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2023 SEP 28 PM 12: 15

CITY OF MARLBOROUGH

City Council Agenda

Monday, October 2, 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, September 18, 2023.
2. PUBLIC HEARING on the Proposed Zoning Amendment to Chapter 650 "Zoning" of the Code to add a new section to create the "Red Spring Road Overlay District" (RSR), Order No. 23-1008951.
**** THIS PUBLIC HEARING WILL BE OPENED WITH NO TESTIMONY BEING HEARD AND CONTINUED TO OCTOBER 23, 2023, AT 8:00 PM. ****
3. PUBLIC HEARING on the 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, Order No. 23-1008965.
**** PUBLIC HEARING TO BE RESCHEDULED TO OCTOBER 23, 2023, AT 8:00 PM DUE TO ISSUE WITH LEGAL ADVERTISEMENT. ****
4. Communication from City Clerk Steven Kerrigan, re: Preliminary Municipal Election Call.
5. Communication from Building Commissioner Tin Htway, re: Request for Approval of a Master Sign Plan for various internally illuminated wall and free-standing signs for Green Gold Group at 910 Boston Post Road East within the Wayside District.
6. Communication from the Department of Environmental Protection, re: Adoption of new regulations relating to reporting requirements for large entity vehicle fleet owners.
7. Communication from Ambri Incorporated, re: Notification of upcoming layoff of employees pursuant to the Worker Adjustment and Retraining Notification Act of 1988 (WARN) at 53 Brigham Street.
8. Minutes of Boards, Commissions and Committees:
 - a) School Committee, September 12, 2023.
 - b) Conservation Commission, September 7, 2023.
 - c) Planning Board, August 21, 2023.
 - d) Traffic Commission, June 28, 2023.
9. CLAIMS:
 - a) Brenda Stacey, 132 Meetinghouse Road, Hingdale, NH, pothole or other road defect.
 - b) Nicholas Schiappa, 59 Minehan Lane, other property damage and/or personal injury.

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

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

10. **Order No. 23-1008961: Transfer Request in the amount of \$4,925,000.00 from Undesignated Fund (Free Cash) to Public Safety Equipment, for public safety communication upgrades.**

Recommendation of the Finance Committee is to FILE.

On a motion made by Councilor Oram, seconded by the Chair that the Free Cash Transfer be filed.
Vote 5-0.

Councilors-at-Large

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



RECEIVED
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 SEP 27 AM 7:10

Ward Councilors

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

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
 CITY COUNCIL
 MEETING MINUTES
 MONDAY, SEPTEMBER 18, 2023**

The regular meeting of the City Council was held on Monday, September 18, 2023, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 10:06 PM.

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

ORDERED: That the Minutes of the City Council meeting, September 11, 2023, **FILE**; adopted.

That the CONTINUED 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. 23-1008950A, all were heard who wish to be heard, hearing closed at 8:04 PM; adopted.

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

That the 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, Order No. 23-1008952, all were heard who wish to be heard, hearing closed at 8:34 PM; adopted.

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

That the PUBLIC HEARING on the Proposed Zoning Ordinance Amendment to Chapter 650 "Zoning" of the Code relative to Definitions, Affordable Housing, and the Marlborough Village District (MV), Order No. 22/23-1008721H, all were heard who wish to be heard, hearing closed at 9:42 PM; adopted.

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

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

ORDERED: That the Certification from Ward 4 Councilor Teona Brown as required under MGL Chapter 39 §23D (“Mullin Rule”), regarding the Application for Special Permit from George Voyiatzis to convert an existing structure into a multi-family residential building consisting of seventeen (17) units in the Neighborhood Business District (NB) at 358 Lincoln Street, **FILE**; adopted.

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

ORDERED: That the Communication from the Mayor, re: Notification of Appointment of Paul Dinwoodie as the Director of Public Health by the Board of Health pursuant to MGL Chapter 111 §30, **FILE**; 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: 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 in the Marlborough Village District (MV), in proper legal form, Order No. 23-1008926E, **MOVED TO ITEM 15 & FILE**; adopted.

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

ORDERED: That the Communication from Assistant City Solicitor Jeremy McManus, re: Application for Special Permit from George Voyiatzis to convert an existing structure into a multi-family residential building consisting of seventeen (17) units at 358 Lincoln Street in the Neighborhood Business District (NB), in proper legal form, Order No. 23-1008939B, **MOVED TO ITEM 16 & FILE**; adopted.

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

ORDERED: That the City Council has no objections to the deviations described in items 1 and 2 of the letter from Assistant Building Commissioner William Paynton, dated September 11, 2023, and supports the continued compliance with item “Q” of the Special Permit for 487 Lincoln Street (Cozy Café), Order No. 16/17-1006735H, **APPROVED**; adopted.

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

ORDERED: That the Communication from a resident, re: Opposition to 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, **FILE**; adopted.

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

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

- a) School Committee, August 29, 2023.
- b) Conservation Commission, August 17, 2023.
- c) Cultural Council, July 19, 2023.
- d) Planning Board, June 26, 2023 & July 24, 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) Krishna Ramachandra, 480 Farm Road, other property damage and/or personal injury.
- b) Barbara Ross, 32 Belmont Street, other property damage and/or personal injury.

Suspension of the Rules requested – granted.

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

ORDERED: That the Communication from City Engineer Thomas DiPersio, re: Proposed Acceptance of Permanent Sidewalk Easement and Temporary Construction Easement from the property owner of 249 and 257 Cedar Hill Street (IPG Photonics), **FILE**; adopted.

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

ORDERED: That the City Council for the City of Marlborough hereby accepts from IPG Photonics Corporation, a Delaware corporation, with a usual place of business at 377 Simarano Drive, Marlborough, Massachusetts (the “Grantor”), a temporary construction easement and permanent sidewalk easement on a certain portion of the Grantor’s land located at 249 and 257 Cedar Hill Street, Marlborough, Massachusetts, in substantially the form as attached hereto in the Easement Deed.

DESCRIPTION

The “Easement Area” is a ten foot (10’) wide strip of land shown as “10’ WIDE SIDEWALK EASEMENT” on a plan (the “Plan”) entitled, “Easement Plan, #249 & #257 Cedar Hill Street, Marlborough, MA” Prepared for City of Marlborough, 140 Main Street, Marlborough, MA 01752, Prepared By: Bruce Saluk & Associates, Inc. Civil Engineering & Surveying, 576 Boston Post Road East, Marlborough, MA 01752, Date: June 12, 2023, Scale: 1”=40”, said Easement Area contains 1,989 square feet, more or less, on the 249 Parcel plus 6,841 square feet, more or less, on the 257 Parcel.

The “Temporary Easement Area” is a twenty-five foot (25’) wide strip of land shown as “25’ TEMPORARY EASEMENT” on the Plan. Said Temporary Easement Area contains 4,967 square feet, more or less, on the 249 Parcel plus 17,087 square feet, more or less, on the 257 Parcel according to said Plan.

APPROVED; adopted.

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
September 14, 2023
Minutes and Report**

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

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

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

Fire Chief Breen, Asst. Fire Chief Emanuelson, Police Chief Giorgi, Police Lt. Jusseaume, and the consultant for Motorola were present to address the funding for the public safety communications.

Also present were City Auditor Diane Smith and Asst. Fire Chief Gogan.

Order No. 23-1008934: Communication from Mayor Vigeant, together with FY24 Capital Bond request in the amount of Four Million Nine Hundred Twenty-Five Thousand (\$4,925,000.00) Dollars for emergency communications systems and public safety equipment.

Item added to Agenda on September 8, 2023– Transfer request from Mayor Vigeant

Order No.23-1008961: Communication from Mayor Vigeant, together with Transfer request in the amount of \$4,925,000.00 from Undesignated Fund (Free Cash) to Public Safety Equipment, for public safety communication upgrades.

Chair Irish read two communications from Mayor Vigeant, one addressing the bond and the second addressing the free cash transfer as the Mayor's preferred method for funding the upgrades. Fire Chief Breen turned the presentation over to Asst. Fire Chief Emanuelson to describe the new system which he explained in detail including the fact that certain aspects have been out of date since 2018 while others have been out of date for eight years.

Police Chief Giorgi explained an issue that occurred on Labor Day when all communications had to occur on one channel as the second channel was unavailable.

President Ossing opposed funding the public safety communications system entirely with free cash and favored bonding the project, stating it would not be fiscally responsible to spend down the free cash for this City Council and the next administration, stating there is a difference of two weeks' time between the bonding and the use of free cash.

The representative from Motorola stated he would approach Motorola to request the extension of time until October 6, 2023, for the discount. Chief Breen and Asst. Chief Emanuelson will inform the City Council of any extension dates with Motorola.

No.23-1008934: On a motion by Councilor Oram, seconded by the Chair, the committee recommends approval of the bond in the amount of \$4,925,000.00 for public safety communication upgrades.

Vote 4-1 Dumais opposed.

No.23-1008961: On a motion made by Councilor Oram, seconded, and approved 5-0, the free cash transfer was filed.

On a motion made and seconded, the meeting adjourned at 7:20 PM.

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

ORDERED: That the Petition from Mass Electric and Verizon New England to install two new jointly owned poles, #22-25, and #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, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

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

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

ORDERED:

DECISION ON A SPECIAL PERMIT

ORDER NO. 23-1008926F

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Marco Realty Trust (the “Applicant”) for an automobile repair use at 13-15 Mechanic Street, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Rick Marino, Trustee of Marco Realty Trust, is a Massachusetts real estate trust with an address of 19 Mechanic Street, Marlborough, MA 01752.

2. The Applicant is the owner of the property located at 13-15 Mechanic Street, Marlborough, Massachusetts, being shown as Parcel 378 on Assessors Map 69 (the "Site").
3. In accordance with Article IV, Section 650-12.B, of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes a change of the preexisting nonconforming glass repair use of the Site to an automobile repair use to complement and serve as part of an expansion of the current automobile repair use on the adjacent property located at 19 Mechanic Street, Marlborough, MA, including making certain non-structural modifications to the existing garage at the Site, improving the front façade, installing two garage doors along the side of the garage, new bathroom, equipment storage platform, and three automotive lifts, all within the current structural envelope (the "Use"). As shown on the Plans referenced in paragraph 5 below, the Use consists of an existing metal commercial garage to contain the general automotive repair operation, accessory parking area, and front landscaped area along Mechanic Street.
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, and a site plan entitled "Certified Plot Plan in Marlborough, MA" prepared for: Marco Realty Trust prepared by J.D. Marquedant & Associates, Inc., dated March 8, 2023, site plan entitled "13-15 Mechanic Street" Proposed Conditions and Erosion Control, Plan of Land prepared for: Marco Realty Trust prepared by J.D. Marquedant & Associates, Inc with a last revised date of July 3, 2023 and architectural drawings and plans entitled "Renovations to: Professional Automotive - 13 Mechanic St Shop", prepared by Context Studios LLC dated December 22, 2022, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit (collectively, the "Plans"), attached hereto as **"ATTACHMENT A"**.
6. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
7. The Site has an area of 8,843 square feet +/- as shown on the Plans.
8. The Site has hosted various residential and commercial uses, most recently a variety of glass repair service uses, since the early 1980s.
9. The Site was rezoned from Residential Business to Marlborough Village in 2014. Following this Zoning Map amendment, the Site became preexisting nonconforming with respect to use.
10. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, July 24, 2023. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on July 24, 2023.

12. The Applicant, and the Applicant's representatives, presented testimony at the public hearing detailing the Use, the former history of the use of the locus, describing the impact of the Use and proposed non-structural modifications on the neighborhood, and traffic.
13. As part of the public hearing, approximately 75 people attended the hearing, and many voiced their support for the Use. Numerous letters were received in support of the Use. A letter with concerns about the Use negatively affecting one's property was submitted by a commercial neighbor, whose opposition to the Use was noted at the public hearing.

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

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed non-structural modifications to the garage and the general auto repair use would not be substantially more detrimental to the neighborhood than the existing glass repair use of the Site.
- C. The City Council finds that the preexisting nonconforming use of the Site has not been abandoned or not used for a period of two years or more.
- D. The City Council finds that the proposed Use is not enlarged to more than 25% of the floor and ground area of the preexisting nonconforming use, as no changes are proposed to the footprint of the building or the Site with the exception of certain improvements to be made to the front façade of the garage (cement brickface and molding identical to 19 Mechanic Street garage).
- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to change the preexisting nonconforming glass repair use of the Site to an automobile repair use to complement and serve as part of an expansion of the current automobile repair use on the adjacent property located at 19 Mechanic Street, Marlborough, MA, including making certain non-structural modifications to the existing garage at the Site, improving the front façade, installing two garage doors along the side of the garage, new bathroom, equipment storage platform, and three automotive lifts, all within the current structural envelope, as shown on the Plans, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
 1. Construction in Accordance with Applicable Laws. Construction at the Site is to be in accordance with all applicable building codes and zoning regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts.
 2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications, or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed, and approved by the City Council as the Special Permit Granting Authority. Site Plan Review shall consider among other things drainage, curbing, parking, construction of a retaining wall and guard rail along with signage and plantings.

3. Landscaping: As part of Site Plan Review, additional plantings may be required beyond that specified in the Zoning Ordinance in order to improve the Site appearance on this prominent and visible section of Main Street.
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. Access. The Applicant shall maintain and provide access to 7-9 Mechanic Street Right of Way in accordance with any applicable instrument/plan of record.
6. Operations. All auto repair activities shall take place indoors. All loading and unloading shall take place within the Site and not on Mechanic Street, and no deliveries of materials or equipment or shipments from the Site shall be permitted on Sunday. The operating hours shall be limited to Monday through Saturday from 7:00 AM to 7:00 PM. There shall be no operation of the Use on Sunday. The sale of vehicles is prohibited on the Site. Outdoor storage is prohibited on the Site.
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, except for lighting necessary for security and emergency access.
8. Signs. Signage at the Site shall comply with the City's Sign Ordinance with any free-standing sign at the Site's driveway entrance being substantially the same as the sign shown in the photo attached hereto as "ATTACHMENT B".
9. Noise and Air Quality. The Applicant shall comply with the City's Noise Ordinance and shall comply with all state and federal requirements governing air quality and emissions.
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: 1

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

Nay: Wagner.

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

ORDERED:

DECISION ON A SPECIAL PERMIT

ORDER NO. 23-1008939D

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to George Voyiatzis (the "Applicant") for a multifamily dwelling project at 358 and 364 Lincoln Street in the Neighborhood Business Zoning District, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, George Voyiatzis, is the Manager of Lincoln 358 Realty, LLC, which owns the property located 358 and 364 Lincoln Street in Marlborough, MA, being shown on Assessors Map 69 as Parcels 265 and 267, as shown on the Plans referenced in paragraph 5 below (the "Site"). The Applicant has a mailing address of 115 Pleasant Street, Cambridge, MA 02139.
2. In accordance with Section 650-12.B, Section 650-17, Section 650-18(A)(4), and Section 650-39 of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant proposes a multifamily dwelling at the Site (the "Use"). As shown on the Plans referenced in paragraph 5 below, the Use consists of 17 residential units in a former armory building, a parking area with 32 spaces, and landscaped areas.
3. The Applicant filed with the City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use.
4. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a site plan entitled "Proposed Addition To: 358 Lincoln Street" by Spruhan Engineering, P.C., with the last revision date of July 22, 2023 (the "Plans") attached hereto as "**ATTACHMENT A**".
5. 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.
6. The Site is located in the Neighborhood Business Zoning District.
7. The Site has an area of 24,768 square feet +/- as shown on the Plans.
8. The armory building on the Site is preexisting nonconforming with respect to front, side, and rear yard setbacks, and parking.
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, August 21, 2023. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on August 21, 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, five members of the public spoke in favor of the use and no members of the public spoke in opposition to the Use.
13. Councilor Teona 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 as set forth in **"ATTACHMENT B"** hereto, made as part of the record of the hearing, in accordance with Massachusetts General Laws Chapter 39, Section 23D.

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

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed change of the preexisting nonconforming building to a multifamily dwelling use with parking areas and landscaping would not be substantially more detrimental to the neighborhood than the prior armory use of the Site.
- C. The City Council finds that the floor and ground area of the preexisting nonconforming building is not enlarged by more than 25% as part of the Use.
- D. 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.
- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit for a multifamily dwelling at the Site as shown on the Plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
 1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Plans as may be amended during Site Plan Review.

2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications, or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and a final certificate of occupancy shall not be issued until the Applicant has complied with all conditions, provided that the Site Plan Committee may authorize the phasing of site and building work depending upon weather conditions and other factors. 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 Site Plan Review Committee may approve minor amendments to the Plan's, so long as said changes do not materially increase the impervious area of the Use, alter traffic flow, or materially increase the size of the building, or increase the number of residential units, 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 shall ensure that its site superintendent during construction of the project is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.
6. Landscaping and Screening. As part of site plan review, the Site Plan Review Committee shall review the Site's landscaping and screening and shall be authorized to require additional fencing or landscaping as needed to provide appropriate buffers and screening for the adjacent properties and future residents of the Site.
7. Landscaping Easement over 31 Gay Street. Prior to the issuance of a building permit for the Use, the Applicant shall obtain and have recorded with the Middlesex South District Registry of Deeds a permanent landscaping easement over a portion of the abutting property located at 31 Gay Street, as shown on the Plans. The landscaping shown on the approved site plan within this easement area shall be maintained in perpetuity as part of the 358 and 364 Lincoln Street property maintenance.
8. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties, with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review process.

9. Electric Utilities. The Use shall have all-electric utilities, including heat, air conditioning, and hot water.
10. Compliance with Applicable Laws. The Applicant shall comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.
11. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, 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 – Abstain: 1

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

Abstain: Dumais

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: 10 – Nay: 0 – Abstain: 1

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

Abstain: Dumais.

Motion by Councilor Robey, 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 10:06 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 21, 2023

ORDERED:

PAGE 1

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), be and is herewith referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, OCTOBER 2, 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:

§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.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 21, 2023

PAGE 2

ORDERED:

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.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 21, 2023

PAGE 3

ORDERED:

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

ADOPTED

ORDER NO. 23-1008951



IN CITY COUNCIL

Marlborough, Mass., ~~SEPTEMBER 11, 2023~~

ORDERED:

That there being no objection thereto set **MONDAY OCTOBER 2, 2023**, as the **DATE FOR PUBLIC HEARING**, on the 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, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Ninety days after public hearing is 01/21/24 which falls on a Sunday, therefore 01/22/24 would be considered the 90th day.

ADOPTED

ORDER NO. 23-1008965



City of Marlborough
Office of the City Clerk

RECEIVED
CITY CLERK'S OFFICE
MARLBOROUGH

2023 SEP 18 PM 3:30

Thomas W. Kerrigan

City Clerk

Wilson Chu

Assistant City Clerk

140 Main Street
Marlborough, Massachusetts 01752
Telephone (508) 460-3775 Facsimile (508) 460-3723

The City Clerk be and is hereby authorized and directed to warn and notify the VOTERS of the City of Marlborough, duly qualified to vote in the **PRELIMINARY MUNICIPAL ELECTION**, to assemble in their respective polling place, as designated by the City Council as follows:

- | | |
|--------------------------|---|
| WARD 1: Precinct 1 and 2 | Francis J. Kane School, 520 Farm Road |
| WARD 2: Precinct 1 and 2 | Francis J. Kane School, 520 Farm Road |
| WARD 3: Precinct 1 | Senior Center, 40 New Street |
| WARD 3: Precinct 2 | Raymond J. Richer School, 80 Foley Road |
| WARD 4: Precinct 1 and 2 | Senior Center, 40 New Street |
| WARD 5: Precinct 1 and 2 | Masonic Lodge, 8 Newton Street |
| WARD 6: Precinct 1 and 2 | 1LT Charles W. Whitcomb School, 25 Union Street |
| WARD 7: Precinct 1 and 2 | Hildreth School, 85 Sawin Street |

On **TUESDAY, OCTOBER 10, 2023**, then and there, for the purpose of casting their votes for the candidates for the Office of Mayor who are as follows:

- J. Christian Dumais, 134 R South Street**
- Michael A. Baker, 25 Gibbon Street**
- Patrick M. Hogan, 6 Sawin Street**
- Samantha Perlman, 15 Belmont Street, #2**

It is further ordered that the polling place legally designated by the City Council be opened at 7:00 o'clock in the forenoon and be closed at 8:00 o'clock in the evening. The City Clerk be and hereby is authorized to cause notice to be given by publication of this Order in a local newspaper and by posting a copy of the same in a conspicuous place in the office of the City Clerk.



City of Marlborough

BUILDING DEPARTMENT

140 MAIN STREET
MARLBOROUGH, MA 01752
TEL. (508) 460-3776 FACSIMILE (508) 460-3736
BUILDING_DEPT@MARLBOROUGH-MA.GOV

RECEIVED

CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 SEP 20 PM 4: 26

TIN HTWAY
BUILDING COMMISSIONER

WILLIAM PAYNTON
ASST. BLDG COMMISSIONER

ROBERT BOURN
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

ETHAN LIPPITT
BUILDING INSPECTOR

MICHAEL LEEDS
BUILDING INSPECTOR

CITY COUNCIL SIGN APPROVAL FORM

September 20, 2023

RE: 910 BOSTON POST ROAD EAST
PERMIT #: SP-23-63
ZONING DISTRICT: WAYSIDE (W)

To City Council President and all Councilors,

Included in this form is an applicant seeking from City Council **approval and relief** from the Sign Ordinance as it relates to the signage project at the above listed address. Attached to this form is a copy of the sign design that is proposed. This office offers the following comments:

1. Currently existing (2) Wall Signs, one sign is externally illuminated (47 sqft) and the second sign not illuminated (10 sqft). Total area 57 sqft.
2. Currently existing (1) Free-Standing Sign, (61 sqft) on Massachusetts State property. This office does not have the authority to issue a sign permit on State Land.
3. The allowable sign area for Green Gold Corp is **128 sqft** in the Wayside District (W) based upon linear feet of store front per Section 650-37 (l)(b).
4. The allowable wall sign count for the businesses is **2 signs** in the Wayside District (W) per Section 650-37 (l)(b).
5. Green Gold has applied for a sign permit and is seeking relief from the Zoning Code – Wayside District (W) for an additional **3rd sign** (30 sqft).
6. The applicant has applied for a total sign area of **87 sqft** for a total of 3 signs (2 existing and 1 proposed).
7. The applicant has requested for an allowance for bonus area of 10 sqft per §526-9 for large building, but they do not meet either of the requirements for this bonus area because of the following:
 - a. Their business area is not over 20,000 sqft,
 - b. The building does not have frontage on multiple streets.

910 BOSTON POST ROAD EAST – SIGNAGE

8. Within the Wayside Zoning District Section 650-37 I. (1) (b) (Zoning Ordinance) allows sign area based upon linear frontage and total two signs.
9. Within the Wayside Zoning District Section 650-37 I. (1) (d) (Zoning Ordinance) allows only internally lit signage.
- 10. The applicant is seeking relief for 650-37 I. (1) (b) (d) in that their business will have more than two wall signs, and two of the three signs all will be internally illuminated.**

This office has received a master sign plan with detailed sign drawings attached for your consideration for approval prior to the issuance of the sign permit(s). Please feel free to contact this office if you have any questions or concerns.

Note: There is no reference to the Wayside District (W) sign requirements in the Sign Ordinance Chapter 526.

Best Regards,

A handwritten signature in blue ink, appearing to read "Tin Htway". The signature is stylized with a large initial "T" and a long, sweeping underline.

Tin Htway
Building Commissioner

CC File

910 Boston Post Road Suite 100
Green Gold Group Marijuana Retail Establishment
Master Sign Plan



Narrative:

Green Gold Group has recently acquired the cannabis retail license from Local Roots for 910 Boston Post Road, Suite 100. Since taking over the license at the end of April, sales and customer counts have consistently been roughly 60-70% lower than our other location in Charlton, which sees similar traffic counts.

This is making it difficult to operate the store in a sustainable fashion, and has caused us to limit the amount of hiring we can do to employ Marlborough residents until customer counts increase.

We run the same pricing and daily specials as our Charlton store, we advertise both stores equally through the same channels, we see the same amount of cars pass by, and both are at signaled intersections on Route 20. The only variable we can find is visibility.

We have also found from our customers that the frequent complaint is lack of visibility of the store. We are located on a slope down Route 20, with a shared driveway, far down the side of a building and not facing the street.

We have seen multiple customers making unsafe turns or stopping short on Route 20 when they see our limited existing signage. At night, or in inclement weather, it is particularly hard to see the store given its off-street location. The roadside pylon sign is insufficient to create visibility in enough time for these customers. We do not want to create a safety hazard due to lack of notice to customers or those travelling by.

Therefore, we seek relief from the City Council related to our signage. We seek to augment existing externally-illuminated signage over the entry door to a channel-lit sign of the same dimensions, and a non-illuminated wall panel signs to an internally illuminated sign of the same dimensions. We also seek to add a new internally illuminated sign on the corner of the building to aid in visibility.

But for the restrictions related to the Wayside District zoning, the signs otherwise meet Marlborough Sign Code. As was shown in a slideshow to the Urban Affairs Committee, nearly every other business in the Wayside District has internally illuminated signage, often multiple instances of such, including new businesses such as the Starbucks.

While Wayside District zoning also limits the building signage to two such signs, there are multiple instances of three internally illuminated signs on a building within the zone, such as Dunkin Donuts, Nissan, and New England Dental Group.

We are seeking to match these other businesses in the zone and be treated on an equal basis to other businesses with similar signage.

The only sign we do not seek to substantially change is the pylon sign. It will remain externally illuminated with the existing lighting, and the same dimensions. We would only swap the panels from "Local Roots" branding to "Green Gold Group" branding, using the same materials, dimensions, and method of attachment (bolted to the underlying framework).

Please find attached to this narrative additional information setting forth the types, locations and dimensions of proposed signs. We appreciate your consideration.

Specifications:

Wall Sign A, West Façade (over store entry, facing Big Apple Restaurant):

Dimensions: 48"x140"

Area: 46.67 ft²

Attachment: Bolted to façade

Illumination: Front Lit Channel Letters

Wall Sign B, West Façade (New sign, on corner of building, facing Big Apple Restaurant):

Dimensions: 72" x 60"

Area: 30 ft²

Attachment: Bolted to façade

Illumination: Front Lit Lightbox

Total Wall Sign Area A+B: 100 ft² allowed, 76.67 ft² proposed

Bonus-Area Wall Sign, South Façade (facing Route 20)

Dimensions: 20"x72"

Area: 10 ft²

Attachment: Bolted to façade

Illumination: Front Lit Lightbox

Total Bonus-Area Wall Sign Area: 50 ft² allowed, 10 ft² proposed

Freestanding Sign: Adjacent to Route 20, exact replacement of panels on existing freestanding sign

Dimensions: 72.5" x 121.5" x 3/8"

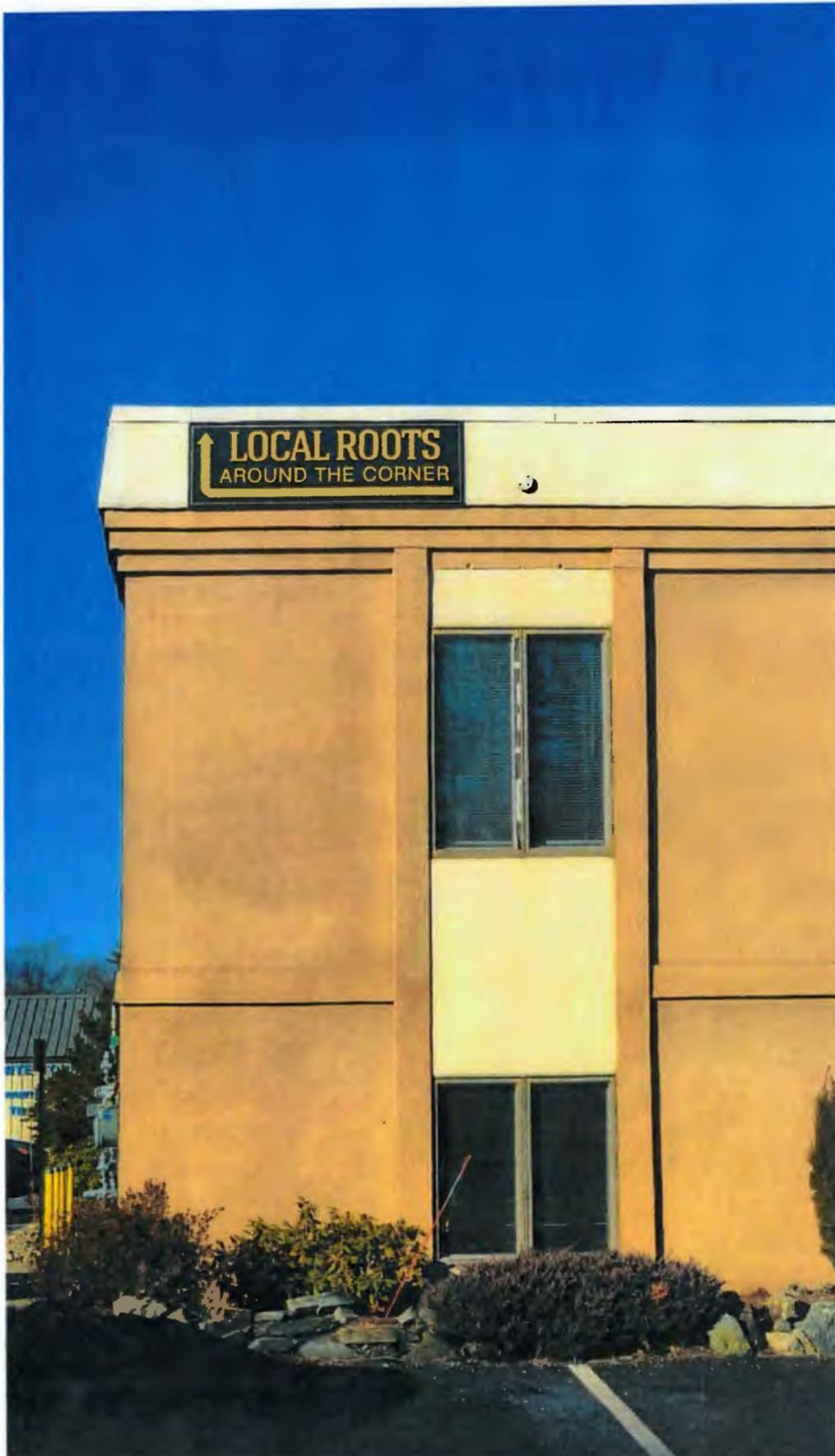
Height: as existing

Area: 61 ft²

Attachment: Bolted to existing freestanding sign frame

Illumination: External floodlight

Existing "Bonus Area" wall sign



Existing wall sign



Existing Freestanding Sign



Proposed New Signage

Direct Mount Front Lit Channel Letters
 Mounted to Panface Panel (48"x140")
 Letters covered in 3M--3635-222 Day/Night Perf Vinyl

Pan Face Bolted
 Into Building Facade
 Channel Letters Mounted
 To Pan Face



Existing Signage



Proposed Signage



WALPOLE
Signarama

508-660-1231
 signarama-walpole.com

sales@signarama-walpole.com

458 High Plain St. Intersection Rts 1 & 27
 Walpole, MA 02081



- Proof colors may vary from monitors & actual sign materials.
- A pdf proof is not a correct representation of printer output color.
- Resolution & Color from files provided by customer are the customers responsibility.
- Hard Proofs can be printed to ensure color satisfaction at a cost to be determined.
- Additional design charges may apply if customer does not proceed with all or part of project

PROOF 1	PROOF 2	PROOF 3	PROOF 4	PROOF 5
FREE	FREE	\$20.00	\$25.00	\$30.00

This proof is for conceptual use - actual sizes / colors / proportions may slightly vary.

CLIENT APPROVAL

- Client signature ensures all spellings & specifications for signage are correct.
- All errors are your responsibility once final approval is received.
- Additional charges apply if you wish to make changes once artwork has been printed, fabricated and/or installed.

Customer: Green Gold Corpo _____

Date: _____

Approved By: _____

THIS DESIGN IS EXCLUSIVE PROPERTY OF SIGNARAMA WALPOLE
 IT MAY NOT BE REPRODUCED, COPIED, EXHIBITED OR UTILIZED FOR ANY PURPOSE, IN PART OR IN WHOLE, WITHOUT WRITTEN CONSENT.

Frontlit Lightbox Sign w/ Vinyl Graphics (20" x 72")

Existing Signage



Proposed Signage



Lightbox Internally Bolted
Into Building Facade



WALPOLE
Signarama

508-660-1231
signarama-walpole.com

sales@signarama-walpole.com

458 High Plain St. Intersection Rts 1 & 27
Walpole, MA 02081



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PROOF 1	PROOF 2	PROOF 3	PROOF 4	PROOF 5
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**CLIENT
APPROVAL**

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Customer: Green Gold Corpo

Date:

Approved By:

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IT MAY NOT BE REPRODUCED, COPIED, EXHIBITED OR UTILIZED FOR ANY PURPOSE, IN PART OR IN WHOLE, WITHOUT WRITTEN CONSENT.

Frontlit Lightbox Sign w/ Vinyl Graphics (60"x72")

5-12

Existing Signage



Proposed Signage



Lightbox Internally Bolted
Into Building Facade



WALPOLE
Signarama

508-660-1231
signarama-walpole.com

sales@signarama-walpole.com

458 High Plain St. Intersection Rts 1 & 27
Walpole, MA 02081



- Proof colors may vary from monitors & actual sign materials.
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PROOF 1	PROOF 2	PROOF 3	PROOF 4	PROOF 5
FREE	FREE	\$20.00	\$25.00	\$30.00

This proof is for conceptual use - actual sizes / colors / proportions may slightly vary.

**CLIENT
APPROVAL**

- Client signature ensures all spellings & specifications for signage are correct.
- All errors are your responsibility once final approval is received.
- Additional charges apply if you wish to make changes once artwork has been printed, fabricated and/or installed.

Customer: Green Gold Corpo

Date:

Approved By:

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IT MAY NOT BE REPRODUCED, COPIED, EXHIBITED OR UTILIZED FOR ANY PURPOSE, IN PART OR IN WHOLE, WITHOUT WRITTEN CONSENT.



Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 SEP 14 PM 2:49

Maura T. Healey
Governor

Rebecca L. Tepper
Secretary

Kimberley Driscoll
Lieutenant Governor

Bonnie Heiple
Commissioner

MARLBOROUGH CITY CLERK'S OFC
140 MAIN ST # 7
MARLBOROUGH, MA 01752-3898

**Attention fleet owners, businesses, government agencies, municipalities, brokers, etc. – this is a regulatory requirement of MassDEP that requires your attention.
Follow the instructions below to determine if you must submit a report by March 1, 2024.**

September 1, 2023

To Whom It May Concern,

The Massachusetts Department of Environmental Protection (MassDEP) adopted a new regulation 310 CMR 7.41: *Large Entity Reporting Requirement* that became effective on September 1, 2023, which requires large entities (fleet owners, businesses, government agencies, municipalities, brokers, etc.) to submit a one-time report on medium- and heavy-duty (MHD) vehicles greater than 8,500 lbs. operated or dispatched in Massachusetts. Specific information that must be reported includes vehicle type and usage characteristics. This report will help MassDEP assess the best way to develop electric vehicle charging infrastructure and programs to support and accelerate the MHD zero emission vehicle market in Massachusetts.

Entities must submit the report to MassDEP through the Massachusetts Large Entity Reporting portal by **Friday, March 1, 2024**. Please follow the instructions below to determine whether your entity is subject to the requirement and, if so, to submit your report:

- 1) **Go to:** <https://www.mass.gov/how-to/large-entity-reporting-requirement>
- 2) **Click the “Reporting Form” button**
- 3) **Answer the Form questions to determine if you must report**
- 4) **If you must report, use the Form to upload the reporting spreadsheet**

If you have questions or need more information, please go to the Large Entity Reporting webpage at <https://www.mass.gov/how-to/large-entity-reporting-requirement> or contact Matt Gentry of MassDEP’s Bureau of Air and Waste, at matthew.r.gentry@mass.gov.

Sincerely,

Glenn Keith
Director, Air and Climate Programs



November 13, 2023

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2023 SEP 18 PM 5:39

By First Class Mail and Email

Ken Messina
Statewide Rapid Response Manager
Massachusetts Division of Career Services
19 Staniford Street, First Floor
Boston, MA 02114
617-626-5703
Fax: 617-727-8671
kmessina@detma.org

Mayor Arthur Vigeant
City of Marlborough
140 Main Street
Marlborough, MA 01752
mayor@marlborough-ma.gov

Michael H. Ossing
President, City Council
140 Main Street, Second Floor
Marlborough, MA 01752
atlarge_3@marlborough-ma.gov

Re: Notice of Layoff

Dear Messrs. Messina, Vigeant and Ossing:

The purpose of this letter is to notify you of an upcoming layoff of employees reporting directly or indirectly to the headquarters of Ambri Incorporated (the "Company"), located at 53 Brigham Street, Unit #8, Marlborough, MA 01752. The Company expects that the upcoming layoff will be a mass layoff within the meaning of the Worker Adjustment and Retraining Notification Act of 1988 (the "WARN Act").

As of the date of this memorandum, the Company believes that it will need to undertake this reduction in force, but the Company is seeking additional financing, which could potentially eliminate the need for the reduction-in-force or reduce its scope. Regrettably, unless the Company receives additional financing on or before November 13, 2023 in an amount that permits the Company to avoid the reduction-in-force, the Company currently expects to begin laying off employees on November 13, 2023 or within the 14-day period beginning on that date. The Company expects this layoff to be permanent. The Company anticipates that it will lay off 105 employees reporting directly or indirectly to its headquarters. Of this number, 89 employees are residents of Massachusetts. The remaining employees reside in other states.



Bumping rights will not be available and there is no union representing any of the affected employees.

If you have any questions regarding this matter, please feel free to contact me at (508) 418-6403 or kcorrieri@ambri.com.

Very truly yours,

Ambri Incorporated

Kerrin Corrieri
Director, Human Resources



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2023 SEP 27 AM 9:50

Marlborough Public Schools

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

Call to Order

September 12, 2023

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

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

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation:** None.
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.
6. **Superintendent's Report:**
Superintendent Murphy shared the current district enrollment numbers as of September 8, 2023. A chart is provided in her report and broken down by school. However, the enrollment number has increased by about thirty students since the time of her report. Twenty-six students remain in the pre-registration status as well.
Superintendent Murphy updated the committee on the 47 open positions in the district. Superintendent Murphy shared that ways to improve the cooling systems at ECC, Kane and Whitcomb will be explored by the district.

www.mps-edu.org



Marlborough Public Schools

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

A. Assistant Superintendent of Student Services & Equity Report

Mrs. O'Brien, the Assistant Superintendent of Student Services and Equity, shared an update on the Marlborough Early Childhood program. The new Director of Early Childhood is Jill Regan. Mrs. O'Brien spoke about the different trainings and planning that has gone on to prepare for the school year at ECC. The current pre-school program runs 5 days a week all academic year; half-day sessions run in the morning and afternoons from Monday through Thursday.

Jill Regan was welcomed by the Chairman and committee.

7. Acceptance of Minutes:

A. Minutes of the August 29, 2023 School Committee Meeting

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

Motion passed 6-0-0.

8. Public Comment: None.

It should be noted that members of the public may provide comment via email before the meeting to superintendent@mps-edu.org. Public comment 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. Policies for First Read

1. Policy 8.014 Life-threatening Allergy

Mrs. Hennessy presented this policy for first read.

B. Policy for Approval

1. Policy 8.001 Student Welfare/Mandated Reporting

Mrs. Hennessy explained that this policy will be voted on at the next meeting, so she presented it for first read.

www.mps-edu.org



Marlborough Public Schools

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

C. Acceptance of Donations and Gifts

O'Connor Studios. Jaworek Elementary School received \$1,655.52 from O'Connor Studios.

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

Motion passed 6-0-0.

FY24 FC510 GLEAM. MPS received \$252,000.00 through FY24 FC510 GLEAM.

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

Motion passed 6-0-0.

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

11. Members' Forum:

Mrs. Matthews has reviewed and signed the warrant.

Mrs. Bodin-Hettinger welcomed Student Advisory Representative Risha Khanderia.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 8:00 p.m.

Motion passed 6-0-0.

Respectfully submitted,

Heidi Matthews
 Secretary, Marlborough School Committee

HM/jm

Approved September 26, 2023

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CITY CLERK'S OFFICE
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2023 SEP 22 AM 9: 36

**Conservation Commission
Minutes
September 7, 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. Priscilla Ryder-Conservation officer was also present.

Members Absent: None

The hearing was not recorded in video unfortunately, just recorded by notes transcribed here.

Approval of Minutes: The minutes of August 3, 2023, were reviewed and on a motion by Mr. White and second by Mr. Clancy, the Commission voted unanimously to approved 7-0.

Public hearings

- **Notice of Intent –
402 Hudson St. – DPW**
Proposes improvement to existing landfill cap, recap of existing landfill. Work near wetlands. As there still in no DEP # this item was continued to the August 21st agenda.
- **Notice of Intent –DEP 212-1266
68 River St. – Louis Frate**
Ms. Ryder noted that reviewed plans have been received reflecting the Commissions questions. There being no further questions or comments from the audience the hearing was closed. The Commission reviewed the draft Order of Conditions and discussed compensatory storage, wording on a few conditions. Mr. White expressed concerns about the flood elevation not reflecting today's true elevations. On a motion by Mr. Demers second by Chairman Clancy to accept the draft Order as amended, the Commission voted 6-1 to approve. The vote was as follows Yeah: Clancy, Demers, Skarin, Paquin, Dunbar, Williams. Nay: White.
- **Notice of Intent –DEP 212-1265
689 Pleasant St. Subdivision Roadway – Tim Beauchemin**
Mr. Demers stated that as he has worked with Mr. Beauchemin he has a conflict of interest and is abstaining from this discussion.

As a DEP# has been assigned and there were no further comments or questions the hearing was closed. The Commission began review of the draft Order of Conditions but noted that the "restoration/mitigation" plan that was noted in one of the conditions has not be submitted. Ms. Ryder will walk the site with the consultant Mr. Crossman before the next meeting so he can provide this document. On a motion by Mr. Skarin, second by the Chair, to table this item to the next meeting the Commission voted 6-0 to table. (Mr. Demers abstained)
- **Notice of Intent –DEP 212-1267
689 Pleasant St. Lot 6 – Tim Beauchemin**
As noted above Mr. Demers abstained from this discussion as well.
Ms. Ryder noted that a DEP # has been assigned and a a revised plan showing the utilities moved is to be provided. There being no further questions or discussion the hearing was closed.

The Commission reviewed the Draft Order of Conditions and made minor edits. On a motion by Mr. Skarin second by Chair to approve the draft Order of Conditions as written and amended the commission voted 5-1 with Mr. Demers abstaining. The vote was as follows: Yea: Clancy, Skarin, Paquin, Williams, White. Nay: Dunbar.

Abbreviated Notice of Resource Area Delineation

279 South St. Including map-parcels 92-19;92-32 and 103-19 – Martin Reilly Real Estate Inc.

The Conservation received the peer review report from Arthur Allen of Eco Tech. and reviewed a plan showing the flag changes made in the field as reviewed by Ms. Ryder and the applicant's wetland consultant David Cowell of Hancock Assoc. Ms. Ryder went through the changes with the Commission. She had drafted a decision based on the revised plans and Mr. Allen's report identifying that ONLY Bordering Vegetated Wetlands are being approved at this point. Isolated wetlands and bank of streams have not been adequately identified and therefore not approved at this juncture. On a motion by Mr. White, second by Chair to approve the draft Order of Resource Area Delineation as presented and modified, the Commission voted unanimously 7-0 to approve.

Certificate of Compliance

- **DEP 212-1060 Certificate of Compliance** – 791 Boston Post Rd. Waste Management- review ongoing conditions. Ms. Ryder explained that she had not drafted the ongoing conditions but hopes to have them for review at the next meeting. This item was continued to the next meeting.

Discussion

- **New overlay district proposal on Boston Scientific property off Sasseville Way**- City Council public hearing Sept. 11, 2023 – review draft letter. Chairman Clancy provided a brief summary of the Overlay District proposal for those not present at the last meeting. Many abutters from Blaiswood Ave were present to listen to the Commissions thoughts on the proposal. A draft letter was reviewed noting that this site and the adjacent wildlife corridor show up on the states list of significantly important areas for wildlife habitat. The Commission reviewed draft plans from the Open Space and Recreation plan soon to be released. The members discussed the significance of the cold-water fisheries, past problems with development on the streams feeding Ft. Meadow Reservoir. Past problems and the need for this property to be protected to protect Ft. Meadow Reservoir water quality. Several abutters in the audience expressed concern that such a zoning overlay proposal would negatively impact the lake and their neighborhood. Several members noted that because of the sensitive nature of this parcel and its steep slopes and poor soil it would be best to protect this land and the Commission agreed that the letter to City Council should only focus on the protection of the land, rather than include the sections on how to improve the overlay district. After further discussion about the draft letter, on a motion by Mr. Demers second by Chair to: send the letter as drafted and amended which states the Commission is not in favor of the overlay district for the ecological reasons outlined and recommends acquisition of the land to protect it, the Commission voted unanimously 7-0 to approve.
- **541 Pleasant St. wetland violation** – update – David Cowell - Ms. Ryder explained Mr. Cowell from Hancock Assoc. has been hired by the owner Mr. Sampaio. Mr. Cowell could not be

present this evening but had noted that he has made progress on a restoration and site plan with the owner and will be presenting that at the next meeting.

- **Rain events August 8 and August 18**– significant flooding problems around the city- update. Ms. Ryder explained that the city was hit by two significant storms within two weeks of each other the second one with considerably more rain in a short window of time. Drainage systems were not designed for this volume of water so flooding occurred on many streets where it hasn't been seen before, the "price choppers" plaza and behind CVS were flooded, Farm Rd. culverts overtopped, Phelps St. culvert overtopped, Glen St. sustained damage at Millham Brook, Red Spring Rd. was hard hit and many other locations. The City Engineer is compiling a map showing the locations where this occurred to get a better handle on the impact these storms had and where potential mitigation/upgrades/redesigns may be warranted.

Correspondence/Other Business

- **Definitive Subdivision Plan, & Scenic road plan, Stow Rd Legal Notice.**- Ms. Ryder noted that the definitive subdivision plans have been presented for review and the Planning Board is seeking comments. Ms. Ryder noted that the Commission had made comments on the preliminary subdivision plans to the Planning Board in January. Many of which have been addressed on this definitive plan being reviewed now. One new comment she suggested including which the Board of Health had raised is that some of this land was a former apple orchard and soils may contain arsenic lead and other pesticide residuals and will need to be tested. The Commission asked her to send a letter to the Planning Board noting this and any other comments not addressed in the original letter of January 2023.
- **Correspondence from Christine Devona** regarding Beauchemin Estates 689 Pleasant St dated Aug 24 2023. On a motion from Mr. White second by Mr. Skarin to accept and place on file was unanimously approved 7-0.

The Commission also signed the Harbor Freight permit which they had voted on the previous meeting but forgot to sign the right form.

Next Conservation Commission meetings, September 21 & October 5, 2023

Adjournment

There being no further business on a motion to adjourn by Mr. White second by Chair the commission voted unanimously to approve 7-0. The meeting was adjourned at 8:40 PM.

Respectfully Submitted,

Priscilla Ryder

Conservation/Sustainability Officer

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

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CITY OF MARLBOROUGH
2023 SEP 19 PM 1:27

1A

Call to Order**August 21, 2023**

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, James Fortin, Patrick Hughes, George LaVenture, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio. Members Absent: Sean Fay and Dillon LaForce.

1. Draft Meeting Minutes**A. July 24, 2023**

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the July 24, 2023, meeting minutes. Yea: Fenby, Fortin, LaVenture, and Russ. Nay: 0. Abstained: Hughes. Motion carried. 4-0.

2. Chair's Business**A. Street Acceptance****i. Communication from the Mayor, re: Streets Acceptance information**

The Board waived the reading of the communication because it was read at the July 24, 2023, meeting.

B. Council Order No. 23-1008941 - Proposed Zoning Amendment to Chapter 650, to add a new Section 39A to create the Sasseville Way Residential Overlay District (SWROD). – SET PUBLIC HEARING DATE

The Board chose September 18, 2023, for the public hearing date.

3. Approval Not Required**A. 49 Northboro Road, Marlborough MA 01752, Map 78, Parcel 22, & Map 78, Parcel 25**

Name of Applicant/Owner:	Dennis Demers (49 Northboro Road, Marlborough, MA 01752)		
Name of Surveyor:	Robert J. Parente (328 Desimone Drive, Marlborough, MA 01752)		
Deed Reference:	Book: 12709	Page: 333	
	Book: 13501	Page: 274	

i. Flowchart**ii. Form A****iii. Correspondence from City Engineer, Thomas DiPersio – Engineering Review**

Mr. LaVenture read the August 16, 2023, correspondence into the record.

iv. Plan of Land

Dated: July 15, 2023, Revised August 1, 2023

Mr. Parente spoke on behalf of the ANR plan and explained the plan seeks to divide 49 Northboro Road, into two lots. Lot 1: new house lot with 122 feet of frontage on Ferrecchia Road and Lot 2: existing house with 150 feet of frontage on Ferrecchia Drive.

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to accept and file the August 16, 2023, correspondence from City Engineer, Thomas DiPersio and to endorse the above referenced Plan of land dated July 15, 2023, revised August 1, 2023, as Approval Not Required under the Subdivision Control Law. Yea: Fenby, Fortin, Hughes, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

B. 237 & 249 Cedar Hill Street, Marlborough MA 01752, Map 115, Parcel 3A, Map 115, Parcel 3

Name of Applicant/Owner:	IPG Photonics Corporation (50 Old Webster Road, Oxford, MA 01540)		
Name of Surveyor:	Bruce Saluk & Associates, Inc. (576 Boston Post Road East, Marlborough, MA 01752)		

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

Deed Reference: Book: 78296 Page: 257
 Book: 78296 Page: 351
 Plan: 1284 of 1983

- i. Flowchart
- ii. Form A
- iii. Correspondence from City Engineer, Thomas DiPersio – Engineering Review
Mr. LaVenture read the August 16, 2023, correspondence into the record.

- iv. Plan of Land Dated: June 8, 2023, Revised July 31, 2023

The Administrator explained Mr. Saluk was unable to attend tonight's meetings.

On a motion by Dr. Fenby, second by Mr. LaVenture, the Board voted to accept and file the August 16, 2023, correspondence from City Engineer, Thomas DiPersio and to endorse the above referenced Plan of land dated June 8, 2023, revised July 31, 2023, as Approval Not Required under the Subdivision Control Law. Yea: Fenby, Fortin, Hughes, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

4. Public Hearings (None)

5. Subdivision Progress Reports (None)

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

7. Definitive Subdivision

A. Stow Road, Map and Parcels 8-164, 8-163, and 20-150A

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)

Name of Owner: McCabe Family Irrevocable Trust & Judith McCabe
(6 Erie Drive, Hudson, MA 01749)

Name of Surveyor: Connerstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)

i. Definitive Subdivision Application – SET PUBLIC HEARING DATE

(1) Flowchart

(2) Form C-1

(3) Request for certified list of abutters

(4) List of requested waivers

(5) Definitive subdivision plan set Dated: August 3, 2023

The Board chose September 11, 2023, for the public hearing date.

ii. Scenic Road Act Application – SET PUBLIC HEARING DATE

(1) Application

(2) Request for certified list of abutters

(3) Plan Set Dated: August 3, 2023

The Board chose September 11, 2023, for the public hearing date.

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

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

- A. Scenic Road tree hearing associated with the Open Space Development, Jewell Road
689 Pleasant St, Map 28, Parcel 18B, Marlborough, MA 01752
Owner of Land: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee
(P.O. Box 1067, Townsend, MA 01469)
Name of Engineer: Daniel Koravos, P.E., (59 Granite Lane, Chester, NH 03036)
i. Exhibit

Mr. Koravos spoke on behalf of the scenic road act application and explained setting a fee associated with the replacement of the trees was the only things left to finalize. Mr. Koravos proposed a 2 to 1 replacement ratio. He explained there are 7 trees that need to be replaced and 1 of them is dead.

The Board discussed the previously discussed restitution amount of \$7,000.00. Mr. Koravos explained in his opinion this dollar amount was excessive. Mr. DiPersio explained at the July 24, 2023, meeting Chris White, Tree Warden provided a couple of recommendations for restitution. One was, total inches (diameter) of trees removed, replanted as 2" diameter trees. For this proposal, a total of 70 inches of tree removal would require 35 new trees. At a cost of \$200 per new tree, the restitution would be \$7,000.00. The Board discussed the developers request of a 2 to 1 replacement ratio resulting in 14 replacement trees.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to consent to the removal of the below referenced trees within the City right-of-way located at 689 Pleasant Street, with the provision that the trees shall be replaced at a 2 to 1 ratio, resulting in a total of 14 replacement trees. The developer shall provide the new trees to the City for planting at other locations or shall provide payment for purchase of such trees by the City. The Board voted to allow the Department of Public Works to work directly with the developer on the details of the tree purchase or payment amount. Yea: Fenby, Fortin, LaVenture, and Russ. Nay: 0. Abstained: Hughes. Motion carried. 4-0.

Mr. Russ spoke with a resident who was attending the meeting and asked if they were there to discuss a specific topic. The resident explained they were trying to learn more about the process on how the Planning Board meetings worked to better prepare themselves for the Council Order No. 23-1008941 - Proposed Zoning Amendment to Chapter 650, to add a new Section 39A to create the Sasseville Way Residential Overlay District (SWROD).

B. Working Group

Mr. LaVenture updated the Board on the Working Group discussions and thanked Assistant City Solicitor, Jeremy McManus for assistance with reviewing the flowcharts.

i. Draft revised flowcharts

On a motion by Dr. Fenby, second by Mr. Hughes, the Board voted to approve and adopt the use of the flowcharts for future application submissions. Yea: Fenby, Fortin, Hughes, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

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

ii. Cul-de-sac discussion

Mr. LaVenture presented Butler Circle photos, for an example of a less-impervious cul-de-sac and explained the further discussions on this topic would continue throughout the Board’s September meetings.

The Board discussed the grass strips between the sidewalk and the roadway, and Mr. DiPersio explained there are a few streets within the City that have been reconstructed to be more narrow by pushing the curb and sidewalk out.

The Board discussed the feed back from the streets division regarding the difficulties snow plowing of a non-pervious cul-de-sac poses.

iii. Onboarding binder discussion

Mr. LaVenture updated the Board on the onboarding binder and explained at the last working group meeting Mr. Russ suggested removing the two letters from the previous City Solicitor because the language within these letters have been incorporated into the new Planning Board Rules and Regulations. He explained they are waiting for feedback from Mr. Fay and Assistant City Solicitor, Jeremy McManus.

On a motion by Dr. Fenby, second by Mr. Hughes, the Board voted to provide Patrick Hughes a copy of the onboarding binder, so he could familiarize himself with the Board’s rules, regulations, procedures, and forms. Yea: Fenby, Fortin, Hughes, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

11. Calendar Updates (None)

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

The Board endorsed the two ANR plans for, 49 Northboro Road and 237 & 249 Cedar Hill Street.

On a motion by Mr. Hughes, seconded by Dr. Fenby, the Board voted to adjourn the meeting. Yea: Fay, Fenby, Fortin, Fowler, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Respectfully submitted,



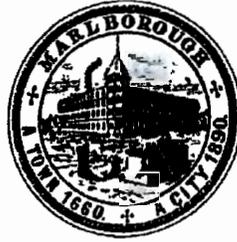
George LaVenture/Clerk

/kmm

TRAFFIC COMMISSION

1

RECEIVED
 June 28, 2023
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2023 SEP 15 PM 1:24



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Wednesday, June 28, 2023, at 10:00 am. (The meeting was also recorded and is available to view online at the City of Marlborough's website (www.marlbrough-ma.gov). Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen, Commissioner of Works Sean Divoll and City Clerk Steve Kerrigan. Also present: City Engineer Tom DiPersio, Assistant Civil Engineer Ashley Miller, Sgt, Ronald Ney from the MPD Traffic Services Unit and City Councilor Christian Dumais.

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

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

1- Minutes

Review of the minutes of the Traffic Commission meeting of Wednesday, May 31, 2023.

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

2 - New Business

2a) Mt. Pleasant Street Traffic Concerns

Councilor Oram sent an email to Chief Giorgi and Councilor Dumais on this issue. Councilor Dumais was in attendance for the discussion. Councilor Oram said that he has received complaints from constituents about traffic on Mt. Pleasant Street. This road is used as a bypass with some of this bypass traffic speeding. The main problem time is between 3:00 pm and 5:00 pm on weekdays. He is asking what can be done to address this concern. The mayor's office also forwarded a similar complaint from Ed Silva, a resident of Mt. Pleasant. Mr. Silva said in his email that he witnessed a young person

crossing the street between two parked cars almost get hit by a speeding car. He included a photo and video with his email showing the traffic all backed up. He asked about the possibility of making a No Left Turn off South Street between 3:00 pm and 5:00 pm.

Sgt. Ney said that Officer Connors has been out there and said he didn't see it as a speed issue when he was there, but definitely a volume issue. Officer Larose was going to put the electronic speed sign out to collect data. Chief Giorgi said that he has also heard from the City Council on this issue as it also exists in other areas like on Chandler Street and State Street. We did add signage to Steven's Street for No Left Turn during a specific time.

We would not be able to do No Left Turn – Residents Only, as there would be no way for the police department to enforce this. "No thru traffic" was also discussed but directional apps send you this way. The app would need to be notified if there was no left turn allowed here.

All agreed that the best first step was to get the data from the speed signs, but a No Left Turn during a specific timeframe seems to make sense. Sgt. Ney also commented that the video Mr. Silva forwarded does not appear to be a normal day. He said that there must have been a specific issue on South Street or West Main Street that was causing a problem. The speed sign data will help to determine the impacted timeframe, whether that is 5:00 pm to 7:00 pm or 3:00 to 6:00 pm etc. Fire Chief Breen asked if anyone knows how to the notify the directional apps. Engineering (Tom DiPersio and Ashley Miller) said that the city has a contact for Waze. They need to be notified so that the app won't suggest this specific route if it is no longer an option.

Sgt. Ney said that many people probably aren't even following directions anymore. They just know that this is the way they always go. Councilor Dumais asked if we could take a look at the timing of the lights on South Street. He lives in this area and can see the traffic. People are waiting for the light to turn green, and they can't move. Ashley Miller said that this would mean taking time away from traffic traveling on South Street. They can't take time away from the East/West movement. Steve Kerrigan asked if there was a dedicated arrow for a left turn when traveling up South Street toward West Main Street. Most people seem to be turning left onto West Main Street. Ashley Miller said that the timing is very limited and that maybe three cars can turn with the arrow. Councilor Dumais said that he doesn't think the signs will be enforced and that a timing change would be a better solution. Chief Giorgi suggested that we hold the discussion until we have the data from the speed signs. All agreed.

MOTION was made, seconded, duly VOTED to REFER to the Police Department to put out the speed signs and collect data and to Engineering to get more information on the timing of the lights.

3-Old Business

3a) Review of unwarranted stop sign locations

Update: Engineering sent an update this morning, but no one had the opportunity to review it yet. Hold for the next meeting for further discussion.

3b) Parking/bus stop concerns at Upland Road and Stevens Street

Update: Chief Giorgi advised that he had reached out to Doug Dias regarding the concerns discussed at the last meeting. Upon further review, the school department determined that the current bus stop is located in the safest spot given the other available options. Mr. Dias asked for the contact information for the reporter so they could contact her directly regarding the concerns. Chief Giorgi gave them her email address. It was noted that they occasionally receive bus stop complaints from nearby residents and generally have success in resolving the matter.

Officer Larose had provided the Speed Summary Reports for Upland Road. The Chief reviewed the basic data:

Upland Road NB, Speed Limit – 30 mph, Min Speed – 5, Max Speed – 35, Average Speed - 17.21, 85th Percentile – 21.81, Average Volume per Day – 242.3 Vehicles.

Upland Road SB – Speed Limit – 30 mph, Min Speed – 5, Max Speed – 36, Average Speed – 20.61, 85th Percentile – 25.08, Average Daily Volume 195.2 Vehicles.

Similar findings in both directions. Speed does not appear to be a problem.

Update on a previous agenda item (from the May meeting):

The Chief also reviewed the Speed Summary Reports for **Cullinane Drive**.

Cullinane Drive SB – Speed Limit – 30 mph, Max Speed – 22, Min Speed – 8, Average Speed – 11.28, 85th Percentile – 12.9, Average Daily Volume – 63 Vehicles

Cullinane Drive ND – Speed Limit – 30 mph, Max Speed – 29, Min Speed – 8, Average Speed – 16.69, 85th Percentile – 20.19, Average Daily Volume – 66.8 Vehicles

Again, similar findings, the data does not show that speed is an issue.

The Chief asked if there were any additional questions or concerns. None noted.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:21 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- City of Marlborough Meeting Posting for the Traffic Commission Meeting on June 28, 2023, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, May 31, 2023.
- Email from Councilor Oram to Chief Giorgi, dated 6/7/23, re: Mt. Pleasant Street traffic, bypass, and speeding.
- Email chain between Chief Giorgi and Doug Dias, dated 5/31/23 to 6/2/23, re: Stevens St./Upland Rd. bus stop.

Additional Handouts

- Email from Ed Silva (forwarded to Chief Giorgi by Jilyn Bratica), dated 6/26/23, re: Traffic Concern on Mt. Pleasant
- Speed Summary Reports from Upland Road, NB & SB
- Speed Summary Reports from Cullinane Drive, NB & SB