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CITY OF MARLBOROUGH
City Council Agenda

Monday, September 11, 2023
8:00 PM

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

1. Minutes, City Council Meeting, August 21, 2023.
2. PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 3-5) on High Street approximately 300' east of the centerline of the intersection of High Street and Bolton Street and to install a new Manhole (1) and underground conduit from Pole 3-5 to new Manhole (1) and to existing Transformer 1-2 on Exchange Street, Order No. 23-1008950.
3. PUBLIC HEARING on the Proposed Amendment to City Code, Chapter 650 "Zoning" by adding a new section to create the "Sasseville Way Residential Overlay District", Order No. 23-1008941.
 - a) Communication from Residents of Blaiswood Avenue in opposition of the project.
4. Communication from the Mayor, re: Notification of Temporary Appointment pursuant to MGL Chapter 41 §61A of Theodore L. Scott as Interim Commissioner of the Department of Public Works effective August 22, 2023, for a 60-day term.
5. Communication from the Mayor, re: Notification of Temporary Appointment pursuant to MGL Chapter 41 §61A of Christopher J. Firicano as Interim Director of Finance effective September 5, 2023, for a 60-day term.
6. Communication from the Mayor, re: Certification of Free Cash in the amount of \$12,003,558.00 in addition Transfer Requests from Undesignated Fund (Free Cash) to OPEB Trust and Undesignated Stabilization in the amount of \$1,200,355.80 each pursuant to the financial policies of the city.
7. Communication from the Mayor, re: Transfer Request in the amount of \$4,925,000.00 from Undesignated Fund (Free Cash) to Public Safety Equipment, for Public Safety Communication upgrades.
8. Communication from the Mayor, re: Proposed Easement for a parcel of land at South Bolton and Main Street, Map 70, Parcel 126 in addition to a Gift Acceptance from the Marlborough Historical Society.
9. Application from Barlo Signs on behalf of Kennedys Restaurant and Market for installation of a Free-Standing EMC Sign at 247 Maple Street.

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.

10. Communication from Attorney Brian Falk on behalf of New England LLC, re: Proposed Zoning Amendment to Chapter 650 "Zoning" to amend §22 "Retirement Community Overlay Districts" to include Map 39, Parcels 5 and 26B located on Robin Hill Street currently located in the LI District to accommodate an over 55 community combining both townhouse and multifamily components for a new condominium ownership neighborhood.
11. Application for Special Permit from Attorney Brian Falk, on behalf of Somar Landscape, Inc., to construct and operate a Landscaper's Yard at the Airport Industrial Park, 59 Airport Boulevard, Unit 16.
12. Minutes of Boards, Commissions and Committees:
 - a) School Committee, June 27, 2023 & August 2, 2023.
 - b) Conservation Commission, August 3, 2023.
13. CLAIMS:
 - a) Adam Foss, 9 Bellflower Road, Billerica, pothole or other road defect.
 - b) Samantha Graham, 655 Boston Post Road, #2211, Sudbury, pothole or other road defect.
 - c) Lori & Doug McCray, 12 Pioneer Trail, other property damage and/or personal injury.
 - d) Verizon Post Office Box 60770, Oklahoma City, OK, other property damage and/or personal injury.

REPORTS OF COMMITTEES:**UNFINISHED BUSINESS:**

Councilors-at-Large

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



Ward Councilors

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

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23 SEP -6 AM 11:50

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
CITY COUNCIL
MEETING MINUTES
MONDAY, AUGUST 21, 2023**

The regular meeting of the City Council was held on Monday, August 21, 2023, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Irish, Navin, Landers, Oram, Perlman & Robey. Absent: Brown. Meeting adjourned at 9:06 PM.

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

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

That the **PUBLIC HEARING** on the Petition from Massachusetts Electric and Verizon New England, to install two new joint owned Poles (Pole 22-25 & 22-26) on Forest Street approximately 1500' east of the centerline of the intersection of Forest Street and Sandini Road to serve a new building at 201 Forest Street, Order No. 23-1008940, all were heard who wish to be heard, hearing closed at 8:03 PM, adopted.

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

Councilors Absent: Brown.

That the **PUBLIC HEARING** on the Application for Special Permit from George Voyiatzis, to convert an existing building into a multi-family residential building consisting of 17 residential units in the Neighborhood Business District at 358 Lincoln Street, Order No. 23-1008939, all were heard who wish to be heard, hearing closed at 8:30 PM, adopted.

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

Councilors Absent: Brown.

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

ORDERED: That the Certification from Ward 1 Councilor Laura Wagner as required under MGL Chapter 39 §23D (“Mullin Rule”), regarding the Application for Special Permit from Rick Marino, Trustee on behalf of Marco Realty Trust, to expand a pre-existing nonconforming use pursuant to City Code Chapter 650 “Zoning” §12(B) at 13-15 Mechanic Street, Order No. 23-1008926, **FILE**; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$10,000.00 from the National Council on Aging awarded to Council on Aging to be used to purchase and administer COVID-19 Booster vaccine and/or Influenza vaccine to at least 100 seniors; adopted.

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

ORDERED: That the Proposed Acceptance of Easement for a small portion of land at the corner of Hayes Memorial Drive and Boston Post Road West (Route 20) for the “Welcome to Marlborough” sign, referred to the **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE**; adopted.

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

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Request for Executive Session to discuss litigation strategy relative to JW Capital Partners, LLC and Marlborough TOTG LLC v. City of Marlborough (Land Court No. 23 MISC 000199), **MOVED TO THE END OF AGENDA & FILE**; adopted.

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

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Proposed Zoning Ordinance Amendment to Chapter 650 “Zoning” of the Code relative to Definitions, Affordable Housing, and the Marlborough Village District (MV), in proper legal form, Order No. 22/23-1008721G, **MOVED TO #20 & FILE**; adopted.

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

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: 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, in proper legal form, Order No. 23-1008889B (X 20-1007948H), be and is herewith **MOVED TO #21 & FILE**; adopted.

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

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: 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, in proper legal form, Order No. 23-1008890B, **MOVED TO #22 & FILE**; adopted.

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

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Application for Modification of Special Permit from Ralph Aronov on behalf of Green Gold Group, Inc., to amend the hours of operation, type of use, and to allow for internally illuminated signage at the adult use marijuana retail establishment located at 910 Boston Post Road East within the Wayside District, in proper legal form, Order No. 20/23-1008062G, **MOVED TO REPORTS OF COMMITTEE & FILE**; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY SEPTEMBER 11, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 3-5) on High Street approximately 300’ east of the centerline of the intersection of High Street and Bolton Street and to install a new Man Hole (1) and underground conduit from Pole 3-5 to new Man Hole (1) and to existing Transformer 1-2 on Exchange Street, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Communication from Attorney Brian Falk on behalf of the Red Spring Road Homeowners Association, Inc., re: Proposed Zoning Amendment to Chapter 650 “Zoning” of the Code to add a new section to create the “Red Spring Road Overlay District” (RSR), referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, OCTOBER 2, 2023**; adopted.

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED FOR ITS CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING AND ADDING THERETO AS FOLLOWS:

§650-50 – RED SPRING ROAD OVERLAY DISTRICT

Purpose and Objectives.

The Red Spring Road Overlay District (“RSR”) allows the application of supplemental land use controls within the boundaries of a certain overlay district as an alternative to land use controls that exist in the underlying districts. The establishment goals of the RSR are to encourage improvements to existing structures and regulate modifications to a unique lakeside residential community.

Location of RSR: Underlying Zoning.

For the purposes of this Section (§650-50 et. seq.), the RSR is located on the southerly side of Fort Meadow Reservoir along Red Spring Road between Reservoir Street and Cullinane Drive containing approximately 50 acres as indicated on the City Zoning Map and more particularly described in Exhibit “A” annexed hereto and incorporated by reference herein.

Except as specifically provided herein, the provisions of the Zoning Ordinance relating to the underlying zoning districts not otherwise impacted by this Section (§650-50 et. seq.) shall continue to remain in full force and effect. In the event of any conflict between the provisions of this Section (§650-50 et. seq.) and any other provision of the Zoning Ordinance, the provisions of this Section (§650-50 et. seq.) shall govern and control.

Authority of Permit Granting Authority.

The City Council shall be the special permit granting authority in the RSR.

At the request of an applicant, the City Council may elect to vary the dimensional, parking, design, and landscaping requirements applicable to a use or structure by special permit upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent or purpose of this Section (§650-50 et. seq.).

Use Regulations.

The following uses are permitted as of right in the RSR:

- Single-family dwellings.
- Up to one (1) boat club.
- Uses allowed as of right in the underlying zoning district, as set forth in the Table of Use Regulations.
- Accessory buildings and accessory uses.
- Uses allowed by special permit in the underlying zoning district may be allowed by special permit in the RSR.
- All uses not specified in Subsection D.1 and Subsection D.2 above shall be deemed prohibited in the RSR.

Dimensional Regulations.

Notwithstanding any provisions of the Zoning Ordinance to the contrary, development in the RSR shall be subject to the following dimensional standards:

- Minimum Lot Area: 18,000 square feet.
- Minimum Lot Frontage: none.
- Minimum Front, Side, and Rear Yards: none (See Section 650-50.E.2).
- Maximum Building Height: 2 ½ stories.
- Maximum Lot Coverage: 30%, over the entire RSR.
- Maximum Gross Floor Area of a Single-Family Dwelling: 3,000 square feet.

With the exception of structures erected prior to July 1, 2023, all structures shall be set back a minimum of 15 feet from the RSR district boundary line, excluding the boundary line adjacent to the Fort Meadow Reservoir.

Within the RSR, multiple principal and accessory buildings and uses may be located on the same lot under a condominium form of ownership with each principal building located within an exclusive use area of at least 8,000 square feet, and there shall be no yard setbacks or landscaped strips required as to exclusive use areas or minimum distances between structures, provided that any building permit application for a new structure or expansion of an existing structure shall be accompanied by evidence that such work is authorized by the governing condominium organization.

Parking Requirements.

Parking for single-family dwellings and boat clubs shall be provided as feasible. Parking for other uses within the RSR shall conform with the provisions of §650-48.A of the Zoning Ordinance.

Driveways and Roadways.

Driveways and roadways located within the RSR shall be maintained to provide safe access and egress for vehicular and pedestrian traffic and emergency services but shall not be subject to the design standards set forth in §650-49 of the Zoning Ordinance or subdivision standards.

EXHIBIT A

The Red Spring Road Overlay District shall include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

- Assessors Map 30, Parcel 10

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

ORDERED: That there being no objection thereto set **MONDAY SEPTEMBER 18, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk on behalf of Post Road Realty, LLC to construct a mixed-use, multi-family residential and commercial (retail/restaurant/other commercial use) project in the Executive Residential Overlay District (EROD) which will consist of 475 residential units at the corner of Simarano Drive and Cedar Hill Street, referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

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

ORDERED: That the Communication from Central MA Mosquito Control Project, re: Personnel will be in the community responding to residents' concerns about mosquitos on various dates in August 2023, **FILE**; adopted.

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

ORDERED: That the Communications from residents, re: Support of Application for Special Permit from Rick Marino, Trustee on behalf of Marco Realty Trust, to expand a pre-existing nonconforming use pursuant to City Code Chapter 650 "Zoning" §12(B) at 13-15 Mechanic Street, **FILE**; adopted.

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

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

- a) Commission on Disabilities, March 6, 2023.
- b) Conservation Commission, July 20, 2023.
- c) Cultural Council, May 17, 2023.
- d) Planning Board, June 5, 2023.
- e) Traffic Commission, May 31, 2023.
- f) Zoning Board of Appeals, May 2, 2023, May 23, 2023 & June 20, 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) Christopher Castillo, 22 Maple Street, pothole or other road defect.
- b) Alessandro De Oliveira, 40 Harvard Street, #2, pothole or other road defect.
- c) Maryanne DeProspo, 16 McIntyre Court, pothole or other road defect.
- d) Rishikesh Desai, 13 Country Candle Lane, Northborough, pothole or other road defect.
- e) Kelliann Parker, 6 Stevens Street, #2, other property damage and/or personal injury.
- f) Linda Pakus, 17 Red Spring Road, other property damage and/or personal injury.
- g) Navid Sharifi, 31 Winter Lane, Framingham, pothole or other road defect.
- h) James Smith, 92 Silver Leaf Way, pothole or other road defect.
- i) Stanley Webster, 425 Pleasant Street, other property damage and/or personal injury.

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

**City Council Public Services Committee
July 31, 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: Chair Landers, Councilor Irish and Councilor Brown.

Non-Voting Members Present: Councilors Ossing, Robey, Perlman, Dumais and Wagner.

Keenan Brinn and Jeff Harrington addressed the petition for a grant on location on behalf of Lightpath.

Order No. 23-1008925: Petition of LIGHTPATH to install underground cable in conduit and other equipment within the public way on Cedar Hill Street near D'Angelo Drive.

Public Hearing held on July 24, 2023.

Chair Landers read the comment from City Engineer DiPersio as follows:

To the Public Services Committee: Regarding the Petition of Lightpath for a grant of location for underground cable in conduit and other equipment within the public way on Cedar Hill Street and D'Angelo Drive, I offer the following for your consideration:

- The Engineering Division has been working with Lightpath on this proposal. We do not have an issue with the grant of location; however, the work must be done prior to the final paving of the roadway as part of the City's reconstruction project, which is underway at this time.
- A condition of approval should be that a spare conduit be installed for future City use.
- Conditions related to work in the public way, including approval of the final location of the conduit, will be covered in a future Road Opening Permit from my office.

I have no other issues with the proposal from an engineering standpoint.

On motion by Councilor Irish, seconded by Chair, by a 3-0 vote, the committee recommends approval of the petition of Lightpath for a grant of location on Cedar Hill Street subject to the following conditions by the City Engineer:

- 1) the work must be done prior to the final paving of the roadway as part of the City's reconstruction project, which is underway at this time;
- 2) A spare conduit shall be installed for future City use;
- 3) Additional conditions shall be covered in the Engineering Road Opening Permit.

On a motion made, seconded, and approved, the meeting adjourned at 6:41 PM.

Reports of Committee Continued:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Monday, July 31, 2023
Minutes and Report**

This meeting convened at 6:45 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

Voting Members: Chair Irish, Councilors Dumais, Perlman, and Brown (Councilor Oram absent).

Non-Voting Members Present: Councilors Wagner, Ossing, Landers, and Robey; Councilor Navin (arrived at 6:50 PM). Councilor Doucette (arrived at 6:57 PM).

Police Lt. Dan Campbell addressed the new position.

Order No.23-1008937: Communication from Mayor Vigeant with proposed amendment to the City Code, Chapter 125 §5, Preparation of Classification Descriptions, to add a new position of Special Traffic Constable within the Police Department per request from Police Chief Giorgi by letter dated May 16, 2023 – referred to Finance and ordered advertised.

Police Chief Giorgi's letter, summarized below, clarified that Special Traffic Constables are appointed annually by the Mayor, are not sworn police officers, and are not covered by any collective bargaining agreement.

There are numerous road construction projects occurring in the city and although the city uses Marlborough police officers, current and retired, and out of town officers, all work details cannot be covered. The ability to utilize a former experienced police officer to fill vacant traffic detail locations would enhance the city's ability to do so and make passage through a construction area as safe as possible for pedestrians and motorists.

The creation of this position will be at no cost to the city and no expense for the Special Traffic Constable position will come from the department's operating budget. Any expense regarding training or equipping the Special Traffic Constable will be borne by the individual officer.

On a motion by Councilor Dumais, seconded by Chair, the committee voted 4 in favor; 1 (Oram) absent, to recommend approval of the proposed amendment to add a new position of Special Traffic Constable, effective date upon passage, \$62.50 Per Hour.

Chair will seek suspension of the Rules for approval of the ordinance on August 21, 2023.

Motion made and seconded to adjourn; meeting adjourned at 6:59 PM.

Reports of Committee Continued:

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

**City Council Urban Affairs Committee
Tuesday, July 31, 2023
Minutes and Report**

This meeting convened at 6:45 PM in the Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8/Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's home page, www.marlborough-ma.gov.

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

Non-Voting Members Present: Councilors Brown, Dumais, Irish, Perlman, and Ossing.

Also Present: Attorney James Mann for the applicant.

Order No. 23-1008062E: application for Modification of a special Permit from Ralph Aronov on behalf of green gold group, Inc. to amend the hours of operation, to add Medical Use, and to allow for internally illuminated signage at the Adult Use Marijuana Retail establishment located at 910 Boston Post Road East within the Wayside District.

The chair opened the meeting at 7:10 PM when the applicant arrived, who was stuck in traffic. Attorney Mann reviewed some photos he had taken of various retail establishments in Wayside district that had illuminated signs and expressed desire to have the signs at this location be illuminated. The chair explained that most of the signs he showed were there when zoning was changed, and the plan was that they would be eliminated as businesses changed hands. Councilor Wagner felt the plan was not a reality and she supported approving illuminated signs for this business while others agreed, and some didn't.

The chair read through the comments from the department heads with none having issues with the draft Decision on an Amendment to a Special Permit. She then read through the draft pointing out that the cover page dates would probably be changed to August and September.

She read through the draft Decision's Findings of Fact with #4 specifying the amendments--"to modify Find of Fact No.3 of the Original Special Permit to allow the addition of Medical Use of Marijuana operations; as well as condition No. 4 of the Original special permit in order to change the existing signage to new, internally lit signage (as shown on Exhibit A attached hereto) as well as condition No. 8 of the Original Special permit in order to change the maximum hours of operation of the Use, under the provision of MGL c. 40A §9 and the Marlborough Zoning Ordinance (the "Application") and also suggested adding a new number to list Councilor Brown's submittal of a letter stating she had reviewed the video of the Public Hearing held June 26, which allows her to vote on the matter. She also read through the information under the Actions, Section E which delineate the three proposed amendments.

The chair suggested that Amendment #2 (which deletes Condition 4) be stricken in its entirety which would keep the original condition in place. This would cause the applicant to revert to original special permit language which states, "Prior to seeking an initial sign permit from the City, the Applicant, its successors and/or assigns, shall submit to the City Council renderings of its proposed signage, which shall comply with the City's Sign Ordinance." The other amendments would remain as listed.

Reports of Committee Continued:

After discussion Councilor Wagner moved to amend the draft Decision by striking amendment E#2 in its entirety, striking reference to the amendment in Finding of Facts #4, and adding in reference to Council Brown’s letter, it was seconded, and the vote carried 5-0.

The chair stated the solicitor would be asked to have this in proper form for our August 21st council meeting and would then ask for a suspension to vote that evening. If the amended draft decision is not placed on the agenda by the Solicitor’s Office, Chair will seek suspension to refer to the Solicitor for the September 11th agenda.

Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting adjourned at 7:47 PM.

Suspension of the Rules requested – granted.

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

ORDERED: That the Petition from Lightpath, to install underground cable in conduit and other equipment within the public way on Cedar Hill Street near D’Angelo Drive, be and is herewith **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

- 1) The work must be done prior to the final paving of the roadway as part of the City’s reconstruction project, which is underway at this time;
- 2) A spare conduit shall be installed for future City use;
- 3) Additional conditions shall be covered in the Engineering Road Opening Permit.

Suspension of the Rules requested – granted.

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

ORDERED: That the Job Description pursuant to Chapter 125 “Personnel” §5 “Preparation of Classification Descriptions” of the Code, relative to the position of Special Traffic Constable within the Police Department, **APPROVED**; adopted.

Suspension of the Rules requested – granted.

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

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

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

Position	Effective Date	Minimum	Step 1	Step 2	Maximum
Special Traffic Constable	Upon Passage				\$62.50 Per Hour

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

APPROVED.

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

Suspension of the Rules requested – granted.

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

ORDERED:

IN CITY COUNCIL**DECISION ON AN AMENDMENT TO A SPECIAL PERMIT
GREEN GOLD GROUP, INC.
ORDER NO. 20/23-1008062H**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Green Gold Group, Inc. (the “Applicant”) to amend an existing special permit to build and operate an Adult Use Marijuana Retail Establishment at 910 Boston Post Road East, Suite 100, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 60 Prospect Street, North Brookfield, MA 01535.
2. The Applicant is the tenant of a commercial retail unit located at 910 Boston Post Road East, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 62 as Parcel 21 (the “Site”). The Site’s owner is Blackcomb Associates, LLC with a business address of 1 Main Street, Whitinsville, MA 01588.
3. On November 16th, 2020, the City Council of the City of Marlborough voted to grant a special permit authorizing Local Roots NE, Inc, of which the Applicant is the successor in interest, to build and operate an Adult Use Marijuana Retail Establishment at the Site (the “Use”) in accordance with Article VI, § 650-17, § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 76417, Page 396 (the “Original Special Permit”).
4. On June 1, 2023, the Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Finding of Fact No. 3 of the Original Special Permit to allow the addition of a co-located Medical Marijuana Treatment Center, change the existing signage to new, internally lit signage, and Condition No. 8 of the Original Special Permit in order to change the maximum hours of operation of the Use, under the provisions of M.G.L. c. 40A, § 9 and the Marlborough Zoning Ordinance (the “Application”).
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and existing site plans for the Site.
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. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

8. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, June 26th, 2023. The hearing was closed on that date.
9. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
10. At the public hearing, no members of the public spoke about the Use or submitted written comments about the Use.
11. Councilor Teona C. Brown was absent from the single session of the public hearing on the Application. Prior to the vote on this decision, Councilor Brown filed a written certification as to examination of all the evidence and testimony received at the hearing session, made as part of the record of the hearing, in accordance with Massachusetts General Laws Chapter 39, Section 23D.
12. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit, which are expressly incorporated in this Decision by reference.

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

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed Use of the Site, with the addition of a medical marijuana treatment center and modified operating hours as set forth in the conditions below, is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided in this Decision and in the Original Special Permit. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth in this Decision and in the Original Special Permit.
- C. The City Council incorporates by reference Finding C in the Original Special Permit, provided that as to the addition of a medical marijuana treatment center, said Finding C is also made in accordance with § 650-18(45)(a) and (b) of the Zoning Ordinance and the Site's location is also in accordance with § 650-32.F.
- D. The City Council incorporates by reference Finding D in the Original Special Permit. To the extent the Application seeks to modify existing signage, the Applicant shall adhere to Finding D(16) in the Original Special Permit and submit proposed rendering of the signage to the City Council, and apply for a sign permit, in accordance with City's Sign Ordinance and the Zoning Ordinance. This Decision does not constitute approval of any change to the existing signage, which shall be reviewed upon a submittal by the Applicant as set forth herein.
- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant an amendment to modify the Original Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. By deleting Finding of Fact No. 3 in its entirety and inserting in its place the following:

In accordance with Article VI, § 650-17, § 650-18(45), § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to operate a co-located Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment at the Site (the “Use”).
2. By amending Condition No. 5 by: (a) inserting after the words “§ 650-18(46)(c)” the following: “and § 650-18(45)(c)”; and (b) inserting after the words “Adult Use Marijuana Retail Establishment” the following: “and a Medical Marijuana Treatment Center”.
3. By deleting Condition No. 8 in its entirety and inserting in its place the following:
 8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 9:00 AM to 10:00 PM, and Sunday from 10:00 AM to 8:00 PM.
4. By inserting the following new Condition as Condition No. 16:

16. Partial Use: The Applicant, its successors and/or assigns, is not required to operate all portions of the Use simultaneously. The Applicant, its successors and/or assigns, may commence the Medical Marijuana Treatment Center portion of the Use upon receipt of all local and state permits and licenses for that portion of the Use, while continuing the current Adult Use Marijuana Retail Establishment portion of the Use. If either the Medical Marijuana Treatment Center portion of the Use or the Adult Use Marijuana Retail Establishment portion of the Use ceases, either temporarily or permanently, the Applicant, its successors and/or assigns, may operate the other portion of the Use.
5. All other conditions of the Original Special Permit shall continue in full force and effect and are incorporated by reference as part of this Decision.
6. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, § 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex County South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: 10 – Nay: 0 – Absent: 1

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

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

ORDERED: That the Application for Taxi/Livery License from Tim Ending, d/b/a Platinum Care Plus to operate a Livery service with one vehicle from 67 Forest Street, #267, **APPROVED**; adopted.

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

ORDERED: That the Proposed Zoning Ordinance Amendment to Chapter 650 “Zoning” of the Code relative to Definitions, Affordable Housing, and the Marlborough Village District (MV), referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, SEPTEMBER 18, 2023**; adopted.

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

- I. By amending Chapter 650 (Zoning), Section 650-5 (Definitions; word usage), Subsection B, by inserting a new definition for “Area Median Income (AMI)” and “Eligible Household”, and amending the existing definition for “Mixed Use”, to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

AREA MEDIAN INCOME (AMI)

The Housing Area Median Family Income set forth in or calculated from regulations promulgated by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, determined annually for the Metropolitan Statistical Area that includes the City of Marlborough and adjusted for family size.

ELIGIBLE HOUSEHOLD

A household whose gross household income does not exceed the corresponding percentage of AMI specified in Section 650-26.

MIXED USE

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

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

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

- II. By amending Chapter 650 (Zoning), Section 650-17 (Table of Uses), by striking “Y” and replacing it with “SP” for the following specific uses, in the MV zoning district, to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

Business Use	Zoning District Abbreviations													
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV	Wayside
Hotels (41)	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	N
Hotels with conference facilities and commercial uses (21)	N	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	N
Mixed-Use Development (42)	N	N	N	N	N	N	N	SP	SP	N	N	N	SP	SP

III. By amending Chapter 650 (Zoning), Section 650-18 (Conditions for uses), Subsection A, paragraphs 41 and 42, as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

(41) Hotels within the Marlborough Village District are by ~~right~~special permit, and subject to site plan approval by the City Council with input from department staff who participate in administrative site plan review as provided under § 270-2. See in § 650-34B special provisions for site plan review by City Council of hotels in the Marlborough Village District.

(42) Mixed-use development, including multifamily residential uses, shall ~~not~~ be subject to special permit provisions for multifamily uses. In the Wayside District, multifamily dwelling shall be allowed only as part of a mixed-use development. Mixed-use development may include vertically mixed uses in a single building or horizontally mixed uses in which multiple buildings create the mix of uses on a single parcel. Each individual building may include a single use with multiple uses occurring next to each other and within multiple buildings on the single parcel.

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

§ 650-26. Affordable housing.

The purpose of this section is to provide that multifamily uses include an affordable component to ensure the city remains above the state’s required inventory of affordable units.

A. This section 650-26 shall apply to all developments that result in or contain eight (8) or more dwelling units, in all zoning districts, for the following types of uses: multifamily dwelling(s) or mixed-use development containing multifamily dwelling(s). This section shall apply as set forth above unless an exception is otherwise stated in this section 650-26. Compliance with this section shall be made a condition of any special permit that is required for the development.

All special permits granted to applicants to construct multifamily dwellings, or mixed-use development containing multifamily dwelling(s), thereby increasing the number or density of residential dwellings to a number or level greater than that allowable as a matter of right under the zoning classification for the subject parcel shall require the following.

- (1) Developments of ~~20~~8 or more units.
- (a) Number of on-site affordable units. ~~The A development subject to this section 650-26 shall i) provide that at least 125% of the dwelling units to be constructed for homeownership or rental purposes will be made available at affordable prices to eligible home buyers or renters, or ii) if authorized by a majority of the City Council, provide a sum not less than \$50,000 per affordable dwelling unit that would have been required in Item i) above to be deposited as directed by the City Council into the fund for economic development created by Chapter 126 of the Acts of 2011 or into another fund designated by the City Council. If when applying the specified percentage to the total number of units to determine the required number of affordable units, the resulting number of affordable units includes a fraction of a unit, this fraction, if equal to or over one-half, shall be rounded up to the next whole number. ;~~
- (b) Eligibility for affordable units. All affordable units must be eligible for inclusion on the state's Subsidized Housing Inventory (SHI). The affordable units shall be available to households at no more than eighty percent (80%) of AMI in accordance with SHI requirements. After initial occupancy, the gross household income of an eligible household shall be verified annually to determine continued eligibility and rent.
- (~~b~~c) Local preference. The development plan shall provide that all legally permissible efforts shall be made to provide 70% of the affordable dwelling units to eligible residents of the City of Marlborough.
- (~~d~~e) Distribution of affordable units. Dwelling units to be sold or rented at affordable prices shall be integrated into the overall development to prevent physical segregation of such units.
- (~~e~~d) Appearance. The exterior of the affordable units shall be designed to be compatible with and as nearly indistinguishable from the market rate units as possible.
- (~~f~~e) Minimum and maximum floor areas. Affordable housing units shall have a gross floor area not less than the minimum required by the State Department of Housing and Community Development under the regulations created under the authority of MGL Chapter 40B.
- (~~g~~f) Period of affordability. Limitations and safeguards shall be imposed to ensure the continued availability of the designated affordable units ~~for a minimum of 99 years or in perpetuity.~~ Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls and the like.
- (~~h~~g) Limitation on change in affordability. In no event shall any change in affordability occur if the minimum percentage of affordable units required in the entire City under MGL Chapter 40B has either not been met at that time or such change in affordability would cause the City to fall below that percentage.
- (~~i~~h) Staging of affordable and market-rate units. No more than 50% of the building permits for the market-rate units shall be issued until construction has commenced on 30% of the affordable units. No more than 50% of the occupancy permits for the market-rate units shall be issued until 30% of the occupancy permits for the affordable units have been issued. The City Council may modify this provision for developments under 50 units.

- (i) ~~Alternate site. The City Council may allow the developer to build some or all of the affordable housing required by Subsection A(1)(a) on an alternate site ¹, within the City, provided that the City Council determines that this is in the best interest of the City and orders that this specific condition be attached to the special permit. The location of the alternate site shall either be specified at the time of approval for the special permit or selected within six months of said application and shall then be subject to approval by the Housing Partnership Committee or its successor, by the City Council if otherwise required by this Zoning Ordinance and by any other proper authority as may be required by law. The development of the alternate site shall comply with Subsection A(1)(b), (e), (f), (g), (h) and (i) of this section, and the staging of development on the alternate site shall be governed by Subsection A(1)(h) applied to all units on both the main and alternate sites.~~
- (j) Guaranty of performance. No final certificate of occupancy shall be issued for any unit within a development subject to this section until all actions necessary to preserve the affordability of the affordable units in compliance with this section and include the affordable units on the subsidized housing inventory, including without limitation, a deed restriction, regulatory agreement and declaration of restrictive covenants, and/or any other restrictive instrument necessary, and all other required documentation, have been executed and registered or recorded by the developer, in a form satisfactory to the City Solicitor. The City Council shall require security in a form satisfactory to the City Council and City Solicitor to guarantee performance, including preservation of affordability, under this subsection, and no building permit shall be issued until and unless said security has been provided.
- (2) ~~Developments of 19 or fewer units. All provisions of Subsection A(1) above applicable to 20 or more units may also be applied to developments of 19 or fewer units as the City Council finds practical.~~
- (32) ~~The provisions of this section shall not apply to a special permit for an existing retirement community or the expansion of an existing retirement community as governed by §§ 650-21 and 650-22. This subsection will be effective pursuant to the applicable provisions of Chapter 40A of the General Laws.~~
- (4) ~~The provisions of this section shall not apply to projects which are granted special permits within the Marlborough Village District.~~
- V. By amending Chapter 650 (Zoning), Section 650-34(D)(1), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):
- D. Design standards.
- (1) The purpose of the following design standards is to promote quality development emphasizing the City's sense of history and desire for contextual, pedestrian-scaled projects. Supporting streamlined development review, design standards are integral to the Marlborough Village District regulations and must be met as part of any special permit and/or site plan review and approval.
- (a) ~~Nonmandatory~~ In addition to the design standards, in connection with a special permit and/or site plan application in the Marlborough Village District, such applications shall be reviewed with respect to the Ddesign Review gGuidelines for the Marlborough Village District, which The guidelines will complement the design standards of this section and which will provide a guide to the desired appearance and quality of design in the Marlborough Village District. The guidelines are will be available at the Building Department and/or on the official website of the City.

- VI. By amending Chapter 650 (Zoning), Section 650-34(D)(2), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):
- (2) All special permit and/or site plan review and approval applications in the Marlborough Village District shall be subject to the following design standards:
- VII. By amending Chapter 650 (Zoning), Section 650-34(D)(2)(d), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):
- (d) External materials and appearance.
- [1] Predominant wall materials for all ground floors shall be brick in traditional New England colors and character, and stone. ~~shall be red brick, stone, or precast concrete panels; w~~Wood siding may be used where the structures are adjacent to residential districts where the intent is to blend the structure more into the existing neighborhood. Thin brick veneer, precast concrete panel finished to look like brick or stone, masonry brick panels, and Flexbrick (or a similar product) can be used on upper floors. Glass Fiber Reinforced Concrete (GFRC) panels (or something similar) can be used for a curtain wall (non-load bearing) exterior wall cladding. If painted, or coated, a nonmetallic finish is to be used. Cladding materials should be consistent on all facades with the exception of special design elements, such as turrets. Materials designed to imitate brick, e.g., faux brick, are not permitted.
- [2] The standards for all acceptable masonry construction are as follows:
- [a] Acceptable masonry construction for bricks will be ~~of~~ standard, fired clay, brick units bonded together with mortar. Acceptable applications include building components, such as walls, stairs, columns, arches, planter beds, etc.
- [b] ~~Utilize b~~Bricks which are should be sound, hard, well-burnt with uniform color, shape and size.
- [c] The bricks should be compact, homogeneous, free from holes, cracks, flaws, air-bubbles, spawls and stone lumps.
- [d] Frogged bricks shall be laid with the frogs pointing upwards.
- [e] Mortar specifications shall comply with relative ASTM International standards.
- [f] The properties of all other masonry units shall comply with the requirements of relevant ASTM International standards. These include concrete masonry, stone masonry and composite masonry. ~~Masonry units are classified into the following types: solid, hollow unit, cellular, perforated and frogged.~~
- VII. By amending Chapter 650 (Zoning), Section 650-34(E)(1)(a)[2], to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):
- [2] Spaces in ~~city-owned~~ public garages and lots within 1,000 feet of the development can be counted to fulfill the required spaces, with payment-in-lieu required.
- VIII. By amending Chapter 650 (Zoning), Section 650-34(E)(1)(b)[1], to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):
- [1] Eliminate parking minimums per the existing off-street parking (§650-48) unless the use is part of a mixed-use development where off-street parking would be determined during the special permit and/or site plan review process.
- IX. By amending Chapter 650 (Zoning), Section 650-34(E)(2), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

- (2) Payment in lieu of parking. In the Marlborough Village District, any new commercial or mixed-use structure that is required to provide parking spaces may request to make payments to the City of Marlborough in lieu of providing for all or part of the on-site required parking, not to exceed twenty percent (20%) of the required on-site parking spaces. If when applying the specified percentage to determine the maximum number of on-site parking spaces which may be subject to payment-in-lieu, the resulting number includes a fraction of a unit, this fraction, if equal to or over one-half, shall be rounded up to the next whole number. -
- (a) Payment made to the City of Marlborough in lieu of providing some ~~or all~~ of the required off-street parking spaces for a project in the Marlborough Village District (MV) shall may only be allowed by right, subject to site plan and design review authorized by special permit, in parking spaces designated for overnight parking, and subject to conditions set forth by special permit.
- (b) A one-time fee to be paid shall be ~~\$2540,000~~ (twenty-five thousand dollars) per parking space, which shall be paid prior to the receipt of an occupancy permit.
- X. By deleting Chapter 650 (Zoning), Section 650-34(E)(3), (Additional reduction in parking requirements).
- XI. By amending Chapter 650 (Zoning), Section 650-34(F), to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):
- F. Heights of structures.
- (1) To encourage redevelopment and reuse of parcels within the Marlborough Village District, minimum and maximum heights are established. Minimum heights shall be 35 feet or 2.5 stories; maximum height is 60 feet or 4 stories. ~~six stories and up to 70 feet except for where a proposed structure is within 50 feet of a residential district boundary, where the height limit shall be 52 feet. By grant of a special permit, maximum building height, including building areas within 50 feet of a residential district boundary, may be increased to seven stories and up to 85 feet.~~ Height limits do not include roof-mounted mechanical appurtenances; however, said appurtenances, and the screening required for them in § 650-34D(2)(b), shall be subject to site plan review and design standards. Rooftop mechanical equipment, including wireless communications equipment, shall be located and screened to minimize impacts on abutters and the general public. No interior space shall be occupied for any purpose above these height limits. This shall not preclude the use of a flat roof for purposes allowed in this section.
- (2) Roof decks, providing recreation and amenity areas for residents and businesses on the roof above the top story of a building, shall be encouraged in the Marlborough Village District. Roof decks may include open space areas for sitting and gardens; open air areas covered by permanent roofs (flat or sloped); indoor areas for social gathering, meetings, common kitchens, restrooms, and storage; spaces for mechanical equipment; and enclosures for elevators and stairs. The portions of a building designed as a roof deck shall be subject to maximum height restrictions, ~~as~~ but may be increased by special permit.

XII. By amending Chapter 650 (Zoning), Section 650-41 (Table of Lot Area, Yards, and Height of Structures), District: Marlborough Village District MV, Height, and Notes #12 (as referenced therein) to read as follows: (new text shown as underlined, deleted text shown as ~~strikethrough~~):

<u>District</u>	<u>Height</u>
Marlborough Village District MV	Minimum: 35 feet <u>or 2.5 stories</u> ; Maximum: 64 stories: not to exceed a maximum of <u>6070</u> feet ₁₂

NOTES:

12 Within the Marlborough Village District, special permits may allow for an increase in height for a roof deck to 7 stories and up to 85 feet; also, provided that the height of any development within 50 feet of a residential district boundary, shall be stepped down and shall not exceed 52 feet except where allowed by special permit. [See § 650-34F(1).]

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

XIV. Effective Date. The effective date of these amendments shall be the date of passage. These amendments do not apply to any special permit or site plan approval, for which an application was submitted and/or a special permit or site plan approval was issued before the date of the first publication of notice of the public hearing pursuant to MGL c. 40A, s. 5 on these amendments.

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

ORDERED:

**DECISION ON AN
AMENDMENT TO A LED SIGN SPECIAL PERMIT
LINCOLN STREET 431, LLC
ORDER NO. 23-1008889C**

Application of:
Lincoln Street 431, LLC

Locus:
431 Lincoln Street, Marlborough, MA
Parcel 96 on Assessors Map 69

The City Council of the City of Marlborough hereby **GRANTS** the Application for an Amendment to a LED Sign Special Permit to Lincoln Street 431, LLC (the “Applicant”) for the property located at 431 Lincoln Street, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant is the owner of the property located at 431 Lincoln Street, Marlborough, Massachusetts, being shown as Parcel 96 on Assessors Map 69 (the “Site”).
2. The Applicant operates a filling station with a convenience store at the Site.

3. On September 14, 2020, the City Council of the City of Marlborough voted to grant a LED sign special permit (the “Original Sign Special Permit”, Order No. 20-1007948H) authorizing the Applicant to operate a digital display sign (the “Sign”) at the Site, as shown on the sign specifications attached as “Attachment A.”
4. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for an Amended Sign Special Permit (the “Application”) to change non-digital panels on both faces of the Sign in order to advertise food options within the Site’s convenience store instead of non-digital panels advertising fuel, as shown on the sign specifications attached as “Attachment B.”
5. The City Council held a public hearing on the Application on Monday, May 22, 2023. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on May 22, 2023.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the proposed changes to the Sign.
7. At the public hearing, no members of the public spoke in opposition to the proposed changes to the Sign.

**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 City Council for an application for a digital display sign under the Sign Ordinance.
- B. The City Council finds that the proposed changes to the Sign comply with the standards set forth in Section 526-13 of the Code of the City of Marlborough (the “Sign Ordinance”).
- C. The City Council, pursuant to Section 526-13.B(16) of the Sign Ordinance, finds that: (a) all other signage on the Site is in compliance with zoning requirements, (b) in addition to other signs at the Site, the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street, (c) the Sign does not substantially block visibility of signs on abutting lots, (d) the Sign does not substantially block solar access of, or view from, windows of residential dwellings on abutting lots, (e) the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood, (f) the scale and/or location of the Sign is appropriate, and (g) the dimensions of the Sign comply with the area limitations of the Sign Ordinance.
- D. The City Council, pursuant to its authority under Section 526-13 of the Sign Ordinance, hereby GRANTS the applicant an amendment to the Original Sign Special Permit to change non-digital panels on both faces of the Sign in order to advertise food options within the Site’s convenience store instead of non-digital panels advertising fuel, as shown on “Attachment B.” SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
 1. The Sign shall be operated in accordance with the Sign Ordinance.
 2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application and hearing process before the City Council are incorporated into and become part of this Amended Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

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

Yea: 9 – Nay: 1 – Absent: 1

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

Nay: Robey.

Absent: Brown.

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

ORDERED:

IN CITY COUNCIL

**DECISION ON A SPECIAL PERMIT
JP MORGAN CHASE BANK, NATIONAL ASSOCIATION
ORDER NO. 23-1008890C**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to JPMorgan Chase Bank, National Association (the “Applicant”) to install, operate, and maintain a drive-thru facility for a twenty-four (24) hour per-day drive-up automated teller machine for banking purposes (the “Use”) at 189 Boston Post Road West, in the Business B Zoning District, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, JPMorgan Chase Bank, National Association, is a national banking association with an address of 1111 Polaris Parkway, Mail Code OH1-0274, Columbus, Ohio 43240.
2. The Applicant leases the property located at 189 Boston Post Road West, Marlborough, Massachusetts, being shown as Parcel 16 on Assessors Map 78 (the “Site”).
3. In accordance with Article V, Section 650-14.B(2) and 650-17, of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant seeks approval for the Use at the Site, as shown on the Plans referenced in paragraph 5 below.
4. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a site plan entitled “Site Improvement Plan” by Stonefield Engineering and Design Limited Liability Company, with the last revision date of May 17, 2023, (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 Business B Zoning District.
8. The Site has an area of 32,576 square feet +/- as shown on the Plans.

9. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, June 5, 2023. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on June 5, 2023.
11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
12. At the public hearing, 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 proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.
- C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit for the Use at 189 Boston Post Road West, as shown on the Plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
 1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Plans as may be amended during Site Plan Review.
 2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
 3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the City Council or the Site Plan Review Committee may approve engineering changes to the Plans, so long as said changes do not change the Use as approved herein, or materially increase the impervious area of the Use, reduce the green area, alter traffic flow, or increase the size of the building, all as shown on the Plans.

4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
5. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall ensure that its site superintendent during construction of the Use is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. The Applicant, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.
6. Noise. The Use shall comply with the noise ordinance of the City of Marlborough.
7. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties. Exterior lighting at the Site shall be shut off outside of operating hours of the bank on the Site, except for lighting necessary for security and emergency access.
8. Traffic Flow. The Applicant, its successors and/or assigns, shall install and maintain signage that directs drivers exiting the Site to use the signalized intersection at Northboro Road East and Boston Post Road West for purposes of traveling east. Other, on-site directional signs and pavement markings shall be installed to ensure proper traffic flow, to the satisfaction of the Site Plan Review Committee.
9. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.
10. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: 10 – Nay: 0 – Absent: 1

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

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

ORDERED: That the Marlborough City Council meet in executive session under Purpose 3 of the Open Meeting Law, MGL c. 30A, s. 21(a)(3), to “discuss strategy with respect to...litigation if an open meeting may have a detrimental effect on the...litigating position of the public body” regarding the pending matter, *JW Capital Partners, LLC and Marlborough TOTG LLC v. Marlborough City Council* (Land Court No. 23 MISC 000199), as the chair hereby declares that discussion in an open session may have a detrimental effect on the City and the City Council’s litigating position.

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

APPROVED; adopted.

Yea: 9 – Nay: 0 – Abstain: 1 – Absent: 1

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

Abstain: Dumais.

Absent: Brown.

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

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:06 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 21, 2023

ORDERED:

That there being no objection thereto set **MONDAY SEPTEMBER 11, 2023**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric and Verizon New England, to install a new joint owned Pole (Pole 3-5) on High Street approximately 300' east of the centerline of the intersection of High Street and Bolton Street and to install a new Man Hole (1) and underground conduit from Pole 3-5 to new Man Hole (1) and to existing Transformer 1-2 on Exchange Street, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 23-1008950



IN CITY COUNCIL

Marlborough, Mass., JULY 24, 2023

PAGE 1

ORDERED:

That the Communication from Attorney Gemma Cashman on behalf of Trammell Crow Company, re: Proposed Amendment to City Code, Chapter 650 "Zoning" by adding a new section to create the "Sasseville Way Residential Overlay District", be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, SEPTEMBER 11, 2023.**

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED FOR ITS CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING AND ADDING THERETO AS FOLLOWS:

1. Article VI, entitled "Special Districts, Overlays and Special Requirements" is hereby amended to add a new Section 650-39A, or such other numbering as deemed appropriate and adopted by the City of Marlborough, entitled "Sasseville Way Residential Overlay District" which shall read as follows:
 - A. Purpose and objectives.
 - (1) The purpose of the Sasseville Way Residential Overlay District (herein, also SWR Overlay District) shall be to encourage and enhance land development and desired growth patterns for the advancement of the public health, safety and welfare by providing for the development of mixed use multi-family housing developments on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods and/or residential amenities, will provide an appropriate environment for a mixed use multi-family housing development consistent with the stated economic development objectives of the City.
 - (2) For purposes of this zoning district, a mixed-use development shall include a mix of multi-family residential uses and any eligible use set forth in Subsection D, which may be commingled into a single structure or multiple structures with other eligible uses on the same property. Accordingly, mixed-use developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking area and driveway curb cuts, reduce automobile trips and traffic congestion, improve walkability within the property, and thereby improve air quality.
 - (3) For purposes of this section, the SWR Overlay District shall be superimposed on the other districts existing at the time that any land in said underlying district is also included in the SWR Overlay District. The SWR Overlay District is located adjacent to Sasseville Way as indicated on the City Zoning Map.



IN CITY COUNCIL

Marlborough, Mass., JULY 24, 2023

PAGE 2

ORDERED:

- B. Authority of permit granting authority.
- (1) The City Council shall be the permit granting authority for special permit and site plan approval in the SWR Overlay District. In all instances, a development which proceeds under the SWR Overlay District is subject to site plan approval in accordance with § 270-2 of the Marlborough City Code, with the exception that the City Council shall be the permit granting authority for special permit and site plan approval in the SWR Overlay District and the voting threshold shall be a simple majority.
 - (2) The City Council may elect to waive or modify any of the dimensional and parking requirements set forth in this section during Site Plan Review if, it makes a finding that to do so will enhance the overall design of the SWR Overlay District. This authority continues subsequent to occupancy of any structure within the SWR Overlay District.
- C. Exclusivity/control. This section (§ 650-39A) of the Zoning Ordinance exclusively controls any mixed-use development in the SWR Overlay District and supersedes any other provision of the Zoning Ordinance with respect to all matters described in this section. In the event of any conflict between the provisions of this section (§ 650-39A *et seq.*) and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.
- D. Eligible uses. Except as specifically set forth to the contrary below, all uses permitted in the Residential A-2 and Limited Industrial Districts, either as of right or by special permit in accordance with § 650-17 of the Zoning Ordinance, are permitted to the same extent in the SWR Overlay District.
- (1) The following uses are permitted by right in the SWR Overlay District:
 - (a) Multifamily dwelling, up to 300 dwelling units.
 - (b) Car parking lots, garages accessory to any principal uses at the property: a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking of vehicles at, above and/or below grade under a building or otherwise integrated into another structure.
 - (c) Consumer service establishments complementary to the other principal uses at the property, provided that said facilities are less than 10,000 square feet of floor area.
 - (d) Restaurant, restaurants serving food outdoors, cafe with or without table service (including outside seating and service), brew pub provided that said facilities are less than 10,000 square feet of floor area.



IN CITY COUNCIL

Marlborough, Mass., JULY 24, 2023
PAGE 3

ORDERED:

- (e) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities accessory to a multifamily dwelling use, provided that said facilities if enclosed in a building(s) are less than 10,000 square feet of floor area. For the avoidance of doubt, any outdoor areas shall not be subject to said floor area restriction.
- (2) The following uses are permitted by special permit in the SWR Overlay District:
 - (a) Consumer service establishments complementary to the other principal uses at the property and said facilities are 10,000 square feet of floor area or greater.
 - (b) Restaurant, restaurants serving food outdoors, cafe with or without table service (including outside seating and service), brew pub and said facilities if enclosed in a building(s) are 10,000 square feet of floor area or greater.
 - (c) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities accessory to a multifamily dwelling use and said facilities if enclosed in a building(s) are 10,000 square feet of floor area or greater. For the avoidance of doubt, any outdoor areas shall not be subject to said floor area restriction.
 - (d) Accessory solar energy installations, including but not limited to rooftop systems and solar parking canopies, and accessory telecommunications facilities and wireless communications facilities.
- E. Affordable Housing. All site plan review approvals granted to applicants to construct multi-family dwellings shall be subject to the provisions of § 650-26 of the Zoning Ordinance; provided, however, the percentage of dwelling units to be constructed for homeownership or rental purposes to be made available at affordable prices to home buyers or renters shall be 10% with respect to developments of 20 or more units.
- F. Dimensional requirements. The SWR Overlay District shall be subject to the dimensional standards in accordance with Article VII of the Zoning Ordinance with the following exceptions:
 - (1) The SWR Overlay District shall consist of one or more lots. The minimum acreage requirement for contiguous parcels/lots to be developed as a SWR Overlay District is twenty (20) acres.
 - (2) Minimum lot frontage measurement shall be no less than 200 feet for any lot wholly located within the boundaries of the SWR Overlay District.



IN CITY COUNCIL

Marlborough, Mass., JULY 24, 2023
PAGE 4

ORDERED:

- (3) Minimum side yard measurement shall be no less than 50 feet and minimum front yard measurement shall be no less than 50 feet for any lot wholly located within boundaries of a SWR Overlay District.
 - (4) Maximum building height in SWR Overlay District shall not exceed 70 feet, provided that:
 - (a) For the purposes of measuring height in SWR Overlay District, the "front" of each building shall be measured on the side facing Sasseville Way;
 - (b) No non-residential structure or building shall be more than 2 stories or 45 feet in height: and
 - (c) For the avoidance of doubt, roof structures that are not occupiable shall not be included in the overall height measurement.
 - (5) Maximum combined lot coverage, including any permitted accessory structures, shall not exceed 50% of the tract or contiguous parcels.
 - (6) The total number of dwelling units within the SWR Overlay District shall be limited to 15 units per acre of gross land area.
 - (7) The SWR Overlay District may contain studio, one (1), two (2) and three (3) bedroom units.
- G. Parking and curb cut requirements. Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650- 49 of the Zoning Ordinance.
- (1) General. In the SWR Overlay District, adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal, for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal, the City Council shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.
 - (2) Parking locations. Parking may be provided at ground level, underground or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses.
 - (3) Parking spaces for each dwelling unit. There shall be a minimum parking ratio of 1.5 parking spaces for each dwelling unit.



IN CITY COUNCIL

Marlborough, Mass., JULY 24, 2023

PAGE 5

ORDERED:

- (4) Granting of relief from parking regulations. The City Council may waive any of the foregoing requirements or the requirements of § 650-48 during Site Plan Review if it makes a finding that to do so will enhance the overall design of the SWR Overlay District.
- H. Landscaping and screening requirements. The SWR Overlay District shall be subject to the landscaping and screening standards in accordance with Article VII of the Zoning Ordinance with the following exceptions:
- (1) In the SWR Overlay District, there shall be provided with each multifamily building a landscaped area equal to the greatest single floor area of the building, provided that such landscaped area may include undisturbed natural areas such as vegetated areas, woodlands, wetlands and floodplain areas.
 - (2) The City Council may waive any of the requirements of § 650-47 during Site Plan Review during Site Plan Review if it makes a finding that to do so will enhance the overall design of the SWR Overlay District.
- I. Signage.
- (1) Except as otherwise provided in this section, signage shall conform to the provisions of Chapter 526 of the Marlborough City Code, the Sign Ordinance.
 - (2) The City Council may waive any of the requirements of the Sign Ordinance during Site Plan Review if it makes a finding that to do so will enhance the overall design of the SWR Overlay District.
- J. Application.
- (1) An application for a special permit for a use in the SWR Overlay District shall comply with the requirements of § 650-57 et seq. of the Zoning Ordinance. In the matter of a site plan approval, the application shall comply with the requirements of the City Code, Chapter 270, Article II, Permits and Approvals, § 270-2 et seq.
 - (2) The City Council in connection with a special permit and/or site plan application shall review such applications with respect to the following design criteria:
 - (a) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
 - (b) Street facade and exterior walls visible from public ways;
 - (c) Public space;
 - (d) Scale of buildings; and
 - (e) External lighting.



IN CITY COUNCIL

Marlborough, Mass., JULY 24, 2023
PAGE 6

ORDERED:

- (3) Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.
- K. Amendments. After approval, an owner/developer may seek amendments to the approved permits. Minor amendments to a special permit and major or minor amendments to a site plan approval may be made by a majority vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the neighborhood. If it is determined that revisions to a special permit are not minor, per § 650- 59 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3)(f) of § 650-59.
2. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit "A"). The newly established "Sasseville Way Residential Overlay District" shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcel of land (herein identified by the Assessors' Map and Parcel Number): 29-23.

ADOPTED

ORDER NO. 23-1008941

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 SEP -7 AM 11:43

September 6, 2023

VIA E-MAIL

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

Dear President Ossing and Marlborough City Councilors:

We are writing you to voice our fervent opposition to the proposed Zoning Overlay District for a parcel of land currently owned by Boston Scientific. Though the design of the proposed project names Sasseville Way as the entrance/exit to the development, we know that there will be a significant impact to our lives on Blaiswood Avenue, and, we believe, to the citizens of Marlborough as a whole.

We appreciate the Public Hearing Process and are trusting that this Proposed Zoning Overlay District is not a done deal. As abutters we have only had a few weeks to grasp the impact of this proposal and scope of the proposed project on this environmentally sensitive parcel of land. We are grateful to our Ward 6 Councilor, Sean Navin for alerting us of this potential development.

We are a very small neighborhood situated in a unique area of our City. Driving on Bolton Street one cannot help but soak in the beautiful scenery of the surroundings. It is a gateway into Marlborough that quietly tells residents and visitors that we are a City that values people and growth, along with the natural landscape, recreation, our schools and public safety. Our street is tucked into this area. One scarcely knows we are here. Nevertheless, we are here.

While we are compassionate and understanding of the need for additional housing in Massachusetts, and throughout our country, we also feel the city should be mindful and forward-thinking about the best use of all parcels of land. Marlborough seems to be doing their part to help with the housing crisis in the Commonwealth, with the number of large scale housing projects that have recently broken ground in the city. We are aware that one is on previously disturbed property and the other was a farm; land that had been altered long ago. Conserving undeveloped land is equally important as we look towards a future impacted by climate change. As with everything, it is about balance.

In a document found in the Planning Board section on the city website under Planning Board Voting Criteria - Zoning Standards, there is a memo dated September 14, 2022, that asks four pertinent questions:

- *Is the proposed change in keeping with the character of the neighborhood?*
- *Does the proposed change negatively impact the neighbors?*

- *Does the proposed change benefit the City, or provide a use not permitted elsewhere?*
- *Is the proposed change in keeping with the intent and purposes of the City's zoning ordinances?*

If the Zoning Overlay District is approved, we feel strongly that our neighborhood will be devastated. What will the impact be on our road? Will it become a second entrance/exit to the proposed development? How will the quiet feel of our tiny street be effected? To what degree will this jeopardize the value of our properties and continue to minimize who we are as a neighborhood? What additional unforeseen consequences will result? Though these questions fuel our worries, our greatest concern is for the overall environmental impact if this parcel of land is disturbed.

Living in the Fort Meadow Reservoir corridor we have witnessed numerous changes to our area over the years. On the positive side, we have observed an increase in wildlife, have seen an increase in the use of the Groves, along with more recreational activity on the two larger bodies of water that make up Fort Meadow Reservoir. We have also noticed an increase in traffic and a decrease in the quality of the water on our small part of the reservoir. We wonder, if the Zoning Overlay District is approved and construction of a 300 Unit multi-use apartment complex breaks ground, what will happen to this critical watershed area? How will this delicate and impactful ecosystem survive?

In the Community Vision Statement of the City's **Open Space and Recreation Plan**, one of the five declared goals states, "Preserve the unique natural resources and character of the city." A second states, "Increase the open space parcels protected in the city." (Pg 39) In addition, the **Open Space and Recreation Plan - Action Plan** delineates, "Preserve and protect watershed to all wetlands and water resource areas including rivers, streams and ponds." (Pg 74) Under Action Items for Ft. Meadow it reads, "Parcel at end of Blaisewood Dr. (Blaisewood Ave.) next to old landfill and bike path. PU#203." These statements, along with other suggestions about the preservation of Ft. Meadow Reservoir in the plan complement our sentiments and suggests that our concerns are shared by a wider citizenship of Marlborough.

Renderings of the proposed project make it clear that the forested area at the top of our street will be decimated. Most certainly the land will be clear-cut, stripped, blasted, bulldozed and excavated. On this 23 acres of land, how many trees will be destroyed? What will happen to the countless rivulets that pour off the hill once the topography is extirpated? The amount of pavement required for the proposed streets and parking spaces in this apartment complex will permanently change the landscape. What happens when this vital pervious ground becomes impervious? What will the impact be to Flagg Brook (a designated Coldwater Fisheries Resource by the Department of Fish and Wildlife) and surrounding wetlands? How much will the water temperature increase without the shade of the trees? With a decrease in trees there will most certainly be an increase in erosion. What will happen to Fort Meadow Reservoir with a larger volume of run-off from additional roads and roof lines? What will the repercussions be of greater salt use and treated roads along with snow removal vs. natural snow melt? How will the

already precarious water level and delicate composition be managed under this additional pressure?

As City Councilors, we believe it is your responsibility to question and weigh the risks and benefits of any changes to our city. To approve this proposal is to say no to a number of other values we believe the Council holds dear. This parcel of land has been zoned the same for years. What is the need to change this now? If someone had not asked, would you be considering a change? If a change is desired, we wonder if there is a plan in place, or an overarching view for how best to use this land? This is an opportunity for the City to be proactive. What are the benefits of this parcel of land as it sits right now? Once this land is disturbed, destroyed, it will be gone forever.

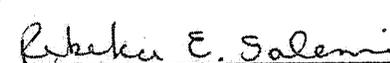
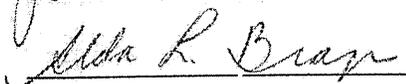
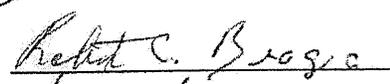
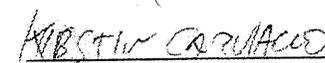
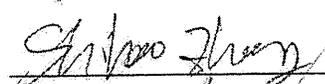
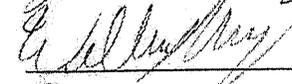
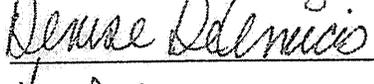
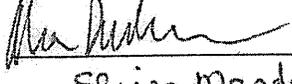
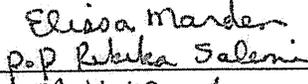
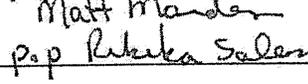
The current patchwork of zoning in our area, that has evolved over decades, has complicated our efforts to grasp the totality of this project in conjunction with other efforts. What is the City's plan for this wildlife corridor, the nearby complex of schools, Police Station and the revitalization of the old landfill? As concerned citizens we wonder how the proposed Zoning Overlay District and a 300 Unit housing development will additionally impact our schools, already congested traffic patterns and inevitably increase the need for more emergency services.

We believe, voting yes will literally pave the way for altering the landscape and the benefits it currently provides as untouched land so close to Fort Meadow Reservoir. Approving this Zoning Overlay District literally opens the flood gates that will dramatically alter the watershed, erode the topography, and heightens all of our aforementioned concerns.

As our elected officials we are appealing to your good judgement to carefully weigh the pros and cons of this proposed Zoning Overlay District. As current, and many of us decades long, residents of Blaiswood Ave. we understand that you have the final say about the future of this parcel of land. In numerous places on the City's website and in current campaign slogans there is much mentioned about being good stewards of the land within our city borders and the interest in open space and the importance of conservation. We are interested in hearing the opinions of the Climate Resiliency Committee and Open Space Committee, along with the Urban Affairs and Housing Committee, the Planning Board and Conservation Commission on how this project will impact the City overall.

With great respect for your efforts on behalf of the residents of Marlborough, we wanted to formalize our positions and state some of our reasons for opposition to this proposal. We appreciate your consideration of our views.

Respectfully,

Signature	Name	House #	Email
	RICHARD TROTTER	#39	—
	CHRISTINE A. MAURO	#6	CHRISMAURO@VERIZON.NET
	REBEKAH E. SALEMI	#32	BESALEMI@COMCAST.NET
	JOHN A. SALEMI	#32	FISHINA@COMCAST.NET
	ALDA BRAGA	#27	BLAISWOOD AVE
	ROBERT BRAGA	#27	BLAISWOOD AVE
	HEVERCIO CARUANA	#21	BLAISWOOD AVE
	KIRSTIN CARUANA	#21	BLAISWOOD AVE
	SHIHAO ZHONG	#28A	BLAISWOOD AVE
	WILLIAM H. BARRY	#35	BLAISWOOD AVE bill524a@gmail.com
	SARAH BARRY	#35	SDB_SARAH@COMCAST.NET
	DENISE DEAMICIS	#9	BLAISWOOD AVE
	ALAN DEAMICIS	#9	ALAN.DEAMICIS.OUTLOOK.COM
	ELISSA MARDEN	#22	ELISSA.C.CHAO@GMAIL.COM
	MATT MARDEN	#22	STRIVETOBETTER@YAHOO.COM



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 AUG 22 PM 3:10

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

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

Jailyn Bratica
EXECUTIVE ADMINISTRATOR

August 22, 2023

Mr. Theodore Scott
City of Marlborough
Department of Public Works
135 Neil Street
Marlborough, MA 01752

RE: Temporary Appointment Pursuant to M.G.L. c. 41 § 61A

Dear Mr. Scott,

In accordance with authority vested in me under M.G.L. c. 41 §61A, I appoint you as temporary Commissioner of the Department of Public Works as said office is vacant. Under this appointment, you shall hold and exercise the powers and perform the duties of DPW Commissioner for not more than sixty days (60), from time to time, for so long as the position remains vacant.

Thank you for your support during this interim period.

Sincerely,


Arthur G. Vigeant
Mayor

Attachment

cc: J. Harmon
P. Jones
City Council

Part I	ADMINISTRATION OF THE GOVERNMENT
Title VII	CITIES, TOWNS AND DISTRICTS
Chapter 41	OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS
Section 61A	APPOINTMENT OF TEMPORARY OFFICERS UPON VACANCY OF CERTAIN OFFICES; TENURE; BOND; REMOVAL; POWERS AND DUTIES

Section 61A. If the office of city auditor, city treasurer, city collector of taxes or other officer having charge of a city department is vacant, or if any such officer, because of disability or absence, is unable to perform his duties, the mayor, without confirmation by the city council, any provision of a city charter to the contrary notwithstanding, shall appoint a temporary officer to hold such office and exercise the powers and perform the duties thereof until another is duly elected or appointed and has qualified according to law, or the officer who was disabled or incapacitated resumes his duties; but no such temporary officer shall be appointed under this section for a period longer than sixty days. Any such temporary officer shall be sworn and give bond for the faithful performance of his duties in accordance with the provisions of law applying to the officer whose place he fills, and if he fails so to do within ten days after his appointment the mayor shall rescind the appointment and appoint another.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 SEP -6 AM 8:20

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
CHIEF OF STAFF

Faelyn Bratica
EXECUTIVE ADMINISTRATOR

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

September 5, 2023

Mr. Chris Firicano
City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: Temporary Appointment Pursuant to M.G.L. c. 41 § 61A

Dear Mr. Firicano,

In accordance with authority vested in me under M.G.L. c. 41 §61A, I appoint you as temporary Finance Director of the Treasurer's Office as said office is vacant. Under this appointment, you shall hold and exercise the powers and perform the duties of Finance Director for not more than sixty days (60), from time to time, for so long as the position remains vacant.

Thank you for your support during this interim period.

Sincerely,


Arthur G. Vigeant
Mayor

Attachment

cc: J. Harmon
N. Denahey
D. Smith
City Council

Part I	ADMINISTRATION OF THE GOVERNMENT
Title VII	CITIES, TOWNS AND DISTRICTS
Chapter 41	OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS
Section 61A	APPOINTMENT OF TEMPORARY OFFICERS UPON VACANCY OF CERTAIN OFFICES; TENURE; BOND; REMOVAL; POWERS AND DUTIES

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RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 SEP -7 AM 11:34

Arthur G. Vigeant
MAYOR

Patricia Bernard
CHIEF OF STAFF

Jailyn Bratica
EXECUTIVE ADMINISTRATOR

September 7, 2023

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

RE: Free Cash certification and transfer requests

Honorable President Ossing and Councilors:

I am pleased to inform you that the Massachusetts Department of Revenue (DOR) recently certified the amount of \$12,003,558.00 in "free cash" for the City of Marlborough. We continue to maintain a strong financial position due to our continued economic growth and over a decade of effective financial planning.

I would like to thank our financial team and especially Auditor Diane Smith for her hard work and dedication over the past year.

Please find enclosed for your review two transfer requests each in the amount of \$1,200,355.80 from our Undesignated Fund to the OPEB Trust and the Stabilization Fund.

These transfer requests are in accordance with our financial policies in place that require annual transfers of ten percent of our certified free cash to continue investing in our future fiscal stability. These efforts have enabled us to grow our stabilization fund and continue paying down our pension liability.

I also want to note that I anticipate mid-year transfer requests from Free Cash to cover some budget shortfalls.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Arthur G. Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor

FISCAL YEAR: 2024

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$12,003,558.00</u>	<u>\$1,200,355.80</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$1,200,355.80</u>	<u>83600</u>	<u>35900</u>	<u>Undesignated Stabilization</u>	<u>\$19,222,931.50</u>
	Reason:	<u>To increase undesignated stabilization funds</u>							
	Reason:								
	Reason:								
	Reason:								
	<u>\$1,200,355.80</u>	<u>Total</u>			<u>\$1,200,355.80</u>	<u>Total</u>			

Department Head signature:

Auditor signature:

Finance Director signature:




CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor

FISCAL YEAR: 2024

FROM ACCOUNT:

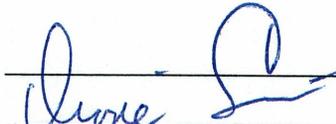
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$12,003,558.00</u>	<u>\$1,200,355.80</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$1,200,355.80</u>	<u>87500</u>	<u>35900</u>	<u>OPEB Trust</u>	<u>\$18,149,273.14</u>
	Reason:	<u>Transfer funds to OPEB trust</u>							
	Reason:								
	Reason:								
	Reason:								
	<u>\$1,200,355.80</u>	Total			<u>\$1,200,355.80</u>	Total			

Department Head signature:

Auditor signature:

Finance Director signature:






City of Marlborough Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur J. Vigeant
2023 SEP -7 AM 11:34

Patricia Bernard
CHIEF OF STAFF

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

Jailyn Bratica
EXECUTIVE ADMINISTRATOR

September 7, 2023

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

RE: Transfer request from Free Cash to Public Safety

Honorable President Ossing and Councilors:

Enclosed is a transfer request in the amount of \$4,925,000.00 from Free Cash to Public Safety for the vital communications upgrades in place of the previous bond request. Since the bond hasn't been advertised yet, I believe it is in the City's best interest to use Free Cash as an alternative to bonding \$4.9M.

The Police Department has failing safety channels containing equipment that is obsolete, and it is imperative that we execute a contract to continue this project as soon as possible. I am requesting the Finance Committee expedite this item at the September 14th scheduled meeting and ask for a suspension at the September 18th Council meeting to capitalize on the \$179,000.00 in savings discounts that we have been able to get extended to the City. The new deadline extension from our vendor is September 20, 2023.

If you have any questions, Diane Smith and public safety officials will be available at the Finance Committee meeting.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Fire/Police

FISCAL YEAR: 2024

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code Object

Account Description:

Amount

Org Code Object

Account Description:

Available
Balance

\$12,003,558.00

\$4,925,000.00

10000 35900

Undesignated Fund

\$4,925,000.00

19300006 57160

Public Safety Equipment

\$0.00

Reason:

For emergency communications systems and public safety equipment

Reason:

Reason:

Reason:

\$4,925,000.00

Total

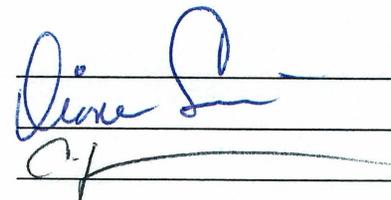
\$4,925,000.00

Total

Department Head signature:

Auditor signature:

Finance Director signature:





City of Marlborough
Office of the Mayor

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Marlborough, Massachusetts 01752
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www.marlborough-ma.gov

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
2023 SEP -7 AM 11:05

Patricia Bernard
CHIEF OF STAFF

Jailyn Bratica
EXECUTIVE ADMINISTRATOR

September 7, 2023

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

RE: Easement and gift acceptance – portion of parcel at South Bolton and Main Streets

Honorable President Ossing and Councilors:

Enclosed for your acceptance is a gift acceptance from the Marlborough Historical Society, Inc. for a sculpture of Samuel Boyd, a former industrial pioneer, to be erected on a portion of the parcel at the corner of South Bolton Street and Main Street, shown on the Assessor's map of the City of Marlborough as Map 70, Parcel 216.

I am also enclosing for your acceptance an easement from the Marlborough Community Development Authority, covering the portion of the parcel that the City will maintain after the sculpture is installed. The grant of easement and donation agreement include a preliminary sketch plan of the easement area. Engineer Tom DiPersio is preparing a final plan, which will be available soon.

The commissioned artist is David Kapetanopoulos, originally from Marlborough who also commissioned the Shoe Worker's Monument located on S. Bolton St. Samuel Boyd, a former Marlborough Selectman, was characterized as the "Father of our City," opened the City's first shoe manufacturing business on Maple Street, and promoted and financed the Agricultural Branch Railroad.

Once both the easement and gift acceptance are approved and the Historical Society has the necessary funding to commission the artwork, I will execute both documents.

Engineer Tom DiPersio will be available at a future meeting if there are any follow up questions to be addressed.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

ORDERED:

That the City Council for the City of Marlborough hereby accepts from the Marlborough Historical Society, Inc., with an address of 377 Elm Street, Marlborough, MA 01752, a gift of tangible personal property pursuant to M.G.L. c. 44, § 53A1/2, specifically a sculpture of Marlborough historical figure Samuel Boyd, and the Mayor is authorized to execute a donation agreement, in substantially the form as attached hereto, on behalf of the City.

ADOPTED

In City Council

Order No. 23-

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:

ORDERED:

That the City Council for the City of Marlborough hereby accepts from the Marlborough Community Development Authority, an operating agency and an urban renewal agency within the meaning of M.G.L. c. 121B, an economic development and industrial corporation within the meaning of M.G.L. c. 121C, and a housing authority within the meaning of M.G.L. c. 121B, created by c. 327 of the Acts of 1979, as amended by c. 380 of the Acts of 2004 and c. 395 of the Acts of 2008, having an address at 250 Main Street, Marlborough, Massachusetts 01752 (the "Grantor"), in substantially the form as attached hereto in the Grant of Easement, a permanent easement over a certain portion of the Grantor's parcel of land located at Bolton Street Extension, Marlborough, Massachusetts, which parcel of land is shown on the Assessor's Map of the City of Marlborough as Map 70, Parcel 216.

The easement area is shown on the plan, attached to the Grant of Easement as Exhibit A.

ADOPTED

In City Council

Order No. 23-

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:

DONATION AGREEMENT: SAMUEL BOYD SCULPTURE

This Donation Agreement (“Agreement”), effective as of _____, 2023 (“Effective Date”), is made and entered into by and between the Marlborough Historical Society, Inc. with an address of 377 Elm Street, Marlborough, MA 01752 (“Donor”); the City of Marlborough, a municipal corporation with executive offices at City Hall, 140 Main Street, Marlborough, MA 01752 (the “Donee”); and the Marlborough Community Development Authority, an operating agency and an urban renewal agency within the meaning of M.G.L. c. 121B, an economic development and industrial corporation within the meaning of M.G.L. c. 121C, and a housing authority within the meaning of M.G.L. c. 121B, created by c. 327 of the Acts of 1979, as amended by c. 380 of the Acts of 2004 and c. 395 of the Acts of 2008, having an address at 250 Main Street, Marlborough, Massachusetts 01752 (the “CDA”). Based upon the Recitals below, and in consideration of the mutual promises and benefits hereunder, the parties hereto hereby agree as follows:

RECITALS

Donor wishes to donate a sculpture of Marlborough historical figure Samuel Boyd (“Sculpture”) to the Donee to be permanently displayed on land owned by the CDA. Specifically, the Sculpture will be displayed on City of Marlborough Assessor’s Map 70 Parcel 216, as shown on sketch plans attached as Exhibit A (“Site”). Donee and the CDA agree to execute a separate easement for Donee’s use of the Site.

The Donee desires to accept such gift, subject to the terms and conditions set forth in this Agreement.

AGREEMENT

1. **Donation.** Donor hereby pledges to the Donee for the use, ownership, benefit and maintenance of the Donee the following donation: sculpture of Marlborough historical figure Samuel Boyd (“Donation”) to be displayed on the Site under the terms and conditions agreed herein.
2. **Costs, Installation, Maintenance.** As a condition of and in consideration of the Donation, the Donor shall pay any and all costs associated with the creation and installation of the Sculpture as provided herein, including payments owed to any independent contractor(s) that the Donor hires to create the Sculpture. The Donee shall, following installation of the Structure, be responsible in its sole discretion for any ordinary maintenance thereof including maintaining the landscaping around the Sculpture as long as it remains in place. If the Sculpture must be relocated for any reason, at the Donee’s sole discretion, the Donee will attempt to notify the Donor in writing at the address shown on this Donation Agreement. If the Sculpture is damaged to the extent that it must be removed, the Donee and Donor shall not be responsible for duplication thereof.

The CDA agrees to the placement and installation of the Sculpture on the Site.

The Donor shall require that any artist it hires to create the Sculpture (“Artist”) enter into a contract with terms including each of the following:

- a. Artist is an independent contractor;
 - b. Artist waives any and all rights, interests, and/or title he or she has or may have in the Sculpture under the Visual Artists Rights Act of 1990, 17 U.S.C. § 106A (“VARA”);
 - c. Artist waives any and all rights, interests, and/or title he or she has or may have in the Sculpture under the Massachusetts Art Preservation Act, G.L. c. 231, § 85S (“MAPA”);
 - d. Artist and Donor agrees that the Sculpture, upon completion, is the sole property of Donor or its future assigns, including the City of Marlborough under this Agreement, and that, upon completion, all of Artist’s rights, interests and title to the Sculpture shall automatically transfer to Donor or its future assigns, including the City of Marlborough under this Agreement;
 - e. Artist and Donor agree that the Sculpture, upon completion, may be relocated, removed, altered or destroyed in the sole discretion of the Donor or its future assigns, including the City of Marlborough under this Agreement, without any prior notice to the independent contractor;
 - f. Artist and Donor agree that the Donor or its future assigns, including the City of Marlborough under this Agreement, may make two-dimensional reproductions of the Sculpture for non-commercial purposes, including, but not limited to, reproductions used in advertising, brochures, media publicity and catalogues or other similar publications, provided that these rights are exercised in a tasteful and professional manner and not to market goods or services;
 - g. Artist represents and warrants that: (i) the Sculpture is solely the result of the Artist and the creative efforts of the Artist; (ii) the Sculpture is unique and original and does not infringe upon any copyright; (iii) the Sculpture has not been accepted for sale elsewhere; and (iv) the Sculpture is free and clear of any liens from any source whatsoever.
3. **Insurance.** The Donor shall ensure that anyone accessing the property in connection with this Agreement, including Artist, shall carry general liability and property damage insurance concerning the Site in the sum of One Million Dollars (\$1,000,000) written on a “per occurrence” basis each and naming the City of Marlborough and the CDA as additional insureds for the term of the access. The insurance shall be primary with no contribution by the City of Marlborough or the CDA. The Donor shall provide certificates of insurance to the City’s Chief Procurement Officer, 3rd Floor, 140 Main Street, Marlborough, MA 01752.
4. **City Council Approval.** On _____, 2023, the Marlborough City Council approved the Donee’s acceptance of the Sculpture as a gift of tangible property pursuant to M.G.L. Ch. 44, §§ 53A1/2 to be used for the support of the Site.
5. **Authority.** The signatories below certify that they are authorized to bind the respective parties for which they are signing, and further, with the exception of where specifically stated otherwise herein, the parties below have the ability and authority to fulfill all

necessary terms and conditions agreed upon herein for specific performance of this agreement.

The above terms are ACKNOWLEDGED, AGREED TO AND ACCEPTED:

DONOR:

MARLBOROUGH HISTORICAL SOCIETY

By: _____
Douglas J. Rowe, President

Date: _____

DONEE:

CITY OF MARLBOROUGH

By: _____
Mayor Arthur G. Vigeant

Date: _____

Approved as to form:

By: _____
Jason D. Grossfield, City Solicitor, OR
Jeremy P. McManus, Assistant City Solicitor

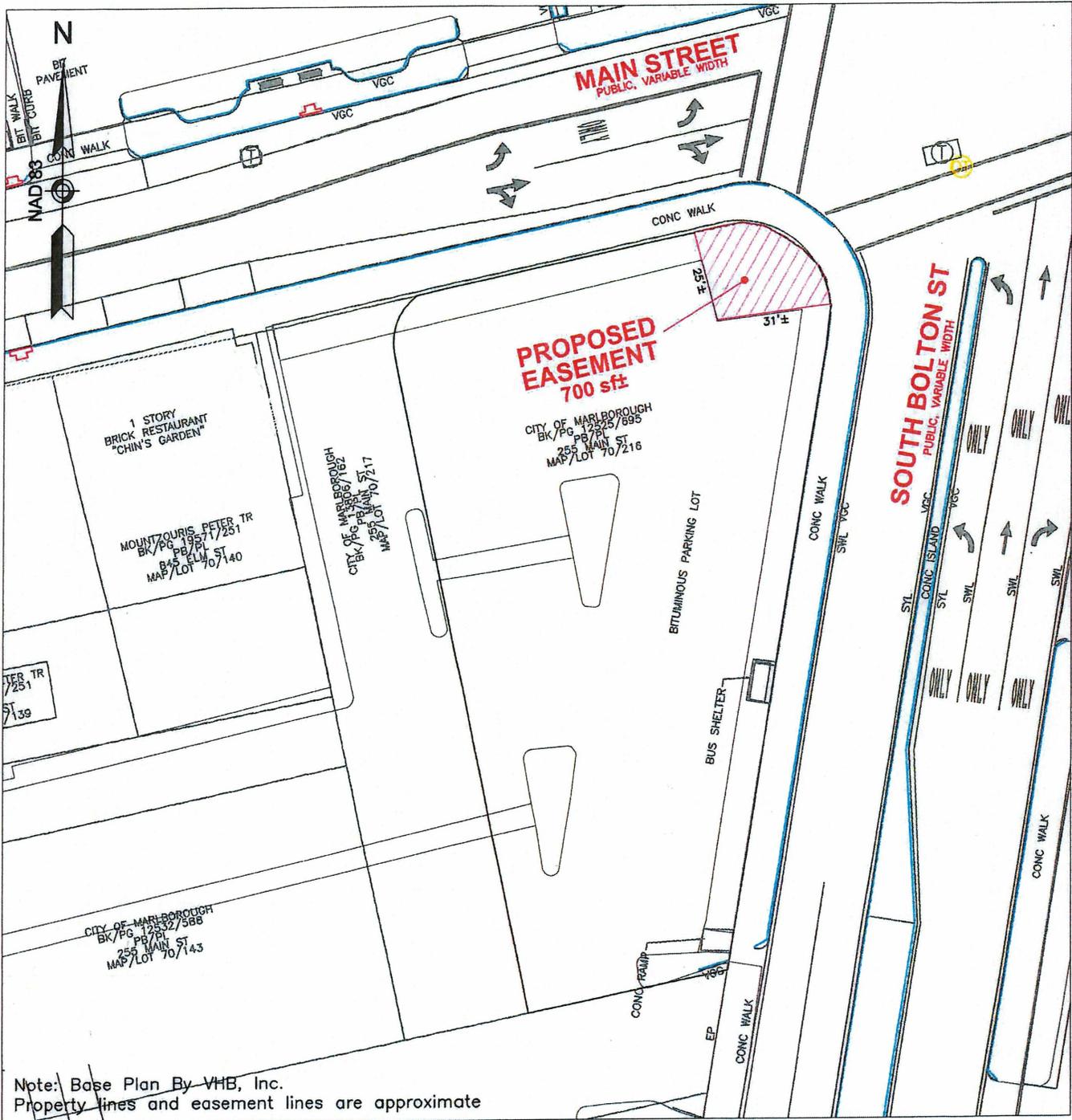
Date: _____

MARLBOROUGH COMMUNITY DEVELOPMENT AUTHORITY

By: _____
Mayor Arthur G. Vigeant, Chairman

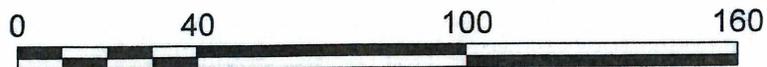
Date: _____

EXHIBIT A



SKETCH PLAN SHOWING PROPOSED EASEMENT LOCATION IN MARLBOROUGH, MA

Plan By: Marlborough DPW Engineering Division
Date: September 7, 2023



SCALE: 1" = 40'

GRANT OF EASEMENT

The Marlborough Community Development Authority, an operating agency and an urban renewal agency within the meaning of M.G.L. c. 121B, an economic development and industrial corporation within the meaning of M.G.L. c. 121C, and a housing authority within the meaning of M.G.L. c. 121B, created by c. 327 of the Acts of 1979, as amended by c. 380 of the Acts of 2004 and c. 395 of the Acts of 2008, having an address at 250 Main Street, Marlborough, Massachusetts 01752 (“Grantor”), for consideration paid of one and 00/100 dollar (\$1.00), grants to the City of Marlborough, a Massachusetts municipal corporation having an address at 140 Main Street, Marlborough, MA 01752 (“Grantee”), *with quitclaim covenants*,

a permanent easement for purposes of maintaining a permanent structure of Marlborough historical figure Samuel Boyd, including the right and easement to enter upon, pass and repass, excavate, locate, relocate, erect, construct, reconstruct, repair, replace, maintain, operate, inspect or remove structures, utilities, equipment, appurtenances and fixtures for said maintenance purposes on, over, under and across land of the City of Marlborough, consisting of _____ (_____) square feet, or ____ acres, more or less, being a certain portion of the parcel of land located at Bolton Street Extension, Marlborough, MA, which parcel of land is shown on the Assessor’s Map of the City of Marlborough as Map 70, Parcel 216, said portion of land being described on a plan entitled “_____” said plan to be attached as Exhibit A.

The Grantee shall have all rights and benefits necessary for the full implementation and use of the rights herein granted, including, but not limited to, the right to remove and clear all rocks, trees, brush, limbs, structures and other obstructions which in the opinion of the Grantee might interfere with the rights herein granted.

For the Grantor’s title, see deed to the Marlborough Redevelopment Authority, of which the Marlborough Community Development Authority is the legal successor, recorded with the Middlesex South District Registry of Deeds in Book 12525, Page 695.

The Marlborough Community Development Authority grants the above-described easement to the City of Marlborough pursuant to a vote adopted by the Marlborough Community Development Authority and accepted by order of the Marlborough City Council on _____, 20____, copies of which are attached hereto as Exhibit B.

Pursuant to M.G.L. c. 64D, § 1, no tax stamps are due in connection with this municipal transaction.

Executed as a sealed instrument by an authorized signatory this ____ day of _____, 202_.

Marlborough Community Development Authority
By Its Chairman and Mayor of the City,

Arthur G. Vigeant

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

On this _____ day of _____, 202_, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, Chairman of the Marlborough Community Development Authority and Mayor of the City of Marlborough, proved to me through satisfactory evidence of identification which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

EXHIBIT A

EXHIBIT B



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 SEP -5 PM 4: 50

MARLBOROUGH CITY COUNCIL

ELECTRONIC MESSAGE CENTER SIGNS AND DIGITAL DISPLAY SIGNS SIGN PERMIT APPLICATION TO MARLBOROUGH CITY COUNCIL

SIGN SPECIAL PERMIT

INSTRUCTIONS: This application must be completed and submitted to the City Council. Applicant must attach to this application a copy of the Building Commissioner's decision detailing the requirements and reason for City Council action. This application form must be signed by the applicant or authorized agent (and the owner of the property if the owner is not the applicant) prior to submittal to the City Council.

1. Location of the property where sign is located (street and number): 247 Maple St.

2. What other signs exist on the property (type, size, location):

existing ground sign 33.42 sf-removing; various wall signs will remain/not updating

3. Are there other signs on the property of similar type to what is requested in the Sign Permit Application?
If so, please state size and location:

No

4. Names of business or activity applying for sign: Kennedy's Restaurant and Market

5. Applicant: Barlo Signs Jenn Robichaud

Street/City/Zip Code: 158 Greeley st Hudson NH 03051

6. Building Owner: Kennedy's Irish Pub Inc

Street/City/Zip Code: 247 Maple St Marlborough MA 01752

7. Contact Information. Please provide an E-mail address as well as Business and Mobile telephone numbers.

Building Owner. Michael Kennedy 508 395 7735

E-mail: _____ Business: _____ Mobile: 508 395 7735

Agent/Owner of Business where sign will be located.

E-mail: jenn@barlosigns.com Business: _____ Mobile: 603 966 6978

Applicant. 603 966 6078

E-mail: _____ Business: _____ Mobile: _____

8. Applicant is (please check).

Business Owner: _____ Tenant: Other (describe): Sign Agent

Required Attachments

Description of Sign and Plan: Please include letter from Building Commissioner noted above together with plans and renderings to assist the City Council in its deliberations on the application for a Sign Special Permit. Other pertinent information may be submitted with this application and may be required by the City Council.

The City Council will hold a Public Hearing on the Sign Special Permit Application. Applicant shall pay for advertising of Hearing. Applicant shall obtain a certified abutters' list from the Assessors' Office to attach to this application. Applicant shall notify abutters of Hearing and provide proof of mailing prior to the Hearing.

After the close of the Public Hearing, Applicant shall submit a draft Sign Special Permit Decision to the City Council, through the appropriate City Council Committee. A sample decision will be provided to Applicant upon request.

Barlo Signs, Jenn Robichaud 

09/05/23

Applicant Signature

Date

Authorization Attached

Property Owner Signature

Date

NOTE: New Electronic Message Center Signs or Digital Display Signs may not be erected until the City Council Sign Special Permit has been granted and building permit has been issued by the Building Department.

LANDLORD AUTHORIZATION
FOR PERMIT(S), VARIANCE(S), HEARING(S)
< MUST BE SIGNED BY LANDLORD OR OWNER OF THE PROPERTY
ON WHICH SIGNAGE IS BEING INSTALLED >

This document verifies that you are authorizing BARLO SIGNS to install signage on your property pursuant to the attached drawings as well as authorizing BARLO SIGNS to secure all related permits required by the local municipalities.

Barlo Signs cannot apply for permits or hearings until we receive the LANDLORD or PROPERTY OWNER'S authorization to do so.

I hereby authorize an Authorized Representative of Barlo Signs of Hudson, N.H., to APPLY FOR SIGN PERMITS for this site and to APPEAR BEFORE THE PLANNING BOARD and/or SIGN REVIEW BOARD and/or the ZBA for this site.

I hereby authorize BARLO SIGNS to install signage on my property exactly as shown in drawing # 22648 Dated: 7/24/23

Sign location address: 247 Maple St Marlborough MA 01752

Property Owner's Signature: [Handwritten Signature]

Printed Name: Michael Kennedy

Company Name: Kennedy's Irish Pub Inc. And Cradens Inc

Address: 247 Maple St

Marlborough MA 01752

DBA Kennedy's Market

Phone number: 508-395-7735

Date Signed: 7/24/23

We cannot apply for permits or hearings until we receive your authorization. Thank you!

Reference JOB NAME: _____ Job #: _____



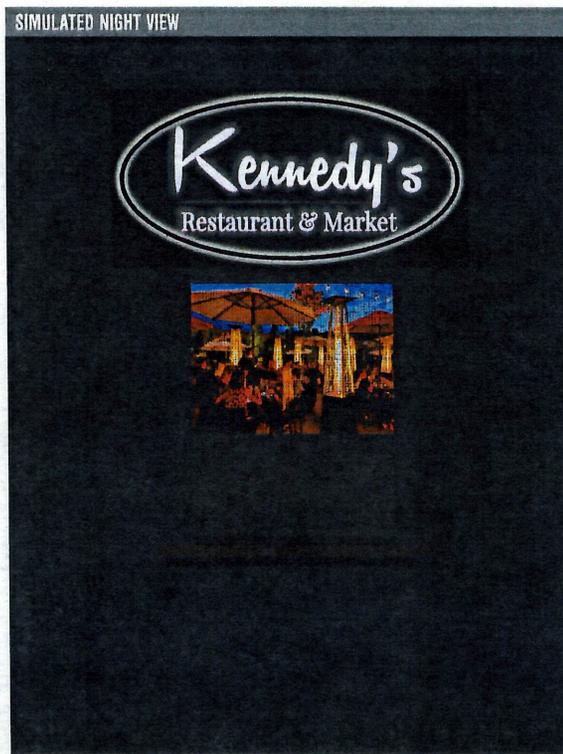
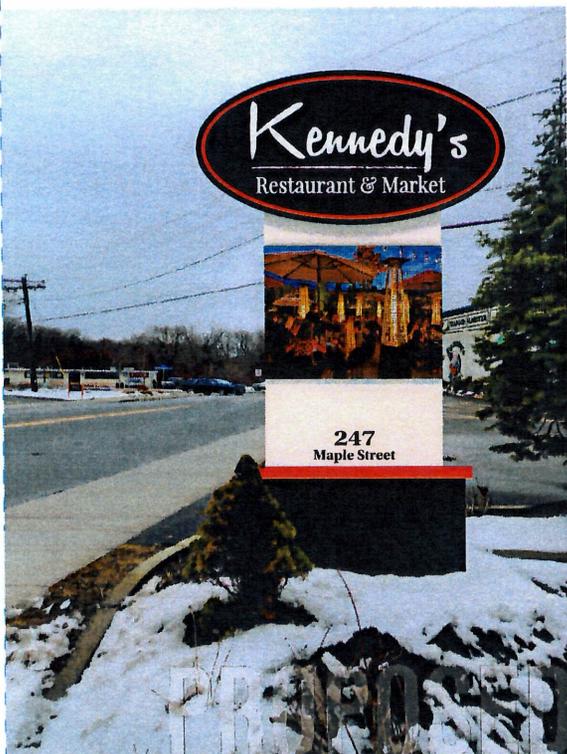

Kennedy's
PUB
FOOD &
SPIRITS

Sunday Breakfast
8am-12pm





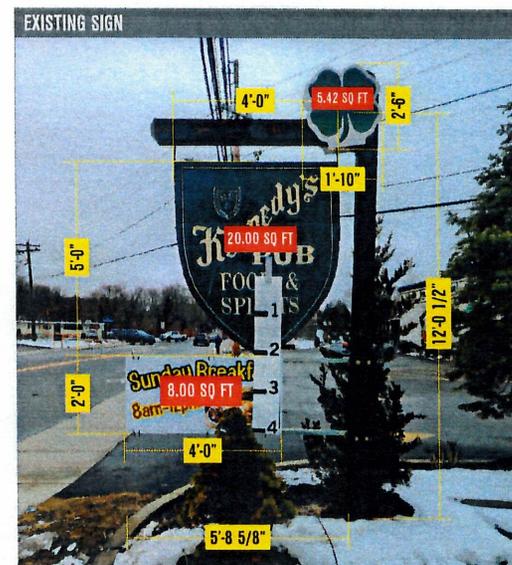




SITE ELECTRICAL ELECTRICAL WORK BY: BARLO OTHERS

New CIRCUITS REQ: 1 AMPS: 20 VOLTS: 120
 Existing CIRCUITS REQ: _____ AMPS: _____ VOLTS: _____
 UL REQ: YES NO LOCATION: WET DAMP DRY SERVICE SWITCH: YES NO
 TIME CLOCK REQ.: YES NO PHOTO EYE REQ.: YES NO

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



SCOPE OF WORK

REMOVE & DISPOSE (1) EXISTING FREESTANDING SIGN.

MANUFACTURE & INSTALL (1) D/F PYLON SIGN CONSTRUCTED AS FOLLOWS: A FABRICATED ALUMINUM PYLON SIGN POLE COVER WITH (2) S/F LED BLEED FACE CABINETS THAT HAVE WHITE ACRYLIC PUSH THROUGH COPY AND FABRICATED LED HALO-LIT BORDER (ONE MOUNTED ON EACH SIDE.) HORIZONTAL DESIGN ELEMENT TO BE VINYL APPLIED DIRECTLY TO THE FACE. BELOW SIGN WILL BE A FULL COLOR EMC. VINYL ADDRESS APPLIED TO THE POLE COVER. SIGN TO HAVE A FABRICATED BASE WITH CAP.

TOTAL SQUARE FEET: 36.35 SQ FT

EXISTING SQUARE FEET: 33.42 SQ FT

COLOR SCHEDULE - CLIENT TO VERIFY

- .125" HUNTER RED BEA
- PTM S/G BLACK/ 7725-12 BLACK VINYL
- WHITE ACRYLIC / 7725-10 WHITE VINYL (HORIZONTAL DESIGN ELEMENT)
- PTM BLDG (TBD)



BARLO SIGNS INTERNATIONAL
 148 GARDEN ST. WILMINGTON, MA 01897-1052 (978) 233-1111 (978) 233-1144
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PROJECT APPROVAL

Client: _____ Date: _____
 Design: LP Date: 4/27/23
 Sales: _____ Date: _____
 Updating: _____ Date: _____
 Production: _____ Date: _____

KENNEDY'S RESTAURANT
 247 MAPLE ST
 MARLBORO, MA 01752
 DESIGNER: LP
 SALES REP: FISC
 PH: JB
 3/7/23

ITEM C
SHEET 3.0

177 MAPLE STREET ASSOCIAT
C/O PMC PROPERTY GROUP INC
1608 WALNUT ST 14TH FL
PHILADELPHIA, PA 19103

COLUMBUS ERNEST M & DEIDR
32 BROOK ST REALTY TRUST
32 BROOK ST #32
MARLBOROUGH, MA 01752

J A C S INC
223 MAPLE ST
MARLBOROUGH, MA 01752

246 MAPLE LLC
246 MAPLE ST #1
MARLBOROUGH, MA 01752

DESOUZA SANDRA YOUNG
30 BROOK ST #30
MARLBOROUGH, MA 01752

K5 REALTY TRUST LLC
247 MAPLE ST
MARLBOROUGH, MA 01752

246 MAPLE LLC
246 MAPLE ST #3
MARLBOROUGH, MA 01752

FOSSILE NIEL TR
GERALDINE FOSSILE TR
424 SOUTH ST
MARLBOROUGH, MA 01752

K5 REALTY TRUST LLC
C/O KENNEDYS IRISH PUB
247 MAPLE ST
MARLBOROUGH, MA 01752

59 HARDING STREET LLC
201 PICNIC ST
BOXBOROUGH, MA 01719

FRANCA CARLOS A
105 LINCOLN ST
MARLBOROUGH, MA 01752

KENNEDY DENNIS P TR
CAROLYN M KENNEDY TR
15 WILDWOOD DR
SOUTHBOROUGH, MA 01772

ALCANTARA LEANDRO
SARAH G OLIVEIRA
62 VIOLETWOOD CIRCLE
MARLBOROUGH, MA 01752

FRATE MANAGEMENT COMPANY
317 EAGLE DRIVE
JUPITER, FL 33477

KUNJ DEEP LLC
274 MAPLE STREET
MARLBOROUGH, MA 01752

BLUEFIN PROPERTIES HOLDIN
246 MAPLE ST
MARLBOROUGH, MA 01752

FURMANICK JEFFEREY C & WHI
58 LACOMBE STREET REALTY
62 LACOMBE ST
MARLBOROUGH, MA 01752

LACOMBE BUSINESS CENTER L
65 LACOMBE ST
MARLBOROUGH, MA 01752

BOULE DOROTHY
ROXANNE SEAGRAVE
192 MAPLE ST
MARLBOROUGH, MA 01752

FURMANICK JEFFREY C TR
JOHN H WHITE TR
62 LACOMBE ST
MARLBOROUGH, MA 01752

M & E REALTY ASSOC LLC
172 WORCESTER RD
NATICK, MA 01760

CASTELLON CYNTHIA L
GUILLERMO CASTELLON
14 BROOK ST
MARLBOROUGH, MA 01752

GIOMBETTI DONALD A TR
THARON E GIOMBETTI TR
80 GLEN ST
MARLBOROUGH, MA 01752

MAPLE MADISON LLC
32 KNIGHT RD
FRAMINGHAM, MA 01701-3700

CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH, MA 01752

GODOY MARIA
HECTOR SALGUERO
13 EMMETT ST
MARLBOROUGH, MA 01752

MARLBOROUGH MAPLE STREET
230 MAPLE ST #6
MARLBOROUGH, MA 01752

CITY OF MARLBOROUGH
CENTRAL FIRE STATION
140 MAIN ST
MARLBOROUGH, MA 01752

HUNT CRAIG
JENNIFER R HUNT
110 CROSBY RD
MARLBOROUGH, MA 01752

MCDONALDS CORPORATION (20
C/O DAVID BALDACCI
PO BOX 902
SPENCER, MA 01562

MCDONALDS CORPORATION (20
C/O DAVID BALDACCI
PO BOX 902
SPENCER, MA 01562

SCHWAB KARYN M TR
MICHAEL R SCHWAB TR
6 LIBERTY ST
MEDWAY, MA 02053

MCGRATH JOHN
MARY E MCGRATH
30-32 BROOK ST
MARLBOROUGH, MA 01752

SIPIN KENNETH
38 BROOK ST
MARLBOROUGH, MA 01752

METROPOLITAN DISTRICT COM
251 CAUSEWAY ST STE 900
ATTN DIVISION OF
CONSERVATION
BOSTON, MA 02114

STODDARD CRAIG
212 MAPLE ST
MARLBOROUGH, MA 01752

METROPOLITAN DISTRICT COM
ATTN DCR
251 CAUSEWAY ST STE 900
BOSTON, MA 02114-2104

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

MINA PROPERTY GROUP LLC
1199 WORCESTER RD
FRAMINGHAM, MA 01701

MONTI ANTHONY J
RHONDA L MONTI
38 FRAMINGHAM RD
MARLBOROUGH, MA 01752

MONTI LOUIS P JR
4 AUBURN ST
MARLBOROUGH, MA 01752

ORENSTEIN DAVID F
JANE R ORENSTEIN
11 ALGONQUIAN DRIVE
NATICK, MA 01760

RENAL CARE PROPERTIES LLC
5 SAUNDERS RD
SUDBURY, MA 01776

MIRICK O'CONNELL

ATTORNEYS AT LAW

 RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2023 SEP -7 AM 11:21

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

September 7, 2023

BY HAND DELIVERY

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

Re: Proposed Zoning Amendment: Retirement Community Overlay District

Dear Councilor Ossing:

I represent Pulte Homes of New England LLC, the prospective buyer of approximately 28 acres of land off of Robin Hill Street in Marlborough, shown on Assessors Map 39 as Parcels 5 and 26B, located in the Limited Industrial Zoning District.

As noted in the enclosed letter of authorization, the owner of this land requests, in accordance with M.G.L. c. 40A, Sec. 5, that the City Council consider amending the Marlborough Zoning Map so that the Retirement Community Overlay District is superimposed over this land, and consider amending the Retirement Community Overlay District to accommodate an over 55 community combining both townhouse and multifamily components, for a new condominium ownership neighborhood.

Pulte is excited about the opportunity to bring a unique over 55 community to Marlborough on land that, while zoned Limited Industrial, would be better utilized as a low-impact residential neighborhood. This new neighborhood would provide opportunities for residents to downsize in Marlborough yet continue to be homeowners, enjoying convenient access to Donald Lynch Boulevard, Route 290, and Route 495.

If this zoning amendment is approved by the City Council, Pulte would then seek a special permit from the City Council to authorize the use and site plan approval from the Site Plan Review Committee to address site design details.

Based upon recent amendments to M.G.L. c. 40A, Sec. 5, we believe this zoning amendment may be approved by simple majority vote of the City Council rather than a two-thirds vote. Under M.G.L. c. 40A, Sec. 5, the following zoning amendments may be approved by simple majority vote:

MIRICK O'CONNELL

Marlborough City Council
September 7, 2023
Page 2

“an amendment to a zoning ordinance ... to allow by special permit: (a) multi-family housing ... in an eligible location; (b) an increase in the permissible density of population or intensity of a particular use in a proposed multi-family ... development pursuant to section 9;”

The term “eligible location” is defined in M.G.L. c. 40A, Sec. 1A as:

“areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts.”

The proposed zoning amendment would allow, by special permit, multifamily housing on land close to Donald Lynch Boulevard, which is an area of concentrated development, and located in close proximity to Route 290 and Route 495. Further, the proposed zoning amendment would allow, by special permit, an increase in the permissible density of population or intensity of multifamily uses in the Retirement Community Overlay District. Therefore, we believe the zoning amendment qualifies for a reduced quantum of vote under M.G.L. c. 40A, Sec. 5.

Please refer this matter to the Planning Board and take the appropriate steps for review by the City Council.

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/

Encl.

cc: Client

August 28, 2023

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

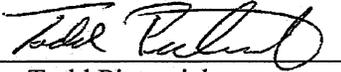
RE: Robin Hill Street Project

Dear Councilor Ossing:

Please be advised that the undersigned is the owner of parcels located off of Robin Hill Street in Marlborough, shown on Assessors Map 39 as Parcels 5 and 26B. The undersigned hereby authorizes Mirick O'Connell, on behalf of Pulte Homes of New England LLC, to submit to the City of Marlborough proposed zoning amendments and any land use applications necessary for Pulte Homes of New England LLC to seek approval for a retirement community at the property.

Thank you for your time and attention to this matter.

Denali Belle LLC

By: 
Name: Todd Pietrasiak
Title: Manager

PROPOSED CITY COUNCIL ORDER

ORDERED:

Be it ordained by the City Council of the City of Marlborough that the Zoning Ordinance of the City of Marlborough, as amended, be further amended as follows:

1. By amending the Zoning Map established by Section 650-8, "Boundaries Established; Zoning Map", by superimposing the Retirement Community Overlay District, RCO-D/T and RCO-MF, over Assessors Map 39, Parcels 5 and 26B; and
2. By amending certain provisions of Section 650-22, "Retirement Community Overlay Districts", as follows (new text **underlined**, deleted text in **~~strikethrough~~**):

§ 650-22. Retirement Community Overlay Districts.

- A. Purpose. The purpose of the Retirement Community Overlay District shall be to advance the public health, safety and welfare by providing for the development of retirement communities that provide housing choices for persons aged 55 or over on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods and/or residential amenities and supportive services, will provide an appropriate environment for a retirement community.
[Amended 4-8-2019 by Ord. No. 18/19-1007452G]
- B. Location. For the purposes of this section, a Retirement Community Overlay District shall be considered superimposed on the other districts existing at the time that any land in any said underlying district is also included in the Retirement Community Overlay District. The rezoning of any or all of the land included in the Retirement Community Overlay District from one underlying zoning classification to another shall not affect its inclusion in the Retirement Community Overlay District, unless said land is specifically removed from the said Retirement Community Overlay District.
- C. Permitted uses. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein **or as otherwise approved by the City Council as part of the Special Permit process**. In addition to those uses which are allowed, either as of right or by special permit, in the underlying district of any land which has been included in the Retirement Community Overlay District, the City Council may, by special permit in accordance with § 650-59, permit a retirement community-detached and townhomes ~~or~~ **and** a retirement community-multifamily, as defined in § 650-5 **except as otherwise set forth herein**, consistent with the following provisions:
[Amended 3-10-2003 by Ord. No. 03-9944B; 4-25-2011 by Ord. No. 11-1002806-1A; 4-8-2019 by Ord. No. 18/19-1007452G]

- (1) Retirement community - detached and townhomes (RCO-D/T).
 - (a) No building in an RCO-D/T community shall be more than 2 1/2 stories in height.
 - (b) Each building in an RCO-D/T community shall face either upon an existing street or upon a public or private way constructed within said RCO-D/T community and shall have a minimum front yard of no less than 20 feet from the edge of the paved way to the closest point of the structure and a side yard of not less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 10 feet distant from any other building by airline distance between the nearest points of the buildings.
 - (c) No dwelling in an RCO-D/T community shall contain less than 1,000 square feet of living area or more than 2,400 square feet of living area.
 - (d) All dwelling units in an RCO-D/T community shall be detached from the others or attached only along side walls in the so-called "townhouse" style.
 - (e) The lot or lots on which an RCO-D/T community is located shall contain, on a consolidated basis, at least 7,000 square feet per housing unit.
 - (f) No part of any principal building in an RCO-D/T community shall be less than 25 feet from any exterior lot line or less than 50 feet from the side of any public way.
 - (g) Each dwelling unit in an RCO-D/T community shall have its own attached yard area.
 - (h) Required off-street parking for each dwelling unit in an RCO-D/T community shall be adjacent thereto. Each unit shall be required to provide at least one parking space inside a garage and an additional space in front of a garage, said garage to be attached to said unit. The City Council may, as a condition of its special permit, require additional off-street parking areas to be used in common by dwelling unit owners and their invitees. In addition, the City Council may, as a condition of the special permit, require the adoption of legally enforceable condominium bylaws or other similar regulations to limit or prohibit the presence in an RCO-D/T community, either entirely or except

in designated locations, of boats, boat trailers, campers, or other recreational vehicles.

- (i) Maximum combined lot coverage in an RCO-D/T community shall not exceed 40% of the total lot size.
- (j) Each lot or contiguous lots upon which an RCO-D/T community is located shall have total frontage on an existing public way of at least 250 feet. Each lot or combination of lots shall have a total size of not less than 10 acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial.
- (k) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-D/T community regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in an RCO-D/T community and limiting or prohibiting the presence in a RCO-D/T community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.
- (l) The City Council may, as a permit condition, require that a proposed RCO-D/T community be constructed entirely on one lot, and that, from and after the date of the issuance of the building permit for said community or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
- (m) No unit in an RCO-D/T community shall have more than three bedrooms.
- (n) If an RCO/DT community is proposed which contains at least 30 acres of land, the following provisions shall supersede those found elsewhere in § 650-22:
 - [1] The lot or lots on which an RCO/DT community is located shall contain at least 5,000 square feet per unit in the RCO/DT community;
 - [2] Maximum lot coverage in the RCO/DT community shall not exceed 50% of the total lot size, excluding from the lot size any land which, prior to development of the site as a RCO/DT community, would be defined as a

"resource area," as that term is defined in MGL c. 131, § 40.

- [3] Each lot or contiguous set of lots upon which a RCO/DT community is located shall have total frontage on an existing public way, or on a private way laid out by the City Council pursuant to MGL c. 82, § 21, of at least 250 feet; provided, however, that said frontage need not be continuous.

(2) Retirement Community - Multifamily (RCO-MF).

- (a) The total area of the tract of contiguous parcels to be developed as an RCO-MF shall not be less than 10 acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial and be located: (i) within the area that lies within the perimeter of the following roadways: commencing at the Fitchburg Street intersection at the Route 85/290 Connector Road; then west along the Route 85/290 Connector Road to the intersection of Route 495; then south along Route 495 to where it passes over the intersection with Berlin Road; then southeasterly along Berlin Road to the intersection with West Hill Road; then easterly along West Hill Road to the intersection with Pleasant Street; then north along Pleasant Street to the intersection with Fitchburg Street; then north along Fitchburg Street to the intersection with the Route 85/290 Connector Road, all of said land being in reasonable proximity to the UMass Memorial Marlborough Hospital and the interstate highway intersection of Route 495 and Route 290; or (ii) within an area designated by the City Council through an amendment to the Zoning Map.
- (b) An RCO-MF may contain one- and two-bedroom units and studio units for independent living persons, and may include services and amenities for its residents, including but not limited to, dining facilities, in-unit kitchens, common rooms, activity rooms, exercise rooms, theater, chapel, library, pharmacy/gift shop/convenience store, beauty salon, barbershop, personal banking services, offices and accessory uses or structures, concierge and valet services, third-party vendor services, and recreation facilities.
- (c) No building in an RCO-MF shall be more than ~~three~~ four stories in height. Subsurface parking levels shall not be considered a story, and there shall be no limitation on building height beyond the maximum of four stories.
- (d) The total number of multifamily dwelling units in an RCO-MF shall be limited to 12 units per acre, which may be located in multiple multifamily buildings within an RCO-MF and on a single parcel.

- (e) No part of any principal building in an RCO-MF shall be less than 50 feet from any exterior lot line or less than 100 feet from any **municipal** public way.
- (f) Maximum combined lot coverage in an RCO-MF, including any permitted accessory structures, shall not exceed 40% of the tract or contiguous parcels.
- (g) The tract or contiguous parcels upon which an RCO-MF is located shall have a minimum total frontage on an existing public or private way of at least 200 feet.
- (h) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-MF regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a retirement community and limiting or prohibiting the presence in a retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.
- (i) The City Council may, as a permit condition, require that a proposed RCO-MF be constructed entirely on one tract and that, from and after the date of the issuance of the building permit for said community no subdivision of said tract shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
- (j) A minimum of 1.0 parking space per dwelling unit shall be provided in an RCO-MF. Attached and detached garages shall count toward this parking requirement.
- (k) No dwelling unit in **a multifamily building with three or more stories in** an RCO-MF shall contain less than 500 square feet of living area or more than ~~1,300~~ **1,600** square feet of living area.
- (l) No building in an RCO-MF need be located or placed further from the exterior line of any street or public way than the average distance from such street or way line of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of 50 feet or more shall be considered as though occupied by a building having the required setback, and a lot separated from

the lot in question only by a vacant lot having a frontage of less than 50 feet shall be deemed an adjacent lot. The point of measurement of the average distance shall be from the closest point of the principal building to the street or public way regardless of parcel ownership.

- (m) In an RCO-MF, there shall be provided with each multifamily building a landscaped area equal to the greatest single floor area of the building, provided that such landscaped area may include undisturbed natural areas, such as vegetated areas, woodlands, wetlands and floodplain areas.

(3) Retirement Community – Combined RCO-D/T and RCO-MF.

- (a) **The City Council may, by special permit, authorize a retirement community development with combined RCO-D/T and RCO-MF components on a single parcel or more than one contiguous parcel.**
- (b) **The City Council may, by special permit, elect to vary the dimensional, parking, design, open space, and landscaping requirements applicable to a combined RCO-D/T and RCO-MF retirement community development upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent or purpose of this section (§ 650-22 et seq.). This authority continues subsequent to occupancy.**

ADOPTED
In City Council
Order No. 23-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 SEP -7 AM 11:21

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

September 7, 2023

VIA EMAILCouncilor Michael Ossing, President
Marlborough City Council
City Hall
Marlborough, MA 01752Re: Somar Landscape Inc.; 59 Airport Boulevard, Unit 16;
Special Permit Application for a Landscaper's Yard

Dear Councilor Ossing:

On behalf of Somar Landscape Inc., I respectfully submit the enclosed application for a special permit to construct and operate a landscaper's yard at the Airport Industrial Park, 59 Airport Boulevard, Unit 16.

In addition to a special permit, the project will require an amendment to the Airport Industrial Park's Site Plan Approval from the Site Plan Review Committee.

Thank you for your time and attention to this matter.

Very truly yours,



Brian R. Falk

BRF/

Encl.

cc: Client

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

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Somar Landscape Inc., P.O. BOX 5602, Marlborough, MA 01752

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

59 Airport Boulevard, Unit 16, Assessors Parcel 73-52-1-16

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

Marlborough Industrial LLC 259 Turnpike Road, Suite 100, Southborough, MA 01772

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

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

650-17, 650-18(48)
Article _____ Section _____ Paragraph _____ Sub-paragraph _____

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

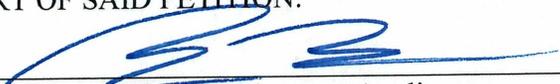
Limited Industrial

7. Specific reason(s) for seeking Special Permit

The applicant seeks to operate a landscaper's yard at 59 Airport Boulevard, Unit 16.

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

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


Signature of Petitioner or Applicant
Brian Falk, Attorney for the Applicant
Address: Mirick O'Connell
100 Front Street
Worcester, MA 01608

Telephone No. 508-929-1678

Date: 9/7/2013

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

Somar Landscape Inc.

(Name of Petitioner)

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

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



CERTIFIED ABUTTERS LIST

(73-52-1-16) 59 AIRPORT BLVD #16: CITY COUNCIL 400 FT

City of Marlborough
Office of the Assessors
140 Main Street
Marlborough, Massachusetts 01752
TDD (508) 460-3610
Phone: (508) 460-3779

PARCEL_#	GIS NUMBER	CAMA #	PROPERTY ADDRESS	OWNER NAME	CO-OWNER	OWNER ADDRESS	O_CITY	O_STATE	O_ZIP	USE_CODE
73-12	M_198888_899243	73-12-66-1	666 FARM RD #1	CAPOBIANCO GERARD J		83 CLOVER HILL ST	MARLBOROUGH	MA	01752	1020
73-12	M_198888_899243	73-12-66-10	666 FARM RD #10	RIBEIRO BRUNO M		666 FARM RD #10	MARLBOROUGH	MA	01752	1020
73-12	M_198888_899243	73-12-66-11	666 FARM RD #11	AGUIAR JOSE LUIZ	CRISTINA FARRER AGUIAR	666 FARM RD #11	MARLBOROUGH	MA	01752	1020
73-12	M_198888_899243	73-12-66-12	666 FARM RD #12	SANTOS MARCELLA LIRA		666 FARM RD #12	MARLBOROUGH	MA	01752	1020
73-12	M_198888_899243	73-12-66-2	666 FARM RD #2	OLIVIERA LALDISON A		666 FARM RD #2	MARLBOROUGH	MA	01752	1020
73-12	M_198888_899243	73-12-66-3	666 FARM RD #3	BARTHELMES NICOLE R		666 FARM RD #3	MARLBOROUGH	MA	01752	1020
73-12	M_198888_899243	73-12-66-4	666 FARM RD #4	SANTOS MIRANA L		44 EMER RD	MARLBOROUGH	MA	01752	1020
73-12	M_198888_899243	73-12-66-5	666-UNIT #5 FARM RD	BASTOS JOAO		666 FARM RD #5	MARLBOROUGH	MA	01752	1020
73-12	M_198888_899243	73-12-66-6	666 FARM RD #6	DEALMEIDA IZABEL		30 TASSI DR	MARLBOROUGH	MA	01752	1020
73-12	M_198888_899243	73-12-66-7	666 FARM RD #7	MURPHY THOMAS J	PAULA A MURPHY	36 OMALLEY RD	MARLBOROUGH	MA	01752	1020
73-12	M_198888_899243	73-12-66-8	666 FARM RD #8	OLEARY ROBERT S		666 FARM RD #8	MARLBOROUGH	MA	01752	1020
73-12	M_198888_899243	73-12-66-9	666 FARM RD #9	CHASE ANITA L		666 FARM RD #9	MARLBOROUGH	MA	01752	1020
73-13	M_198975_899302	73-13	694 FARM RD	THE NEW ENGLAND CENTER FOR CHILDREN INC		33 TURNPIKE RD	SOUTHBOROUGH	MA	01772	9570
73-14	M_198921_899354	73-14	FARM RD	THE NEW ENGLAND CENTER FOR CHILDREN INC		33 TURNPIKE RD	SOUTHBOROUGH	MA	01772	9570
73-15	M_198991_899413	73-15-712-1	712 FARM RD #1	CHUTE NELSON H JR	BERNICE J CHUTE	712 FARM RD #1	MARLBOROUGH	MA	01752	1020
73-15	M_198991_899413	73-15-714-2	714 FARM RD #2	WHITE PATRICIA M		714 FARM RD	MARLBOROUGH	MA	01752	1020
73-15	M_198991_899413	73-15-716-3	716 FARM RD #3	MAUCH DOUGLAS D	SANDRA F MAUCH	716 FARM RD #3	MARLBOROUGH	MA	01752	1020
73-15	M_198991_899413	73-15-718-4	718 FARM RD #4	HATHAWAY JOHN W		718 FARM RD #4	MARLBOROUGH	MA	01752	1020
73-15	M_198991_899413	73-15-720-5	720 FARM RD #5	DEMEMO DAVID S	CAROL A DEMEMO	720 FARM RD #5	MARLBOROUGH	MA	01752	1020
73-15	M_198991_899413	73-15-722-6	722 FARM RD #6	CAPPADONA ELEANOR I TR	JOHN S CAPPADONA TR	722 FARM RD #6	MARLBOROUGH	MA	01752	1020
73-15	M_198991_899413	73-15-724-7	724 FARM RD #7	COTTON EDWARD	JANE COTTON	724 FARM RD #7	MARLBOROUGH	MA	01752	1020
73-15	M_198991_899413	73-15-726-8	726 FARM RD #8	MAZZOCCHI RICHARD D SR	SHIRLEY J MAZZOCCHI	726 FARM RD #8	MARLBOROUGH	MA	01752	1020
73-15	M_198991_899413	73-15-728-9	728 FARM RD #9	ALVINO CIRO	MARIA L ALVINO	728 FARM RD #9	MARLBOROUGH	MA	01752	1020

73-15	M_198891_899413	73-15-730-10	730 FARM RD #10	BALDWIN DIANE M TRUSTEE		730 FARM RD #10	MARLBOROUGH	MA	01752	1020
73-15	M_198891_899413	73-15-CM-	712-730 FARM RD	VALCHUIS ROBERT J TR	FREDERICK K HEIM JR TR	PO BOX 306	MARLBOROUGH	MA	01752	995
73-16	M_199092_899519	73-16-740-101	740 FARM RD #101	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-102	740 FARM RD #102	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-103	740 FARM RD #103	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-104	740 FARM RD #104	STEPHEN CRAIG G	DIANE M STEPHEN	26 STAGEHILL RD	IPSWICH	MA	01938	1020
73-16	M_199092_899519	73-16-740-105	740 FARM RD #105	QUIRK THOMAS J TR	KATHLEEN M QUIRK TR	28 RUNNING LIGHT WAY	MASHPEE	MA	02649	1020
73-16	M_199092_899519	73-16-740-106	740 FARM RD #106	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-107	740 FARM RD #107	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-108	740 FARM RD #108	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-109	740 FARM RD #109	SILVA GECIMAR N	C/O RONALVO P SILVA	740 FARM RD #109	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-740-110	740 FARM RD #110	740 FARM ROAD LLC		46 INDIAN HEAD ROAD	FRAMINGHAM	MA	01701	1020
73-16	M_199092_899519	73-16-740-111	740 FARM RD #111	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-112	740 FARM RD #112	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-113	740 FARM RD #113	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-114	740 FARM RD #114	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-115	740 FARM RD #115	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-116	740 FARM RD #116	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-117	740 FARM RD #117	LOBO JOSELICE L		740 FARM RD #117	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-740-118	740 FARM RD #118	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-120	740 FARM RD #120	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-122	740 FARM RD #122	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-124	740 FARM RD #124	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-126	740 FARM RD #126	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-128	740 FARM RD #128	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-130	740 FARM RD #130	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-132	740 FARM RD #132	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-134	740 FARM RD #134	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-16	740 FARM RD #16	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-18	740 FARM RD #18	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-20	740 FARM RD #20	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-201	740 FARM RD #201	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-202	740 FARM RD #202	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-203	740 FARM RD #203	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020

73-16	M_199092_899519	73-16-740-204	740 FARM RD #204	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-205	740 FARM RD #205	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-206	740 FARM RD #206	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-207	740 FARM RD #207	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-208	740 FARM RD #208	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-209	740 FARM RD #209	GORMAN SUZZANNE R		161 AUSTIN DR #71	BURLINGTON	VT	05401	1020
73-16	M_199092_899519	73-16-740-210	740 FARM RD #210	VALADARES MOACIR		740 FARM RD #210	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-740-211	740 FARM RD #211	CHUNG KWOK WAH	CHUN NAM CHUNG CHUNG	40 WHISPERING BROOK RD #33	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-740-212	740 FARM RD #212	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-213	740 FARM RD #213	DELIMA RIVELINO G	EUNICE A DEOLIVEIRA	740 FARM RD #213	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-740-214	740 FARM RD #214	MOREIRA ELDER	ELIANE M MOREIRA	70 FRYE ST	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-740-215	740 FARM RD #215	HYDON SARAH CARROLL	ROBERT HYDON	64 CANTERBURY DR	SUDBURY	MA	01776	1020
73-16	M_199092_899519	73-16-740-216	740 FARM RD #216	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-217	740 FARM RD #217	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-218	740 FARM RD #218	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-22	740 FARM RD #22	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-220	740 FARM RD #220	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-222	740 FARM RD #222	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-224	740 FARM RD #224	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-226	740 FARM RD #226	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-228	740 FARM RD #228	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-230	740 FARM RD #230	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-232	740 FARM RD #232	FUNG SAMUEL MANCHU	CINDY CHUNTAI CHUNG	10 NOUVELLE WAY T928	NATICK	MA	01760	1020
73-16	M_199092_899519	73-16-740-234	740 FARM RD #234	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-24	740 FARM RD #24	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-28	740 FARM RD #28	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-30	740 FARM RD #30	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-32	740 FARM RD #32	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-740-34	740 FARM RD #34	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-10	750 FARM RD #10	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-101	750 FARM RD #101	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST 4TH FLOOR	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-102	750 FARM RD #102	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-103	750 FARM RD #103	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-104	750 FARM RD #104	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020

73-16	M_199092_899519	73-16-750-105	750 FARM RD #105	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-106	750 FARM RD #106	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-107	750 FARM RD #107	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-108	750 FARM RD #108	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-109	750 FARM RD #109	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-110	750 FARM RD #110	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-111	750 FARM RD #111	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-112	750 FARM RD #112	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-113	750 FARM RD #113	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-114	750 FARM RD #114	MENZIES RATTAN	8 DURANT RD	NATICK	MA	01760-4701	1020
73-16	M_199092_899519	73-16-750-115	750 FARM RD #115	SANTANA JOSELITO	15 MURRAY HILL CIR	WILMINGTON	MA	01887	1020
73-16	M_199092_899519	73-16-750-116	750 FARM RD #116	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-117	750 FARM RD #117	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-118	750 FARM RD #118	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-12	750 FARM RD #12	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-120	750 FARM RD #120	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-122	750 FARM RD #122	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-124	750 FARM RD #124	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-126	750 FARM RD #126	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-128	750 FARM RD #128	ROSKO SHARON	1 JACKSON WAY	HOPEDALE	MA	01747	1020
73-16	M_199092_899519	73-16-750-130	750 FARM RD #130	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-132	750 FARM RD #132	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-134	750 FARM RD #134	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-14	750 FARM RD #14	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-16	750 FARM RD #16	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-18	750 FARM RD #18	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-2	750 FARM RD #2	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-20	750 FARM RD #20	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-201	750 FARM RD #201	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-202	750 FARM RD #202	ARAUJO ROGERIO	750 FARM RD #202	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-750-203	750 FARM RD #203	ALVES ANDRE M	3036 STREAMLET WAY	MONROE	NC	28110	1020
73-16	M_199092_899519	73-16-750-204	750 FARM RD #204	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-205	750 FARM RD #205	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-206	750 FARM RD #206	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020

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73-16	M_199092_899519	73-16-750-207	750 FARM RD #207	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-208	750 FARM RD #208	CHIN CATHERINE	101 COLBORNE RD	BRIGHTON	MA	02135	1020
73-16	M_199092_899519	73-16-750-209	750 FARM RD #209	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-210	750 FARM RD #210	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-211	750 FARM RD #211	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-212	750 FARM RD #212	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-213	750 FARM RD #213	ALMOUSSALI BASSAM M	76 WETHERSFIELD RD	BELLINGHAM	MA	02019	1020
73-16	M_199092_899519	73-16-750-214	750 FARM RD #214	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-215	750 FARM RD #215	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-216	750 FARM RD #216	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-217	750 FARM RD #217	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-218	750 FARM RD #218	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-22	750 FARM RD #22	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-220	750 FARM RD #220	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-222	750 FARM RD #222	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-224	750 FARM RD #224	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-226	750 FARM RD #226	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-228	750 FARM RD #228	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-230	750 FARM RD #230	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-232	750 FARM RD #232	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-234	750 FARM RD #234	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-24	750 FARM RD #24	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-28	750 FARM RD #28	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-30	750 FARM RD #30	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-32	750 FARM RD #32	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-34	750 FARM RD #34	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-4	750 FARM RD #4	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-6	750 FARM RD #6	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-750-8	750 FARM RD #8	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-101	760 FARM RD #101	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-102	760 FARM RD #102	CASTOR JOHN D JR	760 FARM RD #102	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-760-103	760 FARM RD #103	VANARIA DEBORAH A LI EST	760 FARM RD #103	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-760-104	760 FARM RD #104	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-105	760 FARM RD #105	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020

73-16	M_199092_899519	73-16-760-106	760 FARM RD #106	ZOCCHI MAUREEN	7 DEC CT	HOPEDALE	MA	01747	1020
73-16	M_199092_899519	73-16-760-107	760 FARM RD #107	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-108	760 FARM RD #108	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-109	760 FARM RD #109	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-110	760 FARM RD #110	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-111	760 FARM RD #111	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-112	760 FARM RD #112	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-113	760 FARM RD #113	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-114	760 FARM RD #114	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-115	760 FARM RD #115	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-116	760 FARM RD #116	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-117	760 FARM RD #117	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-118	760 FARM RD #118	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-119	760 FARM RD #119	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-120	760 FARM RD #120	RICHARDSON DARRYL M	760 FARM RD #120	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-760-122	760 FARM RD #122	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-124	760 FARM RD #124	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-126	760 FARM RD #126	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-128	760 FARM RD #128	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-130	760 FARM RD #130	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-132	760 FARM RD #132	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-134	760 FARM RD #134	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-136	760 FARM RD #136	GALOFARO LISA M	760 FARM RD #136	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-760-18	760 FARM RD #18	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-20	760 FARM RD #20	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-201	760 FARM RD #201	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-202	760 FARM RD #202	MENEZES MARCELO	186 RESERVOIR ST	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-760-203	760 FARM RD #203	ARAUJO CELSO D	760 FARM RD #203	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-760-204	760 FARM RD #204	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-205	760 FARM RD #205	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-206	760 FARM RD #206	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-207	760 FARM RD #207	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-208	760 FARM RD #208	PRINCETON GREEN LIMITED PARTNERSHIP	1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-209	760 FARM RD #209	JURGEN PAUL T	30 DRUMLIN HILL RD	GROTON	MA	01450	1020

73-16	M_199092_899519	73-16-760-210	760 FARM RD #210	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-211	760 FARM RD #211	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-212	760 FARM RD #212	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-213	760 FARM RD #213	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-214	760 FARM RD #214	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-215	760 FARM RD #215	MENEZES MARCELO	FABIANA MENEZES	186 RESERVOIR ST	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-760-216	760 FARM RD #216	VERMILYEA MARYLYN P		760 FARM RD #216	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-760-217	760 FARM RD #217	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-218	760 FARM RD #218	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-219	760 FARM RD #219	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-22	760 FARM RD #22	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-220	760 FARM RD #220	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-222	760 FARM RD #222	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-224	760 FARM RD #224	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-226	760 FARM RD #226	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-228	760 FARM RD #228	CHANG INNJEN TR	WILLY CHANG TR	47 WOODROW ST	HUDSON	MA	01749	1020
73-16	M_199092_899519	73-16-760-230	760 FARM RD #230	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-232	760 FARM RD #232	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-234	760 FARM RD #234	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-236	760 FARM RD #236	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-24	760 FARM RD #24	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-26	760 FARM RD #26	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-28	760 FARM RD #28	HARVEY DORIS LI EST	CHARLES E HARVEY LI EST	760 FARM RD #28	MARLBOROUGH	MA	01752	1020
73-16	M_199092_899519	73-16-760-30	760 FARM RD #30	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-32	760 FARM RD #32	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-34	760 FARM RD #34	PRINCETON GREEN LIMITED PARTNERSHIP		1115 WESTFORD ST	LOWELL	MA	01851	1020
73-16	M_199092_899519	73-16-760-36	760 FARM RD #36	JIN LU		760 FARM RD #36	MARLBOROUGH	MA	01752	1020
73-46	M_199233_899424	73-46	747 FARM RD	RICHARD DAVID B	PATRICIA A RICHARD	747 FARM RD	MARLBOROUGH	MA	01752	1010
73-47	M_199155_899424	73-47	745 FARM RD	OCOIN PAUL S TR	745 FARM ROAD REALTY TRUST	60 WEST HILL RD	MARLBOROUGH	MA	01752	1010
73-48	M_199432_899307	73-48	743-A FARM RD	GIBSON LINDA TR	FELCH FAMILY REALTY TRUST	743-B FARM RD	MARLBOROUGH	MA	01752	1010
73-49	M_199139_899382	73-49	729 FARM RD	DIMATTEO GINA A		721 FARM RD	MARLBOROUGH	MA	01752	3320
73-50	M_199122_899355	73-50	721 FARM RD	DIMATTEO GINA A		721 FARM RD	MARLBOROUGH	MA	01752	0101
73-51	M_199075_899341	73-51	713 FARM RD	GIBSON LINDA TR	FELCH FAMILY REALTY TRUST	743-B FARM RD	MARLBOROUGH	MA	01752	1010
73-51A	M_199104_899335	73-51A	713-A FARM RD	GIBSON LINDA TR	FELCH FAMILY REALTY TRUST	743-B FARM RD	MARLBOROUGH	MA	01752	1010

73-51B	M_199192_899299	73-51B	FARM RD	GIBSON LINDA TR	FELCH FAMILY REALTY TRUST	743-B FARM RD	MARLBOROUGH	MA	01752	1320
73-53	M_198998_899254	73-53	685 FARM RD	SANTOS LOURIVAL		24 HAGAR ST	MARLBOROUGH	MA	01752	1010
85-12	M_199002_899121	85-12	655 FARM RD	TROMBETTA FAMILY LP		20 BROADMEADOW ST	MARLBOROUGH	MA	01752	0316
85-13	M_198963_899215	85-13	667 FARM RD	MONTEIRO MICHAEL J TR	MONTEIRO REALTY TRUST	20 WESTERN VIEW DR	MARLBOROUGH	MA	01752	0401
85-16	M_199006_899010	85-16	56 BROADMEADOW ST	PAINTON CHRISTA D LI EST		56 BROADMEADOW ST	MARLBOROUGH	MA	01752	1010
85-16B	M_199136_899028	85-16B	80 BROADMEADOW ST	NICHOLS JONATHAN TRUSTEE		50 HOPKINTON ROAD	WESTBOROUGH	MA	01581	3750
85-18	M_199223_898994	85-18-116-A	116 BROADMEADOW ST #A	BARRY EDWARD F JR	JESSICA COOPER	116 BROADMEADOW ST #A	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-116-B	116 BROADMEADOW ST #B	GELLER JASON E		116 BROADMEADOW ST #B	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-116-C	116 BROADMEADOW ST #C	PANIAGUA RAMIRO SARRATO		116 BROADMEADOW ST #C	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-116-D	116 BROADMEADOW ST #D	RUANE ELIZABETH A		116 BROADMEADOW ST #D	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-116-E	116 BROADMEADOW ST #E	MCCULLOUGH CHARLENE TRUSTEE		116 BROADMEADOW ST #E	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-116-F	116 BROADMEADOW ST #F	GOURGUE CLARK SR	CLARK GOURGUE JR	468 ELM ST E	RAYNHAM	MA	02767	1020
85-18	M_199223_898994	85-18-116-G	116 BROADMEADOW ST #G	GERBER MARY H		116 BROADMEADOW ST #G	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-116-H	116 BROADMEADOW ST #H	BEVERLY J BILLER - TRUSTEE	THE BEVERLY J BILLER TRUST	116 BROADMEADOW ST #H	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-118-A	118 BROADMEADOW ST #A	SWEENEY TRACEY A TR	SWEENEY FAMILY TRUST	118 BROADMEADOW ST #A	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-118-B	118 BROADMEADOW ST #B	SHAH KETAN	VAISHALI SHAH	118 BROADMEADOW ST #B	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-118-C	118 BROADMEADOW ST #C	YIN WENJUN		118 BROADMEADOW ST #C	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-118-D	118 BROADMEADOW ST #D	POWELL KAREN		72 NICHOLAS RD	FRAMINGHAM	MA	01701	1020
85-18	M_199223_898994	85-18-118-E	118 BROADMEADOW ST #E	BERNIER DAPNEY D	GLADYMR BERNIER	118 BROADMEADOW ST #E	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-118-F	118 BROADMEADOW ST #F	RINCON ADRIANA		402 MAYNARD RD	SUDBURY	MA	01776	1020
85-18	M_199223_898994	85-18-118-G	118 BROADMEADOW ST #G	DEMERS ELLEN P		118 BROADMEADOW ST #G	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-118-H	118 BROADMEADOW ST #H	THOMPSON VICTOR G	ELAINE R THOMPSON	118 BROADMEADOW ST #H	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-120-A	120 BROADMEADOW ST #A	FRASER M MADELINE	C E OVID FRASER	120 BROADMEADOW ST #A	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-120-B	120 BROADMEADOW ST #B	FINCHUM JAMES	VICTORIA FINCHUM	120 BROADMEADOW ST #B	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-120-C	120 BROADMEADOW ST #C	LOPEZ MARIELA	STEPHANIE LOPEZ	120 BROADMEADOW ST #C	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-120-D	120 BROADMEADOW ST #D	LYONS MARY A		120 BROADMEADOW ST #D	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-120-E	120 BROADMEADOW ST #E	TURNER BRADLEY WILLIAM	GIOK LEE	120 BROADMEADOW ST #E	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-120-F	120 BROADMEADOW ST #F	ARANTES PAULO	ANGLEA ARANTES	120 BROADMEADOW ST #F	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-120-G	120 BROADMEADOW ST #G	GRANT ROBERT A TR	ROBERT A GRANT TRUST	120 BROADMEADOW ST #G	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-120-H	120 BROADMEADOW ST #H	DEANS KIM L		120 BROADMEADOW ST #H	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-122-A	122 BROADMEADOW ST #A	WILLIAMS ANN M		122 BROADMEADOW ST #A	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-122-B	122 BROADMEADOW ST #B	SANDERSON MELINDA		122 BROADMEADOW ST #B	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-122-C	122 BROADMEADOW ST #C	TCHANGOV TODOR T	VOLIA K TCHANGOVA	122 BROADMEADOW ST #C	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-122-D	122 BROADMEADOW ST #D	DAVIS RYAN	KRISTINA M HENDRON	122 BROADMEADOW ST #D	MARLBOROUGH	MA	01752	1020

85-18	M_199223_898994	85-18-122-E	122 BROADMEADOW ST #E	PERRY CRAIG R	JOSIE NIVEA DA SILVA PERRY	122 BROADMEADOW ST #E	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-122-F	122 BROADMEADOW ST #F	WU PENGCHENG	XIN ZHANG	1583 CENTRE STREET	NEWTON	MA	02461	1020
85-18	M_199223_898994	85-18-122-G	122 BROADMEADOW ST #G	HASSINGER ANN		122 BROADMEADOW ST #G	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-122-H	122 BROADMEADOW ST #H	SARNIE JOHN		122 BROADMEADOW ST #H	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-124-A	124 BROADMEADOW ST #A	NANJUNDAPPA MAHESH	RASHMI NAGARAJ	124 BROADMEADOW ST #A	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-124-B	124 BROADMEADOW ST #B	DEMARINIS FAITH		124 BROADMEADOW ST #B	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-124-C	124 BROADMEADOW ST #C	ISERN GERMINAL	NATALY TZERTZIVADZE	124 BROADMEADOW ST #C	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-124-D	124 BROADMEADOW ST #D	TSOU ANDREW		124 BROADMEADOW ST #D	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-124-E	124 BROADMEADOW ST #E	SCRUGGS JENNIFER LEA		124 BROADMEADOW ST #E	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-124-F	124 BROADMEADOW ST #F	BENSON KEVIN R		124 BROADMEADOW ST #F	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-124-G	124 BROADMEADOW ST #G	MARCOTTE LOUIS E JR		124 BROADMEADOW ST #G	MARLBOROUGH	MA	01752	1020
85-18	M_199223_898994	85-18-124-H	124 BROADMEADOW ST #H	KEMP LINDA A		124 BROADMEADOW ST #H	MARLBOROUGH	MA	01752	1020
85-19	M_199323_898947	85-19	BROADMEADOW ST	GULBANKIAN SONIA	GULBANKIAN RICHARD	39 WALDEN DR	WALPOLE	MA	02081-5004	7130
85-19A	M_199426_898904	85-19A	BROADMEADOW RD	GULBANKIAN LEVON ROBERT		230 BROADMEADOW ST	MARLBOROUGH	MA	01752	7130
85-8	M_198857_899177	85-8	644 FARM RD	LAURIE ARTHUR	LAURIE CASSANDRE	644 FARM RD	MARLBOROUGH	MA	01752	1010
85-9	M_198823_899200	85-9	656 FARM RD	RABELO TELMA	REGINALDO G RABELO	90 COOK LN	MARLBOROUGH	MA	01752	1010
86-1	M_199628_899093	86-1	270 BROADMEADOW ST	GULBANKIAN LEVON ROBERT		230 BROADMEADOW ST	MARLBOROUGH	MA	01752	1035

This is to certify that the owners listed above are as shown in the latest Assessors records.

John H. Valade

 JOHN VALADE, PRINCIPAL ASSESSOR

 8/28/2023

 Date

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Somar Landscape Inc. Address: P.O. BOX 5602, Marlborough, MA 01752

Project Name: Somar Landscape Address: 59 Airport Boulevard

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

2. EXPANSION OR NEW: New

3. SIZE: floor area sq. ft. 4,000 s.f. 1st floor 4,000 s.f. all floors 4,000 s.f.

buildings 1 # stories 1 lot area (s.f.) 818,282 sq. ft. (existing site)

4. LOT COVERAGE: 59.5 % Landscaped area: 40.5 %

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

Normal: 5 Peak period: 10

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 3 Peak period: 10

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

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

Downward facing lighting.

8. NOISE:

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

Same.

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

Loading and unloading of vehicles.

9. AIR: What sources of potential air pollution will exist at the development? _____

Vehicle exhaust.

10. WATER AND SEWER: Describe any unusual generation of waste. _____

None.

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? _____

None.

***Attach additional sheets if necessary**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall
140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: 9/7/2023

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Somar Landscape

Project Use Summary: Landscaper's Yard

Project Street Address: 59 Airport Boulevard, Unit 16,

Plate: _____ Parcel: Assessors Parcel 73-52-1-16

Applicant/Developer Name: Somar Landscape Inc.

Plan Date: April 6, 2022 Revision Date: _____

Dear President and Members:

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

Very truly yours,

Tin Htway
Acting Director of Planning

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

\$500

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

**Steven W. Kerrigan
City Clerk**



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

Company Name

Marlborough Industrial LLC

Owner Name/Officer Name of LLC or Corporation

Owner/Officer Complete Address and Telephone Number

259 Turnpike Road, Suite 100

Southborough, MA 01772

508-929-1678

Signature of Applicant

Attorney on behalf of Applicant, if applicable

Brian Falk, Esq., on behalf of the Applicant

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

Tax Collector



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2023 AUG 30 AM 11:22

Marlborough Public Schools

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

Call to Order

June 27, 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 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 recognized the three pre-school students that read 1,000 books before kindergarten.
Superintendent Murphy shared that up to 140 homeless families may potentially be relocated to Marlborough.
Chairman Vigeant shared that on top of this, there are immigrant families that will be housed in the Holiday Inn in Marlborough.
Superintendent Murphy has attached the final report of the FY23 donation, gifts, and grants that MPS received. She expressed her gratitude to those who supported MPS.
The Superintendent attached the Assabet Valley Collaborate End of Year Report to her report to highlight major priorities and challenges for FY24.

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Superintendent Murphy will request the approval and signature on a letter requested by the New England Innovation Academy later tonight.

Superintendent Murphy shared that some of the PreK-12 principals are in attendance to answer questions regarding their school improvement plans.

A. Director of Finance & Operations Report

Mr. Dias, the Director of Finance and Operations, shared the MPS summer food services plan at ECC, Kane, Goodnow, and Marlborough High School for students in summer programs. The Holy Trinity Anglican Church and MHS will also have sites open for breakfast and lunch for any community members throughout the summer.

Mr. Dias commended the Food Service Director, Pam Whelan, and the six Kitchen Managers in their efforts and achievements for food participation this past year.

Mr. Dias explained that the district was able to fill most transportation routes by permanent drivers or substitutes for the end of the school year. He thanked Transportation Coordinator Steve Phalen for the work he did to support the community, especially throughout the nationwide bus driver shortage. Fillipe DaCosta has been appointed the new Transportation Coordinator. There continues to be a bus driver shortage, but the district will work on filling any foreseeable openings for next school year.

Mr. Dias mentioned that the Facilities and Custodians team will be busy this summer with many projects at the schools. He thanked Custodial Supervisor Andy White and many others for their service to MPS.

The district is amid the MA School Authority's Eligibility Period for the Richer Elementary project. Mr. Dias will work with Tom LaFleur to ensure the district meets the deadlines.

Mr. Dias closed his final report by thanking the School Committee Members and City Council for allowing him to serve Marlborough students over the last five years.

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B. Assistant Superintendent of Student Services and Equity

Mrs. O'Brien, the Assistant Superintendent of Student Services and Equity, shared that Special Education, EL, Title 1, Credit Recovery, and Camp Invention programs will run from July 5th through August 3rd. About 400-500 students are projected to participate in these summer programs at the ECC, Goodnow Elementary, and MHS. A Jump Start program will be held for incoming sixth grade students at Whitcomb from July 10th to August 3rd. About sixty students are currently enrolled in this program. Mrs. O'Brien attached a spreadsheet with the locations, dates, times, and other logistics of these programs.

7. Acceptance of Minutes:

A. Minutes of the June 13, 2023 School Committee Meeting

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

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.

9. Action Items/Reports

A. Boys & Girls Club Before & After School

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the new 5-year agreement with the Boys and Girls Clubs of MetroWest for FY25-FY29.

Motion passed 7-0-0.

B. Resolution of School Bus Safety

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to co-sponsor the Bus Resolution with the Peabody School Committee for the MASC Delegate Assembly.

Motion passed 7-0-0.

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C. Policy 7.700 Homework

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to suspend the rules and vote on this policy.

Motion passed 7-0-0.

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve Policy 7.700 Homework as amended.

Motion passed 7-0-0.

D. Superintendent Evaluation

Mrs. Bodin-Hettinger shared the general findings from the Superintendent Evaluation.

E. FY24 School Calendar Discussion

Superintendent Murphy shared some changes to the FY24 School Calendar.

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

Motion passed 7-0-0.

F. Acceptance of Donations and Gifts

Puma North America. Kane Elementary School received \$100.00 from Puma North America.

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

Motion passed 7-0-0.

G. Letter of Support for New England Innovation Academy

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this letter of support.

Motion passed 7-0-0.

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

11. Members' Forum:

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

Chairman Vigeant thanked Mr. Dias for his efforts to end the bus strike.

Many School Committee members thanked Mr. Dias for his service to Marlborough.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 10:16 p.m.

Motion passed 7-0-0.

Respectfully submitted,

Heidi Matthews
 Secretary, Marlborough School Committee

HM/jm

Approved August 29, 2023

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2023 AUG 30 AM 11:22

Marlborough Public Schools

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

Call to Order

August 2, 2023

1. Michelle Bodin-Hettinger 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 Daniel Caruso, Earl Geary, Katherine Hennessy, Heidi Matthews, and Denise Ryan. Also present were Superintendent Mary Murphy and Assistant Superintendent of Teaching and Learning, Robert Skaza. MEA Representative Elton Thomas was also present.

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

2. **Pledge of Allegiance:** Mrs. Bodin-Hettinger led the Pledge of Allegiance.

3. Action Items/Reports

A. Additional Job Postings

Superintendent Murphy shared that there are more families moving into the district, which require a need for more classroom teachers.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to approve the posting of two additional teacher positions.

Motion passed 6-0-0.

B. Change Meet Date

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to change the August 22, 2023 School Committee meeting to August 29, 2023.

Motion passed 6-0-0.

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4. Adjournment:

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to adjourn at 7:51 p.m.
Motion passed 6-0-0.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Heidi Matthews', with a long horizontal flourish extending to the right.

Heidi Matthews
Secretary, Marlborough School Committee

HM/jm
Approved august 29, 2023

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2023 AUG 24 AM 10:19

Conservation Commission

Minutes

August 3, 2023 - 7:00 PM

140 Main St. – Marlborough City Hall – 3rd Floor (Memorial Hall)

Members Present: Edward Clancy-Chairman, John Skarin, Allan White, Dennis Demers, William Dunbar, Karin Paquin; Dave Williams (arrived later as noted). Priscilla Ryder-Conservation officer was also present.

Members Absent: none

The hearing was recorded using Microsoft Teams

Approval of Minutes: The minutes of July 20, 2023, were reviewed and on a motion by Mr. White and second by Mr. Clancy, the Commission voted unanimously to approved 6-0.

Public Hearings:

Notice of Intent –

402 Hudson St. – DPW

Proposes improvement to existing landfill cap, recap of existing landfill and work near wetlands. The Commission is still waiting on a DEP number, assured they would have comments and number for the August 17, 2023, meeting. This item was continued to the August 17, 2023, meeting.

Request for amended Order of Conditions

DEP 212-1228. 378 Hayes Memorial Dr. – Israel Lopez, Gutierrez Co.

Proposed changes to address orchard contaminated soil stockpile near wetlands. A draft of the Amended Order of Conditions was reviewed by the Commission. Mr. Lopez had provided comments as well. Ms. Ryder explained that these conditions do not replace the existing conditions but are in addition to them. Some corrections and language were changed. Ms. Ryder clarified that a peer LSP reviewer will be hired at applicants' expense to oversee the soil removal process on the City's behalf. Intents are to start work on the property at the end of August if possible. If work does not start this year, it would not be able to start before March of next year.. Edward Clancy also requested that street sweeping be added to the conditions as well. A motion was made by John Skarin seconded by Edward Clancy. to approve the amended Order of Conditions as drafted and amended, The motion was approved by 6-0.

Abbreviated Notice of Intent

279 South St. Martin Reilly Real Estate Inc.

Requests the Conservation Commission review and verify the wetland resource areas delineated on this property. Art Allan of Ecotec Inc. has been hired and have completed his peer review.. Several changes were made to the wetland line including extending the wetland area in some locations. There is also a vernal pool with connection which has been added in. A new set of plans representing all changes will be provided for the next meeting. This item was continued to the August 17, 2023, meeting.

(Dave Williams Arrived)

Notice of Intent –

68 River St. – Louis frate.

Proposes to raze and reconstruction of a single-family home within riverfront area, bordering land subject to flooding, and 100' buffer into inland bank. Mr. Ron Strohsahl From Oxbow Associates was present and reviewed the buffer zone restoration plan presented to the Commission. At this time, it is uncertain how many trees will be removed during the invasive species removal. However, the removed trees will be replaced 2:1 as per Commission's tree policy. Once the property is cleaned it will be seeded with a native plant mix. Bill Dunbar pointed out that in a previous project they removed bittersweet from a tree which appeared to be healthy, after the project was complete and a homeowner had moved in the tree began losing branches and it was determined the tree was in poor health. He wants to make sure that someone verifies that the standing trees left on property are carefully checked to verify that they are in good health. Mr. Bruce Saluk P.E. was also present and explained the flood storage volume calculations as shown on the plans and the proposed house construction to accommodate floodplain water flows from the stream. Mr. Clancy asked about how the compensatory floodplain storage underneath the house is going to affect construction of the house. Mr. Saluk explained that the house is going to be on helical piers and an opening will exist to allow for water to enter the floodplain storage under the house. Comments from Tom Dipersio which state that the plan shows an adequate compensatory floodplain storage system and that he encourages the Conservation Commission to require the design engineer to stake out the fill area to ensure that they are built as per the plan. None of the utilities will be in floodplain. Multiple options exist for a foundation. The first presented was a stem wall which comes with the requirement of one square inch of opening for every square inch of space used for floodplain storage. The Commission asked for examples of other such buildings, Mr. Saluk did not have any to look at. Ms. Ryder will check with the building dept. . Ms. Ryder asked if higher flood stage per new standards was used, Mr. Saluk indicated that the difference between a 100- and 500-year flood is minimal at this location as Walker St. is the controlling factor. This filing does not yet have a DEP number as of yet. This item was continued to the August 17, 2023, meeting.

Notice of Intent

689 Pleasant St. Subdivision Roadway – Tim Beauchemin

At the applicants request this item was continued to the August 17, 2023, meeting.

Notice of Intent

Lot 6. Tim Beauchemin.

At the applicants request this item was continued to the August 17, 2023, meeting.

Request for Determination of Applicability

689 Pleasant St. Lot 5. -Tim Beauchemin

At the applicants request this item was continued to the August 17, 2023, meeting.

DEP 212-1236. Certificate of Compliance – 61 Amory Rd.

Ms. Ryder reported that all plantings and repairs have been made and a stamped as-built plan was provided. . A motion was made by Mr. Skarin, seconded by Mr. Clancy to issue a full certificate. The motion passes 7-0.

DEP 212-1060 Certificate of Compliance – 791 Boston Post Rd. Waste Management

Ms. Paquin, Mr. Williams, and Ms. Ryder attended a site visit with Waste Management Staff to walk the site. Everything appears to be working fine, although the "mistifiers" for smell control were not working and the initial runoff area from the transfer building had quite a strong odor. However, the final discharge to the stream was inspected and was clean with no odors or discoloration. Therefore, it was

concluded that the “pretreatment” system is working. The applicant is requesting a change to the monitoring protocol to be more in line with what EPA is now requiring. The Commission asked Ms. Ryder to draft some ongoing conditions for review at the next meeting. This item was continued to the August 17, 2023, meeting.

Discussion:

Environmental Notification Form (ENF) – Kennedy’s Irish Pub – 279 Maple St.

Ms. Ryder explained that the city has received the ENF regarding a land transfer. An assessor’s map was put on display showing Maple Street and the parcel in question in blue. It is owned by DCR who says they do not need it anymore and are putting it up for sale. Kennedy’s Irish Pub would like to purchase this land. However, this requires an ENF as well as an EIR despite nothing being built on the property. The current proposal for the land is to plant more trees along Maple St. They also would like to purchase additional DCR land behind their property highlighted in green on the map. This is all wetland, and they know it would not be buildable. One comment was that site plan needs to look at parking as they should not be parking in random locations or on grass. In terms of comments from Conservation on the acquisition no issues are found. The planting of trees is a good thing, and the wetland shall be left untouched. A site visit will usually be set up by EOE and the comments will be due soon after. Ms. Ryder will draft some comments to be submitted (usually 30 days after the notice). This agenda item was continued to the August 17, 2023, meeting.

Correspondence/Other Business

CSX Transportation Inc. Yearly Railroad Vegetation Management.

Chairman Clancy reviewed the notice for Herbicide treatment will begin after July 13st and before September 13th. This will only happen once this year. This was accepted and placed on file.

Adjournment- There being no further business on a motion made by Mr. Demers, seconded by Chairman to adjourn. Motion to adjourn approved 7-0.

Respectfully submitted,

Priscilla Ryder
Conservation Officer

Minutes prepared by:
Alex Grigorov
Secretary