

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 JUL 19 P 2:43

1. Minutes, City Council Meeting, June 18, 2018.
2. PUBLIC HEARING On the Proposed Zoning Amendment, to Chapter 650 §5 & §17 as it pertains to Coffee Roasteries, Order No. 18-1007311.
3. RESCHEDULED PUBLIC HEARING On the Proposed Zoning Amendment, to Chapter 650 §5.B as it pertains to Ancillary Auto Sales, Order No. 18-1007224A.
4. PUBLIC HEARING On the Proposed Zoning Amendment, to Chapter 650 §5, §22.A, C as it pertains to a Retirement Community Overlay District, 90 Crowley Dr., Order No. 18-1007198D.
5. PUBLIC HEARING On the Proposed Zoning Amendment, to Chapter 650 §5.B, §17, & §22 as it pertains to Ancillary Residential Communities, Williams St., Order No. 18-1007287.
6. Communication from the Mayor re: Assessor's transfer request in the amount of \$102,950.00 which moves funds from Principal Assessor to Professional & Technical Services to fund a new contract with Regional Resource Group (RRG) to continue providing services to the City.
7. Communication from the Mayor re: Non-Union Personnel transfer request in the amount of \$70,905.00 which moves funds from Reserve for Salaries to various Salary accounts as noted on the attached spreadsheets to fund a 2% cost of living increase.
8. Communication from the Mayor re: Department of Public Works transfer request in the amount of \$26,290.00 which moves funds from Reserve for Salaries to various foreman payroll accounts as noted in the attached spreadsheets to fund the recently ratified agreement with DPW Foreman, Local 888 for FY19-FY21.
9. Communication from the Mayor re: Healthy Summer Youth Jobs Grant in the amount of \$3,100.00 to fund youth jobs that benefit health care consumers and promote health and wellness by providing youth with opportunities in health-focused summer employment.
10. Communication from the Mayor re: Appointments of Samantha Perlman, Kathy Oliver Jones, & Gabriele Luzzi to the Cultural Council for terms expiring three years from date of confirmation and to recognize members Chair David Elmore, Sandra Pirie St. Amour and Kim Beauchemin for their services as their appointments will expire this fall.
11. Communication from the Mayor re: Massachusetts Interlocal Insurance Association (MIIA) Reward Credits from FY18.
12. Communication from the Mayor re: Applications for 43D Priority Development Sites.
13. Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Proposed Zoning Amendment to Chapter 650, §7, §17, new §39 & §41 as it relates to Neighborhood Business District, sponsored by Councilors Ossing and Irish.
14. Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Proposed Zoning Amendment to add Chapter 650, §40 as it relates to Large Scale Ground Mounted Solar Photovoltaic Installation Overlay District, sponsored by Councilor Doucette.

**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.**

15. Communication from Attorney Falk, Mirick O'Connell, re: Site Plan Application Fee for 163-175 Main St.
16. Application for Special Permit from Ninja Twins LLC, re: building a gym for children located at 19 Brigham St., #8.
17. Communication from Paul Goldman re: Opposition to Special Permit for 21 Patten Dr., Order No. 18-1007244A.
18. Communication from various residents and business owners listed below re: Support of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136L.
  1. Craig Perry, 122E. Broadmeadow St.
  2. Edward Baker, 247 Bigelow St.
  3. Kimberly Cohen, 22 Wright Dr.
  4. Dave Kemp, 849 Boston Post Road East.
  5. Linda Kemp, 124H Broadmeadow St.
  6. Ellen Brien, 105 Warren Ave.
  7. Bonnie Logan, 136 Greenwood St.
  8. Donna Lynch, 84B Crystal Brook Way
  9. Leslie Harries, 99 Westminster Dr.
  10. Dawn Ocoin, 60 West Hill Rd.
  11. Marie Fernald, 104 Mechanic St.
  12. Janie Power, 242 Wilson St.
  13. Mike Sadofsky, 424 Sudbury St.
  14. Sal Femino, 5 Ahern Rd.
  15. Jeremy Adelson, 24 St. Ives Way
  16. Dianne Doucette, 153 Dicenzo Blvd.
  17. Sharon Martin, 48 King's Grant Rd.
  18. Jodi Eldridge, 150 Ash St.
  19. Dan Russo, 127 Wagon Hill Rd.
  20. Christine Forte, 261 Naugler Ave.
  21. Kevin Moitoso, 74 Silver Leaf Way #21
  22. Stephen Creamer, 125 Spoonhill Ave.
  23. Diana DeFalco, 127 Langelier Lane
  24. Wayside Athletic Club & Milin Associates, LLC, 80 Broadmeadow St.
  25. Isaac Matos, 153 Main St.
  26. Mike Sadofsky, 424 Sudbury St.
  27. Karen Mulvey, 21 Summit Ave.
  28. Linda Felch Gibson, 743B Farm Rd.
19. Communication from Douglas Sylvester, 111 Wagon Hill Rd. re: Opposition of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136L.
20. Communication from Central Mass Mosquito Control re: Personnel in the Area on July 5, 11, 18, & 25.
21. Minutes, Planning Board, May 21 & June 4, 2018.
22. Minutes, Public Library Board of Trustees, May 1, 2018.
23. Minutes, Conservation Commission, May 17, 2018.
24. Minutes, Retirement Board, May 29, 2018.
25. Minutes, Traffic Commission, May 30, 2018.
26. Minutes, License Board, May 30 & June 12, 2018.
27. Minutes, Commission on Disabilities, May 1 & June 5, 2018.
28. CLAIMS:
  - a. Donna Barberio, 14 Cross St., Southborough, pothole or other road defect claim.
  - b. Kristen Langlois, 14 McDermot Way, other property damage and/or personal injury.
  - c. Paul Fiore, 111 Denoncourt St., residential mailbox claim 2(a).
  - d. Christine Johansen, 38 Denoncourt St., residential mailbox claim 2(a).
  - e. Joan Ledoux, 58 Walcott Circle, other property damage and/or personal injury.
  - f. Tania Benedetto, 27 Ruth Dr., pothole or other road defect claim.
  - g. Farm Family Insurance on behalf of Scott Robinson, 148 Chestnut St.

REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From Public Services Committee

29. **Order No. 18-1007246 - Application for Renewal of Junk Dealer's/Second Hand License, Best Buy Stores, LP 1966, 601 Donald Lynch Boulevard. The Best Buy Store, LP 1966, located at 601 Donald Lynch Boulevard closed the previous month and was unlikely to restart operations. Motion made by Councilor Irish, seconded by the Chair, to place the application on file. The motion carried 3-0.**
30. **Order No. 18-1007247 - Application for Renewal of Junk Dealer's/Second Hand License, Best Buy Stores, LP 820, 769 Donald Lynch Boulevard. Motion made by Councilor Doucette, seconded by the Chair, to approve the application for renewal of a Junk Dealer's/Second Hand License. The motion carried 3-0.**
31. **Order No. 17-1007285 - Communication from City Solicitor, Donald Rider, regarding Acceptance of Slocumb Lane as a public way. Motion made by Councilor Doucette, seconded by the Chair, to approve the acceptance of Slocumb Lane as a public way. The motion carried 3-0.**

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CITY OF MARLBOROUGH

2018 JUN 29 P 4: 14



CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK

Lisa M. Thomas  
140 Main St.

Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723

JUNE 18, 2018

Regular meeting of the City Council held on Monday, June 18, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Delano, Juairé, Oram, Ossing, Robey, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 9:18 PM.

ORDERED: That the City Scholarship Awards in the amount of \$1,500.00 each were presented to **FILE**; adopted.

Haylee Braga  
Marlborough High School

Cameron Sheehy  
St. John's High School

Julia Lambert  
Marlborough High School

William Soto  
Assabet Valley Regional Technical High School

Sarah Zagzoug  
Marlborough High School

ORDERED: That the Minutes of the City Council meeting June 4, 2018, **FILE AS AMENDED**; adopted.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Sandra Colligan, to demo existing house and build a new two story home at 21 Patten Drive, Order No. 18-1007244, all were heard who wish to be heard, hearing closed at 8:17 PM; adopted.

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

ORDERED: That the PUBLIC HEARING HEARING On the Application for Special Permit from Attorney Falk, on behalf of Jefferson Street Residences, 27 Jefferson LLC, to build an 11 unit 2 story, multifamily condominium building at 27 Jefferson Street, Order No. 18-1007245, all were heard who wish to be heard, hearing closed at 8:42 PM; adopted.

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

ORDERED: That the City Council of the City of Marlborough hereby rescinds previously authorized but unissued amounts of the following described loan orders, which are henceforth of no further force or effect:

the \$1,190,816.00 balance of the \$6,000,000.00 authorized to be borrowed to pay costs of financing upgrades and improvements to the Millham Water Treatment Plant, duly adopted by order of this Council and approved by the Mayor on June 9, 2014;

the \$3,528.00 balance of the \$1,835,000.00 authorized to be borrowed to pay costs of water meters, duly adopted by order of this Council and approved by the Mayor on April 13, 2012;

the \$17,900.00 balance of the \$5,030,000.00 authorized to be borrowed to pay costs of sewer construction, duly adopted by order of this Council and approved by the Mayor on April 13, 2012;

the \$115,719.00 balance of the \$3,043,833.00 authorized to be borrowed to pay costs of street construction, duly adopted by order of this Council and approved by the Mayor on April 13, 2012;

the \$4,412,381.00 balance of the \$7,500,000.00 authorized to be borrowed to pay costs of building renovations, duly adopted by order of this Council and approved by the Mayor on December 21, 2011;

the \$363,839.00 balance of the \$1,000,000.00 authorized to be borrowed to pay costs of municipal outdoor recreational facilities, duly adopted by order of this Council and approved by the Mayor on June 24, 2011;

the \$84,913.00 balance of the \$455,200.00 authorized to be borrowed to pay costs of sewer construction, duly adopted by order of this Council and approved by the Mayor on October 4, 2010;

the \$100.00 balance of the \$530,000.00 authorized to be borrowed to pay costs of purchasing approximately 55 acres off lower Stow Road for Open Space, duly adopted by order of this Council and approved by the Mayor on June 12, 1998;

the \$24,000.00 balance of the \$100,000.00 authorized to be borrowed to pay costs of Department of Public Works Departmental Equipment, duly adopted by order of this Council and approved by the Mayor on November 18, 1991;

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, June 18, 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 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:

- I. Section 650-5, entitled "Definitions; word usage," is hereby amended as follows:

By inserting in subsection B thereof the following definition:

**COFFEE ROASTERY**

A facility in which green coffee beans are roasted into roasted coffee products; provided, however, that emissions from coffee roasting operations, if vented to the outdoor air, are to be i) vented at least 10 feet above any outdoor area, including but not limited to a sidewalk, street, alley or parking lot, which is adjacent to the building where the facility is located, and ii) directed away to the extent possible from uses within 50 feet of the vent; and provided further that, in all cases, the Building Commissioner shall determine, upon plans submitted to the Building Department, the appropriate measures required to be taken and maintained by the facility in order to significantly reduce potential odor emissions and airborne pollutants, and such measures may be required as conditions for the issuance of any permit. Nothing contained herein shall prohibit the facility from having a bring-your-own-food policy.

- II. Section 650-17, entitled "Table of Uses," is hereby amended as follows:

By regulating manufacturing uses so as to allow coffee roasteries as of right in the Business (B), Commercial Automotive (CA), Industrial (I) and Marlborough Village (MV) zoning districts, and by special permit in the Limited Industrial (LI) zoning district, as follows:

	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I	MV
Coffee Roastery	N	N	N	N	N	N	N	Y	Y	SP	Y	Y

**SET A PUBLIC HEARING FOR JULY 23, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD;** adopted.

ORDERED: That the Communication from the Planning Board, re: Acceptance of Slocumb Lane as a Public Way, **FILE AND MOVED TO REPORTS OF COMMITTEE;** adopted.

ORDERED: That the Communication from Chris White re: Vegetation Management Notice, **FILE;** adopted.

ORDERED: That the Communication from various residents and business owners listed below re: Support of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136H, **FILE**; adopted.

- |                      |                     |
|----------------------|---------------------|
| 1. Robert Folan      | 7. Andrea Moura     |
| 2. Daniela Cerqueira | 8. Elizabeth Callan |
| 3. Tony Cerqueira    | 9. Gerusa Soares    |
| 4. Eileen Rivera     | 10. Ron Ayotte      |
| 5. Kim Jones         | 11. Barbara Kozay   |
| 6. Linda Cook        |                     |

ORDERED: That the Communication from various residents and business owners listed below re: Opposition of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136H, **FILE**; adopted.

- |                        |                         |                          |
|------------------------|-------------------------|--------------------------|
| 1. Matt Hicks          | 14. Susan Brown         | 27. Gilberto Araujo      |
| 2. Tui Clern           | 15. Christine Weed      | 28. Elicia Lemes         |
| 3. Richard Ward        | 16. Daniel Mauro        | 29. Celeste Cantero      |
| 4. C. Tagliaferri      | 17. Weberton Figueiredo | 30. Marie Yerardi        |
| 5. Daniel Mahoney      | 18. Christe Leoleis     | 31. Heather Duca         |
| 6. Denise Liaus        | 19. Dennis Mauro        | 32. Mike Ormand          |
| 7. Mike Monteiro       | 20. Paul Crisafulli     | 33. Levon Gulbankian     |
| 8. Eva Rabelo          | 21. Sandra Crisafulli   | 34. Donald Gulbankian    |
| 9. Nancy Nims          | 22. Angelo Cruz         | 35. Dennis DiRico        |
| 10. Richard Robinson   | 23. Eleanor Travers     | 36. Gerald Dumais        |
| 11. Robert Saragarian  | 24. Dominic Mauro       | 37. Charles Trombetta    |
| 12. Barbara Saragarian | 25. Martha Mauro        | 38. Anthony Trombetta    |
| 13. Peter D'Aurora     | 26. Lenice Araujo       | 39. Charles P. Trombetta |

ORDERED: That the Communication from Charles Trombetta, Mike Monteiro, & Gina DiMatteo re: Opposition of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136H, **FILE**; adopted.

ORDERED: That the Communication from Charles Trombetta re: Tabling of the Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136H, **FILE**; adopted.

ORDERED: That the Communication from the Attorney Buckley re: Proposed changes to the Results Way Mixed Use Overlay District, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 27, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Avalon Marlborough II, a 123-unit Luxury Apartment Community located on a portion of 200 Forest Street in the Results Way Mixed Use Overlay District, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Site Plan Application from AvalonBay Communities, Inc., for a 123-unit Luxury Apartment Community located on a portion of 200 Forest Street in the Results Way Mixed Use Overlay District, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Vanasse Hanglen Brustlin, Inc., re: Notice of Project Change, Marlborough Hills, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Site Plan Application from Attorney Falk, on behalf of M & E Ventures Corporation (Marilyn Green) for a mixed-use project at 28 South Bolton Street in the Marlborough Village District, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 27, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Bergeron on behalf of Garden Remedies, Inc., for a Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment, 416 Boston Post Road East, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Communication from Leonard Solo re: Council Order. 18-1007198 Proposed Zoning Amendment, Article V1, Section 650-22, Retirement Community Overlay District at Crowley Drive, Order No. 18-1007198B, **FILE**; adopted.

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, JUNE 18, 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 650-5, entitled Definitions; word usage is hereby amended to read:

**RETIREMENT COMMUNITY – DETACHED AND TOWNHOMES**

A community consisting of detached or attached (only alongside walls in so-called “townhouse” style) structures, constructed expressly for use as housing for persons aged 55 or over, on one parcel or on contiguous parcels of land, subject to the provisions of MGL c. 151B, § 4, as amended.

**RETIREMENT COMMUNITY – MULTIFAMILY**

A community consisting of a single multiple unit structure constructed expressly for use as housing for persons aged 55 or over, on one parcel or on contiguous parcels of land, subject to the provisions of MGL c. 151B, § 4, as amended.

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 providing for the development of retirement communities that provide housing choices for persons aged 55 or over on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods and/or residential amenities and supportive services, will provide an appropriate environment for a retirement community.

2. Section 650-22.C, entitled "Permitted uses" is hereby amended to read: Permitted uses. 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 - Detached and Townhomes, or a Retirement Community – Multifamily, as defined in § 650-5, consistent with the following provisions:

(i) Retirement Community – Detached and Townhomes (RCO-D/T)

- 1) No building in a RCO-D/T community shall be more than 2 1/2 stories in height.
- 2) Each building in a RCO-D/T community shall face either upon an existing street or upon a public or private way constructed within said RCO-D/T community and shall have a minimum front yard of no less than 20 feet from the edge of the paved way to the closest point of the structure and a side yard of not less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 10 feet distant from any other building by air line distance between the nearest points of the buildings.
- 3) No dwelling in a RCO-D/T community shall contain less than 1,000 square feet of living area or more than 2,400 square feet of living area.
- 4) All dwelling units in a RCO-D/T community shall be detached from the others or attached only alongside walls in the so-called "townhouse" style.
- 5) The lot or lots on which a RCO-D/T community and any approved ancillary residential community are located shall contain, on a consolidated basis, at least 7,000 square feet per housing unit.
- 6) No part of any principal building in a RCO-D/T community shall be less than 25 feet from any exterior lot line or less than 50 feet from the side of any public way.
- 7) Each dwelling unit in a RCO-D/T community shall have its own attached yard area.

- 8) Required off-street parking for each dwelling unit in a RCO-D/T community shall be adjacent thereto. Each unit shall be required to provide at least one parking space inside a garage and an additional space in front of a garage, said garage to be attached to said unit. The City Council may, as a condition of its special permit, require additional off-street parking areas to be used in common by dwelling unit owners and their invitees. In addition, the City Council may, as a condition of the special permit, require the adoption of legally enforceable condominium bylaws or other similar regulations to limit or prohibit the presence in a RCO-D/T community, either entirely or except in designated locations, of boats, boat trailers, campers, or other recreational vehicles.
- 9) Maximum combined lot coverage in a RCO-D/T community and in any permitted ancillary residential community shall not exceed 40% of the total lot size.
- 10) Each lot or contiguous lots upon which a RCO-D/T community is located shall have total frontage on an existing public way of at least 250 feet. Each lot or combination of lots shall have a total size of not less than 10 acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial.
- 11) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-D/T community regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a RCO-D/T community and limiting or prohibiting the presence in a RCO-D/T community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.
- 12) The City Council may, as a permit condition, require that a proposed RCO-D/T community be constructed entirely on one lot, and that, from and after the date of the issuance of the building permit for said community or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.

- 13) No unit in a RCO-D/T community shall have more than three bedrooms.
- (ii) Retirement Community – Multifamily (RCO-MF)
- 1) The total area of the tract or contiguous parcels to be developed as a RCO-MF shall not be less than ten (10) acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial, and located east of Route 495, south of the Route 290/Route 85 Connector, and north of Lakeside Avenue (Route 20), and within a two-mile radius of UMass Memorial - Marlborough Hospital.
  - 2) A RCO-MF may contain one (1) and two (2) 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 RCO-MF shall be more than 3 stories in height.
  - 4) The total number of dwelling units in a RCO-MF shall be limited to 12 units per acre.
  - 5) No part of any principal building in a RCO-MF shall be less than 50 feet from any exterior lot line or less than 100 feet from any public way.
  - 6) Maximum combined lot coverage in a RCO-MF, including any permitted accessory structures shall not exceed 40% of the tract or contiguous parcels.
  - 7) The tract or contiguous parcels upon which a RCO-MF 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 RCO-MF regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a retirement community and limiting or prohibiting the presence in a retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.
- 9) The City Council may, as a permit condition, require that a proposed RCO-MF be constructed entirely on one tract and that, from and after the date of the issuance of the building permit for said community no subdivision of said tract shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
- 10) A minimum of 1.0 parking space per dwelling unit shall be provided in a RCO-MF. Attached and detached garages shall count toward this parking requirement.
- 11) No dwelling unit in a RCO-MF shall contain less than 500 square feet of living area or more than 1300 square feet of living area.
- 12) No building in a RCO-MF need be located or placed further from the exterior line of any street or public way than the average distance from such street or way line of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of 50 feet or more shall be considered as though occupied by a building having the required setback, and a lot separated from the lot in question only by a vacant lot having a frontage of less than 50 feet shall be deemed an adjacent lot. The point of measurement of the average distance shall be from the closest point of the principal building to the street or public way regardless of parcel ownership.

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

**SET A PUBLIC HEARING FOR JULY 23, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD;** adopted.

ORDERED: That the Communication from MA Water Resource Authority re: Wachusett Aqueduct Pumping Station (MWRA Contract No. 7157) Marlborough, MA, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 27, 2018** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Christopher White, to build a 24 X 26 garage on a non-conforming lot, 22 Brimsmead Street, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY AUGUST 27, 2018** as **DATE FOR PUBLIC HEARING** On the Petition of AT & T to grant a location for Telecommunication Wires and Wireless Attachments and Appurtenances, Francis Street and East Main Street, Utility Pole #11-50, refer to **WIRELESS COMMUNICATION COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY AUGUST 27, 2018** as **DATE FOR PUBLIC HEARING** On the Petition of AT & T to grant a location for Telecommunication Wires and Wireless Attachments and Appurtenances, 10 Neil Street Utility Pole 1, refer to **WIRELESS COMMUNICATION COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY AUGUST 27, 2018** as **DATE FOR PUBLIC HEARING** On the Petition from Mass Electric and Verizon New England, Inc. to install new Pole #37-5, Stevens Street, for new electrical feed to the High School, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, License Board, April 25, 2018 & May 10, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, April 25, 2018, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, May 22, 2018, **FILE**; adopted.

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

- a. Bruce Gelb, 328 Cook Lane, other property damage and/or personal injury.
- b. Avidia Bank, Main Street, Hudson, other property damage and/or personal injury.

## Reports of Committees:

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

Meeting Name: City Council Public Services Committee

Date: June 8, 2017

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 2:00 PM – Adjourned: 2:29 PM

Present: Chairman Landers; Public Services Committee Members Councilors Doucette and Irish; and Councilor Clancy; Dave Flewelling (Comcast); Tom DiPersio (City Engineer, City of Marlborough); Kelly Costello (Best Buy); Donald Rider (City Solicitor, City of Marlborough)

**Order No. 18-1007288: Petition of Comcast to install new underground conduit to 46 Lizotte Drive.** Dave Flewelling of Comcast explained the petition was to install 390 feet of three-inch PVC conduit on Lizotte Drive starting from the intersection with Williams Street. Comcast would also install a 24-inch by 36-inch vault over the existing conduit coming out from 46 Lizotte Drive. The top of the conduit would be two-feet below the ground surface and the installation would occur mostly in grass areas except for the driveway apron of the property owner so the project should take no more than five days. **Motion made by Councilor Doucette, seconded by the Chair, to approve the petition by Comcast. The motion carried 3-0. The Public Services Committee agreed to request a suspension of the rules at the June 18, 2018 City Council Meeting to allow action on Order No. 18-1007288.**

**Order No. 18-1007246: Application for Renewal of Junk Dealer's/Second Hand License, Best Buy Stores, LP 1966, 601 Donald Lynch Boulevard.** The Best Buy Store, LP 1966, located at 601 Donald Lynch Boulevard closed the previous month and was unlikely to restart operations. **Motion made by Councilor Irish, seconded by the Chair, to place the application on file. The motion carried 3-0.**

**Order No. 18-1007247: Application for Renewal of Junk Dealer's/Second Hand License, Best Buy Stores, LP 820, 769 Donald Lynch Boulevard.** Kelly Costello of Best Buy appeared before the Public Services Committee and explained they accept electronics such as phones, gaming systems, computers, and tablets from customers and issue them a store gift card to be used towards a future purchase. As part of their acceptance procedure, they keep copies of driver's licenses on file and record the serial numbers for all electronic devices, the serial number must be present and cannot be scratched off an item. If an item is not working, they will accept it to recycle at no charge to the consumer. **Motion made by Councilor Doucette, seconded by the Chair, to approve the application for renewal of a Junk Dealer's/Second Hand License. The**

Reports of Committee Cont'd:

**Order No. 17-1007285: Communication from City Solicitor, Donald Rider, regarding Acceptance of Slocumb Lane as a public way.** City Solicitor Donald Rider and City Engineer Tom DiPersio were present to answer questions regarding the acceptance of Slocumb Lane as a public way. Solicitor Rider stated the Planning Board had no reservations regarding the acceptance and recommended approval at their meeting held on June 4, 2018. Solicitor Rider previously provided the City Council a proposed order referencing the street as well as one easement for a headwall maintenance easement, an acceptance plan, and a Quitclaim Deed. Mr. DiPersio stated the Planning Board recommendation was based upon the favorable recommendation of the Engineering Department and supported its acceptance as a public way. **Motion made by Councilor Doucette, seconded by the Chair, to approve the acceptance of Slocumb Lane as a public way. The motion carried 3-0.**

**Motion made by Councilor Doucette, seconded by the Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 2:29 PM.**

**Suspension of the Rules requested – granted.**

ORDERED: That the Petition of Comcast to install new underground conduit to 46 Lizotte Drive, **APPROVED**; adopted.

ORDERED: That the DPW transfer request in the amount of \$1,588,000.00 which moves funds from Undesignated to Overtime-Snow & Ice, Snow Removal & Operating Expenses in the amounts of \$281,300.00, \$538,800.00 & \$767,900.00 respectively to fund FY18 deficit, **APPROVED**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		DPW		FISCAL YEAR:		2018			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$8,284,083.16	\$1,588,000.00	10000	35900	Undesignated Fund	\$281,300.00	14001203	51390	Overtime-Snow & Ice	-\$281,228.80
	Reason:	To fund the snow & ice deficit for FY18							
					\$538,800.00	14001206	52960	Snow Removal	-\$538,539.76
	Reason:								
					\$767,900.00	14001206	57040	Operating Expenses	-\$767,738.88
	\$1,588,000.00	Total			\$1,588,000.00	Total			

ORDERED: That the MEDC transfer request in the amount of \$679,841.00 which moves funds from Economic Development to MEDC funding to fully fund their FY19 operations, **APPROVED**; adopted.  
**Councilor Oram opposed.**

CITY OF MARLBOROUGH  
 BUDGET TRANSFERS --

DEPT:		Mayor				FISCAL YEAR:		2018	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$1,368,317.15</u>	<u>\$679,841.00</u>	<u>27000099</u>	<u>42440</u>	<u>Economic Development</u>	<u>\$679,841.00</u>	<u>11740006</u>	<u>53950</u>	<u>MEDC Funding</u>	<u>\$0.00</u>
Reason:		<u>To allow the MEDC to continue it's work in promoting the economic development of the City for FY19</u>							
Total						Total			
	\$679,841.00					\$679,841.00			

ORDERED: That the transfer request in the amount of \$18,000.00 which moves funds from Undesignated to Stabilization-Open Space to move revenues from wireless antenna receipts from FY17, **APPROVED**; adopted.

CITY OF MARLBOROUGH  
 BUDGET TRANSFERS --

DEPT:		Mayor				FISCAL YEAR:		2018	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$8,284,083.16</u>	<u>\$18,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$18,000.00</u>	<u>83600</u>	<u>32918</u>	<u>Stabilization-Open Space</u>	<u>\$1,035,628.06</u>
Reason:		<u>To transfer annual wireless antennae payments received by the City in fiscal year 2017 to Open Space Stabilization</u>							
Total						Total			
	\$18,000.00					\$18,000.00			

ORDERED: That no more than three hundred fifty thousand dollars (\$350,000.00) shall be expended from the Parks and Recreation Revolving Fund during fiscal year 2019, unless otherwise authorized by the City Council and Mayor, **APPROVED**; adopted.

ORDERED: That no more than seventy-five thousand dollars (\$75,000.00) shall be expended from the Public Safety Revolving Fund during fiscal year 2019, unless otherwise authorized by the City Council and Mayor, **APPROVED**; adopted.

ORDERED: That no more than forty thousand dollars (\$40,000.00) shall be expended from the Council on Aging Revolving Fund during fiscal year 2019, unless otherwise authorized by the City Council and Mayor, **APPROVED**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant from the Commonwealth Massachusetts to the City of Marlborough in the amount of \$100,000.00 through a Budget Earmark for Park and Playground Improvements, to fund the purchase and installation of a splash pad for Stevens Park; adopted.

ORDERED: That the Multifamily Development Review Criteria and Design Guidelines, **APPROVES AND BE PLACED ON THE CITY WEBSITE**; adopted.

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.

**APPROVED**; adopted.

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

ORDERED:

**STREET CONSTRUCTION BOND**

That the sum of \$3,500,000 (three million five hundred thousand dollars) be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$3,500,000 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough 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 Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**APPROVED;** adopted.

**Yea: 11- Nay: 0**

**Yea - Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing, & Robey**

ORDERED:

**SEWER CONSTRUCTION BOND**

That the sum of \$1,800,000 (one million eight hundred thousand dollars) be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$1,800,000 under and pursuant to the provisions of Chapter 44, Section 8 (14) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough 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 Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**APPROVED;** adopted.

**Yea: 11- Nay: 0**

**Yea - Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Oram, Ossing, & Robey**

ORDERED:

**WATER MAIN CONSTRUCTION BOND**

That the sum of \$150,000 (one hundred fifty thousand dollars) be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$150,000 under and pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough 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 Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**APPROVED;** adopted.

**Yea: 10- Nay: 1**

**Yea - Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, & Robey**

**Nay – Oram**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:18 PM.



# IN CITY COUNCIL

Marlborough, Mass., JUNE 18, 2018

## ORDERED:

At a regular meeting of the Marlborough City Council held on Monday, June 18, 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 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:

I. Section 650-5, entitled "Definitions; word usage," is hereby amended as follows:

By inserting in subsection B thereof the following definition:

### COFFEE ROASTERY

A facility in which green coffee beans are roasted into roasted coffee products; provided, however, that emissions from coffee roasting operations, if vented to the outdoor air, are to be i) vented at least 10 feet above any outdoor area, including but not limited to a sidewalk, street, alley or parking lot, which is adjacent to the building where the facility is located, and ii) directed away to the extent possible from uses within 50 feet of the vent; and provided further that, in all cases, the Building Commissioner shall determine, upon plans submitted to the Building Department, the appropriate measures required to be taken and maintained by the facility in order to significantly reduce potential odor emissions and airborne pollutants, and such measures may be required as conditions for the issuance of any permit. Nothing contained herein shall prohibit the facility from having a bring-your-own-food policy.

II. Section 650-17, entitled "Table of Uses," is hereby amended as follows:

By regulating manufacturing uses so as to allow coffee roasteries as of right in the Business (B), Commercial Automotive (CA), Industrial (I) and Marlborough Village (MV) zoning districts, and by special permit in the Limited Industrial (LI) zoning district, as follows:

	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I	MV
Coffee Roastery	N	N	N	N	N	N	N	Y	Y	SP	Y	Y

Be and is herewith **SET A PUBLIC HEARING FOR JULY 23, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD.**

ADOPTED

ORDER NO. 18-1007311



# IN CITY COUNCIL

Marlborough, Mass., MAY 7, 2018

## ORDERED:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended as follows:

1. In Section 650-5.B, insert the following new definitions: (new text underlined):

AUTO SALES

Places for the sale of new or previously owned cars, trucks, boats, and farm equipment, along with the incidental servicing and repair of vehicles.

ANCILLARY AUTO SALES

Places for the sale of new or previously owned cars, trucks, boats, and farm equipment, along with the incidental servicing and repair of vehicles, provided that any Ancillary Auto Sales use shall be operated in conjunction with a lawful Auto Sales use located within 1,500 feet of the Ancillary Auto Sales use and shall not be larger than the primary Auto Sales use.

2. Adding to the Table of Use Regulations, Section 650-17, a category for “Ancillary Auto Sales” under “Business Uses”, as follows:

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
<b>Business Use</b>												
Ancillary Auto Sales	N	N	N	N	N	N	N	SP	SP	N	N	N

Be and is herewith **RESET A PUBLIC HEARING FROM JUNE 4, 2018 TO JULY 23, 2018, & READVERTISE.**

ADOPTED

ORDER NO. 18-1007224A



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JUNE 18, 2018

PAGE 1

## ORDERED:

At a regular meeting of the Marlborough City Council held on Monday, JUNE 18, 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 650-5, entitled Definitions; word usage is hereby amended to read:

**RETIREMENT COMMUNITY – DETACHED AND TOWNHOMES**

A community consisting of detached or attached (only alongside walls in so-called “townhouse” style) structures, constructed expressly for use as housing for persons aged 55 or over, on one parcel or on contiguous parcels of land, subject to the provisions of MGL c. 151B, § 4, as amended.

**RETIREMENT COMMUNITY – MULTIFAMILY**

A community consisting of a single multiple unit structure constructed expressly for use as housing for persons aged 55 or over, on one parcel or on contiguous parcels of land, subject to the provisions of MGL c. 151B, § 4, as amended.

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 providing for the development of retirement communities that provide housing choices for persons aged 55 or over on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods and/or residential amenities and supportive services, will provide an appropriate environment for a retirement community.



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JUNE 18, 2018

PAGE 2

### ORDERED:

2. Section 650-22.C, entitled "Permitted uses" is hereby amended to read: Permitted uses. 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 - Detached and Townhomes, or a Retirement Community - Multifamily, as defined in § 650-5, consistent with the following provisions:

- (i) Retirement Community - Detached and Townhomes (RCO-D/T)
  - 1) No building in a RCO-D/T community shall be more than 2 1/2 stories in height.
  - 2) Each building in a RCO-D/T community shall face either upon an existing street or upon a public or private way constructed within said RCO-D/T community and shall have a minimum front yard of no less than 20 feet from the edge of the paved way to the closest point of the structure and a side yard of not less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 10 feet distant from any other building by air line distance between the nearest points of the buildings.
  - 3) No dwelling in a RCO-D/T community shall contain less than 1,000 square feet of living area or more than 2,400 square feet of living area.
  - 4) All dwelling units in a RCO-D/T community shall be detached from the others or attached only alongside walls in the so-called "townhouse" style.
  - 5) The lot or lots on which a RCO-D/T community and any approved ancillary residential community are located shall contain, on a consolidated basis, at least 7,000 square feet per housing unit.



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JUNE 18, 2018

PAGE 3

ORDERED:

- 6) No part of any principal building in a RCO-D/T community shall be less than 25 feet from any exterior lot line or less than 50 feet from the side of any public way.
- 7) Each dwelling unit in a RCO-D/T community shall have its own attached yard area.
- 8) Required off-street parking for each dwelling unit in a RCO-D/T community shall be adjacent thereto. Each unit shall be required to provide at least one parking space inside a garage and an additional space in front of a garage, said garage to be attached to said unit. The City Council may, as a condition of its special permit, require additional off-street parking areas to be used in common by dwelling unit owners and their invitees. In addition, the City Council may, as a condition of the special permit, require the adoption of legally enforceable condominium bylaws or other similar regulations to limit or prohibit the presence in a RCO-D/T community, either entirely or except in designated locations, of boats, boat trailers, campers, or other recreational vehicles.
- 9) Maximum combined lot coverage in a RCO-D/T community and in any permitted ancillary residential community shall not exceed 40% of the total lot size.
- 10) Each lot or contiguous lots upon which a RCO-D/T community is located shall have total frontage on an existing public way of at least 250 feet. Each lot or combination of lots shall have a total size of not less than 10 acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial.

# IN CITY COUNCIL



ORDERED:

Marlborough, Mass., \_\_\_\_\_ JUNE 18, 2018

PAGE 4

- 11) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-D/T community regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a RCO-D/T community and limiting or prohibiting the presence in a RCO-D/T community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.
  - 12) The City Council may, as a permit condition, require that a proposed RCO-D/T community be constructed entirely on one lot, and that, from and after the date of the issuance of the building permit for said community or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
  - 13) No unit in a RCO-D/T community shall have more than three bedrooms.
- (ii) Retirement Community – Multifamily (RCO-MF)
- 1) The total area of the tract or contiguous parcels to be developed as a RCO-MF shall not be less than ten (10) acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial, and located east of Route 495, south of the Route 290/Route 85 Connector, and north of Lakeside Avenue (Route 20), and within a two-mile radius of UMass Memorial - Marlborough Hospital.



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JUNE 18, 2018

PAGE 5

**ORDERED:**

- 2) A RCO-MF may contain one (1) and two (2) 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 RCO-MF shall be more than 3 stories in height.
- 4) The total number of dwelling units in a RCO-MF shall be limited to 12 units per acre.
- 5) No part of any principal building in a RCO-MF shall be less than 50 feet from any exterior lot line or less than 100 feet from any public way.
- 6) Maximum combined lot coverage in a RCO-MF, including any permitted accessory structures shall not exceed 40% of the tract or contiguous parcels.
- 7) The tract or contiguous parcels upon which a RCO-MF is located shall have a minimum total frontage on an existing public or private way of at least 200 feet.

# IN CITY COUNCIL



ORDERED:

Marlborough, Mass., \_\_\_\_\_ JUNE 18, 2018

PAGE 6

- 8) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-MF regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a retirement community and limiting or prohibiting the presence in a retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.
- 9) The City Council may, as a permit condition, require that a proposed RCO-MF be constructed entirely on one tract and that, from and after the date of the issuance of the building permit for said community no subdivision of said tract shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
- 10) A minimum of 1.0 parking space per dwelling unit shall be provided in a RCO-MF. Attached and detached garages shall count toward this parking requirement.
- 11) No dwelling unit in a RCO-MF shall contain less than 500 square feet of living area or more than 1300 square feet of living area.



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JUNE 18, 2018

PAGE 7

ORDERED:

- 12) No building in a RCO-MF need be located or placed further from the exterior line of any street or public way than the average distance from such street or way line of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of 50 feet or more shall be considered as though occupied by a building having the required setback, and a lot separated from the lot in question only by a vacant lot having a frontage of less than 50 feet shall be deemed an adjacent lot. The point of measurement of the average distance shall be from the closest point of the principal building to the street or public way regardless of parcel ownership.
- 13) In a RCO-MF, there shall be provided with each multifamily building a landscaped area equal to the greatest single floor area of the building, provided that such landscaped area may include undisturbed natural areas such as vegetated areas, woodlands, wetlands and floodplain areas.

Be and is herewith **SET A PUBLIC HEARING FOR JULY 23, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD.**

ADOPTED

ORDER NO. 18-1007198D



# IN CITY COUNCIL

Marlborough, Mass., ~~\_\_\_\_\_~~ MAY 21, 2018

PAGE 1

**ORDERED:**

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended as follows:

1. In Section 650-5.B, insert the following new definition:

**ANCILLARY RESIDENTIAL COMMUNITY**

A single multifamily building containing up to thirty (30) dwelling units in a Retirement Community Overlay District that is incorporated as part of a retirement community or located on a lot adjacent to a retirement community.

2. Add to the Table of Use Regulations, Section 650-17, a category for “Ancillary Residential Community” under “Residential Uses”, as follows:

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
<b>Residential Use</b>												
Ancillary Residential Community (§ 650-22)	N	N	N	N	N	N	N	N	N	SP	SP	N

3. Add to Section 650-22 the following new Subsection C(14) as follows:

(14) Ancillary Residential Community: An Ancillary Residential Community shall be subject to the following requirements:

- (a) An Ancillary Residential Community shall be permitted: (i) as part of a retirement community and authorized in conjunction with the granting of a special permit for the retirement community or an amended special permit for the retirement community; or (ii) as a principal use through a separate special permit for a lot adjacent to a retirement community, provided that the organization governing the adjacent retirement community provides written consent to the filing of such special permit application.
- (b) The Ancillary Residential Community’s principal building shall face upon an existing street, or the street-facing side of the building shall be designed in a manner satisfactory to the City Council.
- (c) The Ancillary Residential Community’s principal building shall have a maximum height of 2 1/2 stories.

# IN CITY COUNCIL

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**ORDERED:**

Marlborough, Mass., \_\_\_\_\_ MAY 21, 2018

PAGE 2

- (d) The Ancillary Residential Community's principal building shall have a minimum front yard of 10 feet. Each building, whether principal or accessory, shall be at least 50 feet from any other building by air line distance between the nearest points of the building.
- (e) No dwelling unit shall contain less than 800 square feet of floor space exclusive of halls and stairs, and no room in a dwelling unit shall contain less than 120 square feet.
- (f) No part of any building in any Ancillary Residential Community shall be less than 30 feet from any lot line, less than 50 feet from any street, or less than 80 feet from the nearest structure in the retirement community.
- (g) All site landscaping shall be designed so as to provide a clear sense of separation between the Ancillary Residential Community and the retirement community. Landscape design preference shall be given to the maintenance of existing trees and ground cover. The development of large lawn areas shall be minimized.
- (h) The City Council may, as a condition of any special permit for an Ancillary Residential Community, require that the land area on which the Ancillary Residential Community is located be permanently maintained as one undivided lot or, within a condominium, as one undivided condominium unit, or require such other legal mechanism as will, in the opinion of the City Council, assure that the Ancillary Residential Community will not be subdivided or its ownership further condominiumized, that the Ancillary Residential Community will remain as rental housing, and that ownership of the Ancillary Residential Community will remain consolidated.



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ MAY 21, 2018

PAGE 3

ORDERED:

- (i) The total number of units in an Ancillary Residential Community shall not exceed 30% of the combined total of retirement community and Ancillary Residential Community units.

Be and is herewith **SET A PUBLIC HEARING FOR JULY 23, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD.**

ADOPTED

ORDER NO. 18-1007287



# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

## Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

2018 JUL 19 A 11:18

July 19, 2018

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

### Re: Transfer Request – Assessor

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a transfer request for the Assessors budget in the amount of \$102,950.00 from the Principal Assessor account to the Prof. & Tech. Services account.

This transfer will fund a new contract with Regional Resource Group, Inc. (RRG) to continue providing services for the City of Marlborough for the next three years. I requested City Council approval for recreating the Principal Assessor position and we funded it in the Fiscal Year 2019 budget. At that time, I reiterated that I felt that our system of having RRG manage the office was the correct one, but that it was not quite working like we needed, specifically the lack of a full-time office coverage in Marlborough.

Over the past few months, we conducted interviews with various candidates while continuing to negotiate with RRG. Since then, Harald Scheid and RRG proposed dedicated full-time office coverage between two RRG employees.

While we did interview qualified candidates, continuing our partnership with RRG under these new parameters should accomplish the goals we were originally targeting. We will have access to RRG's large staff, extensive experience, and full-time office coverage which will enable their staff to develop much better knowledge of Marlborough's commercial and residential properties.

I look forward to discussing this transfer with you in greater detail, but please do not hesitate to contact me or Brian Doheny with any questions in the meantime.

Sincerely,

**Arthur G. Vigeant**  
Mayor

Enclosure

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Assessor

FISCAL YEAR: 2019

FROM ACCOUNT:

TO ACCOUNT:

Available  
Balance

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

Available  
Balance

\$102,950.00

\$102,950.00

11410001

50160

Principal Assessor

\$102,950.00

11410004

53180

Prof. & Tech. Services

\$97,650.00

Reason:

Reclassify for Outside Serves

Reason:

Reallocate for new contract

Reason:

\$102,950.00

Total

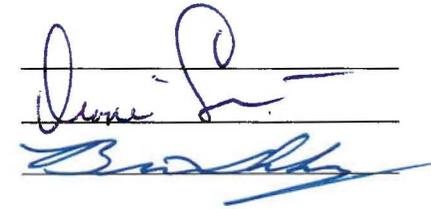
\$102,950.00

Total

Department Head signature:

Auditor signature:

Comptroller signature:





# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

## Office of the Mayor

2018 JUL 19 A 11:15

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July 19, 2018

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

**Re: Transfer Request – Nonunion Personnel**

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a transfer request in the amount of \$70,905.00 from the Reserve for Salaries account to various payroll accounts in the City to fund a 2 percent cost of living increase for nonunion personnel.

Now that we have our first new three-year agreement with one of our unions, I am hopeful of making progress with each of the other bargaining units in the City. I will keep you updated on our progress.

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

Sincerely,

**Arthur G. Vigeant**  
Mayor

Enclosures

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Comptroller			FISCAL YEAR:		2019		
Available Balance		FROM ACCOUNT:			TO ACCOUNT:			Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance
<u>\$990,000.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries</u>	<u>\$1,410.00</u>	<u>11110002</u>	<u>50350</u>	<u>Council Secretary</u>	<u>\$70,905.00</u>	<u>\$70,050.00</u>
	Reason:	<u>Recalculate amounts for contract obligations</u>			Reason:	<u>Contractual Obligation</u>			
				<u>\$2,200.00</u>	<u>11110003</u>	<u>50070</u>	<u>City Councilors</u>		<u>\$110,000.00</u>
	Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$75.00</u>	<u>11110003</u>	<u>51430</u>	<u>Longevity</u>		<u>\$3,510.00</u>
	Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$55.00</u>	<u>11110003</u>	<u>51920</u>	<u>Sick Leave Buyback</u>		<u>\$2,700.00</u>
	Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$2,000.00</u>	<u>11210001</u>	<u>50010</u>	<u>Mayor</u>		<u>\$100,000.00</u>
	Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$1,405.00</u>	<u>11210001</u>	<u>50321</u>	<u>Executive Aide</u>		<u>\$70,050.00</u>
	Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$1,085.00</u>	<u>11210002</u>	<u>50590</u>	<u>Executive Secretary</u>		<u>\$54,080.00</u>
	Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$385.00</u>	<u>1492003</u>	<u>50999</u>	<u>Program Coordinator</u>		<u>\$19,150.00</u>
	Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$2,510.00</u>	<u>11330001</u>	<u>50015</u>	<u>Comptroller</u>		<u>\$125,230.00</u>
	Reason:				Reason:	<u>Contractual Obligation</u>			
				<u>\$180.00</u>	<u>11330002</u>	<u>50588</u>	<u>Temporary Clerical</u>		<u>\$8,460.00</u>
	Reason:				Reason:	<u>Contractual Obligation</u>			

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:	Comptroller				FISCAL YEAR:	2019	
	FROM ACCOUNT:				TO ACCOUNT:		
				<u>\$2,060.00</u>	<u>11350001 50020</u>	<u>Auditor</u>	<u>\$102,950.00</u>
	Reason:			Reason:	<u>Contractual Obligation</u>		
				<u>\$1,770.00</u>	<u>11350001 50174</u>	<u>Chief Procurement</u>	<u>\$88,090.00</u>
	Reason:			Reason:	<u>Contractual Obligation</u>		
				<u>\$1,685.00</u>	<u>11440001 50042</u>	<u>Collector</u>	<u>\$84,100.00</u>
	Reason:			Reason:	<u>Contractual Obligation</u>		
				<u>\$2,400.00</u>	<u>11510001 50030</u>	<u>Solicitor</u>	<u>\$119,920.00</u>
	Reason:			Reason:	<u>Contractual Obligation</u>		
				<u>\$2,025.00</u>	<u>11510001 50172</u>	<u>Assistant Solicitor</u>	<u>\$100,990.00</u>
	Reason:			Reason:	<u>Contractual Obligation</u>		
				<u>\$930.00</u>	<u>11510001 50175</u>	<u>Paralegal</u>	<u>\$46,340.00</u>
	Reason:			Reason:	<u>Contractual Obligation</u>		
				<u>\$2,020.00</u>	<u>11520001 50530</u>	<u>HR Director</u>	<u>\$100,820.00</u>
	Reason:			Reason:	<u>Contractual Obligation</u>		
				<u>\$1,110.00</u>	<u>11520001 50532</u>	<u>HR Assistant</u>	<u>\$55,230.00</u>
	Reason:			Reason:	<u>Contractual Obligation</u>		
				<u>\$930.00</u>	<u>11520001 50775</u>	<u>Administrative Assistant</u>	<u>\$46,340.00</u>
	Reason:			Reason:	<u>Contractual Obligation</u>		
				<u>\$1,145.00</u>	<u>11550001 50014</u>	<u>IS Director</u>	<u>\$57,060.00</u>
	Reason:			Reason:	<u>Contractual Obligation</u>		
				<u>\$1,870.00</u>	<u>11610001 50050</u>	<u>City Clerk</u>	<u>\$93,400.00</u>

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:	Comptroller	FISCAL YEAR:	2019
Reason:	FROM ACCOUNT:	Reason:	TO ACCOUNT:
			Contractual Obligation
		\$1,255.00	11610002 50290 Assistant City Clerk \$62,560.00
Reason:		Reason:	Contractual Obligation
		\$285.00	11920002 50520 Facilities Partime Clerk \$13,990.00
Reason:		Reason:	Contractual Obligation
		\$3,295.00	12100001 50140 Police Chief \$164,600.00
Reason:		Reason:	Contractual Obligation
		\$230.00	12100004 50566 Parking Officer \$11,410.00
Reason:		Reason:	Contractual Obligation
		\$3,175.00	12200001 50130 Fire Chief \$158,580.00
Reason:		Reason:	Contractual Obligation
		\$5,310.00	12200001 50330 Assistant Chief \$265,200.00
Reason:		Reason:	Contractual Obligation
		\$1,910.00	12410001 50090 Building Commisioner \$95,210.00
Reason:		Reason:	Contractual Obligation
		\$1,475.00	12410001 50095 Assistant Bldg. Comm. \$73,550.00
Reason:		Reason:	Contractual Obligation
		\$1,550.00	12410001 50109 Environmental Officer \$77,265.00
Reason:		Reason:	Contractual Obligation
		\$2,490.00	14001001 50600 DPW Commissioner \$124,317.00
Reason:		Reason:	Contractual Obligation
		\$145.00	14001003 51920 Sick Leave Buy Back \$6,930.00

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

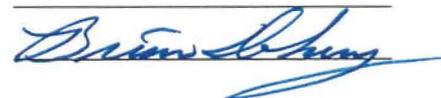
DEPT:	Comptroller	FISCAL YEAR:	2019
	FROM ACCOUNT:		TO ACCOUNT:
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	\$175.00	14001003 51430 Longevity \$8,441.00
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	\$2,060.00	60080001 50630 Assistant Comm. \$102,939.00
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	\$2,060.00	14001001 50630 Assistant Comm. \$102,940.00
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	\$2,060.00	14001101 50640 City Engineer \$102,940.00
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	\$1,520.00	14920001 50110 Recreation Director \$75,720.00
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	\$1,800.00	15120001 50605 Director of Public Health \$89,770.00
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	\$1,340.00	15120001 50390 Nurse \$66,910.00
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	\$280.00	15120001 50220 Sealer of Weights \$13,830.00
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	\$1,535.00	15410001 50190 Director of Elderly Affairs \$76,430.00
Reason:	_____	Reason:	<u>Contractual Obligation</u>
_____	_____	\$670.00	15410001 50191 Program Coordinator \$33,270.00
Reason:	_____	Reason:	<u>Contractual Obligation</u>

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:	Comptroller		FISCAL YEAR:	2019
	FROM ACCOUNT:		TO ACCOUNT:	
		\$1,070.00	15430001 50080 Veterans Director	\$53,360.00
Reason:			Contractual Obligation	
		\$2,105.00	16100001 50230 Library Director	\$105,070.00
Reason:			Contractual Obligation	
		\$1,285.00	16100003 51259 Partime Reference Libr.	\$63,700.00
Reason:			Contractual Obligation	
		\$570.00	16100003 51262 Library Pages	\$27,990.00
Reason:			Contractual Obligation	
		\$1,220.00	16100001 50300 Assistant Director	\$60,700.00
Reason:			Contractual Obligation	
		\$305.00	15410001 50996 Social Service Coordinator	\$15,120.00
Reason:			Contractual Obligation	
		\$480.00	11110002 50401 Partime Admin. Assist.	\$23,710.00
Reason:			Contractual Obligation	
\$70,905.00	Total	\$70,905.00	Total	

Department Head signature: \_\_\_\_\_

Auditor signature: \_\_\_\_\_

Comptroller signature: 



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CITY OF MARLBOROUGH

2018 JUL 19 A 11:15

*City of Marlborough*  
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*Patricia Bernard*  
EXECUTIVE SECRETARY

July 19, 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 request in the amount of \$26,290.00 from the Reserve for Salaries account to various DPW foremen payroll accounts in the Department of Public Works.

This transfer will fund the recently ratified Memorandum of Agreement between the City of Marlborough and the DPW Foremen, SEIU, Local 888 for fiscal years 2019, 2020, and 2021. I am pleased that my bargaining team and the Foremen's leadership quickly and effectively reached a fair agreement that works for both sides.

One of the key concessions by the Foremen was to permit the City to implement biweekly payroll. Biweekly payroll is much more efficient and cost-effective than running payroll every single week. Moving from an antiquated weekly payroll setup is one of my key issues during this round of bargaining.

Commissioner of Public Works John Ghiloni and I are available to discuss the memorandum of agreement and this required transfer with you in further detail, but please do not hesitate to contact one of us in the meantime with any questions.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosure

**Memorandum of Agreement  
By & Between the  
City of Marlborough**



and



**DPW Foremen**

WHEREAS, the City of Marlborough (the "City") and Marlborough Foremen’s Union, SEIU, Local 888, CTW- CLC (the "Union"), have bargained collectively for a new collective bargaining agreement (the "New Agreement") to for the period July 1, 2018 through June 30, 2021; This offer and Agreement shall be considered off-the-record until ratified by Local 888’s membership and the City. The bargaining teams shall sponsor and support such ratification

WHEREAS, the City and the Union have reached an agreement;

NOW THEREFORE, in consideration of the mutual promises herein, the Union and the City agree that the following changes will be incorporated into the collective bargaining agreement, subject to the required ratifications:

**Article 12 – Overtime**

**Section 1**

Modify as follows:

- Rewrite the third and fourth sentence in Section 1 to read: “When an employee is called to respond to an initial emergency and is then called to a different emergency within two (2) hours of the initial response, the employee will not be entitled to an additional four (4) hour payment. If, however, the subsequent Emergency calls come in more than two (2) hours after the initial call, the individual will be entitled to another four (4) hour payment.”

**Section 2**

Modify as follows:

Delete paragraph regarding meals allowance and replace with: “All employees will receive an annual meal stipend of \$150.00. Payable the first payday in December.”

**Section 4 – Safety Recuperation Time**

Replace the last paragraph in Section 4 as follows; “At a time agreed by their supervisor, safety recuperation time of two (2) hours will be observed when an employee will work more than sixteen (16) consecutive hours.”

**Article 13 – Salaries**

Modify the following sections as noted:

**Section 1**

The base salaries of Foremen shall be increased the following percentages and amounts on the dates indicated:

Effective July 1, 2018	2%
Effective July 1, 2019	2.5%
Effective July 1, 2020	2%

“The parties agree that in the event a higher across the board salary percent increase is negotiated as part of negotiations with another City bargaining unit – excluding the Marlborough Police Command Officers, The Marlborough Police Patrol Officers and the Marlborough Firefighters – during the term of this agreement, this agreement will be reopened for the limited purposes of further discussions on this base salary issue only.”

#### Section 4

Add the following to the end of the paragraph; “Effective 6/30/18 the City will pay an annual stipend of \$300.00 to employees for their highest level license. Payment will be the first payday in December “

#### Section 5

Delete and replace with; “All employees will be paid by paperless electronic direct deposit on a biweekly or weekly basis to be determined by the City.”

#### Article 14 – Health Insurance

Add the following sentence after the last paragraph; “According to current City policies, the City and the employee will share the cost of the health insurance (EPO 70/30%, and PPO, 60/40%) and the dental insurance (50/50%).”

#### Article 16 – Clothing Allowance

Modify as follows:

Increase clothing allowance to \$1250.00 effective July 1, 2018

Modify #2 as follows:

“Uniforms and clothing, so purchased, must conform to minimum department standards. All Foremen will be required to wear OSHA approved steel toe or composite toe boots or shoes during work hours.”

#### Article 24 – Miscellaneous Provisions

Modify as follows:

Add Section 11:

“Section 11. Global Positioning System usage. The primary purpose of GPS devices installed in City vehicles is to monitor and record vehicle maintenance needs and services, vehicle travel data and location, improved vehicle utilization, improved insurance ratings and not for surveillance and monitoring of employees. As such, employees will not be surveilled or monitored by GPS devices while performing their duties and the information recorded by same shall not be utilized except in support of a complaint or investigation of a complaint of employee misconduct.”

**Appendix A – Department of Public Works – Past Practices**

Modify as follows:

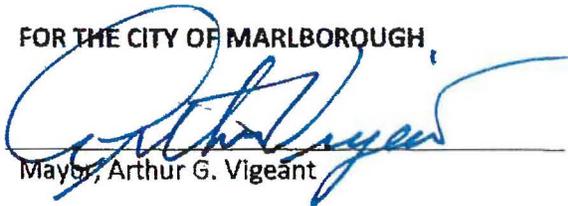
- 19. Employees will be released from work at noon (12PM) on Good Friday.
- 29. If Veteran’s Day falls on a Saturday, each employee will have a choice of the previous Friday or the following Monday at the discretion of their supervisor.
- 30. The Fleet Shop Foreman will receive an annual \$300.00 tool stipend payable each December.

**Housekeeping:**

Remove all references in the CBA to “Caretaker of Cemeteries.”

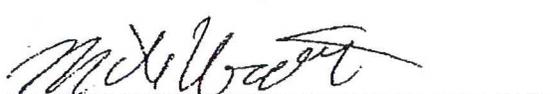
Modify Appendix B second sentence; first paragraph to include Foremen. “Participation in ESI operations is a mandatory condition of employment for all Marlborough DPW SMEO/Laborers and Foremen.”

FOR THE CITY OF MARLBOROUGH



\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Mayor, Arthur G. Vigeant

FOR THE LOCAL 888, SEIU



\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Michael Urato, President

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Comptroller		FISCAL YEAR: 2019							
FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$990,000.00	\$26,290.00	11990006	57820	Reserve for Salaries	\$6,165.00	14001301	50690	Foreman	\$222,176.64
	Reason:	Recalculate amounts for contract obligations			Reason:	Contractual Obligation			
					\$205.00	14001303	51430	Longevity	\$31,000.00
	Reason:				Reason:	Contractual Obligation			
					\$120.00	14001303	51920	Sick Leave Buyback	\$18,970.00
	Reason:				Reason:	Contractual Obligation			
					\$1,545.00	14001401	50690	Foreman	\$74,027.88
	Reason:				Reason:	Contractual Obligation			
					\$35.00	14001403	51430	Longevity	\$6,115.00
	Reason:				Reason:	Contractual Obligation			
					\$6,165.00	14001501	50690	Foreman	\$296,111.55
	Reason:				Reason:	Contractual Obligation			
					\$235.00	14001503	51430	Longevity	\$30,789.00
	Reason:				Reason:	Contractual Obligation			
					\$180.00	14001503	51920	Sick Leave Buyback	\$25,250.00
	Reason:				Reason:	Contractual Obligation			
					\$1,545.00	61090001	50780	Chief Pump Station Oper.	\$74,027.88
	Reason:				Reason:	Contractual Obligation			
					\$3,085.00	61090001	50690	Foreman	\$299,076.65
	Reason:				Reason:	Contractual Obligation			

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:	Comptroller	FISCAL YEAR:	2019
	FROM ACCOUNT:	TO ACCOUNT:	
		61090003 51430 Longevity	\$10,283.00
	\$145.00	Reason: Contractual Obligation	
		61090003 51920 Sick Leave Buyback	\$7,260.00
	\$65.00	Reason: Contractual Obligation	
		14001303 51940 Clothing Allowance	\$18,720.00
	\$600.00	Reason: Contractual Obligation	
		14001303 51980 License Allowance	\$0.00
	\$900.00	Reason: Contractual Obligation	
		14001403 51940 Clothing Allowance	\$5,085.00
	\$200.00	Reason: Contractual Obligation	
		14001403 51980 License Allowance	\$0.00
	\$300.00	Reason: Contractual Obligation	
		14001403 51970 Tools Allowance	\$0.00
	\$300.00	Reason: Contractual Obligation	
		14001503 51940 Clothing Allowance	\$20,700.00
	\$800.00	Reason: Contractual Obligation	
		14001503 51980 License Allowance	\$0.00
	\$1,200.00	Reason: Contractual Obligation	
		61090003 51940 Clothing Allowance	\$17,280.00
	\$1,000.00	Reason: Contractual Obligation	
		61090003 51980 License Allowance	\$0.00
	\$1,500.00	Reason: Contractual Obligation	

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Comptroller  
FROM ACCOUNT:

FISCAL YEAR: 2019  
TO ACCOUNT:

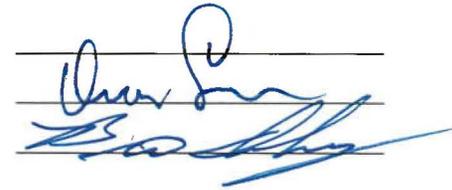
\$26,290.00 Total

\$26,290.00 Total

Department Head signature:

Auditor signature:

Comptroller signature:





*City of Marlborough*  
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**CITY OF MARLBOROUGH**  
*Office of the Mayor*  
**2018 JUL 19 A 11:15**

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*Arthur G. Vigeant*  
 MAYOR

*Nicholas J. Milano*  
 EXECUTIVE AIDE

*Patricia Bernard*  
 EXECUTIVE SECRETARY

July 19, 2018

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

**Re: Grant Acceptance – Board of Health**

Honorable President Clancy and Councilors:

Please find enclosed for your review and acceptance a grant in the amount of \$3,100.00 from Attorney General Maura Healey’s office to fund an additional summer intern.

AG Healey has annually provided grant funding for her healthy summer jobs initiative. Marlborough was previously awarded funds in 2015 and Public Health Director Cathleen Liberty applied on behalf of the City this year. The intern will work in the Health Department to raise awareness and educate the community about the impacts of childhood trauma.

Please do not hesitate to contact me or Cathleen Liberty with any questions about the grant program.

Sincerely,

**Arthur G. Vigeant**  
 Mayor

Enclosures



# CITY OF MARLBOROUGH

## BOARD OF HEALTH

140 Main Street, Lower Level  
Marlborough, Massachusetts 01752  
Facsimile (508) 460-3625 TDD (508) 460-3610

Robin Williams, Chairman  
Jim Griffin, Vice Chairman  
Joe Tennyson, MD, Member  
Tel (508) 460-3751

June 29, 2018

Dear Mr. Mayor,

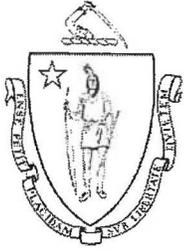
The City of Marlborough Health Department has been chosen by the Attorney General's Office as a recipient for the Healthy Summer Youth Jobs Grant Program. Healthy Summer Youth Jobs is designed to fund jobs that promote health and wellness by providing job opportunities in health focused summer employment.

The grant award is for \$3100.00 to hire one youth whose role and responsibilities will be to create a comprehensive media strategy to assist the health department in educating the community about the public health issue of adverse early childhood experiences and the negative affect they can have on a child's development.

It is exciting for the Health Department to receive this grant from the Attorney General's Office and to give a youth an opportunity to work within the department on a very important public health issue. A notice of the grant award and a grant cover spreadsheet is attached. Therefore, I would like to request that these documents be submitted to City Council for approval to expend the funds received for the grant.

Sincerely,

Cathleen Liberty  
Director of Public Health



THE COMMONWEALTH OF MASSACHUSETTS  
 OFFICE OF THE ATTORNEY GENERAL  
 ONE ASHBURTON PLACE  
 BOSTON, MASSACHUSETTS 02108

MAURA HEALEY  
 ATTORNEY GENERAL

(617) 727-2200  
 (617) 727-4765 TTY  
[www.mass.gov/ago](http://www.mass.gov/ago)

June 14, 2018

Cathleen Marie Liberty  
 City of Marlborough  
 140 Main Street  
 Marlborough, MA 01752

RE: Healthy Summer Youth Jobs Grant Program

Dear Mrs. Liberty,

Congratulations! I am pleased to notify you that the Attorney General's Office has chosen City of Marlborough as a recipient for the Healthy Summer Youth Jobs Grant Program. Subject to the final execution of documents, City of Marlborough will receive a grant of \$3,100.

Now in our fourth year, Healthy Summer Youth Jobs is designed to fund youth jobs that benefit Massachusetts health care consumers and promote health and wellness by providing youth with opportunities in health-focused summer employment. The Attorney General's Office is honored to partner with your organization to improve public health and provide job opportunities in communities across our state.

Our team will be sending you additional information and important documents within the next few weeks. Please feel free to contact my Director of Grants Management Helen Wang by email at [Helen.Wang@state.ma.us](mailto:Helen.Wang@state.ma.us) or by phone at (617) 963-2291 if you have any questions.

Again, I thank you for your work with youth and we look forward to working with you on this vital effort.

Very truly yours,

 A handwritten signature in black ink, appearing to read "Maura Healey".
 

Maura Healey

cc: Helen Wang

<b>Grantee Organization</b>	City of Marlborough
<b>Award Amount</b>	\$ 3,100
<b>Number of youth jobs this award will fund</b>	1
<b>Number of youth hours this award will fund</b>	281
<b>Amount of award used for youth salary</b>	3100.00
<b>Amount of award used for administrative support</b> (maximum allowed is 10% of award)	
<b>Number of TOTAL youth your organization will employ this summer</b> (from this grant and from all sources of funding)	1



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OF MARLBOROUGH  
JUL 19 A 11:15

*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
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[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

July 19, 2018

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

**Re: Appointments to the Cultural Council**

Honorable President Clancy and Councilors:

Please find enclosed for your review and confirmation the appointment of three individuals to the Marlborough Cultural Council for terms to expire three years from the date of confirmation. I recommend the confirmation of this diverse group who each approached my office over the past several weeks expressing an interest in getting more involved in Marlborough.

- Samantha Perlman works at Generation Citizen in Boston and has a broad depth of advocacy and volunteer experience
- Kathy Oliver Jones has a lifetime of experience in customer service and sales, and is eager to volunteer time and ideas to the Cultural Council
- Gabriele Luzzi is a realtor who moved to Marlborough from Italy and would like to serve the community and help broaden cultural connections across the diverse communities that make Marlborough home

As you may recall, the Cultural Council has term limits which means that Chair David Elmore who has been selfless with his time, Sandra Pirie St. Amour, and Kim Beauchemin's terms all expire this fall and they may not serve another term. On behalf of the City, I want to thank all three for volunteering their time on the Cultural Council.

Sincerely,

**Arthur G. Vigeant**  
Mayor

Enclosures

Kathy Oliver Jones

41 Violetwood Circle, Marlborough, MA 01752 [REDACTED]

### Contact Center Operations

*Customer Experience/Personnel Management/Project Management*

A hands on experienced and results oriented professional with forward thinking leadership, ability to foster staff/career growth and increase productivity, create and nurture collaborative partnerships with business stakeholders to ensure business growth

### Professional Profile and Summary

- **Customer Service Management:** Created Call Path Flow improving Customer Satisfaction survey scores from 73% to 87% and increased First Call Resolution by 10% over a six month period. In addition, the consistent focus on call flow management supported the Net Promoter Score of 83% with a 5% improvement week over week (Philips Lifeline)
- **Workforce Administration:** utilize NICE/IEX application for staffing forecasting, call volume trends, and tracking real time call activity through Intraday reporting (Philips Lifeline)
- **Change Management:** led team through structural and workflow changes by open communication, planning, doing and analyzing cycle (PDA) to increase quality and continuous improvement (Steward Health Care Network)

**Steward Health Care Network, Patient Services Center Manager**  
February 2017 –January 2018

**Dedham, MA**

Developed a cross functional team of Member Service Representatives with a primary focus of managing patient care, emergency room utilization management, coordinated care management, and patient experience (grievances). Systems application include Meditech, Athena Care Management, Cisco Citrix Call Management, Microsoft Access Database

Increased the Transitional Care appointment booked rate by 5% within the 3-5 day targeted rate supporting Commercial, Medicaid, Medicare Business Units. The appointment book rate consists of 96% to 90% with an average volume of 700 discharged patients.

Conducted time studies to establish benchmarks for Inbound and Outbound call metrics, implemented productivity expectations for department/representative performance.

Organized and managed the Annual Customer Service Week acknowledging the Patient Services Center, Provide Enrollment, and Referral Management teams resulting in increased employee engagement, recognition, and positive team environment.

**Kathy Oliver Jones**

41 Violetwood Circle, Marlborough, MA 01752 [REDACTED]

**Philips Lifeline, Government Services Division, Operations Supervisor**  
December 2009- October 2016

**Framingham, MA**

**Philips Lifeline, Direct Sales Outbound, Supervisor**  
June 2007- December 2009

**Framingham, MA**

Led a team of 23 Senior/CSRs Inbound and Account Management Representatives providing Best in Class customer service for Medicaid, Managed Care Organizations, and Office on Aging agencies resulting in subscriber growth from 70k to 125k

Supported finance billing process by improving quality of account updates, budget forecasting, and Annual Operating Plan development achieving an increase of Net Realized Revenue from 83% to 88% of \$35 annual revenue

Key member of Transformational Leadership team charged with revamping the department organizational structure from a state and regional focus to creating a team of Subject Matter Experts assigned with task focus using LEAN Methodology which led to a 40% improvement in quality and processing time

Ensured government regulations and compliance audit requirements were met by implementing internal audit processes and documented procedures at state and agency level achieving 0% corrective action enforcements

Developed a cross-functional sales team and increased the lead closure rate from 8.8% to 10% in a six month period on 60k leads.

### **Relevant Customer Service Experience**

**Research International, Project Director, Postal Project**

**Cambridge, MA**

Directed a team of 40 employees consisting of Managers, Administrators, Phone CSRs, and Mailroom Clerks responsible for the United States 700 volunteer survey panelist portion of a 23 country postal service measurement mail study

**Coca-Cola, Customer Service Manager, Customer Action Center**

**Annapolis, MD**

Responsible for grooming entry level Customer Service Representatives to develop skillset for outside sales role via processing sales orders across consumer and business channels and developing account management relationships. Achieved a 50% promotion rate of CSRs to Field Account Managers/Districts Managers

### **Education**

Project Management Certificate

Northeastern University, Boston, MA

Master of Arts Organizational Communication

Bowie State University, Bowie, MD

Bachelors of Science, Merchandising

Western Kentucky University, Bowling Green, KY

# Samantha Perlman

91 Wellington Street Marlborough, MA 01752

## EDUCATION

**Emory University, *magna cum laude*** GPA: 3.866/4.0 Atlanta, GA  
 Bachelor of Arts in History and African American Studies May 2017  
*Senior Honors Thesis: When Admission is Not Enough: Integrating Emory University, 1969-1989*

## PROFESSIONAL EXPERIENCE

**Generation Citizen (GC)** Boston, MA  
*Program Associate and F.A.O. Schwarz Family Foundation Fellow* July 2017 – Present

- Supervise 3 college chapters and respective chapter leadership in addition to helping with college recruitment, directly managing over 10 Chapter Directors and 25 Democracy Coaches
- Facilitate and design political advocacy, cultural competency and teaching workshops for Democracy Coaches
- Taught 2 one-hour weekly sections of GC Action Civics curriculum in Malden during fall 2017
- Observe and provide feedback to over 15 GC classrooms to improve program quality
- Support management of summer internship program through outreach, workshop design and oversight of two summer interns
- Strengthen program capacity as advocacy and education consult for teacher-led classrooms across Greater Boston
- Serve as advocacy liaison, helping push for the passage of the Civics Bill, S.2375 in MA and build relationships with electeds
- Participate in staff-wide working groups and steering group regarding diversity, equity and inclusion in addition to groups on women in the workplace, diversity training and mentorship for GC staff

**F.A.O. Schwarz Family Foundation** Boston, MA  
*Recruitment and Outreach Manager* July 2017 – Present

- Design and execute the first recruitment and outreach fellowship webinar with 14 college offices in attendance
- Coordinate recruitment outreach with over 100 college/fellowship email contacts and increase college career site presence
- Partner with Social Media Managers in spreading awareness about the new 2018-2020 fellowship openings
- Update recruitment documentation for external use such as FAQ document and fellow descriptions
- Formalize Foundation's external outreach through creation of an alias email using FAO Schwarz domain
- Member of FAO Steering Committee with trustees and Supreme fellows about revitalizing the fellowship's branding

**Obama Foundation** Boston, MA  
*Peer Advisor* October 2017 – December 2017

- Selected as one of 25 young civic leaders to facilitate the Boston Fall Civic Training Day for over 150 young people
- Provided real-time feedback regarding success and obstacles of the pilot program to Foundation for program improvements
- Host community conversation for further engagement with Foundation on democratic values with 10 students in April 2018

**Office of Congresswoman Niki Tsongas** Washington, DC  
*Congressional Intern* May 2017 – July 2017

- Wrote and researched specific decision memos for the Congresswoman related to upcoming legislation
- Guided constituent visitors and families on tours around the U.S. Capitol sharing information on its history and structure
- Tracked and handled constituent communication via mail and phone in addition to logging public opinions

**Department of History, Emory University** Atlanta, GA  
*Student Office Assistant* August 2013 – May 2017

- Helped students learn about the major and complete mailings, desk copy requests and maintain the office
- Developed flyers for the Major Fair and movie showings per semester for the History in Film Series
- Edited department documentation and assisted faculty with scanning, copying and errands

**United States Supreme Court, Office of the Curator** Washington, DC  
*Digital Assets Management Intern* May 2016 – July 2016

- Led private tours inside the Supreme Court to guests of the Justices, employees and government entities
- Conducted daily lectures to 250 people on the history of the U.S. Supreme Court, building, certiorari and architecture
- Processed and printed digital images used for distribution to internal and external requesters
- Cataloged U.S. Supreme Court images taken by Court photographer using Portfolio and The Museum System

**U.S. Senator Edward Markey's Boston Office** Boston, MA  
*Senate District Office Intern* December 2015 – January 2016

- Attended and took notes for the Senator's foreign relations agenda in Africa and the Middle East
- Replied to constituents via phone or email about opinion-based correspondence and current Senate bills
- Inspected and updated constituent cases pertaining to social security, foreign relations and healthcare

**Massachusetts State House** Boston, MA  
*Senate Intern for Senator James Eldridge* May 2015 – July 2015

- Responded to constituent concerns about filed legislation, proposed Senate budget and district issues

- Researched issues for Senate talking points pertaining to corporate tax breaks, elimination of mandatory minimums, restorative justice and Earned Income Tax Credit for working families
- Created daily press releases by obtaining news articles pertaining to legislation and Senator Eldridge's activity

## **LEADERSHIP EXPERIENCE**

---

**Orientation** Atlanta, GA

*Orientation Captain* January 2016 – December 2016

- Executed first transfer student alumni dinner to integrate students into larger Emory community and alumni network
- Implemented transfer student focus group with College Council to assess obstacles for current transfer student
- Selected 150 orientation leaders and trained leaders on campus life, inclusive community building and university policies
- Directed specific orientation captain group of 7 transfer student leaders and 9 first year leaders
- Devised transfer student events like bowling night and included transfers in current evening programs
- Established campus partnerships to include a pre-orientation transfer trip and new student volunteer service day
- Selected out of the 8 captains to speak as the voice of the first female Dooley (unofficial mascot) during fall 2016 Songfest

**Honor Council** Atlanta, GA

*Student Investigator* September 2016 – May 2017

- Investigated reported student cases by meeting with respective student, witnesses and reporting faculty
- Served on hearings with first-hand reported student testimony and reviewed evidence to recommend a verdict to the Dean
- Enrolled in Honor Council Practicum to learn about the Honor Code violations, sanctions and role as a Council member

**Pipeline Collaborative** Atlanta, GA

*Undergraduate Peer Mentor* December 2014 – May 2017

- Prepared South Atlanta High School mentee for college readiness from sophomore to senior year
- Taught health curriculum on infectious disease and sexual health culminating in final video project
- Reimagined mental and public health information for youth relevancy through group discussion and case studies

**Human Health Program** Atlanta, GA

*Peer Health Partner Teacher* August 2014 – December 2014, August 2016 – December 2016

- Facilitated weekly class of 20 students on health topics like nutrition, exercise, energy management, stress and sleep
- Exemplified peer mentor role to highlight importance of a healthy lifestyle and prioritizing one's individual health in college to ensure positive academic, social, personal and physical health
- Graded weekly homework assignments to offer feedback on how to excel in college using SMART goals
- Mentor first time Peer Health Partner on class teaching by serving as her co-teacher for fall 2016

## **HONORS AND AWARDS**

---

### **National Honor and Professional Society Memberships**

Omicron Delta Kappa, *Leadership Honor Society*

Mortar Board, *Senior Leadership Honor Society (served as VP)*

Phi Alpha Theta, *History Honor Society*

Alpha Kappa Psi, *Co-ed National Business Fraternity (served as VP Marketing and VP Membership)*

Alpha Phi Omega, *Co-ed National Service Fraternity (served as VP Membership, Leadership Chair and Parliamentarian)*

### **Academic and Service Awards**

Re-Imagining a 21st Century Democracy Journal, *publishing article on community museums' civic value in U.S. and South Africa*

Commonwealth Seminar, *selected for Spring 2018 cohort of MA legislative/budget program to give all equal access to state govt.*

Voting Delegate for MA Democratic Gubernatorial Convention, *representing Marlborough Ward 2 at June 2018 convention*

Gilder Lehrman History Scholar Award, *one of 15 students selected for excellence in American history and commitment to public service, leadership and community involvement*

100 Senior Honorary, *1 of 100 seniors at Emory selected in recognition of academic excellence and community engagement*

Matthew A. Carter Citizen-Scholar Award, *presented to a graduating history major who best exemplifies both community engagement and high academic achievement at Emory*

Emory Graduating Woman of Excellence, *recognized as a stand-out graduating woman who has heavily contributed to Emory*

Commencement Student Marshal, *selected as 1 of 8 seniors to represent Emory College during the graduation ceremony*

Alan Rackoff Prize, *received \$1,000 for best paper/thesis at Emory that uses primary sources related to any course except English*

Fox Center for Humanistic Inquiry Humanities Honors Fellowship, *awarded to 4-5 undergraduate students pursuing an honors thesis in the humanities for research support and admittance into the Fox Center's cohort of academics*

Bradley Currey, Jr. Seminar, *received \$250 research grant for honors thesis research and attended archival research workshop*

President's Volunteer Service Award (Bronze), *awarded for completing over 100 service hours in 2 consecutive semesters*

## **SCHOLARSHIPS**

---

Charles Elias Shephard Scholarship for Graduate Study (*declined*) | Hudson Elks Scholarship | Alpha Delta Pi Hoyt-Jolley Foundation Scholarship | Bobby Jones Scholarship (*finalist*) | Combined Jewish Philanthropy of Greater Boston Scholarship | The Fund for American Studies D.C. Program Outstanding Student Leader Scholarship | Emory Civic Scholarship | Arthur Gould Memorial Scholarship | Alpha Kappa Psi Foundation Jennie J. Palkon née Lis and John S. Palkon Scholarship



**BERKSHIRE HATHAWAY** | N.E. Prime Properties  
HomeServices

Gabriele Luzzi  
REALTOR  
Berkshire Hathaway Home Service  
19 Main street  
Hudson, MA 01749  
[REDACTED]



*"My priority is to have a complete understanding of your needs in order to create a smooth transaction both for my sellers and buyers.  
Honesty, complete dedication to my job and attention to detail are the guidelines that I use on any task my customers need me to accomplish."*

**Berkshire Hathaway HomeServices, N.E. Prime Properties** 2017- Present day

**Professional Designations** Realtor, Public Notary, Certified International Property Specialist(CIPS), fluent in Italian and Portuguese

**Affiliations** MLS, NAR, MAR, CIPS, Professionisti Italiani Boston(PIB), Marlborough Chamber of commerce, AREAA.

**Education** I.P.S.S.A.R. Aurelio Saffi( Florence, Italy)

**Personal** Arrived in United States in 2007 from Florence as a chef I always had two passions: Food and Housing; changed career in 2017 after becoming a landlord and following in love with the process behind the transaction of a house.

19 Main street Hudson, Ma 01749- [REDACTED]



# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

## Office of the Mayor

2018 JUL 19 A 11:15

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

Arthur G. Vigeant 11-1  
MAYOR

Nicholas J. Milano  
EXECUTIVE AIDE

Patricia Bernard  
EXECUTIVE SECRETARY

July 19, 2017

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

### Re: FY2018 MIIA Rewards

Honorable President Clancy and Councilors:

Please find enclosed a copy of a check from MIIA detailing the City of Marlborough's Rewards Credits from Fiscal Year 2018. The City earned \$54,764.00 in credits through the MIIA Rewards Program for various training initiatives. These credits are applied against the cost of our property and casualty insurance.

Once again, I am pleased to note that we surpassed our previous year total with a record amount. Our FY2017 total was \$52,389.00. We have made training and risk management a key focus, translating to a high-quality workforce. Our records show that our MIIA Rewards history is:

2018	\$54,764
2017	\$52,389
2016	\$42,478
2015	\$28,509
2014	\$29,229
2013	\$30,233
2012	\$25,875
2011	\$16,634
2010	\$17,004
2009	\$18,192

I would like to thank Chief Procurement Officer Beverly Sleeper who is responsible for tracking and submitting all our training initiatives to MIIA for credit. Without her efforts imploring City staff to inform her about trainings, we would not receive the credits that we did.

I would also like to thank our department heads and employees who participate in these training programs and seminars. The rewards credits save taxpayer dollars on our yearly insurance bill and the trainings result in a professional staff who is ready to handle any situation they face.

We will continue these efforts in Fiscal Year 2019 to ensure that our staff takes advantage of training opportunities to gain experience and tools to improve their productivity. 11-2

Sincerely,



**Arthur G. Vigeant**  
Mayor

Enclosure

July 1, 2018

Dear MIIA Member:

Congratulations! MIIA is pleased to announce that, as a result of your participation in the FY 2018 (July 1, 2017-June 30, 2018) MIIA Rewards Program, you have earned Rewards Credits shown on the voucher below.

MIIA Rewards was developed to help reduce municipal loss experience, educate members on risk management issues of topical interest, and establish prevention and maintenance best practice guidelines. This year, over 309 MIIA members participated in the program earning \$3.5 million in total Rewards Credits resulting in a 16-year total of over \$33 million dollars in Rewards Credits returned to members!

PLEASE NOTE!

- You may make one of the **three choices** shown on the voucher below as to how you use the 2018 MIIA Rewards Credits.
- If you decide to take your Rewards Credits as a **check**, please make your premium payment in the amount shown on the **Sub-Total** line of premium invoice.
- If you decide to file for a **Rewards Flex Grant** (see enclosed application), the Flex Grant can be in an amount no greater than 50% of the Rewards Credit shown on your premium invoice. You will need to indicate how you want to take the balance of your Rewards Credit (either as credit applied or check issued) and **confirm your revised invoice total** after you have chosen a Flex Grant amount. Please email or call Greg McGrath with this information ([gmcgrath@mma.org](mailto:gmcgrath@mma.org); 800-882-1498 x256).

*FY17  
\$52,389*

		<p>MIIA Property and Casualty Group, Inc. July 1, 2018</p>
<p>Pay to the order of</p>	<p>City of Marlborough</p> <hr/> <p><i>Fifty Four Thousand Seven Hundred Sixty Four Dollars</i></p>	<p>\$54,764</p>
<p>Re: 2018 MIIA REWARDS CREDIT</p>	<p>Apply this credit to enclosed invoice <input type="checkbox"/></p> <p>Issue Payment Via Check <input type="checkbox"/></p> <p>File for a Rewards Flex Grant by filling out the enclosed application. The designation for a MIIA Flex Grant must be made by May 31, 2019. <input type="checkbox"/></p>	<p><i>Geoffrey C. Beckwith</i> Geoffrey C. Beckwith President</p> <p><i>Stanley J. Corcoran</i> Stanley J. Corcoran Executive Vice President</p>
<p>NOT NEGOTIABLE</p>		



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12-1

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

July 19, 2018

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

**Re: Applications for 43D Priority Development Sites**

Honorable President Clancy and Councilors:

I have submitted for your approval an application to the Massachusetts Permit Regulatory Office to designate several Marlborough properties on Lincoln Street as Priority Development Sites.

Chapter 43D Local Expedited Permitting enables communities to designate applicable properties as Priority Development Sites which offers a maximum of 180 days for the local permitting process. A variety of locations in Marlborough are already classified as 43D sites which helps with access to grants and incentives.

I am proposing to include the following two groups of properties under Chapter 43D Permitting: the land in the area of 325 Lincoln Street, which the MEDC has under agreement to purchase and the land in the area of 293-305 Lincoln Street, which is owned by the Johnson family. Submitting these locations as 43D Sites will allow us to target these areas, through a streamlined local permitting process, specifically for economic development with the potential to encourage revitalization at the neighborhood level.

The enclosed application contains a full list of the parcels, including detailed maps. Thank you for your consideration and please do not hesitate to contact me with any questions or concerns.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures

## INTERAGENCY PERMITTING BOARD

### CHAPTER 43D APPLICATION

**PART I: MUNICIPAL APPLICANT**

**Municipality:** Marlborough, MA

**Date:** 7/9/18

**Name of Individual who prepared this application:** James Tarr

Chapter 43D requires that a single person be designated to serve as the municipal point of contact on Priority Development Sites. The individual must be a municipal employee or an employee of a quasi-municipal agency who will be charged with responding to inquiries about the site, providing and accepting permit applications, communicating decisions to applicants, etc. It is recommended that the designated Point of Contact be a staff member and not an elected official.

**Point of Contact, as designated by the governing body:**

**Name:** Meredith Harris

**Title:** Executive Director, Marlborough Economic Development Corporation

**Address:** 91 Main Street, Suite 204, Marlborough, MA 01752

**Telephone:** 508-229-2010      **Fax:** 508-229-1729

**Email:** mharris@marlboroughedc.com

**Please check the box corresponding to the Technical Resource Providers that assisted you with this program:**

- |  |   |
|--|---|
| <input type="checkbox"/> Regional Planning Agency                    | <input type="checkbox"/> MassDevelopment                        |
| <input type="checkbox"/> Mass Office of Business Development         | <input type="checkbox"/> Mass Alliance for Economic Development |
| <input checked="" type="checkbox"/> Permit Regulatory Office (EOHED) |   |

Chapter 43D requires a majority vote of the local governing body for each Priority Development Site being submitted by the municipality. Applications must be accompanied by a true attest certified copy of the municipal vote – stamped by Clerk.

**Please identify the body that approved the submission of this application:**

- |  |                                       |
|--|---------------------------------------|
| <input checked="" type="checkbox"/> City Council | <input type="checkbox"/> Town Meeting |
| <input type="checkbox"/> Town Council            | <input type="checkbox"/> Other:       |

**I hereby certify under the pains and penalties of perjury that the answers submitted in this application and the documentation submitted in support are accurate and complete.**

**Name:** James Tarr

**Date:** 7/9/18

**Signature:** \_\_\_\_\_

**Title:** Deputy Director, Marlborough Economic Development Corporation

**Signature of Clerk:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*For Internal Use Only*

**Received by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<input type="checkbox"/> Municipal Contact Information	<input type="checkbox"/> Certified Vote	<input type="checkbox"/> Land Owner Signatures
<input type="checkbox"/> Grant Application	<input type="checkbox"/> Electronic Copy Received	<input type="checkbox"/> Self-Assessment Checklist
<input type="checkbox"/> Required Maps	<input type="checkbox"/> Maps sent to EEA	IPB Meeting:

**PART II: PRIORITY DEVELOPMENT SITE (PDS)**

Submit a separate Part II for each Priority Development Site.

**Site Location** (including street address and map and parcel numbers):

Address: Lincoln/Mechanic Premises

Map-Parcel:

- Parcel 337 on Assessor’s Map 69 (containing .799 acres or 34,821.86 SF of land, more or less)
- Parcel 338 on Assessor’s Map 69 (containing .5801 acres or 25,269.15 SF of land, more or less)
- Parcel 338A on Assessor’s Map 69 (containing .3457 acres or 15,058.7 SF of land, more or less)
- Parcel 339 on Assessor’s Map 69 (containing .1615 acres or 7,034.9 SF of land, more or less)
- Parcel 339A on Assessor’s Map 69 (containing .4424 acres or 19,270.94 SF of land, more or less)

**Please list any abutting communities to PDS:** The site is located in the French Hill neighborhood of Marlborough.

**Have these communities been notified of your proposal?**       Yes       No

**Number of parcels in your proposed site:** 5      **Total Acreage of PDS:** 2.33 acres

**Ownership:**     Private     Public

**Is the site eligible under current zoning for the construction or redevelopment of at least 50,000 sq feet of commercial or industrial space?**     Yes     No

Chapter 43D requires a PDS to be zoned for commercial, industrial or mixed-use development. If PDS represents a combination of zoning, please explain. Please check all of the following boxes that apply to the PDS, including the means by which a proponent may permit on this site (i.e. special permit?).

**PDS Zoning:** The site is located inside an area of Marlborough currently the subject of a potential rezoning effort to create a “Neighborhood Business” district, enabling the creation of a “smart growth” corridor on Lincoln Street.

- By-right       Special Permit     Site Plan Review
- Commercial     Industrial     Residential       Mixed Use

**After reviewing the definitions set forth in 400 CMR 2.00 respond to the following questions:**

**1. Is the site located within .5 miles of existing development?**       Yes       No

Locations within or adjacent to existing development are preferred such as downtowns or village centers with a diverse mix of civic/cultural, residential, service, business, and other uses; municipal services (school, library, fire, police, city/town hall, parks, etc.); and/or a available labor.

Explanation: Yes. The Lincoln/Mechanic Premises is located in the heart of an established neighborhood in Marlborough known as “French Hill.” French Hill is a largely residential neighborhood with some retail activity along Lincoln Street. It is also less than .5 miles from Marlborough’s downtown area, known as the Marlborough Village District.

**2. Is the site served by existing infrastructure? If not, how far must service be extended?**

Locations with existing utility service – gas, electric, telecommunications, etc. – as well as water & wastewater systems with sufficient water supply/treatment capacity and pipe condition/capacity adequate to deliver fresh water and remove wastewater are preferred.

 Water Sewer Utilities

Explanation: As the site exists within the confines of an established neighborhood, infrastructure can be more readily extended to future development on this largely vacant site. The City of Marlborough is exploring bolstering existing infrastructure in the area in order to accommodate higher-density development.

**3. Is the site located close to appropriate transportation facilities, including transit?**

Locations served by adequate transit (within .5 miles of a bus stop, subway, train, or ferry stop), close to existing major transportation and freight routes—e.g. existing highway interchanges, heavily developed commercial corridors, rail lines, etc., and accessible by bike or on foot are preferred.

 Transit Access Roads Pedestrian/Bike Access

Explanation: The site is adjacent to the Assabet River Rail Trail and is within .3 miles of a MetroWest Regional Transit Authority (MWRTA) bus station. The site is approximately 6.5 miles from the Southborough Commuter Rail station and is also approximately one mile from the I-495/Route 20 interchange.

**4. Does the site include underutilized buildings or facilities?  Yes  No**

Previously developed brownfield or greyfield sites & buildings - abandoned or underutilized shopping centers, institutions, big-box stores, mills or industrial sites, former military bases, etc. - are preferred locations.

Explanation: The site is an underutilized parcel and is the former site of a commercial-automotive building. After initial testing, the City of Marlborough can verify that the site does not need brownfield remediation and is ready to be developed.

**5. Will sensitive or rare natural resources on or near the site be impacted?** Yes  No

Sites that are flat, dry, and otherwise suitable for development (no sensitive natural resources; not identified as a conservation priority for habitat, water supply, agriculture, or other purpose) are preferred.

**6. Has the municipality applied for or received other state grants for this site? Does the municipality anticipate applying for additional state funding?**

**If yes, please identify the program(s), dates applied for and/or received, and describe the project(s):**

The City will apply for a 2018 MassWorks Infrastructure Fund grant to unlock potential for a higher-density, mixed-use project to dovetail with planned zoning changes to create a revitalized, pedestrian-centered, and walkable neighborhood.

Total Potential Build-Out of PDS: 101,455.55 SF

Is there a project proposal before the town for this site?  Yes  No

If yes, briefly describe the project below:

Although there is no specific project before the city, the site has been the subject of an RFP process soliciting development proposals for a mixed-use concept incorporating new housing units and first-floor retail that leverages the site's proximity to the Assabet River Rail Trail and can contribute to the future development of the Lincoln Street corridor.

**PART III: PROPERTY OWNER'S PERMISSION**

Chapter 43D requires that 100% of property owners endorse this application for PDS designation. Identify every parcel included in the PDS by map and parcel number. Use Attachment A if additional space is required.

I hereby certify under the pains and penalties of perjury that I am the legal owner of the property outlined herein and I approve the inclusion of my property in the proposed Priority Development Site nominated herein.

Parcel: 69-337

Signature of legal owner: Juana Tronzo, trustee

Parcel: 69-338

Signature of legal owner: Juana Tronzo, trustee

Parcel: 69-338A

Signature of legal owner: Juana Tronzo, trustee

Parcel: 69-339

Signature of legal owner: Juana Tronzo, trustee

Parcel: 69-339A

Signature of legal owner: Juana Tronzo, trustee

Parcel: \_\_\_\_\_

Signature of legal owner: \_\_\_\_\_

Parcel: \_\_\_\_\_

Signature of legal owner: \_\_\_\_\_

**PART II: PRIORITY DEVELOPMENT SITE (PDS)**

Submit a separate Part II for each Priority Development Site.

**Site Location** (including street address and map and parcel numbers):

Address: 293-305 Lincoln Street

Map-Parcel:

- Parcel 340 on Assessor’s Map 69 (containing .4 acres or 17,424 SF of land, more or less)
- Parcel 341 on Assessor’s Map 69 (containing .26 acres or 11,325 SF of land, more or less)
- Parcel 342 on Assessor’s Map 69 (containing .12 acres or 5,227 SF of land, more or less)
- Parcel 343 on Assessor’s Map 69 (containing .18 acres or 7,841 SF of land, more or less)
- Parcel 345 on Assessor’s Map 69 (containing .34 acres or 14,810 SF of land, more or less)

**Please list any abutting communities to PDS:** The site is located in the French Hill neighborhood of Marlborough.

**Have these communities been notified of your proposal?**       Yes       No

**Number of parcels in your proposed site:** 5      **Total Acreage of PDS:** 1.3

**Ownership:**     Private     Public

**Is the site eligible under current zoning for the construction or redevelopment of at least 50,000 sq feet of commercial or industrial space?**     Yes     No

Chapter 43D requires a PDS to be zoned for commercial, industrial or mixed-use development. If PDS represents a combination of zoning, please explain. Please check all of the following boxes that apply to the PDS, including the means by which a proponent may permit on this site (i.e. special permit?).

**PDS Zoning:** The site is located inside an area of Marlborough currently the subject of a potential rezoning effort to create a “Neighborhood Business” district, enabling the creation of a “smart growth” corridor on Lincoln Street.

- By-right       Special Permit     Site Plan Review
- Commercial     Industrial     Residential       Mixed Use

**After reviewing the definitions set forth in 400 CMR 2.00 respond to the following questions:**

1. **Is the site located within .5 miles of existing development?**       Yes       No  
Locations within or adjacent to existing development are preferred such as downtowns or village centers with a diverse mix of civic/cultural, residential, service, business, and other uses; municipal services (school, library, fire, police, city/town hall, parks, etc.); and/or available labor.

Explanation: Yes. The property – known as the “Johnson” site – is located at the edge of an established neighborhood in Marlborough known as “French Hill.” French Hill is a largely residential neighborhood with some retail activity along Lincoln Street. It is also less than .5 miles from Marlborough’s downtown area, known as the Marlborough Village District.

**2. Is the site served by existing infrastructure? If not, how far must service be extended?**

Locations with existing utility service – gas, electric, telecommunications, etc. – as well as water & wastewater systems with sufficient water supply/treatment capacity and pipe condition/capacity adequate to deliver fresh water and remove wastewater are preferred.

Water

Sewer

Utilities

Explanation: As the site exists within the confines of an established neighborhood, infrastructure can be more readily extended to future development on this largely vacant site. The City of Marlborough is exploring bolstering existing infrastructure in the area in order to accommodate higher-density development.

**3. Is the site located close to appropriate transportation facilities, including transit?**

Locations served by adequate transit (within .5 miles of a bus stop, subway, train, or ferry stop), close to existing major transportation and freight routes—e.g. existing highway interchanges, heavily developed commercial corridors, rail lines, etc., and accessible by bike or on foot are preferred.

Transit

Access Roads

Pedestrian/Bike Access

Explanation: The site is directly adjacent to the Assabet River Rail Trail and is within .3 miles of a MetroWest Regional Transit Authority (MWRTA) bus station. The site is approximately 6.5 miles from the Southborough Commuter Rail station and is also approximately one mile from the I-495/Route 20 interchange.

**4. Does the site include underutilized buildings or facilities?  Yes  No**

Previously developed brownfield or greyfield sites & buildings - abandoned or underutilized shopping centers, institutions, big-box stores, mills or industrial sites, former military bases, etc. - are preferred locations.

Explanation: The site contains several underutilized structures on the premises zoned for commercial and automotive uses and the site itself is highly important in the scope of neighborhood revitalization efforts, with the opportunity to anchor future revitalization efforts.

**5. Will sensitive or rare natural resources on or near the site be impacted?**

Yes  No

Sites that are flat, dry, and otherwise suitable for development (no sensitive natural resources; not identified as a conservation priority for habitat, water supply, agriculture, or other purpose) are preferred.

**6. Has the municipality applied for or received other state grants for this site? Does the municipality anticipate applying for additional state funding?**

**If yes, please identify the program(s), dates applied for and/or received, and describe the project(s):**

The City will apply for a 2018 MassWorks Infrastructure Fund grant to unlock potential for a higher-density, mixed-use project to dovetail with planned zoning changes to create a revitalized, pedestrian-centered, and walkable neighborhood.

**Total Potential Build-Out of PDS: Approx. 56,627 SF**

**Is there a project proposal before the town for this site?**

Yes

No

**If yes, briefly describe the project below:**

Although there is no specific project before the city, the site is adjacent to the Lincoln/Mechanic Premises, which was the subject of an RFP process soliciting development proposals for a mixed-use concept incorporating new housing units and first-floor retail that leverages the site's proximity to the Assabet River Rail Trail and can contribute to the future development of the Lincoln Street corridor. The site is also inside what is to be the subject of a new "Neighborhood Business" zoning district meant to foster increased pedestrian and cycling traffic, as well as leverage the Assabet River Rail Trail and the nearby Lincoln/Mechanic Premises to launch a neighborhood revitalization effort.

**PART III: PROPERTY OWNER'S PERMISSION**

Chapter 43D requires that 100% of property owners endorse this application for PDS designation. Identify every parcel included in the PDS by map and parcel number. Use Attachment A if additional space is required.

**I hereby certify under the pains and penalties of perjury that I am the legal owner of the property outlined herein and I approve the inclusion of my property in the proposed Priority Development Site nominated herein.**

Parcel: 340 on Assessor's Map 69 (containing .4 acres or 17,424 SF of land, more or less)

Signature of legal owner: Koby Inc G.H. Johnson III  
Koby, Inc. by G.H. Johnson III

Parcel: 341 on Assessor's Map 69 (containing .26 acres or 11,325 SF of land, more or less)

Signature of legal owner: Koby Inc G.H. Johnson III  
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Parcel: 342 on Assessor's Map 69 (containing .12 acres or 5,227 SF of land, more or less)

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Koby, Inc. by G.H. Johnson III

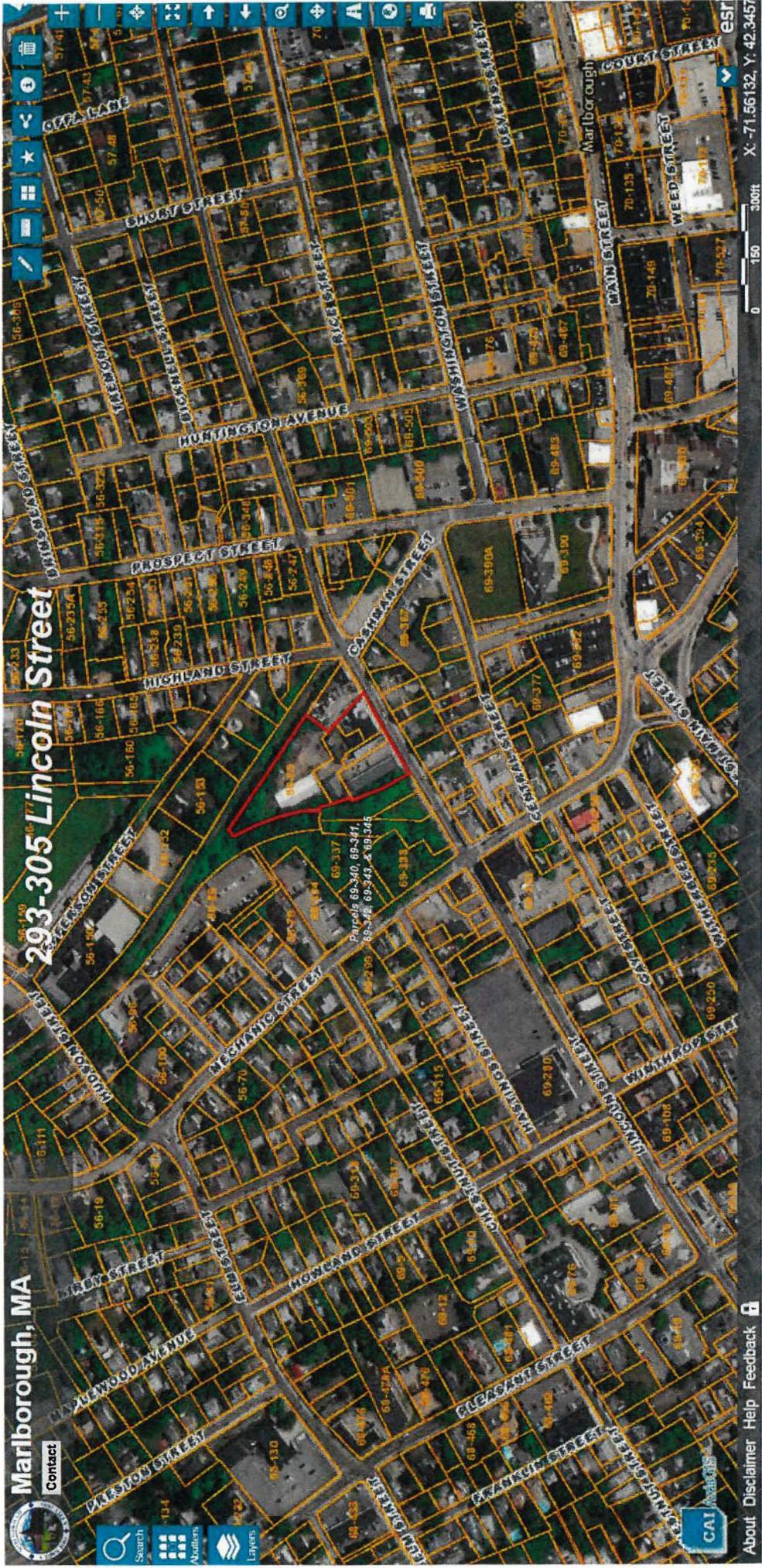
Parcel: 345 on Assessor's Map 69 (containing .34 acres or 14,810 SF of land, more or less)

Signature of legal owner: Koby Inc G.H. Johnson III  
Koby, Inc. by G.H. Johnson III

Parcel: \_\_\_\_\_

Signature of legal owner: \_\_\_\_\_





293-305 Lincoln Street

Parcels 69-340, 69-341, 69-342, 69-343, & 69-344

Marlborough, MA

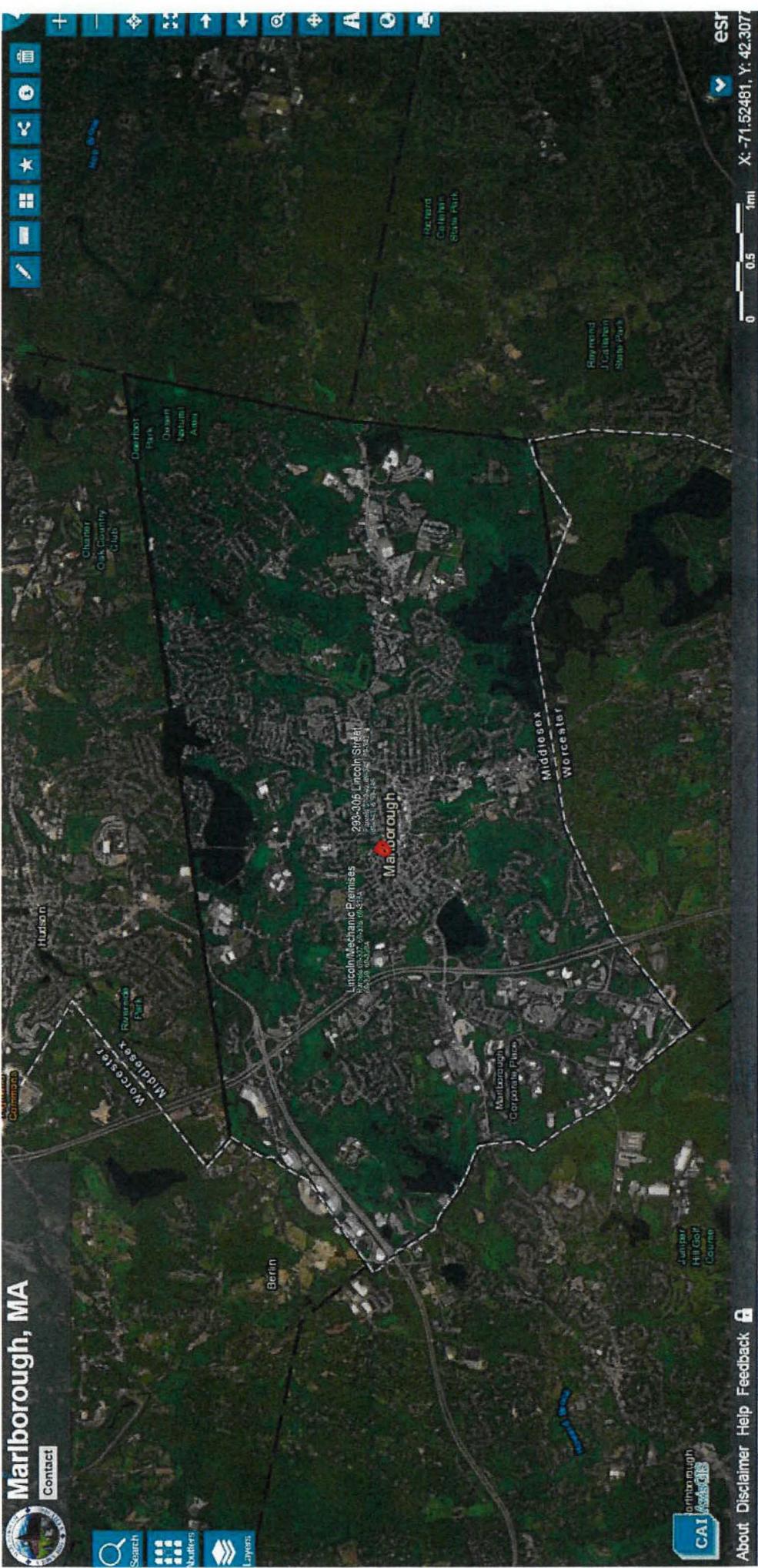
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# City of Marlborough

## Legal Department

140 MAIN STREET

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DONALD V. RIDER, JR.  
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS  
PARALEGAL

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 JUL 19 A 11:05

July 19, 2018

President Edward Clancy and  
Members of the Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

RE: Proposed Amendment to Chapter 650 (Zoning Ordinance)  
Neighborhood Business District

Dear President Clancy and Members of the City Council:

At the request of Councilors Irish and Ossing, I submit for your consideration the attached proposed zoning amendment. On May 21, 2018 and June 25, 2018, Councilor's Irish and Ossing met with members of the Lincoln Street business community, two members of the Planning Board, the Mayor, and representatives of MEDC and MAPC to discuss zoning concepts for the French Hill/Lincoln Street area. The insights from these meetings, intended to enhance and revitalize the area, resulted in the attached proposed zoning amendment creating a new "Neighborhood Business" district. Said amendment includes Exhibits A, B and C, the latter of which is a draft map illustrating the proposed district. A final version of the map, presently in process, will be forthcoming.

The order is in proper form for your consideration. Please let me know if you have any questions.

Very truly yours,

Cynthia Panagore Griffin  
Assistant City Solicitor

Cc: Jeffrey Cooke, Building Commissioner  
Thomas DiPersio, City Engineer

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:

I. Section 7 of Chapter 650, entitled “Districts Enumerated,” is hereby amended as follows:

- (1) By deleting from the first sentence the number “12” and by inserting in place thereof the number “13”.
- (2) By inserting at the end of the list of District types, the following:

Neighborhood Business District	NB
--------------------------------	----

II. Section 17 of Chapter 650, entitled “Table of Uses,” is hereby amended as provided in the highlighted portions of Exhibit “A” attached to this order, which Exhibit “A” includes amendments not limited to the following:

- (1) By inserting under the heading entitled “Zoning District Abbreviations” a new zoning district abbreviation as follows: “NB”; and
- (2) By inserting beneath said new district abbreviation NB the letters “Y”, “N”, or “SP” as shown on said Exhibit “A”.

III. Section 41 of Chapter 650, entitled “Table of Lot Area, Yards, and Height of Structures”, is hereby amended as provided in the highlighted portions of Exhibit “B” attached to this order.

IV. Chapter 650, is hereby amended by inserting a new § 39, entitled “Neighborhood Business District (NB)”, as follows:

**§ 650-39 NEIGHBORHOOD BUSINESS DISTRICT (NB)**

A. Purposes and Objectives.

The purposes and objectives of the Neighborhood Business District are to encourage retail establishments and services that primarily serve the surrounding neighborhoods; enable multi-family residential and/or mixed use projects to be developed, particularly on underutilized parcels; encourage re-use/redevelopment of existing commercial, industrial or institutional properties located in the neighborhood; and assist the neighborhood to reach its full potential by encouraging restaurants, uses that take advantage of nearby open space, such as the Assabet River Rail Trail, and uses that take advantage of adjacent walkable, pedestrian-oriented neighborhoods.

B. **Parking Requirements.** Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650-49 of the Zoning Ordinance.

(1) The following provisions are applicable within the Neighborhood Business District:

[a.] Retail sales: 1 space per 250 Square feet of Gross Floor Area;

[b.] Multi-family dwelling units: 1 space per bedroom to a maximum of 2 spaces per unit; and

[c.] Restaurants, brew pubs and other eating places: The Special Permit Granting Authority may reduce the total number of required spaces by 50% if there is a municipally-owned lot, shared parking arrangement, or significant amount of on-street spaces within 300 feet of said uses.

C. **Open Space Requirements for Conversion from a 2-Family Dwelling to a 3-Family Dwelling and for Multifamily dwellings.**

- (1) **Minimum Open Space.** The minimum amount of Open Space per residential unit shall be 100 sq. ft. The open space shall be designed as usable for sitting, recreation, etc. Up to 50% of the required open space may be private open space placed in the building (recreation rooms, pools); as individual unit balconies large enough for a table and chairs; or on the roof of the structure as a garden or sitting area. Front yard planting/buffer strips which are designed for public seating or other amenities to improve the public realm, and which are made available to the public, may be included in the required open space; other required buffer and planting strips shall not count towards the required open spaces.
- (2) **Ground Level Open Space.** All or a portion of ground level open space may be reserved for residents of the development, or made available for public use. Special permits proposals for developments which include public benefits such as public seating areas are preferred.
- (3) **Joint Open Space.** Two or more developments may cooperate to share usable open space on one lot, as long as the minimum square footage per unit is maintained, and the joint open space is within 300 feet of participating developments.
- (4) **Waiver as Part of Special Permit or Under Site Plan Review.** In development or redevelopment proposals where, because of site-specific circumstances, it is not possible to meet the minimum standards for Open Space, or where there is not sufficient space for ground level open space on the parcel, or where it is not desirable or possible to establish the required amount of open space for other reasons, the City, as part of Special Permit or Site Plan Review, may negotiate with the developer and may set other

conditions of approval to ensure or encourage other open space benefits, or may waive strict adherence to this provision. Improvements made to an existing nearby public open space parcel, or the Assabet River Rail Trail, may be included in these negotiations.

D. Project Review.

(1) Site Plan Review. Projects within the Neighborhood Business District shall be subject to site plan approval in accordance with § 270-2 of the City Code.

(a) Site plan review applies to as of right uses and uses available by grant of a special permit within the Neighborhood Business District. Site plan review applicability includes, but is not limited to, new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas.

(2) Multi-family Design Review Guidelines and Review Criteria. Multi-family projects within the Neighborhood Business District will be reviewed consistent with the non-mandatory Multi-family Design Review Guidelines and Review Criteria, which guidelines and criteria will be available at the Building Department and/or on the official website of the City of Marlborough.

E. Authority of the Special Permit Granting Authority. The City Council shall be the permit granting authority for special permit approval in the Neighborhood Business District.

V. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit "C"). The newly established Neighborhood Business District shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

Map 68, Parcels 115, 116, 118, 119, 121, 130, 131, 132, 134, 135, 136, 154, 155, 156, 157, 158, 159, 162, 163, 164, 166, 167, 183, 184, 185, 186, 188, 189, 190, 200, 201, 202, 203; and

Map 69, Parcels 19B, 20, 21, 22, 23, 24, 25, 26, 27, 86, 87, 88, 89, 91, 94, 95, 96, 97, 99, 108, 109, 239, 240, 241, 242, 243, 243A, 243B, 257, 258, 259, 260, 261, 263, 258, 260, 261, 262, 263, 264, 265, 267, 269, 271, 274, 275, 276, 280, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 336, 337, 338, 338A, 339, 339A, 340, 341, 342, 343, 345, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 357A, 357B, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 392, 523, 523A, 528;

Those portions of Map 69, Parcels 79, 81, and 334 which are located within the B zoning district existing as of the day of this amendment; and

Map 56, Parcels 79, 80, 81, 85.

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

ADOPTED

In City Council  
Order No 18-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:

EXHIBIT A

650 Attachment 1

City of Marlborough

Table of Use Regulations  
(§ 650-17)

[Amended 5-9-2005 by Ord. No. 05-100713C; 11-23-2009 by Ord. No. 09-1002277F; 3-11-2013 by Ord. No. 12/13-1005235B; 10-7-2013 by Ord. No. 13-1005481D; 2-10-2014 by Ord. No. 13/14-1005578C; 4-28-2014 by Ord. No. 14-1005693C; 8-14-2014 by Ord. No. 12/13/14-10052471; 12-1-2014 by Ord. No. 14-1005947C; 11-28-2016 by Ord. No. 16-1006631D]

**KEY:**

All uses noted with "Y" are allowed as of right, subject to any referenced conditions.  
All uses noted with "SP" are allowed by special permit, subject to any referenced conditions.  
All uses noted with "N" are not permitted.

	Zoning: District Abbreviations												
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV
<b>Residential Use</b>													
Single-family	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
Single-family, attached (1)	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N
Conversion of detached one-family to a two-family (2)	SP	SP	SP	SP	Y	Y	N	Y	N	N	N	N	N
Two-family homes	N	N	N	N	Y	Y	N	Y	N	N	N	N	N
Conversion of a two-family dwelling to a three (3)	N	N	N	N	SP	SP	N	SP	SP	N	N	N	N
Multifamily dwelling (4) (42)	N	N	N	N	SP	SP	N	SP	SP	N	N	N	SP
Comprehensive developments (§ 650-27)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Boarding and lodging homes	N	N	N	N	N	SP	N	N	SP	N	N	N	N
Tourist home\bed-and-breakfast	Y	N	N	N	N	Y	N	Y	N	N	N	N	SP
Open space development (§ 650-28)	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N
Trailer mobile homes (5)	SP	SP	SP	SP	SP	SP	SP	N	SP	SP	SP	SP	N
Retirement Community Overlay (§ 650-22)	N	N	N	N	N	N	N	N	N	N	SP	SP	N
Residential accessory uses (6)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Customary home occupations (7)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Yard sales, charitable sales bazaars (8)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

' (Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for use as noted in the Table of Uses.)

MARLBOROUGH CODE

	Zoning District Abbreviations												
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV
Two residential structures on a lot less than 80,000 square feet (9)	N	N	N	N	SP	SP	N	N	N	N	N	N	N
Artist studio /live/work gallery space	N	N	N	N	N	N	N	Y	N	N	N	N	Y
Recording studio/live/work space	N	N	N	N	N	N	N	Y	N	N	N	N	Y
<b>Residential Use</b>													
Assisted living facilities (44)	N	N	SP	N	N	N	N	N	N	N	N	N	N
<b>Business Uses</b>													
Convert buildings to office, bank, insurance use (18)	N	N	N	N	N	SP	N	Y	N	N	N	N	Y
Commercial kennels and animal hospitals	SP	N	N	N	N	N	N	N	N	N	N	N	N
Veterinary hospital	N	N	N	N	N	N	N	SP	N	Y	N	N	SP
Commercial kennels	SP	N	N	N	N	N	N	N	Y	Y	N	N	N
Riding academy	SP	N	N	N	N	N	N	N	SP	SP	N	N	N
Retail sales and services <75,000 square feet gross floor area (19) (43)	N	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y
Retail sales and services >75,000 square feet gross floor area (19) (43)	N	N	N	N	N	N	N	N	SP	SP	SP	SP	SP
Offices, banks, insurance and financial institutions	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y
Schools, for business, trade, music, dance, and television/or radio broadcasting studios (but not including towers)	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y
Commercial radio and television towers and wireless communications facilities (20)	SP	SP	SP	SP	SP	SP	N	SP	SP	SP	SP	SP	SP
Hotels (41)	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	Y
Hotels with conference facilities and commercial uses (21)	N	N	N	N	N	N	N	N	SP	SP	SP	SP	Y
Residential conference and training center with food and recreation services (22)	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Recreation center (23)	N	N	N	N	N	N	N	Y	N	N	SP	SP	N
Private clubs, nonprofit	N	N	N	N	N	Y	N	N	SP	SP	N	N	Y
Clubs (24)	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y
Self-service laundry	N	N	N	N	N	N	N	Y	Y	Y	N	N	SP
Medical office/clinic	SP	SP	SP	SP	SP	Y	Y	Y	Y	N	N	N	Y
Dental clinics	SP	SP	SP	SP	SP	Y	Y	Y	Y	N	N	N	Y

## EXHIBIT A

	Zoning District Abbreviations												
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV
Consumer service establishments	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y
Salesroom	N	N	N	N	N	N	N	SP	N	Y	N	N	N
Wholesale office or showroom	N	N	N	N	N	N	N	N	N	Y	N	N	N
Wholesale sale and warehousing	N	N	N	N	N	N	N	N	N	Y	N	N	N
Commercial greenhouse	N	N	N	N	N	N	N	SP	Y	Y	Y	Y	N
Motels	N	N	N	N	N	N	N	N	SP	SP	SP	SP	N
Mixed use development (42)	N	N	N	N	N	N	N	SP	SP	N	N	N	Y
Brew pubs	N	N	N	N	N	N	N	Y	SP	N	N	N	Y
Copy shops, newspaper offices	N	N	N	N	N	N	N	Y	Y	N	N	N	Y
Place of repair for cars, boats, trucks and farm equipment (25)	N	N	N	N	N	N	N	N	N	Y	N	N	N
Places of assembly	N	N	N	N	N	N	N	SP	SP	SP	N	N	SP
Outdoor recreation uses	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP
Outdoor storage (26)	N	N	N	N	N	N	N	N	Y	Y	SP	SP	N
Car parking lots, garages (27)	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Gasoline filling stations (28)	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Auto service facilities for minor repairs, changing tires and lubrication (28)	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Auto sales and service (25)	N	N	N	N	N	N	N	N	N	Y	N	N	N
Car wash (28)	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Open air markets (29)	N	N	N	N	N	N	N	N	SP	SP	N	N	Y
Shopping malls	N	N	N	N	N	N	N	N	N	N	SP	SP	N
Soil removal (30 )	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Accessory uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Funeral homes, parlors and mortuaries	N	N	N	N	N	Y	N	Y	N	Y	N	N	N
Public, private or commercial recreation establishments, recreation grounds or places of amusement	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP
Restaurant, cafe	N	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y
Restaurant with drive-in or drive-thru facilities ( 3 1)	N	N	N	N	N	N	N	SP	SP	SP	N	N	N
Restaurants serving food outdoors (3 1)	N	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y
Restaurants for employee use	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Drive-thru facilities	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Adult bookstore (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N

MARLBOROUGH CODE

	Zoning District						Abbreviations						
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV
Adult video store (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N
Adult paraphernalia store (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N
Adult movie theatre (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N
Adult live entertainment establishment (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N
Tattoo and body piercing parlors and shops (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N
Narcotic detoxification and/or maintenance facility	N	N	N	N	N	N		N	N	SP	SP	SP	N
Medical marijuana treatment center	N	N	N	N	N	N	N	N	N	N	N	SP	N
<b>Agriculture, Public, and Institutional Use</b>													
Agriculture, horticulture or floriculture >5 acres (10)	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Forest, woodlots, portable, woodworking mills (11)	Y	N	N	N	N	N	N	N	N	N	N	N	N
Livestock farms > 10 acres (12)	Y	N	N	N	N	N	N	N	N	N	N	N	N
Farms and poultry farms (13)	Y	SP	SP	SP	N	N	Y	N	N	N	N	N	N
Cemeteries	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N
Hospitals and sanitarium	SP	SP	SP	SP	SP	SP	N	N	N	N	N	N	N
Correctional institutions	N	N	N	N	N	N	N	N	N	N	N	N	N
Golf courses, country clubs and beaches (14)	Y	SP	SP	SP	N	N	N	N	N	N	N	N	N
Charitable and philanthropic buildings	SP	SP	SP	SP	SP	SP	N	SP	N	N	N	N	SP
Churches and religious buildings (15)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public recreation and conservation	Y	SP	SP	SP	N	N	N	Y	N	N	N	N	N
Day camps	SP	SP	SP	SP	N	N	N	N	SP	SP	N	N	N
Public, private and religious schools, museums, libraries, parks, recreation facilities, buildings and playgrounds	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Child-care centers ( 16)	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Public utilities, not including storage yards or repair shops	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public buildings (17)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Water towers, reservoirs	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Floodplain and Wetland Protection District (§ 650-23)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

EXHIBIT A

	Zoning District Abbreviations												
	RR	A-1	A-2	A-3	RB	RC	RC	NB	B	CA	LI	I	MV
Water Supply Protection District (§ 650-24)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Convalescent and nursing homes	SP	SP	SP	SP	SP	Y	N	N	N	N	N	N	N
<b>Industrial Uses</b>													
Air ports and heliports	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Newspaper printing and publishing, job printing	N	N	N	N	N	N	N	N	N	Y	Y	Y	SP
Manufacturing where the majority of items are sold on premises to the consumer	N	N	N	N	N	N	N	N	N	Y	N	N	N
Transportation terminal and freight depot s	N	N	N	N	N	N	N	N	N	SP	SP	SP	N
Food processing plants	N	N	N	N	N	N	N	N	N	N	N	Y	N
Research, experimental labs (33)	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Bakerv (nonretail)	N	N	N	N	N	N	N	N	N	N	N	Y	N
Light non-nuisance manufacturing	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Light manufacturing, using portable electric machinery (34)	N	N	N	N	N	N	N	N	N	Y	N	N	N
Light manufacturing incidental to research	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Associated /accessory research uses (35)	N	N	N	N	N	N	N	N	N	N	SP	SP	N
Manufacturing and/or warehousing (36)	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Manufacturing or warehouse (37)	N	N	N	N	N	N	N	N	N	N	N	Y	N
Retail sales accessory to manufacturing (38)	N	N	N	N	N	N	N	N	N	N	N	Y	N
Recreation center, indoor and outdoor	N	N	N	N	N	N	N	N	SP	SP	SP	SP	SP
Power laundries	N	N	N	N	N	N	N	N	N	N	N	Y	N
Drv cleaning	N	N	N	N	N	N	N	N	Y	N	N	Y	N
Dve works	N	N	N	N	N	N	N	N	N	N	N	Y	N
Packaging or bottling plants	N	N	N	N	N	N	N	N	N	N	N	Y	N
Electric power substation for changing bulk power to distribution voltage	N	N	N	N	N	N	N	N	N	N	SP	SP	N
Accessory uses and service buildings (39)	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Large tract development (40)	N	N	N	N	N	N	N	N	N	N	N	Y	N
Data storage/ telecommunications facilities	N	N	N	N	N	N	N	N	N	N	Y	Y	

## EXHIBIT B

ZONING  
650 Attachment 2

City of Marlborough

**Table of Lot Area, Yards, and Height of Structures**  
(§ 650-41)

[Amended 12-1-2014 by Ord. No. 14-1005947C; 12-19-2016 by Ord. No. 16-1006667D]

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Maximum Lot Coverage <sup>7</sup>
Rural Residence RR	1 acre	180	25	40	50	2 ½ stories	20%
Residence A-1	22,500 square feet	150	20 <sup>2</sup>	30	40	2 ½ stories	25%
Residence A-2	18,000 square feet	120	15 <sup>2</sup>	30	40	2 ½ stories	30%
Residence A-3	12,500 square feet	100	15 <sup>2</sup>	20	30	2 ½ stories	30%
Residence B	8,000 square feet, plus 4,000 square feet for each additional dwelling unit over 2	100	15 <sup>2</sup>	20	30	2 ½ stories	30%
Residence C	10,000 square feet, plus 2,000 square feet for each additional dwelling unit over 3	90	10	20	25	3 stories	30%
Retirement Community Residence	15 acres	250 <sup>7</sup>	25 <sup>8</sup>	50 <sup>8</sup>	— <sup>8</sup>	2 ½ stories	50% <sup>9</sup>
<b>Neighborhood Business NB</b>	<b>5,000 square feet</b>	<b>50</b>	<b>10</b>	<b>15-25*</b>	<b>15-25*</b>	<b>2 ½ stories minimum; 52 ft. max</b>	<b>75%</b>
Business B	5,000 square feet	50	25 <sup>3</sup>	50	None	52 feet	30% for residential; 80% for all other uses
Commercial and Automotive CA	5,000 square feet	50	50 <sup>3</sup>	50	None	2 stories (no limit where use is exclusively for industry)	80%
Marlborough Village District MV	5,000 square feet	25	10 <sup>3</sup>	10 <sup>14</sup>	10 <sup>15</sup>	Minimum: 35 feet 6 stories: not to exceed a maximum of 70 feet <sup>12</sup>	80% <sup>13</sup>

## MARLBOROUGH CODE

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height		Maximum Lot Coverage <sup>7</sup>
						Distance from Residential Zone (feet)	Height <sup>6, 10</sup> (feet)	
Limited Industrial LI	2 acres	200	50	50	50	0 to 150:	30	60
						151 to 250:	36	
						251 to 400:	40	
						401 to 500:	52	
Industrial I	1 acre	50	25 <sup>4</sup>	40	40 <sup>5</sup>	— <sup>10</sup>		60 <sup>11</sup>

**NOTES:**

<sup>1</sup> Note deleted.

<sup>2</sup> Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.

<sup>3</sup> Where abutting a residence district or within the Marlborough Village District where abutting an existing structure that has side-facing windows at the structure's lot line; otherwise 0 feet.

<sup>4</sup> Except where abutting a residence district, shall be 50 feet.

<sup>5</sup> Except for buildings extending through a block or to a railroad siding.

<sup>6</sup> For the purpose of measuring setback distances for the corresponding height restrictions, an owner of LI or I zoned land may count abutting residentially zoned land toward the setback requirement if such land is owned by the same owner. Ownership of the residential land and the LI or I land must continue to be held by the same entity.

<sup>7</sup> However, this frontage need not be contiguous.

<sup>8</sup> No part of any principal building shall be within 25 feet of any exterior lot line nor shall any part of any building be closer to any exterior lot line than the minimum side yard requirement which would have been applicable in the zoning district in which the land in question was located before it was rezoned into a Retirement Community Residence District. A building may be as close as 25 feet to the front yard line of the exterior lot; provided, however, that no said building shall be less than 50 feet from the side line of a public way.

<sup>9</sup> Excluding from lot size any land which prior to development of the site as a Retirement Community would be defined as a resource area as that term is defined in MGL c. 131, § 40.

<sup>10</sup> Buildings on a Large Tract Development Lot, which are more than 1,200 feet from a Residential Zone, may be built to a maximum height of 85 feet.

<sup>11</sup> Maximum lot coverage for a Large Tract Development Lot shall be 50%.

<sup>12</sup> Within the Marlborough Village District, special permits may allow for an increase in height to 80 feet; also, provided that the height of any development adjacent to any residential district shall be stepped down and shall not exceed 52 feet. (See § 650-33F.)

<sup>13</sup> Within the Marlborough Village District, special permits may allow for an increase in lot coverage.

<sup>14</sup> Except along the following streets in the Marlborough Village District where zero-foot setback is allowed by right: Main Street, the eastern side of South Bolton Street between Main Street and Granger Boulevard, and the northern side of Granger Boulevard between South Bolton Street and Main Street.

<sup>15</sup> Except that a special permit may be granted to reduce this to zero where public safety will not be impacted and the reduction will yield a better design.

\* **15 feet for structures under 35 feet; increases to 25 feet for taller structures.**





*City of Marlborough*  
**Legal Department**

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 CITY OF MARLBOROUGH

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140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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 CITY SOLICITOR

*CYNTHIA M. PANAGORE GRIFFIN*  
 ASSISTANT CITY SOLICITOR

*ELLEN M. STAVROPOULOS*  
 PARALEGAL

July 19, 2018

President Edward Clancy and  
 Members of the Marlborough City Council  
 140 Main Street  
 Marlborough, MA 01752

RE: Proposed Amendment to Chapter 650 (Zoning Ordinance)  
 Large-scale Ground-mounted Solar Photovoltaic Installation Overlay District

Dear President Clancy and Members of the City Council:

At the request of Councilor Doucette, I submit for your consideration the attached proposed zoning amendment which would create a new overlay district for large-scale ground-mounted solar photovoltaic installations. Also included is a sketch map illustrating the location of the proposed overlay district. Said order is in proper form for your consideration.

Please let me know if you have any questions.

Very truly yours,

Cynthia Panagore Griffin  
 Assistant City Solicitor

Cc: Priscilla Ryder, Conservation Officer  
 Jeffrey Cooke, Building Commissioner

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. That a new Section 40 be inserted into Chapter 650, as follows:

### ARTICLE VI

#### § 650-40 Large-scale Ground-mounted Solar Photovoltaic Overlay District

##### A. Purpose and Objectives:

- 1) The Large-scale Ground-mounted Solar Photovoltaic Overlay District (herein, also a "LGSPOD") allows the application of supplemental land use controls within the boundaries of a certain overlay district as an alternative to land use controls that exist in the underlying district(s). The purpose of this section is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and which provide adequate financial assurance for the eventual decommissioning of such installations.
- 2) The provisions set forth in this section apply to the construction, operation and/or repair of large-scale ground-mounted solar photovoltaic installations.
- 3) This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

- B. Designation of overlay location; as-of-right use. For the purposes of this Section, the LGSPOD shall be superimposed on the other district(s) existing at the time that any land in any said underlying district is also included in the LGSPOD, as designated by the Marlborough City Council in accordance with M.G.L. c.40A, §5, where ground-mounted large-scale solar photovoltaic installations may be sited as of right. Except as specifically provided herein, uses and provisions of Article V of Chapter 650 relating to the underlying zoning district not otherwise impacted by this Section shall continue to remain in full force and effect. In the event of any conflict between the provisions of this section and any other provisions of the Zoning Ordinance, the provisions of this Section shall govern and control. The LGSPOD overlay zoning district is located on the northerly side of Parmenter Street, consisting of the parcels identified in Exhibit A annexed hereto and incorporated by

reference herein, and as indicated on the Zoning Map of the City of Marlborough. Said map is hereby made a part of this chapter and is on file in the office of the City Clerk.

C. Definitions. As used in this section, following terms shall have the meanings indicated:

**As-of-Right Siting:** As-of-Right Siting shall mean that development under this § 650-40 may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval, however said as-of-right development is subject to site plan review as provided under Chapter 270 Code of the City of Marlborough and this § 650-40. Projects cannot be prohibited, but can be subject to reasonable regulation.

**Large-Scale Ground-mounted Solar Photovoltaic Installation:** A solar photovoltaic system that is structurally mounted on the ground, is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

**Solar Photovoltaic Installation:** A solar photovoltaic array that is constructed at a location where other allowable uses of the underlying property may occur.

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

**Site Plan Review:** Review by Site Plan Review procedures as governed by § 270-2 of the Code of the City of Marlborough and this § 650-40.

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

**Solar Photovoltaic Array:** An arrangement of solar photovoltaic panels.

D. General Requirements for all large-scale ground-mounted solar photovoltaic installations.

The following requirements are common to all large-scale ground-mounted solar photovoltaic installations to be sited in designated overlay locations:

1. **Compliance with Laws, Ordinances and Regulations.** The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable security, safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a large-scale ground-mounted solar photovoltaic installation shall be constructed in accordance with the State Building Code.
2. **Building Permit and Building Inspection.** No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
3. **Fees.** The application for a building permit for a large-scale ground-mounted solar photovoltaic installation must be accompanied by the fee required for a building permit.

4. Site Plan Review. Large-scale ground-mounted solar photovoltaic installations shall undergo site plan review by Site Plan Review prior to construction, installation or modification as provided in § 270-2 of the Code of the City of Marlborough and in this section, as follows:
  - a. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
  - b. Required Documents. Pursuant to the site plan review process, the project proponent shall provide the following documents:
    - i. A site plan showing:
      1. Property lines and physical features, including roads, for the project site;
      2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation, fences or other screening structures;
      3. Drawings of the large-scale ground-mounted solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
      4. One or three-line electrical diagram detailing the large-scale ground-mounted solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
      5. Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter;
      6. Name, address, and contact information for proposed system installer;
      7. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
      8. The name, contact information and signature of any agents representing the project proponent;
      9. Emergency services access points and through points; and
    - ii. Documentation of actual or prospective access and control of the project site (see also Section E herein); and
    - iii. An operation and maintenance plan (see also Section F herein); and
    - iv. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
    - v. Proof of liability insurance; and
    - vi. Description of financial surety that satisfies Section L herein; and
    - vii. A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise informs abutters within 300' of the property line of the project site. Site Plan Review may waive documentary requirements as it deems appropriate.

- E. Site Control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed large-scale ground-mounted solar photovoltaic installation.
- F. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
- G. Utility Notification. No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to Site Plan Review that the utility company that operates the electrical grid where the installation is to be located has been informed of the large-scale ground-mounted solar photovoltaic installation's owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- H. Dimension and Density Requirements.
- a. Setbacks. For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
    - i. Front yard. The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a conservation use, residential use, or public way, the front yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site Plan Review may require plantings in the 50 foot no-clear vegetated buffer if none exist.
    - ii. Side yard. Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a conservation use, residential use, or public way, the side yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site Plan Review may require plantings in the 50 foot no-clear vegetated buffer if none exist.
    - iii. Rear yard. The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a conservation use, residential use, or public way, the rear yard depth shall be comprised of a no-clear vegetated buffer of not less than 50 feet and, as measured therefrom, a no-build buffer of not less than 50 feet. Site Plan Review may require plantings in the 50 foot no-clear vegetated buffer if none exist.
  - b. Appurtenant Structures. All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations,

shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

I. Design Standards.

- a. Lighting. Lighting of large-scale ground-mounted solar installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the large-scale ground-mounted solar installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- b. Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Chapter 526 of the Code of the City of Marlborough. A sign consistent with the City's sign ordinances shall be required to identify the owner and provide a 24-hour emergency contact phone number. Large-scale ground-mounted solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the large-scale ground-mounted solar.
- c. Utility Connections. Reasonable efforts, as determined by Site Plan Review, shall be made to place all utility connections from the large-scale ground-mounted solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- d. Screening. Every abutting property, private way, private driveway, and public way shall be visually screened from the project through any one or combination of the following: location, distance, plantings, existing vegetation.
- e. Top soil. No top soil shall be removed from the site. Said topsoil shall be stockpiled on site and used to stabilize the site with a minimum cover of 6 inches cover of loam. Any topsoil remaining after stabilization shall be stockpiled on site for use during decommissioning.

J. Safety and Environmental Standards.

- a. Emergency Services. The large-scale ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Chief of the Marlborough Fire Department. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the large-scale ground-mounted photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

- b. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and ordinances.

K. Monitoring and Maintenance.

- a. Large-scale Ground-mounted Solar Photovoltaic Installation Conditions. The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and emergency medical services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access or through road(s). Landscaping and fencing, including vegetation used for screening, shall be maintained in good condition.
- b. Modifications. After the required permits have been issued, the Building Commissioner may approve minor non-material modifications to a large-sale ground-mounted solar photovoltaic installation. All major material modifications to a large-scale ground-mounted solar photovoltaic installation made after issuance of the required permits shall require approval by Site Plan Review.

L. Abandonment or Decommissioning.

- a. Removal Requirements. Any large-scale ground-mounted solar photovoltaic installation which has been discontinued by reaching the end of its useful life, reaching the end of a lease term without renewal or extension, or having been abandoned (as provided in paragraph L.b. herein) shall be removed as herein provided. The owner or operator shall physically remove the installation no more than 150 days after the date of said discontinued operations. The owner or operator shall notify Site Plan Review by certified mail of the proposed date of discontinued operations and plans for removal by decommissioning. Decommissioning shall consist of:
  - i. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
  - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion, including use of any remaining topsoil stockpiled on site. Site Plan Review may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

- b. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar photovoltaic installation shall be considered abandoned when it fails to operate for more than six months without the written consent of the Building Commissioner. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation.
  
- c. Financial surety. Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through a cash escrow account with interest retained for escalating decommissioning costs, bond or otherwise, to cover the cost of removal in the event that the City must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by Site Plan Review, but in no event in excess more than 125% of the cost of removal and compliance with additional requirements set forth herein, as determined by Site Plan Review. Such surety will not be required for municipally owned or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. Site Plan Review may request the proponent to provide an update of the fully inclusive estimate of costs associated with removal every five years following the issuance of a building permit. Site Plan Review may require the proponent to provide additional surety based on the updated cost estimate.

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

**EXHIBIT A**

The newly established Large-scale Ground-mounted Solar Photovoltaic Overlay District shall include all or portions of the properties shown on the Zoning Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

Assessors Map 98, Parcel 8

Assessors Map 98, Parcel 7A

Assessors Map 98, Parcel 9

Assessors Map 98, Parcel 10

Assessors Map 108, Parcel 1

Assessors Map 108, Parcel 2

Assessors Map 109, Parcel 1

Assessors Map 109, Parcel 5

ADOPTED

In City Council  
Order No 18-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



# Proposed Large-scale Ground-mounted Solar Installation Overlay District

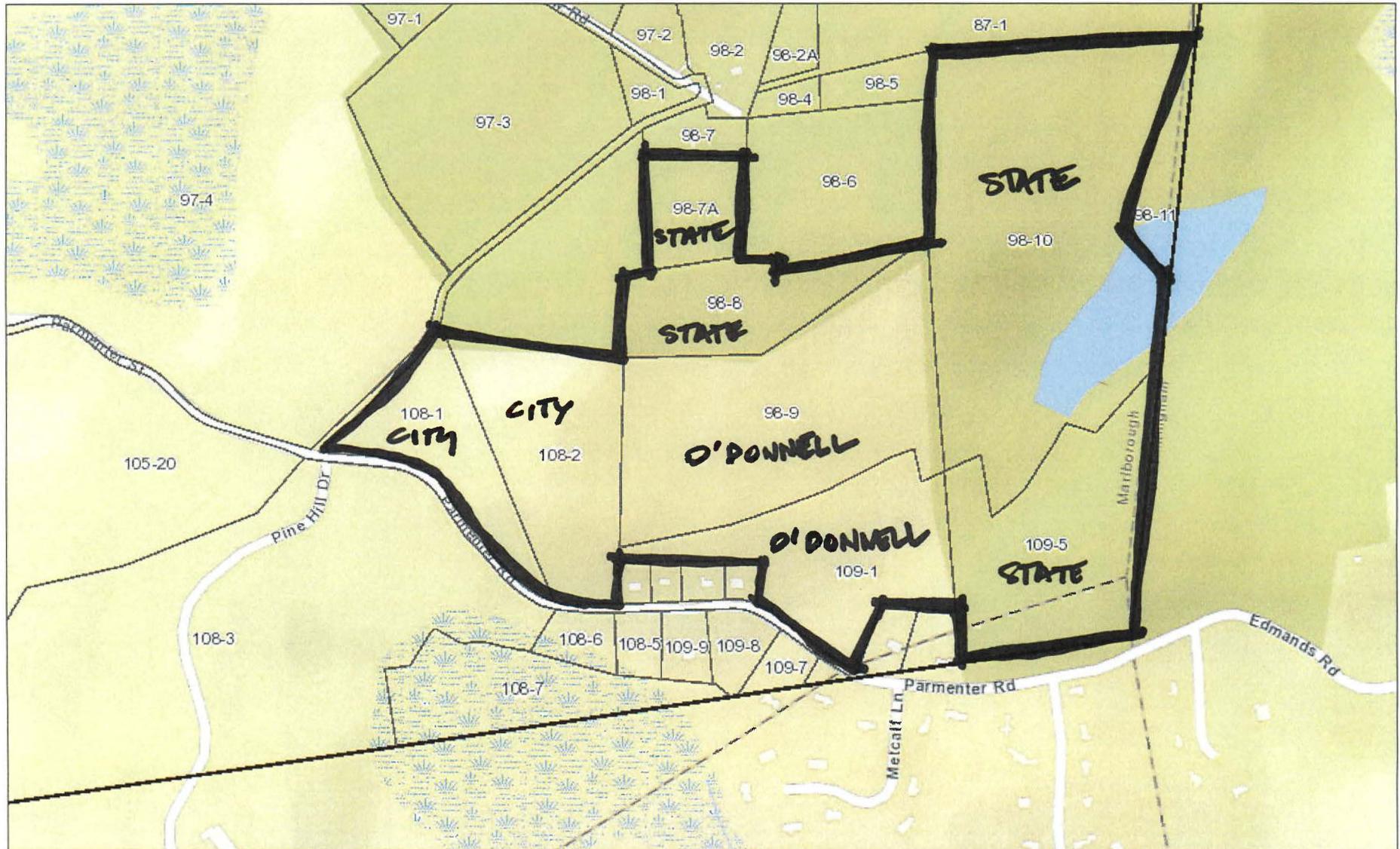
Marlborough, MA



July 18, 2018

1 inch = 537 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

---

**MIRICK O'CONNELL**

ATTORNEYS AT LAW

**RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH****2018 JUL 17 A 9 56****Brian R. Falk**  
Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477  
bfalk@mirickoconnell.com  
t 508.929.1678  
f 508.983.6256

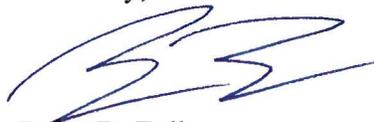
July 17, 2018

**HAND DELIVERED**Councilor Edward Clancy, President  
Marlborough City Council  
City Hall  
Marlborough, MA 01752Re: Site Plan Application Fee for E on Main;  
Order No. 18-1007135 (X16-1006668)

Dear Councilor Clancy:

Enclosed please find an application fee in the amount of \$7,146.98 for the Site Plan application filed by Vincenza Sambataro for the E on Main project.

Sincerely,



Brian R. Falk

BRF/

cc: Client

---

**MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP**

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

E ON MAIN STREET LLC  
VINCENZA SAMBATARO  
22 INDIAN ROCK ROAD  
WAYLAND, MA 01778-0000

53-7185/2113  
DATE 6/30/18

Check No. 1008

PAY TO City of Marlborough \$7,146.98  
THE ORDER OF  
Seven thousand one hundred <sup>and</sup> thirty six <sup>and</sup> 98/100 DOLLARS

Security Features  
Included.  
Details on Back.



307 Auburn Street, Auburndale, MA 02466

MEMO filings fee EonMain

*[Signature]*

MP

⑆ 211371858⑆ 5601027990⑈ 1008

SPECIALTY BLUE

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 JUL 10 A 11:45

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Ninja Twins, LLC (Paul Scalzi - Owner)

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

19 Brigham Street #8

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

Ivy Realty

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

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

Article 650 Section 17 Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_

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

I

7. Specific reason(s) for seeking Special Permit

Recreation center Industrial Zone

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

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

[Signature]  
Signature of Petitioner or Applicant

Address: 121 LEE DRIVE  
CONCORD MA 01742

Telephone No. 978 505 7076

Date: \_\_\_\_\_

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

Ninja Twins, LLC (Paul Scalzi - Owner)  
(Name of Petitioner)

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

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

**SPECIAL PERMIT-SUMMARY IMPACT STATEMENT**Applicant's Name: Paul Scalzi Address: 121 Lee Drive, Concord 01742Project Name: Ninja Twins, LLC Address: 19 Brigham Street #81. PROPOSED USE: (describe) gym for children2. EXPANSION OR NEW: renovation - new3. SIZE: floor area sq. ft. 6,054 1<sup>st</sup> floor 6,054 all floors 6,054  
# buildings 1 # stories 1 lot area (s.f.) \_\_\_\_\_

4. LOT COVERAGE: \_\_\_\_\_ % Landscaped area: \_\_\_\_\_ %

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

Normal: 20 Peak period: 35

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 6 Peak period: 10

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

none7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? spot light at entry.no light will leave property

8. NOISE:

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

there should be limited noise other than cars pulling up(B) Describe any major sources of noise generation in the proposed development and include their usual times of operation. none9. AIR: What sources of potential air pollution will exist at the development? none10. WATER AND SEWER: Describe any unusual generation of waste. none11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? none**\*Attach additional sheets if necessary**



**CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall  
140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: \_\_\_\_\_

**SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Ninja Twins, LLC

Project Use Summary: renovation of interior of 19 Brigham St. #8

Project Street Address: 19 Brigham Street #8

Plate: 104 Parcel: 2A

Applicant/Developer Name: Ninja Twins, LLC

Plan Date: \_\_\_\_\_ Revision Date: \_\_\_\_\_

Dear President and Members:

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

Very truly yours,

Jeffrey K. Cooke  
Acting Director of Planning

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

\$250

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

**Lisa M. Thomas  
City Clerk**



Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

**PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.**

- 1 SET POLICE CHIEF DAG
- 1 SET FIRE CHIEF KB
- 1 SET CITY ENGINEER ALM
- 1 SET DIRECTOR OF PLANNING (Signature)
- 1 SET CONSERVATION OFFICER (IF WETLANDS AFFECTED) n/a
- 1 SET BUILDING COMMISSIONER (Signature)
- 12 SETS OFFICE OF THE CITY COUNCIL AC
- 3 SETS OFFICE OF THE CITY CLERK (Signature) **(MUST be Original & 2 Complete Sets)**

(Signature)  
Signature

7.10.18  
Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas  
City Clerk*

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

**Lisa M. Thomas  
City Clerk**



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

**Company Name**

Ninja Twins, LLC

**Owner Name/Officer Name of LLC or Corporation**

Paul Scalzi

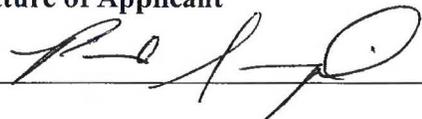
**Owner/Officer Complete Address and Telephone Number**

Paul Scalzi 978-505-7076

121 Lee Drive

Concord, MA 01742

**Signature of Applicant**



**Attorney on behalf of Applicant, if applicable**

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

Eileen Bristol

**Tax Collector**

JEFFREY COOKE, C.B.O.  
BUILDING COMMISSIONER

PATRICK DAHLGREN  
ASSISTANT BUILDING  
COMMISSIONER

WILLIAM PAYNTON  
LOCAL BUILDING INSPECTOR

RICHARD DESIMONE  
PLUMBING & GAS INSPECTOR

JOHN CAIN  
WIRING INSPECTOR



# City of Marlborough

## BUILDING DEPARTMENT

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

### ZONING DENIAL

June 26, 2018

**Applicant**

Paul Scalzi DBA Ninja Twins  
121 Lee Drive  
Concord, MA 01742

**Owner**

Ivy Brigham Property, Inc.  
102 Chestnut Ridge Road, Ste. 204  
Montvale, NJ 07645

Mr. Scalzi:

Your application to operate a “gym for children” at 19 Brigham Street, Unit #8, Marlborough, MA Parcel ID #104-2A, located in the Industrial zoning district (I) is denied as it does not comply with Chapter 650- 17 of City Code of Marlborough. The “Table of Uses” states that your use requested, a “public, private or commercial recreation establishment” in the Industrial zoning district requires a “Special Permit” (SP) issued by the Marlborough City Council.

Your use requested requires special permit issued by the Marlborough City Council.

You have the right to continue to the Marlborough City Council (SPGA) for a Special Permit as stated in the City Code section 650-12B or you have the right to appeal this decision to the Zoning Board of Appeals as per section 650-58.

An appeal from this denial for a SP may be taken to the Marlborough City Council by filling a Notice of Appeal with the City Clerk within 30 days of the date of this denial letter. Further information should be obtained from the Marlborough City Council.

The code in its entirety may be found at [www.ecode360.com/MA1056](http://www.ecode360.com/MA1056)  
In your appeal, you may request a Special Permit (SP).

Sincerely,

Jeffrey Cooke, C.B.O.  
Building Commissioner  
Zoning Enforcement Officer

# Existing Building Investigation and Evaluation Report Prescriptive Compliance Method

## USA Ninja Challenge

19 Brigham Street, Unit #8

Marlborough, MA 01752

19 Brigham Street – Aerial Photograph





Unit #8

Prepared by:

John C. Lyon, R.A.  
3 Rowley Road  
Topsfield, MA 01983

14 June 2018

---

**Existing Conditions...**

- Owner of Building.....Ivy Brigham Property LLC
  - ..... 102 Chestnut Ridge Rd, #204
  - ..... Montvale, New Jersey 07645
- . Construction Type IIIA:
  - . Walls.....Split-faced concrete masonry units
  - . Roof.....Flat, EPDM, interior roof drains
  - . Super-Structure.....Galvanized steel beams and joist,  
galvanized steel columns @ 25'-0" x 30'-0" +/- on-center, 1-hour rated
  - . Interior Walls.....gypsum board
- . Building Height above Grade Plane...55'-5", 1 stories
- Existing Use Group.....B Business/S1 Moderate Hazard Storage

14 June 2018

- Year Built..... 1984
- Book & Page..... 64656/ 594
- Parcel ID..... 104 2A
- Land Area of Project..... 3.78 Acres / 164,657 sq ft
- Gross Area of Building..... 67,964 sq ft
- Occupancy Load of this Project..... 680 calculated @ 100 gsf/occupant
- Zoning..... I Industrial
- Existing marked on-site parking..... 50 spaces in front; 51 spaces in rear + truck bays
- Fire Department Access..... Front, Left Side, Rear
- Building Fire Protection..... Wet NFPA 13 sprinkler system/concealed
- Means of Egress..... 3
- Building Accessibility..... Fully 521 CMR compliant at front entry
- Energy Conservation Conditions and Requirements:**  
 In compliance with 2007 requirements
  - Walls..... Split-faced CMU with interior metal furring and fiberglass batt insulation
  - Roof..... Flat EPDM Roof sloped with tapered rigid board insulation and interior rain leaders
  - Windows..... Insulating glass
- Hazardous Materials..... None, unless special-permitted for individual tenant

National Flood Hazard Layer FIRMette



Legend

- SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIS PANEL LAYOUT
- SPECIAL FLOOD HAZARD AREAS**
    - Without Base Flood Elevation (BFE) Zone 1, 2, X, Y, Z
    - With BFE or Depth Zone 1, 2, X, Y, Z
    - Regulatory Floodway Zone 1, 2, X, Y, Z
  - OTHER AREAS OF FLOOD HAZARD**
    - 0.2% Annual Chance Flood Hazard. Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. Zone 1
    - Future Conditions 2% Annual Chance Flood Hazard Zone 1
    - Area with Reduced Flood Risk due to Levee. See Notes. Zone 1
    - Area with Flood Risk due to Levee. Zone 1
  - OTHER AREAS**
    - Area of Minimal Flood Hazard Zone 1
    - Effective LOMRs
    - Area of Undetermined Flood Hazard Zone 1
  - GENERAL STRUCTURES**
    - Channel, Culvert, or Storm Sewer
    - Levee, Dike, or Floodwall
  - OTHER FEATURES**
    - Cross Sections with 2% Annual Chance Water Surface Elevation
    - Coastal Transect
    - Base Flood Elevation Line (BFE)
    - Limit of Study
    - Jurisdiction Boundary
    - Coastal Transect Baseline
    - Profile Baseline
    - Hydrographic Feature
  - MAP PANELS**
    - Digital Data Available
    - No Digital Data Available
    - Unmapped



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The base map shown complies with FEMA's base map accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/9/2018 at 10:20:43 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: base map imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

- Flood Zone..... FEMA Zone X – Area of Minimal Flood Risk
- Wetlands..... None

Proposed...

No changes to exterior building envelope, building superstructure, windows, doors (except as noted), fire suppression system, access, egress, site parking, HVAC system

Proposed Use Groups.....B Business and A3 Assembly

Tenant's Website (<http://www.usaninjachallenge.com/>) Description of Program...

- The program is designed to meet the requirements of a full physical fitness program for today's youth. We incorporate standard gymnastics apparatus including rings, bars, balance beams and tumbling surfaces. Other specialized ninja training equipment is also used, such as cargo nets, traverse walls, slack lines, ropes, ladders and warp walls. Each portion of every obstacle course also includes corresponding conditioning and flexibility stations. The desired result of this program is to improve children's strength, flexibility and all-around athleticism.
- Junior Ninja (4-5 year-olds) is a lead up to the full-sized obstacles that are used in the Ninja Challenge. 4 and 5 year-olds develop their ninja skills with smaller, easy-to-negotiate obstacles until they are ready for the full-scale equipment.

Total Areas and Calculated Occupancies of this Project:

Rear Exercise Room Use.....3,763 gross sq ft  
Front Business Use.....2,217 gross sq ft

Calc. Exercise Room Occupancy Load....76 people @ 50 gsf/person  
Calculated Business Occupancy Load.....23 people @ 100 sq ft/person



# 400 foot Abutters List Report

Marlborough, MA  
May 24, 2018

MARLBOROUGH ASSESSORS

16-12

*Anthony C. Amore Jr.*  
*William K. Silverstein*  
*David May Jr.*

### Subject Property:

Parcel Number: 104-2A  
CAMA Number: 104-2A  
Property Address: 19 BRIGHAM ST

Mailing Address: IVY BRIGHAM RPROPERTY LLC  
102 CHESTNUT RIDGE RD STE 204  
MONTVALE, NJ 07645

### Abutters:

Parcel Number: 104-2  
CAMA Number: 104-2  
Property Address: 41-53 BRIGHAM ST

Mailing Address: IVY BRIGHAM PROPERTY LLC  
102 CHESTNUT RIDGE RD STE 204  
MONTVALE, NJ 07645

Parcel Number: 104-24  
CAMA Number: 104-24  
Property Address: 82 BRIGHAM ST

Mailing Address: EMPLOYMENT OPTIONS INC  
82 BRIGHAM ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-25  
CAMA Number: 104-25  
Property Address: 56-66 BRIGHAM ST

Mailing Address: 56-60 BRIGHAM STREET REALTY LLC  
322 DAVIS ST  
NORTHBOROUGH, MA 01532

Parcel Number: 104-26  
CAMA Number: 104-26  
Property Address: 50 BRIGHAM ST

Mailing Address: PEARLSTEIN ALDEN TR  
232 PINE RANCH TRAIL  
OSPREY, FL 34229

Parcel Number: 104-26A  
CAMA Number: 104-26A  
Property Address: BRIGHAM ST

Mailing Address: PEARLSTEIN ALDEN TR  
232 PINE RANCH TRAIL  
OSPREY, FL 34229

Parcel Number: 104-27  
CAMA Number: 104-27  
Property Address: 38 BRIGHAM ST

Mailing Address: KI NEMA REALTY LLC  
38 BRIGHAM ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-29  
CAMA Number: 104-29  
Property Address: 20 BRIGHAM ST

Mailing Address: VIGEANT STEPHEN TR  
PO BOX 57  
MARLBOROUGH, MA 01752

Parcel Number: 104-29A  
CAMA Number: 104-29A  
Property Address: MILL ST SOUTH

Mailing Address: VIGEANT STEPHEN TR  
PO BOX 57  
MARLBOROUGH, MA 01752

Parcel Number: 104-2C  
CAMA Number: 104-2C  
Property Address: 61 BRIGHAM ST

Mailing Address: MARLBOROUGH BRIGHAM LLC  
100 NORTH ST ATTN SUPERIOR  
PRINTING INK  
TETERBORO, NJ 07608

Parcel Number: 104-3  
CAMA Number: 104-3  
Property Address: 57 BRIGHAM ST

Mailing Address: KENNEY ISABEL D LI EST  
57 BRIGHAM ST  
MARLBOROUGH, MA 01752



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# 400 foot Abutters List Report

Marlborough, MA  
May 24, 2018

Parcel Number: 104-30  
CAMA Number: 104-30  
Property Address: 181 MILL ST SOUTH

Mailing Address: SUNSET ROCK LLC  
1471 METHUEN ST  
DRACUT, MA 01826

Parcel Number: 104-39  
CAMA Number: 104-39  
Property Address: 168 MILL ST SOUTH

Mailing Address: MERCURI-IPPOLITO GINA  
168 MILL ST SOUTH  
MARLBOROUGH, MA 01752

Parcel Number: 104-3A  
CAMA Number: 104-3A  
Property Address: 65 BRIGHAM ST

Mailing Address: BUSA JOSEPH D  
65 BRIGHAM ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-40  
CAMA Number: 104-40  
Property Address: 150 MILL ST SOUTH

Mailing Address: ARCIERI ROBERT TR  
75 EAST MAIN ST  
WESTBOROUGH, MA 01581

Parcel Number: 104-41  
CAMA Number: 104-41  
Property Address: 148 MILL ST SOUTH

Mailing Address: ARCIERI ROBERT TR  
75 EAST MAIN ST  
WESTBOROUGH, MA 01581

Parcel Number: 104-42  
CAMA Number: 104-42  
Property Address: 417 MAPLE ST

Mailing Address: A & S DEVELOPMENT LLC  
186 MAIN ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-42A  
CAMA Number: 104-42A  
Property Address: 433 MAPLE ST

Mailing Address: ARCIERI ROBERT TR  
75 EAST MAIN ST  
WESTBOROUGH, MA 01581

Parcel Number: 104-43  
CAMA Number: 104-43  
Property Address: 115 MILL ST SOUTH

Mailing Address: ELMS AUBREY E  
1 BRIGHAM ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-48  
CAMA Number: 104-48  
Property Address: 1 BRIGHAM ST

Mailing Address: ELMS AUBREY E  
1 BRIGHAM ST  
MARLBOROUGH, MA 01752

Parcel Number: 104-49  
CAMA Number: 104-49  
Property Address: MILL ST CENTRAL

Mailing Address: SLAAM LLC  
15 FORBES AVE  
MARLBOROUGH, MA 01752

Parcel Number: 104-50  
CAMA Number: 104-50  
Property Address: 87 MILL ST CENTRAL

Mailing Address: SLAAM LLC  
15 FORBES AVE  
MARLBOROUGH, MA 01752

Parcel Number: 104-51  
CAMA Number: 104-51  
Property Address: 109 MILL ST SOUTH

Mailing Address: B & B WHOLESALE TIRE CO  
109 MILL ST SOUTH  
MARLBOROUGH, MA 01752



www.cai-tech.com

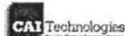
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# 400 foot Abutters List Report

Marlborough, MA  
May 24, 2018

Parcel Number: 104-52 CAMA Number: 104-52 Property Address: MILL ST SOUTH	Mailing Address: B & B WHOLESALE TIRE CO 109 MILL ST SOUTH MARLBOROUGH, MA 01752
Parcel Number: 104-53 CAMA Number: 104-53 Property Address: 415 MAPLE ST	Mailing Address: VIGEANT JOAN M TR 3 LAUREL ST PAXTON, MA 01612
Parcel Number: 93-14 CAMA Number: 93-14 Property Address: 413-417 SOUTH ST	Mailing Address: MARLBOROUGH SOUTH 417 CPI LLC 43 BROAD ST HUDSON, MA 01749
Parcel Number: 93-15 CAMA Number: 93-15 Property Address: 35 MILL ST CENTRAL	Mailing Address: FLORIO JAMES D TR 63 SHERBURN CIR WESTON, MA 02493
Parcel Number: 93-15A CAMA Number: 93-15A Property Address: MILL ST CENTRAL	Mailing Address: MARLBOROUGH SOUTH 417 CPI LLC 43 BROAD ST HUDSON, MA 01749
Parcel Number: 93-48 CAMA Number: 93-48 Property Address: 83 MILL ST CENTRAL	Mailing Address: SKB DEVELOPMENT LLC 103 MECHANIC ST UNIT E2 MARLBOROUGH, MA 01752
Parcel Number: 93-49 CAMA Number: 93-49 Property Address: MAPLE ST	Mailing Address: COMMONWEALTH OF MASSACHUSETTS 10 PARK PLAZA STE 4160 BOSTON, MA 02116
Parcel Number: 93-50 CAMA Number: 93-50 Property Address: 413 MAPLE ST	Mailing Address: COMMONWEALTH OF MASSACHUSETTS 10 PARK PLAZA STE 4160 BOSTON, MA 02116
Parcel Number: 93-66A CAMA Number: 93-66A Property Address: 412 MAPLE ST	Mailing Address: NOLAN CASSIDY MAPLE STREET LLC 24 ANNIE MOORE RD BOLTON, MA 01740
Parcel Number: 93-67A CAMA Number: 93-67A Property Address: 420 MAPLE ST	Mailing Address: MARLBOROUGH MAPLE REAL ESTATE TR PO BOX 95 ATTN CREATIVE DEVELOPMENT NEWTON UPPER FALLS, MA 02464
Parcel Number: 93-68 CAMA Number: 93-68 Property Address: 418 MAPLE ST	Mailing Address: NOLAN CASSIDY MAPLE STREET LLC 24 ANNIE MOORE RD BOLTON, MA 01740



www.cai-tech.com

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5/24/2018

Page 3 of 3

**Lisa Thomas**

---

**From:** City Council  
**Sent:** Friday, June 29, 2018 3:35 PM  
**To:** Lisa Thomas  
**Cc:** Steven Kerrigan; Sara Corbin; Ed Clancy  
**Subject:** For July 23, 2018 Agenda: Communication from Paul Goldman of 137 Second Road in opposition to Special Permit to expand house at 21 Patten Drive.  
**Attachments:** Special Permit Patten Dr 618.pdf

**From:** Paul Goldman <[goldmap@verizon.net](mailto:goldmap@verizon.net)>  
**Sent:** Thursday, June 28, 2018 6:10 PM  
**To:** [citycouncil@marlborough-ma.gov](mailto:citycouncil@marlborough-ma.gov); [irishclanc@verizon.net](mailto:irishclanc@verizon.net)  
**Subject:** Re: Special Permit Follow Up

Hi Ed and Karen,

Please find attached my letter of opposition to the Special Permit on Patten Drive.

Please confirm receipt.

Thanks for your help on this matter.

Regards,  
Paul

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 JUN 29 P 3:45

Dr. Paul D. Goldman  
137 Second Road  
Marlborough, MA 01752  
508-481-3675  
goldmap@verizon.net

June 28, 2018

President Councilor Clancy  
City Council  
140 Main Street  
2nd Floor  
Marlborough, MA 01752

Subject: Opposition to Special Permit for 21 Patten Drive

Dear President Councilor Clancy,

I wish to express my opposition to the Special Permit for 21 Patten Drive, on Map 5, Parcel 80.

As I stated at the Public Hearing on June 18<sup>th</sup> to the City Council, the lot is too small for the proposed new house. It will mean building closer to the borders than currently allowed, and I do not want to see a precedence set by this case.

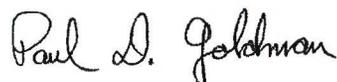
While the existing home is in disrepair and a new structure is welcome; I have seen the impact of neighborhoods that squeeze large homes onto small lots, and I do not want that for our neighborhood. I have lived here over 35 years, and love this neighborhood. This is also the first Special Permit that I can recall being sent to me in all these years, even though new construction has occurred near me. It suggests that others have complied with the current zoning regulations. I would like the new homeowners to do the same.

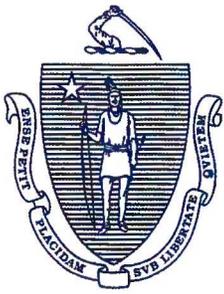
I request that you present this letter to the City Council and the Urban Affairs Committee.

Please let me know if you have any questions or would like to discuss this matter further.

Thank you for your continued support and leadership in our community.

Sincerely,





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

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



COMMISSION CHAIRMAN  
RICHARD DAY

EXECUTIVE DIRECTOR  
TIMOTHY D. DESCHAMPS

2018 JUN 22 A 11:31  
RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

June 20, 2018

City of Marlboro  
Health Department  
Marlboro, MA 01752

Central Massachusetts Mosquito Control Project personnel will be in your community to respond to residents' concerns about mosquitoes in their area on the following dates in July:

**July 5, 11, 18, 25**

**Any dates in July are very tentative**, and all dates are subject to change due to weather conditions, mosquito populations, mosquito virus activity and/or special event spraying. This program will shut down when cool night time temperatures become predominant in the area. A detailed notice about our spray schedule is posted on the CMMCP phone system after 3:30 p.m. each day, and it is also listed on our website at <http://www.cmmcp.org/pesticide.htm>.

Requests for service may be recorded by calling the CMMCP office at (508) 393-3055 between 7:00 AM - 3:30 PM, Monday through Friday, or logging on to <http://www.cmmcp.org>. Results of these requests may initiate an application of mosquito insecticides to defined, site-specific areas of town. Such an application may be accomplished by using hand or truck mounted equipment depending on the extent of the application.

Per 333CMR13.03(1)(a): "Wide Area Applications of pesticides and mosquito control applications of pesticides approved by the State Reclamation and Mosquito Control Board shall not be made to private property which has been designated for exclusion from such application by a person living on or legally in control of said property." For more information please check: <http://www.cmmcp.org/exclusion.htm>.

Please list this information in the local newspapers and on the local cable access channels if possible. Thank you for your assistance.

Sincerely,

*Timothy D. Deschamps*

Executive Director

cc: City/Town Clerk  
Police Department

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

**RECEIVED**  
**CITY CLERK'S OFFICE 1A**  
**CITY OF MARLBOROUGH**

**2018 JUN 15 P 4:05**

**May 21, 2018**

**Call to Order**

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3<sup>rd</sup> Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, Colleen Hughes, Phil Hodge, George LaVenture, Greg Gallagher, and Chris Russ. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider, and Planning Board Administrator, Krista Holmi.

**1. Meeting Minutes**

**A. May 7, 2018**

Following a brief discussion about minor changes to the draft minutes, on a motion by Mr. Gallagher, seconded by Mr. Russ, the Board voted to accept and file the amended minutes of May 7, 2018. Motion carried.

**2. Chair's Business**

**A. Review of letter from Attorney Brian Falk of Mirick O'Connell requesting a date change for the public hearing of Council Order 18-1007224, Ancillary Auto Sales, from June 4, 2018 to July 23, 2018. There were no member objections to this change. The public hearing was rescheduled to July 23, 2018.**

**B. Chairperson Fenby indicated that she and Mr. Fay attended a meeting with the Marlborough Economic Development Corporation (MEDC) and the Metropolitan Area Planning Council (MAPC) prior to the Planning Board meeting. An overlay district is contemplated for the Lincoln St. area from the Rail Trail to roughly the Armory. Ideas were shared on what types of development may be desired and what makes sense for the area. MEDC has also issued a Request for Proposals to redevelop 5 parcels near the Lincoln St. Rail Trail head. Visit the MEDC Website to view the Request for Proposals.**

**<http://marlboroughedc.com/rfp-french-hill-development-marlborough-ma/>**

**3. Approval Not Required**

**A. 615 Williams St.- Engineer Bruce Saluk and Associates, Inc. on behalf of Williams Street Holdings, LLC.**

Mr. Saluk appeared before the Board to present the ANR plan on Williams St. Mr. Saluk indicated that the purpose of the plan was to record a plan signed by the Planning Board. Chairperson Fenby commented that the plan was not a typical ANR submission. There were no changes to any lot lines on the parcel. Mr. Saluk remarked that a recorded plan was the desired outcome. On a motion by Mr. Fay, seconded by Ms. Hughes, the plan was referred to Engineering. Motion carried.

**B. 421 Bolton St. – Mirick O'Connell and Control Point Associates on behalf of Richard and Jill Cochrane and the City of Marlborough. ANR plan at 421 Bolton St., the proposed site of Benchmark Senior Living (BSL).**

Attorney David McCay of Mirick O'Connell presented the plan. Mr. McCay explained that the ANR creates two parcels A and B. Parcel A becoming a portion of Lot 1, and Parcel B becoming part of Lot 2. Lots 1 and 2 (excluding Parcels A & B) will be conveyed from the Cochranes to BSL Marlborough Development LLC. Parcels A & B to be conveyed from the City of Marlborough to BSL Marlborough Development LLC with sewer easement rights retained by the City. Lot 2, consisting of approximately 10 acres will be conveyed from BLS Marlborough Development LLC to the City of Marlborough. On a motion by Ms. Hughes and seconded by Mr. LaVenture, the Board voted to refer the ANR to Engineering. Motion carried.

As time allowed, item 5A, Engineer's Report was moved up on the agenda.

**5. Pending Subdivision Plans: Updates and Discussion**

**A. Subdivision Status Report- Engineer's Report**

City Engineer DiPersio informed the Board that Solicitor Rider had submitted a proposed Council order (20181007285) to accept Slocumb Lane as a public way, along with its appurtenant easement as a municipal easement. The acceptance plan and a copy of the signed deed including legal descriptions was part of the package. The matter will be referred to the Planning Board and the City Council's Public Services Committee for consideration.

#### 4. Public Hearings

A. Public Hearing: Subdivision Definitive Plan of Land – Subdivider, Marlborough Hub, LLC; Project Engineer, Hancock Associates; Project Site (Pettes Road) Area of Valley St. and Howe St. described in the Middlesex South Registry of Deeds Book 64574, page 193 and Map 82, Parcel 125 in the City Assessor's Maps. Chairperson Fenby opened the hearing at 7:10 p.m. Ms. Hughes read the public hearing legal notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

##### **Presentation:**

Joe Peznola and Jacob Lemieux of Hancock Associates, 315 Elm St., represented the project on behalf of Marlborough Hub, LLC. Mr. Peznola described the project as 1.9 acres in the vicinity of Valley and Howe St. The proposed project is bound on the east by the Design Pak Lofts, to the south by Valley St., to the north by a paper street and the John St. Park, and the west by a paper street. Mr. Peznola asserts that his client owns the rights to the center line of the paper street under the "derelict fee statute", and may, by right, use and improve the way as designed in the plan. In a previous design, infrastructure was included in an adjacent industrial parcel owned by the applicant. This plan was "retooled" and there are no buildings or drainage on the adjacent industrial land. Mr. Peznola stated that the ownership and rights were vetted through City Council and the City Solicitor's Office.

Jacob Lemieux of Hancock Associates described the underground infiltration system designed for the project. He also stated that three of the four parcels would be hooked up to a gravity sewer system. One property is down grade, and will require a pump system. He restated that drainage is designed outside the industrial land.

Mr. Peznola returned to discuss the requested waivers. 1) Requesting a waiver of design standards "property lines at street intersections shall have a radius equal to 30' at intersections involving a major street and 25 feet at other intersections". Request - No property line radius at intersection.

2) A waiver to the subdivision regulations design standards. "The minimum width of rights-of-way shall be as follows: secondary streets: 50 feet. Request is for 40 feet. Q: Ms. Fenby asked whether they had additionally provided a plan showing a standard 50' layout. A: Mr. Peznola responded that the plan shows the layout of 40'. 3) A waiver to the subdivision regulations design standards. ..." The horizontal tangent distance between any two reverse vertical curves shall be a minimum of one hundred feet." Request – A horizontal tangent distance of 53.4 feet. Mr. Peznola explained that care will be taken at Valley Street with about a 3% grade. The grade at the other end must match existing driveways of lots on the west side. 4) A waiver to the subdivision regulations design standards: "Unless otherwise specified by the Planning board, the sidewalks shall extend the full length of each side of the street..." Request – A sidewalk is proposed the full length of one side of the street.

Larry Reeves, project architect, discussed the proposed duplex design. He said they are modeled in a traditional "cottage style" with two car garages in the center of the duplex. This design maximizes exterior exposure to the living spaces. Units will be +/- 2400 ft<sup>2</sup>. The height from grade to ridge is about 30'.

##### **Speaking in Favor: Speaking in Opposition:**

No person spoke in favor or in opposition to the proposal.

**Questions and Comments from Board Members:**

Mr. LaVenture asked whether the Fire Chief had weighed in on the proposal. Mr. LaVenture specifically asked about the turning radius with respect to the access by firefighting apparatus. Mr. Peznola indicated that the Fire Chief has not yet provided comments, but that he has a plan and the opportunity to comment. The Board questioned why the "t-section" should not be considered a dead end. Mr. Peznola said that the t-section is akin to a driveway to the fourth duplex unit. The area could be widened in the "t area" to allow for a fire truck.

Frontage shown on lot is only 74.91'. 100' is required. A portion of the "t area" is needed for frontage. Mr. Fay asked what could be built as a matter of right without waivers. Mr. DiPersio indicated that 28' of pavement is the requirement. The proponent had previously indicated that the private sewer services would be replaced. Mr. DiPersio asked whether easements had been gained to secure rights to existing infrastructure (sewer connections). The applicant's representative indicated that those easements had not yet been secured.

On a motion by Mr. LaVenture and seconded by Mr. Fay, the Board voted to refer the matter to Engineering. Motion carried. On a motion by Mr. LaVenture and seconded by Mr. Russ, the Board voted to refer the matter to the City's Legal Department. Motion carried.

Following the public hearing, it was pointed out to Solicitor Rider that the subdivision applicant may have been recording audio and/or video of the proceedings without declaration or consent. The Board briefly recessed. Solicitor Rider returned with the applicant, identified as Matthew Evangelous, and requested a public statement whether the applicant had, or had not, obtained audio or video recordings of the public hearing. The applicant stated for the record that he had not obtained any recordings of the hearing.

**6. Preliminary/Open Space/Limited Development Subdivisions****A. 72 Hager St. Open Space Special Permit Pre-Application Review**

Peter Bemis from Engineering Design Consultants returned to the Board to introduce a new proposal for the 72 Hager St. land. He had previously submitted an open space subdivision with multiple waiver requests. That plan was withdrawn without prejudice. The new proposed plan will have three lots with frontage along Hager St. with a dedicated open space parcel that will be protected in perpetuity. Grazing of cows would be proposed on the open space and a barn to house the animals would be constructed on private property. Total acreage of the parcels in question is 5.9 acres. The open space management would be detailed in a homeowners' association document. A special permit issued by the Planning Board is required. The Board initially felt it was premature for Mr. Bemis to come before the Board, since the Conservation Commission must also weigh in on whether the land proposed for cow grazing meets the criteria to be considered as open space. City Engineer DiPersio indicated that he advised Mr. Bemis that coming before the Board with Engineering present would meet the intent of the pre-application review, but Mr. Bemis must follow up with the Conservation Commission to validate that the open space meets the necessary criteria. Mr. Bemis will follow up with Conservation Officer, Priscilla Ryder, prior to submission of the special permit application. Mr. Bemis intends to submit the application for a special permit at the next meeting of the Planning Board.

**7. Definitive Subdivision Submission (None)****8. Signs (None)****9. Informal Discussion****A. Multi-Family Development Review Criteria and Design Guidelines (Draft)**

On a motion by motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to table item 9A. Carried.

**10. Unfinished Business**

A. Proposed Zoning Amendment, Article VI, Section 650-22 – Retirement Community Overlay District, 90 Crowley Drive. Order 18-1007198.

On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to make a *conditional* favorable recommendation to the City Council for the proposed zoning amendment. Motion Carried.

The Board provided the following reasons in reaching its recommendation:

- The developer established that the proposed overlay district would result in a development meeting a demonstrated need for a diversified housing stock in the City of Marlborough;
- The developer established that the proposed overlay district would benefit the City by providing an age-restricted (Age 55+) housing option with a positive fiscal impact to the City of Marlborough;
- The developer established to the Board's satisfaction that the proposed overlay district fits into the neighborhood, and in the Board's opinion, approval of the overlay district for this area would not unduly burden abutters.

While the Planning Board favorably views the amendment of the Retirement Community Overlay District for the Crowley Drive area, the Planning Board recommends additional restrictions to provide further City protections:

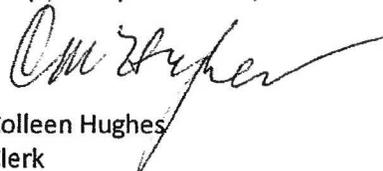
- In Section 3.D. (2) The Planning Board favors restricting units to studio, one (1), two (2) and two (2) bedroom with a study;
- In Section 3 D. (5) *No part of any principal building in a multifamily retirement community shall be less than 25 feet from any exterior lot line or less than 50 feet from a public way.* The Board's consensus is that these limits may be appropriate for the proponent's development, but the restriction provides too little protection for potential abutters in other areas of the City.
- In Section 3. D. (10) *A minimum of 1.0 parking space per dwelling unit shall be provided in a multifamily retirement community.* The Board's consensus it that (1) parking spot per dwelling unit is inadequate.
- The Board would prefer a proposal that would apply only to contiguous parcels in the Crowley Drive neighborhood, and not one that would allow the contemplated multi-family units in other parts of the City. Although the consensus of the Board was that the developer met its burden as outlined above, the Board did not favor an amendment that would apply to other areas of the City, and members expressed concern that the proposed amendment could be used as basis for less desirable multi-family units that would not be appropriate in other areas of the City.

**11. Correspondence: (None)****12. Public Notices of other Cities and Towns: (None)**

Adjournment: On a motion made by Mr. Gallagher, seconded by Mr. Russ, it was voted to adjourn at 8:45 pm. Motion carried.

/kih

Respectfully submitted,



Colleen Hughes  
Clerk

MINUTES  
MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
1A  
2018 JUN 19 P 2:12  
June 04, 2018

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3<sup>rd</sup> Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Colleen Hughes, Phil Hodge, George LaVenture, Greg Gallagher, and Chris Russ. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider, and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. May 21, 2018

Prior to the meeting, the draft minutes were amended to include Ms. Hughes in the list of members in attendance. On a motion by Ms. Hughes, seconded by Mr. Gallagher, the Board voted to accept and file the amended minutes of May 21, 2018. Motion carried.

2. Chair's Business

A. Ms. Fenby explained several timelines shared by Mr. LaVenture. The three timelines provide a visual representation of the following: 1) MGL Ch 41 - Residential Subdivision when a Preliminary Plan is Submitted before a Definitive Plan 2) MGL Ch 41 - Residential Subdivision when Definitive Plan is Submitted without a Preliminary Plan 3) MGL Ch. 40A - Special Permits. Ms. Holmi will forward electronic copies to all members.

3. Approval Not Required

A. **615 Williams St.**- Engineer Bruce Saluk and Associates, Inc. on behalf of Williams Street Holdings, LLC. (Neither the applicant nor the representative were present at the meeting.)

Ms. Hughes read the May 31, 2018 letter from Assistant City Engineer Collins into the record. In the letter, Mr. Collins indicates the property has sufficient area and frontage, meets the lot shape requirement for a Limited Industrial Zone and has "present adequate access". The property itself, containing 2.60 acres with 208.0 feet of frontage, lacks the required area and frontage for the Retirement Community Overlay District. After completing its review of the subject plan, Engineering provided a favorable recommendation to the Marlborough Planning Board to endorse the ANR plan. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the correspondence from Assistant City Engineer Collins and voted to endorse the plan with the determination that approval by the Board under the Subdivision Control Law is not required. Motion carried.

B. **421 Bolton St.** - Mirick O'Connell and Control Point Associates on behalf of Richard and Jill Cochrane and the City of Marlborough. ANR plan at 421 Bolton St., the proposed site of Benchmark Senior Living (BSL). Owner representative, David McCay of Mirick O'Connell, was present.

Ms. Hughes read the May 31, 2018 letter from Assistant City Engineer Collins into the record. Mr. Collins indicated that the purpose of the plan is to subdivide a portion of the sewer taking owned by the City of Marlborough that is contiguous to two parcels of land that make up #421 Bolton St., to be conveyed to the owners of #421 Bolton St. Frontage on Bolton St. would be increased from 58.42 feet to 315.30 feet. The plan also subdivides the property into two lots: Lot 1, containing 5.530 acres, which will be the site of an assisted living facility (Council Order 16-1006631D), and Lot 2, containing 10.018 acres, which is to be deeded to the City of Marlborough. The City will retain a sewer easement over the sewer taking parcel (shown as parcel A on the plan). In the letter, Mr. Collins indicates that both Lot1 and Lot 2 have the required area, frontage and meet the lot shape requirement for a Residential A-1 Zone and have "present adequate access". After completing its review of the subject plan, Engineering provided a favorable recommendation to the Marlborough Planning Board to endorse the ANR plan.

On a motion by Ms. Hughes, seconded by Mr. Gallagher, the Board voted to accept and file the correspondence from Assistant City Engineer Collins and voted to endorse the plan with the determination that approval by the Board under the Subdivision Control Law is not required. Motion carried.

#### 4. Public Hearings (None)

#### 5. Pending Subdivision Plans: Updates and Discussion

##### A. Subdivision Status Report- Engineer's Report

**Slocumb Lane:** City Engineer DiPersio recommends that the Planning Board provide a favorable recommendation to the City Council to accept Slocumb Lane as a public way. On a motion by Ms. Hughes, seconded by Mr. LaVenture, the Board voted to make a favorable recommendation to the City Council to accept Slocumb Lane as a public way, along with its appurtenant easement as a municipal easement (Acceptance described in Council Order 2018-1007285.) Motion carried.

**Mauro Farm:** Solicitor Rider had previously indicated that before the City accepts the deeds to the roadway, its easements, and the open space parcels, the City will want to make sure there is a Certificate of Compliance on record indicating the all orders of Conditions have been met. Mr. DiPersio stated that the developer has made a formal request for this Certificate. Mr. DiPersio anticipates that conditions will be met and a Certificate will be issued. Engineering is following up on any other items that need to be complete prior to acceptance.

**Walker Brook Estates:** The one-year maintenance period ends on June 5, 2018. Engineering will inform the developer of final steps necessary for acceptance.

**Howes Landing:** Howe's Landing subdivision approval expires at the end of June. At the next meeting, it is recommended that the Board vote to begin the one-year maintenance period, or have the developer request an extension.

**Goodale Estates:** Abutters have made inquiries on the status of the subdivision. Little has been done on the site (recently rocks were removed). Engineering will reach out to the developer to inquire about the project status. Engineering had previously heard that he developer may be working to refinance.

**Marlborough Hub:** City Engineer DiPersio indicated he had met with the project engineer (Hancock Associates). Hancock is working on creating a plan that does not require waivers. Mr. DiPersio anticipates providing Engineering feedback to the Planning Board for the June 18 Planning Board meeting.

#### 6. Preliminary/Open Space/Limited Development Subdivisions

##### A. 72 Hager St. Open Space Special Permit Application.

After an initial discussion suggesting that the matter be tabled until the June 18 meeting, the Board moved forward with setting a public hearing on the matter. On a motion by Ms. Hughes, seconded by Mr. LaVenture, the Board voted to schedule a public hearing on the special permit request for July 23, 2018. The applicant must first resolve the four open-space issues detailed in a May 24, 2018 email from Conservation Officer Ryder to Mr. Bemis:

- 1) What is the "public value" of the open space?
- 2) How will the open space be protected in both Marlborough and Framingham?
- 3) Work with Framingham to determine whether the open space works with any open space corridor or farm land in Framingham.
- 4) Confirm wetlands in both Marlborough and Framingham.

In her email, Ms. Rider indicated that once the Special Permit is filed, the Conservation Commission will do a more formal review and provide detailed comments.

**7. Definitive Subdivision Submission**

- A. 215 Simarano Drive, Definitive Subdivision Plan, Stamski and McNary, Inc. on behalf of Jeremiah 229, LLC -Set Public Hearing Date. A Public Hearing on the proposed definitive subdivision plan was scheduled for July 23, 2018.

**8. Signs**

- A. 175 Lakeside Avenue, Thomas Energy – Application for Sign Appeal/Variance to Planning Board

Peter Armanious, property General Manager, was present to discuss the sign variance request. The proponent is requesting a digital display mounted on the freestanding sign to show price changes. He also indicated they wish to add a pump number to each pump. Following a discussion of the design characteristics of the digital display, Solicitor Rider summarized section 526. 13 (12) of the Marlborough City Code. As detailed in Code Enforcement Officer Wilderman's letter of May 22, 2018, the current sign is closer than the 200' residential setback required by the ordinance. The sign in question is approximately 140 feet from the residential district. Relocation of the sign allowing a 200' setback was explored. Several hardships were detailed by Mr. Armanious: The existing sign is already wired for power and due to its aging condition, a completely new sign would be required if it was moved, as well as a new electrical service to the new location. There may also be visibility issues with trees lining the westerly section of the property. The Board asked whether the residential property owner was consulted about the addition of the sign. Mr. Armanious indicated that a public hearing was held previously with a butter notification. No one spoke in favor or against the proposed sign. The ordinance states the Planning Board may grant a variance for closer placement, provided that the digital display portions of the sign are oriented so that no portion of the sign is visible from an existing primary residential structure in that district. Since it appears the sign would be visible from the residential neighbor, various conditions of allowance were discussed; for example, limiting the hours of display, or illuminating the sign only on the westerly facing sign face (for eastbound traffic). On a motion by Ms. Hughes, seconded by Mr. Gallagher, the Board voted to accept and file the communication from Code Enforcement Officer Wilderman and to continue the discussion at the next meeting, June 18. Motion carried. Chairperson Fenby requested that members visit the location of the variance request to evaluate the matters discussed.

**9. Informal Discussion (None)**

**10. Unfinished Business (None)**

**11. Correspondence: (None)**

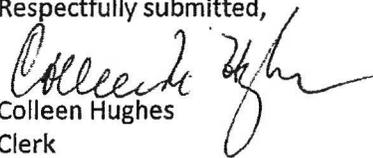
**12. Public Notices of other Cities and Towns:**

On a motion by Ms. Hughes, seconded by Mr. LaVenture, the Board voted to accept and file the notices. Motion carried.

Adjournment: On a motion made by Mr. Gallagher, seconded by Mr. Russ, it was voted to adjourn at 7:45 pm. Motion carried.

/kih

Respectfully submitted,

  
Colleen Hughes  
Clerk

## Marlborough Public Library Board of Trustees

### Meeting Minutes

May 1, 2018

Bigelow Auditorium, Marlborough Public Library

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CITY OF MARLBOROUGH

2018 JUN 25 A 8 03

Meeting called to order by Ray Hale at 7:12pm

Board Members Present: Robyn Ripley, Ray Hale, William Brewin, Rustin Kyle, and Janice Merk

Also Present: Margaret Cardello, Library Director

Absent: Tom Abel, Samantha Khosla, Karen Bento, Nena Bloomquist

#### Documents Reviewed/Referenced:

1. Agenda
2. April 3, 2018 meeting minutes
3. April Trust Fund/State Aid report
4. Director's Report
5. MPL Organization Chart
6. MPL 2018 Highlights and 2019 Goals Summary
7. FY19 Budget Spreadsheet – Details

#### Proceedings:

1. **Scholarships:** The four high school seniors who were awarded this year's MPL Scholarships were invited to attend May meeting. Two of the winners attended. The board congratulated the students, and a group photograph was taken.
2. **Minutes:** *A motion to approve the meeting minutes from the April 2018 meeting was passed (Brewin/Kyle).*
3. **Trust Fund Reports:** *A motion to approve the Trust Fund Reports for April 2018 was passed (Kyle/Ripley).*
4. **Director's Report:** (see attached for more details)
  - In preparation for the City Council's Finance Committee meetings beginning May 8, all departments were asked to submit a current organizational chart, an annotated FY19 budget spreadsheet detailing all changes from the FY18 budget, and a narrative that lists FY18 accomplishments and FY19 goals. Margaret provided these materials to the Trustees as well and noted that the only budget change she requested was for \$5,000 to be moved from the Page line item to the Library Materials line. This change was not approved by the Mayor. The library received a \$1,000 increase in the Library Materials line instead, which puts the

budget at just \$916 over the state certification requirement and sets FY19 library materials spending at \$126,040. Margaret informed the trustees that she will need to take \$20,040 from Trust Funds and State Aid to make up the difference.

- The city has approved Margaret's request to have 13 library staff members attend the 2018 Massachusetts Library Association Conference in Framingham in May.
- Margaret assisted the Friends of the Marlborough Public Library with their annual Photography Show in April. She is also working with the group on possible changes to the Friends' annual Art Show. In the past, the artwork was displayed for a period of 10 days in the Bigelow Auditorium, making the room unavailable to other programs for an extended period of time. The show required constant staffing in the auditorium by a member of the Friends, which has become increasingly difficult to support. Alternatives are being explored.
- Margaret has been asked to join the board of the newly formed Central MA Library Advocates (CMLA) organization. The purpose of the group is to advocate state legislators on library funding and educate libraries on issues facing the library community. Margaret has also volunteered to serve as an American Library Association mentor to a librarian in western MA who would like to advance her career.

### **Committee Reports:**

- Foundation:
  - Nena and Margaret met with the Parent-Teacher Organizations at both the Kane and Whitcomb Schools in April to share information about the library renovation project.
  - The Foundation met in April to provide its members with general updates. The group is waiting to learn more about the funding for Marlborough's library renovation proposal when the state releases its FY19 budget, expected to be in early July.
- Friends:
  - The Friends' Annual Meeting will be held on June 13 at Employment Options and will include a tribute to the late Ray Johson.

### **5. Old Business:**

- Ray Hale notified the board that Margaret's Annual Performance Review has been signed and placed on file. The updated Director's Contract and Job Description were also approved by the Assistant City Solicitor and the City Auditor, signed by the appropriate parties, and placed on file.
- The Trustees will have a table at the Mayor's Ball on May 5.

**6. New Business:**

- None.

**7. Adjournment:** *A motion to adjourn passed at 7:43pm (Kyle/Ripley)*

Minutes submitted by Janice Merk.

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION  
Minutes  
May 17, 2018 (Thursday)  
Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall  
7:00 PM**

**RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 JUN 26 A 10 24**

**Present:** Edward Clancy, Chairman, David Williams, Allan White, John Skarin, Dennis Demers, Karin Paquin and William Dunbar. Priscilla Ryder, Conservation Officer was also in attendance via skype, and Susan Brown Conservation assistant was present as well.

**Acceptance of Minutes:** The minutes of April 19, 2018 were reviewed and unanimously approved with the amendment that Dave Williams was present.

**Public Hearings:**

**Abbreviated Notice of Resource Area Delineation**

377 – 0 Simarano Dr. - Roland Strohsahl of Oxbow Associates, Inc.

Roland Strohsahl was present. He indicated that he flagged the wetland in Nov. & Dec. 2017. He described the wetlands and showed the location of the flagging on the plans provided. He indicated that the stream was not flowing when he did the delineation. The water feeding the streams comes from two different culverts. The wetland flag series includes A, B, C and D. Data sheets for these areas are provided. Stream channels were flagged based on scouring and debris, at the time of the delineation there was no flow. The streams are considered intermittent and therefore the only resource area on site is bordering vegetated wetland.

Chairman Clancy read a delineation review memo from Ms. Ryder who checked the wetland on April 28<sup>th</sup>. She noted that overall, the wetland delineation looked accurate except as follows: Flag B-13 should be eliminated connect B12 to B-14. Several flags were missing due to downed trees and these are B-10, A-10, A-33 and A-35 which will need to be reestablished if any work is proposed on the property. She also notes that the corrugated metal culvert leaving the site is somewhat eroded, water is going through and around the pipe into the adjacent wetland. She just wanted to note this condition. There being no further questions, the hearing was closed and the Commission voted unanimously 7-0 to approve the wetland delineation as presented and further amended as noted above.

**Abbreviated Notice of Resource Area Delineation**

90 Crowley Dr. – First Colony Crowley Dr. One LLC

Brian Blaesser of Robinson & Cole was present representing the potential purchaser. Matt Marro of Matthew S. Marro Environmental Consulting was the wetland scientist who did the work. John Deli Priscoli and William Pezzoni were present representing First Colony Development.

Mr. Blaesser explained that they are looking to purchase the property and needed to have the wetlands verified, he turned it over to Matt Marro. Mr. Marro explained that he did the delineation in the fall of 2017 and rechecked them in February 2018. One edge is well defined by the toe of slope, he performed three transects. It is a typical wetland forest area with some invasive. No ORW, ACEC or Priority Habitats are noted on any maps. Commissioner Skarin noted that he had gone out to look at the wetland flags this past week and noted that they appear to follow some old flagging that exists. He had several flag changes. #26 is in the wetland and needs to be moved away by 6', eliminate flag A-9 and connect A-8 with A-10 which will be more accurate. Mr. Marro had no objections. Ms. Ryder noted that she had checked the new flagging

line with the old plans and they appear similar. The toe of the steep slope makes this delineation more straight forward.

After some discussion, the Commission closed the hearing and voted unanimously 7-0 to approve the wetland delineation as presented and further amended.

#### Notice of Intent

##### Hayes Memorial Drive (Map 99 Parcel 4) - The Gutierrez Company

Scott Weiss of Gutierrez Co. and David Robinson, engineer with Allen and Major Associates, Inc. were present. Mr. Weiss explained that they propose to construct a paved driveway to access a 167,400-sq. ft. warehouse/distribution center in Northborough. Work in Marlborough will include a parking area with access drives, block walls, grading, surface detention basin and associate utilities. Drainage on the site, wetland location and utility connections were discussed. It was noted that the initial crossing of the culvert into the site will encroach on the 25' buffer zone. Lighting and planting will be provided.

Chairman Clancy noted that he had two documents, which he read into the record. The first was an e-mail from City Engineer Thomas DiPersio dated 5/17/18 indicating he had not yet reviewed the drainage and that the city's legal department was looking at the issues of water and sewer connections to service Northborough. The second, Mr. Clancy read into the record the e-mail from DEP with the DEP number issuance, which outlines the stormwater information that is missing from the drainage calculations. Mr. Weiss indicated that he had received the same and they would work to address all the issues raised.

After some discussion about work that appears to be going on in Northborough already, the Commission continued the hearing to the June 7<sup>th</sup> meeting to allow the applicant time to address the issues raised and to allow Ms. Ryder to check the wetland line which was flagged by Goddard consulting in 2017.

#### Notice of Intent

##### Poirier Dr. - City of Marlborough – new Elementary school project.

Ben Gary, project manager and Landscape Architect from Marshall/Gary LLC were present along with Conrad Nuthmann, PE Engineer with Brennan Consulting.

Mr. Gary explained that they have designed a public elementary school building on an existing field site on Poirier Dr. near the High School. He reviewed the existing conditions plans and then the drainage and wetland replication area plans. Based on the preliminary informal discussion with the Commission a few months ago, they have shifted the project to the east to only impact one wetland area rather than two. The wetland impacted will fill 4,100 s.f. and they removed of the sewer line berm and restoration of 5,300 s.f. of wetland is proposed to be replicated. Conrad explained the drainage system and underground cultech systems, and various discharge points to mimic existing conditions. They do not expect there to be any discharge except for during very large storms. Otherwise the water should infiltrate into the ground and feed the wetlands at a slow rate. Commissioner Williams asked where snow storage would be provided and was told there is a 10' area along the back wall designated for this purpose.

The Commission discussed the relocation of the existing sewer line and the abandonment of the existing line and construction sequencing for this work. Mr. Demers asked about infiltration rates and soil types and the appropriateness of the infiltration systems. Some soil pits were done using a backhoe and went 10'

deep – this information is included in the drainage report. The soil is a glacial till with some sandy loam and the systems have been designed accordingly. Chairman Clancy noted his concern about washouts at Red Spring Rd. and if this project could help alleviate any of that. They stated there would not be any additional water from this project so there should be no impact. Ms. Ryder noted that she's had discussions with City Engineer DiPersio and they will look at this more closely to see if any other mitigation can be included to help solve this existing problem, which she acknowledged is not caused by this project, but is a pre-existing issue to be resolved. They discussed the wall construction, footings, geo-grid and versa lock type walls to be installed. Also discussed cuts and fills required.

A representative from Goddard Consulting explained the wetland replication will be as proposed. They will remove the sewer berm and "harvest" the soil from the wetland to be filled in order to use that in the restoration area. A wetland planting plan is provided. They did fill out Appendix A for habitat features, but didn't find anything that triggered the requirement to fill out appendix B. There are no natural snags at the moment, but there are a lot of sticks and logs which are important habitat. The plan calls for collecting these and then re-distributing these when the work is completed to restore the "function" of this area.

There was general discussion about the need for a construction sequencing plan to determine when wetland, replication area would be done, as well as cuts and fills, walls, utilities and sequencing of erosion controls and drainage during the initial construction, etc. Mr. Gary explained they anticipate site work to be done this summer and in the fall, in preparation for the building to be installed in the winter, spring, summer of the following year.

Mr. Clancy noted that in the north-west corner of the site the wall encroaches into the 20' buffer zone and asked that this be shifted away by cutting off the corner, so there is no encroachment. It was agreed this would be redesigned. Stockpile locations, improvement of existing ball field, and sewer pipe type were discussed. Mr. Gary noted that the sewer will be ductile iron not PVC as noted on the plans. The hearing was continued to the June 7<sup>th</sup> meeting to allow for the information discussed to be provided and to receive comments from the City Engineer regarding the drainage. Ms. Ryder noted she could draft a set of conditions for the next meeting as well.

#### Notice of Intent

City of Marlborough – The City of Marlborough Conservation Commission- wetland crossings for Borough/Panther trail construction.

This hearing was opened, but because of an error in providing appropriate documentation to the Commission prior to the meeting this hearing was continued to the June 7<sup>th</sup> meeting. (The project proposed is to connect open spaces throughout the city by building trail segments, near wetlands with bog bridges, bridges and boardwalks in several locations in Marlborough as part of an ongoing effort to complete the Boroughs Loop Trail. The trail near wetlands will run along Millham St., Boundary St., Berlin Rd., Bigelow St., Stow Rd., and Concord Rd.) Several abutters were present and were told of the continued hearing date.

#### Certificates of Compliance

- 212-1063 Hayes Memorial Dr. – Full – never started- Ms. Ryder concurred this could be issued. The Commission voted unanimously 7-0 to issue a full Certificate of Compliance noting it had never started.

- 212-1083 0 Crowley Dr. – applicant is looking for tabling and as-built plan – Ms. Brown noted that they had not received the as-built plan yet, so this item was continued to the next meeting.
- 212-927 49 Danjou Drive – Full. Ms. Ryder noted that she did not check this lot yet, so asked that this be continued to the next meeting as well.

#### Extension Permits:

- 212-1097 MWRA – for 1 year (received a 3-yr. extension to expire 6/18/2018) - To modify the existing interim Corrosion Control Facility to serve new uses. Ms. Ryder noted that this is an ongoing project, she's been out to the site in April and work is progressing, she recommended the extension be granted. The Commission voted unanimously 7-0 to grant a one year extension so they could finish this work.
- 212-1104 City's Engineering Dept. – for 3 years - To expand the existing sanitary sewer to encompass the eastern side of Marlborough in the Sudbury Street area. In addition, the water line in Sudbury Street will be replaced. Ms. Ryder noted that there are no new changes to regulations or anything, so a three-year extension for this permit is appropriate. The Commission voted unanimously 7-0 to grant a 3-year extension for this Order of Conditions.

#### Discussion:

- Felton Conservation Land – annual mowing license renewal. Ms. Ryder noted that Mr. Wright has indicated he would like to continue mowing/hay the Felton Conservation land for this coming year. The Commission voted unanimously 7-0 to issue the annual license to Mr. Wright.
- Acceptance of Gift of \$1,000 from Dow Chemical Co. – Conservation Maintenance Fund- this donation is given to help with the City Wide Clean Sweep. "Councilor oops Commissioner" Skarin made a motion to accept the gift with gratitude, the Commission voted unanimously to accept the gift.
- Letter from Mass. Water Resources Authority, dated April 13, 2018 RE: Notice of Project Change – MWRA – placing geotextile filter fabric and additional 17,100 sq. ft. of rip-rap. Ms. Ryder noted that this is a follow up notice on the same project reviewed at the last meeting, but this is a copy of the notice from the Environmental Monitor. The Commission voted to accept and place on file.
- Apex – review snow removal practice. Ms. Ryder said she's been in touch with Joe Trolla and they are working on a revised snow removal policy and plan and should have something ready for the next meeting.

#### Correspondence/Other Business:

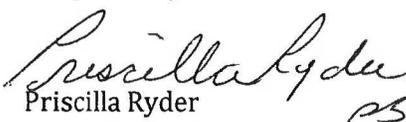
The Commission reviewed the following correspondence and voted unanimously to accept and place on file.

- Letter from Nationalgrid – dated April 20, 2018, RE: Carrying out late winter-spring vegetation mechanical control, on rights-of-way, which pass through our municipality.
- Letter from Wood Environmental & Infrastructure Solutions, Inc., - behalf of CSX Transportation, Inc. 2018 Yearly Operational Plan for ROW Management.

#### Adjournment

There being no further business, the meeting was adjourned at 8:58 PM – and Ms. Ryder went off skype.

Respectfully submitted,

  
 Priscilla Ryder  
 Conservation Officer

**Minutes  
Retirement Board Meeting of  
May 29, 2018**

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**2018 JUN 26 P 3 00**

The monthly meeting of the Marlborough Retirement Board was held on May 29, 2018. Gregory Brewster, David Keene, William Taylor, Diane Smith, Daniel Stanhope and Margaret Shea were present.

1. The meeting was called to order at 8:15 a.m.
2. The Board reviewed the minutes of the meeting of April 24, 2018. A motion was made and seconded to approve. Vote unanimous.
3. The Board met with Stephen MacLellan of the Meketa Group. He reviewed the first quarter performance of world markets. The system's asset allocation falls within policy guidelines. The developed market equities are at 12% which is nudging the policy range of 5% - 15%. Private equity allocation is low but MacLellan attributed that to Constitution's slower than expected capital calls. MacLellan compared Marlborough's asset allocation with PRIT's. PRIT has a 22% lower allocation to fixed income. They have an 8% allocation to real estate while Marlborough's is at 2%. PRIT has 8% allocation to absolute return assets and 3% to portfolio completion strategies. Marlborough lost .9% for the first quarter; PRIT gained .6%. MacLellan estimated that as of May 29<sup>th</sup>, Marlborough was even at 0%. MacLellan discussed the RFP that the firm had prepared for the core real estate and passive bond index searches. After discussion, a motion was made and seconded to post the RFPs. Vote unanimous.
4. The Board discussed PERAC's opinion letter regarding the exception to anti-spiking statutes in G.L. c.32, s.5(2)(f) and whether Marlborough employees whose salaries are established by salary ordinances would qualify for that exception. PERAC opined that section 5(2)(f) refers to state or federal law. A salary ordinance is a bylaw and would not qualify members for the exception. After discussion, a motion was made and seconded to ask the Board's attorney for his opinion. Vote unanimous.
5. The Board reviewed the FY19 draft budget. The Board discussed hiring a deputy director and reviewed a draft job description. They discussed possible changes to the job description, salary ranges, and a broad outline of the hiring process. The Board also discussed the possibility of digitizing the Board's archived records. The director told the members that she would present a revised draft budget at the June meeting for their approval.
6. The Board reviewed the operating budget for the period ending May 31, 2018. After discussion, a motion was made and seconded to accept and place on file. Vote unanimous.
7. The following individuals are scheduled to receive a refund of their annuity savings accounts: Gabriela Braga, Beth Wagner, and Robert Nelson, Jr. A motion was

  
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made and seconded to approve. Vote unanimous. The Massachusetts Teachers' Retirement Board requested the transfer of Edwin Ramos's annuity savings account. A motion was made and seconded to approve. Vote unanimous. Eric and Ryan Lundberg, Option B beneficiaries of Doreen Cavanaugh-Lundberg, received Option B refunds. A motion was made and seconded to approve. Vote unanimous.

8. The Board reviewed cash reconciliation for the period ending March 2018. A motion was made and seconded to accept and place on file. Vote unanimous.
9. The Board reviewed the cashbooks, journals, and trial balances for January, February, March, and April. A motion was made and seconded to accept and place on file. Vote unanimous.
10. The director spoke to the Board about upcoming projects/plans for the office. She told the members that they would vote on the FY19 COLA at their June meeting.
11. A motion was made and seconded to approve the following warrants; retiree payroll for May 2018, #112018, #122018, #132018, and #142018. Vote unanimous.
12. A motion was made and seconded to adjourn the meeting. Vote unanimous.



Gregory P. Brewster  
Chairman

\_\_\_\_\_

David Keene



Diane Smith



Daniel J. Stanhope



William S. Taylor



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2018 JUN 27 P 2:56

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

**Traffic Commission Minutes**

The Regular Meeting of the Traffic Commission was held on Wednesday, May 30, 2018 at 10:00 am in Memorial Hall, 3<sup>rd</sup> Floor, City Hall. Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen, DPW Commissioner John Ghiloni and City Clerk Lisa Thomas. Also present: Assistant City Engineer Tim Collins. Sgt. Dan Campbell – MPD Traffic Services Unit. Minutes taken by Karen Lambert, MPD Records Clerk.

**1- Minutes**

The minutes of the Traffic Commission meeting of Wednesday, April 25, 2018.

**Correction Needed:** City Solicitor's name is spelled incorrectly, it should be Don **Rider** not Don **Ryder**.

MOTION was made, seconded, duly VOTED:

TO APPROVE, as amended– Accept and Place on File.

**2 - New Business**

**2a) Elm Street Parking**

Officer Moro sent an email to Chief Giorgi explaining this issue. In the area of 80 Elm Street, between pole #'s 11 & 12, there are often three vehicles parked here causing traffic issues. When this area was repaved last year and new sidewalks with granite curbing were installed, the roadway became narrower. When cars are parked here it is now difficult for school buses, trucks and any larger vehicles to travel east past the parked cars. He is suggesting that No Parking signs be placed on the two poles.

It was discussed that cars parked here before the reconstruction of the roadway, however, they would park partially on the sidewalk and it was much wider. All agreed that there should now be no parking on either side. There was previous discussion as to which side,

if any, should allow for parking. However, now that the double yellow line runs down the center of the roadway there really is no room for parking on either side. If the issue came up sooner, the yellow line could have been placed off-center. The main issue appears to only be at the top of the street. The road is narrower at the end and “common sense” says not to park there.

Tim Collins advised that there is already a rule that says no parking within 20 feet of an intersection and 10 feet from a hydrant. Rather than dig up the new sidewalks, it makes the most sense to post the No Parking signs on the two utility poles at the start and end of the apartment building at the top of the street.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for further review. Mr. Collins will measure the area and send the appropriate wording for the regulation to Chief Giorgi.

## **2b) Issues at Winter Avenue and Lincoln Street**

Captain Valianti sent an email to Chief Giorgi on this issue at the request of a resident of Bond Street. She said that vehicles coming into town from Rte. 20 are driving behind Allora to Winter Ave. and using it as a cut through. It creates an issue when trying to turn right up Lincoln St toward 7-11. This is a very tight turn and there is no stop sign or stop line and trees are a problem.

Sgt. Campbell said that he also talked to the resident. Vehicles are making a wide turn from Winter Ave. onto Lincoln Street and you can't see them coming. Tim Collins advised that Winter Ave. is 10 to 12 feet wide and should really be one-way and is not even a public way. It was initially more of a passage way. Mr. Collins passed out a diagram of the area for review. The homeowner could actually put a sign there that says, “Private Way – Do Not Enter”. The City does plow that area but more out of convenience. It is easier to push the snow all the way through rather than try to turn around.

It was agreed that Winter Ave. is used as a short cut, however, there is not much that the City can do about this. Mr. Collins said that anyone coming off Bond Street is probably doing the same thing. You can't make the right turn and stay in your own lane when coming off Winter Ave. The sheer lack of volume is the only way it can have two-way traffic. The City can't stop people from coming this way up from Lakeside Ave. and the Police Department can't enforce anything on a private way. The Homeowner would have to say that someone is trespassing. With regard to the request for stop sign, this intersection would not meet the required warrants. This is not the purpose of a stop sign. It would make people think they have the right of way.

It was asked if there was any accident history here. Sgt. Campbell said that he can check on this.

MOTION was made, seconded, duly VOTED to REFER to SGT. Campbell to look into any accident history and advise at next meeting.

**c) Request for Special Speed Regulation Petition for Hemenway Street Extension.**

Officer Larose sent an email to Chief Giorgi with a formal request for a special speed regulation petition here. He said in his email, "This is a narrow unposted roadway with a hill that quickly transitions from a positive to a negative grade and is less than ¼ mile in length". It goes from a posted 25mph coming from Hudson and then reverts to 40mph because there are no other criteria. The road is not long enough and the houses are not close enough together to be considered "thickly settled".

He went on to note several serious motor vehicles accidents that have occurred here and gave specifics as to the circumstances behind them. Vehicles seem to come over the hill without realizing that there is a bend in the road. He also conducted a speed study here from 4/9/18 through 4/13/18 and found an average volume of 378.2 vehicles per day with an average speed of 29.63mph, an 85<sup>th</sup> percentile of 33.18mph and a maximum speed of 52mph. He feels that having a special speed regulation designating Hemenway Street Extension a posted 30mph would be appropriate. Tim Collins also passed out a diagram of this area with the percentage of climb and degree of bend in the roadway noted. All agreed that a special speed regulation was a good idea.

Tim Collins advised that he would fill out the form with the requirements and we can make a presentation to the state to formally request a 25mph speed zone to match what is already in place in Hudson.

Chief Giorgi also asked about possible warning signs for the low visibility. Tim Collins mentioned that no regulations are needed to warning signs, they can be utilized as needed.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for the appropriate wording signs and to prepare the paperwork for the request for the Special Speed Regulation.

*Lisa Thomas made a motion to suspend the rules to discuss an item not on the agenda. All in Favor.*

**Update on Traffic Code Amendments**

Lisa Thomas wanted to be sure that all new amendments to the Traffic Code (post recodification) are ready to be sent to General Code. She prepared a schedule that included all amendments that have been added and highlighted those that are still missing from the online Traffic Code.

Karen Lambert advised that all highlighted items have been emailed to General Code with a request to add them under the New Laws Section. They should be available soon.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE.

**3-Old Business**

**3a) Request for stop signs on Weed St. at Florence St.**

**Update:** Commissioner Ghiloni said he has one more meeting scheduled and then this area should belong to the City.

MOTION was made, seconded, duly VOTED to TABLE.

**3b) Discussion of Ch. 586, Section 33: "Municipal Off-street Parking Areas" relative to parking decks on Weed Street.**

Tim Collins and Tom DiPersio have discussed this issue and attempted to simplify the language. Chief Giorgi said that he has not yet spoken to City Solicitor Don Rider again. Tim Collins said that the map for downtown parking is currently not regulated in words it is only indicated on the map diagram. The diagram includes all the city lots, updated with restrictions. Some of the parking areas have restrictions and some do not. Mr. Collins would like to have all parking areas included under the same section of the regulations. He would also like to remove any reference to metered parking areas. This section of the manual was initially called 'Metered Parking'. The purpose of the new Section is to clearly describe all off-street parking in words and not to rely on the map anymore. This section needed to be cleaned up anyways and this is now a good opportunity to do it. The group decided that the wording should be sent to Don Rider for review. Mr. Collins thinks he has already sent this to Legal for review but he will confirm.

MOTION was made, seconded, duly VOTED to REFER the proposed wording to Don Rider, City Solicitor, for review.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:32 am.

Respectfully submitted,

Karen L. Lambert  
Records Clerk  
Marlborough Police Department

**List of documents and other exhibits used at the meeting:**

- City of Marlborough Meeting Posting for Traffic Commission Meeting on Wednesday, May 30, 2018, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, April 25, 2018.
- Email from Officer Moro to Chief Giorgi, dated 4/30/18, re: Elm Street Parking.
- Email from Capt. Valianti to Chief Giorgi, dated 5/14/18, re: Bond Street at Winter Ave.
- Email from Officer Larose to Chief Giorgi, dated 5/23/18, re: Hemenway Street Extension.

**Additional Handouts:**

- Diagram of Winter Ave. and surrounding area.
- Diagram of Hemenway Street Extension marked with the percentage of climb and degree of bend.
- Revised wording for Chap. 586-28 Municipal off-street parking areas.

**City of Marlborough  
License Board**

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

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**2018 JUN 28 A 11:03**

**Minutes of the License Board Regular Meeting Held Wednesday, May 30, 2018  
at 7:30 pm, City Hall, 1<sup>st</sup> floor, Council Committee Room.**

Attending: Chairman Walter Bonin; Gregory Mitrakas, Member; David Bouvier Member;  
Tina Nolin, Clerk

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

**New Business**

**1. ONE DAY PERMITS**

**Employment Options (1 Permit)** Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

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

**Masonic Hall (1 Permit)** Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

**Moose Lodge (8 permits)** Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

**ITAM (3 permit)** Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

**American Cancer Society (1 permit)** Member Mitrakas motioned for approval, Member Bouvier seconded; Board vote: 3-0 approved

**2. License Change of Hours Application – Milo’s Restaurant Inc., 500 Boston Post Road E**

**Itamar J. DaCosta, Manager**

Request is to increase the hours as noted below

<b>CURRENT TIMES</b>	<b>NEW REQUESTED TIMES</b>
11:00 am - 9:00 pm – Mon. thru Fri.	11:00 am - 9:00 pm – Mon. thru Thurs.
10:00 am - 10:00 pm – Sat. & Sun	10:00 am - 1:00 am – Fri. & Sat.
--	10:00 am – 10:00 pm Sun.

Member Mitrakas motioned for approval, Member Bouvier seconded;  
Board vote: 3-0 approved the application/license

ALL RELATED DOCUMENTS CAN BE SEEN IN THE LICENSE BOARD OFFICE

**3. Application for a new malt pouring license – Strange Brewery, 416 Boston Post Rd E  
Brian Powers, Owner/Manager**

Public Meeting opened at 7:42 pm

Mr. Powers presented his application for a pouring license for his brewery and taproom. In addition, he is looking to add an outdoor beer garden. Initial hours will be Friday from 4:00 pm to 8:00 pm and Saturday from 12:00 pm to 8:00 pm. He will be looking to expand the days to Weds – Sunday with similar hours.

After much discussion with abutters who attended the meeting and whose concerns included, but were not limited to, excessive noise and raucous crowds, noxious odors, late night nuisances, excessive lights at night, enticement of area children, increased nuisances related to delivery and trash collection services at off hours, property value depreciation, and increased traffic and its associated noises, the board deliberated on its decision.

Taking into account both protecting abutters while also understanding the applicant’s business goals, and recognizing that virtually all problems with noise, rowdy patrons, etc., occur after the 11:00 pm/12:00 am hour and given the applicants hours not going beyond 9:00 pm the board motioned and unanimously approved the Strange Brewery license with the following conditions:

- Hours of operation:

INSIDE	OUTSIDE BEER GARDEN/DECK
4:00 pm - 9:00 pm – Weds. thru Thurs.	4:00 pm - 8:00 pm – Weds. thru Thurs.
12:00 pm - 9:00 pm – Fri. thru Sun.	12:00 pm - 8:00 pm – Fri. thru Sun.

- Malt samples, up to 2 ounces, are allowed under the license.
- Seating at outside beer garden area is limited to eight 4-seat tables.
- No entertainment of any kind is allowed outside the building, and everyday operations must be conducted in such a way as to limit outside noise and lights
- Any changes to hours, as with anything else with the license, will require notifying the abutters and holding a public meeting.

Member Mitrakas motioned, seconded by Member Bouvier; Board vote 3-0 in favor or approving the license request with the above stated conditions.

**4. Class II Dealership Application (online sales), 896 Boston Post Road E  
Allan Levitt, Owner**

No cars outside on site, but able to have 3-5 cars inside the building area. No cars will be sold onsite only Internet sales and pick-up allowed. Clerk to note on the license. Reminded to have a sign showing clearly where the office is located.

Member Bouvier motioned, Member Mitrakas seconded; Board vote: 3-0 in favor of approving the license.

ALL RELATED DOCUMENTS CAN BE SEEN IN THE LICENSE BOARD OFFICE

**5. Reports from the Chairman**

- Chairman reviewed issues surrounding the American Eagle Class II dealership regarding the number of cars allowed on the lot. According to code enforcement it is 3, based on the original deal of the lease of the property back in 2007. However, according to the Chairman there is no enforcement code that determines the number of cars allowed on the lot. The original three was based, again, on the wishes of the landlord at the original signing of the lease. Previously, this property was a U-Haul rental shop and as such had vehicles in excess of three on it. In 2017, the owner added a second piece of property to his lot and wanted to have the ability to have up to 7 more cars on it for sale. Given the above stated facts the Chairman, and the Board agreed that they acted properly in granting the ability to show up to 11 cars at the site.

**6. Misc. Correspondence and Open Issues**

There were no misc. correspondence or open issues.

**7. Review minutes –**

April 25, 2018 meeting minutes and May 10, 2018 special meeting minutes. Member Mitrakas motioned to approve both sets of minutes and place on file, Member Bouvier seconded, the motion; Board vote: 3 – 0 to accept the minutes and place on file.

Member Mitrakas motioned to adjourn the meeting at 10:11 pm.

The next meeting of the Licensing Board is Wednesday, June 27, 2018.

Respectfully submitted,



Walter Bonin, Chairman

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2018 JUN 28 A 11:03

**City of Marlborough  
License Board**  
140 Main Street, Lower Level  
Marlborough, MA 01752  
(508) 460-3751 FAX (508) 460-3625

**Minutes of the Special License Board Meeting Held Tuesday, June 12, 2018**  
at 12:00 pm, City Hall, 1<sup>st</sup> floor, Council Committee Room.

Attending: Walter Bonin, Chairman; David Bouvier, Member, Tina Nolin, Clerk  
Absent: Gregory Mitrakas, Member

Meeting called to order by Walter Bonin, Chairman at 12:00 PM

**New Business**

- 1. ONE DAY PERMIT**  
**TALIA APTS / CHAMBER OF COMMERCE AFTER HOURS**  
Member Bouvier motioned for approval, seconded Chairman Bonin  
Board vote: 2-0 approved

Motion made to adjourn: 12:05 pm vote: 2-0 for adjournment.

Respectfully submitted,



Walter Bonin, Chairman

ALL RELATED DOCUMENTS CAN BE SEEN IN THE LICENSE BOARD OFFICE

MARLBOROUGH COMMISSION ON DISABILITIES  
MINUTES FOR MEETING MAY 1, 2018  
MAYOR'S CONFERENCE ROOM 4TH FLOOR  
CITY HALL

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 JUL 17 A 8:53

ATTENDANCE: JOHN USINAS, DEBRA MCMANUS, PATRICIA CARLSON, DEREK CHAVES, DAVE DOUCETTE, CHERYL SOUCY, LAURA KYLE.

**SPECIAL GUESTS:** PATRICK DAHLGREN, JEFFREY COOK

DEBRA MCMANUS CALLED THE MEETING TO ORDER AT 4:00 PM.

**NEW BUSINESS**

- MCDONALD HOTEL (270 – 276 MAIN STREET) FIRE ON THE FOURTH FLOOR, ASKING FOR VARIANCE FOR ADA UPGRADES. JEFFREY COOK ASKS THAT A REPRESENTATIVE ATTEND THE HEARING IN BOSTON IN FRONT OF THE ARCHITECTURAL ACCESS BOARD. DATE TBD.
- 5:02: MOTION TO ACCEPT MINUTES AS SUBMITTED. MOTION PASSES UNANIMOUSLY 7-0.

- PATTI TALKING WITH THRIVE ABOUT RECRUITING A MEMBER FOR THE COMMISSION.
- MWICL AND FRAMINGHAM COMMISSION ON DISABILITIES WILL BE PRESENTING ON AAB VARIANCE AND COMPLAINT PROCESS ON MAY 9<sup>TH</sup> AT THE FRAMINGHAM LIBRARY.
- REV UP MEETING MAY 18<sup>TH</sup> SECRETARY OF STATE' S OFFICE WILL BE PRESENTING ON VOTING AND OTHER TOPICS.
- **TREASURERS REPORT**
- 4:10 MOTION TO ACCEPT PASSES UNANIMOUSLY, \$6,268.47 AS OF 4/10/18

## **OLD BUSINESS**

- PLOWING THE SIDEWALK BETWEEN GRANGER BLVD AND FLORENCE STREET IS AN ISSUE. JOHN HAS CONTACTED THE DPW MULTIPLE TIMES FOR A RESOLUTION.
- WALK LIGHT AT GRANGER AND FLORENCE ISN'T FUNCTIONING. JOHN REPORTED TO THE DPW. STILL NOT WORKING.
- THE MASS OFFICE ON DISABILITY IS HOSTING A CONFERENCE ON 6/6/18 IN WEBSTER FROM 11:00AM – 2:00PM

MOTION TO ADJOURN 5:15 PM PASSES UNANIMOUSLY.

OUR NEXT MEETING IS TUESDAY JUNE 5, 2018 AT 4:00 PM, CITY HALL IN THE MAYOR'S CONFERENCE ROOM ON THE 4TH FLOOR.

RESPECTFULLY SUBMITTED,  
DEREK CHAVES

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

MARLBOROUGH COMMISSION ON DISABILITIES  
MINUTES FOR MEETING JUNE 5, 2018  
MAYOR'S CONFERENCE ROOM 4TH FLOOR  
CITY HALL

2018 JUL 11 A 8 54

ATTENDANCE: JOHN USINAS, DEBRA MCMANUS,  
DAVE DOUCETTE, LARA KYLE.

DEBRA MCMANUS CALLED THE MEETING TO ORDER  
AT 4:11 PM.

MINUTES ACCEPTED AS READ 4 TO 0.

**TREASURERS REPORT**

MOTION TO ACCEPT PASSES UNANIMOUSLY, \$6,128.25  
AS OF 6/5/18

**OLD BUSINESS**

- AAB HEARING HELD IN BOSTON FOR 270 EAST MAIN STREET. SOME COMPROMISES MADE ON BOTH SIDES. THEY ARE TO SUBMIT A REVISED PLAN TO AAB BY JUNE 26<sup>TH</sup>.
- AN AAB COMPLAINT HAS BEEN FILED AGAINST 72 HOSMER STREET FOR THE PARKING AREA.
- FLORENCE ST. & GRANGER BLVD AUDIBLE SIGNAL NOT WORKING. JOHN REPORTED & IT HAS BEEN REPAIRED.
- ONLY 4 CAMP SCHOLARSHIP APPLICATIONS RECEIVED TO DATE

**NEW BUSINESS**

- MWICL HELD A FILING COMPLAINTS & VARIANCE CONFERENCE ON MAY 9<sup>TH</sup>. DEB & JOHN ATTENDED.
- RECEIVED A CALL ON DISABILITY PHONE LINE. DEB WENT OUT & HELPED A RESIDENT WITH MASSHEALTH & SAFELINK APPLICATIONS.

MOTION TO ADJOURN 4:44 PM PASSES UNANIMOUSLY

OUR NEXT MEETING IS TUESDAY JULY 3, 2018 AT 4:00 PM, CITY HALL IN THE MAYOR'S CONFERENCE ROOM ON THE 4TH FLOOR.

RESPECTFULLY SUBMITTED,  
DEBRA MCMANUS  
CHAIRPERSON