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CITY OF MARLBOROUGH

2023 MAY 18 PM 1:35

CITY OF MARLBOROUGH

City Council Agenda

Monday, May 22, 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.marlbrough-ma.gov).

1. Minutes, City Council Meeting, May 8, 2023.
2. PUBLIC HEARING on the Proposed Fiscal Year 2024 Operating Budget as submitted by Mayor Vigeant in the amount of \$188,751,024.00 which represents a 4.57% increase over the Fiscal Year 2023 appropriation, Order No. 23-1008881.
3. PUBLIC PRESENTATION from the Metropolitan Area Planning Council (MAPC) regarding the Draft Hazard Mitigation Plan for the City of Marlborough.
4. PUBLIC HEARING on the Proposed Zoning Amendment from Attorney Brian Falk, on behalf of Marlborough Apartment Partners 2 LLC to Chapter 650 "Zoning" §36 "Executive Residential Overlay District" (EROD) to increase the cap on the number of multifamily dwelling units from 475 to 950, Order No. 23-1008872.
5. PUBLIC HEARING on the Application for Modification of a Sign Special Permit from Attorney Brian Falk, on behalf of Lincoln Street 431, LLC, to amend an EMC Sign Permit to add non-EMC panels to the existing free-standing sign at 431 Lincoln Street, Order No. 23-1008889.
6. Communication from President Ossing, re: Request for the Mayor to submit a supplemental appropriation to the FY 2024 Budget to fund the proposed salary increase for the Assistant City Clerk and to add back in the part-time Clerk.
7. Communication from the Mayor, re: Transfer Request in the amount of \$1,974,642.32 which moves funds from and to various accounts as outlined to cover expenses for certain departments for the remainder of Fiscal Year 2023.
8. Communication from the Mayor, re: Transfer Request in the amount of \$1,440,000.00 which moves funds from the Undesignated Fund to the West Side Fire Station Stabilization Account
9. Communication from the Mayor, re: Appointment of Jonathon Friedman to the Commission on Disabilities for a 3-year term from date of Council Confirmation.
10. Communication from Assistant City Solicitor Jeremy McManus, re: Application for Special Permit from Connorstone Engineering, on behalf of Trombetta Family Limited Partnership to permit an existing Contractor/Landscape contractor Yard located in the LI district at 655 Farm Road, in proper legal form, Order No. 23-1008824B.

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

11. Communication from Attorney Sem Aykjanian on behalf of SUCIU LLC, d/b/a Exela Storage, re: Request to Extend Time Limitations until 10:00 PM on August 22, 2023, on the Application for Special Permit, to add additional storage units to a nonconforming storage facility located at 846 Boston Post Road East within the Wayside District, Order No. 23-1008823B.
12. Communication from Department of Public Utilities, re: Petition of NSTAR Electric Company, d/b/a Eversource Energy, for Approval of its 2023 Energy Efficiency Surcharges for effect July 1, 2023.
13. Minutes of Boards, Commissions and Committees:
 - a) School Committee, April 11, 2023 & April 25, 2023
 - b) Historical Commission, March 16, 2023.
 - c) Planning Board, April 10, 2023.
14. CLAIMS:
 - a) GEICO Claims Fredericksburg, VA, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

15. **Order No. 23-1008841: Application for Renewal of Junk Dealer License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald Lynch Boulevard.**
Recommendation of the Public Services Committee is to APPROVE.
On a motion by Councilor Irish, seconded by Councilor Brown, the committee recommends approval of the application for renewal of the Junk Dealer License for Antoine Bitar, d/b/a Hannoush Jewelers at 601 Donald Lynch Boulevard. Vote 3-0.
16. **Order No. 23-1008843: Application for Renewal of Junk Dealer License, Gerald Dumais, d/b/a Dumais & Sons Secondhand Store, 65 Mechanic Street.**
Recommendation of the Public Services Committee is to APPROVE.
On a motion by Councilor Brown, seconded by Councilor Irish, the committee recommends approval of the application for renewal of the Junk Dealer License for Gerald Dumais, d/b/a Dumais & Sons at 65 Mechanic Street. Vote 3-0.
17. **Order No. 23-1008871: Application for Renewal of Junk Dealer/Secondhand Dealer license and associated waivers by TVI, Inc., d/b/a Savers, 222A East Main Street.**
Recommendation of the Public Services Committee is to APPROVE with Conditions & Waivers.
On a motion by Councilor Irish, seconded by Councilor Brown, the committee recommends approval of the application for renewal of the Junk Dealer License and associated Waivers for TVI, Inc., d/b/a Savers, 222A East Main Street, subject to CORI approval by the Police Chief. Vote 3-0.

From Urban Affairs Committee

18. **Order No. 23-1008824B: Application for special permit from Connorstone Engineering on behalf of Trombetta Family Limited Partnership to permit an existing Contractor/Landscape contractor Yard located in the LI district at 655 Farm Road.**
Recommendation of the Urban Affairs Committee is to APPROVE as amended.
Councilor Doucette moved to approve the draft special permit as amended, it was seconded, and vote carried 4-0.

Councilors-at-Large

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



Ward Councilors

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

RECEIVED
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MAY 12 AM 9:02

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, MAY 8, 2023**

The regular meeting of the City Council was held on Monday, May 8, 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 8:27 PM.

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

ORDERED: That the Minutes of the City Council meeting, APRIL 24, 2023, **FILE**; adopted.

That the PUBLIC HEARING on the Petition from Andrew Delli Carpini on behalf of Colbea Enterprises, LLC, re: Request pursuant to Chapter 342 "Gasoline Stations and Car Washes" §2 "Exceptions" of the Code to operate a gas station/convenience store (Shell Station) at 342 Boston Post Road East on a 24-hour basis, Order No. 23-1008870, be **CONTINUED UNTIL JUNE 5, 2023, AT 8:00 PM**, adopted.

- a) Communication from Attorney James Hall, re: Request for continuance of Public Hearing to June 5, 2023, on the Petition of Colbea Enterprises, LLC (Shell Station) to operate a gas station/convenience store on a 24-hour basis, Order No. 23-1008870.

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

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

ORDERED: That the: That the Proposed Amendment to the City Code, Chapter 125 "Personnel" §6 "Salary Schedule" to amend the salary for the Assistant City Clerk, referred to the **FINANCE COMMITTEE & ADVERTISE**; adopted.

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

- I. By amending Chapter 125, entitled "Personnel", by adding to the salary schedule referenced in Section 125-6, the following:

| Position | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 |
|----------------------|-------------|---------------------|-------------------|--------------------|--------------------|--------------------|--------------------|
| | Start | 6 months of service | 1 year of service | 2 years of service | 3 years of service | 4 years of service | 5 years of service |
| Assistant City Clerk | \$73,929.96 | \$75,408.84 | \$76,916.84 | 78,455.26 | \$80,024.36 | \$81,624.92 | \$83,257.72 |

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

III. The effective date of these amendments shall be July 1, 2023.

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

ORDERED: That the Transfer Request in the amount of \$600,500.00 from Reserve for Salaries and Undesignated Fund (Free Cash) to Fire Department payroll accounts to cover contractual obligations for the Fire Department, be and is herewith referred to the **FINANCE COMMITTEE**; adopted.

| CITY OF MARLBOROUGH | | | | | | | | | | |
|---------------------|--------------|--|--------|----------------------|--------------|--------------|-------------|----------------------|--------------|--|
| BUDGET TRANSFERS -- | | | | | | | | | | |
| | DEPT: | Fire | | | | FISCAL YEAR: | 2023 | | | |
| | | FROM ACCOUNT: | | | | | TO ACCOUNT: | | | |
| Available | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available | |
| Balance | | | | | | | | | Balance | |
| \$5,089,564.80 | \$259,600.00 | 10000 | 35900 | Undesignated Fund | \$25,449.78 | 12200001 | 50334 | Battalion Chief | \$74,757.59 | |
| | Reason: | To fund the ratified Fire Union contract | | | | | | | | |
| \$340,900.00 | \$340,900.00 | 11990006 | 57820 | Reserve for Salaries | \$275,585.94 | 12200001 | 50450 | Firefighter | \$607,829.56 | |
| | | | | | \$21,594.50 | 12200001 | 50800 | Fire Captains | \$68,036.70 | |
| | | | | | \$41,957.59 | 12200001 | 50810 | Fire Lieutenants | \$127,851.71 | |
| | | | | | \$378.55 | 12200003 | 51481 | OT-Special Services | \$5,759.15 | |
| | | | | | \$33,566.39 | 12200003 | 51300 | Additional Gross OT | \$282,561.44 | |
| | | | | | \$2,462.41 | 12200003 | 51324 | OT-Vehicle | \$12,458.69 | |

| CITY OF MARLBOROUGH BUDGET TRANSFERS - | | | | | | | | | | |
|---|----------------|----------|--------|----------------------|--------------|--------------|--------|--------------------------|-------------------|--|
| DEPT: | | Fire | | | | FISCAL YEAR: | | 2023 | | |
| FROM ACCOUNT: | | | | | | TO ACCOUNT: | | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance | |
| | | | | | \$5,495.92 | 12200003 | 51328 | Call Fire OT | \$40,638.12 | |
| | | | | | \$106,378.57 | 12200003 | 51920 | Sick Leave Buy Back | \$61,035.60 | |
| | | | | | \$29,936.35 | 12200003 | 51490 | Holiday | \$92,227.62 | |
| | | | | | \$7,919.57 | 12200003 | 51430 | Longevity | \$14,306.10 | |
| | | | | | \$20,688.89 | 12200003 | 51440 | Educational Incentive | \$41,800.38 | |
| | | | | | \$9,339.75 | 12200003 | 51450 | Night Shift Differential | \$23,420.21 | |
| | | | | | \$13,348.70 | 12200003 | 51480 | EMT | \$26,283.91 | |
| | | | | | \$6,397.09 | 12200003 | 51226 | First Responder | \$16,223.50 | |
| | ✓ \$600,500.00 | Total | | | \$600,500.00 | Total | | | | |

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

ORDERED: That the Transfer Request in the amount of \$94,037.90 which moves funds from Undesignated Fund (Free Cash) to Fringes to cover the shortfall in the 1% non-pensionable stipend paid to all city employees, referred to the **FINANCE COMMITTEE**; adopted.

| CITY OF MARLBOROUGH BUDGET TRANSFERS - | | | | | | | | | | |
|---|------------------------------|-------------------|--------|----------------------|-------------|--------------|--------|----------------------|-------------------|--|
| DEPT: | | Finance/Treasurer | | | | FISCAL YEAR: | | 2023 | | |
| FROM ACCOUNT: | | | | | | TO ACCOUNT: | | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance | |
| \$5,089,564.80 | \$94,037.90 | 10000 | 35900 | Undesignated Fund | \$94,037.90 | 11990006 | 51500 | Fringes | \$0.00 | |
| Reason: | To fund 1% stipend shortfall | | | | | | | | | |
| | \$94,037.90 | Total | | | \$94,037.90 | Total | | | | |

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

ORDERED: That the Transfer Request in the amount of \$9,102.00 which moves funds from Undesignated Fund (Free Cash) to Substance Use Coordinator to fund the position for the remainder of the year, referred to the **FINANCE COMMITTEE**; adopted.

| 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 |
| \$5,089,564.80 | \$9,102.00 | 10000 | 35900 | Undesignated Fund | \$9,102.00 | 15120001 | 50607 | Substance Use Coordinator | \$0.00 |
| Reason: | | To fund the new position through year-end | | | | | | | |
| | \$9,102.00 | Total | | | \$9,102.00 | Total | | | |

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

ORDERED: That there being no objection thereto set **MONDAY, MAY 22, 2023**, as date for a **PUBLIC HEARING** on the Proposed FY24 Budget as submitted by Mayor Vigeant in the amount of \$188,751,024.00 which represents a 4.57% increase over the FY 2023 appropriation, referred to the **FINANCE COMMITTEE & ADVERTISE**; adopted.

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

ORDERED: That the Revolving Fund Spending Limits for the Public Safety Revolving Fund (\$203,000.00), the Parks and Recreation Revolving Fund (\$1,275,000.00), the Council on Aging Revolving Fund (\$150,000.00) and the Water and Sewer Revolving Fund (\$500,000.00) for Fiscal Year 2024, referred to the **FINANCE COMMITTEE**; adopted.

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

ORDERED: That the Appointment of Robert Bourn, III as Plumbing & Gas Inspector for a 3-year term from date of confirmation, pursuant to City Code Chapter 7 §79, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Appointment of John Cain as Wiring Inspector for a 3-year term from date of confirmation, pursuant to City Code Chapter 473 §1, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Appointment of Patrick Hughes to the Planning Board for a 5-year term to expire on February 1, 2028, who is replacing William Fowler, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Reappointment of Ellen Silverstein to the Board of Assessors for a 3-year term to expire on September 8, 2026, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Reappointment of David Morticelli to the Community Development Authority for a 3-year term to expire on March 23, 2026, referred to the **PERSONNEL COMMITTEE**; adopted.

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

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Proposed Tax Increment Financing (TIF) Agreement with ModernaTX, Inc., in proper legal form, **MOVED TO REPORTS OF COMMITTEE & FILE**; adopted.

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

ORDERED: That the Communication from Emergency Management Director Fredrick Flynn, re: Request for presentation relating to the Hazard Mitigation Plan at the May 22, 2023, City Council meeting, be **PLACED ON THE MAY 22, 2023, CITY COUNCIL AGENDA**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY MAY 22, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Application for a Sign Special Permit Amendment from Attorney Brian Falk, on behalf of Lincoln Street 431, LLC, to amend an EMC Sign Permit to add non-EMC panels to the existing free-standing sign at 431 Lincoln Street, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY JUNE 5, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Andy Fitz, on behalf of JP Morgan Chase Bank to install a drive-thru ATM for the Chase Bank branch to be located at 189 Boston Post Road West, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**; 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) Cultural Council, February 1, 2023.
- b) Planning Board, March 13, 2023 & March 27, 2023.
- c) Traffic Commission, February 22, 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) Elizabeth Collins, 1 Barbaras Path, Upton, pothole or other road defect.
- b) Carole Saunders, 71 Mount Vickery Road, Southborough, other property damage and/or personal injury.

Reports of Committees:

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

**City Council Public Services Committee
May 1, 2023
Minutes and Report**

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

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

Other Councilors present: Ossing, Dumais and Doucette.

By email dated April 4, 2023, Police Chief Giorgi reported that he received CORI reports from Gerald Dumais and Antoine Bitar and is without objection to the renewals as requested.

Order No. 23-1008843: Application for Renewal of Junk Dealer License, Gerald Dumais, d/b/a Dumais & Sons Secondhand Store, 65 Mechanic Street.

Mr. Dumais explained his multiple businesses including the second-hand store which is not often open and is very slow since Savers opened, and the check cashing business and salon that are busy.

On a motion by Councilor Brown, seconded by Councilor Irish, the committee recommends approval of the application for renewal of the Junk Dealer License for Gerald Dumais, d/b/a Dumais & Sons at 65 Mechanic Street. Vote 3-0

Order No. 23-1008841: Application for Renewal of Junk Dealer License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald Lynch Boulevard.

Mr. Bitar explained the changes in his business since the pandemic. Due to decreased business, he combined his two businesses into one store that operates with 7 employees now on the first floor of the Solomon Pond Mall. Located at the Mall for 27 years, the store picked up tremendously right after the pandemic, but the last few months have been slow not just for his business but for many of the stores at the mall.

On a motion by Councilor Irish, seconded by Councilor Brown, the committee recommends approval of the application for renewal of the Junk Dealer License for Antoine Bitar, d/b/a Hannoush Jewelers at 601 Donald Lynch Boulevard. Vote 3-0

Order No. 23-1008871: Application for Renewal of Junk Dealer/Secondhand Dealer license and associated waivers by TVI, Inc., d/b/a Savers, 222A East Main Street.

Dawn Kilgore and Jennifer Lavalley addressed the renewal. Each has worked at Savers for more than five years, and the stores are doing well.

On a motion by Councilor Irish, seconded by Councilor Brown, the committee recommends approval of the application for renewal of the Junk Dealer License and associated Waivers for TVI, Inc., d/b/a Savers, 222A East Main Street, subject to CORI approval by the Police Chief. Vote 3-0

On a motion made, seconded, and approved, the meeting adjourned at 6:48 PM.

Reports of Committee Continued:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
May 1, 2023
Minutes and Report**

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

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

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

Mayor Vigeant, MEDC Director Meredith Harris, and the following representatives from ModernaTX were present to address the TIF: Scott Nickerson, Senior VP Manufacturing; Jed Larkin, Senior VP Tax; Irina Bunaciu, Director, Tax; and George Skillin, Senior Director, Capital Programs.

Order No. 23-1008868: Communication from Mayor Vigeant together with proposed City Council Resolution and Tax Increment Financing (TIF) Agreement with ModernaTX, a biotech company with plans to purchase and operate a bio manufacturing facility and office space at 149 Hayes Memorial Drive (Map 99, Parcel 3).

Chair Irish read the Mayor's letter addressing the tax-increment financing (TIF) agreement with ModernaTX, Inc., a biotech company currently based in Cambridge with plans to purchase 149 Hayes Memorial Drive, a 24-acre parcel of land combined with a new 140,000 sf empty bio manufacturing facility to house manufacturing and office space. Moderna will create and maintain a minimum of 200 permanent, full-time jobs available to qualified Marlborough residents at this facility. Moderna has plans to add 60,000 sf to maximum build out with a total capital investment estimated at \$322,200,000 combined soft and real property costs. Additionally, they are applying for a Certified Project status from the Economic Assistance Coordinating Council for a local only application.

**On a motion by Councilor Oram, seconded by Chair, the committee voted to recommend approval of the Tax Increment Financing (TIF) Agreement and the proposed City Council Resolution as submitted by Mayor Vigeant, under Suspension of the Rules on May 8, 2023.
Vote 5-0**

Motion made and seconded to adjourn; meeting adjourned at 8:02 PM.

Reports of Committee Continued:

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

City Council Legal & Legislative Affairs Committee
May 1, 2023
Minutes and Report

This meeting convened at 8:08 PM as other Committee meetings ran longer than expected. It was held in the City Council Chamber on the second floor of City Hall. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) and Verizon/Fios Channel 34) and is available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Committee Members Present: Chair Perlman, Councilors Oram, and Robey.

Other Councilors Present: Councilors Doucette, Dumais, Brown, Irish, Navin, Landers, Ossing.

Also Present: City Solicitor Grossfield.

Order No. 23-1008869: Communication from City Solicitor Grossfield together with a proposed Order authorizing a deed conveying a parcel of land consisting of 9,387 s.f. +/- off Lincoln Street in Marlborough to the Marlborough Economic Development Corporation (MEDC) for the purposes of assembling land for economic development along with parcels previously acquired by the MEDC, in connection with the proposed Lincoln and Mechanic Street mixed-use development, draft deed provided by the Solicitor.

Chair Perlman opened the meeting by reading the original letter submitted by the City Solicitor to provide an overview of the Order authorizing a deed conveying the parcel of land to MEDC. In his letter, Solicitor Grossfield described how the City originally acquired the parcel known as the "Rail Spur Parcel" by deed from the Massachusetts Bay Transportation Authority (MBTA) back in 1997, subject to certain deed restrictions regarding use and ownership.

Chair Perlman then invited Solicitor Grossfield to offer further context to the Committee. Solicitor Grossfield outlined how the MEDC assembled parcels in the area for the Lincoln and Mechanic Street project. The "Rail Spur Parcel" in question is part of the rail corridor so the City contacted the MBTA to receive a release for private use of the property. In consideration, the MBTA required the development to have certain open space requirements, which are satisfied by the rail trail parking and amenities building within the project.

Councilor Robey moved to approve the Order and the description provided. A few questions were also raised to clarify the use of the "Rail Spur Parcel" and if the City would need to resolve further parcels. Chair Perlman seconded Councilor Robey's motion to approve and Councilor Oram added in a request for a suspension. The Committee approved the full motion 3-0.

On a motion made by Councilor Robey, seconded by Chair Perlman, and approved 3-0, the Committee adjourned at 8:14 PM.

Reports of Committee Continued:

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

City Council Urban Affairs Committee
May 1, 2023
Minutes and Report

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

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

Also present were Councilors Brown, Irish, Oram, Ossing and Perlman.

Present for the applicant were Attorney Bill Brewin; Charles Trombetta, property owner; and Vito Colonna, Connorstone Engineering.

Order No. 23-1008824: Application for special permit from Connorstone Engineering on behalf of Trombetta Family Limited Partnership to permit an existing Contractor/Landscape contractor Yard to be located in the LI district at 655 Farm Road.

The chair called the meeting to order at 8:15 PM. The applicant has an existing contractor yard prior to December 31, 2014, but didn't file for site plan review within nine months of an amendment to the code approved in June of 2020 and is now applying for a special permit.

The chair read the managers comments that had no issue with the special permit-Police Chief Giorgi, Fire Chief Breen, and Director of Public Health Garside. Comments from City Engineer DiPersio and Conservation Officer Ryder were discussed during the review of the draft special permit. The chair read through the draft conditions and the following amendments were offered:

#5. Operating Hours-it was agreed that due to some contractors having need to operate on Sunday or earlier in the morning than the 7:00 AM in the draft, that Attorney Brewin would draft language allowing for exceptions to the hours

#6. Storm Water and Erosion Control Management-Mr. DiPersio stated the language as written was not applicable to this site, suggested it be deleted and new language inserted to read, "The applicant its successors and/or assigns shall be responsible for ensuring that the uses on the site do not contaminate stormwater runoff, and shall ensure that the uses on the site do not cause adverse stormwater impacts to abutting properties." This change was agreed to by the applicant and the committee

#7. Ms. Ryder suggested adding in "to the contractor yard area" after "All tenants and visitors..." this change was agreed to by applicant and committee. Mr. DiPersio had commented about the directional arrows, and it is noted in this report that his comment was not on their placement on the plans but that the arrows are shown for left hand driving and should reflect right hand driving.

#8. A. South Property Sideline in the property listings, the chair stated #50 Broadmeadow Street should be #40. This would be checked by legal department when it is referred to them.

8. B. Rear Property Line Mr. DiPersio suggested adding, "That within the 7" wide planting strip, mulch or some other cover suggested by Conservation Officer should be placed where the gravel is removed to discourage future encroachment into this area." This was agreed to by the applicant and the committee

Reports of Committee Continued:

9. Leased Areas-It was agreed by applicant and committee to amend to read- Sixteen containers are provided to each of the 16 leased areas and are utilized to provide tenant with a space to secure and protect their daily and seasonal equipment. The containers are used to store hand tools, lawn maintenance equipment, snow equipment and similar. Storage of unregistered vehicles is not allowed. Tenants are not allowed to perform vehicle repairs and/or maintenance with the contractor's yard. Only the 16 trailers/lease areas are permitted as shown on the approved plans which shall be clearly defined in the field. Applicant may, as needed to accommodate existing and future tenants, change, or modify the trailer/lease areas provided that there are no more than 16 trailer/lease areas. The total trailer/lease area and number of areas (16) cannot be expanded without seeking approval and an amendment to this Special Permit.

11. Open Space-Ms. Ryder suggested adding in a new condition titled Open Space. It was agreed it would become a new #11 with 11-13 being renumbered.

New #11. Open Space

The areas of open space as shown on the plans shall be vegetated with grass with additional trees and shrubs to be added to help provide shade to these open spaces. These areas shall remain open and shall not be used for storage of any materials or equipment. During the site plan review process the open space area, gravel area, storage areas shall all be clearly defined and delineated on the plans with provisions that these are clearly defined by fencing or barriers or other on the ground methods for easier enforcement and management of the site.

The chair questioned whether there is a residential property on site and if the building listing on top left of plans can specify what is housed in each. The applicant noted building D is used as residential. The chair brought up use of food trucks on site and it was agreed that no language would be added, but the applicant would contact mayor's office for information.

Councilor Doucette moved to approve the draft special permit as amended, it was seconded and vote carried 4-0.

Councilor Doucette moved to adjourn; it was seconded and carried 4-0. The meeting adjourned at 8:53 pm.

Suspension of the Rules requested – granted.

Motion by Councilor Irish to approve the Council Resolution and TIF for ModernaTX, seconded by the Chair:

ORDERED:

RESOLUTION

WHEREAS, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents, expanding business within the City, and developing a healthy robust economy and stronger tax base for Map 99, Parcel 3 (including portions thereof) on the Marlborough Assessor's Map; and

WHEREAS, the City Council of the City of Marlborough intends to use tax increment financing as an economic development tool created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marlborough that the following activities which are necessary to pursue a Certified Project designation be authorized:

1. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Assistance Coordinating Council approve the ModernaTX, Inc. application for an EDIP Local Incentive-Only Certified Project; and further, that:
 - a. The project is consistent with the City of Marlborough's economic development objectives and is likely to increase employment opportunities for Marlborough residents;
 - b. The project will not overburden the City of Marlborough's infrastructure and utilities;
 - c. The project as described in the proposal has a strong likelihood that it will cause a significant influx or growth in business activity, will create a significant number of jobs, and will contribute significantly to the resiliency of the Marlborough economy; and
 - d. The City Council approves ModernaTX, Inc.'s request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP Local Incentive-Only Certified Project for twenty (20) years.
2. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing, authorizes the Mayor to enter into a tax increment financing agreement with ModernaTX, Inc. and authorizes submission of the tax increment financing agreement to the Massachusetts Economic Assistance Coordinating Council.

APPROVED; adopted.

Suspension of the Rules requested – granted.

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

ORDERED: WHEREAS, the City of Marlborough has care, custody, management, and control of a certain parcel of land, known as the "rail spur", located off Lincoln Street, Marlborough, MA, shown as "Proposed Rail Spur Parcel" on the attached plan of land, said parcel containing 9,387 square feet, more or less (the "Property"), and the assessed value of the rear/landlocked Property is approximately \$1,300.00;

NOW THEREFORE, BE IT VOTED BY A 2/3RDS VOTE:

(1) That the Property is declared surplus and available for disposition by conveyance for nominal consideration to the Marlborough Economic Development Corporation for economic development purposes in accordance with MGL Chapter 30B, Ch. 40 of the Acts of 2007, and any applicable general or special law, and the Mayor is authorized to execute a deed to the MEDC, subject to the terms and conditions of a letter agreement dated September 13, 2022, by and between the MBTA and the City relative to open space and access, and a Partial Release and Termination of Certain Deed Restrictions by MBTA recorded in said Registry at Book 80744, Page 87.

APPROVED; adopted.

Suspension of the Rules requested – granted.

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

ORDERED: That the Application for a Special Permit from 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, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE MAY 22, 2023, COUNCIL MEETING;** adopted.

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

ORDERED: That the Mayor submit to the City Council to appear on the May 22, 2023 agenda, a Transfer Request in the amount of \$1,440,000.00 from the Undesignated Fund to the West Side Fire Station Stabilization Account (83600-32900). The Green District project recently submitted the Phase 2 portion of the mitigation funds identified in Conditions 6 and 7 in Special Permit Order No. 19-1007762C, **APPROVED;** adopted.

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

ORDERED: That the Mayor submit to the City Council to appear on the May 22, 2023 agenda, an internal Transfer Request in the amount of \$42,000.00 from the various accounts in the City Clerk and Election Department budgets. These transfers are attached in the letter dated February 21, 2023. These voting booths will be more efficient (setup and breakdown) and allow more voters at each precinct, lighter and easier to move and take up less storage space at each voting location, **APPROVED;** adopted.

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

ORDERED: That the Mayor submit to the City Council to appear on the May 22, 2023 agenda, a Transfer Request in the amount of \$110,000.00 from the Undesignated Fund to the Capital Outlay Account to purchase new voting machines. The attached February 1, 2023, letter identifies the current 2007 AccuVote machines are in need of replacement, **APPROVED;** adopted.

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License by Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street, **APPROVED;** adopted.

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

ORDERED: That the Transfer Requests totaling \$748,290.00 from Economic Development to MEDC Funding for the FY 2024 Operating Budget for MEDC (\$648,290.00), and the Economic Development Toolbox (\$100,000.00), **APPROVED**; adopted.

| CITY OF MARLBOROUGH | | | | | | | | | | |
|---------------------|--------------|--|--------|----------------------|--------------|--------------|--------|----------------------|-----------|--|
| BUDGET TRANSFERS -- | | | | | | | | | | |
| DEPT: | | Mayor | | | | FISCAL YEAR: | | 2023 | | |
| FROM ACCOUNT: | | | | | TO ACCOUNT: | | | | | |
| Available | | | | | | | | | Available | |
| Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Balance | |
| \$1,291,812.60 | \$648,290.00 | 27000099 | 42440 | Economic Development | \$648,290.00 | 11740006 | 53950 | MEDC Funding | \$0.00 | |
| Reason: | | To allow the MEDC to continue it's work in promoting the economic development of the City for FY24 | | | | | | | | |
| \$648,290.00 | Total | | | | \$648,290.00 | Total | | | | |

| CITY OF MARLBOROUGH | | | | | | | | | | |
|---------------------|--------------|--|--------|----------------------|--------------|--------------|--------|----------------------|-----------|--|
| BUDGET TRANSFERS -- | | | | | | | | | | |
| DEPT: | | Mayor | | | | FISCAL YEAR: | | 2023 | | |
| FROM ACCOUNT: | | | | | TO ACCOUNT: | | | | | |
| Available | | | | | | | | | Available | |
| Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Balance | |
| \$1,291,812.60 | \$100,000.00 | 27000099 | 42440 | Economic Development | \$100,000.00 | 11740006 | 53950 | MEDC Funding | \$0.00 | |
| Reason: | | To replenish the Economic Development Toolbox for FY24 | | | | | | | | |
| \$100,000.00 | Total | | | | \$100,000.00 | Total | | | | |

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

ORDERED: That the Transfer Request in the amount of \$393,854.64 from PEG Funds to Marlboro Cable Trust to fund the operation of WMCT-TV for FY 2024, **APPROVED**; adopted.

Councilor Ossing filed a Disclosure of Appearance of Conflict of Interest for the record.

| CITY OF MARLBOROUGH | | | | | | | | | |
|---------------------|--------------|---------------------------|--------|-----------------------------|--------------|--------------|--------|----------------------|-------------------|
| BUDGET TRANSFERS - | | | | | | | | | |
| DEPT: | | Mayor | | | | FISCAL YEAR: | | 2023 | |
| FROM ACCOUNT: | | | | | TO ACCOUNT: | | | | |
| Available Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Available Balance |
| \$644,371.44 | \$393,854.64 | 27000099 | 47750 | Receipts Reserved-PEG Funds | \$393,854.64 | 89000 | 25581 | Marlboro Cable Trust | \$0.00 |
| Reason: | | To fund WMCTS FY24 Budget | | | | | | | |
| \$393,854.64 | Total | | | | \$393,854.64 | Total | | | |

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 8:27 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., MAY 8, 2023

ORDERED:

That there being no objection thereto set **MONDAY, MAY 22, 2023**, as date for a **PUBLIC HEARING** on the Proposed FY24 Budget as submitted by Mayor Vigeant in the amount of \$188,751,024.00 which represents a 4.57% increase over the FY 2023 appropriation, be and is herewith referred to **FINANCE COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 23-1008881



IN CITY COUNCIL

Marlborough, Mass., MAY 8, 2023

ORDERED:

That the Communication from Emergency Management Director Fredrick Flynn, re: Request for presentation relating to the Hazard Mitigation Plan at the May 22, 2023, City Council meeting, be and is herewith **PLACED ON THE MAY 22, 2023, CITY COUNCIL AGENDA.**

ADOPTED

ORDER NO. 23-1008888



IN CITY COUNCIL

Marlborough, Mass., APRIL 24, 2023

ORDERED:

That the Communication from Attorney Brian Falk on behalf of Marlborough Apartment Partners 2 LLC, re: Proposed Zoning Amendment to Chapter 650 "Zoning" §36 "Executive Residential Overlay District" (EROD) to increase the cap on the number of multifamily dwelling units, be and is herewith referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND LEGAL DEPARTMENT AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 22, 2023.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, MASSACHUSETTS, SECTION 650-36, AS FOLLOWS:

1. Amend Section 650-36.C(1) as follows (new text underlined):

The City Council shall be the permit granting authority for special permits and site plan approvals in the EROD. Special permits shall require a two-thirds-vote of the City Council, except as modified by M.G.L. c. 40A; site plan approvals shall require a simple majority vote.

2. Amend Section 650-36.D(2) as follows (deleted text in ~~striketrough~~, new text underlined):

(a) Multifamily dwellings, provided that the total number of units within the entire EROD shall not exceed ~~475~~ 950.

(j) Mixed-use development, consisting of a combination of by right or special permit residential/business uses as listed in this section (§650-36, et seq.)

ADOPTED

ORDER NO. 23-1008872



IN CITY COUNCIL

Marlborough, Mass., MAY 8, 2023

ORDERED:

That there being no objection thereto set **MONDAY MAY 22, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Application for a Sign Special Permit Amendment from Attorney Brian Falk, on behalf of Lincoln Street 431, LLC, to amend an EMC Sign Permit to add non-EMC panels to the existing free-standing sign at 431 Lincoln Street, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

ADOPTED

ORDER NO. 23-1008889
X 20-1007948H



City of Marlborough
Office of the City Council

140 Main Street
 Marlborough, Massachusetts 01752
 Tel. (508) 460-3711 Fax (508) 460-3710 TDD (508) 460-3610
 Email citycouncil@marlborough-ma.gov

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2023 MAY 18 AM 9:10
Michael H. Ossing
 PRESIDENT
Kathleen D. Robey
 VICE-PRESIDENT

Karen A. Boule
 CITY COUNCIL SECRETARY

May 17, 2023

Marlborough City Council
 City Hall, 140 Main Street
 Marlborough, MA 01752

Dear Honorable Councilors:

At a meeting of the City Council Finance Committee held on May 16, 2023, the Finance Committee voted to request the Mayor to submit a supplemental appropriation for the FY 2024 Municipal operating budget as follows:

- Add \$4,590 to the City Clerk Assistant City Clerk line item 1610-50290 in furtherance of a proposed amendment to City Code Chapter 125 §6 "Salary Schedule" to adjust the salary for the Assistant City Clerk. The salary ordinance was duly advertised in the MetroWest Daily news on May 15, 2023 in compliance with the requirements of the City Charter, section 23, Ordinances, etc. to be published, and will be ripe for adoption by the City Council on May 25, 2023;
- Add \$17,600 to the Elections Department part time Clerk line item 1620-50141.

I appreciate the unanimous support of the Finance Committee in this matter and ask that the City Council vote this evening to respectfully request Mayor Vigeant to fund the part-time elections clerk and the proposed salary ordinance for the Assistant City Clerk, both which are deemed as necessary expenses in the Office of the City Clerk.

Sincerely,

Michael H. Ossing
 City Council President

enclosures

from the court to maintain formal proceedings and to obtain orders terminating or restricting the powers of Personal Representatives appointed under informal procedure. A copy of the Petition and Will, if any, can be obtained from the Petitioner.

AD#8607179
DN 5/15/2023

BID/ ACER
CHROMEBOOKS
LEGAL NOTICE
HOPKINTON SCHOOL
COMMITTEE
LEASE OF ACER
CHROMEBOOKS FOR
STUDENTS

INVITATION TO BID

The Hopkinton School Committee, in accordance with M.G.L. Chapter 30B, seeks sealed bids for a fair market lease of Acer Chromebooks for a three-year period with the first payment due on August 15, 2023.

Bid specifications may be obtained through the office of the School Department's Director of Finance, 89 Hayden Rowe Street, Hopkinton, MA 01748 beginning on April 17, 2023, at 9:00AM (Boston time) and thereafter during normal business hours. Sealed bids will be accepted at that same address until 12:00 Noon (Boston time) on June 1, 2023, at which time they will be publicly opened and read.

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**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK
MARLBOROUGH, MASSACHUSETTS 01752**

LEGAL NOTICE

At a regular meeting of the Marlborough City Council held on Monday, May 8, 2023, the following proposed amendment(s) to the Code of the City of Marlborough, having been read was **ORDERED ADVERTISED** as follows:

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

I. By amending Chapter 125, entitled "Personnel", by adding to the salary schedule referenced in Section 125-6, the following:

| Position | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 |
|----------------------|-------------|---------------------|-------------------|--------------------|--------------------|--------------------|--------------------|
| | Start | 6 months of service | 1 year of service | 2 years of service | 3 years of service | 4 years of service | 5 years of service |
| Assistant City Clerk | \$73,929.96 | \$75,408.84 | \$76,916.84 | 78,455.26 | \$80,024.36 | \$81,624.92 | \$83,257.72 |

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

III. The effective date of these amendments shall be July 1, 2023.

Per Order of the City Council
23-1008877

**SELL YOUR ADOPT A PET
GET A JID A HOUSE
BUY A E
FIND A URE
GET A IGE
HIRE A YMAN**

Check out the classifday.





City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 MAY 18 AM 11:41

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

Ryan P. Egan
EXECUTIVE SECRETARY

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

May 18, 2023

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

RE: Year end transfer requests

Honorable President Ossing and Councilors,

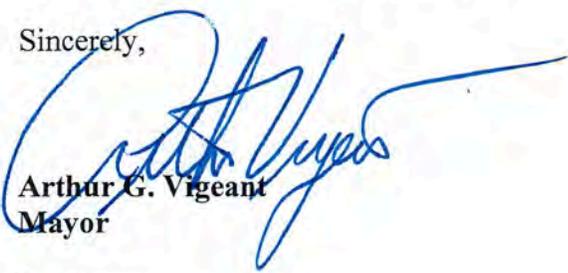
I am submitting the following year end transfer requests in the amount of \$1,974,642.32 for your approval pertaining to the Public Works, Public Facilities and the Marlborough Fire Department as outlined in the backup documentation:

- \$1,655,000.00 from the Undesignated Fund to fund the Snow & Ice deficit for FY23
- \$ 29,642.32 from the Undesignated Fund (wireless antennae payments) to the Open Space Stabilization account
- \$ 285,000.00 from various salary accounts to service and supply accounts as well as covering natural gas shortfall and legal services
- \$ 5,000.00 from the Undesignated Fund to Public Safety Training

My staff and I will be available at a future Finance Committee meeting to answer any questions.

Thank you in advance for your cooperation.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: DPW

FISCAL YEAR: 2023

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code Object

Account Description:

Amount

Org Code Object

Account Description:

Available
Balance

\$5,089,564.80

\$1,655,000.00

10000 35900

Undesignated Fund

\$176,500.00

14001203 51390

Overtime-Snow & Ice

-\$176,454.48

Reason:

To fund the snow & ice deficit for FY23

\$481,400.00

14001206 52960

Snow Removal

-\$481,393.92

Reason:

\$997,100.00

14001206 57040

Operating Expenses

-\$995,110.52

Reason:

Reason:

Reason:

\$1,655,000.00

Total

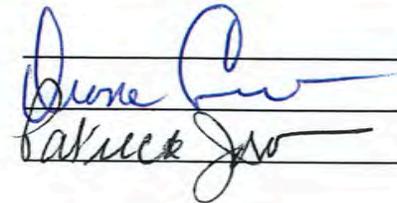
\$1,655,000.00

Total

Department Head signature:

Auditor signature:

Finance Director signature:



CITY OF MARLBOROUGH



SNOW & ICE AS OF 5/11/23

FOR 2023 99

| | ORIGINAL APPROP | TRANFRS/ ADJSTMTS | REVISED BUDGET | YTD EXPENDED | ENC/REQ | AVAILABLE BUDGET | PCT USED |
|--|--------------------|----------------------|-------------------|--------------|-----------|---------------------|-------------|
| 100 GENERAL FUND | | | | | | | |
| 4000 DEPARTMENT OF PUBLIC WORKS | | | | | | | |
| 0120 STREETS-SNOW & ICE | | | | | | | |
| 14001203 51390 OVERTIME-SNOW & | 125,000 | 0 | 125,000 | 301,454.48 | .00 | -176,454.48 | 241.2% |
| 14001206 52960 SNOW REMOVAL | 275,000 | 17,045 | 292,045 | 773,439.17 | .00 | -481,393.92 | 264.8% |
| 14001206 57040 OPERATING EXPENS | 100,000 | 6,749 | 106,749 | 1,086,419.30 | 15,440.22 | -995,110.52 | 1032.2% |
| TOTAL STREETS-SNOW & ICE | 500,000 | 23,794 | 523,794 | 2,161,312.95 | 15,440.22 | -1,652,958.92 | 415.6% |
| TOTAL DEPARTMENT OF PUBLIC WORKS | 500,000 | 23,794 | 523,794 | 2,161,312.95 | 15,440.22 | -1,652,958.92 | 415.6% |
| TOTAL GENERAL FUND | 500,000 | 23,794 | 523,794 | 2,161,312.95 | 15,440.22 | -1,652,958.92 | 415.6% |
| TOTAL EXPENSES | 500,000 | 23,794 | 523,794 | 2,161,312.95 | 15,440.22 | -1,652,958.92 | |
| GRAND TOTAL | 500,000 | 23,794 | 523,794 | 2,161,312.95 | 15,440.22 | -1,652,958.92 | 415.6% |

** END OF REPORT - Generated by Diane Smith **

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor

FISCAL YEAR: 2023

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code Object

Account Description:

Amount

Org Code Object

Account Description:

Available
Balance

\$5,089,564.80

\$29,624.32

10000 35900

Undesignated Fund

\$29,624.32

83600 32918

Stabilization-Open Space

\$560,679.13

Reason:

To transfer annual wireless antennae payments received by the City in fiscal year 2022 to Open Space Stabilization

Reason:

Reason:

Reason:

Reason:

\$29,624.32

Total

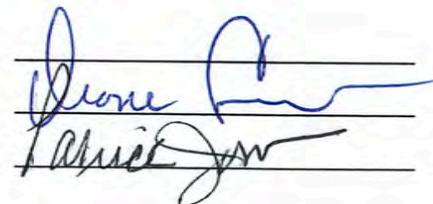
\$29,624.32

Total

Department Head signature:

Auditor signature:

Finance Director signature:



WIRELESS RECEIPTS
AS OF 6/30/22

FOR 2022 13

| | ORIGINAL ESTIM REV | ESTIM REV ADJSTMTS | REVISED EST REV | ACTUAL YTD REVENUE | REMAINING REVENUE | PCT COLL |
|-------------------------------|-----------------------|-----------------------|--------------------|-----------------------|----------------------|-------------|
| 100 GENERAL FUND | | | | | | |
| 0000 | | | | | | |
| 0000 | | | | | | |
| 10093 43600 WIRELESS RECEIPTS | -28,000 | 0 | -28,000 | -29,624.32 | 1,624.32 | 105.8% |
| TOTAL | -28,000 | 0 | -28,000 | -29,624.32 | 1,624.32 | 105.8% |
| TOTAL | -28,000 | 0 | -28,000 | -29,624.32 | 1,624.32 | 105.8% |
| TOTAL GENERAL FUND | -28,000 | 0 | -28,000 | -29,624.32 | 1,624.32 | 105.8% |
| TOTAL REVENUES | -28,000 | 0 | -28,000 | -29,624.32 | 1,624.32 | |
| GRAND TOTAL | -28,000 | 0 | -28,000 | -29,624.32 | 1,624.32 | 105.8% |

** END OF REPORT - Generated by Diane Smith **



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

MEMORANDUM

Date: May 16, 2023
To: Mayor Arthur G. Vigeant
From: Sean Divoll, P.E, DPW Commissioner
Copy: Diane Smith, City Auditor
Re: DPW End-of-year Transfer Request

SMD

Attached herewith are end-of-year budget transfer requests in the amount of \$285,000. The transfer is primarily to take funding from available salary lines due to vacancies and move it to various service and supply accounts. Doing so will further the opportunity to meet obligations and to start, advance, and complete projects.

Exceptions to the above are for the following two items:

1. Transfer from Maintenance Schools natural gas to Property and Building Maintenance natural gas to cover a shortfall.
2. Transfer from available funding to legal services for ongoing litigation.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: DPW - School Maintenance

FISCAL YEAR: 2023

| Available Balance | FROM ACCOUNT: | | | | Amount | TO ACCOUNT: | | | | Available Balance |
|-------------------|---------------|------------------------|--------|----------------------|-------------|---------------------|--------|----------------------|--------|-------------------|
| | Amount | Org Code | Object | Account Description: | | Org Code | Object | Account Description: | | |
| \$118,397 | \$40,000.00 | 13032006 | 52200 | Natural Gas | \$40,000.00 | 11920006 | 52200 | Natural Gas | \$2.65 | |
| | Reason: | Available as projected | | | | Needed as projected | | | | |
| | Reason: | | | | | | | | | |
| | Reason: | | | | | | | | | |
| | Reason: | | | | | | | | | |
| | Reason: | | | | | | | | | |
| | Reason: | | | | | | | | | |
| \$40,000.00 | Total | | | | \$40,000.00 | Total | | | | |

Department Head signature: 

Auditor signature: 

Comptroller signature: 

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: DPW - Engineering

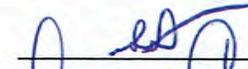
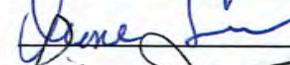
FISCAL YEAR: 2023

| Available Balance | FROM ACCOUNT: | | | | TO ACCOUNT: | | | | Available Balance |
|-------------------|--------------------|------------------------------|--------------|---------------------------------|--------------------|----------------------------|--------------|---|--------------------|
| | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | |
| <u>\$88,615</u> | <u>\$50,500.00</u> | <u>14001101</u> | <u>50710</u> | <u>Jr. Civil Engineer</u> | <u>\$50,500.00</u> | <u>14001104</u> | <u>53180</u> | <u>Professional & Technical Svcs.</u> | <u>\$30,390.80</u> |
| | Reason: | <u>Excess due to vacancy</u> | | | | <u>Project development</u> | | | |
| <u>\$14,500</u> | <u>\$14,500.00</u> | <u>14001101</u> | <u>50700</u> | <u>Grade 2 Engineering Aide</u> | <u>\$14,500.00</u> | <u>14001104</u> | <u>53180</u> | <u>Professional & Technical Svcs.</u> | <u>\$30,390.80</u> |
| | Reason: | <u>Excess due to vacancy</u> | | | | <u>Project development</u> | | | |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| | Reason: | _____ | | | | _____ | | | |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| | Reason: | _____ | | | | _____ | | | |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| | Reason: | _____ | | | | _____ | | | |
| | <u>\$65,000.00</u> | Total | | | <u>\$65,000.00</u> | Total | | | |

Department Head signature: _____

Auditor signature: _____

Comptroller signature: _____


CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: DPW - Streets

FISCAL YEAR: 2023

| Available Balance | FROM ACCOUNT: | | | | Amount | TO ACCOUNT: | | | | Available Balance |
|-------------------|--------------------|------------------------------|--------------|---------------------------|--------------------|-----------------|--------------|--------------------------|--------------------|-------------------|
| | Amount | Org Code | Object | Account Description: | | Org Code | Object | Account Description: | | |
| <u>\$187,376</u> | <u>\$15,000.00</u> | <u>14001303</u> | <u>50740</u> | <u>Equipment Operator</u> | <u>\$15,000.00</u> | <u>14001304</u> | <u>53140</u> | <u>Contract Services</u> | <u>\$73,792.56</u> | |
| | Reason: | <u>Excess due to vacancy</u> | | | | | | <u>Increased costs</u> | | |
| <u>\$187,376</u> | <u>\$20,000.00</u> | <u>14001303</u> | <u>50740</u> | <u>Equipment Operator</u> | <u>\$20,000.00</u> | <u>60080004</u> | <u>53110</u> | <u>Legal Services</u> | <u>\$0.00</u> | |
| | Reason: | <u>Excess due to vacancy</u> | | | | | | <u>Legal fees</u> | | |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | |
| | Reason: | _____ | | | | | | _____ | | |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | |
| | Reason: | _____ | | | | | | _____ | | |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | |
| | Reason: | _____ | | | | | | _____ | | |
| | <u>\$35,000.00</u> | <u>Total</u> | | | <u>\$35,000.00</u> | <u>Total</u> | | | | |

Department Head signature: _____

Auditor signature: _____

Comptroller signature: _____

[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: DPW - East Waste Water Treatment Plant

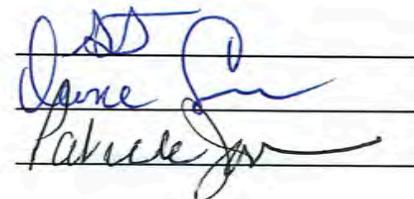
FISCAL YEAR: 2023

| Available Balance | FROM ACCOUNT: | | | | | TO ACCOUNT: | | | Available Balance |
|-------------------|--------------------|-------------------------------|--------------|---------------------------------|--------------------|---------------------------------|--------------|--------------------------|--------------------|
| | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | |
| <u>\$42,894</u> | <u>\$20,000.00</u> | <u>60081003</u> | <u>51310</u> | <u>Overtime Regular</u> | <u>\$20,000.00</u> | <u>60081006</u> | <u>55950</u> | <u>East Waste Water</u> | <u>\$37,190.13</u> |
| | Reason: | <u>Available as projected</u> | | | | <u>Increased equipment need</u> | | | |
| <u>\$9,100</u> | <u>\$9,100.00</u> | <u>60081001</u> | <u>50750</u> | <u>Equipment Operator</u> | <u>\$9,100.00</u> | <u>60081004</u> | <u>53174</u> | <u>Contract Services</u> | <u>\$257.19</u> |
| | Reason: | <u>Excess due to vacancy</u> | | | | <u>Needed plant improvement</u> | | | |
| <u>\$79,508</u> | <u>\$20,900.00</u> | <u>60081001</u> | <u>50850</u> | <u>Treatment Plant Operator</u> | <u>\$20,900.00</u> | <u>60081004</u> | <u>53174</u> | <u>Contract Services</u> | <u>\$257.19</u> |
| | Reason: | <u>Excess due to vacancy</u> | | | | <u>Needed plant improvement</u> | | | |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| | Reason: | _____ | | | | _____ | | | |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| | Reason: | _____ | | | | _____ | | | |
| | <u>\$50,000.00</u> | <u>Total</u> | | | <u>\$50,000.00</u> | <u>Total</u> | | | |

Department Head signature:

Auditor signature:

Comptroller signature:





**City of Marlborough
FIRE DEPARTMENT
215 MAPLE STREET
MARLBOROUGH, MASSACHUSETTS 01752**

**KEVIN J. BREEN
FIRE CHIEF**

**PHONE: (508) 624-6986
FAX: (508) 460-3795**

May 15, 2023



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

REF: Transfer Requests

Dear Mayor Vigeant:

Please see the attached budget transfer requests in the amount of \$5,000. These transfer requests are related to FY2023 budget shortfalls associated with training costs and an unanticipated increase in our annual NFPA code subscription service. We respectfully request a transfer from account 12200002-50400 (Part-time Clerk) to cover costs for the remainder of FY2023. Please feel free to contact me if you have any questions or need additional information.

Sincerely,

Kevin J. Breen
Fire Chief

W/enclosures

Cc: Patrick Jones, Comptroller
Diane Smith, Auditor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: FIRE

FISCAL YEAR: 2023

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

Available
Balance

\$6,555.40

\$932.50

12200002

50400

Part Time Clerk

\$932.50

12200006

57340

Dues & Subscriptions

\$620.00

Reason:

Vacancy

NFPA Code subscription increase

\$6,555.40

\$4,067.50

12200002

50400

Part Time Clerk

\$4,067.50

12200005

55000

Operation Supplies

\$1,968.48

Reason:

Vacancy

Various training not funded through Public
Safety Account

Reason:

Reason:

Reason:

\$5,000.00

Total

\$5,000.00

Total

Department Head signature:

Auditor signature:

Comptroller signature:

Kevin Green
Diane
Patrick Jr



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 MAY 18 AM 11:41

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

Meredith Roberts
EXECUTIVE ADMINISTRATOR

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

May 18, 2023

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

RE: Transfer request for mitigation funds

Honorable President Ossing and Councilors,

As promised, I am submitting the enclosed \$1,440,000.00 mitigation funds from the Green District's special permit to the West Side Fire Station account.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 MAY 18 AM 11:41

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

Meredith Roberts
INTERIM EXECUTIVE
ADMINISTRATOR

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

May 18, 2023

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

RE: Appointment of Jonathon Friedman to the Disabilities Commission

Honorable President Ossing and Councilors,

I am pleased to submit for your approval the appointment of Jonathon Friedman to the Disabilities Commission for a three-year term from date upon confirmation.

Mr. Friedman has expressed an interest in serving on the Disabilities Commission, has familiarized himself with their mission, and is confident that he can contribute to serve our community. I have enclosed his resume for your review.

Mr. Friedman will be replacing the late Cheryl Soucy who passed away in March. On behalf of the City of Marlborough, I extend our sincere condolences to her family and friends. Ms. Soucy had faithfully served on the Disabilities Commission for 12 years.

Please let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

May 17, 2023

To Whom It May Concern:

I have always had complex medical issues but there were two pivotal moments that changed the trajectory of my personal adult and professional life.

In late 2005 I got married. On our way to San Francisco for our honeymoon the passenger next to me smuggled a cat in her bag onboard. It was discovered by myself and the flight attendants. Unfortunately nothing could be done at that point as we were in the air and I wound up having an allergic reaction which led to a virus and what was ultimately diagnosed over a decade later as autoimmune brain injury. It led to my periodic migraines disorder becoming a permanent 24/7 chronic atypical intractable migraines disorder that severely impacted my life. The brain injury also led to cognitive and memory challenges that later became disabling with the migraines disorder.

I continued working full time and being a contributing member of society for years despite the ongoing health challenges I endured and increasing volume of medical appointments to treat the issues. Then, around 2015 my health spiraled. The migraines pain became virtually uncontrollable and led to a host of new health issues. At 40 I could no longer perform my job and could barely function leading to the hardest decision of my life to go on medical leave and eventually disability. My career became becoming a professional medical patient with daily struggles from my cognitive and memory disabilities, migraines disorder, the progressive slowing and dying of brain cells (far beyond the norm), chronic pain issues, insomnia, multiple autoimmune disorders, isolation, etc. It seems that every year my medical issues get more severe, complex and limiting of my capabilities which is a constant struggle to adjust to this reality.

I have always had medical issues so hospitalizations and medical testing was nothing new to me. I had grown up on a medical IEP and learning disabilities so the special needs system was not foreign to me. However, losing my career so very young was traumatizing. I lost not only my professional life, income, benefits, friends and colleagues but a purpose.

It's a new purpose, and way of still being able to contribute, that I've been struggling to find in my new reality. I believe that joining the City's Disability Commission I can use my experiences to help others, perhaps make their journey a little easier than mine has been.

Thank you for this opportunity.

Jonathon S. Friedman

Jonathon S. Friedman

15 Gately Drive
Marlboro, MA 01752

EDUCATION BENTLEY COLLEGE, Waltham, MA
Bachelor of Science in Management

HONORS Dean's List, Management Honors Program

QUALIFICATIONS PROFILE

Highly accomplished professional with a stellar business background encompassing project management, customer service, training coordination, operations management, procurement, marketing and sales within various organizations.

- Excellent troubleshooting skills in providing viable solutions to challenges arising within business operations or resulting from internal and/or client inquiries and issues
- Proven ability to lead collaborative teams through project life cycle, providing hands-on leadership and support
- Illustrated performance in exercising a high degree of independence and autonomy in setting the direction for business operations, staff development, and project implementation
- Adept communication, documentation and interpersonal skills
- Knowledge of MS Office, Email, PowerPoint, SurveyMonkey, SharePoint, PeachTree, Great Plains, Salesforce and more

EXPERIENCE

01/2011 – 12/2015 (estimated) *Strategic Products and Services (SPS), formerly Providea Conferencing, Quincy, MA*
TECHNOLOGY PROJECT MANAGER

- Manage case load of roughly 50 – 60 different projects at any given time both domestically and internationally
- Responsible for smooth rollout of projects from assignment to completion of AudioVisual / VideoConference / Network technologies
- Execution of Project Plans and Statement of Work (SOW), ordering and delivery of equipment, relocation / installation of equipment with appropriate resources, coordination of project meetings and resources, troubleshooting and resolution of punch lists, final testing and training services prior to completion handover and invoicing projects
- Secure, delivery and review of appropriate CAD drawings for customer preparation
- Coordination and negotiation with 3rd party installers / vendors and equipment
- Proper documentation of all communications and with all involved parties
- Training to meet customer onsite safety standards for construction and other site challenges
- Onsite and Remote representative for SPS and sales with customers and as a customer advocate

06/2004 – 2010 *Cambridge Computer Services, Inc, Waltham, MA*

TRAINING COORDINATOR

- Oversee and coordinate all aspects of open-enrollment and some onsite training activities
- Resource coordination – partner management, IT for classroom preparation and support, instructors, manual ordering / publishing and Professional Services (PS) team
- Personally responsible for related marketing, sales, and invoicing endeavors while working with the appropriate departments – Marketing, Sales, Operations and PS
- Empower and collaborate with other Client Services Managers to promote training sales within their client base and feed their pipeline with new accounts derived from training sales
- Defined and documented processes and tasks involved with this unique and historically valuable role for the company
- Average \$100,000 in revenue per year and 25% profit margin over 6+ year period

12/2005 – 2010

CLIENT RELATIONSHIP MANAGER

- Trusted account manager for long-term strategic partner / client (Dell Perot Systems, formerly JJ Wild) and their nationwide clients, maintenance and development of mutual client relations

- Consultancy and PS oriented sales focus incorporating related company offerings like training and other data protection and storage solutions (hardware, software, support contracts, site health checks and assessments, implementations)
- Client base representing a myriad of industries such as medical, government, education, and commercial
- Manage daily support activities for my business activities – conference calls and meetings, facilitate resource allocation and technical support, project scoping and quoting, bid response and proposal writing, client / vendor negotiations, order processing and related responsibilities
- Average \$775,000 in revenue per year and 28% profit margin

01/2007 – 2010

INSIDE SALES SUPPORT

- Responsible for internal, company-wide parts database to ensure conformity with vendor parts used for client quotes, ordering product from vendors and invoicing clients
- Teamed with high performance Client Services Managers to help alleviate their work load and free them up to focus on more high revenue sales opportunities
- Work annual support renewal opportunities to close for this Client Services Manager
- Secure vendor quotes, communicate with vendors / clients, troubleshoot questions, generate client quotes, negotiate terms and provide other support as requested and proactively

06/2004 – 01/2006

PROFESSIONAL SERVICES TEAM COORDINATOR

- Initial role in tandem with that of Training Coordinator prior to organizational restructuring
- Provided PS Project Manager daily support for onsite and remote engagements
- Supplemented lead PS Project Manager by managing numerous engagements, writing and editing technical and process related documentation
- Responsible for daily management of PS Technical Support Services including the engineering staff, triaging and tracking of client requests for timely problem resolution
- Initial escalation point for technical support challenges
- Executed client invoicing for all PS activities and engineer expense reimbursement
- Co-managed departmental resource calendar for engagement scheduling
- Departmental report and statistical generation for management
- Co-planned and coordinated PS Team Kick Off for 2004 and 2005 with “C” level executives

06/2000 - 06/2004

GroupComm Systems (acquired by *Office Environments of New England*), Newton, MA
SR CLIENT SERVICES REP. / VIDEOCONFERENCING PROJECT MANAGER

- Videoconferencing (VC) Project Manager for all company-wide VC projects including over 25 states domestically and 12 countries plus single projects in excess of \$250,000
- Coordinated Audio-Visual (AV) and challenging furniture projects up to \$500,000
- Managed projects for Raytheon, Biogen, Hanover / Allmerica Financial, Harvard, Serono, Paratek Pharmaceuticals and many more
- Co-Manager of Service and Support Center
- Helped establish and maintain database of service and warranty information, furnished financial data to management, quoted support plans and renewals
- Maintained intimate client contact including furnishing VC and AV quotes for clients as needed
- Provided company-wide support for all Executive Officers, AV Project Managers, Sales, Accounting, Warehouse, field technicians and installers
- Assumed role of Rental / Repair and Warehouse Manager plus fellow Client Services Representatives in their absence
- Active leadership role in Client Services through defining job roles for new candidates, interviewing and training of new employees plus oversight
- Strengthened client and vendor relations, negotiated concerns (client and vendor) as well as purchases to combine multiple client / stock orders to maximize vendor discounts
- Client order fulfillment running the gambit from procurement, returns, freight claims, and invoicing in a timely and pro-active manner
- Recognized as the backbone for our operations department and company-wide support by achieving the “2002 Employee At Large” award – voted on by Executives and peers

01/1999 - 06/2000

Tufts Health Plan, Watertown, MA
CUSTOMER SERVICE COORDINATOR

- Operated efficiently in high volume call center on multiple specialty call queues
- Serviced both members and providers as a Provider Specialist coordinating quality care
- Effective customer advocate and aided in dispute resolution amongst internal departments – Claims, Policy, Legal, Medical Directors – and pertinent external parties – providers, members and their legal representation
- Responsible for healthcare (CPT / ICD-9) billing claims adjustments daily in abidance with corporate policy
- One of an elite group selected to work for the HMO Claims Data Quality Department to resolve filing limit adjustments on billing claims
- Recognized 8 times by management for exceptional service for surpassing internal and external customer expectations

City of Marlborough

Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

JASON D. GROSSFIELD
CITY SOLICITOR

2023 MAY 18 AM 11:50
JEREMY P. MCMANUS
ASSISTANT CITY SOLICITOR

BEATRIZ R. ALVES
PARALEGAL



May 18, 2023

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

Re: City Council Order No. 23-1008824
Special Permit Decision, 655 Farm Road, Marlborough

Dear Honorable President Ossing and Councilors:

In accordance with Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced special permit application. Following the May 1, 2023 Urban Affairs Committee meeting, the Applicant provided an updated set of plans with a new revision date of May 17, 2023, which I have enclosed and incorporated into the proposed decision. The Applicant has represented that the revision incorporates a renumbering of lease areas on the site, and a removal of a second private trailer on one of the lease areas. I have also, accordingly, incorporated an edit to finding of fact paragraph 5 updating the new revision date. Enclosed is a copy of the proposed decision. I certify that it is in proper legal form.

Please contact me if you have any questions or concerns.

Respectfully,

Jeremy P. McManus
Assistant City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Jason D. Grossfield, City Solicitor
Tin Htway, Building Commissioner

_____, 2023

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. **23-1008824**

Application of:
Trombetta Family Limited Partnership

Locus:
655 Farm Road, Marlborough, MA 01752
Assessor’s Map 85, Parcel 12

10 Broadmeadow Street, Marlborough, MA 01752
Assessor’s Map 85, Parcel 10

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Trombetta Family Limited Partnership, with a mailing address of 655 Farm Road, Marlborough, MA 01752, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: _____, 2023

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

APPEALS

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

A TRUE COPY
ATTEST:

City Clerk

ORDERED:**IN CITY COUNCIL**

DECISION ON A SPECIAL PERMIT

Application of:
Trombetta Family Limited Partnership

Locus:
655 Farm Road, Marlborough MA, 01752
Assessor's Map 85, Parcels 10 and 12 (Parcel 10 has an address of 10 Broadmeadow Street, Marlborough MA, 01752).

**DECISION ON A SPECIAL PERMIT
ORDER NO. 23-1008824**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to The Trombetta Family Limited Partnership (the "Applicant") for a contractor's yard at 655 Farm Road, in the Limited Industrial Zoning District, as provided in this Decision and subjected to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Trombetta Family Limited Partnership, is a Massachusetts Limited Partnership with an address of 655 Farm Road, Marlborough, MA 01752.
2. The Applicant is the owner of the property located at 655 Farm Road, Marlborough, Massachusetts, 01752 (Map 85, Parcel 12), and Charles P. Trombetta, Trustee of the 10 Broadmeadow Realty Trust, is the owner of the property located at 10 Broadmeadow Street, Marlborough Massachusetts, 01752 (Map 85, Parcel 10) (Both properties together are the "Site").
3. In accordance with Article V, Section 650-17 and Section 650-18.A(48), of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes a contractor's yard at the Site (the "Use"). As shown on the Plans referenced in Paragraph 5 below, the Use consists of trailers/containers, accessory parking, outdoor storage areas and landscaped areas.
4. The Applicant, by and through its engineer, filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application) for the Use.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a site plan entitled "Proposed Site Plan of 655 Farm Road, Marlborough, MA (Map

85, Parcels 10 and 12) dated September 15, 2022” by Connorstone Engineering, with the last revision date of May 17, 2023, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit (collectively the “Plans”) attached hereto as “Attachment A”.

6. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
7. The Site is located in the Limited Industrial Zoning District.
8. The Site has an area of 306,616 square feet.
9. The proposed lot coverage of 180,640 square feet (58.9% lotcoverage) would maintain an area in compliance with Article VII, Section 650-41, Table of Lot Area, Yard and Height of Structures, of the Zoning Ordinance (maximum 60% lot coverage).
10. To the extent there is a residential structure on the 655 Farm Road portion of the Site (Assessor’s Map 85, Parcel 12), nothing in this Special Permit authorizes such residential structure
11. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statues of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
12. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on March 27, 2023. The public hearing was held at Marlborough City Hall, 140 Main Street. The hearing was closed March 27, 2023.
13. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
14. At the public hearing, eight members of the public, including the Applicant and its engineer, spoke in favor of the Use and no members of the public spoke in opposition to the Use.

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

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the present Use of the Site is an appropriate use in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough

when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or to the conditions more fully set forth herein.

- C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit for a contractor's yard at 655 Farm Road, as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site, if any, is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be build according to the Plans as may be amended during Site Plan Review.
 2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions of this Special Permit. Subsequent Site Plan Review shall be consistent with the intent and conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
 3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the City Council or the Site Plan Review Committee may approve engineering changes to the Plans, so long as said changes do not change the Use approved herein, or materially increase the impervious area of the Use, reduce the green area or alter traffic flow, all as shown on the Plans.
 4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
 5. Operating Hours. Hours of operation are limited to: 7:00AM to 7:00PM Monday through Saturday. Access for emergency business use, including for uses such as snow removal and sewer breaks, is permitted at all times.
 6. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall be responsible for ensuring that the uses on the Site do not contaminate stormwater runoff, and shall ensure that the uses on the Site do not cause adverse stormwater impacts to abutting properties.
 7. Traffic Pattern. All tenants and visitors to the contractor yard area are to enter and exit via the southern driveway shown on the Site Plan. Signage shall be erected on the northerly

access of the site at the easterly edge of the ice cream and retail parking area prohibiting the retail customers from entering the contractor's yard areas and also prohibiting the contractors from entering the ice cream and retail parking area. Signage shall also be erected on the southerly access of the site at the easterly edge of the retail parking area prohibiting retail customers from entering the contractor's yard areas.

8. Screening. In accordance with Section 650-18.A(48) of the Zoning Ordinance, the Applicant shall, within a period of time to be determined during Site Plan Review by the Site Plan Review Committee, install screening to screen areas of the Site used for the storage of vehicles, equipment, and materials from adjacent properties as follows:
 - A. South Property Side Line
 - I. #20 and #30 Broadmeadow Street- existing mature screening.
 - II. #40 Broadmeadow Street- existing 6-foot private fence and longer storage building.
 - III. #56 Broadmeadow Street- existing fence is a mix of 6-foot privacy fence and 6-foot black vinyl coated chain link fence along with existing an arborvitae space and deciduous trees. Applicant to supplement screening with arborvitae and other plantings to infill gaps within existing screening as shown on the Site Plans. The material stockpiles abutting the fence are to be removed.
 - B. Rear Property Line- Existing dense vegetation provides dense screening to Wayside Athletic Club. There is a vacant parcel of land (approximately 60 feet wide) between the Site and the Wayside Athletic Club. Applicant shall remove all gravel surfaces and containers within the required 7-foot setback and install plantings as shown on the Site Plan. The gravel surfaces shall be removed and replaced with mulch, or another cover determined by the City's Conservation Officer, to discourage future encroachments into the area.
 - C. Northern Property Line- Northern Property Line abuts 667 Farm Road and 665 Farm Road. This line includes existing 6-foot stockade fencing and a 6-foot privacy fence. An existing vegetated buffer has been planted over the past several years as shown on the Site Plan.

The Site Plan Review Committee shall require additional planting or screening as needed to ensure adequate screening for the abutters. Defined barriers between the landscaped areas and contractor yards shall be provided so as to protect the landscaped areas from being encroached upon. The vegetated screening and fencing shall be maintained and replaced/augmented as needed over the years to ensure the proper screening, as approved, is always provided.

9. Leased Areas. 16 containers are provided, one to each of the 16 leased areas, and are utilized to provide tenants with a space to secure and protect their daily and seasonal equipment. The containers are used to store hand tools, lawn maintenance equipment, snow equipment and similar equipment. Storage of unregistered vehicles is not allowed on

the Site. Tenants are not allowed to perform vehicle repairs and/or maintenance on the Site.

Only the 16 lease areas are permitted as shown on the Plans, which shall be clearly defined in the field. Only the trailers shown on the approved Plans are permitted. Applicant may, as needed to accommodate existing and future tenants, change or modify the lease areas provided that there are no more than 16 lease areas. The total lease area, and the number of lease areas (16), and/or the number of trailers, cannot be increased or expanded without an amendment to this Special Permit.

10. Outdoor Storage Areas. In accordance with Section 650-18.A(48) of the Zoning Ordinance, the outdoor storage of vehicles, equipment, and materials shall be located on impervious and otherwise dust-free surfaces. Materials shall be stored with sufficient protections to avoid damage to landscaped areas and to avoid interference with the proper functioning of stormwater infrastructure. Storage of propane, chemicals, or hazardous material is not allowed.
11. Open Space. Within a period of time to be determined during Site Plan Review by the Site Plan Review Committee, the areas of open space as shown on the Plans shall be vegetated with grass with additional trees and shrubs to be added to help provide shade to these open spaces. These areas shall remain open and shall not be used for storage of any materials or equipment. During the Site Plan Review process the open space area, gravel area, and storage areas shall all be clearly defined and delineated on the plans with provisions that these areas are clearly defined by fencing or barriers or other on-the-ground methods for easier enforcement and management of the Site.
12. Noise and Air Quality. The Applicant, its successors and/or assigns, shall comply with the City's Noise Ordinance and shall comply with all state and federal requirements governing air quality and emissions.
13. Lighting. Exterior lighting at the Site shall be downward facing from three 15-foot posts shown on the Plans, with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review Process. Exterior lighting at the Site shall be shut off outside of operating hours, except for lighting necessary for security and emergency access.
14. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the Use.
15. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and, if applicable, before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall

forthwith provide a copy of the Recoded Special Permit to the City Council's Office, the Building Department, and the City Solicitor's Office.

Yea: _____ - **Nay:** _____ - **Absent** _____

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

Nay: _____, _____,

Absent: _____, _____,

Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
Order No. 23-1008824

Attachment A

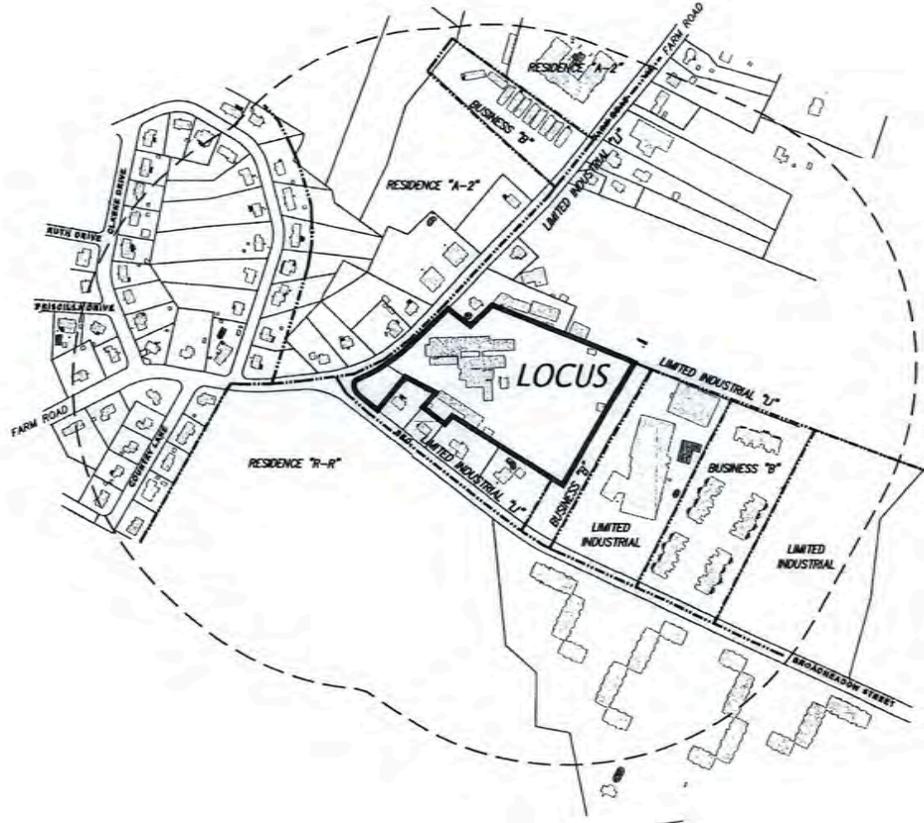
GENERAL NOTES:

1. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT CITY OF MARLBOROUGH ASSESSING RECORDS.
2. THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY BY CONNORSTONE ENGINEERING INC. PERFORMED IN NOVEMBER, 2022.
3. LEGAL STATUS OF EASEMENTS AND WAIVS NOT DETERMINED BY THIS SURVEY.

PROPOSED SITE PLAN OF 655 FARM ROAD MARLBOROUGH, MA

ZONING : LIMITED INDUSTRIAL "L1"

| LOT REQUIREMENTS | REQUIRED |
|------------------|--|
| AREA | 2 Acres |
| FRONTAGE | 200 FEET |
| FRONT YARD | 50 FEET |
| SIDE YARD | 50 FEET |
| REAR YARD | 50 FEET |
| BUILDING HEIGHT | N/W 0'-100' OF RESIDENTIAL ZONE 30' N/W 101'-200' OF RESIDENTIAL ZONE 30' N/W 201'-400' OF RESIDENTIAL ZONE 40' N/W 401'-500' OF RESIDENTIAL ZONE 50' |



LOCUS MAP OF #655 FARM ROAD
SCALE: 1"=200'



OWNER:
TROMBETTA FAMILY LIMITED PARTNERSHIP
655 FARM ROAD
MARLBOROUGH, MA 01752

**CONNORSTONE
ENGINEERING INC.**
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

PROPOSED SITE PLAN
OF
655 FARM ROAD
MARLBOROUGH, MA
(MAP 85, PARCELS 10 & 12)

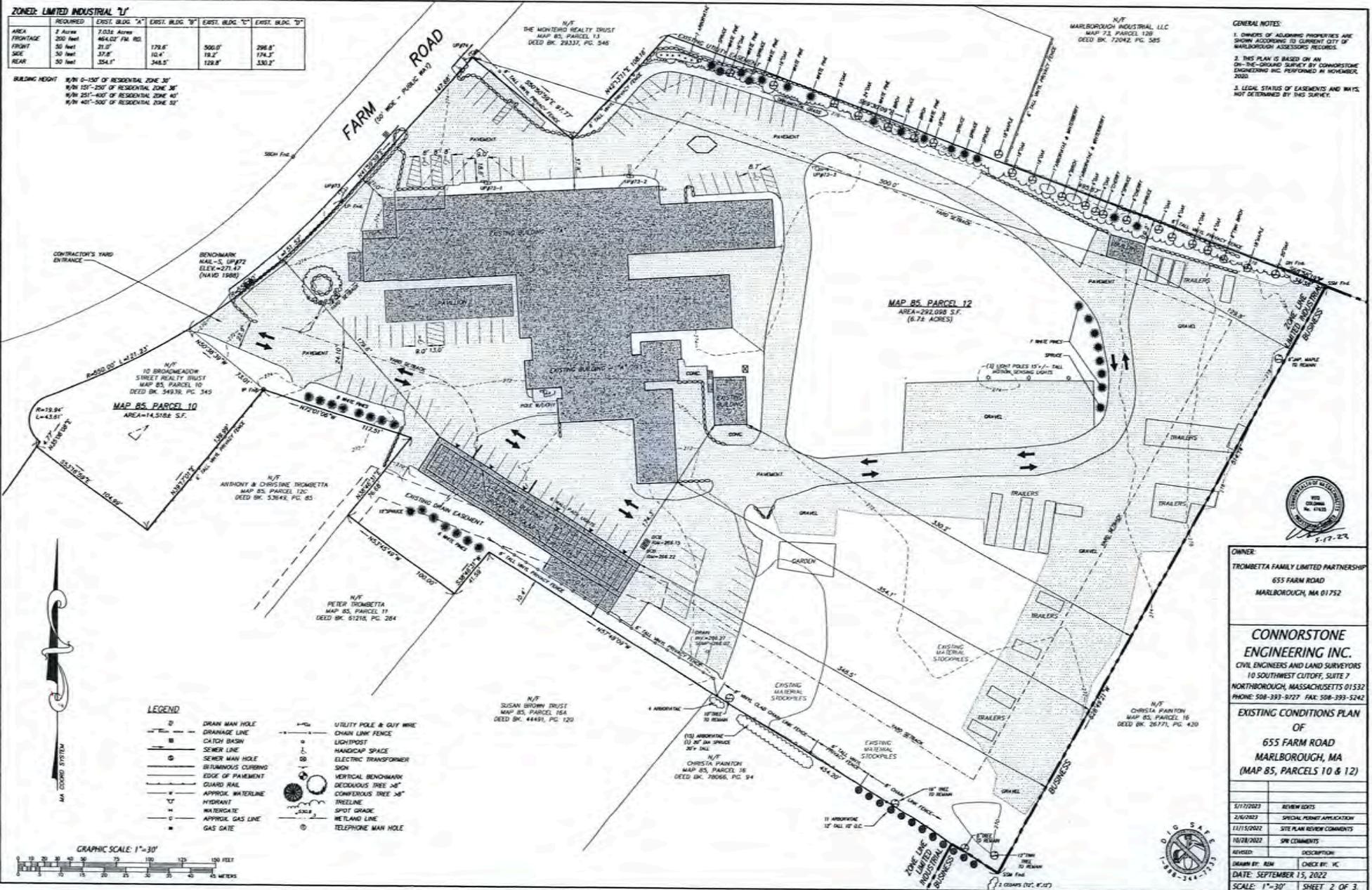
| DATE | DESCRIPTION |
|--------------------------|----------------------------|
| 5/17/2023 | REVIEW EDITS |
| 2/4/2023 | SPECIAL PERMIT APPLICATION |
| 11/15/2022 | SITE PLAN REVIEW COMMENTS |
| 10/26/2022 | SPR COMMENTS |
| REVISION: | DESCRIPTION: |
| DRAWN BY: BEN | CHECK BY: VC |
| DATE: SEPTEMBER 15, 2022 | |
| SCALE: 1"=200' | SHEET 1 OF 3. |

ZONED: LIMITED INDUSTRIAL 'L'

| REQUIRED | EXIST. BLDG. 'A' | EXIST. BLDG. 'B' | EXIST. BLDG. 'C' | EXIST. BLDG. 'D' |
|----------|------------------|------------------|------------------|------------------|
| AREA | 2 Acres | 7.032 Acres | | |
| FRONTAGE | 200 feet | 464.02' FM RD. | | |
| FRONT | 50 feet | 21.0' | 178.6' | 500.0' |
| SIDE | 50 feet | 37.8' | 10.4' | 19.2' |
| REAR | 50 feet | 354.1' | 348.5' | 129.8' |

BUILDING HEIGHT

- N/W 0'-150' OF RESIDENTIAL ZONE 30'
- N/W 150'-250' OF RESIDENTIAL ZONE 30'
- N/W 251'-400' OF RESIDENTIAL ZONE 40'
- N/W 401'-500' OF RESIDENTIAL ZONE 50'



- GENERAL NOTES:**
- OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT CITY OF MARLBOROUGH ASSESSING RECORDS.
 - THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY BY CONNORSTONE ENGINEERING INC. PERFORMED IN NOVEMBER, 2022.
 - LEGAL STATUS OF EASEMENTS AND WAYS NOT DETERMINED BY THIS SURVEY.

OWNER:
TROMBETTA FAMILY LIMITED PARTNERSHIP
655 FARM ROAD
MARLBOROUGH, MA 01752

CONNORSTONE ENGINEERING INC.
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

EXISTING CONDITIONS PLAN OF
655 FARM ROAD
MARLBOROUGH, MA
(MAP 85, PARCELS 10 & 12)

| DATE | REVISION |
|------------|----------------------------|
| 5/17/2023 | REVIEW EDITS |
| 2/6/2022 | SPECIAL PERMIT APPLICATION |
| 11/15/2022 | SITE PLAN REVIEW COMMENTS |
| 10/28/2022 | SPW COMMENTS |

DESIGNED BY: RSM
CHECKED BY: JC
DATE: SEPTEMBER 15, 2022
SCALE: 1"=30' SHEET 2 OF 3

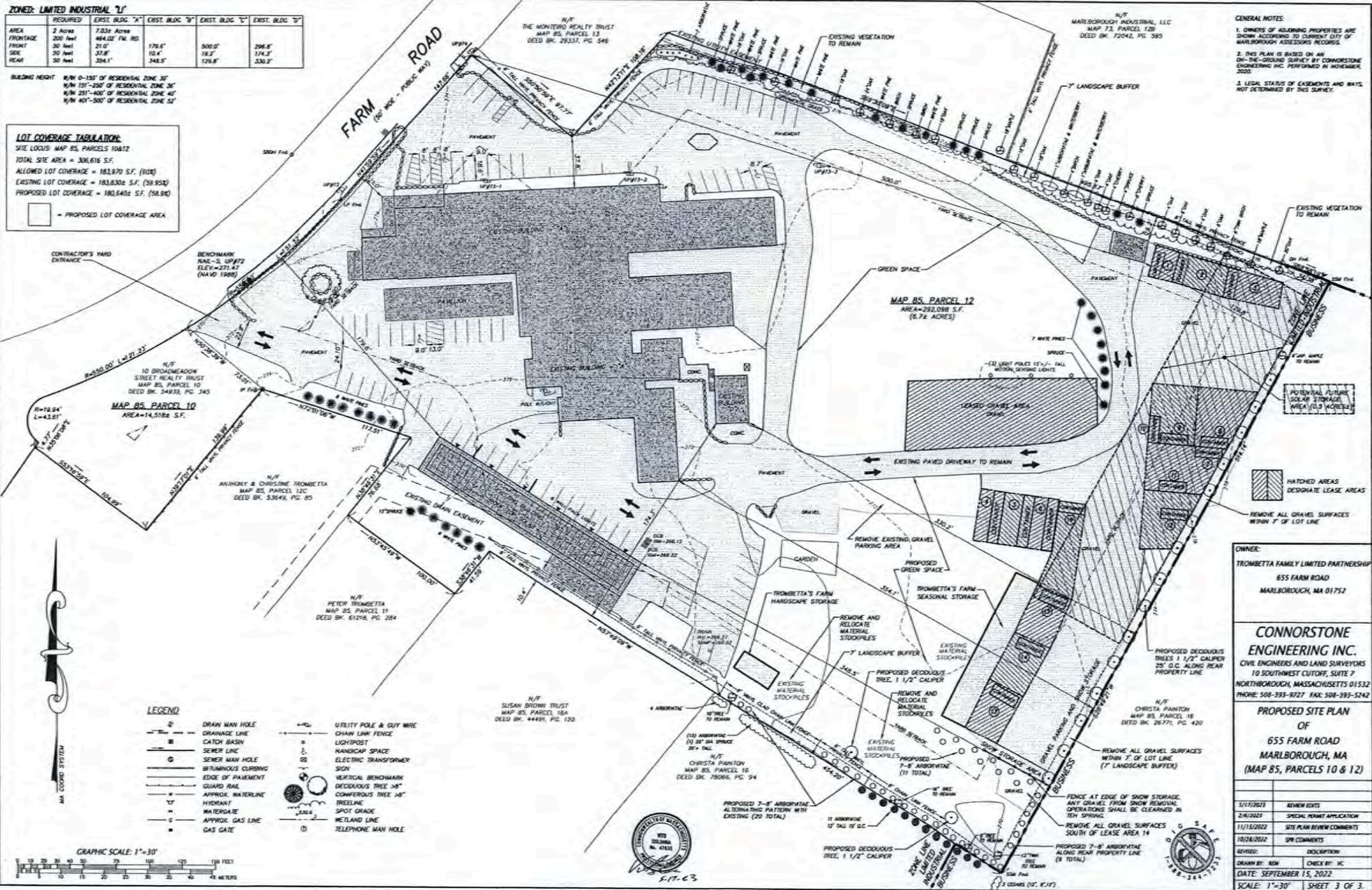
ZONED: LIMITED INDUSTRIAL "L1"

| REQUIRED | EXIST. BLDG. "A" | EXIST. BLDG. "B" | EXIST. BLDG. "C" | EXIST. BLDG. "D" |
|----------|------------------|------------------|------------------|------------------|
| AREA | 2 Acres | 7.01e Acres | | |
| FRONTAGE | 200 feet | 464.02' Fm. Rd. | | |
| DEPTH | 30 feet | 21.0' | 170.6' | 500.0' |
| SEC | 50 feet | 37.8' | 10.4' | 174.5' |
| REAR | 50 feet | 354.1' | 348.5' | 129.8' |

BUILDING HEIGHT
 N/W 0'-151' OF RESIDENTIAL ZONE 30'
 N/W 151'-250' OF RESIDENTIAL ZONE 30'
 N/W 251'-401' OF RESIDENTIAL ZONE 40'
 N/W 401'-500' OF RESIDENTIAL ZONE 50'

LOT COVERAGE TABULATION
 SITE LOCUS: MAP 85, PARCELS 10&12
 TOTAL SITE AREA = 306,615 S.F.
 ALLOWED LOT COVERAGE = 181,970 S.F. (59%)
 EXISTING LOT COVERAGE = 181,504 S.F. (59.5%)
 PROPOSED LOT COVERAGE = 180,604 S.F. (58.9%)

□ = PROPOSED LOT COVERAGE AREA



GENERAL NOTES:

- OWNERS OF ADJACENT PROPERTIES ARE SHOWN ACCORDING TO CURRENT CITY OF MARLBOROUGH ASSESSORS RECORDS.
- THIS PLAN IS BASED ON AN "AS-IS" SURVEY BY CONNORSTONE ENGINEERING INC. PERFORMED IN NOVEMBER 2022.
- LEGAL STATUS OF EASEMENTS AND RIGHTS NOT DETERMINED BY THIS SURVEY.

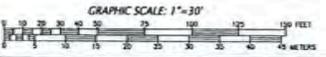
OWNER:
 TROMBETTA FAMILY LIMITED PARTNERSHIP
 655 FARM ROAD
 MARLBOROUGH, MA 01752

CONNORSTONE ENGINEERING INC.
 CIVIL ENGINEERS AND LAND SURVEYORS
 10 SOUTHWEST CUTOFF, SUITE 7
 NORTHBOROUGH, MASSACHUSETTS 01552
 PHONE: 508-393-9277 FAX: 508-393-5242

PROPOSED SITE PLAN OF 655 FARM ROAD MARLBOROUGH, MA (MAP 85, PARCELS 10 & 12)

| DATE | REVISIONS |
|------------|----------------------------|
| 5/17/2023 | REVIEW EXITS |
| 2/6/2023 | SPECIAL PERMIT APPLICATION |
| 11/15/2022 | SITE PLAN REVIEW COMMENTS |
| 10/26/2022 | SPN COMMENTS |

REVISION: DESCRIPTION:
 DRAWN BY: RDM CHECK BY: KC
 DATE: SEPTEMBER 15, 2022
 SCALE: 1"=30' SHEET 3 OF 3.





RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 MAY 16 AM 8:20

CITY OF MARLBOROUGH
Office of the City Council
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

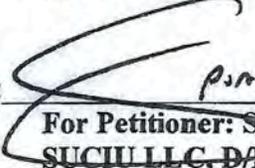
Order No.2023-1008823

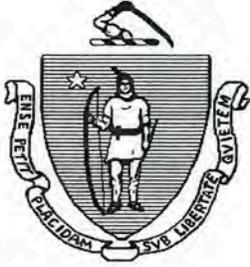
Application for Special Permit from Atty. Sem Aykanian
On behalf of SUCIU LLC, d/b/a Exela Storage to add additional units
to a nonconforming storage facility to be located at
846 Boston Post Road East, Marlborough, MA

The Decision of the Special Permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on **August 22, 2023**

By: _____
**Michael H. Ossing, President
Marlborough City Council**

By:  _____
**For Petitioner: Sem Aykanian, Esq.
SUCIU LLC, D/B/A Exela Storage**



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND REQUEST FOR COMMENTS

D.P.U. 23-41

May 12, 2023

Petition of NSTAR Electric Company, d/b/a Eversource Energy, for Approval of its 2023 Energy Efficiency Surcharges for effect July 1, 2023.

On May 1, 2023, NSTAR Electric Company, d/b/a Eversource Energy (“Company”), filed with the Department of Public Utilities (“Department”) a petition seeking approval of its 2023 Energy Efficiency Surcharges (“EES”), effective July 1, 2023. The Department docketed the Company’s petition as D.P.U. 23-41.

An EES 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 proposed EES are designed to: (1) collect costs associated with the Company’s 2023 energy efficiency program implementation in excess of other funding sources; and (2) reconcile expenses and revenues from the previous year’s program implementation.

In compliance with the Department’s directives in NSTAR Electric Company, D.P.U. 22-22, at 469 (2022), the Company’s proposed 2023 EES incorporate a revised calculation method. In particular, the Company previously calculated a separate EES for residential customers and low-income residential customers. The revised EES calculation method allocates low-income energy efficiency program costs between a single, combined residential/low-income sector and the commercial and industrial (“C&I”) sector. D.P.U. 22-22, at 469. As a result, the Company will now calculate a single EES for residential customers, including low-income residential customers.

Low-income residential customers will no longer pay a separate low-income EES; however, they will continue to receive a discount on their total electric bill. In part to offset future bill impacts from the change in EES calculation method, the Department approved an increase in NSTAR Electric’s total bill discount for low-income residential customers from 36 percent to 42 percent. D.P.U. 22-22, at 470. That change took effect January 1, 2023, six months prior to the implementation of the new EES calculation method, and resulted in an additional monthly decrease to a typical low-income customer’s bill of approximately \$12 in the eastern Massachusetts service territory and approximately \$13 in the western Massachusetts service territory. See D.P.U. 22-22, at 470-471; see also Compliance Exhibit J (Exh. ES-BILLS-1).

The Company proposes the following revised EES for effect July 1, 2023: (1) 2.084 cents per kilowatt-hour (“kWh”) for residential customers, including low-income residential customers; and (2) 0.651 cents per kWh for commercial and industrial (“C&I”) customers. If the Department approves the 2023 EES as proposed, a typical residential customer (R-1) in the eastern Massachusetts service territory using 600 kWh of electricity per month will experience a monthly bill increase of \$0.48 (or approximately 0.2 percent). A typical residential customer (R-1) in the western Massachusetts service territory using 600 kWh of electricity per month will experience a monthly bill increase of \$0.60 (or approximately 0.3 percent). A typical low-income residential (R-2) customer in the eastern Massachusetts service territory using 600 kWh of electricity per month will experience a monthly bill increase of \$5.93 (or approximately 4.2 percent). A typical low-income residential (R-2) customer in the western Massachusetts service territory using 600 kWh of electricity per month will experience a monthly bill increase of \$5.94 (or approximately 4.7 percent). C&I customers will experience a monthly bill impact ranging from 0.0 percent to a decrease of 1.0 percent. For specific bill impacts, please contact the Company as shown below.

Any person interested in commenting on this matter may submit written comments no later than the close of business (5:00 p.m.) on **Friday, June 2, 2023**. Written comments from the public may be sent by email to dpu.efiling@mass.gov, krista.hawley@mass.gov, and the Company’s attorney, John K. Habib, Esq., at jhabib@keeganwerlin.com. Please note that in the interest of transparency any comments will be posted to our website as received and without redacting personal information, such as addresses, telephone numbers, or email addresses. As such, consider the extent of information you wish to share when submitting comments. The Department strongly encourages public comments to be submitted by email. If, however, a member of the public is unable to send written comments by email, a paper copy may be sent to Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110.

All documents should be submitted to the Department in **.pdf format** by e-mail attachment to dpu.efiling@mass.gov and krista.hawley@mass.gov. The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 23-41); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. All documents submitted in electronic format will be posted on the Department’s website through our online File Room as soon as practicable (enter “23-41”) at: <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber>. In addition, one copy of all written comments should be emailed to the Company’s attorney, John K. Habib, Esq., at jhabib@keeganwerlin.com.

D.P.U. 23-41

Page 3

The filing and all subsequent related documents submitted to the Department or issued by the Department will be available on the Department's website as referenced above as soon as is practicable. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed above, is sufficient. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at Gabriella.Knight@mass.gov.

For further information regarding the Company's filing, please contact the Company's attorneys, identified above. For further information regarding this Notice, please contact Krista Hawley, Hearing Officer, Department of Public Utilities, at krista.hawley@mass.gov.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Marlborough Public Schools

School Committee
District Education Center
25 Union Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

April 11, 2023

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Daniel Caruso, Earl Geary, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Also present were Chairman Vigeant, Superintendent Mary Murphy, Assistant Superintendent of Teaching and Learning, Robert Skaza, Assistant Superintendent of Student Services and Equity, Jody O'Brien, and Director of Finance and Operations, Douglas Dias. Additionally, MEA Representative Eileen Barry and Student Advisory Representative Jessica Rosenzweig were present.

This meeting is being recorded by local cable, WMCT-TV, and is available for review.

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.

3. **Presentation:**

A. **MHS Student Advisory Committee**

The senior class representative, Rachel Scooler, presented on the preparation that is being done for upcoming AP exams at MHS. Students were able to take AP mock exams prior to the official assessment and/or receive review material through Kaplan. Rachel shared positive student testimonies about the preparation students receive for AP exams.

The junior class representative, Risha Khanderia, was unable to attend the meeting so Jessica Rosenzweig presented her written report. Jessica spoke about Risha's experience on the Special Olympics youth council. She spoke about the advocacy being done to promote Special Olympics Massachusetts to members of congress. She expressed her desire for another MHS student to join her on the council.

The sophomore class representative, Sarah Garner, discussed class elections and the preparation being done for junior year. She shared that many clubs and organizations are hosting fundraisers to help jump start programs next year.

www.mps-edu.org



Marlborough Public Schools

School Committee
District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

The freshman class representative, Atul Modur, provided the committee with an overview of Work Based Learning Alliance (WBLA). WBLA connects high school students with various businesses and organizations so that they can have paid internship experiences. Currently, 11 students are taking part in the spring WBLA experience.

Mrs. Bodin-Hettinger shared that May 4th is the MASC's Day on the Hill where legislators talk about education in the state and the event is followed by a luncheon. She invited the MHS Student Advisory Committee members.

4. Committee Discussion/Directives: None.

5. Communications: None.

6. Superintendent's Report:

Superintendent Murphy updated the committee on the 2023-2024 School Calendar, which is an action item later in the evening. DESE has not published the FY24 assessment calendar yet, so the MCAS testing dates are tentative. DESE will release the finalized dates later this month.

The Superintendent spoke about the City-wide Art Show that took place on April 4th at Whitcomb School for grades K-12 families. The homepage of the MPS website has the link to the virtual art gallery.

Superintendent Murphy updated the committee on attendance in the district. Almost 1/3 of students in the district have missed 10% or more of their classroom instruction. The district continues to reach out to families to reduce this percentage. At the high school level, school counselors have been reaching out to the families of chronically absent students. At the elementary school level, principals do most of the outreach. Mrs. O'Brien and other leaders in the district have also supported these efforts.

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A. Assistant Superintendent of Teaching & Learning

Dr. Skaza, the Assistant Superintendent of Teaching and Learning, shared the 2022-2023 MCAS testing schedule. He highlighted the types of exams and their details within his report.

Dr. Skaza explained that summer programming preparation has commenced. His office oversees the summer Title I Program (K-8), the MHS Credit Recovery Program, the Whitcomb Jump Start Program, and the Camp Invention Program. Each summer program has a coordinator, and the district has started to hire staff as well.

Dr. Skaza stated that the final seminar for the 2022-2023 MEA Mentoring Program was held on April 6th. He congratulated the Year 1 MEA members on completing this series of seminars. They will continue on to the final stage of the induction program by participating in the year 2 course.

Dr. Skaza spoke about the partnership between the district and Reading Ways organization to support interdisciplinary literacy in middle and high school classrooms.

Dr. Reyes discussed this partnership more in depth.

7. Acceptance of Minutes:

A. Minutes of the March 28, 2023 School Committee Meeting

Mrs. Ryan notes that these minutes did not specify the rate that substitutes in the district would be paid. Mrs. Matthews will add the rates page to the minutes.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve these minutes as amended.

Motion passed 7-0-0.

8. Public Participation: None.

It should be noted that members of the public may provide comment via email before the meeting to superintendent@mps-edu.org. Public participation is a time for your comments to be heard by the committee; it is not a question-and-answer session.

www.mps-edu.org



Marlborough Public Schools

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District Education Center
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9. Action Items/Reports

A. FY24 School Calendar

Mrs. Matthews noted a few ordering changes that need to be made. The November 22nd to 24th Thanksgiving Recess should be listed before the November 28th School Committee meeting in the middle column. The March 12th School Committee meeting should be listed after the March 5th PD day. There is a typo on the April 3rd PD day. There is an extra ‘-’ on the November 7th date.

Superintendent Murphy explained that the increase in early release days (from 4 to 6) connects back to Superintendent Bergeron’s strategies for improvement plan. She then explained that the typical four-day weekend that happens in January is impacted by the Presidential primary in March, which is why it is not listed on the calendar.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the FY24 School Calendar as amended.

Motion passed 7-0-0.

B. Acceptance of Donations and Gifts

Classical Association of New England. Ms. McCormick-Lane’s class at Whitcomb School received \$500.00 from Classical Association of New England.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this donation.

Motion passed 7-0-0.

Hope & Comfort. MPS families received \$1,300.00 from Hope & Comfort.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this donation.

Motion passed 7-0-0.

10. Reports of School Committee Sub-Committees: None.



Marlborough Public Schools

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 (508) 460-3509

11. Members' Forum:

Mrs. Matthews has reviewed the warrant and will sign it.

Mrs. Bodin-Hettinger shared that Channel 5 did a story on the Girls on the Run program held at Jaworek Elementary School.

Mrs. Hennessy gave a shoutout to the social media post about the Kindergarten program.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 8:28 p.m.

Motion passed 7-0-0.

Respectfully submitted,

Heidi Matthews
 Secretary, Marlborough School Committee

HM/jm

Approved May 9, 2023



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 MAY 10 AM 9:23

Marlborough Public Schools

School Committee
District Education Center
25 Union Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

April 25, 2023

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Daniel Caruso, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Also present were Superintendent Mary Murphy, Assistant Superintendent of Teaching and Learning, Robert Skaza, Assistant Superintendent of Student Services and Equity, Jody O'Brien, and Director of Finance and Operations, Douglas Dias.

This meeting is being recorded by local cable, WMCT-TV, and is available for review.

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation:** None.
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.
6. **Superintendent's Report:**

Superintendent Murphy attached district attendance reports over this past academic year. Mrs. Murphy also provided information on student attendance before and after early release days. She explained that past district calendars have included two, four, and six professional development early release days. While these PD days allow district strategies to be worked on, attendance tends to be low on early release days. She asked the committee to discuss the following options: (1) keep the FY24 six early release days, (2) change two of these days into delayed openings, or (3) reduce the amount of early release days from six to four. If the second or third option is chosen, October 18th and January 10th would be the two dates affected.

Committee members voiced their thoughts and concerns regarding the different options. Superintendent Murphy asked to reduce the early release days to four district-wide and then investigate the potential options for the other two days at the elementary level.

www.mps-edu.org



Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

A. Director of Finance & Operations Report

Mr. Dias, the Director of Finance and Operations, informed the committee that the district is continuing to pursue the completion of the Jaworek Elementary School HVAC system improvements.

Mr. Dias shared that the district has released a request for proposals (RFP) for a Food Service Management Company for services starting on July 1, 2024. A four-person team will review and rate the RFP submissions. He thanked those who volunteered to serve on the evaluation team with him: Heidi Matthews, Debra Dallamora, and Laurel Butler.

Mr. Lafleur, the appointed Director of Finance and Operations, visited the Central Office and some schools on Tuesday, April 18th. Mr. Lafleur's first official day will be July 1, 2023.

Mr. Dias reported that the Business Office is beginning to close out the FY23 budget.

B. Assistant Superintendent of Student Services & Equity

Mrs. O'Brien, the Assistant Superintendent of Student Services and Equity, reported on the special education and civil rights review that was conducted in the fall of 2022. The procedures, policies, and other documents were reviewed. Parents were interviewed as well. A site visit occurred on November 30th, 2022. The review results showed that the district was in compliance with the legal requirements in all areas except SE-55: special education facilities and classrooms. Two time-out rooms at Jaworek Elementary School were not appropriate for the purpose of calming students. Mrs. O'Brien explained the changes that were made and will be made to bring these room in compliance. She attached the full review report and the Continuous Improvement and Monitoring Plan to her report.

7. Acceptance of Minutes: None.

8. Public Participation: None.

It should be noted that members of the public may provide comment via email before the meeting to superintendent@mps-edu.org. Public participation is a time for your comments to be heard by the committee; it is not a question-and-answer session.

www.mps-edu.org



Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

9. Action Items/Reports

A. FY 23 Operating Budget Transfers

Mr. Dias outlined various budget transfers in the attached document.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve these budget transfers.

Motion passed 6-0-0.

10. Reports of School Committee Sub-Committees: None.

11. Members' Forum:

Mrs. Matthews has reviewed the warrant and will sign it.

Mrs. Hennessy shared that the spring concert will be held this Thursday night at Whitcomb. The fashion show will be held next Wednesday at the MHS little theater.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 8:11 p.m.

Motion passed 6-0-0.

Respectfully submitted,

Heidi Matthews
 Secretary, Marlborough School Committee

HM/jm

Approved May 9, 2023

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MARLBOROUGH HISTORICAL COMMISSION

MEETING MINUTES
March 16, 2023
CITY HALL, 140 MAIN STREET
COUNSEL COMMITTEE MEETING ROOM, 7:00PM

2023 MAY 15 PM 2:10

Board Members:

Brendan Downey, Chair – present
Sarah Hough, Vice Chair – present
Stephanie Ferrecchia – present
Kathleen Newton – present
Adrian Gilbert, Secretary – present

1. *Meeting called to order at 7:04PM*
2. *Motion put forth and seconded to approve February 16, 2023 minutes. Motion passes 5 - 0*

Brendan Downey, Chair - AYE
Sarah Hough - AYE
Stephanie Ferrecchia - AYE
Kathleen Newton - AYE
Adrian Gilbert – AYE

3. *Current Business*

- A. *Historic Home Signage, Brendan Downey reviewed previous meeting minutes, verifying list of home owners interested in Signage Program. Locations: 180 Farm Road, 12 Paris Street, 787 Concord Road, 580 Farm Road, 9 Broad Road, 99 Lakeside (77 Lakeside according to MACRIS) Avenue, 11 Maddox Road, 46 Pleasant Street, and 100 Berlin Road. Details of homeowner's requests are listed in minutes of January 20, 2022 meeting. Brendan will contact each homeowner to move this process along and contact the sign maker.*
- B. *Web Site Edits developed numerous discussions about content and layout of Commission web page. Items of Interest for home owners, Items of Interest to citizens of Marlborough and/or visitor such as posting a different historic home each month, variations of page layout, secondary page availability, links to archived documents, and a link to Facebook. Commission Chair Downey will reach out to City IT Department for web site specifics.*

New Business

- A. *Due to Business conflicts Chair Brendan Downey cannot attend the next meeting scheduled for April 21, 2023. Three options were made available; cancel meeting, hold meeting directed by Vice Chair with a quorum present, or reschedule meeting for April 27, 2023.*

Reschedule the meeting for April 27, 2023 at 7PM was selected. Motion passes 5- 0

Brendan Downey, Chair - AYE
Sarah Hough - AYE
Stephanie Ferrecchia - AYE
Kathleen Newton - AYE
Adrian Gilbert – AYE

General Topics of Discussion (NO VOTES REQUIRED)

- A. *Reminder to committee that the "Paint Palette Document" should be reviewed for the next meeting (Gilbert), and that the revised version must also be presented to New England Historic Organization and Old Sturbridge Village, as they provided information for the document, prior to posting. This information can then be passed along to Tin Htway, Marlborough Building Commissioner who originally requested our input on the subject of interior and exterior paint colors. Remaining documents should also be reviewed over the following meetings for approval.*
 - B. *Contact Chair Downey for any new agenda items you wish added for a future meeting, your suggestions are always welcome (Downey)*
 - C. *Commission is currently at five members, Brendan will reach out to Mayor's Office requesting a posting for additional members (Downey).*
 - D. *General discussions concerning Armory renovation, Walker Building, empty renovation site on Main Street.*
4. *Motion to Adjourn meeting, 8:00PM. Motion passes 5 - 0*

*Brendan Downey, Chair - AYE
 Sarah Hough - AYE
 Stephanie Ferrecchia - AYE
 Kathleen Newton - AYE
 Adrian Gilbert - AYE*

*Respectfully Submitted,
 Adrian Gilbert, Secretary
 Marlborough Historical Commission*



**MINUTES
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1A

2023 MAY 11 PM 2:51

Call to Order

April 10, 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, Barbara Fenby, James Fortin, Dillon LaForce, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio. Members Absent: William Fowler

1. Draft Meeting Minutes

A. March 27, 2023

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the March 27, 2023, meeting minutes. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

2. Chair's Business

A. Street Acceptance - No updates

3. Approval Not Required (None)

4. Public Hearings

A. 689 Pleasant Street, Marlborough, MA 01752 – Continued from March 27, 2023

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 Koravos, 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. Request for continuance

Mr. LaVenture read the April 5, 2023, correspondence into the record.

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to accept and file the correspondence and to continue the public hearing to the April 24, 2023, meeting at 7:00 PM. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

ii. Tree Preservation and Protection Plan

Dated: April 1, 2023

Mr. Fay went over the punch list items on the flowchart.

Mr. DiPersio explained he met with Mr. Koravos and that he addressed the items from the March 23, 2023, Engineering review letter, except that he is still working on gathering information for the intersection sight distance and the sewer stub location for the abutting property at 705 Pleasant Street.

The Board discussed the Tree Preservation and Protection Plan and decided to ask Mr. Koravos to have the trees flagged on site that the arborist had determined could be saved. Mr. Russ provided additional tree locations that he wanted flagged for consideration of being saved.

5. Subdivision Progress Reports

A. 76 Broad Street – No discussion required, waiting on guidance from the Legal Department

Guidance from the Legal Department is anticipated for the April 24, 2023, meeting.

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Mr. Fay requested the discussion of the Commonwealth Heights Subdivision be included under chairs business on the April 24, 2023, agenda.

6. Preliminary/Open Space/Limited Development Subdivision

A. Stow Road, Open Space Development Special Permit Application – No new information

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

The Administrator explained the draft special permit had been received and was sent to the Legal Department for review.

Mr. Fay went over the punch list items on the flowchart.

Mr. DiPersio discussed the punch list item – Revised plans addressing buffer zone language. He explained the developer was under the impression that this could be addressed as part of the definitive plan submission. The Board concluded the issue was not a fatal flaw and that it could be addressed during the definitive plan submission.

Mr. Fay reminded the Board they wanted Conservation Commission's comments to be included on the special permit. Mr. Russ reminded the Board the site was previously an apple orchard and that this should also be addressed on the special permit.

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group

Mr. LaVenture went over the below draft items and explained the following paragraph is being added to each Memo.

"The procedures outlined in this memorandum shall be interpreted consistently with, and shall not modify, the Planning Board Rules and Regulations, any City Ordinance and any other applicable local, state, or federal laws."

i. Draft Memo - Sign Ordinance Variance Procedures

Mr. LaVenture went over the changes the Working Group and the Legal Department made.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to adopt the memoranda for the record, which is an item to be used in the review of Sign Variance Applications. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

ii. Draft Memo - Public Hearing Process Elements

Mr. LaVenture explained most of the language within the Public Hearing Process Elements memo was derived from meeting minutes from a July 2005 Mashpee, Massachusetts Planning Board meeting.

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Mr. LaVenture went over correspondence from Assistant City Solicitor, Jeremy McMannus. – See attached.

The Administrator displayed the website <https://malegislature.gov> for the Board's viewing of Chapter 41, §81U and Chapter 40a, §9.

Mr. LaVenture explained we would be receiving further guidance from the Legal Department regarding the timeline and more specifically when the clock starts. Once received, the Working Group will compare the information to the Planning Board Rules and Regulations and the flowcharts.

iii. Draft Memo - Public Hearing Process

Dr. Fenby discussed how the current public hearing structure doesn't leave room for residents to ask questions. Their current options are to speak in favor or in opposition. The Board discussed the option of restructuring the public hearing process to include a section where residents can ask questions.

Mr. Fay explained during public hearings the Board should compile a list of questions from the department review letters and the public input. These questions should be addressed by the applicant/developer after the public input and the Board's discussion have been concluded.

iv. Draft Memo - Subdivision Waiver Requests

Mr. Russ addressed concerns regarding bullet item below:

- Are the waivers requested consistent with adjacent neighborhoods?

Mr. Fay addressed concerns regarding bullet item below:

- Did the Board receive favorable recommendations from the City Engineer and other relevant City Departments?

The Board conclude the current wording leaves too much room for interpretation and suggested edits.

v. Draft Flowchart - Procedure for Limited Development - Step One

Mr. DiPersio explained this process is very similar to the step one of an open space development. It allows for "backland" lots, which consists of a lot with a reduce frontage of 50-feet, with extra area in the back. In Marlborough the total area must be 2.5 times the zoning requirement. You must also be able to show, that for every limited development lot, you are able to get 2.5 times that number of lots with a waiver less conventional plan. So, if the conventional plan shows three lots, you would be able to do one limited development lot or if the conventional plan shows five lots, you would be able to do two limited development lots.

The Board concluded to change the last box of the flowchart to read as follows: "If approved, applicant can proceed to Limited Development Subdivision – Step Two (ANR Plan or Definitive Subdivision Plan)."

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to approve the use of the Procedure for Limited Development – Step One Flowchart. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

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11. Calendar Updates

- A. Stow Road, Open Space Development Special Permit Application – 90 days expires Sunday, March 19, 2023, extension granted to April 27, 2023 - Vote on or before **April 24, 2023**, meeting
- B. Beauchemin Estates, 689 Pleasant Street Definitive Subdivision – 90 days expires Sunday May 14, 2023 – Vote on or before **May 8, 2023**, meeting

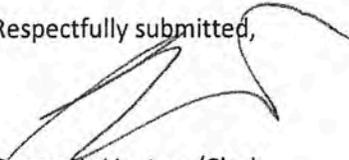
12. Public Notices of other Cities & Towns

- A. Public Hearing Legal Notices
 - i. Town of Sudbury
 - ii. Town of Berlin

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file all the items under 12. Public Notices of other Cities and Towns. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

On a motion by Mr. LaForce, seconded by Mr. Russ, the Board voted to adjourn the meeting. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

Respectfully submitted,



George LaVenture/Clerk

/kmm