

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 FEB 22 P 1:22

1. Minutes, City Council Meeting, February 5, 2018.
2. PUBLIC HEARING: On Proposed Zoning Ordinance to further amend Chapter 650, § 650-59.C (11) entitled "Extension of time for action; leave to withdraw," as it pertains to Special Permit applications, Order No. 18-1007150.
3. PUBLIC HEARING: On the Proposed Zoning Ordinance to further amend Chapter 650, several subsections as it pertains to the Medical & Recreational Use of Marijuana, Order No. 18-1007163-1 & -2, X18-1007151.
4. From Urban Affairs Chairman Delano: Proposed Order Recreational Marijuana Moratorium with letter of support from the Mayor, X12/13/14-1005247I.
5. Communication from the Mayor re: New Elementary School Project.
6. Communication from the Mayor re: Mass Wildlife Management Grant awarded to the Conservation Commission in the amount of \$44,500.00 to hire a contractor to mow the shrub area and to remove dead girdled trees.
7. Communication from the Mayor re: Appointment to William Doherty to the Parks and Recreation Commission for a term to expire three years from date of City Council approval and recognize Dennis Zilembo who resigned.
8. Communication from the Mayor re: Appointment of Samantha Khosla to the Library Board of Trustees for a term to expire three years from date of City Council approval and recognize Ray Johnson's years of service.
9. Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Apex Center-Open Covenant and Restriction, Order No. 16/17/18-1006443WW.
10. Communication from Code Enforcement Officer, Pam Wilderman re: LED/Digital Price Display, Marlboro Car Care, 175 Lakeside Avenue.
11. Communication from Director LaScola, Department of Agricultural Resources, Division of Crop and Pest Services re: Apiary Program.
12. Communication from the Central MA Mosquito Control Project re: Budget Notification & Compliance Certification Policy.
13. Minutes, Conservation Commission, January 18, 2018.
14. Minutes, Public Library Board of Trustees, January 2, 2018.
15. Minutes, License Board, December 27, 2017.
16. Minutes, Board of Health, January 2, 2018.
17. Minutes, School Committee, January 9 & 23, 2018.
18. Minutes, Recreation Commission, January 17, 2018.
19. Minutes, OPEB, October 27, 2017.
20. CLAIMS:
 - a. John Nicholson, 302 Sudbury St., residential mailbox claim 2(a).
 - b. Anthony Ranallo, 120 Pleasant St., Unit 204, Watertown, pothole or other road defect.

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

- c. Shawn Lambert, 50 Hamilton Circle, pothole or other road defect.
- d. Sylvia Colon, 655 Boston Post Rd., Apt. 211, Sudbury, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

**RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH**

2018 FEB 22 A 11: 13



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

FEBRUARY 5, 2018

Regular meeting of the City Council held on Monday, February 5, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juare, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, and Irish. Absent: Landers. Meeting adjourned at 8:30 PM.

City Council President Clancy recognized Officer Zachary Attaway who was recently promoted to Sergeant.

ORDERED: That the Minutes of the City Council meeting JANUARY, 22, 2018, **FILE AS AMENDED**; adopted.

ORDERED: That the Communication from City Councilor Delano - Proposed Zoning Amendments – for Medical and Recreational Marijuana, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY FEBRUARY 26, 2017**; adopted.

ORDERED: Communication from the Mayor re: various mid-year transfer requests which moves funds from and to various accounts as noted in the attached refer to **FINANCE COMMITTEE**; adopted.

**CITY OF MARLBOROUGH
BUDGET TRANSFERS --**

DEPT: Department of Public Works/Public Facilities FISCAL YEAR: 2018

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$344,704.28	\$75,000.00	61090001	50740	Equipment Operator	\$75,000.00	14001304	53140	Contract Services	\$275,639.06
	Reason:	Vacant Position				Anticipated cost to cover remainder of FY18			
\$93,541.10	\$25,000.00	11920001	50292	Building Maint. Craftsman	\$25,000.00	11920006	52469	Repair & Maint. Bldgs.	\$99,531.71
	Reason:	Vacant Position				Anticipated cost to cover remainder of FY18			
\$84,370.56	\$60,000.00	14001406	54830	Fuel & Lubricants	\$60,000.00	11920006	53420	Telephone Services	\$26,828.65
	Reason:	Decrease cost of fuel				Anticipated cost to cover remainder of FY18			
\$160,000.00	Total				\$160,000.00	Total			

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Department of Public Works/Public Facilities

FISCAL YEAR: 2018

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$34,140.35</u>	<u>\$10,000.00</u>	<u>14001002</u>	<u>50062</u>	<u>Finance Asst.</u>	<u>\$88,000.00</u>	<u>14001505</u>	<u>54610</u>	<u>General Materials</u>	<u>\$42.21</u>
	Reason:	<u>Vacant Position</u>				<u>Anticipated cost to cover remainder of FY18</u>			
<u>\$35,837.09</u>	<u>\$18,000.00</u>	<u>14001002</u>	<u>50770</u>	<u>Senior Clerk</u>					
	Reason:	<u>Vacant Position</u>							
<u>\$178,022.19</u>	<u>\$60,000.00</u>	<u>14001101</u>	<u>50710</u>	<u>Jr. Civil Engineer</u>					
	Reason:	<u>Vacant Position</u>							
<u>\$401,441.82</u>	<u>\$60,000.00</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$79,000.00</u>	<u>14001506</u>	<u>54640</u>	<u>Park Maintance</u>	<u>\$13.07</u>
	Reason:	<u>Vacant Position</u>				<u>Anticipated cost to cover remainder of FY18</u>			
<u>\$131,784.22</u>	<u>\$19,000.00</u>	<u>50085001</u>	<u>50850</u>	<u>Sewage Tr Plt Operators</u>					
	Reason:	<u>Vacant Position</u>							
	<u>\$167,000.00</u>	Total			<u>\$167,000.00</u>	Total			

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Police Department

FY: 2018

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$372,563</u>	<u>\$15,000.00</u>	<u>12100003</u>	<u>51440</u>	<u>Educational Incentive</u>	<u>\$10,000.00</u>	<u>12100006</u>	<u>52560</u>	<u>Vehicle Maintenance & Rep</u>	<u>\$17,399</u>
	Reason:	<u>Surplus due to vacant positions</u>				<u>2 additonal cruisers in fleet, repairs to older cruisers</u>			
					<u>\$5,000</u>	<u>12100005</u>	<u>54220</u>	<u>Office Supplies/Expenses</u>	<u>\$9,589</u>
	Reason:					<u>Ammo, accreditation, additional class trainings</u>			
	<u>\$15,000.00</u>	Total			<u>\$15,000.00</u>	Total			

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT: Various		FROM ACCOUNT:				FISCAL YEAR: 2018				TO ACCOUNT:	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
\$15,000.00	\$15,000.00	15410006	57075	COA Transportation	\$9,900.00	11520006	57380	Conference & Training	\$3,289.70		
	Reason:	Received grant funding that has been used instead				To fund an opportunity expense not budgeted					
\$14,240.00	\$12,000.00	11620006	53871	Pollworkers	\$25,000.00	115430006	57710	Veterans Benefits	\$59,995.48		
		City wide preliminary municipal election not needed				More veterans seeking services than budgeted					
\$3,206.55	\$2,000.00	11620003	51460	Constables at Polls							
	Reason:	City wide preliminary municipal election not needed									
\$29,729.12	\$4,000.00	116100003	50860	Full Time Library Clerk							
	Reason:	Available due to vacancies									
\$19,709.38	\$1,900.00	116100003	51262	Library Pages							
	Reason:	Available due to vacancies									
	\$34,900.00	Total			\$34,900.00	Total					

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT: Various		FROM ACCOUNT:				FISCAL YEAR: 2018				TO ACCOUNT:	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
\$26,705.00	\$2,400.00	12410004	53140	Bldg-Contract Services	\$2,400.00	12410001	50090	Building Commissioner	\$30,937.17		
	Reason:	Outside services not needed thus far				To fund position thru June 30th					
\$851.42	\$700.00	14920003	51920	Recreation Sick Leave Buy	\$700.00	115430001	50080	Veterans Director	\$21,206.52		
		Less sick leave bought than budgeted				To fund position thru June 30th					
\$500,000.00	\$92,860.00	11990006	57820	Reserve for Salaries	\$8,600.00	11350002	50550	Auditor Head Clerk	\$24,522.20		
	Reason:							Retirement payout			
					\$3,000.00	11350003	51920	Auditor Sick Leave Buy	\$6.48		
	Reason:							Retirement payout			
					\$1,880.00	11350003	51430	Auditor Longevity	\$2.93		
	Reason:							Retirement payout			
					\$2,550.00	11330002	50062	Treasurer Finance Asst	\$53,765.96		
								Retirement payout			
					\$22,100.00	11330003	51920	Treasurer Sick Leave Buy	\$2.72		
								Retirement payout			
					\$110.00	11330003	51430	Treasurer Longevity	\$1,268.27		
								Retirement payout			
					\$15,270.00	12100001	50420	Police Officers	\$1,564,674.91		
								Retirement payout			
					\$34,350.00	12100003	51920	Police Sick Leave Buy	\$0.00		
								Retirement payout			
					\$5,000.00	12100001	50140	Police Chief	\$69,691.70		
								Accreditation stipend per contract			
	\$95,960.00	Total			\$95,960.00	Total					

- ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant acceptance from the Executive Office of Elder Affairs in the amount of \$65,019.00 to provide exercise programs, transportation, additional enrichment opportunities for seniors and administrative support; adopted.
- ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant acceptance from the Commonwealth of Massachusetts Emergency Management Agency (MEMA) in the amount of \$9,460.00 awarded to the Fire Department to purchase additional personal protective equipment; adopted.
- ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the FY18 Student Awareness of Fire Education (S.A.F.E.) & FY18 Senior Safe grants awarded to the Fire Department in the amounts of \$5,407.00 & \$2,813.00 respectively to create student and senior awareness of Fire Safety programs; adopted.
- ORDERED: That the Appointments of Christopher Russ & Greg Gallagher to the Planning Board for five-year terms to expire the first Monday in February 2023 and to thank Brian Dupont for his time on the Planning Board as he's not seeking reappointment, refer to **PERSONNEL COMMITTEE**; adopted.
- ORDERED: That the Reappointments of Barbara Fenby, Colleen Hughes, Sean Fay and Philip Hodge to the Planning Board for five-years terms which expire on the first Monday in February 2023, refer to **PERSONNEL COMMITTEE**; adopted.
- ORDERED: That the Communication and documents from the Metropolitan Area Planning Council re: 1) Multifamily Design Review Guidelines 2) Multifamily Development Review Criteria, 3) Background information on TDR, 4) MA Subsidized Housing Inventory for Marlborough & 5) Housing Needs Assessment, refer to **URBAN AFFAIRS COMMITTEE**; adopted.
- ORDERED: That the Communication from City Solicitor, Donald Rider, re: Application for LED Sign Special Permit, Mobil Gas Station, 656 Boston Post Road East, in proper legal form, **MOVED TO ITEM 23**; adopted.
- ORDERED: That the Communication from City Solicitor, Donald Rider, re: Application for LED Sign Special Permit, Halfway Café, 820 Boston Post Road East, in proper legal form, **MOVED TO ITEM 24**; adopted.
- ORDERED: That the Apex Sign Request of Dalla Nails, 115 Apex Drive, Unit 1, pursuant to Section 650-35H, **APPROVED**; adopted.
- ORDERED: That the Apex Sign Request of Batteries and Bulbs, 58 Apex Drive for (2) signs pursuant to Section 650-35H, **APPROVED**; adopted.
- ORDERED: That the Apex Sign Request of MindTrek Sign, 169-11 Apex Drive pursuant to Section 650-35H, **APPROVED**.
- ORDERED: That the Minutes, Conservation Commission, December 7, 2017, **FILE**; adopted.
- ORDERED: That the Minutes, Planning Board, December 18, 2017, **FILE**; adopted.
- ORDERED: That the Minutes, School Committee, November 4, 2017 & December 12, 2017, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, December 19, 2017, **FILE**; adopted.

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

- a. Ashley Gaulin & Robin Houde, 25 Shane's Lane, pothole or other road defect.
- b. Laurie Wynne, 151 Cameron Drive, residential mailbox claim 2(b).
- c. Thomas Oblak, 87 Fox Run Road, Bolton, pothole or other road defect.
- d. Carrie Pinkerton, PO Box 14670, Lexington, KY, other property damage and/or personal injury.
- e. Leslie Ruggiero, 122 Taylor Road, residential mailbox claim 2(a).

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Marlboro City Council Finance Committee
Monday January 29, 2018
In Council Chambers

Finance Committee Members Present: Chairman Ossing; Councilors Robey, Oram, Irish and Dumais.

Finance Committee Members Absent: None

Other Councilors in Attendance: Councilor Clancy.

The meeting convened at 7:00 PM.

1. **Order No. 18-1007152 – Transfer \$32,960.00 to Fund the Assistant Building Commissioner Position** - The Finance Committee reviewed the Mayor's letter dated January 18, 2018 requesting the transfer of \$32,960.00 from the Building Department Local Inspector account to the Assistant Building Commissioner account. The Assistant Building Commissioner position is necessary for the Building Department to be able to retain an experienced local inspector who will also assist with the management of the Department. The Finance Committee voted 5 - 0 to approve the transfer.

The Finance Committee agreed to support suspending the rules at the February 5, 2018 City Council meeting to approve the transfer.

The Finance Committee adjourned at 7:09 PM.

Suspension of the Rules requested – granted.

ORDERED: That the 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, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Inspections				FISCAL YEAR:		2018		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$83,662.63	\$32,960.00	12410001	50260	Local Inspector	\$32,960.00	12410001	50095	Asst Bldg Commissioner	\$0.00	
	Reason:	Funds available due to creation of new position and vacancy of Building Commissioner				To fund through June 30, 2018				
	\$32,960.00	Total			\$32,960.00	Total				

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, **DENIED**; adopted.

Suspension of the Rules requested to remove from Table – granted.

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, refer to **OPERATIONS & OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Appointment of William Dunbar to the Conservation Commission for a three-year term, **APPROVED**; adopted.

ORDERED: That the Appointment of Joseph Bisol to the Council on Aging for a four-year term, refer to **APPROVED**; adopted.

ORDERED:

**DECISION ON AN LED SIGN SPECIAL PERMIT
IN CITY COUNCIL**

LED Sign Special Permit
Global Montello Group Corp.
656 Boston Post Road East
Order No. 17/18-1007068D

**DECISION ON AN LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 17/18-1007068D**

The City Council of the City of Marlborough hereby **GRANTS** the application for Sign Special Permit to Global Montello Group Corp., 800 South Street, Suite 500, Waltham, Massachusetts, as provided in this Decision and subject to the following Procedural Findings, Findings of Facts and Conditions.

PROCEDURAL FINDINGS

1. The owner of the property located at 656 Boston Post Road East in Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 61, Parcel 2 (the "Site"), is Global Montello Group Corp., 800 South Street, Suite 500, Waltham, MA 02454 (the "Owner"). A Mobil gas station and a convenience store are located at the Site.
2. By application dated September 28, 2017, JSP Land Development (the "Applicant"), on behalf of the Owner, applied to the Building Commissioner for approval of changes to signage at the Mobil gas station.
3. On October 11, 2017, the City of Marlborough Code Enforcement Officer notified the Applicant in writing that, in order for the Owner to use an LED (light emitting diode) sign showing current gas prices at the Site, the Applicant would need to obtain from the Marlborough City Council an LED sign special permit under Section 526-13, entitled "Electronic Message Center Signs and Digital Display Signs," of the Sign Ordinance.
4. By application dated October 24, 2017, the Applicant submitted to the City Clerk for the City of Marlborough an LED Sign Permit Application (the "Application"). The Application seeks an LED sign special permit pursuant to Section 526-13, in order for the Owner to use an LED sign displaying current fuel prices at the Site as well as LED pump toppers displaying current fuel prices on the fuel pump dispensers.
5. In connection with the Application, the Applicant submitted a picture of the existing pylon sign at the Site and a drawing of the LED sign as proposed for the Site (the "Pylon Sign") in which the four manual price panels in the main pylon sign is proposed to be removed and replaced with two LED price panels for regular gas and diesel prices.
6. Also in connection with the Application, the Applicant also submitted a drawing of new LED pump toppers proposed to be installed on 4 fuel pump dispensers displaying prices for 3 gas products, and a drawing of new LED pump toppers proposed to be installed on 4 other fuel pump dispensers displaying prices for 4 fuel products (3 gas and 1 diesel) (the "Pump Topper Signs").

7. The Marlborough City Council held a public hearing on the Application on Monday, December 18, 2017.
8. The Applicant presented testimony at the public hearing that the changeable portion of the Pylon Sign would be used to advertise gas prices which the Applicant stated is crucial to the success of the Owner's business. There was no one else speaking in favor, no questions from the public, and no one speaking in opposition.
9. The Applicant further presented its Application at the Urban Affairs Committee meeting held on January 9, 2018.

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

- A. The Applicant has complied with all the rules and regulations promulgated by the Marlborough City Council as they pertain to an application for an LED sign special permit under Section 526-13 of the Sign Ordinance.
- B. The City Council finds that the proposed Pylon Sign and Pump Topper Signs (collectively, the "LED Signs") comply with the standards set forth in Section 526-13.B of the Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the LED Signs do not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the LED Signs do not substantially block visibility of signs on abutting lots; the LED Signs do not substantially block solar access of, or view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the LED Signs is appropriate; and the dimensions of the LED Signs comply with the area limitations of the Sign Ordinance.
- D. The City Council, pursuant to its authority under Section 526-13 of the Sign Ordinance, hereby GRANTS the Applicant an LED Sign Special Permit for the LED Signs, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Owner, its successors and/or assigns:

CONDITIONS

1. The LED Signs shall be operated in accordance with the Sign Ordinance of the City of Marlborough; and in addition, a) the LED Signs shall be turned off when the gas station is not open for business, b) the LED Signs shall only display numerical digits for the fuel prices and shall not display or depict any picture, whether moving or static, and c) all other extraneous signage shall be removed from the Site.

2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application/hearing process before the City Council and/or the Urban Affairs Committee, are incorporated into and become part of this LED Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

APPROVED; adopted.

ORDERED:

**DECISION ON AN LED SIGN SPECIAL PERMIT
IN CITY COUNCIL**

LED Sign Special Permit
Boston Post Associates, LLC
820 Boston Post Road East (Halfway Café)
Order No. 17/18-1007069D

**DECISION ON AN LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 17/18-1007069D**

The City Council of the City of Marlborough hereby **GRANTS** the application for an LED Sign Special Permit to Boston Post Associates, LLC, 30 Eastbrook Road, Suite 303, Dedham, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The owner of the property located at 820 Boston Post Road Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 61, Parcel 21 (the "Site"), is Boston Post Associates, LLC, 30 Eastbrook Road, Suite 303, Dedham, MA 02026 (the "Owner").
2. By application dated June 26, 2017, Signarama (the "Applicant"), on behalf of the Owner, applied to the Building Commissioner for approval of an LED sign at the Site.
3. On July 11, 2017, the City of Marlborough Code Enforcement Officer notified the Applicant in writing that, in order for the Owner to use an LED (light emitting diode) sign at the Site, the Applicant would need to obtain from the Marlborough City Council an LED sign special permit under Section 526-13, entitled "Electronic Message Center Signs and Digital Display Signs," of the Sign Ordinance.
4. By application dated October 24, 2017, the Applicant submitted to the City Clerk for the City of Marlborough an LED Sign Permit Application (the "Application"). The Applicant seeks an LED sign special permit pursuant to Section 526-13, to operate on an existing pole an internally illuminated LED sign with a 31" by 66" (14.2 square feet) electronic message board.
5. In connection with the Application, the Applicant has submitted a photograph of the existing pole sign at the Site and a photosimulation of the LED sign as proposed for the Site (the "Sign").

6. The Marlborough City Council held a public hearing on the Application on Monday, December 18, 2017.
7. The Applicant presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.
8. The Applicant further presented its Application at the Urban Affairs Committee meeting held on January 9, 2018.

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 application for a special permit under the EMC and Digital Display Sign Ordinance.
- B. The City Council finds that the Sign complies with the standards set forth in Section 526-13.B of the EMC and Digital Display Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or the view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the EMC and Digital Display Sign Ordinance.
- D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby GRANTS the Applicant an LED special permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Owner, its successors and/or assigns:

CONDITIONS

1. The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough, and in addition the Sign shall at no time show or depict any picture, whether moving or static.
2. All plans and/or other documentation provided by the Applicant as part of the Application, and as amended during the Application/hearing process before the City Council and/or the Urban Affairs Committee, are incorporated into and become part of this LED Sign Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

APPROVED; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:30 PM.



IN CITY COUNCIL

Marlborough, Mass., JANUARY 22, 2018

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.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY FEBRUARY 26, 2017.**

ADOPTED

ORDER NO. 18-1007150
X17-1007030



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 5, 2018

PAGE 1

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 deleting in its entirety the use entitled "Medical Marijuana Treatment Centers" and by inserting in place thereof the following:

	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
Medical Marijuana											
Treatment Centers (45)	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 (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 local and state laws, standards and regulations, and ordinances including without limitation § 650-32 of the Zoning Ordinance of the City of Marlborough, any conditions imposed on licenses and permits held by the Medical Marijuana Treatment Center, agreements between the Medical Marijuana Treatment Center and the City of Marlborough, and a Special Permit from the City Council (the "Special Permit Granting Authority").

IN CITY COUNCIL



Marlborough, Mass., FEBRUARY 5, 2018

PAGE 2

ORDERED:

3. Section 650-32 entitled "Medical Marijuana Treatment Centers" is hereby deleted in its entirety and inserted in place thereof shall be the following:

§650-32 MEDICAL MARIJUANA TREATMENT CENTER

- A. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, and 105 CMR 725.000, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of a center for medical marijuana treatment within the City of Marlborough, but will instead regulate such centers. A Medical Marijuana Treatment Center should provide medical support, security, oversight by a physician, and standards that meet or exceed 105 CMR 725.000. These Centers should not compete to provide streamlined care to patients and should not provide a location for patients to wait for treatment in the vicinity of children. Therefore, to ensure that these Centers are located in such a way as to not pose a direct threat to the health or safety of either qualifying patients or the public at large, the provisions of this section will apply to all such Centers.
- B. In the interpretation of this chapter, the meanings of words and phrases shall be according to the definitions included in Chapter 94I of the Massachusetts General Laws and 105 CMR 725.00, as amended, unless the context shows another sense to be intended. For purposes of this chapter, the following definitions shall also apply:

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.

IN CITY COUNCIL



ORDERED:

Marlborough, Mass., FEBRUARY 5, 2018

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MEDICAL MARIJUANA shall mean all parts of the plant *Cannabis sativa L.*, 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. It 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. The term also includes MIPs except where the context clearly indicates otherwise.

MEDICAL MARIJUANA TREATMENT CENTER shall refer to the site(s) of dispensing, cultivation, and preparation of marijuana; shall mean a not-for-profit entity registered under 105 CMR 725.100 and known thereunder as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (MIPs), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers; and shall be subject to the regulations under § 650-32 of this Ordinance.

MEDICAL USE OF MARIJUANA shall mean the acquisition, cultivation, possession, processing (including development of related products such as Marijuana-Infused Products (MIPs) that are to be consumed by eating or drinking, tinctures, aerosols, oils, or ointments), transfer, transport, sale, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

IN CITY COUNCIL



Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

- C. In such zoning districts where a Special Permit is required for Medical Marijuana Treatment Center, 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 payment of a community impact fee;
 11. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Department of Public Health and/or the Cannabis Commission;
 12. 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 and/or Cannabis Commission;
 13. Requiring employees to undergo a criminal background check, including but not limited to CORI and an additional background check, by the Police Chief who shall have the authority to disapprove the employment of any person(s) as a result of said background check;
 14. Requiring surveillance cameras, capable of 24-hour video recording, archiving recordings and ability to immediately produce images, in, on, around or at the premises;

IN CITY COUNCIL



Marlborough, Mass., FEBRUARY 5, 2018

PAGE 5

ORDERED:

15. Prohibiting the sale of any materials or items unrelated to the purposes of registration by the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Commission, including, without limitation, tobacco products, clove cigarettes or e-cigarettes;
 16. The ability for the Business to:
 - a. provide a secure indoor waiting area for clients;
 - b. provide an adequate pick-up/drop-off area;
 - c. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals; and
 - d. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Business, and its impact on neighboring uses;
 17. Signs and signage; and
 18. Names of businesses, business logos and symbols, subject to state and federal law and regulations.
- 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. Applicants for a Special Permit shall be subject to Site Plan Review under § 270-2 of the Code of the City of Marlborough.
- F. A Medical Marijuana Treatment Center shall not be located:
- a. Within a radius of five hundred (500) feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; and
 - b. Within a radius of five hundred (500) feet of a daycare center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.

The five hundred (500) foot distance in these section F. 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 Medical Marijuana Treatment Center would be located.



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Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

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

PERSON

An individual, non-profit entity, or a for profit entity.

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

Be and is herewith refer to URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY FEBRUARY 26, 2018.

ADOPTED

ORDER NO. 18-1007163-1
X18-1007151



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 5, 2018

PAGE 1

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 deleting in its entirety the use entitled "Medical Marijuana Treatment Centers" and by inserting in place thereof the following:

Medical Marijuana Treatment Centers (45)	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
	N	N	N	N	N	N	SP	N	SP	N	N

2. Section 650-17, entitled "Table of Uses," is hereby amended by inserting a new section for the use entitled "Recreational (adult use) marijuana retail" as follows:

Recreational (adult use) marijuana retail and marijuana accessories retail (46)	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
	N	N	N	N	N	N	SP	N	SP	N	N

3. Section 650-17, entitled "Table of Uses," is hereby amended by inserting a new section for the uses entitled "Medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter" as follows:

Medical and/or recreational marijuana, cultivator independent testing laboratory product manufacturer or transporter (47)	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
	N	N	N	N	N	N	N	N	SP	SP	N



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Marlborough, Mass., FEBRUARY 5, 2018

PAGE 2

ORDERED:

4. 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:
 - (d) 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;
 - (e) Shall have frontage on Massachusetts State Highway Route 20 (Boston Post Road); and
 - (f) Shall be subject to the provisions of local and state laws, standards and regulations, local ordinances including without limitation § 650-32 of the Zoning Ordinance of the City of Marlborough, any conditions imposed on licenses and permits held by the Medical Marijuana Treatment Center, agreements between the Medical Marijuana Treatment Center and the City of Marlborough, and a Special Permit from the City Council (the "Special Permit Granting Authority").

5. Section 650-18, entitled "Conditions for Uses," is hereby amended by adding to said section a new paragraph (46), as follows:
 - (46) Recreational (adult use) marijuana retail and marijuana accessories retail:
 - (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

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Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

- (c) Shall be subject to the provisions of local and state laws, standards and regulations, local ordinances including without limitation § 650-32 of the Zoning Ordinance of the City of Marlborough, any conditions imposed on licenses and permits held by the recreational (adult use) marijuana retail business or marijuana accessories retail business, agreements between a recreational (adult use) marijuana retail business or marijuana accessories retail business and the City of Marlborough including, with respect to the recreational (adult use) marijuana retail business, a host community agreement, and a Special Permit from the City Council (the "Special Permit Granting Authority").
- 6. Section 650-18, entitled "Conditions for Uses," is hereby amended by adding to said section a new paragraph (47), as follows:
 - (47) Medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter:
 - (a) Shall only be located within those portions of the I and LI Districts located west of Massachusetts State Highway Route 495;
 - (b) Shall be limited in number to one (1) of each type (cultivator, independent testing laboratory, product manufacturer or transporter), but in no event fewer than the number of Medical Marijuana Treatment Centers registered to engage in the same type of activity in the City of Marlborough;
 - (c) Shall be subject to the provisions of local and state laws, standards and regulations, local ordinances including without limitation § 650-32 of the Zoning Ordinance of the City of Marlborough, any conditions imposed on licenses and permits held by the Medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter, agreements between the Medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter and the City of Marlborough, and a Special Permit from the City Council (the "Special Permit Granting Authority");



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Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

- (d) All aspects of a medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter concerning marijuana or products containing marijuana, related supplies or educational materials must take place in a fixed location within a fully enclosed building, with the exception of the actual transport of marijuana, marijuana products and related supplies, and shall not be visible from the exterior of the building;
 - (e) No outside storage of marijuana, related supplies, equipment, or educational materials is permitted; and
 - (f) No marijuana shall be smoked, vaped, eaten or otherwise consumed, ingested, inhaled, dermally applied or injected on the premises of a medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter.
7. Section 650-32 entitled "Medical Marijuana Treatment Centers" is hereby deleted in its entirety and inserted in place thereof shall be the following:

§650-32 MEDICAL MARIJUANA TREATMENT CENTERS;
 RECREATIONAL (ADULT USE) MARIJUANA RETAIL AND
 MARIJUANA ACCESSORIES RETAIL; MEDICAL/RECREATIONAL
 MARIJUANA CULTIVATOR, INDEPENDENT TESTING
 LABORATORY, PRODUCT MANUFACTURER OR TRANSPORTER

- G. MEDICAL MARIJUANA TREATMENT CENTER: Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, and 105 CMR 725.000, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of a center for medical marijuana treatment within the City of Marlborough, but will instead regulate such centers. A Medical Marijuana Treatment Center should provide medical support, security, oversight by a physician, and standards that meet or exceed 105 CMR 725.000. These Centers should not compete to provide streamlined care to patients and should not provide a location for patients to wait for treatment in the vicinity of children. Therefore, to ensure that these Centers are located in such a way as to not pose a direct threat to the health or safety of either qualifying patients or the public at large, the provisions of this section will apply to all such Centers.

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ORDERED:

Marlborough, Mass., FEBRUARY 5, 2018
PAGE 5

- H. RECREATIONAL (ADULT USE) MARIJUANA RETAIL AND MARIJUANA ACCESSORIES RETAIL: 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, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of recreational (adult use) marijuana retail business locations and marijuana accessories business locations 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.
- I. MEDICAL/RECREATIONAL MARIJUANA CULTIVATOR, INDEPENDENT TESTING LABORATORY, PRODUCT MANUFACTURER OR TRANSPORTER: Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, 105 CMR 725.00 and 935 CMR 500.00, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of cultivators, independent testing laboratories, product manufacturers, or transporters, for the purposes of medical marijuana or recreational (adult use) marijuana, 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.
- J. In the interpretation of this chapter, the meanings of words and phrases shall be according to the definitions included in Chapter 94I of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, and 935 CMR 500.00, and 105 CMR 725.00, all as amended, unless the context shows another sense to be intended. For purposes of this chapter, the following definitions shall also apply:

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ORDERED:

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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.

MARIJUANA ACCESSORIES shall mean equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, injecting, inhaling or otherwise introducing marijuana into the body.



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ORDERED:

MEDICAL AND/OR RECREATIONAL (ADULT USE) MARIJUANA CULTIVATOR, INDEPENDENT TESTING LABORATORY, PRODUCT MANUFACTURER OR TRANSPORTER as used herein, medical and/or recreational (adult use) “marijuana cultivator” means an entity licensed to cultivate, process and package marijuana, to deliver to other marijuana cultivators, independent testing laboratories, product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, but not to consumers; “independent testing laboratory” means a laboratory that is licensed by the Cannabis Control Commission and is (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the commission, (ii) independent financially from any Medical Marijuana Treatment Center or any licensee or marijuana establishment for which it conducts a test, and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94G, s. 34; “marijuana product manufacturer” means an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana cultivators, independent testing laboratories, product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, but not to consumers; “marijuana transporter” means an entity, not otherwise licensed by the Cannabis Commission, that is licensed to purchase, obtain, and possess marijuana and marijuana products solely for the purpose of transporting, temporary storage, sale and distribution to marijuana establishments, not for sale to consumers.

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.



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Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

MEDICAL MARIJUANA shall mean all parts of the plant *Cannabis sativa* L., 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. It 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. The term also includes MIPs except where the context clearly indicates otherwise.

MEDICAL MARIJUANA TREATMENT CENTER shall refer to the site(s) of dispensing, cultivation, and preparation of marijuana; shall mean a not-for-profit entity registered under 105 CMR 725.100 and known thereunder as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (MIPs), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers; and shall be subject to the regulations under Section 650-32 of this ordinance.

MEDICAL USE OF MARIJUANA shall mean the acquisition, cultivation, possession, processing (including development of related products such as Marijuana-Infused Products (MIPs) that are to be consumed by eating or drinking, tinctures, aerosols, oils, or ointments), transfer, transport, sale, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

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ORDERED:

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RECREATIONAL (ADULT USE) 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.

RECREATIONAL (ADULT USE) MARIJUANA RETAIL shall refer to the retail location(s) accessible to consumers and open to the public where an entity licensed and registered under 935 CMR 500.00, as amended, as a Marijuana Retailer to purchase and deliver marijuana and products and to deliver, sell or otherwise transfer marijuana and marijuana products to consumers and to marijuana establishments, as defined in 935 CMR 500.002, shall be subject to the regulations under Section 650-32 of this ordinance.

- K. In such zoning districts where a Special Permit is required for a Recreational (adult use) marijuana retail and marijuana accessories retail, Medical Marijuana Treatment Center, Medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter, 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:



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Marlborough, Mass., _____ FEBRUARY 5, 2018

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ORDERED:

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 payment of a community impact fee;
11. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Department of Public Health and/or the Cannabis Commission;
12. 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 and/or Cannabis Commission;
13. Requiring employees to undergo a criminal background check, including but not limited to CORI and an additional background check, by the Police Chief who shall have the authority to disapprove the employment of any person(s) as a result of said background check;
14. Requiring surveillance cameras, capable of 24-hour video recording, archiving recordings and ability to immediately produce images, in, on, around or at the premises;
15. Prohibiting the sale of any materials or items unrelated to the purposes of registration by the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Commission, including, without limitation, tobacco products, clove cigarettes or e-cigarettes;

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ORDERED:

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16. The ability for the Business to:
 - a. provide a secure indoor waiting area for clients;
 - b. provide an adequate pick-up/drop-off area;
 - c. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals; and
 - d. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Business, and its impact on neighboring uses;
 17. Signs and signage; and
 18. Names of businesses, business logos and symbols, subject to state and federal law and regulations.
- L. 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.
- M. Applicants for a Special Permit shall be subject to Site Plan Review under § 270-2 of the Code of the City of Marlborough.
- H. The number of Special Permits issued to marijuana retail businesses shall not exceed the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Licensing Board pursuant to section 15 of chapter 138 of the Massachusetts General Laws.
- I. A Medical Marijuana Treatment Center shall not be located:
- c. Within a radius of five hundred (500) feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; or
 - d. Within a radius of five hundred (500) feet of a daycare center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.



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Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

- J. A recreational (adult use) marijuana retail business or a marijuana accessories retail business shall not be located:
- a. Within a radius of five hundred (500) feet of 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. Within a radius of five hundred (500) feet of a daycare center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.
- K. A medical and/or recreational marijuana cultivator, independent testing laboratory, product manufacturer or transporter shall not be located:
- a. Within a radius of five hundred (500) feet of 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. Within a radius of five hundred (500) feet of a daycare center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.

The five hundred (500) foot distance in these sections I, J, and K, 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 Medical Marijuana Treatment Center, recreational (adult use) marijuana retail business, marijuana accessories retail business, or medical and/or recreational marijuana cultivator, independent testing laboratory, product manufacturer or transporter would be located.

- L. Unless otherwise provided in a City-wide vote pursuant to § 3(b) of chapter 94G of the Massachusetts General Laws to allow the sale of marijuana or marijuana products for consumption on the premises where sold, no marijuana retail business shall allow the consumption of marijuana products in the interior or exterior premises of the establishment.
- M. 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 (adult) use of marijuana.

IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

N. Nothing contained in 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 medical use of marijuana inside a Medical Marijuana Treatment Center.

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

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY FEBRUARY 26, 2018.**

ADOPTED

ORDER NO. 18-1007163-2
X18-1007151

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 650-5, entitled “Definitions, Word Usage,” is hereby amended by adding to said section the following definitions:

MARIJUANA ESTABLISHMENT: a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, marijuana delivery-only retailer, marijuana social consumption primary use establishment, marijuana social consumption mixed-use establishment, craft marijuana cooperative, marijuana transporter, marijuana micro-business, or any other type of licensed marijuana-related business, including but not limited to medical marijuana treatment centers which convert to or collocate with any of the aforementioned classes of marijuana establishments.

RECREATIONAL MARIJUANA: marijuana subject to regulation under 935 CMR 500.00, entitled “Adult Use of Marijuana,” as promulgated by the Massachusetts Cannabis Control Commission, the laws of the Commonwealth of Massachusetts, and the regulations and ordinances of the City of Marlborough.

MARIJUANA ACCESSORIES: equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

2. A new Section 650-37, entitled “TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND THE SALE OF MARIJUANA ACCESSORIES,” is hereby added, as follows:

650-37 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND THE SALE OF MARIJUANA ACCESSORIES

A. Purpose

By vote of the state election on November 8, 2016, the voters of the Commonwealth approved a law, Chapter 334 of the Acts of 2016, which regulates the cultivation, distribution, possession and use of marijuana for recreational purposes. By act of the Legislature, Chapter 351 of the Acts of 2016, the Cannabis Control Commission must issue initial regulations by March 15, 2018 and begin accepting applications for licenses by April 1, 2018. The Cannabis Control Commission must also adopt final regulations by July 1, 2018.

Pursuant to section 3 of chapter 94G of the Massachusetts General Laws, a municipality may adopt zoning regulations that impose reasonable safeguards on the operation of marijuana establishments. Chapter 334 of the Acts of 2016 also established the Cannabis Advisory Board to, among other things, advise on the preparation of regulations. It is expected that the Legislature, the Cannabis Control Commission, and the Cannabis Advisory Board's will provide guidance to the City concerning the regulation of recreational marijuana establishments and marijuana retailers.

B. Temporary Moratorium

The regulation of recreational marijuana establishments and the sale of marijuana accessories raises complex and novel legal, planning, and public safety issues. The City intends to adopt a temporary moratorium on the use of land and structures in the City for the purpose of recreational marijuana establishments and the sale of marijuana accessories. The temporary moratorium will provide the City with time to study, plan, consider and promulgate ordinances to address said complex and novel issues, including but not limited to assessing and incorporating State regulations, in a manner consistent with sound land use planning goals and objectives.

For the reasons sets forth above, and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for or by recreational marijuana establishments and the sale of marijuana accessories, as herein defined, including but not limited to accessory uses and home occupations. During the moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana in the City; consider Cannabis Control Commission regulations regarding recreational marijuana establishments, the sale of marijuana accessories, and related uses; consider such guidance as may be provided by the Legislature, the Cannabis Control Commission, and the Cannabis Advisory Board; determine whether the City shall restrict any or all recreational marijuana establishments, the sales of marijuana accessories or related uses through any available legal means, adopt provisions of the Zoning Code to address the impact and operation of recreational marijuana establishments, the sale of marijuana accessories, and related uses; and consider such other and further matters as set forth in M.G.L. c. 94G, § 3, M.G.L. c. 64N, § 3, and 935 CMR 500.000. The moratorium shall be in effect through December 31, 2018 or the adoption by the City Council of ordinances that address recreational marijuana establishments, the sale of marijuana accessories, and related uses, whichever occurs first in time.

ADOPTED

In City Council
Order No 18-

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

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

February 22, 2018

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

Re: Recreational Marijuana Moratorium

Honorable President Clancy and Councilors:

I write in support of the proposed order to enact a temporary zoning moratorium on recreational marijuana establishments in the City of Marlborough. Since the Mayor is not permitted by state law or the City Charter to submit a zoning amendment, I have requested that Councilor Delano submit this order for review. As proposed, the moratorium will expire on December 31, 2018 or upon the adoption by the City Council of ordinances that address marijuana establishments.

I support potentially amending our zoning code to allow recreational marijuana establishments and changing where medical marijuana establishments are permitted; however, it is necessary for the City to be able to take its time to adopt these ordinances.

I was advised during meetings with the Massachusetts Municipal Association that municipalities ought to have a moratorium in place if a final zoning ordinance is not adopted by April 1, 2018. Ambiguity in our zoning code could result in potential legal challenges about whether or not recreational marijuana establishments are permitted. A moratorium will make it clear that they are not permitted while we collaboratively evaluate the zoning code for a long-term solution.

To expedite the adoption of this moratorium, I have requested that the Planning Board hold a public hearing with the City Council in March. In addition, I have discussed with a Board member why this moratorium is a prudent decision.

Again, I request your support of this temporary moratorium proposal. Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



RECEIVED
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CITY OF MARLBOROUGH
2018 FEB 22 A 11: 05

City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
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Arthur G. Vigeant
MAYOR

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EXECUTIVE SECRETARY

February 22, 2018

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

Re: New Elementary School Project

Honorable President Clancy and Councilors:

Please find enclosed for your review, a bond authorization request in the amount of \$56,418,338 for a new K-5 elementary school for 610 students located on Poirier Drive. This request is the culmination of a multiyear process to determine the best long-term school project for the City of Marlborough. This project will achieve several crucial goals, including reducing overcrowding at the elementary school level, while also returning fifth graders to Marlborough's elementary schools where they belong.

We are partnering with the Massachusetts School Building Authority (MSBA) on this project. Pending approval by the MSBA Board of Directors on April 10, 2018, we will secure grant funding from the MSBA to reduce this project's costs for our taxpayers.

If the MSBA approves this project in April, Marlborough will have 120 days after their approval to secure local funding authorization. I have provided you with this request now so that the City Council has ample time to review this proposal.

There have been several major changes to this project since I presented the project to you in September, most crucially the procurement of a new project architect.

The School Building Committee and I chose to enter the MSBA Model School Program. This program allows communities to utilize a model school already constructed and in use in another Massachusetts school district. After a competitive procurement process, we hired Mount Vernon Group to use the elementary school design they designed first for New Bedford and then for Athol.

The use of this model school design means that the proposed new school will be a different design from what we previously presented to you, but one that still conforms to the educational program that Marlborough Public Schools administration and staff teach.

The new design also means that there are changes to how the school project will fit on Poirier Drive. The original design had parking on the "Red field" with the building on the "White" field.

Now, both the school facility and parking will be located on the Red Field. We also plan to perform a thorough renovation of the white field as part of this project.

The most significant change from the original design that we were working on is the drastic reduction in projected cost. While we were still in the preliminary stages of the process with the former design, the costs that I presented to you in September estimated a total of \$67.5 million for the new school.

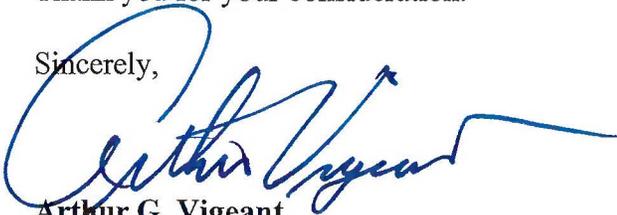
I'm pleased to submit to you our revised budget. Our maximum total estimated cost for this design and the amount I am requesting your approval for is \$56,418,338. Not all costs are reimbursable by the MSBA. This means that although our reimbursement rate with incentive points included is 67.71, the MSBA will not reimburse a full 67 percent of the costs. We currently project that the MSBA's maximum grant will be \$30,129,753, but this is subject to review by the MSBA. Marlborough's total share is approximately \$26,288,585. Again, while our total project budget figure will not increase, the amount the MSBA may contribute is subject to change. I will update the City Council if there are any changes to the grant amount.

This is the biggest investment that we will be making together in Marlborough's future. I firmly believe that the goals of this project, which include bringing the 5th grade down to the new four elementary schools from the 1LT Charles W. Whitcomb School will have a lasting impact on educational outcomes for our children.

There are many facets to this project. I have enclosed additional supporting information, but, I look forward to meeting with you to discuss in detail. I will be available along with the Marlborough Public Schools administration, Mount Vernon Group, and my financial team to answer any questions you may have.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Arthur G. Vigeant", with a long horizontal flourish extending to the right.

Arthur G. Vigeant
Mayor

Enclosures

List of enclosed documents:

- Draft vote language
- Project Budget
- Site plan, facility photos, and other documentation:
 1. Site Plan
 2. Preliminary Site Analysis
 3. Floor Plan for the First Floor
 4. Floor Plan for the Second Floor
 5. East and West Elevations
 6. North and South Elevations
 7. Photo of the Lincoln Elementary School in New Bedford
 8. Photo of the Lincoln Elementary School in New Bedford
 9. Photo of the Lincoln Elementary School in New Bedford
 10. Photo of the Lincoln Elementary School in New Bedford
 11. Photo of the Community Elementary School in Athol
 12. Photo of the Community Elementary School in Athol
 13. Interior photo of the Community Elementary School in Athol – classroom
 14. Interior photo of the Community Elementary School in Athol – classroom
 15. Interior photo of the Community Elementary School in Athol – media center
 16. Interior photo of the Community Elementary School in Athol
 17. Interior photo of the Community Elementary School in Athol – courtyard
 18. Interior photo of the Community Elementary School in Athol – cafetorium
 19. Project Schedule
- Traffic Study Report
- Educational Space Summary

ORDERED:

That the City of Marlborough appropriate the amount of Fifty-Six Million, Four Hundred Eighteen Thousand, Three Hundred and Thirty-Eight Dollars (\$56,418,338) for the purpose of paying the cost of a proposed new K-5 Elementary School to be constructed in Marlborough, MA on an existing athletic field located on a portion of land on Poirier Drive, which land is owned by the City of Marlborough and known and numbered on the Assessors Map of the City of Marlborough as Map 30 Parcel 12, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the City of Marlborough may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation, the Comptroller/Treasurer is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City of Marlborough acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City of Marlborough incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Marlborough; provided further that any grant that the City of Marlborough may receive from the MSBA for the proposed Project shall not exceed the lesser of (1) sixty-seven and seventy-one hundredths percent (67.71%) of eligible approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that, if invited to collaborate with the MSBA on said Project, the amount of borrowing which is authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Marlborough and the MSBA.

ADOPTED
In City Council
Order No 18-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

Total Project Budget

Marlborough
Elementary School Project

School Building Committee Reviewed on:

2/21/2018

Total Project Budget: All costs associated with the project are subject to 963 CMR 2.16(5)	Estimated Budget	Scope Items Excluded from the Estimated Basis of Maximum Facilities Grant or Otherwise Ineligible	Estimated Basis of Maximum Total Facilities Grant ¹	Estimated Maximum Total Facilities Grant ¹
Feasibility Study Agreement				
<i>OPM Feasibility Study</i>	\$155,000	\$0	\$155,000	
<i>A&E Feasibility Study</i>	\$807,200	\$0	\$807,200	
<i>Environmental & Site</i>	\$30,000	\$0	\$30,000	
<i>Other</i>	\$7,800	\$0	\$7,800	
Feasibility Study Agreement Subtotal	\$1,000,000	\$0	\$1,000,000	\$677,100
Administration				
<i>Legal Fees</i>	\$15,000	\$15,000	\$0	\$0
Owner's Project Manager				
<i>Design Development</i>	\$125,000	\$0	\$125,000	
<i>Construction Contract Documents</i>	\$175,000	\$0	\$175,000	
<i>Bidding</i>	\$47,000	\$0	\$47,000	
<i>Construction Contract Administration</i>	\$880,000	\$0	\$880,000	
<i>Closeout</i>	\$40,000	\$0	\$40,000	
<i>Extra Services</i>	\$15,000	\$0	\$15,000	
<i>Reimbursable & Other Services</i>	\$0	\$0	\$0	
<i>Cost Estimates</i>	\$0	\$0	\$0	
<i>Advertising</i>	\$3,000	\$0	\$3,000	
<i>Permitting</i>	\$0	\$0	\$0	
<i>Owner's Insurance</i>	\$50,000	\$0	\$50,000	
<i>Other Administrative Costs</i>	\$0	\$0	\$0	
Administration Subtotal	\$1,350,000	\$15,000	\$1,335,000	\$903,929
Architecture and Engineering				
Basic Services				
<i>Early Site Package</i>	\$200,000	\$0	\$200,000	
<i>Construction Contract Documents</i>	\$1,178,392	\$0	\$1,178,392	
<i>Bidding</i>	\$80,000	\$0	\$80,000	
<i>Construction Contract Administration</i>	\$620,000	\$0	\$620,000	
<i>Closeout</i>	\$63,000	\$0	\$63,000	
<i>Other Basic Services</i>	\$0	\$0	\$0	
Basic Services Subtotal	\$2,141,392	\$0	\$2,141,392	
Reimbursable Services				
<i>Construction Testing</i>	\$100,000	\$0	\$100,000	
<i>Printing (over minimum)</i>	\$30,000	\$0	\$30,000	
<i>Other Reimbursable Costs</i>	\$20,000	\$0	\$20,000	
<i>Hazardous Materials</i>	\$0	\$0	\$0	
<i>Geotech & Geo-Env.</i>	\$60,000	\$0	\$60,000	
<i>Site Survey</i>	\$45,000	\$0	\$45,000	
<i>Wetlands</i>	\$40,000	\$0	\$40,000	
<i>Traffic Studies</i>	\$0	\$0	\$0	
Architectural/Engineering Subtotal	\$2,436,392	\$0	\$2,436,392	\$1,649,681
CM & Risk Preconstruction Services				
<i>Pre-Construction Services</i>	\$0	\$0	\$0	\$0
Site Acquisition				
<i>Land / Building Purchase</i>	\$0	\$0	\$0	
<i>Appraisal Fees</i>	\$0	\$0	\$0	
<i>Recording fees</i>	\$0	\$0	\$0	
Site Acquisition Subtotal	\$0	\$0	\$0	\$0
Construction Costs				
SUBSTRUCTURE				
<i>Foundations</i>	\$1,726,416	\$0		
<i>Basement Construction</i>	\$0	\$0		
SHELL				
<i>SuperStructure</i>	\$4,288,148	\$0		
<i>Exterior Closure</i>	\$4,533,265	\$0		
<i>Exterior Walls</i>	\$0	\$0		
<i>Exterior Windows</i>	\$0	\$0		
<i>Exterior Doors</i>	\$0	\$0		
<i>Roofing</i>	\$1,695,254	\$0		

Total Project Budget

Marlborough
Elementary School Project

School Building Committee Reviewed on:

2/21/2018

Total Project Budget: All costs associated with the project are subject to 963 CMR 2.16(5)	Estimated Budget	Scope Items Excluded from the Estimated Basis of Maximum Facilities Grant or Otherwise Ineligible	Estimated Basis of Maximum Total Facilities Grant ¹	Estimated Maximum Total Facilities Grant ¹
INTERIORS				
Interior Construction	\$3,574,619	\$0		
Staircases	\$128,263	\$0		
Interior Finishes	\$2,150,515	\$0		
SERVICES				
Conveying Systems	\$131,100	\$0		
Plumbing	\$1,493,450	\$0		
HVAC	\$5,032,350	\$0		
Fire Protection	\$608,187	\$0		
Electrical	\$3,587,477	\$0		
EQUIPMENT & FURNISHINGS				
Equipment	\$946,200	\$0		
Furnishings	\$1,137,880	\$0		
SPECIAL CONSTRUCTION & DEMOLITION				
Special Construction	\$0	\$0		
Existing Building Demolition	\$0	\$0		
In-Bldg. Hazardous Material Abatement	\$0	\$0		
Asbestos Cont'g Floor Mat'l Abatement	\$0	\$0		
Other Hazardous Material Abatement	\$0	\$0		
BUILDING SITEWORK				
Site Preparation	\$1,918,840	\$0		
Site Improvements	\$1,646,547	\$0		
Site Civil / Mechanical Utilities	\$640,435	\$0		
Site Electrical Utilities	\$308,000	\$0		
Other Site Construction	\$2,750,000	\$0		
Scope Excluded Site Cost		\$4,781,332		
Construction Trades Subtotal	\$38,294,946	\$4,781,332		
Contingencies (Design and Pricing)	\$3,560,000	\$444,485		
D/B/B Sub-Contractor Bonds	\$431,000	\$53,813		
D/B/B Insurance	\$512,000	\$63,926		
D/B/B General Conditions	\$3,120,000	\$389,549		
D/B/B Overhead & Profit	\$1,174,000	\$146,580		
GMP Insurance	\$0	\$0		
GMP Fee	\$0	\$0		
GMP Contingency	\$0	\$0		
Escalation to Mid-Point of Construction	\$740,000	\$92,393		
Overall Excluded Construction Cost		\$4,751,347		
Construction Budget	\$47,831,946	\$10,723,425	\$37,108,521	\$25,126,179
Alternates				
Ineligible Work Included in the Base Project	\$0	\$0	\$0	
Alternates Included in the Total Project Budget	\$0	\$0	\$0	
Alternates Excluded from the Total Project Budget	\$0	\$0	\$0	
Subtotal to be Included in Total Project Budget	\$0	\$0	\$0	\$0
Miscellaneous Project Costs				
Utility Company Fees	\$75,000	\$0	\$75,000	
Testing Services	\$0	\$0	\$0	
Swing Space / Modulers	\$0	\$0	\$0	
Other Project Costs (Mailing & Moving)	\$40,000	\$10,000	\$30,000	
Misc. Project Costs Subtotal	\$115,000	\$10,000	\$105,000	\$71,096
Furnishings and Equipment				
Furniture, Fixtures and Equipment	\$915,000	\$0	\$915,000	
Technology	\$720,000	\$0	\$720,000	
FF&E Subtotal	\$1,635,000	\$0	\$1,635,000	\$1,107,059
Soft Costs that exceed 20% of Construction Cost		\$0		

Total Project Budget

Marlborough
Elementary School Project

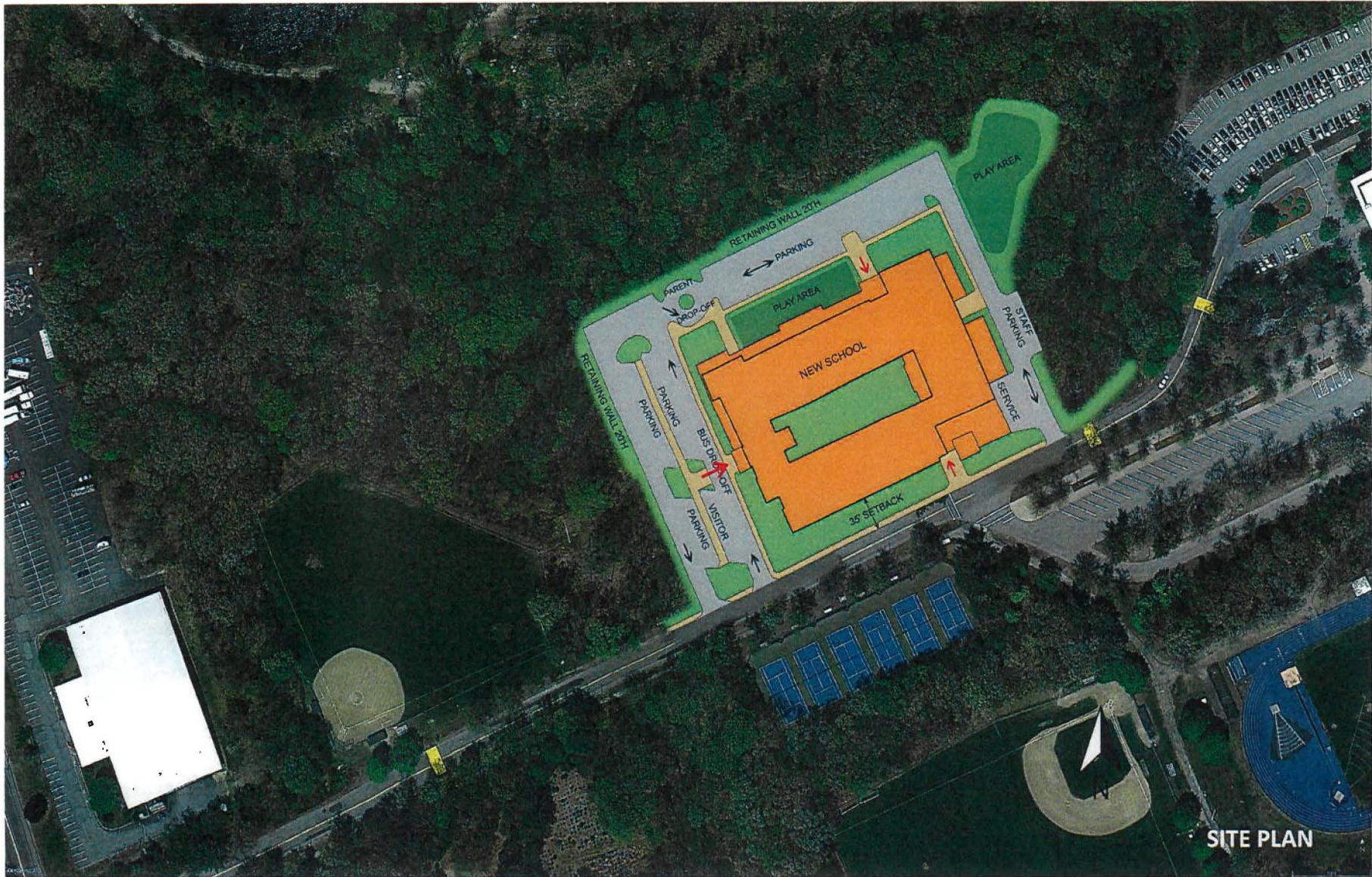
School Building Committee Reviewed on:

2/21/2018

Total Project Budget: All costs associated with the project are subject to 963 CMR 2.16(5)	Estimated Budget	Scope Items Excluded from the Estimated Basis of Maximum Facilities Grant or Otherwise Ineligible	Estimated Basis of Maximum Total Facilities Grant ¹	Estimated Maximum Total Facilities Grant ¹
Project Budget	\$54,368,338	\$10,748,425	\$43,619,913	\$29,535,042.92

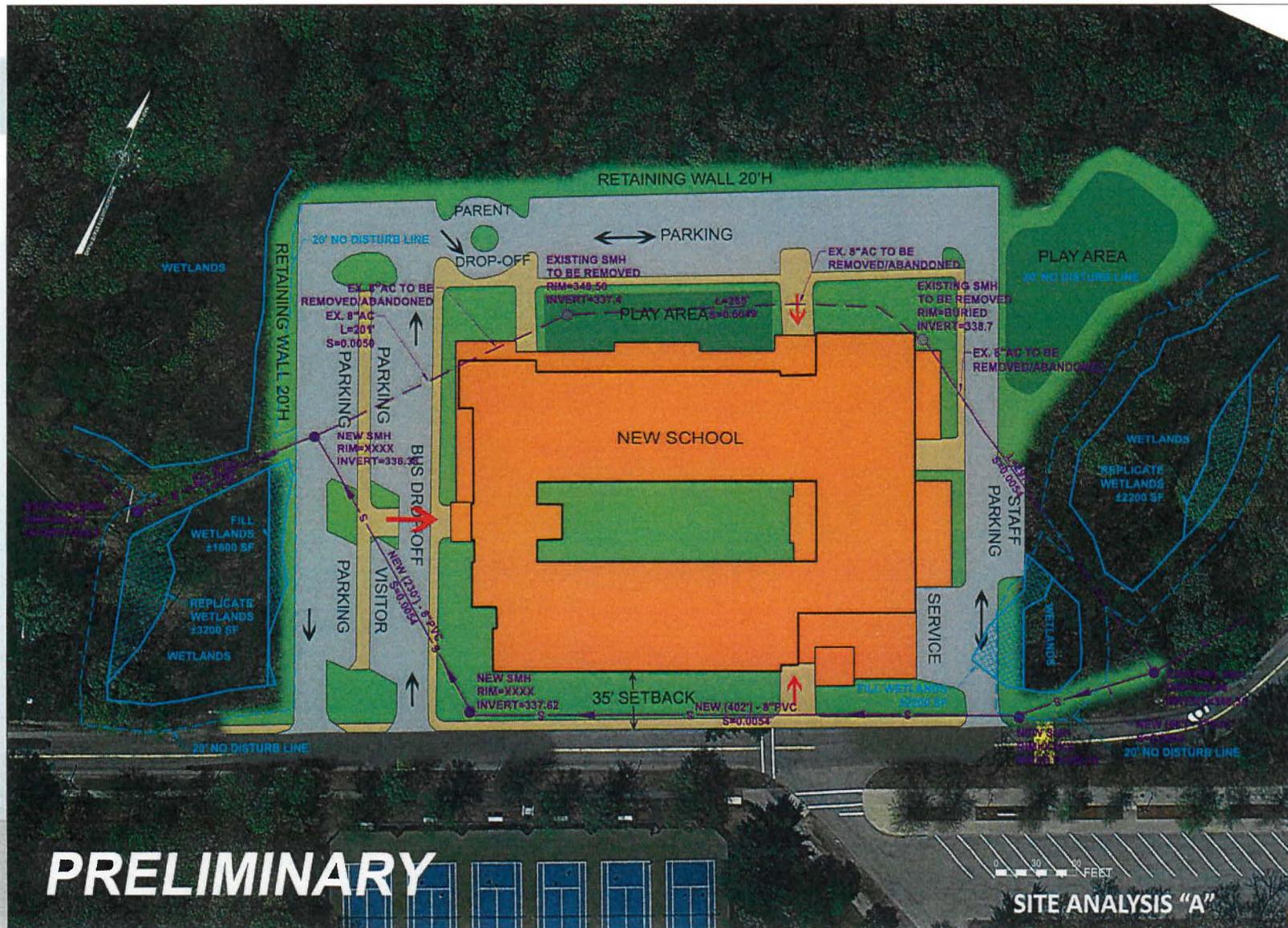
Board Authorization		64.08 Reimbursement Rate Before Incentive Points
Design Enrollment	610	3.63 Total Incentive Points
Total Building Gross Floor Area (GSF)	111,437	67.71% MSBA Reimbursement Rate
Total Project Budget (excluding Contingencies)	\$54,368,338	NOTES This template was prepared by the MSBA as a tool to assist Districts and consultants in understanding MSBA policies and practices regarding potential impact on the MSBA's calculation of a potential Basis of Total Facilities Grant and potential Total Maximum Facilities Grant. This template does not contain a final, exhaustive list of all evaluations which the MSBA may use in determining whether items are eligible for reimbursement by the MSBA. The MSBA will perform an independent analysis based on a review of information and estimates provided by the District for the proposed school project that may or may not agree with the estimates generated by the District using this template.
Scope Items Excluded or Otherwise Ineligible	\$10,748,425	
Third Party Funding (Ineligible)	\$0	
Estimated Basis of Maximum Total Facilities Grant ¹	\$43,619,913	
Reimbursement Rate	67.71%	
Est. Max. Total Facilities Grant (before recovery) ¹	\$29,535,043	
Cost Recovery ²	\$0	
Estimated Maximum Total Facilities Grant ¹	\$29,535,043	1. Does not include any potentially eligible contingency funds and is subject to review and audit by the MSBA.

Construction Contingency ³	\$1,650,000	2. The proposed demolition of the ____ School is expected to result in the MSBA recovering a portion of state funds previously paid to the District for the ____ project at the existing facilities completed in _____. The MSBA will perform an independent analysis based on a review of information and estimates provided by the District for the proposed school project that may or may not agree with the estimated cost recovery generated by the District and its consultants using this template.
Ineligible Construction Contingency ³	\$1,171,681	
"Potentially Eligible" Construction Contingency ³	\$478,319	3. Pursuant to Section 3.20 of the Project Funding Agreement and the applicable policies and guidelines of the Authority, any project costs associated with the reallocation or transfer of funds from either the Owner's contingency or the Construction contingency to other budget line items shall be subject to review by the Authority to determine whether any such costs are eligible for reimbursement by the Authority. All costs are subject to review and audit by the MSBA.
Owner's Contingency ³	\$400,000	
Ineligible Owner's Contingency ³	\$0	
"Potentially Eligible" Owner's Contingency ³	\$400,000	
Total Potentially Eligible Contingency ³	\$878,319	
Reimbursement Rate	67.71%	
Potential Additional Contingency Grant Funds ³	\$594,710	
Maximum Total Facilities Grant	\$30,129,753	
Total Project Budget	\$56,418,338	



SITE PLAN

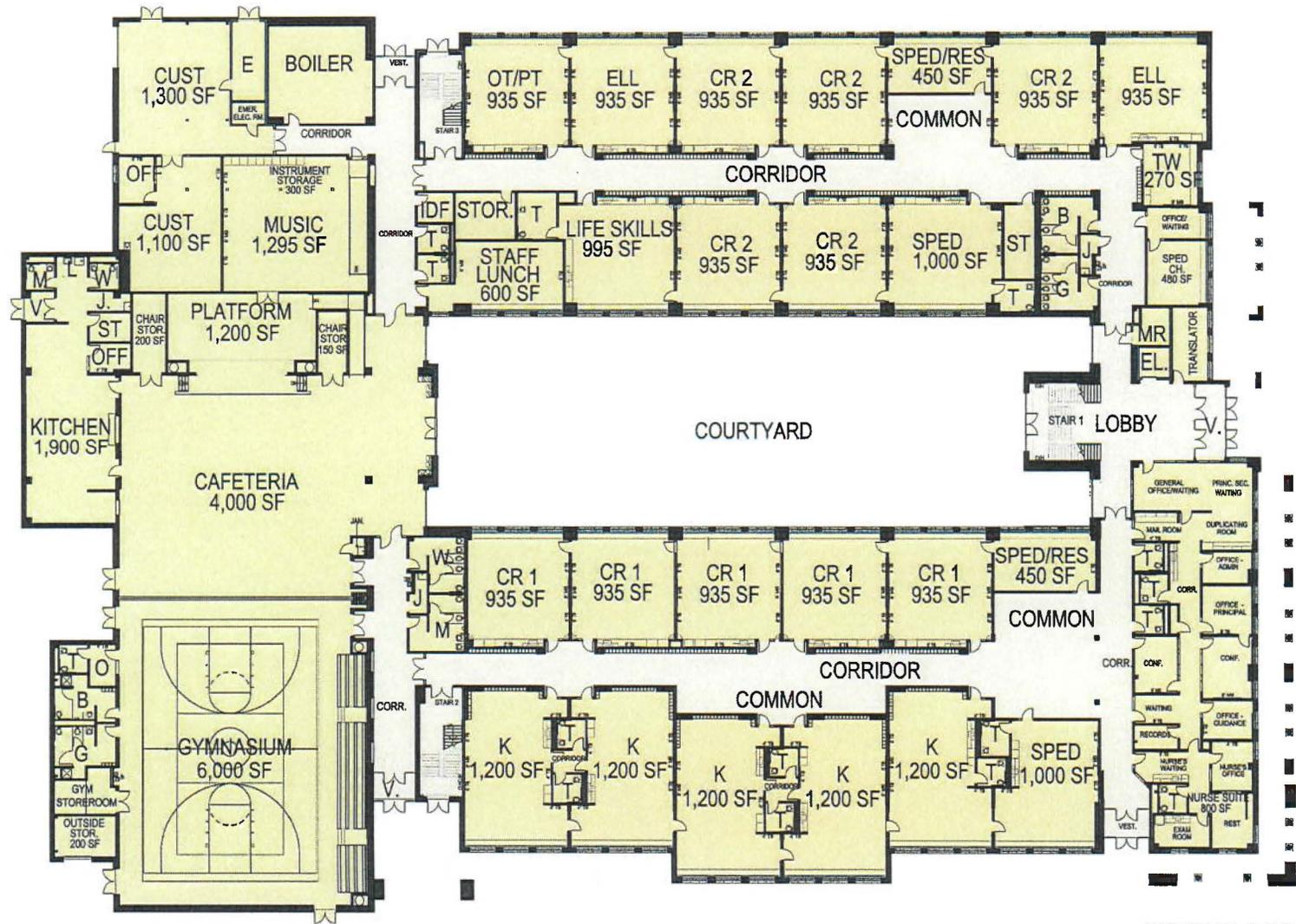




PRELIMINARY

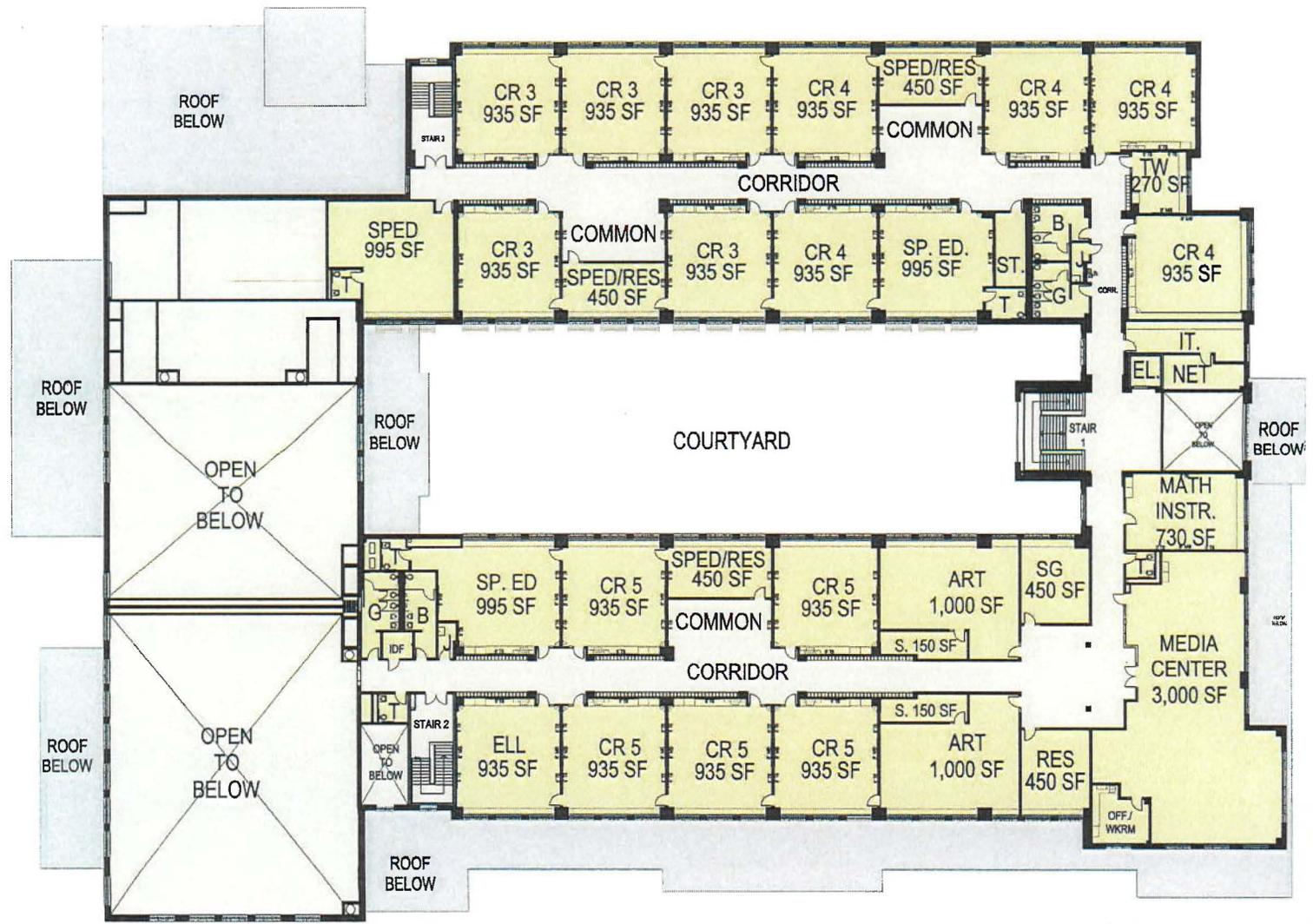
SITE ANALYSIS "A"

MVG



FIRST FLOOR



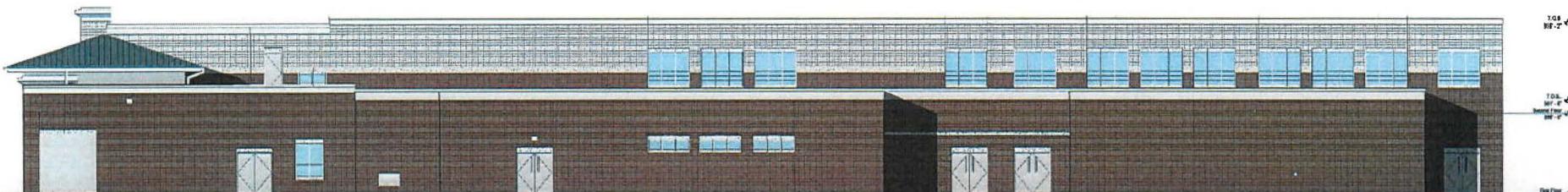


SECOND FLOOR





WEST ELEVATION



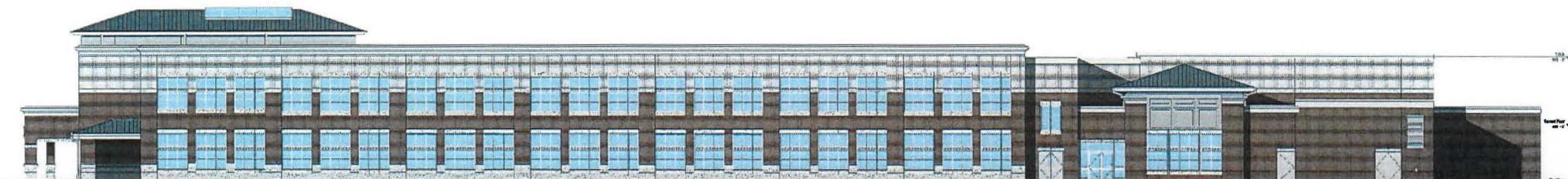
EAST ELEVATION

ELEVATIONS





NORTH ELEVATION



SOUTH ELEVATION

ELEVATIONS















Indoor Environments





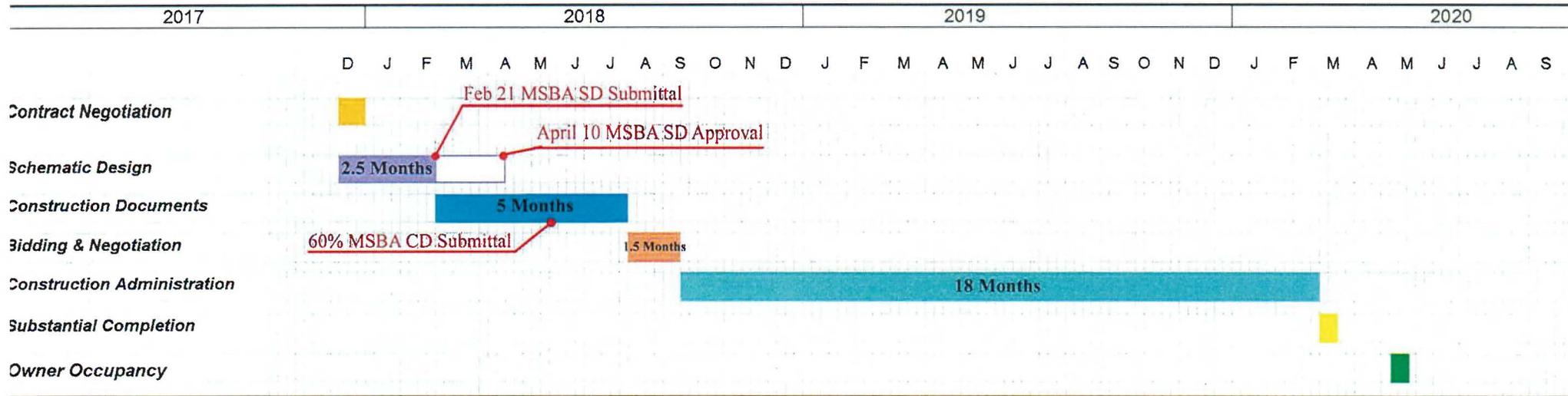








Accelerated Schedule





Richer Elementary School
Marlborough, MA

Transportation Impact Study

October 27, 2017

Prepared for:

Lamoureux Pagano Architects
108 Grove Street, Suite 300
Worcester, MA 01605

Submitted by:

Nitsch Engineering
2 Center Plaza, Suite 430
Boston, MA 02108

Nitsch Project #11969.

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1 INTRODUCTION

Nitsch Engineering has been retained by Lamoureux Pagano Architects (LPA) to prepare a qualitative assessment of safety, traffic circulation, and traffic access/egress, associated with the feasibility study and schematic design for the proposed Richer Elementary School project located in Marlborough, Massachusetts.

The Project includes construction of a new elementary school building and grounds on the site adjacent to the existing Marlborough High School, located at 431 Bolton Street in Marlborough.

The report describes the project area, presents traffic counts (taken in 2017), and analyzes existing and future traffic operating efficiency. The traffic data is used to determine the traffic circulations, overall operations, and to evaluate the traffic impacts of the proposed school.

The standards used for analysis conform to the 2009 edition of the Manual on Uniform Traffic Control Devices (MUTCD) and the 2010 edition of the Highway Capacity Manual.

The following conditions are analyzed in this report:

- Existing Conditions 2017;
- Future 2024 No-Build;
- Future 2024 Build; and
- Future 2024 No-Build with Mitigation;

Figure 1 is the Locus Map showing the new school and the surrounding roadway network.

Figure 2 shows the existing conditions of the school site.



Figure 1: Locus Map
Richer Elementary School
Marlborough, MA



Figure 2: Existing Conditions
Richer Elementary School
Marlborough, MA

Data Source: MassGIS
Nitsch Project #11969



2 EXISTING CONDITIONS

2.1 Study Area Roadways

To examine the existing conditions, we studied and collected data at the following roadways:

1. Bolton Street (Route 85);
2. Hudson Street;
3. Poirier Drive;
4. Union Street;
5. Thresher Drive;
6. Stevens Street; and
7. Lafreniere Drive.

Bolton Street (Route 85)

Bolton Street (Route 85) is classified by the Massachusetts Department of Transportation (MassDOT) as a rural major connector or urban minor arterial and runs in the north-south directions. Bolton Street is present between the Hudson Town line at its north terminus and Maple Street/John Street in Marlborough at its south terminus. The posted speed limit along the roadway is 35 miles per hour. The land use along Bolton Street is primarily residential. The roadway is within the jurisdiction of the City of Marlborough.

Hudson Street

Hudson Street is classified by MassDOT as a local roadway and runs in the northeast-southwest directions. Hudson Street is present between Bolton Street at its east terminus and Mechanic Street at its southwest terminus in Marlborough. The roadway within the study area does not have a posted speed limit. The land use is primarily residential or open space. The roadway is within the jurisdiction of the City of Marlborough.

Poirier Drive

Poirier Drive is classified by MassDOT as a local roadway and runs in the east-west directions. Poirier Drive is present between Bolton Street at its west terminus and Lafreniere Drive at its east terminus in Marlborough. The posted speed limit along the roadway is 10 miles per hour. The roadway is within the jurisdiction of the City of Marlborough.

Union Street

Union Street is classified by MassDOT as an urban collector or rural minor collector rural major connector or urban minor arterial and runs in the east-west directions. Union Street is present between Hudson Street in Marlborough at its west terminus and Stevens Street in Marlborough at its east terminus. The posted speed limit along the roadway is 25 miles per hour. The land use along Union Street is primarily residential. The roadway is within the jurisdiction of the City of Marlborough.

Thresher Drive

Thresher Drive is classified by MassDOT as a local roadway and runs in the south-north directions. Thresher drive is present between Union Street at its south terminus and Whitcomb Middle School at its north terminus in Marlborough. The roadway within the study area does not have a posted speed limit. The roadway is within

the jurisdiction of the City of Marlborough.

Stevens Street

Stevens Street is classified by MassDOT as an urban collector or rural minor collector rural major connector or urban minor arterial and runs in the northeast-southwest directions. Stevens Street is present between Hosmer Street in Marlborough at its northeast terminus and E. Main Street in Marlborough at its southwest terminus. The posted speed limit along the roadway is 30 miles per hour, but reduces to 20 miles per hour at the study area. The land use along Stevens Street is primarily residential. The roadway is within the jurisdiction of the City of Marlborough.

Lafreniere Drive

Lafreniere Drive is classified by MassDOT as a local roadway and runs in the south-north directions. Lafreniere Drive is present between Stevens Street at its south terminus and Poirier Drive at its north terminus in Marlborough. The roadway within the study area does not have a posted speed limit. The roadway is within the jurisdiction of the City of Marlborough.

2.2 Study Area Intersections

To examine the existing conditions, we included the following intersections in the study area. The intersection locations are shown in Figure 3.

1. Bolton Street (Route 85) at Hudson Street;
2. Bolton Street (Route 85) at Poirier Drive;
3. Bolton Street (Route 85) at Union Street
4. Union Street at Thresher Drive;
5. Union Street at Stevens Street; and
6. Stevens Street at Lafreniere Drive.

Bolton Street (Route 85) at Hudson Street

Bolton Street (Route 85) and Hudson Street intersect as a four-way signalized intersection with Bolton Street approaching from the south and north, Hudson Street approaching from west, and Navin Arena driveway approaching from east. Crosswalks are present at all approaches.

From the south, Bolton Street is a two-way roadway with one lane in each direction, separated by a double yellow centerline. The approach to the intersection consists of two lanes. The left lane permits a left turn only movement that transitions to the west on Hudson Street, and the right lane permits a through movement and a right turn that transitions to the east onto Navin Arena driveway. Bolton Street is approximately 42 feet wide at the intersection. Bituminous concrete sidewalks are present on both sides of Bolton Street.

From the north, Bolton Street is a two-way roadway with one lane in each direction, separated by a double yellow centerline. The approach to the intersection consists of two lanes. The left lane permits a left turn only movement that transitions to the east on Navin Arena driveway, and the right lane permits a through movement and a right turn that transitions to the west onto Hudson Street. Bolton Street is approximately 42 feet wide at the intersection. Bituminous concrete sidewalks are present on both sides of Bolton Street.

From the west, Hudson Street is a two-way roadway with one lane in each direction, separated by a double yellow centerline. The approach to the intersection consists of two lanes. The left lane permits a through movement and a left turn that transitions to the north to Bolton Street, and the right lane permits a right only movement that transitions to south to Bolton Street. Hudson Street is approximately 50 feet wide at the intersection. Bituminous concrete sidewalk is present on north side of Hudson Street.

From the east, Navin Arena driveway is a two-way roadway with one lane in each direction, separated by a raised bituminous concrete median. The approach to the intersection consists of one lane to permit through, left, and right movements that transition to the west on Hudson Street and south and north on Bolton Street. The Driveway is approximately 40 feet wide at the intersection. No sidewalks are present at this approach.

The semi actuated traffic signal operates in four phases. The following movements are permitted or protected, as noted, during each of the phases.

First phase:

- Bolton Street southbound, permitted phase for left-turn onto Navin Arena; and
- Bolton Street northbound, permitted phase for left-turn onto Hudson Street.

Second phase:

- Bolton Street northbound, protected phase for left-turn onto Hudson Street.

Third phase (if actuated):

- Hudson Street eastbound; and
- Navin Arena driveway westbound

Fourth phase:

- Exclusive pedestrian phase for crossing Bolton Street northbound, Bolton Street southbound, Hudson Street eastbound, and Navin Arena westbound.

Bolton Street (Route 85) at Poirier Drive

Bolton Street (Route 85) and Poirier Drive intersect as a three-way unsignalized intersection, with Bolton Street approaching from the north and south, and Poirier Drive approaching from the east. Bolton Street operates freely with no control. Poirier Drive approach is "STOP" controlled. A crosswalk is present at the south side of the intersection.

At the intersection, Bolton Street is approximately 39 feet wide and contains one travel lane in each direction. Poirier Drive is approximately 28 feet wide and contains one travel lane in each direction. Continuous bituminous concrete sidewalks are present on both sides of Bolton Street, and the south side of Poirier Drive.

Bolton Street (Route 85) at Union Street

Bolton Street (Route 85) and Union Street intersect as a four-way signalized intersection with Bolton Street approaching from the south and north, and Union Street approaching from east and west. Crosswalks are present at the southbound, eastbound and westbound approaches.

From the south, Bolton Street is a two-way roadway with one lane in each direction, separated by a double yellow centerline. The approach to the intersection consists of two lanes. The left lane permits a left turn only movement that transitions to the west on Union Street, and the right lane permits a through movement and a right turn that transitions to the east onto Union Street. Bolton Street is approximately 36 feet wide at the intersection. Cement concrete sidewalks are present on both sides of Bolton Street.

From the north, Bolton Street is a two-way roadway with one lane in each direction, separated by a double yellow centerline. The approach to the intersection consists of two lanes. The left lane permits a left turn only movement that transitions to the east on Union Street, and the right lane permits a through movement and a right turn that transitions to the west onto Union Street. Bolton Street is approximately 40 feet wide at the intersection. Bituminous concrete sidewalks are present on both sides of Bolton Street.

From the west, Union Street is a two-way roadway with one lane in each direction, separated by a double yellow centerline. The approach to the intersection consists of one lane to permit through, left, and right movements that transition to the east on Union Street and south and north on Bolton Street. Union Street is approximately 38 feet wide at the intersection. Bituminous concrete sidewalk is present on both sides of Union Street.

From the east, Union Street is a two-way roadway with one lane in each direction, separated by a double yellow centerline. The approach to the intersection consists of one lane to permit through, left, and right movements that transition to the west on Union Street and south and north on Bolton Street. Union Street is approximately 32 feet wide at the intersection. Bituminous concrete sidewalk is present at the north side of Union Street.

The pre-timed traffic signal operates in three phases. The following movements are permitted or protected, as noted, during each of the phases.

First phase:

- Bolton Street southbound, permitted phase for left-turn onto Union Street; and
- Bolton Street northbound, permitted phase for left-turn onto Union Street.

Second phase:

- Exclusive pedestrian phase for crossing Bolton Street southbound, Union Street eastbound, and Union Street westbound.

Third phase (if actuated):

- Union Street eastbound; and
- Union Street westbound

Union Street at Thresher Drive

Union Street, and Thresher Drive intersect as a three-way unsignalized intersection, with Union Street approaching from the east and west, and Thresher Drive approaching from the north. Union Street operates freely with no control. Thresher Drive operates under "STOP" control. A crosswalk is present at the north side of the intersection.

At the intersection, Union Street is approximately 31 feet wide and contains one travel lane in each direction. Thresher Drive is approximately 28 feet wide and contains one travel lane in each direction. Continuous bituminous concrete sidewalks are present on both sides of Union Street and the east side of Thresher Drive.

Union Street at Stevens Street

Union Street, and Stevens Street intersect as a three-way "ALL STOP" controlled intersection, with Union Street approaching from the west, and Stevens Street approaching from the north and south. A crosswalk is present at the north side of the intersection, across Stevens Street.

At the intersection, Union Street is approximately 41 feet wide and contains one travel lane in each direction. Stevens Street is approximately 43 feet wide and contains one travel lane in each direction. Continuous bituminous concrete sidewalks are present on the north side of Union Street and the east side of Stevens Street.

Stevens Street at Lafreniere Drive

Stevens Street, and Lafreniere Drive intersect as a three-way unsignalized intersection, with Stevens Street approaching from the northeast and southwest, and Lafreniere Drive approaching from the north. Stevens Street operates freely with no control. Lafreniere Drive operates under "STOP" control. Crosswalks are present at the west of the intersection across Stevens Street and north of the intersection across Lafreniere Drive.

At the intersection, Stevens Street is approximately 26 feet wide and contains one travel lane in each direction. Lafreniere Drive is approximately 22 feet wide and contains one travel lane in each direction. Continuous bituminous concrete sidewalks are present on north side of Stevens Street and the west side of Lafreniere Drive.



Figure 3. Intersection Locations
Richer Elementary School
Marlborough, MA

3 SAFETY ANALYSIS

3.1 Crash Data

Nitsch Engineering reviewed the crash data available from MassDOT for the three most recent years available – 2012 to 2014 – for the study intersections. A summary of the crashes, including the severity and the manner of collision are shown in Table 1.

Table 1 - Crash Summary

Location	Number of Crashes			Severity				Manner of Collision					Percent During	
	Year	Total Crashes	Average	PD ^a	PI ^b	NR ^c	F ^d	A ^e	RE ^f	HO ^g	Other ^h	Incl. Ped-Bike ^j	Peak Hours ^k	Wet/Icy Conditions
Bolton St at Hudson St	2012	2	1.00	2	0	0	0	2	0	0	0	0	0%	0%
	2013	0		0	0	0	0	0	0	0	0	0	0%	0%
	2014	1		1	0	0	0	0	1	0	0	0	0%	0%
Bolton St at Poirier Dr	2012	3	6.33	2	0	1	0	0	1	0	2	0	0%	0%
	2013	8		8	0	0	0	3	3	0	2	0	0%	0%
	2014	8		6	1	1	0	3	2	0	3	0	63%	0%
Bolton St at Union St	2012	7	6.33	4	3	0	0	2	4	1	0	0	0%	0%
	2013	6		6	0	0	0	2	2	0	2	0	0%	0%
	2014	6		5	1	0	0	2	3	0	1	0	0%	0%
Union St at Thresher Dr	2012	2	1.33	1	1	0	0	1	0	0	1	0	50%	0%
	2013	2		2	0	0	0	0	1	0	1	0	50%	50%
	2014	0		0	0	0	0	0	0	0	0	0	0%	0%
Union St at Stevens St	2012	1	1.33	1	0	0	0	0	0	0	1	0	0%	0%
	2013	2		2	0	0	0	1	0	0	1	0	0%	50%
	2014	1		1	0	0	0	0	1	0	0	0	0%	0%
Stevens St at Lafreniere Dr	2012	0	0.00	0	0	0	0	0	0	0	0	0	0%	0%
	2013	0		0	0	0	0	0	0	0	0	0	0%	0%
	2014	0		0	0	0	0	0	0	0	0	0	0%	0%
Total	ALL	49	2.7	41	6	2	0	16	18	1	14	0	20%	16%

^aProperty Damage Only; ^bPersonal Injury Only (non-Fatal Injury); ^cNot Reported; ^dFatality; ^eAngle; ^fRear end; ^gHead on; ^hSideswipe, opposite direction; sideswipe, same direction, single vehicle crash, rear-to-rear, not reported, unknown, etc.; ^jIncludes pedestrian or cyclist; ^kOccurred between 7-9am or 4-6pm

A total of 49 crashes were reported within the study areas for the six locations from 2012 to 2014. In terms of severity, 41 of the crashes involved property damage, six reported personal injury, and two were not reported. In terms of manner of collision, 16 of the crashes were angle collisions, 18 were rear-end, one was head on, and 14 were of other type. None of the crashes involved a pedestrian. Approximately 20% of the crashes occurred during the peak hours of 7:00 to 9:00 AM or 4:00 to 6:00 PM and 16% occurred during wet/icy conditions. Analyzing the crash data, as most crashes were of angle or rear-end type, the crashes were most likely caused by driver carelessness or inattentiveness.

3.2 Intersection Crash Rates

The intersection crash rate is recognized as an effective tool to measure the safety of intersections. For intersections, crash rates are expressed by the number of crashes per million entering vehicles (MEV). As of March 2016, the average statewide crash rate for unsignalized intersections is 0.58 per MEV and 0.77 for signalized intersections. For District 3, which includes the City of Marlborough, the rate for unsignalized intersections is 0.65 crashes per MEV and 0.90 for signalized intersections.

The intersection of Bolton Street and Hudson Street experienced a crash rate of 0.16 per MEV, which is far below both the District 3 and statewide averages for signalized intersections.

The intersection of Bolton Street and Poirier Drive experienced a crash rate of 0.80 per MEV, which is above both the District 3 and statewide averages for unsignalized intersections.

The intersection of Bolton Street and Union Street experienced a crash rate of 0.90 per MEV, which is equal to the District 3 average, and above the statewide average for signalized intersections.

The intersection of Union Street and Thresher Drive experienced a crash rate of 0.33 per MEV, which is below both the District 3 and statewide averages for unsignalized intersections.

The intersection of Union Street and Stevens Street experienced a crash rate of 0.34 per MEV, which is below both the District 3 and statewide averages for unsignalized intersections.

The intersection of Stevens Street at Lafreniere Drive experienced a crash rate of 0.00.

Intersection crash rate worksheets can be found in Appendix A-3.

4 EXISTING TRAFFIC CONDITIONS

4.1 2017 Traffic Count Data

Automatic Traffic Recorder (ATR) Data

Nitsch Engineering retained Accurate Counts (AC) of North Reading, Massachusetts to conduct 48-hour Automatic Traffic Recorder (ATR) vehicle traffic counts throughout the study area, from Wednesday, September 20, to Thursday September 21, 2017. Table 2 summarizes the ATR data. A copy of the raw traffic count data is included in Appendix A-1.

Table 2 - Automatic Traffic Recorder (ATR) Summary

LOCATION	PERIOD	ADT ^a		PEAK HOUR TRAFFIC				K factor ^d
		VOLUMES (vpd) ^b	DIRECTIONAL DISTRIBUTION	PERIOD	VOLUMES (vph) ^c	DIRECTIONAL DISTRIBUTION		
Bolton Street (Route 85) south of Poirier Drive	Weekday	17,737	52% NB	Morning	1,293	50.1%	NB	0.07
				Evening	1,535	54%	SB	0.09
Stevens Street North of Union Street	Weekday	3,531	55% SB	Morning	419	53%	NB	0.12
				Evening	346	53%	SB	0.10

^a Average Daily Traffic; ^b Vehicles per day; ^c Vehicles per hour; ^d Percent of daily traffic

Turning Movement Count (TMC) Data

AC collected Turning Movement Counts (TMC) data for the study area intersections outside of the proposed Elementary School access and egress points on Wednesday, September 20, 2017 from 7:00 AM to 9:00 AM and 1:30 PM to 3:30 PM to capture both the school morning and afternoon peak periods. The TMC data included bicycle and pedestrian counts.

The peak hours within the study area were established as 7:15 AM to 8:15 AM during the weekday morning period and 2:15 PM to 3:15 PM during the afternoon period. The 2017 existing traffic volumes are shown in Figure 4.

Vehicle Travel Speeds

AC measured vehicle travel speeds at the ATR locations at the time of the traffic count. The 85th percentile speed, meaning the speed at which 85% of the vehicles are at or below, is noted because of its importance in determining appropriate roadway speed limits and for calculating required sight distance. The speed data is shown in Table 3.

Table 3 - Vehicle Travel Speeds

INTERSECTION	POSTED SPEED (MPH ^a)	85th PERCENTILE SPEED (MPH ^a)
Bolton Street (Route 85) south of Poirier Drive		
Northbound	35	39
Southbound	35	38
Stevens Street North of Union Street		
Northbound	School Zone 20	41
Southbound	School Zone 20	37
a = Miles per hour		
Note: 85th Percentile Speeds were averaged between the full two days of data collected		

4.2 Seasonal Adjustment

Nitsch Engineering researched data from MassDOT to establish if any seasonal adjustment to the traffic counts was necessary. We researched and used the MassDOT's 2013 Weekday Seasonal Adjustment Factors, which is the latest data set available. The data compares monthly traffic volumes from different types of roadways across the Commonwealth to compare the traffic volumes from each individual month to the annual average. During the month of September on urban arterials and collectors, traffic volumes are approximately 7% higher than an average month. Additionally, the counts were performed while school was in full session, so the traffic counts represent the average condition with respect to traffic within the study area. Therefore, we made no adjustment to the collected volumes. The Weekday Seasonal Adjustment Factors are included in Appendix A-2

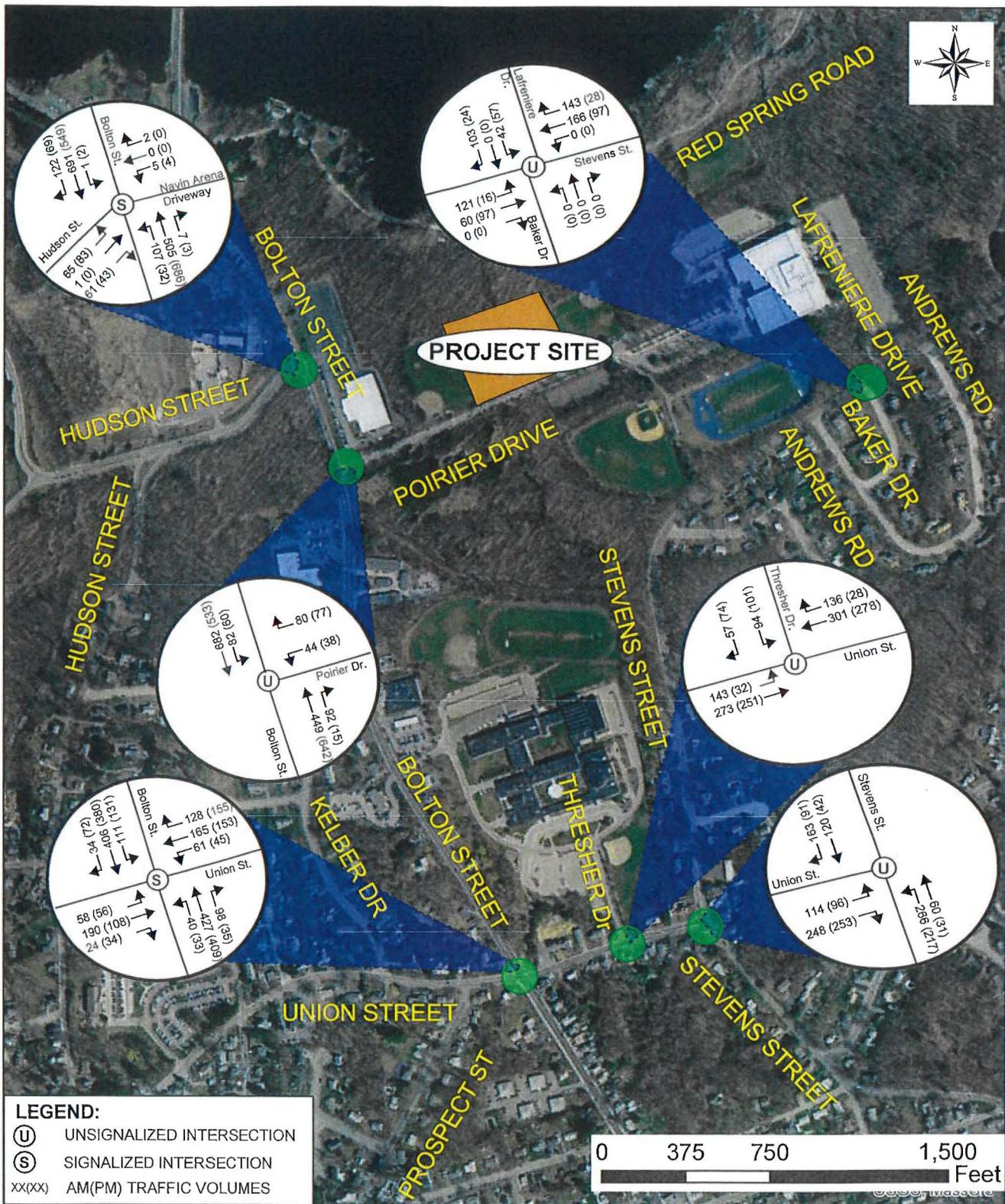


Figure 4. 2017 Existing Volumes
 Richer Elementary School
 Marlborough, MA

Data Source: MassGIS
 Nitsch Project #11969



5 FUTURE NO-BUILD TRAFFIC CONDITIONS

5.1 Background Growth

Nitsch Engineering used the previous 10-year data from MassDOT count station #4151, located on Mechanic Street, approximately one mile west of Bolton Street, to calculate the background traffic growth. The average Annual Growth Rate has decreased over the past 10 years. However, to be conservative, we used an annual background traffic growth factor of 1%, which is also consistent with recent MassDOT projects in eastern Massachusetts. The calculations are included in Appendix A-2.

5.2 No-Build Traffic Volumes

The 2024 No-Build Traffic Volumes are shown in Figure 5 and are derived by applying the traffic growth rate of 1% per year over the seven-year design horizon to project the 2024 traffic counts.



Figure 5. 2024 Future Volumes - No Build
 Richer Elementary School
 Marlborough, MA

6 FUTURE CONDITIONS

We examined the proposed future conditions with respect to the feasibility of constructing a new Elementary School building and grounds on the Poirier Drive site.

6.1 Proposed Trip Generation

Nitsch Engineering used the Institute of Transportation Engineers (ITE) publication Trip Generation, 9th Edition to estimate the vehicle trip rates for the proposed Elementary School. The School will consist of 610 students, and approximately 90 staff. Trip generation rates for the Elementary School were based on Land Use Code (LUC) 520 (Elementary School). We used the Number of Students as the independent variable to base the ITE trip generation rates.

LUC 520 – Elementary School

Trip Generation per Student – Average rate 0.45, AM Peak hour of Generator 55% entering, 45% exiting

Trip Generation per Student – Average rate 0.28, PM Peak hour of Generator 45% entering, 55% exiting

The vehicle trips associated with the student enrollment were calculated by the ITE trip generation rates to determine the proposed drop-off and pick-up rates. Table 4 summarizes the total Site generated trips during the morning and evening peak hours.

Table 4 - Proposed Trip Generation

		NUMBER OF STUDENTS	
		610	
		AVG. RATE	TRIPS
		%	
AM	ENTERING	55	151
	EXITING	45	124
		AVG. RATE	TRIPS
		0.28	171
		%	
PM	ENTERING	45	77
	EXITING	55	94

As shown in Table 6, the proposed Elementary School at Poirier Drive site would result in approximately 275 additional entering and exiting trips during the weekday morning drop-off and approximately 171 additional entering and exiting trips during the weekday afternoon pick-up. The increase also accounts for vehicular traffic

associated with teachers and staff at the new school, as well as the additional student drop-off and pick-up during adverse weather.

6.2 Proposed Elementary School on Poirier Drive Site

A sketch plan of the redevelopment of the Proposed Elementary School on the Poirier Drive Site is shown in Appendix A-4. The sketch plan shows the proposed driveway location of the school on an existing base map with the site location and outline.

Site Layout

For the construction of the new Elementary School building and grounds on the Poirier Drive site, the building would be constructed orientated east-west on the north side of Poirier Drive, opposite the High School athletic fields, located approximately one fifth of a mile west of the High School.

Parking

Parking would be provided onsite west of the proposed school building. In all, approximately 150 parking spaces are proposed.

Sight Distance

Stopping Sight Distance (SSD) is the length of the roadway ahead that is visible to the driver and should be sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path. Stopping sight distance is the sum of the distance traversed by the vehicle from the instant the driver sights an object necessitating a stop to the instant the brakes are applied and the distance needed to stop the vehicle from the instant brake application begins.

Intersection Sight Distance (ISD) is the length of the leg of the departure sight triangle along the major road in both directions for a vehicle stopped on the minor road waiting to depart. The critical departure sight triangles for the proposed Elementary School driveway are for traffic approaching from either the left or right for left turns from the driveways onto Poirier Drive. The methods for determining the sight distances needed by drivers approaching intersections are based on the same principles as stopping sight distance, but incorporate modified assumptions based on observed driver behavior at intersections.

The SSD and ISD values associated with a given design speed are shown in Table 5. The site distance evaluations for the Poirier Drive Site are shown in Table 6.

Table 5 – Sight Distance Criteria

DESIGN SPEED	DESIGN STOPPING SIGHT DISTANCE VALUE ¹ (SSD)	RECOMMENDED INTERSECTION SIGHT DISTANCE VALUE ² (ISD)
(MPH)	(FT)	(FT)
15	80	170
20	115	225
25	155	280
30	200	335
35	250	390
40	305	445
45	360	500
50	425	555
55	495	610
60	570	665
65	645	720
70	730	775
75	820	830
80	910	885

Source: *A Policy on Geometric Design of Highways and Streets*, AASHTO, Washington DC (2011)

¹Design value based on a grade of less than 3%, a brake reaction distance predicted on a time of 2.5 seconds and a deceleration rate of 11.2 ft/s²

²Recommended value based on Case B1 - a stopped passenger car to turn left onto a two-lane highway with no median and grades 3% or less

The posted speed limit for Poirier Drive is 10 MPH. To be conservative a 20 MPH speed was used to calculate the minimum sight distance to be conservative.

At Poirier Drive at the Proposed Elementary School Driveway the SSD's exceed the minimum values as well as the ISD for right turning vehicles onto Poirier Drive.

Table 6 - Proposed Sight Distance Evaluation

INTERSECTION	POSTED SPEED (MPH)	85th PERCENTILE SPEED (MPH)	MINIMUM (FEET) ^{1,2}	MEASURED (FEET)	OBSTRUCTION
<i>Poirier Drive at Proposed Driveway</i>					
Stopping Sight Distance:					
Poirier Drive Eastbound	10	20	115	500	Vertical curve
Poirier Drive Westbound	10	20	115	252	Horizontal curve
Intersection Sight Distance:					
Looking to the right from Proposed Site Driveway	10	20	225	520	Vertical curve
Looking to the left from Proposed Site Driveway	10	20	225	270	Horizontal curve, utility pole
<i>Source: A Policy on Geometric Design of Highways and Streets, AASHTO, Washington DC (2011)</i>					
¹ Table 3-1. Stopping Sight Distance on Level Roadways					
² Table 9-6. Design Intersection Sight Distance - Case B1, Left Turn from Stop					

Vehicle Access/Egress, Circulation, Bus and Parent Pick-Up/Drop-Off

Vehicle access and egress will occur at the designated parental pick-up/drop-off north of the school. Vehicles will arrive through the curb cut to parking lot located west of the school on Poirier Drive and proceed to the designated section adjacent to North Entrance.

Ten full size buses will be used for pick-up/drop-off of students receiving special education services. The bus pick-up/drop-off will occur at the designated bus loop located south of the school. The access to the bus loop will be provided by two curb cuts on Poirier Drive that form a one-way counter-clockwise parent pick-up/drop-off loop adjacent to South Entrance.

Five mini-buses will be used for additional and/or special student pick-up/drop-off. Mini-buses will arrive through the curb cut to parking lot located west of the school on Poirier Drive and proceed to the designated delineated section adjacent to West Entrance.

Trip Distribution, Diversion, and Assignment

The trips to/from the Poirier Drive Site will be distributed and assigned based on the exiting travel patterns and logical travel routes, which are based on the existing roadway network both within the City of Marlborough and the surrounding region. The Trip Distribution Percentages specific to the Poirier Drive Site are shown in Figure 6. The resultant trip assignment volumes for both the weekday morning and weekday afternoon peak hours were calculated by multiplying the trip distribution by the trip generation from Table 4, and are shown in Figure 7 for the weekday morning and the weekday afternoon peak hours.

Proposed 2024 Build Volumes

For the Poirier Drive Site, the corresponding trip assignment volumes were added to the 2024 No-Build Volumes to yield the 2024 Build Volumes. The 2024 Build Volumes for the Poirier Drive Site are shown in Figure 8.

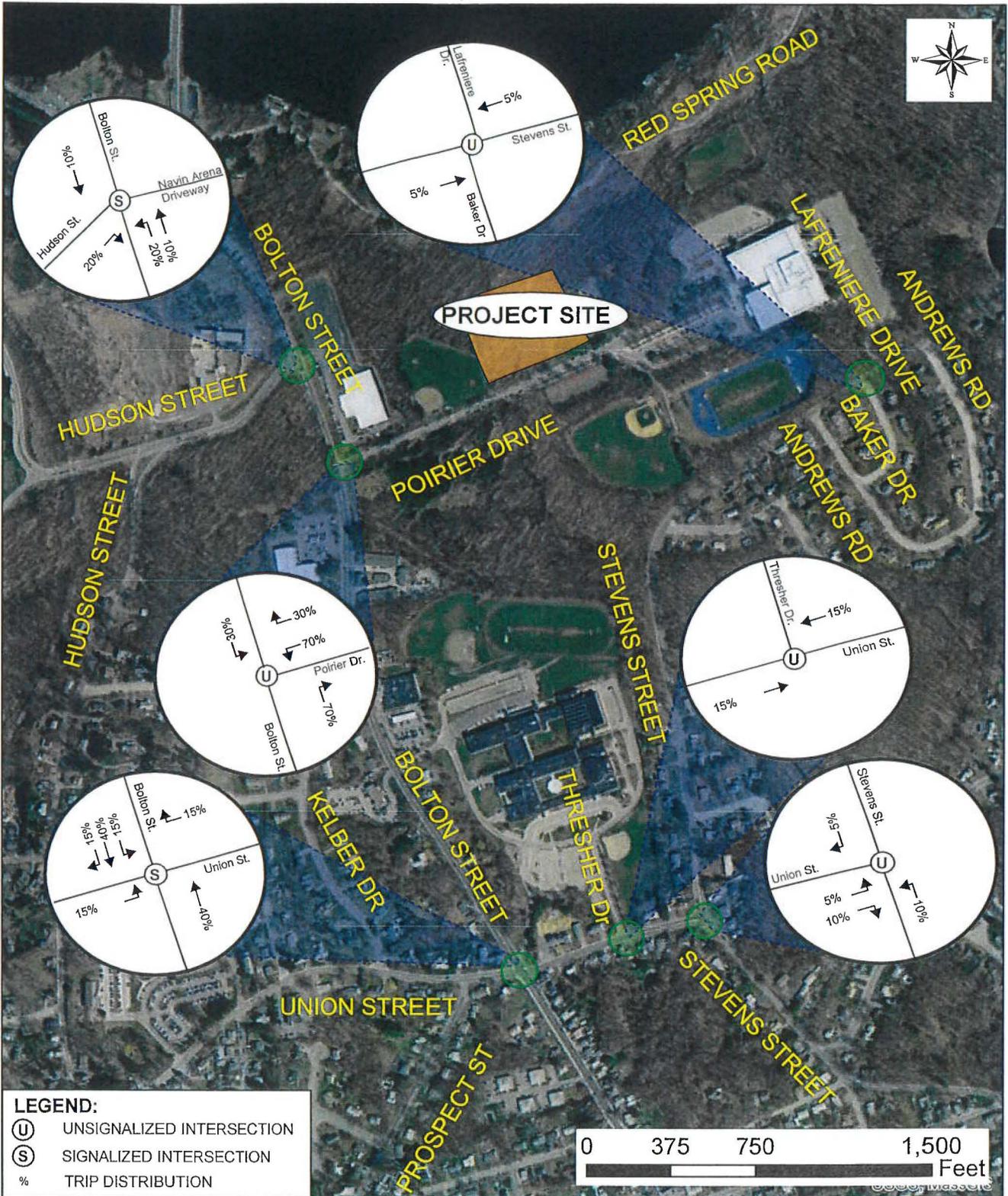


Figure 6. Trip Distribution
 Richer Elementary School
 Marlborough, MA

Data Source: MassGIS
 Nitsch Project #11969



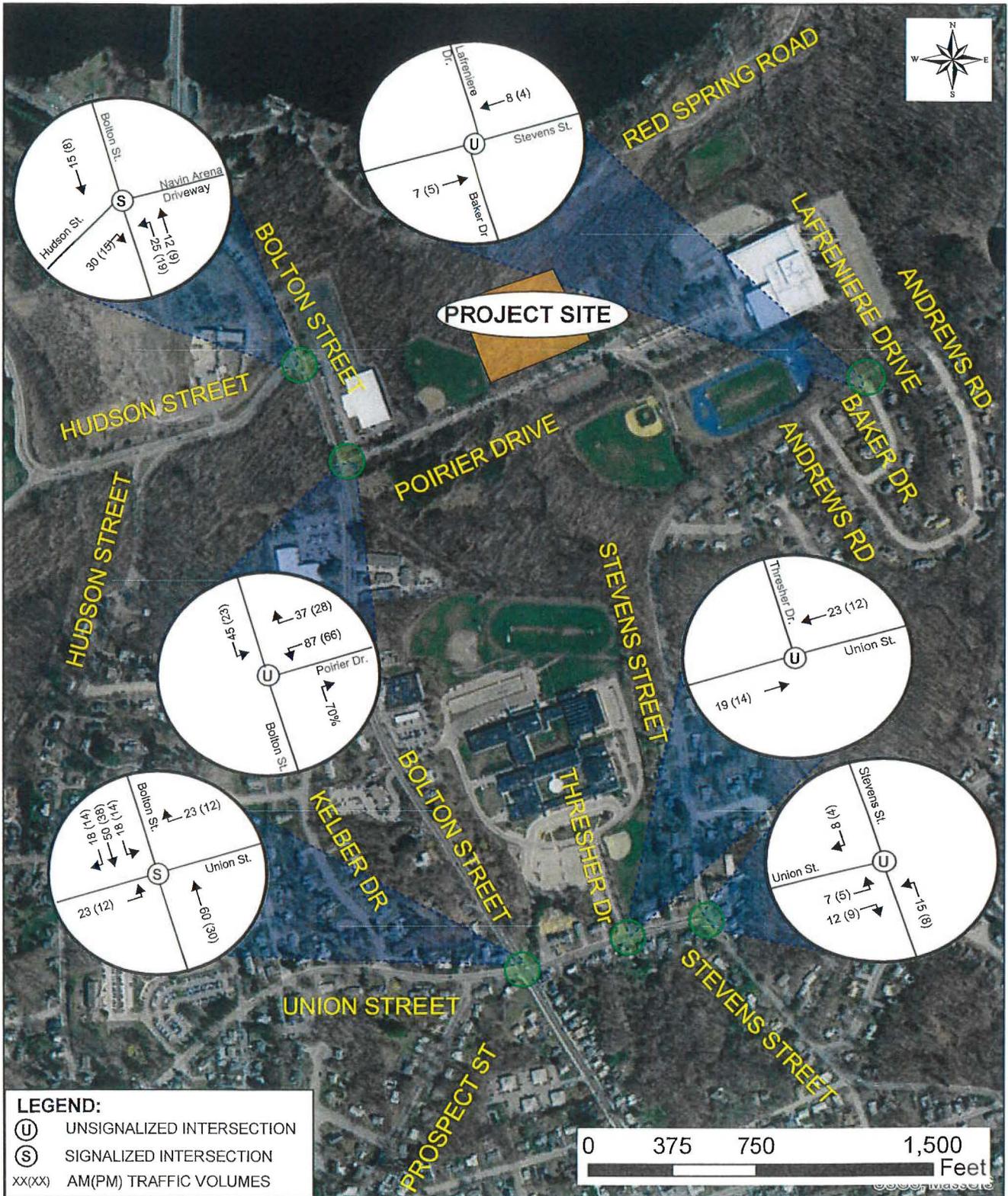


Figure 7. Trip Assignments
 Richer Elementary School
 Marlborough, MA

Data Source: MassGIS
 Nitsch Project #11969

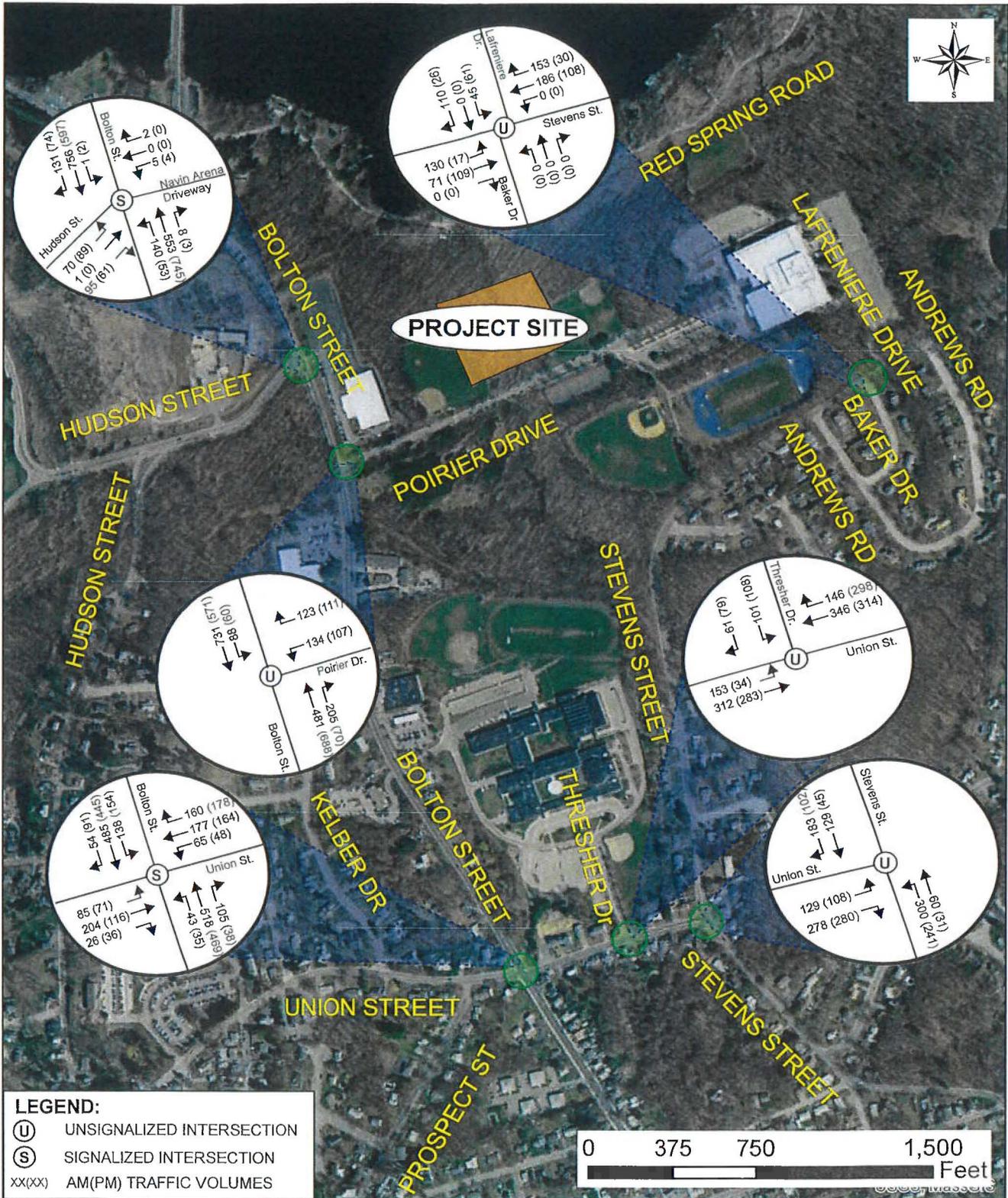


Figure 8. 2024 Future Volumes - Build
 Richer Elementary School
 Marlborough, MA

7 OPERATIONS ANALYSIS

7.1 Level of Service Criteria

Level of Service (LOS) is a qualitative measure describing operational conditions within a traffic stream. Six LOS criteria are used to describe the quality of traffic flow for any type of facility controls. LOS A represents the best operating conditions and LOS F represents the worst operating conditions. Nitsch Engineering analyzed the levels of service for the intersections using Synchro 8 software, which is based on the traffic operational analysis methodology of the Highway Capacity Manual¹ (HCM). The methodology for signalized intersections assesses the effects of signal type, timing, phasing, progression, vehicle mix, and geometrics on control delay. Control delay includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. Table 7 summarizes the relationship between LOS and average control delay for signalized and unsignalized intersections.

Table 7 - Level of Service Criteria

SIGNALIZED INTERSECTIONS		UNSIGNALIZED INTERSECTIONS		
Level of Service	Control Delay (seconds/vehicle)	Level of Service by Volume-to-Capacity (v/c) Ratio		Control Delay (seconds/vehicle)
		v/c ≤ 1.0	v/c > 1.0	
A	0 to 10	A	F	0 to 10
B	>10 to 20	B	F	>10 to 15
C	>20 to 35	C	F	>15 to 25
D	>35 to 55	D	F	>25 to 35
E	>55 to 80	E	F	>35 to 50
F	>80	F	F	>50

Source: 2010 Highway Capacity Manual, Transportation Research Board, Washington D.C. 2010

7.2 Capacity Analysis

Nitsch Engineering performed traffic analyses to evaluate traffic operations for the 2017 Existing Conditions, 2024 No-Build Conditions, and 2024 Build Conditions – Richer Elementary School at Poirier Drive Site during the weekday morning and weekday afternoon peak hours at the study intersections. The analyses depict the volume-to-capacity (v/c) ratio, vehicle delay, LOS, and the 50th/95th percentile vehicle queues.

7.3 2017 Existing Capacity Analysis

Nitsch Engineering analyzed the 2017 Existing Conditions traffic operations at the study intersections based on the existing traffic counts performed by AC in September 2017. The Level of Service Summary is shown in Table 8. The analysis worksheets are provided in Appendix A-6.

¹ Highway Capacity Manual, 2010 Edition, Transportation Research Board (TRB), Washington, D.C.

Table 8 – Level of Service Summary - 2017 Existing Conditions

INTERSECTION	MOVEMENT	WEEKDAY MORNING PEAK HOUR					WEEKDAY EVENING PEAK HOUR				
		V/C ¹	DELAY ²	LOS ³	50th Q ⁴	95th Q ⁵	V/C ¹	DELAY ²	LOS ³	50th Q ⁴	95th Q ⁵
Bolton Street at Hudson Street	Hudson St EB - LT	0.50	59.4	E	51	96	0.54	58.8	E	64	112
	Hudson St EB - R	0.26	6.2	A	0	21	0.17	1.6	A	0	3
	Navin Arena WB -LTR	0.03	0.2	A	0	0	0.03	42.2	D	3	13
	Bolton St NB - L	0.40	22.2	C	27	55	0.08	8.9	A	8	22
	Bolton St NB - TR	0.43	9.9	A	172	281	0.59	13.3	B	284	462
	Bolton St SB - L	0.00	14.0	B	0	3	0.01	15.0	B	1	5
	Bolton St SB - TR	0.85	32.5	C	546	899	0.66	23.5	C	348	543
	Overall	0.85	24.4	C			0.66	19.8	B		
Bolton Street at Poirier Drive	Bolton St NB - TR	0.35	0.0	A	-	0	0.42	0.0	A	-	0
	Bolton St SB - LT	0.09	2.3	A	-	7	0.07	1.9	A	-	6
	Poirier Dr WB -LR	0.77	73.0	F	-	126	0.57	41.7	E	-	79
Bolton Street at Union Street	Union St EB - LTR	0.89	58.3	E	140	285	0.71	40.5	D	93	193
	Union St WB - LTR	0.98	71.4	E	176	354	0.87	46.9	D	162	319
	Bolton St NB - L	0.16	15.6	B	13	34	0.14	15.3	B	10	30
	Bolton St NB - TR	0.71	23.8	C	218	339	0.60	20.7	C	174	271
	Bolton St SB - L	0.61	33.4	C	45	125	0.53	25.6	C	50	112
	Bolton St SB - TR	0.59	20.5	C	172	267	0.61	20.7	C	176	276
	Overall	0.98	38.4	D			0.87	29.2	C		
Union Street at Thresher Drive	Union St EB - LT	0.14	4.1	A	-	12	0.03	1.1	A	-	2
	Union St WB - TR	0.28	0.0	A	-	0	0.2	0.0	A	-	0
	Thresher Dr SB-LR	0.55	31.1	D	-	78	0.38	16.3	C	-	43
Union Street at Stevens Street	Union St EB - LR	0.59	15.7	C	-	-	0.49	11.9	B	-	-
	Stevens St SB - TR	0.46	12.7	B	-	-	0.2	9.0	A	-	-
	Stevens St NB-LT	0.56	15.9	C	-	-	0.39	11.6	B	-	-
Stevens Street at Lafreniere Drive	Stevens St EB - LT	0.38	16.1	C	-	44	0.13	9.2	A	-	11
	Stevens St WB-TR	0.11	4.5	A	-	9	0.06	5.8	A	-	5
	Lafreniere Dr. SB - LR	0.41	20.6	C	-	48	0.16	12.9	B	-	14

¹ Volume to Capacity Ratio; ² Vehicle Delay, measured in seconds; ³ Level Of Service; ⁴ 50th Percentile Queue (in feet); ⁵ 95th Percentile Queue (in feet) based upon 22 feet per vehicle; * = Defacto Left Lane; # = volume exceeds capacity, queue may be longer; m = 95th percentile queue is metered by upstream signal; ~ = Volume exceeds capacity, queue is theoretically infinite

7.4 2024 No-Build Capacity Analysis

Nitsch Engineering analyzed the 2024 No-Build Conditions traffic operations at the study intersections. The 2024 No-Build Condition represents the 2017 Existing Conditions and projects a traffic increase at the rate of 1% per year between 2017 and 2024. The Level of Service Summary is shown in Table 9. The analysis worksheets are provided in Appendix A-6.

7.5 2024 Build Capacity Analysis

Nitsch Engineering analyzed the 2024 Build Conditions traffic operations at the study intersections for the construction of a new Richer Elementary School on the Poirier Drive site. The 2024 Build Conditions represents the 2024 No-Build Conditions traffic volumes with added Trip Assignment Volumes for the proposed Elementary School on the Poirier Drive Site. The Level of Service Summary is shown in Table 10. The analysis worksheets are provided in Appendix A-6.

Table 9 – Level of Service Summary - 2024 No-Build Conditions

INTERSECTION	MOVEMENT	WEEKDAY MORNING PEAK HOUR					WEEKDAY EVENING PEAK HOUR				
		V/C ¹	DELAY ²	LOS ³	50th Q ⁴	95th Q ⁵	V/C ¹	DELAY ²	LOS ³	50th Q ⁴	95th Q ⁵
Bolton Street at Hudson Street	Hudson St EB - LT	0.52	59.5	E	55	100	0.56	59.0	E	69	119
	Hudson St EB - R	0.27	7.0	A	0	25	0.18	2.4	A	0	6
	Navin Arena WB - LTR	0.03	0.2	A	0	0	0.03	41.5	D	3	13
	Bolton St NB - L	0.56	41.3	D	35	100	0.10	9.8	A	9	24
	Bolton St NB - TR	0.48	11.3	B	194	315	0.65	15.8	B	326	534
	Bolton St SB - L	0.00	14.0	B	0	3	0.01	15.5	B	1	5
	Bolton St SB - TR	0.96	46.3	D	633	1008	0.74	27.7	C	394	617
	Overall	0.96	33.3	C			0.74	22.8	C		
Bolton Street at Poirier Drive	Bolton St NB - TR	0.37	0.0	A	-	0	0.45	0.0	A	-	0
	Bolton St SB - LT	0.10	2.5	A	-	8	0.08	2.1	A	-	7
	Poirier Dr WB - LR	1.19	211.7	F	-	224	0.76	70.6	F	-	123
Bolton Street at Union Street	Union St EB - LTR	0.98	78.9	E	155	319	0.79	48.5	D	102	220
	Union St WB - LTR	1.08	99.2	F	221	394	0.94	58.1	E	180	355
	Bolton St NB - L	0.19	16.5	B	14	38	0.16	15.3	B	11	31
	Bolton St NB - TR	0.76	26.1	C	242	375	0.64	20.7	C	192	297
	Bolton St SB - L	0.76	51.2	D	52	152	0.64	25.6	C	57	147
	Bolton St SB - TR	0.63	21.6	C	189	293	0.66	20.7	C	194	302
	Overall	1.08	49.4	D			0.94	33.8	C		
Union Street at Thresher Drive	Union St EB - LT	0.16	4.3	A	-	14	0.03	1.2	A	-	2
	Union St WB - TR	0.30	0.0	A	-	0	0.21	0.0	A	-	0
	Thresher Dr SB-LR	0.67	42.1	E	-	108	0.43	18.0	C	-	52
Union Street at Stevens Street	Union St EB - LR	0.64	17.5	C	-	-	0.53	13.0	B	-	-
	Stevens St SB - TR	0.50	13.8	B	-	-	0.22	9.4	A	-	-
	Stevens St NB-LT	0.57	16.5	C	-	-	0.43	12.4	B	-	-
Stevens Street at Lafreniere Drive	Stevens St EB - LT	0.43	17.7	C	-	53	0.13	9.3	A	-	12
	Stevens St WB-TR	0.12	4.5	A	-	10	0.07	5.8	A	-	6
	Lafreniere Dr. SB - LR	0.47	23.8	C	-	61	0.18	13.4	B	-	16

¹ Volume to Capacity Ratio; ² Vehicle Delay, measured in seconds; ³ Level Of Service; ⁴ 50th Percentile Queue (in feet); ⁵ 95th Percentile Queue (in feet) based upon 22 feet per vehicle; * = Defacto Left Lane; # = volume exceeds capacity, queue may be longer; m = 95th percentile queue is metered by upstream signal; ~ = Volume exceeds capacity, queue is theoretically infinite

Table 10 – Level of Service Summary - 2024 Build Conditions

INTERSECTION	MOVEMENT	WEEKDAY MORNING PEAK HOUR					WEEKDAY EVENING PEAK HOUR				
		V/C ¹	DELAY ²	LOS ³	50th Q ⁴	95th Q ⁵	V/C ¹	DELAY ²	LOS ³	50th Q ⁴	95th Q ⁵
Bolton Street at Hudson Street	Hudson St EB - LT	0.52	59.5	E	55	100	0.56	59.0	E	69	119
	Hudson St EB - R	0.39	12.9	B	0	48	0.24	5.5	A	0	20
	Navin Arena WB - LTR	0.03	0.2	A	0	0	0.03	41.5	D	3	13
	Bolton St NB - L	0.70	53.0	D	59	157	0.16	10.9	B	14	33
	Bolton St NB - TR	0.49	11.4	B	200	324	0.66	16.1	B	333	546
	Bolton St SB - L	0.00	14.0	B	0	3	0.01	15.5	B	1	5
	Bolton St SB - TR	0.97	49.7	D	658	1036	0.75	28.1	C	401	629
	Overall	0.97	36.0	D			0.75	22.9	C		
Bolton Street at Poirier Drive	Bolton St NB - TR	0.44	0.0	A	-	0	0.48	0.0	A	-	0
	Bolton St SB - LT	0.17	4.2	A	-	15	0.12	2.9	A	-	10
	Poirier Dr WB - LR	5.24	Error	F	-	>800	2.05	562.0	F	-	492
Bolton Street at Union Street	Union St EB - LTR	1.29	183.1	F	221	382	0.95	75.3	E	114	257
	Union St WB - LTR	1.13	113.3	F	241	419	0.96	63.5	E	187	369
	Bolton St NB - L	0.25	18.6	B	14	40	0.20	17.3	B	11	33
	Bolton St NB - TR	0.84	31.5	C	285	489	0.68	23.1	C	210	324
	Bolton St SB - L	1.23	182.8	F	94	207	0.78	46.8	D	69	181
	Bolton St SB - TR	0.73	24.6	C	229	354	0.73	24.4	C	225	349
	Overall	1.29	78.7	E			0.96	40.2	D		
Union Street at Thresher Drive	Union St EB - LT	0.16	4.2	A	-	14	0.03	1.1	A	-	2
	Union St WB - TR	0.31	0.0	A	-	0	0.22	0.0	A	-	0
	Thresher Dr SB - LR	0.71	48.7	E	-	120	0.44	18.8	C	-	55
Union Street at Stevens Street	Union St EB - LR	0.69	20.4	C	-	-	0.56	13.7	B	-	-
	Stevens St SB - TR	0.53	14.9	B	-	-	0.23	9.6	A	-	-
	Stevens St NB - LT	0.66	20.2	C	-	-	0.45	12.8	B	-	-
Stevens Street at Lafreniere Drive	Stevens St EB - LT	0.45	18.1	C	-	57	0.14	9.3	A	-	12
	Stevens St WB - TR	0.12	4.6	A	-	11	0.07	5.9	A	-	6
	Lafreniere Dr SB - LR	0.49	25.3	D	-	65	0.19	13.7	B	-	17

¹ Volume to Capacity Ratio; ² Vehicle Delay, measured in seconds; ³ Level Of Service; ⁴ 50th Percentile Queue (in feet); ⁵ 95th Percentile Queue (in feet) based upon 22 feet per vehicle; * = Defacto Left Lane; # = volume exceeds capacity, queue may be longer; m = 95th percentile queue is metered by upstream signal; - = Volume exceeds capacity, queue is theoretically infinite

7.6 Traffic Signal Warrant Methodology

To quantify if additional mitigation would be necessary at the Richer Elementary School on the Poirier Drive Site, based on the student population, or at the access and egress points to the Poirier Drive, we performed a Traffic Signal Warrant Analysis for Bolton Street at Poirier Drive.

We performed the warrants based on the procedures outlined in the *Manual on Uniform Traffic Control Devices*² (MUTCD), 2009 edition. The MUTCD indicates nine separate conditions under which a traffic signal warrant can be met, and they are shown below.

1. Warrant 1: Eight-Hour Vehicular Volume;
2. Warrant 2: Four-Hour Vehicular Volume;
3. Warrant 3: Peak Hour;
4. Warrant 4: Pedestrian Volume;
5. Warrant 5: School Crossing;
6. Warrant 6: Coordinated Signal System;
7. Warrant 7: Crash Experience;
8. Warrant 8: Roadway Network; and
9. Warrant 9: Intersection Near A Grade Crossing.

Given the criteria set forth in the MUTCD and the assumptions above, the Peak Hour Warrant for the intersection of Bolton Street at Poirier Drive traffic signal warrant was met. The intersection also experienced a crash rate of 0.80 per MEV, which is above both the District 3 and statewide averages for unsignalized intersections. This demonstrates that this intersection can benefit from the installation of a semi-actuated traffic signal system. We believe that this and the recommendations outlined in Section 8.2 would represent the best return on investment with regards to handling the estimated traffic to and from the new Richer Elementary School. The Traffic Signal Warrant Analysis is included in Appendix A-5.

7.7 2024 Mitigated Conditions Capacity Analysis

Nitsch Engineering analyzed the 2024 Mitigated Conditions traffic operations at the study intersections for construction of a new Richer Elementary School on Poirier Drive site. The 2024 Mitigated Conditions represents the 2024 Build Conditions traffic volumes with the addition of an exclusive left-turn lane to Poirier Drive at the intersection of Bolton Street at Poirier Drive. The Level of Service Summary is shown in Table 11. The analysis worksheets are provided in Appendix A-6.

² Manual on Uniform Traffic Control Devices for Streets and Highways, 2009 Edition, Federal Highway Administration

Table 11 – Level of Service Summary - 2024 Build Conditions - Mitigated

INTERSECTION	MOVEMENT	WEEKDAY MORNING PEAK HOUR					WEEKDAY EVENING PEAK HOUR				
		V/C ¹	DELAY ²	LOS ³	50th Q ⁴	95th Q ⁵	V/C ¹	DELAY ²	LOS ³	50th Q ⁴	95th Q ⁵
Bolton Street at Hudson Street	Hudson St EB - LT	0.52	59.5	E	55	100	0.56	59.0	E	69	119
	Hudson St EB - R	0.39	12.9	B	0	48	0.24	5.5	A	0	20
	Navin Arena WB -LTR	0.03	0.2	A	0	0	0.03	41.5	D	3	13
	Bolton St NB - L	0.70	53.0	D	59	157	0.16	10.9	B	14	33
	Bolton St NB - TR	0.49	11.4	B	200	324	0.66	16.1	B	333	546
	Bolton St SB - L	0.00	14.0	B	0	3	0.01	15.5	B	1	5
	Bolton St SB - TR	0.97	49.7	D	658	1036	0.75	28.1	C	401	629
	Overall	0.97	36.0	D			0.75	22.9	C		
Bolton Street at Poirier Drive	Bolton St NB - TR	0.59	9.5	A	172	312	0.69	12.0	B	145	372
	Bolton St SB - L	0.38	10.0	B	29	76	0.33	10.3	B	12	50
	Bolton St SB - T	0.61	10.4	B	203	359	0.52	8.4	A	93	215
	Poirier Dr WB -LR	0.78	42.4	D	119	206	0.63	20.5	C	44	100
	Overall	0.78	15.2	B			0.69	11.8	B		
Bolton Street at Union Street	Union St EB - LTR	1.29	183.1	F	221	382	0.95	75.3	E	114	257
	Union St WB - LTR	1.13	113.3	F	241	419	0.96	63.5	E	187	369
	Bolton St NB - L	0.25	18.6	B	14	40	0.20	17.3	B	11	33
	Bolton St NB - TR	0.84	31.5	C	285	489	0.68	23.1	C	210	324
	Bolton St SB - L	1.23	182.8	F	94	207	0.78	46.8	D	69	181
	Bolton St SB - TR	0.73	24.6	C	229	354	0.73	24.4	C	225	349
	Overall	1.29	78.7	E			0.96	40.2	D		
Union Street at Thresher Drive	Union St EB - LT	0.16	4.2	A	-	14	0.03	1.1	A	-	2
	Union St WB - TR	0.31	0.0	A	-	0	0.22	0.0	A	-	0
	Thresher Dr SB-LR	0.71	48.7	E	-	120	0.44	18.8	C	-	55
Union Street at Stevens Street	Union St EB - LR	0.69	20.4	C	-	-	0.56	13.7	B	-	-
	Stevens St SB - TR	0.53	14.9	B	-	-	0.23	9.6	A	-	-
	Stevens St NB-LT	0.66	20.2	C	-	-	0.45	12.8	B	-	-
Stevens Street at Lafreniere Drive	Stevens St EB - LT	0.45	18.1	C	-	57	0.14	9.3	A	-	12
	Stevens St WB-TR	0.12	4.6	A	-	11	0.07	5.9	A	-	6
	Lafreniere Dr. SB - LR	0.49	25.3	D	-	65	0.19	13.7	B	-	17

¹ Volume to Capacity Ratio; ² Vehicle Delay, measured in seconds; ³ Level Of Service; ⁴ 50th Percentile Queue (in feet); ⁵ 95th Percentile Queue (in feet) based upon 22 feet per vehicle; * = Defacto Left Lane; # = volume exceeds capacity, queue may be longer; m = 95th percentile queue is metered by upstream signal; ~ = Volume exceeds capacity, queue is theoretically infinite

8 CONCLUSIONS AND RECOMMENDATIONS

8.1 Conclusions

Nitsch Engineering has been retained by Lamoureux Pagano Architects (LPA) to prepare a qualitative assessment of safety, traffic circulation, and traffic access/egress, associated with the feasibility study and schematic design for the proposed Richer Elementary School project located in Marlborough, Massachusetts.

The Project includes construction of a new elementary school building and grounds on the site adjacent to the existing Marlborough High School, located at 431 Bolton Street in Marlborough.

The report describes the project area, presents traffic counts (taken in 2017), and analyzes existing and future traffic operating efficiency. The data was used to determine the traffic circulations, overall operations, and to evaluate the traffic impacts of the proposed school.

The standards used for analysis conform to the 2009 edition of the Manual on Uniform Traffic Control Devices (MUTCD) and the 2010 edition of the Highway Capacity Manual.

The following conditions were analyzed in this report:

- Existing Conditions 2017;
- Future 2024 No-Build;
- Future 2024 Build; and
- Future 2024 Build - Mitigated

We examined the future conditions, as well as site circulation with respect to the projected student drop-off and pick-up at the new Richer Elementary School at the Poirier Drive site. This would result in an increase in traffic volumes within the study area during the weekday morning drop-off and weekday afternoon pick-up, totaling approximately 275 additional trips (entering and exiting) during the weekday morning drop-off, and approximately 171 additional trips (entering and exiting) during the weekday afternoon pick-up. The parking lot 40 visitor spaces, and the curb at the car loop can accommodate approximately 5 vehicles. An approximately 600 feet long pull out lane along southerly side of Poirier Drive can also accommodate additional 30 vehicles.

We anticipate that the following summarizes the vehicular circulation at the new Reicher Elementary School at the Poirier Drive site during morning drop-off and afternoon pick-up periods:

- During the morning drop-off, the parents (approximately 124 vehicles) will arrive between 7:30 and 8:00 AM. They will drop-off their children at the car loop and exit the school. Our analysis indicate that during the morning drop-off, the 95th Percentile Queue length on the Poirier Drive for the left and right turns to Bolton Street will be 206 feet (approximately ten vehicles), and the 95th Percentile Queue length on Bolton Street for the left turn to Poirier Drive will be 76 feet (approximately four vehicles).
- During the afternoon pick-up, the parents (approximately 77) will start arriving between 2:30 and 3:00 PM. The parking lot can accommodate approximately 80 vehicles to park, and 10 vehicles can park along the car loop curb line without spilling out of the car loop and blocking the driveway. Once the parents have picked up their children, they will proceed to exit the parking lot and the school. Our analysis indicates that during the afternoon pick-up, the 95th Percentile Queue length on Poirier Drive for the left and right turn to Bolton Street will be 100 feet (approximately five vehicles), and the 95th Percentile Queue length on Bolton Street for the left turn to the Poirier Drive will be 50 feet (approximately two vehicles).

The existing roadway network contains heavy traffic volumes and delays during the weekday morning peak hours, as the Richer Elementary School pick-up and drop-off traffic overlaps slightly with the peak hour of the commuter traffic, as well as Marlborough High School and Whitcomb Middle School. Construction of the Richer Elementary School at Poirier Drive site may add impacts to the off-site intersections. To mitigate the impacts, minor geometric improvements and signal installation may be necessary. Nitsch Engineering has outlined recommendations to improve traffic conditions based on the estimated increase in traffic volumes due to the Richer Elementary School construction.

8.2 Recommendations

Based on the proposed Richer Elementary School at Poirier Drive Site, Nitsch Engineering offers the following recommendations:

- Install a semi-actuated traffic signal system at the intersection of Bolton Street (Route 85) at Poirier Drive.
- Designate an exclusive left-turn lane at Bolton Street (Rout 85) southbound approach to intersection at Poirier Drive.
- Designate the area as a School Zone under State and local statute, and install the appropriate School Zone signs, which can also act as traffic calming devices.
- Enhance pedestrian experience along Bolton Street and Poirier Drive, by considering improvements if needed to the sidewalks to accommodate safe walks to school and provide advanced warning signing of school entering and exiting traffic.
- Install ADA accessible crosswalks where needed.
- Evaluate installing exclusive turning lanes at Bolton Street for school traffic.

Proposed Space Summary- Elementary Schools

Richer Elementary School Poirier Road, Marlborough, MA		Existing Conditions		
ROOM TYPE	ROOM NFA ¹	# OF RMS	area totals	
CORE ACADEMIC SPACES			0	
<i>(List classrooms of different sizes separately)</i>				950
Pre-Kindergarten w/ toilet				
Kindergarten w/ toilet				
General Classrooms - Grade 1-6				
ELL				
Common Area				
SPECIAL EDUCATION			0	
<i>(List rooms of different sizes separately)</i>				
Self-Contained SPED				
Self-Contained SPED - toilet				
Self-Contained SPED				
Self-Contained SPED - toilet				
Self-Contained SPED				
Self-Contained SPED - toilet				
Resource Room				
Small Group Room / Reading				
OT/PT				
Daily Living Skills/Health				
Daily Living Skills - toilet				
ELA Math Specialist				
Sped Suite Chair Suite				
ART & MUSIC			0	
Art Classroom - 25 seats				
Art Workroom w/ Storage & kiln				
Music Classroom / Large Group - 25-50 seats				
Music Practice / Ensemble				
Music Storage				
HEALTH & PHYSICAL EDUCATION			0	
Gymnasium				
Gym Storeroom				
Health Instructor's Office w/ Shower & Toilet				
MEDIA CENTER			0	
Media Center / Reading Room				
DINING & FOOD SERVICE			0	
Cafeteria / Dining				
Stage				
Chair / Table / Equipment Storage				
Chair / Table / Equipment Storage				
Kitchen				
Staff Lunch Room				
MEDICAL			0	
Medical Suite Toilet				
Nurses' Office / Waiting Room				
Nurses' Office / Waiting Room				
Examination Room / Resting				
Examination Room / Resting				

PROPOSED								
Existing to Remain/Renovated			New			Total		
ROOM NFA ¹	# OF RMS	area totals	ROOM NFA ¹	# OF RMS	area totals	ROOM NFA ¹	# OF RMS	area totals
		0			35,780			35,780
								950
			1,200	5	6,000	1,200	5	6,000
			935	25	23,375	935	25	23,375
			935	3	2,805	935	3	2,805
			600	6	3,600	600	6	3,600
		0			11,800			11,800
			995	1	995	995	1	995
			60	1	60	60	1	60
			1,000	3	3,000	1,000	3	3,000
			60	3	180	60	3	180
			980	1	980	980	1	980
			60	1	60	60	1	60
			480	5	2,400	480	5	2,400
			465	2	930	465	2	930
			935	1	935	935	1	935
			965	1	965	965	1	965
			85	1	85	85	1	85
			730	1	730	730	1	730
			480	1	480	480	1	480
		0			3,800			3,800
			1,000	2	2,000	1,000	2	2,000
			150	2	300	150	2	300
			1,200	1	1,200	1,200	1	1,200
			75	0	0	75	0	0
			300	1	300	300	1	300
		0			6,300			6,300
			6,000	1	6,000	6,000	1	6,000
			150	1	150	150	1	150
			150	1	150	150	1	150
		0			3,415			3,415
			3,415	1	3,415	3,415	1	3,415
		0			8,141			8,141
			4,400	1	4,400	4,400	1	4,400
			1,000	1	1,000	1,000	1	1,000
			148	1	148	148	1	148
			255	1	255	255	1	255
			1,910	1	1,910	1,910	1	1,910
			428	1	428	428	1	428
		0			700			700
			60	1	60	60	1	60
			160	1	160	160	1	160
			180	1	180	180	1	180
			120	1	120	120	1	120
			180	1	180	180	1	180

Date: Enter Date Enter Submittal			
MSBA Guidelines (refer to MSBA Educational Program & Space Standard Guidelines)			
ROOM NFA ¹	# OF RMS	area totals	Comments
	27	26,900	
1,200		-	1,100 SF min - 1,300 SF max
1,200	5	6,000	1,100 SF min - 1,300 SF max
950	22	20,900	900 SF min - 1,000 SF max
		7,550	
950	5	4,750	900-1,300 SF equal to surrounding classrooms
60	5	300	
500	3	1,500	1/2 size Genl. Clrm.
500	2	1,000	1/2 size Genl. Clrm.
		5,000	
1,000	2	2,000	assumed schedule 2 times / week / student
150	2	300	
1,200	2	2,400	assumed schedule 2 times / week / student
75	4	300	
		6,300	
6,000	1	6,000	6000 SF Min. Size
150	1	150	
150	1	150	
		3,415	
3,415	1	3,415	
		8,141	
4,575	1	4,575	2 seatings - 15SF per seat
1,000	1	1,000	
403	1	403	
1,910	1	1,910	1600 SF for first 300 + 1 SF/student Add'l
253	1	253	20 SF/Occupant
		610	
60	1	60	
250	1	250	
100	3	300	

Proposed Space Summary- Elementary Schools

Richer Elementary School Poirier Road, Marlborough, MA		Existing Conditions		
ROOM TYPE	ROOM NFA ¹	# OF RMS	area totals	
ADMINISTRATION & GUIDANCE			0	
General Office / Waiting Room / Toilet				
Teachers' Mail and Time Room				
Duplicating Room				
Records Room				
Principal's Office w/ Conference Area				
Principal's Office w/ Conference Area				
Principal's Secretary / Waiting				
Assistant Principal's Office				
Supervisory / Spare Office				
Conference Room				
Guidance Office				
Interpreters Office				
Guidance Storeroom				
Teachers' Work Room				
CUSTODIAL & MAINTENANCE			0	
Custodian's Office				
Custodian's Workshop				
Custodian's Storage				
Recycling Room / Trash				
Receiving and General Supply Storeroom				
Network / Telecom Room				

PROPOSED								
Existing to Remain/Renovated			New			Total		
ROOM NFA ¹	# OF RMS	area totals	ROOM NFA ¹	# OF RMS	area totals	ROOM NFA ¹	# OF RMS	area totals
		0			2,755			2,755
			455	1	455	455	1	455
			100	1	100	100	1	100
			150	1	150	150	1	150
			110	1	110	110	1	110
			190	1	190	190	1	190
			185	1	185	185	1	185
			125	1	125	125	1	125
			120	1	120	120	1	120
			120	1	120	120	1	120
			250	1	250	250	1	250
			150	2	300	150	2	300
			200	1	200	200	1	200
			35	0	0	35	0	0
			225	2	450	225	2	450
		0			2,210	0	0	2,210
			150	1	150	150	1	150
			375	1	375	375	1	375
			375	1	375	375	1	375
			400	1	400	400	1	400
			303	1	303	303	1	303
			407	1	407	407	1	407
			200	1	200	200	1	200

Date: Enter Date Enter Submittal			
MSBA Guidelines (refer to MSBA Educational Program & Space Standard Guidelines)			
ROOM NFA ¹	# OF RMS	area totals	Comments
		2,595	
455	1	455	
100	1	100	
150	1	150	
110	1	110	
375	1	375	
125	1	125	
120	1	120	
120	1	120	
250	1	250	
150	2	300	
35	1	35	
455	1	455	
		2,210	
150	1	150	
375	1	375	
375	1	375	
400	1	400	
303	1	303	
407	1	407	
200	1	200	



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2018 FEB 22 A 11: 03

City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
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www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

February 22, 2018

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

Re: Grant Acceptance – Conservation

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a grant award for Conservation in the amount of \$44,500.00 from the Massachusetts Division of Fisheries and Wildlife through the Massachusetts Wildlife Habitat Management Grant Program.

This reimbursement grant will be used to continue the habitat restoration of pitch pine scrub oak forest in the Desert off Concord Road. These funds will be used to mow the 14-acre management area in order to prepare for a future burn in the next few years. Active management efforts have benefitted wildlife areas and continuing restoration projects like the ones funded by this grant will help this unique habitat survive.

The grant funds must be expended prior to the end of Fiscal Year 2018. Conservation Officer Priscilla Ryder conducted a walkthrough with potential contractors and proposals are currently under review. She expects work to begin in March.

If you have any questions, please do not hesitate to contact me or Priscilla Ryder.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough

Conservation Commission

140 Main Street
 Marlborough, Massachusetts 01752
 Tel. (508) 460-3768 Facsimile (508) 460-3747

February 12, 2018

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



RE: 2018 Mass Wildlife Habitat Management Grant
 Desert Natural Area Pitch Pine Scrub Oak Restoration Project

Dear Mayor Vigeant,

The City of Marlborough, through the Conservation Commission has been awarded a 2018 Mass Wildlife Habitat Management Grant in the amount of \$44,500. I have enclosed the grant award notice and project description. This is a reimbursement grant and all funds must be expended by June 30, 2018. Please submit to City Council for their acceptance.

These funds are to be used to continue the habitat restoration of the pitch pine scrub oak forest at the Desert Natural Area off Concord Rd. In May 2014, we did a prescribed burn to 14 acres of this forest in order to rejuvenate the pitch pine scrub oak habitat which requires fire survive. It was very successful. This current funding will be used to set back shrub/tree succession in the 14-acre management unit by mowing the entire area in preparation for a future burn in several years. It will also be used to remove all the trees that were girdled during the first burn, which are now dead and create a hazard. Our management efforts have already benefited wildlife in the area with the return of the Eastern Towhee and Eastern Whip-poor-will being heard on the site. This restoration effort will benefit specific turtles, birds, moths, butterflies and plants which all need this sandy pitch-pine scrub oak habitat to survive.

Please let me know if you or the City Council have any questions. I would be happy to attend a committee meeting if that is needed.

Sincerely,

Priscilla Ryder
 Conservation Officer

Cc: Con. Com.
 Diane Smith

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Conservation DATE: 2-12-18

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Priscilla Ryder

NAME OF GRANT: Mass Wildlife Habitat Management Grant Program

GRANTOR: Mass Division of Fisheries and Wildlife

GRANT AMOUNT: \$44,500

GRANT PERIOD: Must be completed by June 30, 2018

SCOPE OF GRANT/
ITEMS FUNDED Funds will be used to hire a contractor to mow the shrub area and to
remove dead girdled trees

IS A POSITION BEING
CREATED: no

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

ARE MATCHING CITY
FUNDS REQUIRED? There are no matching funds required.

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL? 2-26-2018

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



DIVISION OF FISHERIES & WILDLIFE

Jack Buckley, *Director*

MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE (MASSWILDLIFE)

2018 MASSWILDLIFE HABITAT MANAGEMENT GRANT PROGRAM (MHMGP)

MANAGEMENT PLAN FOR THE CITY OF MARLBOROUGH DESERT NATURAL AREA PITCH PINE SCRUB OAK RESTORATION PROJECT

Vendor Information

Ms. Priscilla Ryder
Conservation Officer
City of Marlborough, Conservation Commission
140 Main Street City Hall
Marlborough, MA 01752
Email: pryder@marlborough-ma.gov

Project Description

Desert Natural Area in Marlborough is an 88 acre site that contains a pitch pine-scrub oak forest, and the rest is a mix of white pine and oak forest with a red maple swamp and trout stream running through the middle. The property is all wooded. Rolling hills and oak dominated forest cover the western side to more level terrain, pine-dominated forest flanking Cranberry Brook in the middle of the property, then rising somewhat in elevation to a pitch pine scrub oak forest on a knoll along the eastern boundary. Cranberry Brook, which supports native brook trout populations, flows from the center of the northern boundary through a beaver pond and begins to meander at the southeastern portion of the property, nearly dividing this forest in two.

This project focuses on a 14 acre site. Approximately 8 acres of the 88-acre City of Marlborough parcel located in the northeast corner of the property and the abutting 6 acres of the 220-acre Sudbury Valley Trustee's General Federation of Women's Clubs Memorial Forest, will be mowed and brushed in preparation for future burning.

Project Deliverables

Goal 1: Set back shrub/tree succession in the 14-acre management unit.

Objective 1: To maintain shrub level vegetation structure and reduce tree oaks. In preparation for a future prescribed burn in several years.

Task 1: Mow the entire 14-acre parcel with heavy duty brush mower preferably a mower with tracks to remove/reduce shrub and tree regrowth. This cut would be a rough cut going over the area only once and this would occur during winter of 2018.

Goal 2: Eliminate logistical hazards within the 14-acre unit.

MASSWILDLIFE

1 Rabbit Hill Road | Westborough, MA 01581 | mass.gov/masswildlife

Objective 1: Removal of dead trees including the girdled white pines from the site.

Task 1: Remove all dead trees including those girdled in 2013 and left on site. These poles are falling and cluttering the site making it difficult for future mowing and an eventual prescribed burn. They will be stacked in two areas that are on the perimeter of the proposed burn area.

Understandings

- It is understood that the landowner is solely responsible for ensuring compliance with all applicable local, state, and federal law including obtaining any necessary permits prior to commencement of work associated with the Scope of Services described herein.
- MHMGP projects are subject to approval by the Massachusetts Natural Heritage and Endangered Species Program (NHESP) pursuant to the Massachusetts Endangered Species Act (MGL c.131A). Any terms or conditions imposed on the management activities conducted under the MHMGP by the NHESP must be followed in order for the project to be eligible for reimbursement; failure to do so may result in forfeiture of awarded funds.
- It is understood that the landowner and all those working on the MHMGP Management Area will take all necessary precautions to avoid adverse affects to Federal and State listed species.
- It is understood that MHMGP project information is subject to the Massachusetts Public Records Law and may be disclosed. However, certain personal information such as social security numbers and birthdates are exempt from disclosure.
- It is required that all staff providing time as reimbursement towards this grant submit documentation that the hourly rate provided is the actual hourly rate without fringe or indirect that the employee receives in their normal line of work. This documentation should be in the form of a pay stub or signed letter from the grantee's financial manager stating that the rate applied accurately reflects the employee's rate of pay.
- It is understood that the landowner will adopt MASSWILDLIFE's Best Management Practices for Controlling Invasive Species, which state that contractors working on a project funded through the MWHMGP shall certify that they have made efforts to assure that their off-road equipment and their field personnel who have been working within invasive plant infestations are reasonably free from invasive plant propagules prior to entering MHMGP project sites. This document can be found at: <http://www.mass.gov/eea/docs/dfg/dfw/habitat/grants/bmp-invasives.pdf>
- Any of the following deviations to the project, as approved, must be requested in writing:
 - Revisions to the scope of services (regardless of whether there are associated budget revisions).
 - Changes in sub-contracting, sub-granting, or otherwise obtaining the services of a third party to perform activities which are central to the purpose of this award.
 - Changes to the project budget (the total award will not be increased)
 MASSWILDLIFE will respond in writing to all requests. No deviation to the project as approved may occur without receipt of written notification from MASSWILDLIFE.
- The grantee shall maintain records, books, files and other data as specified in a Contract and in such detail as shall properly substantiate claims for payment under a Contract, for a minimum retention period of seven (7) years beginning on the first day after the final payment under a Contract, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving a Contract. MASSWILDLIFE shall have access, as well as any parties identified under Executive Order 195, during the Grantee's regular business

hours and upon reasonable prior notice, to such records, including on-site reviews and reproduction of such records at a reasonable expense.

Reporting Requirements

- The landowner must submit a Final Project Report that includes a comparison of the actual accomplishments with the goals and objectives of the award as detailed in the approved scope of services, a description of why established goals were not met, if appropriate, and any other pertinent information relevant to the project results. Final Project Reports should be submitted to the James Burnham at the Massachusetts Division of Fisheries and Wildlife, 1 Rabbit Hill Road, Westborough, MA 01581 by July 31, 2018. The Final Project Report must be received and approved before the final reimbursement will be made.
- Because this project may involve state-listed species, managers must file a brief summary of management actions completed (e.g., a page or less) and complete rare species observation forms for each state-listed species encountered; both report and forms should be sent to the Massachusetts Natural Heritage & Endangered Species Program (attn: Database Manager) by July 31, 2018.

Access

- The landowner agrees to authorize a MHMGP Representative access to the MHMGP Management Area during the Grant Agreement Period by appointment or with permission.

Timeline

- All funds to be expended between the date that the contract is executed and June 30, 2018. All work must be completed between these dates.
- There will be no extensions to this project.

Budget

- State Services not to exceed \$44,500.00.
- Submit reimbursement requests with supporting documentation including:
 - MHMGP reimbursement expense summary,
 - Post-treatment area photographs,
 - Landowner/Staff tracking sheets,
 - Receipts for project purchases,
 - Paid invoices from contractors (proof of payment required),
 - Prevailing wage weekly certified payroll report form and statement of compliance (if applicable),

to James Burnham, at the Massachusetts Division of Fisheries and Wildlife, 1 Rabbit Hill Road, Westborough, MA 01581. Supporting documentation will be checked against the approved budget prior to the approval of any reimbursement request. Site visits may be conducted at the discretion of MASSWILDLIFE to verify project completion and reimbursement request documentation. Payment will be issued within forty five (45) days of approval by MASSWILDLIFE of the reimbursement request.

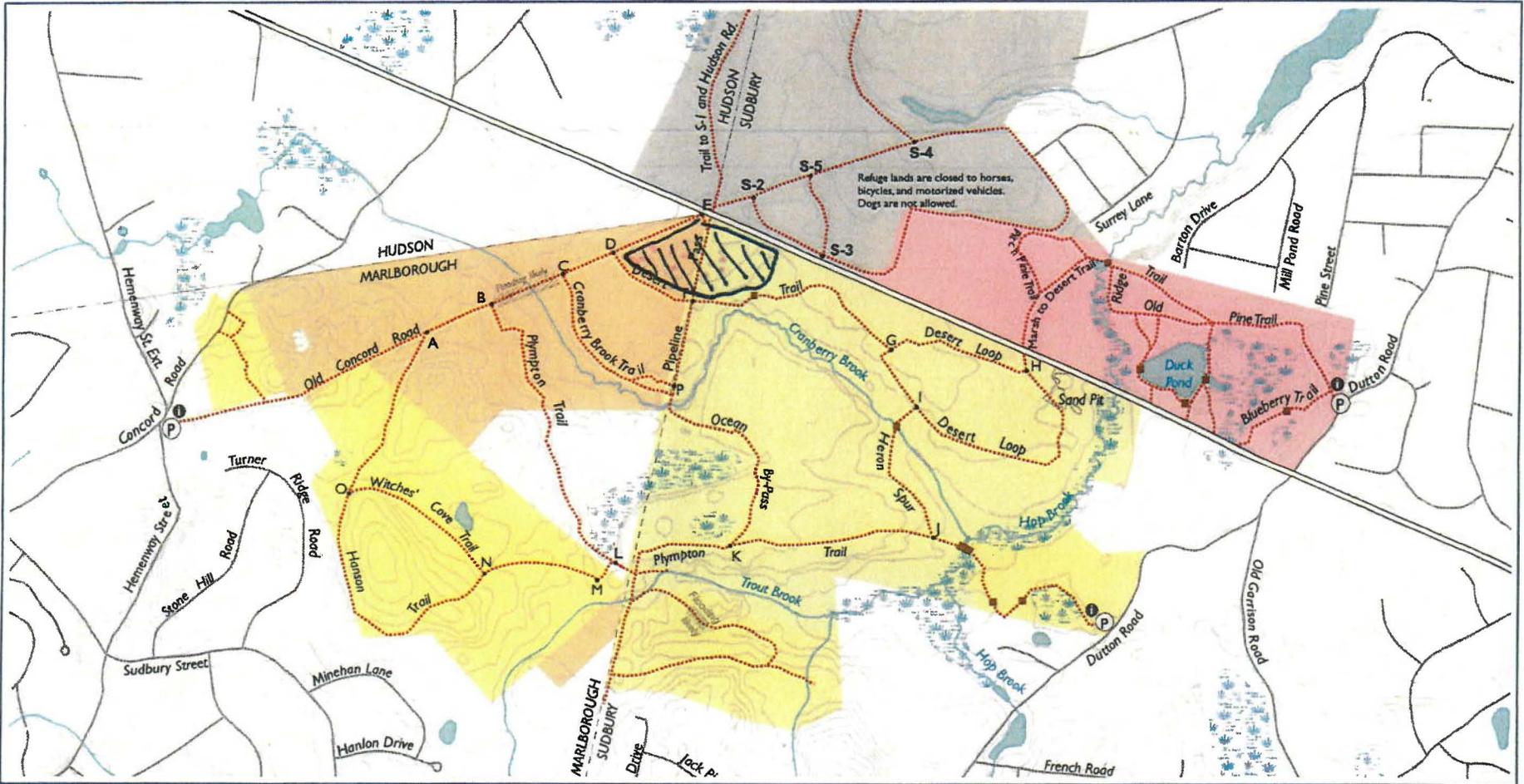
- Reimbursement requests may be submitted at any time during the grant period for work that has been completed, with a maximum of one request each calendar month. Up to 25% of the awarded total may be withheld until receipt and approval of the final report.



mow



remove girdled trees



• Junction	Pool
(P) Parking	Wetland
(I) Kiosk	SVT: GFWCM Memorial Forest
■ Bridge	Town of Sudbury: Hop Brook Marsh
— Abandoned Railroad	City of Marlborough: Desert Conservation Land
⋯ Trail	DCR: Marlborough-Sudbury State Forest
— Stream	Assabet River National Wildlife Refuge
	General Federation of Women's Clubs of Mass.

GFWCM Memorial Forest and Desert Natural Area Marlborough and Sudbury, MA



SUDBURY VALLEY TRUSTEES



City of Marlborough
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Office of the Mayor

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 140 Main Street
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www.marlborough-ma.gov

Arthur G. Vigeant
 MAYOR

Nicholas J. Milano
 EXECUTIVE AIDE

Patricia Bernard
 EXECUTIVE SECRETARY

February 22, 2018

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

Re: Appointment of William Doherty to the Parks and Recreation Commission

Honorable President Clancy and Councilors:

I am pleased to submit for your review and approval the appointment of William Doherty, Jr. to the Parks and Recreation Commission for a term of three years to expire from the date of approval by the City Council.

As a longtime Marlborough resident, Bill has been active in youth sports leagues for many years. Bill helped lead Marlborough's youth lacrosse organizations for nine years, helping the program grow from three to six teams. Bill also coached basketball as well as baseball. He knows the Recreation programs and facilities well and will be an asset to the Parks and Recreation Commission.

Dennis Zilembo resigned from the Commission last year and this appointment will fill his vacated spot. I am thankful for Dennis' service on the commission.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

William F. Doherty Jr.
88 Simpson Road
Marlborough, MA 01752

February 15, 2018

Mr. Charles Thebado
Recreation Director
City of Marlborough

Dear Chuck,

I would like to express my interest in being a member of the recreation commission for Marlborough.

I'd like to highlight some of my involvement with youth organizations over the past 25 years I've been a resident of Marlborough.

My wife Rose and I were involved for nine years with Marlborough's youth lacrosse organization, coaching and administering the league. We were able to grow the program from the original three teams to six teams during our tenure. Having enjoyed 8 years at Ward Park and the last year playing at the Whitcomb middle school, prior to the turf installation. We even had the pleasure of playing on Vital field a couple of times.

I coached for the Boys and Girls Club in town basketball and coached a few years with the travel basketball.

I coached and assisted when our boys were involved in MYBA over the years at Williams Street Baseball Fields. I even helped when our twins were on a co-ed soccer team playing at Ghiloni. All times I remember fondly.

My kids have grown and all three will be off to college this fall. I would like to give back by participating to help continue the tradition of excellence in recreation within the city.

Thank you for your consideration.

Sincerely,



William F. Doherty Jr.



City of Marlborough
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 CITY OF MARLBOROUGH**
Office of the Mayor

2018 FEB 22 A 11: 03

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Arthur G. Vigeant
 MAYOR

Nicholas J. Milano
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Patricia Bernard
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February 22, 2018

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

Re: Appointment of Samantha Khosla to the Library Board of Trustees

Honorable President Clancy and Councilors:

I am pleased to submit for your review and approval the appointment of Samantha Khosla to the Library Board of Trustees for a term to expire three years from the date of approval by the City Council.

Samantha first approached my office several years ago interested in getting more involved in the community, specifically the library. At the time, there were no vacancies on the Library Board of Trustees; instead, she volunteered to serve on the Library Building Committee.

Since there is now a vacancy, I am now requesting your confirmation of her appointment.

As we all know, the reason for the vacancy is that Ray Johnson passed away last fall. We are thankful for his decades of service and dedication to Marlborough.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Arthur G. Vigeant
 Mayor

Enclosures

Samantha M. Khosla, Esq.

385 Simpson Road • Marlborough, MA 01752 • [REDACTED]

BAR ADMISSION

Commonwealth of Massachusetts, November 2007-present

EDUCATION

Suffolk University Law School, Boston, MA

Juris Doctor, cum laude, May 2007

Honors and Awards: Dean's List, 2005-2007; Public Interest Law Grant, 2005; First Prize, ABA Client Counseling, Suffolk University Law School, 2006; Second Prize, ABA Client Counseling Regional Competition, 2005; First Prize, ABA Client Counseling, Suffolk University Law School, 2005

University of Toronto, Toronto, ON, Canada

Master of Arts, Philosophy, November 1997

Honors: University Fellowship, 1996-1997

Boston University, Boston, MA

University Professors Program

Bachelor of Arts, cum laude, Philosophy, May 1996

WORK EXPERIENCE

Boston University, Office of University Faculty Governance, Boston, MA

Director, February 2009-present

Direct the Faculty Council, the senate of the full-time faculty representing the 18 schools and colleges of Boston University; research, develop and propose new academic policies and provide feedback on existing academic and administrative policies to central Administration; plan and manage the agenda for the Faculty Council, the Executive Committee and 14 subcommittees; conduct research on higher education issues and gather internal data to support policy proposals; facilitate communication between the Council and the central Administration; managed campaign to amend Constitution of Faculty Assembly that required a University-wide ballot, endorsement by the President and approval by the Board of Trustees.

Legal Writer, Marlborough, MA

November 2008-present

Research, update, and edit professional publications as a freelance writer for Thomson Reuters (WestlawNext).

Law Offices of Richard N. Gottlieb, Boston, MA

Associate, August 2008-February 2009

Represented clients in consumer bankruptcy; represented clients at Meetings of Creditors, appeared before federal bankruptcy judges at motion hearings; filed Chapter 7 and Chapter 13 voluntary petitions, motions and responses on PACER; interviewed clients.

Office of the Bar Counsel of the Supreme Judicial Court, Boston, MA

Legal Intern, October 2006-May 2007

Assisted bar counsel with investigations of attorney misconduct; researched and wrote memos about violations of the Massachusetts Rules of Professional Conduct and compared Massachusetts law with other jurisdictions; annotated the Massachusetts Rules of Professional Conduct; attended disciplinary hearings of the Board of Bar Overseers.

Partners HealthCare System, Inc., Office of the General Counsel, Boston, MA*Summer Legal Intern, May 2006-August 2006*

Researched and wrote memos on a breadth of practice areas including health care law, state and federal regulatory law, employment and labor law, contract litigation, UCC, HIPAA, and ERISA as the sole legal intern for a general counsel's office of 25 attorneys.

Suffolk University Law School, Boston, MA*Legal Research Assistant, September 2005-May 2006*

Researched and fact-checked issues in health law, public policy and ethics for publications by Prof. Marc Rodwin.

Suffolk County Sheriff's Department, Legal Services, Boston, MA*Summer Legal Intern, June 2005-August 2005*

Wrote memos on civil rights for attorney of Legal Services; performed legal research for inmates at Suffolk County Jail and House of Correction; processed intake forms for detainees; attended bail review hearings in Superior Court.

Boston University, American and New England Studies Program, Boston, MA**Senior Program Coordinator, January 2000-August 2004**

Managed graduate program of 75 Ph.D. and 20 M.A. students and 25 affiliated faculty; advised graduate students on program guidelines, timelines and financial aid; informed students and faculty about University policies; prepared graduate application files for admissions committee; supported Director of American Studies and Director of Preservation Studies.

First Night International, Inc., Boston, MA*Office Manager, July 1998-January 2000***University of Toronto, Toronto, ON, Canada***Teaching Fellow, September 1996-June 1997***PUBLICATIONS FOR THOMSON REUTERS**

11/15/2017 Criminal Procedure, Commitment Hearings, Chapter 10, Div I to III, §§10:1 to 10:30, Georgia Procedure

06/01/2017 Charge and Instruction to the Jury, Chapter 200, Div I(A to B), §§200:1 to 200:30, Carmody-Wait, 2d, Cyclopedia of New York Practice with Forms

12/20/2016 Pretrial Motions, Chapter 189, Div III(A to B), §§189:94 to 189:174) Carmody-Wait, 2d, Cyclopedia of New York Practice with Forms

11/11/2016 Commencement of Actions, Chapter 24 (Div I to Div II(D), §§24:1 to 24:26) Carmody-Wait, 2d, Cyclopedia of New York Practice with Forms

10/21/2016 Actions and Proceedings, Chapter 9, Div I to IV, 9:1 to 9:26, Carmody-Wait, 2d, Cyclopedia of New York Practice with Forms

06/29/2016 Bankruptcy, Chapter 9, Div I(A to B), §§9:1 to 9:43, Federal Procedure, L.Ed.

04/25/2016 Government Officers and Employees, Chapter 40, Div IX , §§40:775 to 40:820 Federal Procedure, L.Ed.

03/07/2016 Pleas and Plea Bargaining, Chapter 182, Div V to VI, §§182:70 to 182:107, Carmody-Wait, 2d, Cyclopedia of New York Practice with Forms

11/20/2015 Officers of the Court, Chapter 3, Div II(H to J), §§3:107 to 3:159, Carmody-Wait, 2d, Cyclopedia of New York Practice with Forms

07/17/2015 Motion for Judgment on Pleadings, Chapter 31, Div I to IV, §§31:1 to 31:57, Standard Pennsylvania Practice, 2d

06/08/2015 Complaint in Tort Action, Chapter 23, Div III(C, D), §§23:123 to 23:156, Standard Pennsylvania Practice, 2d

05/29/2015 Courts and Their Jurisdiction, Chapter 2, Div I(B), §§2:48 to 2:63, Carmody-Wait, 2d, Cyclopedia of New York Practice with Forms

07/17/2015 Criminal Procedure, Appeal and Review, Chapter 22, Div XXII(A, B), §§22:2442 to 22:2493, Federal Procedure, L.Ed.

06/09/2015 Action on Official Bond or Undertaking, Ch 134, Carmody-Wait, 2d, Cyclopedia of New York Practice with Forms

12/10/2014 Civil Procedure: Special Remedies and Proceedings, Chapter 9, Div I to II, §§9:1 to 9:30, Georgia Procedure

10/06/2014 Commencement of Action, Chapter 8, §§8:1 to 8:17, Standard Pennsylvania Practice, 2d

07/23/2014 Domestic Relations Actions, Chapter 126, Div IX, §§126:1113 to 126:1164, SPAP_ch126_13 Standard Pennsylvania Practice, 2d

07/09/2014 Government Contracts, Chapter 39, Division X, A to X, B [4] §§39:1210 to 39:1260, Federal Procedure, L.Ed.

03/06/2014 Actions in the Court of Claims, Chapter 120, Divs I, II §§120:1 to 120:35, Carmody-Wait, 2d, Cyclopedia of New York Practice with Forms

11/18/2013 Trespass Florida Jurisprudence, 2d

06/10/2013 Employment and Labor Relations, Chapter 11 (§§11:1 to 11:66) Summary of Pennsylvania Jurisprudence, 2d

07/27/2012 Register of Wills, Chapter 149 (§§149:1 to 149:36) Standard Pennsylvania Practice, 2d

07/02/2012 Actions of Enforce Forfeitures and Penalties, Chapter 107, §§107:1 to 107:73, Standard Pennsylvania Practice, 2d

03/05/2012 Costs, §§75 to 135, Florida Jurisprudence, 2d

03/01/2012 Creditor's Rights and Remedies, §§33 to 56, Florida Jurisprudence, 2d

01/30/2012 Defamation and Privacy, §§1 to 74, Florida Jurisprudence, 2d

11/28/2011 Charities, Florida Jurisprudence, 2d

08/01/2011 Fraudulent Conveyances, Chapter 2, Georgia Jurisprudence

07/05/2011 Evidence, §§869 to 927, Florida Jurisprudence, 2d

06/14/2011 Insurance, §§3582 to 3691, Florida Jurisprudence, 2d

05/01/2011 Liens, Property, Chapter 10, Georgia Jurisprudence

02/28/2011 Insurance, §§279 to 341, Florida Jurisprudence, 2d

01/31/2011 Products Liability, §§17 to 53, Florida Jurisprudence, 2d

12/02/2010 Damages, §§1 to 18, Florida Jurisprudence, 2d

11/01/2010 Energy VI to XI_2 Ohio Jurisprudence, 3d

04/05/2010 Actions, §§163 to 232, Florida Jurisprudence, 2d

03/02/2010 Search and Seizure Chapter 8, §§8:175 to 8:232, Georgia Procedure

02/01/2010 Workers' Compensation, §§1 to 59, Florida Jurisprudence, 2d

12/01/2009 Appellate Review, Florida Jurisprudence, 2d

10/30/2009 Public Utilities VII/XI Ohio Jurisprudence, 3d

07/27/2009 Criminal Law, §§4684 to 4710, Florida Jurisprudence, 2d

07/17/2009 Criminal Law, §§3758 to 3807, Florida Jurisprudence, 2d

05/26/2009 Criminal Law, (§§3596 to 3617) Florida Jurisprudence, 2d

02/01/2009 Sales, Uniform Commercial Code, Chapter 2, §§2:1 to 2:15, Georgia Jurisprudence

11/25/2008 Constitutional Law, Chapter 8, §§407 to 441, Florida Jurisprudence, 2d

Glazer and Fitzgibbon on Legal Opinions: Drafting, Interpreting and Supporting Closing Opinions in Business Transactions, Third edition, Wolters Kluwer, 2008, (prepared front and end matter)

VOLUNTEER SERVICE

Marlborough Historical Commission April 2017-present: member of city commission dedicated to the protection and preservation of historical landmarks and landscapes; appointed by Mayor Vigeant.

Marlborough Public Library Building Committee March 2016-March 2017: member of building committee to advise Mayor Arthur Vigeant and prepare the city's grant application to the Commonwealth for matching funds for library renovation.

Boston Public School Community Service Scholars Program September 2011-present: mentor undergraduate scholarship students attending Boston University; advise students about their community service requirements and help them to adjust to academic study and University life.

Boston University Women's Guild (Scholarship Chair, May 2016-present; President, May 2012-May 2016; First Vice President, 2011-2012; Chair, Bylaws Committee, 2010-2011): led a networking organization of University women; planned professional development workshops; fundraised for graduate scholarship fund; planned 60th anniversary gala and raised over \$10,000 to launch an endowed scholarship fund; current Chair of the Scholarship Committee.

ADDITIONAL SKILLS

Computer Skills: Microsoft Office, Wordpress, SAP, WestlawNext

References are available upon request.



City of Marlborough
Legal Department

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2018 FEB 22 A 11:18
 DONALD V. RIDER, JR.
 CITY SOLICITOR

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

CYNTHIA M. PANAGORE GRIFFIN
 ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
 PARALEGAL

February 22, 2018

Edward Clancy, President and Members
 Marlborough City Council

RE: Apex Center - Open Space Covenant and Restriction

Dear President Clancy and Members:

Attached for your consideration is an Open Space Covenant and Restriction which I am submitting pursuant to paragraph 20 of the Development Agreement between Walker Realty LLC and the City of Marlborough. The Open Space Covenant and Restriction includes a draft plan, designated as Exhibit A, of the subject open space. The plan will require review by Conservation Commissioner Ryder and/or City Engineer DiPersio prior to a vote by the City Council.

I am available to answer your questions. Thank you for your attention to this matter.

Very Truly Yours,

/s/ Cynthia Panagore Griffin

Cynthia Panagore Griffin

Enclosure

Cc: Priscilla Ryder, Conservation Commissioner
 Thomas DiPersio, City Engineer
 Site Plan Review Committee
 Kevin Eriksen, Esq.

OPEN SPACE COVENANT AND RESTRICTION

This OPEN SPACE COVENANT AND RESTRICTION (hereinafter, the “Covenant”) is entered into this ____ day of _____ 2018 by Walker Realty LLC, a Massachusetts limited liability corporation with a usual address of 4 Lan Drive, Westford, MA 01886 and Marlboro Hospitality, LLC, a Massachusetts limited liability company with a usual address of 4 Lan Drive, Westford, MA 01886, their respective successors as fee owners of the hereinafter described Restricted Land (hereinafter, collectively, the “Covenanting Party”) with the City of Marlborough, a municipal corporation with an address of 140 Main Street, Marlborough, MA 01752 (hereinafter, the “Benefitted Party”).

Reference is made to the following facts which set forth the background to this Covenant:

- A. The Covenanting Party is the fee owner of certain property located off Boston Post Road West, Marlborough, Massachusetts known as Lots 11, 12, and 13A as shown on a plan entitled “Subdivision Plan of Land in Marlborough, Massachusetts” prepared by VHB Inc., dated May 4, 2017, revised through June 14, 2017 and recorded at Middlesex County South Registry of Deeds at Plan Book 2017, Plan 574, (the “Property”), said Restricted Land being a portion thereof.
- B. Pursuant to Section 650-35 of the City of Marlborough Zoning Ordinance, the Property is located within the Hospitality and Mixed Use Overlay District (hereinafter, the “HRMUOD”).
- C. Pursuant to the provisions of Section 650-35 of the City of Marlborough Zoning Ordinance, the Marlborough City Council approved a Development Agreement, which is recorded at Middlesex South Registry of Deeds in Book 68164, Page 152, for the development of the Property as permitted in the HRMUOD.
- D. Pursuant to paragraph 20 of said Development Agreement, the Covenanting Party is required as a condition of site plan approval to grant to the Benefitted Party a perpetual easement for an additional non-disturbance area to be left as undevelopable Open Space (hereinafter, the “Restricted Land”) at the Property (hereinafter, the “Covenant Requirement”).
- E. In connection with site plan approval, pursuant to the Development Agreement the Covenanting Party desires to restrict _____ square feet or ____ acres of land, more or less, more particularly described as OSE # ____ on Exhibit A attached hereto and incorporated herein as the Restricted Land consisting of open space left substantially in its natural state as undevelopable open space in accordance with the terms of this Covenant and in fulfillment of the Covenant Requirement.

NOW THEREFORE for good and valuable consideration, which is acknowledged, the undersigned hereby COVENANTS with the City of Marlborough, acting by and through its Mayor, duly authorized by the Marlborough City Council, as follows:

I. COVENATING PARTY:

Walker Realty LLC, a Massachusetts limited liability corporation, and Marlborough Hospitality LLC, are the fee owners of the Restricted Land.

II. PURPOSES:

The purposes of this Open Space Covenant and Restriction (hereinafter, this "Covenant") are for the perpetual conservation and preservation of open space, passive recreation, to assure that the Restricted Land will be retained, in perpetuity, in its natural, scenic, wetlands and wooded condition.

III. PROHIBITED AND PERMITTED ACTS AND USES:

A. Prohibited Acts and Uses: Subject to the exceptions set forth hereinafter, the Covenanting Party will not perform or permit the following acts and uses which are expressly prohibited on, above, and below the Restricted Land:

1. Constructing or placing any buildings, constructing or placing parking, roadways or walkways or other structures or pads from asphalt, stone, synthetic or concrete or other materials, fences, signs, billboards or other advertising displays, antennas, utility poles, towers, cabinets, telecommunications equipment of any kind, conduits, lines or other temporary or permanent structures, facilities or accessory uses whatsoever, including portions thereof, on, below, or above the Restricted Land;
2. Mining, excavating, dredging or removing from the Restricted Land soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit;
3. Placing, filling, storing or dumping on the Restricted Land of soil, refuse, trash, vehicle bodies or parts, rubbish, chemicals, debris, junk, waste or other objects, substances or materials whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
5. The stockpiling and composting of stumps, trees, shrubs, grasses, and brush limbs or similar materials;
6. Any uses or acts which would impair or be detrimental to the public walking trail easements, recorded at Middlesex County South Registry of Deeds in Book _____, Page _____, and to the sewer easement, recorded at Middlesex County South Registry of Deeds in Book _____, Page _____;

7. Activities detrimental to drainage, flood control, water conservation, wildlife habitat, erosion control or soil conservation;
8. Hunting, trapping and fishing;
9. Any other use of the Restricted Land or activity adverse to conservation or which would materially impair the character of the land as open space left substantially in its natural state, unless necessary for protection of the land as such land left substantially in its natural state; and
10. Use of motorized vehicles including but not limited to trucks, cars, all-terrain vehicles, dirt bikes, motorcycles, campers, trailers and snowmobiles.

B. Exceptions to Otherwise Prohibited Acts and Uses: Notwithstanding anything to the contrary contained in Paragraph A. above, the following acts and uses are permitted:

1. The maintenance and modification of vegetation, excavation, dredging, removal of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposits on the Restricted Land for conservation, habitat management or scientific purposes;
2. Construction, reconstruction, modification, inspection, maintenance, repair and use of easements of record, drainage facilities, wastewater facilities and other utilities and rights of way, if any, to service the Property, of which the Restricted Land is a part, and/or to service any other land outside of the Property which is Benefitted by these appurtenances, together with any and all rights and easements of record necessary and desirable to effectuate the foregoing;
3. Drainage from adjoining land;
4. The erection and maintenance of signs identifying ownership of the Restricted Land, its status as land subject to an Open Space Covenant and Restriction, the restrictions on the use of the Restricted Land, the identity of areas of interest, natural features or other characteristics of the Restricted Land, and the public walking trail easements recorded with the Middlesex County South Registry of Deeds at Book __, Page __;
5. With the prior approval of the Tree Warden of the City of Marlborough, the removal of hazardous, downed, dead or dying trees or tree limbs, although some deadfall may remain as den trees and to otherwise support wildlife; the de minimus cutting and removal of shrubs and other vegetation, the planting of native trees, shrubs and other vegetation, and the removal of debris or trash for normal maintenance of the Restricted Land in a natural condition and to prevent threat of injury or damage to persons or property;
6. Measures designed to restore native biotioc communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare and or endangered species including selective

planting of native trees, shrubs and plant species, and removal of non-native and invasive plant species;

7. The placing of fences and benches that do not interfere with the purposes of this Covenant;
8. Trapping to control nuisance wildlife species pursuant to M.G.L. c. 131, § 80A;
9. The maintenance, removal or replacement of utilities, underground structures, good drainage, soil conservation or to other permissible uses of the Restricted Land;
10. On the aforementioned public walking trails only, the use of the Restricted Land by the public for passive recreational activities such as walking, snowshoeing, biking, cross-country skiing, nature study, bird watching, and the like;
11. The repair, maintenance, and reconstruction of the walking trails and the sewer easement, and appurtenances thereto, in conformance with the recorded walking trail easements and sewer easement, recorded at the Middlesex County South Registry of Deeds as provided herein, and as reasonably necessary, such fences, bridges, gates, and stonewalls, if any, as may be located on the Restricted Land; and
12. Motorized vehicles necessary for public safety (e.g., fire, police, ambulance and other government officials) in carrying out their lawful duties or as necessary in furtherance of any use permitted under this Section III (B).

IV. MAINTENANCE AND STEWARDSHIP OF THE RESTRICTED LAND

- A. The Benefitted Party, its agents and assigns, may enter upon the Restricted Land at reasonable times and with reasonable advanced written notice to monitor the Covenanting Party's compliance with this Covenant and to otherwise enforce the terms thereof, provided, however, that the Benefitted Party shall provide reasonable notice of entry to the Covenanting Party.

V. MISCELLANEOUS

- A. The burdens of this Covenant shall run with the Restricted Land in perpetuity and shall be enforceable against the Covenanting Party and the successors and assigns of the Covenanting Party holding any interest in the Restricted Land, provided however, Covenanting Party and each successive owner of the Restricted Land (or portion(s) thereof) shall be liable only for those matters arising during the respective party's ownership of the Restricted Land (or portion(s) thereof) and only to the extent of its ownership of the Restricted Land (or portion(s) thereof). Nothing contained in this Covenant shall be construed to entitle the Benefitted Party to bring any action against the Covenanting Party for any injury or change in the Restricted Land resulting from causes beyond the Covenanting Party's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Covenanting Party under emergencies, conditions to abate, prevent or mitigate significant injury to the Restricted Land from such causes.

- B. The rights hereby granted shall include the right to enforce this Covenant by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations. The Covenanting Party covenants and agrees to reimburse the Benefitted Party all reasonable costs and expenses (including reasonable attorney's fees) incurred in enforcing this Covenant or in taking reasonable measures to remedy, correct, or abate any violation thereof, provided that a violation of this Covenant is acknowledge by the Covenanting Party to have occurred or determined by a court of competent jurisdiction to have occurred.
- C. Any election by the Benefitted Party as to the manner and timing of its right to enforce this covenant and restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be waiver of such rights.
- D. This Covenant may be amended to permit additional uses permitted within open space land in the City of Marlborough by the recording of an instrument executed by the Covenanting Party and the Benefitted Party, with approval of the Marlborough City Council and the Mayor of the City of Marlborough.
- E. This Covenanting Party and the Benefitted Party, on their own behalf and on behalf of their successors and assigns, agree and represent as follows: (i) pursuant to M.G.L. c. 184, § 23, the foregoing Covenant is a gift for the public purpose of preservation of land in its natural state with rights of public access thereto as provided in the above-referenced walking trail easements; and (ii) pursuant to M.G.L. c. 184, § 26, the foregoing Covenant is a restriction held by a governmental body, which shall be duly recorded and indexed in the grantor index on the registry of deeds or registered in the registry of deeds in the registry district of the land court for the county or district wherein the land lies so as to affect its title, and which describes the land by metes and bounds or by reference to a recorded or registered plan showing its boundaries. Accordingly, the foregoing Covenant shall remain in effect in perpetuity, and shall not be subject to the limitation on the period of a covenant of unlimited duration set forth in M.G.L. c 184, § 23 on the periods of its enforceability set forth in M.G.L. c. 184, § 27.
- F. The Benefitted Party is authorized to record or file notices or instruments, if any, appropriate to assuring the perpetual enforceability of this Covenant. Without limiting any of the foregoing, the Covenanting Party its successors and assigns agree to execute any such reasonable instruments within a commercially reasonable period of time after written request of the Benefitted Party.
- G. The foregoing is not intended to constitute a conservation restriction under M.G.L. c. 184, §§ 31 and 32.
- H. The foregoing Covenant is not intended to be a disposition of land or easement and is not intended to be subject to the provisions of Article 97 of the Constitution of the Commonwealth. Further, by acceptance hereof, the Benefitted Party hereby specifically contractually agrees with the Covenanting Party, in consideration for the grant of this Covenant, to retain the right to release or modify the terms of this Covenant without being subject to the provisions of Article 97 of the Constitution of the Commonwealth

- I. By Order of the Marlborough City Council, attached hereto as Exhibit B, this Covenant has been approved, and the gift thereof accepted, by the Marlborough City Council in accordance with paragraph 20 of the Development Agreement, which paragraph concerns the recording of a perpetual easement for an additional non-disturbance area at the Property to be left as undevelopable Open Space.
- J. This Covenant shall be and is binding upon the grantee's or successors in title to the Covenanting Party, which agrees to incorporate by reference the terms of this Open Space Covenant and Restriction in any deed or other legal instrument by which it divests itself of any interest in all or any portion of the Restricted Land, it being the express intention and understanding and agreement that this covenant shall constitute a covenant running with the land. Without limitation, the Covenanting Party, on its own behalf and on behalf of its successors and assigns, waives and relinquishes any right to assert that the Covenant does not constitute a gift to a governmental body for a public purpose.

The Marlborough City Council shall be the Benefitted Party under this Covenant until the City Council transfers, if at all, said status as Benefitted Party to the Conservation Commission of the City of Marlborough, after which the Conservation Commission shall be the Benefitted Party under this Covenant until the City Council transfers said status as Benefitted Party under this Covenant, if at all, to itself or to another department, board or commission of the City of Marlborough.

- K. If any provision of this Covenant shall to any extent be held invalid, the remainder shall not be affected.
- L. The Covenanting Party and the Benefitted Party intend that the covenants and restrictions arising hereunder take effect on the day and year this Restriction is recorded in the official records of the Middlesex County South Registry of Deeds, after all signatures have been affixed hereto. This document and any exhibits thereto shall be recorded in a timely manner by the Benefitting Party, at its sole expense, upon execution by all parties.

Witness our hands and seals this ____ day of _____, 2018.

FOR THE COVENANTING PARTY:

FOR THE BENEFITTED PARTY:

WALKER REALTY LLC

THE CITY OF MARLBOROUGH
By and through its duly authorized Mayor:

Robert Walker, Manager

Arthur G. Vigeant, Mayor
In his official capacity

MARLBOROUGH HOSPITALITY LLC

Robert Walker, Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2018, before me, the undersigned notary public, personally appeared Robert A. Walker, Manager, proved to me through satisfactory evidence of identification, which was Personal Knowledge to be the person whose name is signed on the preceding/attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

 Notary Public
 My Commission Expires:

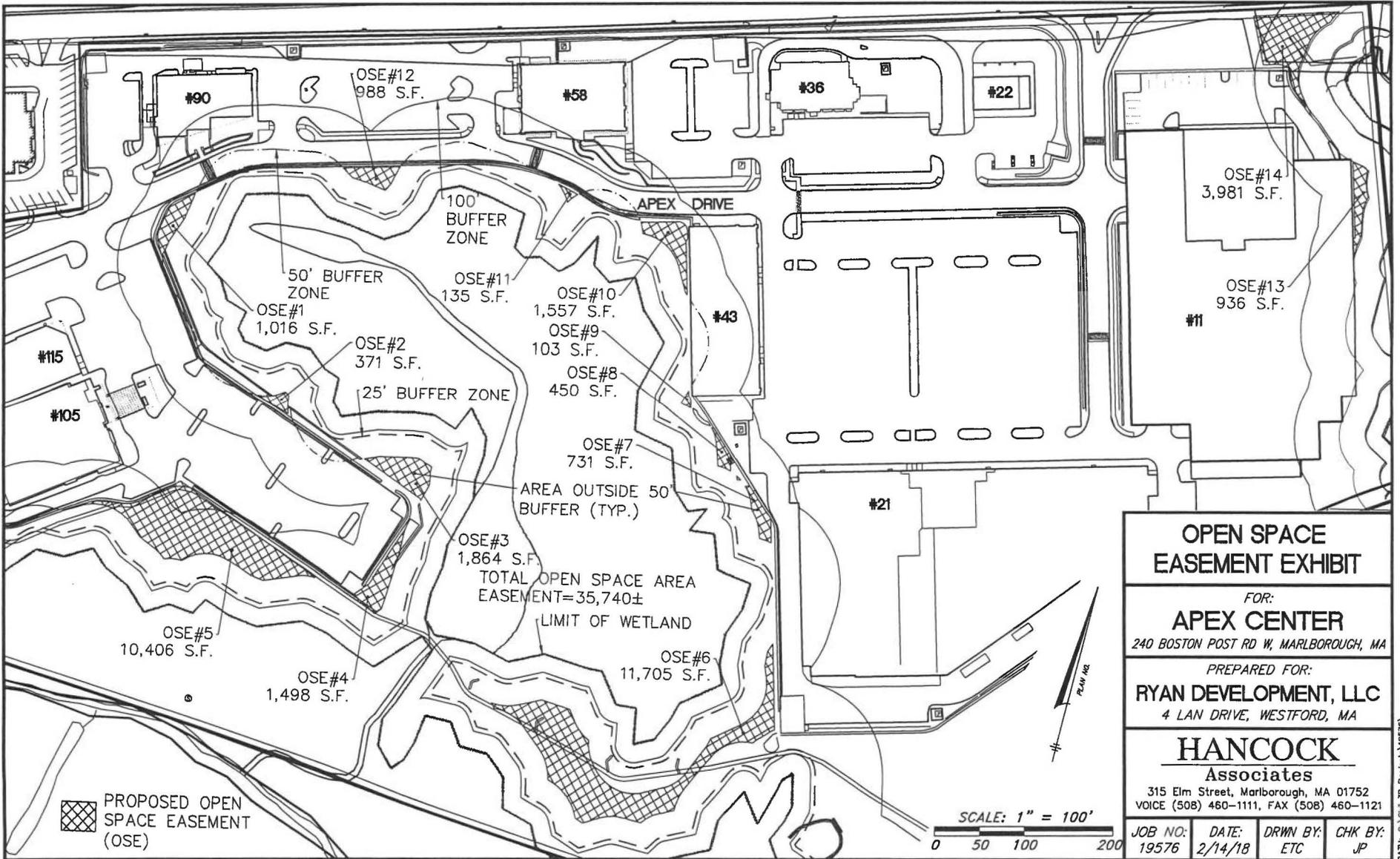
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2018, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, proved to me through satisfactory evidence of identification, which was _____ (source of identification) to be the person whose name is signed on the preceding/attached document in his official capacity as the Mayor of the City of Marlborough, and acknowledged to me that he signed it voluntarily for its stated purpose.

 Notary Public
 My Commission Expires

EXHIBIT A



PROPOSED OPEN SPACE EASEMENT (OSE)

OPEN SPACE EASEMENT EXHIBIT

FOR:
APEX CENTER
240 BOSTON POST RD W, MARLBOROUGH, MA

PREPARED FOR:
RYAN DEVELOPMENT, LLC
4 LAN DRIVE, WESTFORD, MA

HANCOCK
Associates
315 Elm Street, Marlborough, MA 01752
VOICE (508) 460-1111, FAX (508) 460-1121

JOB NO: 19576	DATE: 2/14/18	DRWN BY: ETC	CHK BY: JP
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SCALE: 1" = 100'

0 50 100 200

PATH: C:\V01\30 Projects\19576

EXHIBIT B

City of Marlborough
Commonwealth of Massachusetts



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

February 21, 2018

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

RE: Sign Permit Application
Marlborough Car Care
175 Lakeside Avenue

Dear Mr. Clancy and Members:

Attached please find an application for a sign application at the above referenced location for LED/Digital Price Display. The proposed addition will replace an existing sign and is therefore in compliance with regards to size and location,

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

Sincerely,

Pamela A. Wilderman
Code Enforcement Officer

cc: Viewpoint Sign and Awning
File

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 FEB 21 P 3:12



35 Lyman Street
Northboro, MA 01532

508 393-8200
508 393-4244 Fax
signs@ViewPointSign.com
www.ViewPointSign.com

**INTERIOR/EXTERIOR
SIGNAGE**

Electric
Architectural
Dimensional
Wayfinding
Channel Letters
LED/Neon
Electronic Message Centers
Digital Graphics

AWNINGS

Commercial
Backlit
Canvas
Retractable

SIGN SERVICE

**ARCHITECTURAL
METAL FABRICATION**

VEHICLE GRAPHICS

MEMBERS

Massachusetts Sign Association
Rhode Island Sign Association
International Sign Association
Northeast States Sign Association
North East Canvas Products
Association
Industrial Fabrics Association
International

February 21, 2018

City of Marlborough
City Council
140 Main St.
Marlborough, MA 01752

Re: Marlboro Car Care - 175 Lakeside Ave.

Hello,

On behalf of Marlboro Car Care, we are requesting a special permit be granted for a new LED price board for an existing freestanding sign.

Enclosed please find an application and associated documents for this request to be brought before the City Council.

The existing freestanding sign consists of two cabinets - the top cabinet with "Marlboro Car Care" graphics is approximately 6'h x 8'w, the bottom cabinet with "Full Service" and "Lakeside Fuel" graphics is 4'h x 8'w. We would remove the bottom cabinet and replace with the new LED price board which is the same size as the existing cabinet.

The LED price board has an overall size of 4'h x 8'w. The pricing screen is approximate 2'h x 5'w, with a smaller screen that is approximately 3'h x 18" w. It will not have a direct or negative impact on the neighborhood or drivers on the road. The LEDs are monochromatic (red), and the brightness level can be adjusted as needed.

This Council may grant desirable relief without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-law.

Approval of this application will be a benefit to this facility and the town. It will not impact the integrity or character of the neighborhood, and will not be detrimental to the general purpose of the by-laws.

Best Regards,

Lauren Cronin
Lauren Cronin
Permit Manager
Viewpoint Sign and Awning
35 Lyman St
Northboro, Ma. 01532
508-393-8200 x21
LCronin@viewpointsign.com



V | à | É | t | Ü | Ä | Ö | Æ

MARLBOROUGH CITY COUNCIL

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

SIGN SPECIAL PERMIT

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

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

175 LAKESIDE AVE.

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

EXISTING FREESTANDING SIGN - OVERALL CABINET SIZES 10'H x 8'W (MARLBORO CAR CARE CABINET = 6'H x 8'W, FULL SERVICE LAKESIDE FUEL CABINETS = 4'H x 8'W); EXISTING WALL SIGN CABINET - ~6'H x 10'W WRAP-AROUND AWNING - VALENCE IS ~2'H; (PHOTOS OF EXISTING SIGNAGE ATTACHED).

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

NO

4. Names of business or activity applying for sign:

GAS STATION / MECHANIC SHOP - "MARLBORO CAR CARE"

5. Applicant:

VIEWPOINT SIGN & AWNING OBO MARLBORO CAR CARE.

Street/City/Zip Code:

35 LYMAN ST. NORTHBORO, MA 01532

6. Building Owner:

ST. MARY THOMAS LLC - PETER ARMANIUS (OWNER REPRESENTATIVE)
Street/City/Zip Code:
175 LAKESIDE AVE MARLBORO MA 01752

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

Building Owner.

E-mail: BOSTONCOMPANY3@emply.com Business: 508-631-9798 Mobile: _____

Agent/Owner of Business where sign will be located.

E-mail: LCRONIN@VIEWPOINTSIGN.COM Business: 508 393 8200 Mobile: _____

Applicant.

E-mail: _____ Business: _____ Mobile: _____

8. Applicant is (please check).

Business Owner: _____ Tenant: _____ Other (describe): SIGN INSTALLER / CONTRACTOR

Required Attachments

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

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

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

Lauren Cronin - VIEWPOINT SIGN + AWNING _____
Applicant Signature Date 2/21/2018

SEE ATTACHED _____
Property Owner Signature Date 2/21/2018

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



35 Lyman Street
Northboro, MA 01532

508 393-8200
508 393-4244 Fax
signs@ViewPointSign.com
www.ViewPointSign.com

**INTERIOR/EXTERIOR
SIGNAGE**

- Electric
- Architectural
- Dimensional
- Wayfinding
- Channel Letters
- LED/Neon
- Electronic Message Centers
- Digital Graphics

AWNINGS

- Commercial
- Backlit
- Canvas
- Retractable

SIGN SERVICE

**ARCHITECTURAL
METAL FABRICATION**

VEHICLE GRAPHICS

MEMBERS

- Massachusetts Sign Association
- Rhode Island Sign Association
- International Sign Association
- Northeast States Sign Association
- North East Canvas Products Association
- Industrial Fabrics Association International

UL LISTED FABRICATORS

Landlord Authorization

Date: 1/11/2018

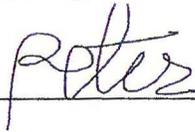
To whom it may concern:

I St. Mary Thomas, LLC (represented by Peter Armanious)

Owner of the property located at 175 Lakeside Ave. Marlborough MA 01752

Do hereby consent to allow **Margaret Vosburgh** of ViewPoint Sign and Awning to act on my behalf pertaining to permitting and installation of signs and/or awnings for the property named above.

Sincerely,



Address 175 Lakeside Ave. Marlborough MA 01752

Telephone 508-631-9798

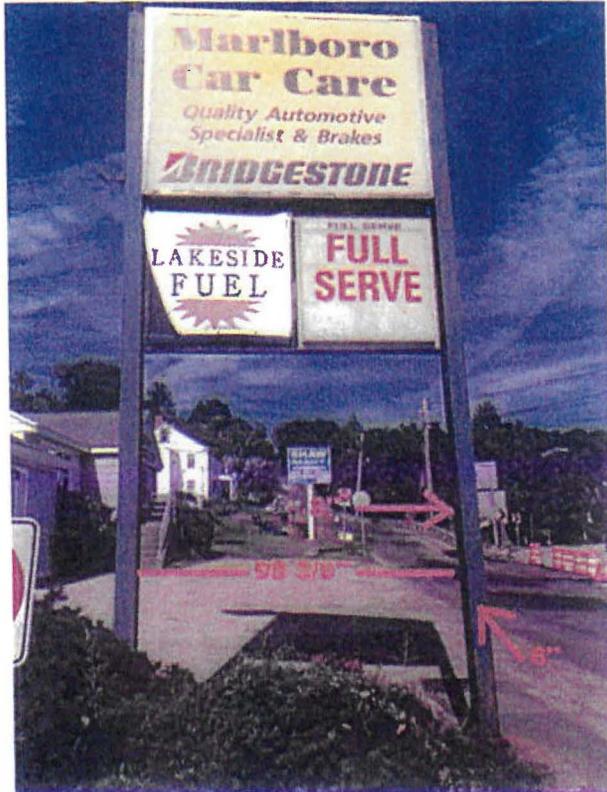
Email: Bostoncompany3@gmail.com
(Please print carefully)

Deeded name of property:

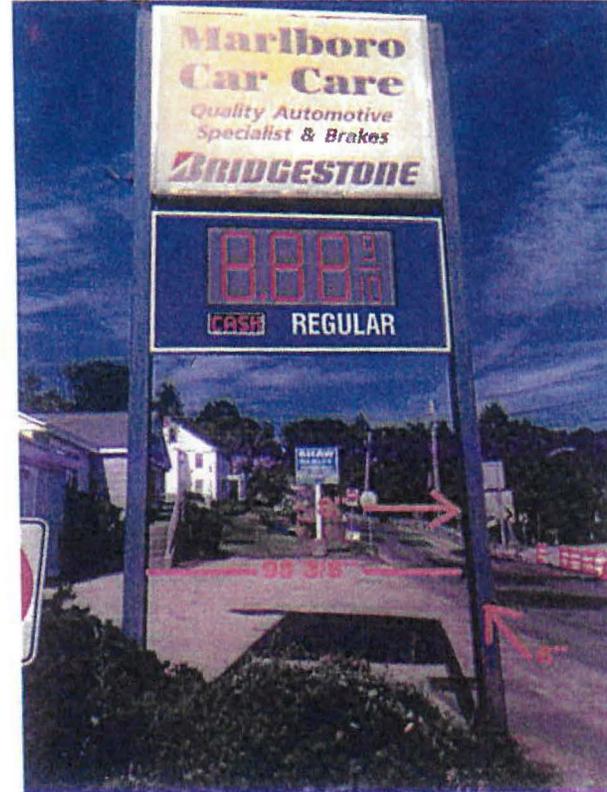
St. Mary Thomas, LLC.

Elevation/Permit
 Custom Sign with LED pricer & flasher
 To Be:
 Cash/Credit 5" DAK flasher
 1 Product LED w/ 24" DAK FL3000 Units
 Screened Product
 Regular
 Cabinet: 4 x 8 fit between existing poles
 Retainer Size: 1 1/2"
 Retainer Type: Inset Retainer

* LOCATION OF SIGN IS NOT CHANGING
 * REMOVE EXISTING CABINETS "FULL SERVICE" +
 "LAKESIDE FUEL" = 4' H x 8' W
 * INSTALL NEW LED PRICE BOARD, 4' H x 8' W



Existing



Proposed

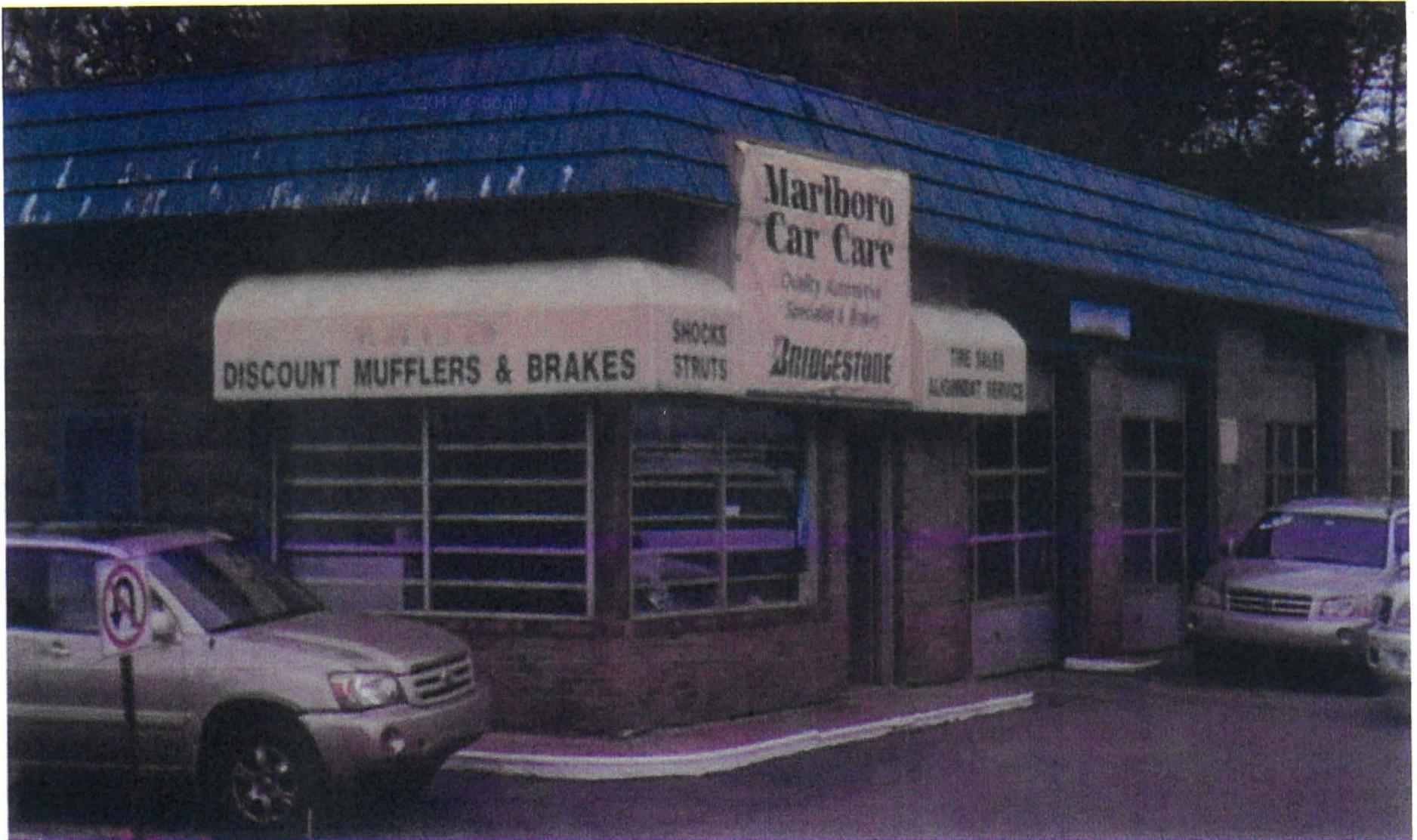


ALL EXISTING SIGNAGE



EXISTING WALL SIGN & WRAP-AROUND AWNING
 (~6'H x 10'W) (VALENCE = ~2'H)

NO CHANGE



EXISTING WALL SIGN + WRAP AROUND AWNING.

NO CHANGE



Location of existing freestanding sign

Location of existing wall sign and awning

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

TO: Municipal Chief Executive Officers and Boards of Health

FROM: Taryn LaScola, Director, Division of Crop and Pest Services

REGARDING: MDAR Apiary Program

DATE: February 8, 2018

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2018 FEB 12 P 12:30

The Massachusetts Department of Agricultural Resources (“Department”) Division of Crop and Pest Services manages the state Apiary Program (“Program”). The Program promotes and sustains apiculture in the Commonwealth by providing support to honey beekeepers, pesticide applicators, farmers, land managers, educators, regulators and government officials. The Program is comprised of a team of highly trained and knowledgeable staff consisting of a Chief Inspector and full-time seasonal inspectors located throughout the state. In addition, the Program is also charged with carrying out and enforcing the apiary laws and regulations found at M.G.L.c. 128 sections 32-38 and 330 CMR 8.00.

Due to the increased popularity of honey beekeeping and the rising number of beekeepers, the Department would like to inform municipalities that it is available to offer guidance and assistance in the following ways:

- Educational outreach to town officials
- Information on honey bee biology
- Information on existing state laws and regulations
- Information on best management practices for honey beekeeping
- Information on the Apiary Program’s services
- Providing the Massachusetts Pollinator Protection Plan

Honey bee health in the country and in Massachusetts is in decline, represented most noticeably by the high annual losses of colonies. A vast majority of agriculture in the Commonwealth and our local food supply relies on honey bees for pollination. The Department supports the efforts of commercial and hobby honey beekeeping within the Commonwealth. The Department also understands that residents and municipalities often have questions and concerns about honey beekeeping activities. Given this, the Department is available to provide municipal government support and assistance.

Please review the attached Apiary Program brochure and also visit our website for additional information: <https://www.mass.gov/apiary-program-honey-bees>. If questions or concerns arise, please contact the Department for additional support.



FAQ

How many honey beekeepers and hives do we have in MA?

There is a large and diverse beekeeping population as current estimates indicate that we have 4-4,500 active beekeepers managing 40-45,000 hives.

How many MA crops rely on honey bees for pollination?

Over 45% of MA agricultural commodities rely on honey bees for crop pollination.

How do I request a hive inspection?

Submit a completed Inspection Request form online to MDAR: <http://www.mass.gov/eea/agencies/agr/farm-products/apiary/mdar-apiary-inspection-request-form.html>

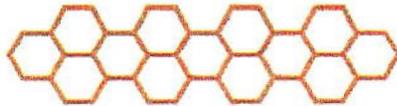
Who should I contact if I suspect my honey bees were killed by pesticides?

Contact the Chief Apiary Inspector immediately so that the issue can be promptly investigated.

Who should I contact if I found a nest of honey bees?

Contact your local county bee association to find a list of beekeepers in your area to remove the bees.

“Ensuring the health of honey bees in the Commonwealth”



MDAR’s Apiary Program has been established to promote and sustain apiculture in the Commonwealth by providing support to honey beekeepers, pesticide applicators, farmers, land managers, educators, students, regulators, academia, government officials and the public. The Program is comprised of a team of highly trained and knowledgeable staff consisting of a Chief Apiary Inspector and full-time Seasonal Inspectors located throughout the state to service the needs of stakeholders and their honey bees.

Inspectors Perform the Following Services:

- ❖ Inspect, sample and monitor honey bees (*Apis mellifera*) and hive equipment for pest, parasites and pathogens.
- ❖ Register apiaries and colonies for beekeepers.
- ❖ Prevent establishment of new pests, parasites, pathogens, and Africanized honey bees (*Apis mellifera scutellata*) through imported bees and hive equipment.
- ❖ Investigate suspected honey bee kills from pesticides and pathogen spillover from American Foulbrood (*Paenibacillus larvae*).
- ❖ Provide technical assistance, continuing education, and outreach to all audiences on topics related to honey bee biology, health, colony management, and pollination.
- ❖ Issue permits for interstate movement of honey bees and hive equipment.
- ❖ Promote honey beekeepers and the local beekeeping industry through marketing of Massachusetts-produced honey and hive products.
- ❖ Communicate with local, regional and national audiences to stay current on trends in honey bee health, management techniques and treatment options.



Come Visit A State Apiary!

Are you interested in learning
more about honey bees?

If so, join the Apiary Program
team for a **Hive Dive** educational
program featuring a tour of a live
working colony and discussions
with bee experts at one of MDAR's
two State Apiary locations:
Amherst, MA and Danvers, MA.
Visit the Apiary Program website
to get more information about
where the programs are held:
[http://www.mass.gov/eea/agencies/](http://www.mass.gov/eea/agencies/agr/farm-products/apiary/)
[agr/farm-products/apiary/](http://www.mass.gov/eea/agencies/agr/farm-products/apiary/)



Get Listed as a Local Honey Producer!

Want to purchase local honey?

Visit the MassGrown map to search
your area and find a list of local
beekeepers that produce and sell
honey:

<http://www.mass.gov/agr/massgrown/honey.htm>

Are you a MA beekeeper that
produces and sells honey to the
public? If so, get listed as a honey
producer for free on the MassGrown
map:

www.mass.gov/eea/agencies/agr/markets/1-mktg-farm-survey.doc



Massachusetts
grown...and fresher!™



Contact Us:

Apiary Program

Message Line: 617-626-1801

Chief Apiary Inspector

101 University Dr, Suite C-4

Amherst, MA 01002

email: kim.skyrm@state.ma.us

office: 413-548-1905

cell: 857-319-1020

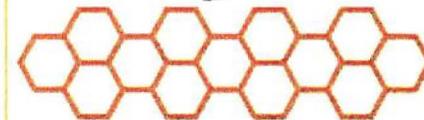
fax: 413-548-1901



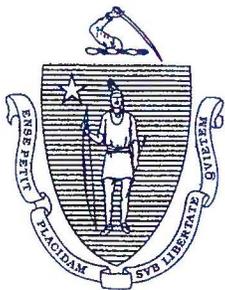
MDAR
MASSACHUSETTS DEPARTMENT
OF AGRICULTURAL RESOURCES

Division of Crop and Pest Services

Apiary Program



Supporting
Massachusetts'
Apiculture One
Hive At A Time!



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



COMMISSION CHAIRMAN
RICHARD DAY

EXECUTIVE DIRECTOR
TIMOTHY D. DESCHAMPS

February 8, 2018

Pursuant to the State Reclamation & Mosquito Control Board's (SRMCB) budget notification and compliance certification policy, as revised, please find enclosed Form SRB-1.

These documents show our preliminary proposed budget amount, increase from FY18 and estimated balance forward on page 1. Pages 3 and 4 show each member community's percentage of total budget, share amounts for CMMCP and SRMCB, and total assessment estimate for FY19.

There are no forms to be mailed back to your office. Please direct any questions, comments or concerns to me at timothy.deschamps@state.ma.us or the CMMCP Commission at commission@cmmcp.org before April 15, 2018.

For more information, please find budget information posted on our website at this link: http://www.cmmcp.org/budget_info.htm. Thank you.

Sincerely,

Timothy D. Deschamps
Executive Director

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 FEB 12 P 12:29

- cc:
Town Administrators/ Town Managers
Select Board Chair
Finance Committee Chair
Board of Health Director/Agent

(Updated: 05/17/17)

Sample Form SRB-1**Page 1 of 3**Project Name: Central Mass. Mosquito Control Project**NOTICE OF PRELIMINARY PROPOSED BUDGET FOR FY/2019**

Notice is hereby given that the Central Mass. Mosquito Control Project's (the "Project") preliminary proposed budget for **FY2019** is available online for viewing at (http://www.cmmcp.org/FY19_budget.htm) and summarized below. Any questions, comments or concerns regarding this preliminary budget should be directed to: CMMCP Executive Director Timothy Deschamps at timothy.deschamps@state.ma.us or SRB Chair Taryn LaScola at taryn.lascola@state.ma.us by April 15th.

1. The total preliminary dollar amount that the Project is proposing for FY2019 is **\$ 2,343,986**. The chart found below highlights the preliminary budget request by the Project for the coming year with pertinent budget information that fully describes the "total trust fund account" budget amount available for the Project to expend in FY2019.

A.	B.	C.	D.	E.	F.	G.	H.	I.
Project Name	Number of Employees	FY2019 Preliminary Proposed Budget Amount	FY2019 % Increase towards Operating Budget	FY2019 % Increase towards Capital Budget	FY2019 Total % Increase Over Certified FY2016 Budget (Add D + E)	FY2018 Estimated Balance Forward /Rollover Amount	FY2018 Actual Budget Revenues	FY2019 Total Est'd Funding Available in Trust Account (Add C + G)
Central Mass.	21	\$ 2,343,986	3.4%	%	3.4%	\$250,000	\$2,266,843	\$2,593,986

(Updated: 5/17/17)

Sample Form SRB-1

Page 2 of 3

2. The member municipalities within the Project together with each municipality's estimated proportionate share thereof expressed both as a percentage and as a dollar amount, are as set forth on Form SRB-1, Page 2. **As of the date of this notice, the Project is comprised of 41 municipalities as listed on Form SRB-1, Page 2.**

If the composition of the Project changes because one or more municipalities join or withdraw from the Project, the total preliminary budget will be adjusted pro rata.

8. A copy of this Notice, together with a copy of the preliminary budget proposed, has been delivered or mailed to the Chief Administrative Officer, Chief Executive Officer, to the Finance Committee of each member municipality having a finance committee, and to the State Reclamation and Mosquito Control Board.

Sample Form SRB-1**Page 3 of 3**Project Name: Central Mass. Mosquito Control Project

**FY2019 Proposed Cherry Sheet Assessments Estimates
Based on the preliminary proposed Project budget
(2016 Equalized Valuations)**

Name of Municipality	% of Total Budget	Project Share Amount*	State Reclamation Mosquito Control Board Share Amount*	Total Assessment Estimate*
Acton	3.1%	\$71,778	\$2,992	\$74,770
Ashland	1.9%	\$43,784	\$1,825	\$45,609
Auburn	2.1%	\$48,386	\$2,017	\$50,403
Ayer	1.2%	\$27,894	\$1,163	\$29,057
Berlin	1.5%	\$34,714	\$1,447	\$36,161
Billerica	4.1%	\$96,018	\$4,002	\$100,020
Blackstone	1.3%	\$31,352	\$1,307	\$32,659
Boxborough	1.3%	\$31,164	\$1,299	\$32,463
Boylston	1.8%	\$42,727	\$1,781	\$44,508
Chelmsford	3.6%	\$84,376	\$3,517	\$87,893
Clinton	0.9%	\$20,315	\$847	\$21,162
Dracut	2.9%	\$68,180	\$2,842	\$71,022
Fitchburg	3.4%	\$80,002	\$3,334	\$83,336
Gardner	2.6%	\$60,417	\$2,518	\$62,935
Holliston	2.5%	\$58,502	\$2,438	\$60,940
Hopedale	0.7%	\$16,371	\$682	\$17,053
Hopkinton	3.6%	\$83,770	\$3,492	\$87,262
Hudson	1.8%	\$41,254	\$1,719	\$42,973
Lancaster	3.1%	\$72,207	\$3,010	\$75,217
Leominster	3.8%	\$88,839	\$3,703	\$92,542
Littleton	2.1%	\$49,666	\$2,070	\$51,736
Lowell	3.1%	\$71,984	\$3,000	\$74,984
Lunenburg	3.0%	\$71,290	\$2,971	\$74,261
Marlborough	3.4%	\$80,142	\$3,340	\$83,482
Milford	2.3%	\$52,787	\$2,200	\$54,987

Millbury	2.0%	\$46,538	\$1,940	\$48,478
Millville	0.6%	\$13,553	\$565	\$14,118
Natick	3.4%	\$78,711	\$3,281	\$81,992
Northborough	2.5%	\$59,742	\$2,490	\$62,232
Northbridge	2.1%	\$50,226	\$2,093	\$52,319
Sherborn	1.9%	\$45,488	\$1,896	\$47,384
Shrewsbury	3.4%	\$80,250	\$3,345	\$83,595
Southborough	2.0%	\$47,781	\$1,992	\$49,773
Stow	2.1%	\$49,784	\$2,075	\$51,859
Sturbridge	4.2%	\$97,598	\$4,068	\$101,666
Tewksbury	3.2%	\$73,931	\$3,081	\$77,012
Webster	1.6%	\$38,420	\$1,601	\$40,021
Westborough	3.0%	\$71,154	\$2,966	\$74,120
Westford	4.2%	\$98,981	\$4,125	\$103,106
Wilmington	2.7%	\$63,910	\$2,664	\$66,574
TOTAL	100.0%	\$2,343,986	\$97,698	\$2,441,684

(Updated: 5/17/17)

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes
January 18, 2018 (Thursday)
Marlborough City Hall - 3rd Floor, Memorial Hall
7:00 PM**

**RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 FEB -2 P 3:44**

Present: Edward Clancy- Chairman, David Williams, Allan White, Dennis Demers, Karin Paquin, John Skarin. Also present was Priscilla Ryder - Conservation Officer.

Absent: Lawrence Roy

Acceptance of Minutes: The minutes of December 7, 2017 were reviewed and unanimously voted 6-0 to approve as written.

Public Hearing:

Request for Determination of Applicability
103 Cullinane Dr. - 103 Cullinane Dr. LLC

No one showed for this hearing. The hearing was continued to Feb. 1, 2018.

Request for Determination of Applicability
445 Simarano Dr. - 445 Simarano Dr. Marlborough LLC

Thaddeus Soule of Beals and Thomas - ENV. consultant (also an attorney) represented owner. The proposal is to replace all of the existing subsurface water pipe located within the paved driveways and parking area at 445 Simarano Dr. since they have experienced several breaks in the existing line. The new line will be installed prior to disconnecting the old line. The water is both for water and fire suppression use in the existing building. Mr. Soule reviewed the site plan and pointed out the intermittent streams and perennial streams on the property. The new waterline will meet the current code. They did meet with the City Engineer regarding requirements on January 12th. The City Engineer asked for a final pipe location plan which they will be providing.

After some discussion, the Commission noted that they too would like a copy of the final plan showing the actual pipe location and to have the pipe avoid the large trees on the landscape island on the west side of the building. There was some discussion about the depth of the pipe construction sequencing, and new connections.

After further discussion, the Commission closed the hearing and voted 6-0 to issue a Negative Determination with conditions to provide a revised plan, avoid the trees in landscape area and to show erosion controls on the plan as well as to clean the drainage system and be sure it is in good working order before they start.

Request for Determination of Applicability

Crystal Brook Way – Crystal Brook Condo Association

Brian LaRoche from Graves Engineering represented the owners of the condo complex. He explained that the complex has 76 units in 12 buildings which are well landscaped with some area of lawns. The property is surrounded by wetlands. He provided a plan showing the wetland and 20' buffer zone. In some locations, the building is already within the 20' buffer zone (which didn't exist when this project was built). The proposed work includes the full depth pavement reclamation of the existing bituminous pavement throughout the site travel ways and parking areas. They will match existing pavement and drainage patterns. Any areas which have puddling or other drainage problems will be adjusted to improve drainage. Existing outfalls will be inspected and sediment removed as needed and rip rap aprons added where needed. Erosion controls will consist of straw wattles at key wetland locations and all catchbasins will be equipped with silt sacks.

Mr. LaRoche explained that the maintenance and repair of pavement is an exempt activity under the regulations, which is why they filed and Request for Determination of Applicability instead of a Notice of Intent. Ms. Ryder noted that the Condo Association should prepare an annual stormwater management plan and submit annual reports to come into compliance with the city's stormwater regulations. The Commission indicated this should be part of the plan.

Some additional discussions about some recent water gate/water connection breaks was raised as well as the fact that the sub surface material under the roadway should be checked since the current cracking in the roadway may be caused by poor quality sub-base.

After some discussion, the Commission voted 6-0 to issue a negative determination with standard conditions, and a recommendation that the subbase be checked as well as the water gates checked to limit the need to dig up the pavement again too soon.

Abbreviated Notice of Resource Area Delineation

615 Williams St. – 615 Williams Street Holdings, LLC

Mark Arnold from Goddard Consulting was representing the owners. He indicated that the wetland has been flagged as shown on the plan and he is requesting tonight the confirmation of all wetland resource areas on this property. Ms. Ryder noted she had been out to the site and the wetlands as flagged and are shown on the plan are appropriate, however, there are some additional wetlands just off the property which should be flagged as they will dictate the location of the buffer zone on the site more accurately. Mr. Arnold indicated he could add those to the plan.

Mr. Arnold noted that the stream was determined to be intermittent and therefore there is no Riverfront Area. Ms. Ryder said she ran the streams stats program and found that the watershed is 0.52 sq. miles which is less than the 1 sq. mile needed for a perennial stream.

After some discussion, the hearing was continued to the Feb. 1st agenda at which time a new plan will be presented.

Certificates of Compliance

- DEP 212-743 Map 112, Parcel 10A (behind 377 Simarano Dr.) – never built - Ms. Ryder confirmed that this project was never built. The Commission voted unanimously 6-0 to issue a Certificate of Compliance stating same.

The Slocumb Lane lots are done, however with the snow cover Ms. Ryder noted she could not confirm that they are stable or have grass growing. These items were continued until the snow melts or spring (May) when they can be stabilized.

- DEP 212-1170 69 Slocumb Ln.
- DEP 212-1173 79 Slocumb Ln.
- DEP 212-1174 90 Slocumb Ln.

Extension Permit:

- DEP 212-1132 MWRA – 84 D'Angelo Dr. – Wachusett Aqueduct Pumping Station – Ms. Ryder noted that she has been out to the site and they are making progress, but have a way to go before they are complete. The Commission voted unanimously 6-0 to issue a 2-year Extension Permit for this project.

Correspondence/Other Business:

The Commission voted to accept and place on file the following documents with comments as noted:

- Preserve @ Ames (Brookview Apartments) – Wetland replication area.
- Solitude Lake Management for Ft. Meadow – Annual report.
- Beavers – Millham Reservoir and Lower Pleasant St.- Ms. Ryder noted that several beavers were trapped at these two locations, to alleviate flooding that was occurring.
- Letter from National Grid, dated Dec. 5, 2017 RE: Yearly Operational Plan Public Notice
- E-mail dated Dec. 19, 2017 RE: 401 WQC Transmittal X273477 – National Grid G7 Asset Refurbishment Project - Ms. Ryder noted that there were some issues with some “wetland matting” behind Neil St. which were removed prior to the storm last Friday night.
- Apex Center – Review Dec. 26th report – Mark Arnold - RE: Inspection Report and Request to Close Inspections (DEP 212-1177 & 212-1181) - The Commission reviewed this request and noted that it is fine for the inspections to stop as long as there is some follow-up in the spring to ensure the items that need to be stabilized and checked are completed. Ms. Ryder will send a letter noting same.

- FY 2018 Mass. Wildlife Habitat Mgt. Grant Program – City of Marlborough was awarded to implement the Desert Natural Area Mass Wildlife Habitat Mgt. Grant Project. Mr. Clancy thanked Commissioner Paquin for her hard work on garnering the \$44,500 grant which the city received to do work on the Desert Natural Area pitch pine scrub oak forest improvement plan. The Commission discussed the work.
- MACC Annual Meeting - Ms. Ryder noted that it is time to sign up for this meeting. Any members who are interested are welcome to sign up to attend.

Adjournment - There being no further business, the meeting was adjourned at 8:20 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

Marlborough Public Library Board of Trustees
Meeting Minutes

January 2, 2018
Bigelow Auditorium, Marlborough Public Library

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CITY OF MARLBOROUGH
2018 FEB -7 A 8:13

Meeting called to order by Rustin Kyle at 7:07pm

Board Members Present: Karen Bento, Nena Bloomquist, William Brewin, Ray Hale, Rustin Kyle, Janice Merk, Robyn Ripley

Also Present: Margaret Cardello, Library Director

Absent: Tom Abel

Proceedings:

1. **Minutes:** *A motion to approve the meeting minutes from the December meeting was passed (Bloomquist/Ripley).*

2. **Trust Fund Reports:** Of note: The State Aid amount has been spent down significantly but the first installment of our aid is already on its way (\$23,000). *A motion was passed to approve the Trust Fund Reports for December of 2017 (Brewin/Merk).*

3. **Director's Report:** (see attached for more details)
 - The price quote from Minuteman Library Network is significantly higher than CW/Mars and considering the cost/benefit ratio, Margaret has decided to stay with CW/Mars for now. CW/Mars is upgrading their system to be web-based in the near future and it should be a substantial improvement.

4. **Committee Reports:**
 - Foundation:
 - Nothing new to report. Foundation leadership is meeting January 3rd to discuss next steps.

 - Friends:
 - The Friends are meeting January 3rd to discuss the 2018 Calendar and how to manage the organization without Ray Johnson's leadership. The organization is currently in a state of flux as they work out how to fill the void left by Ray.

- A system has been worked out for Friends' programs that go after hours – the city custodian assigned to the library will lock and alarm the building at the conclusion of the program. However, the Friends will still be responsible for setting the room back in order.

5. **Old Business:**

- Trustee Vacancy: Perhaps the mayor has a contact within the Brazilian and/or business community he would like to appoint? Margaret will contact him for any recommendation.
- Annual Meeting: *A new slate of officers was voted in for 2018:*
 - Chair: Ray Hale
 - Vice-Chair: Bill Brewin
 - Secretary/Treasurer: Janice Merk

6. **New Business:**

- None

7. **Adjournment:** *A motion to adjourn passed at 7:54 (Bloomquist/Merk).*

Minutes submitted by Robyn Ripley.

**City of Marlborough
License Board**

140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

**RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH**

2018 FEB -1 P 2:03

Minutes of the License Board Regular Meeting Held Wednesday, December 27, 2017
at 7:30 pm, City Hall, 1st floor, Council Committee Room.

Attending: Walter Bonin (WB), Chairman; Gregory Mitrakas (GM); Member Bouvier (DB)
Member; Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 7:30 PM

New Business

1. ONE DAY PERMITS

Masonic Hall / Stevie's Eatery (1 Permit) Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

Immaculate Conception School Parents Association (1 Permit) Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

2. New Farmer Series Pouring Permit Application – Walden Woods Brewing, 277 Main Street

Public Hearing Started: 7:35 PM

Owners Nancy Grohol and Alida Orzechowski spoke for the business

The establishment will brew on site and have a tasting room. It will only sell what is brewed on site. They will not provide food themselves – but people can bring their own food and they will partner with some food trucks and local restaurants. Looking to open at the end of January 2018. Hours will start at: Thursdays/Fridays from 2:00 PM to 9:00 PM and Saturday/Sunday from 12:00 PM to 6:00 PM. They have a 50 seat, 150-person capacity.

There were no opposition comments or questions. Public Hearing was closed at 7:45 PM

Member Mitrakas motioned to approve the application, Member Bouvier seconded; Board vote to approve application: 3-0 approved

- Walden Woods Brewing Common Victualler Application
Member Mitrakas motioned to approve the application, Member Bouvier seconded; Board vote to approve application: 3-0 approved
- Walden Woods Brewing Entertainment License Application - FULL
Member Mitrakas motioned to approve the application, Member Bouvier seconded; Board vote to approve application: 3-0 approved

- 3. Change of Beneficiary Application – Ultima Marlborough, LLC, 75 Felton St**
Attorney Andrew Upon presented application involving the two-person entity and one was leaving and another coming on. The change only effects the corporation.

Member Mitrakas motioned to approve the application, Member Bouvier seconded; Board vote to approve application: 3-0 approved

- 4. Decision on Application for Beer and Wine License, 197 Boston Post Road West Plaza – Rick Lombardi**

Mr. Lombardi had presented his application for an off-premise Wines and Malts Beverage License last month's, November 29th, meeting. Decision on application was withheld until the December meeting to review a second application for the license. That application has been withdrawn by the applicant.

Member Mitrakas motioned to approve the application, Member Bouvier seconded; Board vote to approve application: 3-0 approved

- 5. Change of Manager Application – Bertucci's Restaurant Corp, 601 Donald Lynch Blvd. Christopher Parker**

Item tabled – applicant was not present

- 6. Automatic Amusement Application – Apex Entertainment Center – 21 Apex Drive**

The Apex Center is seeking licenses for 51 automatic amusement machines. Marcus Kembrowski, manager of the complex presented the application

Member Mitrakas motioned to approve the application, Member Bouvier seconded; Board vote to approve application: 3-0 approved

- 7. Automatic Amusement Application – BB Kids – 21 Apex Drive, Unit 6**

BB Kids is seeking licenses for 3 automatic amusement machines. Jessica Silvera, the establishment's manager presented the application

Member Bouvier motioned to approve the application, Member Mitrakas seconded; Board vote to approve application: 3-0 approved

- 8. Auto dealership application for change of name and location: El Molfe Auto Repairs and Sales at 83 Mill Street (Bay 9-16) to EM Motors at 3-7 Longley Street**

Owner, Walter Salvatierra presented the application which asks for to have 5 cars on site for sale – the area can hold up to 40 cars.

Member Mitrakas motioned to approve the application, Member Bouvier seconded; Board vote to approve application: 3-0 approved

- 9. Common Victualler Application – Starbucks, Apex Center**

Member Mitrakas motioned to approve the application, Member Bouvier seconded; Board vote to approve application: 3-0 approved

10. Common Victualler Application – Hot Table, LLC 160A Apex Drive

Item tabled as applicant not present

11. Common Victualler Application – Brew on the Grid, 187 Boston Post Road E

Item tabled as applicant not present

12. Norman Shaheen – Speakers Night Club 19 Weed St.

Discussed plans for license and putting it up for sale since Speakers Night Club is now closed. Board agreed to 12 months for him to sell.

13. Reports from the Chairman

ITAM – not to receive license with John Manning listed as manager at the request of Mr. Manning. Follow up with Mike DiBuono and have him talk to attorney and ABCC and see what is holding up the application.

Approval of 2018 Liquor License Renewals - Member Mitrakas motioned to approve the application, Member Bouvier seconded; Board vote to approve application: 3-0 approved

14. No new correspondence**15. Review minutes –**

– November 29, 2017

Member Mitrakas motioned to accept the meeting minutes and place on file, Member Bouvier seconded, Vote: 3 – 0 to accept the minutes of the November 29th meeting and place on file.

Member Bouvier motioned to adjourn 9:45 PM, seconded by Member Mitrakas, Board vote: 3-0 to adjourn.

The next meeting of the Licensing Board is Wednesday, January 31st 2018.

Respectfully submitted,



Walter Bonin, Chairman



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CITY OF MARLBOROUGH

2018 FEB -7 P 2:03

BOH MEETING MINUTES –1/2/18

Attending

Robin Williams, Chairwoman
Joseph Tennyson, MD, Member

Also in attendance: Cathleen Liberty, Director of Public Health

Meeting called to order 6:31 pm

REVIEW OF MEETING MINUTES

Review of December meeting minutes and accepted by Chair Williams and member Tennyson.

ADMINISTRATIVE

BOARD BUSINESS

Adoption of the 2013 Food Code

Director Liberty wanted the entire board to agree to adopt the 2013 Food Code before advertising it. Chair Williams and Member Tennyson noted that Vice Chair Griffin would approve of the adoption of the food code and to go ahead and advertise the summary in a local newspaper and put it on the next BOH agenda.

Newsletter

Director Liberty showed the board the new quarterly newsletter for the food establishments.

PUBLIC HEALTH ISSUES

9 Tavitian Blvd

Director Liberty discussed the condemnation and the court order to the board. The board discussed the conditions after reviewing the photographs of the dwelling.

MONTHLY REPORTS

- **Nurse's Report**

Director Liberty submitted the Public Health Nurse's report and accepted to be placed on file..

- **Sanitarians' Reports**

Presented by Director Liberty - reports were submitted and accepted to be placed on file.

OTHER BUSINESS UNKNOWN AT TIME OF POSTING

ADJOURN

Motion – to adjourn meeting at 6:55 PM – Member Tennyson

Second – Chair Williams

2-0 vote to adjourn Board of Health Meeting at 6:55 PM, Yes, Chairwoman Williams; Yes, Member Tennyson

Next Board of Health meeting will be on February 6, 2018

Respectfully submitted,



Chairwoman Williams

February 6, 2018

Dated

Cc: Board of Health Members
City Council
City Clerk
City of Marlborough Website



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CITY OF MARLBOROUGH
2018 FEB 15 A 10:20

Marlborough Public Schools

School Committee
17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

January 9, 2018

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Mrs. Bodin–Hettinger, Mrs. Ryan, Mrs. Matthews, Mr. Walter and Mr. Geary. Also present were Superintendent Maureen Greulich, Assistant Superintendent of Finance and Operations, Michael Bergeron, Assistant Superintendent of Teaching and Learning, Mary Murphy, Student Representative Heidi Di Persio and Administrative Support Christine Martinelli.

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

3. **Presentation:**

A. MHS Student Advisory Committee Presentation

Student representatives updated the School Committee on various activities at MHS. Alicia Bibi, 10th grade, updated the School Committee on the High School track activities, athletes and coaches working hard, the team is like family and the two close losses at recent meets. Allison Lucas, 9th grade, gave an update on the High School Winter Concert, six amazing groups that performed and the hard work and practice that went into preparing for the concert. Last, Heidi DiPersio, 12th grade, updated the committee that the singers are now preparing for competitions and the spring concert.

B. MPS YouTube Channel

To connect families and promote MPS good news, two different contents have been developed and housed on YouTube. Jill Morin, MPS's YouTube Webmaster, demonstrated to the School Committee, how families can access the two MPS YouTube channels, Panther Media, a TV production student driven and produced and the MPS YouTube channel, a more polished production designed to promote the district.

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4. Committee Discussion/Directives: None

5. Communications: None

6. Superintendents Report:

Superintendent Greulich presented her report covering a range of topics including that Boston Scientific awarded Whitcomb School \$12,000 to purchase a new laser cutter for the STEAM program and the Executive Office of Education announced MPS received preliminary designation status for the districts early college model. Also reported, moving Computer Science into the Mass Core, which will be discussed at an upcoming Board of Elementary and Secondary Education and Board of Higher Education joint meeting and exploring funding options to offer a no cost week at Camp Invention for students K-6. The Superintendent ended her report by sharing a link to an article that appeared in the Boston Globe recently that enthusiastically endorsed the City of Marlborough and its schools.

A. Assistant Superintendent of Teaching and Learning

Assistant Superintendent Mary Murphy presented her report on a range of topics including, evaluation training, throughout the month of December, that focused on the MEA and Administrators evaluation process. Twenty MPS teachers and administrators participated in a course: Data Coaching: Unleashing the Power of Collaborative Inquiry, and attached to the Assistant Superintendents report is the January 16th Professional Development Day catalog for MEA members, paraeducators and behavior technicians will participate in a training on the January 16th Professional Development Day.

7. Acceptance of Minutes: None

8. Public Participation: None

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9. Action Items/Reports:

A. Transfers in the FY18 Operating Budget:

Mr. Bergeron is recommending transfers within the FY18 Operating Budget. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to approve the transfers as recommended.

Motion passed 6-0-0.

B. Acceptance of Donations and Gifts:

The Brigham Family Trust has donated a \$2,625.00 grant for the Whitcomb School, to be used by the Robotics Club. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept with gratitude the \$2,625.00 donation from the Brigham Family Trust Grant.

Motion passed 6-0-0.

Lifetouch National School Studios has donated \$1,748.31 for the Whitcomb School. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept with gratitude the \$1,748.31 donation from Lifetouch National School Studios.

Motion passed 6-0-0.

Lifetouch National School Studios has donated a \$1,834.10 commission to Jaworek School for Fall 2017 photos. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept with gratitude the \$1,834.10 from Lifetouch National School Studios.

Motion passed 6-0-0.

Lifetouch National School Studios has donated \$1,090.69 to Kane Elementary to be used for student programs or activities. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept with gratitude the \$1,090.69 from Lifetouch National School Studios.

Motion passed 6-0-0.

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Lifetouch National School Studios has donated a \$ 1,612.14 commission for Richer School for Fall 2017 photos. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept with gratitude the \$1,612.14 donation from the Lifetouch National School Studios. Motion passed 6-0-0.

Cub Scout Pack 41 of Richer School has donated thirteen, \$25.00 Hannaford Supermarket gift cards totaling \$325.00 to Richer School Adjustment counselors, to give out to families who express a need. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept with gratitude the \$325.00 of gift card donations from the Cub Scout Pack 41. Motion passed 6-0-0.

Boston Scientific Corporation has donated a \$ 12,000.00 to Whitcomb School to purchase equipment to support STEM programming. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept with gratitude the \$12,000.00 donation from the Boston Scientific Corporation. Motion passed 6-0-0.

10. Reports of School Committee Sub-Committees:

Mrs. Matthews thanked all participants, MEA and Administrators in the negotiation meetings that have been on going. Two more meetings are scheduled for next week.

11. Members' Forum:

Mrs. Matthews reported that she reviewed and signed the Warrant.

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12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 8:08 pm.
Motion passed 6-0-0

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Heidi Matthews", with a long, sweeping horizontal stroke extending to the right.

Heidi Matthews
Secretary, Marlborough School Committee

HM/cm

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2018 FEB 15 A 10:20

Marlborough Public Schools

School Committee

17 Washington Street, Marlborough, MA 01752
(508) 460-3509

Call to Order

January 23, 2018

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Mrs. Bodin-Hettinger, Mrs. Ryan, Mrs. Matthews, Mrs. Hennessy, Mr. Walter and Mr. Geary. Also present were Superintendent Maureen Greulich, Assistant Superintendent of Finance and Operations, Michael Bergeron, Assistant Superintendent of Teaching and Learning, Mary Murphy, MEA Representative Brendan St. George, Student Representative Heidi Di Persio and Administrative Support Christine Martinelli.
2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation:**
 - A. **Update Regarding Teaming in 9th Grade**
High School Principal, Charlie Caliri presented information regarding teaming in the 9th grade. Mr. Caliri worked with building and district administrators and the High School Leadership Team to provide the 9th grade teaming structure for the 2018-2019 school year. He spoke of 9th grade being a critical year for students transitioning to the High School and the new structure will build upon the one already in place. He added the new teaming will add to the freshman's experience, learning will be more personalized, enhance their experience and be more successful. This information will be presented to parents and 8th graders at the 8th Grade Parent Night on January 25th.
4. **Committee Discussion/Directives: None**
5. **Communications: None**
6. **Superintendents Report:**

Superintendent Greulich presented her report covering a range of topics including information from the Administrative PD on January 16 which all Administrators were required to attend. Matt MacAvoy, MPS attorney, presented two sessions on many topics specializing on student and special education matters.

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The upcoming forum on January 31, hosted by MASC's Divisions IV and Division VIII, will discuss the Cyber Security and attacks on Massachusetts school districts and how to help districts deal with them. The event is at Assabet Valley Technical High School, there is no charge and School Committee members are invited to attend.

Registration is now open for the 2nd annual MASC Summit on Poverty. This year's summit will present real world examples of how schools districts, service providers and educators are collaborating to develop successful strategies to help families break free from the cycle of poverty. It will be held at Clark University on March 9th.

The Superintendent's Annual Performance Goals – Mid-Cycle Progress on Goals Review which covered areas of Professional Practice, Student Learning and District Improvement. Superintendent Greulich believed it was important her goals mirror the three district goals. The Mid-Cycle Progress on Goals Review is included in the handouts that can be found on the MPS website.

A. Assistant Superintendent of Finance and Operations:

Assistant Superintendent Michael Bergeron presented his report covering a range of topics. The proposed budget schedule was submitted, with five dates, February through March. Administration, led by Maureen Greulich is reviewing and approving all budget proposals before presenting to the School Committee on February 13. FY19 is a conservative budget with expenses for bus contract renewal and the new school building to be started. Balances from the food services account as of 1-16-18 improved from last year with monitoring of it every two weeks to continue the progress being made in this area. Unspent funds for FY18 is spending down without issues and there will be enough unspent funds available to encumber the capital technology plan for FY19.

Pertaining to the budget proposal and at School Committee member Mark Walters request, Mr. Bergeron will submit a page or two of requested items that were denied to principals and administrators, in addition to the list that was approved to be funded.

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7. Acceptance of Minutes:

A. Minutes form the November 1 – November 4, 2017 MASC/MASS Conference

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to accept as submitted, the MASC/MASS Conference School minutes of November 1 – November 4.

Motion passed 7-0-0.

B. Minutes of December 12, 2017 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to approve the minutes submitted for December 12, 2017.

Motion passed 7-0-0.

8. Public Participation: None

9. Action Items/Reports:

A. MHS Music Trip Approval

Jonathan Rosenthal, Supervisor of Music, is requesting approval of the Music Festival to Washington DC/Virginia, from April 11, 2019 through April 16, 2019. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to approve the Music Festival to Washington DC/Virginia.

Motion passed 7-0-0.

B. Transfers in the FY18 Operating Budget:

Mr. Bergeron presented the requested transfers to the School Committee. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to approve the transfers as recommended.

Motion passed 7-0-0.

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C. Acceptance of Donations and Gifts:

FY 2018 Early Childhood Special Education Entitlement Grant – Marlborough Public Schools applied for and received funding from this grant for \$ 65,063.00. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept with gratitude the \$65,063.00 grant funding.

Motion passed 7-0-0.

D. Superintendent Successor Discussion

Chairman Vigeant opened the discussion beginning with reasons for hiring from within the district and the strong potential of people to choose from. He submitted Michael Bergeron's name for consideration as the next Superintendent of MPS, praising Mr. Bergeron's record and professionalism in his years of service to the district. All other School Committee members as well, continued their support of Mr. Bergeron being considered to replace Mrs. Greulich. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant that the School Committee enter into negotiations with Assistant Superintendent of Finance and Operations Michael Bergeron as the next superintendent of MPS. A motion was made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve the negotiations.

Motion 7-0-0.

10. Reports of School Committee Sub-Committees:

Mrs. Ryan presented information from the December 11th School Building Committee meeting. The committee voted on the Model School design for the new MPS K – 5 school being built starting in spring 2018 and ready to open for the 2020 – 2021 school year. The company awarded the contract is Mount Vernon Group and more details and pictures will be on the MPS website later this week.

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11. Members' Forum:

Mrs. Hennessey reported she is on the MIAA Committee, attending on behalf of the MASC. The MIAA Committee has discussions on different issues going on in districts. Recently, the new Blue-Ribbon Committee was formed to deal with mixed gender situations. Mrs. Hennessey also asked to be part of this committee, and will continue to report to the School Committee on gender equality and trans gender issues.

Mrs. Matthews reported that she had reviewed and signed the warrant.

12. Adjournment:

A motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn the January 23, 2018 School Committee at 8:45 pm.

Motion passed 7-0-0

Respectfully submitted,

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

Heidi Matthews
Secretary, Marlborough School Committee

HM/cm

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CITY OF MARLBOROUGH

RECREATION DEPARTMENT

239 Concord Road
Marlborough, Massachusetts 01752

Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-3610

CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 FEB 15 A 10:47

COMMISSIONERS
Brenda Calder
Nancy Klein
Robert Kays: Chairman
Mark Vital

DIRECTOR
Charles Thebado

PROGRAM MANAGER
Zachary Lambert

January 17, 2018

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 09-13-17:

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

VOTED: To accept 09-13-17 minutes.

Parks Report:

Mr. White gave the following updates:

- All ice rinks are up and running. Due to very cold weather this winter all rinks are used by skaters.
- Irrigation will be redone at Kelleher Field.
- A grant was filed regarding Ghiloni Park.
- Budget 2019: Requesting new equipment and two extra trucks.
- There was a discussion regarding the turf field and the amount of use the field is getting.

Recreation Report:

Mr. Thebado gave the following updates:

- Home for the Holidays was very successful.
- Recreation Website is complete and running, we have put up all facilities, contact info, recreation forms and recreation programs. We can now take program registrations online and we are hoping by the end of this month we can also take payments online.
- Chuck and Zach are meeting with Brian Doheny/City Comptroller regarding accepting credit cards online.
- Also, we are hoping to have a laptop/kiosk in our meeting room to accommodate adults with no computers in their home or they need help with signing up online.
- February Vacation Winter Adventure information is up and running.

- All winter programs are posted on the Recreation Department Website. .
- “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. We are also looking into more youth events for the upcoming season.
- The Recreation Department will meet with the youth sports groups at the end of this month or the beginning of next month to go over what worked and things that can be improved.
- Dealing with John Welch for both youth organizations worked very well.
- Simela will be sending the guidelines and applications for field permits out to the youth and adult organizations by the end of this month.
- Brief discussion regarding a pavilion at Ghiloni Park.
- There was a brief discussion regarding a Field Marshall. The Commission stated that a Field Marshall will be ideal to monitor the fields.
- There was also a brief discussion regarding outside groups and turf fees.
- The Recreation Department will be meeting with the Mayor regarding the Ghiloni Skate Park.
- Scholarship letters were send to local organizations/companies.
- Summer Concerts : We are in the process to finalize the band/concert list.
- Zach is working to create a partnership with Special Olympics and schools, offering varies sports programs.
- Commissioner Vital asked if there is any update regarding dog park. Director Thebado stated that he have not heard anything but will check with Conservation / Priscilla Ryder.

Motion to adjourned made by Commissioner Vital and seconded by Commissioner Calder, it was unanimously:

VOTED: Meeting adjourned at 6:18pm

Attest to:

Simela Perdikomatis
Senior Clerk/Commission Secretary
Marlborough Recreation Dept.

CITY OF MARLBOROUGH
OTHER POST-EMPLOYMENT BENEFITS ("OPEB") TRUST BOARD MEETING

October 27, 2017

Regular Meeting Minutes

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CITY OF MARLBOROUGH
2018 FEB 21 P 12:24

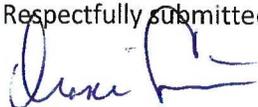
Call to order: 10:06 am

Members Present: Brian Doheny, Diane Smith, Michael Bergeron, Michael Ossing

Members Absent: Alfred Weaver

- Motion made and seconded to accept the minutes of the October 18, 2016 meeting. Approved 4-0.
- Representatives Josh Paul and Doris Huard from Bartholomew & Company appeared before the board. The representatives reviewed the City's portfolio performance from inception to June 30, 2017. The fund totaled \$7.8 million with a return of 3.29%. This information will be sent to the City Council on the next agenda scheduled for November 13, 2017.
- Bartholomew and Company reaffirmed that any OPEB trust created prior to the effective date of the Municipal Modernization Act will continue unless the governmental unit re-accepts the provisions of the act. In the future, when the fund is much larger, we may want to make changes and re-acceptance will be required. An Informational Guideline Review is expected to be out shortly.
- Brian Doheny informed the board that free cash had been recently certified. Per the City's financial policies, 10% of free cash shall be appropriated annually to the City's OPEB Trust. It is expected that a transfer will be going to the council in the very near future.
- An article published in The Beacon's October addition entitled "OPEB looms as dark fiscal cloud on horizon" was handed out and discussed. It was mentioned that over the next 30 years, communities and the Commonwealth will face a huge unfunded liability. Many communities have started to pre-fund a small portion of their liability but this offsets only 1 percent of the problem. OPEB reform is highly needed and should be a top priority.
- Brian Doheny informed the board that the City is currently having an actuarial valuation done for fiscal year June 30, 2017. The board will review the report, once issued, some time in January 2018.
- Motion made and seconded to adjourn at 11:30 am. Approved 4-0.

Respectfully submitted



Diane Smith