

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 SEP -6 P 2:33

1. Minutes, City Council Meeting, July 27, 2018-not completed.
2. PUBLIC HEARING On the Application for Special Permit from Ninja Twins LLC, to renovate a building to build a gym for children, 19 Brigham Street, #8, Order No. 18-1007339.
3. PUBLIC HEARING On the Proposed Zoning Amendment, to Chapter 650 §7, §17, §41 and create a new §39, as it pertains to a Neighborhood Business District, Order No. 18-1007337.
4. PUBLIC HEARING On the Proposed Zoning Amendment, to add Chapter 650 §40, as it pertains to a Large-Scale Ground Mounted Solar Photovoltaic Installation Overlay District, Order No. 18-1007338.
5. Communication from the Mayor re: Council on Aging transfer request in the amount of \$27,340.00 which moves \$1,884.00 from Reserve for Salaries & \$25,456.00 from Program Director to COA-Clerk Typist to eliminate an existing position and create a new position, Program Coordinator.
6. Communication from the Mayor re: Police Department transfer request in the amount of \$8,412.20 which moves funds from Receipts Reserved-TNC Surcharge to Capital Outlay-Police Equipment to purchase additional traffic equipment.
7. Communication from the Mayor re: School Marketing Initiative to help increase awareness of the existing opportunities in the Marlborough Public Schools.
8. Communication from the Mayor re: Age Friendly Survey Grant in the amount of \$4,000.00 from AARP to conduct an Age Friendly Survey in partnership with the Marlborough Council on Aging.
9. Communication from the Mayor re: Appointment of Melanie Whapham to the Marlborough Historical Commission for a term of three years to commence upon City Council approval.
10. Communication from the Mayor re: Appointment of Lucinda Zomar to the Board of Registrars for a term of three years to commence upon City Council approval.
11. Application for Special Permit from the Attorney Norris, on behalf of Raphael Fischetti, to construct a new single-family dwelling at 89 Spring St.
12. Communication from the Planning Board re: as it pertains to a Proposed Zoning Amendment, to Chapter 650 §5 & §17 as it pertains to Coffee Roasteries, , Order No. 18-1007311A.
13. Communication from Central Mass Mosquito Control re: Cessation of residential spraying at the end of August.
14. Minutes, License Board, July 25, 2018.
15. Minutes, Commission on Disabilities, July 3, 2018.
16. Minutes, Board of Assessors, May 16, 2018.
17. Minutes, Zoning Board of Appeals, August 7, 2018.
18. Minutes, Planning Board, July 23, 2018.
19. Minutes, Traffic Commission, July 25, 2018.

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

20. CLAIMS:

- a. Kyle Hamilton, 25 Lakeview Gardens, Apt 707, Natick, MA, pothole or other road defect claim.
- b. Jennifer Burgos, 78 Helen Dr., other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

21. **Order No. 18-1007310 – Rescind 9 Bonds Totaling \$6,213,196.00.** The Finance Committee reviewed the Mayor's letter dated June 14, 2018 requesting 9 bonds totaling \$6,213,196.00 be rescinded either because the projects are complete or because they are no longer available to be bonded due to regulations. **The Finance Committee voted 4 - 0 to approve the order to rescind the nine bonds.**
22. **Order No. 18-1007330 – Transfer \$102,950.00 from Principal Assessor to Professional and Technical Services.** The Finance Committee reviewed the Mayor's letter dated July 19, 2018 requesting a transfer of \$102,950.00 from the Principal Assessor's account to the Assessors Professional and Technical Services account. The transfer will fund a new contract with Regional Resource Group (RRG) to provide dedicated full-time coverage in the Assessor's office between two RRG employees. **The Finance Committee voted 4 - 0 to approve the transfer.**

From Urban Affairs Committee

23. **Order No. 18-1007311 - Proposed Zoning Amendment, to Chapter 650 §5 & §17 as it pertains to Coffee Roasteries.** The Urban Affairs Committee met for a discussion of a proposed zoning amendment to allow Coffee Roasteries within the City. President Clancy made recommendations for changes to the proposed zoning. In doing research regarding coffee roasteries, it was discovered they can create unpleasant odors. The initial zoning proposal allowed coffee roasteries in various districts, primarily in Business, Commercial Automotive, Limited Industrial, Industrial, and Marlborough Village District. Considering this recent research, he suggested to eliminate the Commercial Automotive zone and allow by Special Permit in the Business, Limited Industrial, Industrial, and Main Street Village zones. Those changes would allow the City Council to have some leverage to revoke a Special Permit if there were issues with a site. Chairman Delano supported the recommended changes and requested a motion to amend the proposed zoning to allow Coffee Roasteries by Special Permit in the Business, Limited Industrial, Industrial, and Marlborough Village District zones and not allow them in the Commercial Automotive zone. **Motion made by Councilor Juairé, seconded by the Chair, to approve as amended. The motion carried 4-0 (Councilor Doucette absent).**



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 23, 2018

ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 10, 2018** as **DATE FOR PUBLIC HEARING** Application for Special Permit from Ninja Twins LLC, re: building a gym for children located at 19 Brigham Street, #8, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE.**

Ninety days after public hearing is 12/9/18 which falls on a Sunday, therefore 12/10/18 would be considered the 90th day.

ADOPTED

ORDER NO. 18-1007339

IN CITY COUNCIL



Marlborough, Mass., _____ JULY 23, 2018

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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
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- 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.



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ORDERED:

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.



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ORDERED:

- (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.



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- 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, 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.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY SEPTEMBER 10, 2018.**

ADOPTED

ORDER NO. 18-1007337



IN CITY COUNCIL

Marlborough, Mass., _____ JULY 23, 2018

ORDERED:

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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.



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ORDERED:

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 Parameter 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).



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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:



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- 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.



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- 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.



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ORDERED:

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.

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- 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. Everything 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.



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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.



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ORDERED:

- 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.



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ORDERED:

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



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ORDERED:

**Be and is herewith refer to URBAN AFFAIRS COMMITTEE, PLANNING BOARD,
AND ADVERTISE PUBLIC HEARING FOR MONDAY SEPTEMBER 10, 2018.**

ADOPTED

ORDER NO. 18-1007338



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.marlbrough-ma.gov

Arthur G. Vigeant
MAYOR
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
EXECUTIVE AIDE
2018 SEP -6 A 11:45
Patricia Bernard
EXECUTIVE SECRETARY

September 6, 2018

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

Re: Transfer Request – Council on Aging

Honorable President Clancy and Councilors:

Please find enclosed for your review a transfer in the amount of \$27,340.00 to eliminate an existing position and create a new position at the Council on Aging. At the request of Executive Director Trish Pope, I am submitting this transfer that will result in a salary increase for an incumbent employee.

The employee is currently a Program Coordinator. If this transfer is approved by the City Council, the employee will become a Program Coordinator/Clerk Typist within the MMEA, beginning at Step 0, effective October 1, 2018.

The salary range for this position is:

STEP	ANNUAL SALARY
0	\$35,969.68
1	\$37,408.39
2	\$38,904.87
3	\$40,461.03

The program coordinator position was funded at \$33,270.00 for Fiscal Year 2019.

Thank you for your consideration of this salary adjustment on behalf on the Council on Aging. If you have any questions, please do not hesitate to contact me or Trish Pope.

Sincerely,

Arthur Vigeant
Mayor

Enclosures

9/6/2018




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
<u>\$892,805.00</u>	<u>\$1,884.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries</u>	<u>\$27,340.00</u>	<u>15410002</u>	<u>50584</u>	<u>COA -Clerk Typist</u>	<u>\$0.00</u>
	Reason:					Reason:	<u>Position change</u>		
<u>\$33,940.00</u>	<u>\$25,456.00</u>	<u>15410001</u>	<u>50191</u>	<u>Program Coordinator</u>					<u>\$0.00</u>
	Reason:					Reason:			
									<u>\$0.00</u>
	Reason:					Reason:			
	<u>\$27,340.00</u>	Total			<u>\$27,340.00</u>	Total			

Department Head signature:

Auditor signature:

Comptroller signature:

CITY OF MARLBOROUGH

Marlborough, MA 01752

AA#18-24

POSITION AVAILABLE COUNCIL ON AGING & SENIOR CENTER PROGRAM COORDINATOR / CLERK TYPIST

Definition:

Management of programs and vendors that provide recreational and educational opportunities for Marlborough seniors.

Distinguishing Characteristics:

- Position works under the direction of the Director of Elder Affairs.
- Plan and execute programs and senior center activities based on the needs of the senior community.
- Assess the value of programs to ensure they meet the needs and interests of Marlborough's aging population.
- This position requires an understanding of programs that focus on issues that affect the senior population, such as: isolation, depression, overall mental and physical health, and the benefits of socialization.
- Regular interaction with clients including counseling and referrals to essential resources.
- Performs duties that require exercising sound judgement to analyze circumstances in order to make a decision within established guidelines. (Errors could cause considerable delay and confusion and result in adverse public relations)
- Frequent contact with senior citizens, the public, vendors, community organizations, and other city departments
- Some moderate physical effort required to perform duties in various settings such as but not limited to moving tables and chairs, frequent standing and walking as required to accompany groups on field trips.

Examples of Work:

- Research programs online, through mailings, word of mouth and other senior centers that relate to Marlborough seniors.
- Develop a comprehensive program calendar that includes educational, health, community, recreational, fitness, cultural, safety and intergenerational programs.
- Manage monthly program schedule and ensure high-quality program delivery
- In consultation with the Director, interview presenters, instructors, vendors, and performers prior to approving programs.
- Research, review, and identify potential grant opportunities and lead Council on Aging staff in completing grant applications.

COUNCIL ON AGING & SENIOR CENTER
PROGRAM COORDINATOR / CLERK TYPIST
 (continued)

- Produce monthly newsletter, monthly calendars, and program descriptions.
- Collaborate with Director, Outreach Coordinator, Board of Health nurse and City officials on announcements, articles and information that needs to be included in the newsletter.
- Work with Trip/Tour Companies to plan and execute bus trips. Manage lists, payments for trips, and schedules. Attend trips as Trip Captain, when needed.
- Respond to inquiries from program participants and the general public.
- Performs all other related tasks as required.

Qualifications

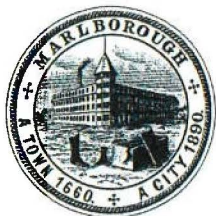
Bachelor's degree in related field preferred; minimum of two to five years' experience in developing and/or managing programs, preferably in a municipal environment with senior citizens; or equivalent combination of education and experience.

Knowledge, Ability and Skill:

Excellent customer service skills. Thorough knowledge of program planning and administrative processes including but not limited to scheduling, knowledge of local and regional programs and services. Ability to interact effectively and diplomatically with the public and city personnel. Excellent organizational and communication skills both verbal and written. Demonstrated competencies in Microsoft Office software. Planning and organizational skills;; personnel management skills; public relations skills; grant-writing experience preferred.

Hours:

35 hours per week: occasional evening and weekend hours when necessary.



City of Marlborough
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Office of the Mayor

2018 SEP -6 A 11:54 140 Main Street
 Marlborough, Massachusetts 01752
 Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlbrough-ma.gov

Arthur G. Vigeant
 MAYOR

Nicholas J. Milano
 EXECUTIVE AIDE

Patricia Bernard
 EXECUTIVE SECRETARY

September 6, 2018

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

Re: Transfer Request – Marlborough Police Department

Honorable President Clancy and Councilors:

Please find enclosed for your review a transfer request in the amount of \$8,412.20 that moves funds to the Marlborough Police Department for the purchase of additional traffic enforcement equipment.

These funds are available to the City of Marlborough due to the per-ride assessment on rides taken on transportation network companies that originate in Marlborough. In 2017, 84,122 rides originated in Marlborough. Transportation Network Companies (TNC) are companies that provide rides solicited through smartphone applications, the two most commonly used are Uber and Lyft. The Commonwealth transferred \$8,412.20 from the Commonwealth Transportation Infrastructure fund to Marlborough.

These funds may be used to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program.

The Marlborough Police Department Traffic Division has been working hard to ensure that Marlborough's streets are safe for all users, pedestrians, cyclists, and drivers. They are very responsive to residents' requests for enforcement and I recommend transferring these funds to the Police Department for the purchase of additional equipment, such as portable speed signs, portable speed humps, and other equipment used by officers on traffic patrols.

The City must file a report with the state identifying how the funds are used and we will provide a copy of the report to the City Council once it is filed.

Please do not hesitate to contact me or Chief Giorgi with any questions.

Sincerely,



Arthur Vigean
Mayor

Enclosures

DEPT: Police

FISCAL YEAR: 2019

TO ACCOUNT:

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

Available
Balance

\$8,412.20

\$8,412.20

27000

33088

Receipts Reserved-TNC Surcharge

\$8,412.20

19300006

58593

Capital Outlay-Police Equip

\$0.00

Reason:

Traffic enforcement equipment purchase

Reason:

Reason:

Reason:

\$8,412.20

Total

\$8,412.20

Total

Department Head signature:

Auditor signature:

Comptroller signature:



Local Finance Opinion

LFO-2018-1
July 11, 2018

TOPIC: Transportation Network Company Per-ride Assessment Distribution

ISSUE: Municipal finance and accounting treatment of money received from the Commonwealth Transportation Infrastructure Fund

This LFO addresses questions relating to the municipal finance and accounting treatment of moneys distributed to a city, town or district from the Commonwealth Transportation Infrastructure Fund.

1. What is the Commonwealth Transportation Infrastructure Fund?

Under Chapter 187 of the Acts of 2016, certain transportation network companies must submit to the Transportation Network Company Division of the Department of Public Utilities (DPU) the number of rides from the previous calendar year that originated within each city or town and a per-ride assessment of \$0.20. The assessment is credited to the Commonwealth Transportation Infrastructure Fund (Fund), which was established by the Act. St. 2016, c. 187, § 8(a). Each year, one half of the amount credited to the Fund will be distributed by the DPU proportionately to each city and town based on the number of rides that originated in that city or town. St. 2016, c. 187, § 8(c)(i).

2. What is the general rule related to the receipt of money by a city, town or district officer or department?

All money received or collected from any source by a city, town or district belongs to its general fund and can only be spent after appropriation unless a general or special law provides an exception, *i.e.*, expressly restricts use for a particular purpose or allows expenditure by a department or officer without appropriation. G.L. c. 44 § 53.

3. Is there an exception to the general rule for money received from the Commonwealth Transportation Infrastructure Fund?

Yes. Money distributed to cities and towns from the Commonwealth Transportation Infrastructure Fund is special revenue earmarked for use by cities and towns “to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in section 1 of chapter 90I of the General Laws and other programs that support alternative modes of transportation.” St. 2016, c. 187, § 8(c)(i). However, the statute establishing the distribution does not authorize any particular department or officer to spend the distributed money without “specific” or “further” appropriation for any of those

LFO-2018-1
July 11, 2018
Page 2

statutory purposes. See, e.g., G.L. c. 40, § 3 (municipal and school rental revenues); G.L. c. 44, § 53A (money gifts and grants); G.L. c. 44, § 53E½ (departmental fees and charges); and G.L. c. 71, § 47 (school activity fees and charges). Therefore, the general rule requiring an appropriation in order to use the money still applies. The accounting officer must establish a receipts reserved for appropriation account for this distribution and credit the money received to that account. To use the money for any allowable purpose, the legislative body must appropriate from available funds in the account.

Additionally, please note that each city or town receiving a distribution from the Commonwealth Transportation Infrastructure Fund must submit a report to the Transportation Network Company Division of the DPU not later than December 31 of each year that details the allowable transportation-related projects conducted, including amounts used or planned to be used for those projects. St. 2016, c. 187, § 8(d). The Division is required to compile the reports and post the projects and amounts of money used on its website. St. 2016, c. 187, § 8(d).



Kathleen Colleary, Chief
Bureau of Municipal Finance Law

KC:KW

Municipality	Number of Rides	Funds
TOTAL	64,797,524	\$ 6,479,752.40
Alphabetical Order		
ABINGTON	29620	\$ 2,962.00
ACTON	17645	\$ 1,764.50
ACUSHNET	673	\$ 67.30
ADAMS	66	\$ 6.60
AGAWAM	20918	\$ 2,091.80
ALFORD	1	\$ 0.10
AMESBURY	9984	\$ 998.40
AMHERST	284506	\$ 28,450.60
ANDOVER	85159	\$ 8,515.90
AQUINNAH	239	\$ 23.90
ARLINGTON	258133	\$ 25,813.30
ASHBURNHAM	418	\$ 41.80
ASHBY	21	\$ 2.10
ASHFIELD	6	\$ 0.60
ASHLAND	22053	\$ 2,205.30
ATHOL	42	\$ 4.20
ATTLEBORO	46212	\$ 4,621.20
AUBURN	25034	\$ 2,503.40
AVON	16300	\$ 1,630.00
AYER	2149	\$ 214.90
BARNSTABLE	114383	\$ 11,438.30
BARRE	137	\$ 13.70
BECKET	48	\$ 4.80
BEDFORD	33117	\$ 3,311.70
BELCHERTOWN	2754	\$ 275.40
BELLINGHAM	5011	\$ 501.10
BELMONT	195807	\$ 19,580.70
BERKLEY	878	\$ 87.80
BERLIN	3536	\$ 353.60
BERNARDSTON	21	\$ 2.10
BEVERLY	121950	\$ 12,195.00
BILLERICA	60156	\$ 6,015.60
BLACKSTONE	1332	\$ 133.20
BLANDFORD	26	\$ 2.60
BOLTON	1375	\$ 137.50
BOSTON	34911476	\$ 3,491,147.60
BOURNE	9595	\$ 959.50
BOXBOROUGH	3320	\$ 332.00
BOXFORD	2526	\$ 252.60
BOYLSTON	2825	\$ 282.50
BRAINTREE	301293	\$ 30,129.30

BREWSTER	9479	\$	947.90
BRIDGEWATER	20900	\$	2,090.00
BRIMFIELD	43	\$	4.30
BROCKTON	433885	\$	43,388.50
BROOKFIELD	151	\$	15.10
BROOKLINE	2074425	\$	207,442.50
BUCKLAND	8	\$	0.80
BURLINGTON	167853	\$	16,785.30
CAMBRIDGE	6782366	\$	678,236.60
CANTON	63913	\$	6,391.30
CARLISLE	2345	\$	234.50
CARVER	1480	\$	148.00
CHARLEMONT	6	\$	0.60
CHARLTON	1927	\$	192.70
CHATHAM	21991	\$	2,199.10
CHELMSFORD	50358	\$	5,035.80
CHELSEA	656686	\$	65,668.60
CHESHIRE	81	\$	8.10
CHESTER	0	\$	-
CHESTERFIELD	19	\$	1.90
CHICOPEE	70278	\$	7,027.80
CHILMARK	1241	\$	124.10
CLARKSBURG	8	\$	0.80
CLINTON	4036	\$	403.60
COHASSET	4661	\$	466.10
COLRAIN	0	\$	-
CONCORD	32104	\$	3,210.40
CONWAY	13	\$	1.30
CUMMINGTON	0	\$	-
DALTON	486	\$	48.60
DANVERS	87187	\$	8,718.70
DARTMOUTH	23242	\$	2,324.20
DEDHAM	149793	\$	14,979.30
DEERFIELD	1631	\$	163.10
DENNIS	30197	\$	3,019.70
DIGHTON	681	\$	68.10
DOUGLAS	579	\$	57.90
DOVER	6647	\$	664.70
DRACUT	28181	\$	2,818.10
DUDLEY	1234	\$	123.40
DUNSTABLE	275	\$	27.50
DUXBURY	5143	\$	514.30
EAST BRIDGEWATER	7463	\$	746.30
EAST BROOKFIELD	164	\$	16.40
EAST LONGMEADOW	11974	\$	1,197.40
EASTHAM	2799	\$	279.90
EASTHAMPTON	11762	\$	1,176.20

EASTON	22119	\$	2,211.90
EDGARTOWN	31050	\$	3,105.00
EGREMONT	9	\$	0.90
ERVING	15	\$	1.50
ESSEX	1568	\$	156.80
EVERETT	775773	\$	77,577.30
FAIRHAVEN	5244	\$	524.40
FALL RIVER	59477	\$	5,947.70
FALMOUTH	53249	\$	5,324.90
FITCHBURG	25528	\$	2,552.80
FLORIDA	7	\$	0.70
FOXBOROUGH	45633	\$	4,563.30
FRAMINGHAM	321244	\$	32,124.40
FRANKLIN	19788	\$	1,978.80
FREETOWN	889	\$	88.90
GARDNER	1691	\$	169.10
GEORGETOWN	2488	\$	248.80
GILL	119	\$	11.90
GLOUCESTER	8815	\$	881.50
GOSHEN	14	\$	1.40
GOSNOLD	0	\$	-
GRAFTON	12281	\$	1,228.10
GRANBY	2490	\$	249.00
GRANVILLE	35	\$	3.50
GREAT BARRINGTON	351	\$	35.10
GREENFIELD	1489	\$	148.90
GROTON	1943	\$	194.30
GROVELAND	1903	\$	190.30
HADLEY	40317	\$	4,031.70
HALIFAX	2029	\$	202.90
HAMILTON	3630	\$	363.00
HAMPDEN	1501	\$	150.10
HANCOCK	121	\$	12.10
HANOVER	13163	\$	1,316.30
HANSON	4012	\$	401.20
HARDWICK	12	\$	1.20
HARVARD	2071	\$	207.10
HARWICH	20683	\$	2,068.30
HATFIELD	1535	\$	153.50
HAVERHILL	104076	\$	10,407.60
HAWLEY	0	\$	-
HEATH	0	\$	-
HINGHAM	46794	\$	4,679.40
HINSDALE	57	\$	5.70
HOLBROOK	23171	\$	2,317.10
HOLDEN	8938	\$	893.80
HOLLAND	9	\$	0.90

HOLLISTON	5614	\$	561.40
HOLYOKE	74232	\$	7,423.20
HOPEDALE	988	\$	98.80
HOPKINTON	8373	\$	837.30
HUBBARDSTON	60	\$	6.00
HUDSON	16573	\$	1,657.30
HULL	7075	\$	707.50
HUNTINGTON	12	\$	1.20
IPSWICH	4632	\$	463.20
KINGSTON	10574	\$	1,057.40
LAKEVILLE	2591	\$	259.10
LANCASTER	1424	\$	142.40
LANESBOROUGH	466	\$	46.60
LAWRENCE	350752	\$	35,075.20
LEE	801	\$	80.10
LEICESTER	5995	\$	599.50
LENOX	2178	\$	217.80
LEOMINSTER	31382	\$	3,138.20
LEVERETT	294	\$	29.40
LEXINGTON	122112	\$	12,211.20
LEYDEN	0	\$	-
LINCOLN	12847	\$	1,284.70
LITTLETON	6852	\$	685.20
LONGMEADOW	11785	\$	1,178.50
LOWELL	490389	\$	49,038.90
LUDLOW	7748	\$	774.80
LUNENBURG	2631	\$	263.10
LYNN	549822	\$	54,982.20
LYNNFIELD	31028	\$	3,102.80
MALDEN	906043	\$	90,604.30
MANCHESTER	3353	\$	335.30
MANSFIELD	30986	\$	3,098.60
MARBLEHEAD	43184	\$	4,318.40
MARION	852	\$	85.20
MARLBOROUGH	84122	\$	8,412.20
MARSHFIELD	9019	\$	901.90
MASHPEE	12880	\$	1,288.00
MATTAPOISETT	749	\$	74.90
MAYNARD	6295	\$	629.50
MEDFIELD	7347	\$	734.70
MEDFORD	966710	\$	96,671.00
MEDWAY	3326	\$	332.60
MELROSE	129355	\$	12,935.50
MENDON	907	\$	90.70
MERRIMAC	1386	\$	138.60
METHUEN	104578	\$	10,457.80
MIDDLEBOROUGH	5241	\$	524.10

MIDDLEFIELD	0	\$	-
MIDDLETON	11809	\$	1,180.90
MILFORD	16515	\$	1,651.50
MILLBURY	20164	\$	2,016.40
MILLIS	3138	\$	313.80
MILLVILLE	213	\$	21.30
MILTON	138761	\$	13,876.10
MONROE	0	\$	-
MONSON	566	\$	56.60
MONTAGUE	314	\$	31.40
MONTEREY	4	\$	0.40
MONTGOMERY	11	\$	1.10
MOUNT WASHINGTON	0	\$	-
NAHANT	8948	\$	894.80
NANTUCKET	184136	\$	18,413.60
NATICK	153110	\$	15,311.00
NEEDHAM	124775	\$	12,477.50
NEW ASHFORD	8	\$	0.80
NEW BEDFORD	64621	\$	6,462.10
NEW BRAINTREE	1	\$	0.10
NEW MARLBOROUGH	11	\$	1.10
NEW SALEM	5	\$	0.50
NEWBURY	4343	\$	434.30
NEWBURYPORT	26196	\$	2,619.60
NEWTON	1051030	\$	105,103.00
NORFOLK	4468	\$	446.80
NORTH ADAMS	431	\$	43.10
NORTH ANDOVER	55409	\$	5,540.90
NORTH ATTLEBOROUGH	25230	\$	2,523.00
NORTH BROOKFIELD	127	\$	12.70
NORTH READING	17965	\$	1,796.50
NORTHAMPTON	61570	\$	6,157.00
NORTHBOROUGH	19988	\$	1,998.80
NORTHBRIDGE	3570	\$	357.00
NORTHFIELD	13	\$	1.30
NORTON	11305	\$	1,130.50
NORWELL	11215	\$	1,121.50
NORWOOD	99884	\$	9,988.40
OAK BLUFFS	36770	\$	3,677.00
OAKHAM	39	\$	3.90
ORANGE	24	\$	2.40
ORLEANS	6228	\$	622.80
OTIS	6	\$	0.60
OXFORD	4220	\$	422.00
PALMER	1876	\$	187.60
PAXTON	2018	\$	201.80
PEABODY	177346	\$	17,734.60

PELHAM	655 \$	65.50
PEMBROKE	7110 \$	711.00
PEPPERELL	570 \$	57.00
PERU	51 \$	5.10
PETERSHAM	5 \$	0.50
PHILLIPSTON	8 \$	0.80
PITTSFIELD	10198 \$	1,019.80
PLAINFIELD	1 \$	0.10
PLAINVILLE	7841 \$	784.10
PLYMOUTH	38451 \$	3,845.10
PLYMPTON	506 \$	50.60
PRINCETON	272 \$	27.20
PROVINCETOWN	17382 \$	1,738.20
QUINCY	957311 \$	95,731.10
RANDOLPH	137713 \$	13,771.30
RAYNHAM	9518 \$	951.80
READING	45304 \$	4,530.40
REHOBOTH	2492 \$	249.20
REVERE	722136 \$	72,213.60
RICHMOND	149 \$	14.90
ROCHESTER	219 \$	21.90
ROCKLAND	26884 \$	2,688.40
ROCKPORT	1253 \$	125.30
ROWE	0 \$	-
ROWLEY	1989 \$	198.90
ROYALSTON	0 \$	-
RUSSELL	71 \$	7.10
RUTLAND	1124 \$	112.40
SALEM	296482 \$	29,648.20
SALISBURY	9109 \$	910.90
SANDISFIELD	1 \$	0.10
SANDWICH	6990 \$	699.00
SAUGUS	147714 \$	14,771.40
SAVOY	1 \$	0.10
SCITUATE	5123 \$	512.30
SEEKONK	20062 \$	2,006.20
SHARON	19651 \$	1,965.10
SHEFFIELD	17 \$	1.70
SHELBURNE	48 \$	4.80
SHERBORN	3614 \$	361.40
SHIRLEY	510 \$	51.00
SHREWSBURY	64166 \$	6,416.60
SHUTESBURY	61 \$	6.10
SOMERSET	3849 \$	384.90
SOMERVILLE	2727951 \$	272,795.10
SOUTH HADLEY	16742 \$	1,674.20
SOUTHAMPTON	1187 \$	118.70

SOUTHBOROUGH	17824	\$	1,782.40
SOUTHBRIDGE	1751	\$	175.10
SOUTHWICK	1198	\$	119.80
SPENCER	2658	\$	265.80
SPRINGFIELD	378381	\$	37,838.10
STERLING	1338	\$	133.80
STOCKBRIDGE	708	\$	70.80
STONEHAM	68701	\$	6,870.10
STOUGHTON	70721	\$	7,072.10
STOW	2161	\$	216.10
STURBRIDGE	2192	\$	219.20
SUDBURY	14547	\$	1,454.70
SUNDERLAND	5285	\$	528.50
SUTTON	2483	\$	248.30
SWAMPSCOTT	51522	\$	5,152.20
SWANSEA	4329	\$	432.90
TAUNTON	31042	\$	3,104.20
TEMPLETON	123	\$	12.30
TEWKSBURY	48677	\$	4,867.70
TISBURY	19003	\$	1,900.30
TOLLAND	0	\$	-
TOPSFIELD	3012	\$	301.20
TOWNSEND	184	\$	18.40
TRURO	2506	\$	250.60
TYNGSBOROUGH	8791	\$	879.10
TYRINGHAM	13	\$	1.30
UPTON	1367	\$	136.70
UXBRIDGE	2055	\$	205.50
WAKEFIELD	68332	\$	6,833.20
WALES	4	\$	0.40
WALPOLE	31775	\$	3,177.50
WALTHAM	711420	\$	71,142.00
WARE	258	\$	25.80
WAREHAM	4997	\$	499.70
WARREN	76	\$	7.60
WARWICK	0	\$	-
WASHINGTON	18	\$	1.80
WATERTOWN	469122	\$	46,912.20
WAYLAND	20880	\$	2,088.00
WEBSTER	3533	\$	353.30
WELLESLEY	193377	\$	19,337.70
WELLFLEET	4552	\$	455.20
WENDELL	3	\$	0.30
WENHAM	5419	\$	541.90
WEST BOYLSTON	6135	\$	613.50
WEST BRIDGEWATER	7800	\$	780.00
WEST BROOKFIELD	57	\$	5.70

WEST NEWBURY	1272	\$	127.20
WEST SPRINGFIELD	48288	\$	4,828.80
WEST STOCKBRIDGE	90	\$	9.00
WEST TISBURY	5515	\$	551.50
WESTBOROUGH	52774	\$	5,277.40
WESTFIELD	28502	\$	2,850.20
WESTFORD	13471	\$	1,347.10
WESTHAMPTON	130	\$	13.00
WESTMINSTER	878	\$	87.80
WESTON	48574	\$	4,857.40
WESTPORT	2214	\$	221.40
WESTWOOD	53014	\$	5,301.40
WEYMOUTH	157892	\$	15,789.20
WHATELY	528	\$	52.80
WHITMAN	12950	\$	1,295.00
WILBRAHAM	6751	\$	675.10
WILLIAMSBURG	552	\$	55.20
WILLIAMSTOWN	428	\$	42.80
WILMINGTON	40518	\$	4,051.80
WINCHENDON	125	\$	12.50
WINCHESTER	75820	\$	7,582.00
WINDSOR	57	\$	5.70
WINTHROP	103750	\$	10,375.00
WOBURN	219975	\$	21,997.50
WORCESTER	848943	\$	84,894.30
WORTHINGTON	1	\$	0.10
WRENTHAM	11096	\$	1,109.60
YARMOUTH	28880	\$	2,888.00



City of Marlborough
**RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH**
Office of the Mayor

2018 SEP -6 A 11:54

140 Main Street
 Marlborough, Massachusetts 01752
 Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlbrough-ma.gov

Arthur J. Vigeant
 MAYOR

Nicholas J. Milano
 EXECUTIVE AIDE

Patricia Bernard
 EXECUTIVE SECRETARY

September 6, 2018

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

Re: School Marketing Initiative

Honorable President Clancy and Councilors:

Please find enclosed information about the marketing initiative undertaken by the Marlborough Economic Development Corporation to help increase awareness of the exciting opportunities in Marlborough Public Schools. As I have mentioned numerous times in the past, Marlborough Public Schools is moving forward and we have much to be proud of.

The purpose of our partnership with NK&A Marketing is to help share information about these strong programs and develop a long-term marketing strategy that strengthens the City's message. After working closely with representatives from MPS and several stakeholders, including Councilor Robey, residents, business representatives, and realtors who work in Marlborough, NK&A has provided us with a public relations strategy, recommendations for overall messaging and ultimately a new positioning statement or "tag line" for not only MPS and MEDC but for City departments as well.

The recommended positioning statement "Marlborough: Exceeding Expectations" will be used to better align communications and marketing efforts City-wide. In the attached presentation you will find more information regarding the target audiences and value statements that support the positioning statement. NK&A and MEDC are continuing their work in terms of developing a full marketing strategy centered around the positioning statement and value statements, but we felt it was important to provide the City Council with this update and solicit any feedback.

Thank you for providing the funding for this effort and I look forward to discussing this initiative with you further. If you have any questions, please do not hesitate to contact me or Meredith Harris.

Sincerely,

Arthur Vigeant
Mayor



Marlborough

Brand Positioning and Website Audit

June 27, 2018





Brand Positioning



3 Audiences

Realtors /
Relocation
Services

Nesting
Millennials

Residents



3 Message Categories

Great
Schools

Great place
to live

Job
Opportunities



Messaging



Let's look at value statements
supportive of each category



Great Schools

96% high school
graduation rate

MPS's
student-to-teacher ratio
is an impressive 12 to 1

STEM program:

MPS's nationally-recognized
STEM Early College High
School program is in affiliation
with the Harvard Graduate
School of Education.

STEM program:

MHS's Real World Design Challenge team has competed in the state challenge the last 7 years, winning it 3 times.

Music program:

High school musicians have performed at Symphony Hall, Fenway Park, the Hatch Shell and the Newport Jazz Festival.

Music program:

Marlboro High School's
Music Production class has
been featured on national
Best of A Capella album.

Early College program:

Through dual enrollment,
MHS students can earn up to
30 college credits while
completing their high school
requirements.

A top 5 Massachusetts school
in Advanced Placement; with
23 classes offered and over
500 students participating.

Marlborough Public Schools
proudly partners with GE,
Raytheon, Hologic, Dow
and Boston Scientific.

Free, all-day
Kindergarten

Student growth through

Diverse:

- programs
- student body
- school choices



Great Place to Live

Home to the largest
indoor ice skating
facility in the world.

Boom to downtown with the addition of a brew pub, a coffee roaster, 2 restaurants, nail salon, dance studio & childcare facility.

Over 100 dining establishments; with delicious diversity of fare and experiences, reflecting richness of the cultural mix in Marlborough

Bike-Share Program:
Serving all of Marlborough
with 8 convenient stations

Voted in the top 10% of
Best American Suburbs
for Millennials.

Named best place to raise
your kids in
Massachusetts by
Bloomberg Business
Week.

Sponsored events and festivities, rail trail, parks, handicapped-accessible beach, splash pads and 3 turf fields.

Free trash removal.

Free leaf and grass
clipping removal.

Its own local hospital
UMass Memorial -
Marlborough Hospital



Job Opportunities

2,000 new jobs
were created in 2017.

40 companies moved
to or expanded their
businesses in
Marlborough in 2017.

The Apex Center alone
brought 25 new
businesses and 1,600
new jobs to
Marlborough.



Positioning Statement that
supports our messaging



Positioning statement

MARLBOROUGH

Exceeding expectations



City of Marlborough

Office of the Mayor

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www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
EXECUTIVE AIDE
2018 SEP -6 A 11:46
Patricia Bernard
EXECUTIVE SECRETARY

September 6, 2018

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

Re: Grant Acceptance – Council on Aging

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a grant in the amount of \$4,000.00 from the AARP to conduct an Age Friendly Survey in partnership with the Marlborough Council on Aging.

Marlborough was recently awarded Age Friendly Status by the AARP and Council on Aging Executive Director Trish Pope secured grant funding to conduct a community survey about the Age Friendly movement to determine what Marlborough does well, where we can improve, and to solicit general feedback. AARP will provide examples of survey questions and assist with the survey design.

I have attached a letter from Executive Director Pope, the notification of grant award form, and an outline from the AARP of the survey process.

If you have any questions or require additional information, please do not hesitate contact me or Trish Pope.

Sincerely,

Arthur Vigeant
Mayor

Enclosures



City of Marlborough
Council on Aging and Senior Center

40 New Street
 Marlborough, Massachusetts 01752
 Telephone (508) 485-6492 Facsimile (508) 460-3726

Patricia A. Pope
 EXECUTIVE DIRECTOR

September 6, 2018

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

Re: AARP Age Friendly Community Grant

Dear Mayor Vigeant

I am pleased to submit to you a grant award in the amount of \$4000.00 from AARP. This funding will allow us to move forward with our Age Friendly initiative. Marlborough has recently been awarded Age Friendly Status from AARP and these funds will be used to conduct a survey in our community via mail in order to reach as many residents as possible regarding the Age Friendly movement. The money awarded must be spent in this calendar year.

We look forward to utilizing this grant to enhance the quality of life of not only our senior population but all the residents of Marlborough. I am available should you or the City Council have any questions.

Sincerely,

Patricia A. Pope
 Executive Director

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: COA DATE: September 6, 2018

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia A. Pope

NAME OF GRANT: Age Friendly Survey

GRANTOR: AARP

GRANT AMOUNT: \$4000.00

GRANT PERIOD: September - December 2018

SCOPE OF GRANT/
ITEMS FUNDED Prepare and mail send out an Age Friendly Survey to
the residents of Marlborough

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: as soon as possible

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

The Collaboration Template

I am writing to confirm our agreement regarding the Age-Friendly survey to be conducted within this calendar year (2018). As we discussed, AARP will provide your organization, Marlborough Council on Aging with funds of \$4,000.00. Marlborough Council on Aging will be responsible for following all survey guidelines set forth by AARP Research as listed below.

APPENDIX A: SURVEY GUIDELINES

Age-Friendly Survey – At A Glance	
Guideline Topics	Survey Steps
Survey Design Guidelines	1. Download survey at https://www.aarp.org/livable-communities/info-2014/aarp-community-survey-questionnaire.html required questions are in document attached to this e-mail
	2. For help with survey design contact AARP Research at jbinette@aarp.org
	3. (Required step) Send final survey for approval to AARP Research at jbinette@aarp.org and allow 1 week for review and approval
Data Collection Guidelines	1. Survey via mail; telephone; online; or in-person
	2. Survey people at least 45 years of age
	3. Collect at least 500 completed surveys (communities with less than 25,000 residents should try to collect at least 300 surveys)
Data Entry Guidelines	1. (Required step) Data entry Excel template attached to e-mail
	2. (Required step) Enter survey responses to match the codes provided in survey template
	3. (Required step) Send final Excel data file and Word file with a brief data collection description to AARP Research at jbinette@aarp.org
Reporting Guidelines	1. Download report templates at https://www.aarp.org/livable-communities/info-2014/aarp-community-survey-questionnaire.html
	2. (Required step) Send final reports [if community chooses to do a report] to AARP Research at jbinette@aarp.org

Survey Design Guidelines

1. Download the mail/paper-pencil or telephone survey template on the AARP Age-Friendly Network Toolkit at <https://www.aarp.org/livable-communities/info-2014/aarp-community-survey-questionnaire.html>.
2. The survey can be customized to fit the needs of your community, that is questions can be added or deleted; however, under the guidelines, the survey questions and items highlighted in blue must be included [in their current format] on the final community survey.
3. AARP Research recommends asking no more than the number of questions on the current mail survey template. For a telephone survey, AARP Research recommends asking no more than the number of questions on the current telephone survey template, which is about a 25-minute telephone interview.
4. If new questions are being added, AARP Research is available to provide technical assistance with the design of new questions. For technical assistance, contact Joanne Binette at (202) 434-6303 or jbinette@aarp.org.
5. **(Required step)** The final survey must be sent to AARP Research for review and approval before the survey is administered. Allow one week for the survey review and approval by AARP Research. Surveys should be emailed in a Word document to Joanne Binette at jbinette@aarp.org.

Data Collection Guidelines

1. The survey can be administered through various methods including mail, telephone, in-person and online. Multiple survey methods can be used simultaneously. AARP Research is available to provide technical assistance and insights on various surveying strategies to help maximize the number of completed surveys.
2. AARP Research recommends surveying adults who are at least 45 years of age.
3. AARP Research recommends getting at least 500 completed surveys to allow communities to publicly release the data and use the data for internal planning purposes. Communities with less than 25,000 residents should attempt to get 300 completed surveys.

Data Entry Guidelines

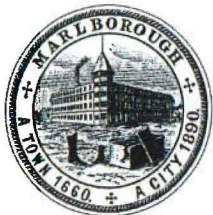
1. **(Required step)** The survey data should be captured in a standard format with pre-assigned values to all potential survey responses. So for example a 'Yes' response would always be recorded as a '1' and a 'No' response would always be recorded as a '2.' The mail/paper-pencil and telephone versions of the survey already contain all of the necessary codes next to each possible survey response for coding purposes.
2. **(Required step)** The coded survey responses should be entered into an Excel or SPSS file. The question numbers and wording need to be put into the Excel spreadsheet/data file can be found attached to this original email
3. **(Required step)** Write a brief description of how the survey data was collected and who responded to the survey. An example/template of this type of description is available on the AARP Age-Friendly Network Toolkit at <https://www.aarp.org/livable-communities/info-2014/aarp-community-survey-questionnaire.html>.
4. **(Required step)** After the survey data has been entered, the Excel file containing the survey data (survey responses) must be sent to AARP Research, Joanne Binette at jbinette@aarp.org.
(Required step) A word document with a brief description of the data collection efforts must be sent to AARP Research, Joanne Binette at jbinette@aarp.org.

Reporting Guidelines

1. Downloadable survey reporting templates are available on the AARP Age-Friendly Network Toolkit at <https://www.aarp.org/livable-communities/info-2014/aarp-community-survey-questionnaire.html>. The use of these templates is optional and they can be used separately or in any combination. The available templates are:
 - a. Power Point Deck-This template is good for use in presentations.
 - b. Annotated survey showing percentages for each response category on every survey question-This template is good to use as back-up documentation, especially with media outlets.
 - c. Infographic containing the most relevant survey findings-This template is good to use as a leave-behind at events and/or meetings and to use with social media outlets.
2. AARP Research recommends reporting of samples that contain at least 500 respondents. Communities that have less than 25,000 residents and can only collect 300 respondents can also report the survey data but should tell their audience that caution must be used in the interpretation of the survey results because this smaller sample size may not necessarily represent the opinions of the whole community. AARP Research does not recommend reporting survey data that is based on fewer than 300 respondents; however, this data can be used for internal planning purposes.
3. AARP Research is available to advise you on reporting how well the survey sample represents your community.
4. **(Required step)** If a community chooses to put the data into a report format, the report (s) must be sent to AARP Research, Joanne Binette at jbinette@aarp.org.

We also agreed that your organization cannot collect any information from participants of the effort that directly or indirectly identifies such attendees as AARP members or individuals interested in AARP. Finally, we agree that AARP has permission to use **Marlborough Council on Aging** name and logo for the limited purpose of communicating our collaboration described in this email and in promotion of AARP in all formats until the end of this year. AARP agrees to allow your organization to use its name and logo with the advanced written permission of AARP until the end of the year.

Please **respond to this email with "I agree"** to confirm that I have accurately reflected our agreement.



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.marlbrough-ma.gov

Arthur G. Vigeant
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Nicholas J. Milano
2018 SEP -6 A 11:46
EXECUTIVE AIDE
Patricia Bernard
EXECUTIVE SECRETARY

September 6, 2018

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

Re: Appointment to the Marlborough Historical Commission

Honorable President Clancy and Councilors:

I am pleased to submit for confirmation the appointment of Melanie Whapham to the Marlborough Historical Commission for a term of three years to commence upon City Council approval.

Ms. Whapham is well-known to the entire Marlborough community for her years of volunteerism, particularly on the Marlborough Labor Day Parade. Historical Commission Chair Bob Fagone recommended the Commission to Ms. Whapham and she was very interested in serving.

Thank you for your consideration of this appointment and please do not hesitate to contact me with any questions.

Sincerely,

Arthur Vigeant
Mayor

Enclosures



8/10/18

Mr. Arthur E. Vigeant, Mayor
140 Main Street, City Hall
Marlborough MA 01752

Re: Marlborough Historical Commission Membership
Ms. Melanie Whapham

Dear Mr. Mayor,

As you know the Historical Commission has been in search of Board members of a caliber compatible with the City's needs and the current Commission's membership.

We invited Melanie Whapham, my next door neighbor, to sit in on last night's Board meeting, and she graciously accepted our offer to become a member on our Board.

I don't believe you or the City Council Personnel committee need a detailed introduction to Melanie's skills and character. If you could put her name forward to that group as a prospective Marlborough Historical Commission Board Member, and expedite her process through her induction into our group, I believe we and the City will be at a new advantage with her participation.

Thank you for your interest and your assistance.

Sincerely,

Robert A. Fagone, Chair
Marlborough Historical Commission

cc: Melanie Whapham

140 Main Street
Marlborough MA 01752
508-624-6910 ext.33215



City of Marlborough
Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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

www.marlborough-ma.gov

Arthur G. Vigeant
 MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michael J. Milano
 EXECUTIVE AIDE

2018 SEP -6 4 11:46
Patricia Bernard
 EXECUTIVE SECRETARY

September 6, 2018

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

Re: Appointment to the Board of Registrars

Honorable President Clancy and Councilors:

I am pleased to appoint Lucinda Zomar as the Republican representative on the Marlborough Board of Registrars for a term of 3 years to begin on City Council confirmation.

Ms. Zomar has long been active in Marlborough civic life and has met with City Clerk Lisa Thomas to discuss the position. Ronald Saloman who previously served this role resigned recently because he moved out of Marlborough.

With the current status of the Congressional race, I ask that you expedite this appointment.

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

Sincerely,

Arthur Vigeant
 Arthur Vigeant
 Mayor

Enclosures

Law Office of Michael J. Norris
171 Locke Drive, Ste. 108
Marlborough, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 SEP -4 P 1:06

Michael J. Norris, Esq.
mnorris@mjnattorney.com

Office: (508) 624-7733
Facsimile: (508) 229-2600

August 29, 2018

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

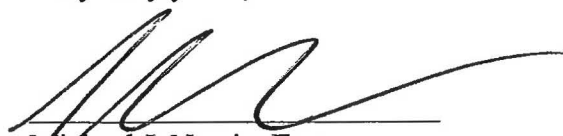
Re: 89 Spring Street Special Permit

Dear Ms. Thomas:

Enclosed please find the application of Raphael B. Fischetti, for a Special Permit for 89 Spring Street. Please file same on my behalf.

I have distributed the appropriate copies to the various departments.

Very truly yours,


Michael J. Norris, Esq.

MJN/fja

cc: City Clerk
Police Chief
City Engineer
Building Inspector
Conservation Officer

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Raphael B. Fischetti, 617 Pawtucket Blvd., Unit 3, Lowell, MA 01814

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

89 Spring St. Parcel No. 68-316

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

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 4 Paragraph 4.2 Sub-paragraph _____

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

A-3

7. Specific reason(s) for seeking Special Permit

The Applicant seeks a special permit on the 15' side-line requirements to permit.

side-lines of 12.21 and 8.3.

The requested special permit is similar to side-line on the house that was torn down by the City.

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 of Petitioner or Applicant

Address: 671 Pawtucket Blvd., Unit 3

Lowell, MA 01814

Telephone No. 617-645-5226

Date: 8/16/18

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

Raphael B. Fischetti

(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: Raphael B. Fischetti Address: 617 Pawtucket Blvd., Unit 3, Lowell, MA
01814

Project Name: _____ Address: 89 Spring Street

1. PROPOSED USE: (describe) SINGLE FAMILY HOUSE

2. EXPANSION OR NEW: NEW

3. SIZE: floor area sq. ft. 864 1st floor _____ all floors _____

buildings 1 # stories 2 lot area (s.f.) 4,241

4. LOT COVERAGE: 28 % Landscaped area: _____ %

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

Normal: 5 Peak period: _____

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 2 Peak period: _____

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

0

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Outside lights on house. None.

8. NOISE:

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

NONE

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. NONE

9. AIR: What sources of potential air pollution will exist at the development? _____

NONE

10. WATER AND SEWER: Describe any unusual generation of waste. SINGLE FAMILY HOUSE

11. 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: 8/29/18

SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: _____

Project Use Summary: Construct a single family house

Project Street Address: 89 Spring Street

Plate: 68 Parcel: 316

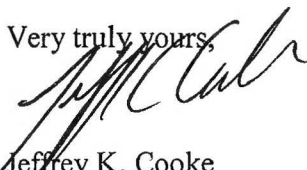
Applicant/Developer Name: Raphael B. Fischetti

Plan Date: 6/29/18 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

300.00

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



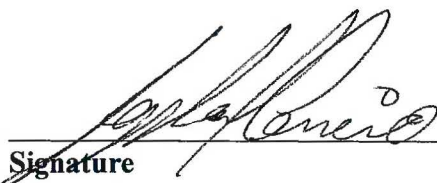
**Lisa M. Thomas
City Clerk**

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	<u>✓</u>
1 SET	FIRE CHIEF	<u>✓</u>
1 SET	CITY ENGINEER	<u>✓</u>
1 SET	DIRECTOR OF PLANNING	<u>✓</u>
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED)	<u>✓</u>
1 SET	BUILDING COMMISSIONER	<u>✓</u>
12 SETS	OFFICE OF THE CITY COUNCIL	<u>✓</u>
3 SETS	OFFICE OF THE CITY CLERK	<u>✓</u> (MUST be Original & 2 Complete Sets)


Signature

8/29/18
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

Owner Name/Officer Name of LLC or Corporation

Raphael B. Fischetti

Owner/Officer Complete Address and Telephone Number

617 Pawtucket Blvd., Unit 3

Lowell, MA 01814

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.

Tax Collector



City of Marlborough

BUILDING DEPARTMENT

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

JEFFREY COOKE, C.B.O.
BUILDING COMMISSIONER

PATRICK DAHLGREN
ASSISTANT BUILDING
COMMISSIONER

WILLIAM PAYNTON
LOCAL BUILDING INSPECTOR

RICHARD DESIMONE
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

August 13, 2018

Owner

Raphael B. Fischetti
617 Pawtucket Blvd., Unit 3
Lowell, MA 01814

Applicant

Michael J. Norris, Esq.
171 Locke Drive, Suite 108
Marlborough, MA 01752

Mr. Norris:

Re: 89 Spring Street, Marlborough, MA

Your application to construct a new Single Family Dwelling at 89 Spring Street, Marlborough, MA Parcel ID #68-316, located in the Residence A-3 zoning district (A3) is denied as it does not comply with Chapter 650-41 of City Code of Marlborough. The "Table of Lot Area, Yards, and Height of Structures" states that your use requested requires minimum side yard set-back of 15 feet. Your proposed construction requests side yard set-back of 12.2' (L) and 8.3' (R). As a pre-existing, non-conforming lot, the construction of a new SFD that is more non-conforming requires a "Special Permit" (SP) issued by the Marlborough City Council.

The newest proposal by the applicant desires to increase the structure for a 1 ½ story to a full two story SFD, thus intensifying the pre-existing conformity.

Your use requested requires a Zoning relief 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
In your appeal, you may request a Special Permit (SP).

Sincerely,

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

Mission Statement

To promote the safe and compatible development of the community through the fair and consistent enforcement of the building codes and zoning ordinances

Commonwealth of Massachusetts
CITY OF MARLBOROUGH
APPLICATION FOR USE OR CHANGE OF USE

 COPY

The Marlborough City Code requires that a permit be obtained before any land or structure may be used in any way, and before any use may be changed.

► This does not apply to a change of ownership – only to a change in use.

Applications for permits shall be accompanied by **two prints of a plan of the lot**, drawn to scale, showing the actual dimensions of the lot, exact location and size of any existing or proposed buildings and streets and ways adjacent to the lot.

Address of property for which use or change of use is applied for:

89 SPRING STREET MAP 68/LOT 316 A-3
No. / Street Parcel ID# Zoning District
Assessors Init: fm

Description of Use Proposed (as written in Section 415 Table of Uses).

Please attach a brief narrative, if necessary. To construct a single family house on a preexisting non-conforming lot which was purchased at a Tax Foreclosure from the City. The City tore the house down.

If Residential, state # of units proposed One (1)

If Business, state exact type _____

Present Use of Property, including any existing structures

Was a single family, now vacant land.

Applicant's Name Michael J. Norris, Esq. Bldg Owner's Name Raphael B. Fischetti
Applicant's Address Owner's Address
171 Locke Dr., Suite 108 617 Pawtucket Blvd., Unit 3
Marlborough, MA 01752 Lowell, MA 01814

Applicant's Phone 508-624-7733 Owners Phone 617-645-5226

I, as Owner/Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and belief.

 Applicant's Signature
Michael J. Norris, Esq. Owner's Signature
Raphael B. Fischetti

I certify that the owner of record below is not delinquent in payments to the City of Marlborough under any circumstances per MGL Chapter 40 Section 57.

Tax Collector Eileen Orosz Date 6/29/18

OVER ►

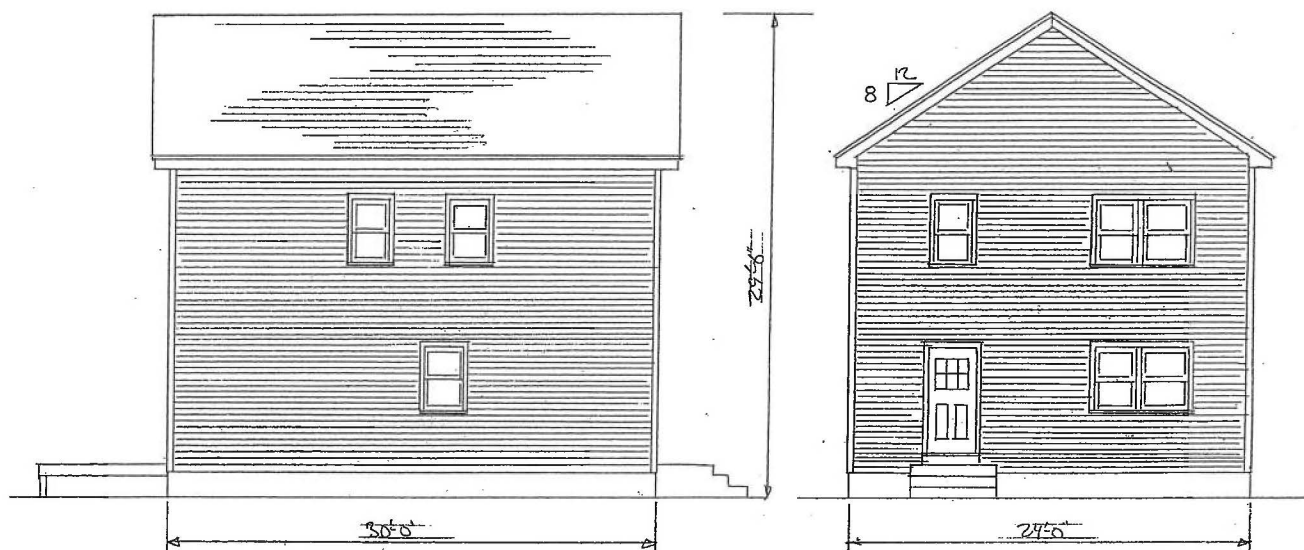
FOR ADMINISTRATION USE ONLY – DO NOT WRITE BELOW THIS LINE

APPROVE
DENIED

ZONING CODE REQUIRES RELIEF INTERESTING THE NOW CONFORM
REASON FOR DENIAL _____

 ZONING AGENT

13 AUG 2018
DATE



LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"

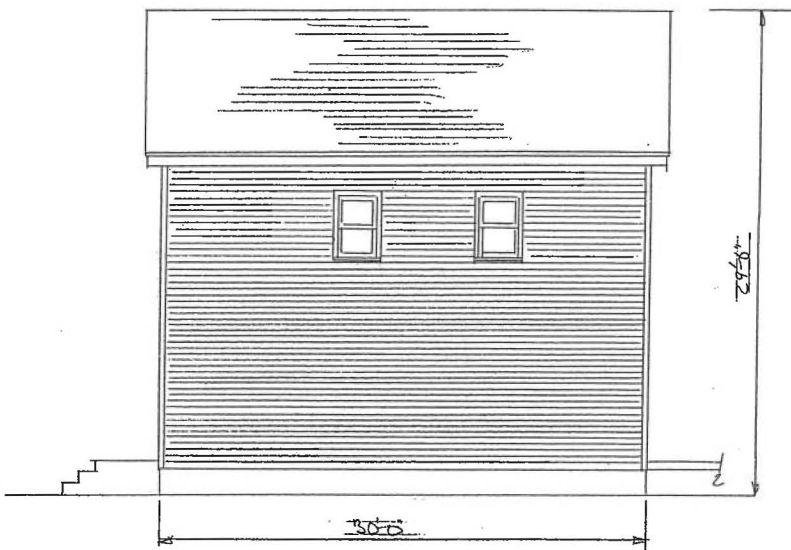
FRONT ELEVATION
SCALE 1/4" = 1'-0"

CLARK ARCHITECTURAL
10 CHELSEA RD MA 021-751-7025

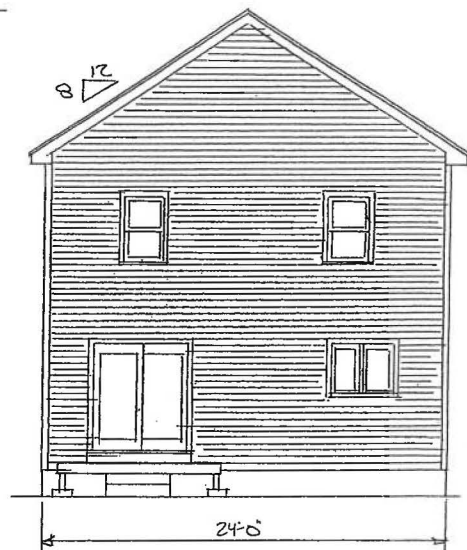
JUNE 26, 2018

89 SPRING ST
MARLBOROUGH MA

1

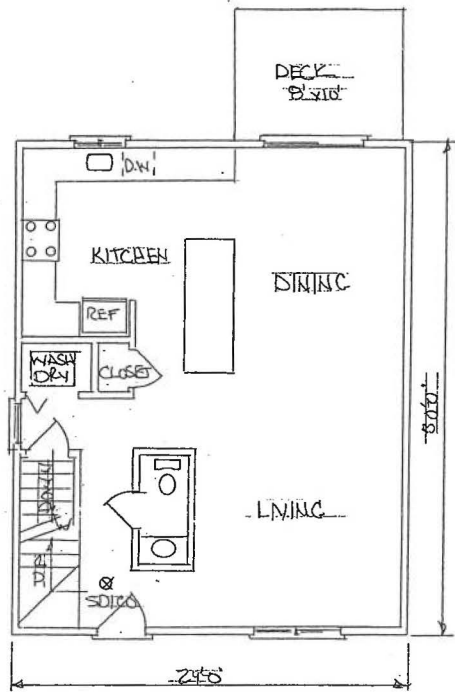


RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"

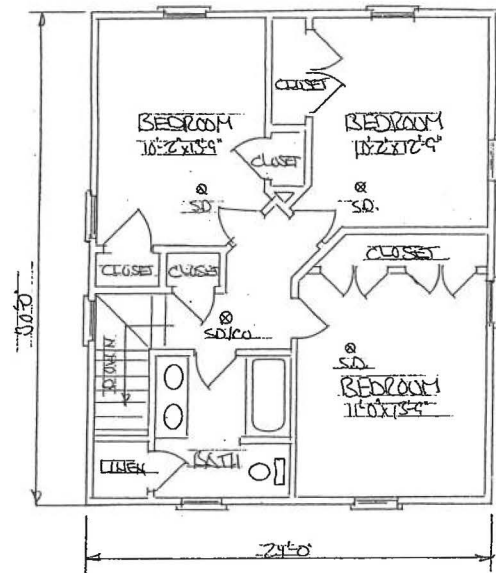


BACK ELEVATION
SCALE 1/4" = 1'-0"

89 SPRING ST
MARLBOROUGH MA



FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"
720 SQ. FT.



SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"
720 SQ. FT.

89 SPRING ST
MARLBOROUGH MA

NOTE:

1. THIS PLAN IS NOT TO BE CONSIDERED AN ALTA/ACSM LAND TITLE SURVEY, NOR IS IT TO BE USED FOR RETRACEMENT OF PROPERTY LINES.
2. DIMENSIONS DEPICTED ARE FROM PHYSICAL EVIDENCE AND BEST FITTING CENTER OF PAVEMENT TO RELATE 1929 UN-MONUMENTED ROAD LAYOUT AND 1940 TAKING.
3. CURRENT DEED CARRIES FORWARD A PROBABLE TYPOGRAPHICAL MADE IN THE BACK LINE OF THE LOT. IN DEED BOOK AND PAGE 2386/206 AND PRIOR, REAR LOT LINE WAS LISTED AS 45 FEET. IN 3-19-1898, IN DEED BOOK AND PAGE 2643/314 (AND FORWARD), THE DISTANCE WAS LISTED AS 40 FEET. PHYSICAL EVIDENCE AGREES BETTER WITH 45'.



John D. Bremser 6-29-18

LEGEND

	EDGE OF PAVEMENT
	CHAIN LINK FENCE
	WOOD FENCE
	RETAINING WALL
	STONE RETAINING WALL
	CONCRETE SIDEWALK

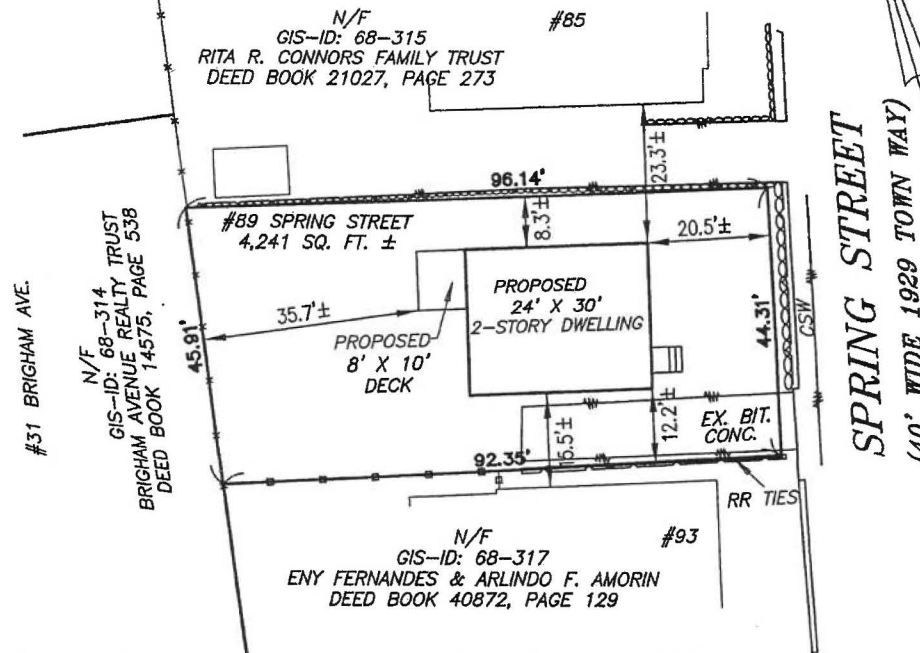
FRONT YARD SETBACK
SIDE YARD SETBACK
REAR YARD SETBACK
MAXIMUM BUILDING HEIGHT
MAXIMUM LOT COVERAGE

REQUIRED

20'
15'
30'
2.5 STORIES
30%

PROPOSED

20'±
12.2'± & 8.3'±
35.7'±
2 STORIES
28.5%

ASSESSORS:

MAP 68 LOT 316

ZONING:

RESIDENCE A-3

REFERENCES:

BOOK 70255, PAGE 444
PLAN BOOK 274, PAGE 19
PLAN 873 OF 1940
PLAN 1652 OF 1950
PLAN 274 OF 1985
LAYOUTS 9/1929 & 10/1929

MARLBOROUGH ZONING: RESIDENCE A-3PROPOSED PLOT PLAN #3

OF LAND IN

MARLBOROUGH, MA

PREPARED FOR:

RAPHAEL B. FISCHETTI

617 PAWTUCKET BLVD., APT. 3, LOWELL, MA

HANCOCK
Associates

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

SCALE: 1" = 20'
0 10 20 40

JOB 20936	DATE: 6/29/18	CHK. BY: JDB
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City of Marlborough
Commonwealth of Massachusetts

PLANNING BOARD

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2018 SEP -6 A 11:01
 Barbara L. Fenby, Chair
 Philip Hodge
 Sean N. Fay
 George LaVenture
 Greg Gallagher
 Christopher Russ

Krista Holmi, Administrator
 Phone: (508) 624-6910 x33200
 Email: planning_board@marlborough-ma.gov
kholmi@marlborough-ma.gov

August 31, 2018

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

RE: Proposed Zoning Amendment - Council Order #18-1007311
 Section 650-5, entitled "Definitions; word usage" Coffee Roastery and
 Section 650-17, entitled "Table of Uses"

Honorable President Clancy and Members:

At its regularly scheduled meeting on August 27, 2018, the Planning Board took the following action regarding the above referenced zoning amendment:

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to make a favorable recommendation to the Marlborough City Council on the proposed zoning amendment, Council Order #18-1007311. Motion Carried.

Sincerely,

Barbara L. Fenby

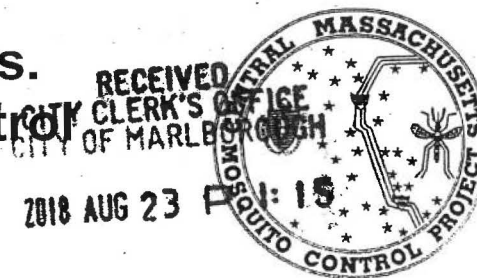
Barbara L. Fenby
 Chairperson

cc: City Clerk ✓

MEMO

Central Mass. Mosquito Control Project

www.cmmcp.org



DATE: Aug. 20, 2018
 SUBJECT: Mosquito Control Update
 TO: CMMCP member Boards of Health
 FROM: Timothy Deschamps, Executive Director

The standard residential spraying program will cease at the end of August. As we get closer to the end of summer, cooler night time temperatures tend to predominate. Low temperatures reduce mosquito activity and the effectiveness of the pesticide. Spraying is not allowed until after sunset, and is prohibited at temperatures below 50°F due to label restrictions.

West Nile Virus has been found in many areas in Mass. this year, with no human cases to date. **We are entering into the highest risk part of the season, a time where spraying interventions may not always be possible.** Our surveillance staff will continue to trap, identify and test mosquitoes until MDPH ends the testing program, typically mid-October. Please continue to push the message of exercising caution when outside, using repellents and wearing long sleeved shirts and long pants whenever possible.

If virus is identified in your community, we will coordinate with you to determine the appropriate response. Risk from mosquito-borne disease may be present even after spraying, and may be present until we have several widespread, killing frosts.

On our website we post weekly information from our arbovirus surveillance program: <https://www.cmmcp.org/season-summary-data>. Please feel free to contact me if you have any questions, and you can log on to our website at any time at <http://www.cmmcp.org> for additional information.

Thank you

cc: Member City/Town Clerks
 Member Police Departments



<https://www.facebook.com/Central.Mass.Mosquito>



<https://twitter.com/CMassMosquito>

**City of Marlborough
License Board**

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

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CITY OF MARLBOROUGH**

2018 AUG 24 A 10:14

**Minutes of the License Board Regular Meeting Held Wednesday, July 25, 2018
at 7:30 pm, City Hall, 1st 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

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

ITAM (4 permits) Member Bouvier motioned for approval; Member Mitrakas seconded; Board vote: 3-0 approved

Marlboro Moose Lodge 1129 (7 Permits) Member Mitrakas motioned for approval; Member Bouvier seconded; Board vote: 3-0 approved

Carden Inc. (5 permits) - Tabled

2. Application for Change of Officers – American Legion Post 132, 90 Maple Street

Mary Armour, Manager

Member Mitrakas motioned for approval; Member Bouvier seconded; Board vote: 3-0 approved

3. Application for Stock Transfer All Alcohol License – Qdoba, 180 Boston Post Road

Elizabeth Amaral, Manager

Member Mitrakas motioned for approval; Member Bouvier seconded; Board vote: 3-0 approved

4. Full Entertainment Application – Ginger Garden, 200 Boston Post Road E

Dennis Pan, Owner/Manager

Looking to have a variety of music options such as piano, karaoke, guitar. The location would be inside at the front of the establishment in the bar/lounge area. There will be no outside entertainment. Establishment looking to have music until 1:30 am. Board voiced that he was near a residential area and needed to be sensitive to that and that they would be willing to approve the application for Thursday, Friday and Saturday nights, but with an ending time of 12:30 am.

Member Mitrakas motioned for approval; Member Bouvier seconded; Board vote: 3-0 approved

5. Reports from the Chairman - None**6. Misc. correspondence and open issues**

Letter from Stephen Bergstrom – re entertainment and activities at the ITAM – (Bouncy House)

Present were: Steve Bergstrom – ITAM neighbor/complainant
John Manning – ITAM
James Bell ITAM Commander
J. Christian Dumais, Ward 3 Councilor

After much discussion, it was agreed that the next time the Bouncy House is used the motor would be turned from Mr. Bergstrom's house on the other side of the house and facing the hill. Also, it is recommended that in the future if neighbors are upset with something at an event at the ITAM they should first go over or call over to see if it can be remedied at the time before they need to call a meeting.

Member Mitrakas motioned to accept and place Steve Bergstrom's letter on file; Member Bouvier seconded; Board vote: 3-0 approved

7. Review minutes –

June 27, 2018 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 Bouvier motioned to adjourn the meeting at 8:40 pm, seconded by Member Mitrakas; Board vote 3-0

The next meeting of the Licensing Board is Wednesday, August 22, 2018.

Respectfully submitted,



Walter Bonin, Chairman

ALL RELATED DOCUMENTS CAN BE SEEN IN THE LICENSE BOARD OFFICE

MARLBOROUGH COMMISSION ON DISABILITIES
 MINUTES FOR MEETING JULY 3, 2018
 MAYOR'S CONFERENCE ROOM 4TH FLOOR
 CITY HALL

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 CITY OF MARLBOROUGH
 2018 AUG 28 A 10:25

ATTENDANCE: JOHN USINAS, DEBRA MCMANUS, DAVE DOUCETTE, LAURA KYLE, PATTY CARLSON, CHERYL SOUCY.

DEBRA MCMANUS CALLED THE MEETING TO ORDER AT 4:00 PM.

MINUTES ACCEPTED AS READ 0 TO 6.

TREASURERS REPORT

MOTION TO ACCEPT PASSES UNANIMOUSLY, \$6,086.38. 0 TO 6.

OLD BUSINESS

- AAB HAS NOTIFIED 72 HOSMER STREET TRUSTEES. THEY MUST BRING PROPERTY INTO COMPLIANCE.
- ONLY 3 CAMP SCHOLARSHIPS REQUESTED SO FAR THIS YEAR.
- THE REPRESENTATIVES OF THE MCDONALD'S HOTEL HAVE SUBMITTED THEIR UPDATED PLANS TO AAB. AFTER REVIEWING THE PLANS WE PROPOSED TO SUBMIT THE FOLLOWING:
 - IF A TENANT IS WILLING TO HAVE THE INSIDE AND OUTSIDE CHANGES MADE WHILE BEING OPEN FOR BUSINESS, THEN WHY DELAY THE UPDATES?
 - WHY CAN'T THE WORK BE DONE IN STAGES WHILE A BUSINESS IS OPEN?

- WHAT IF A BUSINESS RENEWS THEIR LEASE? ARE THE RENOVATIONS PUSHED BACK FURTHER?
- THE WEST STAIRS SHOULD HAVE HANDRAILS ON BOTH SIDES.
- A MENTION OF PROVIDING A KITCHEN ON THE FIRST FLOOR WAS MADE. WILL THIS BE INCLUDED IN THE PLANS?

NEW BUSINESS

- BOSTON ADA DAY ON JULY 24TH FROM 12:00 TO 2:00 PM @ BOSTON CITY HALL PLAZA.

MOTION TO ADJOURN 4:42 PM PASSES UNANIMOUSLY

OUR NEXT MEETING IS TUESDAY AUGUST 7, 2018 AT 4:00 PM, CITY HALL IN THE MAYOR'S CONFERENCE ROOM ON THE 4TH FLOOR.

RESPECTFULLY SUBMITTED,
DEBRA MCMANUS
CHAIRPERSON

CITY OF MARLBOROUGH BOARD OF ASSESSORS

MEETING MINUTES: May 16, 2018

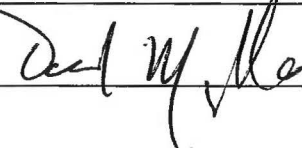
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CITY OF MARLBOROUGH

2018 AUG 29 A 10:06

1. CALL TO ORDER: 10:00 am
2. MEMBERS PRESENT: Anthony Arruda, Ellen Silverstein, Dave Manzello
Also in attendance: Harald Scheid, Regional Assessor
Paula Murphy, Head Clerk
3. MOTION TO ACCEPT: Amended Minutes of the March 28, 2018 meeting: Ms. Silverstein
second Mr. Arruda
Vote 3-0
4. MOTION TO ACCEPT: Minutes of the April 18, 2018 meeting: Ms. Silverstein, second Mr. Arruda
Vote 2-0
Abstain 1
5. APPROVE AND SIGN: Clause Exemptions for Fiscal 2018
Motion to Approve: Mr. Arruda, second Ms. Silverstein
Vote 3-0
6. APPROVE AND SIGN: 3ABC Filings for Fiscal 2019
Motion to Approve: Mr. Arruda, second Ms. Silverstein
Vote 3-0
7. DISCUSS AND VOTE: Personal Property Abatement Application: Blue Bird Technologies
Motion to Deny: Mr. Arruda, second Ms. Silverstein
Vote: 3-0
8. DISCUSS AND VOTE: Real Estate Abatement Application: 36 Westboro Rd (previously denied)
Motion to Grant: Mr. Arruda, second Ms. Silverstein
Vote 3-0
9. DISCUSS AND APPROVE: ATB Settlement recommendations presented by Mr. Scheid: 123 Felton
St (FY2017 & 2018), 2, 4 & 5 Mt Royal Ave (FY 2016, 2017, 2018)
Motion to Approve: Mr. Arruda, second Ms. Silverstein
Vote 3-0
10. MOTION TO CONCLUDE – Mr. Arruda, second Ms. Silverstein
MEETING Adjourned – 10:45



8/29/18



8/28/18



City of Marlborough Zoning Board of Appeals

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

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CITY OF MARLBOROUGH

2018 AUG 30 P 3 49

Minutes

3rd Floor – Memorial Hall
August 7, 2018

Board Members present were: Paul Giunta – Chairman, Ralph Loftin, Robert Levine, Thomas Golden and Thomas Pope.

6:00 PM At the request of the Board, Jeffrey Cooke-Building Commissioner and City Solicitor Donald Rider were present to conduct a question and answering session with the Board. The Board had some questions about the definition of a variance and hardship.

7:00 PM **21 Helen Drive – Angelo Cruz**
To construct an attached 2 car garage at the left of the existing house. The proposed side setback will be 10.5 ft. \pm versus the maximum required 15 ft. for Zoning District A-3.

The Board waited for ½ hr. before the 7:30 public hearing was opened. On a motion by Paul Giunta and seconded by Ralph Loftin, the Board voted 5-0 to continue the public hearing to August 28, 2018 at 7:00 PM.

The applicant did appear around 8:15 PM. The Board informed the applicant the hearing was continued to August 28th at 7:00 PM

7:30 PM **39 Witherbee St. - 39 Witherbee St. LLC**, Germano Lima, 52 Devens St. Marlborough, MA 01752 c/o Atty. Christopher Flood, 14 Winthrop St. Marlborough, MA 01752

Nature & Basis of Appeal: The applicant has expanded his existing driveway which created the following violations:

- 650-41 The "Table of Lot Area, Yards and Height of Structures" states that the maximum Lot Coverage is 30%, your new driveway exceeds the allowable limit at 49%
- 650-49 B(2)b Distance from property line. The edge of the driveway shall be located no closer than the minimum distance governing parking areas as provided for under 650-48C(5). 650-48C(5)(b)[1] one and two family side setback -5 feet. Constructed – less than 5 feet.
- 650-49 B(2)c Distance from building. No driveway shall be located within 5 feet of a building, constructed adjacent to the building on the rear of the structure

Section of the Zoning Ordinance involved: See above item #5.

The property is located in Zoning District Residence C (RC). Being Map 69 Parcel 247 of the Assessor's Maps. The lot contains some 7,622 sq. ft. of area. Existing on the lot is a 2 family dwelling containing 3 bedrooms per unit. According to the city's zoning code 650-48A(7) Off Street Parking – provide one parking space per unit and 1 parking space per bedroom, totaling 8 off street parking spaced.

The lot is rectangular in shape. The lot is essentially level, with the front half sloping slightly to the street. The other lots in the area are similar in shape and topography.

The applicant, Mr. Germano Lima, owner, was present. He was represented by Atty. Christopher Flood, 14 Winthrop Street, Marlborough, MA

Atty. Flood presented a narrative with Exhibit A – Middlesex South Registry of Deeds, Quitclaim Deed; Exhibit B -plan entitled: Plan Showing Existing Conditions, prepared for Germano Lima, 39 Witherbee St. Marlborough, MA 01752 dated May 24, 2018, Scale 1 inch – 20 feet; Exhibit C – Zoning Denial letter, dated June 14, 2018; Exhibit D – Assessor's maps.

In reference to Atty. Flood's narrative, (in Board's file) he stated the following:

- The 2 family structure was built in 1890, which was always a 2 family structure.
- Mr. Lima, owner, has purchased the structure which was in need of repairs. Mr. Lima's paving contractor paved the existing extended driveway and installed a new parking lot at the rear of the house. Mr. Lima has invested a considerable amount of money renovating the structure and tried to provide some off-street parking for his tenants.
- With the parking at the rear, the neighbors will not be affected by the cars' headlights, because there is a fence shielding the rear neighbors.
- Even with the exceeded lot coverage, there is still a considerable amount of green space on the lot.

HARDSHIP as stated by Atty. Flood:

- Mr. Lima spent a lot of time and money into renovating the structure and area. Without the variances, he cannot get a full occupancy permit for this 2 family dwelling. He currently has an occupancy permit for one floor.
- Mr. Lima hired a paving company to pave the driveway and add a parking lot at the rear of the house, not knowing the paving company did not get the proper permits thru the city. Mr. Lima has text messages as evidence from him and the paving company stating that the proper permits were issued thru the city.
- According to the old assessor's map (copy in board's file) it appears the driveway was in existence since 1960. The applicant should check with the building inspector or the engineering department to determine if this prior nonconformity can be grandfathered.
- Mr. Lima cannot comply with the city's regulations of providing sufficient off street parking for his tenants.

The Board's concerns:

- With the existing paved area at the rear of the lot, how will that affect water run off? Maybe engineering should weigh in on this. The applicant

did state that the abutting lot at the rear is slightly higher, so water run off would not affect that lot. The Board also had concerns about possible water run off onto the street which may ice up during the winter months.

- The Board stated that the applicant can bring suit against the paving company for not receiving the proper permits before paving.
- It was suggested by the Board that the applicant remove some of the pave material at the rear, which may help bring lot coverage into conformity. Or replace the existing paved area with a pervious material which will not be counted as lot coverage.
- The Board stated that lot size is not a consideration for a variance.

In conclusion, the Board finds:

- The variances the applicant is seeking are due to a self created hardship. The existing pavement violation does not constitute granting variances for relief to the applicant in order for him to get a full occupancy permit thru the Building Dept. to rent the second floor. The applicant already has a partial occupancy permit for one floor.
- Prior to the paving violations, the existing structure is pre-existing non-conforming. With the new pavement, it has created a more non-conforming lot.
- The Board felt the applicant had options to mention a few: of either pulling up the existing pavement which is in violation and replacing it with pervious material, or if possible just pull up enough material in order for lot coverage to conform or take legal action against the paving company for deceiving him about getting the proper permits.
- Prior illegal improvements to the land cannot be used to establish a hardship. The fact pavement has been installed in violation of the zoning code is not "hardship" warranting a variance.

There was no one in the audience to speak in favor or in opposition to the petition.

The Board gave the applicant the option to continue the hearing with a vote of the Board or to Withdraw Without Prejudice.

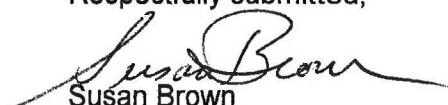
With the advise of his attorney, the applicant Withdrew Without Prejudice.

On a motion by Paul Giunta and seconded by Ralph Loftin, the Board voted 5-0 to allow the applicant to "Withdraw Without Prejudice".

With no other testimony taken or given, the public hearing was closed.

Adjournment - There being no other business, the meeting was adjourned.

Respectfully submitted,



Susan Brown
Secretary to the Zoning Board of Appeals

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
September 4, 2018
2018 A 8:34

1A

July 23, 2018

Call to Order

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

As Ms. Hughes was not present, Ms. Fenby requested that Mr. LaVenture serve as Clerk for the meeting.

1. Meeting Minutes

A. June 18, 2018

On a motion by Mr. LaVenture, seconded by Mr. Gallagher, the Board voted to accept and file the minutes of June 18, 2018. Motion carried. (Ms. Fenby abstained.)

2. Chair's Business

- A. Set Public Hearing Date: Council Order 18-1007287, Proposed Zoning Amendment Section 650-5, entitled "Definitions; word usage" Ancillary Residential Community, Section 650-17, entitled "Table of Uses" and addition to Section 650-22 Subsection C (14) Ancillary Residential Community requirements. The public hearing was set for Monday, August 27, 2018 at 7:00 p.m.
- B. Set Public Hearing Date: Council Order 18-1007311, Proposed Zoning Amendment Section 650-5, entitled "Definitions; word usage" Coffee Roastery and Section 650-17, entitled "Table of Uses". The public hearing date was set for Monday, August 27, 2018 at 7:05 p.m.

3. Approval Not Required

- A. Application of Carlos Fernando Marcolino, Engineer - Hancock Associates, Location - Middlesex South Registry of Deeds Book 70243, Page 26, Assessor's Map 55, Parcels 49 & 50 (Roosevelt St.) Applicant Representative, Jacob Lemieux of Hancock Associates, was present to discuss the plan. Mr. Lemieux reminded the Board that Hancock Associates had previously come before the Board informally (November 13, 2017). Since Roosevelt is a dead-end street, the Board had recommended that the Fire Dept. be consulted to review emergency vehicle access. Mr. Lemieux explained that a temporary turnaround easement was incorporated in the ANR plan and that the Fire Dept. had reviewed and commented on the proposed design. Ms. Fenby asked for a copy of the correspondence from the Fire Dept. to Hancock Associates. Mr. Lemieux provided the email correspondence dated February 16, 2018 to Hancock Senior Project Engineer, J. Dan Bremser. In the email, Assistant Chief, Fred Flynn acknowledged that he and Chief Breen had reviewed the plan and found it acceptable. Due to the abbreviated summer schedule, Assistant City Engineer Collins had reviewed the plan and provided a recommendation letter for inclusion on the July 23rd agenda. Mr. LaVenture read the July 18th favorable recommendation letter from Mr. Collins into the record. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the correspondence and voted to endorse the plan of land believed to be approval not required under the subdivision control law of Carlos Fernando Marcolino (Middlesex South Registry of Deeds Book 70243, Page 26; City Assessor's Map 55, Parcels 49 & 50). Motion carried.

4. Public Hearings

A. **Proposed Zoning Amendment 650-22 Retirement Community/Retirement Community Multifamily, Council Order 18-1007198D, Proponent William Pezzoni, Day Pitney.**

Chairperson Fenby opened the hearing. Mr. LaVenture 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:

Mr. Pezzoni, representing his client Jon Delli Priscoli (Owner 90 Crowley Dr.) presented the amendment. Mr. Pezzoni indicated that following feedback by both the Marlborough City Council and the Planning Board, changes were made to the previously submitted zoning amendment. Changes included limiting the number of bedrooms allowed (maximum of two) in Retirement Community Overlay - Multifamily (RCO-MF), setbacks for RCO-MF were doubled from the previous proposed amendment, and additional siting restrictions were added to the amendment. Mr. Pezzoni indicated that the Board's expressed concern over parking was not supported by data. He also pointed to data indicating the positive financial impact of age-restricted housing in the City. Mr. Pezzoni asked that Mr. Brian Blaiser of Robinson & Cole address the Board to share some of the data based on average daily utilization for similar properties. Statistics provided by Mr. Blaiser indicated that research by the Institute of Traffic Engineers for this type of use do not indicate a need for parking exceeding 1 space per dwelling unit. The Board remained unconvinced that a maximum of 1 parking spot was adequate.

Speaking in Favor of the Amendment:

No individual spoke in favor of the amendment.

Speaking in Opposition to the Amendment:

Gina DiMatteo of 721 Farm Rd. spoke in opposition to the proposed amendment as it could affect a potential retirement community at the former site of the Marlborough Airport. She would like reference to the multifamily units for retirement communities to be stricken from the amendment. She also expressed that there should be a consistent maximum height restriction when residential properties abut a limited industrial zone.

Chairperson Fenby declared that portion of the Public Hearing closed.

Questions and Comments from the Planning Board:

Since there were no questions from the Board, Mr. Fay made a motion to provide a favorable recommendation to the Marlborough City Council on the proposed zoning amendment. There were no seconds to the amendment. Ms. Fenby declared the hearing remain open to allow further discussion on the proposed amendment.

B. **Proposed Zoning Amendment 650 § 5B & 650 § 17 Ancillary Auto Sales, Council Order 18-1007224A, Proponent Brian Falk, Mirick O'Connell**

Chairperson Fenby opened the hearing. Mr. LaVenture 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:

Brian Falk, Attorney at Mirick O'Connell was present on behalf of Route 20 Marlboro Properties LLC (R.K. Centers) who is the owner of 735 Boston Post Road East (currently Joy Asia). Marlborough Nissan would

like to utilize the area of the Joy Asia restaurant for Ancillary Auto Sales. Mr. Falk explained several elements of the proposed amendment:

- 1) Ancillary auto sales would be allowed by special permit.
- 2) Ancillary auto sales use would only be allowed in the Business and Commercial Automotive Zoning Districts.
- 3) Ancillary auto sales use would only be allowed within 1500 feet of an existing auto sales use.
- 4) The ancillary use could be no larger than the primary operation.

Speaking in Favor of the Amendment:

Mr. LaVenture read the March 29, 2018 Letter from Mr. Falk on behalf of his client, RT 20 Marlboro Properties LLC into the record.

Speaking in Opposition to the Amendment:

Mr. LaVenture read the April 2, 2018 Letter from Mayor Vigeant to Council President Clancy into the record. In his letter, Mayor Vigeant expressed his opposition to the proposed amendment. The Mayor believes this proposal will result in *"repercussions far beyond the parcel identified in his letter. This is not a minor change: it will impact the majority of Route 20, Lincoln Street and Maple Street."* In his letter, the mayor encouraged the rejection of the proposed zoning amendment, believing that the City can attract better uses for these key business districts, indicating that the City already has ample locations for auto sales in Marlborough.

Ms. Fenby declared that portion of the public hearing closed.

Questions and Comments from the Planning Board:

Mr. Fay asked if the proponent could identify the City locations affected by this proposed zoning amendment. Mr. Falk indicated he could provide additional information to the Board following the meeting.

Chair Fenby requested that the public hearing remain open to allow for the submission of additional information.

- C. **72 Hager St. Open Space Special Permit Application-** Peter Bemis, Engineering Design Consultants, on behalf of South Coast Advisors, LLC.

Presentation:

Mr. Bemis explained that he is back before the Board with a new plan to subdivide his client's property with three lots while preserving a roughly three-acre open space parcel to continue grazing cows. Plans for the parcel spanning both Framingham and Marlborough (identified as "parcel A" on the drawing), include a barn that would allow his client to winter his cows. Mr. Bemis has also submitted a copy of a 5-lot definitive subdivision showing what could be built by right on the property. Solicitor Rider had identified a legal issue related to zoning requirements for open space developments. Specifically, § 650-28.E(1) states: "The total area of the site proposed for open space development shall be at least five acres." To meet the 5-acre requirement (in Marlborough), the applicant is working with a neighbor (Mr. Stanczak) to acquire 11,800 sq. ft. of land.

Speaking in Favor of the Amendment: Speaking in Opposition to the Amendment:

No individual spoke in favor or in opposition to the special permit. Chairperson Fenby declared that portion of the public hearing closed.

Questions and Comments from the Planning Board:

Mr. Fay asked who was going to be responsible for the management of the open space parcel.

Specifically, Mr. Fay wondered who would be responsible for the maintenance of the open space parcel and who will ensure that the cows are secure? Mr. Bemis indicated that there would be an "Association

Document" that would govern the open space parcel. Mr. Bemis wished to have the Board refer the proposed ANR lots to Engineering to expedite things.

Chairperson Fenby indicated that the Board cannot endorse an ANR plan until they have ruled on the special permit. She suggested that Mr. Bemis work on the many "moving pieces" that are still in play: the open space document, the land acquisition, and the creation of an updated plan.

Chair Fenby indicated that the public hearing would be continued until the next meeting of the Planning Board on August 27, 2018.

D. 215 Simarano, Definitive Subdivision, Daniel Carr* of Stamski and McNary, Inc. on behalf of Jeremiah 229, LLC

Presentation:

Daniel Carr of Stamski and McNary introduced the definitive subdivision explaining proposed soil absorption of the project and several details of the development including a road and two 3000 sq. ft. office buildings.

Speaking in Favor of the Amendment: Speaking in Opposition to the Amendment:

No individual spoke in favor or in opposition to the development. Chairperson Fenby declared that portion of the public hearing closed.

Questions and Comments from the Planning Board:

Mr. Fay questioned whether the proposed plan included any requested waivers. Mr. Carr responded, "No". Mr. Fay reminded the Board that the applicant's submission to subdivide the parcel was only done to preserve zoning. City Engineer DiPersio noted that a road was not actually required to develop the lot with two office buildings. He questioned whether the Board would be within its right to deny the subdivision since a roadway was not required. Furthermore, an approval comes with the anticipated completion of the subdivision within a two-year period. Mr. Carr confirmed that his client does not actually wish to build the proposed plan.

Mr. LaVenture read the Thursday, July 19, 2018 email correspondence from William Hall on behalf of his client, Jeremiah 29, LLC. The email requests an extension for the decision on the definitive subdivision submission for 215 Simarano Drive until September 10, 2018. On a motion by Mr. LaVenture, seconded by Mr. Gallagher, the Board voted to accept and file the correspondence and grant the September 10th extension request of Stamski and McNary on behalf of their client, Jeremiah 29, LLC. Motion carried. On a motion by Mr. Gallagher seconded by Mr. Russ, the Board voted to refer the definitive subdivision submission to Engineering. Motion carried. (*Amended: Daniel Carr inserted in place of William Hall)

4. Public Hearings (4A Continued)

A. Proposed Zoning Amendment 650-22 Retirement Community/Retirement Community Multifamily, Council Order 18-1007198D, Proponent William Pezzoni, Day Pitney.

Chairperson Fenby requested a motion to continue the discussion on Item 4A. On a motion by Mr. Gallagher, seconded by Mr. Russ, the Board voted to return to the matter of the proposed zoning amendment 650-22 Retirement Community/Retirement Community Multifamily, Council Order 18-1007198D. Motion carried.

The Board discussed whether to take a vote this evening on the proposed amendment. Mr. Fay summarized that the proponent had previously introduced a similar zoning amendment; The Board made recommendations, and the proponent returned with an updated amendment addressing most of

their concerns. Chair Fenby noted that another proposed zoning amendment was introduced by a different proponent this evening (Item 2A) for an additional zoning change to the retirement community overlay district. Mr. Fay said the matters may remain independent. Ms. Fenby asked for other Board member opinions. Mr. LaVenture acknowledged that the proponent had taken steps to address their concerns. Mr. Hodge felt that the Board could take a vote this evening. There were no further objections to taking a vote. On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to make a favorable recommendation to the City Council on the proposed zoning amendment. The Board requested that the City Council provide further evaluation of parking needs to determine the adequacy of one (1) parking space per dwelling unit. Motion carried.

5. Pending Subdivision Plans: Updates and Discussion

A. Howe's Landing Definitive Subdivision

The subdivision extension was granted until July 30, 2018. The subdivision is substantially complete. Mr. DiPersio said that Engineering will contact Attorney Galvani to inform the developer they must formally request a reduction in bond as well as request to enter the 1-year maintenance period.

B. Marlborough Hub Definitive Subdivision

Mr. LaVenture read into the record the July 18, 2018 letter (via Email) from Attorney Arthur Bergeron- Re: Request for Extension – Marlborough Hub. On behalf of his client, Marlborough Hub, LLC, Attorney Bergeron requested an extension for a decision on the definitive subdivision approval until September 28, 2018. Further discussion on the pending application will occur at the next Planning Board meeting, August 27, 2018. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the correspondence and to extend the time for decision on the Marlborough Hub subdivision plan until September 28, 2018. Motion carried.

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

7. Definitive Subdivision Submission (None)

8. Signs

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

Prior to the applicant presentation, Mr. Fay commented on signs he believed were in violation of the City's sign ordinance. He noted that the APEX sign has pictures that change, and there are signs posted on the fence on the corner of Broadmeadow and Farm Rd. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to send correspondence to the City's Code Enforcement Officer for review and follow up. Motion carried.

Attorney Sandra Austin was present to represent the sign variance application of Thomas Energy for an electronic sign to display gas prices. As detailed in Code Enforcement Officer Wilderman's letter of May 22, 2018, the current and proposed electronic sign location is closer than the 200' residential setback required by the ordinance. The sign in question is approximately 140 feet from the residential district. 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. Attorney Austin quoted the following passage from §526-12 C. (2) Variances- *The Planning Board may vary the provisions of this chapter in specific cases which appear to it not to have been contemplated by this chapter, and in cases wherein its enforcement would involve practical difficulties if, in each instance, desirable relief may be granted without substantially*

derogating from the intent and purpose of this chapter but not otherwise. It was noted that there is a specific ordinance § 526-13 that addresses electronic message center signs; digital display signs. Attorney Austin argued that public safety would be compromised by moving the sign to an "allowed distance" from the residential zone. She indicated that due to the curvature of the road in the area, coupled with the site distances to the gas station, moving the sign creates a safety issue for passing drivers. She argued that following the ordinance to a "T" was not worthwhile considering the implications to safety. Mr. Hodge commented that moving the sign was an option available to the applicant, but was viewed as problematic (due to the sign's age and additional wiring required.) Mr. Fay commented that the visuals provided by the applicant show another sign violation (sandwich board display). Mr. LaVenture expressed that he would like to find an acceptable solution to assist the business owner. Solicitor Rider offered a suggestion to use the location of the existing building sign for the electronic display (that would be visible to westbound traffic), which would meet the setback requirement of the ordinance. The current free-standing sign could house the electronic display for eastbound traffic. (which is not visible from a residential district.) The applicant did not feel this was a practical option. Mr. LaVenture would like Attorney Austin to provide a more detailed analysis on the articulated safety issue. He did not feel that the argument contained any actual evidence of a safety issue created by moving the sign to an allowed setback distance. Attorney Austin and the applicant agreed to review their options. The Planning Board did not vote on the issue.

9. Informal Discussion (None)

11. Correspondence (None)

12. Public Notices of other Cities & Towns

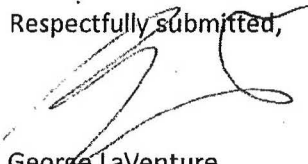
A. City of Framingham 8 notices (Planning Board, Zoning Board of Appeals)

On a motion by Ms. Hughes, seconded by Mr. LaVenture, the board voted to accept and file item 12A. Motion carried.

Adjournment: On a motion made by Mr. Gallagher, seconded by Mr. LaVenture, it was voted to adjourn at 9:15 pm. Motion carried.

/kih

Respectfully submitted,


George LaVenture
Acting Clerk

July 25, 2018

**RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH****2018 SEP -4 P 1:35**

**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, July 25, 2018 at 10:00 am in Memorial Hall, 3rd Floor, City Hall. Members present: Chairman - Police Chief David Giorgi, Fire Chief Kevin Breen and DPW Commissioner John Ghiloni. Also present: Assistant City Engineer Tim Collins, Officer Andy Larose – MPD Traffic Services Unit, City Councilor Kathleen Robey. Minutes taken by Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, June 27, 2018.

MOTION was made, seconded, duly VOTED:
TO APPROVE - Accept and Place on File.

2 - New Business

2a) Accident concerns: Rte. 85 near Assabet & Rail Trail Crossing on Fitchburg St. by Boston Scientific.

Chief Giorgi received an email from a local resident on these **two issues**.

- 1) **Rte. 85 near Assabet** – It was noted in the email that the driveway of Assabet Regional High School exits onto Rt. 85 and that many students and others walk from the driveway of the school toward Hudson. There is no sidewalk or shoulder on either side of the road in this area and it is “an accident waiting to happen.”

Commissioner Ghiloni said that the City is in the process of reconstructing portions of Bolton Street within the next two weeks. The plan includes the installation of a sidewalk that goes from the school driveway to the Hudson town line.

- 2) **Rail Trail Crossing at Fitchburg Street.** – It was noted in the email that many cars disregard the flashing yellow lights and pedestrian crossing signs here including the trucks from Land's Towing. This area was also referred to as “an accident waiting to happen” and increased enforcement is being requested.

Tim Collins pulled up a diagram and photo on the screen for the discussion. Officer Larose advised that he has been out at this location, however, he works Monday to Friday and it is less busy at this time then on the weekends. The lights flash yellow and vehicles are supposed to yield to pedestrians in the crosswalk. The lights never turn red. The sign says “Stop for Pedestrians”, however, it should say “Yield for Pedestrians”, as this is actually what the law actually requires. Drivers should stop, let the pedestrians pass and can then proceed. There is an advance warning sign for the crosswalk ahead. The crosswalk can clearly be seen from a distance. It was discussed that even though there is a flashing yellow light at the crosswalk, pedestrians still have to be careful when crossing here. In the future, this area could trip the warrants for an official crossing with a stop condition and lights, however, the traffic volume does not meet the requirements at this point.

Chief Giorgi said that he would speak to Land's Towing directly about their trucks not stopping for pedestrians.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for enforcement and to Chief Giorgi to communicate back to the local resident and to speak with Land's Towing directly.

3-Old Business

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

Update: Commissioner Ghiloni advised that this item is “almost there” but still in process.

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 made the clarifications that were discussed at the last meeting and provided revised copies of the proposed wording. He had two different versions, one with a diagram on the second page and one without. Chief Giorgi advised that he preferred the one with the diagram as it was clearer to understand. He had already prepared the revised regulation based on this wording and presented it for a vote.

MOTION was made, seconded, duly VOTED to APPROVE the amended regulation for Article V: “Municipal Parking Areas”. ALL IN FAVOR.

and to REFER to Lisa Thomas for advertisement.

3c) Elm Street Parking

Tim Collins passed out wording for the revised regulation for “No Stopping, Standing or Parking Anytime” on a specific section of Elm Street. (South side from Pleasant Street, northeasterly for a distance of 206 feet). Chief Giorgi had also already prepared the revised regulation based on this wording and presented it for a vote.

MOTION was made, seconded, duly VOTED to APPROVE the amended regulation for “No Stopping, Standing or Parking Anytime” on this specific section of Elm Street. ALL IN FAVOR.

and

to REFER to Lisa Thomas for advertisement.

3d) Issues at Winter Avenue and Lincoln Street

Update: The last issue to be discussed here was accident history. Tim Collins brought up a diagram of the area on the board. The Police Department advised that they only have a record of one accident at this location. It was also noted again that Winter Ave. is not public property.

MOTION was made, seconded, duly VOTED to REMOVE from the AGENDA.

3e) Stop Sign on Exeter Street

Tim Collins advised that when the Rules and Regulations Manual was recodified the regulation for the stop sign on Exeter Street was not included for some reason. He was looking for confirmation that it was simply left out and will be added to the next update with City Code. Chief Giorgi included the regulation for the revised schedule of “Stop Intersections” in the agenda packet. All agreed it should be added.

Chief Giorgi asked if there were any other issues for discussion. The “No Turn on Red” sign at the intersection of Elm Street and Pleasant Street came up. The sign is still there and it is way up high on the pole out of the line of vision. Tim Collins advised that this sign would be coming down as right turn on red at this intersection is now allowed.

Chief Giorgi also mentioned that he had received a few complaints about issues around the Memorial Beach area. He advised that he forwarded this information to Tim Collins.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:17 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, July 25, 2018, including meeting agenda.

-Draft of Traffic Commission Minutes from Wednesday, June 27, 2018.

-Email from Diane Seligman to the Mayor's Office, dated 6/29/18, re: Accident waiting to happen. Forwarded by Patricia Bernard to Chief Giorgi on 7/3/18.

-Proposed wording for the regulation to add specific section of Elm Street, southside, to the schedule for "No Stopping, Standing or Parking Anytime", along with Diagram.

-Amended Regulation for the same.

-Amended Regulation to add two new locations to the schedule of "Stop Intersections", i.e. stop signs on Dartmouth St. & Exeter St. at intersection of Edinboro St.

Additional Handouts:

-Proposed new language for Article V, of the Rules and Regulations of the Traffic Commission, entitled "Municipal Parking Areas".

-Proposed regulation for the same.