

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 JAN 18 P 1:24

1. Minutes, City Council Meeting, January 8, 2018.
2. From President Clancy - Amended Proposed Zoning Ordinance as it pertains to powers and procedures of Special Permit granting authority; Execution of Agreement to Extend Time in Which to Act on a Special Permit, X17-1007030B.
3. From Councilor Delano: (1) Proposed Amendment Medical Marijuana Ordinance; (2) Proposed Recreational Marijuana Ordinance.
4. Communication from the Mayor re: transfer request in the amount of \$32,960.00 which moves funds from Local Inspector to Assistant Building Commissioner to fund the position of Assistant Building Commissioner.
5. Communication from President Clancy re: Appointment of Mike Ossing to the MEDC Executive Board.
6. Communication from Code Enforcement Officer, Pam Wilderman, re: Sign Application for Kelly Services, 58 Apex Dr.
7. Communication from MA State Lottery Commission re: O'Hearn's Tavern, 11 B Florence St., Keno License.
8. Communication from Central MA Mosquito Control Project, Board of Commission meetings.
9. Minutes, Recreation Commission, May 10 & September 13, 2017.
10. CLAIMS:
  - a. Elizabeth Newton, 38 B Oak St., Franklin, pothole or other road defect.
  - b. Margarita Alfarodegluarado, 24 Harriman Rd., Hudson, pothole or other road defect.
11. Communication from City Solicitor, Donald Rider, re: request for Executive Session to discuss pending litigation concerning a land use request involving property off Boston Post Road.

**REPORTS OF COMMITTEES:**

12. **ORDERED:** That the City Council Operations and Oversight Committee meet with DPW Commissioner Ghiloni, Fire Chief Breen and Police Chief Giorgi to reconsider the seasonal (winter) all night parking ban in the City of Marlborough and whether parking shall be allowed on streets deemed wide enough so as not to constitute a hazard to city emergency vehicles if residents are allowed to park on the street during the winter season or even if they are deemed to be parked illegally during snow emergencies.....Submitted by Councilors Delano and Juare.
13. **ORDERED:** That Mayor Vigeant, DPW Commissioner Ghiloni, and Assistant DPW Commissioner Higgins address the Urban Affairs Committee regarding the closing of the Millham Water Treatment Plant last year, including the present status of the facility, associated financial impacts, and future plans for the site. ....Submitted by Councilor Delano.

**UNFINISHED BUSINESS:**

**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.**

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2018 JAN 17 P 3:31

**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

**Lisa M. Thomas**  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723

**JANUARY 8, 2018**

Regular meeting of the City Council held on Monday, January 8, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Absent: Oram. Meeting adjourned at 9:16 PM.

**ORDERED:** That the Minutes of the City Council meeting DECEMBER, 18, 2017, **FILE**; adopted.

**ORDERED:** That the Minutes of the City Council meeting JANUARY, 1, 2018, **FILE**; adopted.

**ORDERED:** That the Communication from City Council President Clancy re: 2018 City Council Regular Meeting Schedule and City Council Committee Assignments for Legislative Year 2018, **FILE**; adopted.

**ORDERED:** That the PUBLIC HEARING On the Proposed Ordinances in which Article IV, Section 328-4 of the Code of the City of Marlborough, as Amended, be further amended as follows: Delete from Article IV, §328-4 of the Code of the City of Marlborough, entitled Fee Schedule for Other City Departments, the fee amount of "\$50.00" respecting Lodging Houses (M.G.L. c. 140, § 34) and insert in place thereof the fee amount of "\$500 for first 20 lodging units" and "\$50 per additional lodging unit over 20", & Inserting a New Chapter 421 as it pertains to Lodging Houses and Boarding Houses Order No. 17-1007097-1A & 2A, all were heard who wish to be heard, hearing closed at 8:07 PM.

**Councilors Present: Delano, Doucette, Tunnera, Irish, Clancy, Landers, Juairé, Ossing & Robey.**

**Absent: Oram.**

**Councilor Dumais recused.**

**MOTION made by Councilor Delano to remove this item from the Urban Affairs Committee and refer to LEGISLATIVE & LEGAL AFFAIRS COMMITTEE – Carries.**

**ORDERED:** That the CONTINUED PUBLIC HEARING On the Application for Special Permit to construct an Ancillary Residential Community in a single 28-unit building to be built at 615 Williams Street in conjunction with the Village at Crane Meadow Retirement Community, Order No. 17-1007054B, all were heard who wish to be heard, hearing closed at 8:58 PM.

**Councilors Present: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Ossing & Robey.**

**Absent: Oram.**

ORDERED: That the Communication from Mayor re: Appointment of Jeffrey Cooke as Building Commissioner, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Apex Sign Requests (2) Signs, Batteries and Bulbs, 58 Apex Drive, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Apex Sign Request, MindTrek Sign, 11-169 Apex Drive, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, JANUARY 8, 2018 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was **ORDERED ADVERTISED** as follows:

AMENDMENT TO THE CITY CODE BY ADDING TO ARTICLE VI, SECTION 650-36 COMMERCIAL VILLAGE OVERLAY DISTRICT AS FOLLOWS:

#### **ARTICLE VI**

##### **§650-36 - COMMERCIAL VILLAGE HOUSING OVERLAY DISTRICT**

###### **A. Purpose and Objectives**

The Commercial Village Housing Overlay District (herein, also a "CV Housing Overlay") allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval (hereinafter any reference to City approval shall be deemed to mean approval by the City Council) as an alternative to land use controls that exist in the underlying zoning district(s). The establishment goals of the CV Housing Overlay are to enhance land use development and encourage desired residential growth patterns for the benefit of the public health, safety and welfare and to allow for the development of higher density housing in close proximity to commercial property and uses consistent with the stated economic development objectives of the City. The CV Housing Overlay shall be applicable to the property identified as Map 100, Parcels 24, 25, 26, and 15 (including the private way "Atkinson Drive") and Map 89, Parcels 80-99 City of Marlborough Assessor's map dated September 21, 2012 (formerly the property shown on Map 100, Parcels 14 and 15 as shown on City of Marlborough Assessor's Map in effect on May 2006) and as further described on Exhibit "A" annexed hereto. The CV Housing Overlay shall be superimposed on the other zoning districts existing at the time that any land in any said underlying district is also included in the CV Housing Overlay.

###### **B. Authority of Permit Granting Authority**

The City Council shall be the Permit Granting Authority for the Master Plan approval (defined below) and for any Special Permit to be issued in the CV Housing Overlay. In all instances, a development which proceeds under the CV Housing Overlay 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 any Special Permit approval in the CV Housing Overlay.

The City Council may elect to vary the dimensional and parking requirements of this Section by Special Permit if, in their opinion, such change shall result in a substantially improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to development and occupancy.

Special Permits within the CV Housing Overlay shall be approved by a super majority (2/3) vote of the City Council. Amendments to any Special Permits issued by the City Council shall be per the requirements of this Section (§650-36 et. seq.).

C. Master Plan

The property owner/developer of the CV Housing Overlay shall, prior to, or simultaneously with, the first application for approval of a site plan and/or special permit for the CV Housing Overlay, file the following with the City Council for approval:

- (1) A Master Plan, or preliminary project plan, inclusive of the following:
  - (a) A project narrative describing the proposed development including, without limitation, the number of units, format, restrictions, if any, of the proposed project.
  - (b) A Master Concept Plan ("Master Plan") which shall in a general manner show:
    - (i) The location and areas of proposed development;
    - (ii) Proposed open space (usable and natural);
    - (iii) Proposed site access curb cuts off of public ways; and
    - (iv) Proposed building "envelope(s)" where construction is anticipated to occur.
  - (c) The following information for the proposed development:
    - (i) Total land area of each development area (building envelope area);
    - (ii) Total development limitations, if any, of uses in any developable area;
    - (iii) Total maximum development (number of units; square footage/use limitations); and
    - (iv) A report/memorandum discussing site circulation and traffic impacts.

The Master Plan shall be approved by a majority vote of the City Council in order to proceed with the proposed development and, if approved, shall thereafter become the general development plan governing development at the CV Housing Overlay. The Master Plan may be amended from time to time by a majority vote of the City Council by application from the property owner/developer to reflect changing development conditions.

- (2) A Development Agreement in recordable form binding upon the developer/property owner. The Development Agreement shall be approved by a majority vote of the City Council prior to the issuances of the first permit/site plan approval for development within the CV Housing Overlay, which Development Agreement may contain, without limitation:
- (a) Required mitigation (including any traffic demand management initiatives), if any, to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the CV Housing Overlay progresses.
  - (b) Restrictions on development areas and such other development limitations as may be agreed upon such as, but not limited to, age restrictions and provision for affordable housing units and/or contributions, if any.
  - (c) Proposed phasing of the development of the CV Housing Overlay, if any.
  - (d) Obligations with respect to pedestrian and vehicular interconnectivity within the CV Housing Overlay, if any, to facilitate pedestrian access and circulation efficiencies.
  - (e) The authority of the City Council to retain the necessary professionals to assist in their review of development applications, if needed.

The Development Agreement shall govern the implementation of the Master Plan and development at the CV Housing Overlay.

D. Exclusivity/Control

Except as specifically provided herein, uses and provisions of Article V of Chapter 650 (Zoning) relating to the underlying zoning district not otherwise impacted by this Section (§650-33 et. seq.) shall continue to remain in full force and effect, provided however that the City Council shall be the Special Permit Granting Authority, if applicable. This Section (§650-36 et. seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken in the CV Housing Overlay and supersedes any other provision of the Zoning Ordinance (except the provisions of the Water Supply Protection District). In the event of any conflict between the provisions of this Section (§650-36 et. seq.) and any other provision of the Zoning Ordinance, the provisions of this Section (§650-36 et. seq.) shall govern and control.

### E. Eligible Uses

Except as specifically set forth below, all uses permitted in Residence Districts (RR, A-1, A-2, A-3, RB, RC, and RCR) either as of right or by special permit in accordance with §650-17 of the Zoning Ordinance are permitted in the CV Housing Overlay. If a use requires a special permit under §650-17, Table of Use Regulations, such use shall continue to require a special permit under this Section.

- (1) The following additional uses are also permitted BY-RIGHT in the CV Housing Overlay:
  - (a) Multi-family dwelling – up to 120 dwelling units within the entire CV Housing Overlay Zoning if said units are age restricted/targeted dwelling units
  - (b) Consumer service and retail establishments complimentary to the other principal uses at the property
  - (c) Restaurant, café with or without table service (including outside seating and service)
  - (d) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities
- (2) The following additional uses are also permitted BY-SPECIAL PERMIT in the CV Housing Overlay:
  - (a) Multi-family dwelling within the entire CV Housing Overlay Zoning District including, without limitation, age restricted dwelling units in excess of 120 units
- (3) Single family detached residential use is prohibited in the CV Housing Overlay

### F. Dimensional Requirements

The CV Housing Overlay shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:

- (1) The CV Housing Overlay may consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the CV Housing Overlay so long as a CV Housing Overlay district shall be no less than 10 contiguous acres.
- (2) Minimum Lot Frontage measurement shall be no less than twenty (20) feet for any lot wholly located within the boundaries of the CV Housing Overlay.
- (3) Minimum Front Yard measurement shall be no less than twenty (20) feet for any lot wholly located within boundaries of a CV Housing Overlay.
- (4) No less than fifteen (15) feet shall separate the structural side wall of any two or more structures within the CV Housing Overlay, even if on separate lots. No less than fifteen (15) feet shall separate any area behind and or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
- (5) Maximum building height in CV Housing Overlay shall not exceed 60 feet; a structure located within 50 feet from the property line of a directly abutting parcel in a residentially zoned district shall not exceed 40 feet in height.

- (6) Maximum Lot Coverage shall be calculated on the entire land area of the CV Housing Overlay and not on an individual lot basis, and shall not exceed 65% percent of the total area of the CV Housing Overlay.

G. Parking and Curb Cut Requirements.

Except as otherwise provided in this section, parking and circulation requirements shall conform with the provisions of Section §650-48 and §650-49 of the Zoning Ordinance.

- (1) General - In the CV Housing Overlay 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.
- (2) Parking Locations - Parking may be provided at ground level, underground or in a parking garage. Parking garages can be free standing or as part of buildings dedicated to permitted uses.
- (3) Parking Spaces for Each Dwelling Unit - There shall be a minimum of 1.5 parking spaces for each dwelling unit. Where feasible, sharing of parking shall be encouraged among the various uses in the CV Housing Overlay.
- (4) Granting of Relief from Parking Regulations - The City Council may waive any of the foregoing requirements or the requirements of Section §650-48 if it makes a finding that to do so will enhance the overall design of the CV Housing Overlay.

H. Signage

Except as otherwise provided in this Mixed Use Ordinance, signage shall conform with the provisions of Chapter 526 of the Marlborough City Code – the Sign Ordinance.

- (1) Granting of Relief from Signage Regulations - The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the CV Housing Overlay.

I. Application

An application for a Special Permit for a development in the CV Housing Overlay shall comply with the requirements of §650-59 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, Article II, Permits and Approvals, §270-2 et. seq.

The City Council in connection with a Special Permit application shall review such applications with respect to the following design criteria:

- (i) Compliance of sidewalks with Americans with Disabilities Act (ADA) Design Standards;
- (ii) Street façade and exterior walls visible from public ways;
- (iii) Public space;
- (iv) Scale of buildings; and
- (v) External Lighting

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 building elevation shall be submitted prior to the close of the public hearing/meeting.

J. Standards for Roadways and Drainage

- (1) Roadways – Internal CV Housing Overlay roadways shall be private ways and shall be maintained by the owners/developers of the CV Housing Overlay and portions thereof. Private ways within the CV Housing Overlay, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the dimensional or material requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Storm Water Management System - The CV Housing Overlay shall have a storm water management system designed in accordance with the Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines, as amended. This system shall be privately maintained.

K. Amendments

After approval, the owner/developer may seek amendments to the approved permits. Minor amendments to a Special Permit may be made by a simple majority of the City Council at a public meeting. A major amendment shall be approved by a super majority (2/3) vote of the City Council at a public hearing. 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 minor or major amendment. In general, a minor modification shall not produce more than an immaterial increase in the scale of a project nor produce more than an immaterial 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 Section 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 Section 650-59.

**SET A PUBLIC HEARING FOR APRIL 2, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD; adopted.**

ORDERED: That the Communication from Attorney Falk on behalf of Vincenza Sambataro, re: Proposed Amendment to Site Plan Approval, Marlborough on Main, 163-175 Main Street, X16-1006668, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, JANUARY 8, 2018 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was **ORDERED ADVERTISED** as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP ESTABLISHED BY CHAPTER 650 ZONING ARTICLE III ESTABLISHMENT OF DISTRICTS SECTION 650-8 "BOUNDARIES ESTABLISHED; ZONING MAP". SAID ZONING MAP IS AMENDED BY SUPERIMPOSING THE RETIREMENT COMMUNITY OVERLAY DISTRICT OVER ASSESSORS MAP 73, PARCELS 52 AND 53, AND ASSESSORS MAP 85, PARCELS 14 AND 15, 685 FARM ROAD (MARLBORO AIRPORT PROPERTY).

**SET A PUBLIC HEARING FOR MARCH 19, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD**; adopted.

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, JANUARY 8, 2018 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was **ORDERED ADVERTISED** as follows:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by adding a new Section 650-37 as follows:

#### ARTICLE VI

##### §650-37 – RAIL TRAIL OVERLAY DISTRICT

###### A. Purpose and Objectives

- (1) The Assabet River Rail Trail Overlay District (herein, the "ARRTOD") 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 district(s). The establishment goals of the ARRTOD are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare, by promoting pedestrian and bicycle friendly development complimentary to the Assabet River Rail Trail.
- (2) For the purposes of this section, the ARRTOD shall be superimposed on the other districts existing at the time of the adoption of this Section. The ARRTOD consists of (i) the Assabet River Rail Trail property, and (ii) the parcels identified in Exhibit A annexed hereto and incorporated by reference herein.

B. Authority of Permit Granting Authority

- (1) The City Council shall be the Permit Granting Authority for Special Permit Approval in the ARRTOD. In all instances, a development which proceeds under the ARRTOD is subject to Site Plan Approval in accordance §270-2 of the Marlborough City Code.
- (2) The City Council may, by special permit in accordance with Section 650-59, permit a "Rail Trail Development", defined in Subsection C, on any lot or combination of lots located in the ARRTOD (a "Development Parcel") provided that the Rail Trail Development compliments the Assabet River Rail Trail by improving the appearance of the Development Parcel as seen from the Assabet River Rail Trail, encourages the use of the Assabet River Rail Trail, and provides certain public amenities (including, but not limited to, landscaping, trash receptacles, public safety enhancements, or other benefits) that enhance the Assabet River Rail Trail, either at the Development Parcel or, in the discretion of the City Council, at other locations along the Assabet River Rail Trail.

C. Eligible Uses, Dimensional Controls:

- (1) A Rail Trail Development shall include any use allowed in the underlying zoning district, either as of right or by special permit, in addition to the following:
  - a. Retail sales and services, up to 5,000 square feet of gross floor area per establishment.
  - b. Restaurant, café with or without table service (including outside seating and service) without drive-thru, up to 5,000 square feet of gross floor area per establishment.
  - c. Residential uses, with such density as seemed appropriate by the City Council.
- (2) A Rail Trail Development may include multiple uses, which may be commingled into a single structure or structures or may be located in multiple separate structures on one building lot.
- (3) A Rail Trail Development shall be subject to the dimensional, parking and landscaping requirements of the underlying zoning district and for the use or combination of uses of the Rail Trail Development, provided, however, that the City Council may elect to vary dimensional, lot coverage, and parking requirements by Special Permit if, in the City Council's opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this Section. This authority shall continue subsequent to initial occupancy.

**EXHIBIT A**

The newly established Assabet River Rail Trail Overlay District shall include all or portions of the properties shown on the Zoning Map existing at the passage of this Ordinance, which properties include the following parcels of land:

1. The Assabet River Rail property, from the Marlborough-Hudson municipal boundary line to the intersection of Highland and Lincoln Streets.
2. Assessors Map 43, Parcel 29 (19 Ash Street).
3. Assessors Map 56, Parcel 125 (269 Mechanic Street).
4. Assessors Map 56, Parcel 96 (3-7 Longley Street).
5. Assessors Map 56, Parcel 85 (297 Lincoln Street).
6. Assessors Map 69, Parcel 345 (283 Lincoln Street).
7. Assessors Map 69, Parcels 340, 341, 342 and 343 (293 Lincoln Street).

**SET A PUBLIC HEARING FOR MARCH 5, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD.;** adopted.

ORDERED: That the Minutes, Board of Health, September 12, 2017 & October 10, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, November 14, 2017, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, November 14, 2017 & November 28, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, November 16, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, December 4, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission Minutes, October 24, 2017 & November 28, 2017, **FILE**; adopted.

ORDERED: That the Minutes, License Board, November 29, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, November 7, 2017 & December 12, 2017, **FILE**; adopted.

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

- a. Unmesh Gundewar, 8 Flint Drive, residential mailbox claim (2a).
- b. James Burgarella, 76 O'Grady Road, residential mailbox claim (2b).
- c. Robert Luke, 218 West Main Street, other property damage.

Reports of Committees:

**THERE WERE NO REPORTS OF COMMITTEE.**

ORDERED: That the City Council Urban Affairs Committee meet with DPW Commissioner Ghiloni and Police Chief Giorgi to consider replacing the seasonal (winter) all night parking ban in the City of Marlborough with an ordinance providing for a Declaration of a Snow Emergency during which no parking of vehicles would be allowed on any streets or ways that are plowed by the City. The objective would be to make life easier for city residents by allowing them to park on the streets during the winter season, except during snow events or other hazardous conditions requiring that the streets be clear of vehicles, be and is herewith refer to **LEGISLATIVE & LEGAL AFFAIRS COMMITTEE & TRAFFIC COMMISSION.**

Submitted by Councilors Juairé and Delano

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:16 PM.



# City of Marlborough Office of the City Council

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*Edward J. Clancy*  
PRESIDENT

*Joseph F. Delano, Jr.*  
VICE-PRESIDENT

*Karen A. Boule*  
CITY COUNCIL SECRETARY

January 17, 2018

Marlborough City Council  
City Hall  
Marlborough, MA 01752

RE: Proposed Amendment to Zoning Ordinance –  
Authorizing the Signing of Special Permit Extension Agreements

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 JAN 17 P 4: 32

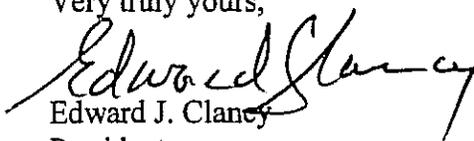
Dear Fellow Councilors:

As you know, the Urban Affairs Committee met on Tuesday, January 9, 2018 in order to discuss a zoning amendment I had proposed last September. That proposal designated and authorized the then-sitting Council president or designee to sign a written agreement with a special permit applicant extending the time for the full Council to take final action on a given special permit application. The goal was to avoid time constraints that could lead to a constructive grant of such a permit.

However, as a result of the Urban Affairs discussion, I am now proposing a different amendment to the City's zoning ordinance in lieu of the initial proposal. Under the new proposal, Urban Affairs at a public meeting could discuss and vote to authorize the following Council members to sign a written extension agreement on behalf of the full Council: a) the Committee's Chairman; or, b) in his or her absence or incapacity, its Vice-Chairman; or, c) when a quorum of Urban Affairs is otherwise not present, the President or Vice-President sitting for that meeting as an ex officio member of Urban Affairs. Once signed, a copy of the mutual written extension agreement would be timely filed in the office of the City Clerk, and a copy of that filing would be submitted for informational purposes on the agenda for the next regular Council meeting.

As with the initial proposal, this newly-proposed zoning amendment is designed to avoid time constraints that could lead to a constructive grant of a special permit. The proposed language has been drafted by the Legal Department and is enclosed for your review and deliberation. Thank you for your consideration of this matter.

Very truly yours,

  
Edward J. Clancy  
President

Enclosure

## ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN 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 AS FOLLOWS:

1. Section 650-59.C(11), entitled "Extension of time for action; leave to withdraw," is hereby amended by deleting subsection (a) and inserting in place thereof the following:-- The period within which final action shall be taken may be extended for a definite period by mutual written agreement of the Council and the applicant, pursuant to MGL c. 40A, § 9, as amended. For purposes of timely administration of special permit applications and in order to avoid constructive grants thereof, the Urban Affairs & Housing Committee may, by simple majority vote at a duly noticed public meeting, authorize the following Council members to sign the written extension agreement on behalf of the full Council: a) the Chairman of Urban Affairs; or, b) in his or her absence or incapacity, its Vice-Chairman; or, c) when a quorum of Urban Affairs is otherwise not present, the President or Vice-President sitting for that meeting as an ex officio member of Urban Affairs. A copy of the signed extension agreement shall be timely filed in the office of the City Clerk, and a copy of that filing shall be submitted for informational purposes on the agenda for the next regular Council meeting.

## ADOPTED

In City Council  
Order No. 18-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

ORDERED 2010 JAN 18 A 11: 59

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN 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 ADDING THERETO AS FOLLOWS:

1. Section 650-17, entitled "Table of Uses," is hereby amended by amending the section concerning the business use entitled, "Medical Marijuana Treatment Center," which shall be amended by the following:

- (a) inserting the parenthetical number "(45)" after the words "Medical Marijuana Treatment Center;"
- (b) deleting from the column designated as "B" the letter "N" and inserting in place thereof the letters "SP;"
- (c) deleting from the column designated as "LI" the letter "N" and inserting in place thereof the letters "SP;"
- (d) deleting from the column designated as "I" the letters "SP" and inserting in place thereof the letter "N;" and
- (e) inserting in the column designated as "MV" the letter "N,"

all of the foregoing to appear as follows:

Medical marijuana	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
treatment center (45)		N	N	N	N	N	SP	N	SP	N	N

2. Section 650-18, entitled "Conditions for Uses," is hereby amended by adding to said section a new paragraph (45), as follows:

(45) Medical marijuana treatment centers:

- (a) Shall only be located within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough town line to Massachusetts State Highway Route 495, and within those portions of the B and LI districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to Phelps Street;
- (b) Shall have frontage on Massachusetts State Highway Route 20 (Boston Post Road); and
- (c) Shall be subject to the provisions of state law and of § 650-32, including but not limited to a Special Permit from the City Council.

3. Paragraph D. of § 650-32, entitled “Medical Marijuana Treatment Centers,” is hereby deleted in its entirety, and the following shall be inserted in place thereof:

D. A Medical Marijuana Treatment Center shall not be located:

1. within five thousand (5,000) feet of another Medical Marijuana Treatment Center, as measured in a straight line from the nearest point of the property line of the proposed Center to the nearest point of the property line of the existing Center; or
2. within five thousand (5,000) feet of a Narcotic Detoxification and/or Maintenance Facility, as defined in and regulated by the Zoning Ordinance of the City of Marlborough, and as measured in a straight line from the nearest point of the property line of the proposed Center to the nearest point of the property line of the existing Facility; or
3. within a radius of five hundred (500) feet of:
  - a. a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; or
  - b. daycare center; or
  - c a recreational facility, including but not limited to indoor and outdoor playground, trampoline park, running track, soccer field, baseball field, football field, basketball court, hockey or skate rink, mini-golf, laser tag facility, video arcade, dance studio, martial arts studio, dance school, gymnastics school, swimming facility, beach, or wading pool, Boys and Girls Clubs, bowling alley, family-oriented pool hall, youth services facilities, and other such facilities at which children commonly congregate, whether privately or publicly owned and to which the public has right of access as an invitee; or
  - d. an elderly housing facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
  - e. a retirement community (as defined in § 650-5 of the Zoning Ordinance of the City of Marlborough, as amended) located within the City of Marlborough; or
  - f. any residential zoning district.

Consistent with 105 CMR 725.110 A (14), the five-hundred foot distance in paragraph 3. of this section D. is measured in a straight line from the nearest point of the facility, center, community, or district in question to the nearest point of the building within which the proposed medical marijuana treatment center would be located.

4. Section 650-32 B. is hereby amended by inserting after the word “non-profit” in the definition of the word “Person” the words “, or a for profit entity pursuant to section 72 of chapter 55 of the Acts of 2017” as follows:

PERSON

An individual, non-profit, or pursuant to section 72 of chapter 55 of the Acts of 2017, a for profit entity.

5. The effective date of these amendments shall be the date of their passage.

ADOPTED

In City Council

Order No 18-

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN 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 ADDING THERETO AS FOLLOWS:

1. Section 650-17, entitled "Table of Uses," is hereby amended by amending the section concerning the business use entitled, "Recreational Marijuana Retail Sales," which shall be amended by inserting therein the following:

Recreational marijuana retail sales (46)	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
	N	N	N	N	N	N	SP	N	SP	N	N

2. Section 650-18, entitled "Conditions for Uses," is hereby amended by adding to said section a new paragraph (46), as follows:

(45) Recreational marijuana retail sales:

- (a) Shall only be located within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough town line to Massachusetts State Highway Route 495, and within those portions of the B and LI districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to Phelps Street;
- (b) Shall have frontage on Massachusetts State Highway Route 20 (Boston Post Road);  
and
- (c) Shall be subject to the provisions of state law and of § 650-33, including but not limited to a Special Permit from the City Council (the "Special Permit Granting Authority").

3. A new Section 650-33, entitled "RECREATIONAL MARIJUANA RETAIL SALES," is hereby added, as follows:

§ 650-33 RECREATIONAL MARIJUANA RETAIL SALES

- A. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws and 935 CMR 500.00 as promulgated by the Cannabis Commission of the Commonwealth of Massachusetts, and as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of recreational marijuana retail sales within the City of Marlborough, but will instead regulate such businesses.

To ensure that these businesses are located in such a way as to not pose a direct threat to the health or safety of children and other vulnerable populations, the provisions of this section will apply to all such businesses.

B. For purposes of this chapter, the following definitions shall apply:

1. MARIJUANA shall mean all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 2 of chapter 96G of the Massachusetts General Laws, as amended. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination, or hemp. The term also includes MIPs except where the context clearly indicates otherwise.
2. MARIJUANA-INFUSED PRODUCT (MIP) means a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Recreational Marijuana Retail Sales business, shall not be considered a food or a drug as defined in M.G.L. c. 94, § 1.
3. RECREATIONAL MARIJUANA RETAIL SALES BUSINESS OR BUSINESS shall refer to the site(s) where an entity licensed and registered under 935 CMR 500.00, as amended, that transfers, transports, sells, and distributes products containing marijuana, related supplies, or educational materials; and shall be subject to the regulations under Section 650-33 of this ordinance.
4. PERSON shall mean an individual or a non-profit entity.
5. [ETC.]

C. In such zoning districts where a Special Permit is required for a Recreational Marijuana Retail Sales business, upon application, the Special Permit Granting Authority shall grant the Special Permit only upon its written determination that any adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include, but is not limited to, consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;

2. Traffic flow and safety, including parking and loading;
  3. Adequacy of utilities and other public services;
  4. Neighborhood character and social structures;
  5. Impacts on the natural environment;
  6. Potential fiscal impact, including impact on City services, tax base, and employment;
  7. Hours of operation;
  8. Prohibiting the smoking or consumption of marijuana on the premises;
  9. Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the Special Permit Granting Authority;
  10. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the [\_\_\_\_\_];
  11. [Requiring regular inspections by City officials or their agents, and access to the same records which are available for inspection to the Commonwealth of Massachusetts Department of Public Health];
  12. Requiring employees to undergo a criminal background check, including but not limited to CORI, by the Police Chief who shall have the authority to disapprove the employment of any person(s) as a result of said background check;
  13. Requiring surveillance cameras in, on, or at the premises;
  14. Prohibiting the sale of any materials or items unrelated to the purposes of registration by the Commonwealth of Massachusetts Department of Public Health, including, without limitation, tobacco products, clove cigarettes or e-cigarettes;
  15. The ability for the Business to:
    - a. meet a demonstrated need;
    - b. provide a secure indoor waiting area for clients;
    - c. provide an adequate pick-up/drop-off area;
    - d. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals; and
    - e. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Business, and its impact on neighboring uses.
- D. The Special Permit Granting Authority may require the applicant to provide a traffic study, at the applicant's expense, to establish the impacts of the peak traffic demand.
- E. A Recreational Marijuana Retail Sales business shall not be located within a radius of five hundred (500) feet of:
- a. a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; or
  - b. a daycare center.

The five-hundred foot distance in this section D. is measured in a straight line from the nearest point of the school or daycare center in question to the nearest point of the building within which the proposed Recreational Marijuana Retail Sales business would be located.

- F. A Recreational Marijuana Retail Sales business may be allowed within a reasonable distance, as determined by the Special Permit Granting Authority, of a recreational facility, whether privately or publicly owned and to which the public has right of access as an invitee.
  - G. Chapter 412 of the Code of the City of Marlborough, as amended, prohibiting the smoking, ingesting, or other use or consumption of marijuana in any place accessible to the public, shall be construed as applying to the recreational use of marijuana.
4. The effective date of these amendments shall be the date of their passage.

ADOPTED  
In City Council  
Order No 18-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
 Marlborough, Massachusetts 01752  
 Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH  
 2018 JAN 18 A 11:38

*Arthur G. Vigeant*  
 MAYOR

*Nicholas J. Milano*  
 EXECUTIVE AIDE

*Patricia Bernard*  
 EXECUTIVE SECRETARY

January 18, 2018

City Council President Edward J. Clancy  
 Marlborough City Council  
 140 Main Street  
 Marlborough, MA 01752

**Re: Transfer Request – Building Department**

Honorable President Clancy and Councilors:

Please find enclosed for your review a transfer request in the amount of \$32,960 which will be transferred within the Building Department to fund the Assistant Building Commissioner position, effective the week of January 8, 2018.

As I discussed with you when creating this position, I believe it is necessary for our Building Department to be able to retain an experienced local inspector who will also assist with the management of the Department.

Pending approval of this transfer, the Building Department will be comprised of one local inspector, one assistant building commissioner, and a building commissioner, in addition to 2.5 clerks, a part time code enforcement officer, and full time electrical and plumbing/gas inspectors.

I am requesting funding of this position because Patrick Dahlgren has the experience and management abilities to fulfill the job's roles and responsibilities. He has been a local inspector in Marlborough since August 2015. As you are aware, when the office was without a building commissioner, he stepped up and served in that role on an interim basis. Patrick also recently passed the legal section of the Building Commissioner's exam and will be moving onto the other two sections. I expect that he will be certified as a Building Commissioner this year.

We have a busy Building Department and I have long stressed a need for timely permit approvals, inspections, and excellent customer service. Providing a clear succession plan and adding another employee with managerial responsibilities will help us improve our delivery of services to residents and businesses.

Sincerely,

  
 Arthur G. Vigeant  
 Mayor



*City of Marlborough*  
**BUILDING DEPARTMENT**

140 Main Street  
 Marlborough, Massachusetts 01752  
 Tel. (508) 460-3776 Facsimile (508) 460-3736  
 building\_dept@marlborough-ma.gov

**JEFFREY COOKE**  
 BUILDING COMMISSIONER

**PATRICK DAHLGREN**  
 BUILDING INSPECTOR

**RICHARD DESIMONE**  
 PLUMBING & GAS INSPECTOR

**JOHN CAIN**  
 WIRING INSPECTOR

**WILLIAM PAYTON**  
 BUILDING INSPECTOR

January 18, 2018

City Council President Edward J. Clancy  
 Marlborough City Council  
 140 Main Street  
 Marlborough, MA 01752

Re: Position change -- Building Department

Honorable President Clancy and Councilors:

I am writing in support of Mayor Vigeant's proposal for reorganization of personnel within the Building Department. The Mayor's proposal will enhance the leadership and retention of inspectors. Retention of personnel is key to the smooth operation of the department. The keeping of long term experienced employees reduces the liability to the municipality and increases the City's ISO rating, thus having the effect of reducing homeowner and business owner's insurance premiums.

Having only recently hired as the Marlborough Building Commissioner, I am finding that the building department is very busy. The Building Department provides a service to the community that needs to have timely plan reviews, issuance of permits and on-site inspections. The retention of experienced staff is key to providing the best possible customer service.

My understanding is prior to my employment with the City, Patrick Dahlgren filled in as acting Building Commissioner, he did what was necessary to maintain order within the building department. In the short time of my presence here, I find Patrick to be a very capable building inspector.

The position of Assistant Building Commissioner will enhance the operation of the department. An example of this, 780 CMR, the State Building code only allows a Building Commissioner to sign a Certificate of Occupancy (CO). Having this new position will increase the flexibility within the department of allowing the Assistant Building Commissioner the ability to issue Certificate of Occupancies during my absence.

Please support this proposal, thank you.

Sincerely,

Jeffrey Cooke, C.B.O.  
 Building Commissioner





# City of Marlborough Office of the City Council

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

*Edward J. Clancy*  
PRESIDENT

*Joseph F. Delano, Jr.*  
VICE-PRESIDENT

*Karen A. Boule*  
CITY COUNCIL SECRETARY

January 11, 2018

Marlborough City Council  
City Hall  
Marlborough, MA 01752

Reference: MEDC Executive Board Appointment

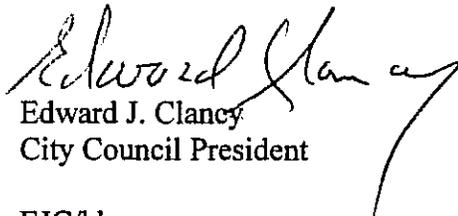
Dear Councilors:

I am honored to appoint Councilor Mike Ossing to the MEDC Board of Directors.

As no formal confirmation process is required with this designation, I would recommend a motion to accept and file the appointment for the City Council records.

I want to thank Urban Affairs Chairman, Vice-President Delano for his distinguished service in this capacity for the past two years. Although he will not be serving in the same capacity, he will continue to work with MEDC staff as we review the myriad of zoning proposals and special permits presently on our docket and expected this year.

Sincerely,

  
Edward J. Clancy  
City Council President

EJC/kb

cc: Mayor Vigeant

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 JAN 16 P 4:15

*City of Marlborough*  
*Commonwealth of Massachusetts*  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH



2018 JAN 17 P 4: 32

**Pamela A. Wilderman**  
**Code Enforcement**  
**140 Main Street**  
**Marlborough, MA 01752**  
**Phone: (508) 460-3765**  
**Fax: (508) 460-3736**  
**Email: [pwilderman@marlborough-ma.gov](mailto:pwilderman@marlborough-ma.gov)**

January 17, 2018

Edward Clancy, President  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

RE: Sign Permit Application  
Kelly Services  
58 Apex Drive

Dear President Clancy and members:

Attached please find a sign application for the Kelly Services at the Apex Center. According to the calculations provided by Barlo Signs the proposed signage is well within the allowed square footage for flat wall signs.

As always, please feel free to contact me if you have any questions or if we can be of any further assistance to you.

Sincerely,

Pamela A. Wilderman  
Code Enforcement Officer

cc: Barlo Signs  
File



City of Marlborough
BUILDING DEPARTMENT
140 Main Street
Marlborough, Massachusetts 01752

Date: 01/17/18 Permit No. \_\_\_\_\_

Address/Location of Sign 58 APEX DRIVE

Name of Business KELLY SERVICES

Name of Owner of Business SAME Telephone \_\_\_\_\_

Type of Sign: (check off which applies)

x Flat Wall Free Standing Awning Banner Projecting

Does this site have a Special Permit x YES NO

Is this a replacement of a same size existing sign(s) YES x NO

Dimensions Sign: See enclosed plans

Length 9'10" Width 5' Height (Free Standing) Area 49 SF

Location of Sign on Bld. North x South East West

Dimensions Façade:

Length 117' Width 25'6" Area 2983 sfSF

Jenn Robichaud Signature of Responsible Party Telephone JENN ROBICHAUD 603 882 2638 X 333

Installer Company BARLO SIGNS Telephone 603 882 2638 X 333

jenn@barlosigns.com Email

I hereby declare that I have the authority to request this permit and that the statements and information provided are true and accurate to the best of my knowledge and belief as well as to conform to the City's current Sign Ordinance and MA State Building Code, signed under the pains and penalties of perjury.

Jenn Robichaud Signature Date 01/17/18

Cost of Sign(s) 8,000 Permit Fee \$ \_\_\_\_\_



*City of Marlborough*  
**BUILDING DEPARTMENT**  
 140 Main Street  
 Marlborough, Massachusetts 01752  
 Tel. (508) 460-3776 Facsimile (508) 624-6504

## SIGN PERMIT APPLICATION

What is needed to be submitted:

**Sign on the Façade:**

1. A photo of the site which will show all existing signage; signs that are being removed; and sign(s) being installed.
2. 2 sets of plans which will show the length, width, height, area, how it is attached, how it is illuminated and the location on the building.

**Free Standing Sign:**

1. 2 sets of plans which will show the length, width, height, area, how it is attached, and how it is illuminated.
2. A site plan, to scale, which will show the location of the sign and the building for which it will serve. (526-9 C 1(c) )
3. Address to be posted on the top of the sign (526-9 C 2(b) )

**All Other Signs:**

1. 2 sets of plans which will show the length, width, height, area, how it is attached, how it is illuminated and the location on the building or on the land.

Further information about signs can be found on the City's website under "City of Marlborough City Code."

Please be aware that a Wiring Permit shall also be needed for the installation of any sign(s) which are to be illuminated. (527-CMR 12.00)

If you had applied to the Planning Board for a Variance, that recorded Variance must be submitted with this application.

# CONTINUE ON BACK

Rev 8/16/13

# PROPERTY OWNER AUTHORIZATION FOR PERMIT(S), VARIANCE(S), HEARING(S)

< MUST BE SIGNED BY OWNER OF THE PROPERTY  
ON WHICH SIGNAGE IS BEING INSTALLED >

This document verifies that you are authorizing BARLO SIGNS to submit an application for permits, variances, or hearings ON BEHALF OF THE OWNER OF THE PROPERTY.

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

- IF YOU ARE THE PROPERTY OWNER, please complete & sign.
- IF YOU ARE NOT THE OWNER: please provide your landlord's information to us, and we will contact & secure permission.

Sign location address: 58 Apex Drive Suite D, Marlborough MA

I hereby authorize Jenn Robichaud or an Authorized Representative of Barlo Signs of Hudson, N.H., to APPLY FOR SIGN PERMITS for this site.

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

Property Owner's Signature: \_\_\_\_\_

Printed Name: Robert Walker

Address: 4 Lan Drive

Westford MA 01886

Phone number: 978-799-4289

*We cannot apply for permits or hearings until we receive your authorization.*

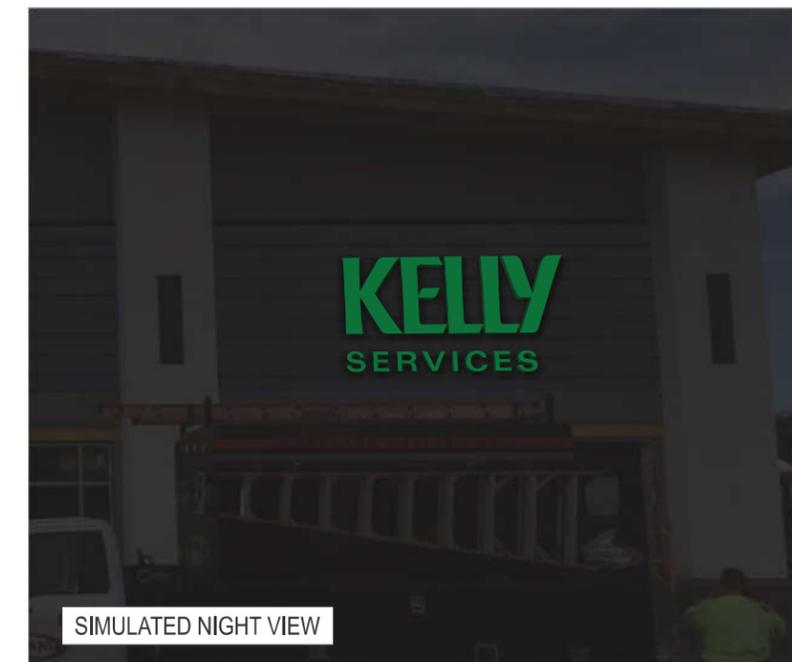
Reference JOB NAME: Kelly Services Marlborough MA Job #: 13312

**ITEM A** - FACE-LIT CHANNEL LETTERS

SCALE: 1/8"=1'-0"



ELEVATION EAST



SIMULATED NIGHT VIEW



EXISTING

**COLOR**

PANTONE 356 C  
GREEN

Colors - Fabrication	Colors - Copy
Face: WHITE	Face: PMS 356 GREEN (DIGITAL PRINT)
Returns: PTM PMS 356 GREEN	Outline: N/A
Trim/Mylar: PTM PMS 356 GREEN/N/A	Vinyl:
Backs: WHITE	
Raceway: N/A	
Lighting: WHITE LED'S	
Storefront: COLOR GRAY	Trim: COLOR GRAY
<b>SCOPE OF WORK</b>	
Face-lit Channel Letters Cap <u>3'-4 1/4'</u> Stroke <u>MIN 1" - MAX 8"</u> LC <u>10 3/4"</u> Stroke <u>2 1/4"</u>	
Overall Length: <u>9' -10"</u> Overall Height: <u>5'-0"</u> Total Sq. Feet: <u>49.16</u>	

**M&I (1) SET OF FACE-LIT CHANNEL LETTERS WITH DIGITAL PRINT**

**ALL ELECTRICAL COMPONENTS ARE UL LISTED.  
POWER SUPPLIES ARE REMOTE AND MOUNTED BEHIND THE WALL.**

SEE ABOVE FOR COLOR SPECIFICATIONS.  
SEE SHEET 1.1 FOR MANUFACTURING SPECIFICATIONS

Job Name: Kelly Services @ Apex Center of New England	
Location: 58 Apex Drive, Suite D Marlborough, MA 01752	
Design Specifications Accepted By:	Drawn By: AS
Client:	Sales Rep: BARN
Landlord:	PM: KH
	Date: 12-15-17

**BARLO  
SIGNS**

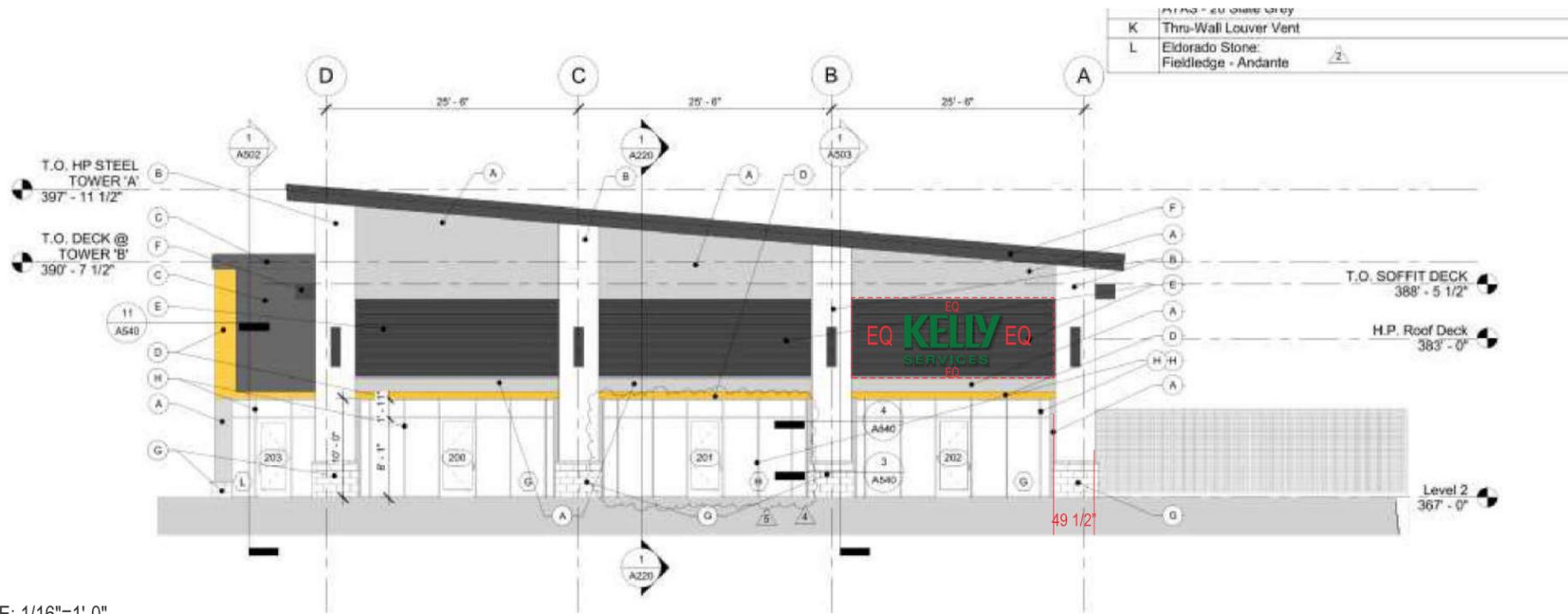
158 Greeley St., Hudson, NH 03051  
(603) 882-2638 Fax (603) 882-7680  
For Service: 800-227-5674

PROJECT APPROVAL		© COPYRIGHT 2017 THE BARLO GROUP THIS DESIGN CONCEPT IS THE PROPERTY OF THE BARLO GROUP. ALL PRODUCTION AND DUPLICATION RIGHTS ARE RESERVED BY THE BARLO GROUP. THIS PRINT IS DESIGNED FOR YOUR PERSONAL USE AND IS NOT TO BE USED OUTSIDE YOUR ORGANIZATION OR EXHIBITED IN ANY FASHION.
Design: AS	Date: 1-15	
Engineering:	Date:	
Estimating:	Date:	
Sales:	Date:	
Production:	Date:	
Installation:	Date:	

Underwriters Laboratories Inc.®
 UNITED STATES SIGN COUNCIL
 NATIONAL SIGNAGE INSTITUTE

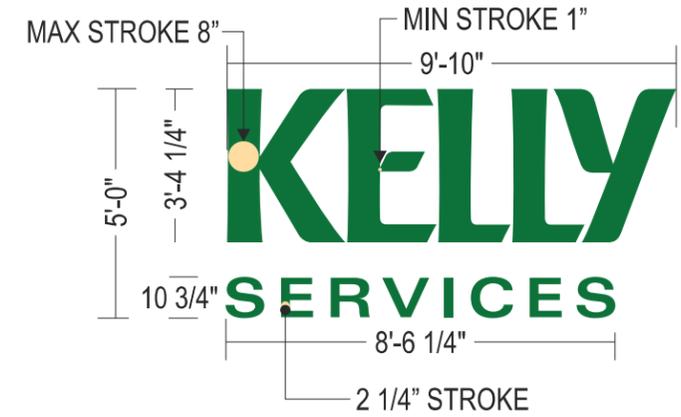
File Name: Kelly Services 171203406

**B-17-12-03406**



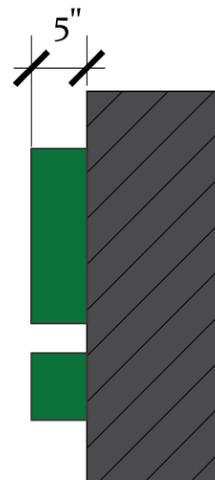
SCALE: 1/16"=1'-0"  
ELEVATION EAST

**FIELD VERIFY ALL MEASUREMENTS BEFORE BEGINNING ANY WORK.  
INSTALLER TO VERIFY MOUNTING SURFACE PRIOR TO INSTALLATION**



SCALE: 1/4"=1'-0"

SIDE VIEW



SCALE: 3/4"=1'-0"

**SITE SURVEY  
REQUIRED**

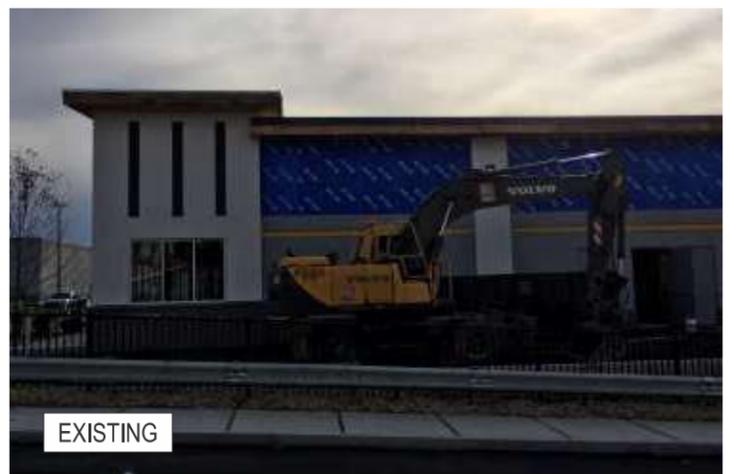
Job Name: Kelly Services @ Apex Center of New England		 <p>158 Greeley St., Hudson, NH 03051 (603) 882-2638 Fax (603) 882-7680 For Service: 800-227-5674</p>
Location: 58 Apex Drive, Suite D Marlborough, MA 01752		
Design Specifications Accepted By:	Drawn By: AS	
Client:	Sales Rep: BARN	
Landlord:	PM: KH	Date: 12-15-17
<b>PROJECT APPROVAL</b>		© COPYRIGHT 2017 THE BARLO GROUP THIS DESIGN CONCEPT IS THE PROPERTY OF THE BARLO GROUP. ALL PRODUCTION AND DUPLICATION RIGHTS ARE RESERVED BY THE BARLO GROUP. THIS PRINT IS DESIGNED FOR YOUR PERSONAL USE AND IS NOT TO BE USED OUTSIDE YOUR ORGANIZATION OR EXHIBITED IN ANY FASHION.
Design: AS	Date: 1-15	
Engineering:	Date:	
Estimating:	Date:	
Sales:	Date:	
Production:	Date:	
Installation:	Date:	File Name: Kelly Services 171203406 <b>B-17-12-03406</b>

**ITEM B - FACE-LIT CHANNEL LETTERS**

SCALE: 3/16"=1'-0"



ELEVATION NORTH



EXISTING

**SITE SURVEY  
REQUIRED**

**COLOR**  
 PANTONE 356 C  
 GREEN



SIMULATED NIGHT VIEW

Colors - Fabrication	Colors - Copy
Face: WHITE	Face: PMS 356 GREEN (DIGITAL PRINT)
Returns: PTM PMS 356 GREEN	Outline: N/A
Trim/Mylar: PTM PMS 356 GREEN/N/A	Vinyl:
Backs: WHITE	
Raceway: N/A	
Lighting: WHITE LED'S	
Storefront: COLOR GRAY	Trim: COLOR GRAY

SCOPE OF WORK		
Face-lit Channel Letters	Cap <u>3'-4 1/4'</u> Stroke <u>MIN 1" - MAX 8"</u> LC <u>10 3/4"</u> Stroke <u>2 1/4"</u>	
Overall Length: <u>9' -10"</u>	Overall Height: <u>5'-0"</u>	Total Sq. Feet: <u>49.16</u>

**M&I (1) SET OF FACE-LIT CHANNEL LETTERS WITH DIGITAL PRINT**

**ALL ELECTRICAL COMPONENTS ARE UL LISTED.  
POWER SUPPLIES ARE REMOTE AND MOUNTED BEHIND THE WALL.**

SEE ABOVE FOR COLOR SPECIFICATIONS.  
SEE SHEET 1.1 FOR MANUFACTURING SPECIFICATIONS

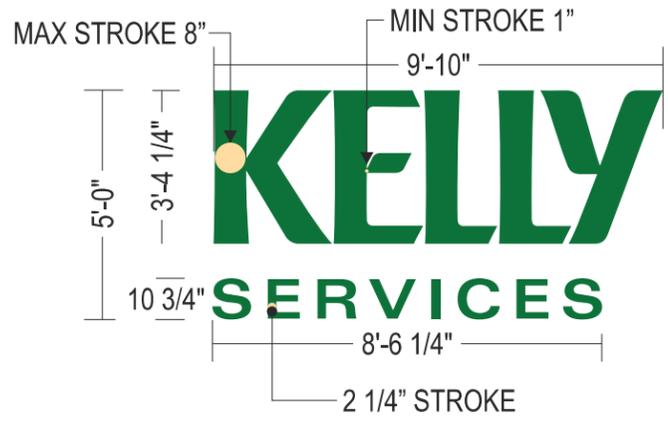
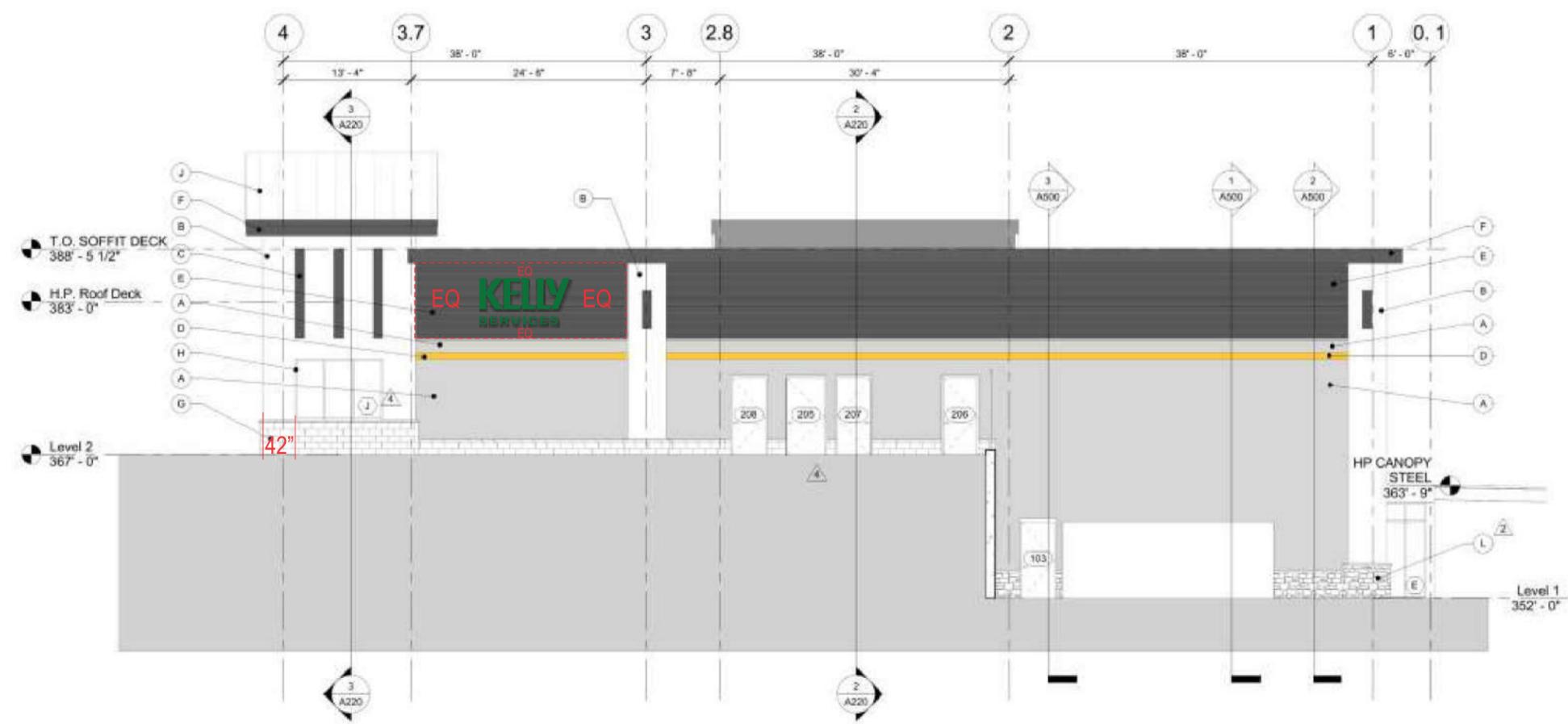
Job Name: Kelly Services @ Apex Center of New England	
Location: 58 Apex Drive, Suite D Marlborough, MA 01752	
Design Specifications Accepted By:	Drawn By: AS
Client:	Sales Rep: BARN
Landlord:	PM: KH
	Date: 12-15-17

**BARLO SIGNS**  
 158 Greeley St., Hudson, NH 03051  
 (603) 882-2638 Fax (603) 882-7680  
 For Service: 800-227-5674

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Design: AS	Date: 1-15	
Engineering:	Date:	
Estimating:	Date:	
Sales:	Date:	
Production:	Date:	
Installation:	Date:	

 Underwriters Laboratories Inc.®
  UNITED STATES SIGN COUNCIL
  NATIONAL SIGN ASSOCIATION

File Name: Kelly Services 171203406  
**B-17-12-03406** SHEET: 1.0

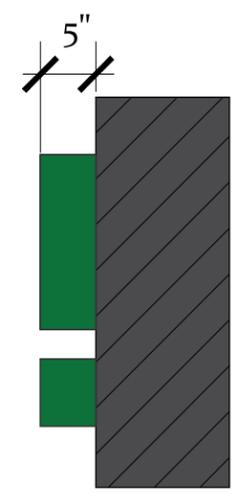


SCALE: 1/4"=1'-0"

APPROX. SCALE: 1/16"=1'-0"  
ELEVATION NORTH

**FIELD VERIFY ALL MEASUREMENTS BEFORE BEGINNING ANY WORK.  
INSTALLER TO VERIFY MOUNTING SURFACE PRIOR TO INSTALLATION**

SIDE VIEW



SCALE: 3/4"=1'-0"

**SITE SURVEY  
REQUIRED**

Job Name: Kelly Services @ Apex Center of New England		 158 Greeley St., Hudson, NH 03051 (603) 882-2638 Fax (603) 882-7680 For Service: 800-227-5674
Location: 58 Apex Drive, Suite D Marlborough, MA 01752		
Design Specifications Accepted By:	Drawn By: AS	
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Landlord:	PM: KH	Date: 12-15-17
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Design: AS	Date: 1-15	THIS DESIGN CONCEPT IS THE PROPERTY OF THE BARLO GROUP. ALL PRODUCTION AND DUPLICATION RIGHTS ARE RESERVED BY THE BARLO GROUP. THIS PRINT IS DESIGNED FOR YOUR PERSONAL USE AND IS NOT TO BE USED OUTSIDE YOUR ORGANIZATION OR EXHIBITED IN ANY FASHION.
Engineering:	Date:	
Estimating:	Date:	
Sales:	Date:	
Production:	Date:	
Installation:	Date:	
File Name: Kelly Services 171203406		<b>B-17-12-03406</b>
		SHEET:

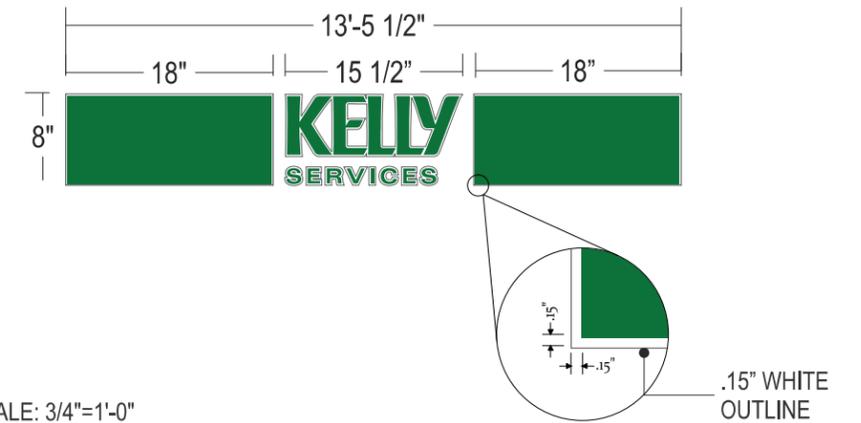
**ITEM E** - VINYL GRAPHICS FOR FRONT WINDOWS

JOB#:



ELEVATION EAST

PROPOSED APROX.SCALE: 1/4"=1'-0"



SCALE: 3/4"=1'-0"

**SITE SURVEY  
REQUIRED**

**COLOR**

- PANTONE 356 C GREEN
- WHITE 3630-20

**SCOPE OF WORK** Sign Area: 2.98 SQ. FT. TOTAL: 11.92

**M&I (4) SET OF 8" VINYL GRAPHICS FOR FOUR WINDOWS ON FRONT ELEVATION**

SECOND SURFACE APPLICATION UNLESS WINDOW IS TINTED.

**FIELD VERIFY ALL MEASUREMENTS BEFORE BEGINNING ANY WORK.  
INSTALLER TO VERIFY MOUNTING SURFACE PRIOR TO INSTALLATION**

**VINYL COLOR SUGGESTED - BRIGHT GREEN 7725-186.**

Job Name: Kelly Services @ Apex Center of New England	
Location: 58 Apex Drive, Suite D Marlborough, MA 01752	
Design Specifications Accepted By:	Drawn By: AS
Client:	Sales Rep: BARN
Landlord:	PM: KH
	Date: 12-15-17



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Design: AS	Date: 1-15	
Engineering:	Date:	
Estimating:	Date:	
Sales:	Date:	
Production:	Date:	
Installation:	Date:	
File Name: Kelly Services 171203406 <b>B-17-12-03406</b>		SHEET: 3.0



# Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG  
Treasurer and Receiver General

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

MICHAEL R. SWEENEY  
Executive Director

2018 JAN -8 A 11: 09

December 28, 2017

Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

Dear Sir/Madam:

In accordance with Massachusetts General Laws, chapter 10, section 27A, (as amended on 5/20/96), you are hereby notified that an application for a Keno license has been received by the Massachusetts State Lottery Commission, (MSLC) from:

O'Hearn's Tavern  
11 B Florence St.  
Marlborough, MA 01752

If the city/town objects to the issuance of the Keno license, it must claim its right to a Hearing before the MSLC within twenty-one (21) days of receipt of this notice.

In accordance with section 27A(b), the objection of the city/town must be "as a result of an official action" taken by said city or town regarding the Keno applicant. In order to be fair and apply the same criteria to all cities, towns, and applicants, the MSLC defines an "official action" to be one in which the applicant appeared, or was given the opportunity to appear, before the licensing authority to discuss the issue at the local level in an open hearing or meeting prior to the Hearing at the MSLC.

Please address your written objection to Carol-Ann Fraser, General Counsel, Legal Department, Massachusetts State Lottery Commission, 60 Columbian Street, Braintree, MA 02184.

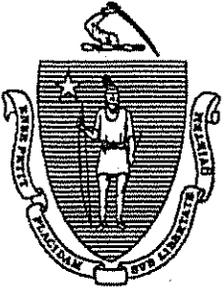
Very truly yours,

Arthur Buckley  
Manager, New Agent Licensing

Certified Mail-Return  
Receipt Requested: 7001 2510 0004 3227 8552



*Supporting the 351 Cities and Towns of Massachusetts*



THE COMMONWEALTH OF MASSACHUSETTS  
STATE RECLAMATION & MOSQUITO CONTROL BOARD  
**CENTRAL MASSACHUSETTS  
MOSQUITO CONTROL PROJECT**

111 Otis Street, Northborough, MA 01532 - 2414  
Telephone (508) 393-3055 • Fax (508) 393-8492  
[www.cmmcp.org](http://www.cmmcp.org)



COMMISSION CHAIRMAN  
RICHARD DAY

EXECUTIVE DIRECTOR  
TIMOTHY D. DESCHAMPS

TO: MA Secretary of State, MA Administration & Finance, State Reclamation & Mosquito Control Board, CMMCP member Town Clerks & Boards of Health

FROM: Central Massachusetts Mosquito Control Project  
Timothy D. Deschamps, Executive Director

RE: 2018 Commission meeting dates

Date: January 2, 2018

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 JAN -5 A 11:16

This notice is provided in accordance with the Massachusetts Open Meeting Law M.G.L. c.30A. Please be advised the Central Mass. Mosquito Control Project's Board of Commission will meet at 276 West Main St. Unit #8 in Northborough, MA at 11:00am on January 10, 2018.

All other meetings will be held at 111 Otis Street, Northborough, MA at 11:00am on the following dates:

- ★ February 14
- ★ March 14
- ★ April 11
- ★ May 9
- ★ June 13
- ★ July 11
- ★ August 8
- ★ September 12
- ★ October 10
- ★ November 14
- ★ December 12

Any changes to this schedule will be made following the rules outlined in M.G.L. c. 30A or other applicable laws.

Pursuant to 940CMR 29.03(1)(c), meeting notices for the CMMCP Board of Commission will be placed on the CMMCP website at this location: <http://www.cmmcp.org/commission.htm> at least 48 hours in advance excluding Saturdays, Sundays and legal holidays. This notice will include the same content as required by 940 CMR 29.03(1)(b).

cc: CMMCP Board of Commission



**CITY OF MARLBOROUGH  
RECREATION DEPARTMENT**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
239 Concord Road  
Marlborough, Massachusetts 01752  
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-3610

2018 JAN 18 A 9 58

**COMMISSIONERS**  
Brenda Calder  
Nancy Klein  
Robert Kays: Chairman  
Mark Vital  
Dennis Zilembo

**DIRECTOR**  
Charles Thebado

**PROGRAM MANAGER**  
Zachary Lambert

May 10, 2017

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 5:00pm., at the Recreation Commission Office.

**Present were Commission Members:** Chairman Kays, Commissioner Calder, Commissioner Klein, and Commissioner Vital.

**Also, attending:** Recreation Director Charles Thebado, Recreation Program Manager Zachary Lambert, Parks, Forestry and Cemetery General Foreman Chris White, Andrew Demarais, community merit badge Boy Scout and Mr. Demarais.

**Approval of minutes: 03-08-17**

On a motion duly made by Commissioner Klein and seconded by Commissioner Calder, it was unanimously:

**VOTED:** To accept 03-08-17 minutes.

**Parks Report:**

Mr. White gave the following updated report:

- Fields will be open soon. Upper Stevens, LeDuc and Martin Angelo will be open tomorrow.
- Down 4 personnel
- Turf Field is used by Marlborough High School and Youth Lacrosse
- Bauks -remove irrigation
- Beach – Trench Drain and Sand
- John Street Playground
- Skate Park – repair
- Ward nark – Mark- impressed  
80/20 Blue/Rye/overseed
- Hudson Street – environmental issues
- In the fall Parks Division inherited all school grass areas for maintenance.
- Pickle Ball – Redesign tennis court to eliminate use of Basketball court.
- Pickle Ball Team will provide 10 volunteers for Labor Day event.

The Commission thanked Mr. White for his report.

**Recreation Report: Mr. Thebado gave the following Recreation Report:**

- Letter to the Mayor regarding budget.
- Scheduling software – Rec Desk.
- Ft. Meadow Commission – Boat Ramp near beach dock.
- Project Spring adventure this week is going very well.
- Recreation is responsible to open/close Turf field.
- Bauks will be next turf field
- Office renovation is going very well. Looks great!
- Will assist Senior Center with the Movie night.
- Working to finalize all Summer Programs.

The Commission thank Mr. Thebado for his report.

Meeting adjourned at 5:58pm

Attest to:

Simela Perdikomatis  
Senior Clerk/Commission Secretary  
City of Marlborough Recreation Dept.



**CITY OF MARLBOROUGH**  
**RECREATION DEPARTMENT**  
 CITY CLERK'S OFFICE  
 65 Concord Road  
 Marlborough, Massachusetts 01752  
 Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-3610  
 2018 JAN 18 A 9:58

**COMMISSIONERS**  
 Brenda Calder  
 Nancy Klein  
 Robert Kays: Chairman  
 Mark Vital

**DIRECTOR**  
 Charles Thebado

**PROGRAM MANAGER**  
 Zachary Lambert

**September 13, 2017**

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 5:00pm, at the Recreation Commission Office.

**Present were Commission Members:** Chairman Kays, Commissioner Calder, Commissioner Klein, and Commissioner Vital.

**Also attending:** Recreation Director Charles Thebado, Recreation Program Manager Zachary Lambert, General Foreman Chris White.

**Approval of minutes 5-10-17**

On a motion duly made by Commissioner Kays and seconded by Commissioner Calder, it was unanimously:

**VOTED:** To accept 5-10-17 minutes.

**Parks Report:**

Mr. White gave the following updates:

- All fields are up and running as well as lined and marked.
- The parking capacity is being increased at Millham field. Removed brush and debris from city owned portion of property to make space for more parking.
- Marlborough Youth Baseball is planning on rehabilitating another baseball field.
- In July, fertilizer was put down on fields as well as irrigation at multiple fields throughout the city.
- John Street playground is completed and open, considering removal of fencing, residents using John St as dog park which is not it's intent.
- Kelleher Field has limited use Fall season.
- Memorial Beach building will be getting gutters and drainage installed to help with erosion.

**Recreation Report:**

Mr. Thebado gave the following updates:

- Both wading pools received updates including new mushroom caps and chemical feed systems. Chemical systems took a few weeks to adjust but had no major issues once up and running.
- No issues with algae this summer at Memorial Beach, board of health tested weekly.
- July 4<sup>th</sup> at Memorial Beach was very busy, next year we will be proposing locking the gates on July 3<sup>rd</sup> to make sure staff are in place before patrons enter. This year the parking lot was full before staff had showed up.
- "Movies in the Park" was a huge success, we are planning to do more in the Spring and Summer

at different locations throughout the city. At the event we gave out over 1000 free bags of popcorn and 500 free slushies. Also, had a bouncy house obstacle course and a gaming truck. We showed the movie Lego Batman.

- Project Summer Adventure sold out for the whole year.
- Concession Stand at Memorial beach worked out well, staff in place helped with shopping and restocking.
- Skyhawks and summer programs ran well and had no issues.
- The Splash Pad was opened at the end of the summer and will continue for a few more weeks if the weather cooperates. The recreation department is in charge of testing and maintaining moving forward. Different system than the wading pools, automatic feeders and operating system.
- The youth groups that use the Turf field have received a key to the field and are responsible for cleaning. The Recreation Department will meet with the youth groups at the end of the Fall season to go over what worked and things that can be improved.
- The boat launch now has kayak rentals. New hours at the boat launch, reduced hours due to low usage during week days.
- This Winter season we will be getting recreation software and have the capability to take online sign-ups.

**Motion to adjourned made by Commissioner Kays**

Meeting adjourned at 6:18pm

Attest to:

Zachary Lambert  
Program Manager  
Marlborough Recreation Dept.



# City of Marlborough Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

[LEGAL@MARLBOROUGH-MA.GOV](mailto:LEGAL@MARLBOROUGH-MA.GOV)

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
DONALD V. RIDER, JR.  
CITY SOLICITOR

2018 JAN 18 10:31 AM  
CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS  
PARALEGAL

January 18, 2018

Edward Clancy  
President  
Marlborough City Council

RE: Executive Session Request –  
Land Use Request Involving a Property Off Boston Post Road

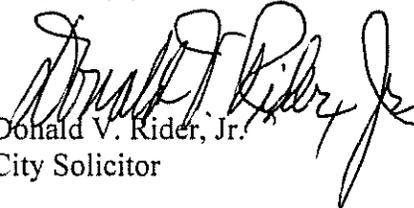
Dear President Clancy and Members:

I respectfully ask for a brief executive session with the Council on Monday evening to discuss pending litigation concerning a land use request involving a property off Boston Post Road.

I have enclosed a proposed motion, which includes re-convening in open session.

Thank you for your attention to this matter.

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

Enclosure (Motion)

**MOTION:**

It is moved, in conformance with MGL c. 30A, § 21(a)(3), that the Marlborough City Council conduct an executive session for the purpose of discussing strategy in pending litigation concerning a land use request involving a property off Boston Post Road, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough and the City Council, and the chair hereby declares that an open meeting may have that effect.

It is further moved and stated that the City Council will re-convene in open session after the executive session.