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CITY OF MARLBOROUGH

2023 MAR 23 PM 12:15

CITY OF MARLBOROUGH
City Council Agenda

Monday, March 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, Special City Council Meeting, March 13, 2023.
2. Minutes, City Council Meeting, March 13, 2023.
3. PUBLIC HEARING on the 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, Order No. 23-1008824.
4. Communication from Councilors Ossing & Wagner, re: Municipal Aggregation – March 2023 Update.
5. Communication from the Mayor, re: Grant Acceptance in the amount of \$2,000,000.00 from the MassWorks Infrastructure Program awarded to the Department of Public Works to fund roadway improvements on Cedar Hill Street.
6. Application for Renewal of Junk Dealer/Secondhand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.
7. Application for Renewal of Junk Dealer/Secondhand Dealer License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard.
8. Application for Renewal of Junk Dealer/Secondhand Dealer License, Best Buy Stores LP #820, d/b/a Best Buy, 769 Donald J. Lynch Boulevard.
9. Application for Renewal of Junk Dealer/Secondhand Dealer License, Gerald Dumais, d/b/a Dumais & Sons Secondhand Store, 65 Mechanic Street.
10. Communication from MA Department of Public Utilities, re: Petition of MA Electric and Nantucket Electric d/b/a National Grid for Approval of their 2023 Energy Efficiency Reconciling Factors for effect May 1, 2023.
11. Minutes of Boards, Commissions and Committees:
 - a) Planning Board, January 23, 2023 & February 13, 2023.
 - b) Traffic Commission, November 30, 2022.
12. CLAIMS:
 - a) Andre Blais, 8 Houde Street, residential mailbox claim (2a).
 - b) Vuong Duong, 24 Marien Lane, 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

13. **Order No. 23-1008807: Communication from Mayor Vigeant requesting an increase in the spending limit for the Public Safety Revolving Fund for the remainder of Fiscal Year 2023 from \$120,000.00 to \$203,000.00.**

Recommendation of the Finance Committee is to APPROVE.

On a motion by Councilor Dumais, seconded by Chair, the committee voted 5-0 to recommend approval of the Order as requested for the remainder of FY 2023.

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.

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Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, MARCH 13, 2023**

The special meeting of the City Council was held on Monday, March 13, 2023, at 7:45 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 7:47 PM.

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

ORDERED: That the Marlborough City Council meet in executive session under Purpose 3 of the Open Meeting Law, MGL Chapter 30A, § 21(a)(3), to “discuss strategy with respect to collective bargaining (Marlborough Firefighters Association, Local 1714) or litigation (Marlborough Firefighters Association, Local 1714 et al. v. City of Marlborough et al; City of Marlborough and Marlborough Firefighters Association, Local 1714); if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;” as the chair hereby declares that discussion in an open session may have a detrimental effect on the City’s position, and Purpose 7, MGL Chapter 30A, § 21(a)(7) to “comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements” – the public records law, MGL Chapter 4, § 7(26).

The City Council will not re-convene in open session after the Executive Session.

APPROVED; adopted.

Yea: 11 – Nay: 0

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

ORDERED There being no further business, the special meeting of the City Council is herewith adjourned at 7:47 PM; adopted.

Councilors-at-Large

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



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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, MARCH 13, 2023**

The regular meeting of the City Council was held on Monday, March 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 8:15 PM.

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

ORDERED: That the Minutes of the City Council meeting, FEBRUARY 27, 2023, **FILE**; adopted.

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

ORDERED: That the Transfer Request in the amount of \$700,000.00 which moves funds from Undesignated Fund (Free Cash) to Fringes to cover the cost of a 1% non-pensionable stipend for all city employees, **APPROVED**; adopted.

(Councilor Robey & Perlman opposed; Councilor Dumais Abstained)

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Mayor				FISCAL YEAR:		2023	
FROM ACCOUNT:					TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available
Balance									Balance
\$5,906,264.80	\$700,000.00	10000	35900	Undesignated Fund	\$700,000.00	11990006	51500	Fringes	\$0.00
	Reason:	To fund 1% non pensionable stipend							
	\$700,000.00	Total			\$700,000.00	Total			

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

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Proposed Amendments to Chapter 650 "Zoning", relative to certain provisions concerning mixed-use and affordable housing, in proper legal form, Order No. 22/23-1008721, **MOVED TO REPORTS OF COMMITTEE & FILE**; adopted.

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

ORDERED: That the Notice from MA Department of Agricultural Resources re: Yearly Operational Plan and Vegetation Management Plan, **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 24, 2023 & February 14, 2023.
- b) Commission on Disabilities, November 7, 2022.
- c) Conservation Commission, February 16, 2023.
- d) Historical Commission, January 19, 2023.
- e) Zoning Board of Appeals, February 9, 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) Rachael Conboy, 13 Bergeron Road, pothole or other road defect.

Reports of Committees:

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

**City Council Finance Committee
Monday, March 23, 2023
Minutes and Report**

This meeting convened at 6:30 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, Robey, Wagner, and Doucette (arrived 6:34 PM), and Councilor Navin (arrived 6:56 PM).

Mayor Vigeant and Department Heads addressed the following Orders:

Order No. 23-1008806: Communication from Mayor Vigeant together with Mid-Year Transfer requests totaling \$1,643,050.00 from various departments for FY23, which moves funds from and to accounts as outlined in the transfer sheets.

The Chair read the letter from Mayor Vigeant explaining the need for the transfers.

On a motion by Councilor Oram, seconded by Chair, the committee voted 5-0 to recommend approval of the mid-year transfers, under a suspension of the rules at the City Council meeting on March 13, 2023.

Order No. 23-1008807: Communication from Mayor Vigeant requesting an increase in the spending limit for the public safety revolving fund for the remainder of Fiscal Year 2023 to \$203,000.00, together with proposed Order that the City Council authorizes increasing the maximum amount that may be expended from the Public Safety Revolving Fund during FY23 as set forth in Council Order No. 22-1008604B-1, from \$120,000.00 to \$203,000.00.

Reports of Committee Continued:

The Mayor addressed this order.

On a motion by Councilor Dumais, seconded by Chair, the committee voted 5-0 to recommend approval of the Order as requested for the remainder of FY23.

Order No. 23-1008808: Communication from Mayor Vigeant together with 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 for eligible senior citizens.

The Chair read the letter from the Mayor. The Mayor stated he would submit the annual report summarizing the program as required.

On a motion by Councilor Perlman, seconded by Chair, the committee voted 5-0 to recommend approval of changes to the Senior Citizen Property Tax Work Off Program, under suspension of the rules at the City Council meeting on March 13, 2023.

Motion made and seconded to adjourn; meeting adjourned at 7:25 PM.

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

**City Council Urban Affairs Committee
Monday, March 23, 2023
Minutes and Report**

This meeting convened at 7:28 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 were Brown, Irish, Oram, Ossing and Perlman. (Councilor Dumais had recused himself from the Site Plan Review item and was not present for any of this meeting).

Order No. 22-1008721 Communication from Solicitor Grossfield on behalf of Councilor Robey re: proposed amendments to Chapter 650 zoning relative to certain provisions concerning mixed use and affordable housing.

This item was added to agenda to review the document submitted by the solicitor incorporating changes to the original document agreed to by the Urban Affairs Committee at its February 24th meeting.

The Chair read the communication from the solicitor with his opinion that including new clauses regarding the affordability levels (% of the Area Median Income/AMI) or household income eligibility would require a new public hearing so nothing was added to his document.

Chair also noted this would be reported out at the March 13th Council meeting and would require a suspension to act on due to its March 20th deadline.

Councilor Doucette moved to recommend approval of the Updated Draft to amend Chapter 650-5, Chapter 650-26, and Chapter 650-37. Motion received a second and carried 5-0.

Reports of Committee Continued:

The chair asked for agreement by the committee to request the solicitor create a new order that incorporates amendments to Chapter 650 regarding the affordability (% of the Area Median Income/AMI) levels and rent that would use the Commonwealth of Massachusetts Affordable Housing Program Income and Rent Limits specific to the Housing and Urban Development Metropolitan Fair Market Value (FMR) Area that includes Marlborough. This document is updated yearly, and income and rents would be adjusted accordingly.

Councilor Doucette moved to make this request of the solicitor for placement on a future agenda; motion received a second and carried 5-0.

Order No. 22-1008694 Application for Site Plan Review from Attorney Falk on behalf of JW Capital Partners, LLC for a mixed-use project at 57 Main St. in the Marlborough Village Zoning District.

Representing the applicant were Brian Falk, Attorney Mirick O'Connell; Will Adams, Principal @ JW Capital Partners LLC; Chris Dandreo, Procopio Companies; and Bruce Saluk, Site Engineer.

Attorney Falk reviewed the details of the project and the work done by the Site Plan Review Committee prior to coming to this body. The chair stated the application came to council in October of 2022, in December a time extension was agreed to until March 29, 2023, and went over some of the details from the prior project for this site, Tavern on the Green, that was approved in 2019 with a Special Permit due to its being over the allowed lot coverage. Chair opened it up for committee members to comment and then other councilors present tonight.

Councilor Navin stated it was sharp looking building, had concerns but would start with positive. He wasn't on council when this was before council or when MVD was approved. Likes former project due to its being smaller and that it would bring people to downtown and across that invisible line of Bolton St. so happy that developer was convinced to have a restaurant to give people more restaurant choices. He is concerned with the number of units, the parking, using the 2014 parking study in a post-pandemic world, using Bolton St. city lot for this project's need, and going from 55 units with 83 parking spots to 99 units with 25 parking spots.

Councilor Landers-people in city don't seem to want to walk to park, he thinks parking can be resolved if people realize that walking to a lot may take a few minutes, feels it is great project and hopes we can work on parking issues.

Councilor Doucette-concern with parking and size. It is good fit but we need to resolve overnight parking. Can we come up system to have people pay for permit? Not just this development issue, it is for other. The chair reminded all that the CDA owns garages and that is why council didn't put anything in regarding how spaces are allocated.

Councilor Wagner-likes project but understands the size may be startling. Feels project targets younger residents who might do ok without a car. Can we partner with a company like Boston Scientific to see if they could have employees live here and then have shuttle to work?

Councilor Perlman-is beautiful space and likes mixed use but shares concern re parking and the size of building and how it might impact Union Common. She wonders if bedroom breakdown is relevant with more people working from home and feels that you need a car without closer option for transit via bus or train.

Reports of Committee Continued:

Councilor Brown-concern is parking and issues residents in downtown currently have for parking, thinks people in city do need car.

Councilor Oram-this is in location that is already busy and has issues with parking. Concern with use of Bolton St. lot for this project and current residents wanting to use the lot. It looks beautiful but is in wrong area.

Councilor Irish-Can you increase parking? To get more parking on ground level would require reducing the commercial area which they don't want to do. Attorney Falk stated the current owner is selling property but not plans as he felt going underground for parking was not financially feasible.

The chair than reviewed the Site Plan Permit beginning with reading the communication from Priscilla Ryder on behalf of the Site Plan Review Committee. She mentioned the dates of plans will need to be added; suggested changing all use of **Site Plan Committee** to be **Site Plan Review Committee** and that they both reviewed and approved their draft rather than mentioning specific departments; #2 Green Design add new C with language that best efforts will be used to have electric in commercial portion of site; chair asked about solar and was told they are looking into it but not committing now; Councilor Oram asked about lack of mention of noise with response that it is mentioned in site conformance that National, State & City Codes must be met; chair mentioned that Site Plans for Tavern on the Green had 2 items that are not in this-1 was Structural soil and 2 was Tree protection report that referenced notes on pages of Site Plan sheets, will check with solicitor to see if needed; questioned the gate between Union Common and the building and that it completely blocks passage except for residents; reviewed the payment in lieu of parking with Attorney Falk stating we would be getting an updated plan showing an increase of parking spaces to 28 so the numbers will be recalculated; chair indicated she was not in favor of amending the regulations to allow for sticker system or other method to allow for parking for this site; chair was happy SPR Committee required a sidewalk along High St. but would ask that the exit onto High St. be available to enter and exist, not just be an emergency exit; applicant mentioned that a work ticket with National Grid to relocate or bury overhead utility lines in Exchange Street has been started.

After further discussion, it was agreed to keep this in committee and have the developer come back with Robert Michaud who did the transportation study so further questions can be asked and to have Procopio provide some information on sites they developed in similar size where less parking was provided and that it had minimal impact. The chair asked if petitioner would agree to a further extension of time to coordinate everyone's schedule for another meeting; the applicant agreed to extend the time until April 27th. Councilor Wagner moved to approve an extension of time for action until April 27th; it was seconded and approved 5-0.

Councilor Wagner moved to adjourn; it was seconded and carried 5-0. The meeting was adjourned at 9:33 PM.

Suspension of the Rules requested –granted.

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, **APPROVED**; adopted.

Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance	
\$500,000.00	11990006	57820	Reserve for Salaries	\$1,200.00	16990006	57100	Fl 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 BuyBack	\$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 --**

Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance	
\$42,403.63	11330002	50520	Principal Clerk	\$25,100.00	11330001	50040	Treasury/Payroll Manager	\$0.00		
	Reason:	Vacant position				Original assessment was amended				
\$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	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 Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available 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		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		
\$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:		
\$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				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$97,950.22	\$20,000.00	1192003	50560	Custodian	\$20,000.00	1192006	52469	Rep/Maint Buildings	\$91,529.03
	Reason:	Excess due to vacancy				Increased building repair			
\$42,300.00	\$42,300.00	1192001	50291	Asst Comm. - Facilities	\$42,300.00	1303206	52469	Rep/Maint Buildings	\$177,563.27
	Reason:	Excess due to vacancy				Increased building repair			
\$26,140.00	\$8,000.00	1303201	50291	Asst Comm. - Facilities	\$8,000.00	1192006	53999	Other Services	\$52,639.91
	Reason:	Excess due to vacancy				Increased material cost			
\$26,140.00	\$700.00	1303201	50291	Asst Comm. - Facilities	\$700.00	1400102	50062	Financial Analyst	\$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:		FRE				FISCAL YEAR:		2023	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	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	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	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									Available
Balance	Amount	Org Code	Object	Account Description	Amount	Org Code	Object	Account Description	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									Available
Balance	Amount	Org Code	Object	Account Description	Amount	Org Code	Object	Account Description	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									Available
Balance	Amount	Org Code	Object	Account Description	Amount	Org Code	Object	Account Description	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			

Suspension of the Rules requested –granted.

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

ORDERED WHEREAS, the City of Marlborough accepted Massachusetts General Laws Chapter 59, § 5K (City Council Order No. 12-1004062A) 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. 12-1004062A, later amended in 2019 by City Council Order No. 19-1007547B;

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 March 13, 2023:

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 recorded 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.

APPROVED; adopted.

Suspension of the Rules requested –granted.

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

ORDERED That the Request to Extend Time Limitations from Attorney Falk on behalf of JW Capital Partners, LLC on the Application for Site Plan Approval, to build a mix-use project at 57 Main Street in the Marlborough Village District, until 11:00 PM on April 27, 2023, **APPROVED**; adopted.

Councilor Dumais Recused.

Suspension of the Rules requested –granted.

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

ORDERED THAT, PURSUANT TO SECTION 5 OF CHAPTER 40A OF THE GENERAL LAWS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT CHAPTER 650 OF THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. By amending Chapter 650 (Zoning), Section 650-5 (Definitions; word usage), Subsection B, "Mixed Use" definition, to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

MIXED USE

- (1) A combination of permitted (Y) or special permit (SP) residential/business uses as listed in §650-17, Table of Use Regulations, for a particular zoning district, located on the same lot and arranged vertically in multiple stories of a structure or horizontally adjacent to one another in one or more buildings.
- (2) ~~The To achieve a mix of residential to business uses, such as retail or restaurant, uses shall be that is balanced and compatible, and shall contribute to a vibrant downtown atmosphere, including a combination of ground floor street front uses, such as retail or restaurant.~~

- ~~(3) Ground floors of buildings fronting streets or public accessways shall be reserved for restricted to nonresidential uses, except as specified below:-~~

Dwelling units shall be allowed on ground floors of a buildings if:

- ~~(a) The building that is set behind another a mixed-use building that has businesscommercial uses on the ground floor and residential on other floors so long as the building set behind does not face a public way; or (b) The residential portion of the ground floor of a building is set behind street front nonresidential uses within the same building.~~

- II. By amending Chapter 650 (Zoning), Section 650-26 (Affordable Housing), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 650-26. Affordable housing.

- A. This section 650-26 shall apply to all developments that result in or contain eight (8) or more dwelling units, in all zoning districts, for the following types of uses: multifamily dwelling(s) or mixed-use development containing multifamily dwelling(s). This section shall apply as set forth above unless an exception is otherwise stated in this section 650-26. Compliance with this section shall be made a condition of any special permit or site plan approval that is required for the development. All special permits granted to applicants to construct multifamily dwellings thereby increasing the number or density of residential dwellings to a number or level greater than that allowable as a matter of right under the zoning classification for the subject parcel shall require the following.

- (1) Developments of ~~20~~ 8 or more units.

- (a) Number of on-site affordable units. TheA development subject to this Section 650-26 shall -i) provide that at least 15% of the dwelling units to be constructed for homeownership or rental purposes will be made available at affordable prices to home buyers or renters. If a development results in or contains twenty (20) or more dwelling units, then at least 20% of the dwelling units shall be made available at affordable prices, rather than 15%,- or ii) if authorized by a majority of the City Council, provide a sum not less than \$50,000 per affordable dwelling unit that would have been required in Item i) above to be deposited as directed by the City Council into the fund for economic development created by Chapter 126 of the Acts of 2011 or into another fund designated by the City Council. If when applying the specified percentage to the total number of units to determine the required number of affordable units, the resulting number of affordable units includes a fraction of a unit, this fraction, if equal to or over one-half, shall be rounded up to the next whole number.
- (b) Local preference. The development plan shall provide that all legally permissible efforts shall be made to provide 70% of the affordable dwelling units to eligible residents of the City of Marlborough.
- (c) Distribution of affordable units. Dwelling units to be sold or rented at affordable prices shall be integrated into the overall development to prevent physical segregation of such units.
- (d) Appearance. The exterior of the affordable units shall be designed to be compatible with and as nearly indistinguishable from the market rate units as possible.

- (e) Minimum and maximum floor areas. Affordable housing units shall have a gross floor area not less than the minimum required by the State Department of Housing and Community Development under the regulations created under the authority of MGL Chapter 40B.
- (f) Period of affordability. Limitations and safeguards shall be imposed to ensure the continued availability of the designated affordable units ~~for a minimum of 99 years or in perpetuity~~. Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls and the like.
- (g) Limitation on change in affordability. In no event shall any change in affordability occur if the minimum percentage of affordable units required in the entire City under MGL Chapter 40B has either not been met at that time or such change in affordability would cause the City to fall below that percentage.
- (h) Staging of affordable and market-rate units. No more than 50% of the building permits for the market-rate units shall be issued until construction has commenced on 30% of the affordable units. No more than 50% of the occupancy permits for the market-rate units shall be issued until 30% of the occupancy permits for the affordable units have been issued. The City Council may modify this provision for developments under 50 units.
- (i) ~~Alternate site. The City Council may allow the developer to build some or all of the affordable housing required by Subsection A(1)(a) on an alternate site within the City, provided that the City Council determines that this is in the best interest of the City and orders that this specific condition be attached to the special permit. The location of the alternate site shall either be specified at the time of approval for the special permit or selected within six months of said application and shall then be subject to approval by the Housing Partnership Committee or its successor, by the City Council if otherwise required by this Zoning Ordinance and by any other proper authority as may be required by law. The development of the alternate site shall comply with Subsection A(1)(b), (e), (f), (g), (h) and (j) of this section, and the staging of development on the alternate site shall be governed by Subsection A(1)(h) applied to all units on both the main and alternate sites.~~
- (ji) Guaranty of performance. No certificate of occupancy shall be issued for any unit within a development subject to this section until all actions necessary to preserve the affordability of the affordable units in compliance with this section and include the affordable units on the subsidized housing inventory, including without limitation, a deed restriction, regulatory agreement and declaration of restrictive covenants, and/or any other restrictive instrument necessary, and all other required documentation, have been executed and registered or recorded by the developer, in a form satisfactory to the City Solicitor. The City Council shall require security in a form satisfactory to the City Council and City Solicitor to guarantee performance, including preservation of affordability, under this subsection, and no building permit shall be issued until and unless said security has been provided.
- (2) ~~Developments of 19 or fewer units. All provisions of Subsection A(1) above applicable to 20 or more units may also be applied to developments of 19 or fewer units as the City Council finds practical.~~

(32) The provisions of this section shall not apply to a special permit for an existing retirement community, or the expansion of an existing retirement community as governed by §§ 650-21 and 650-22. This subsection will be effective pursuant to the applicable provisions of Chapter 40A of the General Laws.

(4) ~~The provisions of this section shall not apply to projects which are granted special permits within the Marlborough Village District.~~

III. By amending Chapter 650 (Zoning), Section 650-37 (Special Provisions Applicable to the Wayside Zoning District), Subsection H(4)(a), entitled "Mixed Uses", by inserting the following sentence at the end of the existing subsection: Floor usage in a mixed-use development shall conform to subsection (2) of the definition of "Mixed Use" set forth in Section 650-5(B).

IV. The effective date of these amendments shall be the date of passage.

APPROVED; adopted.

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

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

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

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

ORDERED That there being no objection thereto set **MONDAY APRIL 10, 2023**, as the **DATE FOR PUBLIC HEARING**, on 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, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:15 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 27, 2023

ORDERED:

That there being no objection thereto set **MONDAY MARCH 27, 2023**, as the **DATE FOR PUBLIC HEARING**, on 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, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Ninety days after public hearing is 06/25/23 which falls on a Sunday, therefore 06/26/23 would be considered the 90th day.

ADOPTED

ORDER NO. 23-1008824



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 MAR 16 AM 8:52

Marlborough City Council
Laura J. Wagner
Michael H. Ossing
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

March 16, 2023

Honorable Members
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Municipal Aggregation – March 2023 Update

Dear Honorable Members:

In accordance with Order No.19-1007578B, this correspondence informs the City Council of the fourth quarter 2022 savings from the approved fixed price contract with Inspire that will provide stability and predictability and on a yearly average be lower than the National Grid Fixed Basic Service Rates during the same period. The contract with Inspire runs through the January 2024 meter reads.

Colonial Power has compiled the fourth quarter 2022 data and the City residents saved \$3,864,041 in their electricity bills compared to the National Grid Basic Service rate. Refer to the table in Attachment 1 and the graph in Attachment 2.

As a reminder, the City contract with Inspire is 100% National Wind Renewable Energy Credits (RECs). The savings are even greater when compared to the National Grid Green options.

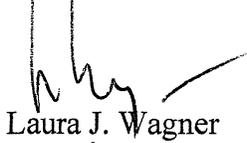
Looking ahead to the first quarter 2023, the City rate is lower than the National Grid Winter Basic Service rate of 0.33891 \$/kWh. This is significant as the City residents will continue to see savings over the National Grid Basic Service rate and the requirements in order 19-1007578B will be satisfied by “on a yearly average be lower than the National Grid Basic Service rates during the same time period.”

City Councilors as well as participants in the Municipal Aggregation program should be aware that it is unlikely the new contract in 2024 will have rates as low as the current 0.09390 \$/kWh. The Municipal Aggregation Committee is working with the Colonial Power Group to monitor market conditions and obtain new rates.

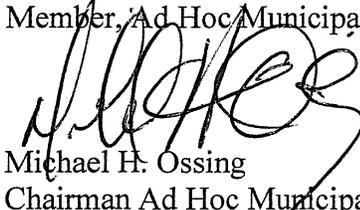
This information will be updated periodically and forwarded to the Councilors in accordance with Order 19-1007578B.

As Councilors, you can take pride in your decision to support Municipal Aggregation as we are saving our residents money on their electricity bills. Since November 2019, City residents have saved over \$9,880,000 on their electric bills with Inspire.

Sincerely,



Laura J. Wagner
Member, Ad Hoc Municipal Aggregation Committee



Michael H. Ossing
Chairman Ad Hoc Municipal Aggregation Committee

Attachment 1: Table showing Residential Savings with Inspire (2 pages)

Attachment 2: 4th quarter 2022 status report – Graph illustrating Marlboro aggregation savings

Attachment 1 (Page 1 of 2)

Table Showing Residential Savings with Inspire

Date	NGrid Basic Service Rate (\$/kW-hr)	City Rate (\$/kW-hr)	City Residential User Savings	City Residential Commercial Industrial Savings
Fourth Quarter 2019	Nov - .13957 Dec - .13957	Nov - .09690 Dec - .09690	\$550,815	\$693,006
First Quarter 2020	Jan - Mar .13957	Jan - Mar .09690	\$812,433	\$1,034,746
Second Quarter 2020	Apr - .13957 May - .09898 Jun - .09898	Apr - Jun .09690	\$250,320	\$196,841
Third Quarter 2020	Jul - Sept .09898	Jul - .09690 Aug - .09390 Sept - .09390	\$78,989	(-\$148,635)*
Fourth Quarter 2020	Oct - .09898 Nov - .12388 Dec - .12388	Oct - Dec .09390	\$482,513	\$564,251
First Quarter 2021	Jan - Mar .12388	Jan - Mar .09390	\$624,406	\$762,385
Second Quarter 2021	Apr - .12388 May - .09707 Jun - .09707	Apr - Jun .09390	\$187,609	\$129,809
Third Quarter 2021	Jul - Sept .09707	Jul - Sept .09390	\$64,802	(-\$60,875)*
Fourth Quarter 2021	Oct - .09707 Nov - .14821 Dec - .14821	Oct - Dec .09390	\$835,904	\$1,445,446
First Quarter 2022	Jan - Mar .14821	Jan - Mar .09390	\$1,101,048	\$1,817,853
Second Quarter 2022	Apr - .14821 May - .11491 Jun - .11491	Apr - Jun .09390	\$580,099	\$874,670
Third Quarter 2022	Jul - Sept .11491	Jul - Sept .09390	\$454,869	\$1,117,610
Fourth Quarter 2022	Oct - .11491 Nov - .33891 Dec - .33891	Oct - Dec .09390	\$3,864,041	\$6,272,461

Table Showing Residential Savings with Inspire

Date	NGrid Basic Service Rate (\$/kW-hr)	City Rate (\$/kW-hr)	City Residential User Savings	City Residential Commercial Industrial Savings
First Quarter 2023	Jan – Mar 0.33891	Jan – Mar .09390	TBD	TBD
Second Quarter 2023	Apr – 0.33891 May – TBD Jun – TBD	Apr – Jun .09390		
Third Quarter 2023		Jul – Sept .09390		
Fourth Quarter 2023		Oct – Dec .09390		
First Quarter 2024		Jan - .09390		

- *National Grid sets different rate for commercial/industrial users that are not associated with the National Grid residential fixed Basic Service rate.
- Total residential savings from Inspire (November 2019 to December 2022) is over **\$9,880,000**.
- Total program savings (all rate classes) since inception in 2007 is over **\$18,551,000**.

CITY OF MARLBOROUGH COMMUNITY CHOICE POWER SUPPLY PROGRAM STATUS REPORT Q4 2022 **ATTACHMENT #2**

Prepared March 2023

This report has been prepared by Colonial Power Group with information/data being provided by the Competitive Supplier and National Grid. The purpose of the report is to provide information about the City of Marlborough's Community Choice Power Supply Program, which currently provides competitive power supply to approximately 13,000 customers in the City. The data provided by the Competitive Supplier is not available until three months after the month it is used. For example, power is *Used* in January, *Invoiced* in February, *Paid* in March and *Reported* in April.

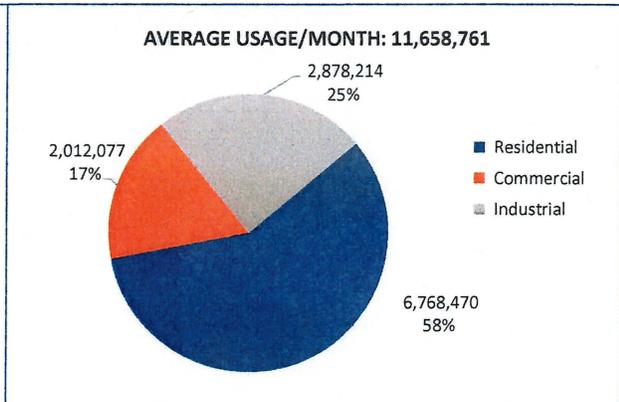
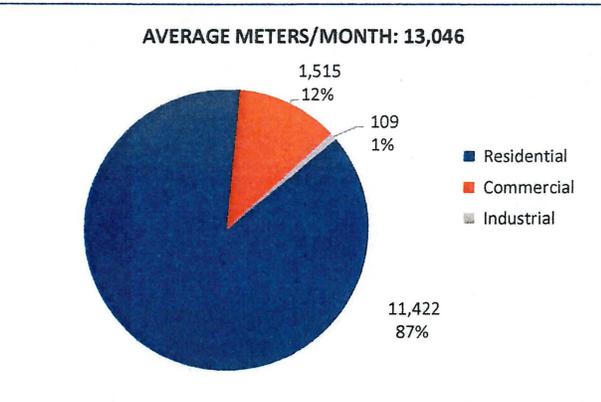
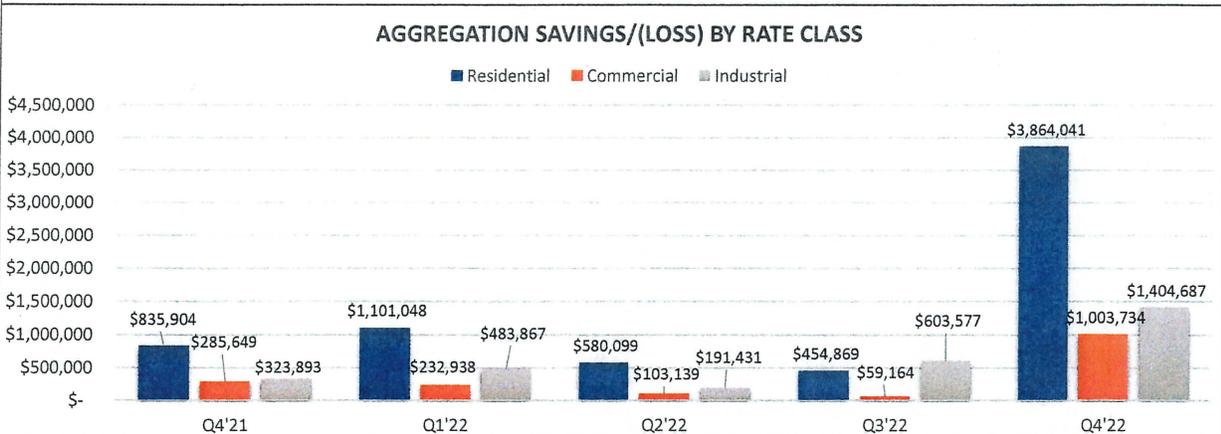
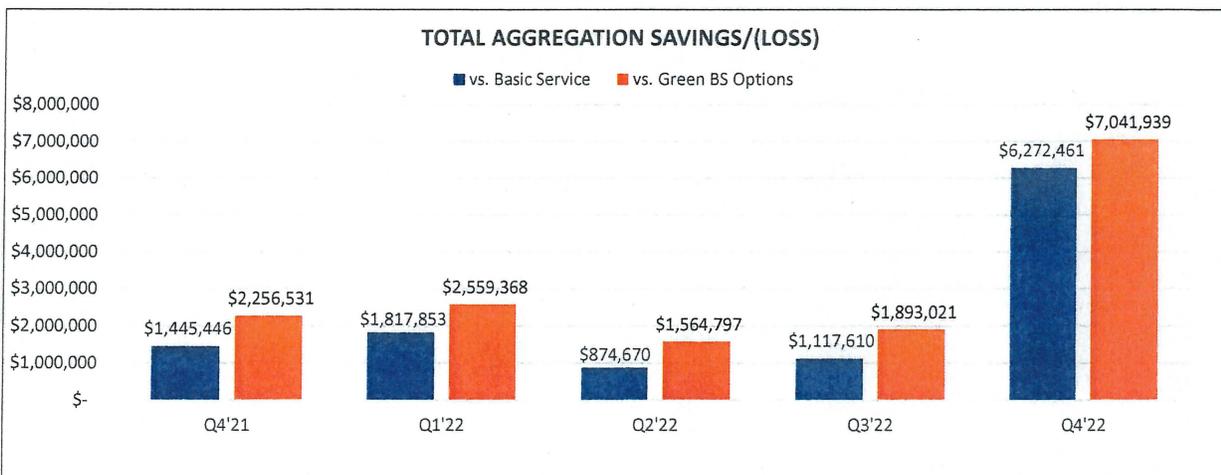
[Click here for more information about the Program](#)

PROGRAM RATES		
Term	November 2019 - August 2020	August 2020 - January 2024
Competitive Supplier	Inspire	Inspire
Standard (default)	\$0.09690 / kWh 100% National Wind RECs	\$0.09390 / kWh 100% National Wind RECs
Optional	N/A	N/A

COMPARISON TO NATIONAL GRID RATES

[Click here for NGRID GreenUp Info](#)

The City's aggregation savings are directly tied to the margin of savings between the Program's rates and National Grid's corresponding Basic Service rates as well as the level of consumption by participating consumers. Basic Service rates change twice a year or more, depending on utility and rate class. As a result, the aggregation rate may not always be lower than the Basic Service rate. The goal of the aggregation is to deliver savings over the life of the Program against the Basic Service rate. However, such savings and future savings cannot be guaranteed.





RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
MAR 23 AM 11:15

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

Candace McGrath
EXECUTIVE ADMINISTRATOR

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

March 23, 2023

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

Re: MassWorks Grant Acceptance for DPW for Cedar Hill Mixed Use Corridor Improvement Project

Honorable President Ossing and Councilors:

Enclosed for your acceptance is a grant in the amount of \$2,000,000.00 for the Department of Public Works to fund the Cedar Hill Mixed Use Corridor Improvement Project.

The project includes a one mile stretch of narrow roadway on Cedar Hill Street which serves as a vital regional connection at the interchange of Route 495. The road will be resurfaced and include a new sidewalk on Cedar Hill Street as well as 900 feet on Simarano Drive closing the gap between existing sidewalk sections. Additionally, new water mains in the eastern section of the road and new bike lanes will be included.

I would like to thank our legislative branch and the Executive Office of Housing and Economic Development for their continued support.

Please let me know if you have any questions.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Department of Public Works

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

SEAN M. DIVOLL, P.E.
 COMMISSIONER

March 23, 2023

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

RE: MassWorks Grant Acceptance

Dear Mayor Vigeant:

The City was recently awarded a MassWorks grant from the Executive Office of Housing and Economic Development through its One Stop for Growth program in the amount of \$2,000,000 for roadway improvements on Cedar Hill Street.

Attached is the Notice of Grant Award. I kindly request the grant award be forwarded to the City Council for acceptance. Should you have any questions do not hesitate to contact me.

Sincerely,

Thomas DiPersio, Jr., PE, PLS
 City Engineer

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: DPW DATE: 3/23/2023

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Tom DiPersio

NAME OF GRANT: MassWorks Infrastructure Program

GRANTOR: Exec. Office of Housing and Economic Development

GRANT AMOUNT: \$2,000,000.00

GRANT PERIOD: through June 30, 2024

SCOPE OF GRANT/ ITEMS FUNDED Reconstruction of 1 mile of narrow roadway on Cedar Hill St.
Roadway resurfacing on entire length of Cedar Hill, new sidewalk on Cedar Hill,
new sidewalk on 900 feet of Simarano Drive, new bike lanes on Cedar Hill, new
water main transmission line in eastern section of Cedar Hill

IS A POSITION BEING CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY FUNDS REQUIRED? No (City funded 25% of design that was completed in May 2022)

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

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

ANY OTHER EXPOSURE TO CITY? No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: 10-Apr-23

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



COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM

This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the [Standard Contract Form Instructions and Contractor Certifications](#), the [Commonwealth Terms and Conditions for Human and Social Services](#) or the [Commonwealth IT Terms and Conditions](#) which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.ma.comptroller.org/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Executive Office of Housing and Econ. Dev. MMARS Department Code: EED	
Legal Address: (W-9, W-4): 140 Main Street, Marlborough MA 01752		Business Mailing Address: 1 Ashburton Place, Boston, MA 02108	
Contract Manager: Thomas DiPersio Jr.	Phone: 508.460.3770	Billing Address (if different):	
E-Mail: tdipersio@marlborough-ma.gov	Fax:	Contract Manager: Jacqueline Furtado, AICP	Phone: 617.788.3649
Contractor Vendor Code: VC6000192112		E-Mail: jacqueline.furtado@mass.gov	Fax: 617.788.3605
Vendor Code Address ID (e.g. "AD001"): AD_0001 (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s): 22MWIPMARLBOROUGHCED	
<input checked="" type="checkbox"/> NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		<input type="checkbox"/> CONTRACT AMENDMENT Enter Current Contract End Date <i>Prior</i> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____, (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions document are incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services <input type="checkbox"/> Commonwealth IT Terms and Conditions			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00 . <input type="checkbox"/> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or <i>new</i> total if Contract is being amended). \$ <u>2,000,000</u>			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___ % PPD; Payment issued within 20 days ___ % PPD; Payment issued within 30 days ___ % PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle ___ statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Capital grant funding through the MassWorks Infrastructure Program (pursuant to Plan Item D001 in the Mass. Capital Investment Plan 2023-2027) to support a public infrastructure project, in accordance with the scope and additional terms and conditions outlined in Attachment A, and as described in the attached RFR response.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date. <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date. <input type="checkbox"/> 3. were incurred as of _____, 20____, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>June 30, 2024</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07 , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X:  Date: <u>3/14/23</u> (Signature and Date Must Be Captured At Time of Signature)		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Captured At Time of Signature)	
Print Name: <u>Arthur G. Vigeant</u> Print Title: <u>Mayor</u>		Print Name: <u>Spencer Gurley-Green</u> Print Title: <u>CFO</u>	

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING

Issued May 2004



CONTRACTOR LEGAL NAME : *City of Marlborough*
CONTRACTOR VENDOR/CUSTOMER CODE:

INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
Tom Dipersio	City Engineer
Arthur Vigeant	Mayor

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.

Arthur Vigeant

Signature

Date: 3/13/23

Title: Mayor

Telephone: 508-460-3770

Fax: 508-460-3698

Email: mayor@marlborough-ma.gov

[Listing can not be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department.

**COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING**

Issued May 2004



CONTRACTOR LEGAL NAME : *City of Marlborough*
CONTRACTOR VENDOR/CUSTOMER CODE:

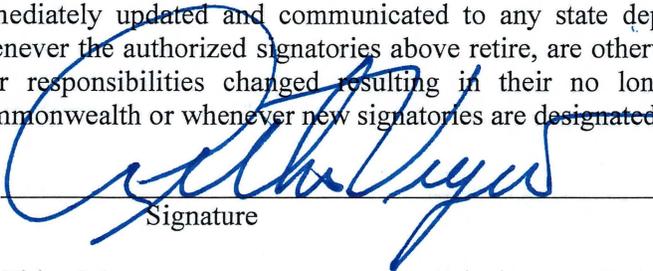
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Signature

Date: 3/13/23

Title: Mayor

Telephone: 508-460-3770

Fax: 508-460-3698

Email: mayor@marlborough-ma.gov

[Listing can not be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department.

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING

Issued May 2004



CONTRACTOR LEGAL NAME : *City of Marlborough*
CONTRACTOR VENDOR/CUSTOMER CODE:

PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures. It is recommended that Departments obtain authentication of signature for the signatory who submits the Contractor Authorized Listing.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type): *Arthur Vigeant*

Title: *Mayor*

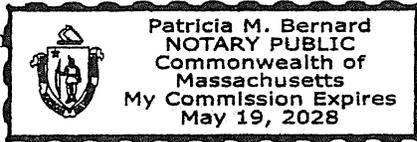
Arthur Vigeant
Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, *Patricia M. Bernard* (NOTARY) as a notary public certify that I witnessed the signature of the aforementioned signatory above and I verified the individual's identity on this date:

March 14, 20 *23*

My commission expires on



AFFIX NOTARY SEAL

I, _____ (CORPORATE CLERK) certify that I witnessed the signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's authority as an authorized signatory for the Contractor on this date:

_____, 20 _____.

AFFIX CORPORATE SEAL

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT
MassWorks Infrastructure Program

ATTACHMENT A
Additional Terms and Conditions

ARTICLE I – Grant Agreement

A Grant Agreement (Agreement) is made by and between the Commonwealth of Massachusetts, acting through the Executive Office of Housing and Economic Development (EOHED), and the **City of Marlborough** (Public Entity), jointly referred to as “The Parties”, based on the application submitted by Public Entity (incorporated herein as Attachment B). The following documents, collectively, are referred to as the “Contract”:

1. Commonwealth of Mass. – Standard Contract Form
2. Commonwealth of Mass. – Contractor Authorized Signatory Forms
3. Attachment A, Additional Terms and Conditions (*this document*)
4. Attachment B, RFR Response / Grant Application and Site Plan

The purpose of the Contract is to identify the roles, responsibilities, and obligations of each party as they relate to the implementation of a MassWorks Infrastructure Project (Project), based on an application submitted on: **June 3, 2022**. The entire Contract package sets forth the parties’ mutual intentions and understandings. All Parties agree to devote the necessary resources and to work in good faith to achieve the objectives contemplated herein.

ARTICLE II – Definitions (*The following terms shall have the respective meanings ascribed to them.*)

“**Contract**” shall mean the documents described in Article I in their entirety, as they may be amended, supplemented, or restated from time to time.

“**Contract Manager**” shall mean the staff member assigned to manage/oversee the Contract.

“**Director**” shall mean the Assistant Secretary or designee that manages/supervises the MassWorks Program.

“**Grant Application**” shall mean the application submitted in response to the RFR by the Public Entity to the MassWorks Program, including a Site Plan, and appended as Attachment B to the Contract.

“**Grant Funds**” shall mean funds disbursed by EOHED to the Public Entity pursuant to the Contract.

“**MassWorks Program**” shall mean the economic development grant program authorized by Section 63 of Chapter 23A of the Massachusetts General Laws, and further described in the MassWorks Infrastructure Program Guidelines promulgated annually by the Secretary, as such Guidelines may be modified or updated from time to time.

“**Monetary Penalties**” shall mean the full recoupment by EOHED of funds paid to Public Entity under the Contract and recovery of all Commonwealth administrative costs and legal fees related to the Contract, including enforcement thereof.

“**Project**” shall have the meaning set forth by all of the components outlined in Article III.

“**Project Site**”, also referred to herein as the “**Site**”, shall mean the land and appurtenant easements, if any, identified in Section III.A hereof, described in the Grant Application, and shown on the Site Plan.

“**Scheduled Drawdown Dates**” shall mean the quarterly milestone dates identified in Article III, Section E by which EOHED expects to disburse Grant Funds to reimburse the Public Entity for Project costs previously incurred.

“**Secretary**” shall mean the Massachusetts Secretariat of Housing and Economic Development.

“**Maximum Obligation**” shall mean the maximum amount of Grant Funds that the Public Entity is allowed to request/receive for performance under this contract.

ARTICLE III – Project Scope and Budget

Project Name: Cedar Hill Mixed Use Corridor Improvement Project

Maximum Obligation of this Contract: **\$2,000,000**

A. Description of the Project Site

Limits of the Project include the length of Cedar Hill Street, and a 900 foot section of Simarano Drive at the Rt. 495 connector.

B. Project Description

The Project will reconstruct a 1-mile stretch of narrow roadway on Cedar Hill Street, which serves as an important regional connection at the interchange of Route 495. The proposed road improvement will remedy a preexisting deficient road condition that has created a barrier to private investment in Marlborough.

The Scope of Work consists of the following:

- Roadway resurfacing on entire length of Cedar Hill Street
- New sidewalk on entire length of Cedar Hill Street (presently no sidewalks)
- New sidewalk on 900 feet of Simarano Drive (to close in a gap between existing sidewalk sections)
- New bike lanes on Cedar Hill Street
- New water main transmission line in eastern section of Cedar Hill Street

The Project is illustrated in Attachment B.

C. Project/Construction Timeline

MILESTONE	MONTH/YEAR
Design, Survey, and Engineering Complete	02-2023
Bids Opened	04-2023
Contract Started	06-2023
Construction 50% Complete	11-2023
Construction 100% Complete	11-2024

D. Project Budget:

SPENDING CATEGORY	GRANT FUNDS ALLOCATION
Design/Engineering/Bidding	\$ -
Construction	
Land Takings	\$ -
Demolition/Remediation	\$ -
Mobilization/Demobilization	\$ 80,000.00
Water/Sewer/Drainage (include pump stations)	\$ 140,000.00
Utility Relocation	\$ -
Roadways (include paving, markings, signage, etc.)	\$ 1,200,000.00
Sidewalks/Curbing/Streetscapes (include fencing, plantings, etc.)	\$ 500,000.00
Electrical/Lighting (include street lights and traffic signals)	\$ -
Bridges/Culverts	\$ -
Contingency	\$ -
Other Expenses	\$ -
Construction Administration/Project Management	\$ -
Traffic Control/Public Safety Details	\$ 80,000.00
Other:	\$ -
Other:	\$ -
Grand Total (must not exceed grant award)	\$ 2,000,000.00

E. Funds Drawdown Schedule

QUARTER/FISCAL YEAR	INVOICE AMOUNT
FY23	
Q3, QE 3/31/23	\$ -
Q4, QE 6/30/23	\$ 50,000.00
FY23 TOTAL	\$ 50,000.00

FY24		
Q1, QE 9/30/23	\$	700,000.00
Q2, QE 12/31/23	\$	500,000.00
Q3, QE 3/31/24	\$	250,000.00
Q4, QE 6/30/24	\$	400,000.00
RETAINAGE 5%	\$	100,000.00
FY24 TOTAL	\$	1,950,000.00
GRANDTOTAL	\$	2,000,000.00

F. Description of the main leveraged private development, if applicable (include expected economic outcomes, such as number of new housing units and/or jobs).

The Public Infrastructure Project will unlock two immediate commercial expansion projects and a 240-unit residential project representing approximately \$180M in immediate private investment in Marlborough (across the three projects). The road improvements will support existing commercial users who plan to grow in Marlborough, and provide safe multimodal connections between the new housing, jobs and amenities in the area. The investment will also support municipal growth plans in two abutting communities of Southborough and Northborough which rely on this stretch of Cedar Hill Street to access Route 495.

The commercial expansions include a \$75M private investment at Kens Foods located at 1 D'Angelo Drive on the corner of Cedar Hill Street. Kens plans to upgrade its interior space and add 26,500 sf onto the facility with new space to accommodate expanded operations and a reconfigured parking area. Ken's currently employs 600 people and will add better paying/higher skilled positions at this site.

The second commercial expansion project is being pursued by MassContainer Corporation, located at 300 Cedar Hill Street, which currently occupies 165K square feet. MassContainer is investing \$8M in new equipment in 2022 to expand operations and add a third shift, which will add 20 full time employees in the near term. MassContainer is also planning to add approximately 60,000 sf or more space to its building to support further growth.

In 2021, the city approved a 475-unit housing project called the Green District located on Simarano Drive. Phase one includes 235 units and is currently under construction. The second phase will include 240-units and a new public trail system. The site spans 43 acres with easy access to the 495 interchange and is adjacent to some of Marlborough's largest corporate tenants including Cytiva, Hologic, Ken's Foods and Quest Diagnostics, providing the opportunity for residents to live within walking or biking distance to a well-paying job. Phase 2 is expected to break ground in late 2022 and represents approximately \$100M in private investment. Phase 2 is expected to create 250 construction jobs and 10 full time permanent positions.

ARTICLE IV – Grant Administration

A. Project Management.

The Director shall oversee the MassWorks Program on behalf of the Secretary.

B. Use and Disbursement of Grant Funds.

EOHED shall disburse Grant Funds to the Public Entity solely to reimburse the Public Entity for reasonable expenses incurred in connection with the design or construction of the Project, in an aggregate amount not to exceed the Maximum Obligation. EOHED shall use best efforts to disburse Grant Funds within forty-five (45) days after receipt of a reimbursement request and invoices therefor from the Public Entity. All disbursements of Grant Funds shall be subject to the following terms and conditions:

1. Invoices for actual expenses shall be submitted for reimbursement on a monthly basis as costs are incurred, and by the 15th of the month following the period of performance. Reimbursement shall be only for work completed and/or items purchased, as approved by this Contract. The Contract Manager may disallow ineligible expenses and/or otherwise withhold approval of invoice reimbursement request due to insufficient and/or incorrect information. . The Contract Manager will promptly notify the Public Entity of any disapproved invoice and provide adequate time for correction. With prior authorization from the Director, the Public Entity may deviate from or suspend the Reimbursement Schedule.
2. To maintain the integrity of the MassWorks Program’s capital budget, Grant Funds scheduled to be spent within a particular fiscal year (ending on June 30) must be posted in the state’s accounting system, and disbursed no later than August 31 each year. In no event will EOHED be able to provide reimbursement for any expenses in the fiscal year, after this date. In order to allow enough time for processing and for meeting the deadline, all final reimbursement requests for the fiscal year must be submitted to the Contract Manager, as soon after the close of the fiscal year as possible, but not later than July 31. Requests that are submitted after this date will require a detailed justification for the delay and be subject to additional review and approval by the Director. EOHED reserves the right to reject late invoices. It is the responsibility of the Public Entity to meet deadlines and ensure that all applicable requests are submitted in the corresponding fiscal year. EOHED will not accept or be obliged to consider requests seeking reimbursement for expenses from any previously closed fiscal year.
3. EOHED will set aside 5% of the total grant award as retainage until the Project (or the portion of the Project completed with Grant Funds) is demonstrated to be complete, and by submitting a completed project closeout form pursuant to Article V, Section D. The 5% will be deducted from the final invoice and will be paid promptly upon demonstration that the Project has been completed.

C. General Conditions of Funding

1. Verification of Representations. Funding is contingent upon satisfactory verification of all Project information and representations contained in the Grant Application. Determinations of such verification shall be made in the Secretary’s sole discretion. The Public Entity is responsible for providing to the Secretary such information and documentation that the Secretary deems necessary for such determination.

2. No Obligation to Increase Budget. EOHED has no obligation to increase or reprogram the Grant Funds for any reason, including, but not limited to, a change in the Project's budget. It is the sole responsibility of the Public Entity to cover any and all cost overruns and secure any and all additional funding necessary for the Project.
3. No Arbitrage. For funds that are received on a cost reimbursement basis, for which the Public Entity invoices for the costs of performance when rendered, and for lump sum amounts, the funds received by the Public Entity must be held in a segregated non-interest bearing account and shall be expended by the Public Entity within 60 days to avoid arbitrage.
4. Drawdown Deadlines. The Project expenses shall be incurred, and reimbursements shall be requested, on a timeframe that permits Grant Funds to be disbursed in accordance with the Scheduled Drawdown Dates set forth in Article III. **Failure by the Public Entity to request reimbursement for the full amount of an expected Scheduled Drawdown Date that corresponds with the end of a fiscal year (June 30) may be deemed a material breach of this Agreement authorizing EOHED to exercise rights and remedies set forth in Article VI, including without limitation the revocation of the Grant.**
5. Additional Investment. If additional funds are required to complete the Project, including, but not limited to, private investment, the Public Entity shall use diligent efforts to obtain the funds necessary to complete the Project as set forth in Article III. The Public Entity is responsible for requiring the Project to be designed to budget and ensuring the Project can be completed as necessary to achieve the economic development goals outlined in the Contract.
6. Remaining Balance. In no event shall EOHED be obligated to disburse Grant Funds in excess of the actual cost of constructing the Public Improvements. Excess Grant Funds remaining in the budget upon completion of the Project, if any, may not be claimed by the Public Entity.
7. Other Conditions. NA

ARTICLE V – Obligations of the Public Entity

A. Obligations of the Public Entity

This Agreement shall in no way relieve the Public Entity from the full force and application of any laws, rules, regulations and orders or requirements. In addition to any other requirements of the Contract, the Public Entity, by accepting any or all of such Grant Funds, shall:

1. Timely commence the Project, and diligently pursue the Project to completion, in accordance with the construction schedule set out in Article III.C.
2. Ensure compliance, including but not limited to any and all applicable local, state and federal rules, regulations and laws.
3. Submit regular and complete requests for reimbursement, on a form provided by EOHED that includes supporting invoices and documentation, pursuant to Article IV.B.
4. Submit timely and complete quarterly reports, on a form provided by EOHED that includes updates and/or changes to the Project.

5. Submit timely and complete reimbursement requests, with appropriate supporting documentation, in accordance with all Scheduled Drawdown Dates.
6. Cooperate fully and promptly with any other request for information that the Secretary or the Director may make.
7. Ensure that all representations made in the Contract by the Public Entity remain true and correct.
8. Ensure that construction begins on this Project in accordance with Article III.

B. Compliance with Laws Regarding Contractors and Procurement

Without limiting the generality of Section V.A.1 above, the Public Entity shall comply, and ensure that its contractors comply, with the legal requirements set forth below.

1. The Public Entity shall comply with its procurement process and with Section 39M of Chapter 30 and Chapters 30B, 149 and 7 of the Massachusetts General Laws, to the extent applicable.
2. The Public Entity shall use diligent efforts to ensure that any contractors it employs or are employed on its behalf do not unlawfully misclassify workers as self-employed or as independent contractors, and will certify compliance with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.
3. The Public Entity shall use diligent efforts to ensure that within the past five years, no officers, directors, employees, agents, or subcontractors of which the contractor has knowledge, been the subject of (a) an indictment, judgment, conviction, or grant of immunity, including pending actions, for any business-related conduct constituting a crime under state or federal law; or (b) a government suspension or debarment, rejection of any bid or disapproval of any proposed contract subcontract, including pending actions, for lack of responsibility, denial or revocation of prequalification or a voluntary exclusion agreement; or any governmental determination of a violation of any public works law or regulation, or labor law or regulation or any OSHA violation deemed "serious or willful."
4. In accordance with Executive Order 481 and under the pains and penalties of perjury, the Public Entity shall ensure that its Contractors do not knowingly allow the use of undocumented workers in connection with the performance of the contract; that pursuant to federal requirements, the Contractor shall verify the immigration status of all workers assigned to the contract without engaging in unlawful discrimination; and that it shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker(s).

The Public Entity understands and agrees that breach of any of these terms by its contractors during the contract period may be regarded as a material breach, subjecting the Public Entity to sanctions, including but not limited to Monetary Penalties, withholding of payments, contract suspension and termination of the Contract.

C. Signage

If signage is to be erected at or near the Project Site identifying the Project, such signage shall include acknowledgement of grant support from the Commonwealth of Massachusetts and/or the MassWorks

Program. The Public Entity may contact the Contract Manager for message suggestions, to review draft signage, and/or to request digital copies of the Commonwealth Seal and/or Masswork logo.

D. Project Closeout

Upon completion of the Project, the Public Entity shall submit its final request for reimbursement along with a completed closeout form, as provided by EOHEd, and photograph(s) of the work completed with the Grant Funds. Further, the closeout form shall certify that the scope of work outlined in this contract has been successfully completed and confirm that the Public Entity does not have any other expenses that it expects to be reimbursed from this grant. .

ARTICLE VI – Breach, Mitigation, and Remedies

A. Penalties for Breach of Contract

The Public Entity understands and agrees that in the event of a breach of any material term of the Contract during the contract period, the Secretary may, in his/her sole discretion:

1. Suspend, withhold or rescind the payment of Grant Funds;
2. Impose and collect Monetary Penalties;
3. Suspend, condition or terminate the Contract; and/or
4. Declare the Public Entity ineligible for participation in future programs administered by EOHEd.

The Secretary's rights and remedies set forth herein are not exclusive and do not preclude other remedies available to the Secretary at law or in equity. Any failure of EOHEd to enforce at any time any provision of the Contract shall in no way be construed to be a waiver of such provision or of any other provision hereof.

B. Failure to Timely Commence or Complete the Project

It shall be a material breach of this Agreement if the Public Entity does not commence construction of the Project by the commencement date set forth in the construction schedule set forth in Article III.C, or if the Public Entity does not diligently pursue the Project to completion in accordance with said construction schedule. If the Secretary determines, in his/her sole discretion, that there is a material failure by the Public Entity to commence or complete the Project in accordance with the terms of the Contract, the Secretary may suspend the Grant (including any payments pending) by sending written notice sent to the Public Entity. The Public Entity shall have an opportunity to cure and to provide clear and convincing evidence that the Project is in compliance with the terms of the Contract within 60 days of the date of the receipt of said notice. Failure to do so will terminate the Contract effective immediately.

C. Post-Completion Maintenance and Operation; No Transfer

Upon completion of the Project, the Public Entity shall maintain and operate the Project infrastructure, and for a period of thirty (30) years following the date of this Grant Agreement, the Public Entity shall not sell, convey, lease or otherwise transfer the ownership or control of the Project infrastructure except with the prior written approval of EOHEd, which approval EOHEd may grant, condition or deny in its sole discretion. The Secretary, in his/her sole discretion, may recoup previously paid Grant Funds to the Public Entity if the Public Entity sells or otherwise conveys ownership of the Project or any portion

thereof in violation of this section VI.C. This section VI.C shall survive the expiration or earlier termination of this Grant Agreement.

D. Completion of the Project After Termination

In the event of any termination of the Contract by the Secretary pursuant to this Article VI, the Public Entity shall submit to EOHEd any and all materials that Public Entity owns related to the Project, including but not limited to, documents, financial pro-formas and analysis, studies, drawings, plans, specifications and intellectual property associated with this project in any way. EOHEd shall have access to such material consistent with the provisions of Paragraph 7 of the Commonwealth Terms and Conditions. The Public Entity shall further consult with the Director with respect to the means and strategy for pursuing reasonable and timely completion of the Project in accordance with the purpose and scope as defined in the Contract and the MassWorks Infrastructure Program.

ARTICLE VII – Notice

Pursuant to Paragraph 5 of the Commonwealth Terms and Conditions, unless otherwise explicitly set forth in the Contract, all notices or other communications required or permitted to be given hereunder shall be in writing and delivered in person or when delivered by any other appropriate method evidencing actual receipt, addressed as follows (or to such other address and to such other person's attention as any party may from time to time specify by like notice to the other):

To EOHEd: **MassWorks Infrastructure Program
Executive Office of Housing and Economic Development
Attn: Jacqueline Furtado, AICP, Senior Program Manager
One Ashburton Place, Suite 2101
Boston, MA 02108**

To Public Entity: **City of Marlborough
Attn: Thomas DiPersio Jr., City Engineer
140 Main Street
Marlborough, MA 01752**

ARTICLE VIII – Miscellaneous

A. Authority

Each party executing the Contract, in whole and in part, represents that such party has the full authority and legal power to do so and that such person, by signing and delivering the Contract, has created a legal, valid and binding and enforceable contract.

B. Amendment, Modification and Waiver

Any request to waive, modify, or discharge any terms of the Contract must be submitted in writing to the Director in the form provided by EOHEd. Any amendment to the Contract shall be in writing, signed by

all parties. Any oral waiver, change or discharge of any term or provision of the Authority shall be without authority and of no force or effect, whether or not notice has been given or received.

C. Other

1. Severability. Should a court of competent jurisdiction hold any of the provisions the Contract as unenforceable, any such decision shall not affect or impair any of the remaining provisions of those of the Contract.
2. Word Meanings. Words such as "herein," "hereinafter," "hereof," and "hereunder" refer to the Contract as a whole and not merely to a subdivision in which such words appear unless the context otherwise requires. The singular shall include the plural, and the masculine gender shall include the feminine and neuter, and vice versa, unless the context otherwise requires.
3. Applicable Law. The Contract shall be construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, including the Section 63 of Chapter 23A of the General Laws, and the courts of such Commonwealth shall be the sole forum with respect to any legal process arising hereunder.
4. Counterparts. The Contract may be executed in several counterparts, and, as so executed, shall constitute one agreement binding on all parties hereto, notwithstanding that all of the parties have not signed the same counterpart.
5. Entire Agreement. The Contract embodies the entire agreement and understanding between the parties hereto with respect to the subject matter hereof and supersedes all prior agreements and understandings relating to such subject matter.

#

Section 1.

Applicant Information

1.1. Primary Location:

Marlborough

EOHED Region	<i>Central Mass</i>	MassDOT District	<i>District 3</i>	Rural or Small Town	<i>N/A</i>
MDFA Regional Office	<i>Central</i>	Gateway City	<i>N/A</i>	Housing Choice	<i>Yes - HC</i>
Regional Planning Agency	<i>Metropolitan Area Planning Council</i>	MVP Community	<i>Yes - MVP</i>	MBTA Community	<i>Yes - MBTA</i>

1.2. Organization Type

Public Entity

- Municipality
- Public Housing Authority
- Redevelopment Authority or Similar Quasi-Governmental Agency
- Water or Sewer District

Other Public Entity

please specify:

Non-Public Entity

1.3. Applicant Organization Name:

Marlborough Economic Development Corporation

1.4. Applicant Organization Legal Address:

91 Main Street, Suite 204

1.5. City/Town:

1.6. State:

1.7. Zip Code:

Marlborough

Massachusetts

01752

1.8. CEO Name:

1.9 CEO Title:

Arthur Vigeant

Mayor

1.10. CEO Tel.:

1.11. CEO Email:

(508) 460-3770

mayor@marlborough-ma.gov

1.12. Project Contact Name

Meredith Harris

1.13. Project Contact Title

Executive Director

1.14. Contact Tel.:

1.15. Contact Email

(508) 229-2010

mharris@marlboroughedc.com

1.17. Organization Description – Outline the organization’s mission, structure, and economic development goals and history.

Marlborough Economic Development Corporation (MEDC) is the state chartered economic development arm of the City of Marlborough and represents a public-private partnership for planning. MEDC works with municipal and private investors to foster economic development, job growth, community revitalization and company expansion in the city. Working with numerous state and regional planning organizations, MEDC strives to attract large-scale investment from industries such as life sciences, biotech, advanced manufacturing, and high technology. By increasing Marlborough’s commercial tax revenue, MEDC ultimately works towards stabilizing the city’s residential tax base, thus guaranteeing the future stability of the city and a higher quality of life for all Marlborough residents. MEDC’s goals and objectives are based on Marlborough’s award-winning Economic Development Master Plan "Building The NewMarlborough Economy." Marlborough has been working to implement the Master Plan over the last decade and has seen significant growth by clearly identifying opportunities, leveraging assets within the city and by implementing change to position the community for continued success. As we navigate the challenges of the pandemic and look towards the future Marlborough is prioritizing growth and development in areas of the city that would unlock mixed-use development in the city's Downtown and French Hill neighborhood and strengthen the life science, advanced manufacturing and high technology sectors within the industrial / commercial areas of the community.

Section 2.

Project Information

2.1. Project Categories for Grant Consideration (Check all that apply). Please note that, for each category selected, additional questions will appear in the application related to that funding type. (**note: Section 1.1 and 1.2 must be completed before selecting an option here**).

- Community Capacity Building
- Planning and Zoning
- Site Preparation
- Building
- Infrastructure

2.2. Project Name:

Cedar Hill Mixed Use Corridor Improvement Project

2.3. Is this a joint application between two or more municipalities (and/or entities), which will entail a formal arrangement for a shared scope of work and allocation of funds?

Yes

No

2.4. Short Project Description / Abstract – Provide a concise description of the project, with a focus on the portion of the project for which the applicant is requesting funds.

The Cedar Hill Mixed Use Corridor is on the cusp of significant growth with nearly \$100M in two newplanned commercial expansions and 475 newhousing units. To accommodate this newgrowth, the city must reconstruct a 1-mile stretch of narrowroadway on Cedar Hill Street, which serves as an important regional connection at the interchange of Route 495. The proposed road improvement will remedy a preexisting deficient road condition that has created a barrier to private investment in Marlborough.

2.5. Leadership and Ability to Execute – Describe the leadership and project management group for this project and why it is an effective team to advance this project.

The project will be overseen by Mayor Arthur Vigeant, with Thomas DiPersio, City Engineer, acting as the person with direct responsibility for execution. Tom has extensive experience overseeing public infrastructure projects, and he has successfully executed multiple MassWorks projects in Marlborough. Meredith Harris, Executive Director of the Marlborough Economic Development Commission will assist, as needed, with respect to the planned private development in the area of the project.

2.6. Project Need – Describe why this project is necessary in enhancing economic development or unlocking other housing and/or jobs.

Cedar Hill St is a regional connector linking Southborough & Northborough through Marlborough to the Route 495 Interchange. The roadway is severely damaged from heavy truck traffic from nearby industrial uses in Marlborough & the surrounding communities, with no pedestrian or cyclist accommodations. The proposed improvement will reconstruct & resurface Cedar Hill St, improve drainage, and add sidewalks and a shared-use bike lanes for multimodal accommodations.

Currently there is 86,500 sf of commercial expansion (across 2 projects) and 240 newresidential units that are expected to break ground in Marlborough in 2022, & even more planned commercial growth in the near future. However, the current road infrastructure along Cedar Hill St is insufficient to accommodate this level of newgrowth. Planned growth in Southborough & Northborough is also impeded until the roadway is improved. A MassWorks grant to improve the road would enable enhanced economic development in all three towns.

2.7. Progress to date – What progress has the applicant made on this project to date? Include details about planning, stakeholder engagement, development tools used, noting if the project is included in any adopted municipal or regional plans (e.g. Master Plan, CEDS, HPP, etc.), etc.

The city has been planning for new growth in the southwest quadrant of Marlborough for over a decade. In 2013, the city was awarded a MassWorks grant to improve Simanaro Drive in order to support significant new mixed-use growth which was successfully constructed. Since that time, the city has adopted the Executive Residential Overlay District (EROD) in the area along Simanaro Drive and Cedar Hill Street to allow for new multifamily residential and accessory retail and restaurant uses. The area was already zoned for light industrial and industrial uses, and the EROD introduces residential uses into the historically commercial/industrial area.

The city participated in MAPC's MetroFutures Regional Plan and the 495/MetroWest Regional Plan, and the proposed infrastructure grant and associated private developments are consistent with those regional plans.

The past two years, the city has been working with various developers and businesses on new growth and expansion plans along the Cedar Hill Street Corridor. In 2021, the city approved a 475-unit housing project called the Green District, which is located near the intersection of Simanaro Drive and Cedar Hill Street. That project underwent extensive public engagement and was widely supported by the community. Phase 1 is currently being constructed. Phase 2 would consist of 240 new residential units and is set to break ground in 2022. The residential project is located adjacent to several existing companies located along Cedar Hill Street that offer the potential for well-paying jobs in close proximity to housing, but the lack of pedestrian or bicycle accommodations in the area make a car-free commute nearly impossible, thus negating the potential benefits of locating housing near jobs. The proposed infrastructure improvement is consistent with the city's smart growth objectives and mixed-use zoning district.

2.8. Prior State/Federal Funding - Has the applicant applied for or received state or federal funding for this project? Please detail any type of funding, including grants, financing, etc. from any state agency or quasi-public agency (i.e. MassDevelopment).

The city has not sought state or federal funding for Cedar Hill Street.

EOHED/MassWorks funded a road improvement project on Simanaro Drive in 2013, which intersects with the work to be done on Cedar Hill Drive. The current application is a continuation of the long-planned economic development for this area of the city.

2.9. Timeline – Provide the start/end dates for the overall project and any other notable periods. Note: Grants will be announced in fall 2022 for contracts starting in FY23. Dates below should reflect that timing.

Target Start Date of the Project:	3/15/2023
Target End Date of the Project:	12/15/2023
Other. Specify:	
Other. Specify:	

2.10. Timeline Information – Describe the timeline for the project and provide information about any notable dates and/or milestones.

- March 2022- Design commences*
- May 2022 - 25% design complete (funded by Marlborough)*
- June 2022 - One Stop Full Application to be submitted*
- September/October 2022 - One Stop decision announced*
- October 2022 - Design continues*
- January/February 2023 - 100% design complete*
- February 2023 - Procurement complete*
- March 2023 - Break ground on road improvement*
- December 2023 - Construction 100% complete*

2.11. Anticipated Outcomes - Provide a description of the anticipated outcomes of the project. Describe the envisioned end use and expected impacts, such as information about housing, jobs, residents or businesses supported.

The road improvements will enable two commercial expansion projects and a 240-unit residential project.

The commercial expansions include a \$75M private investment at Kens Foods located at 1 D'Angelo Drive on the corner of Cedar Hill Street. Kens plans to upgrade its interior space and add approximately 26,500 sf onto the facility with new space to accommodate expanded operations and a reconfigured parking area. Ken's currently employs 600 people and will add better paying/higher skilled

The second commercial expansion project is being pursued by MassContainer Corporation, located at 300 Cedar Hill Street, which currently occupies 165K Sf. MassContainer is investing \$8M in new equipment in 2022 to expand operations and add a third shift, which will add 20 full time employees in the near term. MassContainer is also planning to add approximately 60,000 sf or more space to its building to support further growth.

In 2021, the city approved a 475-unit housing project called the Green District located on Simarano Drive. Phase one includes 235 units and is currently under construction. The second phase will include 240-units and a new public trail system. The site spans 43 acres with easy access to the 495 interchange and is adjacent to some of Marlborough's largest corporate tenants including Cytiva, Hologic, Ken's Foods and Quest Diagnostics, providing the opportunity for residents to live within walking or biking distance to a well-paying job. Phase 2 is expected to break ground in 2022.

The city expects that private investment will continue along the Cedar Hill Street Mixed Use Corridor, and along Simarano Drive, once the road infrastructure is available to support it. One obvious opportunity is approximately 21 acres of additional and on two adjacent development parcels located in the mixed-use overlay district. Economic development efforts in Southborough and Northborough will benefit from the improved highway access as well.

2.12. Does the project support and/or directly result in any of the following Sustainable Development Principals? (Check all that apply or None)

- Concentrate Development and Mix Uses
- Advance Equity
- Make Efficient Decisions
- Protect Land and Ecosystems
- Use Natural Resources Wisely
- Provide Transportation
- Increase Job and Business Opportunities
- Promote Clean Energy
- None

2.13. Does the project support and/or directly result in any of the following development outcomes? (Check all that apply or None)

- Transit-Oriented Development (located within a half mile of a transit station or route)
- Developments that Contain a Mix of Residential and Commercial Uses
- Production or Preservation of Housing (with density of at least four units to the acre)
- Developments that are Reusing Previously Developed Sites
- Development of Underutilized Properties
- Development of Commercial Areas in a Downtown
- Development in a Transformative Development Initiative (TDI) District
- Development in an Opportunity Zone
- Development in a Cultural District
- Development in a 43D Expedited Permitting District
- Promote Equitable Opportunity (Equitable Opportunity is a principle outlined in the state's economic development plan – [Partnerships for Growth](#). Click [HERE](#).)
- Have Environmental Benefits
- Develop or support Small Businesses
- Included in the community's Local Rapid Recovery Plan (LRRP)
- None

2.14. Is this project directly related to and/or seeking to support efforts related to economic recovery from the Covid-19 pandemic?

Yes

No

2.14a. Describe the Covid-related harm or need to be addressed.

The City of Marlborough experienced significant hardship during the COVID 19 pandemic, and residents experienced job and income losses. The proposed expansion of two Marlborough companies will provide new well-paying employment opportunities to serve the region which was hard hit economically during the pandemic. The new residential construction will also provide housing stability for residents, and the planned construction projects will provide important job opportunities for residents in Marlborough and throughout the entire MetroWest region.

2.14b. Explain why the requested funds are necessary to address the harm or need, and if the applicant intends (or not) to allocate local ARPA funds to also support this project.

Improving Cedar Hill Street as proposed in this application will put the infrastructure in place to enable future private investment and job creation in this area of Marlborough, providing continued economic opportunity for residents in the region and new revenues for the city to invest in services to support its residents. The City of Marlborough has committed to fund 10% of the total project cost for the Cedar Hill Street improvements from its ARPA allocation or another local source.

2.15. Does the community have an active housing moratorium or any type of restriction of new housing?

Yes No

2.16. Is the project site located within an Environmental Justice census block group? Click [HERE](#) to access the Commonwealth's Environmental Justice Map Viewer.

Yes No

2.17. Does the applicant have a letter from the municipal CEO outlining knowledge of and support for the proposed project? If yes, attach support letter.

Yes No

ATTACHMENT HERE: Attach the support letter from the municipal CEO.

Signed Mayor Letter.pdf

SITE INFORMATION:

2.18. Project Address(es): (If multiple, enter the ID for each parcel individually. Add lines as necessary)

107 Simarano Drive, Marlborough, MA

300 Cedar Hill Street, Marlborough, MA

1 D'Angelo Drive, Marlborough, MA

2.19 Parcel ID(s): (If multiple, enter the ID for each parcel individually. Add lines as necessary.)

Map 116, Parcel 8

Map 116, Parcel 5 & 11

Map 115, Parcel 8

Map 116, Parcel 11

Map 116, Parcel 13

ATTACHMENT HERE: Attach a locus map showing the project location.

LOCUS.pdf

2.20. Describe the project site(s) or building, include square footage, ownership history, past/present uses and operators, conditions of any existing building(s), historic considerations, unique challenges that may exist at this location, etc.

The \$75M expansion at Kens Foods is located at 1 D'Angelo Drive on the corner of Cedar Hill Street. Kens owns the facility and plans to upgrade its interior space and add approximately 26,500 sf onto the facility. The parcel is zoned for industrial uses and the expansion is allowed by site plan review.

MassContainer Corporation is located at 300 Cedar Hill Street, which currently occupies 165K sf. The immediate \$8M investment will involve interior improvements only allowing for a third shift to be added, but MassContainer also plans to add approximately 60,000 sf or more space to its building to support further growth. That expansion is an allowed by site plan review.

The 235 residential units are phase 2 of a 475-unit housing project called the Green District located on Simarano Drive. The project is 100% permitted and an allowable use under newly adopted mixed use zoning. There 15 additional acres of open developable land within the mixed-use overlay district as well.

2.21. What type of use is currently allowed by zoning on the project site(s)? (Check all that apply)

- Industrial/Commercial
- Mixed - Use
- Residential – Single Family / Townhome
- Other:
- Residential – Multi-family
- None of the above

2.22. Would you like this application to be reviewed for potential 43D expedited permitting designation of the site? (If site is already designated, check No)

- Yes
- No

FOR OFFICE USE ONLY: The table below will display the total request amount from each of the corresponding budget tables, based on the category selection(s) at 2.1. It will remain blank until the applicant begins to enter budget numbers in any of the respective sections of this application. The values in this table will be automatically updated, only AFTER the budget numbers in each section are entered/changed and that page is saved.

Section / Category	Amount Requested
Section 3: Capacity Building	\$0
Section 4: Planning and Zoning	\$0
Section 5: Site Preparation	\$0
Section 6: Building	\$0
Section 7: Infrastructure	\$2847451
Grand Total Requested	\$2847451

Section 7.

Infrastructure (Horizontal Construction) Additional Questions

7.1. Before you proceed, have you read the Guidelines [MassWorks Infrastructure Program](#)?

Yes No
By virtue of your community's Housing Choice Designation, this project is eligible for the [Housing Choice Community Grants Program](#). Please note that the maximum Housing Choice Community Grants Program award is \$250,000.

7.1.c. Have you read the guidelines for the [Housing Choice Community Grants Program](#)

Yes No
7.1.d. Is the proposed project budget \$250,000 or less?

7.2. Select the one category below that best describes the type of development that is being supported by the public infrastructure project proposed in this section:

- Mixed-Use Development (Residential with office, retail, and/or commercial development)
- Housing Development (Residential only)
- Economic Development with job creation and/or retention (No Residential/Housing)

7.3. What is the primary emphasis of the infrastructure work? (*Choose One*)

- Predevelopment: Design/Engineering Documents
- Roadway/Streetscape Improvements
- Bridge / Culvert Repair or Replacement
- Water / Sewer Infrastructure
- Public Utility Project (Gas, Electric, etc.)

7.4. Indicate which, if any, of the following housing and/or economic development tools have been adopted within the project site.

- 40R Smart Growth or Starter Home District
- 43D Expedited Permitting District
- Approved Urban Renewal Plan
- District Improvement Financing (DIF)/Tax Increment Financing (TIF)
- Economic Opportunity Area (EOA)
- Transformative Development Initiative (TDI) District

7.5. Is the project site located at or within a half mile of a transit station (defined as a subway or commuter rail station), or a bus route that directly connects to a transit station?

Yes No

7.6. Is the project site located within an Opportunity Zone? Click [HERE](#) to access the Commonwealth's Opportunity Zone Map.

Yes No

7.7. Narrative / Scope of Work - Describe the proposed limits and scope of design and/or construction work that will be funded by the grant and carried out to further the project.

The proposed scope of work will take reconstruction approximately one-mile of Cedar Hill Street from the Northborough town line to the Southborough town line. The scope of work includes full depth reconstruction, resurfacing, newdrainage, newsidewalks, and a newshared-use bike lane to provide safe access for pedestrians and cyclists. An intersecting roadway, Simanaro Drive, was previously improved with a 2013 MassWorks grant that was successfully completed, however there remains a gap in the sidewalk that needs to be added in order to complete the pedestrian connectivity from Simanaro Drive to the Cedar Hill Street corridor. That additional sidewalk on Simanaro is included in this scope of work.

The scope of work is currently 25% designed and can be 100% designed within 4 months. The project requires a Conservation Commission approval, a MassDOT permit (to add the sidewalk on Simanaro Drive in close proximity to the highway ramp), and a local road opening permit. The project will seek ConComm approval and the MassDOT permit in December 2022. A road opening permit will be issued by the Marlborough DPW immediately before the project start. The project will be constructed in a single construction season in 2023 as soon as the weather permits.

The City of Marlborough is committing to fund 10% of the total construction costs through local sources. This MassWorks investment will unlock newhousing and jobs in the near term, and it will provide the infrastructure needed to attract regional economic activity and private investment in this area of Marlborough, Southborough and Northborough.

ATTACHMENT HERE: Attach a site plan, conceptual drawing, and/or construction design that clearly demonstrates the location and proposed work.

Cedar Hill 25 Construction Plans.pdf

7.8. Budget – In the table below, provide a breakdown, by spending category, of the total budget for the proposed project. Enter the amount(s) allocated from the grant and the amount(s) covered with matching funds, if any. This budget should reflect the full cost of ONLY the proposed project. DO NOT include the cost other components and/or adjacent but separate work carried out by the applicant or other entities.

Spending Category	Grant Request	Match / Other Funds	Total Project Budget	Source of Match / Other Funds
Design / Engineering / Permitting	\$0	\$25000	\$25000	City in-kind
Bidding	\$0	\$10000	\$10000	City In-kind
Construction (All Earthwork and Site Work)	\$2562451	\$285000	\$2847451	City Match
Construction Admin.	\$0	\$20000	\$20000	City in-kind
Contingency	\$285000	\$	\$285000	
TOTALS	\$2847451	\$340000	\$3187451	

7.9. Provide line item explanations, justifications, and/or notes, as needed. Include description of the source(s) and status of all matching funds (including those spent to date), whether they are subject to a vote of approval by Town Meeting or Council, and by what date (actual or anticipated) the applicant expects to secure the funds.

The city will provide \$285,000 in local match toward the construction budget. The funds may come from ARPA or another city source, depending on the timing of the grant approval, and whether or not City Council approval is required. The mayor has funds available immediately to cover this match from existing city sources that do not require additional approvals.

The city will also provide \$55,000 in in-kind services to design, engineer, permit, procure, and oversee the project. This represents a significant cost savings to the project compared with the cost of outsourcing these tasks to the private sector. **ATTACHMENT HERE: * Attach an engineer's cost estimate or similar document that details and substantiates the requested grant amount for construction. . Applicant may submit a pre-filled worksheet, such as from the MassDOT Construction Project Estimator.** Contingencies should be clearly identified using a separate line item(s).

Cedar Hill St Prelim Design Estimate CPE.pdf

7.10. Is the project site publicly owned?

Yes

No

7.10a. If Yes, describe the type of public ownership (Check all that apply).

Public Land

Right of Way

Other

Leasehold

Easement

7.15. Provide the planned schedule/timeline for the public infrastructure project.

Milestone	Start Date	End Date
Design / Engineering / Permitting	3/1/2022	1/31/2023
Bidding Open / Close	2/1/2023	3/3/2023
Construction Start	3/15/2023	
50% Construction		8/31/2023
Construction Complete		12/15/2023

7.16. What percentage of the public infrastructure project design is completed? 25.00%

7.17. Which of the following permits, licenses, and/or approvals are required for this project? For each selected item, indicate if secured and the actual or anticipated dates of filing and issuance.

Check If Required	Check if Secured	Filing Date (Actual or Anticipated)	Decision Date (Actual or Anticipated)
Article 97 Land Disposition			
Chapter 91 License			
401 Water Quality Certification			
Superseding Order of Conditions			
Water Management Act Permit			
<input checked="" type="checkbox"/> MassDOT Access Permit		12/1/2022	2/1/2023
Mass Historic Commission Review			
Planning Board			
<input checked="" type="checkbox"/> Conservation Commission		12/1/2022	2/1/2023
Zoning Board			
Sewer Extension Permit			
Utility Relocation			
Building Permit			
<input checked="" type="checkbox"/> Other. Specify: <i>Marlborough Road Opening Permit</i>		1/2/2023	1/16/2023

7.18. Is this construction work planned as a non-participating scope item on a MassDOT TIP project?
 Yes No

7.19. Will the project require coordination with a utility company?

Yes No

7.20. Will the project include work on a state roadway and/or at an intersection with a state roadway?
 Yes No

7.21. Has the municipality applied to, or a received a grant from, the MassDOT Complete Streets Program for any portion of this project?

Yes No

7.22. Does the public infrastructure project meet or exceed any of the thresholds for MEPA review set forth in 301 CMR 11.03?

Yes No

7.23. Does the private development project, identified herein, meet or exceed the MEPA thresholds as set forth in 301 CMR 11.03?

Yes No

7.23a. If Yes to either of the previous two question, list any filings that the proponent(s) has made or plans to make with the MEPA Office for their respective project(s), and indicate whether the review is expected to be full scope or limited scope.

The Green District has completed the MEPA process and received a certificate in October 2019 (EEA No. 16090). Neither the commercial expansions nor the Cedar Hill Street improvement are expected to trigger a MEPA review.

ATTACHMENT HERE: Attach a copy of the project's output report from the Commonwealth's online RMA Climate Resilience Design Standards Tool ("RMA tool").

Cedar Hill RMA.pdf

The RMAT tool guides users to input basic project information and will generate a downloadable report for attachment. Please note that only information related to the public infrastructure portion of the project should be entered into the tool. After clicking "Submit Project inside the tool, the project information will be saved, and a "Download Report icon will appear for the user. The entire process, exclusive of registration, should take no more than 15 minutes per project. Click [HERE](#) to register and access the RMAT tool.

7.24. Describe any climate resilience measures that the public infrastructure project will include or that the applicant plans to investigate as part of design or permitting. If applicable, note any climate resilience measures that are anticipated to align with the recommended design standards provided in the project's RMAT tool report (see above ATTACHMENT).

The road project will replace what exists today, but it will redesign the roadway to be safer, more accommodating for pedestrians and cyclists to invite a greater multimodal atmosphere with less reliance on vehicles. It is expected that result will be reduction in vehicle emissions.

The project will add new drainage to create a more favorable environmental condition over what exists today. The road project will be designed to Complete Streets standards and will adopt best practices in roadway resilience measures.

7.27. Will the public infrastructure improvements directly serve or connect to the private development?

Yes

No

7.28. Will the public infrastructure project be on parcels of land that are either, a) part of the private development project site, or b) adjacent to the private development project site?

Yes

No

7.29. Will the public infrastructure project involve the construction of improvements that are required as a condition in a permit or approval for a private development project, including Section 61 findings?

Yes

No

7.30. Describe the private development project(s), including the scope of the development, expected public benefits, and project phasing, if any.

The proposed road improvements will unlock two immediate commercial expansion projects and a 240-unit residential project representing approximately \$180M in immediate private investment in Marlborough (across the three projects). The road improvements will support existing commercial users who plan to grow in Marlborough, and provide safe multimodal connections between the new housing, jobs and amenities in the area. The investment will also support municipal growth plans in two abutting communities of Southborough and Northborough which rely on this stretch of Cedar Hill Street to access Route 495.

The commercial expansions include a \$75M private investment at Kens Foods located at 1 D'Angelo Drive on the corner of Cedar Hill Street. Kens plans to upgrade its interior space and add 26,500 sf onto the facility with new space to accommodate expanded operations and a reconfigured parking area. Ken's currently employs 600 people and will add better paying/higher skilled positions at this site.

The second commercial expansion project is being pursued by MassContainer Corporation, located at 300 Cedar Hill Street, which currently occupies 165K Sf. MassContainer is investing \$8M in new equipment in 2022 to expand operations and add a third shift, which will add 20 full time employees in the near term. MassContainer is also planning to add approximately 60,000 sf or more space to its building to support further growth.

In 2021, the city approved a 475-unit housing project called the Green District located on Simarano Drive. Phase one includes 235 units and is currently under construction. The second phase will include 240-units and a new public trail system. The site spans 43 acres with easy access to the 495 interchange and is adjacent to some of Marlborough's largest corporate tenants including Cytiva, Hologic, Ken's Foods and Quest Diagnostics, providing the opportunity for residents to live within walking or biking distance to a well-paying job. Phase 2 is expected to break ground in late 2022 and represents approximately \$100M in private investment. Phase 2 is expected to create 250 construction jobs and 10 full time permanent positions.

The city expects that private investment will continue along the Cedar Hill Street Mixed Use Corridor, and along Simarano Drive, once the road infrastructure is available to support it. One obvious location that is likely to attract additional new investment is 21 acres of developable land across two parcels in the mixed-use overlay district. Additional economic development efforts in Southborough and Northborough will also directly benefit from the improved access to Route 495 and enhanced connectivity to the broader Metrowest region.

7.31. Is this private development project allowed by-right in the municipality's current zoning?

Yes

No

7.32. What percentage of the project design is completed for the private development? 75.00%

7.33. Does the private development have all required permits and approvals to commence construction?

Yes

No

7.34. Provide the anticipated schedule/timeframe for the private development project.

Milestone	Start Date	End Date
Design/Engineering/Permitting	4/1/2019	7/16/2021
Construction Start	7/1/2021	
50% Construction		12/31/2022
Construction Complete		12/31/2024

7.35. Is the private development project's financing fully secured?

Yes

No

7.36. Complete the table below with the specific housing production and/or economic growth impact that is expected to result from the primary private development project, based on information about the single private project that will be most directly leveraged by the public infrastructure work.

General Information	
Development Address (or Parcel ID)	107 Simanaro Drive, Marlborough
Total estimated construction value (\$) of the private development project:	\$100000000
Information on Commercial Development	
Square footage of office and/or retail space to be created, including restaurants:	0.00
Square footage of industrial space to be created, including warehouses:	0.00
Total square footage of commercial space to be created:	0
Information on Residential Development	
Lot area (acres) of the housing and/or mixed-used private development project:	40.00
Number of NEW market-rate units to be created for rent/lease:	475
Number of NEW market-rate units to be created for homeownership:	0
Number of NEW affordable units to be created for rent/lease:	0
Number of NEW affordable units to be created for homeownership:	0
Total number of all NEW housing units to be created:	475
Total density (units/acre) of all NEW housing units:	11.875
If any affordable, specify lowest income limit used (65% AMI, 80% AMI, etc.):	0.00%
Information on Job Creation	
Number of NEW permanent full-time jobs to be created:	10
Number of NEW permanent part-time jobs to be created:	0
Total number of all NEW permanent jobs to be created:	10
Total construction jobs to be supported by the private development project(s):	250
Total existing full-time jobs to be retained as direct result of this project:	0

7.37. Provide the following information for the primary private development project most directly leveraged by this infrastructure project, including the entity name and contact information.

Proponent Entity/Company:	Contact Name/Title:
Post Road Residential	Andrew Montelli
Project Name:	Phone:
The Green District, Phase 2	(203) 254-6021
Project Address:	Email:
107 Simanaro Drive, Marlborough	andrew.montelli@snet.net

7.38. Can the private development proceed independently without the public infrastructure project?

Yes

No

ATTACHMENT HERE: *Attach a letter from the private development proponent confirming and explaining this answer. Include letter(s) from additional private developer(s) noted above.*

SUPPORT - Green District - Post Rd Residential.pdf

7.39. Is the infrastructure project associated with any additional private development projects?

✓Yes No

7.39.a. Complete the table below with the specific housing production and/or economic growth impact that is expected to result from the additional private development project(s).

General Information	
Development Address (or Parcel ID)	<i>1 D'Angelo Drive, Marlborough, MA</i>
Total estimated construction value (\$) of the private development project:	<i>\$75000000</i>
Information on Commercial Development	
Square footage of office and/or retail space to be created, including restaurants:	<i>0</i>
Square footage of industrial space to be created, including warehouses:	<i>26500</i>
Total square footage of commercial space to be created:	<i>26,500</i>
Information on Residential Development	
Lot area (acres) of the housing and/or mixed-used private development project:	<i>0</i>
Number of NEW market-rate units to be created for rent/lease:	<i>0</i>
Number of NEW market-rate units to be created for homeownership:	<i>0</i>
Number of NEW affordable units to be created for rent/lease:	<i>0</i>
Number of NEW affordable units to be created for homeownership:	<i>0</i>
Total number of all NEW housing units to be created:	<i>0</i>
Total density (units/acre) of all NEW housing units:	<i>0</i>
If any affordable, specify lowest income limit used (65% AMI, 80% AMI, etc.):	<i>%</i>
Information on Job Creation	
Number of NEW permanent full-time jobs to be created:	<i>0</i>
Number of NEW permanent part-time jobs to be created:	<i>0</i>
Total number of all NEW permanent jobs to be created:	<i>0</i>
Total construction jobs to be supported by the private development project(s):	<i>75</i>
Total existing full-time jobs to be retained as direct result of this project:	<i>600</i>

7.39.b. Provide the following information for the primary private development project most directly leveraged by this infrastructure project, including the entity name and contact information.

Proponent Entity/Company:	<i>Ken's Foods</i>	Contact Name/Title:	<i>Mark Shaye, VP of Engineering</i>
Project Name:	<i>Ken's Foods Expansion</i>	Phone:	<i>(508) 229-1100</i>
Project Address:	<i>1 D'Angelo Drive, Marlborough</i>	Email:	<i>mshaye@kensfoods.com</i>

7.39.c. Can the private development proceed independently without the public infrastructure project?

Yes ✓No

ATTACHMENT HERE: *Attach a letter from the private development proponent confirming and explaining this answer. Include letter(s) from additional private developer(s) noted above.*

SIGNED Kens Foods - support letter.pdf

Section 9.

Certification of Application Submission Authority

9.1 If the applicant is a public entity, does the submission of this application require a formal vote of any board, commission, or other local entity? If Yes, attachment required.

Yes No Not Applicable

9.2 If the applicant is a non-public entity, does the submission of this application require the authorization of the entity's board of directors, or other governing body or bylaw? If Yes, attachment required.

Yes No Not Applicable

: If yes, attach a document demonstrating such authorization.

I, *Arthur Vigeant* (Submitter Name), hereby certify that I am duly authorized to submit this application on behalf of *City of Marlborough*

(Applicant Organization Name). By entering my name in the space below, I further certify, under the pains and penalties of perjury, that the responses to the questions provided in this application, and the attached documentation, are true, accurate, and complete. I understand that the Executive Office of Housing and Economic Development (EOHED) and its partner organizations, specifically the Department of Housing and Community Development (DHCD) and the Massachusetts Development Finance Agency (MDFA), will rely on the information provided in this application to make decisions about whether to award a grant from their respective funding sources. Also, that the Commonwealth reserves the right to take action against me, the applicant organization, and/or any other beneficiary of a grant, if any of the information provided is determined to be false, inaccurate, or misleading. I also affirm that, if awarded, the applicant organization has the capacity to carry out the project in accordance with all applicable laws and regulations.

Arthur Vigeant

*Mayor*Title

6/3/2022 2:05:48 PM

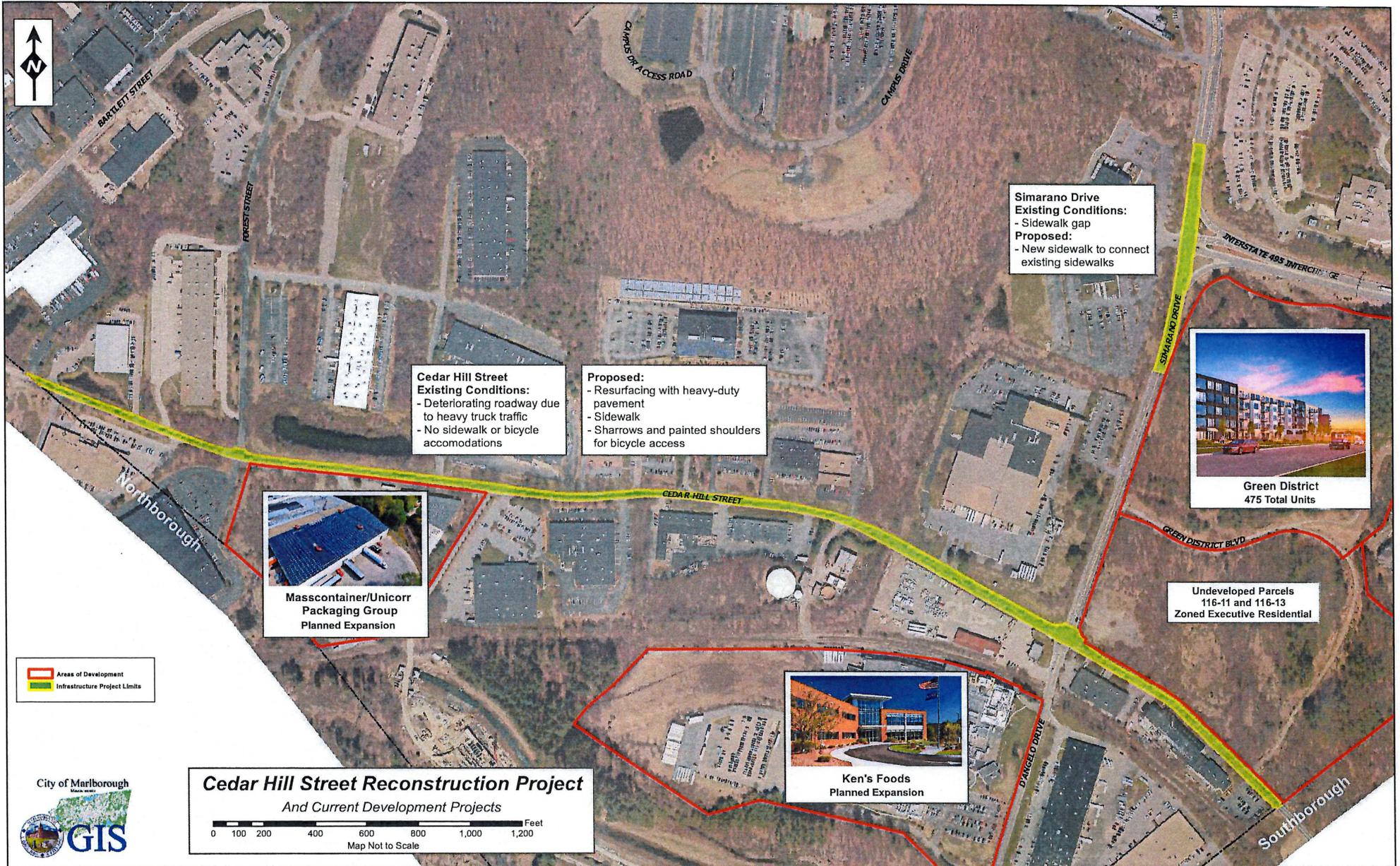
Section 10.

Other/Optional Attachments

In this section, upload all attachments that support this application.

Applicants may submit other attachments to support the application, which may be reviewed and/or filed. However, please note that these items will generally not be scored or assessed as part of the formal evaluation of the proposal.

Attachment Type	Description
Other Site Images	Other site photographs, illustrations, and/or maps.
Other Partner Letters	Letters from any partner organizations that are collaborating on this project.
Other Support Letters	General support letters. <i>SUPPORT - Signed Ltr package.pdf</i>



Cedar Hill Street Existing Conditions:

- Deteriorating roadway due to heavy truck traffic
- No sidewalk or bicycle accommodations

Proposed:

- Resurfacing with heavy-duty pavement
- Sidewalk
- Sharrows and painted shoulders for bicycle access

Simarano Drive Existing Conditions:

- Sidewalk gap

Proposed:

- New sidewalk to connect existing sidewalks

Masscontainer/Unicorr Packaging Group Planned Expansion

Green District
475 Total Units

Undeveloped Parcels
116-11 and 116-13
Zoned Executive Residential

Ken's Foods Planned Expansion

Areas of Development
 Infrastructure Project Limits



Cedar Hill Street Reconstruction Project
And Current Development Projects

0 100 200 400 600 800 1,000 1,200 Feet
Map Not to Scale



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CITY OF MARLBOROUGH

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

2023 MAR 15 PM 3:32

**Steven W. Kerrigan
City Clerk**

MARLBOROUGH, MA

DATE: March 06, 2023

To the City Council:

Owner Name: ROMAN KIMYAGAROV

Residential Address: 76 APPLE D'OR ROAD FRAMINGHAM MA 01701

Telephone Number: W 508-624-7066, cell 617 872-4299.

Business Name: ARTHUR and Sons SHOE REPAIR

Business Address: 107 MAIN STREET MARLBOROUGH MA

Business Telephone Number: 508 624-7066

Email Address: IROMKA @ VERIZON.NET

Cell Number: 617 872 42 99

Owner Signature: Roman Kimyagarov

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

In City Council



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

2023 MAR 15 PM 3:32

**Steven W. Kerrigan
City Clerk**

MARLBOROUGH, MA

DATE: 3-1-2023

To the City Council:

Owner Name: ANTOINE BITAR

Residential Address: 5 ROLLING RIDGE LANE, PAXTON, MA 01612

Telephone Number: 508-981-5080

Business Name: HANNOUSH JEWELERS

Business Address: 601 DONALD LYNCH BLVD.

Business Telephone Number: 508-303-6595

Email Address: TBITAR@HANNOUSH.COM

Cell Number: 508-981-5080

Owner Signature: [Signature]

The above-signed ANTOINE BITAR respectfully requests that he/she be

granted a Junk Dealer/Second Hand Dealer License.

In City Council



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City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT
2023 MAR 22 PM 2: 33

Steven W. Kerrigan
City Clerk

MARLBOROUGH, MA

DATE: 3/13/2023

To the City Council:

Owner Name: Best Buy Stores LP #820

Residential Address: P.O. Box 9450 Minneapolis, MN 55440

Telephone Number: 612/291-4863

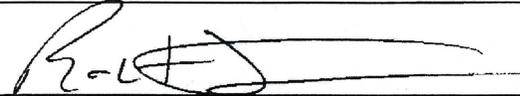
Business Name: Best Buy Stores LP #820

Business Address: 769 Ronald Lynch Blvd Marlborough MA 01752

Business Telephone Number: 508/460-3775

Email Address: businesslicense@bestbuy.com

Cell Number: _____

Owner Signature: 

The above-signed Robert Jansa respectfully requests that he/she be

granted a Junk Dealer/Second Hand Dealer License.

In City Council



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

2023 MAR 22 AM 11:59

**Steven W. Kerrigan
City Clerk**

MARLBOROUGH, MA

DATE: 3/16/23

To the City Council:

Owner Name: GERALD DUMAIS

Residential Address: 6 HIGH STREET MARLBOROUGH MA 01752

Telephone Number: 508-460-4647

Business Name: DUMAIS & Sons Second Hand Store

Business Address: 65 MECHANIC STREET MARLBOROUGH

Business Telephone Number: 508-485-4864

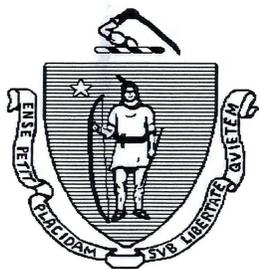
Email Address: DUMAISANDSONS@GMAIL.COM

Cell Number: 508-460-4647

Owner Signature: *Gerald Dumais*

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

In City Council



The Commonwealth of Massachusetts

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2023 MAR 15 PM 2:05

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND REQUEST FOR COMMENTS

D.P.U. 23-26

March 14, 2023

Petition of Massachusetts Electric Company and Nantucket Electric Company, each doing business as National Grid, for Approval of their 2023 Energy Efficiency Reconciling Factors for effect May 1, 2023.

On March 1, 2023, Massachusetts Electric Company and Nantucket Electric Company, each doing business as National Grid (together, "Companies"), filed with the Department of Public Utilities ("Department") a petition seeking approval of their 2023 Energy Efficiency Reconciling Factors ("EERFs"), effective May 1, 2023. The Department docketed the Companies' petition as D.P.U. 23-26.

An EERF collects additional funds for approved energy efficiency programs when the cost of implementing those programs exceeds other funding sources. See G.L. c. 25, § 19(a). The Companies propose the following EERFs for effect May 1, 2023: (1) 2.395 cents per kilowatt-hour ("kWh") for residential customers; (2) 0.302 cents per kWh for low-income residential customers; and (3) 1.129 cents per kWh for commercial and industrial ("C&I") customers. The proposed EERFs are designed to: (1) collect costs associated with the Companies' 2023 energy efficiency program implementation in excess of other funding sources; and (2) reconcile expenses and revenues from the previous year's program implementation.

If the Department approves the 2023 EERFs as proposed, a residential customer (R-1) using 600 kWh of electricity per month will experience a monthly bill increase of \$2.68 (or approximately 0.9 percent). A low-income residential (R-2) customer using 600 kWh of electricity per month will experience a monthly bill increase of \$0.43 (Massachusetts Electric Company) or \$0.44 (Nantucket Electric Company) (each approximately 0.2 percent). C&I customers will experience minimal changes to monthly bills. For specific bill impacts, please contact the Companies as shown below.

Any person who desires to comment on this matter may submit written comments no later than the close of business (5:00 p.m.) on **Tuesday April 11, 2023**. Ordinarily, all parties would follow Sections B.1 and B.4 of the Department's Standard Ground Rules (D.P.U. 15-184-A, App. 1) (March 4, 2002)); however, at this time, all filings will be submitted only in electronic format consistent with the Commission's June 15, 2021 directive

D.P.U. 23-26

Page 2

related to modified filing requirements. Until further notice, parties must retain the original paper version and the Department will later determine when the paper version must be filed with the Department Secretary.

All written communications or other documents should be submitted to the Department in **PDF format** by e-mail attachment to dpu.efiling@mass.gov and Krista.Hawley@mass.gov. In addition, one copy of any documents should be sent to the Companies' attorney, Meabh Purcell, Esq., by email attachment to Meabh.Purcell@nationalgrid.com. The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 23-26); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic file name should identify the document but should not exceed 50 characters in length. Importantly, all large files submitted must be broken down into electronic files that do not exceed 20 MB. All documents in the electric format will be posted on the Department's website through our online File Room as soon as practicable (enter "23-26") at: <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber>. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at Gabriella.Knight@mass.gov.

Any person desiring further information regarding the Companies' filing or a paper copy of the filing should contact Meabh Purcell, Esq., Meabh.Purcell@nationalgrid.com. For further information regarding this Notice, please contact Krista Hawley, Hearing Officer, Department of Public Utilities, at Krista.Hawley@mass.gov.

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

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1A

2023 MAR 15 PM 1:58

Call to Order

January 23, 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 William Fowler. Meeting support provided by City Engineer, Thomas DiPersio, Jr. Members Absent: George LaVenture

1. Draft Meeting Minutes

A. January 9, 2023

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the January 9, 2023, meeting minutes. Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

2. Chair's Business

A. Unaccepted Streets – *No Updates*

B. Tentative 2023 Planning Board Schedule

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to accept and file the 2023 Planning Board Schedule. Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

C. Council Order No. 22-1008767: Order to accept Jenks Lane as a Public Way and to accept the municipal easements

i. Correspondence from City Engineer, Thomas DiPersio Jr.

Mr. Russ read the January 19, 2023, correspondence into the record.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the correspondence.

Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

The Board waived the reading of the attached email correspondence between Developer, Kevin Gillis, Council Secretary, Karen Boule and Briana Oliveria of Cross Agency. – See attached

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the correspondence.

Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

The Board concluded they would send a recommendation to City Council based on the information provided within Mr. DiPersio's letter, which explained the pavement at the catch basin was not in danger of further breaking or impacting the function of the basin and the depression on Goodale Street is subject of a trench permit issued to a private contractor whom the City can direct to address in the spring.

On a motion by Mr. Russ, seconded by Dr. Fenby, the Board voted to recommend to the Marlborough City Council that Jenks Lane be accepted as a public way and the appurtenant easements be accepted as municipal easements in the City of Marlborough. Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

The Board discussed the procedure for releasing the bond to the developer. Mr. DiPersio recommended the Board release the bond after the road is accepted. The Board determined they would follow the normal procedure and not release the bond until the roadway is accepted by City Council.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to take no action. Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

D. 215 Simarano Drive

- i. Correspondence from Blatman, Bobrowski, Haverty & Silverstein, LLC

Mr. Russ read the January 11, 2023, correspondence into the record.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the correspondence and to waive the reading of Item D.ii) Correspondence between Assistant City Solicitor, Jeremy McManus and Christopher J. Alphen, Esq. Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

- ii. Correspondence between Assistant City Solicitor, Jeremy McManus and Christopher J. Alphen, Esq.

- iii. Statutory Covenant

- iv. Definitive Subdivision Plan Dated: May 25, 2018

Mark Bobrowski of Blatman, Bobrowski, Haverty & Silverstein, LLC spoke on behalf of 215 Simarano Drive. He explained a self-storage facility was put on property and that there was enough room to put another one. However, the City wanted to rezone the area, which would prohibit self-storage facilities under Chapter 48 §6. He explained a definitive plan was submitted and approved in 2018 prior to the City's vote to change the zoning.

Mr. Bobrowski explained he has worked with the City's Legal Department and concluded the sole purpose of this definitive plan was to freeze the zoning. The freeze date is from the date of endorsement, not the date of approval. The plan can be endorsed if the statutory covenant was modified to say, if what was shown on the definitive plan was ever built, a building permit could not be pulled, nor could a lot be sold until the infrastructure was completed as shown on the plan.

Mr. Bobrowski explained if the Board endorses the statutory covenant, it would be recorded, making the definitive plan endorsable. He explained they have already had a preliminary discussion with site plan review committee but would have to go back to site plan for approval of the second self-storage facility.

The Board discussed rescinding the approval because no work has been completed within two years. Mr. Bobrowski explained the Court has said the Planning Board cannot use the provisions of the subdivision control law to trump the freeze. He argued, his client has informed him a covenant was not signed nor recorded, indicating a two-year limit on the build. He went over language within the statutory covenant.

Mr. Fay argued the Boards rules and regulations have language regarding the two-year timeline and questioned if the applicant needs the subdivision in place for the freeze. Mr. Bobrowski explained the definitive plan is what gives the applicant the freeze. The plans endorsement date is the date the freeze will start. He explained in 2018 there was an issue with the performance guarantee, which is why the plan was never endorsed. He explained the statutory covenant would resolve this issue and that the developer would likely forfeit some of years within the freeze.

On a motion by Dr. Fenby, second by Mr. Russ, the Board voted to send 215 Simarano Drive to the Legal Department for guidance. Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

The Board and Mr. Bobrowski determined at the February 13th meeting they would review the guidance from the Legal Department with a tentative plan to endorse the statutory covenant at the February 27th meeting.

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

On a motion by Dr. Fenby, seconded by Mr. Russ the Board voted to table the discussion of 2.E) Procedural Guidance to the end of the meeting. Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: O. Motion carried. 5-0.

E. Procedural Guidance

3. Approval Not Required (None)

4. Public Hearings

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

vi. List of requested waivers

vii. Truck Turning Exhibit – Cluster Concept Plan Dated: December 2, 2022

viii. Plan Set Dated: December 2, 2022

Chairperson Fay opened the hearing. Mr. Russ read the public hearing legal notice into the record. Chairperson Fay 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:

Vito Colonna of Connorstone Engineering, Inc. and Tim Black of Kendall Homes, Inc. spoke on behalf of the application. Mr. Colonna explained they are proposing an open space subdivision for a residential development on Stow Road, previously number 547 Stow Road and went over the locus and plan set.

Existing conditions:

- 6.4 undeveloped acres
- Mix of fields, wetland and woodland (delineated by EcoTec, Inc.)
 - o Delineation line would need to be confirm by filing with the Conservation Commission
- Back portion of parcel abuts City owned property

Conventional Plan:

- 3 Lots
- 2 ANR lots along Stow Road (these lots were previously approved by the Board, 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

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

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 2.91 acres, 45.7% of the parcel (likely to be conveyed to the City)
- Roadway length of 290 Feet with a 1.5% road slope

iii. Board of Health Review – Correspondence from John Garside
Mr. Russ read the January 12, 2022, correspondence into the record.

iv. Conservation Review – Correspondence from Priscilla Ryder
The Board waived the reading of the correspondence from Ms. Ryder.

v. Engineering Review – Correspondence from Thomas DiPersio, Jr.
Mr. Russ summarized the January 18, 2022, correspondence from Mr. DiPersio.

Mr. Colonna went over the waiver requests:

- A676-7 8.(2) Adequate Access - A waiver has been requested to allow access off Stow road having a width of 18.6 feet along the frontage of the subject property (width of 22 feet is required). The potential waiver was discussed in depth at several information meetings before the Board. The submitted plans have verified adequate sight distance in both directions along with sufficient space to allow the turning maneuver of a WB-40 design vehicle.
- A676-20 Sidewalks - Waiver to allow a sidewalk along one side of the roadway (both sides required). The proposed waiver would reduce impervious surfaces while still providing pedestrian circulation within the development. The low volume of the roadway may not warrant two sidewalks, along with the fact that no sidewalks exist along the abutting Stow Road.

Mr. Fay closed this portion of the public hearing.

Speaking in Favor of the Amendment:

Tim Black, Kendall Homes (9 Mount Bicker Rd, Southborough, MA 01772) spoke in favor of the proposed open space development and explained Kendall Homes are the builders that have been hired to build the proposed subdivision and argued they would be donating roughly 3 acres of land to conservation and explained they plan to preserve as many trees and forests as they can.

Mr. Fay closed this portion of the Public Hearing.

Speaking in Opposition to the Amendment:

No one spoke in opposition.

Mr. Fay closed this portion of the Public Hearing.

**MINUTES
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Questions and Comments from the Planning Board:

Dr. Fenby address comments within the Conservations review and requested the developer to address the following concerns:

- Provide documentation of what trees can be maintained.
- Consider a new location for the detention basin or the removal of the fence in order to not disrupt the wildlife corridor. Mr. DiPersio said he would confirm with Ms. Ryder if the removal of the fence would resolve this concern.
- Remove the invasive species, bittersweet from within the parcel.

Mr. Russ discussed his concerns on the sidewalk waiver and voiced the need for them on both sides and asked if the current drainage could accommodate this. Mr. Colonna explained it could accommodate the extra space.

Mr. Russ went over the soil testing recommendation within the Board of Health's review letter and explained depending on the results further monitoring may be required down the road.

Mr. Fowler asked, what size homes are being proposed? Mr. Black explained, roughly 3,000 square foot homes with an attached two car garage and showed a rough footprint on the plan.

Mr. Colonna explained plans have been drafted and are currently being prepared to address the issues with the review letters and that they will be submitted at a later date.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the Board of Health, Conservation Commission, and the Engineering Division review letters. Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

Mr. Fay closed this portion of the Public Hearing.

5. Subdivision Progress Reports

- A. 342 Sudbury Street Progress Report – Correspondence from Kevin O'Malley

Mr. Russ read the January 6, 2023, correspondence into the record.

On a motion by Dr. Fenby, second Mr. Russ, the Board voted to accept and file the correspondence and send an informal message to Mr. O'Malley requesting more detail within his progress reports. Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

6. Preliminary/Open Space/Limited Development Subdivision (None)

7. Definitive Subdivision (None)

8. Signs

- A. 405 Maple Street (Fazza Group, Inc.) *No discussion (Tabled until February 13, 2023)*

9. Correspondence (None)

10. Unfinished Business

- A. Working Group – No updates

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

On a motion by Dr. Fenby, seconded by Mr. Russ the Board voted to discuss the tabled item of 2.E) Procedural Guidance. Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried. 5-0.

2. Chair's Business

E. Procedural Guidance

Mr. Fay discussed the Board's participation and the transition of bringing new members on board. He went over the following topics:

- Visiting properties that are on the agenda
Mr. Fay explained he would like members to visit the site prior to the meeting. To review google street/areal view and to review the City's GIS mapping program to better familiarize themselves with the site.
- Reviewing the agenda packets prior to the meetings and reading the correspondences within.
Mr. Fay's explained his hope is to waive the reading of correspondences, with some exceptions such as department reviews and public hearing items.
- Notifying the administrator of any plans that would require members to miss a meeting
- Discussions with people within the "audience"
Mr. Fay's explained his hope is to tighten the protocol on non-Board member communications during meetings. (i.e.: Councilors, residents, developers, etc.)

Dr. Fenby requested the Board continue to work on the flowcharts to better assist the new Board members.

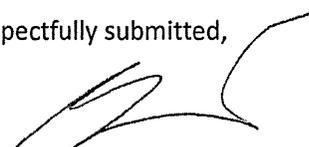
Mr. Fay asked for clarification on whether a motion to accept and file a review document is required if it is part of the public hearing packet and determined he would ask for clarification when the City Solicitor attends a future meeting.

11. Calendar Updates (None)

12. Public Notices of other Cities & Towns (None)

On a motion by Mr. Fowler, seconded by Dr. Fenby, the Board voted to adjourn the meeting. Yea: Fay, Fowler, Hodge, Russ, and Fenby. Nay: 0. Motion carried.

Respectfully submitted,


George LaVenture/Clerk

/kml

Katlyn LeBold**2C.ii**

From: Katlyn LeBold
Sent: Friday, January 20, 2023 10:33 AM
To: Katlyn LeBold
Subject: FW: Request from Kevin Gillis: Re: Northborough Realty Holdings, LLC - 2/4 Goodale Estates Subdivision Bond

From: Kevin Gillis
Sent: Thursday, January 19, 2023 5:28 PM
To: City Council
Subject: Fwd: [EXTERNAL] Re: Northborough Realty Holdings, LLC - 2/4 Goodale Estates Subdivision Bond

Hi Karen,
 With regard to the performance bond (please read string below), I apparently need written confirmation from someone at the City that the performance bond can expire (on February 4th). Do you think you can be of assistance in these regards?
 Thank you,
 Kevin

Kevin Gillis 781-771-8519

----- Forwarded message -----

From: Briana Oliveira
Date: Thu, Jan 19, 2023, 12:29 PM
Subject: RE: [EXTERNAL] Re: Northborough Realty Holdings, LLC - 2/4 Goodale Estates Subdivision Bond
To: Kevin Gillis
Cc: Laura Turchetta

Hi Kevin –

Release of a bond does not necessarily need to be formal but your surety carrier will require confirmation in writing from the obligee (only) that the bond is no longer necessary. Some carriers even accept an email from the obligee. Without written confirmation, the bond will continue to renew.

Thank you!

Briana Oliveira | Commercial Lines Department

East Providence, RI

Office: 401.431.9200 Direct: 401.432.1970 Fax: 401.431.9201



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From: Kevin Gillis
Sent: Thursday, January 19, 2023 11:17 AM
To: Briana Oliveira
Subject: Re: [EXTERNAL] Re: Northborough Realty Holdings, LLC - 2/4 Goodale Estates Subdivision Bond

The final acceptance is bouncing around the city offices, but nobody has mentioned the bond and they believe it to be 100% complete. Will it expire of its own accord or is there something required by the city?

On Thu, Jan 19, 2023 at 10:49 AM Briana Oliveira wrote:

Good morning Kevin –

Hope all is well! Following back up with you on the release of the bond that is no longer needed (approaching renewal on 2/4/23).

Please advise status at your earliest convenience.

Thank you!

Briana Oliveira | Commercial Lines Department

From: Briana Oliveira
Sent: Friday, December 23, 2022 2:04 PM
To: Kevin Gillis
Cc: Laura Turchetta
Subject: RE: [EXTERNAL] Re: Northborough Realty Holdings, LLC - 2/4 Goodale Estates Subdivision Bond

Hi Kevin –

Thank you! Once you get the release, please let us know so we can be sure that it does not automatically renew.

Merry Christmas!

Briana Oliveira | Commercial Lines Department

From: Kevin Gillis
Sent: Friday, December 23, 2022 1:01 PM
To: Briana Oliveira
Subject: Re: [EXTERNAL] Re: Northborough Realty Holdings, LLC - 2/4 Goodale Estates Subdivision Bond

Hi Briana,

My request of the City Council to accept the street as a public way has been referred to the Planning Board. It is a complicated process, but I don't think there is any reason to believe that the bond will need to be renewed.

Thanks for keeping an eye on this.

Merry Christmas! 🎄👶

On Fri, Dec 23, 2022 at 12:21 PM Briana Oliveira wrote:

Hi Kevin,

Following up with you on the release of bond referenced below.

Thank you and Happy Holidays!

Briana Oliveira | Commercial Lines Department

From: Kevin Gillis
Sent: Friday, November 25, 2022 10:17 AM
To: Laura Turchetta
Subject: [EXTERNAL] Re: Northborough Realty Holdings, LLC - 2/4 Goodale Estates Subdivision Bond

Hi Laura,

On Monday the Marlborough Planning Board FINALLY deemed the project completed to their satisfaction and I will request that the City Council accept the road as a public way next week. Therefore, I don't expect any need for the bond renewal and will let you know as soon as they agree to release it.

Thanks for your diligence.

Kevin

On Mon, Nov 14, 2022 at 2:47 PM Laura Turchetta wrote:

Hi Kevin –

While we have you today, Northborough has a subdivision bond for Goodale Estate which is approaching renewal on February 4th, 2023.

Would you advise if you'll be needing this renewed or if you think we'll receive release by then?

Please advise at your earliest convenience and thank you!

Best,

Laura Turchetta, CIC | Commercial Account Executive

Laura Turchetta, CIC | Commercial Account Executive

East Providence, RI
Office: 401.431.9200 Direct: 401.432.1932 Fax:
401.431.9201





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**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

RECEIVED
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1A

2023 MAR 15 PM 1:58

Call to Order

February 13, 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: Sean Fay, Phil Hodge, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio, City Solicitor, Jason Grossfield, and Assistant City Solicitor, Jeremy McManus. Members Absent: Barbara Fenby and William Fowler.

1. Draft Meeting Minutes

A. January 23, 2023

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the January 23, 2023, meeting minutes with minor typo edits. Yea: Fay, Hodge, and Russ. Nay: 0. Motion carried. 3-0. Abstain: LaVenture.

2. Chair's Business

A. Unaccepted Streets – *No Updates*

On a motion by Mr. Russ, seconded by Mr. LaVenture the Board voted to move up item 2.C. 215 Simarano Drive. Yea: Fay, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 4-0.

C. 215 Simarano Drive

i. Correspondence from Assistant City Solicitor, Jeremy McManus

Mr. LaVenture read a portion of the February 8, 2023, correspondence into the record.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence.

Yea: Fay, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 4-0.

ii. Statutory Covenant

City Solicitor, Jason Grossfield, and Assistant City Solicitor, Jeremy McManus discussed 215 Simarano Drive with the Board and Mr. McManus went over the statutory covenant. He explained the definitive plan that was approved in 2018 but was never endorsed. The legal department was approached by the developer about the idea of security, which is a requirement under general law Chapter 41, section 81U that requires security to be in place for the construction of ways and the installation of services. The unique part about this subdivision is that there was never any intention of constructing it, it was sought only for the zoning freeze that is provided for under Chapter 48 Section 6.

Mr. McManus explained the covenant before the Board meets all the requirements under Chapter 40 Section 81U, it provides for the fact that, if there ever was going to be a construction of the subdivision that none of the lots would be conveyed until the infrastructure shown on the plan was constructed. It satisfies the legal requirements for a covenant. It differs from the normal covenant that the board encounters because there is no intention of constructing the subdivision, there for paragraphs about construction meetings and items pertaining to construction have been removed.

Mr. McManus explained the statute states that when the plan is endorsed, that's when the eight-year zoning freeze starts. With this subdivision, we have an approval but not an endorsement. There is an argument that if the Board endorses the covenant now, then the freeze starts now. Mr. McManus explained the legal department worked with the developer to back date the zoning freeze to September 10, 2018.

**MINUTES
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Mr. LaVenture asked about holding the developers to the standards of the current rules and regulations. Specifically, the requirement for two guarantees: one, the completion guarantee and two, the street acceptance guarantee. Mr. McManus explained these guarantees were changes to the rules and regulations that were made after this plan was filed. The plan is being held in compliance with the previous rules and regulations.

The Board decided to vote to endorse the covenant and the plan at the February 27, 2023, meeting.

B. Marlborough Hazardous Mitigation Plan 2022 Update Presentation

Fred Flynn and Martin Pillsbury of Metropolitan Area Planning Council (MAPC) spoke on behalf of the Marlborough Hazardous Mitigation Plan (MHMP) Updates and Mr. Flynn explained MAPC was awarded the grant to rewrite the MHMP. Mr. Pillsbury went over the presentation within the February 13, 2023, Planning Board agenda packet.

The presentation went over the following items.

Techniques for Hazard Mitigation:

1. Prevention
2. Property Protection
3. Public Education
4. Natural Resources Protection
5. Structural Projects
6. Emergency Services Protection

Plan Development Steps:

1. Update Hazard Identification and Mapping
2. Update and Map Critical Facilities
3. Update Risks and Vulnerabilities
4. Review Existing Mitigation
5. 1st Public Meeting (February 13, 2023 Planning Board Meeting)
6. Update Mitigation Strategies
7. Prepare Draft Plan
8. 2nd Public Meeting
9. MEMA/FEMA Review and Approval, City Adoption

Mr. Russ asked, what is Marlborough's biggest risk? Mr. Pillsbury said its probably flooding. He explained the flooding in Marlborough is likely to be localized flooding but that there are over a dozen sites that have been identified. Followed by wind and fallen trees resulting in power outages.

Mr. Russ asked about what other communities are doing to strengthen their power grids. Mr. Pillsbury explained the most effective thing that can be done is enhanced/targeted tree trimming, specifically by identifying areas within the power grid with the highest risk and hiring an arborist to review the trees in those areas. He also mentioned underground utilities but explained how this change would not only be expensive but went over the potential difficulties underground utilities can face, like groundwater and freezing.

City Council President, Michael Ossing asked, how does the MHMP work with the Municipal Vulnerability Preparedness MVP? Mr. Pillsbury explained they do overlap, but the MHMP is created to meet Federal Emergency Management Agency (FEMA) requirements and would result in a set of specific action recommendations.

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3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

C. 342 Sudbury Street Progress Report – Correspondence from Kevin O’Malley

Mr. LaVenture read the February 9, 2023, correspondence into the record.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence.

Yea: Fay, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 4-0.

6. Preliminary/Open Space/Limited Development Subdivision

C. 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. Correspondence from City Engineer, Thomas DiPersio, Jr.

Mr. LaVenture read the February 9, 2023, correspondence into the record.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence.

Yea: Fay, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 4-0.

Mr. DiPersio and Mr. Fay discussed procedure protocol for when developers/engineers submit revised plans after the public hearing is closed and Mr. Fay concluded he would correspond with the Legal Department.

7. Definitive Subdivision

C. 689 Pleasant Street, Marlborough, MA 01752

Open Space Development Definitive Subdivision Plan

Owner of Land: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee
(P.O. Box 1067, Townsend, MA 01469)

Name of Engineer: Daniel Korvos, P.E., (59 Granite Lane, Chester, NH 03036)

Name of Surveyor: Hugo Findeisen, (P.O. Box 612 Sandown, NH 03873)

Deed Reference: Book: 45210 Page: 560

i. Form C-1, Form D and Form L

ii. Certified Abutters List

iii. Arborist Letter – Tree Tech, Inc.

iv. Waiver Correspondences

v. Plan Set

Dated: February 6, 2023

The Board set the public hearing date for March 27, 2023.

On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to refer 689 Pleasant Street Definitive Subdivision Plan dated February 6, 2023, to Engineering for review. Yea: Fay, Hodge, LaVenture, and Russ.

Nay: 0. Motion carried. 4-0.

**MINUTES
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8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

C. Working Group

i. Draft Flow Charts

- (1) Open Space – Step One
- (2) Definitive Plans

The Board discussed the procedure protocol for when letters are submitted after a public hearing is closed and concluded it's the Board's discretion to consider those letters as part of the public hearing or not. Mr. Fay went over examples for when it's in the Board's best interest to keep the public hearing open, such as bad weather, covid concerns or at the request of the developer.

The Board and Mr. DiPersio discussed procedure protocol for when to close a public hearing.

Mr. Fay went over information he gathered from a recent webinar. The webinar suggested limiting comments to a particular period of time, not addressing every comment and explained the most appropriate response is, "thank you for your comment".

Mr. Fay argued if a developer must make substantial changes to a plan that would result in keeping the public hearing open or require an additional public hearing, it means they did not do enough research with the rules and regulations, the Board and or the abutters.

The administrator read an email correspondence dated August 18, 2022, from Mr. Grossfield, which was previously read into the record at the August 22, 2022, meeting. "Dear Honorable Planning Board Members: You requested an opinion as to whether the revisions (primarily reducing the number of lots) to the above-referenced definitive plan application require a further public hearing. In my opinion, they do not.

It is my understanding the number of lots on the plan was reduced from six to five in order to comply with the City's zoning ordinance relative to lot shape. Prior to the close of the public hearing, the City Engineer's letter dated May 3, 2022, raised lot shape/configuration as an issue to be addressed by the applicant. As a public hearing to consider a definitive subdivision plan is quasi-judicial in nature (McElderry v. Planning Bd. of Nantucket, 431 Mass. 722, 726 (2000)), if requested, the Board may wish to consider affording any parties opposing the application an opportunity for rebuttal with respect to the changes made to the plan after the close of the hearing."

The Board concluded the question on when to close a public hearing would be determined on a case-by-case situation.

11. Calendar Updates

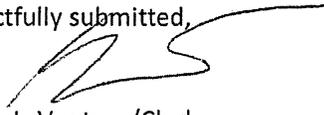
- C. Stow Road, Open Space Development Special Permit Application – 90 days expires Sunday April 23, 2023 – Vote on or before April 10, 2023, meeting.

12. Public Notices of other Cities & Towns (None)

**MINUTES
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On a motion by Mr. Russ, seconded by Mr. LaVenture, the Board voted to adjourn the meeting. Yea: Fay, Hodge, LaVenture, and Russ. Nay: 0. Motion carried. 4-0.

Respectfully submitted,



George LaVenture/Clerk

/kmm

TRAFFIC COMMISSION

1

RECEIVED
November 30, 2022
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 MAR 17 AM 11:38



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Wednesday, November 30, 2022, at 10:00 am. (The meeting was also recorded and is available to view online at the City of Marlborough's website www.marlborough-ma.gov). Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen, Commissioner of Public Works Sean Divoll and City Clerk Steve Kerrigan. Also present: City Engineer Tom DiPersio, Assistant Civil Engineer Ashley Miller, Sgt. Ron Ney from the MPD Traffic Services Unit and City Councilor Christian Dumais.

Minutes taken by Karen Lambert, MPD - Public Safety Administrative Assistant.

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

1- Minutes

Review of the minutes of the Traffic Commission meeting of Wednesday, September 28, 2022.

(NOTE: The meeting scheduled for Wednesday, October 26, 2022, was canceled.)

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

2 - New Business

2a) Request for a crosswalk on Elm Street/Broad Street Area.

Chief Giorgi received an email from Councilor Irish with this request. There was discussion about where a crosswalk would be placed. It was noted that the sidewalk on the northbound side stops in that area, and it would need to be extended around the rise of the island and continue across. Engineering also advised that there are underground vaults here that could be an issue for a sidewalk. The grade of the road is also very steep

and may not be ADA compliant. Engineering would need more information to evaluate this request. Chief Giorgi advised that he reach out to Councilor Irish.

MOTION was made, seconded, duly VOTED to REFER to Chief Giorgi to speak further with Councilor Irish.

2b) Crosswalk concerns at Devens Street & Washington Street.

Chief Giorgi received an email from a resident of this area regarding his concerns. Councilor Dumais also sent an email and was in attendance for this issue. The resident, Slava, stated that there used to be a crosswalk on Devens Street and Washington Street across from Freeman School. He noted that you could see one on Google Maps from 2007. He is concerned that cars are passing the school bus on Devens Street when it has the stop sign out. He noted that there is also a bus stop for Assabet, Marlborough Public Schools and the MWRTA and noted pick up and drop off times. He is hoping to see the crosswalk repainted and he also asked about a school bus sign or school zone sign.

Chief Giorgi asked Engineering if the crosswalk could be repainted. Engineering said that there does not appear to be a regulation for this crosswalk. The only ones on Washington Street that are regulated are the 2 mid-block crosswalks. Tom DiPersio questioned if we want a crosswalk here.

Sgt. Ney said that he thinks the resident is talking about two different things. The bus stops on Washington Street. Cars are coming out of Devens Street and going right toward Bolton Street. They see the back of the bus and that it's pulled to the side. They are going around the bus like it is parked. They don't see that the sign is out. It's not really a crosswalk issue but an enforcement issue. Sgt. Ney said that they have been sitting out there to monitor since the resident called. The midnight shift puts an officer there in the morning and the day shift has been there in the afternoon. The issue is with the people coming out of Devens Street. Maybe painting the stop line will help but if the bus stopped across the intersection or before it, cars would have to stop and would be able to see that the stop sign was out.

All agreed that we can repaint the stop line. Chief Giorgi advised that he would talk to the bus company about having the bus stop a little further down the road. It was also further discussed and agreed upon, that a crosswalk is not needed at the end of every T intersection.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to have the stop line repainted and to Chief Giorgi to talk to the bus company.

3-Old Business

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

Update: Ashley Miller finally received an answer back from MassDOT. They don't feel that the changes on Ames Street are necessary. Lori Shattuck stated in her email, "Ames Street would experience lengthy delays and queues with the single right turn lane

if there's re-occupancy of the vacant buildings in the area and we don't have the resources to make the changes and then go back and change it again." Commissioner Divoll does think we should continue to monitor the area post pandemic. All agreed.

3b) Traffic Pattern Concern at Rte. 20, Boston Post Road E & entrance to Raytheon.

Update: Tom DiPersio advised that he does not have any update on this issue at this time.

3c) Intersection concerns, West Main St. & Winthrop/Orchard Street

Update: At the last meeting, all agreed that this would be a good location for a flashing beacon. It is now a matter of implementation.

MOTION was made, seconded, duly VOTED to REFER to the DPW to find money in the budget and proceed with installation.

Additional discussion regarding an item no longer on the agenda:

Bigelow Street Stop Signs.

Commissioner Divoll said that the DPW is ready to remove the stop signs. The sign board, with a notice, has been moved over here. An additional message can note that the signs will be removed at the start of the year. They can proceed with removal and evaluate electronic speed signs later. This gives a month's notice with the sign board so people who only occasionally use this area may also see it. Warning signs will be placed on Evelina stating that cross traffic no longer stops and also advance warning signs on Bigelow where you come down the hill.

Chief Giorgi advise that he has already notified Councilor Brown and Karen Boule. He will also follow up with the Mayor's Office. Ashley Miller said that she has already sent the request to have the advance warning signs made.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:15 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-City of Marlborough Meeting Posting for the Traffic Commission Meeting on November 30, 2022, including meeting agenda.

TRAFFIC COMMISSION

4

November 30, 2022

- Draft of Traffic Commission Minutes from Wednesday, September 28, 2022.
- Email from Councilor Irish to Chief Giorgi, dated 11/2/22, re: Crosswalk Elm St./Broad St.
- 2 Emails from Slava (last name unknown) to Chief Giorgi, dated 11/18/22 & 11/21/22, re: Sidewalk Crosswalk Devens & Washington St.
- Copy of email from Lori Shattuck (MassDOT Highway Division) to Ashley Miller from 10/22, re: Ames Street / Route 20 "No Right on Red".

Additional Handouts

- Email from Katlyn LeBold to Chief Giorgi, dated 11/18/22, re: Devens Street – Crosswalk, including photo.