

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 MAR 15 P 1:59

1. Minutes, City Council Meeting, March 5, 2018.
2. JOINT PUBLIC HEARING WITH PLANNING BOARD On the Proposed Zoning Amendment to Chapter 650 §5 & §38, Recreational Marijuana Moratorium with letter of support from the Mayor, Order No. 18-1007177, X12/13/14-1005247I.
3. PUBLIC HEARING On the Application for Sign Special Permit, Marlborough Car Care, 175 Lakeside Ave., for a new LED internally illuminated price sign measuring 4' by 8', Order No. 18-1007182.
4. PUBLIC HEARING On the Communication from Attorney Falk on behalf of Capital Group Properties LLC, re: Proposed Zoning Amendment to Chapter 650 §8, Retirement Community Overlay District, 685 Farm Road, Order No. 18-1007136, X17/18-1006963C.
5. Communication from the Mayor re: Revised Bond Order for the Elementary School Project, Order No. 18-1007178.
6. Communication from the Mayor re: transfer request in the amount of \$17,807.50 which moves funds from Reserve for Salaries to Forestry Parks, Sick Leave Buy Back to fund retirement payout of a recent retiree.
7. Communication from the Mayor re: City's Water Infrastructure.
8. Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Revision to Proposed Zoning Amendment to Chapter 650 §5 & §38, Recreational Marijuana Moratorium in proper legal form, Order No. 18-1007177, X12/13/14-1005247I.
9. Communication from Retirement Board re: Cost of Living Increase (COLA).
10. Communication from Attorney Brian Falk, on behalf of Williams Street Holdings, LLC, re: request to extend time limitations on Application for Special Permit for an Ancillary Residential Community to be built in conjunction with the Village at Crane Meadow, 615 Williams St, until 10:00 PM on June 18, 2018, Order No. 17-1007054B.
11. Communication from the Planning Board re: Proposed Zoning Ordinance to further amend Chapter 650, §59.C (11) entitled "Extension of time for action; leave to withdraw," as it pertains to Special Permit applications, Order No. 18-1007150A.
12. Application for Renewal of Junk Dealer's/Second Hand License, ecoATM, LLC, 601 Donald Lynch Blvd.
13. Application for Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main St.
14. Communication from Sudbury Companies of Minute and Militia re: temporary sign placement at the corner of Rt. 20 and Hagar Rd. for the 2018 Colonial Faire at the Wayside Inn.
15. Minutes, Conservation Commission, February 1, 2018.
16. Minutes, Board of Health, February 6, 2018.

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.

17. CLAIMS:

- a. Fernando Medeiros, 10 Howard Rd., Hudson, other property damage and/or personal injury.
- b. Mark Snyder, 33 DiBuono Dr. other property damage and/or personal injury.
- c. Melissa Pirrotta, 153 Conrad Rd., residential mailbox claim, 2(a).
- d. Michael Leonida, 22 Maddox Rd., other property damage and/or personal injury.
- e. Tsu-Wei Kuang, 167 Kelleher St., residential mailbox claim, 2(b).
- f. Michael Meyers, 223 Vega Rd., residential mailbox claim, 2(b).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 MAR 14 P 4:04

**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

MARCH 5, 2018

Regular meeting of the City Council held on Monday, March 5, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Absent: Oram. Meeting adjourned at 8:29 PM.

ORDERED: That the Minutes of the City Council meeting FEBRUARY 26, 2018, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Amendment, adding the Assabet River Rail Trail Overlay District, (ARRTOD), all were heard who wish to be heard, hearing closed at 8:21 PM.

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

Absent: Oram.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as amended, be further amended by amending the Zoning Map established by Chapter 650 Zoning Article III Establishment of Districts Section 650-8 "Boundaries Established; Zoning Map". Said Zoning Map is amended by extending the Marlborough Village District shown on the City of Marlborough Massachusetts Zoning Map by including in said Marlborough Village District the area labeled "Proposed Zoning Amendment" on the map entitled "Marlborough Village District Zoning Amendment" described as follows, which area is currently located in the Residence B District:

Beginning at the 'RB' & 'MVD' Zoning District line at the southwest corner of property located at 9 McEnelly Street, listed as Lot 36 on Assessors Map 70, said point also located at the east side of the McEnelly Street stairway right-of-way, thence

Northerly along said McEnelly Street stairway right-of-way 46 FT, thence

Westerly 8FT across said stairway right-of-way to the 'RB' & 'MVD' Zoning District line. Said point also being the southeast property corner of 20 McEnelly Street (Lot 76 on Assessors Map 70) and northeast property corner of 163-165 Main Street (Lot 77 on Assessors Map 70), thence

Southerly 45FT along the westerly side of said stairway right-of way to a point, thence

Easterly 7FT across said right-of-way to the point of beginning.

The above described area consists of 376 square feet.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY APRIL 2, 2018**; adopted.

ORDERED: That the Reappointments of Robin Williams and Jim Griffin to the Board of Health for three year terms, expiring the first Monday in February, 2021, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Reappointments of Robert Kays, Brenda Calder and Mark Vital to the Parks and Recreation Commission for three year terms, expiring three years from the date of their confirmation. Also, recognize Nancy Klein for her six years of service as she will be stepping down this summer, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, MARCH 5, 2018 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was **ORDERED ADVERTISED** as follows:

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

1. Section 650-22. A, entitled "Purpose" is hereby amended to read: Purpose. The purpose of the Retirement Community Overlay District shall be to advance the public health, safety and welfare by allowing for the development of retirement communities that provide housing choices for persons aged 55 or over and for the development of other multifamily residential housing on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods and/or residential amenities, will provide an appropriate environment for a retirement community and for other multifamily housing which may be developed in conjunction therewith.
2. Section 650-22. C, entitled "Permitted uses" is hereby amended to read: Permitted uses – Detached and Townhouse Style Dwellings. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses which are allowed, either as of right or by special permit, in the underlying district of any land which has been included in the Retirement Community Overlay District, the City Council may, by special permit in accordance with §650-59, permit a retirement community, as defined in §650-5, consisting of detached dwelling units or townhouse style units subject to the following provisions:

3. Section 650-22, entitled “Retirement Community Overlay Districts,” is hereby amended by adding to said section a new subsection D as follows:
 - D. Permitted uses – Multifamily. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses which are allowed, either as of right or by special permit, in the underlying district of any land which has been included in the Retirement Community Overlay District, the City Council may, by special permit in accordance with §650-59, permit a multifamily retirement community, as defined in §650-5, consistent with the following provisions:
 - (1) The total area of the tract or contiguous parcels to be developed as a multifamily retirement community shall not be less than ten (10) acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial.
 - (2) A multifamily retirement community may contain one (1), two (2) and three (3) bedroom units and studio units for independent living persons, and may include services and amenities for its residents, including but not limited to, dining facilities, in-unit kitchens, common rooms, activity rooms, exercise rooms, theater, chapel, library, pharmacy/gift shop/convenience store, beauty salon, barber shop, personal banking services, offices and accessory uses or structures, concierge and valet services, third-party vendor services, and recreation facilities.
 - (3) No building in a multifamily retirement community shall be more than 3 stories in height.
 - (4) The total number of dwelling units in a multifamily retirement community shall be limited to 12 units per acre.
 - (5) No part of any principal building in a multifamily retirement community shall be less than 25 feet from any exterior lot line or less than 50 feet from any public way.
 - (6) Maximum combined lot coverage in a multifamily retirement community, including any permitted accessory structures shall not exceed 40% of the tract or contiguous parcels.
 - (7) The tract or contiguous parcels upon which a multifamily retirement community is located shall have a minimum total frontage on an existing public or private way of at least 200 feet.

- (8) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding multifamily retirement community regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a retirement community and limiting or prohibiting the presence in a retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.
- (9) The City Council may, as a permit condition, require that a proposed multifamily retirement community be constructed entirely on one tract and that, from and after the date of the issuance of the building permit for said community no subdivision of said tract shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
- (10) A minimum of 1.0 parking space per dwelling unit shall be provided in a multifamily retirement community. Attached and detached garages shall count toward this parking requirement.
- (11) No dwelling unit in a multifamily retirement community shall contain less than 500 square feet of living area or more than 1300 square feet of living area.
- (12) No building in a multifamily retirement community need be located or placed further from the exterior line of any street or public way than the average distance from such street or way line of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of 50 feet or more shall be considered as though occupied by a building having the required setback, and a lot separated from the lot in question only by a vacant lot having a frontage of less than 50 feet shall be deemed an adjacent lot. The point of measurement of the average distance shall be from the closest point of the principal building to the street or public way regardless of parcel ownership.
- (13) In a multifamily retirement community, there shall be provided with each multifamily building a landscaped area equal to the greatest single floor area of the building, provided that such landscaped area may include undisturbed natural areas such as vegetated areas, woodlands, wetlands and floodplain areas.

SET A PUBLIC HEARING FOR MAY 7, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD; adopted.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 2, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from New England Hydroponics, to use an existing property for retail sales of gardening supplies, 19 Brigham Street, Unit 6, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY APRIL 2, 2018** as **DATE FOR PUBLIC HEARING** On the Petition of NGrid to install new pole 34-5 for service to Shell Gas Station, 342 Boston Post Road East, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from James Harrington, 51 Christie Way, #52E, re: The Heights Wheeler Hill **FILE**; adopted.

ORDERED: That the Communication from Norfolk County Agricultural High School re: Notification of tuition rates for the 2018/2019 school year, refer to **SCHOOL COMMITTEE AND FILE**; adopted.

ORDERED: That the Minutes, Planning Board, January 22, 2018, **FILE**; adopted.

ORDERED: That the Minutes, School Building Committee, December 4, 2017 & December 11, 2017, **FILE**, adopted.

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

- a. Kevin Brasley, 10 Sherwood Meadows, Pembroke, NH, pothole or other road defect.
- b. Robert Clark, 67 Vega Road, residential mailbox claim 2(a).
- c. Ellen Leonard, 137 Desimone Drive, pothole or other road defect.
- d. Sohir Mankaruos, 1 Spruce Drive, Upton, pothole or other road defect.

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEE.

ORDERED: That the Mid-Year Transfer Requests as outlined in the spreadsheets below totaling \$472,860.00, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS –

DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2018		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance	
<u>\$344,704.28</u>	<u>\$75,000.00</u>	<u>61090001</u>	<u>50740</u>	<u>Equipment Operator</u>	<u>\$75,000.00</u>	<u>14001304</u>	<u>53140</u>	<u>Contract Services</u>	<u>\$275,639.06</u>	
	Reason:	<u>Vacant Position</u>				<u>Anticipated cost to cover remainder of FY18</u>				
<u>\$93,541.10</u>	<u>\$25,000.00</u>	<u>11920001</u>	<u>50292</u>	<u>Building Maint. Craftsman</u>	<u>\$25,000.00</u>	<u>11920006</u>	<u>52469</u>	<u>Repair & Maint. Bldgs.</u>	<u>\$99,531.71</u>	
	Reason:	<u>Vacant Position</u>				<u>Anticipated cost to cover remainder of FY18</u>				
<u>\$84,370.56</u>	<u>\$60,000.00</u>	<u>14001406</u>	<u>54830</u>	<u>Fuel & Lubricants</u>	<u>\$60,000.00</u>	<u>11920006</u>	<u>53420</u>	<u>Telephone Services</u>	<u>\$26,828.65</u>	
	Reason:	<u>Decrease cost of fuel</u>				<u>Anticipated cost to cover remainder of FY18</u>				
<u>\$160,000.00</u>	Total					<u>\$160,000.00</u>	Total			

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
<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>60085001</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			
FROM ACCOUNT:						TO ACCOUNT:			
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 additional 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			FISCAL YEAR:		2018		
Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Available Balance	
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
<u>\$15,000.00</u>	<u>\$15,000.00</u>	<u>15410006</u>	<u>57075</u>	<u>COA Transportation</u>	<u>\$9,900.00</u>	<u>11520006</u>	<u>57380</u>	<u>Conference & Training</u>	<u>\$3,289.70</u>
	Reason:	<u>Received grant funding that has been used instead</u>				<u>To fund an opportunity expense not budgeted</u>			
<u>\$14,240.00</u>	<u>\$12,000.00</u>	<u>11620006</u>	<u>53871</u>	<u>Pollworkers</u>	<u>\$25,000.00</u>	<u>15430006</u>	<u>57710</u>	<u>Veterans Benefits</u>	<u>\$59,995.48</u>
		<u>City wide preliminary municipal election not needed</u>				<u>More veterans seeking services than budgeted</u>			
<u>\$3,206.55</u>	<u>\$2,000.00</u>	<u>11620003</u>	<u>51460</u>	<u>Constables at Polls</u>					
	Reason:	<u>City wide preliminary municipal election not needed</u>							
<u>\$29,729.12</u>	<u>\$4,000.00</u>	<u>16100003</u>	<u>50860</u>	<u>Full Time Library Clerk</u>					
	Reason:	<u>Available due to vacancies</u>							
<u>\$19,709.38</u>	<u>\$1,900.00</u>	<u>16100003</u>	<u>51262</u>	<u>Library Pages</u>					
	Reason:	<u>Available due to vacancies</u>							
	<u>\$34,900.00</u>	<u>Total</u>			<u>\$34,900.00</u>	<u>Total</u>			

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Various			FISCAL YEAR:		2018		
Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Available Balance	Amount	Org Code	Object	Account Description:	Available Balance
		Org Code	Object	Account Description:					
\$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	15430001	50080	Veterans Director	\$21,206.52
		Reason: 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:			\$3,000.00	Retirement payout			
		Reason:			\$1,880.00	11350003	51920	Auditor Sick Leave Buy	\$6.48
		Reason:			\$2,550.00	Retirement payout			
		Reason:			\$22,100.00	11350003	51430	Auditor Longevity	\$2.93
		Reason:			\$110.00	Retirement payout			
		Reason:			\$15,270.00	11330002	50062	Treasurer Finance Asst	\$53,765.96
		Reason:			\$34,350.00	Retirement payout			
		Reason:			\$5,000.00	11330003	51920	Treasurer Sick Leave Buy	\$2.72
		Reason:			\$110.00	Retirement payout			
		Reason:			\$15,270.00	11330003	51430	Treasurer Longevity	\$1,268.27
		Reason:			\$34,350.00	Retirement payout			
		Reason:			\$5,000.00	12100001	50420	Police Officers	\$1,564,674.91
		Reason:			\$34,350.00	Retirement payout			
		Reason:			\$5,000.00	12100003	51920	Police Sick Leave Buy	\$0.00
		Reason:			\$5,000.00	Retirement payout			
		Reason:			\$5,000.00	12100001	50140	Police Chief	\$69,691.70
		Reason:			\$5,000.00	Accreditation stipend per contract			
	\$95,960.00	Total			\$95,960.00	Total			

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:29 PM.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 26, 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 650-5, 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 650-38, entitled "TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND THE SALE OF MARIJUANA ACCESSORIES," is hereby added, as follows:

650-38 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND THE SALE OF MARIJUANA ACCESSORIES

A. Purpose



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 26, 2018

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ORDERED:

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.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 26, 2018

PAGE 3

ORDERED:

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.

Councilor Juair recused.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE JOINT PUBLIC HEARING WITH PLANNING BOARD FOR MARCH 19, 2018.**

ADOPTED

ORDER NO. 18-1007177
X12/13/14-1005247I

IN CITY COUNCIL



Marlborough, Mass., FEBRUARY 26, 2018

ORDERED:

That there being no objection thereto set **MONDAY, MARCH 19, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Sign Special Permit, Marlborough Car Care, 175 Lakeside Ave., for a new LED internally illuminated price sign measuring 4' by 8', be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE.**

ADOPTED

ORDER NO. 17-1007182



IN CITY COUNCIL

Marlborough, Mass., _____ JANUARY 8, 2018

ORDERED:

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

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

Be and is herewith **SET A PUBLIC HEARING FOR MARCH 19, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD.**

ADOPTED

ORDER NO. 18-1007136
X17-1006963C

ADOPTED



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2018 MAR 15 A 11:11

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

March 15, 2018

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

Re: Revised Bond Order for the Elementary School Project

Honorable President Clancy and Councilors:

Please find enclosed for your review and advertisement a revised bond order for the Elementary School project.

As discussed at the City Council's Finance Committee meeting on March 12, our bond counsel recommended several changes to the draft submitted to you on February 26, 2018. We have made the changes bond counsel requested and the Massachusetts School Building Authority has also reviewed and approved the revised language.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

ORDERED:

That the City of Marlborough, Massachusetts (the "City") 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 (i) the construction of a proposed new K-5 Elementary School, including parking lots for such facility, to be constructed in the City on the site of an existing athletic field located on a portion of land on Poirier Drive, which land is owned by the City and known and numbered on the Assessors Map of the City as Map 30, Parcel 12, (ii) the reconstruction of Poirier Drive, which is a public way that will provide access to the school, and (iii) the renovation of athletic fields located on Poirier Drive adjacent to the school, including the payment of all costs incidental or related thereto (collectively, 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 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, as amended and supplemented, or pursuant to any other enabling authority and to issue bonds or notes of the City therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The City 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 incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City 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 and the MSBA.

ADOPTED
 In City Council
 Order No 18-
 Adopted

Approved by Mayor
 Arthur G. Vigeant
 Date:



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CITY OF MARLBOROUGH

2018 MAR 15 A 11:11

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

March 15, 2018

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

Re: Transfer Request – Department of Public Works

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a transfer in the amount of \$17,807.50 to fund the retirement payout to a recent retiree in the Department of Public Works.

If approved, this transfer will move the funds from the Reserve for Salaries account into the DPW's Forestry Parks – Sick Leave Buy Back account.

If you have any questions or concerns, please do not hesitate to contact me or Comptroller Brian Doheny.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

3/15/2018

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: DPW

FISCAL YEAR: 2018

FROM ACCOUNT:

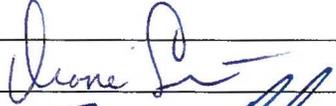
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$407,140.00</u>	<u>\$17,807.50</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for salaries</u>	<u>\$17,807.50</u>	<u>14001503</u>	<u>51920</u>	<u>Forestry Parks - slbb</u>	<u>\$0.00</u>
	Reason:							<u>Retirement payout</u>	
	Reason:								
	Reason:								
	Reason:								
	<u>\$17,807.50</u>	Total			<u>\$17,807.50</u>	Total			

Department Head signature:

Auditor signature:

Comptroller signature:







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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 MAR 15 A 11:11

City of Marlborough
Office of the Mayor

140 Main Street
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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

March 15, 2018

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

Re: City of Marlborough Water Infrastructure

Honorable President Clancy and Councilors:

Per your request, DPW Commissioner John Ghiloni and I are available to provide the City Council an overview of Marlborough's water infrastructure. We are prepared to present information about the progress we have made in recent years and challenges that we will face in the coming years.

Please let us know when it is convenient for you. In the meantime, please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Legal Department

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2018 MAR 15

DONALD J. 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

March 15, 2018

Edward Clancy, President and Members
 Marlborough City Council

RE: Order No. 18-1007177 Temporary Moratorium - Recreational Marijuana Establishments
 and the Sale of Marijuana Accessories

Dear President Clancy and Members:

Attached for your consideration is the above captioned order. The order includes a non-substantive revision to the last sentence, made at the direction of the Urban Affairs Committee, which emphasizes that the temporary moratorium concerns each and every class of marijuana establishment. Said Order is in proper form for consideration by the body.

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
 Assistant City Solicitor

Enclosure

Cc: Planning Board

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 650-38, entitled “TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND THE SALE OF MARIJUANA ACCESSORIES,” is hereby added, as follows:

650-38 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, and related uses 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 temporary moratorium shall be in effect from the date of adoption through December 31, 2018 or until such time as the adoption by the City Council of ordinances that address each class of recreational marijuana establishments (each and every individual class of marijuana establishments being subject to the temporary moratorium), the sale of marijuana accessories, and related uses, whichever occurs first in time.

ADOPTED

In City Council
Order No 18-1007177

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST

MARLBOROUGH RETIREMENT BOARD

255 Main Street, Room 201
Marlborough, Massachusetts 01752-3812

Telephone (508) 460-3760

Fax (508) 481-7814

Gregory P. Brewster, Chairman
David Keene
Diane Smith
Daniel J. Stanhope
William S. Taylor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAR -5 P 4:22

March 2, 2018

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

Dear President and Members:

The Marlborough Retirement Board voted unanimously to increase the cost-of-living (COLA) base from \$12,000 to \$14,000 in accordance with G.L. c.32, s.103(j). The Board has made substantial progress in its funding plan and its members believe now is the time to extend a modest benefit increase to its retirees and survivors.

The \$12,000 COLA base was established by Chapter 17 of the Acts of 1997. In 2010, Chapter 188 of the Acts of 2010 allowed Boards, with the approval of their legislative bodies, to increase the COLA base in increments of \$1,000. A \$2,000 increase in the base provides a small increase to our retired members. Assuming approval of a 3% COLA, adoption of a \$14,000 base provides an annual increase of \$420; a monthly increase of only \$5 per month. The annual increase in retiree payroll will be approximately \$19,250.

Sherman Actuarial Associates recently completed an actuarial valuation of the system. The Board and the City continue to make steady progress toward its goal of fully funding the system. As of January 1, 2017, the system was 76.5% funded; up from 70.7% in 2015. The gains in funding have allowed the Board to recently adopt a **shorter funding schedule** (with full funding reached in 2025) with **lower annual appropriations** than its current schedule **while still providing for a COLA base increase**. An increase in the COLA base of \$2,000 will increase the annual appropriation by an average of \$338,376 for the next seven years.

The Marlborough Retirement Board urges you to approve the Board's adoption of a \$14,000 COLA base. If you have questions, please do not hesitate to contact me or any one of my colleagues on the Board.

Sincerely,


Gregory P. Brewster, Chairman
Marlborough Retirement Board

COLA Base Increase Bullet Points

- The fund has returned 13.2% for the year ending 12/31/2017. Since July of 1988, the fund has returned an average of 7.9% annually. The actuarial rate of return is 7.5%.
- The market value of the assets of the Marlborough Retirement System as of December 31, 2017 was \$171,854,791. The market value as of January 1, 2015 was \$144,721,255.
- As of January 1, 2017, the Marlborough Retirement System is 76.40% funded. Adoption of COLA base increase will not significantly change the funded ratio. If a \$14,000 COLA base had been in place on January 1, 2017, the funded ratio would have been 75.9%.
- Adoption of a \$14,000 base will increase retiree payroll by approximately \$ 1,604 per month or \$19,248 per year.
- Adoption of \$14,000 COLA base will increase unfunded liability by \$1,483,797. An increase in the COLA base of \$2,000 will increase the annual appropriation by an average of \$338,376 for the next seven years. The current funding schedule assumes a \$14,000 COLA base.
- Past COLA base increases:
 - 1997 - \$12,000
 - 1986 - \$9,000
 - 1985 - \$8,000
 - 1982 - \$7,000



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CITY OF MARLBOROUGH

2018 MAR 15 A 9 30

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

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

Order No. 17-1007054A: Application for Special Permit by Williams Street Holdings, LLC,
construction of 28-unit ancillary residential community,
615 Williams Street, Marlborough, Massachusetts

REFER TO URBAN AFFAIRS COMMITTEE

PUBLIC HEARING: January 8, 2018

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

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on **June 18, 2018**.

By: _____
Edward J. Clancy, City Council President,
acting on behalf of, and at the direction of,
the special permit granting authority:
Marlborough City Council

By:  _____
Brian R. Falk, Esq.
Acting on behalf of, and at the direction of,
Petitioner:
Williams Street Holdings, LLC



City of Marlborough
Commonwealth of Massachusetts

PLANNING BOARD

Barbara L. Fenby, Chair
 Colleen Hughes
 Philip Hodge
 Sean N. Fay
 George LaVenture
 Greg Gallagher
 Christopher Russ

Krista Holmi, Administrator
 Phone: (508) 624-6910 x33200
 Fax: (508) 624-7699

Email: planning_board@marlborough-ma.gov
kholmi@marlborough-ma.gov

March 9, 2018

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

RE: Proposed Zoning Amendment – Section 650-59.C (11)
 Powers and Procedures of Special Permit Granting Authorities
 Council Order #18-1007150

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2018 MAR 14 P 4:05

Dear President Clancy:

At its regularly scheduled Planning Board meeting on March 5, 2018, the Board took the following action regarding the above referenced zoning amendment:

On a motion by Mr. Hodge and seconded by Ms. Hughes, the Board voted to make a favorable recommendation to the City Council for the proposed zoning amendment, Section 650-59. C (11), entitled "Extension of time for action; leave to withdraw". Motion carried.

In its decision, the Board recognized the Council's modifications to a previous version, first introduced at a public hearing on November 13, 2017. The Board favored this amendment, which provides increased transparency to special permit extensions. The Board expressed their appreciation that the Council addressed their concerns regarding the previous version.

Sincerely,

Barbara L. Fenby/kh

Barbara L. Fenby
 Chairperson

cc: City Clerk ✓
 File



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

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

2018 MAR -7 P 12:13

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 02/14/2018

To the City Council:

Owner Name: ecoATM, LLC

Residential Address: 10121 Barnes Canyon Road, San Diego, CA 92121

Telephone Number: (858) 766.7244

Business Name: ecoATM, LLC

Business Address: 601 Donald Lynch Blvd, Marlborough, MA 01752

Business Telephone Number: (858) 766.7244

Email Address: hunter.bjorkman@ecoatm.com

Owner Signature: 

The above-signed David Maquera respectfully requests that he/she be

granted a Junk Dealer/Second Hand Dealer License.

In City Council



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

**Lisa M. Thomas
City Clerk**

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

ecoATM, LLC
*Signature of Individual **OR**
Corporate Name (Mandatory)

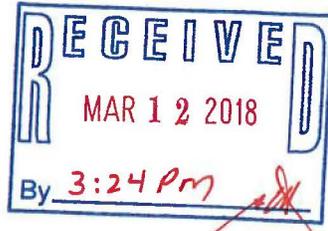

By: Corporate Officer
(Mandatory, if applicable)


Social Security # (Voluntary) **OR
Federal Identification Number

*This license will not be issued unless this certification clause is signed by the applicant.

**Your social Security Number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Mass. General Laws Chapter 62C §49A.

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



**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 03/12/2018

To the City Council:

Owner Name: Roman Kimyagarov

Residential Address: 76 APPLE D'OR ROAD Framingham, MA 01701

Telephone Number: 508 - 624 - 7066

Business Name: ARTHUR & SONS SHOE REPAIR

Business Address: 107 MAIN ST MARLBOROUGH, MA

Business Telephone Number: 508 - 624 - 7066

Email Address: IROMKA@VERIZON.NET

Owner Signature: Roman Kimyagarov

The above-signed ROMAN KIMYAGAROV respectfully requests that he/she be granted a Junk Dealer/Second Hand Dealer License.

In City Council

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



**Lisa M. Thomas
City Clerk**

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

Roman King

*Signature of Individual **OR**
Corporate Name (Mandatory)

By: Corporate Officer
(Mandatory, if applicable)

Social Security # (Voluntary) **OR
Federal Identification Number

*This license will not be issued unless this certification clause is signed by the applicant.

**Your social Security Number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Mass. General Laws Chapter 62C §49A.



Sudbury Companies of Minute and Militia
Sudbury Massachusetts 01776

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH

2018 MAR -1 P 3 20

March 1, 2018

Hon. Lisa M. Thomas, City Clerk
 Marlborough City Hall
 140 Main Street
 Marlborough, MA 01752

Re: Temporary Sign for the 2018 Colonial Faire at the Wayside Inn

Dear Ms. Thomas,

By this letter, The Sudbury Companies of Militia and Minute respectfully request permission to place a temporary sign on city property at the corner of U.S. Rt. 20 and Hagar Road at the Wayside Inn turn from Saturday, September 22, 2018 to Sunday, September 30, 2018.

The Sudbury Companies' petition for placement of the sign is to advertise and give directions to the 2018 Colonial Faire and Muster to be held on Saturday, September 29, 2018. As in years past, the sign will ease traffic flow through this area by providing directions to the event to be held at the Wayside Inn.

The Colonial Faire and Muster celebrates and honors our colonial heritage and patriotic past with several Fyfe and Drum Companies, living history demonstrators, re-enactments, children's games and crafts. The members of the Sudbury Companies, many of whom live in this area, freely give their time and treasure to keep the importance of our first struggle for liberty always before the citizenry through demonstrations, encampments and re-enactments of the events surrounding April, 1775.

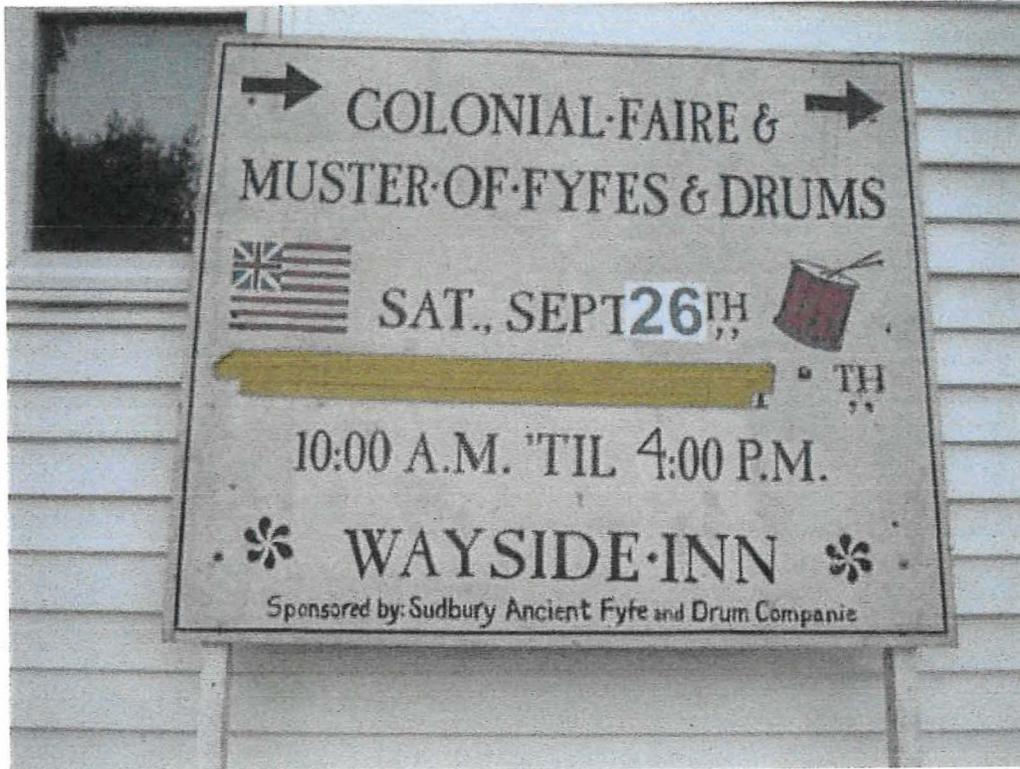
Your assistance is very much appreciated. Should you have any questions, please do not hesitate to contact me by phone (925-915-9400) or email (joe.p.t@live.com).

On behalf of The Sudbury Companies of Militia and Minute, I am

Your Obedient Servant,

Joe Tyrrell
 Faire Committee
 75 Harness Lane
 Sudbury, MA 01776

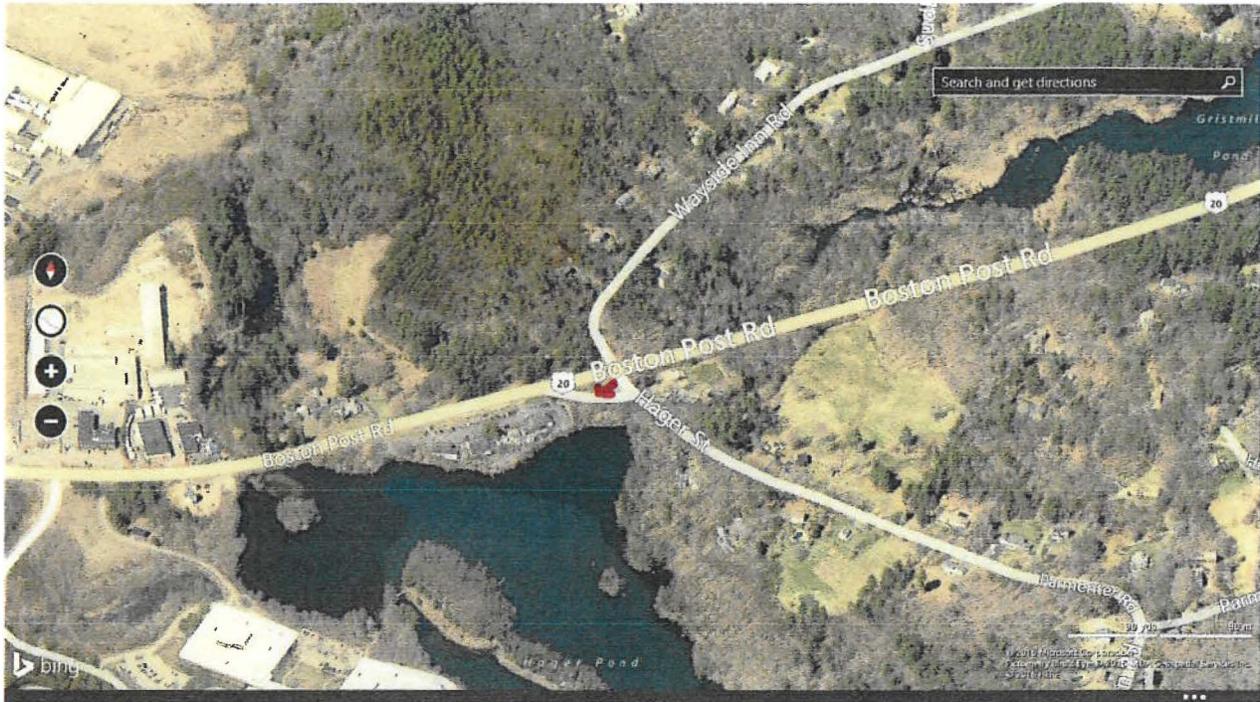
Enclosures: Picture of sign
 Arial view of the proposed sign location



Sign Size: Length: 3' 4"

Width: 4'

Area: 13.33 square feet



X Proposed Location of Sign

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes
February 1, 2018 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

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

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

Acceptance of Minutes: The Minutes of January 18, 2018 were reviewed and unanimously approved.

Public Hearing:

Request for Determination of Applicability - Continuation

103 Cullinane Dr. – 103 Cullinane Dr. LLC

Bernardo N. was present and represented the owners. He explained that they are adding a new deck onto the existing house. The deck footings are all outside the 30' zoning setback from the retaining wall at Ft. Meadow, but one corner does encroach upon 30' with some footings. The deck overhangs the yard. The Building Department had given approval, but they still needed Conservation approval. The Commission discussed the deck construction and the landscaping required. Bernardo N? did not know anything about the landscaping except that they were going to add some retaining walls below the driveway; 2 or 3 walls to terrace the yard.

After some discussion, it was clear that the yard design is not yet finalized. The Commission determined that the deck as proposed was OK, but a new filing would be needed for the landscaping. There being no further discussion, the hearing was closed and the Commission voted unanimously 7-0 to issue a negative determination with standard conditions.

Abbreviated Notice of Resource Area Delineation - Continuation

615 Williams St. – 615 Williams Street Holdings, LLC

Mark Arnold from Goddard Consulting represented the owners. He provided a revised plan dated 1-30-18 showing some additional wetland flags from just off site to better define the 100' buffer zone on the 615 Williams St. parcel. Ms. Ryder noted that she had inspected the flags and agreed they depicted the wetland on site which follows a well-defined break in slope along the utility line which is very rocky. After a brief discussion, the Commission closed the hearing and voted unanimously 7-0 to issue an Order of Resource Area Delineation approving the Bordering Vegetated Wetland, intermittent stream and buffer zone locations.

Extension Permit:

- DEP 212-1146 Ft. Meadow Weed Control - Ms. Ryder noted that Mr. Thomson has made a request to extend this Order of Conditions for another 5 years. Hudson Conservation Commission is being requested to do the same in order to continue the weed treatment program. The Commission agreed and voted unanimously 7-0 to issue a 5-year extension for this permit.

Discussion:

- 431 Poirier Dr. – Proposed elementary school – preliminary discussion.
Frank T. from Mount Vernon Group - project architects; Ben Gary of MG – site planning and environmental design and Chris Amelios, project engineer from Reading Consulting, were all present. They explained that they have been hired by the city to design a “model school” at the Poirier Dr. site that has been chosen and wanted to come to the Commission for a preliminary discussion about the project and some wetland issues they face to get some direction. Chairman Clancy asked about the site selection process but Mr. T—(?) indicated that the site had been selected prior to their being hired, so they were not part of that process. Mr. T. provided the project overview and orientation of the proposed building and sewer relocation. Mr. Gary described the layout and adjacent wetlands and retaining walls which will be 10' at the highest point and will likely be a versaloc type wall with geogrid. They expect a balanced site as far as cuts and fills, but may need to bring material in since the soil borings done are showing boulders and ledge in the area. They propose to add a sidewalk too and realign the sewer, so it is along the street and not under the new building.

They showed several sewer alignment alternatives which all have some impact on the wetland. They plan to remove the sewer line to the east side of the building and bring it up front, the connection on the west side of the building they are looking at. They have eliminated the option of directional drilling under the wetland. As designed, it would connect outside the wetland.

They discussed the need to do a little wetland filling on the east side and provide compensatory wetlands as well. The Commission discussed issues with washouts on Red Spring Rd. and the need to try to “throttle” some of the water before it gets there, if that could be analyzed and incorporated into the design that would be great. Mr. Clancy noted that there is NO detention or stormwater controls for the high school now, so if these can be corrected at all through this project that would be a benefit. Mr. Skarin asked if the whole building site could be shifted east to protect at least one wetland and buffer zone. If alteration and replication is already being done on the east side, then concentrate all the impacts there. They will take that into consideration. The removal of the sewer line on the east side would also allow for more replication area and perhaps restore a wetland area. They will hire a wetland consultant to determine that.

They also have a survey being done of the big trees on the site, so they can better plan around them and adjust the wetland replication area, so as not to disturb large trees.

They discussed construction in two phases: Phase 1 – earth work, walls and sewer relocation and grading to prepare the site first; Phase 2 - construct the building and parking areas and playground. The project will be designed to meet the stormwater regulations etc.

Correspondence/Other Business:

- Letter from Tennessee Gas Pipeline Company LLC – dated Jan. 16, 2018 RE: 2018 Mowing Program Fitchburg Lateral – Location: 188 Langelier Ln. The Commission reviewed and voted to accept and place on file.
- Road Salt - Mr. Demers noted there was a good article in the Metrowest daily news in January about Road Salt. Ms. Ryder will find and forward to the other members. The Commission discussed the issue of the closing of the Millham Reservoir treatment plant. A report is being given to the City Council.
- Apex- snow removal issue- Several commission members noted that snow piles seem to be in the wrong location and over the wall and the salt pile is uncovered. Mr. Demers noted that at Walmart there are “no snow dumping signs” on the chain link fence – perhaps this can be done for Apex too.

Adjournment

There being no further business, the meeting was adjourned at 8:49 PM

Respectfully submitted,


Priscilla Ryder
Conservation Officer



BOH MEETING MINUTES -2/6/18

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 MAR -7 P 1:44

Attending

Robin Williams, Chair
James Griffin, Vice Chair
Joseph Tennyson, MD, Member

Also in attendance: Cathleen Liberty, Director of Public Health and Tina Nolin, Clerk

Meeting called to order 6:30 pm

REVIEW OF MEETING MINUTES

Review of January meeting minutes and accepted by Chair Williams, Vice Chair Griffin and member Tennyson.

ADMINISTRATIVE

BOARD BUSINESS

Adopted of the 2013 Food Code

Public meeting opened at 6:35 pm – no public in attendance. Public meeting closed at 6:36 pm. Director Liberty requested that the Board adopt the 2013 Food Code tonight, but that it not go into effect until September so the department could obtain training and complete their FDA standardization for modular 4 beforehand. Chair Williams suggested the Modular will be easier to complete under the new Code. 3-0 vote to accept the 2013 Food Code, Chair Williams: yes; Vice Chair Griffin: yes; Member Tennyson: yes.

Hearing Appeal

Board discussed the property at 11 High Street regarding the violation letter that was sent to the owner and the appeal. The owner would like 18 months to make repairs to the dwelling and then sell the property. Director Liberty suggested it go into receivership, but the board wanted more information on the property and tabled the appeal until the next meeting.

Working Group

Director Liberty discussed the working group being put together at the State level regarding the development of town & citywide regulations for non-medical cannabis use. Topics being reviewed are childproof packaging, signage, testing of THC. Director Liberty recommended that the Board develop local regulations before July 1, 2018, when such establishments will be allowed to seek permits.

PUBLIC HEALTH ISSUES

Permits for Manufactured Housing

Director Liberty brought to the Board’s attention that the Health Department is receiving more calls related to poor housing conditions in mobile home parks, mostly among seniors, causing a lot of additional man hours for coordinating services, inspecting, re-inspecting etc. While the Board of Health provides permits to mobile home parks it does not inspect nor assert its power over such entities.

MONTHLY REPORTS

• **Nurse’s Report**

Director Liberty submitted the Public Health Nurse’s report and accepted to be placed on file accepted by Chair Williams, Vice Chair Griffin and member Tennyson.

• **Sanitarians’ Reports**

Presented by Director Liberty - reports were submitted and accepted to be placed on file accepted by Chair Williams, Vice Chair Griffin and member Tennyson.

OTHER BUSINESS UNKNOWN AT TIME OF POSTING

ADJOURN

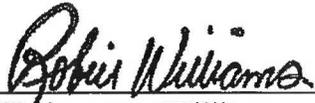
Motion – to adjourn meeting at 7:30 PM – Member Tennyson

Second – Chair Williams

3-0 vote to adjourn Board of Health Meeting at 7:30 PM, Chair Williams: yes; Vice Chair Griffin: yes; Member Tennyson: yes.

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

Respectfully submitted,



Chairwoman Williams

March 5, 2018

Dated

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