. Director Garside explained that the schools remain the enforcer and this fine is unchanged, even though it is a Board of Health regulation. The numerical value remained at \$25 because of the conversations Director Garside had with the Superintendent. This discussion took up the bulk of the meeting as to whether the Committee should amend this section to align with the other offenses. Councilor Perlman reiterated that the Solicitor would attend the Council meeting on 2/13 and can answer these questions during the public hearing. Director Garside also reiterated that there are state regulations that employ penalties on smoking and that other local fines could come into play outside the \$25 in the table for school violations.

Reports of Committee Continued:

Councilor Oram made a motion to approve the Order. Councilor Ossing shared as a point of information that there was no requirement to hold a public hearing on this item but did so since it is a change in fees, similar to what occurred for the change in transfer station permits. Councilor Robey made a counter motion to move to amend #24 to change the \$25 fine to be in line with the other offenses in the table provided. Neither motion received a second. Discussion continued about the \$25 fine as a low number to allow for students to pay it, which Councilor Landers affirmed.

Noting that there was not a rush on this particular item, Councilor Oram withdrew his initial motion and made a motion, seconded by Chair Perlman, to keep the item in Committee until receipt of more information at the public hearing.

On a motion made by Councilor Oram, seconded by Chair Perlman, and approved 3-0, the Committee adjourned at 7:32 PM.

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

**City Council Urban Affairs Committee
Monday, January 24, 2023
Minutes and Report**

This meeting convened at 7:45 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

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

Other Councilors present: Dumais and Ossing.

Representing the petitioner was Marquel Frink.

Order No. 22-1008723 Application for Special Permit from Marquel Frink and Divino Oliveira on behalf of all Fur Love to operate a dog rooming business at 75 Lincoln Street.

The Chair began by listing items committee received-transcript of Public Hearing, the petitioner's "draft decision," managers' comments and a copy of relevant city code- Chapter 650 Zoning, Article IV Existing and Nonconforming Uses, §650-12 Nonconforming uses.

Ms. Frink described their business as dog grooming, but the property would generate rental income from the two residential units on the site. There would be no day care at this location. Chair Robey discussed the need for a draft Special Permit Decision as what was provided didn't fit the legal requirements. Ms. Frink emailed a new draft decision to the City Council at 7:45 PM on January 24, 2023, and she provided a copy to the Chair. Copies were made and distributed to all councilors at the meeting.

Reports of Committee Continued:

Chair Robey then discussed the issue of the site's status, is it pre-existing, non-conforming or not? For this discussion, the committee should assume it is pre-existing, non-conforming with a business with very little traffic going in and out vs potential traffic and noise with new use. Members of the committee asked questions of applicant. Chair Robey read some of the ZBA decision for this site from 2020 with a denial for failure to comply with city zoning, specifically that a roofing contractor yard was not allowed in this RB zone. The zoning code does not list dog groomer, but prior building commissioners may have used consumer service establishments in the table of uses. Consumer service establishments are not allowed in the RB zone, nor are mixed uses, retail sales and service or dog kennels or animal hospitals. Chair Robey stated the criteria for a pre-existing nonconforming use to be extended or altered requires a determination by the City Council that the expansion or alteration of a nonconforming use or structure is not substantially more detrimental to the neighborhood than the existing nonconforming use.

Councilor Navin receives complaints regarding speeding and backed up traffic from the light at Bolton Street to the light at E. Main. He expressed concern for the new use as the lot backs up to Chandler Street, another residential neighborhood. He stated the proposed use would generate much more daily in and out traffic on a regular basis.

Councilor Landers recounted the history of this site and the current owner's shop, a relatively quiet place. He questioned Ms. Frink's interest in Marlborough at this site and whether she expected a lot of business there. The rental income from the two apartments on the site and Marlborough's dog population at 6,000 registered were two of the reasons for her interest in this location. Ms. Frink stated the business has a good following, so she does not need to be in a commercial area; she is not concerned as she already has many clients from Marlborough that travel to her business in Medway. Councilor Landers replied that there are no other businesses next to 75 Lincoln Street.

Councilor Doucette expressed his understanding of the requirements when changing from one business to another but agreed that there is a shortage of groomers to handle the business in Marlborough.

Councilor Robey reviewed the draft decision and asked councilors for their preference whether to move forward or hold another meeting.

Councilor Landers stated he was unsure another meeting would be useful as this site is not the right place for this business.

Councilor Wagner stated she understood the pros about having the rental income but the impact on the neighborhood would be detrimental and she is not seeing a compelling reason why this is a unique situation that calls for a special permit for this business. She also stated she would welcome the business to Marlborough but not at this location. She did not believe additional meetings would change those concerns.

Councilor Ossing stated the use of a dog grooming business in a residential zone is a difficult leap from a nonconforming furniture upholstery repair business and would be a challenging precedent going forward for others that would want to do similar activities in a residential zone.

There was no further discussion.

Councilor Landers moved to deny the Grant of Special Permit to All Fur Love as their use of the site as a dog grooming business is substantially more detrimental to the neighborhood than the existing nonconforming use. Motion received a second and carried 5-0.

Reports of Committee Continued:

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting was adjourned at 8:12 PM.

City Council Urban Affairs Committee
Monday, February 9, 2023
Minutes and Report

This meeting convened at 7:45 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

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

Other Councilors present were Irish, Oram, Ossing, and Perlman.

Order No. 22-1008874: Special Permit Application by Attorney Falk on behalf of Octo48, LLC d/b/a Action Precision Machining to convert a preexisting, nonconforming warehouse use to a machine shop at 269 Mechanic Street.

For this item, Representing the petitioner were Attorney Falk and Mr. George Mongeau, principal Action Precision Machining.

The Chair began by stating the order would be reverse of the agenda and invited Attorney Falk and Mr. Mongeau to the well. Attorney Falk reviewed that the public hearing had been held, a draft Special permit with conditions was sent and the applicant has gone to Site Plan review for preliminary review. He also reviewed the site's former use as a commercial operation since early 1900's and although the council rezoned the property from LI to RB in 2019 in anticipation of a residential project that never filed for building permit, the property is preexisting, nonconforming with use by DN Van Lines until May of 2022 when Mr. Mongeau purchased the property. The new use will be a machine shop, a tool and die business. As this is a Special Permit under Section 6, the legal standard the council can grant the special permit is a finding that the new use is substantially not more detrimental to the neighborhood than the existing nonconforming use. He explained the applicant felt the council could grant the permit as the use will be less detrimental—the use would have lower impact, operating hours are shorter, and there would be less truck traffic with smaller trucks delivering and leaving the property.

The chair then reviewed the draft special permit and read the comments from Site Plan Review Committee including their recommendation to add a new condition to Section E titled Site Plan Review to read "The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications, or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed, and approved by the City Council as the Special Permit Granting Authority." No one had an issue with adding this.

Reports of Committee Continued:

Next the chair reviewed Condition #4. Operations which list the hours as Monday through Saturday from 7 am to 6 pm. She brought up a concern a resident mentioned at the Public Hearing regarding Saturday hours. Councilor Landers suggested adding language that there would be no deliveries on Saturday but felt with the few employees, having them there on Saturday wasn't an issue for him. Committee members agreed on adding language "No deliveries on Saturday" leaving specific language for solicitor to add as he reviews the Special Permit.

The chair then reviewed Condition #6 Signs and suggested to strike the draft language and insert "The sign would be substantially the same as the sign shown in Exhibit B" (reference the photo in the packet-69 Action Precision Machining). Committee members agreed.

The chair then went back to new Condition 2 which adds an additional sentence to what was read- "Site Plan Review shall consider among other things the adequacy of the Site's existing driveway for the Use, options to improve drainage behind the building in the vicinity of the rail trail, options for visual improvements along the rail trail, including plantings, and options to improve screening for abutting properties." Committee members agreed.

The final discussion was whether to add language for snow storage and members felt that could be left to Site Plan Review Committee.

Councilor Landers moved to approve the Grant of Special Permit as amended; motion received a second and carried 4-0.

The chair will report this out at the February 13th meeting and ask for a suspension of rules to have the draft language referred to solicitor to be put in proper form for the February 27th Council meeting.

There was a short break before the next item was taken up.

The chair called the meeting back to order.

The next item is Order #22-1008741: Application for Special Permit from Attorney Terrance Morris on behalf of 272 Lincoln LLC to build a 12-unit multifamily dwelling with accessory parking to be located at 272 Lincoln St.

Representing the applicant were Attorney Morris; Ron Bourque, architect and Charles Zammuto, manager.

The chair reminded members of the time extension approved until March 28 and stated members have the draft special permit, minutes of the Public Hearing held December 19 and comments from managers. Attorney Morris stated they had been to Site Plan Review Committee with a number of minor changes to Site Plan including parking and setbacks. Revised plans discussed at Site Plan review were given to councilors.

The chair read the comments from Site Plan Review Committee into the record and then began reviewing the draft Decision on a Special Permit. The chair suggested an amendment to #5 in the Findings of Facts by inserting "and as further amended on February 2, 2023" after September 12, 2022 and deleting "approved by Site Plan Committee on December ____, 2022." No one had an issue with this change.

Reports of Committee Continued:

The chair continued reviewing the Findings of Facts and the conditions. There was discussion on Condition #8. Crosswalk Painting specific to language of painting at later time if authorized by City Engineer. It was agreed to amend the language by striking “or at such later time, if authorized by the City Engineer” and “its successors and/or assigns.”

Discussion continued on Condition 9 which was an addition from Site Plan Review Committee- Cashman St. Improvements with language that removed a sidewalk on the eastern side of Cashman. Members agreed a sidewalk was necessary but also wanted ability to park on Cashman. It was agreed to amend Condition 9 to read: “The traveled way of Cashman Street shall be widened to the extent possible along the site frontage while maintaining a sidewalk. Final details shall be approved by the City Engineer.”

The chair then brought up the additional suggestion from Site Plan Review Committee on the billboard and its removal and the timing of the removal. The language agreed to was-“The existing billboard shall be taken down during demolition of the building on the site. In the future no billboard shall be allowed on the site.”

Next discussion was on snow removal. As a rental property, the manager will be responsible with removing snow. Committee members were comfortable with this being finalized by Site Plan Review Committee.

Councilor Oram brought up traffic issues with turning from the parking lot on Lincoln St. It was suggested that a sign could be put on the property stating no left turn.

Councilor Perlman brought up the corner of property (Cashman and Lincoln St.) which was discussed during public hearing as having it be public space. After lengthy discussion, it was decided to not add any language in the Special Permit related to the corner of the property.

Councilor Wagner moved to approve the draft Decision on Special Permit with Conditions as amended. The motion was seconded and carried 4-0.

The chair will report this out at the February 13 meeting and ask for a suspension of rules to have the draft language referred to solicitor to be put in proper form for the February 27th council meeting.

Councilor Wagner moved to adjourn, motion was seconded and carried 4-0. Meeting adjourned at 8:57 PM.

Suspension of the Rules requested –granted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require:

that JENKS LANE be accepted as a public way

from GOODALE STREET at the westerly end of JENKS LANE to the cul-de-sac at the easterly end of JENKS LANE

and that the appurtenant easements be accepted as municipal easements,

as shown on plans thereof and as hereinafter described and as set forth in Schedule A and Schedule B attached hereto:

DESCRIPTION

Plan entitled, "Plan of Acceptance Goodale Estates LLC Jenks Lane, City of Marlborough, Middlesex County, Commonwealth of Massachusetts," Prepared By: Control Point Associates, Inc., 352 Turnpike Road, Southborough MA 01772; Dated: February 28, 2022, which plan is to be recorded herewith.

Title to the roadways shown as Jenks Lane on said plan, and title to all the municipal easements shown on said plan as "Drainage Easement" and set forth in "**Schedule A**" attached hereto, has been granted to the City of Marlborough in a quitclaim deed from Northborough Capital Partners, LLC, a Florida limited liability company with an address of 1236 Par View Drive, Sanibel, Florida 33957, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

JENKS LANE be accepted as a public way, and the appurtenant easements be accepted as municipal easements, in the City of Marlborough.

APPROVED; adopted.

Suspension of the Rules requested –granted.

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

Motion by Councilor Robey, seconded by Councilor Navin to amend Chapter 315, §2 #24 to strike out \$25.00 per offense and insert the amount of \$100.00 per offense – Motion **DOES NOT CARRY**.

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

- I. Chapter 315 (entitled "Enforcement"), Section 315-2 (entitled "Noncriminal disposition"), Subsection (A), is hereby amended by inserting the following sentence at the end of the existing paragraph:

In addition to any other enforcing municipal personnel, the code enforcement officer(s) may also be a designee of any enforcing agent for all such ordinances, rules or regulations.

- II. Chapter 315, Section 315-2, Subsection (B), is hereby amended by inserting the following sentences after the existing second sentence:

Where no specific penalty amount is stated in an ordinance, rule, or regulation, the specific penalty amount shall be: \$100 for First Offense, \$200 for Second Offense, and \$300 for Third and Any Subsequent Offense. Unless otherwise specified, second and any subsequent offenses shall mean additional offenses after a first offense which are committed by the same offender within a twelve-month period.

- III. Chapter 315, Section 315-2, Subsection (B), Table Row numbers "20", "21", "22", "23", "25", "27", "28.1", "29", and "31", are hereby amended as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

	Ordinance Violation (Chapter/Section)	Penalty	Enforcing Agent
20)	Human Habitation, <u>City Health Code</u> <u>Board of Health:</u> <u>Regulations for</u> <u>Minimum Standards</u> <u>for Human Habitation</u>	\$50 <u>1st offense: \$100</u> <u>2nd offense: \$200</u> <u>3rd and subsequent offense: \$300</u>	Board of Health, <u>Director of Public</u> <u>Health, agent,</u> <u>sanitarian and</u> assistant sanitarian (hereinafter, Board of Health)
21)	Subsurface Disposal of Sanitary Sewage, <u>City Health Code</u> <u>Board of Health:</u> <u>Regulations for</u> <u>Minimum Standards</u> <u>for Onsite Sewage</u> <u>Treatment & Disposal</u> <u>Systems</u>	\$50 <u>1st offense: \$100</u> <u>2nd offense: \$200</u> <u>3rd and subsequent offense: \$300</u>	Board of Health
22)	Food Establishments, <u>City Health Code</u> <u>Board of Health:</u> <u>Regulations for</u> <u>Minimum Standards</u> <u>for Food</u> <u>Establishments</u>	\$50 <u>1st offense: \$100</u> <u>2nd offense: \$200</u> <u>3rd and subsequent offense: \$300</u>	Board of Health
23)	City Wetland Regulations (Ch. 627)	<u>Penalty amounts set forth in Ch.</u> <u>627.</u>	Conservation Officer
25)	Plumbing	For violation of any provisions of Ch. 270, Art. II, § 270-7.1 or any provision of the State Plumbing Code (248 CMR): no less than \$50 nor more than \$100 <u>\$100</u> for 1st offense; <u>\$200</u> for 2 nd offense; no less than \$200 <u>not more than \$300</u> <u>\$300</u> for each succeeding offense; each day or part thereof, whether continuous or intermittent, construed as separate and succeeding offense	Plumbing Inspector or Assistant Plumbing inspector (in his absence)

27)	<p>Building Regulations</p> <p>Building Permits, etc., Ch. 270, § 270-8</p>	<p>For violation of § 270-8 or any provision of State Building Code (780 CMR): <u>\$100 for 1st offense; \$200 for 2nd offense; \$300 for each succeeding offense no less than \$100 nor more than \$300</u> \$X for each offense; each day or part thereof, whether continuous or intermittent, construed as separate and succeeding offense</p>	<p>Building Commissioner or his or her designee, in his absence</p>
	<p>Certificate of legal multifamily dwelling units, Ch. 420</p>	<p>Not less than \$100 nor more than \$300 <u>\$100 for 1st offense; \$200 for 2nd offense; \$300 for 3rd and subsequent offense</u></p>	<p>Building Commissioner or his or her designee</p>
28.1)	<p>Motorized Scooters, Ch. 503</p>	<p>First offense: not more than \$25; second: not less than \$25 nor more than \$50; subsequent offenses: not less than \$50 nor more than \$100</p>	<p>Police Department</p>
29)	<p><u>Antiblitz; Nuisances (Ch. 485, Art. I)</u></p> <p>Registration and Maintenance of Abandoned and/or Foreclosing Residential Properties, Ch. 485, <u>Art. II</u></p>	<p><u>\$200</u></p> <p>\$300</p>	<p><u>Building Commissioner or his or her designee; Board of Health</u></p> <p>Building Commissioner</p>
31)	<p>Stormwater Management, Ch. 271</p>	<p><u>1st offense: \$100</u> <u>2nd offense: \$200</u> <u>3rd and subsequent offense: \$300</u></p>	<p>City Engineer</p>

IV. Chapter 315, Section 315-2, Subsection (B), Table Row number “24”, is hereby deleted in its entirety and replaced with the following:

	Ordinance Violation (Chapter/Section)	Penalty	Enforcing Agent
24)	Board of Health: Regulation XII, Smoking and other use of tobacco products in school buildings, upon school grounds or in pupil transport vehicles	\$25 per offense	Superintendent of Marlborough School District; all district principals, assistant principals, directors of athletics; Superintendent-Director and Principal of Assabet Valley Regional Vocational High School, as well as police officers
24.1)	Board of Health Regulations: All other Board of Health regulations not listed in Section 315-2.	Amount as set forth in the Board of Health Regulation. If no specific penalty is listed in the regulation, then: 1 st offense: \$100 2 nd offense: \$200 3 rd and subsequent offense: \$300	Board of Health

V. Chapter 420 (entitled “Multifamily Dwellings”), Section 420-3 (entitled “Violations and Penalties”) is hereby amended as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

Every day that a person violates § 420-2 shall constitute a separate offense. Each offense shall be subject to a noncriminal fine ~~of not less than \$100 and not more than \$300~~ as set forth in the Code of the City of Marlborough §315-2B, as enforced by the Building Commissioner or his/her designee.

VI. Chapter 485 (entitled “Property Maintenance”), Section 485-3 (entitled “Administration”), Subsection (A)(3), is hereby amended as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

In addition to the foregoing remedy, whoever violates any provision of this article or fails to obey any lawful order issued by the enforcing authority in enforcing this article shall be liable to a noncriminal fine ~~of not more than \$200 for each violation~~ as set forth in the Code of the City of Marlborough §315-2B. Each violation of this article shall constitute a separate offense. Each day that any such violation continues shall constitute a separate violation. The enforcing authority may also issue a cease-and-desist order for any hazardous situation.

VII. Effective Date. These amendments shall take effect upon passage.

APPROVED.

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

Suspension of the Rules requested – granted.

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

ORDERED: That the Denial of the Application for Special Permit from Marquel Frink and Divino Oliveira on behalf of All Fur Love, to operate a dog grooming business to be located at 75 Lincoln Street, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE FEBRUARY 27, 2023, COUNCIL MEETING;** adopted.

Suspension of the Rules requested – granted.

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

ORDERED: That the Application for a Special Permit from Attorney Brian Falk, on behalf of Octo48, LLC d/b/a Action Precision Machining to convert a preexisting nonconforming warehouse use to a machine shop at 269 Mechanic Street, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE FEBRUARY 27, 2023, COUNCIL MEETING;** adopted.

Suspension of the Rules requested – granted.

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

ORDERED: That the Application for Special Permit from Attorney Terrence Morris, on behalf of 272 Lincoln LLC, to build a 12-unit multi-family dwelling with accessory parking to be located at 272 Lincoln Street, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE FEBRUARY 27, 2023, COUNCIL MEETING;** adopted.

Councilor Dumais Recused.

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

ORDERED:

IN CITY COUNCIL

**DECISION ON A SPECIAL PERMIT
DISH WIRELESS, LLC**

ORDER NO. 22/23-1008710C

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Dish Wireless L.L.C. (the “Applicant”) to allow for the co-location of a new Wireless Communications Facility (3 antennas and associated equipment) on an existing monopole tower with accessory ground equipment pursuant to the submitted plans, 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 and FCC Licensee having a principal office located at 9601 S. meridian Blvd., Englewood, CO 80112 c/o Brian Martinelli, 114 E. Clinton Ave., Oaklyn, NJ 08107.

2. The Applicant is a sublessee of a portion of the property located at 860 Boston Post Road (Assessor's Map 61, Parcel 16), Marlborough, Massachusetts (the "Site").
3. On October 3, 2022, the Applicant filed with the City Clerk of the City of Marlborough an application (hereinafter referred to as the "Application") for a Special Permit under Chapter 650 (Zoning) of the Code of the City of Marlborough (hereinafter referred to as the "Zoning Ordinance"), Section 650-25 entitled Wireless Communications Facilities.
4. In accordance with Article V, Section 650-18(A)(20) and Section 650-25 of the Zoning Ordinance, the Applicant proposes the co-location of a new Wireless Communications Facility (3 antennas and associated equipment) on an existing monopole tower) with accessory ground equipment (the "Use") at the Site, as shown in the plans submitted with the Application and referenced in paragraph 5 below.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and plans by A.T. Engineering Service, with the last revision date of May 11, 2022, (collectively the "Plans"), attached hereto as "**Attachment A.**".
6. Pursuant to the Application, the Applicant is licensed by the FCC to provide personal wireless services in the City of Marlborough and surrounding areas and currently has a problem with significant gaps in coverage and capacity issues with coverage that could be alleviated by installing the Use on the subject location as shown on the Plans.
7. The Site is located in the Rural Residential (RR) Zoning District which allows a Special Permit to be issued for a Wireless Communication Facility ("WCF").
8. 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 and the planning boards of all surrounding towns entitled thereto in accordance with applicable regulations and law.
9. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on November 21, 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 November 21, 2022.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Use meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. At the Public Hearing, there were no members of the public speaking in opposition to the Use.
12. The Council, in reviewing the Application, considered the Review Standard and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Use.

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

- A. The Applicant has complied with the Rules and Regulations promulgated by the 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. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.
- C. The City Council finds that the proposed Use is consistent with the purposes of Section 650-25 governing WCFs in the City.
- D. The proposed WCF and location are consistent with both the applicable review standards in Section 650-25(D) and the development requirements in Section 650-25(E).
- E. The City Council recognizes the Applicant is a federal licensee afforded certain protection under federal telecommunications law, to the extent provided by law.
- F. The City Council confirms the Applicant has demonstrated the need to construct the proposed facility to solve certain wireless coverage and capacity issues that currently exist in its network in the vicinity.
- G. The City Council finds that there are adequate, ample parking spaces on the host parcel.
- H. The City Council finds the proposed Use, which consists of an unmanned and unoccupied facility, will have no impact on traffic and pedestrian safety in the area.
- I. The City Council finds the proposed Use will not be contrary to the public health, safety, convenience, and welfare and will not be offensive or detrimental.
- J. The City Council, pursuant to its authority under MGL Chapter 40A and the City of Marlborough Zoning Ordinance **GRANTS** to the Applicant a Special Permit for construction of the Use, a wireless communications facility on the existing monopole, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
 - 1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Plans as may be amended during Site Plan Review.
 - 2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications, or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed, and approved by the City Council as the Special Permit Granting Authority.
 - 3. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Public Services Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

4. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.
5. All work performed on the Site shall comply with this Decision. No other building or construction or activity (including but not limited to any other communications device, WCF, tower, etc.) shall occur without further modification of this Special Permit. This condition shall be interpreted consistent with federal law governing WCF's.
6. Signage. No signage or advertising of any sort shall be permitted as part of the Use.
7. As a condition of approval, the Applicant will schedule and hold a pre-construction meeting with the Department of Public Works to discuss access to the site during construction.
8. Prior to issuance of a building permit for the Use, all required lease amendments authorizing the Use on the Site shall be completed in legal form acceptable to the City Solicitor.
9. The Applicant shall comply with all applicable conditions for WCFs as set forth in Section 650-25(F), each of which shall constitute conditions of this special permit.
10. Recording of Decision. In accordance with the provisions of Massachusetts General Laws Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council Office, the Building Department and the City Solicitor's Office.

Yea: 11 – Nay: 0

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

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

Suspension of the Rules requested to allow City Engineer DiPersio to speak— granted.

Motion by Councilor Robey, seconded by the Chair to amend condition number 3 to adding the words “if possible” after “street side of sidewalk” and striking the word “from” and adding the word “down”. Councilor Doucette asked that the word “down” be changed to “heading east on” – Amendment **CARRIED**.

ORDERED: That the Petition from Massachusetts Electric, to install a new Pole/Anchor P0-5 on Manning Street to support pole with wires, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

1. National Grid shall confirm the new pole and anchor are located in the Public Way prior to placement of the new utilities.
2. Petition is subject to the eleven (11) standard conditions.
3. Pole 0-5 shall be located on the street side of sidewalk if possible and no further than fifteen (15') feet heading east on Manning Street.

STANDARD CONDITIONS

1. Any necessary easements are to be obtained from affected property owners.
2. A street opening permit must be applied for by the proposed contractor performing the work.
3. The contractor performing the work must obtain a street opening bond with the City of Marlborough.
4. The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
5. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
6. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
7. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
8. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
9. Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
10. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
11. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

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 9:12 PM; adopted.



City of Marlborough Legal Department

RECEIVED
CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 FEB 22 AM 10:45

JASON D. GROSSFIELD
CITY SOLICITOR

BEREMY P. MCMANUS
ASSISTANT CITY SOLICITOR

BEATRIZ R. ALVES
PARALEGAL

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

February 22, 2023

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

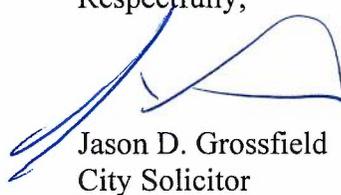
Re: City Council Order No. 22-1008723
Special Permit Decision, 75 Lincoln Street, Marlborough

Dear Honorable President Ossing and Councilors:

In accordance with Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced special permit application as referred to this office by the City Council on February 13, 2023. Enclosed is a copy of a proposed decision reflecting the Urban Affairs Committee recommendation to deny the application. I certify that it is in proper legal form.

Please contact me if you have any questions or concerns.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosure

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

_____, 2023

**NOTICE OF DECISION
DENIAL OF SPECIAL PERMIT**

In City Council
Order No. 22-1008723

Application of:
Divino Oliveira and Marquel Frink

Locus:
75 Lincoln Street, Marlborough, MA
Parcel 249A of Assessor Map 57

DECISION

The City Council of the City of Marlborough hereby **DENIES** the Application of Divino Oliveira and Marquel Frink, with a mailing address of 126 Main Street, Medway, MA 02053, as provided in the DECISION.

Decision date: _____, 2023

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [] day of [], 2023.

APPEALS

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

A TRUE COPY
ATTEST:

City Clerk

ORDERED:**IN CITY COUNCIL**

DECISION ON A SPECIAL PERMIT

Application of:
Divino Oliveira and Marquel Frink

Locus:
75 Lincoln Street, Marlborough, MA
Parcel 249A of Assessor Map 57

**DECISION ON A SPECIAL PERMIT
ORDER NO. 22-1008723**

The City Council of the City of Marlborough hereby DENIES the Application for a Special Permit to Divino Oliveira and Marquel Frink (collectively, the "Applicant") for a dog grooming business at 75 Lincoln Street, Marlborough, as provided in this Decision.

FINDINGS OF FACT

1. The Applicant, Divino Oliveira and Marquel Frink, are individuals with an address of 126 Main Street, Medway, MA 02053.
2. The Applicant is the prospective owner of the property located at 75 Lincoln Street, Marlborough, Massachusetts, being shown as Parcel 249A of Assessor Map 57 (the "Site").
3. In accordance with unspecified sections of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes to change the current use at the Site to establish a new use, dog grooming business (the "Use").
4. The Site is located in the Residence B Zoning District ("RB").
5. The Site has an area of 10,714 SF +/- according to the application.
6. The Applicant filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use.
7. In connection with the Application, the Applicant submitted a certified list of abutters, and filing fees.

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

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

10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, December 5, 2022. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on December 5, 2022.

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

12. At the public hearing, one member of the public spoke in opposition to the Use.

13. The City Council's Urban Affairs Committee reviewed the Application. At its meeting on January 24, 2023, the Committee voted 5-0 to recommend denial of the special permit.

14. On February 13, 2023, the City Council referred the Urban Affairs Committee's recommendation to deny the special permit to the Legal Department to be placed in proper legal form.

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

A. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby DENIES the Applicant a Special Permit for a dog grooming business. The basis for the denial are the following reasons and findings:

1. The Use is not permitted in the RB zoning district, and a special permit cannot authorize the Use under City Zoning Ord. 650-16, 650-17. The Use is a change in use that must itself comply with current zoning.
2. Under City Zoning Ord. 650-12(b), the City Council considered whether this Application seeks to change a pre-existing non-conforming use to a new use, and if so, whether the Use would not be substantially more detrimental to the neighborhood than the existing use of the Site.

3. The City Council finds that the Applicant did not establish whether there is a legal, pre-existing non-conforming use currently on the Site, which would allow for an application under Section 650-12(b) of the Zoning Ordinance. While the Application references an existing “mixed-use”, it is not established whether any such mixed-use was lawfully established, and even if it was, that it had not been abandoned or not used for a period of two years or more.
4. Subject to the above paragraphs 2 and 3, the City Council considered the impacts of the change in use for purposes of Section 650-12(b), and finds that the Use will be substantially more detrimental than the most recent use of the Site for the following reasons:
 - a. The Use proposes to establish a new commercial use of the Site as a dog grooming business. The Site is located in the RB zoning district, which is a residential zoning district that prohibits business uses with very limited exceptions. Dog grooming is not a use explicitly listed in the Zoning Ordinance’s Table of Uses, Ord. 650-17. Even if the Use arguably falls within another use category such as “consumer service establishments” or as part of a “mixed-use development”, these types of uses are also prohibited in the RB zoning district.
 - b. Utilizing the Site for a type of business that has a significant number of customers on Site daily would result in a significant increase in the number of vehicles entering and exiting the Site from the most recent use of the Site for upholstery where customers did not regularly frequent the Site.
 - c. Lincoln Street already is a heavily traveled road, and the Use would add additional traffic entering/exiting the Site when compared to the most recent uses.
 - d. The Use poses new detrimental impacts to the neighborhood in the form of noise from customers and dogs utilizing the parking lot on the Site, and odor due to any dog waste within the exterior of the Site. Adjacent uses to the Site are residential.

Each of the above stated reasons, individually, provides sufficient grounds for the denial of the special permit, and collectively, provides sufficient grounds for such denial.

B. Incorporation of Submissions. All minutes, reports, documents, recordings, and submittals before, or made by, the City Council and/or the City Council’s Urban Affairs Committee, are incorporated into this decision.

Yea: _____ - Nay: _____ - Absent: _____



City of Marlborough Legal Department

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
JASON D. GROSSFIELD
CITY SOLICITOR
2023 FEB 22 PM 4:37
JEREMY P. MCMANUS
ASSISTANT CITY SOLICITOR
BEATRIZ R. ALVES
PARALEGAL

February 22, 2023

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

Re: City Council Order No. 22/23-1008741
Special Permit Decision, 269 Mechanic Street, Marlborough

Dear Honorable President Ossing and Councilors:

In accordance with Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced special permit application as referred to this office by the City Council on February 13, 2023. Enclosed is a copy of the proposed decision. I certify that it is in proper legal form.

It is my understanding there may be an amendment to Condition #4 which the Applicant is agreeable to regarding parking of commercial vehicles. Should the City Council wish to incorporate the requested change, I have prepared the following motion which is in proper legal form:

Recommended Motion: Move to amend Condition #4 (Operations) by adding the following sentences at the end of the paragraph: "The parking of commercial vehicles (including trucks and trailers) on the Site is prohibited, except for commercial vehicles owned or used by the Applicant as part of the Use. Any currently parked commercial vehicles on the Site shall be removed from the Site prior to commencing Use operations."

Please contact me if you have any questions or concerns.

Respectfully,


Jason D. Grossfield
City Solicitor

Enclosure

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

_____, 2023

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. 22/23-1008741

Application of:
Octo48, LLC

Locus:
269 Mechanic Street, Marlborough, MA
Parcel 125 on Assessors Map 56

DECISION
The City Council of the City of Marlborough hereby **GRANTS** the Application of Octo48, LLC, with a mailing address of 269 Mechanic Street, Marlborough, MA, as provided in the **DECISION** and subject to the Findings of Fact and Conditions contained therein.

Decision date: _____, 2023

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [] day of [], 2023.

APPEALS

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

A TRUE COPY
ATTEST:

City Clerk

ORDERED:

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT

Application of:
Octo48, LLC

Locus:
269 Mechanic Street, Marlborough, MA
Parcel 125 on Assessors Map 56

**DECISION ON A SPECIAL PERMIT
ORDER NO. 22/23-1008741**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Octo48, LLC (the “Applicant”) for a manufacturing use (precision instruments, tool and die) at 269 Mechanic Street, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Octo48, LLC, is a Massachusetts limited liability company with an address of 269 Mechanic Street, Marlborough, MA 01752.
2. The Applicant is the owner of the property located at 269 Mechanic Street, Marlborough, Massachusetts, being shown as Parcel 125 on Assessors Map 56 (the “Site”).
3. In accordance with Article IV, Section 650-12.B, of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes a change of the preexisting nonconforming warehouse use at the Site to a manufacturing use (precision instruments, tool and die) (the “Use”). As shown on the Plans referenced in paragraph 5 below, the Use consists of a commercial building to contain the manufacturing operation, loading areas, accessory parking, and landscaped areas.
4. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a site plan entitled “Plan of Land, 269 Mechanic Street, Marlborough, Massachusetts” by Chappell Engineering Associates, LLC, dated September 7, 2022, in

accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit (the "Plans"), attached hereto as "Attachment A."

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

7. The Site has an area of 32,814 square feet +/- as shown on the Plans.

8. The Site has hosted various manufacturing and warehouse uses since the early 1900s.

9. The Site was rezoned from Limited Industrial to Residence B in 2019. Following this Zoning Map amendment, the Site became preexisting nonconforming with respect to use, various dimensional controls, and parking.

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

11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, December 19, 2022. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on December 19, 2022.

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

13. As part of the public hearing, three residential abutters to the Site submitted letters in support of the Use. A letter with questions about the Use was submitted by a residential neighbor, whose opposition to the Use was noted at the public hearing.

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

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

B. The City Council finds that the proposed change to a manufacturing use (precision instruments, tool and die) would not be substantially more detrimental to the neighborhood than the existing warehouse use of the Site.

C. The City Council finds that the preexisting nonconforming warehouse use of the Site has not been abandoned or not used for a period of two years or more.

D. The City Council finds that the proposed Use is not enlarged to more than 25% of the floor and ground area of the preexisting nonconforming warehouse use, as no changes are proposed to the exterior of the building or the Site.

E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to change the preexisting nonconforming warehouse use at the Site to a manufacturing use (precision instruments, tool and die) as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction at the Site is to be in accordance with all applicable building codes and zoning regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts.

2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority. Site Plan Review shall consider among other things the adequacy of the Site's existing driveway for the Use, options to improve drainage behind the building in the vicinity of the rail trail, options for visual improvements along the rail trail, including plantings, and options to improve screening for abutting properties.

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

4. Operations. All manufacturing activities shall take place indoors. All loading and unloading shall take place within the Site and not on Mechanic Street. No deliveries of materials or equipment to the Site, and no shipments from the Site, shall be permitted on Saturday or Sunday. The maximum hours for manufacturing activities (excluding administrative and maintenance operations, and employees arriving and leaving before and after shifts) shall be Monday through Saturday from 7:00 a.m. to 6:00 p.m.

5. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties. Exterior lighting at the Site shall be shut off outside of operating hours, except for lighting necessary for security and emergency access.

6. Signs. Signage at the Site shall comply with the City’s Sign Ordinance, with any free-standing sign at the Site’s driveway entrance being substantially the same as the sign shown in the photo attached hereto as “Attachment B.”

7. Noise and Air Quality. The Applicant shall comply with the City’s Noise Ordinance and shall comply with all state and federal requirements governing air quality and emissions.

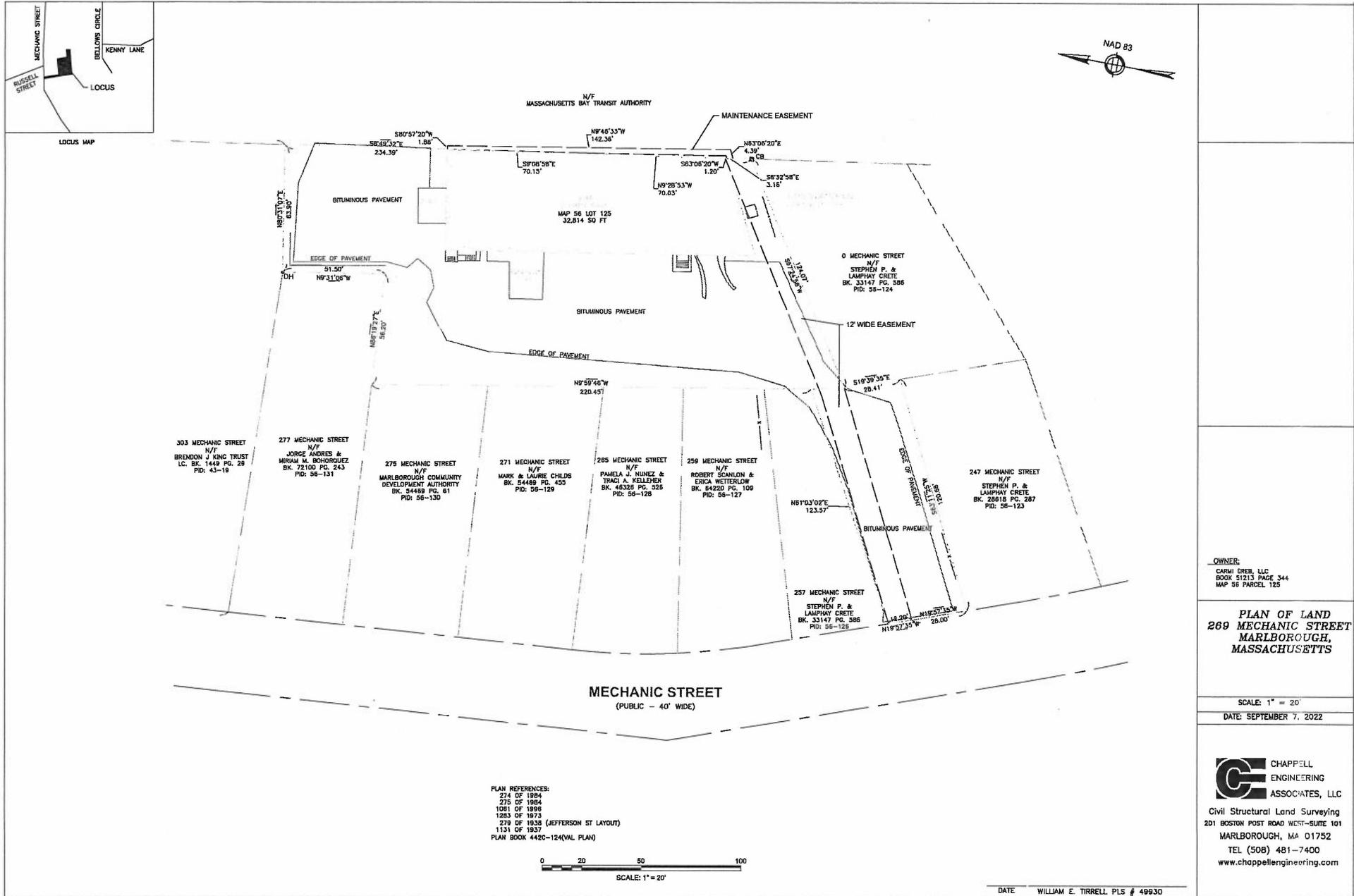
8. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day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

Yea: ___ - Nay: ___ -Absent - ___
Yea: _____, _____, _____, _____, _____, _____, _____,
Nay: _____, _____,
Absent: _____, _____,

Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
Order No. 22/23-1008741

Attachment A



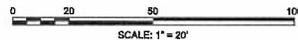
OWNER:
 CARMY EREB, LLC
 BOOK 51213 PAGE 344
 MAP 56 PARCEL 125

**PLAN OF LAND
 269 MECHANIC STREET
 MARLBOROUGH,
 MASSACHUSETTS**

SCALE: 1" = 20'
 DATE: SEPTEMBER 7, 2022

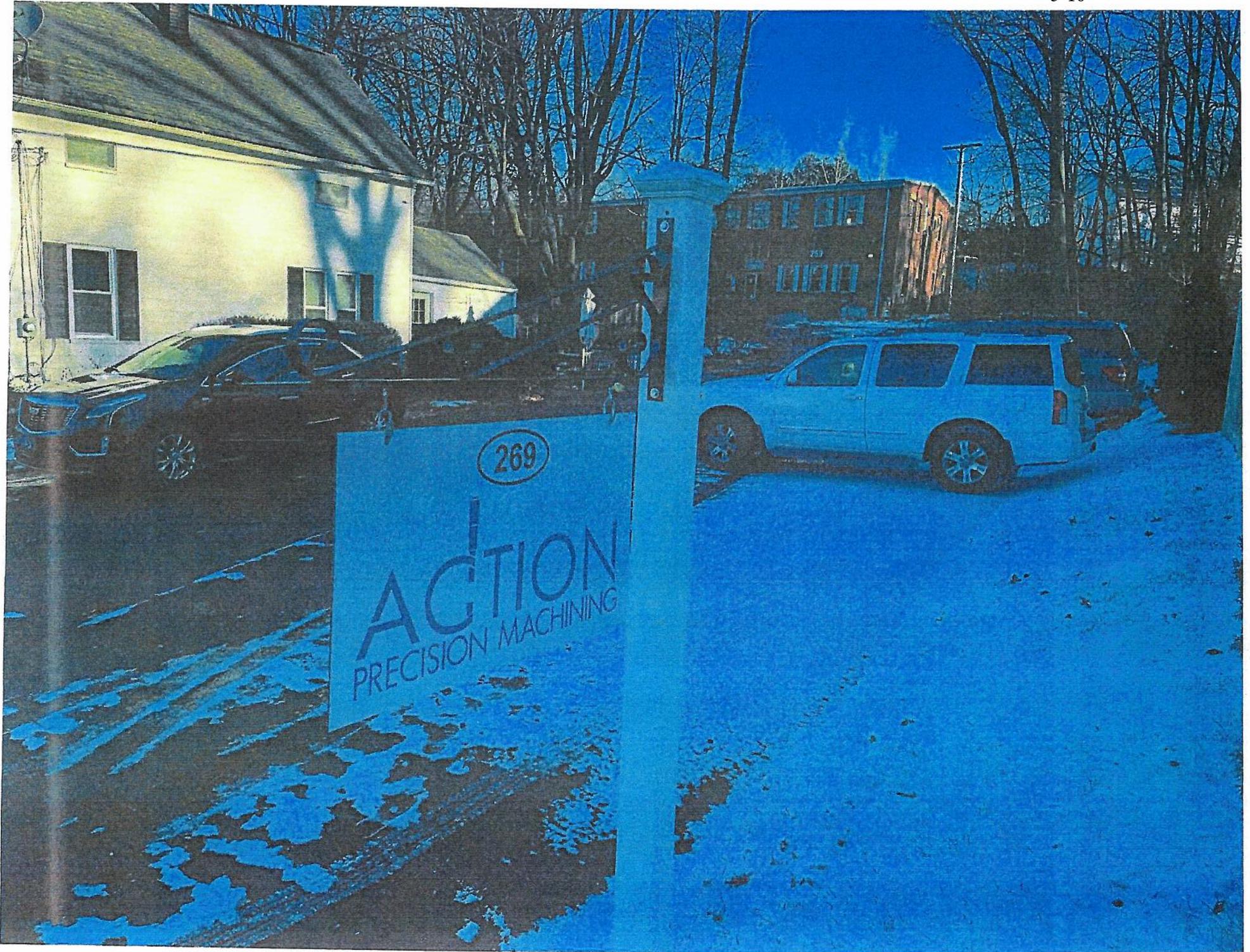
C CHAPPELL
 ENGINEERING
 ASSOCIATES, LLC
 Civil Structural Land Surveying
 201 BOSTON POST ROAD WEST-SUITE 101
 MARLBOROUGH, MA 01752
 TEL (508) 481-7400
 www.chappellengineering.com

PLAN REFERENCES:
 274 OF 1984
 275 OF 1984
 1081 OF 1996
 1283 OF 1973
 279 OF 1935 (JEFFERSON ST LAYOUT)
 1131 OF 1937
 PLAN BOOK 442C-124(VA PLAN)



DATE WILLIAM E. TIRRELL PLS # 49930

Attachment B





City of Marlborough

Legal Department

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

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2023 FEB 22 PM 2:18
 JASON D. GROSSFIELD
 CITY SOLICITOR
 JEREMY P. MCMANUS
 ASSISTANT CITY SOLICITOR
 BEATRIZ R. ALVES
 PARALEGAL

February 22, 2023

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

Re: City Council Order No. 22-1008709
 Special Permit Decision, 272 Lincoln Street, Marlborough

Dear Honorable President Ossing and Councilors:

In accordance with Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced special permit application as referred to this office by the City Council on February 13, 2023. The document incorporates revisions to Condition #9 (Cashman St. Improvements) and #10 (Billboard Signage) consistent with the Urban Affairs Committee recommendation. Enclosed is a copy of the proposed decision. I certify that it is in proper legal form.

I have reviewed the quantum of vote necessary for the grant of this special permit under the recent amendments to MGL c. 40A, and in my opinion, the vote remains a two-thirds (2/3) vote. MGL c. 40A, s. 9.

Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield
 City Solicitor

Enclosure

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

_____, 2023

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. #22-1008709

Application of:
272 Lincoln LLC

Locus:
272 Lincoln Street, Marlborough, MA
Parcel 523 and 523A on Assessors Map 69

DECISION
The City Council of the City of Marlborough hereby **GRANTS** the Application of 272 Lincoln LLC, with a mailing address of 11 Placid Road, Newton, MA, 02459 as provided in the **DECISION** and subject to the Findings of Fact and Conditions contained therein.

Decision date: _____, 2023

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [] day of [], 2023.

APPEALS

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

A TRUE COPY
ATTEST:

City Clerk

ORDERED:**IN CITY COUNCIL****DECISION ON A SPECIAL PERMIT**

Application of:
272 Lincoln LLC

Locus:
272 Lincoln Street, Marlborough, MA
Parcel 523 and 523A on Assessors Map 69

ORDER NO. 21-1008709

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to 272 Lincoln LLC (the “Applicant”) for a 12-unit multifamily dwelling at 272 Lincoln Street, in the Neighborhood Business Zoning District, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, 272 Lincoln LLC, is a Massachusetts limited liability company with an address of 11 Placid Road, Newton, MA 02459.
2. The Applicant is the owner of the property located at 272 Lincoln Street, Marlborough, Massachusetts, being shown as Parcel 523 and 523A on Assessors Map 69 (the “Site”).
3. In accordance with Article V, Section 650-17, and Section 650-18.A(4), of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes a 12-unit multifamily dwelling at the Site (the “Use”). As shown on the Plans referenced in paragraph 5 below, the Use consists of a single building with 12 two-bedroom units, 24 accessory parking spaces (18 garaged and 6 open-air), a pocket park and other landscaped areas.
4. The Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a civil plan set entitled “Proposed Multifamily Development – 272 Lincoln Street” with the last revision date of February 2, 2023, consisting of a Cover Sheet, Existing Conditions Plan, Site Layout Plan, Grading & Drainage Utility Plan, and Construction Detail Sheets and an architectural plan set entitled, “Proposed Multifamily Development for 272 Lincoln Street, Marlborough, MA” dated September 12, 2022”, consisting of a Locus Map, Street Views, Parking Level Plan, Floor Plans and Building Elevations, Renderings and Perspectives, with the

last revision date of February 9, 2023, (collectively the “Plans”) attached hereto as **“Attachment A.”**

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

7. The Site, which is near the Assabet River Rail Trail, has an area of 18,409 square feet +/- as shown on the Plans.

8. The Site is located in the Neighborhood Business (NB) Zoning District.

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

10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, November 21, 2022. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on that same date.

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

12. At the public hearing, two members of the public spoke in favor of the Use and two members of the public spoke in opposition to the Use.

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

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

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

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit for a multifamily dwelling at the Site, as shown on the Plans filed,

SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

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

3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the City Council or the Site Plan Review Committee may approve engineering changes to the Plans, so long as said changes do not change the Use as approved herein, or materially increase the impervious area of the Use, reduce the green area, alter traffic flow, or increase the size of the building, all as shown on the Plans.

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

5. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall ensure that its site superintendent during construction of the project is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

6. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties.

7. Screening for Abutters. The Applicant shall install solid fencing, and/or appropriate vegetated landscaping along the eastern side lot line of the site to screen areas of the

Site used for parking and driveways from adjacent properties and shall maintain the fencing in good repair. The fencing shall comply with the requirements of all applicable City Ordinances.

8. Crosswalk Painting. Prior to the issuance of an occupancy permit for the Use, the Applicant shall repaint the crosswalks of the Assabet River Rail Trail on Lincoln Street and Cashman Street in a manner approved by the City Engineer.

9. Cashman St. Improvements. Prior to issuance of an occupancy permit for the Use, the sidewalk shall be designed and constructed by the Applicant in a manner that the travelled way of Cashman Street shall be widened by the Applicant to the maximum extent possible along the Site frontage while incorporating the sidewalk. Final details shall be approved by the City Engineer.

10. Billboard Signage. During demolition of the existing building on the Site and prior to the issuance of a building permit for the Use, the Applicant, at its expense, shall remove the existing billboard sign (including all components of the sign and all structures supporting or capable of supporting the sign) on the Site. No replacement or new billboard sign shall be allowed on the Site at any time.

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

Yea: ___ - **Nay:** ___ - **Absent** - ___

Yea: _____, _____, _____, _____, _____, _____, _____, _____,

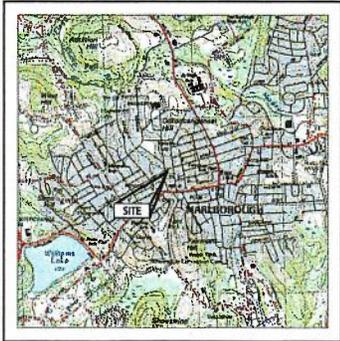
Nay: _____, _____,

Absent: _____, _____,

Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
Order No. 22-1008709

Attachment A



LOCUS MAP
SCALE: 1:25,000

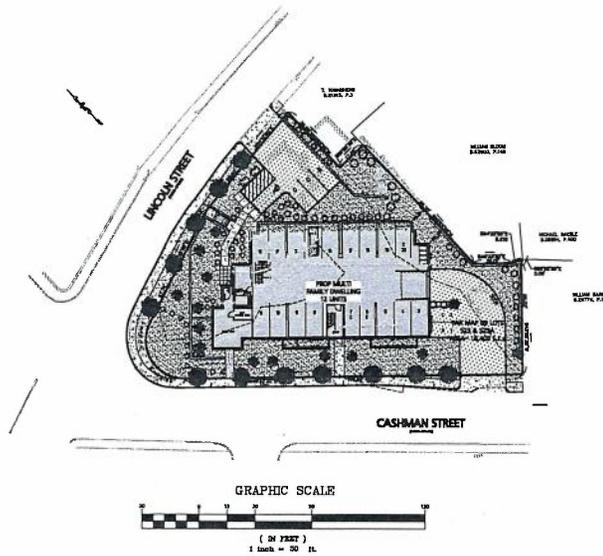
PROPOSED MULTI-FAMILY DEVELOPMENT

272 Lincoln Street
(Tax Map 69 Lots 523 & 523A)
Marlborough, Massachusetts 01752

OWNER/APPLICANT:
272 LINCOLN LLC
11 PLACID ROAD
NEWTON, MA 02459

CIVIL ENGINEER:
ENGINEERING ALLIANCE, INC.
194 CENTRAL STREET
SAUGUS, MA 01906
(781) 231-1349

ARCHITECT:
BOURQUE DESIGN
9 MORTON STREET
WALTHAM, MA 02543
(781) 296-6654



PREPARED BY:



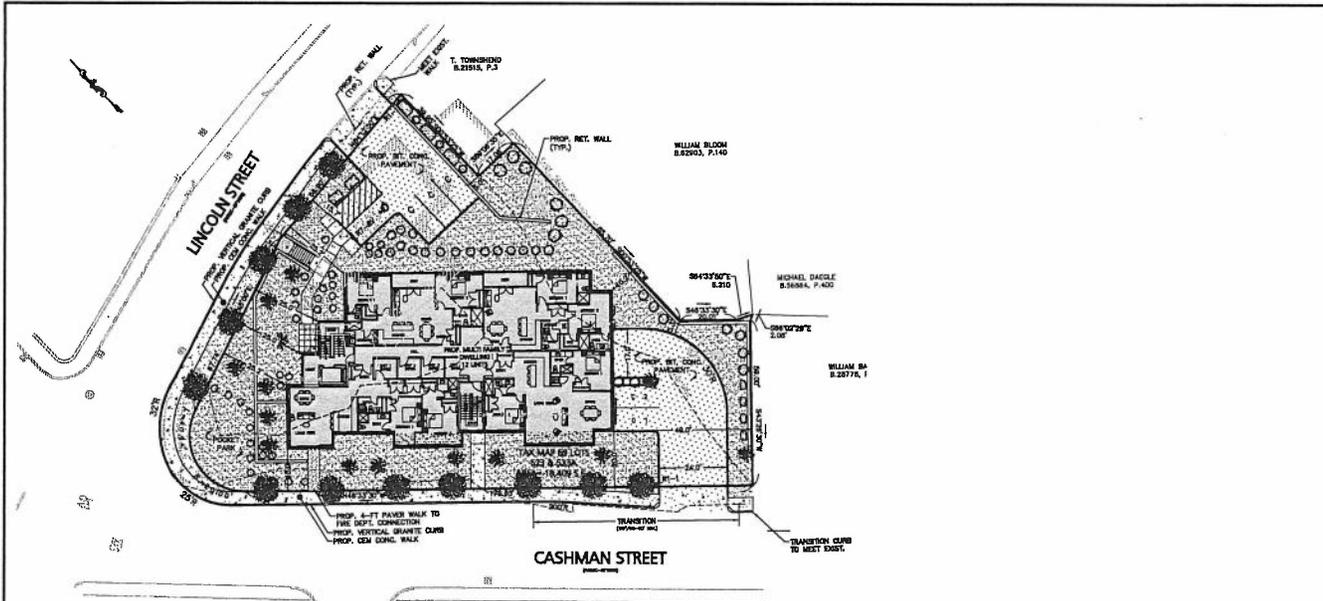
KEY MAP
scale 1"=30'

PREPARED FOR:
272 Lincoln LLC
11 Placid Road
Newton, MA 02459

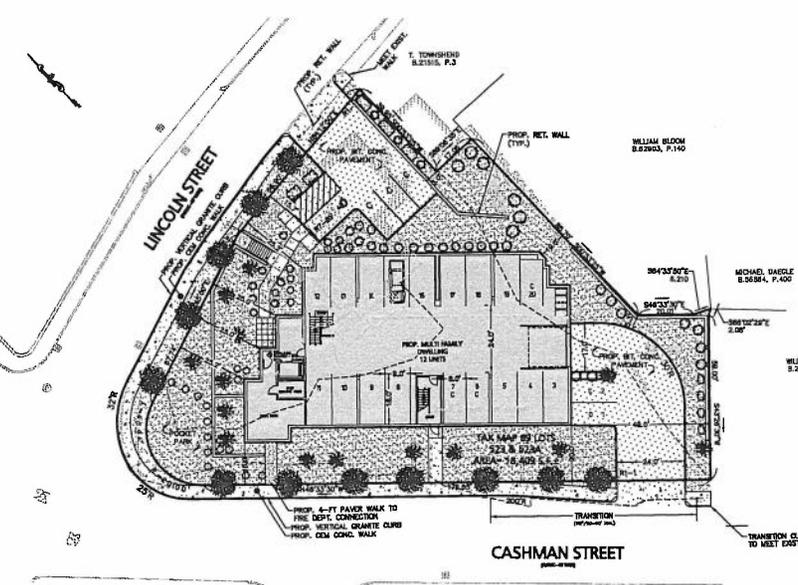
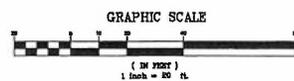
SHEET NUMBER AND TITLE

- C-0 COVER SHEET
- C-1 EXISTING CONDITIONS PLAN
- C-2 SITE LAYOUT PLAN
- C-3 GRADING & DRAINAGE PLAN
- D-1 CONSTRUCTION DETAILS I
- D-2 CONSTRUCTION DETAILS II

OWNER / APPLICANT: 272 Lincoln LLC 11 Placid Road Newton, MA 02459	DRAWING TITLE: C-0 Cover Sheet	DATE: 12/29/22	MODIFY BUILDING AND PARKING CONFIGURATION
			MODIFY FOR SITE PLAN REVIEW COMMENTS
		9/7/22	REVISE BUILDING FOOTPRINT
			DESCRIPTION OF REVISION
PROJECT: Plan of Land 272 Lincoln Street (Tax Map 69 Lots 523 & 523A) Marlborough, Massachusetts DATE: January 19, 2022 PROJECT # 21-5810 SCALE: As Noted DESIGNED BY: Neil Greenway		PREPARED BY: Engineering Alliance, Inc. Civil Engineering & Land Planning Consultants 194 Central Street, Saugus, MA 01906 1950 Lafayette Road, Portsmouth, NH 02801 Tel: (781) 231-1349 Fax: (781) 417-0020	
PROFESSIONAL ENGINEER FOR Professional Engineer for Engineering Alliance, Inc.		ENGINE FILE NAME: 21-0810.DWG CHECKED BY: Richard A. Sarno, P.E.	



Upper Level Layout Plan



Lower Level Parking Plan

LEGEND - SITE LAYOUT PLAN	
PROPERTY LINE	---
PROPOSED STRIPING	
PROPOSED BUILDING	▬
PROPOSED COMPACT SPACE	⊙
PROPOSED CURBING	—○—
PROPOSED POROUS ASPHALT	▨
PROPOSED LANDSCAPED AREA	▨
PROPOSED CEMENT CONCRETE	▨
PROPOSED DIRECTIONAL ARROW	→
PROPOSED ACCESSIBLE SPACE	♿
PROPOSED WALL	▬
PROPOSED SIGN	▬

DIMENSIONAL AND DENSITY REGULATIONS <small>(NEIGHBORHOOD BUSINESS DISTRICT (NB))</small>			
ITEM	REQUIRED	PROVIDED	RELIEF REQUIRED
MINIMUM LOT AREA	5,000 S.F.	19,409 S.F.	NO
MINIMUM FRONTAGE & LOT WIDTH	50 FT	130.11 FT ¹⁰	NO
MINIMUM SIDE YARD SETBACK	10 FT	10.0 FT	NO
MINIMUM FRONT YARD SETBACK	15 FT ¹⁰	15.0 FT	NO
MINIMUM REAR YARD SETBACK	25 FT ¹⁰	N/A ¹⁰	NO
HEIGHT	2.5 MAX 60 FT MAX	34' - 10"	NO
MAXIMUM LOT COVERAGE	75%	34.49% ¹⁰	NO
OPEN SPACE (100 S.F./DU)	1,200	3,100 S.F.	NO

- NOTES:
- FOR THE CITY OF MARLBOROUGH EXISTING ZONING BYLAW SECTION 87(4), "OPERATIONS, WHICH VIOLATE THE OPERATION OF LOT FRONTAGE AS FOLLOWS: "FOR LOTS ABUTTING MORE THAN ONE STREET, FRONTAGE SHALL BE REQUIRED AND MEASURED ALONG ONE STREET ONLY, BUT THE FRONT YARD REQUIRED BY ARTICLE IV HEREOF SHALL BE PROVIDED ALONG EACH STREET THE LOT ABUTS, AND THAT FOR CORNER LOTS FRONTAGE SHALL BE MEASURED TO THE INTERSECTION OF THE STREET RIGHT-OF-WAY LINES OR TO THE ANGLE OF THE CORNER ROUNDOFF CURVE CONNECTION EACH STREET RIGHT-OF-WAY."
 - 15 FEET FOR STRUCTURES UNDER 30 FEET INCREASED TO 25 FEET FOR STRUCTURES 30 FEET OR TALLER.
 - CORNER LOT DOES NOT REQUIRE ANY REAR YARD, FRONT YARD AND SIDE YARD.
 - LOT COVERAGE = 800 S.F. / 19,409 S.F. = 34.49%
 - HEIGHT CALCULATION:
 800 S.F. DIVISION = 140.8 AVG GRADE ELEVATION = 105.54
 140.8 - 105.54 = 35.28

PARKING CALCULATIONS		
COMPONENT	REQUIRED	PROPOSED
NEIGHBORHOOD BUSINESS (NB)	24 SPACES (2 spaces per unit) 12 units x 2 spaces = 24 Spaces	18 SPACES (Standard Parking) 8 SPACES (Disabled Parking) 1 SPACE (Accessible Parking)
TOTAL	24 SPACES	24 SPACES

- NOTES:
- STANDARD PARKING SPACE DIMENSIONS = 8'x12'
 - COMPACT PARKING SPACE DIMENSIONS = 6'x12'

SIGN TABLE					
REGULATORY DESCRIPTION	SIGN	SIZE	MARKETING HEIGHT	DESCRIPTION	REFLECTORIZED
NS/SH	NO SIGN	12'x36"	7'-0"	GREEN & BLUE ON WHITE	YES
SH	NO SIGN	24'x24"	7'-0"	WHITE ON RED	YES

ALL SIGNS AND PAVEMENT MARKINGS TO BE INSTALLED SHALL CONFORM TO THE APPLICABLE SPECIFICATIONS OF THE CURRENT EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)

DATE	DESCRIPTION OF REVISION
9/27/22	NOBODY BUILDING AND PARKING CONTINGENT
12/29/22	MODIFY FIRE SITE PLAN REVIEW COMMENTS
9/29/22	CALCULATE AND OLD GRACE & UPDATE OLD FLOOR
9/27/22	REVISE BUILDING FOOTPRINT
	DESCRIPTION OF REVISION

PREPARED BY:

Engineering Alliance, Inc.
 Civil Engineering & Land Planning Consultants
 1950 Jefferson Road
 Salem, MA 01970
 Tel: (978) 251-1349
 Fax: (978) 617-0222

PROJECT:

Plan of Land
 272 Lincoln Street
 (Over Near Lots 522 & 523A)
 Marlborough, Massachusetts

DATE: January 19, 2022
 DWG FILE NAME: 21-08010.DWG
 SCALE: AS SHOWN
 EXPOSURE: Tree Overlay

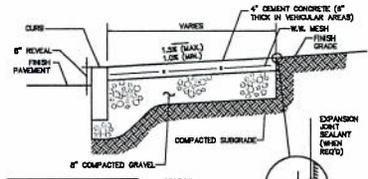


CUSTOMER/APPLICANT:

272 Lincoln LLC
 11 Hadd Road
 Newton, MA 02459

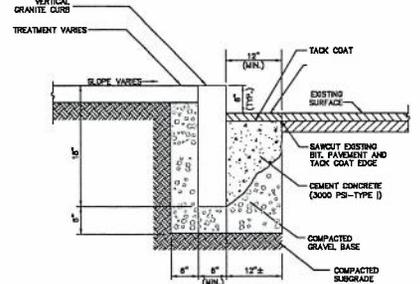
DRAWING TITLE:
C-2 Site Layout Plan

DWG. NO.:



CONCRETE SIDEWALK
NOT TO SCALE

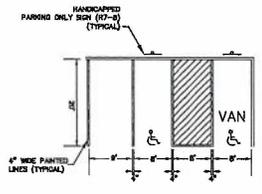
NOTES:
1. PROVIDE EXPANSION JOINTS AT MIN. 30 FT. O.C. WITH PRE-CAST JOINT FILLER.
2. PROVIDE CONTROL JOINTS AT 8' O.C.
3. PROVIDE BROOM FINISH IN DIRECTION PERPENDICULAR TO CURB.
4. CEMENT CONCRETE SHALL BE 4000 PSI-TYPE II.



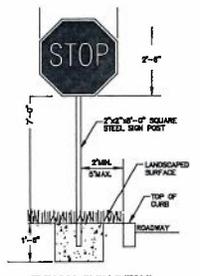
VERTICAL GRANITE CURB SET IN EXISTING PAVEMENT
NOT TO SCALE



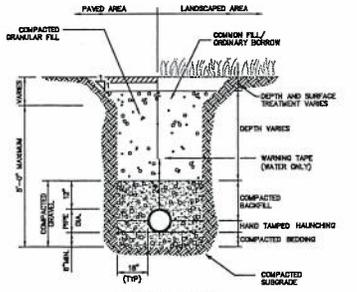
PAINTED HANDICAP SYMBOL & TRAFFIC ARROW DETAIL
NOT TO SCALE



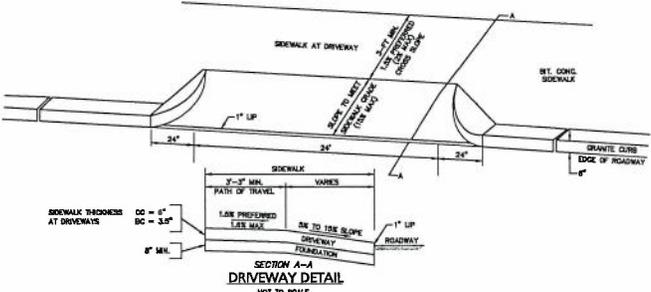
HANDICAP AND STANDARD PARKING DETAIL
NOT TO SCALE



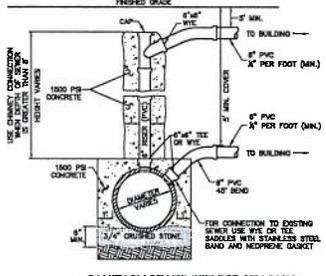
TYPICAL SIGN DETAIL
NOT TO SCALE



UTILITY TRENCH
NOT TO SCALE



SECTION A-A DRIVEWAY DETAIL
NOT TO SCALE



SANITARY SEWER SERVICE AT MAIN
NOT TO SCALE

NOTES:
1. PROVIDE BLOCKS FOR TYPICAL REVEALS, DEAD ENDS, GATE VALVES, AND VERTICAL BRIGGS (SAME SIZE AS REVEALS FOR TESTS). PROVIDE ANCHOR BOLTS AT VERTICAL BRIGGS AND GATE VALVES.
2. CONCRETE SHALL NOT BE PLACED AGAINST PIPE BEYOND FITTING.
3. CONCRETE SHALL BE 3000 PSI-TYPE I.

REVEALS	D	H	W	REVEALS	D	H	W
8"	11 1/4"	12"	12"	8"	40"	40"	30"
8"	23 1/2"	18"	18"	8"	30"	30"	30"
8"	11 1/4"	24"	18"	8"	40"	40"	30"
8"	23 1/2"	24"	18"	8"	30"	30"	30"
8"	11 1/4"	30"	18"	8"	40"	40"	30"
18"	23 1/2"	18"	18"	18"	40"	40"	30"

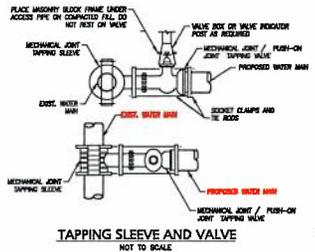


CONCRETE THRUST BLOCK
SECTION 1-1
NOT TO SCALE

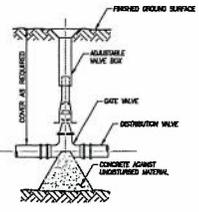
TEES	D	H	W	TEES	D	H	W
8"	6"	6"	24"	12"	12"	6"	24"
8"	6"	6"	24"	12"	12"	12"	24"
8"	6"	6"	24"	12"	12"	12"	24"



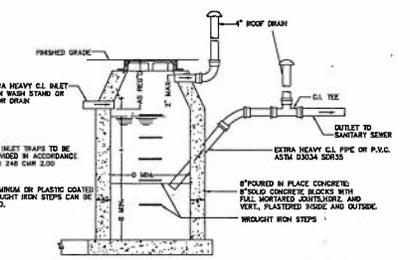
CONCRETE THRUST BLOCK
SECTION 2-2
NOT TO SCALE



TAPPING SLEEVE AND VALVE
NOT TO SCALE



WATER GATE DETAIL
NOT TO SCALE



GAS TRAP DETAIL
NOT TO SCALE

INLET	D	A	B	INLET	D	A	B
4"	3'-8"	3'-0"	2'-6"	8"	5'-0"	6'-0"	3'-0"
5"	3'-8"	3'-0"	4'-0"	8"	5'-0"	5'-6"	4'-0"
5"	3'-8"	3'-0"	3'-0"	8"	6'-0"	6'-0"	3'-6"
5"	3'-8"	3'-0"	3'-0"	8"	6'-0"	6'-0"	2'-6"
5"	3'-8"	3'-0"	2'-6"	8"	6'-0"	5'-6"	3'-0"
5"	3'-8"	3'-0"	2'-6"	8"	6'-0"	5'-6"	2'-6"
8"	4'-0"	3'-0"	4'-6"	10"	5'-6"	7'-6"	6'-6"
8"	4'-0"	4'-0"	4'-0"	10"	6'-0"	6'-0"	4'-6"
8"	4'-0"	4'-0"	3'-0"	10"	6'-0"	6'-0"	3'-6"
8"	4'-0"	4'-0"	3'-0"	10"	6'-0"	6'-0"	4'-0"

PORTLAND CEMENT MORTAR USED SHALL CONSIST OF 1 PART CEMENT, 3 PARTS SAND.
CEMENT BLOCK/HOLLOW CONCRETE, OR CINDER BLOCK MASONRY MUST NOT BE USED.
NOTES:
FOR USE TO DRAIN ROOF COVER FOR MULTIPLE DRAIN HOOK UP THE AREAS ONLY.
DESIGN AND DIMENSIONS WILL BE DETERMINED FOR EACH PARTICULAR CASE.
PRE-CAST SEPARATORS ARE TO HAVE ALL SPINDLES HOLD OTHER CONC. BORED OR CAST IN PLACE.

PREPARED BY:
Engineering Alliance, Inc.
Civil Engineering & Land Planning Consultants
1850 Lafayette Road
Lawrenceville, Georgia
Tel: (770) 231-1349
Fax: (770) 417-0020

Plan of Land
272 Lincoln Street
(Fax) Map 09 105 525 & 323A
Northborough, Massachusetts
DATE: January 19, 2022
PROJECT # 21-58510
SCALE: As Noted
CHECKED ESTABLISHED A. S. VALE



272 Lincoln LLC
11 Placid Road
Newton, MA 02459
Construction Details I
DRAWING TITLE: D-1

DESCRIPTION OF REVISION

DATE

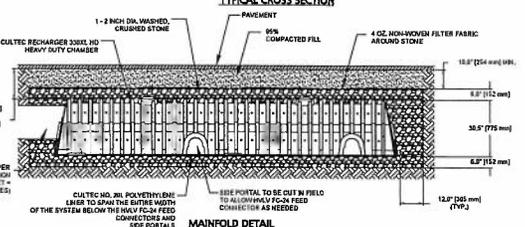
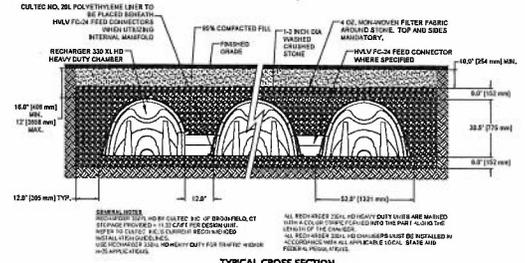
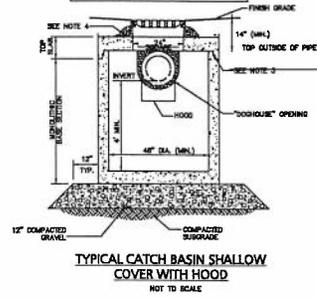
DATE

DATE

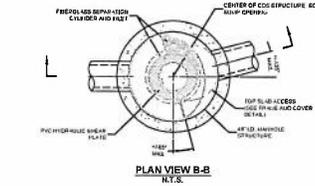
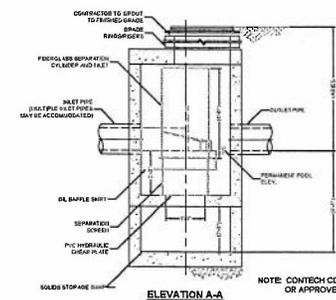
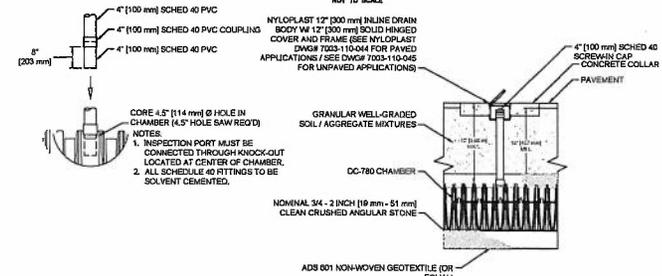
DATE

DATE

- NOTES:**
1. ALL SECTIONS SHALL BE DESIGNED FOR 15-20 LBS/IN².
 2. PROVIDE DRAINAGE OPENING FOR PIPES WITH 4" MAX CLEARANCE TO OUTSIDE OF PIPE. TOP SLAB SHALL NOT REST DIRECTLY ON PIPE. CROWN ALL PVC CONNECTIONS (NON-SHUNK GROUP).
 3. JOINT SEALANT BETWEEN SECTIONS SHALL BE PERFORMED BUTYL ALUMBER.
 4. GUTTER DRAIN FRAME AND GRATE (12" WIDTH) SHALL BE SET IN FULL MORTAR BED.
 5. ADAPT TO FINISH GRADE WITH CLAY BRICK AND MORTAR AS REQUIRED.



SUB-SURFACE DRAINAGE FACILITY DETAIL
CULTREC 330XL HD
NOT TO SCALE



CONTECH CDS WATER QUALITY MANHOLE
NOT TO SCALE

NO.	DESCRIPTION OF REVISION	DATE

PREPARED BY:

Engineering Alliance, Inc.
Civil, Mechanical, Electrical, and Plumbing Consultants
194 Central Street
Marlborough, MA 01752
Tel: (978) 231-1349
Fax: (978) 231-1349
Tel: (603) 612-7100
Fax: (603) 612-7101

PROJECT: **Plan of Land**
272 Lincoln Street
772 Lincoln Street
(Tax Map 69 Lots 523 & 523A)
Marlborough, Massachusetts

DATE: January 18, 2022

DWG FILE NAME: 21-08510-DWG

PROJECT #: 21-08510

SCALE: As Noted

DESIGN BY: Ivel Estroffsky

CHECKED BY: Richard A. Sakw, P.E.



OWNER / APPLICANT:

272 Lincoln LLC
11 Field Road
Newbury, MA 02459

DRAWING TITLE:
Construction Details II

DWG. NO.: **D-2**

Proposed Multi Family Development for 272 Lincoln Street, Marlborough, MA.



	Bourque Design
	Architectural Design from Conception to Construction
	Ron Bourque 781 296-6654 rbourq@gmail.com
	9 Morton Street, Waltham, MA 02453



Legacy
construction & maintenance

February 9, 2023



Architect

Developer

BD
Bourque Design

Bourque Design
Architectural Design from
Conception to Construction

Ron Bourque
781 296-6654
rbourq@gmail.com

9 Morton Street, Waltham, MA 02453

Proposed Multi-Family Development
for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

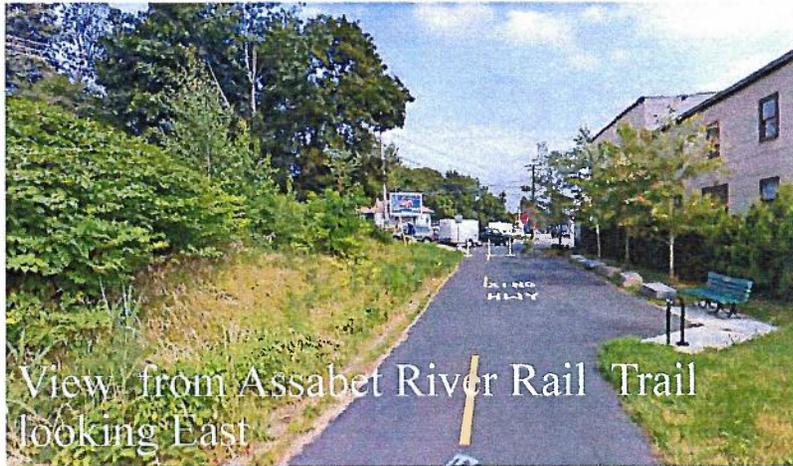
CHARLES ZAMMUTO
President

charles@legacym.com
Phone: (781) 391-5629
Cell: (781) 589-4113
Fax: (617) 244-4251

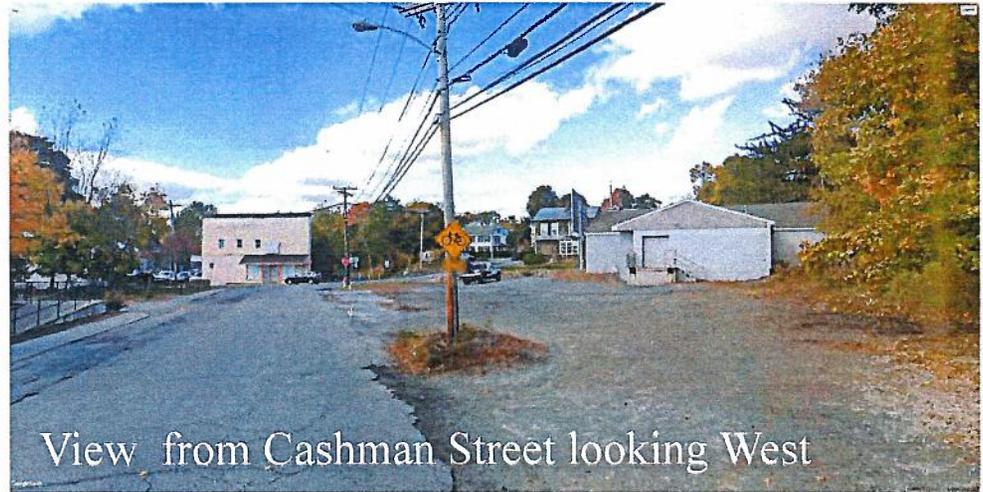
- Construction • Painting
- Snow Removal

legacym.com

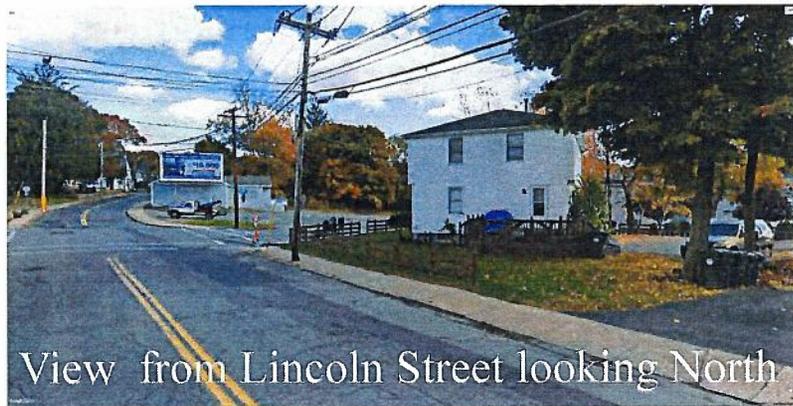




View from Assabet River Rail Trail looking East



View from Cashman Street looking West



View from Lincoln Street looking North

Architect

BD
Bourque Design

Bourque Design

Bourque Design
Architectural Design from
Conception to Construction

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rbourq@gmail.com

9 Morton Street, Waltham, MA 02453

Proposed Multi-Family Development
for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

Developer

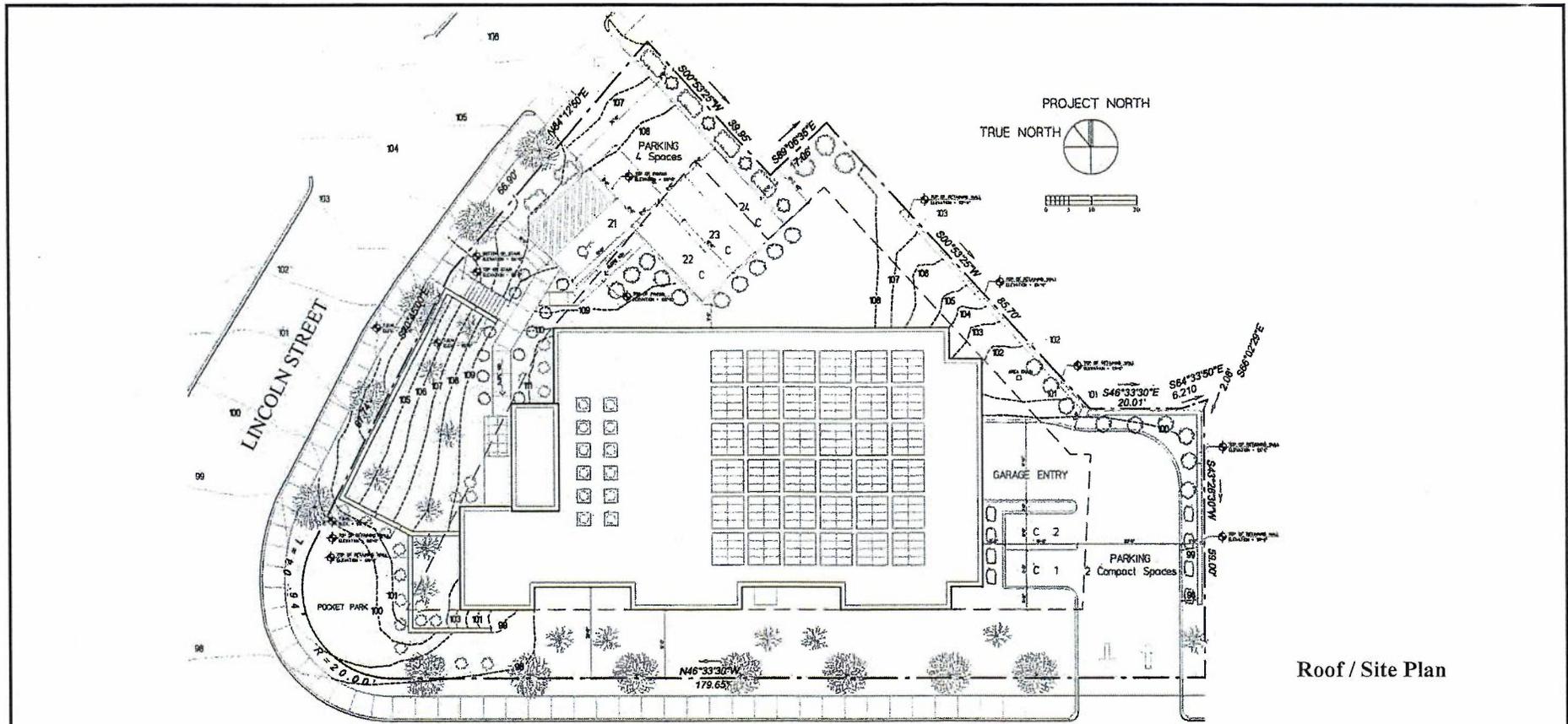
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Roof / Site Plan

Architect

Developer

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 Conception to Construction

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 rbourq@gmail.com

9 Morton Street, Waltham, MA 02453

CHARLES ZAMMUTO
 President

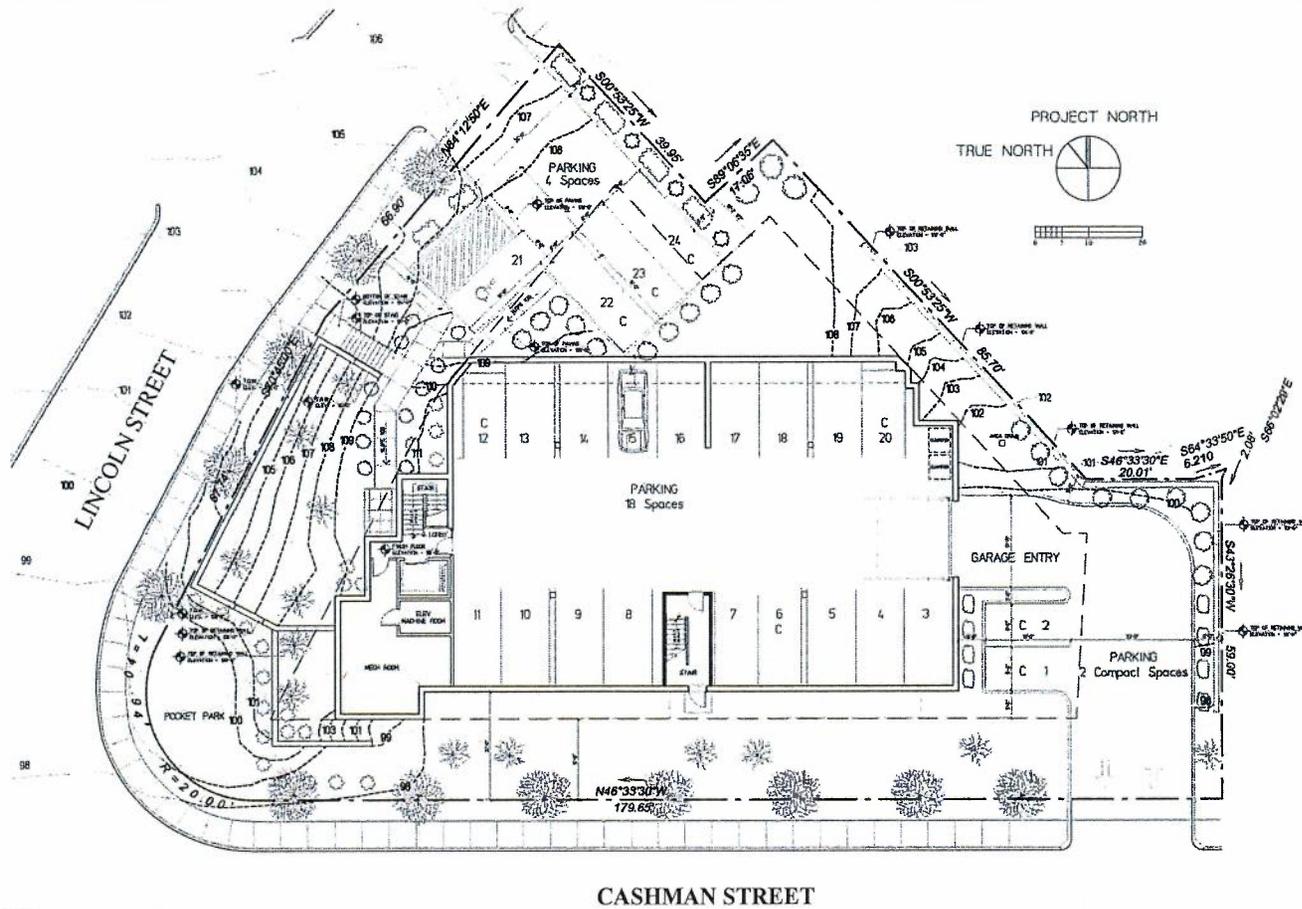
charles@legacycm.com
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 Cell: (781) 589-4113
 Fax: (617) 244-4251

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- Snow Removal

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Proposed Multi-Family Development
 for
272 Lincoln Street, Marlborough, MA.

February 9, 2023



Parking Level Plan
6,500 g.s.f

Architect

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Conception to Construction

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781.296.6654
rbourq@gmail.com

9 Morton Street, Waltham, MA 02453



Proposed Multi-Family Development
for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

Developer

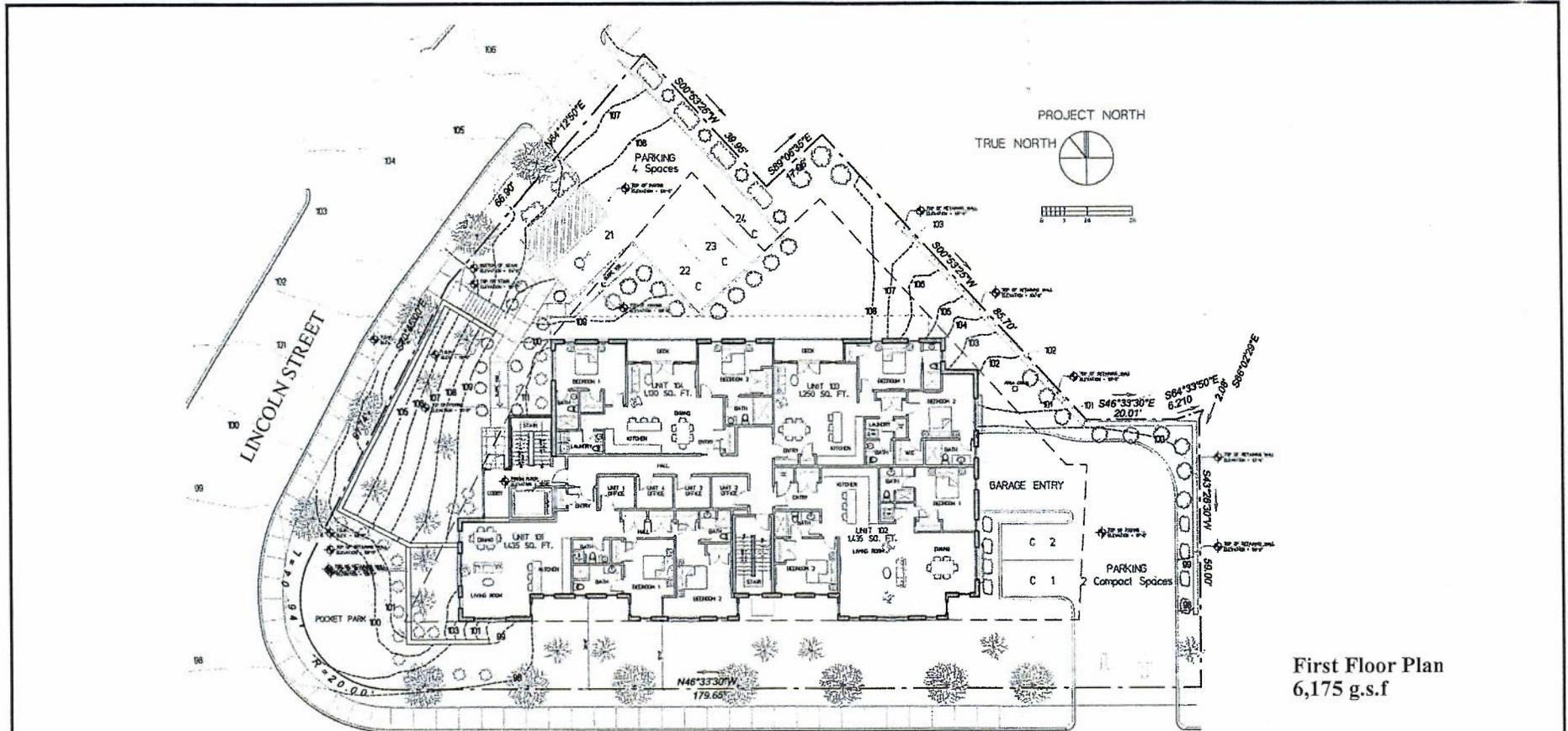
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First Floor Plan
6,175 g.s.f

Architect

Developer

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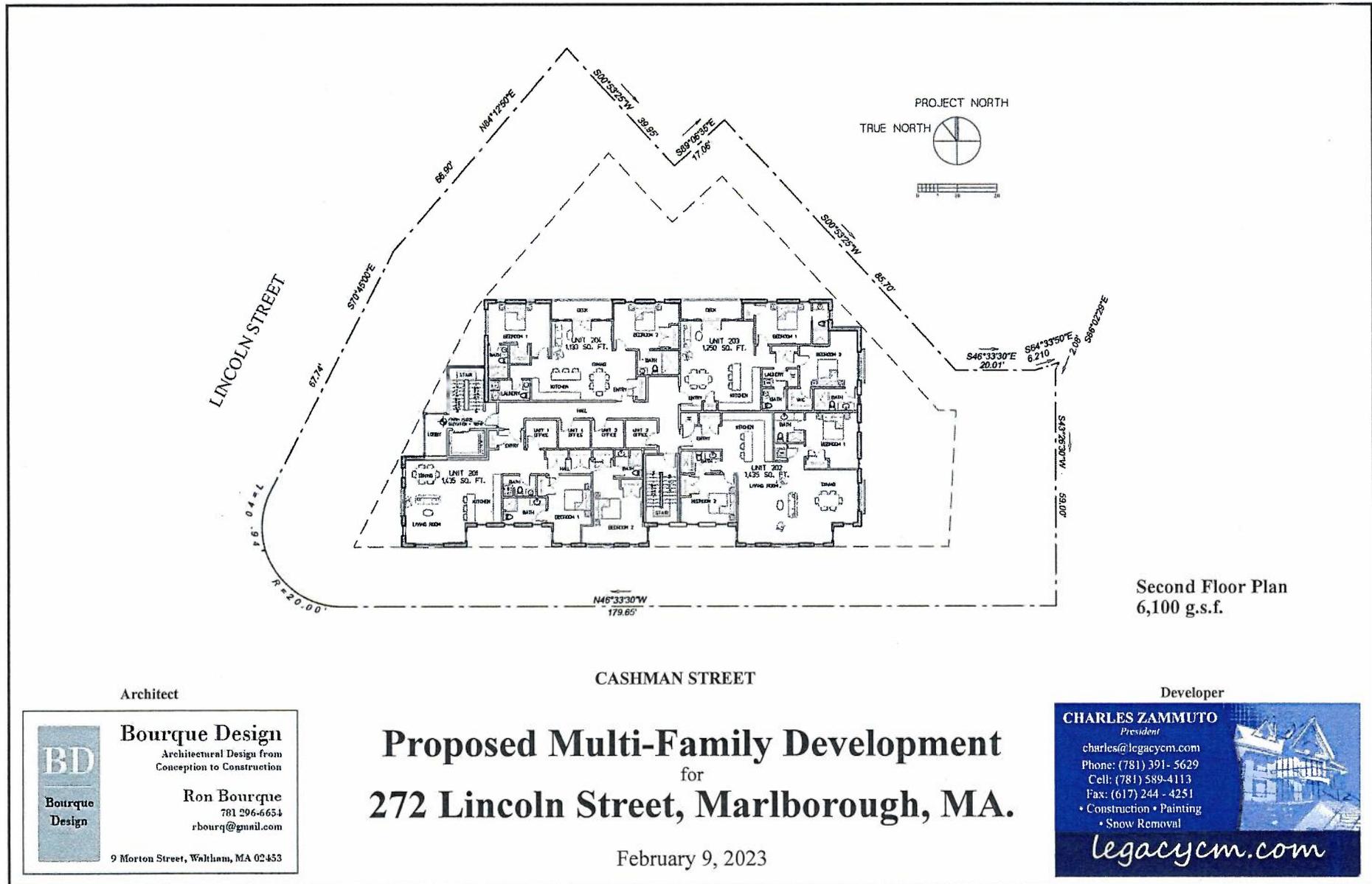
9 Morton Street, Waltham, MA 02453

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Proposed Multi-Family Development
for
272 Lincoln Street, Marlborough, MA.

February 9, 2023



Second Floor Plan
6,100 g.s.f.

Architect

Bourque Design
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9 Morton Street, Waltham, MA 02453

CASHMAN STREET

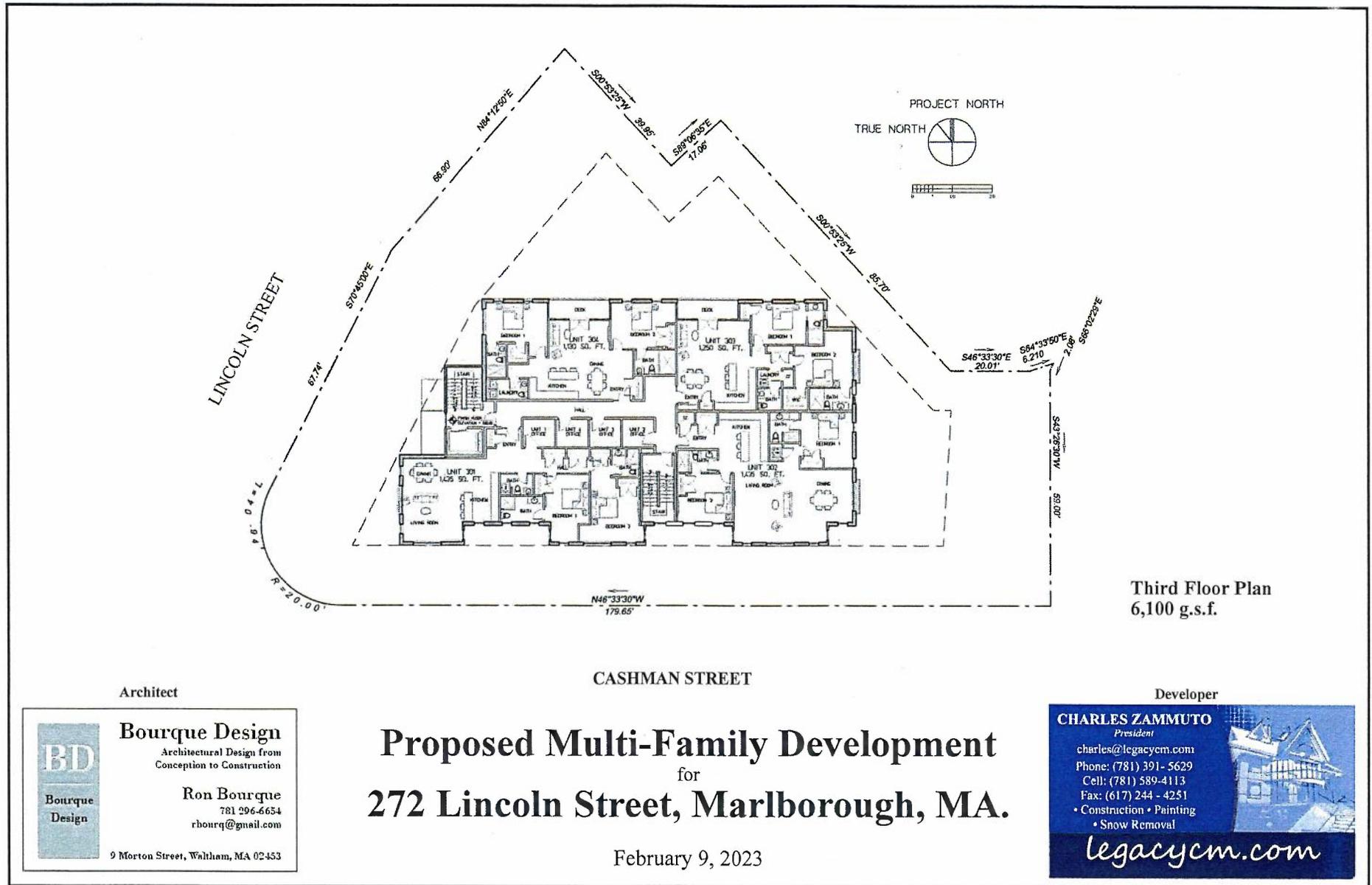
Proposed Multi-Family Development
for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

Developer

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Third Floor Plan
6,100 g.s.f.

Architect

Developer

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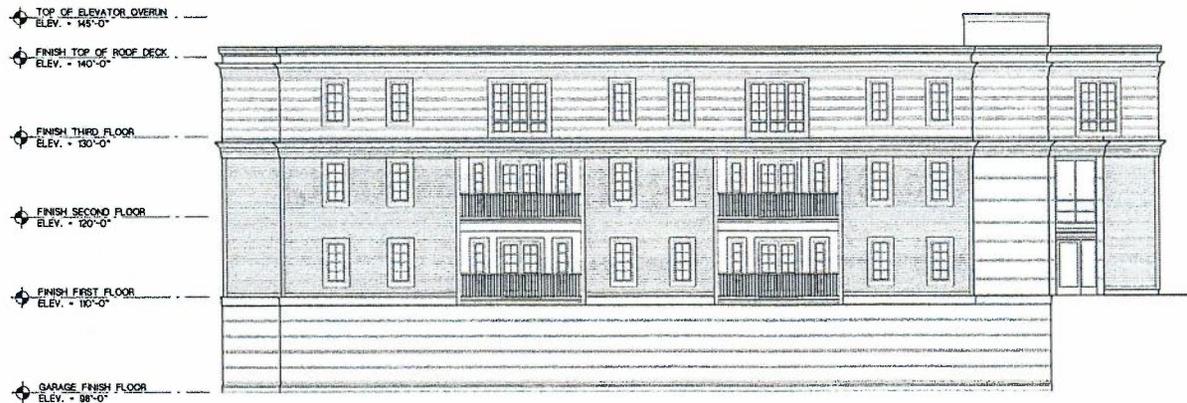
9 Morton Street, Waltham, MA 02453

Proposed Multi-Family Development
for
272 Lincoln Street, Marlborough, MA.

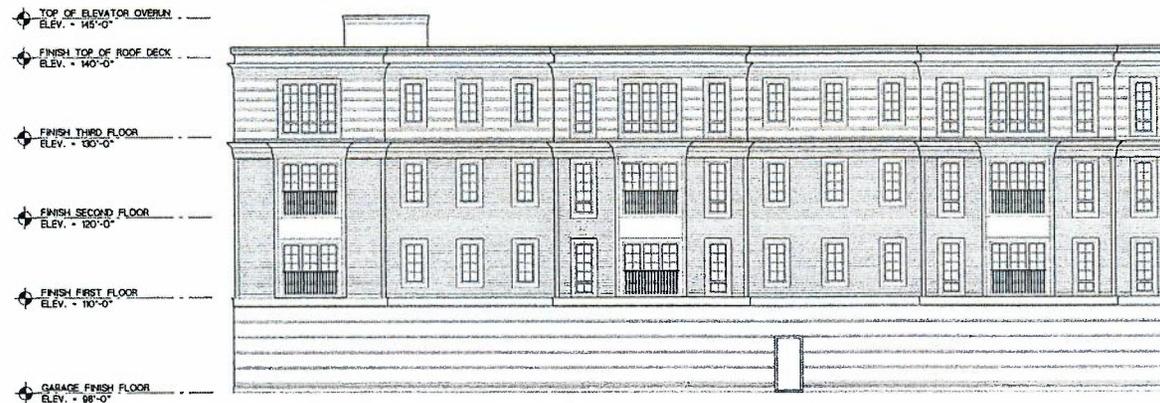
February 9, 2023

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• Snow Removal

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Rear Elevation



Front Elevation

Building Elevations

Architect

Developer

Bourque Design
 Architectural Design from
 Conception to Construction

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 rbourque@gmail.com

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Proposed Multi-Family Development
 for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

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Zoning Data

Neighborhood Business District (NB)

	Required	Proposed
Minimum Lot Area	5,000 sq. ft.	18,409 sq.ft.
Minimum Frontage & Lot Width	50 ft	155.11 ft
Minimum Front Setback	25 ft	15 ft w/ exception
Minimum Rear Setback	25 ft	N/A
Maximum Side Yard Setback	10 ft	10.8 ft
Height	2.5 Stories / 52' max.	47 ft
Maximum Lot Coverage	75%	33.5%
Parking - 2 Spaces per unit	24 spaces	16 standard / 8 compact

Building Data

Parking Level - 6,500 g.s.f.

	Indoor Parking	Site Parking
	18 spaces	6 spaces
Level 1 -	6,175 g.s.f.	
	2 Bedroom Unit	4 Units
Level 2 -	6,100 g.s.f.	
	2 Bedroom Unit	4 Units
Level 3 -	6,100 g.s.f.	
	2 Bedroom Unit	4 Units
Total -	18,375 g.s.f.	12 Units

Architect



Bourque Design
Architectural Design from
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9 Morton Street, Waltham, MA 02453

Proposed Multi-Family Development

for

272 Lincoln Street, Marlborough, MA.

February 9, 2023

Developer



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Front Elevation

Architect

Developer



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 Conception to Construction

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Proposed Multi-Family Development
 for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

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 • Construction • Painting
 • Snow Removal



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Rear Elevation

Architect

Developer

BD
Bourque Design

Bourque Design

Bourque Design
Architectural Design from
Conception to Construction

Ron Bourque
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rbourq@gmail.com

9 Morton Street, Waltham, MA 02453

Proposed Multi-Family Development
for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

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- Construction • Painting
- Snow Removal



legacycm.com



Right Elevation

Architect

Developer



Bourque Design
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 Conception to Construction

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 rbourq@gmail.com

9 Morton Street, Waltham, MA 02453

Proposed Multi-Family Development
 for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

CHARLES ZAMMUTO
 President

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 Fax: (617) 244 - 4251

- Construction • Painting
- Snow Removal



legacycm.com



Left Elevation

Architect

BD
 Bourque
 Design

Bourque Design
 Architectural Design from
 Conception to Construction

Ron Bourque
 781 296-6654
 rbourq@gmail.com

9 Morton Street, Waltham, MA 02453

Proposed Multi-Family Development
 for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

Developer

CHARLES ZAMMUTO
 President

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 Fax: (617) 244 - 4251

- Construction • Painting
- Snow Removal

legacycm.com



Architect

Developer



Bourque Design

Architectural Design from
Conception to Construction

Ron Bourque

781 296-6654
rbourq@gmail.com

9 Morton Street, Waltham, MA 02453

Proposed Multi-Family Development
for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

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• Construction • Painting

• Snow Removal



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Architect

Developer

BD
Bourque Design

Bourque Design
Architectural Design from
Conception to Construction

Ron Bourque
781 296-6654
rbourq@gmail.com

9 Morton Street, Waltham, MA 02453

Proposed Multi-Family Development
for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

CHARLES ZAMMUTO
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Phone: (781) 391-5629
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Fax: (617) 244-4251

- Construction • Painting
- Snow Removal

legacym.com



Architect

Developer

BD
Bourque Design

Bourque Design

Bourque Design
Architectural Design from
Conception to Construction

Ron Bourque
781 296-6654
rhourq@gmail.com

9 Morton Street, Waltham, MA 02453

Proposed Multi-Family Development
for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

CHARLES ZAMMUTO
President

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Cell: (781) 589-4113
Fax: (617) 244-4251

- Construction • Painting
- Snow Removal

legacym.com



BD
Bourque Design

Bourque Design

Bourque Design
Architectural Design from
Conception to Construction

Ron Bourque
781 296-6634
rbourq@gmail.com

9 Morton Street, Waltham, MA 02453

Proposed Multi-Family Development
for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

CHARLES ZAMMUTO
President
charles@legacycm.com
Phone: (781) 391-5629
Cell: (781) 589-4113
Fax: (617) 244-4251
• Construction • Painting
• Snow Removal

Architect Developer

legacycm.com





Architect

Developer



Bourque Design

Architectural Design from
Conception to Construction

Ron Bourque

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rbourq@gmail.com

9 Morton Street, Waltham, MA 02453

Proposed Multi-Family Development
for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

CHARLES ZAMMUTO

President

charles@legacycm.com

Phone: (781) 391-5629

Cell: (781) 589-4113

Fax: (617) 244-4251

• Construction • Painting
• Snow Removal



legacycm.com



View from Cashman Street looking toward Lincoln Street

Architect

Developer

BD
Bourque
Design

Bourque Design
Architectural Design from
Conception to Construction

Ron Bourque
781 296-6654
rbourq@gmail.com

9 Morton Street, Waltham, MA 02453

Proposed Multi-Family Development
for
272 Lincoln Street, Marlborough, MA.

February 9, 2023

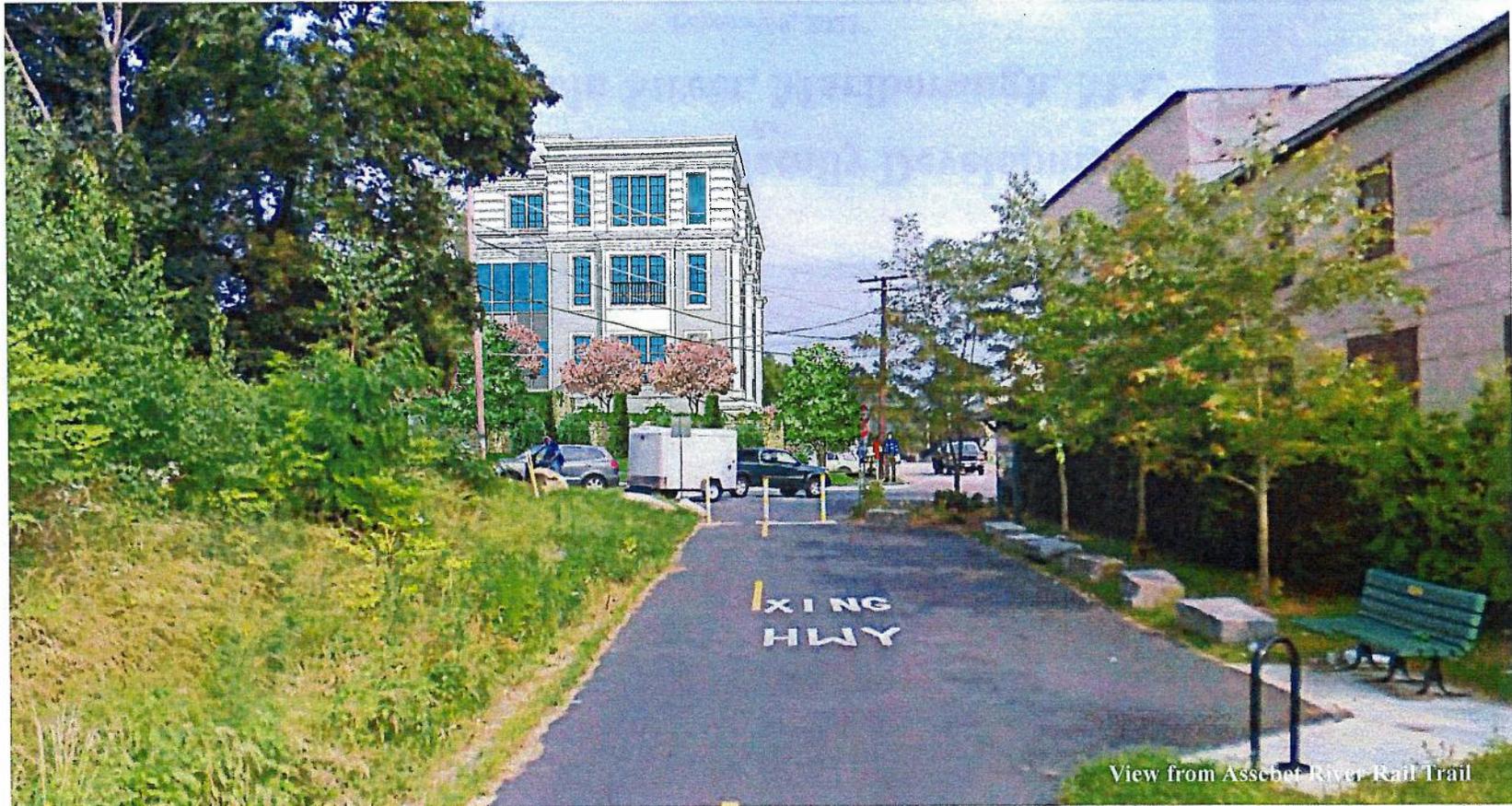
CHARLES ZAMMUTO
President

charles@legacycm.com
Phone: (781) 391-5629
Cell: (781) 589-4113
Fax: (617) 244-4251

- Construction • Painting
- Snow Removal

legacycm.com





View from Assabet River Rail Trail

Architect

Developer

BD
Bourque Design

Bourque Design
Architectural Design from
Conception to Construction

Ron Bourque
781 296-6654
rbourq@gmail.com

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• Snow Removal



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**SEM AYKANIAN**

ATTORNEY AT LAW

74 Main Street
Marlborough, Massachusetts 01752
SemAykanian@aykanianlaw.com

t 508.667.9186
f 508.624.4110
c 508.667.9186
www.aykanianlaw.com

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 FEB 10 AM 8:00

February 9, 2023

Office of the City Clerk
Steven W. Kerrigan, City Clerk
140 Main Street
Marlborough, MA 01752

RE: Special Permit Application – Exela Storage 846 Boston Post Road East

Dear Mr. Kerrigan,

Enclosed herewith please find a Special Permit Application for SUCIU LLC, owner of above property, to add additional storage units to their property. Enclosed are the following items in connection with the same:

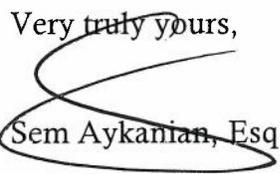
1. Application for Special Permit with Summary Impact Statement
2. Special Permit Application Certification executed by Tin Htway
3. Attorney's Certification of service to city departments
4. Certification of applicant and tax collector regarding municipal charges
5. Certified 400 ft. list of abutters
6. Exhibit A – Supporting documentation

Also, enclosed is a check in the amount of \$500.00 for filing fee of Special Permit.

It is my understanding that this matter will be transmitted to the full City Council for their action.

If there are any questions or any further information needed, please do not hesitate to call.

Very truly yours,


Sem Aykanian, Esq.

SA/ek
Enc.

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 FEB 10 AM 8:00

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

SUCIU LLC, 10 Sherbrooke Drive, Dover, MA 02030

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

846 Boston Post Road East / Parcel: 0061-0020 / Map 61 / Lot 20

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

same as above

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

5. Specific Zoning Ordinance under which the Special Permit is sought: **Chapter 650. Zoning**

Article IV Section 650-12 Paragraph B Sub-paragraph _____

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

Wayside District

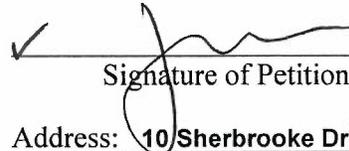
7. Specific reason(s) for seeking Special Permit

Minor expansion of nonconforming use as a storage facility

See Exhibit A for supporting documentation.

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

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


Signature of Petitioner or Applicant

Address: **10 Sherbrooke Drive**

Dover, MA 02030

Telephone No. **(516) 315-7716**

Date: 11/23/2022

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

Jasmine S. Mathews, Manager of SUCIU LLC

(Name of Petitioner)

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

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

AMIN ZIA UL
 AYESHA YAQUB
 43 VIOLETWOOD CIR #322
 MARLBOROUGH, MA 01752

BOUDOUKARA MOURAD
 JULIE BOUDOUKARA
 12 ROSE POINTE #311
 MARLBOROUGH, MA 01752

890 BOSTON POST ROAD LLC
 C/O MARLBORO NISSAN
 740 BOSTON POST RD EAST
 MARLBOROUGH, MA 01752

ARPINO ELLEN WALSH
 PAUL JOHN ARPINO
 849 BOSTON POST RD EAST #1E
 MARLBOROUGH, MA 01752

BPR MARLBOROUGH LLC
 80 ORCHARD AVE
 WEST NEWTON, MA 02456

ABBE SARAH K
 32 VIOLETWOOD CIR #290
 MARLBOROUGH, MA 01752

AYRES DAVID W
 PATRICIA RYAN
 31 MAGNOLIA LN #343
 MARLBOROUGH, MA 01752

BREITBORD LAURIE J
 GARY D BREITBORD
 849 BOSTON POST RD EAST #6D
 MARLBOROUGH, MA 01752

AKENGA HAROLD
 55 VIOLETWOOD CIR #316
 MARLBOROUGH, MA 01752

BARTH NEIL G
 MAHINOOR M EL BADRAWI
 61 VIOLETWOOD CIR #313
 MARLBOROUGH, MA 01752

BROWNE THOMAS R
 21 VIOLETWOOD CIR #333
 MARLBOROUGH, MA 01752

AKERBLOM DON M
 849 BOSTON POST RD EAST #10C
 MARLBOROUGH, MA 01752

BAXTER HAAGENS JOHANNA RU
 THE BAXTER 2019 TRUST
 29 VIOLETWOOD CIR #329
 MARLBOROUGH, MA 01752

BURNS VANESSA L
 MATTHEW A BURNS
 849 BOSTON POST RD EAST #7A
 MARLBOROUGH, MA 01752

ALI MOHAMMAD
 SHEHER ALI SYED BOKHARI
 12 MAGNOLIA LN #352
 MARLBOROUGH, MA 01752

BHATTARAI BINOD
 MANISHA K BHATTARAI
 79 VIOLETWOOD CIR #306
 MARLBOROUGH, MA 01752

BUTAY MARIA C
 PATRICIO V BUTAY
 24 MAGNOLIA LN #349
 MARLBOROUGH, MA 01752

ALI MOHAMMAD MURTAZA
 SHEHER BANO ALI
 849 BOSTON POST RD EAST #3B
 MARLBOROUGH, MA 01752

BIGWOOD KAREN E
 849 BOSTON POST RD EAST #10A
 MARLBOROUGH, MA 01752

CALLENDER KISHA A
 849 BOSTON POST RD EAST #5F
 MARLBOROUGH, MA 01752

ALI MOHAMMED
 AMNA ALI
 18 VIOLETWOOD CIR #296
 MARLBOROUGH, MA 01752

BISHOP DONALD A
 PATRICIA A BISHOP
 100 VIOLETWOOD CIR #276
 MARLBOROUGH, MA 01752

CANELLA ELIZABETH J
 849 BOSTON POST RD EAST #8A
 MARLBOROUGH, MA 01752

ALLAIN SHARON
 849 BOSTON POST RD EAST #6F
 MARLBOROUGH, MA 01752

BISWAS MONALISA
 RAGHAV SHARMA
 8 ROSE POINTE #309
 MARLBOROUGH, MA 01752

CARLSON BEN A
 MEGHAN E HOGAN
 63 VIOLETWOOD CIR #312
 MARLBOROUGH, MA 01752

ALPERT STEPHANIE S TR
 6 FOX MEADOW LANE
 WESTON, MA 02493

BLACK ALISON JUNE
 849 BOSTON POST RD EAST #5H
 MARLBOROUGH, MA 01752

CARUSO DANIEL J
 38 VIOLETWOOD CIR #287
 MARLBOROUGH, MA 01752

CASSETTA CARL M
LEA D CASSETTA
101 VIOLETWOOD CIR #299
MARLBOROUGH, MA 01752

COCHRAN DAVID M
BONNIE L COCHRAN
24 VIOLETWOOD CIR #294
MARLBOROUGH, MA 01752

DING WEN TR
WEN DING 2018 REVOCABLE T
701 BALTIC CIR #735
REDWOOD CITY, CA 94065

CASTRO HORACIO
DAYANA O CASTRO
25 MAGNOLIA LN #B340
MARLBOROUGH, MA 01752

COELHO JOAO B
36 VIOLETWOOD CIR #288
MARLBOROUGH, MA 01752

DONALD R COBUZZI - TRUSTE
COBUZZI FAMILY TRUST
849 BOSTON POST RD EAST #1A
MARLBOROUGH, MA 01752

CELESTINO GLADSTON REIS
DRAGUEMA B CELESTINO
849 BOSTON POST RD EAST #2A
MARLBOROUGH, MA 01752

COLSON MARTHA L
849 BOSTON POST RD EAST #7D
MARLBOROUGH, MA 01752

DUNTON SHIRLEY A
93 VIOLETWOOD CIR #302
MARLBOROUGH, MA 01752

CENTRO CRISTIANO EMANUEL
814 BOSTON POST RD EAST
MARLBOROUGH, MA 01752

CRONIN WILLIAM
849 BOSTON POST RD EAST #5G
MARLBOROUGH, MA 01752

DURKIN THERESA A TR
GEOFFREY S GROUTEN TR
19 MAGNOLIA LN #337
MARLBOROUGH, MA 01752

CENTRO CRISTIANO EMANUEL
EVANGELICA APOSTOLES Y PR
814 BOSTON POST RD EAST
MARLBOROUGH, MA 01752

CROWDER JOSEPH M
JENNIFER E ADAMS
849 BOSTON POST RD EAST #10D
MARLBOROUGH, MA 01752

DUTRA LUCIO
14 MAGNOLIA LN #351
MARLBOROUGH, MA 01752

CHERUBINO IAN
TEHILA CHERUBINO
321 DICENZO BLVD #359
MARLBOROUGH, MA 01752

CRUZ RODNEY
CRUZ FABIANA
97 VIOLETWOOD CIR UNIT B-301
MARLBOROUGH, MA 01752

DUTRA PAULO
317 DICENZO BLVD #358
MARLBOROUGH, MA 01752

CHRISTIANSSEN GARY W
BARBARA J CHRISTIANSSEN
49 VIOLETWOOD CIR #319
MARLBOROUGH, MA 01752

DASI LLC
125 BIGELOW DR
SUDBURY, MA 01776

EGLITIS SARA N
849 BOSTON POST RD EAST #4D
MARLBOROUGH, MA 01752

CHRISTINE MARIE DEZOTELL
849 BOSTON POST RD EAST #10I
MARLBOROUGH, MA 01752

DAUDELIN CHRISTINE
JEREMY S CROCKER
57 VIOLETWOOD CIR #315
MARLBOROUGH, MA 01752

EL JUDICIAL LLC
820 BOSTON POST RD EAST
MARLBOROUGH, MA 01752

CITY OF MARLBOROUGH
EASTERLY SEWAGE PLANT
140 MAIN ST
MARLBOROUGH, MA 01752

DAVID RYAN HACKETT
MELANIE JEAN HACKETT
849 BOSTON POST RD EAST #6B
MARLBOROUGH, MA 01752

EQUITY TRUST COMPANY CUS
THEODORE P KLEIN TRADITIO
198 PRATTS MILL RD
SUDBURY, MA 01776

CLEMENTS MICHAEL T
COURTNEY L CLEMENTS
45 VIOLETWOOD CIR #321
MARLBOROUGH, MA 01752

DEXTRE YAMIR
CAROLINA DEXTRE
99 VIOLETWOOD CIR #300
MARLBOROUGH, MA 01752

ESTABROOK SHARON
88 VIOLETWOOD CIR #280
MARLBOROUGH, MA 01752

FAVREAU CRISANNA R
 ARIANA GOYETTE
 849 BOSTON POST RD EAST #1C
 MARLBOROUGH, MA 01752

GUPTA ASHISH
 279 PROSPECT ST
 SHREWSBURY, MA 01545-1644

JEAN-CLAUDE STACY
 BRICE EDITH
 15 VIOLETWOOD CIR #353
 MARLBOROUGH, MA 01752

FERNANDES MARIANNA M
 28 MAGNOLIA LN #347
 MARLBOROUGH, MA 01752

HARLAN MARIA
 849 BOSTON POST RD EAST #2E
 MARLBOROUGH, MA 01752

JIA ZHIQIANG
 90 VIOLETWOOD CIR #279
 MARLBOROUGH, MA 01752

FIORE SUZANNE N TR
 WALTER ROBERT STARR IRREV
 849 BOSTON POST RD EAST #1D
 MARLBOROUGH, MA 01752

HAURY T ELAINE TR
 WEXFORD REALTY TRUST
 105 BARTLETT ST
 MARLBOROUGH, MA 01752

JOHNSON NIGEL A
 JENNA L INGERSOLL
 30 VIOLETWOOD CIR #291
 MARLBOROUGH, MA 01752

FOLSOM RUSSELL A
 849 BOSTON POST RD EAST #10B
 MARLBOROUGH, MA 01752

HE YIN
 849 BOSTON POST RD EAST
 APT 3A
 MARLBOROUGH, MA 01752

JONES KATHY O
 41 VIOLETWOOD CIR #323
 MARLBOROUGH, MA 01752

FRANK DAVID ANTHONY & JOA
 THE FRANK FAMILY TRUST
 849 BOSTON POST ROAD UNIT 8B
 MARLBOROUGH, MA 01752

HEATH MARLON N
 HEATH GERALDINE

KALANZI JOHN
 94 VIOLETWOOD CIR #278
 MARLBOROUGH, MA 01752

FREDRICKSON JULIE K
 849 BOSTON POST RD EAST #2D
 MARLBOROUGH, MA 01752

HESSE VALERIE A
 82 VIOLETWOOD CIR #282
 MARLBOROUGH, MA 01752

KAMINSKY JUNHAO XIA
 RICHARD KAMINSKY
 849 BOSTON POST RD EAST #1B
 MARLBOROUGH, MA 01752

FRYATT JANIE LOU
 85 VIOLETWOOD CIR #304
 MARLBOROUGH, MA 01752

HOGAN JOHN
 LISA HOGAN
 39 DANJOU DRIVE
 MARLBOROUGH, MA 01752

KANE ROBERT E TR
 LINDA S KANE TR
 849 BOSTON POST RD EAST #10J
 MARLBOROUGH, MA 01752

GASSEL REMY
 9 VIOLETWOOD CIR #355
 MARLBOROUGH, MA 01752

HOURLANI JORDAN
 849 BOSTON POST RD EAST #7B
 MARLBOROUGH, MA 01752

KAZERANI FARIBORZ
 FATEMEH MOHSENI
 108 VIOLETWOOD CIR #272
 MARLBOROUGH, MA 01752

GOULD BRIAN
 849 BOSTON POST RD EAST #7G
 MARLBOROUGH, MA 01752

HUSSAIN MOHAMMAD S
 ASHI S HUSSAIN
 29 MAGNOLIA LN #342
 MARLBOROUGH, MA 01752

KEMP DAVID R TR
 D R KEMP FAMILY TRUST
 849 BOSTON POST RD EAST #3C
 MARLBOROUGH, MA 01752

GOULD PERRY J TR
 C/O AMGD MANAGEMENT
 525 WOBURN ST
 TEWKSBURY, MA 01876

ICHALKARANJE ANIL
 SHARMILA ICHALKARANJE
 75 VIOLETWOOD CIR #307
 MARLBOROUGH, MA 01752

KIM HAYOUNG S
 TAEWON KIM
 849 BOSTON POST RD EAST #6J
 MARLBOROUGH, MA 01752

LAMBERT JANET M
849 BOSTON POST RD EAST #8H
MARLBOROUGH, MA 01752

MARTINS GIANCARLO
39 VIOLETWOOD CIR #324
MARLBOROUGH, MA 01752

MILLER KELLE L
19 VIOLETWOOD CIR #334
MARLBOROUGH, MA 01752

LEE JAMES
849 BOSTON POST RD EAST #1F
MARLBOROUGH, MA 01752

MATSON JANICE E
849 BOSTON POST RD EAST #3D
MARLBOROUGH, MA 01752

MORGAN DAVID R
53 VIOLETWOOD CIR #317
MARLBOROUGH, MA 01752

LEGESSE ASSEGEDCH
MULU NEGUSU
849 BOSTON POST RD EAST #10F
MARLBOROUGH, MA 01752

MCCARTHY JANE K
849 BOSTON POST RD EAST #5D
MARLBOROUGH, MA 01752

MURRAY LOUISE A
849 BOSTON POST RD EAST #2F
MARLBOROUGH, MA 01752

LEONG PERRY
849 BOSTON POST RD EAST #4F
MARLBOROUGH, MA 01752

MCCOOK COURTNEY M
849 BOSTON POST RD EAST #10H
MARLBOROUGH, MA 01752

MUTENGU SUMAYYA
849 BOSTON POST RD EAST #8D
MARLBOROUGH, MA 01752

LESHANE JULIE
85 LEDGE RD
WALTHAM, MA 02452

MCCROBIE ROBIN M
ROBERT R MCCROBIE JR
849 BOSTON POST RD EAST #6G
MARLBOROUGH, MA 01752

NAMIRO IRENE
ROBERT MUWOOMYA
52 VIOLETWOOD CIR #285
MARLBOROUGH, MA 01752

LIMA CRUZ CASTA L
10 ROSE POINTE #310
MARLBOROUGH, MA 01752

MCCULLOUGH CATHERINE
315 DICENZO BLVD #357
MARLBOROUGH, MA 01752

NASCIMENTO ANA C
849 BOSTON POST RD EAST #4H
MARLBOROUGH, MA 01752

LIN KEFENG
30 MAGNOLIA LN #346
MARLBOROUGH, MA 01752

MC GEE KAREN K
JOHN J MCGEE
849 BOSTON POST RD EAST #6E
MARLBOROUGH, MA 01752

NAVEZ MARC J
ILONA NAVEZ
26 MAGNOLIA LN #348
MARLBOROUGH, MA 01752

LOPEZ FREDDY F
DINORA M LOPEZ
40 VIOLETWOOD CIR #286
MARLBOROUGH, MA 01752

MEDEIROS CELSO G
RAQUEL MEDEIROS
849 BOSTON POST RD EAST #7E
MARLBOROUGH, MA 01752

NSTAR GAS COMPANY
C/O EVERSOURCE TAX DEPT
PO BOX 270
HARTFORD, CT 06141-0270

MACDONNELL MARILYN K TR
98 VIOLETWOOD CIRCLE REAL
98 VIOLETWOOD CIR #277
MARLBOROUGH, MA 01752

MEJIA JESSICA
849 BOSTON POST RD EAST #6H
MARLBOROUGH, MA 01752

OLIVEIRA SARAH G
62 VIOLETWOOD CIR #284
MARLBOROUGH, MA 01752

MARTINEZ DEBBIE OLMSTEAD
849 BOSTON POST RD EAST #3G
MARLBOROUGH, MA 01752

MILLAR SARAH G TR
SARAH G MILLAR 2013 REVOC
849 BOSTON POST RD EAST #3E
MARLBOROUGH, MA 01752

OLIVERA AIDES F
OLIVEIRA MARTA MOREIRA
18 MAGNOLIA LN #350
MARLBOROUGH, MA 01752

PARK ROBERT JONG SUH
849 BOSTON POST RD EAST #3F
MARLBOROUGH, MA 01752

RAPOSO PAULA
849 BOSTON POST RD EAST #7C
MARLBOROUGH, MA 01752

RUGG GERALD D TR
GERALD D RUGG REVOCABLE T
47 VIOLETWOOD CIR #320
MARLBOROUGH, MA 01752

PASSARIELLO BARBARA A
LINDA J DENARO
23 VIOLETWOOD CIR #332
MARLBOROUGH, MA 01752

RATTIGAN ELIZABETH L
849 BOSTON POST RD EAST #5C
MARLBOROUGH, MA 01752

RUSHER JOHN D III
JOHN D RUSHER IV
71 VIOLETWOOD CIR #308
MARLBOROUGH, MA 01752

PATEL VISHNUBHAI J
NITA V PATEL
13 VIOLETWOOD CIR #354
MARLBOROUGH, MA 01752

RAYTHEON COMPANY
PO BOX 660248 MS 336
DALLAS, TX 75266

SANTANA JOSELITO O
MARIA G SANTANA
34 VIOLETWOOD CIR #289
MARLBOROUGH, MA 01752

PAWLUCZONEK KRISTA
86 VIOLETWOOD CIR #281
MARLBOROUGH, MA 01752

REALE LOREDANA
PATRICK REALE
849 BOSTON POST RD EAST #4B
MARLBOROUGH, MA 01752

SAVARY LOUISE P
27 VIOLETWOOD CIR #330
MARLBOROUGH, MA 01752

POIRIER JAMES
TARA POIRIER
25 VIOLETWOOD CIR #331
MARLBOROUGH, MA 01752

REILY SUZANNE A
14 VIOLETWOOD CIR #297
MARLBOROUGH, MA 01752

SEEDHOM MARY D
89 VIOLETWOOD CIR #303
MARLBOROUGH, MA 01752

PRATT SAMUEL
BROOKE PRATT
849 BOSTON POST RD EAST #5B
MARLBOROUGH, MA 01752

REMPELAKIS LEE ANN TR
REMPELAKIS FAMILY REVOCAB
849 BOSTON POST RD EAST #3H
MARLBOROUGH, MA 01752

SHAPIRO NANCY A
849 BOSTON POST RD EAST #10G
MARLBOROUGH, MA 01752

PRIMMER SHERYL N
RICHARD A PRIMMER
15 MAGNOLIA LN #335
MARLBOROUGH, MA 01752

RIDOLFI JEANNE
81 VIOLETWOOD CIR #305
MARLBOROUGH, MA 01752

SHEPARD KEVIN P
CHRISTINE R SHEPARD
106 VIOLETWOOD CIR #273
MARLBOROUGH, MA 01752

PRTR INC
C/O WASTE MANAGEMENT
P O BOX 1450
CHICAGO, IL 60690

RILEY SUSAN A
WESLEY E RILEY
849 BOSTON POST RD EAST #8F
MARLBOROUGH, MA 01752

SHRIVASTAVA PARIDHI
37 VIOLETWOOD CIR #325
MARLBOROUGH, MA 01752

QUINN BRUCE
SUSAN H QUINN
849 BOSTON POST RD EAST #5A
MARLBOROUGH, MA 01752

RODRIGUES KAISSON S
DINEA M RODRIGUES
849 BOSTON POST RD EAST #2G
MARLBOROUGH, MA 01752

SIKES WILLIAM M
BARBARA L SIKES
17 MAGNOLIA LN #336
MARLBOROUGH, MA 01752

RANI DIVIYA
849 BOSTON POST RD EAST #5E
MARLBOROUGH, MA 01752

RODRIGUEZ LUIS RAMON VALL
EVA VANESSA SALEM PERDOMO
26 VIOLETWOOD CIR #293
MARLBOROUGH, MA 01752

SIMAS SANDRA
849 BOSTON POST RD EAST #4E
MARLBOROUGH, MA 01752

SONDHI ASHISH
28 VIOLETWOOD CIR #292
MARLBOROUGH, MA 01752

THAKURTA ANUPAM GUHA
ANAUPAMA GUHA THAKURTA
313 DICENZO BLVD #356
MARLBOROUGH, MA 01752

WONG JESSICA
849 BOSTON POST RD EAST #6C
MARLBOROUGH, MA 01752

SORENSEN VICTORIA L
SORENSEN DAWN
23 MAGNOLIA LN #339
MARLBOROUGH, MA 01752

TOGNACCI DAVID R
TEMI TOGNACCI
849 BOSTON POST RD EAST #7F
MARLBOROUGH, MA 01752

WRIGHT ALICE R & RABELO J
AJJA RELTY TRUST
795 BOSTON POST RD EAST
MARLBOROUGH, MA 01752

STEIN GREGORY
849 BOSTON POST RD EAST #4A
MARLBOROUGH, MA 01752

TURCHIN LEV
SVETLANA TURCHIN
849 BOSTON POST RD EAST #8G
MARLBOROUGH, MA 01752

WRIGHT DAVID D
849 BOSTON POST RD EAST #3I
MARLBOROUGH, MA 01752

STEINBERG SCOTT C
JESSICA M STEINBERG
51 VIOLETWOOD CIR #318
MARLBOROUGH, MA 01752

VERIZON WIRELESS
NETWORK REAL ESTATE
PO BOX 2549
ADDISON, TX 75011

WRIGHT DONALD
ALICE WRIGHT
146 FRAMINGHAM RD
MARLBOROUGH, MA 01752

SUCIU LLC
10 SHERBROOKE DR
DOVER, MA 02030

VERMA BIKASH K
SUJATA DASGUPTA VERMA
4 CHESTNUT LN
HOLBROOK, MA 02343

YANG YONG
XIAORONG WU
7 TAMMER LN
HOPKINTON, MA 01748-2600

SUTHERLAND THERESA C TR
33 MAGNOLIA LN #344
MARLBOROUGH, MA 01752

VUPPALAPATI KOTI A
MADHAVI L SEGGAM
20 VIOLETWOOD CIR #295
MARLBOROUGH, MA 01752

ZAMPROGNO ZELIA A
59 VIOLETWOOD CIR #314
MARLBOROUGH, MA 01752

SWAN DEANNA
849 BOSTON POST RD EAST #4G
MARLBOROUGH, MA 01752

VYAS RUSHIKESH
35 VIOLETWOOD CIR #326
MARLBOROUGH, MA 01752

ZISLER INVESTMENTS LP ZIA
782 BOSTON POST RD EAST
MARLBOROUGH, MA 01752

TAPPER NICHOLAS
33 VIOLETWOOD CIR #327
MARLBOROUGH, MA 01752

WARE JAMES M
ANITA G WARE
849 BOSTON POST RD EAST #2H
MARLBOROUGH, MA 01752

ZUNIGA JENNIFER TR
SAGE WILLOW REALTY TRUST
219 HUNTERS RIDGE RD
CONCORD, MA 01742

TAWADROUS NAEM
NAHID TAWADROS
21 MAGNOLIA LN #338
MARLBOROUGH, MA 01752

WHITE PATRICK
KRISTEN WHITE
76 VIOLETWOOD CIR #283
MARLBOROUGH, MA 01752

TESAR SUSAN L
849 BOSTON POST RD EAST #10E
MARLBOROUGH, MA 01752

WILLIAMS ALLAN M
10 VIOLETWOOD CIR #298
MARLBOROUGH, MA 01752

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: SUCIU LLC Address: 10 Sherbrooke Dr., Dover, MA 02030

Project Name: Exela Storage Address: 846 Boston Post Road East

1. PROPOSED USE: (describe) Storage facility comprising of ten (10) storage containers, stacked two rows high with five (5) containers in each row. Each storage container is 8' x 20'.

2. EXPANSION OR NEW: Expansion

3. SIZE: floor area sq. ft. 800 sq. ft 1st floor 800 sq. ft. all floors 1,600 sq. ft.

buildings 1 # stories 2 lot area (s.f.) _____

4. LOT COVERAGE: proposed 76.7% Landscaped area: _____ %

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

Normal: 2-5 Peak period: 2-5

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 1-3 Peak period: 1-3

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

None

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Standard exterior lighting - no light leaves the property

8. NOISE:

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

No change

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. None

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

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

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

***Attach additional sheets if necessary**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall

140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: 1/26/2023

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Exela Storage additional storage units

Project Use Summary: Expansion of storage facility

Project Street Address: 846 Boston Post Road East

Plate: Map 61 / Lot 20 Parcel: 0061-0020

Applicant/Developer Name: SUCIU LLC

Plan Date: 8/3/2022 Revision Date: 9/30/2022

Dear President and Members:

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

Very truly yours,

Tin Htway
Acting Director of Planning

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

\$500.00

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

**Steven W. Kerrigan
City Clerk**



Dear Applicant,

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

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

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



 Signature Sem Aykanian - Attorney on behalf of Applicant Date 2-9-23

Thank you for your cooperation in this matter.

Sincerely,

*Steven W. Kerrigan
City Clerk*

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

**Steven W. Kerrigan
City Clerk**



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

Company Name

Exela Storage

Owner Name/Officer Name of LLC or Corporation

SUCIU LLC / Jasmine S. Matthews, Manager

Owner/Officer Complete Address and Telephone Number

10 Sherbrooke Drive

Dover, MA 02030

(516) 315-7716

Signature of Applicant

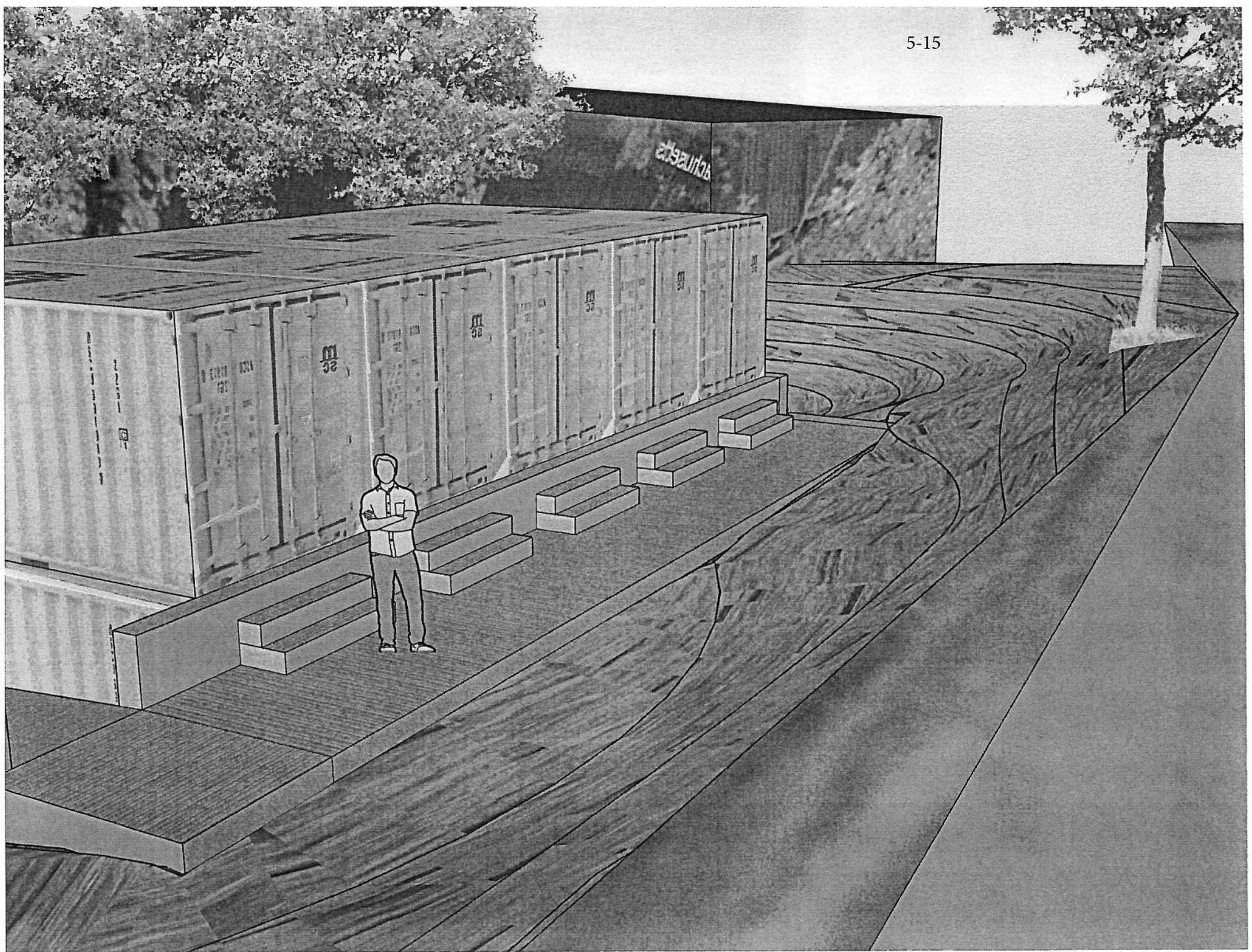
Attorney on behalf of Applicant, if applicable

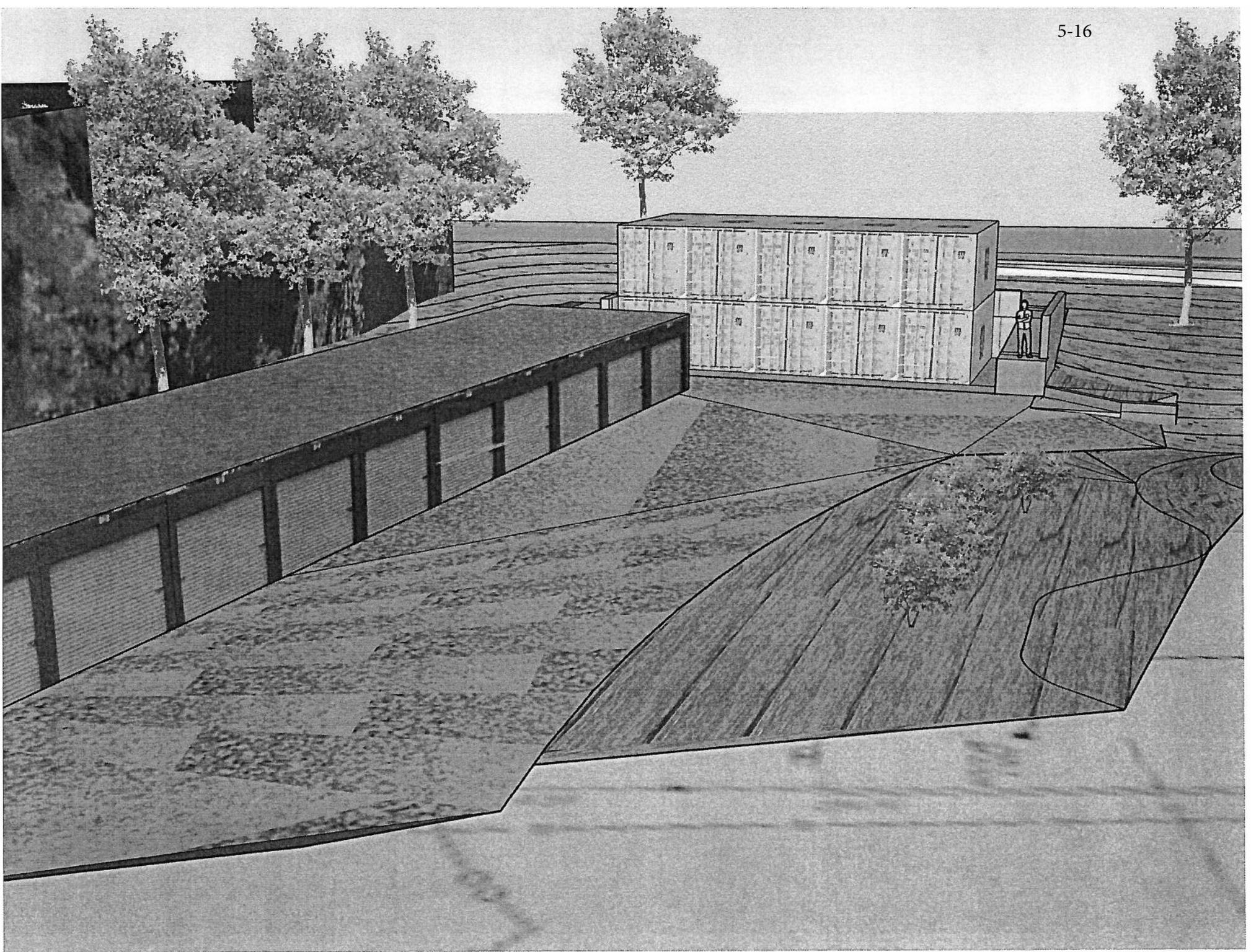
The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

Tax Collector

EXHIBIT A
SUPPORTING DOCUMENTATION

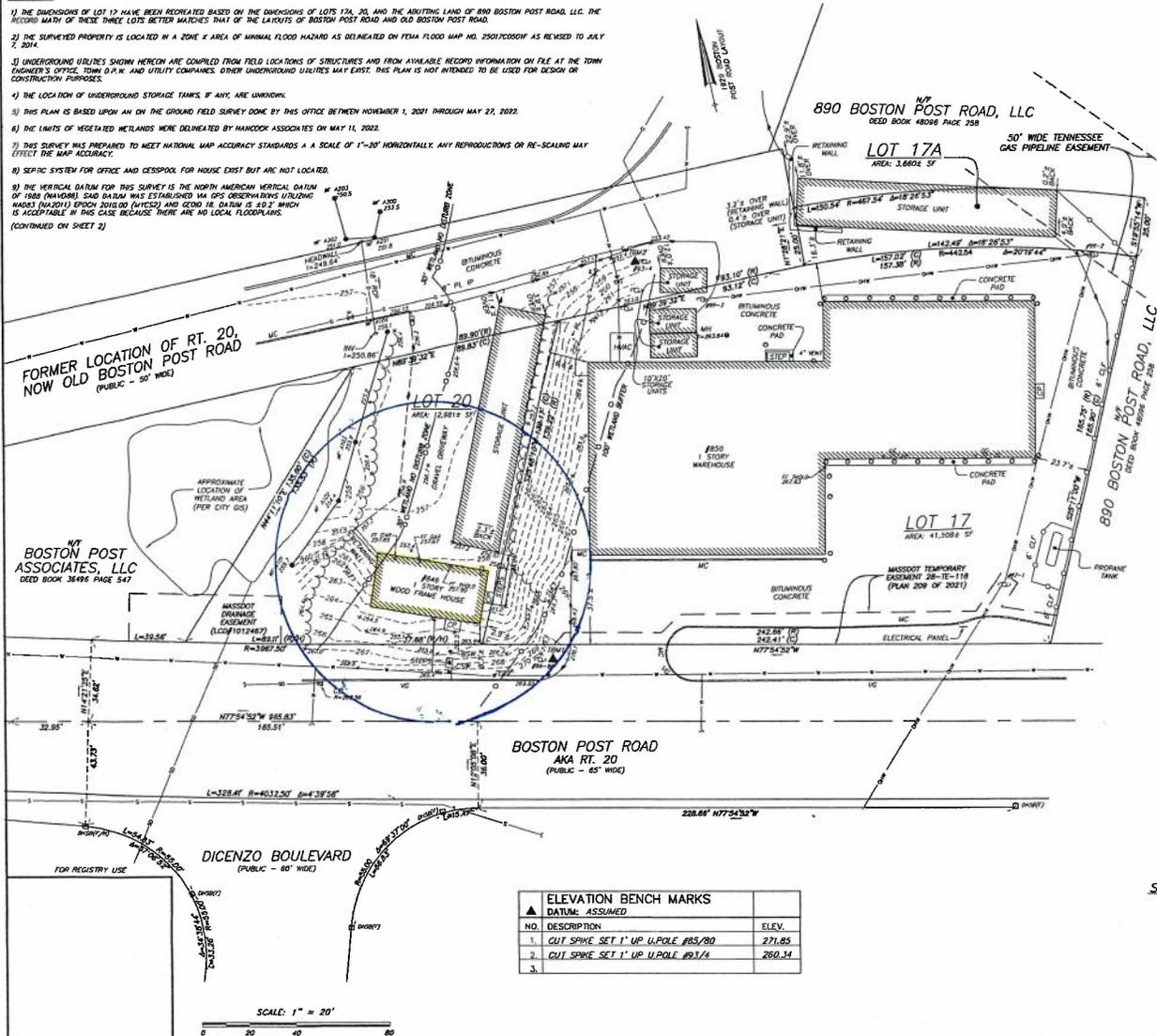
Special Permit Application
846 Boston Post Road East





NOTES:

- 1) THE DIMENSIONS OF LOT 17 HAVE BEEN REPLICATED BASED ON THE DIMENSIONS OF LOTS 17A, 20, AND THE ADJUTING LAND OF 890 BOSTON POST ROAD, LLC. THE RECORD MATH OF THESE THREE LOTS BETTER MATCHES THAT OF THE LAYOUTS OF BOSTON POST ROAD AND OLD BOSTON POST ROAD.
 - 2) THE SURVEYED PROPERTY IS LOCATED IN A ZONE X AREA OF MINIMAL FLOOD HAZARD AS DELINEATED ON FEMA FLOOD MAP NO. 250170000H AS REVISED TO JULY 7, 2014.
 - 3) UNDERGROUND UTILITIES SHOWN HEREON ARE COMPILED FROM FIELD LOCATIONS OF STRUCTURES AND FROM AVAILABLE RECORD INFORMATION ON FILE AT THE TOWN ENGINEER'S OFFICE, TOWN OF MARLBOROUGH AND UTILITY COMPANIES. OTHER UNDERGROUND UTILITIES MAY EXIST. THIS PLAN IS NOT INTENDED TO BE USED FOR DESIGN OR CONSTRUCTION PURPOSES.
 - 4) THE LOCATION OF UNDERGROUND STORAGE TANKS, IF ANY, ARE UNKNOWN.
 - 5) THIS PLAN IS BASED UPON AN ON THE GROUND FIELD SURVEY DONE BY THIS OFFICE BETWEEN NOVEMBER 1, 2021 THROUGH MAY 27, 2022.
 - 6) THE LIMITS OF VEGETATED WETLANDS WERE DELINEATED BY HANCOCK ASSOCIATES ON MAY 11, 2022.
 - 7) THIS SURVEY WAS PREPARED TO MEET NATIONAL MAP ACCURACY STANDARDS A SCALE OF 1"=20' HORIZONTALLY. ANY REPRODUCTIONS OR RE-SCALING MAY EFFECT THE MAP ACCURACY.
 - 8) SEPTIC SYSTEM FOR OFFICE AND CESSPOOL FOR HOUSE EXIST BUT ARE NOT LOCATED.
 - 9) THE VERTICAL DATUM FOR THIS SURVEY IS THE NORTH AMERICAN VERTICAL DATUM OF 1989 (NAVD89). SMO DATUM WAS ESTABLISHED VIA GPS OBSERVATIONS UTILIZING MARKS (MAGNETIC) FROM 2010 TO (NAVD89) AND USING THE DATUM IS 43.7 WHICH IS ACCEPTABLE IN THIS CASE BECAUSE THERE ARE NO LOCAL FLOODPLANS.
- (CONTINUED ON SHEET 2)



ASSESSORS:

MAP 61, LOTS 17, 17A & 20

ZONING:

WAYSIDE DISTRICT

RECORD OWNER:

SUKU LLC
10 SHERBROOKE DRIVE
GROVE, MASSACHUSETTS 02030

REFERENCES:

- DEED BOOK 19666, PAGE 1 (LOTS 17 & 17A)
- LAND COURT CERTIFICATE 376,632 (LOT 20)
- PLAN 722 OF 1982
- LAND COURT PLAN 2368
- 1904 LAYOUT OF BOSTON POST ROAD (L04P857)
- 1939 LAYOUT OF BOSTON POST ROAD (L04P495)
- 1988 LAYOUT OF BOSTON POST ROAD (L04P812)
- 1996 LAYOUT OF BOSTON POST ROAD (L04P704)
- 2021 LAYOUT OF BOSTON POST ROAD (L04P663)

LEGEND:

- EDGE OF GRAVEL
- EDGE OF PAVEMENT
- GAS MAIN WITH SIZE & GATE VALVE
- CHAIN LINK FENCE
- ELECTRIC UTILITY POLE WITH RECOGNITION AND OVERHEAD WIRES
- LIMIT OF BORDERING VEGETATED WETLAND WITH FLAG NUMBER AND ELEVATION
- LIMIT OF 30-FOOT WETLAND NO DISTURB ZONE
- LIMIT OF 100-FOOT WETLAND BUFFER ZONE
- BOLLARD
- WALLEDO
- △ BENCHMARK
- △ CB CATCH BASIN
- DRILL HOLE IN STONE BOUND
- BSW BRICK SIDEWALK
- C CHIMNEY
- CSW CONCRETE SIDEWALK
- CP CONCRETE PAD
- FF FINISHED FLOOR
- GAR GARAGE
- LCD LAND COURT DOCUMENT
- MC MODIFIED GAUGE COO BEAM
- PL PLASTIC PIPE
- PL IP PLASTIC PIPE IN IRON PIPE
- TWOLD THOOLD
- VE VERTICAL GRANITE CURB
- (C) CALCULATED
- (F) FOUND
- (FM) FOUND AND HELD
- (R) RECORD
- (RM) RECORD AND HELD

SITE COVERAGE

ALLOWED: 80%
EXISTING: 75.8%
PROPOSED: 76.7%

ELEVATION BENCH MARKS		
DATE: ASSUMED		
NO.	DESCRIPTION	ELEV.
1.	CUT SPIKE SET 1' UP W/ POLE #85/80	271.85
2.	CUT SPIKE SET 1' UP W/ POLE #93/94	260.34

SCALE 1" = 20'

LOCAL MAP

SITE ADDRESS
846 & 850 BOSTON POST ROAD EAST
Marlborough, Massachusetts 01752

PREPARED FOR
EXELA MOVERS

19 Brook Road
Needham, Massachusetts 02494

HANCOCK ASSOCIATES

Civil Engineers
Land Surveyors
Environmental Consultants

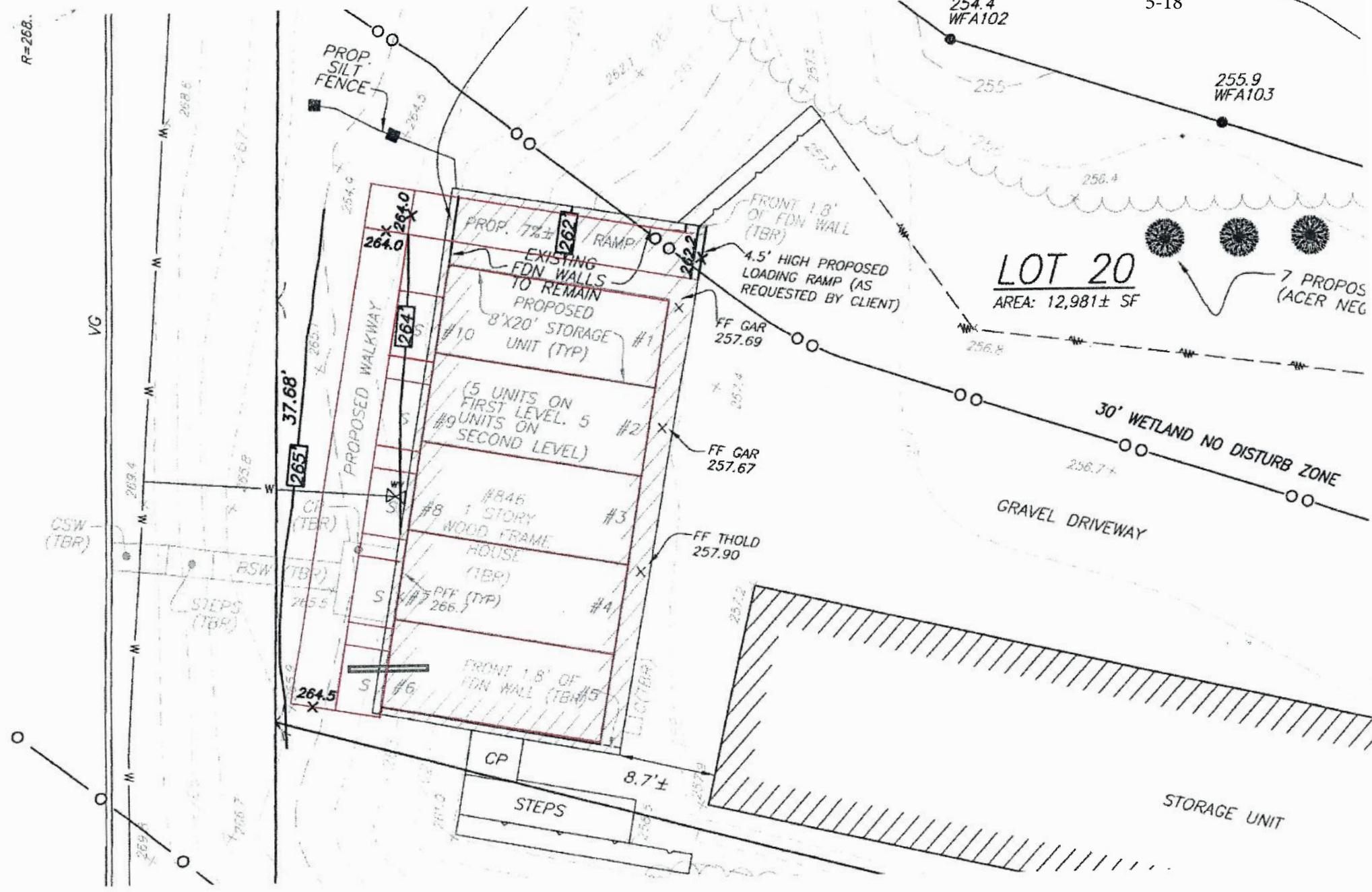
315 Elm Street, Marlborough, MA, 01752
Voice (508) 484-1111, Fax (508) 460-1121
www.hancockassoc.com

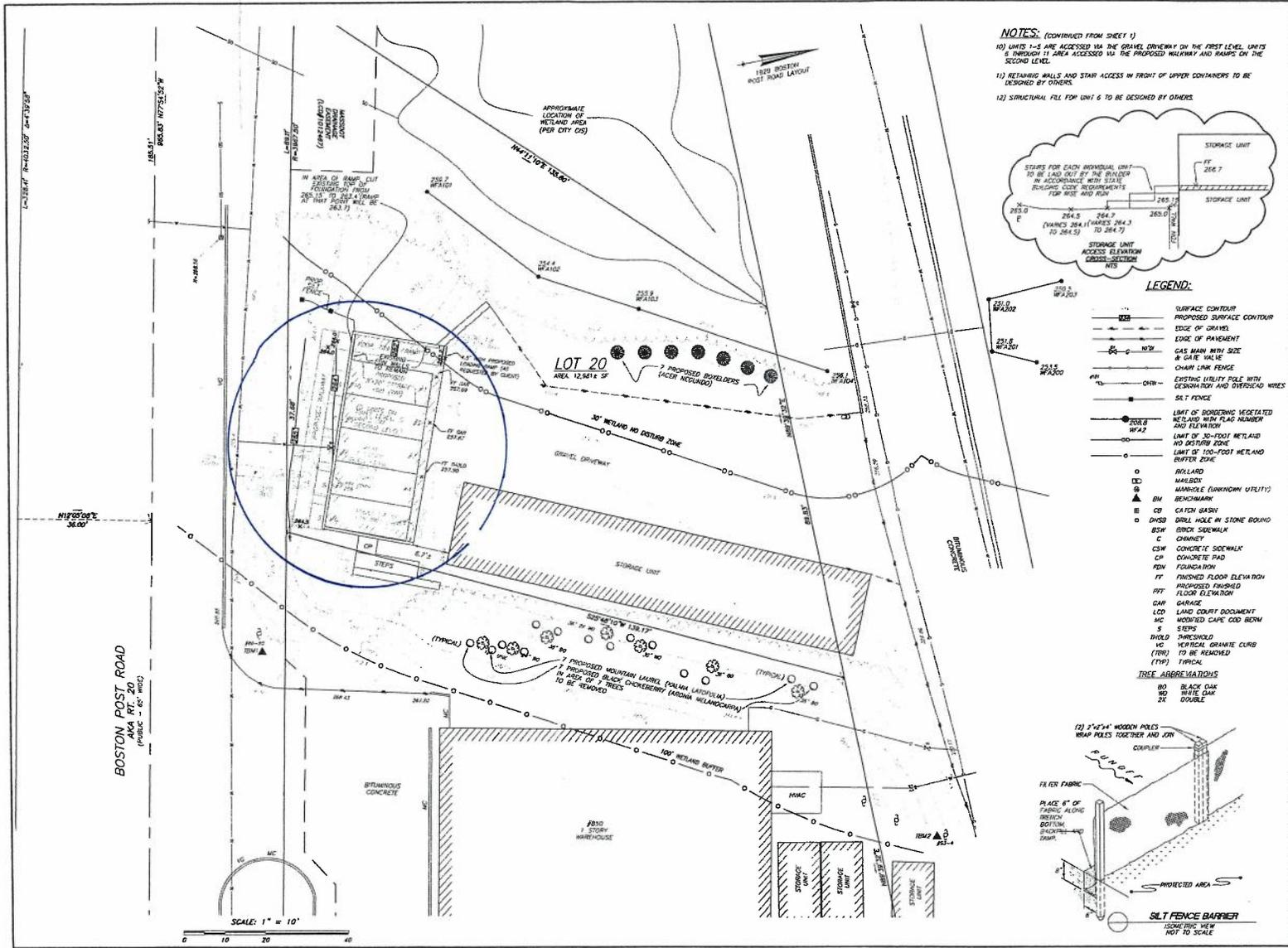
NO. BY DATE DATE REVISION DESCRIPTION

DATE: 8/25/22 DRAWN BY: LMT
SCALE: 1" = 20' CHECK BY: ZSB

EXISTING CONDITIONS PLAN OF LAND IN MARLBOROUGH, MA

DWG: 25821 (1) (2022)
LAYOUT: EX
SHEET: 1 OF 3
PROJECT NO.: 25821





SCALE 1" = 200'

SITE ADDRESS

846 & 850 BOSTON POST ROAD EAST
 Marlborough, Massachusetts 01752

PREPARED FOR

EXELA MOVERS

19 Brook Road
 Needham, Massachusetts 02494

HANCOCK ASSOCIATES

Civil Engineers
 Land Surveyors
 Environmental Consultants

315 Elm Street, Marlborough, MA 01752
 Voice: (508) 888-1114, Fax: (508) 881-1131
 www.hancockassociates.com

4 JOB 1/28/72 TREE REMOVAL AND REPLACE

3 JOB 1/9/72 RAMP BL. & EDGE BUILDING

2 JOB 1/9/72 RELOCATE RAMP INTO BUILDING

1 JOB 1/28/72 RELOCATE WALKS TO WLY SIDE

W/1 BY JHO DATE ISSUE/REVISION DESCRIPTION

PLAN TO SUPPORT NOTICE OF INTENT FILING

DATE: 04/20/22 DRAWN BY: LMS
 CHECKED BY: JHO

PROJECT NO.: 25821

DET

CONNORSTONE ENGINEERING, INC.

10 SOUTHWEST CUTOFF, #7
 NORTHBOROUGH, MASSACHUSETTS 01532
 TEL: 508-393-9727 FAX: 508-393-5242

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2023 FEB 10 PM 1:40

Marlborough City Council
 140 Main Street
 Marlborough, MA

February 9, 2023

**Subject: Special Permit Application & Site Plan Approval
 Contractor's Yard
 655 Farm Road**

Dear City Councilors,

Please find the enclosed Special Permit Application Package for 655 Farm Road.

The goal of this submission is to bring the existing Contractors Yard at 655 Farm Road into compliance with 650-18 condition of uses. In accordance with the zoning ordinance approved June 22, 2020; all existing yards in the CA & LI zoning districts must file for a site plan review within 9 months and after filing complete the site plan review within 24 months. The applicant had filed for site plan review with the Site Plan Review Committee within the prescribed 9 month timeline, however, due to certain circumstances the process was not completed with the 24 month window. After consultation with City Staff and the Building Commissioner, the applicant is submitting the enclosed applications. The applicant has also attended several information meetings with the Site Plan Review Committee to discuss the project and attain initial feedback.

Project Summary:

Focus of the current operation - At this time the property is held in a trust called The Trombetta Family Limited Partnership. Its trustees are second and third generation of a Family that started doing business in Marlborough in 1937. The front entrance of the property located at 655 Farm Road is a diversified retail operation. It consists of a seasonal garden center, a homemade ice-cream stand, and an indoor miniature golf course. The back of the property is rented to a variety of small service oriented individuals. Each contractor has a designated space which he is required to keep organized and maintained. The activity at the yard is typically active during the morning hours, and at the end of the work day.

Hours of Operation:

The typical hours of operation of the tenants are 7:00 am-7:00 pm Monday through Saturday per the noise ordinance. During the winter months several of the tenants provide snow plowing, and salting/sanding. Many provide these services for the City of Marlborough or the Commonwealth. Their start of work and return from work time would be dictated by the storm conditions.

Traffic Pattern:

The existing and proposed traffic pattern is depicted on the attached site plans. All of the tenants are instructed to enter and exit via the southerly driveway. Tenants are forbidden to utilize the northerly driveway, since this is typically utilized by the public for the other on-site uses (mini-golf, ice cream). Once entering the site tenant access the rear area of the site through the existing paved driveway having a suitable width for two way traffic.

Lease Areas / Material Storage:

The trailers are utilized to designate rental areas and provide tenants with a space to secure and protect their daily and seasonal equipment. The trailers are used to store hand tools, lawn maintenance equipment, snow equipment, and similar. Storage of propane, fuels, or other chemicals is not allowed. None of the tenants have a pesticide application license. Storage of unregistered vehicles is also not allowed by the tenants, and none are present on-site. Tenants would also not be allowed to perform vehicle repairs and/or maintenance within the Contractor's Yard. The trailers utilized to designate separate lease areas are owned by Trombetta's, however, there are a few additional trailers owned by individual tenants that may be kept within their lease area.

Surfacing Materials:

The main access driveway from the entrance and through the contractor yard is paved with asphalt. The tenant parking and lease areas is a mixture of recycled asphalt and aggregate, which was utilized to insure that the area is impervious and dust free.

Lot Coverage:

The proposed lot coverage would maintain an area in compliance with the zoning regulation.

Allowed lot coverage	= 183,967 Square feet (60% lot area)
Existing lot coverage	= 183,830 Square feet (59.95% lot area)
Proposed lot coverage	= 180,640 Square feet (58.9% lot area)

Site Lighting:

Site lighting within the contractor yard include three downward facing lights located near the central portion of the site on 15 foot posts (locations shown on the site plan). These lights are connected to a motion sensor utilized for security purposes only. The lights do not remain on for extended periods, but are only activated by the motion sensor only.

Screening / Landscape Buffer:

Screening was discussed at the Site Plan Review Committee meetings, and we understand particular attention should be given to the southerly lot line abutting the residential uses. Each of the three sides abutting the contractor's yard are summarized below along with proposed mitigation and existing photographs.

South Side line: The south property line is abutted by 4 residential properties (20, 30, 40, and 56 Broadmeadow Street), two of which are owned by Trombetta family. #20 Broadmeadow is owned by a stockholder of Trombetta farm, and the driveway access is through the Trombetta site. #30 Broadmeadow is owned by a family member. Both of these lots include existing mature screening, and representative photographs are provided below.

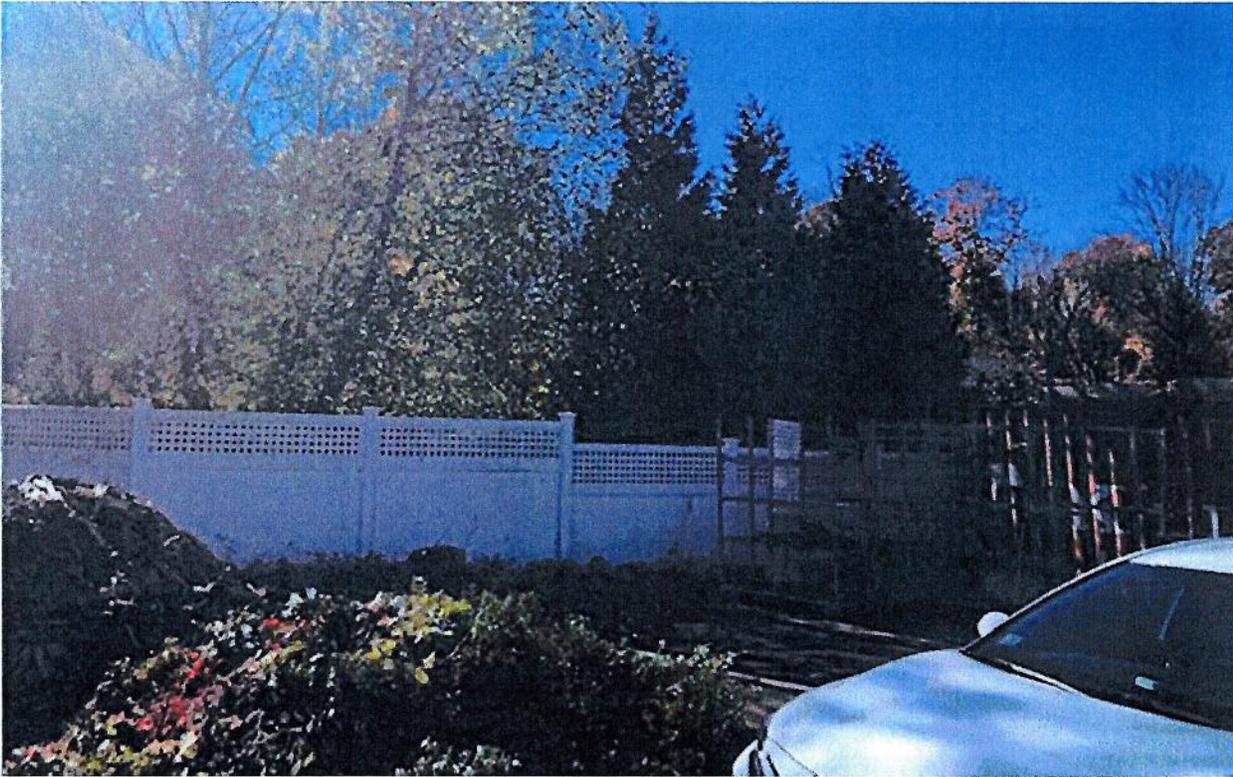


Screening to #30 Broadmeadow (Trombetta Family)



Screening to #40 Broadmeadow (Tombetta Family) right of frame and #50 Broadmeadow left of frame

The last two residential abutters at #50 and #56 currently have an existing mix of screening including mature plantings and privacy fence. The middle abutter at #50 is screened by an existing 6 foot privacy fence, landscaping, and the longer storage building. Additional screening had not currently been proposed at this location unless requested by the Committee. The abutter at #56 Broadmeadow has an existing mix of screening both on, and off site. The offsite abutter planting include large 20+ foot arborvitae and spruce, and more recently planted 12+ foot arborvitae. Vegetation on the applicant's property includes several larger deciduous trees. An existing fence is also located along the property line consisting of a mix of 6 foot privacy fence and 6 foot black vinyl coated chain link fence. The applicant has proposed to focus landscaping efforts in this area to infill gaps within the existing screening. This would include larger arborvitae along the property line to coordinate with the abutters plantings and create a in a staggered layout to increase screening. The applicant has indicated previous discussion with the abutter has included the offer of a solid fence, which was not the preferred option of the abutter. Representative pictures of the area are provided below, and the proposed plantings are provided on the site plans.



View of Screening - #50 Broadmeadow to right of frame, #56 to left of frame



View of Screening – house at #56 in background

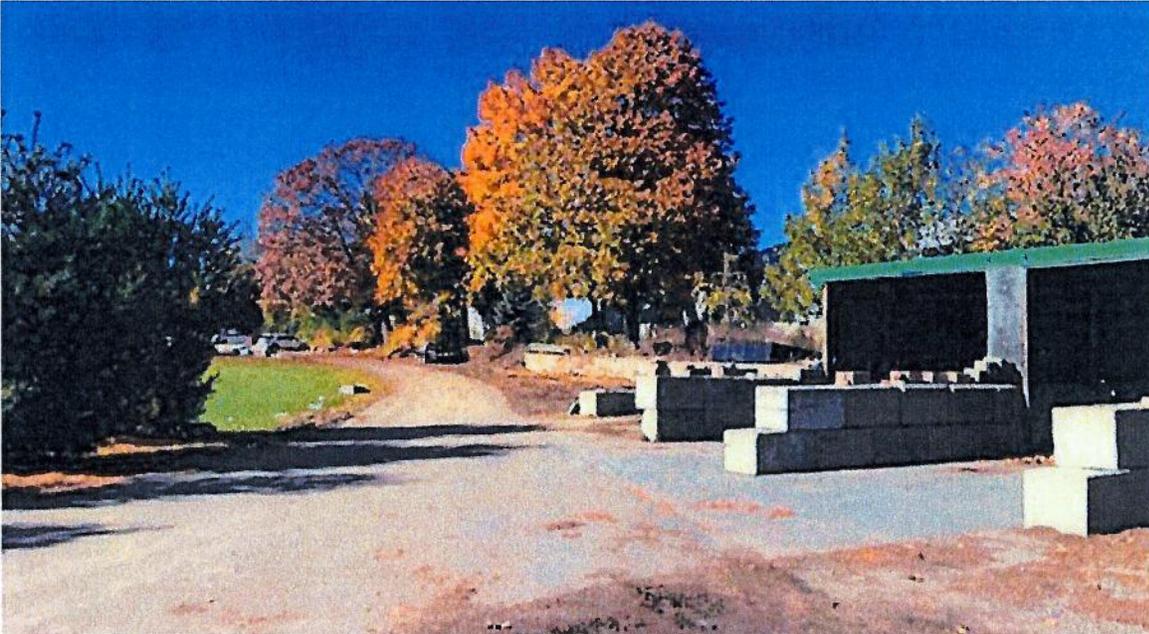


View of Screening – House at #56 in background. Material stockpiles in foreground to be removed and supplemented with plantings.

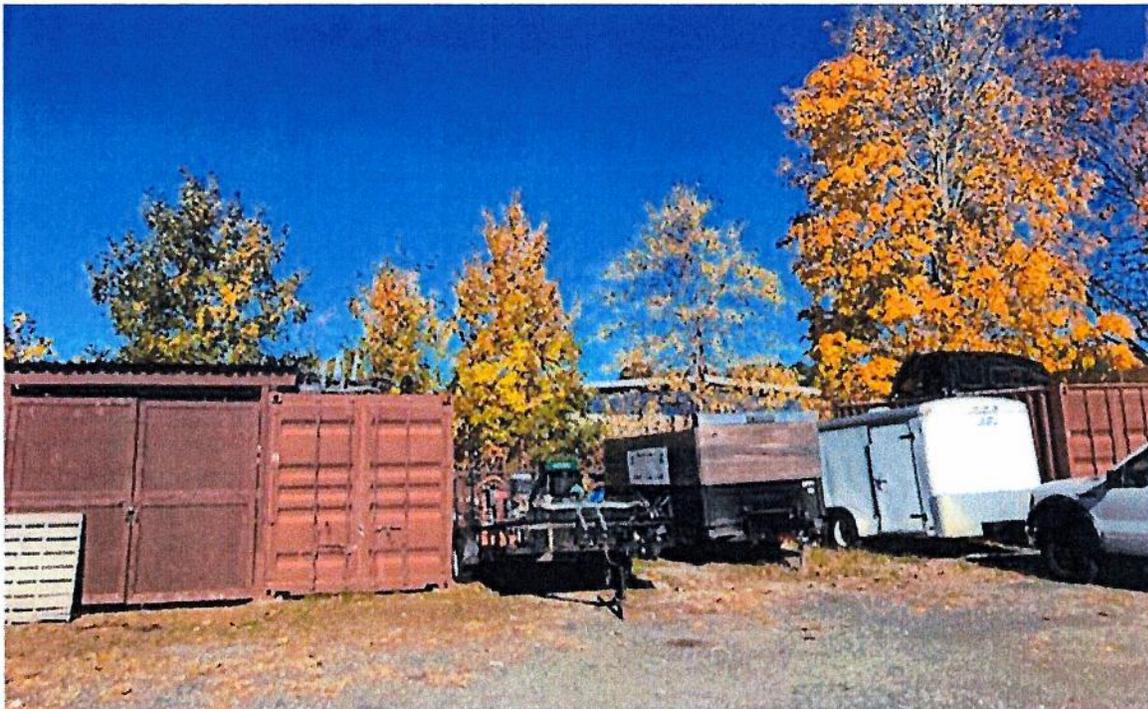


View of Screening – House at #56 in background. Existing arborvitae on abutter’s to be supplemented with staggered row of arborvitae on project side of property line.

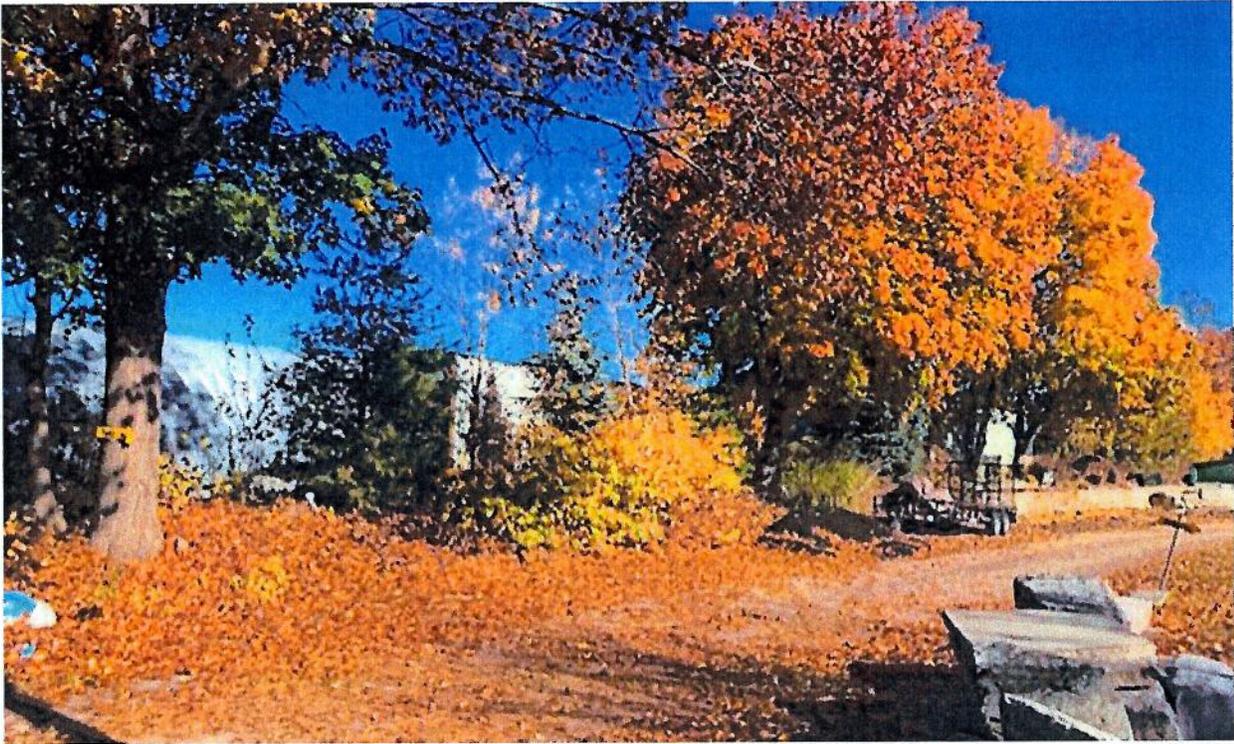
North Side Property Line: The northerly side property line abuts 667 Farm Road (mixed use including an auto repair shop), and the commercial development at Airport Boulevard. This property line includes an existing vegetated buffer that has been planted over the past several years. The abutter at the Airport project has also installed a 6-foot stockade privacy fence along the entire property line. The residential component of the mixed use at #667 also includes a 6-foot privacy fence. Representative pictures of property line are provided below.



Typical screening along north property line (abutter to right)



Screening adjacent to Airport Site

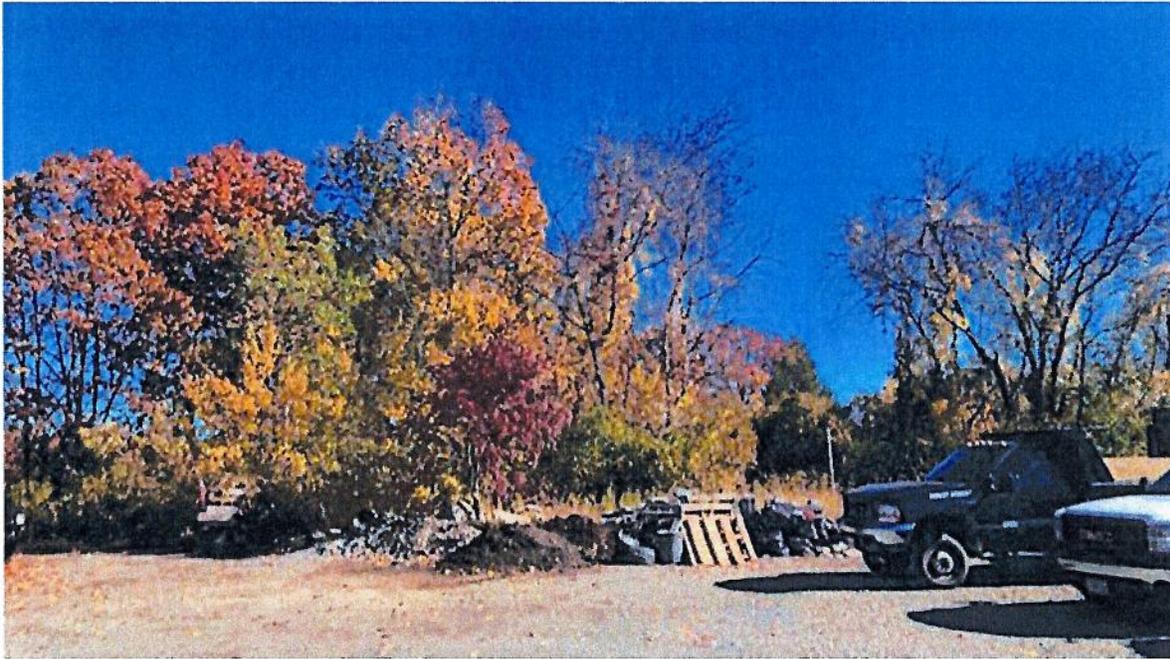


Screening near midpoint of north sideline

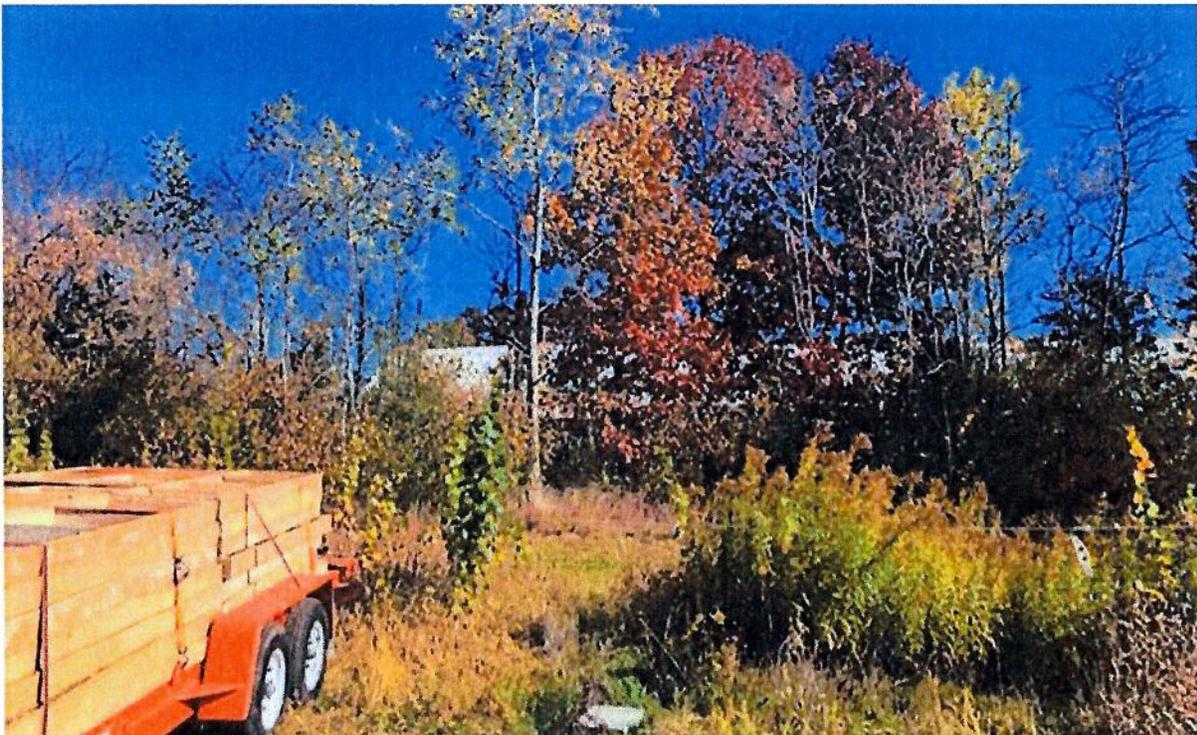


Screening adjacent to #667 Farm Road

Rear Property Line: The rear property line abuts narrow vacant parcel of land (approximately 60 feet wide), which separates the site from the Wayside Athletic Club. Existing mature vegetation is present within the vacant parcel to provide a dense screening to the Athletic Club. The proposal would removal any gravel surface or trailer within the required 7-foot setback, and additional on-site landscaping has not been proposed. This additional landscaping could be included if the Committee feels it is necessary. Representative photographs of the area are provided below.



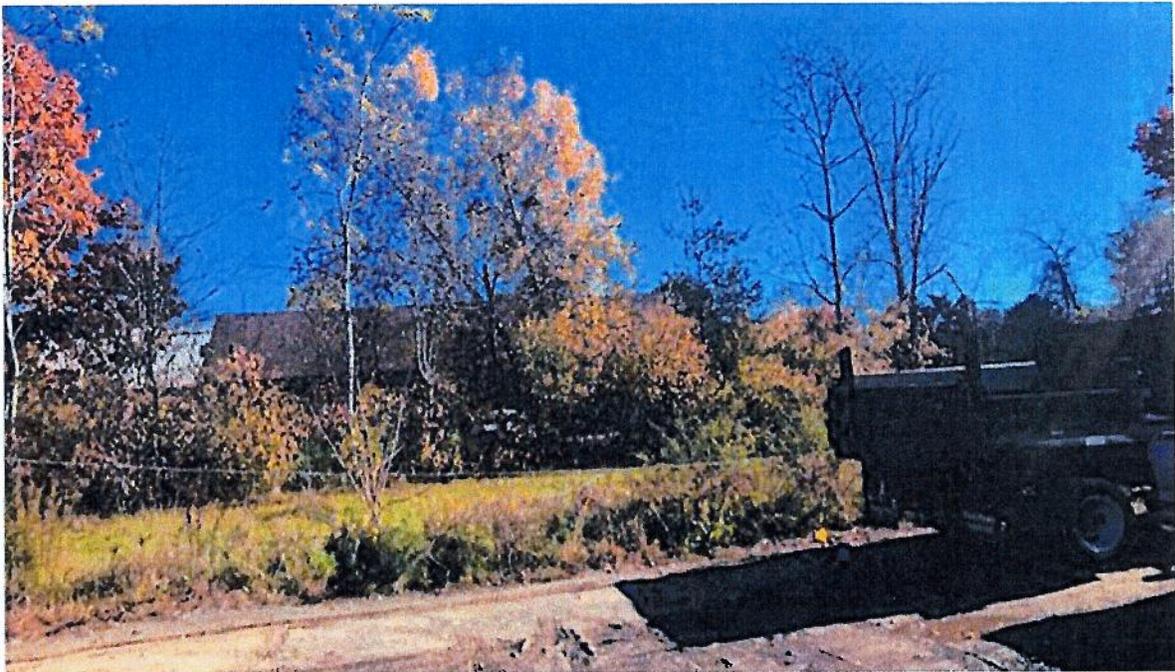
Screening along North Property Line



Screening along North Property Line (2) – Athletic Club in Background



Screening along North Property Line (3) – Athletic Club in Background



Screening along North Property Line (3) – Athletic Club in Background

We look forward to discussing the project at an upcoming meeting. Should you have any questions, please contact our office at any time at 508-393-9727.

Sincerely,
Connorstone Engineering, Inc.

Vito Colonna, PE



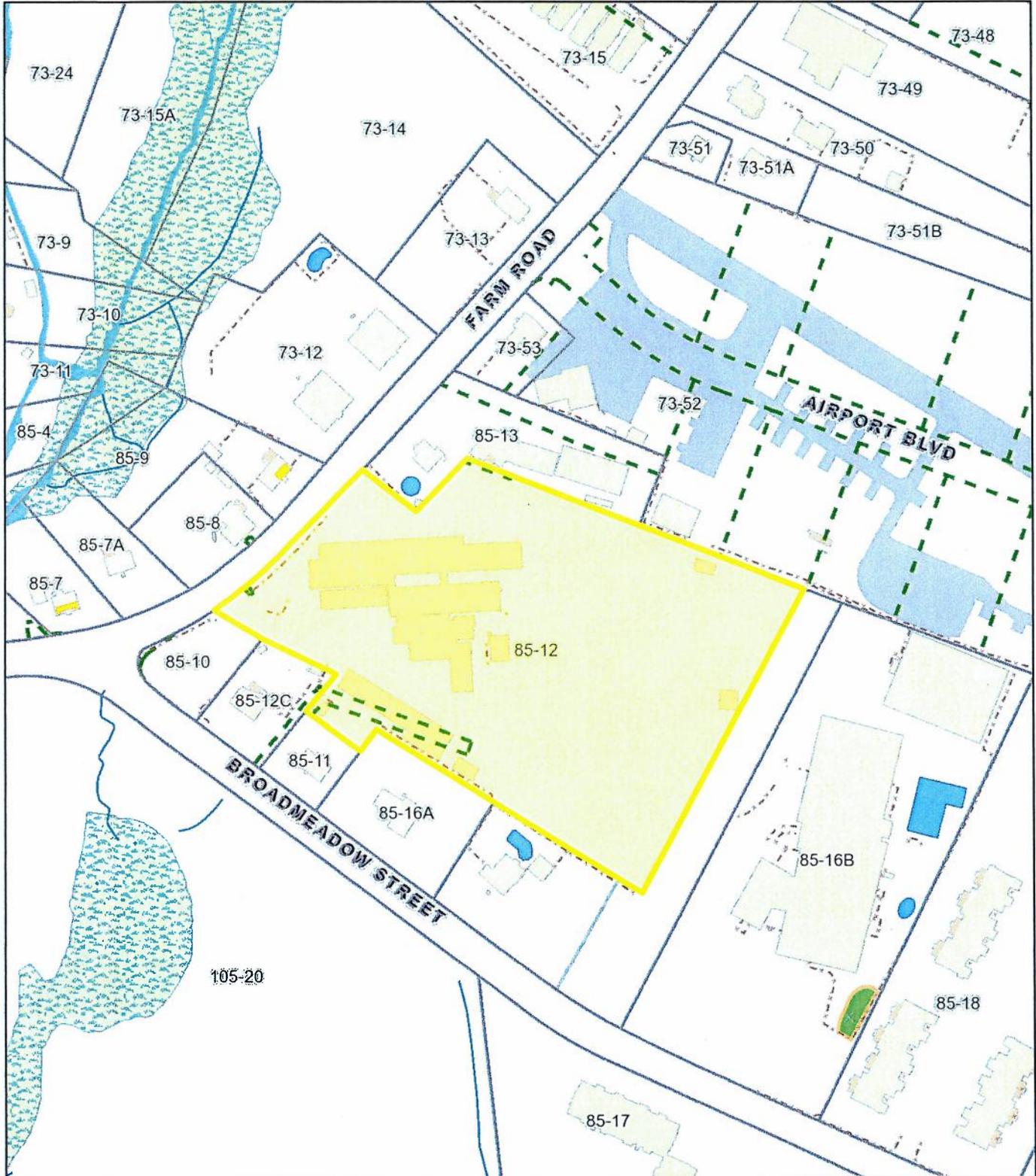
Marlborough, MA

1 inch = 200 Feet



www.cai-tech.com

September 15, 2022



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 FEB 10 PM 1:40

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Trombetta Family Limited Partnership, 655 Farm Road, Marlborough, MA

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

655 Farm Road, Map 85, Parcels 10 & 12

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

Map 85, Parcel 12 - Trombetta Family Limited Partnership

Map 85 Parcel 10 - Charles Trombetta Trustee of the 10 Broadmeadow Street Realty Trust

Address: 655 Farm Road, Marlborough, MA

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

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

Article V Section 650 Paragraph 17 Sub-paragraph Table of Uses

18

Conditions for Uses A(48)(b)

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

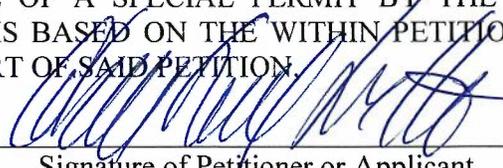
Limited Industrial (LI)

7. Specific reason(s) for seeking Special Permit

To allow the use of an existing Contractor / Landscape Contractor Yard within the LI District

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

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



Signature of Petitioner or Applicant

Address: 655 Farm Road

Marlborough MA

Telephone No. 508-922-4930

Date: 2/9/23

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

Trombotta Family Limited Partnership
(Name of Petitioner)

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

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

CAPOBIANCO GERARD J
83 CLOVER HILL ST
MARLBOROUGH, MA 01752

ECHANIZ JOSE M JR
STEPHANIE A ECHANIZ
134 HELEN DR
MARLBOROUGH, MA 01752

28 NJN LLC
21 APPIAN WAY
WELLESLEY, MA 01772

CHASE ANITA L
666 FARM RD #9
MARLBOROUGH, MA 01752

EVANGELOUS THEODORE J TR
FARM ROAD REALTY TRUST
PO BOX 8
SOUTHBOROUGH, MA 01772

AGUIAR JOSE LUIZ
CRISTINA FARRER AGUIAR
666 FARM RD #11
MARLBOROUGH, MA 01752

CHIN RAYMOND
ALEXIS KRUSA
620 FARM RD
MARLBOROUGH, MA 01752

FINCHUM JAMES
VICTORIA FINCHUM
120 BROADMEADOW ST #B
MARLBOROUGH, MA 01752

ARANTES PAULO
ANGLEA ARANTES
120 BROADMEADOW ST #F
MARLBOROUGH, MA 01752

CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH, MA 01752

FRASER M MADELINE
C E OVID FRASER
120 BROADMEADOW ST #A
MARLBOROUGH, MA 01752

BARRY EDWARD F JR
JESSICA COOPER
116 BROADMEADOW ST #A
MARLBOROUGH, MA 01752

DASILVA REALTY TRUST LLC
982 BOSTON POST RD EAST
MARLBOROUGH, MA 01752

GELLER JASON E
116 BROADMEADOW ST #B
MARLBOROUGH, MA 01752

BARTHELMES NICOLE R
666 FARM RD #3
MARLBOROUGH, MA 01752

DAVIS RYAN
KRISTINA M HENDRON
122 BROADMEADOW ST #D
MARLBOROUGH, MA 01752

GERBER MARY H
116 BROADMEADOW ST #G
MARLBOROUGH, MA 01752

BASTOS JOAO
666 FARM RD #5
MARLBOROUGH, MA 01752

DEALMEIDA IZABEL
30 TASSI DR
MARLBOROUGH, MA 01752

GOURGUE CLARK SR
CLARK GOURGUE JR
468 ELM ST E
RAYNHAM, MA 02767

BENSON KEVIN R
124 BROADMEADOW ST #F
MARLBOROUGH, MA 01752

DEANS KIM L
120 BROADMEADOW ST #H
MARLBOROUGH, MA 01752

GRANT ROBERT A TR
ROBERT A GRANT TRUST
120 BROADMEADOW ST #G
MARLBOROUGH, MA 01752

BERNIER DAPNEY D
GLADY MIR BERNIER
118 BROADMEADOW ST #E
MARLBOROUGH, MA 01752

DEMARINIS FAITH
124 BROADMEADOW ST #B
MARLBOROUGH, MA 01752

HASSINGER ANN
122 BROADMEADOW ST #G
MARLBOROUGH, MA 01752

BROWN SUSAN TR
SUSAN BROWN TRUST
PO BOX 5672
MARLBOROUGH, MA 01752

DEMERS ELLEN P
118 BROADMEADOW ST #G
MARLBOROUGH, MA 01752

HOME PROPERTIES MEADOWS M
C/O MEADOWS GARDEN LP
PO BOX 1114
HICKSVILLE, NY 11802

HOUGH NANCY J TR
NANCY J HOUGH REVOCABLE T
174 HELEN DR
MARLBOROUGH, MA 01752

MARIA CLARA PROPERTIES LL
37 AIRPORT BOULEVARD UNIT 18
MARLBOROUGH, MA 01752

NICHOLS JONATHAN TRUSTEE
80 BROADMEADOW REALTY TRU
50 HOPKINTON ROAD
WESTBOROUGH, MA 01581

ISERN GERMINAL
NATALY TZERTZIVADZE
124 BROADMEADOW ST #C
MARLBOROUGH, MA 01752

MARLBOROUGH INDUSTRIAL LL
259 TURNPIKE RD
STE 100
SOUTHBOROUGH, MA 01772

OLEARY ROBERT S
666 FARM RD #8
MARLBOROUGH, MA 01752

J & D LAND HOLDINGS LLC
804 BOSTON POST RD
SUDBURY, MA 01776

MARLBOROUGH INDUSTRIAL LL
259 TURNPIKE RD
STE 100
SOUTHBOROUGH, MA 01772

OLIVIERA LALDISON A
666 FARM RD #2
MARLBOROUGH, MA 01752

JANIAK STEPHEN J
EDITH JANIAK
146 HELEN DR
MARLBOROUGH, MA 01752

MARLBOROUGH INSUSTRIAL LL
259 TURNPIKE RD
STE 100
SOUTHBOROUGH, MA 01772

PAINTON CHRISTA D LI EST
56 BROADMEADOW ST
MARLBOROUGH, MA 01752

KEMP LINDA A
124 BROADMEADOW ST #H
MARLBOROUGH, MA 01752

MCCULLOUGH CHARLENE TRUST
TRUSTEE OF THE CHARLENE M
116 BROADMEADOW ST #E
MARLBOROUGH, MA 01752

PANIAGUA RAMIRO SARRATO
116 BROADMEADOW ST #C
MARLBOROUGH, MA 01752

KOPPENAL-LYNCH KRYSTA M T
KRYSTA M KOPPENAL-LYNCH T
630 FARM RD
MARLBOROUGH, MA 01752

MERRIAM MEREDITH L
DANIEL LEE MERRIAM
164 HELEN DR
MARLBOROUGH, MA 01752

PERRY CRAIG R
JOSIE NIVEA DA SILVA PERR
122 BROADMEADOW ST #E
MARLBOROUGH, MA 01752

LAURIE ARTHUR
LAURIE CASSANDRE
644 FARM RD
MARLBOROUGH, MA 01752

METROPOLITAN DISTRICT COM
C/O DCR
251 CAUSEWAY ST STE 900
BOSTON, MA 02114-2104

POWELL KAREN
72 NICHOLAS RD
FRAMINGHAM, MA 01701

LOPEZ MARIELA
STEPHANIE LOPEZ
120 BROADMEADOW ST #C
MARLBOROUGH, MA 01752

MONTEIRO MICHAEL J TR
MONTEIRO REALTY TRUST
20 WESTERN VIEW DR
MARLBOROUGH, MA 01752

RABELO TELMA
REGINALDO G RABELO
90 COOK LN
MARLBOROUGH, MA 01752

LYONS MARY A
120 BROADMEADOW ST #D
MARLBOROUGH, MA 01752

MURPHY THOMAS J
PAULA A MURPHY
36 OMALLEY RD
MARLBOROUGH, MA 01752

RIBEIRO BRUNO M
666 FARM RD #10
MARLBOROUGH, MA 01752

MARCOTTE LOUIS E JR
124 BROADMEADOW ST #G
MARLBOROUGH, MA 01752

NANJUNDAPPA MAHESH
RASHMI NAGARAJ
124 BROADMEADOW ST #A
MARLBOROUGH, MA 01752

RINCON ADRIANA
402 MAYNARD RD
SUDBURY, MA 01776

RUANE ELIZABETH A
116 BROADMEADOW ST #D
MARLBOROUGH, MA 01752

SWEENEY TRACEY A TR
SWEENEY FAMILY TRUST
118 BROADMEADOW ST #A
MARLBOROUGH, MA 01752

WILLOWS @ MARLBORO
116-124 BROADMEADOW ST
MARLBOROUGH, MA 01752

SANDERSON MELINDA
122 BROADMEADOW ST #B
MARLBOROUGH, MA 01752

TCHANGOV TODOR T
VOLIA K TCHANGOVA
122 BROADMEADOW ST #C
MARLBOROUGH, MA 01752

WU PENGCHENG
XIN ZHANG
88 ATKINSON LANE
SUDBURY, MA 01776

SANTOS LOURIVAL
24 HAGAR ST
MARLBOROUGH, MA 01752

THE NEW ENGLAND CENTER FO
33 TURNPIKE RD
SOUTHBOROUGH, MA 01772

YIN WENJUN
118 BROADMEADOW ST #C
MARLBOROUGH, MA 01752

SANTOS MARCELLA LIRA
666 FARM RD #12
MARLBOROUGH, MA 01752

THOMPSON VICTOR G
ELAINE R THOMPSON
118 BROADMEADOW ST #H
MARLBOROUGH, MA 01752

SANTOS MIRANA L
44 EMER RD
MARLBOROUGH, MA 01752

TROMBETTA ANTHONY J
CHRISTINE TROMBETTA
20 BROADMEADOW ST
MARLBOROUGH, MA 01752

SARNIE JOHN
122 BROADMEADOW ST #H
MARLBOROUGH, MA 01752

TROMBETTA PETER A
30 BROADMEADOW ST
MARLBOROUGH, MA 01752

SCRUGGS JENNIFER LEA
124 BROADMEADOW ST #E
MARLBOROUGH, MA 01752

TSOU ANDREW
124 BROADMEADOW ST #D
MARLBOROUGH, MA 01752

SHAH KETAN
VAISHALI SHAH
118 BROADMEADOW ST #B
MARLBOROUGH, MA 01752

TURNER BRADLEY WILLIAM
GIOK LEE
120 BROADMEADOW ST #E
MARLBOROUGH, MA 01752

SHEA WILLIAM P
184 HELEN DR
MARLBOROUGH, MA 01752

VALENTINO BRIAN
TENLY MARVEZ VALENTINO
116 BROADMEADOW ST #H
MARLBOROUGH, MA 01752

SHOWN ANDREA M
154 HELEN DR
MARLBOROUGH, MA 01752

WILLIAMS ANN M
122 BROADMEADOW ST #A
MARLBOROUGH, MA 01752

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Trombetta Family Limited Partnership Address: 655 Farm Road, Marlborough

Project Name: Trombetta's Farm Address: 655 Farm Road, Marlborough

1. PROPOSED USE: (describe) Contractor's Yard

2. EXPANSION OR NEW: Existing

3. SIZE: floor area sq. ft. n/a 1st floor _____ all floors _____
buildings _____ # stories _____ lot area (s.f.) _____

4. LOT COVERAGE: 58.9 %Landscaped area: 41.1 %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: _____ Peak period: _____

6. TRAFFIC:
(A) Number of vehicles parked on site:
During regular hours: _____ Peak period: _____

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

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? No new site lighting has been proposed as part of the project
Existing lighting in the contractors yard includes three motion sensor lights for security.

8. NOISE:
(A) Compare the noise levels of the proposed development to those that exist in the area now.
Typical noise of a commercial site (vehicles, trucks)

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Typical working hours 7:00 am - 7:00 pm. The sources of noise would be similar to the existing condition. Additional screening is provided and the location has been moved further from the abutting uses.

9. AIR: What sources of potential air pollution will exist at the development? _____
Typical vehicles (passanger cars, trucks, etc.) _____

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

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? None other than typical small equipment fluids and gas for daily use. No bulk storage of fuel or other chemicals.

***Attach additional sheets if necessary**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall

140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: 2/10/2023
2023 *FL*

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Trumbetta's Farm

Project Use Summary: Contractors yard

Project Street Address: 655 Farm Road

Plate: BS Parcel: 10 & 12

Applicant/Developer Name: Trumbetta Family Limited Partnership

Plan Date: 9/15/2022 Revision Date: 2/6/2023

Dear President and Members:

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

Very truly yours,

Tin Htway
Acting Director of Planning

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

\$ 500⁰⁰

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

**Steven W. Kerrigan
City Clerk**



Dear Applicant,

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

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

- 1 SET POLICE CHIEF PC
- 1 SET FIRE CHIEF vc
- 1 SET CITY ENGINEER KL
- 1 SET DIRECTOR OF PLANNING KL
- 1 SET CONSERVATION OFFICER (IF WETLANDS AFFECTED) SB
- 1 SET BUILDING COMMISSIONER W
- 12 SETS OFFICE OF THE CITY COUNCIL
- 3 SETS OFFICE OF THE CITY CLERK [Signature] **(MUST be Original & 2 Complete Sets)**

Signature

Date

Thank you for your cooperation in this matter.

Sincerely,

*Steven W. Kerrigan
City Clerk*

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

**Steven W. Kerrigan
City Clerk**



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

Company Name

Trombetta Family Limited Partnership & 10 Broadmeadow Street Realty Trust

Owner Name/Officer Name of LLC or Corporation

Charles P. Trombetta

Owner/Officer Complete Address and Telephone Number

655 Farm Road
Marlborough, MA

508-922-4930

Signature of Applicant

Attorney on behalf of Applicant, if applicable

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

Tax Collector

Conservation Commission
Minutes
January 12, 2023 - 7:00 PM
140 Main St. – Marlborough City Hall – 3rd Floor (Memorial Hall)

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2023 FEB 13 PM 2:44

Present: Edward Clancy-Chairman, Allan White, David Williams, William Dunbar, Dennis Demers, John Skarin, and Karin Paquin. Also present was Priscilla Ryder-Conservation officer

Absent: None

The hearing was recorded using Microsoft Teams.

Approval of Minutes: The minutes of Dec. 15, 2022, were reviewed and on a motion by Mr. White second by Mr. Clancy, the Commission voted unanimously to approved 7-0.

Public hearings

Request for Determination of Applicability

31 Red Spring Rd. – Arthur Vigeant

Mr. Arthur Vigeant and Mr. Neal Vigeant were present. Mr. Vigeant explained that he had been before the Commission recently to remove some large trees, he is now asking to remove the existing house. He proposes to install a new house in the future, but for public safety purposes has decided the existing house needs to be removed. His nephew Neal Vigeant will be doing the work. Mr. Neal Vigeant explained that the erosion controls are still in place, they plan to bring in a truck and remove the building and whatever foundation/slab exists and then grade and stabilize the site. Mr. Demers asked about the cesspool abandonment. Mr. Vigeant explained he would work with the Board of Health and follow whatever requirements are needed. Mr. Dunbar explained that he is concerned about the shoreline and site stabilization so close to the Lake and suggested additional erosion controls be added as needed. Mr. Vigeant explained that once he is done, he will stabilize the site with woodchips. There being no further discussion or questions the hearing was closed. On a motion by Mr. White, second by Mr. Clancy to issue a negative determination with standard conditions and a condition about site stabilization. The Commission voted unanimously 7-0 to approve the motion.

Request for Determination of Applicability

13 Red Spring Rd. – Mark Evangelous

Mr. & Mrs. Evangelous and Mrs. Peters were present. Mr. Evangelous explained that they would like to take down some trees to get more sun onto the house and to prevent these large trees from falling on the house. The first large pine along the shoreline is very tall and could do significant damage if it fell or snapped. The three oaks on the street side of the house are also large and they would like them removed professionally. The Commission determined that the pine has to go and there are plenty of trees in this area that replacement of the pine is not needed. However, when the three oaks are removed there are no saplings to replace them, therefore, per the Commissions policy, 6 trees will need to be planted once the three oaks are removed. Mr. Evangelous indicated that would not be an issue and he would replant them within six month or sooner after the trees are removed depending on the season. After some discussion, on a motion by Mr. White second by Mr. Clancy to issue a negative determination

with standard conditions and the requirement to replant 6 trees for the 3 oak trees to be removed. The Commission voted unanimously 7-0 to approve.

Notice of Intent

230-266 East Main St. - Karnak Realty (represented by Matt Millon)

Mr. Matthew Millon from Harbor Freight Co. was present. He explained that his company is renting a portion of the building which used to house Marshalls. They are fitting up the inside of the building and are proposing to construct a new loading dock at the rear of 230-266 East Main St. which is next to the stream. Ms. Ryder showed photographs taken recently of the site showing some of the existing utilities and the proximity to the brook. Mr. Clancy asked how the loading dock would be constructed and if it will be elevated above the existing surface? Mr. Demers asked about drainage from the loading dock. The Commission discussed where the new loading dock door would be, what was the construction needed for this dock and what erosion controls would be needed. The Commission also wanted clarification on the plan as to the distance to the adjacent brook from the proposed project. Mr. Millon noted that a small portion of the existing pavement would be removed and restored back to grass which is closest to the stream. Mr. Clancy wanted confirmation as to whether the utilities would be impacted and if so, where they would be relocated. After some discussion, it was agreed that Mr. Millon would return to the Feb. 2nd meeting with the information requested above. This hearing was continued to the Feb. 2, 2023, meeting.

Amend Order of Conditions – 212-1218

339 Boston Post Rd. – Walcott Heritage

Carlton Quinn from Allen and Major was present representing the owners Walcott Heritage. He reviewed the changes that had been made based on comments from the last meeting which included: Change to the exits making one only emergency access, the stormwater basins have been adjusted to include forebays and maintenance paths, erosion controls have been updated, downspouts of roof drainage are now directed into header systems rather than over ground. Also, all snow storage is now located on pavements away from catch basins as requested, 50 parking spaces have been so designated. As outlined in the special permit all excess snow will need to be removed from site. He also provided a trail alternative to allow residents a handicapped access to the edge of the track but no alteration to the old trotting track is proposed. The Commission discussed that no salt storage would be allowed on site which will be in the conditions. They discussed the dog park and the need for a drainage detail, the Operation and Maintenance Plan (O & M plan) should also address the dog park maintenance as this is a water quality issue. Mr. Demers asked about places to play and the bus stop, unrelated to wetlands but wondered why these weren't included. The Commission each got a copy of the plan changes and determined that they needed time to look them over. The Commission asked Mr. Quinn to provide amendments to the draft Order of Conditions for the next meeting to review as well. The hearing was continued to the Feb. 2, 2023 meeting.

Notice of Intent - 212-1254 (continued from Dec. 15, 2022)
 846 & 850 Boston Post Rd. East - Exela Movers

At the applicants request this item be continued to the Feb. 16th meeting as they are still needing feedback from the city on whether this use is permitted.

Abbreviated Notice of Intent (**continued to Feb. 2, 2023**)

21 Blaiswood Ave. - Helvecio Carvalho

At the applicants request this was continued to the next meeting on Feb. 2. The survey has just been completed and will be provided for the next meeting.

Certificates of Compliance

- 212-1235 2 Spring Lane – full Certificate of Compliance - Ms. Ryder indicated that a site inspection reveals all is in order and the as-built plan has been submitted. She recommended that a full certificate be issued. On a motion by Mr. Skarin, second by Mr. Clancy to issue a full Certificate of Compliance. The Commission voted unanimously 7-0 to approve.
- 212-1146 9A Lakeshore Dr. – full Certificate of Compliance - Ms. Ryder indicated that the project has been built according to the Order of Conditions and an As-Built Plan has been provided. She recommends issuance of a full Certificate of Compliance. On a motion by Mr. Skarin, second by Mr. White to issue a full Certificate of Compliance. The Commission unanimously voted to approve 7-0.
- 212-1248 82 Paquin Dr. – full Certificate of Compliance - Ms. Ryder and Mr. Dunbar have looked at the completed wall which was done per the design as shown on the as-built plan. On a motion by Mr. White, second by Mr. Clancy to issue a Full Certificate of Compliance. The Commission voted unanimously 7-0 to approve.

Discussion:

1. Snow removal and storage – Ted Scott-DPW - Mr. Scott was present and provided the Commission with the test results of the snow pile from last season. They used a brine-o-meter to test the salinity. They also did send samples out to the lab. The initial results were high but later results were not alarming. The biggest issue with snow dumps in his opinion is not the salt but the trash that is picked up with the snow. This fall they removed trash, reinforced the erosion controls at the pile outlet. He also noted that since he's been doing brine, they have reduced their salt use throughout the city by 2/3 or 20% less salt use. There was discussion about calibrating trucks and how to make the snow contractors more educated about the new system which relies on looking at the temperature and the weather before deciding what treatment to do. If temperatures are rising no salting is done. The Commission noted that salt continues to be a concern given the salt levels being high in Millham Reservoir and concern with how it will affect the fish in Ft. Meadow Reservoir. Mr. Dunbar asked what additional testing could be done at the detention basin. Mr. Scott explained that Mr. DiPersio does have some pond test results from June and November and the Commission could get those from him to see what it was tested for. There was discussion on how often and where testing should be done. Mr.

Demers recalls a protocol done when Tom Temple was here, Ms. Ryder will check. Mr. Clancy asked if they needed to replace the woodchips once they are saturated, do they hold the salt, and does it get “re-released”? Mr. Scott will look into that. The Commission thanked Mr. Scott for coming.

2. Felton Conservation Land – mowing – Kenneth Amica – ADDA Farm - Mr. Amica explained that he is the grandson of the late Donald Wright who used to mow the fields. His mother now owns the ADDA farm business, and they would like to offer their services as his grandfather did to mow the Felton Conservation Land fields. He and his brothers have been mowing for some time and are very familiar with the operation. They have the machinery and the need for the hay. The Commission discussed the mowing operation and license agreement they had with his grandfather and expressed an interest in having ADDA Farm return to do the work. On a motion by Mr. White second by Mr. Clancy to allow ADDA Farm to mow the fields. The Commission voted unanimously 7-0 to approve. Ms. Ryder and Mr. Amica will work on finalizing the License agreement for signatures by the Commission at the next meeting.

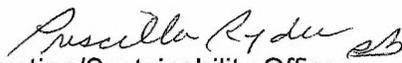
3. Open Space Development Subdivision Plan - A 6.4-acre vacant lot off Stow Rd. – comments to Planning Board by Jan. 23, 2023 - The Commission reviewed the subdivision plan and noted they were happy to see the open space to be protected which abuts Cider Knoll Conservation Land. Ms. Ryder expressed concerns that the detention basin is between two wetlands which would destroy the buffer between them. She had additional questions about which existing trees might remain. Overall, the Commission was in favor of the open space concept plan. Several members wanted to walk the site, so a site visit was set for Tuesday January 17th at 8:30 AM. The Commission asked Ms. Ryder to write a letter to the Planning Board expressing the questions raised above but noting overall it appears to be a good concept. Ms. Ryder will convey.

Correspondence:

- Lot L Hayes Memorial Dr. – 2022 Fall Wetland Restoration Monitoring Report from Goddard Consulting.
- DEP 212-1257 253 & 257 Lakeshore Dr. – slight change to plan dated Jan. 5, 2022 - Ms. Ryder noted that this project has altered the design slightly to move all work on the porch outside the 30’ wetland setback. The Commission noted this was a welcome change and agreed it was a minor change to the plans not needing further review. On a motion by Mr. White second by Mr. Clancy to accept the plan changes as minor. The Commission voted unanimously 7-0 to approve.
- 1000 Nickerson Rd. – Request for Determination of Applicability - Wetland Violation - After numerous calls and e-mails to the applicant about tracking mud into the roadway and not providing weekly reports, Ms. Ryder upon discussion with several members, issued a violation notice for this project carrying a \$1000 fine for the various violations. The Commission will keep an eye on this site going forward to avoid a disaster as 149 Hayes Memorial Dr.

Next Conservation Commission meetings: February 2nd and 16th, 2023

Adjournment - There being no further business the meeting was adjourned at 9:11 PM.

Respectfully submitted, 
 Priscilla Ryder – Conservation/Sustainability Officer

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2023 FEB 13 PM 12:43

Marlborough Historical Commission Meeting Minutes

December 15, 2022

Location: City Hall 140 Main Street Council Committee Meeting Room

Board Attendees: Brendan Downey, Sarah Hough, Stephanie Ferrecchia, Adrian Gilbert, & Kathleen Newton

Other Attendees: None

Absent: Pamela Wilderman

Meeting called to order 7:00 PM

1. A motion was put forth and seconded to approve the November minutes. The Commission voted as follows:

Downey AYE

Gilbert AYE

Hough AYE

Ferrecchia AYE

Newton AYE

The motion passed.

2. Current business.

- a. Defining and supporting projects that have historical elements.
 - i. Review of additional materials that Adrian has pulled together. These are good basis for defining what future projects would be evaluated against. Very broad terms meant to encourage, not limit developments. There was a general discussion about what to do with the materials and promotional ideas. Follow up with city solicitor about pics of public housing.
 - ii. Discussion of existing historic districts and which would be appropriate to focus on.
 1. Moved to January meeting when we have a full board.
- b. House sign initiative.
 - i. On hold this month until Pam's return.
- c. MHC website edits.
 - i. Proposed text was reviewed. It was agreed that more workshopping is needed and we will revisit it during the January meeting.

3. New Business

- a. Review Mass Sec of State list of virtual workshops for local communities.
 - i. There are resources available for homeowners should they need help with a historic restoration.
 - ii. One of the ideas to promote these resources: A dedicated MHC Facebook page. We need to check if there is and restrictions on running a page separate from the main city page.

4. A motion was put forth and seconded to adjourn meeting at 7:52 PM, the Commission voted as follows:

Downey AYE

Hough AYE

Gilbert AYE

Ferrecchia AYE

Newton AYE

The motion passed. Meeting adjourned.

Respectfully submitted,

Brendan Downey

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 MARLBOROUGH, MA 01752

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 2023 FEB 14 PM 2:31

1A

Call to Order

December 5, 2022

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture, Chris Russ, Matthew Elder and William Fowler. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. November 21, 2022

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the November 21, 2022, meeting minutes. Yea: Fowler, LaVenture, Russ, and Fenby. Nay: 0. Abstain: Elder, Fay and Hodge. Motion carried. 4-0.

2. Chair's Business

A. Unaccepted Streets – *No Updates*

B. Holiday Party

The Board agreed to have their Holiday Party on December 19th after the meeting.

3. Approval Not Required

A. 57 Main Street, Marlborough, MA 01752, Map 70, Parcel 291

Owner of Land: Marlborough TOTG, LLC (206 Ayer Rd. Suite 5, Harvard, MA 01451)
 Name of Applicant: JW Capital Partners, LLC (34 Washington St. Suite 230, Wellesley, MA 02481)
 Name of Surveyor: Bruce Saluk & Associates, Inc. (576 Boston Post Rd E, Marlborough, MA 01752)
 Deed Reference: Book:74006 Page: 273
 Book: 74006 Page: 276

i. Correspondence from City Engineer, Thomas DiPersio, Engineering Division

Mr. LaVenture read the November 22, 2022, correspondence from Mr. DiPersio into the record.

ii. Form A

iii. Plan of Land Dated: November 9, 2022

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to accept and file the correspondence and endorse the above referenced Plan of Land dated November 9, 2022, as Approval Not Required under the Subdivision Control Law. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

4. Public Hearings

A. 7:05 - Council No. 22-1008721 – Proposed Zoning Amendment to Chapter 650, Mixed Use and Affordable Housing

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

Presentation:

City Council Vice President, Kathleen Robey (97 Hudson St, Marlborough) spoke on behalf of the proposed zoning amendment. Mrs. Robey explained the proposed amendment to the City Code covers two areas in Chapter 650 Zoning, one is the definition of mixed-use and one is related to affordable housing. She went on to say, "If you're familiar with the table of use regulations, you might know that mixed-use is listed in the business use section with

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MARLBOROUGH, MA 01752**

the number 42 beside it. Mixed-use is allowed in neighborhood business, business and Wayside Village with the special permit and in Marlborough Village by right. While section 18 condition of uses, is where you can find the description for 42 and all the other numbers in the table of uses. We also have Section 5, definitions word usage, I'm not recommending a change to the information on number 42, but I have submitted an amendment to Chapter 650 Section 5. Specifically, the definition of mixed-use. The current language allows mixed-use in several districts of the City, the definition in place seems to only care about a vibrant downtown atmosphere. The current language restricts ground floors of buildings fronting streets or public access ways to residential but does allow two exceptions for residential on the ground floor. One exception is for a building that is set behind another building that has commercial uses on the ground floor and the other allows a residential portion of the ground floor of a building if it is set behind street front prime residential uses in the same building. There was nothing in the current language to delineate how big the commercial space is versus the residential space, and I'm concerned that developers may take advantage of this exception and submit plans with the small portion of mixed-use as commercial and having as much residential as they can. So rather than try to figure out what a percentage should be, I'm suggesting language that requires all ground floor of a building, fronting streets of public access ways to be nonresidential, with one exception. That exception would allow dwelling units on the ground floors of a building that is set behind and mixed-use building that has business uses on the ground floor and residential uses on other floors. This would allow a developer to take a large parcel of land, such as a site in the Wayside Village, to be developed as mixed-use with buildings fronting Route 20 having the lower level be commercial and the upper levels residential, and then having another building with ground floor residential behind that building. On the other hand, I believe most of the buildings in the Marlboro Village District would have the lower portion be all commercial with residential above.

The second proposed amendment is on affordable housing. As a Council has discussed mixed-use projects, we were reminded that current language specifically lists and exemption or affordable housing in the Marlborough Village District. It is clear to me that regardless of where multifamily housing is built, it should have a component of affordable housing as a requirement. The proposed amendment would require future, by right mixed-use projects in the Marlborough Village District that are site plan approval only to include affordable housing. It also removes the ambiguity in the language of 20 or more amendments versus 19 or fewer units requiring special permits by simply requiring them all to have at least 15% of the units as affordable housing. It also removes the ability to buy out this requirement or to allow a builder to build part of the affordable housing unit off site. Back in 2015, the \$50,000 per unit we allowed the developer to give us for economic development versus actually building affordable units sounded like a good idea. I think we all know the City can't afford to build affordable units with the funds we receive. The builders don't want to lose income by having affordable housing as part of their project. I also amended the exemption for affordable housing for future retirement communities for additions to existing sites and the final amendment is to simply clarify the language of mixed-use described in the special provisions of the Wayside zoning that the solicitor thought would be important to use."

Speaking in Favor of the Amendment:

No one spoke in favor.

Dr. Fenby closed this portion of the Public Hearing.

Speaking in Opposition to the Amendment:

No one spoke in opposition.

Dr. Fenby closed this portion of the Public Hearing.

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Questions and Comments from the Planning Board:

Dr. Fenby and Mr. Elder expressed support in the proposed to change to no longer accept \$50,000 from a developer in lieu of building the affordable units.

The Board members and Mrs. Robey discussed specifics on current language of the zoning code.

Dr. Fenby closed the Public Hearing.

The Board reviewed the voting criteria for proposed zoning amendments and discussed its benefit to the City.

City Engineer, Thomas DiPersio asked, is the definition of affordable in the ordinance such that it's the same for every project and does it always mean in perpetuity? Mrs. Robey explained there is language that talks about the period of affordability being a minimum of 99 years, and that the Council refers to the state formula when calculating the amount. The language also reads that 70% of the affordable housing should go to Marlborough residents.

The Board determined they would keep the proposed zoning amendment on the agenda for further discussion.

5. Subdivision Progress Reports

A. 342 Sudbury Street

i. Correspondence from Kevin O'Malley

Mr. LaVenture read the December 1, 2022, correspondence from Mr. O'Malley into the record.

On a motion by Mr. Elder, second by Mr. Russ, the Board voted to accept and file the correspondence. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

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

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group

Mr. LaVenture went over email correspondence he had with the City Solicitor Jason Grossfield.

The correspondence discussed the following:

- Changes to the Rules and Regulations
 - o Changes to the numbers of copies required during the submission process
 - o Refining the Limited Developments portion of the rules and regulations by adding a 90-day time limit for the Board decision after the public hearing
- Public hearing requirements
- Flowcharts for Open Space Developments and Limited Developments
- Boilerplate documents of the covenant and certificate of vote for developers to use

Mr. LaVenture explained the legal department is reviewing his questions/comments.

Mr. LaVenture went over the following draft documents.

- i. Draft Appendix M
- ii. Draft Flowcharts

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(1) Approval Not Required (ANR)

The Board determined to remove the ZBA block from this flowchart.

(2) Preliminary Plan

(3) Acceptance Procedure – Start of Maintenance Period

(4) Acceptance Procedure – After Maintenance Period

Board members discussed minor changes to the draft documents.

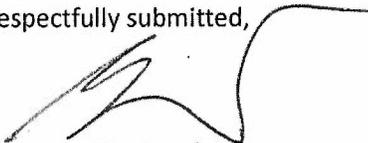
On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the above draft documents and to approve the use of the flowcharts with minor type-o corrections. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

11. Calendar Updates (None)

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

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

Respectfully submitted,



George LaVenture/Clerk

/kmm

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 FEB 14 PM 2:31

1A

Call to Order

December 19, 2022

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, Phil Hodge, George LaVenture, Chris Russ, Matthew Elder and William Fowler. Meeting support provided by City Engineer, Thomas DiPersio.

1. Draft Meeting Minutes

A. December 5, 2022

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the December 5, 2022, meeting minutes. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

2. Chair's Business

A. Unaccepted Streets – *No Updates*

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports (None)

6. Preliminary/Open Space/Limited Development Subdivision

A. Stow Road, Open Space Development Special Permit Application

Map 20, Parcel 4A, Stow Road, Marlborough, MA 01752

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)

Name of Owner: McCabe Family Irrevocable Trust and Judith McCabe (6 Erie Drive, Hudson, MA 01749)

Name of Engineer: Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)

Deed Reference: Book: 66136 Page: 582

Book: 78814 Page: 590

i. Form B-1

ii. Abutter's list

iii. List of requested waivers

iv. Truck Turning Exhibit – Cluster Concept Plan Dated: December 2, 2022

v. Plan Set Dated: December 2, 2022

Vito Colonna of Connorstone Engineering, Inc. and Chuck Black of Kendall Homes, Inc. spoke on behalf of the application. Mr. Colonna explained this submission is step one for an Open Space Development (approval of the special permit) and went over the plan set.

Existing conditions:

- 6.4 undeveloped acres
- Mix of fields and wetland
- Back portion of parcel abuts City owned property

Conventional Plan

- 3 Lots
- 2 ANR lots along Stow Road (which are part of the parcel but not part of this project)
- Roadway length of 500 Feet
- Waiver Request:
 - o to allow access off Stow Road a roadway width of 18.6 feet

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Open Space Plan

- 3 Lots that would require minimum fill
- 2 ANR lots along Stow Road (which are part of the parcel but not part of this project)
- 1 Open space parcel (likely to be conveyed to the City)
- Roadway length of 290 Feet with a 1.5% road slope
- Waiver Request:
 - o to allow access off Stow Road a roadway width of 18.6 feet
 - o to allow a sidewalk along one side of the roadway instead of both

Mr. Colonna went over the drainage system and explained there was discussions to include the detention basin on privately own property vs an easement on the open space parcel. Water was stubbed onto the property prior to Stow Road being paved and there is already an existing sewer line that runs through the property. He explained they flared out the entrance of the proposed roadway to accommodate the WB-40 truck and the site distance in both directions is at least 250 feet. There are no trees within the City right of way that require a public hearing, however a public hearing would be required for the roadway opening in the stonewall. The stones would be relocated and used to repair other portions of the stonewall.

Mr. Black explained the two ANR lots would gain access from the proposed roadway and the Board addressed concerns on the sidewalk waiver request.

Mr. Russ pointed out that the drainage system is within the 30 foot no-disturb zone of the wetland.

Dr. Fenby and Mr. Colonna discussed an access easement to the open space parcel.

Mr. LaVenture addressed concerns on how a house could be built on Lot S2 within the conventional plan. Mr. DiPersio explained when the plans are reviewed by Engineering, one of the comments to the developer will likely be to show the access within the plan.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to refer the Stow Road plan set dated December 2, 2022, to Engineering for review. Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

The Board set the public hearing date for January 23, 2023.

7. Definitive Subdivision (None)

8. Signs

- A. 405 Maple Street (Fazza Group, Inc.)
 - i. Application
 - ii. Denial letter, Ethan Lippitt, Code Enforcement Officer
 - iii. Proposed Sign

Jim Dovan, representative for Fazza Realty, Diego Plenary, Property Manager and Elias DeAquino, Sign Designer, spoke on behalf of the sign variance application.

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Mr. Plenary explained the existing signs on the property are a 24-inch-high lettering which reads "Fazza". Mr. Dovan explained they are looking to add their logo to the exterior of the building which exceeds the allowable signage area by about 9 feet. He explained the property abuts three streets and that 401 and 405 Maple Street companies had merged. Mr. Plenary explained the pylon sign and Fazza name sign have already been approved.

Dr. Fenby asked the Board members to take a drive out to the site to review the existing signage. The Board reviewed the google map images of the property. Mr. Fay asked if the sign could be smaller. Mr. Dovan agreed to work with the Board on the size. Dr. Fenby asked the applicants to attend the January 9th meeting.

Mr. Russ questioned if the building department was aware of the newly filed ANR which combined the two lots at 401 and 405 Maple Street into one and explained there is a bonus for allowable signage for corner lots. Mr. DiPersio agreed to confirm with the Building Department that this was taken into consideration when reviewing the original permit application for the signs.

9. Correspondence (None)

10. Unfinished Business

A. Council No. 22-1008721 – Proposed Zoning Amendment to Chapter 650, Mixed Use and Affordable Housing

Mr. Fay discussed his concerns on the proposed zoning amendment being an impediment to some of what the City envisions for mixed-used developments and used the site E on Main as an example.

Mr. Russ asked for more information regarding MBTA communities and the Board discussed their concerns on the definition of affordability not being in the zoning amendment.

Council Vice President Kathleen Robey went over the Boards concerns and explained its likely the Council will review these concerns and explained there would be language within the individual special permits regarding the State's calculation for what is considered affordable.

On a motion by Mr. LaVenture seconded by Mr. Russ, the Board voted to send a favorable recommendation to the City Council on the above-referenced Proposed Zoning Amendment, with the following recommendations:

- That "Affordability" be defined within the zoning amendment
- That the possibility that the amendment may cause impediments to site development be considered
- That the Council consider that this may change when the MBTA information is provided

Yea: Elder, Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried. 7-0.

B. Working Group

Mr. LaVenture updated the Board and explained he would follow up with the City Solicitor for further clarification.

11. Calendar Updates (None)

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

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

Respectfully submitted,



George LaVenture/Clerk

/kmm

MINUTES
 MARLBOROUGH PLANNING BOARD
 MARLBOROUGH, MA 01752

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2023 FEB 14 PM 2: 31

1A

Call to Order

January 9, 2023

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, Phil Hodge, Chris Russ, and Matthew Elder. Meeting support provided by City Engineer, Thomas DiPersio. Absent: George LaVenture and William Fowler

First Order of Business: Planning Board Organization Meeting – Election of Chairperson and Clerk

Dr. Fenby opened the organizational meeting.

Dr. Fenby opened the nominations for the Planning Board Clerk. Mr. Russ nominated Mr. George LaVenture, seconded by Mr. Hodge. There were no additional nominations. On a motion by Mr. Russ, seconded by Mr. Hodge the board voted to elect Mr. George LaVenture, as Clerk of the Marlborough Planning Board for the year 2023. Yea: Elder, Fay, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

Dr. Fenby explained documentation has been placed on file confirming Mr. LaVenture's willingness to serve as Planning Board Clerk for 2023.

Dr. Fenby opened the nominations for the Planning Board Chairperson. Dr. Fenby nominated Mr. Sean Fay, seconded by Mr. Elder. There were no additional nominations. On a motion by Dr. Fenby, seconded by Mr. Elder the board voted to elect Mr. Sean Fay as Chairperson of the Marlborough Planning Board for the year 2023. Yea: Elder, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 4-0.

1. Draft Meeting Minutes

A. December 19, 2022

On a motion by Dr. Fenby, seconded by Mr. Elder, the Board voted to accept and file the December 19, 2023 meeting minutes. Yea: Elder, Fay, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

2. Chair's Business

A. Unaccepted Streets – *No Updates*

- B. Council Order No. 22-1008767: Order to accept Jenks Lane as a Public Way and to accept the municipal easements**
 Mr. DiPersio explained Engineering had previously provided the Board with correspondence indicating all punch list items had been completed by the developer and explained the Council is now looking for a formal recommendation to the Public Service Committee.

Mr. Fay explained he visited the site and had concerns regarding the plug on the catch basin and a depression area within the road. Mr. DiPersio explained this depression is likely from a trench that was done by the Gas Company and that the Gas Company would be responsible for this repair.

On a motion by Dr. Fenby, seconded by Mr. Elder, the Board voted to the refer the acceptance of Jenks Lane as a Public Way to Engineering or review. Yea: Elder, Fay, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports (None)

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6. Preliminary/Open Space/Limited Development Subdivision

- A. Stow Road, Open Space Development Special Permit Application – *No discussion (public hearing set for 1/23/23)*
Map 20, Parcel 4A, Stow Road, Marlborough, MA 01752

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)
Name of Owner: McCabe Family Irrevocable Trust and Judith McCabe (6 Erie Drive, Hudson, MA 01749)
Name of Engineer: Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)
Deed Reference: Book: 66136 Page: 582
Book: 78814 Page: 590

No discussion took place.

7. Definitive Subdivision (None)

8. Signs

- A. 405 Maple Street (Fazza Group, Inc.)

- i. Application
- ii. Denial letter, Ethan Lippitt, Code Enforcement Officer
- iii. Correspondence from Ethan Lippitt

Mr. Russ read the December 22, 2022, and December 24, 2022, email correspondence into the record.

On a motion by Mr. Elder, second by Dr. Fenby the Board voted to accept and file the correspondence. Yea: Elder, Fay, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

- iv. Proposed Sign

Jim Donovan spoke on behalf of the sign variance and explained the proposed non lit sign is 105 square feet, roughly 90 square feet over the allowed square feet of signage.

Mr. Hodge and Dr. Fenby spoke in opposition of the proposed sign and discussed concerns of setting a precedent.

Mr. Elder and Mr. Russ both discussed reducing the size of the sign.

Mr. Fay went over the reasons why past variances were approved by the Board. Primarily safety concerns for motorists having poor site visibility and adequate time to read the signage before entering the lot. Mr. Fay explained in all directions the existing signs on the building can be seen and read clearly.

Mr. Russ asked for more information to be provided regarding the existing signs on site.

Mr. Donovan asked the Board to table the consideration.

On motion Mr. Elder, second by Mr. Russ, the Board voted to table the consideration of the sign variance application until the February 13, 2023, meeting. Yea: Elder, Fay, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

9. Correspondence (None)

10. Unfinished Business

- A. Working Group

Mr. Russ explained there are no updates at this time.

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11. Calendar Updates (None)

12. Public Notices of other Cities & Towns

A. Public Hearing Notices

- i. Town of Southborough (3)
- ii. Town of Sudbury

On a motion by Mr. Elder, second by Dr. Fenby, the Board voted to accept and file all the correspondence under item 12. Public notices of other Cities and Towns. Yea: Elder, Fay, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

Mr. Elder notified the Board that he would be resigning, and he explained he would coordinate with the Administrator and the Mayor to avoid any quorum issues for upcoming meetings. His intentions were to make the resignation effective January 9th but with other members leaving he wanted to make sure there would not be any issues with any future meetings.

Mr. Fay acknowledged the work of Dr. Fenby and Mr. Hodge and thanked them for their 30+years of service.

Mr. Fay notified the Board that in about a year he would be resigning and asked to not be reappointed.

On a motion by Dr. Fenby, seconded by Mr. Elder, the Board voted to adjourn the meeting. Yea: Elder, Fay, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

Respectfully submitted,



George LaVenture/Clerk

/kmm