

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 OCT 11 P 4:14

1. Minutes, City Council Meeting, September 24, 2018.
2. PUBLIC HEARING On the Application for Special Permit from the Attorney Norris, on behalf of Raphael Fischetti, to construct a new single-family dwelling at 89 Spring Street, Order No. 18-1007387.
3. Communication from the Mayor re: Certification of Free Cash in the amount of \$8,877,451.00.
4. Communication from the Mayor re: MA Cultural Council grant in the amount of \$12,500.00 awarded to the City which allows local arts and cultural organizations to apply for grant funding.
5. Communication from the Mayor re: Appointment of Fred Haas to the Library Board of Trustees.
6. Communication from Councilor Ossing re: Funding for New School, Library Renovation and West Side Fire Station.
7. Communication from Councilor Ossing re: Municipal Aggregation – Six Month Fixed Price Contract with Direct Energy Services, November 2018 through May 2019.
8. Communication from City Solicitor, Donald Rider, re: Proposed Zoning Amendment – Ancillary Retirement Communities, Legal Effect of Written Protests, Order No. 18-1007287B.
9. Communication from City Solicitor, Donald Rider, re: Proposed Zoning Amendment – Ancillary Retirement Communities, Order No. 18-1007287B.
10. Communication from City Solicitor, Donald Rider, re: Application for Special Permit, 27 Jefferson LLC, to build and operate an 11-unit condominium building, 27 Jefferson St, Order No. 18-1007245B.
11. Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Apex Center – Open Space Covenant and Restriction in proper legal form, Order No. 16/17/18-1006443D-3.
12. Communication from Code Enforcement Officer, Pamela Wilderman re: Sign Change for Evviva Cucina, Order No. 16/17/18-1006443T & CC.
13. Communication from the Planning Board re: Reserved Recommendation, Proposed Zoning Amendment, Ancillary Auto Sales, Order No. 18-1007224B.
14. Communication from the Planning Board re: Favorable Recommendation, Proposed Zoning Amendment, Ancillary Residential Community, Order No. 18-1007287B.
15. Communication from Sandra Colligan & Thomas Code re: request to withdraw application for Special Permit to demolish and rebuilt home at 21 Patten Dr., Order No. 18-1007244C.
16. Communication from Peter Grahm, PG Realty Trust, re; request an extension of the reconstruction period of 2 years for 182 West Main St.
17. Communication from Attorney Falk re: E on Main, Proposed Village District Zoning Amendments, Order No. 18-1007404.
18. Application for LED Sign Special Permit, Main St. Bank, 81 Granger Blvd.

**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.**

19. Application for Special Permit from Marlborough TOTG, LLC d/b/a MCO & Associates, Inc. to increase lot coverage area of 80% to 84% for patio area of proposed restaurant at 57 Main St.
20. Communication from MCO & Associates President, Mark O'Hagan, re: Site Plan Approval Application for Tavern on the Green, 57 Main St.
21. Communication from various residents listed below re: Opposition of Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136R, X17-1006983A.

Myles Heffernan, 27 Clearview Dr.  
 Uma Ramachandra, 480 Farm Rd.  
 James Jumonville, 232 Phelps St.  
 William Mason, 11 Farmington Circle  
 Mollie Fulham, 145 Farmington Circle  
 Alison Fraser, 19 Farmington Circle  
 Edie Janiak, 146 Helen Dr.  
 Krishna Ramachandra, 480 Farm Rd.  
 Heffernan Rose, 27 Clearview Dr.  
 Christopher Coppola, 114 Naugler Dr.  
 John Giglio, 40 Farmington Circle  
 Patrick Duke, 135 Ames St.  
 Charles Brooks, 97 Bracken Dr.  
 Bryan Tambeau, 8 Peirce St.  
 Jackie Deveaux Dr.  
 Matthew Gatzunis, 38 Belmore Place  
 Colleen McCabe, 467 Stow Rd.  
 Robin McCabe, 467 Stow Rd.  
 Elizabeth Bannion, 24 Whispering Brook Rd.  
 Angela Moruzzi, 6 Whispering Brook Rd.

Roy Milton, 15 Clearview Dr.  
 Alex Korandanis, 11 Vine St.  
 Chris Penrod, 270 Berlin Rd.  
 Susan Glennon, 55 Tavitian Blvd.  
 Thomas Zichella, 55 Tavitian Blvd.  
 Mary Clerc, no address given  
 Andrea & Christian Crych, no address given  
 Steven Tambeau, 8 Peirce St.  
 Karen Tambeau, 8 Peirce St.  
 Deborah Medvedeff, 11-4 Avalon Ave.  
 David Query, 190 Pleasant St.  
 Jeffrey Holman, 35 Padula Dr.  
 Dawn Hanna, 35 Padula Dr.  
 Charles Keehan, 93 O'Malley Rd.  
 Eric Tripodi, 87 Bracken Dr.  
 Mary Joanne Litser, 119 Edinboro St.  
 Loretta Prior, 22 Whispering Brook Rd.  
 Patricia Keenan, 93 O'Malley Rd.  
 Lauren Koonan-Aran, 100 Phelps St. #24

22. Communication from various residents listed below re: Support of Proposed Farm Road Retirement Community Overlay District, Order No. 18-1007136R, X17-1006983A.

Michael Sadofsky, 424 Sudbury St.  
 Marie Fernald, 104 Mechanic St.  
 Josef Aguiar, 666 Farm Rd. #11  
 Sharon Martin, 48 King's Grant Rd.  
 Jodi Eldridge, 150 Ash St.  
 Joanne Honer, 87 Ahlgren Cir.  
 Kim Jones, 154 Lovelace Lane  
 Brenda Bracken, 287 Stow Rd.  
 Ramona Grady, 45D Curtis Ave.  
 Amber Aftosmis, 38 Beverly Dr.  
 Thomas Manell, 239 Wilson St.  
 Dianne Doucette, 153 Dicenzo Blvd.

William Elder, 713A Farm Rd.  
 John Pedreros, 87 Roundtop Rd.  
 Dorothy Keene, 31 Deerfield Run  
 Nancie Longo, 26 Westminster Dr..  
 Jenifer Dejesus, 799 Farm Rd.  
 Judith McDonald, 15 Daley Circle  
 Marilyn Mahoney, 22 Broad St., Apt 426  
 Kimberly Cohen, 22 Wright Dr.  
 Jeffrey Cohen, 22 Wright Dr.  
 Glenn Noland, 129 Taylor Rd.  
 James Breen Sr., 11 Robin Hill Rd

23. Communication from Christopher White, re: request to extend time limitations on Application for Special Permit to construct a 24' X 26' gage on nonconforming lot located at 22 Brimsmead St. until 10:00 PM on December 20, 2018, Order No. 18-1007320A.
24. Communication from Attorney Bergeron on behalf of Garden Remedies, Inc. re: request to extend time limitations on Application for Special Permit to operate a Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment within an existing retail unit at Marlboro Square, 416 Boston Post Rd., until 10:00 PM on December 4, 2018, Order No. 18-1007318B.
25. Communication from Scott Dales on behalf of Avalon Marlborough II. re: request to extend time limitations on Application for Special Permit to build a 123-unit Luxury Apartment Community, located on a portion of 200 Forest St., until 10:00 PM on December 20, 2018, Order No. 18-1007314A.
26. Communication from Goulston&Storrs re: Request to Extend Sewer Connection Permit at Marlborough, 100 Campus Dr.

27. Petition from Eversource Energy to install 775' of 6" IP plastic gas main as a system improvement on Stow Rd. from the intersection of Simpson Rd to the intersection of Fitzgerald Rd.
28. Minutes, School Committee, September 11, 2018.
29. Minutes, Council on Aging, June 12, 2018.
30. Minutes, Ad-Hoc Municipal Aggregation Committee, September 27, 2018.
31. Minutes, License Board, August 15, & 22, 2018.
32. Minutes, Historical Commission, October 4, 2018.
33. Minutes, High School Council, October 2, 2018.
34. Minutes, Planning Board, September 10, 2018.

## REPORTS OF COMMITTEES:

35. ORDERED: That the Ad-Hoc Municipal Aggregation Committee review Council Order 17-1006881 regarding item #2 "The goal of Municipal Aggregation is to require that the R-1 (residential) class rates be lower than the prevailing National Grid Fixed Basic Service Rate" and report back to the City Council. The purpose of the review is to determine if there may be a financial benefit to the residents of Marlboro by entering into agreements for longer electricity supply contracts that may contain greater savings over the long run but may be occasionally slightly higher than National Grid Fixed Basic Service Rate. ....Submitted by Councilor Ossing
36. ORDERED: That the following Act of the Massachusetts Legislature be referred to the Legislative/Legal Affairs Committee and Traffic Commission for review and, if deemed appropriate, a suitable location chosen for such reserved parking space at the city hall for the parking of a veteran in a motor vehicle that is owned and operated by the veteran and that displays a veteran registration plate issued pursuant to section 2 of chapter 90: SECTION 9. Chapter 40 of the General Laws is hereby amended by inserting after section 22A½ the following section: Section 22A¾. (a) A municipality may designate a parking space at the city or town hall for the parking of a veteran in a motor vehicle that is owned and operated by the veteran and that displays a veteran registration plate issued pursuant to section 2 of chapter 90. The parking space shall be available during the normal business hours of the city or town hall for use by such veteran without charge. The municipality shall erect and maintain a sign designating such a parking space that shall bear the words "Veteran Parking Only – this space is reserved for those who have served. Unauthorized Vehicles May Be Removed At The Vehicle Owner's Expense". The parking space shall only be used by a veteran that meets the requirements of this subsection. (b) A violation of subsection (a) shall be punished by a fine of \$100 and the city or town may provide for the removal of a vehicle in the manner provided in section 22D. The penalty shall not be a surchargeable offense under section 113B of chapter 175. Submitted by Councilors Robey and Juaire

## UNFINISHED BUSINESS:

From Finance Committee

37. **Order No. 18-1007382 – Transfer \$8,412.20 from Receipts Reserved Transportation Network Companies (TNC) Surcharge to Capital Outlay Police Equipment.** The Finance Committee reviewed the Mayor's letter dated September 6, 2018 requesting a transfer of \$8,412.20 from Receipts Reserved from the 2017 Marlboro TNC (Uber/Lyft) surcharges to the Capital Outlay Police Equipment for the purchase of additional traffic enforcement equipment. **The Finance Committee voted 5 - 0 to approve the transfer.**

38. **Order No. 18-1007352 – Transfer \$254,000.00 from Receipts Reserved Public, Educational and Government (PEG) Fund to Information Technology (IT) Equipment Account.** The Finance Committee reviewed the Mayor’s letter dated August 23, 2018 requesting a transfer of \$254,000.00 from the Reserved Receipts PEG Fund to the IT equipment account to purchase new computers for the Library, upgrade the City’s existing Network storage device, cyber security training and install security cameras at the schools. **The Finance Committee voted 5 - 0 to approve the transfer.**
39. **Order No. 18-1007365 – Salary Ordinance Amendment and Transfers (\$7,100.00)– Human Resources Assistant and Manager of Communications Technology.** The Finance Committee reviewed the Mayor’s letter dated August 23, 2018 requesting an amendment to the salary ordinance for two positions:
- The Finance Committee voted 5 - 0 to amend the salary ordinance for the Human Resources Assistant to increase the salary and change the four step salary schedule to a seven step salary schedule.
  - The Finance Committee voted 5 - 0 to amend the salary ordinance to create a new position “Manager of Communications Technology” that will develop, manage and implement communications technology projects.
  - The Finance Committee voted 5 - 0 to approve the transfer of \$7,100.00 from Reserve for Salaries to Human Resource Assistant (\$3,410.00) and Electrician (\$3,690.00) to fund the changes to the salary ordinance.
  - The Finance Committee voted 5 - 0 to advertise the Human Resources Assistant and Manager of Communications Technology salary ordinances. **Publication of Advertisement was October 3, 2018. Ten-day period has been satisfied.**

From Legislative & Legal Affairs Committee

40. **Order No. 18-1007363 Communication from the Mayor regarding Home Rule Petition-Liquor License.** The Mayor’s letter of August 23, 2108 was read into the record. The legislature has denied the April 2018 Home Rule Petition by City Council for 2 licenses for all alcoholic beverages not to be drunk on the premises. Additionally they have required the petition identify Kennedy’s Market on Maple Street by name with a 2-year window for them to apply for the license. If not granted within 2 years, the license would expire. It will still be up to the License Board to grant the license. **It was moved and seconded to approve the Home Rule petition as requested. The motion carried 3-0.**
41. **Order No. 18-1007369 Communication from City Solicitor Donald Rider regarding Benchmarks Deed of ten acres to the city of Marlborough.** The letter from Solicitor Rider was read into the record. In it he explains that as part of the Special Permit granted to BSL Marlborough Development LLC (Benchmark) they would convey to the city approximately 10 acres of land at the site. It was noted that the mitigation payment of \$150,000 due within 60 days of the issuance of the Building Permit for the Site has been paid. **It was moved and seconded to accept Benchmark’s executed and recorded Deed of the donated Land to the City for all municipal purposes. The motion carried 3-0.**

42. **Order No. 16/17/18-1006443D-2 Communication from Assistant City Solicitor Cynthia Panagore Griffin, regarding Apex Center's revised Open Space Plan & revised Open Space Covenant and Restriction.** Having been tabled at the March 12, 2018 L & L meeting, it was moved and seconded to removed this from the table; the motion carried 3-0. The August 23, 2018 letter from Assistant City Solicitor Cynthia Panagore Griffin was read into the record. At the March meeting there was discussion on the language of the Covenant and Exhibit A, the Open Space Exhibit. At the suggestion of department heads, Walker Realty was asked to revise the map showing defined boundaries of the Open Space and make some changes to the Covenant. Those changes were included in the revised documents and reviewed by the committee. It was made clear the land delineated in Exhibit A is to be left substantially in its natural state as undevelopable open space in accordance with the terms of the Covenant. It was also noted that there is still work to be completed on sewer lines and the public walking trail that are part of the Development Agreement and acceptance of the Covenant doesn't release Walker Realty from finishing those items. **It was moved and seconded to accept the revised Open Space Plan and the revised Open Space Covenant and Restriction and refer to Legal Department to be placed in proper legal form. The motion carried 3-0.**

From Veterans Affairs Committee

43. **Order No. 18-1007364: Communication from the Mayor regarding Marlborough Public Library Naming Rights.** Chairman Juaire read a letter from Mayor Vigeant, dated August 23, 2018, which requested the City Council revise the City Code to allow the Board of Library Trustees to name public assets located in and at the Marlborough Public Library. The chairman also read a letter from the Veterans Council, dated September 14, 2018, which did not want to see the Board of Library Trustees have authority to rename the library in its entirety but had no issue if interior rooms and sections are named for donors to the library renovation project. Assistant City Solicitor Panagore Griffin explained the proposed ordinance change would not eliminate the existing naming rights, as those would remain the same, but would allow the Board of Library Trustees to name its interior and outdoor spaces by developing a well thought out policy. Assistant City Solicitor Panagore Griffin further explained that similar to the School Committee, the Board of Library Trustees has care, custody, management and control of the grounds it oversees which is governed by statute. **Motion made by Councilor Ossing, seconded by the Chair, to approve the proposed ordinance to amend Chapter 551 to allow the Board of Library Trustees to name its interior spaces and exterior grounds as requested by the Mayor. The motion carried 3-0. (Requires advertising).**

From Urban Affairs Committee

44. **Order No. 18-1007337: Communication from Assistant City Solicitor, Cynthia Panagore Griffin regarding Proposed Zoning Amendment to Chapter 650, §7, §17, new §39 & §41 as it relates to Neighborhood Business District, sponsored by Councilors Ossing and Irish.** The Urban Affairs Committee met with Cynthia Wall of Metropolitan Area Planning Council (MAPC) to review the proposed zoning amendment for the Neighborhood Business District. The purpose of the zoning is to revitalize the Lincoln Street area not with an overlay but underlying zoning changes. It is hoped the amended zoning will spur economic growth beneficial to the City. Ms. Wall explained the process for developing good zoning is based upon good planning. She reviewed the proposed allowed uses, those uses not allowed or allowed by special permit in the petition. After Ms. Wall's presentation, the committee reviewed the zoning and decided upon the following changes, Comprehensive Developments would be allowed by Special Permit, dry-cleaning drop-off retail would be allowed by right, and the City Council would be responsible for the Waiver as Part of Special Permit or Under Site Plan Review as part of C. (4). **Motion made by Councilor Doucette, seconded by the Chair, to approve as amended subject to Planning Board feedback and recommendation from their September 24, 2018 public hearing. The motion carried 5-0.**



**CITY OF MARLBOROUGH  
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CITY OF MARLBOROUGH**

**2018 OCT 11 A 11: 57**

**SEPTEMBER 24, 2018**

Regular meeting of the City Council held on Monday, September 24, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Delano, Juairé, Oram, Ossing, Robey, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 8:47 PM.

ORDERED: That the Minutes of the City Council meeting August 27, 2018, **FILE**; adopted.

ORDERED: That the Minutes of the City Council meeting September 10, 2018, **FILE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Sustainable Material Recovery Program grant in the \$14,400.00 from MA Department of Environmental Protection to implement recycling programs and policies in which these funds will be used on equipment and approved activities, including recycling equipment, compost bins, and costs associated with our household hazardous waste collections; adopted.

ORDERED: The City Council hereby approves the gift of the Digital Federal Credit Union to the Marlborough Public Library in the amount of \$7,500.00, which amount shall be deposited with the City Comptroller and held in a separate account to be expended by the Marlborough Public Library without further appropriation, all in accordance with section 53A of chapter 44 of the Massachusetts General Laws; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Recreation grant in the amount of \$5,000.00 from DCU to support the Recreation Department's scholarship program which helps children of all backgrounds who participate in recreation programs at reduced cost or no cost; adopted.

ORDERED: That the Reappointment of Human Resources Director, David Brumby, for a term of three years to commence from date of City Council confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Reappointment of Collector, Eileen Bristol, for a term of two years to commence from date of City Council confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Reappointment of Comptroller, Brian Doheny, for a term of three years to commence from date of City Council confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Application for Special Permit, Ninja Twin, LLC, dba USA Ninja Challenge, 19 Brigham Street, to utilize Unit 8 in the building as a commercial indoor recreation center and place of fitness training for children ages 4 to 17, in proper legal form, Order No. 18-1007339, **MOVE TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from Mirick O'Connell, on behalf of Capital Group Properties LLC, re: submission of two items related to this petition to place Marlborough Airport Property in the Retirement Community Overlay District, which includes a study of the airport and surrounding areas; and a memo concerning a property in Southborough where a residential community was located near commercial areas, Order No. 18-1007136A (X17-1006963C), **FILE**; adopted.

ORDERED: That the Communication from Mirick O'Connell on behalf of Garden Remedies, Inc., 416 Boston Post Road East re: Posting a Notice of a Community Outreach Meeting to be held on Monday, October 1, 2018 at 6:00 PM at the Wildwood Steakhouse, 189 Boston Post Road East as required by the regulations of the state Cannabis Control Commission as a prerequisite to Garden Remedies applying for a license to operate a Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment, Order No. 18-1007138A, **FILE**; adopted.

ORDERED; At a regular meeting of the Marlborough City Council held on Monday, SEPTEMBER 24, 2018 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, was **ORDERED ADVERTISED** as follows; adopted.

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by amending certain provisions of Section 650-34, Marlborough Village District, and Section 650-41, Table of Lot Areas, Yards and Height of Structures, as follows:

1. By amending Section 650-34.F, Heights of Structures, as follows (deleted text in ~~strikethrough~~; new text underlined):

F. Heights of structures.

- (1) To encourage redevelopment and reuse of parcels within the Marlborough Village District, minimum and maximum heights are established. Minimum heights shall be 35 feet; maximum height is 6 stories and up to 70 feet except for where a proposed structure is within 50 feet of a residential ~~lot~~ district boundary, where the height limit shall be 52 feet. By grant of a special permit, maximum building height, including building areas within 50 feet of a residential district boundary, may be increased to ~~80~~ 7 stories and up to 85 feet. Height limits do not include roof-mounted mechanical appurtenances; however, said appurtenances, and the screening required for them in § 650-34D(2)(b), shall be subject to site plan review and design standards. Rooftop mechanical equipment, including wireless communications equipment, shall be located and screened to minimize impacts on abutters and the general public. No interior space shall be occupied for any purpose above these height limits.

This shall not preclude the use of a flat roof for purposes allowed in this section.

(2) Roof decks, providing recreation and amenity areas for residents and businesses on the roof above the top story of a building, shall be encouraged in Marlborough Village District. Roof decks may include open space areas for sitting and gardens; open-air areas covered by permanent roofs (flat or sloped); indoor areas for social gathering, meetings, common kitchens, restrooms, and storage; spaces for mechanical equipment; and enclosures for elevators and stairs. The portions of a building designed as a roofdeck shall be subject to maximum height restrictions, as may be extended by special permit.

2. By amending Section 650-41, Table of Lot Area, Yards, and Height of Structures, as follows (new text underlined, deleted text in strikethrough):

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Minimum Lot Coverage
Marlborough Village District MV	5,000 square feet	25	10 <sup>3</sup>	10 <sup>14</sup>	10 <sup>15</sup>	Minimum: 35 feet; <u>Maximum:</u> 6 stories;; not to exceed a maximum of 70 feet <sup>12</sup>	80% <sup>13</sup>

**NOTES:**

- <sup>1</sup> Note deleted.
- <sup>2</sup> Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.
- <sup>3</sup> Where abutting a residence district or within the Marlborough Village District where abutting an existing structure that has side-facing windows at the structure’s lot line; otherwise 0 feet.
- <sup>4</sup> Except where abutting a residence district, shall be 50 feet.
- <sup>5</sup> Except for buildings extending through a block or to a railroad siding.
- <sup>6</sup> For the purpose of measuring setback distances for the corresponding height restrictions, an owner of LI or I zoned land may count abutting residentially zoned land toward the setback requirement if such land is owned by the same owner. Ownership of the residential land and the LI or I land must continue to be held by the same entity.
- <sup>7</sup> However, this frontage need not be contiguous.

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

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

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

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

<sup>12</sup> Within the Marlborough Village District, special permits may allow for an increase in height to ~~80~~ 7 stories and up to 85 feet; also, provided that the height of any development ~~adjacent to any~~ within 50 feet of a residential district boundary shall be stepped down and shall not exceed 52 feet except where allowed by special permit. (See § 650-34F(1).)

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

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

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

**SET A PUBLIC HEARING FOR OCTOBER 29, 2018, ADVERTISE, REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD;** adopted.

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

Leon Barsamian, 1 Simmons Street  
Kelley Barsamaian, 127 Beach Street  
Helen Barsamian, 1 Simmons Street  
Greg Barsamian, 127 Beach Street

ORDERED: That the Minutes, Conservation Commission, July 19, 2018, August 2, 2018 & August 16, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Retirement Board, July 31, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Historical Commission, July 26, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, March 20, 2018, April 10, 2018 & May 8, 2018, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, August 13, 2018, **FILE**; adopted.

ORDERED: That the Minutes School Committee, June 26, 2018 & August 28, 2018, **FILE**; adopted.

ORDERED: That the Minutes Planning Board, August 27, 2018, **FILE**; adopted.

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

- a. Maxine Bellew, 45 Deerfield Run, pothole or other road defect claim.
- b. Carl Price, 109 Chase Road, other property damage and/or personal injury.
- c. Jason Campbell, 49 Hatfield Street, pothole or other road defect claim.

#### Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**FINANCE COMMITTEE Members Present:** Chairman Ossing; Councilors Robey, Oram, Irish and Dumais.

**FINANCE COMMITTEE Members Absent:** None

**Other Councilors in Attendance:** Councilors Clancy, Landers and Doucette.

The meeting convened at 7:12 PM.

1. **Order No. 18-1007382 – Transfer \$8,412.20 from Receipts Reserved Transportation Network Companies (TNC) Surcharge to Capital Outlay Police Equipment:** The FINANCE COMMITTEE reviewed the Mayor's letter dated September 6, 2018 requesting a transfer of \$8,412.20 from Receipts Reserved from the 2017 Marlboro TNC (Uber/Lyft) surcharges to the Capital Outlay Police Equipment for the purchase of additional traffic enforcement equipment. **The Finance Committee voted 5 - 0 to approve the transfer.**
2. **Order No. 18-1007353 – Transfer \$66,988.35 from the Reserve for Salaries Account to Fund the DPW Equipment Operators Contract for Fiscal Year 2019, 2020 and 2021:** The FINANCE COMMITTEE reviewed the Mayor's letter dated August 23, 2018 requesting the transfer of \$66,988.35 from the Reserve for Salaries account to fund the first year of the DPW Equipment Operators contract for FY19, 20 and 21. **The Finance Committee voted 5 - 0 to approve the transfer request to fund the DPW Equipment Operators contract for FY19.**

## Reports of Committee Cont'd:

3. **Order No. 18-1007352 – Transfer \$254,000.00 from Receipts Reserved Public, Educational and Government (PEG) Fund to Information Technology (IT) Equipment Account:** The FINANCE COMMITTEE reviewed the Mayor's letter dated August 23, 2018 requesting a transfer of \$254,000.00 from the Reserved Receipts PEG Fund to the IT equipment account to purchase new computers for the Library, upgrade the City's existing Network storage device, cyber security training and install security cameras at the schools. **The Finance Committee voted 5 - 0 to approve the transfer.**
4. **Order No. 18-1007366 – Land Acquisition for Library Project - 49 West Main Street - \$381,504 -** The Finance Committee reviewed the Mayor's letter dated August 23, 2018 requesting the approval of an order authorizing the purchase of 49 West Main Street for \$381,504.00 for the Library Project. The funds will be appropriated from the Capital Outlay account 19300006-58595. **The Finance Committee voted 4 – 1 (Councilor Robey opposed) to approve the Order to purchase 49 West Main Street using funds from the Capital Outlay account.**
5. **Order No. 18-1007381 – Transfer \$27,340.00 to Create a New Position in the Council on Aging (COA):** The Finance Committee reviewed the Mayor's letter dated September 6, 2018 requesting the transfer of \$27,340.00 (\$1,884.00 from Reserve for Salaries and \$25,456.00 from COA Program Coordinator) to create a new union position Program Coordinator/Clerk Typist. **The Finance Committee voted 5 - 0 to approve the transfers to create the new position within the COA.**
6. **Order No. 18-1007365 – Salary Ordinance Amendment and Transfers (\$7,100.00)– Human Resources Assistant and Manager of Communications Technology:** The Finance Committee reviewed the Mayor's letter dated August 23, 2018 requesting an amendment to the salary ordinance for two positions:
  - The Finance Committee voted 5 - 0 to amend the salary ordinance for the Human Resources Assistant to increase the salary and change the four step salary schedule to a seven step salary schedule.
  - The Finance Committee voted 5 - 0 to amend the salary ordinance to create a new position "Manager of Communications Technology" that will develop, manage and implement communications technology projects.
  - The Finance Committee voted 5 - 0 to approve the transfer of \$7,100.00 from Reserve for Salaries to Human Resource Assistant (\$3,410.00) and Electrician (\$3,690.00) to fund the changes to the salary ordinance.
  - The Finance Committee voted 5 - 0 to advertise the Human Resources Assistant and Manager of Communications Technology salary ordinances.

Reports of Committee Cont'd:

**The Finance Committee agreed to support suspending the rules at the September 24, 2018 City Council meeting to approve the following:**

- #2 - DPW Equipment Operator Contract Transfer for \$66,988.35
- #4 - Library Land Acquisition order/transfer for 49 West Main Street
- #5 - New position/transfer in the Council On Aging
- #6 – Only the advertising of the Salary Ordinance for the Human Resource Assistant and Manager of Communications Technology

**The Finance Committee adjourned at 8:07 PM.**

Councilor Robey reported the following out of the Legislative and Legal Affairs Committee:

City Council Legislative and Legal Affairs Committee  
Monday, September 17, 6:30 PM– In Council Chambers  
Minutes and Report

Present: Chairman Katie Robey, Councilor Delano and Councilor Landers. Also present were Councilors Clancy, Dumais, Irish, Juaire, Ossing. Councilor Oram arrived late.

Also Present: Mayor Vigeant, Assistant City Solicitor Cynthia Panagore Griffin, License Board Chairman Walter Bonin

**Order No. 18-1007363 Communication from the Mayor regarding Home Rule Petition-Liquor License.**

The Mayor's letter of August 23, 2108 was read into the record. The legislature has denied the April 2018 Home Rule Petition by City Council for 2 licenses for all alcoholic beverages not to be drunk on the premises. Additionally they have required the petition identify Kennedy's Market on Maple Street by name with a 2-year window for them to apply for the license. If not granted within 2 years, the license would expire. It will still be up to the License Board to grant the license.

**It was moved and seconded to approve the Home Rule petition as requested. The motion carried 3-0.**

**Order No. 18-1007369 Communication from City Solicitor Donald Rider regarding Benchmarks Deed of ten acres to the city of Marlborough.**

The letter from Solicitor Rider was read into the record. In it he explains that as part of the Special Permit granted to BSL Marlborough Development LLC (Benchmark) they would convey to the city approximately 10 acres of land at the site. It was noted that the mitigation payment of \$150,000 due within 60 days of the issuance of the Building Permit for the Site has been paid.

It was moved and seconded to accept Benchmark's executed and recorded Deed of the donated Land to the City for all municipal purposes. **The motion carried 3-0.**

## Reports of Committee Cont'd:

**Order No. 16/17/18-1006443D-2 Communication from Assistant City Solicitor Cynthia Panagore Griffin, regarding Apex Center's revised Open Space Plan & revised Open Space Covenant and Restriction.**

Having been tabled at the March 12, 2018 L & L meeting, it was moved and seconded to removed this from the table; the motion carried 3-0. The August 23, 2018 letter from Assistant City Solicitor Cynthia Panagore Griffin was read into the record. At the March meeting there was discussion on the language of the Covenant and Exhibit A, the Open Space Exhibit. At the suggestion of department heads, Walker Realty was asked to revise the map showing defined boundaries of the Open Space and make some changes to the Covenant. Those changes were included in the revised documents and reviewed by the committee. It was made clear the land delineated in Exhibit A is to be left substantially in its natural state as undevelopable open space in accordance with the terms of the Covenant. It was also noted that there is still work to be completed on sewer lines and the public walking trail that are part of the Development Agreement and acceptance of the Covenant doesn't release Walker Realty from finishing those items. It was moved and seconded to accept the revised Open Space Plan and the revised Open Space Covenant and Restriction and refer to Legal Department to be placed in proper legal form. **The motion carried 3-0.**

Councilor Juaire reported the following out of the Veterans Affairs Committee:

Meeting Name: City Council Veterans Affairs Committee

Date: September 17, 2018

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

Convened: 6:02 PM – Adjourned: 6:25 PM

Present: Chairman Juaire; Veterans Affairs Committee Members Councilors Ossing and Robey; Councilors Clancy, Delano, Doucette, Dumais, and Landers; Mayor Vigeant and Assistant Solicitor Cynthia Panagore Griffin

**Order No. 18-1007364: Communication from the Mayor regarding Marlborough Public Library Naming Rights.** Chairman Juaire read a letter from Mayor Vigeant, dated August 23, 2018, which requested the City Council revise the City Code to allow the Board of Library Trustees to name public assets located in and at the Marlborough Public Library. The chairman also read a letter from the Veterans Council, dated September 14, 2018, which did not want to see the Board of Library Trustees have authority to rename the library in its entirety but had no issue if interior rooms and sections are named for donors to the library renovation project. Assistant City Solicitor Panagore Griffin explained the proposed ordinance change would not eliminate the existing naming rights, as those would remain the same, but would allow the Board of Library Trustees to name its interior and outdoor spaces by developing a well thought out policy. Assistant City Solicitor Panagore Griffin further explained that similar to the School Committee, the Board of Library Trustees has care, custody, management and control of the grounds it oversees which is governed by statute.

**Motion made by Councilor Ossing, seconded by the Chair, to approve the proposed ordinance to amend Chapter 551 to allow the Board of Library Trustees to name its interior spaces and exterior grounds as requested by the Mayor. The motion carried 3-0. (Requires advertising)**

Reports of Committee Cont'd:

**Motion made and seconded to adjourn. The motion carried 3-0. The meeting adjourned at 6:25 PM.**

Councilor Delano reported the following out of the Urban Affairs Committee:

Meeting Name: City Council Urban Affairs Committee

Date: September 18, 2018

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

Convened: 5:31 PM – Adjourned: 7:19 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juaire, Landers, Doucette, and Tunnera; Councilors Clancy, Irish, and Ossing; Richard Knight (USA Ninja Challenge); PJ Scalzi (Ninja Twins, LLC); City Solicitor Rider; Asst. Solicitor Panagore Griffin and MAPC's Cynthia Wall

**Order No. 18-1007339: Application for Special Permit from Ninja Twins LLC, to create a gym for children in an existing building located at 19 Brigham Street, #8.** The Urban Affairs Committee met with Richard Knight of USA Ninja Challenge and PJ Scalzi of Ninja Twins LLC for a discussion of their application for a special permit for a commercial indoor recreation center and place of fitness at 19 Brigham Street, Unit 8. Mr. Knight explained the business is a gym focused on children aged four through seventeen for obstacle course training. The Urban Affairs Committee reviewed with the petitioner the draft Decision, Grant of Special Permit submitted by petitioner earlier. Among the items discussed were signage, background checks for employees, parking needs for the business, and hours of operation. The committee discussed the timing with the applicant. There is a three-month window for them to open after the special permit is approved. The Urban Affairs Committee agreed to request a suspension of the rules at the September 24, 2018 City Council meeting to vote on the application and for the Legal Department to place the final draft decision on the September 24, 2018 City Council agenda. **Motion made by Councilor Juaire, seconded by the Chair, to recommend approval of the special permit application together with the draft decision, as amended. The motion carried 5-0.**

**Motion made by Councilor Juaire, seconded by the Chair, to request a Suspension of the Rules at the September 24, 2018 City Council meeting to vote on the application. The motion carried 5-0.**

**Motion made by Councilor Juaire, seconded by the Chair, to request the Legal Department place the application in proper form on the September 24, 2018 City Council agenda. The motion carried 5-0.**

## Reports of Committee Cont'd:

**Order No. 18-1007337: Communication from Assistant City Solicitor, Cynthia Panagore Griffin regarding Proposed Zoning Amendment to Chapter 650, §7, §17, new §39 & §41 as it relates to Neighborhood Business District, sponsored by Councilors Ossing and Irish.** The Urban Affairs Committee met with Cynthia Wall of Metropolitan Area Planning Council (MAPC) to review the proposed zoning amendment for the Neighborhood Business District. The purpose of the zoning is to revitalize the Lincoln Street area not with an overlay but underlying zoning changes. It is hoped the amended zoning will spur economic growth beneficial to the City. Ms. Wall explained the process for developing good zoning is based upon good planning. She reviewed the proposed allowed uses, those uses not allowed or allowed by special permit in the petition. After Ms. Wall's presentation, the committee reviewed the zoning and decided upon the following changes, Comprehensive Developments would be allowed by Special Permit, dry-cleaning drop-off retail would be allowed by right, and the City Council would be responsible for the Waiver as Part of Special Permit or Under Site Plan Review as part of C. (4).

**Motion made by Councilor Doucette, seconded by the Chair, to approve as amended subject to Planning Board feedback and recommendation from their September 24, 2018 public hearing. The motion carried 5-0.**

**Motion made and seconded to adjourn. The motion carried 5-0. The meeting adjourned at 7:19 PM.**

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

ORDERED: That the DPW transfer request in the amount of \$66,988.35 which moves funds from Reserve for Salaries account to various DPW payroll accounts for laborers in the Department of Public Works to fund the recently ratified Memorandum of Agreement between the City of Marlborough and the Marlborough Public Works Equipment Operators Association for FY19-21, **APPROVED**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

Available Balance	DEPT:	Comptroller			Amount	FISCAL YEAR:	2019			Available Balance
	Amount	FROM ACCOUNT:				TO ACCOUNT:				
		Org Code	Object	Account Description:		Org Code	Object	Account Description:		
\$990,000.00	\$66,988.35	11990006	57820	Reserve for Salaries	\$16,796.98	14001303	50740	Equipment Operators	\$732,756.31	
	Reason:	Recalculate amounts for contract obligations			Reason:	Contractual Obligation				
					\$18,303.05	14001503	50740	Equipment Operators	\$800,971.41	
	Reason:				Reason:	Contractual Obligation				
					\$12,354.53	61090001	50740	Equipment Operators	\$677,287.70	
	Reason:				Reason:	Contractual Obligation				
					\$3,606.63	14001403	50745	Motor Equipment Repairman	\$152,588.73	
	Reason:				Reason:	Contractual Obligation				
					\$1,202.21	60085001	50750	Equipment Operators	\$50,863.25	
	Reason:				Reason:	Contractual Obligation				
					\$1,202.21	60081001	50750	Equipment Operators	\$50,979.09	
	Reason:				Reason:	Contractual Obligation				
					\$184.95	14001303	51920	Sick Leave Buy Back	\$18,970.00	
	Reason:				Reason:	Contractual Obligation				
					\$256.22	14001503	51920	Sick Leave Buyback	\$25,250.00	
	Reason:				Reason:	Contractual Obligation				
					\$46.24	60085003	51920	Sick Leave Buyback	\$3,781.00	
	Reason:				Reason:	Contractual Obligation				
					\$46.24	61090003	51920	Sick Leave Buyback	\$7,260.00	
	Reason:				Reason:	Contractual Obligation				
					\$276.51	14001303	51430	Longevity	\$31,000.00	
	Reason:				Reason:	Contractual Obligation				
					\$36.07	14001403	51430	Longevity	\$6,115.00	
	Reason:				Reason:	Contractual Obligation				
					\$216.40	14001503	51430	Longevity	\$30,789.00	
	Reason:				Reason:	Contractual Obligation				
					\$12.02	60085003	51430	Longevity	\$4,452.00	
	Reason:				Reason:	Contractual Obligation				
					\$48.09	61090003	51430	Longevity	\$10,283.00	
	Reason:				Reason:	Contractual Obligation				
					\$250.00	60085003	51940	Longevity	\$4,452.00	
	Reason:				Reason:	Contractual Obligation				
					\$3,500.00	14001303	51940	Clothing Allowance	\$720.00	
	Reason:				Reason:	Contractual Obligation				
					\$1,650.00	14001403	51940	Clothing Allowance	\$990.00	
	Reason:				Reason:	Contractual Obligation				
					\$4,000.00	14001503	51940	Clothing Allowance	\$2,493.76	
	Reason:				Reason:	Contractual Obligation				
					\$250.00	60081003	51940	Clothing Allowance	\$510.00	
	Reason:				Reason:	Contractual Obligation				
					\$2,750.00	61090003	51940	Clothing Allowance	\$4,270.01	
	Reason:				Reason:	Contractual Obligation				
	\$66,988.35	Total			\$66,988.35	Total				

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

ORDERED: That by Order No.17-1006760A the City Council of the City of Marlborough authorized the Mayor to negotiate and enter into a purchase and sales agreement for the purchase of 49 West Main Street, and by Order No. 16-1006760B the City Council appropriated funds and approved the use of said funds to bind an offer by the City on a purchase and sales agreement for 49 West Main Street, the performance of which agreement is contingent upon (1) a favorable vote of the City Council authorizing the City to acquire said parcel for the amount stated therein and (2) an appropriation of sufficient funds for said purchase, the Mayor, having thus negotiated a purchase and sales agreement bound by an offer to purchase, the City Council hereby (1) authorizes the City to acquire 49 West Main Street in the total amount of \$381,504.00 as provided in said purchase and sales agreement and (2) by two-thirds vote appropriates from Account No. 19300006-58595 (City Hall Equipment) the balance due on said purchase in the amount of \$362,504.00.

Further, the City Council hereby authorizes the Mayor to accept a deed pursuant to M.G.L. c. 40, § 3 for said property located at 49 West Main Street, be and is herewith **APPROVED**; adopted.

**Councilor Robey Opposed.**

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

ORDERED: That the 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/Clerk Typist, **APPROVED**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

DEPT:		Comptroller				FISCAL YEAR:		2019	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
<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:	Position change		
<u>\$33,940.00</u>	<u>\$25,456.00</u>	<u>15410001</u>	<u>50191</u>	<u>Program Coordinator</u>					<u>\$0.00</u>
	<u>\$27,340.00</u>	Total			<u>\$27,340.00</u>	Total			

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

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, SEPTEMBER 24, 2018 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, be further amended by amending Chapter 125 entitled “PERSONNEL”, Section 6 entitled “COMPENSATION SCHEDULE” having been read was **ORDERED ADVERTISED** as follows; adopted.

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough as amended, be further amended in Chapter 125, Section 6 “Salary Schedule” as follows:

Position	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
		Start	6 months of service	1 year of service	2 years of service	3 yrs. of service	4 yrs. of service	5 yrs. of service
Human Resources Assistant	October 1, 2018	\$53,079.34	\$54,140.93	\$55,223.75	\$56,328.23	\$57,454.79	\$58,603.89	\$59,775.96
Manager of Communications Technology	October 1, 2018	\$60,389.89	\$61,597.68	\$62,829.64	\$64,086.23	\$65,367.95	\$66,675.31	\$68,008.82

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

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: Apex Center – Revised Open Space Plan & Revised Open Space Covenant and Restriction, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM**; adopted.

Motion by Councilor Delano to delete the second sentence of Condition #5 of the Special Permit for Ninja Tiwns, **APPROVED**; adopted.

**Suspension of the Rules requested - Granted**

ORDERED:

**DECISION ON A SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 18-1007339B**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Ninja Twins, LLC (hereinafter “Applicant Tenant”), as provided in this Decision and subject to the following Findings of Facts and Conditions:

**FINDINGS OF FACTS AND CONDITIONS**

1. The landlord is Ivy Brigham Property, LLC, a duly organized and existing Limited Liability Company established under the laws of the state of Delaware with its principal place of business located at 102 Chestnut Ridge Road, Ste. 204, Montvale, NJ 07645.

2. Applicant Tenant is a duly organized and existing Massachusetts Limited Liability Company with its principal place of business at 121 Lee Drive, Concord, MA 01742 and has duly filed its Certificate of Organization Limited Liability Company with the City Clerk of the City of Marlborough to operate its business at the subject location. Applicant Tenant is a franchisee of USA Ninja Challenge.
3. The landlord is the title owner of the property located at 19 Brigham Street (the "Site"). The landlord and Applicant Tenant have executed or will execute a lease regarding Unit 8 at the Site, and its use pursuant to the terms of this special permit regarding Unit 8 at the Site.
4. The Applicant Tenant seeks permission to utilize Unit 8 at the Site as a commercial indoor recreation center and place of fitness training for children ages 4 to 17. The Site is located in the Industrial zoning district. A recreation center is allowed in the Industrial zoning district by special permit.
5. The Applicant Tenant, on July 10, 2018, filed with the City Clerk of the City of Marlborough, an Application for a Special Permit under the provisions of § 650-17 and pursuant to the procedures specified in § 650-59 of the Marlborough Zoning Ordinance (the "Application").
6. The Site contains an existing commercial building. Unit 8 is shown in that building on plans submitted with or subsequent to the Application, the first said plan entitled "19 Brigham Street Unit #8" and the second plan being a sketch floor plan entitled "Unit No. 8 Plan" (collectively, the "Plans"), all of which Plans are attached hereto. No modifications are proposed to the exterior of the building, minor structural modifications are proposed to the interior of the building, and no parking areas will be created or modified.
7. The Applicant Tenant seeks a special permit allowing the establishment of an indoor recreation area that will include various children's exercise and fitness equipment / obstacles for training classes, birthday parties, and camps for children to work on physical fitness, coordination, and confidence.
8. The Plans have been certified by the Building Commissioner, acting on behalf of the City Planner, as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a special permit.
9. Pursuant to the Rules and Regulations of the City Council and the provisions of M.G.L. c. 40A, the City Council established a date for public hearing for the Application and the City Clerk caused to be advertised said date in the MetroWest Daily News and sent written notice of said hearing to those abutters entitled to notice under law.
10. The Marlborough City Council pursuant to M.G.L. c. 40A held a public hearing on September 10, 2018, concerning the Application. The hearing was opened and closed at that meeting.
11. The Applicant Tenant presented evidence at the public hearing detailing the proposed use and its projected limited impact upon City services, the neighborhood and traffic.

12. At the public hearing, Richard Knight, representing Paul Scalzi who will be managing the operation of the business and is the manager of Applicant Tenant, described the proposed business as being one that would provide an indoor venue for children's fitness to take advantage of the proposed indoor fitness facility. He indicated that the business would operate late afternoon into the early evening, and weekends, following an established training class format to ensure development and safety for children 4-17 years of age. In response to questions from city councilors, he indicated that:
  - a) all employees receive background screening conducted by service provider;
  - b) no food would be prepared on the premises;
  - c) the facility would be open to the general public to provide indoor training space for children on a daily basis; and
  - d) all recreation would occur indoors.
13. No member of the public spoke, either in favor of or in opposition to the proposal.
14. Following the public hearing, the Urban Affairs Committee held a meeting on September 18, 2018 during which this Application was discussed. At that meeting, the parties discussed various issues and proposed permit conditions to deal with them.

#### **REASONS FOR APPROVAL OF APPLICATION FOR SPECIAL PERMIT**

- A. The City Council finds that the Applicant Tenant has complied with all Rules and Regulations promulgated by the Marlborough City Council for an application as they pertain to the Special Permit.
- B. The use of Unit 8 for an indoor recreation establishment and place of fitness training is an appropriate use of the Unit 8-portion of the Site and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough, subject to appropriate terms and conditions provided for herein. The use sought and its impacts and characteristics are not in conflict with the public health, safety, convenience and welfare, provided the safeguards and limitations imposed herein are met.
- C. The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough City Code, GRANTS the Applicant Tenant, its successors and assigns, a Special Permit to operate an indoor recreation establishment and place of fitness training as per plans filed with the City Council and the City Clerk, SUBJECT TO THE FOLLOWING CONDITIONS, which shall be applicable to Applicant Tenant and its successors and assigns, and a violation of which shall be a violation of this Special Permit:
  1. Signage: Any signage installed or erected on the Site shall meet the requirements of the Sign Ordinance of the City of Marlborough, without variance.

2. Compliance with Local, State and Federal Laws: The Applicant Tenant agrees to comply with all rules, regulations and ordinances from the City of Marlborough, the Commonwealth of Massachusetts, and Federal Government as they may apply to the construction, maintenance of equipment, and operation of the facility, and to public peace and good order in the event that the Chief of Police determines that either the business or the Applicant Tenant are acting contrary to public peace and good order. The Chief shall notify the applicant in writing and deem corrective measures be put into effect within seven calendar days of such written notification. Upon the failure or inability of the Applicant Tenant to correct such measures within such period, the Police Chief may require the Applicant Tenant to employ one or more police detail officers during such hours or days that the Police Chief in the exercise of his sole discretion deems to be necessary for the purpose of correcting the conditions.
3. Public Peace and Good Order: Applicant Tenant shall obtain appropriate CORI information regarding all employees of Applicant Tenant, and shall keep said information available for inspection by local police upon request.
4. Parking: No on-street parking shall be permitted on Brigham Street or any other abutting side street or public way.
5. Hours of Operation: The hours of operation of the facility shall not be earlier than 8:00 AM or later than 8:00 PM on any day.
6. Limits of Use: The proposed principal use of Unit 8 is to provide a place of fitness training for children, and to otherwise provide an indoor fitness facility for children. No other kinds of public use shall be allowed at or in Unit 8 except those the Building Commissioner deems ancillary to this principal use.
7. Food Preparation: No food shall be prepared by the Applicant Tenant or the public at or in Unit 8 unless and until the Applicant Tenant obtains a permit and any other approvals from the Director of the Marlborough Board of Health and pays the accompanying fees.
8. Certificate of Occupancy Required: No use of the premises will be made pursuant to this Special Permit unless and until a Certificate of Occupancy has been obtained from the Building Commissioner regarding the change of use of the premises.
9. No Expansion of Use Area or Change in Area Configuration: Only the area of Unit 8, containing approximately 6,000 sq. ft., which has been specified in the Plans attached hereto, will be used for the proposed use. To the extent that a substantial increase in, or a change in the configuration of, the area used for this use is desired, the Building Commissioner shall determine whether such increase or change constitutes a substantial change of the permitted use, and if so, no such area increase or configuration change shall be permitted unless and until this Special Permit has been modified by the City Council.
10. Subsequent Users: Before any successor tenant uses Unit 8 for the uses allowed in this Special Permit, the Director of the Marlborough Board of Health shall determine in writing that any permit required of Applicant Tenant, and any other permit determined by the Director to be necessary, has been obtained.

11. Required Approval Regarding Sanitary Conditions: Prior to the beginning of operation of the business, the Director of the Marlborough Board of Health shall determine in writing what, if any, special sanitary requirements are necessary at or in Unit 8 in order to ensure that the facility does not cause unusual health risks to those using the facility or to the public. The Director may later, in writing, amend and/or add to said requirements as the Director deems necessary. Such determination, and any such amendments and/or additions, shall be provided by the Director to the City Council. Any failure to comply with said sanitary requirements shall be a violation of this permit.
12. Recordation: In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant Tenant shall, at its expense, record this Special Permit with the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal hearing being filed. The Applicant Tenant shall provide a copy of the recorded Special Permit to the City Clerk, the City Solicitor, and the Building Commissioner.

**Yea: 11 – Nay: 0**

**Yea: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juair, Oram, Ossing & Robey.**

ORDERED: That the Public Safety Committee meet with the Chief of Police to discuss the feasibility of adopting a Do Not Knock Registry in the City of Marlborough which would allow residents to submit their property for inclusion on a No Solicitation Registry. Upon approval and issuance of a City of Marlborough door-to-door solicitation permit, each salesperson would be provided with a copy of the No Solicitation Registry, refer to **PUBLIC SAFETY COMMITTEE**; adopted.

ORDERED: That officials from Eversource be invited to attend a meeting of the City Council Public Safety Committee to update the City Council on the status of gas lines and related infrastructure in the City of Marlborough, refer to **PUBLIC SAFETY COMMITTEE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:47 PM.



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ SEPTEMBER 10, 2018

### ORDERED:

That there being no objection thereto set **MONDAY, OCTOBER 15, 2018** as **DATE FOR PUBLIC HEARING** Application for Special Permit from the Attorney Norris, on behalf of Raphael Fischetti, to construct a new single-family dwelling at 89 Spring St, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, & ADVERTISE.**

**Ninety days after public hearing is 01/13/19 which falls on a Sunday, therefore 01/14/19 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 18-1007387



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 OCT 11 A 10:13

*City of Marlborough*  
*Office of the Mayor*

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

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

October 11, 2018

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

**Re: Certification of Free Cash**

Honorable President Clancy and Councilors:

I am pleased to inform you that the Massachusetts Department of Revenue (DOR) recently certified the amount of \$8,877,451.00 in "free cash" for the City of Marlborough. Our strong free cash balance is indicative of our continued economic growth and conservative budgeting.

The strong partnership that exists between my office, the City's financial team, and the City Council means we are all on the same page when it comes to budgeting and economic growth. Together, we are working to ensure the City's strong financial condition for future generations of Marlborough residents, while also investing in our road and facility infrastructure.

Over the next few years, we face some challenges, including higher levels of debt service from the new elementary school and the proposed library and fire station projects. Our school bus contract expires in 2020 and the recycling market is currently in upheaval; these two issues alone are causing significant cost increases in communities across Massachusetts.

Continued economic investment in Marlborough to ensure that our residents do not shoulder too much of the burden through their property taxes is crucial. We also must continue with our prudent approach to the City's budget.

In the coming weeks, I will submit transfer requests to move 10 percent of the free cash amount to our OPEB account and 10 percent to our stabilization account.

Thank you again for your continued partnership and please do not hesitate to let me know if you have any questions on this matter.

Sincerely,

**Arthur G. Vigeant**  
Mayor

SUBMITTED BY	Diane Smith	CITY/TOWN/DISTRICT	Marlborough
PHONE	508-460-3774	DATE RECEIVED	09/27/18
FIELD REP	ASN	DATE SUBMISSION COMPLETE	09/27/18

**FREE CASH CALCULATION**

**BEGIN:**

UNRESERVED UNDESIGNATED FUND BALANCE 14,983,906

**LESS:**

PERSONAL PROPERTY TAXES RECEIVABLE 1,329,176

REAL ESTATE TAXES RECEIVABLE 1,455,460

OTHER RECEIVABLE, OVERDRAWN ACCOUNTS, DEFICITS

FDA	765	Housing Authority Re	37,308	
Chapter 90	298,761	Contrib Ret Receival	29,012	
FY18 911 PSAP	4,597	Outside Details Rec	277,986	
FY18 911 EMD	7,931		-	
Mass Wildlife	10,800		-	
3399 Youth Career	65,566		-	
3171 YCC Skilled Workforc	12,875		-	
316 Title III LEP Support	8,981		-	
3180 Youth Opioid	6,680		-	
3181 Skills Capial	143,428		-	
3183 Title I	26,669		-	
3186 - Title IIA	15,522		-	
3188 - Title III LEP Support	3,405		-	
3189 - Early Childhood	10,127		-	
FY17 Sewer Const	26,326		-	
A Testa Scholarship	99		-	
J Zednick Scholarship	516		-	
Royce-Keller Scholarship	210		-	
Class of 1983	70	Additional Sheet	-	<u>987,635</u>

FREE CASH VOTED FROM TOWN MEETING NOT RECORDED -

**ADD:**

DEFERRED REVENUE (CREDIT BALANCE +, DEBIT BALANCE -) (2,334,184)

60 DAYS TAX COLLECTIONS -

**OTHER MISCELLANEOUS ADJUSTMENTS:**


8,877,451  
FREE CASH, JULY 1, 2018

ASN

REVIEWED BY: \_\_\_\_\_ PLEASE SEE CERTIFICATION LETTER  
DATE: 09/28/18 \_\_\_\_\_ FOR DIRECTOR OF ACCOUNTS APPROVAL



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 OCT 11 A 10:13

*City of Marlborough*

*Office of the Mayor*

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

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

October 11, 2018

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

**Re: Grant Acceptance – Marlborough Cultural Council**

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a donation in the amount of \$12,500.00 for the City of Marlborough to be expended through the Marlborough Cultural Council.

Local arts and cultural organizations are eligible to apply for grant funding from our Cultural Council that enable them to put on displays, shows, and other events. This year's application period is open until Monday, October 15, 2018 and the Cultural Council will meet over the coming few weeks to review applications and award funding.

Once again, thank you for meeting with my recent appointees to the Cultural Council. If you have any questions, please do not hesitate to contact me.

Sincerely,

**Arthur Vigeant**  
Mayor

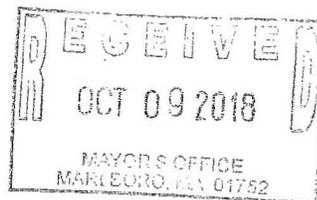
Enclosures



October 4, 2018

*Power of culture*

Arthur G. Vigeant, Mayor  
 City of Marlborough  
 City Hall  
 140 Main Street  
 Marlborough MA 01752-3871



Dear Mr. Vigeant:

Enclosed is a contract and scope of services for the City of Marlborough that covers the transfer of FY2019 Local Cultural Council funds from the Mass Cultural Council to your local cultural council account for the Marlborough Cultural Council.

**State Comptroller regulations require State Agencies to have a signed contract and signature authorization form on file for all transfers of funds from state to local accounts unless the agency is statutorily released from this mandate, which the Mass Cultural Council is not.**

The contract includes: a signature page with the amount of the allocation (\$12,500), dates of service (July 1, 2018 to June 30, 2019), and a place to sign. You only need to sign it, include an email address if possible and make any corrections if needed. The second page is the scope of services which defines how the funds are to be expended following Mass Cultural Council regulations. Lastly, the Signature Authorization page is a required form for all contracts with state agencies that clearly identifies the person or persons authorized to sign contracts for a vendor, in this case your municipality.

The contract should be signed with a completed Signature Authorization form and returned to me by November 30, 2018.

I will not be able to transfer the Local Cultural Council allocation until I have a completed contract package from your municipality. If you or any of your staff have any questions, please feel free to contact me at 617/858-2722 or by email at michael.nagle@state.ma.us.

Thank you very much.

Sincerely,

Michael Nagle  
 Fiscal Officer

Attachments



# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM

This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at [www.mass.gov/osc](http://www.mass.gov/osc) under [Guidance For Vendors - Forms](#) or [www.mass.gov/osd](http://www.mass.gov/osd) under [OSD Forms](#).

<b>CONTRACTOR LEGAL NAME:</b> City of Marlborough (and d/b/a): City Hall 140 Main Street	<b>COMMONWEALTH DEPARTMENT NAME:</b> Massachusetts Cultural Council <b>MMARS Department Code:</b> ART
<b>Legal Address: (W-9, W-4,T&amp;C):</b> Marlborough MA 01752-3871	<b>Business Mailing Address:</b> 10 St. James Ave. 3rd Fl., Boston MA 02116
<b>Contract Manager:</b> Arthur G. Vigeant, Mayor	<b>Billing Address (if different):</b>
<b>E-Mail:</b> mayor@marlborough-ma.gov	<b>Contract Manager:</b> Michael Nagle
<b>Phone:</b> 508/460-3770 <b>Fax:</b> 508/481-6354	<b>E-Mail:</b> Michael.Nagle@state.ma.us
<b>Contractor Vendor Code:</b> VC0000392351	<b>Phone:</b> 617/858-2722 <b>Fax:</b> 617/727-0044
<b>Vendor Code Address ID (e.g. "AD001"):</b> AD (Note: The Address Id Must be set up for EFT payments.)	<b>MMARS Doc ID(s):</b>
	<b>RF/Procurement or Other ID Number:</b>

<b>NEW CONTRACT</b>	<b>CONTRACT AMENDMENT</b>
<b>PROCUREMENT OR EXCEPTION TYPE: (Check one option only)</b> <input type="checkbox"/> <b>Statewide Contract</b> (OSD or an OSD-designated Department) <input type="checkbox"/> <b>Collective Purchase</b> (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> <b>Department Procurement</b> (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <b>Emergency Contract</b> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach Employment Status Form, scope, budget) <input type="checkbox"/> <b>Legislative/Legal or Other:</b> (Attach authorizing language/justification, scope and budget)	Enter Current Contract End Date <b>Prior</b> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____. (or "no change") <b>AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.)</b> <input type="checkbox"/> <b>Amendment to Scope or Budget</b> (Attach updated scope and budget) <input type="checkbox"/> <b>Interim Contract</b> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach any updates to scope or budget) <input type="checkbox"/> <b>Legislative/Legal or Other:</b> (Attach authorizing language/justification and updated scope and budget)

The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract.  
 Commonwealth Terms and Conditions  Commonwealth Terms and Conditions For Human and Social Services

**COMPENSATION:** (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00.  
 **Rate Contract** (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)  
 **Maximum Obligation Contract** Enter Total Maximum Obligation for total duration of this Contract (or **new** Total if Contract is being amended). \$ 12,500

**PROMPT PAYMENT DISCOUNTS (PPD):** Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days \_\_\_% PPD; Payment issued within 15 days \_\_\_% PPD; Payment issued within 20 days \_\_\_% PPD; Payment issued within 30 days \_\_\_% PPD. If PPD percentages are left blank, identify reason: \_\_\_agree to standard 45 day cycle \_\_\_ statutory/legal or Ready Payments (G.L. c. 29, § 23A); \_\_\_ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)

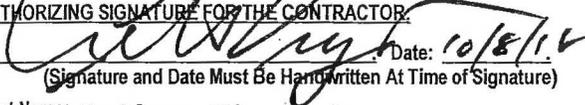
**BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:** (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.)

### Local Cultural Allocation for the Marlborough Cultural Council

**ANTICIPATED START DATE:** (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:  
\_\_\_ 1. may be incurred as of the **Effective Date** (latest signature date below) and **no** obligations have been incurred **prior** to the **Effective Date**.  
\_\_\_ 2. may be incurred as of \_\_\_\_\_, 20\_\_\_\_, a date **LATER** than the **Effective Date** below and **no** obligations have been incurred **prior** to the **Effective Date**.  
 3. were incurred as of **July 1, 2018**, a date **PRIOR** to the **Effective Date** below, and the parties agree that payments for any obligations incurred prior to the **Effective Date** are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.

**CONTRACT END DATE:** Contract performance shall terminate as of **June 30, 2019**, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.

**CERTIFICATIONS:** Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached **Contractor Certifications** (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable **Commonwealth Terms and Conditions**, this Standard Contract Form including the **Instructions and Contractor Certifications**, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

**AUTHORIZING SIGNATURE FOR THE CONTRACTOR:**  
 X:  Date: 10/8/16  
 (Signature and Date Must Be Handwritten At Time of Signature)  
 Print Name: Arthur Vigeant  
 Print Title: Mayor

**AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:**  
 X: \_\_\_\_\_ Date: \_\_\_\_\_  
 (Signature and Date Must Be Handwritten At Time of Signature)  
 Print Name: David T. Slatery  
 Print Title: Deputy Director

Issued May  
2004

## COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING

CONTRACTOR LEGAL NAME :  
CONTRACTOR VENDOR/CUSTOMER CODE:

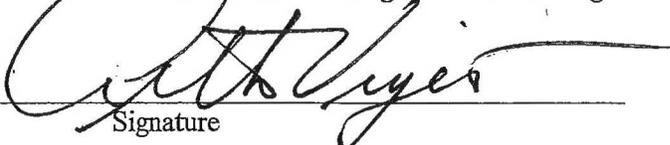
**INSTRUCTIONS:** Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

**NOTICE:** *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
Arthur Vigeant	Mayor

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.

  
 \_\_\_\_\_  
 Signature

Date: 10/8/11

Title: Mayor

Telephone: 508-460-3770

Fax: 508-460-3698

Email: mayor@marlborough-ma.gov

[Listing can not be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department.



RECEIVED  
CITY CLERK'S OFFICE  
OF MARLBOROUGH  
OCT 11 A 10:13

*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  
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*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

October 11, 2018

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

**Re: Appointment to the Library Board of Trustees**

Honorable President Clancy and Councilors:

I am pleased to submit for your confirmation the appointment of Fred Haas to the Library Board of Trustees.

Mr. Haas is a longtime Marlborough resident with young children who is a regular visitor to the Marlborough Public Library. His appreciation for (and his children's appreciation) and dedication to the Library is strong. He works as an English teacher at Hopkinton High School. I believe his background and knowledge of the Library will make him a valuable member of the Board of Trustees.

Thank you for your consideration of this appointment. If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Arthur G. Vigeant  
Mayor



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CITY OF MARLBOROUGH

2018 OCT 11 A 9 20

**Marlborough City Council**  
**Michael H. Ossing**  
**City Councilor-at-Large**  
140 Main Street  
Marlborough, Massachusetts 01752  
(508) 460-3711 TDD (508) 460-3610

October 11, 2018

Edward J. Clancy, President  
Members of the City Council  
City Hall  
Marlborough, MA 01752

Dear President and Honorable Members:

**Re: Funding for New School, Library Renovation and West Side Fire Station**

Purpose:

This letter intends to provide City Councilors with information on potential funding sources for a new School, Library renovations and a west side Fire Station while minimizing the impact on the tax rate.

Issue:

Provide funding for the new School, Library renovations and west side Fire Station projects while minimizing impact on existing tax rate.

Assumptions:

1. School bond - \$27,000,000 – annual debt service of \$2,000,000
2. Library Renovation - \$14,000,000 – annual debt service of \$800,000
3. West Side Fire Station - \$14,000,000 – annual debt service of \$800,000
4. Every \$1,000,000 added to the budget costs the residential tax payer an additional 17 cents on their tax bill

Discussion:

The annual impact to the budget (debt service) for the three projects will be ~\$3,600,000. This equates to increasing the tax rate by 62 cents (17 cents x 3.6). Using the current tax rate of \$14.63 (average home value of \$346,900 pays \$5,075 in taxes), the tax rate with the three bonds would be \$15.25 (14.63 + .62). This would increase the typical average home tax bill by \$215 (346,900 x .01525 = \$5,290; or \$5,290 - \$5,075 = \$215). The goal is to determine if there are new projects that can be approved by the City Council to offset the annual debt service increase.

The school bond has already been approved by the City Council. The Library renovation bond needs to be approved prior to January 2019 in order to secure the \$10,000,000 state matching funds. The Fire Station bond is still being developed and anticipated to be finalized in early 2019.

Since the consensus of the Council is that all three projects are needed, but the disagreement comes as to which project is funded first (Library or Fire Station), the information below provides a plan to approve the remaining bonds now and ensure project funding sources are going to be available to offset the debt service of the bonds.

The housing studies have shown that there is still a need for housing in the City. The City Council has taken actions to create overlay districts (Downtown, Retirement, Mixed Used) to facilitate the development of various types of housing projects. Table 1 lists some of the proposed projects that are either before the City Council or being considered for submittal to the City Council that can provide a funding source to offset the impact of the new School, Library renovation and west side Fire Station projects on the tax rate.

The housing guidelines recently approved by the City Council can be used to help shape these projects to best fit the Council vision for the community.

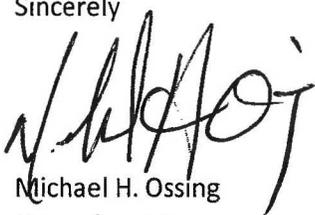
Having the Mayor submit the Library and Fire Station bonds now and the Council approving both bonds, addresses the concerns of which bond is approved first. The bonds can then be issued when the projects are ready and the financial sources to fund the projects are available. This also provides the City Council with information the developers can use to support mitigation for their projects by focusing mitigation on the completion of the School, Library renovation and west side Fire Station projects.

Finally, the total financial picture needs to be considered in the City Council's decisions which include using the recently approved financial policies that include the Capital Policy (updated 5-year Capital Plan) and Debt policy (general debt service as a percentage of general fund expenditures).

Recommendation:

1. Mayor submit the Library and Fire Station bonds to the City Council.
2. The City Council ensures new projects are approved to offset the impact of the debt service on the tax rate.
3. This information be reviewed by the Urban Affairs Committee to take a big picture look at the projects/zoning changes before the City Council.

Sincerely



Michael H. Ossing  
Councillor at Large  
Finance Committee Chairman

Table 1: List of Potential/Proposed Projects and Projected Tax Revenues

Project	Project description	New units	Address	Parcels	FY18 Taxes	Projected Annual Taxes of Project
Enza Sambataro's Main Street Project – 165 Main Street	47 residential units	47	163-165 Main Street	70-77	\$7,933	
			167-171 Main Street	70-78	\$3,358	\$211,400
			175 Main Street	70-79	\$21,093	
Tavern on the Green – 57 Main Street	55 residential units 11,000 sf of office and restaurant space 83 parking spaces 1 bedrooms: 17 2 bedrooms: 38	55	51 Main Street	70-294	\$54	
			57 Main Street	70-291	\$13,822	\$187,020
			48 High Street	70-293	\$136	
Marilyn Green Project Bolton Street	36 residential units 1 bedrooms: 4 2 bedrooms: 32 2 commercial units	36	27-29 Cotting Ave	70-222	\$5,810	
			0 Granger Boulevard	70-224	\$232	
			0 Granger Boulevard	70-223A	\$237	\$123,929
			0 Granger Boulevard	70-223A	\$237	
			0 Granger Boulevard	70-212A	\$110	
			Unknown	70-528	\$0	
Garden Remedies	Adult use and medical marijuana dispensary	0	416 Boston Post Road East	73-30	\$0	\$501,000
Solar Overlay District – Broadmeadow Street	Ground mounted solar - 5 MW project	0	Broadmeadow Street	98-9		TBD
Jefferson Street Condos	11 residential condos 2 bedroom, 2 bath units approx. 1300 sf each	11	27 Jefferson Street	56-160	\$1,670	\$65,980
Rezone Airport - Farm Road	114 residential units for over 55	114	Farm Road	73-52	\$12,308	\$547,045
			685 Farm Road	73-53	\$5,298	
Rezone Crowley Drive	130 residential units for over 55	130	90 Crowley Drive	15-23	\$39,236	\$311,912
Rezone Williams Street	28 residential units for over 55	28	615 Williams Street	113-6	\$3,553	\$134,362
Avalon Marlborough Expansion	123 residential units 1,900 sf retail unit 13 direct entry buildings 4 townhomes 1 bedrooms: 48 2 bedrooms: 75	123	0 Simarano Drive	100-1	\$29,126	\$564,902
Crane Meadow/Simarano - Boston Properties	400 residential units	400	107 Simarano Drive	116-12	\$17,978	\$1,319,626
			Cedar Hill Street	116-11	\$12,510	
			Cedar Hill Street	116-5	\$34,810	
TOTAL		944			\$223,516	\$3,967,176

(potential sales tax revenues)

Project	Project description	New units	Address	Parcels	FY18 Taxes	Projected Annual Taxes of Project
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Past Projects						
Project	Project description	New units	Address	Parcels	FY18 Taxes	Projected FY19 Taxes
APEX Project	Large scale commercial development, including restaurants, hotels, retail, and entertainment	0	Boston Post Road West	78-12	\$41,016	\$58,715
			21 Apex Drive	78-12-21	\$82,758	\$429,630
			22 Apex Drive	78-12-22	\$0	\$6,045
			36 Apex Drive	78-12-36	\$4,497	\$16,135
			43 Apex Drive	78-12-43	\$6,036	\$35,306
			58 Apex Drive	78-12-58	\$0	\$30,809
			90 Apex Drive	78-12-90	\$3,672	\$19,819
			105 Apex Drive	78-12-105	\$65,992	\$242,383
			115 Apex Drive	78-12-115	\$11,905	\$64,641
			142 Apex Drive	78-12-142	\$8,300	\$18,416
			157 Apex Drive	78-12-157	\$6,342	\$13,886
			160 Apex Drive	78-12-160	\$9,764	\$33,737
			11 Apex Drive	78-38	\$12,952	\$77,825
			169 Apex Drive	89-77	\$193,577	\$395,069
0 Boston Post Road West	89-79	\$1,026	\$10,069			
					TOTAL	\$1,452,485



**Marlborough City Council**  
**Michael H. Ossing**  
**City Councilor-at-Large**  
 140 Main Street  
 Marlborough, Massachusetts 01752  
 (508) 460-3711 TDD (508) 460-3610

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 CITY OF MARLBOROUGH

2018 OCT -4 P 4: 12

October 4, 2018

President and Members  
 Marlborough City Council  
 City Hall  
 Marlborough, MA 01752

Re: Municipal Aggregation - Six Month Fixed Price Contract with Direct Energy Services  
 November 2018 through May 2019

Dear Honorable Members:

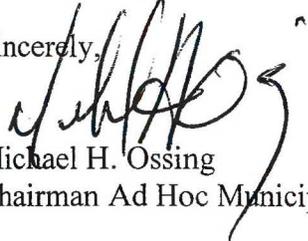
In accordance with Order No.17-1006881, this correspondence informs the City Council that the Ad-Hoc Municipal Aggregation Committee has approved a six-month fixed price contract with Direct Energy Services that will have electricity rates lower than the National Grid Fixed Basic Service Rates.

- National Grid Fixed Basic Service Rate = 0.13718 \$/kWh
- Direct Energy Services = 0.13650 \$/kWh
- Will SAVE Marlboro residential rate payers 0.00068 \$/kWh

The new rates will be in effect starting with the December 2018 meter reads through the May 2019 meter reads.

The Ad-Hoc Municipal Aggregation Committee acknowledged that if Marlborough residents want to use only a "100% green product" using National Wind Renewable Energy Certificates (REC) for their electricity supply, they could contact Direct Energy Services and have an electricity supply rate of 0.13710 \$/kWh for the same meter read period as above. This information will appear on the City website when Colonial Power has the new rates posted in October 2018.

Sincerely,

  
 Michael H. Ossing  
 Chairman Ad Hoc Municipal Aggregation Committee



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CITY OF MARLBOROUGH

OCT 11 A 10:57

*City of Marlborough*  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

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

*DONALD V. RIDER, JR.*  
CITY SOLICITOR

*CYNTHIA M. PANAGORE GRIFFIN*  
ASSISTANT CITY SOLICITOR

*ELLEN M. STAVROPOULOS*  
PARALEGAL

October 10, 2018

Edward Clancy  
President  
Marlborough City Council

RE: Order No. 18-1007287C  
Proposed Zoning Amendment – Ancillary Retirement Communities  
Legal Effect of Written Protests

Dear President Clancy and Members:

At its August 27, 2018 meeting, the City Council voted to refer to the Legal Department a question concerning written protests signed by 13 residents at the Villages at Crane Meadow, objecting to the proposed zoning amendment concerning ancillary retirement communities. The question was whether or not, under the 5<sup>th</sup> paragraph of MGL c. 40A, § 5, the legal effect of the written protests is to increase from 2/3 to 3/4 – that is, from 8 votes to 9 – the voting majority of all the Council's members needed to approve the proposed zoning amendment.

My opinion is that the voting majority remains at 2/3, meaning that only 8 votes would be needed to approve the proposed amendment.

It is doubtful whether the 5<sup>th</sup> paragraph of MGL c. 40A, § 5 applies here. The proposed amendment, if approved, would be applicable City-wide, wherever there might be a retirement community to which an ancillary retirement community might become adjacent. Given this City-wide scope, the proposed amendment cannot be said to apply solely to 615 Williams Street, although 615 Williams is obviously the immediate focus of the amendment's proponent.

Even assuming that the proposed amendment does apply solely to 615 Williams, the written protests do not reach the statutory threshold necessary to change the number of required votes from 8 to 9. The statutory issue boils down to:

the area of Crane Meadow land owned by the 13 protesting residents which is immediately adjacent to and extending 300' from 615 Williams

divided by

the total area of land immediately adjacent to and extending 300' from 615 Williams.

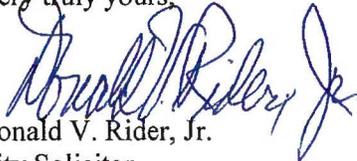
Under the statute, if this fraction equals 20% or more, then the voting majority would need to increase from 2/3 (8 votes) to 3/4 (9 votes).

Using the City's GIS on the enclosed map, I calculate that the total area of land in Marlborough immediately adjacent to and extending 300' from 615 Williams equals 592,433± s.f.; and that the area of Crane Meadow land immediately adjacent to and extending 300' from 615 Williams equals 219,161± s.f.

However, of the 219,161± s.f. of Crane Meadow land immediately adjacent to and extending 300' from 615 Williams, the protesting condo unit owners own only 13.218% of that land as common area, per the enclosed Schedule C to the condominium master deed for the Villages at Crane Meadow.<sup>1</sup>

This 13.218% means that the protesting condo unit owners own only 28,969± s.f. ( $0.13218 \times 219,161$ ) of the Crane Meadow land immediately adjacent to and extending 300' from 615 Williams, which in turn equals about 4.9% ( $28,969 \div 592,433$ ) of the total area of land immediately adjacent to and extending 300' from 615 Williams. Since 4.9% is less than the statutory 20%, only 8, not 9, votes are needed to approve the proposed zoning amendment, even assuming it does apply solely to 615 Williams Street.

Very truly yours,



Donald V. Rider, Jr.  
City Solicitor

Enclosures (GIS map with calculations, Schedule C, Council Order No. 18-1007287B)

cc: Brian Falk, Esquire

---

<sup>1</sup> As to the calculations, note: 1) while 13 residents signed in protest, enclosed Council Order No. 18-1007287B reveals that 2 of them live at 48 Whispering Brook Road, meaning there are only 12 condo units protesting against the proposed amendment; 2) the condo units at 10 Heatherwood Drive and 27 Canterbury Way do not come within the 300' of Crane Meadow land immediately adjacent to 615 Williams; and 3) it is unclear whether or not the condo unit at 22 Whispering Brook Road comes within that 300'.

However, all 12 of these condo units have been included for the purpose of (over-)calculating the 13.218%.



113-27

113-28

113-31

113-29

113-30

113-4A

113-57

113-56

113-5

113-52

113-59

113-6

3,249

6,379

STEARNS ROAD

219,161

25,048

8,721

113-77

27,929

49,889

113-8

232,744

113-6

14,831

113-7

113-5

3,485

WILKENS WAY

WILLIAMS STREET

8K31128PG054

THE VILLAGES AT CRANE MEADOW CONDOMINIUM  
SCHEDULE C  
UPON COMPLETION OF ALL PHASES AND SUBPHASES

PHASE I

<u>UNIT NO:</u>	<u>ADDRESS:</u>	<u>PERCENTAGE OF INTEREST:</u>
Building #1		
1	51 Heatherwood Drive	1.046%
2	53 Heatherwood Drive	1.096%
3	55 Heatherwood Drive	1.121%
4	57 Heatherwood Drive	1.121%
5	59 Heatherwood Drive	1.096%
6	61 Heatherwood Drive	1.211%
7	60 Heatherwood Drive	1.211%
8	58 Heatherwood Drive	1.121%
9	56 Heatherwood Drive	1.121%
10	54 Heatherwood Drive	1.096%
11	52 Heatherwood Drive	1.096%
Building #2		
12	18 Heatherwood Drive	1.096%
13	14 Heatherwood Drive	1.046%
14	10 Heatherwood Drive	1.047%
Building #3		
15	11 Heatherwood Drive	1.096%
16	9 Heatherwood Drive	1.121%
17	7 Heatherwood Drive	1.121%
18	5 Heatherwood Drive	1.046%
19	3 Heatherwood Drive	1.046%
20	1 Heatherwood Drive	1.096%

BK 31128 PG 055

PHASE II

<u>UNIT NO:</u>	<u>ADDRESS:</u>	<u>PERCENTAGE OF INTEREST:</u>
Building #4		
21	2 Whispering Brook Road	1.047%
22	4 Whispering Brook Road	1.096%
23	6 Whispering Brook Road	1.121%
24	8 Whispering Brook Road	1.121%
25	10 Whispering Brook Road	1.046%
26	12 Whispering Brook Road	1.121%
27	14 Whispering Brook Road	1.121%
28	16 Whispering Brook Road	1.096%
29	18 Whispering Brook Road	1.046%
30	20 Whispering Brook Road	1.046%
31	22 Whispering Brook Road	1.096%
32	24 Whispering Brook Road	1.096%
Building #5		
33	40 Whispering Brook Road	1.046%
34	42 Whispering Brook Road	1.046%
35	44 Whispering Brook Road	1.096%
36	46 Whispering Brook Road	1.121%
37	48 Whispering Brook Road	1.121%
38	49 Whispering Brook Road	1.046%
39	47 Whispering Brook Road	1.121%
40	45 Whispering Brook Road	1.121%
41	43 Whispering Brook Road	1.211%
42	41 Whispering Brook Road	1.047%
Building #6		
43	39 Whispering Brook Road	1.121%
44	37 Whispering Brook Road	1.121%
45	35 Whispering Brook Road	1.096%
46	33 Whispering Brook Road	1.121%
47	31 Whispering Brook Road	1.121%
48	29 Whispering Brook Road	1.096%
49	27 Whispering Brook Road	1.096%
50	25 Whispering Brook Road	1.211%

BK 3 1 128 PG 056

**PHASE III**

<u>UNIT NO:</u>	<u>ADDRESS:</u>	<u>PERCENTAGE OF INTEREST:</u>
Building #7		
51	19 Whispering Brook Road	1.211%
52	17 Whispering Brook Road	1.121%
53	15 Whispering Brook Road	1.121%
54	13 Whispering Brook Road	1.096%
55	11 Whispering Brook Road	1.096%
56	9 Whispering Brook Road	1.121%
57	7 Whispering Brook Road	1.121%
58	5 Whispering Brook Road	1.096%
59	3 Whispering Brook Road	1.096%
60	1 Whispering Brook Road	1.047%
Building #8		
61	23 Deerfield Run	1.096%
62	27 Deerfield Run	1.046%
63	31 Deerfield Run	1.046%
64	35 Deerfield Run	1.046%
65	39 Deerfield Run	1.046%
66	41 Deerfield Run	1.121%
67	45 Deerfield Run	1.099%
Building #9		
68	60 Deerfield Run	1.096%
69	64 Deerfield Run	1.096%
70	68 Deerfield Run	1.096%
71	72 Deerfield Run	1.096%
72	76 Deerfield Run	1.096%
Building #10		
73	81 Deerfield Run	1.096%
74	79 Deerfield Run	1.096%
75	77 Deerfield Run	1.096%
76	75 Deerfield Run	1.096%
77	73 Deerfield Run	1.096%
78	71 Deerfield Run	1.096%
79	69 Deerfield Run	1.096%
80	67 Deerfield Run	1.096%
81	65 Deerfield Run	1.096%

8K31128PG057

<u>UNIT NO.:</u>	<u>ADDRESS:</u>	<u>PERCENTAGE OF INTEREST:</u>
Building #11		
82	15 Canterbury Way	1.096%
83	17 Canterbury Way	1.096%
84	19 Canterbury Way	1.096%
85	21 Canterbury Way	1.096%
86	23 Canterbury Way	1.096%
87	25 Canterbury Way	1.096%
88	27 Canterbury Way	1.096%
89	29 Canterbury Way	1.121%
90	31 Canterbury Way	1.121%
91	33 Canterbury Way	1.096%

As of the date of recording of the Master Deed, as amended, the Declarant in setting the percentages as set forth in this Schedule C, has complied with the provisions of Chapter 183(a) and pursuant to the provisions of the Master Deed, including but not limited to Paragraphs 1, 11 and 14 of the same, the Declarant reserves the right to add additional Phases, in any order so desired, including the right to include Sub-phases within any such Phase, as well as the right to eliminate any Phases and modify the percentage of interest so as at all times to be in compliance with the aforesaid provisions of Chapter 183(a), provided, however, that in all instances the total number of units shall not exceed ninety-one (91). The Declarant anticipates three (3) Phases and will modify the percentage of interest of all subsequent Phases in compliance with the aforesaid provisions of Chapter 183(a) at the time of creation of such additional Phases or Sub-phases, as the same may be required depending on the type and mix of the units in the said future Phases.

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## IN CITY COUNCIL

OFFICE OF THE CITY SOLICITOR  
MARLBOROUGH, MA 01782

Marlborough, Mass., AUGUST 27, 2018

### ORDERED:

That the Communication from various residents and business owners listed below re: in Opposition of the Proposed Zoning Amendment as it pertains to the Ancillary Residential Community Requirements. Order No. 18-1007287A, be and is herewith accepted and placed on **FILE & REFER TO LEGAL DEPARTMENT**.

1. Martha & William McCooke, 44 Whispering Brook Rd.
2. Gerry & Evelyn Turcotte, 47 Whispering Brook Rd.
3. Constance DeSimone, 49 Whispering Brook Rd.
4. Christopher Cameron, 48 Whispering Brook Rd.
5. Marilia DeJesus, 48 whispering Brook Rd.
6. Shirley Koulopoulas, 10 Heatherwood Dr.
7. Rose Apriarian, 27 Canterbury Way
8. Elizabeth Bannon, 24 Whispering Brook Rd.
9. Janice Williams, 46 Whispering Brook Rd.
10. Agnes Corrigan, 43 Whispering Brook Rd.
11. Loretta Prior, 22 Whispering Brook Rd.
12. Maryann Bourke, 45 Whispering Brook Rd.
13. Eileen Trombetta, 42 Whispering Brook Rd.

ADOPTED

ORDER NO. 18-1007287B



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CITY OF MARLBOROUGH  
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**City of Marlborough**  
**Legal Department**

140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610  
LEGAL@MARLBOROUGH-MA.GOV

*DONALD V. RIDER, JR.*  
CITY SOLICITOR

*CYNTHIA M. PANAGORE GRIFFIN*  
ASSISTANT CITY SOLICITOR

*ELLEN M. STAVROPOULOS*  
PARALEGAL

October 10, 2018

Edward Clancy  
President  
Marlborough City Council

RE: Order No. 18-1007287D  
Proposed Zoning Amendment – Ancillary Retirement Communities

Dear President Clancy and Members:

At its meeting on October 2, 2018, the Urban Affairs Committee requested that Legal place on the agenda for the October 15, 2018 Council meeting a letter certifying that the proposed zoning amendment concerning ancillary retirement communities accurately reflects the Committee's discussions and is otherwise in proper legal form.

This letter so certifies. The proposed amendment is enclosed for the Council's consideration.

Very truly yours,

Donald V. Rider, Jr.  
City Solicitor

Enclosure

cc: Brian Falk, Esquire

**ORDERED:**

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

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

**ANCILLARY RESIDENTIAL COMMUNITY**

A single multifamily building containing up to thirty (30) dwelling units in a Retirement Community Overlay District that is located on a lot adjacent to a retirement community. No more than one (1) Ancillary Residential Community shall be adjacent to any retirement community.

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

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

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

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

- (a) An Ancillary Residential Community shall be permitted as a principal use through a separate special permit for a lot in a Retirement Community Overlay District adjacent to an existing retirement community, provided that (i) the organization governing the adjacent retirement community provides written consent to the filing of such special permit application, and (ii) a certificate of occupancy for the final new dwelling unit in the retirement community was issued at least twelve (12) months prior to the date of such special permit application.
- (b) The Ancillary Residential Community’s principal building shall face upon an existing street, or the street-facing side of the building shall be designed in a manner satisfactory to the City Council.
- (c) The Ancillary Residential Community’s principal building shall have a maximum height of 2 1/2 stories.
- (d) The Ancillary Residential Community’s principal building shall have a minimum front yard of 10 feet. Each building, whether principal or accessory, shall be at least 50 feet from any other building by airline distance between the nearest points of the building.

- (e) No dwelling unit shall contain less than 800 square feet of floor space exclusive of halls and stairs, and no room in a dwelling unit shall contain less than 120 square feet.
- (f) No part of any building in any Ancillary Residential Community shall be less than 30 feet from any lot line, less than 50 feet from any street, or less than 80 feet from the nearest structure in the retirement community.
- (g) All site landscaping shall be designed so as to provide a clear sense of separation between the Ancillary Residential Community and the retirement community. Landscape design preference shall be given to the maintenance of existing trees and ground cover.
- (h) The City Council may, as a condition of any special permit for an Ancillary Residential Community, require that the land area on which the Ancillary Residential Community is located be permanently maintained as one undivided lot or, within a condominium, as one undivided condominium unit, or require such other legal mechanism as will, in the opinion of the City Council, assure that the Ancillary Residential Community will not be subdivided or its ownership further condominiumized, that the Ancillary Residential Community will remain as rental housing, and that ownership of the Ancillary Residential Community will remain consolidated.
- (i) The total number of units in an Ancillary Residential Community shall not exceed 30% of the combined total of retirement community and Ancillary Residential Community units.

ADOPTED  
In City Council  
Order No. 18-1007287D

Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



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OF MARLBOROUGH  
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**City of Marlborough**  
**Legal Department**

140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
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CITY SOLICITOR

*CYNTHIA M. PANAGORE GRIFFIN*  
ASSISTANT CITY SOLICITOR

*ELLEN M. STAVROPOULOS*  
PARALEGAL

October 10, 2018

Edward Clancy  
President  
Marlborough City Council

RE: Order No. 18-1007245C  
Application for a Special Permit  
27 Jefferson LLC  
27 Jefferson Street  
Marlborough

Dear President Clancy and Members:

At its meeting on October 2, 2018, the Urban Affairs Committee requested that Legal place this letter on the agenda for the Council meeting scheduled for October 15, 2018.

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by 27 Jefferson LLC, seeking permission to build and operate at 27 Jefferson Street an 11-unit, 19,503± square foot multifamily condominium building with 24 underground parking spaces.

Please note that the proposed decision now refers (in Finding of Fact 7) to a site plan revised today by Hancock Associates so as to make the square footages recited in the Floor Area Schedule consistent with those recited on the architectural plans prepared by Khalsa Design and dated April 18, 2018. A copy of the revised site plan is enclosed.

I certify that the proposed decision, enclosed herewith, is in proper legal form.

Very truly yours,

Donald V. Rider, Jr.  
City Solicitor

Enclosures

cc: Brian Falk, Esquire

**ZONING REGULATIONS**

CITY OF MARLBOROUGH ZONING §650-41

USE: MULTI-FAMILY (11 UNITS)

ZONE	MIN LOT AREA	MIN FRONT YARD	MIN SIDE YARD	MIN REAR YARD	MAX HEIGHT	MAX LOT COVERAGE	LANDSCAPED AREA	MINIMUM AREA PER DWELLING UNIT	PARKING SPACES
REQUIRED	8,000 SF	10.0 FT	15 FT	20 FT	30 FT	2.5 STORIES	10,042 SF	2.0	22 (2 SPACES/UNIT)
PROVIDED	44,613 SF	115.5 FT	23 FT	23 FT	185 FT	2.0 STORIES	26,467 SF	4,056 SF	24

**FLOOR AREA SCHEDULE**

GARAGE LEVEL	8,944 SF
FIRST FLOOR	10,042 SF
SECOND FLOOR	9,461 SF
TOTAL FLOOR AREA	28,447 SF

\*PER §50-18.9(A)  
LARGEST FLOOR AREA = 10,042 SF  
FSA MUST BE LESS THAN BX  
REQUIRED = 7,532 SF  
PROVIDED = 7,530 SF  
AVERAGE WIDTH AREA 1 = 40 FT (MIN. 32 FT)  
AVERAGE WIDTH AREA 2 = 50 FT

**CONSTRUCTION NOTES**

- C.N.1. PROPOSED UNDERGROUND INFILTRATION SYSTEM (15) STORMTECH SC-740 WITH 15" GLASS LINER. BOTTOM OF STONE=456.5. BOTTOM OF CHAMBER=457.0. TOP OF CHAMBER=458.5. MIN GRADE OVER SYSTEM=461.0.
- C.N.2. PROPOSED OVERHEAD MAINTENANCE DMH 2'x2' DIA. RIM=461.0. INV IN=457.1.
- C.N.3. ROSE WALL INTEGRATED INTO FOUNDATION ALONG WEST SIDE OF BUILDING.
- C.N.4. #4 OIL/WATER SEPARATOR. PROPOSED DMH RIM=461.0. INV IN=456.4. INV OUT=456.3.
- C.N.5. PROPOSED DMH RIM=461.5. INV IN=457.8. INV OUT=457.7.
- C.N.7. (2) x PROPOSED CB RIM=461.4. INV IN=457.9. OUTLET PIPES 12" HDPE.

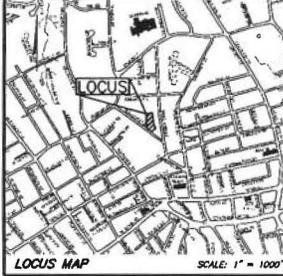
**AVERAGE GRADE CALCULATIONS**

NORTH SIDE 66'4"  
EAST SIDE 168'0"  
SOUTH SIDE 110'11"  
WEST SIDE 170'4"  
 $(66 \times 4) + (110 \times 11) + (168 \times 0) + (170 \times 4) = 5.8'$  BELOW FIRST FLOOR ELEVATION  
(66 + 110 + 168 + 170)

**LOT COVERAGE SUMMARY**

TOTAL LOT AREA	44,613 SF
BUILDING AREA	10,407 SF
DRIVEWAY	2,092 SF
PERMEABLE PAVEMENT WALKWAY	361 SF

REFERENCES:  
MARLBOROUGH ASSESSOR'S MAP 56, LOT 160



**CITY COUNCIL SPECIAL PERMIT SITE PLAN**

27 Jefferson Street  
Marlborough, Massachusetts 01752

PREPARED FOR:

**27 JEFFERSON LLC**

PO Box 650056  
West Newton, Massachusetts 02465

**HANCOCK ASSOCIATES**

Civil Engineers  
Land Surveyors  
Environmental Consultants

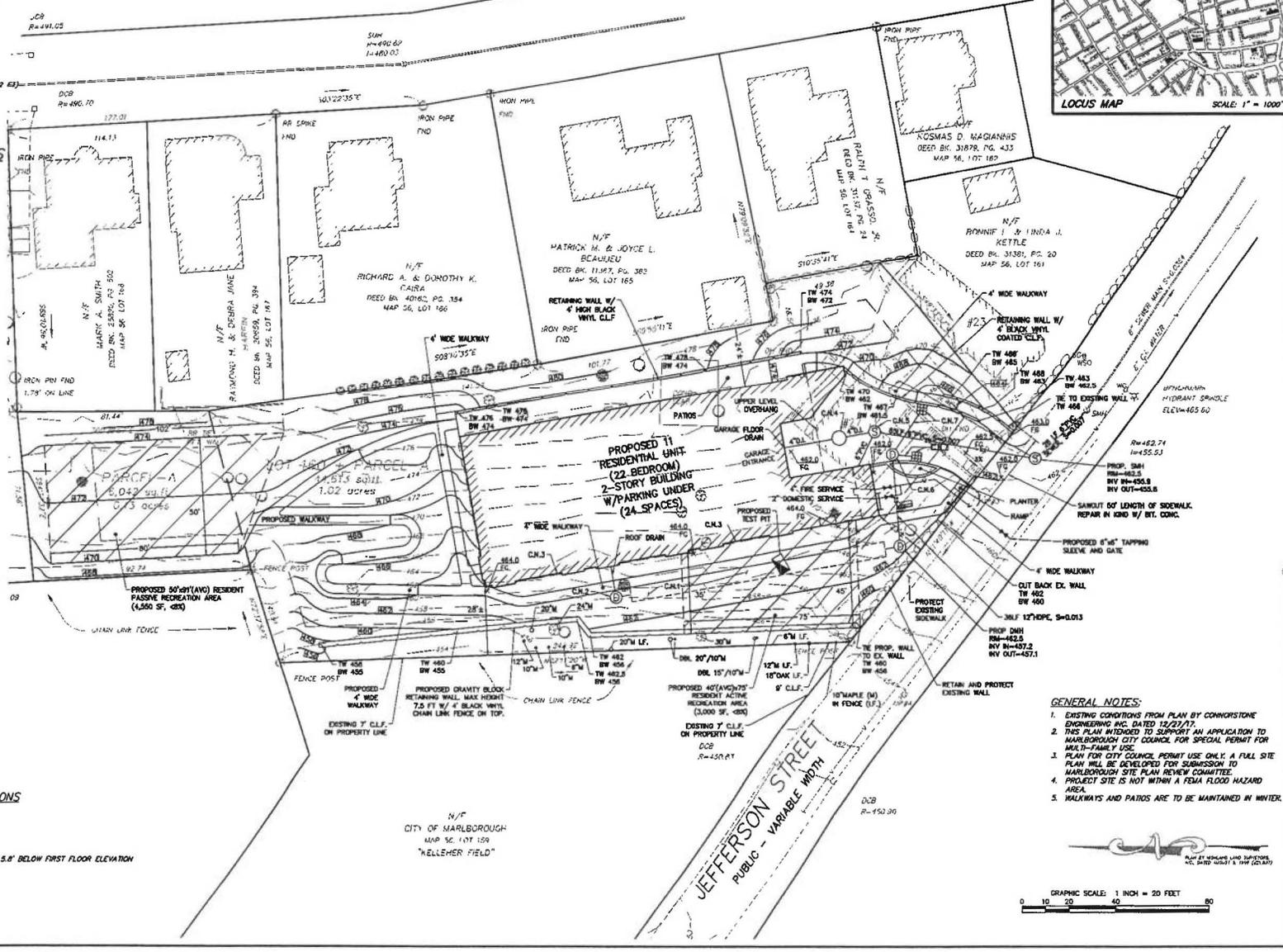
315 Elm Street, Marlborough, MA, 01752  
Voice (508) 461-1111, Fax (508) 461-1123  
www.hancockassociates.com



NO.	DATE	REVISION DESCRIPTION
3	10/10/18	UPDATE FLOOR AREAS
2	8/15/18	RESPONSE TO COMMENTS
1	4/18/18	ISSUE

**PERMIT SITE PLAN**

DATE: 2/8/18 DESIGN BY: JPC  
SCALE: AS SHOWN DRAWN BY: JPC  
APPROVING BY: JPC CHECK BY: JPC



- GENERAL NOTES:**
- EXISTING CONDITIONS FROM PLAN BY CONNORSTONE ENGINEERING INC. DATED 12/21/17.
  - THIS PLAN INTENDED TO SUPPORT AN APPLICATION TO MARLBOROUGH CITY COUNCIL FOR SPECIAL PERMIT FOR MULTI-FAMILY USE.
  - PLAN FOR CITY COUNCIL PERMIT USE ONLY; A FULL SITE PLAN WILL BE DEVELOPED FOR SUBMISSION TO MARLBOROUGH SITE PLAN REVIEW COMMITTEE.
  - PROJECT SITE IS NOT WITHIN A FEMA FLOOD HAZARD AREA.
  - WALKWAYS AND PATIOS ARE TO BE MAINTAINED IN WINTER.

GRAPHIC SCALE: 1 INCH = 20 FEET  
0 10 20 40 80

\_\_\_\_\_, 2018

**NOTICE OF DECISION  
GRANT OF SPECIAL PERMIT**

In City Council  
Order No. #18-1007245C

Application of:  
27 Jefferson LLC

Locus:  
27 Jefferson Street, Marlborough, MA  
Map 56, Parcels 160 & 173

**DECISION**

The City Council of the City of Marlborough hereby **GRANTS** the Application of 27 Jefferson LLC, with a mailing address of 110 Pleasant Street, Unit 100, Marlborough, MA 01752, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: \_\_\_\_\_, 2018

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the [ ] day of [ ], 2018.

**APPEALS**

Appeals, if any shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, MA.

A TRUE COPY  
ATTEST:

City Clerk

**ORDERED:**

**IN CITY COUNCIL**

---

**DECISION ON A SPECIAL PERMIT**

Application of:  
27 Jefferson LLC

Locus:  
27 Jefferson Street, Marlborough, MA  
Map 56, Parcels 160 & 173

**DECISION ON A SPECIAL PERMIT  
ORDER NO. 18-1007245C**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to 27 Jefferson LLC (the "Applicant") to build and operate a multifamily building at 27 Jefferson Street, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

**FINDINGS OF FACT**

1. The Applicant, 27 Jefferson, LLC, is a duly organized and existing Limited Liability Company having a business address of 110 Pleasant Street, Unit 100, Marlborough, MA 01752.
2. The Applicant is the prospective owner of the property located at 27 Jefferson Street, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 56 as Parcels 160 and 173 (the "Site"). The Site's current owner is the Donald C. Morris Trust, with a business address of 1047 Pikes Falls Road, Jamaica, VT 05343.
3. In accordance with Article VI, Section 650-17 and Section 650-18(4), of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to build and operate an 11-unit, 19,503± square foot multifamily condominium building with 24 underground parking spaces (the "Use").
4. The Site is located in the Residence B Zoning District with frontage on Jefferson Street.
5. The Site has an area of 44,613 square feet +/- as per the City Council Special Permit Site Plan referenced in paragraph 7 below.

6. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the Use, as provided in this Decision.

7. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a detailed site plan entitled “City Council Special Permit Site Plan” prepared for 27 Jefferson LLC by Hancock Associates, 315 Elm Street, Marlborough, MA and dated February 8, 2018, last revised October 10, 2018 (the “Site Plan”), and a set of architectural plans entitled “Project: 27 Jefferson St. Residences” prepared by Khalsa Design, 17 Ivaloo Street, Somerville, MA and dated April 18, 2018 (collectively with the Site Plan, the “Plans”).

8. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

9. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, June 18, 2018. The hearing was closed on that date. On August 27, 2018, the Applicant and the City Council agreed to extend the deadline for the Council to take final action on the Application to October 30, 2018.

11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.

12. At the public hearing, two members of the public spoke in favor of the Use. No members of the public spoke in opposition to the Use. Further, the Applicant submitted a petition signed by nine residents of the neighborhood near the Site in favor of the Use.

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

A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant a Special Permit to build and operate a multifamily building as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review.

2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.

3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.

4. Modification of Plans. Notwithstanding conditions #1 and #3 above, the City Council or the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the Use as approved herein, or materially increase the impervious area of the Use, reduce the green area, alter traffic flow, increase the size, shape or position of the building, or alter the fencing bordering the property, all as shown on the Plans.

5. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

6. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall ensure that its site superintendent during construction of the project is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure

compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

7. Owner-Occupancy. It shall be a condition of the by-laws of the condominium association governing the Use that all units that are sold will be purchased by a person or persons who intend to reside in the units. The condominium documents shall provide for appropriate daily fines for the violation of this section of the condominium by-laws, and will provide that this section may not be amended. No occupancy permit regarding the Use shall be issued unless and until the City Solicitor has certified to the Building Commissioner that the condominium by-laws, along with the condominium master deed, have been recorded. The Applicant, including its successors and assigns, may, following the issuance of the occupancy permit for a particular unit but prior to the conveyance thereof to the purchaser of the unit, rent said units to tenants; provided, however, that:

- a. No said unit shall be or continue to be rented after the fifth anniversary of the date of issuance of the occupancy permit of said unit;
- b. No unit shall be rented or continue to be rented after the seventh anniversary of the date of issuance of the first occupancy permit for the site;
- c. An executed "rent to own" contract shall qualify the subject unit as owner-occupied, so long as transfer of title for that unit occurs within 36 months of the starting date of the rental agreement for that unit;
- d. The Applicant, including its successors and assigns, shall continue to market the units as condominiums;
- e. No sign at the Site shall market any units as being for rent; however "rent to own" signs are permissible so long as they are in compliance with City's sign ordinance without variance; and
- f. No unit shall be rented to any person or persons for more than three years unless, prior to the expiration of those three years, said person or persons execute(s) a purchase and sale agreement.

The term "Applicant, its successors and assigns," as used herein and for purposes of this Condition 7, shall include Applicant, its successors and assigns, and any entity controlled by said entities, or controlled by the principal and/or principals of said entities.

8. Conditions Relating to Neighboring Properties. The following conditions are based upon the Applicant's discussions and agreements with the owners of properties located in the neighborhood of the Site:

- a. 60 Highland Street (Parcel 56-166): The Applicant shall install a 6-foot high black chain link fence with evergreen-colored plastic slats along the boundary line of the Site adjacent to 60 Highland Street. This new fence shall be connected to the existing chain link fence located near the boundary line with 64 Highland Street.

- b. 50 Highland Street (Parcel 56-165): The Applicant shall install a berm of up to 2 feet, if/where possible, and install a 6-foot high black chain link fence with evergreen-colored plastic slats along the boundary line of the Site adjacent to 50 Highland Street.
- c. 44 Highland Street (Parcel 56-164): The Applicant shall install a 6-foot high black chain link fence with evergreen-colored plastic slats along the boundary line of the Site adjacent to 44 Highland Street. The Applicant, or the successor condominium association, shall maintain the Site in good order and, except as may be specifically authorized herein, shall not grant an easement over the Site to abutting properties.
- d. 23 Jefferson Street (Parcel 56-161):
- i. The Applicant shall plant and maintain a hedge along and at a reasonable distance from the retaining wall that will be located above the new driveway connecting Jefferson Street to the new building garage, said reasonable distance to be sufficient to allow for the convenient maintenance of the hedge when it has grown to its mature height. The hedge location and plant type shall be mutually agreeable to the Applicant and the owner of 23 Jefferson Street, and shall at the time of planting be approximately three (3) feet in height and shall be maintained so as to not exceed five to six (5-6) feet in height at mature growth, said hedge to be located in substantially the same location as identified on the Plans. During the course of construction, the grade of the area on which the hedge will be constructed will be raised, but not to a grade that is higher than the current grade of the property at 23 Jefferson Street. The area in question will be planted after the completion of construction, but prior to the conveyance to owner of 23 Jefferson Street of an easement (described below).
  - ii. The Applicant shall, within 30 days after the issuance of an occupancy permit for the Use, grant an exclusive use permanent easement extending from the side of the hedge fronting 23 Jefferson Street to the mutual property line with the Site, in a form acceptable to the Applicant and the owner of 23 Jefferson Street. Said easement shall be recorded at the Middlesex South District Registry of Deeds, with the cost of the easement preparation to be at the expense of the Applicant and the cost of recording to be at the expense of the owner of 23 Jefferson Street.
  - iii. The Applicant shall take care not to disturb and damage the wall located in front of and on the 23 Jefferson Street property during the construction process, and to assure that, to the extent that any portion of said wall that is on the Site is moved or removed as part of the driveway construction, the corner of the wall on the 23 Jefferson Street property will be rebuilt so

as to be aesthetically appropriate. If any portion of the wall in front of or on the 23 Jefferson Street property is disturbed or damaged by the Applicant during construction, the Applicant shall restore the wall to its prior condition.

9. Lighting. Standard downward-facing lighting shall be used, with little to no light leaving the Site.

10. Trash Pick-Up. Trash pick-up at the Site shall be once per week and conducted during business hours only.

11. Delivery and Service Trucks. Delivery and service trucks shall conduct business at the Site during business hours only.

12. Sidewalk Reconstruction. As Jefferson Street was recently reconstructed by the City, the Applicant, its successors and/or assigns, shall repair and/or reconstruct the existing bituminous concrete sidewalk and the roadway, where excavated and/or damaged as a result of site construction, by the methods and to the limits directed by the City Engineer and set forth in the Road Opening Permit for said construction.

13. Emergency Access. The Applicant, its successors and/or assigns, shall keep the perimeter walkway around the building free from snow and ice for purposes of accommodating emergency access. Walkways shall be construction using materials acceptable to the Fire Chief. The Applicant, its successors and/or assigns, shall keep the driveway area clear of vehicles and obstructions in order to accommodate emergency access, and shall impose any parking/towing restrictions deemed necessary by the Traffic Commission and/or Fire Department.

14. Notice to Residents Regarding Kelleher Field. The Applicant, its successors and/or assigns, shall stipulate in the bylaws governing the Use an acknowledgement that residents will be living in a building adjacent to an active recreational facility, Kelleher Field, which is often used seven days per week.

15. Payment to Recreation Department. Prior to obtaining a building permit for the Use, the Applicant, its successors and/or assigns, shall make a payment in the amount of Fifteen Thousand Dollars (\$15,000) to the City's Recreation Department to be used for Kelleher Field.

16. Retaining Wall Easement. In the event that the City Council votes to assign to Applicant, its successors and/or assigns, the City's rights in an easement pertaining to an existing retaining wall situated along Jefferson Street on land described as Marlborough Assessors Map 56, Parcel 160 (27 Jefferson Street), Parcel 161 (23 Jefferson Street) and Parcel 162 (30 Highland Street), which easement is recorded at the Middlesex (South District) Registry of Deeds in Book 6397, Page 83, the Applicant, its successors and/or assigns, shall at its sole expense:

- a. perform any and all work in the future for the purposes of reconstructing, relocating, maintaining and/or repairing the retaining wall; and

- b. record the City’s assignment at the Registry, with a copy of the recorded assignment provided to the City Council’s office, the Engineering Division of the Department of Public Works, and the Legal Department.

17. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council’s office, the Building Department, and the City Solicitor’s office.

Yea: \_\_\_\_\_ - Nay: \_\_\_\_\_ - Absent: \_\_\_\_\_

ADOPTED  
In City Council  
Order No. 18-1007245C

Adopted: \_\_\_\_\_ 2018

Approved by Mayor  
Arthur Vigeant  
Date: \_\_\_\_\_ 2018

A TRUE COPY  
ATTEST: \_\_\_\_\_ City Clerk



*City of Marlborough*  
**Legal Department**

140 MAIN STREET  
 MARLBOROUGH, MASSACHUSETTS 01752  
 TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610  
[LEGAL@MARLBOROUGH-MA.GOV](mailto:LEGAL@MARLBOROUGH-MA.GOV)

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH  
 2018 OCT 11 A 9:33

*DONALD V. RIDER, JR.*  
 CITY SOLICITOR

*CYNTHIA M. PANAGORE GRIFFIN*  
 ASSISTANT CITY SOLICITOR

*ELLEN M. STAVROPOULOS*  
 PARALEGAL

October 11, 2018

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

RE: Order - Apex Center - Open Space Covenant and Restriction

Dear President Clancy and Members:

Attached for your consideration are the above captioned order to approve and accept the Open Space Covenant and Restriction from Walker Realty LLC, which is also attached, concerning the Apex Center project. Exhibits to the Open Space Covenant and Restriction include the order (Exhibit A), and plan (Exhibit B). Said order and Open Space Covenant and Restriction are in proper form for consideration by the body.

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

Very truly yours,

/s/ Cynthia Panagore Griffin

Cynthia Panagore Griffin

Enclosures

Cc: Priscilla Ryder, Conservation Officer  
 Thomas DiPersio, City Engineer  
 Kevin Eriksen, Esq.

## ORDERED:

That the City of Marlborough does hereby approve, and accept the gift thereof, the Open Space Covenant and Restriction for the perpetual conservation and preservation of open space, passive recreation, and assurance that the subject land will be retained in perpetuity in its natural, scenic, wetlands and wooded conditions in accordance with the terms of said Open Space Covenant and Restriction, concerning that certain land designated and labeled as "Open Space" on a plan entitled "Open Space Exhibit, for Apex Center, 240 Boston Post Road West, Marlborough, MA, Marlborough, Massachusetts, Prepared for Walker Realty, LLC, 4 Lan Drive, Westford, MA, Scale 1"= 200", dated March 21, 2018, prepared by Hancock Associates, 315 Elm Street, Marlborough, MA 01752", said Plan to be recorded as Exhibit A to the Open Space Covenant and Restriction, and this Order to be recorded as Exhibit B to the Open Space Covenant and Restriction, with the Middlesex County South Registry of Deeds.

## ADOPTED

In City Council

Order No. 16/17/18-1006443WW

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:

## OPEN SPACE COVENANT AND RESTRICTION

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

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

- A. The Covenanting Party is the fee owner of certain property located off Boston Post Road West, Marlborough, Massachusetts known as Lots 11, 12, and 13A as shown on a plan entitled “Subdivision Plan of Land in Marlborough, Massachusetts” prepared by VHB Inc., dated May 4, 2017, revised through June 14, 2017 and recorded at Middlesex County South Registry of Deeds at Plan Book 2017, Plan 574, (the “Property”), said Restricted Land being a portion thereof.
- B. Pursuant to Section 650-35 of the City of Marlborough Zoning Ordinance, the Property is located within the Hospitality and Mixed Use Overlay District (hereinafter, the “HRMUOD”).
- C. Pursuant to the provisions of Section 650-35 of the City of Marlborough Zoning Ordinance, the Marlborough City Council approved a Development Agreement, which is recorded with the Middlesex South Registry of Deeds in Book 68164, Page 152, for the development of the Property as permitted in the HRMUOD.
- D. Pursuant to paragraph 20 of said Development Agreement, the Covenanting Party is required as a condition of site plan approval to grant to the Benefitted Party a perpetual easement for an additional non-disturbance area to be left as undevelopable Open Space (hereinafter, the “Restricted Land”) at the Property (hereinafter, the “Covenant Requirement”).
- E. In connection with site plan approval, pursuant to the Development Agreement the Covenanting Party desires to restrict 638,500 square feet or 14.6 acres of land, more or less, more particularly described on the plan entitled “Open Space Exhibit, For: Apex Center, 240 Boston Post Road W, Marlborough, MA,” dated 3/21/18 and designated as Exhibit A attached hereto and incorporated herein as the Restricted Land consisting of open space left substantially in its natural state as undevelopable open space in accordance with the terms of this Covenant and in fulfillment of the Covenant Requirement.

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

I. COVENANTING PARTY:

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

II. PURPOSES:

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

III. PROHIBITED AND PERMITTED ACTS AND USES:

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

1. Constructing or placing any buildings, constructing or placing parking, roadways or walkways or other structures or pads from asphalt, stone, synthetic or concrete or other materials, fences, signs, billboards or other advertising displays, antennas, utility poles, towers, cabinets, telecommunications equipment of any kind, conduits, lines or other temporary or permanent structures, facilities or accessory uses whatsoever, including portions thereof, on, below, or above the Restricted Land;
2. Mining, excavating, dredging or removing from the Restricted Land soil, loam, peat, gravel, sand, rock or other mineral resources or natural deposits;
3. Placing, filling, storing or dumping on the Restricted Land of soil, refuse, trash, vehicle bodies or parts, rubbish, chemicals, debris, junk, waste or other objects, substances or materials whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
5. The stockpiling and composting of stumps, trees, shrubs, grasses, brush limbs or similar materials and snow;
6. Any uses or acts which would impair or be detrimental to the public walking trail easements recorded with the Middlesex County South Registry of Deeds in Book 70162, Page 310 and Book 70162, Page 318, and to the sewer easement, recorded with the Middlesex County South Registry of Deeds in Book 70162, Page 327;

7. Activities detrimental to drainage, flood control, water conservation, wildlife habitat, erosion control or soil conservation;
  8. Hunting, trapping and fishing;
  9. Any other use of the Restricted Land or activity adverse to conservation or which would materially impair the character of the land as open space left substantially in its natural state, unless necessary for protection of the land as such land left substantially in its natural state; and
  10. Use of motorized vehicles including but not limited to trucks, cars, all-terrain vehicles, dirt bikes, motorcycles, campers, trailers and snowmobiles.
- B. Exceptions to Otherwise Prohibited Acts and Uses: Notwithstanding anything to the contrary contained in Paragraph A. above, the following acts and uses are permitted:
1. The maintenance and modification of vegetation, excavation, dredging, removal of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposits on the Restricted Land for conservation, habitat management or scientific purposes;
  2. Construction, reconstruction, modification, inspection, maintenance, repair and use of easements of record, drainage facilities, wastewater facilities and other utilities and rights of way, if any, to service the Property, of which the Restricted Land is a part, and/or to service any other land outside of the Property which is Benefitted by these appurtenances, together with any and all rights and easements of record necessary and desirable to effectuate the foregoing;
  3. Drainage from adjoining land;
  4. The erection and maintenance of signs identifying ownership of the Restricted Land, its status as land subject to an Open Space Covenant and Restriction, the restrictions on the use of the Restricted Land, the identity of areas of interest, natural features or other characteristics of the Restricted Land, and the aforementioned public walking trail easements recorded with the Middlesex County South Registry of Deeds;
  5. With the prior approval of the Tree Warden of the City of Marlborough, the removal of hazardous, downed, dead or dying trees or tree limbs, although some deadfall may remain as den trees and to otherwise support wildlife; the de minimus cutting and removal of shrubs and other vegetation, the planting of native trees, shrubs and other vegetation, and the removal of debris or trash for normal maintenance of the Restricted Land in a natural condition and to prevent threat of injury or damage to persons or property;
  6. Measures designed to restore native biotioc communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare and or endangered species including selective planting of native trees, shrubs and plant species, and removal of non-native and invasive plant species;

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

#### IV. MAINTENANCE AND STEWARDSHIP OF THE RESTRICTED LAND

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

#### V. MISCELLANEOUS

- A. The burdens of this Covenant shall run with the Restricted Land in perpetuity and shall be enforceable against the Covenanting Party and the successors and assigns of the Covenanting Party holding any interest in the Restricted Land, provided however, Covenanting Party and each successive owner of the Restricted Land (or portion(s) thereof) shall be liable only for those matters arising during the respective party's ownership of the Restricted Land (or portion(s) thereof) and only to the extent of its ownership of the Restricted Land (or portion(s) thereof). Nothing contained in this Covenant shall be construed to entitle the Benefitted Party to bring any action against the Covenanting Party for any injury or change in the Restricted Land resulting from causes beyond the Covenanting Party's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Covenanting Party under emergencies, conditions to abate, prevent or mitigate significant injury to the Restricted Land from such causes.
- B. The rights hereby granted shall include the right to enforce this Covenant by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations. The Covenanting Party covenants and agrees to reimburse the Benefitted Party all reasonable costs and expenses (including reasonable attorney's fees) incurred in enforcing this Covenant or in

taking reasonable measures to remedy, correct, or abate any violation thereof, provided that a violation of this Covenant is acknowledged by the Covenanting Party to have occurred or determined by a court of competent jurisdiction to have occurred.

- C. Any election by the Benefitted Party as to the manner and timing of its right to enforce this covenant and restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.
- D. This Covenant may be amended to permit additional uses permitted within open space land in the City of Marlborough by the recording of an instrument executed by the Covenanting Party and the Benefitted Party, with approval of the Marlborough City Council and the Mayor of the City of Marlborough.
- E. This Covenanting Party and the Benefitted Party, on their own behalf and on behalf of their successors and assigns, agree and represent as follows: (i) pursuant to M.G.L. c. 184, § 23, the foregoing Covenant is a gift for the public purpose of preservation of land in its natural state with rights of public access thereto as provided in the above-referenced walking trail easements; and (ii) pursuant to M.G.L. c. 184, § 26, the foregoing Covenant is a restriction held by a governmental body, which shall be duly recorded and indexed in the grantor index on the registry of deeds or registered in the registry of deeds in the registry district of the land court for the county or district wherein the land lies so as to affect its title, and which describes the land by metes and bounds or by reference to a recorded or registered plan showing its boundaries. Accordingly, the foregoing Covenant shall remain in effect in perpetuity, and shall not be subject to the limitation on the period of a covenant of unlimited duration set forth in M.G.L. c 184, § 23 on the periods of its enforceability set forth in M.G.L. c. 184, § 27.
- F. The Benefitted Party is authorized to record or file notices or instruments, if any, appropriate to assuring the perpetual enforceability of this Covenant. Without limiting any of the foregoing, the Covenanting Party its successors and assigns agree to execute any such reasonable instruments within a commercially reasonable period of time after written request of the Benefitted Party.
- G. The foregoing is not intended to constitute a conservation restriction under M.G.L. c. 184, §§ 31 and 32.
- H. The foregoing Covenant is not intended to be a disposition of land or easement and is not intended to be subject to the provisions of Article 97 of the Constitution of the Commonwealth. Further, by acceptance hereof, the Benefitted Party hereby specifically contractually agrees with the Covenanting Party, in consideration for the grant of this Covenant, to retain the right to release or modify the terms of this Covenant without being subject to the provisions of Article 97 of the Constitution of the Commonwealth.
- I. By Order of the Marlborough City Council, attached hereto as Exhibit B, this Covenant has been approved, and the gift thereof accepted, by the Marlborough City Council in accordance with paragraph 20 of the Development Agreement, which paragraph concerns the recording of

a perpetual easement for an additional non-disturbance area at the Property to be left as undevelopable Open Space.

- J. This Covenant shall be and is binding upon the grantee’s or successors in title to the Covenanting Party, which agrees to incorporate by reference the terms of this Open Space Covenant and Restriction in any deed or other legal instrument by which it divests itself of any interest in all or any portion of the Restricted Land, it being the express intention and understanding and agreement that this covenant shall constitute a covenant running with the land. Without limitation, the Covenanting Party, on its own behalf and on behalf of its successors and assigns, waives and relinquishes any right to assert that the Covenant does not constitute a gift to a governmental body for a public purpose.

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

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

Witness our hands and seals this \_\_\_\_ day of \_\_\_\_\_, 2018.

**FOR THE COVENANTING PARTY:**

**FOR THE BENEFITTED PARTY:**

WALKER REALTY LLC

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

\_\_\_\_\_  
Robert Walker, Manager

\_\_\_\_\_  
Arthur G. Vigeant, Mayor  
In his official capacity

MARLBOROUGH HOSPITALITY LLC

\_\_\_\_\_  
Robert Walker, Manager

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

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

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

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

\_\_\_\_\_  
Notary Public  
My Commission Expires

**EXHIBIT A**



**EXHIBIT B**

*City of Marlborough*  
*Commonwealth of Massachusetts*



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

October 10, 2018

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

RE: Sign Change  
Evviva Cucina

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 OCT 10 P 12:07

Dear President Clancy and Members:

The owners of the Evviva Cucina have determined that the name appears to be confusing to the public and will be changing the name to Evviva Trattoria. The change involves no additional signage required or additional square footage.

I have included a copy of the existing and proposed signage for your review. As always, please feel free to contact my office if you have any questions or if I can be of any further assistance to you.

Sincerely,

Pamela A. Wilderman  
Code Enforcement Officer

cc: File

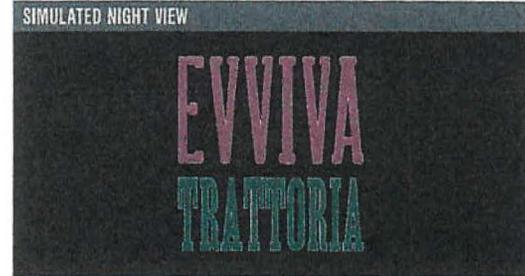
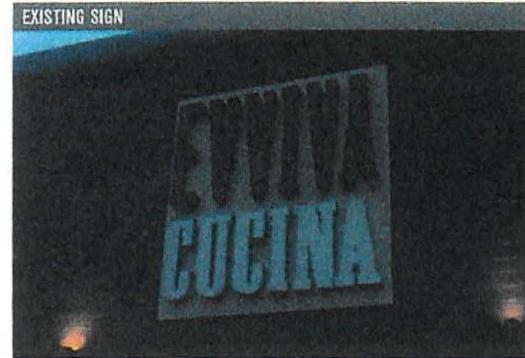
SET OF FACE-LIT CHANNEL LETTERS

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



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

FILE NAME: Evviva Cucina Marlborough 180804571 PU



SCOPE OF WORK

REMOVE & DISPOSE (1) EXISTING WALL SIGN.  
 MANUFACTURE & INSTALL (1) SET OF FACE-LIT CHANNEL LETTERS WITH STANDARD 3M TRANSLUCENT VINYL APPLIED TO THE FACE.  
 THE EVVIVA COPY WILL HAVE PAINTED RETURNS & TRIM CAP.  
 THE TRATTORIA COPY WILL HAVE STANDARD RETURNS & TRIM CAP.  
 THE LETTERS WILL BE MOUNTED TO AN ALUMINUM DISHPAN PAINTED WHITE WITH NON-VISIBLE SEAMS.

MFG. SPECIFICATIONS

<b>EVVIVA COPY</b>	<b>TRATTORIA COPY</b>
FACE: 3/16" 7328 White Acrylic	FACE: 3/16" 7328 White Acrylic
VINYL: 3630-53 Cardinal Red	VINYL: 3630-26 Green
TRIM: 1" PTM 3630-49 Burgundy	TRIM: 1" 2162 Hunter Green
RETURNS: PTM 3630-49 Burgundy	RETURNS: Ivy Green BEA
ILLUMINATION: White LED	DISHPAN: PTM WHITE

COLOR SCHEDULE

**C1** 3630-26 GREEN    **C2** 3630-53 CARDINAL RED    **C3** WHITE



PROJECT APPROVAL

Client:	Date:
Design: Joe Nitche	Date: 9-26
Sales:	Date:
Updating:	Date:
Production:	Date:

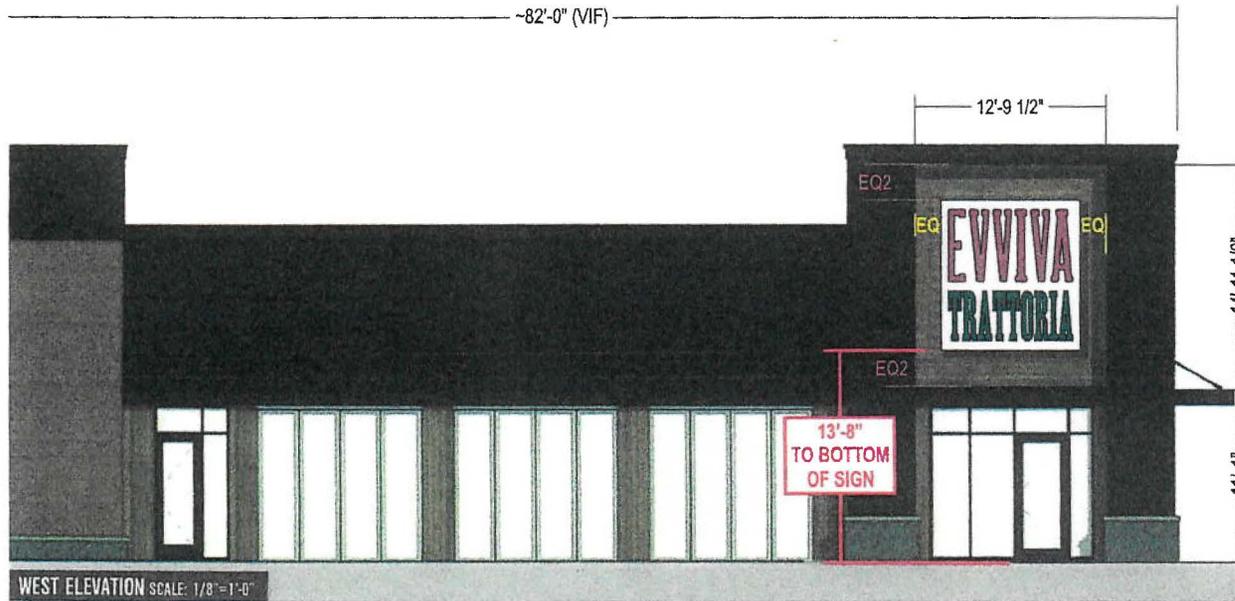
EVVIVA TRATTORIA - MARLBOROUGH  
 142 APEX DRIVE  
 MARLBOROUGH, MA 01752  
 08-15-18  
 DESIGNER: JN  
 SALES REP: BARN  
 PM: BC

ITEM  
**A1**  
 SHEET 1.0

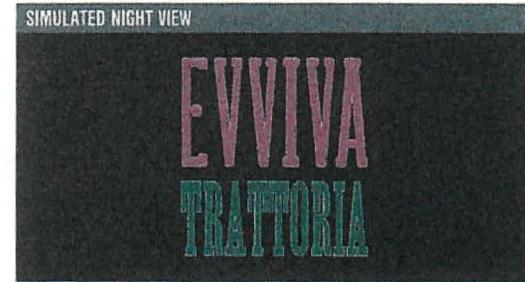
QUOTE #: 4571    JOB #: 15062

SET OF FACE-LIT CHANNEL LETTERS

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



FILE NAME: Evviva Cucina Marlborough 180804571 PU



SCOPE OF WORK

REMOVE & DISPOSE (1) EXISTING WALL SIGN.  
 MANUFACTURE & INSTALL (1) SET OF FACE-LIT CHANNEL LETTERS WITH STANDARD 3M TRANSLUCENT VINYL APPLIED TO THE FACE.  
 THE EVVIVA COPY WILL HAVE PAINTED RETURNS & TRIM CAP.  
 THE TRATTORIA COPY WILL HAVE STANDARD RETURNS & TRIM CAP.  
 THE LETTERS WILL BE MOUNTED TO AN ALUMINUM DISHPAN PAINTED WHITE WITH NON-VISIBLE SEAMS.

MFG. SPECIFICATIONS

EVVIVA COPY	TRATTORIA COPY
FACE: 3/16" 7328 White Acrylic	FACE: 3/16" 7328 White Acrylic
VINYL: 3630-53 Cardinal Red	VINYL: 3630-26 Green
TRIM: 1" PTM 3630-49 Burgundy	TRIM: 1" 2162 Hunter Green
RETURNS: PTM 3630-49 Burgundy	RETURNS: Iy Green BEA
ILLUMINATION: White LED	DISHPAN: PTM WHITE

COLOR SCHEDULE

<b>C1</b> 3630-26 GREEN	<b>C2</b> 3630-53 CARDINAL RED	<b>C3</b> WHITE
-------------------------	--------------------------------	-----------------



PROJECT APPROVAL

Client:	Date:
Design: Joe Nitche	Date: 9-26
Sales:	Date:
Updating:	Date:
Production:	Date:

DESIGNER: JN  
 SALES REP: BARN  
 PH: BC

EVVIVA TRATTORIA - MARLBOROUGH  
 142 APEX DRIVE  
 MARLBOROUGH, MA 01752  
 08-15-18

ITEM  
**A2**  
 SHEET 1.1

QUOTE #: 4571 JOB #: 15062

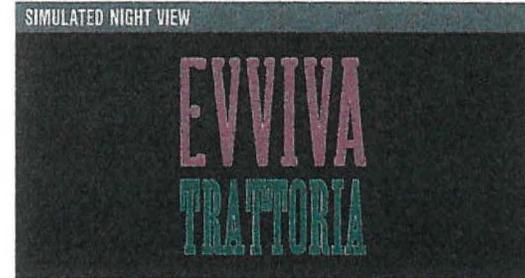
SET OF FACE-LIT CHANNEL LETTERS

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



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

FILE NAME: Evviva Cucina Marlborough 180804571 PU



SCOPE OF WORK

REMOVE & DISPOSE (1) EXISTING WALL SIGN.

MANUFACTURE & INSTALL (1) SET OF FACE-LIT CHANNEL LETTERS WITH STANDARD 3M TRANSLUCENT VINYL APPLIED TO THE FACE.

THE EVVIVA COPY WILL HAVE PAINTED RETURNS & TRIM CAP.  
THE TRATTORIA COPY WILL HAVE STANDARD RETURNS & TRIM CAP.  
THE LETTERS WILL BE MOUNTED TO AN ALUMINUM DISHPAN PAINTED WHITE WITH NON-VISIBLE SEAMS.

MFG. SPECIFICATIONS

**EVVIVA COPY**  
FACE: 3/16" 7328 White Acrylic  
VINYL: 3630-53 Cardinal Red  
TRIM: 1" PTM 3630-49 Burgundy  
RETURNS: PTM 3630-49 Burgundy

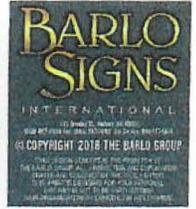
**TRATTORIA COPY**  
FACE: 3/16" 7328 White Acrylic  
VINYL: 3630-26 Green  
TRIM: 1" 2162 Hunter Green  
RETURNS: Ivy Green BEA

ILLUMINATION: White LED

DISHPAN: PTM WHITE

COLOR SCHEDULE

- C1 3630-26 GREEN
- C2 3630-53 CARDINAL RED
- C3 WHITE



PROJECT APPROVAL

Client:	Date:
Design: Joe Nitche	Date: 9-26
Sales:	Date:
Updating:	Date:
Production:	Date:

EVVIVA TRATTORIA - MARLBOROUGH

DESIGNER: JN  
SALES REP: BARN  
PMC: BC

142 APEX DRIVE  
MARLBOROUGH, MA 01752

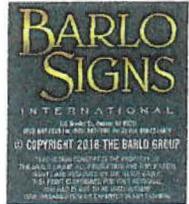
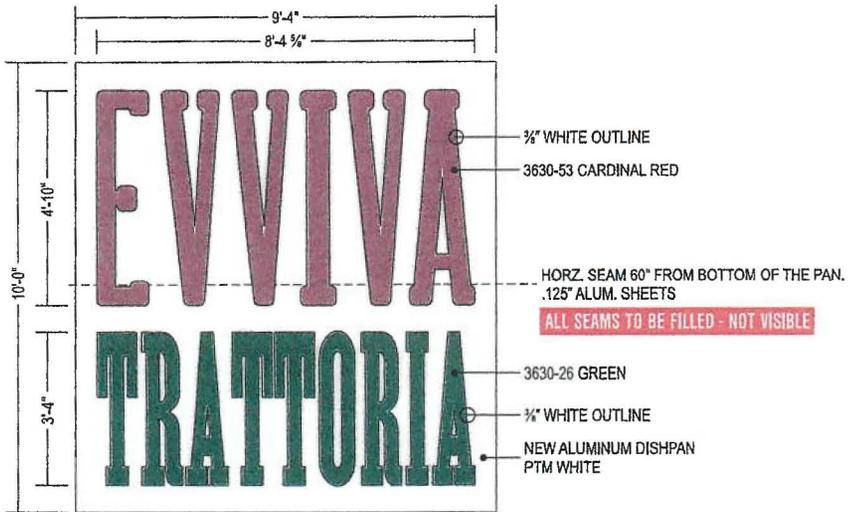
08-15-18

ITEM  
**A3**  
SHEET 1.2

QUOTE #: 4571      JOB #: 15062

SET OF BACK-LIT CHANNEL LETTERS

SCALE: 3/8"=1'-0"



PROJECT APPROVAL

Client:	Date:
Design: Joe Niche	Date: 9-26
Sales:	Date:
Updating:	Date:
Production:	Date:

EVVIVA TRATTORIA - MARLBOROUGH

142 APEX DRIVE  
MARLBOROUGH, MA 01752

08-15-18

DESIGNER: JN  
SALES REP: BARN  
PH: BC

**SITE ELECTRICAL** ELECTRICAL WORK BY:  BARLO  OTHERS

New      CIRCUITS REQ: \_\_\_ AMPS: \_\_\_ VOLTS: \_\_\_  
 Existing \_\_\_      CIRCUITS REQ: 1 AMPS: 20 VOLTS: 120

UL REQ:  YES  NO      LOCATION:  WET  DAMP  DRY      SERVICE SWITCH:  YES  NO  
 TIME CLOCK REQ.:  YES  NO      PHOTO EYE REQ.:  YES  NO

This sign is intended to be installed in accordance with the requirements of Article 610 of the National Electric Code and/or other applicable local codes. This includes proper wiring and bonding of the sign.

ITEM **A**

SHEET **1.3**



*City of Marlborough*  
*Commonwealth of Massachusetts*

PLANNING BOARD

Barbara L. Fenby, Chair  
Philip Hodge  
Sean N. Fay  
George LaVenture  
Christopher Russ

Krista Holmi, Administrator  
Phone: (508) 624-6910 x33200  
Email: [planning\\_board@marlborough-ma.gov](mailto:planning_board@marlborough-ma.gov)  
[kholmi@marlborough-ma.gov](mailto:kholmi@marlborough-ma.gov)

September 27, 2018

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

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 OCT -1 A 9 34

RE: Council Order#18-1007224A Proposed Zoning Amendment Ancillary Auto Sales, Section 650-17  
Definitions; Word usage, Section 650-17 Table of Uses

Honorable President Clancy and Councilors:

At its regularly scheduled Planning Board meeting on September 24, 2018, the Board took the following action regarding the above-referenced Council order:

On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to reserve its opinion on the proposed zoning amendment. Motion carried.

While the Board felt there was some merit to the proponent's revised "Option 1" amendment which limited ancillary auto sales to only dealerships with a Class I license (new car sales), the Board felt the timing on the proposed amendment was problematic. The City is researching a potential Route 20 Overlay District, and the Board would prefer a comprehensive review of land use and consideration of the City's vision for the area, rather than making a recommendation to satisfy any individual business concern. Should the Council consider the proposed modified zoning amendment, the Board would recommend a change in the language as follows:

**Option 1: Class I Licensees in Business and Commercial Automotive Zones**

In Section 650-5B ANCILLARY AUTO SALES

Places for the sale of new or previously owned cars, trucks, boats and farm equipment, along with incidental servicing and repair of vehicles, provided that any Ancillary Auto Sales use shall be (i) operated in conjunction with a lawful primary Auto Sales use with a Class I license, (ii) allow only one ancillary location within 1,000 feet of the primary Auto Sales use, and (iii) shall not be larger than the primary Auto Sales use.

Sincerely,

Barbara L. Fenby  
Chairperson

cc: City Clerk  
File



*City of Marlborough*  
*Commonwealth of Massachusetts*

PLANNING BOARD

Barbara L. Fenby, Chair  
 Philip Hodge  
 Sean N. Fay  
 George LaVenture  
 Christopher Russ

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

Email: [planning\\_board@marlborough-ma.gov](mailto:planning_board@marlborough-ma.gov)  
[kholmi@marlborough-ma.gov](mailto:kholmi@marlborough-ma.gov)

September 27, 2018

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

RE: Council Order#18-1007<sup>1287</sup> Proposed Zoning Amendment, Section 650-5 Definitions, ~~W~~ Word usage, Section 650-17 Table of Uses and section 650-22, Subsection C (14) Ancillary Residential ~~at~~ Community

Honorable President Clancy and Councilors:

At its regularly scheduled Planning Board meeting on September 24, 2018, the Board took the following action regarding the above-referenced Council order:

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, provided that the definition of adjacent parcel be clarified to include specific language that the adjacent parcel must be within a Retirement Community Overlay District and that ancillary multifamily developments be excluded from any parcel east of Broadmeadow Road. Chairperson Fenby opposed. Motion carried.

The Board provided the following reasons in reaching its recommendation:

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

While the Board's majority felt that an ancillary multifamily development did not unduly burden abutters on the proponent's parcel (adjacent to the Villages at Crane Meadow), my negative vote reflects agreement with the expressed opposition to this zoning amendment by the most impacted residents.

Sincerely,

*Barbara L. Fenby/KH*

Barbara L. Fenby  
 Chairperson

cc: City Clerk  
 File

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 CITY CLERK'S OFFICE  
 CITY OF MARLBOROUGH  
 2018 OCT - 1 A 34

## Steven Kerrigan

---

**From:** City Council  
**Sent:** Thursday, October 11, 2018 11:51 AM  
**To:** Lisa Thomas  
**Cc:** Steven Kerrigan; Sara Corbin; Karen Boule; Ed Clancy  
**Subject:** FW: Regarding 21 Patten Drive - Sandra Colligan and Thomas Coder

**From:** Cabinet Depot - Southborough [mailto:cabinetdepotoutlet@gmail.com]  
**Sent:** Thursday, October 11, 2018 11:48 AM  
**To:** Karen Boule <kboule@marlborough-ma.gov>  
**Cc:** Sandra <sandy@yourcreditcardlady.com>; Thomas Coder <thomascoder5@gmail.com>  
**Subject:** Regarding 21 Patten Drive - Sandra Colligan and Thomas Coder

Hi Karen,

After our conversation with Steven Greenwald, it's his recommendation that we withdraw our application for special permit at this time. I would like a meeting with councilman Clancy on Monday, to review a proposed building that we believe will be more to their liking. If you can contact us in reference to what time will be convenient for Mr. Clancy, or a phone number to reach him and set up a time with him, we would appreciate it.

Feel free to give Tom a call at 617-699-1212 with any questions.

Thank you,

Sandra Colligan & Thomas Coder

On Aug 16, 2018, at 3:04 PM, Karen Boule <[kboule@marlborough-ma.gov](mailto:kboule@marlborough-ma.gov)> wrote:

Hi Tom,  
 Do you have anything new to share since the last Urban Affairs meeting?  
 Karen

*Karen Boule*  
*City Council Office*  
*140 Main Street*  
*Marlborough, MA 01752*  
*508-460-3711*

**City Council**

---

**From:** Peter Grahm <petegrahm@gmail.com>  
**Sent:** Monday, October 8, 2018 6:58 PM  
**To:** City Council  
**Subject:** Request to be on the Docket

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 OCT 10 P 4:35

To the City Council of Marlborough:

I hereby respectfully request to be on the docket to request an extension of the reconconstruction period of 2 years. of which I was not aware. for 182 West Main Street, Marlborough.

Sincerely,

Peter Grahm  
PG Realty Trust  
970 581-2561

*City of Marlborough*  
*Commonwealth of Massachusetts*



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

October 10, 2018

Peter R. Grahm, Trustee  
P & G Realty Trust  
C/O Jordan Property Solutions  
155 Main Street  
Marlborough, MA 01752

RE: BP-2018-000542  
182 West Main Street

Dear Mr. Grahm:

Please be advised that you are currently in violation of the City of Marlborough General Code Chapter 650 (zoning), section 12 (non-conforming uses), B. (3) and (4).

The property at the above referenced location (Marlborough Assessor's map 81, parcel 122) is located within a Residential "C" zone which does not allow this number of units. As the building pre-exists the City of Marlborough zoning ordinances its use was allowed. However, a reading of the above referenced sections of the zoning ordinance are clear:

"In case the use is destroyed or damaged by fire, explosion or other catastrophe to not greater than 75% of the fair market value of the building or structure, exclusive of foundation, based upon replacement cost immediately prior to such damage, the structure or use may be restored or rebuilt at the same location and used as previously, provided that:

- (a) The building, structure or use of land as restored or rebuilt shall be no greater in floor or land area than the maximum permitted under Subsection B(3)(b) of this section.
- (b) The restoration or rebuilding shall conform to this chapter so far as practicable and shall be completed within two years of the catastrophe, unless approved by the City Council in writing in accordance with Article VIII."

The fire that destroyed the building occurred on February 2, 2016. Please be advised that as of this date your permit to continue work in the building has been suspended until such time as you have applied to the City Council and received permission from the City of Marlborough City Council to continue. Failure to take care of this matter in a timely fashion will result in citations being issued for violations of both the zoning ordinance and Chapter 485 "Blight".

Sincerely,

Pamela A. Wilderman  
Code Enforcement Officer

Cc: Councilor Dumais  
File

---

# MIRICK O'CONNELL

---

ATTORNEYS AT LAW

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 OCT 11 A 9:30

Brian R. Falk  
Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477  
bfalk@mirickoconnell.com  
t 508.929.1678  
f 508.983.6256

October 11, 2018

Councilor Edward Clancy, President  
Marlborough City Council  
City Hall  
Marlborough, MA 01752

Re: E on Main; Proposed Village District Zoning Amendments

Dear Councilor Clancy:

It was brought to my attention that the petition to amend portions of the Zoning Ordinance concerning the Marlborough Village District, filed on September 20, 2018, contained a transcription error.

The text of the proposed amendment was correct, and the petition states that the proposed amendment consists of deleting text shown in strikethrough and adding text that is underlined. The transcription error concerns the column heading on the Table of Lot Area, Yards, and Height of Structures: the column for "Maximum Lot Coverage" is erroneously labeled "*Minimum Lot Coverage*." Enclosed with this letter is a corrected petition.

Because the City Council approved the original petition to be used in the notice for the public hearing to be held on October 29, 2018, the transcription error is shown in the hearing notice. I believe, however, that the notice is not misleading as to the nature and the scope of the proposed zoning amendment, particularly since the erroneous text is not intended as an amendment based upon the style of the petition (using underlining and ~~strikethrough~~ to indicate amended text.)

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/ljk

cc: Client  
Arthur P. Bergeron

---

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

Corrected October 11, 2018

**PROPOSED CITY COUNCIL ORDER**

**ORDERED:**

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by amending certain provisions of Section 650-34, Marlborough Village District, and Section 650-41, Table of Lot Areas, Yards and Height of Structures, as follows:

1. By amending Section 650-34.F, Heights of Structures, as follows (deleted text in ~~striketrough~~; new text underlined):

F. Heights of structures.

- (1) To encourage redevelopment and reuse of parcels within the Marlborough Village District, minimum and maximum heights are established. Minimum heights shall be 35 feet; maximum height is 6 stories and up to 70 feet except for where a proposed structure is within 50 feet of a residential ~~lot~~ district boundary, where the height limit shall be 52 feet. By grant of a special permit, maximum building height, including building areas within 50 feet of a residential district boundary, may be increased to ~~80~~ 7 stories and up to 85 feet. Height limits do not include roof-mounted mechanical appurtenances; however, said appurtenances, and the screening required for them in § 650-34D(2)(b), shall be subject to site plan review and design standards. Rooftop mechanical equipment, including wireless communications equipment, shall be located and screened to minimize impacts on abutters and the general public. No interior space shall be occupied for any purpose above these height limits. This shall not preclude the use of a flat roof for purposes allowed in this section.
- (2) Roof decks, providing recreation and amenity areas for residents and businesses on the roof above the top story of a building, shall be encouraged in Marlborough Village District. Roof decks may include open space areas for sitting and gardens; open-air areas covered by permanent roofs (flat or sloped); indoor areas for social gathering, meetings, common kitchens, restrooms, and storage; spaces for mechanical equipment; and enclosures for elevators and stairs. The portions of a building designed as a roofdeck shall be subject to maximum height restrictions, as may be extended by special permit.

Corrected October 11, 2018

2. By amending Section 650-41, Table of Lot Area, Yards, and Height of Structures, as follows (new text underlined, deleted text in strikethrough):

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Maximum Lot Coverage
Marlborough Village District MV	5,000 square feet	25	10 <sup>3</sup>	10 <sup>14</sup>	10 <sup>15</sup>	Minimum: 35 feet; <u>Maximum:</u> 6 stories; not to exceed a maximum of 70 feet <sup>12</sup>	80% <sup>13</sup>

**NOTES:**

- <sup>1</sup> Note deleted.
- <sup>2</sup> Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.
- <sup>3</sup> Where abutting a residence district or within the Marlborough Village District where abutting an existing structure that has side-facing windows at the structure's lot line; otherwise 0 feet.
- <sup>4</sup> Except where abutting a residence district, shall be 50 feet.
- <sup>5</sup> Except for buildings extending through a block or to a railroad siding.
- <sup>6</sup> For the purpose of measuring setback distances for the corresponding height restrictions, an owner of LI or I zoned land may count abutting residentially zoned land toward the setback requirement if such land is owned by the same owner. Ownership of the residential land and the LI or I land must continue to be held by the same entity.
- <sup>7</sup> However, this frontage need not be contiguous.
- <sup>8</sup> No part of any principal building shall be within 25 feet of any exterior lot line nor shall any part of any building be closer to any exterior lot line than the minimum side yard requirement which would have been applicable in the zoning district in which the land in question was located before it was rezoned into a Retirement Community Residence District. A building may be as close as 25 feet to the front yard line of the exterior lot; provided, however, that no said building shall be less than 50 feet from the side line of a public way.
- <sup>9</sup> Excluding from lot size any land which prior to development of the site as a Retirement Community would be defined as a resource area as that term is defined in MGL c. 131, § 40.
- <sup>10</sup> Buildings on a Large Tract Development Lot, which are more than 1,200 feet from a Residential Zone, may be built to a maximum height of 85 feet.

*Corrected October 11, 2018*

- <sup>11</sup> Maximum lot coverage for a Large Tract Development Lot shall be 50%.
- <sup>12</sup> Within the Marlborough Village District, special permits may allow for an increase in height to ~~80~~ 7 stories and up to 85 feet; also, provided that the height of any development ~~adjacent to any~~ within 50 feet of a residential district boundary shall be stepped down and shall not exceed 52 feet except where allowed by special permit. (See § 650-34F(1).)
- <sup>13</sup> Within the Marlborough Village District, special permits may allow for an increase in lot coverage.
- <sup>14</sup> Except along the following streets in the Marlborough Village District where zero-foot setback is allowed by right: Main Street, the eastern side of South Bolton Street between Main Street and Granger Boulevard, and the northern side of Granger Boulevard between South Bolton Street and Main Street.
- <sup>15</sup> Except that a special permit may be granted to reduce this to zero where public safety will not be impacted and the reduction will yield a better design.

ADOPTED  
In City Council  
Order No. 18-

Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

RECEIVED  
OCT 03 2018  
BY \_\_\_\_\_

2018 OCT -3 A 10 00  
**MARLBOROUGH CITY COUNCIL**

## LED SIGN PERMIT APPLICATION TO MARLBOROUGH CITY COUNCIL

### LED SIGN SPECIAL PERMIT

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

1. Location of the property where sign is located: Street and Number:

81 Granger Blvd

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

Main Bylon 76" x 96" Internally luminated  
Building Sign 60" x 60" " " Under the dome  
Exterior door bands - front entrance w/ hours of operation 12" x 29-7"  
Drive-up band w/ hours on drive-up window 7" x 66-75"

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

No

4. Names of business or activity applying for sign:

Main Street Bank

5. Applicant:

Main Street Bank

Street/City/Zip Code:

81 Granger Blvd. Marlborough, Ma. 01752

6. Building Owner:

Same  
Street/City/Zip Code:  
\_\_\_\_\_  
\_\_\_\_\_

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

Building Owner.

E-mail: rbennett@bankmainstreet.com Business: 508-460-4150 Mobile: \_\_\_\_\_

Agent/Owner of Business where sign will be located.

E-mail: Same Business: \_\_\_\_\_ Mobile: \_\_\_\_\_

Applicant.

E-mail: Same Business: \_\_\_\_\_ Mobile: \_\_\_\_\_

8. Applicant is (please check).

Business Owner:  Tenant: \_\_\_\_\_ Other (describe): \_\_\_\_\_

**Required Attachments**

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

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

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

RK Bennett, CEO  
Applicant Signature

10/3/18  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

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

# GALAXY® GS6 19.8 MM PRODUCT SPECIFICATIONS

The Galaxy GS6 is the best full-feature, high-quality Galaxy series yet. This product provides users a display that runs outstanding graphics and animations using the best contrast in the industry. The 19.8 mm pixel pitch provides a great-looking image and is a popular request among customers.

## 19.8 MM TECHNICAL SPECIFICATIONS

### Character Height:

5.5" (7 pixel font)

### Line Spacing:

19.8 mm (0.78")

### Pixel Configuration:

Monochrome: 1 red or 1 amber

RGB: 1 red, 1 green, 1 blue

### Maximum Brightness:

Monochrome red: 4,500 nits

Monochrome amber: 6,000 nits

RGB: 11,000 nits

### Monochrome Color Capability:

4,096 shades of red or amber

### Full Color Capability:

RGB: 281 trillion colors

### Optimal Viewing Angle:

140 degrees horizontal x 70 degrees vertical

### Readability Angle:

160 degrees horizontal x 90 degrees vertical

### Min Viewing Distance:

45'

## PRODUCT FEATURES

- All sealed components
- Quick connects
- Mounting clips
- High-contrast louvers
- Redundant module signal
- Large sections for fast installation
- Front ventilation on displays less than seven feet tall
- No spreader beam required for displays greater than seven feet tall
- Same module size and cabinet size for all pixel pitches
- Single-step module removal
- Shallow cabinet depth
- Narrow cabinet borders

## MODEL NUMBER GUIDE

GS6	-	80	x	200	-	19.8	-	RGB	-	SF
Series		Lines High		Columns Wide		Line Spacing		LED Color Red, Amber, or RGB		Single Face or Two View



## GS6 SERIES SPECIFICATIONS

### Estimated LED Lifetime:

100,000+ hours

### Contrast Enhancement:

Non-reflective black louvers and module face grooves disperse light

### Message Capability:

Text, graphics, logos, basic animation, video clips, multiple font styles, and sizes

### Control Software:

Venus® Control Suite

### Power:

120, 120/240 VAC Single Phase

### Display Dimming:

64 levels (Automatic, scheduled or manual control)

### Communication Options:

Ethernet Fiber Optic, Ethernet Bridge Radio, Remote Cellular, Ethernet CAT5

### Operating Temperature:

-40°F to 120°F with 99% RH non-condensing

### Compliance Information:

UL and cUL Listed, UL-Energy Verified, FCC compliance

### Warranty Coverage:

5 years

### Galaxy Product Support:

Parts support for 10 years

## DISPLAY CONFIGURATIONS



**Single-face (SF)**  
Available in all sizes



**Two-view (2V)**  
Available in all sizes

186



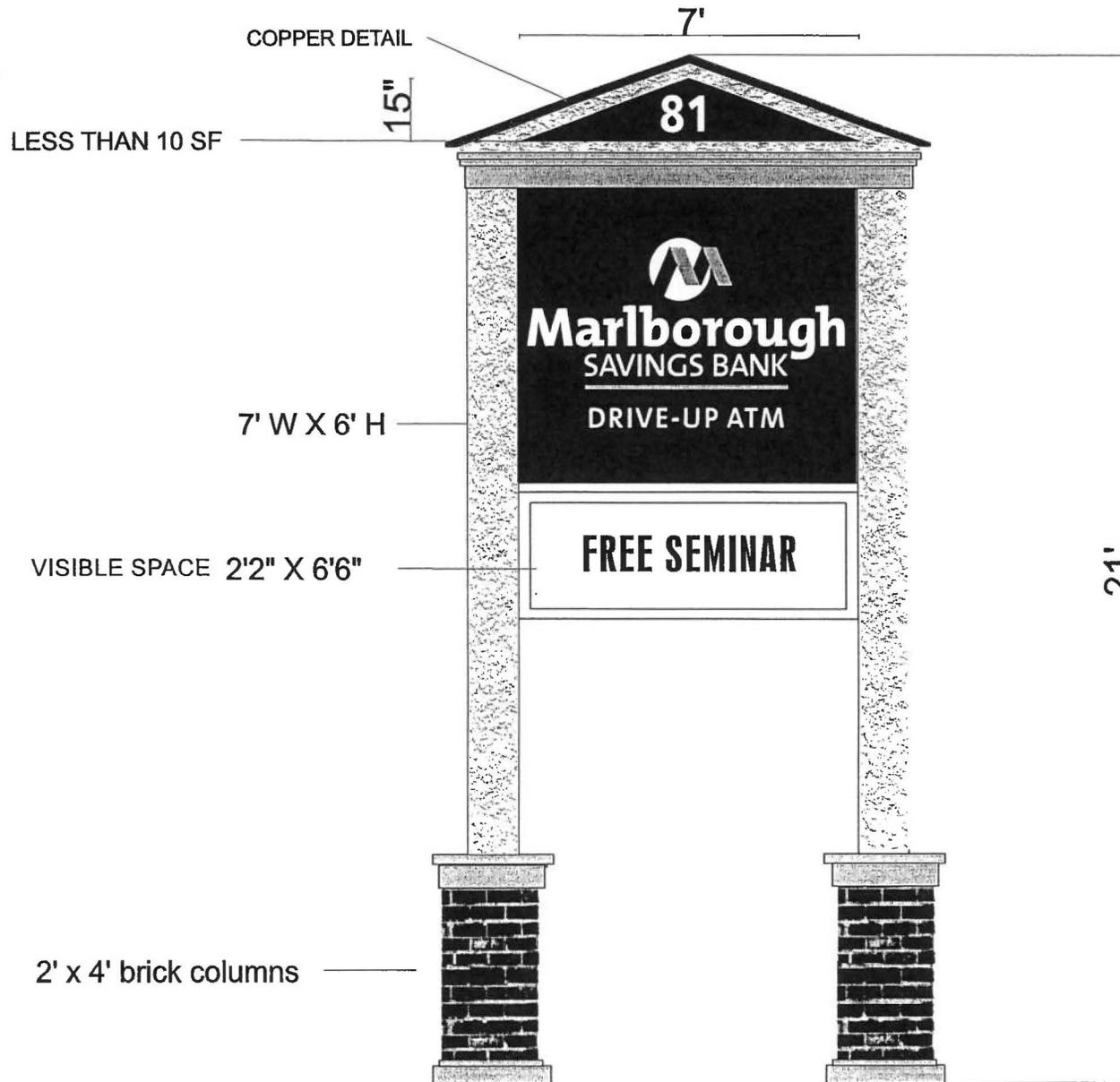
**Main Street**  
BANK

Vote Today!

QARTMUNIC

VAJ447





# APPROVAL

SIGNATURE & DATE REQUIRED FOR PRODUCTION

Signature

Date

*Pylon Sign -*  
 Brick bases w/ stucco columns  
 Logo Colors: 287c & 381u

Attn: Ellen Dorian  
 Marlborough Savings Bank  
 166 Main Street  
 Marlborough, MA 01752  
 edorian@marlboroughsavings.com

Expose Signs & Graphics, Inc.  
 493 Main Street - Northboro, MA 01532  
 (508)460-1187 - (508)460-1188 fax  
*Drawn By: Amy F. Clark*

PIXELS HIGH (AAA)	PIXELS WIDE (BBB)	PIXEL SPACING (CC)
40	150	15.85mm
32	120	19.81mm
24	90	26.42mm

#	DETAIL	DESCRIPTION
1	DISPLAY	GS6 - AAAxBBB-CC (SEE CHART ON TOP LEFT)
2	LED COLOR	RED, AMBER, OR RGB
3	ACTIVE AREA	2' 15/16" [634] X 7' 9-5/8" [2377]
4	OVERALL SIZE	2' 6-15/16" [786] X 8' 5/8" [2454]
5	CABINET	ALUMINUM & STEEL
6	VENTILATION	FRONT
7	ACCESS	SERVICE FROM FRONT OF DISPLAY
8	WEIGHT	150 LBS [69 KG] (APPROX)
9	SHIPPING	SHIPPED AS A SINGLE UNIT
10	DIMENSIONS	FEET AND INCHES (MILLIMETERS)
11	PAINTED	SEMI-GLOSS BLACK

**STRUCTURAL RATING**

1	DESIGN WIND PRESSURE "P" (CASE A)	P <= 100 PSF (ASD)
2	STANDARD/CODE	IBC 2009/ASCE7-05, IBC 2012/ASCE7-10
3	ALL CLIP ANGLES MUST BE USED TO MOUNT DISPLAY	

**POWER RATING PER SINGLE FACE: FOR SIZING ELEC.SERVICE MAX REQ'D SHOWN**

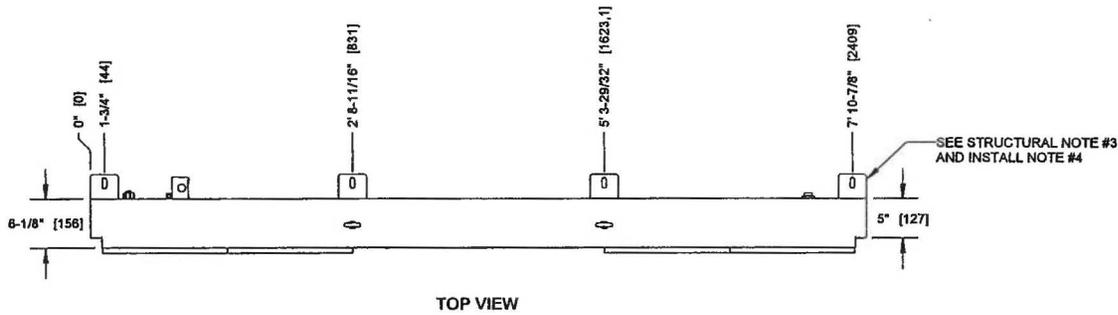
TECHNOLOGY	COLOR	MAX WATTS	120VAC 1PH 60Hz (2 WIRES + GND) DOMESTIC	240VAC 1PH 50Hz (2 WIRES + GND) INTERNATIONAL SPECIAL ORDER
			LINE 1 (AMPS)	LINE 1 (AMPS)
GS6	RED	434	3.62	1.81
	AMBER	434	3.62	1.81
	RGB	670	5.59	2.79

**VENTILATION REQUIREMENTS**

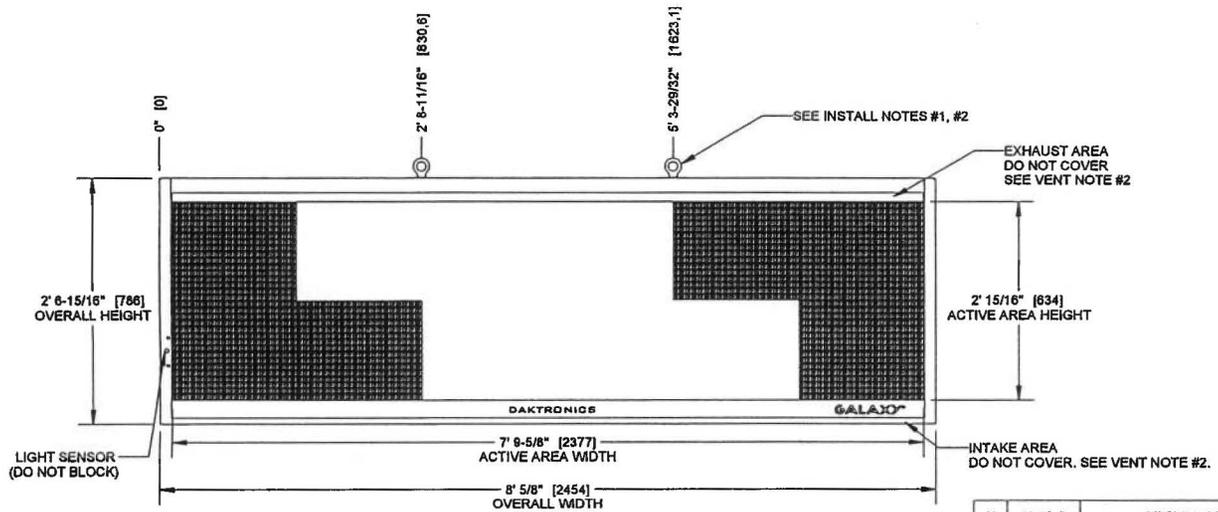
1	DISPLAY RELIES ON VENTILATION TO FUNCTION PROPERLY. INTAKES, LOCATED AT THE FRONT OF THE DISPLAY, MUST BE ABLE TO DRAW IN AIR AT A TEMPERATURE NO GREATER THAN 120 F.
2	IN ORDER TO ENSURE AMBIENT TEMPERATURE AIRFLOW IS MAINTAINED, NO PORTION OF THE VENTILATION OPENINGS ALONG THE FRONT OF THE DISPLAY MAY BE COVERED OR OBSTRUCTED IN ANY WAY.

**INSTALL NOTES**

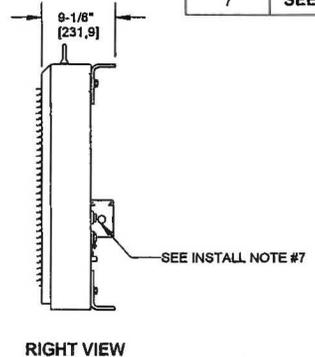
1	IN ORDER TO PRESERVE THE STRUCTURAL INTEGRITY OF THE DISPLAY CABINET, THE 90° ANGLE BETWEEN THE CABINET AND THE LIFTYEY MUST BE MAINTAINED - USING A SPREADER BEAM IS SUGGESTED. ALL EYEBOLTS MUST BE USED WHEN LIFTING.
2	1/2" LIFTYEYS TO ASSIST WITH DISPLAY INSTALLATION. LIFTYEYS MAY NOT BE USED FOR PERMANENT INSTALLATION. LIFTYEYS MAY BE REMOVED.
3	MECHANICAL AND SIGNAL CONNECTIONS OCCUR EXTERNAL TO DISPLAY.
4	CLIP ANGLE FOR MOUNTING. CLIP ANGLES CAN BE ADJUSTED VERTICALLY 1 - 3/16" AS NEEDED DURING INSTALLATION. CLIP ANGLE CAN BE WELDED OR BOLTED TO STRINGER. ALL CLIP ANGLE LOCATION MUST BE USED.
5	DAKTRONICS IS NOT RESPONSIBLE FOR THE MOUNTING HARDWARE OR THE INTEGRITY OF THE MOUNTING STRUCTURE.
6	DAKTRONICS IS NOT RESPONSIBLE FOR THE MAIN ELECTRICAL DISCONNECT. SEE POWER RATINGS ABOVE.
7	SEE DWG-03097583 FOR SIGNAL & MTG DETAILS



TOP VIEW



FRONT VIEW



RIGHT VIEW

REV	DATE	DESCRIPTION	BY
04	16 AUG 17	PER EC-40981: UPDATED POWER SPECS	RAB 18955
03	16 AUG 2014	PER EC-22282: UPDATED DRAWING LAYOUT	OJO 18434
02	09 MAY 16	UPDATED GALAXY LABEL	BAS 14436

**DAKTRONICS**

PROJECT: GALAXY GS6 SERIES

TITLE: SHOP DWG, GS6-R, 2' 7"x8' 1" (2x6 MODS)

DATE: 14-AUG-17

SCALE: 1/15

DESIGN: TWHITEH

DRAWN: DOSTRAA

THE CONCEPTS EXPRESSED AND DETAILS SHOWN ON THIS DRAWING ARE CONFIDENTIAL AND PROPRIETARY. DO NOT REPRODUCE OR ANY MANNER WITHOUT THE EXPRESS WRITTEN CONSENT OF DAKTRONICS, INC. OR ITS WHOLLY OWNED SUBSIDIARIES. COPYRIGHT 2017 DAKTRONICS, INC. (USA)

THIRD ANGLE PROJECTION

DM UNITS: INCHES (MILLIMETERS)

DO NOT SCALE DRAWING

FLANG. TYPE - SIZE

P1817 E - 07 - B

SHEET 1 OF 1

REV 04

3111193

*City of Marlborough*  
*Commonwealth of Massachusetts*



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

September 26, 2018

Richard Bennet, CEO  
Main Street Bank  
81 Granger Boulevard  
Marlborough, MA 01752

RE: Sign Application  
Electronic Message Board Sign  
81 Granger Boulevard

Dear Mr. Bennet:

Please be advised that I have reviewed the application for an electronic message board sign for the bank location at 81 Granger Boulevard (Marlborough Assessor's map 70, parcel 152). Unfortunately, at this time I must deny the application for the following reason:

Chapter 526.13(2) of the City of Marlborough General Code (Sign Ordinance) states: The regulations in § 526-13 permit digital display signs and electronic message center (EMC) signs in all zoning districts.....shall be subject to all other provisions governing signs in Chapter 526, the City's Sign Ordinance, and shall **require a special permit**.

Chapter 526.13 (3) of the City of Marlborough General Code states: The special permit granting authority shall be the City Council. In the event of a conflict between these provisions and other provisions governing signs in Chapter 526, these provisions shall prevail.

Additionally, I would caution that the ordinance also states: Setbacks from residential zoned areas. The sign must be set back a minimum distance of 200 feet from the nearest point of any abutting residentially zoned district. If, because of the shape, size and/or proximity of a commercial lot to a residentially zoned district it is not possible to place the sign more than 200 feet from the nearest point of an abutting residentially zoned district, then the Planning Board may grant a variance for closer placement, provided that when located within 200 feet of a residentially zoned district, all digital display portions of the sign shall be oriented so that no portion of the sign is visible from an existing primary residential structure in that district.

As I was not provided a plan of the intended sign location (unsure if it will be on the existing sign or if you have a new location) I can't say for sure that the above requirement would be relevant. I believe that you are clear but you want to have your sign people check to make sure.

I have included the special permit application for your convenience. As always, please feel free to contact this office if you have any questions or if I can be of any further assistance to you.

Sincerely,

Pamela A. Wilderman  
Code Enforcement Officer

Cc: City Council  
File

# CITY OF MARLBOROUGH

## CITY COUNCIL SPECIAL PERMIT APPLICATION

### TAVERN ON THE GREEN 57 MAIN STREET MARLBOROUGH, MA



SUBMITTED BY:

MCO & ASSOCIATES, INC.  
MARK C. O'HAGAN  
PO BOX 372  
HARVARD, MA 01451  
508-395-1211

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 OCT -2 P 2:47

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Marlborough TOTG, LLC c/o MCO & Associates, Inc.

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

57 Main Street; MAP # 70 ; PARCELS 291, 293, 294

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

John P. Rowe Funeral Home, Inc. (John P. Rowe, Jr & J. Peter Rowe)

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

Prospective Owner

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

Article VII Section 41 Paragraph Table Sub-paragraph Footnote 13

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

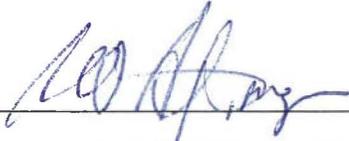
Marlborough Village District

7. Specific reason(s) for seeking Special Permit

Seeking to increase Lot Coverage area of 80% to 84%. The incremental space is proposed to be utilized as a Patio area for proposed restaurant space and the widening of Exchange Street as requested by Site Plan Review. The lot Coverage without these areas would be below 80%.

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.



Mark C. O'Hagan, Mgr/Member

Signature of Petitioner or Applicant

Address: PO Box 372  
Harvard, MA 01451

Telephone No. 508-395-1211

Date: September 13, 2018

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

***Mark C. O'Hagan of Marlborough TOTG, LLC***

---

(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



# 400 foot Abutters List Report

Marlborough, MA  
July 10, 2018

**MARLBOROUGH ASSESSORS**

*Anthony C. Amadio*  
*Shelley K. Silverstein*  
*David May Jr.*

## Subject Properties:

Parcel Number: 70-291  
CAMA Number: 70-291  
Property Address: 57 MAIN ST

Mailing Address: JOHN P ROWE FUNERAL HOME INC  
57 MAIN ST  
MARLBOROUGH, MA 01752

Parcel Number: 70-293  
CAMA Number: 70-293  
Property Address: 48 HIGH ST

Mailing Address: ROWE JOHN P JR  
57 MAIN ST  
MARLBOROUGH, MA 01752

Parcel Number: 70-294  
CAMA Number: 70-294  
Property Address: 51 MAIN ST

Mailing Address: JOHN P ROWE FUNERAL HOME INC  
57 MAIN ST  
MARLBOROUGH, MA 01752

## Abutters:

Parcel Number: 57-104  
CAMA Number: 57-104  
Property Address: 55 BOLTON ST

Mailing Address: 55 BOLTON STREET LLC  
154 NORTH AVE  
WESTON, MA 02493-2026

Parcel Number: 57-105  
CAMA Number: 57-105  
Property Address: 59-A BOLTON ST

Mailing Address: ST MAURICE SARAH  
59-A BOLTON ST  
MARLBOROUGH, MA 01752

Parcel Number: 57-106  
CAMA Number: 57-106  
Property Address: 92 FRANCIS ST

Mailing Address: FERRO MICHAEL F  
56 WALKER ST  
MARLBOROUGH, MA 01752

Parcel Number: 57-107  
CAMA Number: 57-107  
Property Address: 86 FRANCIS ST

Mailing Address: GARDNER KENNETH R JR  
86 FRANCIS ST  
MARLBOROUGH, MA 01752

Parcel Number: 57-110  
CAMA Number: 57-110  
Property Address: 1 MIDDLE ST

Mailing Address: LEWIS SARAH  
1 MIDDLE ST  
MARLBOROUGH, MA 01752

Parcel Number: 57-111  
CAMA Number: 57-111  
Property Address: 10 SPRINGHILL AVE

Mailing Address: ALDEN FRANK ARTHUR  
719 HOSMER ST  
MARLBOROUGH, MA 01752

Parcel Number: 57-112  
CAMA Number: 57-112  
Property Address: 8 SPRINGHILL AVE

Mailing Address: ZUO RONGJUN  
11 BOXFORD TER  
WEST ROXBURY, MA 02132



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7/10/2018

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## 400 foot Abutters List Report

Marlborough, MA

July 10, 2018

Parcel Number: 57-113 CAMA Number: 57-113 Property Address: 6 SPRINGHILL AVE	Mailing Address: PIMENTEL LOUIS 6 SPRINGHILL AVE MARLBOROUGH, MA 01752
Parcel Number: 57-114 CAMA Number: 57-114 Property Address: 9 SPRINGHILL AVE	Mailing Address: TIRU EDWIN 9 SPRINGHILL AVE MARLBOROUGH, MA 01752
Parcel Number: 57-115 CAMA Number: 57-115 Property Address: SPRINGHILL AVE	Mailing Address: CITY OF MARLBOROUGH 140 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 57-116 CAMA Number: 57-116 Property Address: 3 MIDDLE ST	Mailing Address: WITHROW KIRTI 3 MIDDLE ST MARLBOROUGH, MA 01752
Parcel Number: 70-18 CAMA Number: 70-18 Property Address: 17 WASHINGTON ST	Mailing Address: CITY OF MARLBOROUGH 140 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-19 CAMA Number: 70-19 Property Address: 36 BOLTON ST	Mailing Address: FOSTER TOURE E TR 36 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 70-20 CAMA Number: 70-20 Property Address: 12 DEVENS ST	Mailing Address: HIGGINS JEFFREY PO BOX 805 NORTHBOROUGH, MA 01532
Parcel Number: 70-21 CAMA Number: 70-21 Property Address: 24 BOLTON ST	Mailing Address: AUSTIN SANDRA RENNIE 24 BOLTON ST MARLBOROUGH, MA 01752
Parcel Number: 70-215 CAMA Number: 70-215 Property Address: BOLTON ST EXT	Mailing Address: CITY OF MARLBOROUGH 255 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-216 CAMA Number: 70-216 Property Address: BOLTON ST EXT	Mailing Address: CITY OF MARLBOROUGH 255 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-217 CAMA Number: 70-217 Property Address: MAIN ST	Mailing Address: CITY OF MARLBOROUGH 255 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-218 CAMA Number: 70-218 Property Address: 74 MAIN ST	Mailing Address: AYKANIAN SEM TR 74 MAIN ST MARLBOROUGH, MA 01752



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## 400 foot Abutters List Report

Marlborough, MA  
July 10, 2018

Parcel Number: 70-219 CAMA Number: 70-219 Property Address: 54 MAIN ST	Mailing Address: ZEDEH JEFF 130 EWALD AVE MARLBOROUGH, MA 01752
Parcel Number: 70-22 CAMA Number: 70-22 Property Address: 16 DEVENS ST	Mailing Address: KIRK BARBARA ANN 16 DEVENS ST MARLBOROUGH, MA 01752
Parcel Number: 70-220 CAMA Number: 70-220 Property Address: 15 COTTING AVE	Mailing Address: FERRIS MATTHEW J 15 COTTING AVE MARLBOROUGH, MA 01752
Parcel Number: 70-221 CAMA Number: 70-221 Property Address: 21 COTTING AVE	Mailing Address: ROWE LISA M TR 21 COTTING AVE MARLBOROUGH, MA 01752
Parcel Number: 70-222 CAMA Number: 70-222 Property Address: 27-29 COTTING AVE	Mailing Address: ORTEGA VILMA 29 COTTING AVE APT 1 MARLBOROUGH, MA 01752
Parcel Number: 70-226 CAMA Number: 70-226 Property Address: 50 MAIN ST	Mailing Address: 50 MAIN STREET LLC 50 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-227 CAMA Number: 70-227 Property Address: 8 COTTING AVE	Mailing Address: MODERN GUEST HOUSE LLC 116 BROAD ST MARLBOROUGH, MA 01752
Parcel Number: 70-229 CAMA Number: 70-229 Property Address: 14-18 COTTING AVE	Mailing Address: RESNICK MARC TR 138 HARVARD AVE BOSTON, MA 02134
Parcel Number: 70-23 CAMA Number: 70-23 Property Address: BOLTON ST	Mailing Address: CITY OF MARLBOROUGH 140 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-230 CAMA Number: 70-230 Property Address: 22 COTTING AVE	Mailing Address: CASTELLANO TERESO 22 COTTING AVE MARLBOROUGH, MA 01752
Parcel Number: 70-23A CAMA Number: 70-23A Property Address: 20 DEVENS ST	Mailing Address: YE YANFANG 20 DEVENS ST MARLBOROUGH, MA 01752
Parcel Number: 70-24 CAMA Number: 70-24 Property Address: 91 MAIN ST	Mailing Address: FIREHOUSE MANAGEMENT LLC 13 BRENT DR HUDSON, MA 01749



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7/10/2018

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## 400 foot Abutters List Report

Marlborough, MA

July 10, 2018

Parcel Number: 70-25 CAMA Number: 70-25 Property Address: MAIN ST	Mailing Address: CITY OF MARLBOROUGH 255 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-255 CAMA Number: 70-255 Property Address: 19 AMES PL	Mailing Address: WHITE GARY J TR 319 STOW RD MARLBOROUGH, MA 01752
Parcel Number: 70-256 CAMA Number: 70-256 Property Address: 11 AMES PL	Mailing Address: WARNER PHILIP S 11 AMES PL MARLBOROUGH, MA 01752
Parcel Number: 70-257 CAMA Number: 70-257 Property Address: 46 MAIN ST	Mailing Address: BOUVIER THOMAS C TR 53 MAURICE DR MARLBOROUGH, MA 01752
Parcel Number: 70-258 CAMA Number: 70-258 Property Address: 32-38 MAIN ST	Mailing Address: RESNICK MARC TR 138 HARVARD AVE BOSTON, MA 02134
Parcel Number: 70-259 CAMA Number: 70-259 Property Address: 10 AMES PL	Mailing Address: BARTOLINI BRUCE TR 26 HIGLEY RD ASHLAND, MA 01721
Parcel Number: 70-260 CAMA Number: 70-260 Property Address: 28-A MAIN ST	Mailing Address: COMITAS LOUCAS 2 LENOX ST WORCESTER, MA 01602-1411
Parcel Number: 70-261 CAMA Number: 70-261 Property Address: 30 MAIN ST	Mailing Address: COMITAS LOUCAS 2 LENOX ST WORCESTER, MA 01602-1411
Parcel Number: 70-268 CAMA Number: 70-268 Property Address: 26 AMES PL	Mailing Address: WALSH MELISSA 26 AMES PL MARLBOROUGH, MA 01752
Parcel Number: 70-277 CAMA Number: 70-277 Property Address: 19 MAPLE ST	Mailing Address: GADBOIS CHARLES E TR PO BOX 5967 MARLBOROUGH, MA 01752
Parcel Number: 70-277A CAMA Number: 70-277A Property Address: GRANGER BLVD	Mailing Address: COMMONWEALTH OF MASSACHUSETTS 10 PARK PLAZA STE 4160 BOSTON, MA 02116
Parcel Number: 70-281 CAMA Number: 70-281 Property Address: 2-4 MAIN ST	Mailing Address: GINETTI RICHARD P TR 78 GREENWOOD ST MARLBOROUGH, MA 01752



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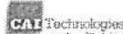
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## 400 foot Abutters List Report

Marlborough, MA  
July 10, 2018

Parcel Number: 70-282 CAMA Number: 70-282 Property Address: 10 MAIN ST	Mailing Address: DEMELO MOACIR 10 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-283 CAMA Number: 70-283 Property Address: 12 MAIN ST	Mailing Address: RENZI DAVID 12 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-284 CAMA Number: 70-284 Property Address: GRANGER BLVD	Mailing Address: RENZI DAVID 12 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-285 CAMA Number: 70-285 Property Address: MAIN ST	Mailing Address: CITY OF MARLBOROUGH 140 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-286 CAMA Number: 70-286 Property Address: 25 MAIN ST	Mailing Address: DUMAIS GERALD L 6 HIGH ST MARLBOROUGH, MA 01752
Parcel Number: 70-287 CAMA Number: 70-287 Property Address: 27 MAIN ST	Mailing Address: DANCING PENGUIN PARTNERS LLC 356 WHITNEY ST NORTHBOROUGH, MA 01532
Parcel Number: 70-289 CAMA Number: 70-289 Property Address: 31-35 MAIN ST	Mailing Address: KARIFF INC TR C/O EASTPORT REAL ESTATE SERV 107 AUDUBON RD STE 2-301 WAKEFIELD, MA 01880
Parcel Number: 70-292 CAMA Number: 70-292 Property Address: MAIN ST	Mailing Address: FIRST CHURCH OF MARLBORO CONGREGATIONAL 37 HIGH ST MARLBOROUGH, MA 01752
Parcel Number: 70-295 CAMA Number: 70-295 Property Address: 37 HIGH ST	Mailing Address: FIRST CHURCH OF MARLBORO CONGREGATIONAL 37 HIGH ST MARLBOROUGH, MA 01752
Parcel Number: 70-296 CAMA Number: 70-296 Property Address: 45-47 BOLTON ST	Mailing Address: BOLTON-GOODALE LLC 154 NORTH AVE WESTON, MA 02493-2026
Parcel Number: 70-297 CAMA Number: 70-297 Property Address: 31 SPRINGHILL AVE	Mailing Address: GERDON LLC 6 HIGH ST MARLBOROUGH, MA 01752
Parcel Number: 70-298 CAMA Number: 70-298 Property Address: 14 SPRINGHILL AVE	Mailing Address: CIANNELLA MICHAEL 14 SPRINGHILL AVE MARLBOROUGH, MA 01752



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# 400 foot Abutters List Report

Marlborough, MA  
July 10, 2018

Parcel Number: 70-299 CAMA Number: 70-299-35-1 Property Address: 35 HIGH ST #1	Mailing Address: SHARISKY JOHN W PO BOX 16 MARLBOROUGH, MA 01752
Parcel Number: 70-299 CAMA Number: 70-299-35-10 Property Address: 35 HIGH ST #10	Mailing Address: BOAVENTURA GILMAR M 62 GREENWOOD ST MARLBOROUGH, MA 01752
Parcel Number: 70-299 CAMA Number: 70-299-35-11 Property Address: 35 HIGH ST #11	Mailing Address: CHENG JOHN Y 10 LAVELLE LN FRAMINGHAM, MA 01701
Parcel Number: 70-299 CAMA Number: 70-299-35-12 Property Address: 35 HIGH ST #12	Mailing Address: SINGHAL AMEETA 20 HAMPSHIRE RD WAYLAND, MA 01778
Parcel Number: 70-299 CAMA Number: 70-299-35-13 Property Address: 35 HIGH ST #13	Mailing Address: BOAVENTURA MARCELO L 35 HIGH ST #13 MARLBOROUGH, MA 01752
Parcel Number: 70-299 CAMA Number: 70-299-35-14 Property Address: 35 HIGH ST #14	Mailing Address: AGUADO WALDEMAR P 35 HIGH ST #14 MARLBOROUGH, MA 01752
Parcel Number: 70-299 CAMA Number: 70-299-35-15 Property Address: 35 HIGH ST #15	Mailing Address: JACQUES ELIZABETH A 35 HIGH ST #15 MARLBOROUGH, MA 01752
Parcel Number: 70-299 CAMA Number: 70-299-35-16 Property Address: 35 HIGH ST #16	Mailing Address: BARBATO MICHAEL J 16 MILFORD RD #1 SOUTH GRAFTON, MA 01519
Parcel Number: 70-299 CAMA Number: 70-299-35-17 Property Address: 35 HIGH ST #17	Mailing Address: MADISON CRAIG J 35 HIGH ST #17 MARLBOROUGH, MA 01752
Parcel Number: 70-299 CAMA Number: 70-299-35-18 Property Address: 35 HIGH ST #18	Mailing Address: HURLEY WILLIAM E TR 43 JOYCE ST SOUTH YARMOUTH, MA 02664
Parcel Number: 70-299 CAMA Number: 70-299-35-2 Property Address: 35 HIGH ST #2	Mailing Address: ZADEH ALI M 35 FOREST LN HOPKINTON, MA 01748-3201
Parcel Number: 70-299 CAMA Number: 70-299-35-3 Property Address: 35 HIGH ST #3	Mailing Address: VAZ KAREN 3 LILLIAN RD FRAMINGHAM, MA 01701



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7/10/2018

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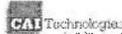
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# 400 foot Abutters List Report

Marlborough, MA  
July 10, 2018

Parcel Number: 70-299 CAMA Number: 70-299-35-36 Property Address: 35-35 HIGH ST	Mailing Address:
Parcel Number: 70-299 CAMA Number: 70-299-35-4 Property Address: 35 HIGH ST #4	Mailing Address: SCOTT BALLETT LLC 13 TEMI RD CHELMSFORD, MA 01824
Parcel Number: 70-299 CAMA Number: 70-299-35-5 Property Address: 35 HIGH ST #5	Mailing Address: ROCHE ROSEMARY F 35 HIGH ST #5 MARLBOROUGH, MA 01752
Parcel Number: 70-299 CAMA Number: 70-299-35-6 Property Address: 35 HIGH ST #6	Mailing Address: BOAVENTURA GILMAR M 62 GREENWOOD ST MARLBOROUGH, MA 01752
Parcel Number: 70-299 CAMA Number: 70-299-35-7 Property Address: 35 HIGH ST #7	Mailing Address: MALVESTI ROSEMARIE B 35 HIGH ST #7 MARLBOROUGH, MA 01752
Parcel Number: 70-299 CAMA Number: 70-299-35-8 Property Address: 35 HIGH ST #8	Mailing Address: RODRIGUES JOHN M 35 HIGH ST #8 MARLBOROUGH, MA 01752
Parcel Number: 70-299 CAMA Number: 70-299-35-9 Property Address: 35 HIGH ST #9	Mailing Address: GREGERS-HANSEN VILHELM 7709 MAID MARIAN CT ALEXANDRIA, VA 22306
Parcel Number: 70-300 CAMA Number: 70-300 Property Address: SPRINGHILL AVE	Mailing Address: ANDRADE JAMIE 5 SPRINGHILL AVE MARLBOROUGH, MA 01752
Parcel Number: 70-300A CAMA Number: 70-300A Property Address: 7 SPRINGHILL AVE	Mailing Address: GAUVIN JANET E 7 SPRINGHILL AVE MARLBOROUGH, MA 01752
Parcel Number: 70-301 CAMA Number: 70-301 Property Address: 23 HIGH ST	Mailing Address: BRAMBERG VANESSA C 23 HIGH ST MARLBOROUGH, MA 01752
Parcel Number: 70-302 CAMA Number: 70-302 Property Address: 24 HIGH ST	Mailing Address: MAGAN ENRIQUE O 24 HIGH ST MARLBOROUGH, MA 01752
Parcel Number: 70-303 CAMA Number: 70-303 Property Address: 20 HIGH ST	Mailing Address: FARLEY PATRICIA ANN 20 HIGH ST MARLBOROUGH, MA 01752



www.cai-tech.com

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

7/10/2018

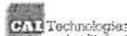
Page 7 of 9



## 400 foot Abutters List Report

Marlborough, MA  
July 10, 2018

Parcel Number: 70-304 CAMA Number: 70-304 Property Address: 18 HIGH ST	Mailing Address: DUMAIS GERALD L 6 HIGH ST MARLBOROUGH, MA 01752
Parcel Number: 70-305 CAMA Number: 70-305 Property Address: 14 HIGH ST	Mailing Address: DUMAIS GERALD L 6 HIGH ST MARLBOROUGH, MA 01752
Parcel Number: 70-306 CAMA Number: 70-306 Property Address: 12 HIGH ST	Mailing Address: DUMAIS GERALD 6 HIGH ST MARLBOROUGH, MA 01752
Parcel Number: 70-307 CAMA Number: 70-307 Property Address: 10 HIGH ST	Mailing Address: HIGGINS JEFFREY PO BOX 805 NORTHBOROUGH, MA 01532
Parcel Number: 70-308 CAMA Number: 70-308 Property Address: 6 HIGH ST	Mailing Address: DUMAIS GERALD L 6 HIGH ST MARLBOROUGH, MA 01752
Parcel Number: 70-309 CAMA Number: 70-309 Property Address: 4 BROWN ST	Mailing Address: DUMAIS GERALD 6 HIGH ST MARLBOROUGH, MA 01752
Parcel Number: 70-310 CAMA Number: 70-310 Property Address: 16 BROWN ST	Mailing Address: MAYERS FELIX U 169 RAYMOND RD MARLBOROUGH, MA 01752
Parcel Number: 70-310A CAMA Number: 70-310A Property Address: 12 BROWN ST	Mailing Address: DUMAIS GERALD L 6 HIGH ST MARLBOROUGH, MA 01752
Parcel Number: 70-311 CAMA Number: 70-311 Property Address: 2 HIGH ST	Mailing Address: BRIGGS KRIS O 11 BYRON RD ASHLAND, MA 01721-2037
Parcel Number: 70-312 CAMA Number: 70-312 Property Address: 17 HIGH ST	Mailing Address: VEGA CONCEPCION 17 HIGH ST APT 1 MARLBOROUGH, MA 01752
Parcel Number: 70-313 CAMA Number: 70-313 Property Address: 5 SPRINGHILL AVE	Mailing Address: ANDRADE JAMIE 5 SPRINGHILL AVE MARLBOROUGH, MA 01752
Parcel Number: 70-314 CAMA Number: 70-314 Property Address: 11 HIGH ST	Mailing Address: VALLAS THOMAS G P O BOX 1045 MARLBOROUGH, MA 01752



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7/10/2018

Page 8 of 9



## 400 foot Abutters List Report

Marlborough, MA  
July 10, 2018

Parcel Number: 70-315 CAMA Number: 70-315 Property Address: 9 HIGH ST	Mailing Address: RISI PHILLIP J & UX C/O SELECT PORTFOLIO SERVICING 3217 S DECKER LAKE DR SALT LAKE CITY, UT 84119
Parcel Number: 70-316 CAMA Number: 70-316 Property Address: 3 HIGH ST	Mailing Address: DUMAIS JERRY L 6 HIGH ST MARLBOROUGH, MA 01752
Parcel Number: 70-383 CAMA Number: 70-383 Property Address: 1 EAST MAIN ST	Mailing Address: SAHAJANAND REALTY LLC 29 ANDOVER COUNTRY CLUB LN ANDOVER, MA 01810
Parcel Number: 70-44 CAMA Number: 70-44 Property Address: 17 DEVENS ST	Mailing Address: LANDRAU NELSON 17 DEVENS ST MARLBOROUGH, MA 01752
Parcel Number: 70-46 CAMA Number: 70-46 Property Address: 15 DEVENS ST	Mailing Address: HICKEY LISA M 243 UPLAND RD NEWTON, MA 02460
Parcel Number: 70-47 CAMA Number: 70-47 Property Address: 22 WASHINGTON ST	Mailing Address: VILIMAITIS ANGELA M 22 WASHINGTON ST MARLBOROUGH, MA 01752



[www.cai-tech.com](http://www.cai-tech.com)

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7/10/2018

Page 9 of 9

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Marlborough TOTG, LLC Address: PO Box 372, Harvard, MA 01451

Project Name: Tavern on the Green Address: 57 Main Street

1. PROPOSED USE: (describe) Tavern on the Green is a mixed-use project containing a total of 86,600 square feet of space within a 5-story building. The building will include basement and ground level parking, ground floor office/retail/restaurant space of 11,400 square feet and 55 residential units on floors 2 – 5. above. The project includes a total of 83 parking spaces in a lower level garage as well as surface parking at the rear/under building.

2. EXPANSION OR NEW: NEW

3. SIZE: floor area sq. ft. 20,200 1st floor 11,400 all floors 86,600

# buildings 1 # stories 5 lot area (sf.) 38,505

4. LOT COVERAGE: 84% Landscaped area: 16%

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

Normal: 120 Peak period: 260

6. TRAFFIC: (A) Number of vehicles parked on site:

During regular hours: 60 Peak period: 83

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

Estimate at 6 daily pending final mix of tenants; daily delivery of restaurant supplies, weekly cleaning and supplies for residential and other commercial tenants.

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Limited lighting on the exterior of building that would be leaving the property. Featured "up" lighting primary source.

8. NOISE: (A) Compare the noise levels of the proposed development to those that exist in the area now. Limited noise increase from current usage.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Seasonal noise increase if outdoor patio is completed with the project as proposed.

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

10. WATER AND SEWER: Describe any unusual generation of waste. N/A

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? \_\_\_\_\_

No contemplated Hazardous Waste

\*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: 24 Sept 2018

**SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Tavern on the Green

Project Use Summary: Mixed Use

Project Street Address: 57 Main Street

Plate: 70 Parcel: 291, 293, 294

Applicant/Developer Name: Marlborough TOTG, LLC

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

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

Very truly yours,

  
Jeffrey K. Cooke  
Acting Director of Planning

Application Fee to submit to City Clerk's office

~~\$2100~~ - JKC  
\$1600 -

**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 MLC
- 1 SET FIRE CHIEF JRM
- 1 SET CITY ENGINEER ✓ KH
- 1 SET DIRECTOR OF PLANNING MA
- 1 SET CONSERVATION OFFICER (IF WETLANDS AFFECTED) \_\_\_\_\_
- 1 SET BUILDING COMMISSIONER MA
- 12 SETS OFFICE OF THE CITY COUNCIL LM
- 3 SETS OFFICE OF THE CITY CLERK \_\_\_\_\_ (**MUST be Original** & 2 Complete Sets)

[Signature]  
Signature

9/20/18  
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

Marlborough TOTG, LLC

Owner Name/Officer Name of LLC or Corporation

Mark C. O'Hagan, Mgr/Member

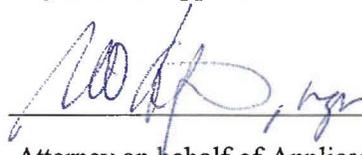
Owner/Officer Complete Address and Telephone Number

PO Box 372

Harvard, MA 01451

508-395-1211

Signature of Applicant



Attorney on behalf of Applicant, if applicable (N/A)

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

Eileen Brustle

Tax Collector



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 OCT -2 P 2:46

September 19, 2018

**HAND DELIVERED**

Marlborough City Council  
City Hall  
Marlborough, MA 01752

**RE: Site Plan Approval Application for Tavern on the Green; 57 Main Street**

Dear Council Members:

Attached please find a Site Plan Review Application package for a mix use development proposed for 57 Main Street in the Marlborough Village District. The project consists of a 86,600 square foot, 5-story building with 55 residential units, approximately 11,000 square feet of office & restaurant space on the ground floor and 83 parking spaces in a basement level garage and ground floor locations.

We are seeking a waiver as outlined in Section 650-34 H(4) of the Marlborough Village District. Based upon the 55 residential units proposed we are to provide 5,500 square feet of Open Space which can be split between private decks for residents and ground level common open space. Although we are providing more than the minimum area, based upon a strict interpretation of the bylaw we need to request the waiver. Specifically, we provide a total of 6,381 square feet of private unit deck space; we provide an additional 1,860 square feet of common area for resident use only at the 2<sup>nd</sup> floor lounge; lastly, we provide 2,898 of ground level open space not designated as landscaping or screening. However, the ground level space is literally what is left over of green space and not truly a usable area for residents. We also provide approximately 1,300 square feet of exterior open space designated for restaurant usage which cannot be used as part of the calculations. Overall, we provide nearly 12,500 square feet of open space decks, patios and green space and respectfully request the City Council waive the strict adherence to the section.

We are also submitting an application for a Special Permit from the City Council for an increase in the lot coverage area to allow for a restaurant associated patio area adjacent to the sidewalk. This area is reflected on the attached project plans.

Please advise if you need any additional materials. We look forward to working with the City of Marlborough.

Sincerely,

 A handwritten signature in blue ink, appearing to read "Mark C. O'Hagan", is written over a printed name.
 

Mark C. O'Hagan, President

MCO & Associates, Inc.

MCO & Associates, Inc., 206 Ayer Road, Suite 5, P.O. Box 372, Harvard, MA 01451  
Phone: 978-456-8388 FAX: 978-456-8986

# CITY OF MARLBOROUGH

## CITY COUNCIL SITE PLAN APPROVAL APPLICATION

### TAVERN ON THE GREEN

57 MAIN STREET  
MARLBOROUGH, MA



SUBMITTED BY:

MCO & ASSOCIATES, INC.  
MARK C. O'HAGAN  
PO BOX 372  
HARVARD, MA 01451  
508-395-1211

*City of Marlborough*

SITE PLAN APPROVAL APPLICATION  
(For Non-Residential and Major Residential Projects)

Type of Hearing (check one)

Major Renovation  Minor Renovation

*Please Print*

DATE: September 13, 2018

**PROJECT**

Name of facility: Tavern on the Green

Address: 57 Main Street

Assessor's Map No. 70 Parcel No. 291, 293, 294

**APPLICANT**

Name: Marlborough TOTG, LLC

Address: PO Box 372, Harvard, MA 01451

Telephone: 508-395-1211 Fax: 978-456-8986

Email: markohagan@mcoassociates.com

**OWNER'S CONSENT**

If applicant is not the owner, is written consent of the owner or owner's agent attached

YES  NO

**PROPERTY OWNER**

Name: John P. Rowe Funeral Home, Inc (John P. Rowe, Jr. and J. Peter Rowe)

Address: c/o Douglas Rowe (Esq.), 21 Cotting Avenue, Marlborough, MA 01752

Telephone: 508-485-5555 Fax: 508-485-8888

Email: djr@rowelawoffice.com

**APPLICANT'S ENGINEER (preparing site plan)**

Name: Bruce Saluk & Associates, Inc.

Address: 576 Boston Post Road East, Marlborough, MA 01752

Telephone: 508-485-1662 Fax: 508-481-9929

Email: Bruce@Salukassoc.com

**APPLICANT'S LANDSCAPE ARCHITECT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**PROJECT INFORMATION**

**PROPOSED USE (see Section 65-5(B) (1))**

Non-Residential

Residential

Provide a brief description of the project; including the proposed type of use, whether expansion or new construction, size of buildings, number of new parking spaces, any unusual utility use or impact on abutters (traffic, noise, lighting, odors, hazardous material, etc.)

---

*Tavern on the Green is a new construction, mixed-use project containing a total of 86,600 square feet of space within a 5-story building. The building will include basement level parking, ground floor office/retail/restaurant space of 11,400 square feet and 55 residential units on floors 2 – 5 above. The project includes a total of 83 parking spaces in a lower level garage as well as surface parking at the rear/under building.*

---

Identify all zoning districts, including overlay zones applicable to this site. The zones must also be shown on the site plan cover sheet. (See Section 270-2 (C) (2) (b) (3)).

ZONING DISTRICT(S) Marlborough Village District

**WHAT OTHER PERMITS REQUIRED (check off which applies)?**

- City Council for Special Permit
  - ZBA Special Permit
  - ZBA Variance
  - Wetlands Protection Act (Conservation)
  - Section 404, Clean Water Act (Army Corps)
  - C 91 Waterways Permit (DEP)
  - Subdivision Control Act (Planning Board)
  - State Curb Cut (MA Highway)
  - Indirect Access Permit (MA Highway)
  - MEPA ENF or EIR (EOEA)
  - Sewer Connection Permit (DPW, City Council, DEP)
  - Street Opening Permit (DPW, Engineering Dept.)
  - Sewer Connection (DPW, City Council, DEP)
  - Other: \_\_\_\_\_
- Blasting Permit (Fire Dept.)
  - Title V Approval (Board of Health)
  - Food Permit (Board of Health)
  - Building Permit (Building Dept.)
  - Sign Permit (Building Dept.)

WHAT IS THE FEDERAL FLOOD INSURANCE RATE ZONE? X ZONE (No Flood Insurance)

**SUBMITTED PLANS AND REPORTS**

See Section 270-2 (C) for submission requirements. Please include a locus map per Section 270-2 (C) (2) (b) (1)

Title of Plan: **Site Plan: Tavern on the Green, 57 Main Street, Marlborough, MA**

Date: **August 1, 2018**

Stamped by: **Bruce Saluk**

**Fee**

- For Minor Site Plan without a building: \$750
- For a Minor Site Plan (with a building under 8,000 square feet): \$1,000, plus \$0.03 a square foot of building gross floor area
- For a Major Site Plan (with a building over 8,000 square feet): \$2,000, plus \$0.06 square feet per square feet of building gross floor area.  $86,600 \times .06 = 4,830 + 2,000 = \mathbf{\$7,196}$
- Checks made payable to: *City of Marlborough*

# PUBLIC NOTICE

Applicants for Site Plan Approval under Chapter 270-2 of the Marlborough City Code must publish a public notice in a newspaper of local circulation at least once within two weeks of filing an application using the format below. A copy of the public notice must be submitted with the application. Applications for Site Plan Approval shall not be certified as complete unless the public notice is properly published.

Date of Publication: \_\_\_\_\_  
Name of Newspaper: \_\_\_\_\_  
(Form of Notice attached)

## HISTORIC BUILDING NOTICE

Is the site within 250 feet of any building, cemetery or monument built before 1850? NO YES

If in doubt, ask the Historic Commission (508-481-2400). If the answer is YES, send a photocopy notice and one copy of the site plans (excluding utilities) to:

Chairman, Historic Commission  
City Hall  
Marlborough, MA 01752

## APPLICANT'S SIGNATURE

 \_\_\_\_\_  
Applicant's Representative Signature Date Sept 19, 2018

Applicant shall submit this form to the Building Dept with all required plans (8 copies of plans, 4 copies of Traffic and Drainage reports) after a "Preapplication Review" with the City reviewing Authority at which most requirements can be examined and discussed.

The applicant maybe required to attend a Preliminary scoping session with the Site Plan Review Committee prior to submitting this form.

-----  
**Office use only:**

Date Received: \_\_\_\_\_  
Site Plan Number: \_\_\_\_\_

## SITE PLAN APPROVAL PUBLIC NOTICE FORM

---

Applicants for Site Plan Approval under Chap 270\_2 of the Marlborough City Code must publish a public notice once in a newspaper of local circulation, using the format below at least once within two weeks of filing an application. A copy of the public notice must be submitted to the Building Dept with the application for Site Plan Approval.

Metrowest Daily News, Framingham 01701  
Advertising: Fax: 1-781-453-6650

### City of Marlborough

#### Public Notice of Site Plan Submission

A proposed site plan has been submitted for the following project and is available for public inspections during regular business hours at the office of the Building Inspector, City Hall, Second Floor, 140 Main Street, Marlborough, MA 01752

Project Name and Type or Use: **Tavern on the Green – Mix Use New Construction**

Project Street Address: **57 Main Street**

Applicant's Name: **Marlborough TOTG, LLC**

The City will accept public comments in written form until 14 days from the date of this publication. This notice is published in accordance with the City Code, Chapter 270 - 2 Site Plan Review and Approval.



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CITY OF MARLBOROUGH

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

2018 OCT -5 P 1:45

**AGREEMENT TO EXTEND  
TIME LIMITATIONS**

Order No.18-1007320

Application for Special Permit by Christopher White to construct a 24'x26' garage on a Nonconforming Lot located at 22 Brimsmead Street  
-REFER TO URBAN AFFAIRS COMMITTEE  
**PUBLIC HEARING: August 27, 2018**

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

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on **December 20, 2018**.

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

By: Christopher White  
Christopher White  
**Petitioner**



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CITY OF MARLBOROUGH

2018 SEP 28 P 4:17

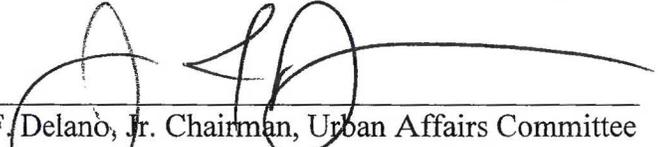
CITY OF MARLBOROUGH  
*Office of the City Council*  
140 Main Street  
Marlborough, Massachusetts 01752  
(508) 460-3711 TDD (508) 460-3610

**AGREEMENT TO EXTEND  
TIME LIMITATIONS**

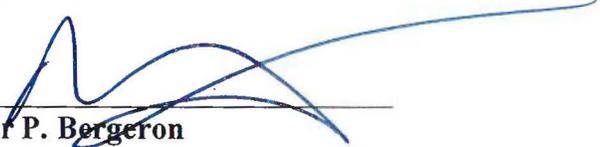
Order No.18-1007318  
Application for Special Permit by Garden Remedies  
416 Boston Post Road East

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

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on **December 4, 2018**

By:   
Joseph F. Delano, Jr. Chairman, Urban Affairs Committee

acting on behalf of, and at the direction of,  
the special permit granting authority:  
**Marlborough City Council**

By:   
**Atty. Arthur P. Bergeron**  
**For Petitioner**



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CITY OF MARLBOROUGH

2018 OCT -1 P 4: 22

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

**AGREEMENT TO EXTEND  
TIME LIMITATIONS**

Order No.18-1007314

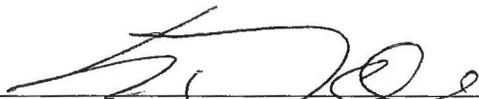
Application for Special Permit from Avalon Marlborough II, Luxury Apartment Community located on a portion of 200 Forest Street in the Results Way Mixed Used Overlay District, to increase the number of units from 350 to 473 (increase of 123 units)

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

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on **December 20, 2018**

By: \_\_\_\_\_  
Edward J. Clancy, City Council President

acting on behalf of, and at the direction of,  
the special permit granting authority:  
**Marlborough City Council**

By:  \_\_\_\_\_  
Scott Dale, SVP of Development

**For Petitioner  
AvalonBay Communities, Inc.**

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CITY OF MARLBOROUGH

2018 OCT -5 P 3:09

*goulston&storrs*  
counsellors at law

Brian W. Dugdale  
bdugdale@goulstonstorrs.com  
617-574-6532 Tel

October 5, 2018

EMAIL AND OVERNIGHT DELIVERY

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

**Re: Request to Extend Sewer Connection Permit for the Campus at  
Marlborough – 100 Campus Drive, Marlborough, Massachusetts**

Dear President Clancy:

On behalf of Hines Global REIT Marlborough Campus I LLC (the “**Applicant**”) and in connection with proposed development of Phase Two of the Campus at Marlborough (the “**Campus**”), we are pleased to submit this request to the Marlborough City Council (the “**Council**”) for extension of an existing Sewer Connection Permit. Approval of this request will enable the Applicant to continue its efforts to develop the Campus and attract new business to the City of Marlborough.

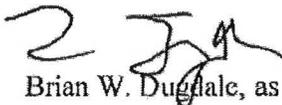
The first phase of the Campus was constructed in the 1990s and consists of four buildings containing approximately 532,000 square feet of commercial office space inclusive of approximately 57,000 square feet of amenities, including a full-service cafeteria, a fitness center and a conference center with a 300-seat auditorium, along with approximately 1,494 parking spaces. On December 19, 2005, the Council granted a Sewer Connection Permit, which was extended by the City Council until December 2, 2018 (as so extended, the “**Existing Sewer Permit**”). The Existing Sewer Permit, together with a Site Plan Permit (the “**Site Plan Permit**”) granted by the Marlborough Site Plan Review Committee on November 22, 2005, allowed for development of the Campus’s second phase, which is planned to include five (5) new buildings containing approximately 650,000 square feet of office space, and 2,528 net new surface and structured parking spaces. At this time, the Applicant proposes no changes to the development plans for Phase Two, except all final construction plans will be updated to ensure compliance with current stormwater rules and regulations.

Over the past several weeks, the Applicant has worked with City staff to extend the Site Plan Permit and the Existing Sewer Permit to facilitate development of Phase Two at the Campus. Based on discussions between the Applicant and City staff, we have requested that the Site Plan Review Committee vote to extend the Site Plan Permit for two years, until December 2, 2020. On October 5, 2018, the City's Department of Public Works confirmed that sewer capacity for the project still remains. Therefore, we respectfully request an additional extension of the Permit through December 2, 2020, to facilitate marketing efforts and advance to construction of Phase 2.

We have enclosed the 2005 Sewer Connection Permit, together with the most recent extension. Upon your review and confirmation that this request is complete and otherwise in order, we would appreciate your assistance in coordinating with the Council.

Thank you.

Very truly yours,



Brian W. Duggale, as Attorney for the Applicant

Enclosures:

Existing Sewer Connection Permit  
2016 Extension of Sewer Connection Permit

cc: Mayor Arthur Vigeant  
City Council, c/o Karen Boule, Council Secretary  
Priscilla Ryder, Conservation Officer  
John Ghiloni, Commissioner, DPW  
Michele Mochnoc Higgins, Assistant Commissioner, DPW  
Thomas DiPersio, City Engineer, DPW  
Michael Francis, Hines  
Greg Brown, Hines  
Peter Tamm, Goulston & Storrs



## IN CITY COUNCIL

Marlborough, Mass., ~~DECEMBER 19, 2005~~ 20

**ORDERED:**

### **Marlborough Campus Limited Partnership (Applicant)**

**In accordance with the provisions of the Code of the City of Marlborough Chapter 161 section 161-4, the City Council grants a sewer connection permit to the Applicant its successors and assigns for use at The Campus at Marlborough Phase II Assessors Map 111 parcel 1 under the following terms and conditions:**

That the application of Marlborough Campus Limited Partnership, 100 Campus Drive for a Sewer Connection Permit be and is herewith APPROVED with the following conditions

**A. Permit Gallons Per Day:** Fifty Thousand Two Hundred Thirty Two (50,232 GPD) Gallons Per Day.

**B. Conditions: 1. Permit Period:** The Permit Period is for sixty months from date of City Council approval.

**2. Permit Period Extension:** Upon issuance of the first building permit, the Permit Period will be extended for an additional period of two years;

**3. Right to Recapture:**

a. After two years and for the balance of the permit period as may be extended, the City may recapture up to, but no more than, twenty thousand (20,000 GPD) gallons per day to be transferred to actual users.

b. The recapture will be incremental, meaning, if a user only needs 10,000 GPD, that amount will be recaptured leaving the balance of the recapture amount of 10,000 GPD for the applicant or for another identified user any time after the end of the said first two years.

c. As a condition of the recapture, the Applicant will be reimbursed its original actual mitigation cost for the specific number of gallons recaptured. That cost to be paid for by the new user through the City of Marlborough.

**4. The Permit with conditions runs with the land.**



## IN CITY COUNCIL

---

Marlborough, Mass., DECEMBER 19, 2005 20

**ORDERED:**

5. In the event the Applicant has not used all of the permitted gallons at the end of the permit period or the extended permit period and the gallons have not been recaptured under provisions of paragraph 3. above, the permit period will end and the City of Marlborough will reimburse the Applicant for any unused sewer capacity remaining in the permit at the rate of eight (\$8.00) dollars per gallon.
  
6. Although the Applicant has committed to performing work identified in the Westerly Wastewater Treatment Plant Sewer System Evaluation Survey performed by Camp Dresser & McKee Inc. (CDM) in 2004, it proposes to pay the City at the rate of eight (\$8.00 pg) dollars per gallon and for the City to assume the obligation of having the work performed. The total payment would be four hundred one thousand eight hundred fifty-six (\$401,856.00) dollars. Payment would be made upon the perfection of the permit by vote of the City Council and final approval by DEP.
  
7. In all other respects the Applicant shall comply with the provisions of the City of Marlborough Interim Sewer Connection Policy for the Westerly Wastewater Treatment Plant.

ADOPTED  
 In City Council  
 Order No. 05-100959A

A TRUE COPY  
 ATTEST:

*Jo Ann E. Bayardelle*  
 City Clerk-

(1)

16-100

ORDER

No. 6705A

Request to extend term  
limits on Sewer Connection  
Permit for the Campus  
at Marlborough, 100 Campus Dr.

Approved

In City Council

November 28, 2016

Adopted

Attest:

Jan M. Hooper

Clerk.

Approved

Arthur Lynch

Mayor.

MAYOR'S OFFICE

RECEIVED <sup>TJB</sup>

DATE 11-30-16

*DR*



# IN CITY COUNCIL

NOVEMBER 28, 2016

Marlborough, Mass., \_\_\_\_\_

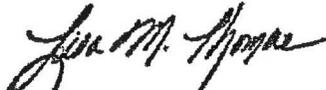
**ORDERED:**

That the Communication from Attorney Twohig, on behalf of Hines Global REIT Marlborough Campus I LLC, to extend sewer connection permit for Campus at Marlborough, 100 Campus Drive to December 2, 2018, be and is herewith **APPROVED**.

ADOPTED  
In City Council  
Order No. 16-1006705A

Approved by Mayor  
Arthur G. Vigeant  
Date: December 1, 2016

TRUE COPY  
ATTEST:

  
City Clerk

October 9, 2018

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 OCT -9 P 1:45

City Clerk  
City Hall  
140 Main Street  
Marlborough, MA 01752

Marlborough City Council,

Please approve for Grant purposes the following plan:

To install 775' of 6" IP plastic gas main as a system improvement on Stow Rd. in Marlborough as follows.

**Stow Rd. – from the intersection of Simpson RD to the intersection of Fitzgerald RD**

Respectfully,

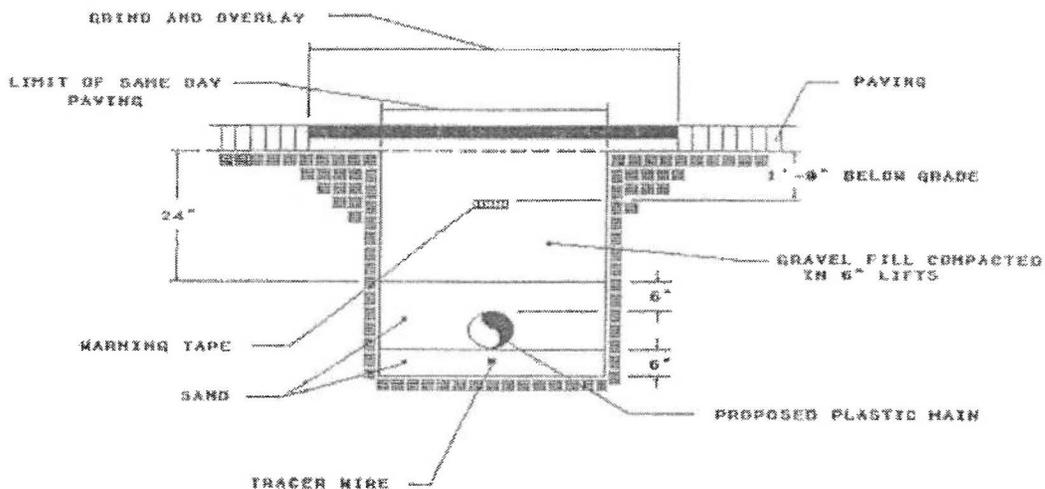
Steven Smith      *JIM BIRNIE*  
Manager Gas Construction  
Eversource Energy  
157 Cordaville Rd  
Southborough, MA 01772  
(508) 305-6962  
Email: Steven.Smith@eversource.com



One NSTAR Way  
Westwood, Massachusetts 02090

TYPICAL TRENCH DETAIL

NOT TO SCALE



*Abutters Stow Rd from Simpson to Fitzgerald*  
**MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	ST Zip	Parcel Location
20	37			OLIVEIRA FLAVIANO L	LYBIANE FERNANDES BRANDAO OLIVEIRA	196 MILES STANDISH DR	MARLBOROUGH	MA 01752	196 MILES STANDISH DR
20	3A			FIGUEIREDO WEBERTON TR	STOW ROAD REALTY TRUST	460 STOW RD	MARLBOROUGH	MA 01752	460 STOW RD
20	4A			MCCABE ROBERT L JR	COLLEEN M MCCABE	467 STOW RD	MARLBOROUGH	MA 01752	467 STOW RD
20	4B			FOLK J MICHAEL	ANN G FOLK	463 STOW RD	MARLBOROUGH	MA 01752	463 STOW RD
20	60			CHESNAIS PASCAL		450 STOW RD	MARLBOROUGH	MA 01752	450 STOW RD
20	61			KANE JOHN T TR	BARBARA A KANE TR	410 STOW RD	MARLBOROUGH	MA 01752	410 STOW RD
20	62			FUSCO MICHAEL C	MEGAN FUSCO	50 EVERGREEN LN	MARLBOROUGH	MA 01752	50 EVERGREEN LN
20	64			FILLMORE DEBORAH TR	FILLMORE LIVING TRUST	415 STOW RD	MARLBOROUGH	MA 01752	415 STOW RD
20	65			SEYMOUR JEANNETTE L	RICHARD M SEYMOUR	425 STOW RD	MARLBOROUGH	MA 01752	425 STOW RD
20	66			DILLING RAYMOND D	ANASTASIA I DILLING	441 STOW RD	MARLBOROUGH	MA 01752	441 STOW RD
20	82			MATTIOLI ROBERT E	MARY B MATTIOLI	424 SIMPSON RD	MARLBOROUGH	MA 01752	424 SIMPSON RD
20	137			POWELL MATTHEW D	WENDY B POWELL	492 STOW RD	MARLBOROUGH	MA 01752	492 STOW RD
20	63A			PARKER BRIAN A	CAROL PARKER	428 STOW RD	MARLBOROUGH	MA 01752	428 STOW RD
33	12			ARMSTRONG HONORA		371 STOW RD	MARLBOROUGH	MA 01752	371 STOW RD
33	13			REITZ ADAM J		19 FITZGERALD RD	MARLBOROUGH	MA 01752	19 FITZGERALD RD
33	24			VANZANDT RICHARD LEE		16 FITZGERALD RD	MARLBOROUGH	MA 01752	16 FITZGERALD RD
33	25			GAROFALO STEPHEN J TR	ELIZABETH T GAROFALO SMC REALTY TRU	159 SHAWMUT AVE	MARLBOROUGH	MA 01752	389 STOW RD
33	27			ENOS KERRY L		394 STOW RD	MARLBOROUGH	MA 01752	394 STOW RD
33	30			SCHMIDT WILLIAM G	DEBORAH A SCHMIDT	397 STOW RD	MARLBOROUGH	MA 01752	397 STOW RD
33	123			CHILDS MICHAEL D	FRANCES COUTINHO	32 EVERGREEN LN	MARLBOROUGH	MA 01752	32 EVERGREEN LN

**MARLBOROUGH ASSESSORS**

*Anthony C. Amore*  
*William K. Silverstein*  
*Janet May De*

20

OLIVEIRA FLAVIANO L  
LYBLANE FERNANDES BRANDAO OLIVEI  
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MARLBOROUGH, MA 01752

20

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MARLBOROUGH, MA 01752

33

CHILDS MICHAEL D  
FRANCES COUTINHO  
32 EVERGREEN LN  
MARLBOROUGH, MA 01752



# Marlborough Public Schools

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2018 SEP 26 A 9 42

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

## Call to Order

September 11, 2018

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Mrs. Bodin–Hettinger, Mr. Walter, Mrs. Matthews, Mrs. Ryan, Mrs. Hennessy, and Mr. Geary. Also present were Superintendent Michael Bergeron, Assistant Superintendent of Teaching and Learning, Mary Murphy, Director of Finance and Operations Douglas Dias, MEA Representative Rupal Patel, and Administrative Support Christine Martinelli.
2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.
3. **Presentation:**
  - A. **N K & A Presentation,** Victoria Nessen and Dwight Garland, from N K & A, gave a short presentation on what they have done so far to help promote Marlborough Public Schools and the City. They spoke of strategies to raise the schools and City's profiles and showcase all the great things happening in our district. Their focus will be putting the right information online for realtors, relocation services, nesting millennials and residents to see. This information will highlight all the positive aspects of the district and the things we are proud of. In their next steps they will develop material for realtors, make quarterly videos for the schools and align all the websites. Several School Committee members asked clarifying questions about the role social media could play, utilizing outdoor postings, and the material given to realtors.
4. **Committee Discussion/Directives: None**
5. **Communications: None**
6. **Superintendents Report:**

Superintendent Bergeron began his report, thanking all the new administrators for attending the School Committee meeting. He then thanked all the MPS staff for a successful start to the 2018 – 2019 school year.

[www.mps-edu.org](http://www.mps-edu.org)



# Marlborough Public Schools

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## **School Committee**

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

The Superintendent asked the committee to accept his entry plan and informed them that September 25<sup>th</sup>, he will be presenting his goals for the evaluation plan. Included in the packet were Information/Handouts for the Superintendents Entry Plan and it is also posted on the MPS website.

On October 2, Commissioner Jeff Riley will be visiting one of our elementary schools and speaking to students and staff. The Superintendent will share further details as they become available. In October, the Department of Elementary and Secondary Education (DESE), will be visiting MPS for a district review. To prepare for this visit, the district is scheduling time to review their 'self – assessment' portion.

Mr. Bergeron thanked everyone at MPS who contributed to the Labor Day parade, holding signs, marching, and the band and music association for their work and the staff who assisted them.

The Superintendent ended his report discussing the three goals set at the beginning of the year. These goals are posted on the MPS website in this School Committee report.

Mrs. Hennessey had a question regarding his goal #2 and Mrs. Bodin-Hettinger needed clarification on the dates for DESE's visit.

### **A. Assistant Superintendent of Teaching & Learning Report:**

Mrs. Murphy began her report on the Induction and Mentoring Program in MPS, with twenty-two first year teachers in the Year One Mentoring Program and seventeen second year teachers in the New Teacher Course. Also listed in her report were the dates for the Year One Seminars and all new teaching staff trainings, starting in September through April.

Preliminary MCAS results were released at the end of August and final MCAS results should be available the end of September.

Assistant Superintendent Murphy ended her report on the back to school Professional Development on August 28<sup>th</sup>. This PD Day was dedicated to allowing each school to meet the goals embedded in their School Improvement Plans. These specific school's goals are posted on the MPS website in this School Committee report.

[www.mps-edu.org](http://www.mps-edu.org)



# Marlborough Public Schools

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## *School Committee*

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

### **7. Acceptance of Minutes:**

#### **A. Minutes of August 28, 2018 School Committee Meeting**

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to approve as submitted, the School Committee minutes of August 28, 2018.

Motion passed 7-0-0.

### **8. Public Participation: None**

### **9. Action Items/Reports:**

#### **A. Superintendent's Entry Plan**

Superintendent Bergeron shared his Entry Plan and in Spring 2019, he will complete and report on the Entry Plan. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to accept the Entry Plan as presented.

Motion passed 7-0-0.

#### **B. Acceptance of Donations and Gifts**

**Benevity Community** donated \$425.00 for the Whitcomb School, matching funds for Intel volunteer activities. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to accept, with gratitude, the \$425.00 donated by Benevity Community.

Motion passed 7-0-0.

**Metrowest Foundation BRYT Transitions Program Grant**, the district applied for and received \$59,683.00 in funding for the Brookline Center for Community Mental Health, whose goal is improving supports for students returning to school while managing a serious emotional challenge. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept, with gratitude, the \$59,683 grant from MetroWest Foundation BRYT Transition's Program.

Motion approved 7-0-0.

**Jaworek Consignment buy-back program with Follett**, \$147.08 was earned by Jaworek Elementary School in a buyback program where MPS's obsolete books were sold to Follett. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept, with gratitude, the \$147.08 paid by Follett for the books purchases.

Motion approved 7-0-0.

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# Marlborough Public Schools

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

**Acosta Sales & Marketing**, celebrating Kindness Week at their company, donated \$500.00 in boxes of school supplies, paper towels, tissues, and cleaning wipes, that will be distributed to all schools. A motion was made by Mrs. Matthews and seconded by Chairman Vigeant to accept, with gratitude, the \$500.00 of school supplies donation from Acosta Sales & Marketing.

Motion approved 7-0-0.

## 10. Reports of School Committee Sub-Committees:

Mrs. Hennessey informed the committee there will be a policy subcommittee meeting on Friday, September 14. Mrs. Matthews was happy to report they have reached a tentative agreement today with the cafeteria unit and they will be ratifying shortly.

## 11. Members' Forum:

Mrs. Hennessey gave a shout out to Jill Morin and all the staff who worked together and made the video for the first day of the school year.

## 12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 8:10 pm.

Motion passed 7-0-0

Respectfully submitted,

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

Heidi Matthews  
 Secretary, Marlborough School Committee

HM/cm

[www.mps-edu.org](http://www.mps-edu.org)

CITY OF MARLBOROUGH MEETING MINUTES

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 OCT -2 P 1:46

**MEETING:** Council on Aging Board of Directors Meeting

**DATE:** June 12, 2018

**TIME:** 8:30 A.M.

**LOCATION:** Sr. Center Conference Rm, 40 New Street, Marlborough, MA

**ATTENDANCE:** Leslie Biggar, Joseph Bisol, Richard Collins, Jim Confrey, Brenda Costa, Richard Cygan, Marie Elwood, Judy Kane, Mike Ossing, Trish Pope

**EXCUSED:** Pat Gallier, Jeanne McGeough

- I. CALL TO ORDER at 8:30 a.m.
- II. MAY 8, 2018 MINUTES were approved.
- III. DIRECTOR'S UPDATE – Trish Pope

The COA budget has been approved.

For Senior Center trips, checks are to be made out to the City of Marlborough.

The contracts have gone out to all of the program teachers. The Center is currently looking for one more instructor.

There will be a lunch & learn on 6/19/18, regarding the City's electric supplier, Colonial Power. Colonial's president, Mark Cappadona, can be reached at 508-485-5858.

The Senior Center's Father's Day event is on Thursday, 6/21/2018. In the past, poor attendance for Mother's Day and Father's Day events has been an issue.

The Senior Center is closed on July 4<sup>th</sup>.

The COA has received a \$3,500 grant from MCOA for age friendly programming.

BayPath has awarded an LBGTQ program grant for Marlborough, Framingham, Natick, Northborough and Hudson (a movable senior center).

IV. BOARD UPDATES

- A. BAYPATH ELDER SERVICES UPDATE – Richard Cygan

See attached BayPath Report (Att. #1).

B. TRANSPORTATION REPORT FOR MAY – Jeanne McGeough

See attached Transportation Report (Att. #2).

V. NEW/OLD BUSINESS

The Mayor's senior dinner went well with 225 people in attendance. Christie Rembetsy was the 2018 Person of the Year.

Work is in progress for getting the Senior Center greenhouse.

VI. DISCUSS SENIOR CENTER ISSUES

Nothing at this time.

VII. CONFIRM SUMMER BOARD MEETINGS BREAK

There will be no board meetings for July and August 2018.

VIII. Meeting adjourned at 9:30 am.

The next board meeting is Tuesday, September 11, 2018 at 8:30 a.m. in the conference room at the Senior Center, 40 New Street, Marlborough, MA.

Respectfully Submitted,

Brenda Costa, Secretary

# Board Meeting Highlights – May 23, 2018

---

## Schedule of Meetings

June 27, 2018

### Area Agency on Aging

The Sudbury Senior Center's NEW shuttle made its debut in April. Fifteen consumers used the shuttle for 40 one-way trips in April. The shuttle runs on Tuesday and Thursday, four times a day along Rt. 20. This is a great start to the shuttle service and we anticipate usage will continue to climb once more consumers utilize it.

### Healthy Living Program – Many scheduled workshops are taking place in various towns.

1. Healthy Eating – Medfield Senior Center
2. Chronic Disease Self-Management – Family Health Center of Worcester (for patients)
3. Chronic Disease Self-Management – Family Health Center of Worcester (for staff)
4. Tomando Control de su Salud - Family Health Center of Worcester
5. Matter of Balance – Foxboro Senior Center
6. Matter of Balance – Millis Senior Center
7. Diabetes Self-Management – The Coolidge at Sudbury
8. Cancer Thriving and Surviving – Marlboro Senior Center

The Board at Mission Spring held a Breakfast for the tenants. There were about thirty to forty people in attendance, including several of our board members. This is an annual event. Everyone had a great time and the breakfast was a big success!

### **Home Care Programs**

Home Care	<b>1145</b>
Over Income	<b>100</b>
<b>Total</b>	<b>1245</b>

**Home Care** (total includes Consumer Directed Care)

### **Town Analysis**

Town	Consumer #	Town	Consumer #
Ashland	<b>45</b>	Natick	<b>122</b>
Dover	<b>2</b>	Northborough	<b>35</b>
Framingham	<b>231</b>	Sherborn	<b>1</b>
Holliston	<b>47</b>	Southborough	<b>14</b>
Hopkinton	<b>30</b>	Sudbury	<b>40</b>
Hudson	<b>79</b>	Wayland	<b>22</b>
Marlborough	<b>88</b>	Westborough	<b>32</b>

## Board Meeting Highlights – May 23, 2018

---

Enhanced Community Options Program (ECOP)	<b>236</b>
Choices Program	<b>118</b>

### **Nutrition - Meal Days - 20**

TOWN		TOTAL	TOWN		TOTAL
Ashland		366	Northborough		186
Dover		20	Sherborn		76
Framingham		3975	Southborough		386
Holliston		553	Sudbury		447
Hopkinton		180	Wayland		454
Hudson		1080	Westborough		402
Marlborough		2039			
Natick		1113			
Total	11,277				

### Nutrition - April 2018 (20 meal days)

Total Home Delivered – 11,277

New HDM consumers – 48

Congregate – 1008

New congregate consumers– 9

Marlborough Supportive Meals – 320 meals    47 consumers

Chinese home delivered meal consumers – 25

Nutrition Intake Assessments – 24

Reassessments - 6

Total # volunteers – 388

Total # volunteer hours– 3,290

MNT (Nutrition Consult) – 6

**MARLBOROUGH SENIOR CENTER TRANSPORTATION REPORT**  
**MONTH OF MAY, 2018**

**TOTAL NUMBER OF TRIPS = 121**

**BROKEN DOWN**

**SUPERMARKET/SHOPPING/RESTAURANTS = 17**

**SENIOR CENTER = 85**

**CITY VAN- OTHER = 37**

**MWRTA = 19**

**EMPLOYMENT OPTIONS = 0**

**NEW APPLICANTS = 13, 7 Female, 6 Male**

**NEW RIDERS = 9**

**RETURNING = 29**

Ad-Hoc Municipal Aggregation Committee

Meeting Minutes – September 27, 2018

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 OCT -4 A 8:02

The Ad-Hoc Municipal Aggregation Committee met on September 27, 2018 from 2:32 PM to 3:10 PM in the Mayor's Conference Room. The following individuals were in attendance:

Ad-Hoc Municipal Committee members:

- Chief Procurement Officer Beverly Sleeper
- Mayor Arthur Vigeant
- City Councilor Michael Ossing (Chairman of the Ad-Hoc Municipal Aggregation Committee)
- Members absent: - DPW Commissioner John Ghiloni and City Council President Ed Clancy

Additional individuals at the meeting:

- City Councilor Dave Doucette
- City Solicitor Don Rider
- Colonial Power Representative Mark Cappadona

The following items were discussed:

1. **Minutes of the March 22, 2018 Ad-Hoc Municipal Aggregation Committee meeting.**
  - The Committee approved the meeting minutes and will submit to the City Council for information.
2. **Council Update.**
  - The Committee was informed that the City Council April 2, 2018 agenda included the City Council notification of the six-month fixed price contract with Public Power from the May 2018 meter reads through November 2018 (Agenda item 8) and the Ad-Hoc Municipal Aggregation Committee meeting minutes of March 22, 2018 (Agenda item 20).
3. **Review the results of the RFP issued in July 2018**
  - The Chief Procurement Officer indicated that Colonial Power was awarded the City's municipal aggregation energy consultant/broker services contract. Colonial Power was the most highly advantageous bidder.
4. **Review bids for the next six months of electricity supply (November 2018 – May 2019 – first meter read will be in December and the final meter read in May 2019):**
  - Colonial Power presented a spreadsheet (Attachment 1) with the three vendors who submitted bids to supply the City with electricity for the six-month period from November 2018 through April 2019.
  - Colonial Power indicated that the National Grid Fixed Basic Service rate for this period will be 0.13718 \$/kWh. The National Grid basic service rate history and Colonial Power's forecast of future National Grid rates are presented in Attachment 2.
  - The Committee reviewed the bids (Attachment 1) and unanimously selected Direct Energy Services, LLC (Direct Energy) as the supplier for the November 2018 to May 2019 period with a 3 – 0 vote. Direct Energy (Supplier 2) was the lowest bidder with a fixed price electricity supply rate of 0.13650 \$/kWh.
  - Assuming a residential customer uses 600 kw/month, the Marlborough resident supplied by Direct Energy would save \$0.41 each month over the National Grid Fixed Basic Service Rate.

- The Committee noted the following:
    - If the resident uses Direct Energy, the 600 kw/month would cost \$81.90 (600 x 0.13650). The corresponding National Grid rate would be \$82.31 (600 x 0.13718) – thus the \$0.41 monthly savings.
    - The Committee noted that the National Grid electricity supply rates are increasing by 26% for the winter period. This was discussed at the committee meeting in March 22, 2018 and forecasted correctly (Attachment 2). This will result in higher electric bills for consumers when compared to the current summer rate from Public Power of 0.10159 \$/kWh. The summer rate for 600 kw/month cost \$60.95 (600 x 0.10159). Therefore, consumers using 600 kw/month of electricity can anticipate a \$20.95 (81.90 – 60.95) increase in the supply side portion of their electricity bill.
  - **Bottom line, the rate for the electricity supply portion of the bill is increasing for the December 2018 – May 2019 period. The residents who participate in the municipal aggregation will save money (though a small amount) over the National Grid Fixed Basic Service Rate.**
  - The Committee acknowledged that if Marlborough residents want to use only “green” Renewable Energy Certificates (RECs) for their electricity, they could contact Direct Energy and have an electricity supply rate of 0.13710 \$/kWh. This information will appear on the City website when Colonial Power has the new rates posted in November.
  - The Committee acknowledged that the electricity supply rates will be going down for the summer period (May 2019 to December 2019) due to the increased gas supply in the region. Based on this, the Committee requested the Chair submit an order to the City Council that will allow longer contracts that may be beneficial over the long run but may be slightly higher than National Grid. **ACTION: M. Ossing**
- 5. Municipal Aggregation for Gas Supply.**
- The Chair contacted the Department of Public Utilities (DPU) regarding municipal aggregation for gas supply. The DPU indicated that there are no municipalities currently with a gas supply municipal aggregation program. The DPU did indicate that consumers can go on the DPU website and can review and select gas suppliers on an individual basis.
- 6. Other Business.**
- The September 27, 2018 Ad-Hoc Municipal Aggregation Committee meeting minutes will be submitted to the City Clerk to be included in a future City Council agenda. **ACTION: M. Ossing**
  - The Chairman will prepare a letter to the City Council informing the Council of the actions of the Ad-Hoc Municipal Aggregation Committee regarding the new rates and vendor for the November 2018 to May 2019 period. **ACTION: M. Ossing**
  - The Chair noted that only one resident is participating in the “green” Renewable Energy Certificates (RECs) for their electricity supply.
  - The Ad-Hoc Municipal Aggregation Committee plans to meet in March 2019 period to discuss residential electricity supply for the period of May 2019 to November 2019.

**Attachment 1:** Spreadsheet with bid summary from three vendors

**Attachment 2:** National Grid rate history and Colonial Power’s forecast of future National Grid rates

\*\*\*\*CONFIDENTIAL\*\*\*\*  
**CITY OF MARLBOROUGH**  
**ALL-REQUIREMENTS RETAIL POWER SUPPLY PRICING MATRIX**  
**COMBINED RATE COMPARISON**

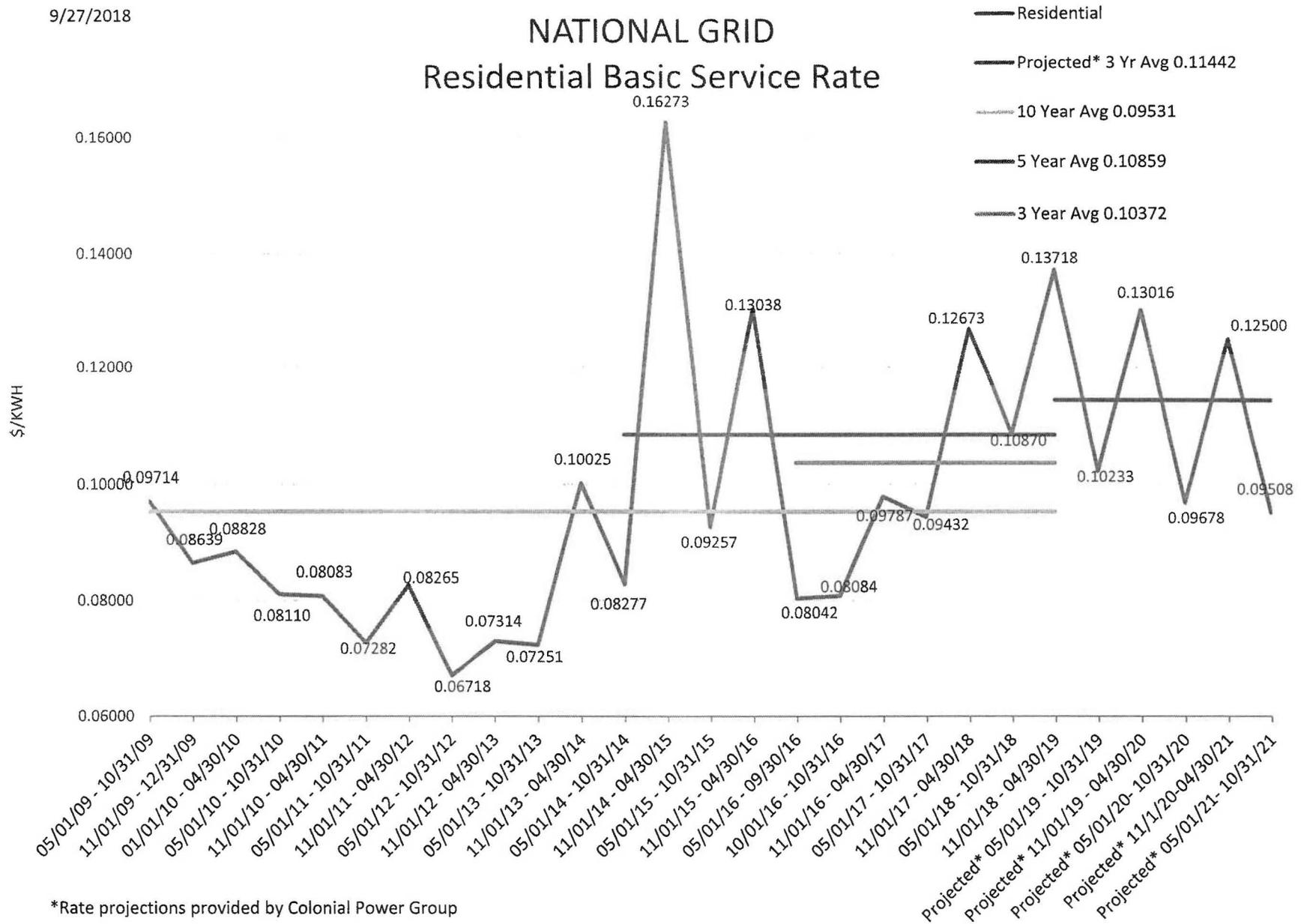
START TERM	END TERM	TERM LENGTH	FIXED PRICE			BASIC SERVICE
			Supplier 1	Supplier 2	Supplier 3	11/1/18-4/30/19 NGRID/WCMA
<b>STANDARD RETAIL ELECTRIC SUPPLY RATE</b>						0.13718
11/1/2018	4/30/2019	6	0.13991	0.13650	0.14087	
11/1/2018	4/30/2019	6	0.13991	0.13650	0.13787	
5/1/2019	10/31/2019	6	0.98080	0.09480	0.09781	
11/1/2018	10/31/2019	12	0.11957	0.11610	0.11783	
11/1/2018	4/30/2020	18	0.12268	0.11830	0.11977	
11/1/2018	10/31/2020	24	0.11539	0.11100	0.11280	
11/1/2018	4/30/2021	30	0.11696	0.11220	0.11983	
11/1/2018	10/31/2021	36	0.11309	0.10740	0.11567	
<b>RETAIL SUPPLY THROUGH PURCHASE OF NATIONAL WIND - 100% Green Product</b>						
11/1/2018	4/30/2019	6	No Bid	0.13710	0.14184	
11/1/2018	4/30/2019	6	No Bid	0.13710	0.13884	
5/1/2019	10/31/2019	6	No Bid	0.09550	0.09878	
11/1/2018	10/31/2019	12	No Bid	0.11670	0.11880	
11/1/2018	4/30/2020	18	No Bid	0.11900	0.12076	
11/1/2018	10/31/2020	24	No Bid	0.11170	0.11381	
11/1/2018	4/30/2021	30	No Bid	0.11290	0.12089	
11/1/2018	10/31/2021	36	No Bid	0.10810	0.11676	
<b>RETAIL SUPPLY THROUGH PURCHASE OF ME CLASS II RECS - 100% Green Product</b>						
11/1/2018	4/30/2019	6	No Bid	0.13800	0.14241	
11/1/2018	4/30/2019	6	No Bid	0.13800	0.13957	
5/1/2019	10/31/2019	6	No Bid	0.09660	0.09950	
11/1/2018	10/31/2019	12	No Bid	0.11780	0.11944	
11/1/2018	4/30/2020	18	No Bid	0.12010	0.12155	
11/1/2018	10/31/2020	24	No Bid	0.11290	0.11469	
11/1/2018	4/30/2021	30	No Bid	0.11410	0.12183	
11/1/2018	10/31/2021	36	No Bid	0.10940	0.11775	
<b>RETAIL SUPPLY THROUGH PURCHASE OF MA CLASS I RECS - 50% More Than Required</b>						
11/1/2018	4/30/2019	6	No Bid	0.13990	0.14122	
11/1/2018	4/30/2019	6	No Bid	0.13990	0.13830	
5/1/2019	10/31/2019	6	No Bid	0.09910	0.09824	
11/1/2018	10/31/2019	12	No Bid	0.11990	0.11822	
11/1/2018	4/30/2020	18	No Bid	0.12300	0.12032	
11/1/2018	10/31/2020	24	No Bid	0.11640	0.11346	
11/1/2018	4/30/2021	30	No Bid	0.11820	0.12057	
11/1/2018	10/31/2021	36	No Bid	0.11400	0.11647	

**THIS PRICING MATRIX IS NOT TO BE RELEASED IN RESPONSE TO A PUBLIC RECORDS REQUEST.**

M.G.L. c. 4, § 7(26)(s). Confidential information submitted to municipalities acting through a municipal aggregator is not considered a "public record" under the Massachusetts public records law and is not required to be disclosed publicly if it is determined that disclosure would adversely affect the ability of the aggregator to conduct business in relation to other suppliers selling power or energy.

9/27/2018

# NATIONAL GRID Residential Basic Service Rate



\*Rate projections provided by Colonial Power Group

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2018 OCT -4 A 9 36

**City of Marlborough  
License Board**

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

**Minutes of the Special License Board Meeting Held Wednesday, August 15, 2018**  
at 12:00 pm, City Hall, 1<sup>st</sup> floor, Council Committee Room.

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

Meeting called to order by Walter Bonin, Chairman at 12:00 PM

**New Business**

**1. ONE DAY PERMIT**

**ITAM – 11 Neil Street**

Member Mitrakas motioned for approval, seconded Chair Bonin

Board vote: 2-0 approved

Motion made to adjourn: 12:10 pm vote: 2-0 for adjournment.

Respectfully submitted,



Walter Bonin, Chairman

ALL RELATED DOCUMENTS CAN BE SEEN IN THE LICENSE BOARD OFFICE

**City of Marlborough**  
**License Board**

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

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2018 OCT -4 A 9 36

**Minutes of the License Board Regular Meeting Held Wednesday, August 22, 2018**  
 at 7:30 pm, City Hall, 1<sup>st</sup> floor, Council Committee Room.

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

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

**New Business**

**1. ONE DAY PERMITS**

**Flying Dreams Brewing Company (1 Permit)** Member Mitrakas motioned for approval;  
 Member Bouvier seconded; Board vote: 3-0 approved

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

**ITAM (6 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

**Kennedy's Market (5 permits)** - Member Mitrakas motioned for approval; Member  
 Bouvier seconded; Board vote: 3-0 approved

**Masonic Hall (2 Permits)** - Member Mitrakas motioned for approval; Member Bouvier  
 seconded; Board vote: 3-0 approved

**2. Entertainment License Discussion - Ginger Garden, 200 Boston Post Road E**

Dennis Pan, Owner/Manager  
 Tabled due to the absence of Mr. Pan

**3. Transfer of Lodging House License – 39 Newton Street**

Marc Resnick

Attorney Michelle Baratta presented the application, along with property manager Ben  
 Harman. Mr. Resnick was out of town.

Member Mitrakas motioned for approval of granting a Lodging License for the property;  
 Member Bouvier seconded; Board vote: 3-0 approved

ALL RELATED DOCUMENTS CAN BE SEEN IN THE LICENSE BOARD OFFICE

**4. Reports from the Chairman –**

- Reported he was still waiting for a status on the two off-premise liquor licenses requested from the legislature and he would follow-up and hopefully report again next month with some news.
- Need to determine if O'Hearn's is closed for good
- Need to determine if Marlboro Market is open

**5. Misc. correspondence and open issues**

Copy of letter from J. Christian Dumais, Ward 3 Councilor to ITAM neighbor regarding recounting issues from July meeting.

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

**6. Review minutes –**

July 25, 2018 meeting minutes and August 15, 2018, special meeting minutes. Member Bouvier motioned to approve the minutes and place on file; Member Mitrakas seconded the motion; Board vote: 3 – 0 to accept the minutes and place on file.

Member Bouvier motioned to adjourn the meeting at 8:14 pm, seconded by Member Mitrakas; Board vote 3-0

The next meeting of the Licensing Board is Wednesday, September 26, 2018.

Respectfully submitted,



Walter Bonin, Chairman

Marlborough Historical Commission  
 October 4, 2018  
 Marlborough Public Library, Reading Room (Lower level)

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 2018 OCT -9 A 7 43

Attendees: Robert Fagone, Alan Slattery, Melanie Whapham

Absent: Samantha Khosla, Lee Wright

The meeting was called to order 7:06 PM

Chair Fagone noted that there were no visitors sitting in at our meeting, and that our last meeting did not hold a quorum: no minutes to review. Chair noted for the record that Melanie Whapham had been approved by the City Council Personnel Committee.

Discussion: Chair informed the committee that he has been in correspondence with State agencies and local residents on a regular basis; that the position of Chair required attention to daily details as well as working up notes for future agenda items. Committee confirmed that historical commission items to be addressed with State and local agencies and with local residents that did "not affect" any individual's rights could be handled by the Chair at his discretion without calling for a public meeting.

Fagone spoke at a recent Marlborough Rotary Club meeting and introduced the idea of historic preservation "by Education", not just historic preservation "by Ordinance." Well received.

Museum in the Streets © as a project is moving along rapidly. A contract has been signed among the 3 principals: City of Marlborough (Marlborough Historical Commission), Marlborough Historical Society, and Museum in the Streets © LLC.

Discussion followed on the "To Do" List last presented at the last quorum session. Committee agreed that we should concentrate on those "to do" items before moving on to newer projects.

- 1) Historic Home Signs. Fagone presented examples from Weston Historical Commission's signage. These signs were simple and attractive. Committee suggested that Weston's examples should be used as templates for Marlborough's Name project. Fagone will be in touch with Assabet Vocational's John Hughes on Wednesday October 10 to discuss specifics of sign development for Marlborough historic homes.
- 2) Melanie Whapham had developed a spread-sheet listing out all historic homes named in the 1994-95 Preservation List. She will begin to condense this list into a more manageable list of "targeted" homes to be preserved that includes "Family Names" and/or "Names of Builders" associated with each structure.
- 3.) Melanie Whapham has condensed the texts of "Demolition Delay Ordinances" from a half dozen surrounding communities to help our Committee see how others are addressing demolition of historic properties as they move ahead with economic development.
- 4.) Melanie Whapham has also developed a draft copy of a proposed Demolition Delay Ordinance (from the above sources) that the Committee will use in preparing a later presentation to the Mayor and the City Council about this subject. This has to be discussed further in Committee before continuing.

5.) Chair spoke with Building Commissioner about pitfalls of Demolition Delay Ordinances in general. He specifically suggested that the Committee begin with preparing a "List" of targeted properties that could be discussed openly as worthy of preservation. See Above.

Discussion "Scenic Roads" Design. Chair presented internet examples of street signs compatible with DPW Marlborough Street Signs. Next contact to be made with DPW. Marlborough has 28 Scenic Roads designated by City Council June 22, 1992.

Discussion: Committee confirmed to keep on track with only Marlborough-based, focused projects.

Next meeting set for November 8, 2018.

No further business, committee adjourned 8:13 PM.

Respectfully submitted  
Raf

Marlborough High School  
School Council  
Meeting Minutes – October 2, 2018

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**2018 OCT -9 P 12: 01**

In attendance – John Travers, Heather Kohn, Sheldon Vigeant, Ann Kinslow, Marlene Manell, Rita Smith, Marcia Adams, Sue Pearl

Absent - Gail Yosca, David Friess, Edson Farias, Darren McLaughlin, Tino Pizzarella

I. Welcome and Introductions

- a) Reviewed agenda.

II. SIP

- a) Goal 1: Strengthen PLCs (Professional Learning Communities). Team-based approach, common planning time, project-based learning (aside on grading team-based projects: 60% team grade, 40% individual grade). PD at beginning of year for all 9<sup>th</sup> grade teachers about team-based approach to teaching. Came up with “Surviving and Thriving”.
- b) Goal 2: Implement school-wide literacy focus: 1/3 students coming out of middle school entering HS below reading grade level (2 levels). These students are doing remedial reading rather than world language as freshmen. 2 reading teachers were hired to work with students identified as significantly below grade level. Research-based vocabulary. Writing with colors.
- c) Goal 3: Deepen level of student personalization to support student academic and social/emotional growth. Small learning communities. Relocation of teachers so that teams are clustered together (9<sup>th</sup> and 10<sup>th</sup> grade teams). Hildreth has advisory period in which students learn soft skills: mindfulness, conflict resolution strategies, take stress reducing walks in morning, executive function skills, organization skills. Heather: action step for goal 3 for panther period – small group, easy time to connect with kids, often is the one place kids will feel comfortable going to a teacher.
- d) Goal 4: Expand early college opportunities with QCC: certification programs (help desk, manufacturing tech, CNC tech, EMT tech). Associates degree in Computer Systems Engineering tech. Some classes are offered here (by trained MHS teachers) others are at QCC in their labs. Dual enrollment – students get credit for class for both HS and college.
- e) Goal 5: expand work-based learning opportunities. Starts with career exploration freshman year on Naviance. Empower students to make choices. Expand internship opportunities with goal of seeing what students like/don't like. St Mary's used to be here at HS. Why not bring them back to allow students work experience right at MHS? Fine arts thematic learning experiences – don't have any internship at this point. Julie Baker looking into opportunities such as working with alumni. What about talking with people who run Paradise City Arts Festival? What about other parts of the arts, music? Not just performance but sound/music production, sound recording, for example? College/career readiness October 10<sup>th</sup>. Some juniors/seniors will be taking PSAT/SATs but those who are not will be visiting a number of local colleges (Framingham State, Newbury College, U Lowell, Suffolk, QCC).

III. Future Meetings suggestions

- a) Where is new principal heading? What are his plans?
- b) MCAS scores
- c) Survey results (fill Dan in on survey)
- d) Mandates, scheduling, lack of time: specifically music program is suffering. Numbers down. Changing demographic in Marlborough. How to get immigrant population involved in music program? How to market music at Whitcomb?

Meeting Minutes Respectfully Submitted by Sue Pearl

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 MARLBOROUGH PLANNING BOARD  
 MARLBOROUGH, MA 01752

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Call to Order 2018 OCT 11 A 11: 50

September 10, 2018

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

**1. Meeting Minutes**

A. August 27, 2018

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the minutes of August 27, 2018 as amended. Motion carried.

**2. Chair's Business**

A. Planning Board Clerk – Organizational Vote

Following the retirement of Planning Board Clerk, Colleen Hughes, Chairperson Fenby opened the floor for replacement nominations. Mr. Fay nominated George LaVenture to serve as Clerk. There were no other nominations. On a motion by Mr. Fay, seconded by Mr. Gallagher, the Board voted to have George LaVenture serve as the Board's clerk. Motion carried.

B. Open Space and Recreation Committee Update

Chairperson Fenby informed the Board that the Open Space and Recreation Committee continues to seek feedback from the public regarding the open space plan. Members (and the public) are encouraged to provide input on the plan, particularly with respect to any parcels (large or small, such as opportunities for small park locations) worthy of preservation. Feedback is extremely important since potential grants often include a demonstration of the City's interest and public support. Mr. Fay asked whether the Committee had given any thought to the need for an additional cemetery in the City. Ms. Fenby said that was not mentioned but is a good consideration for the committee.

- C. Chairperson Fenby provided an informational update regarding preliminary plans for an overlay district on RT 20 East. City Engineer DiPersio added that the state has road reconstruction plans from the vicinity of Peters Avenue to the Sudbury line. Councilor Delano was also in attendance and described the conceptual plan which would include mixed-use opportunities with 1<sup>st</sup> floor retail and 2<sup>nd</sup> floor residential. Mr. Delano said the area would benefit from a new zoning district which would result in a more welcoming pedestrian layout with fewer curb cuts and traffic issues. The potential district would provide zoning consistency and encourage the "right kind of development", rather than a piecemeal, reactive approach. Mr. Delano offered to share the preliminary documents with the Board, noting that it is likely to change as additional feedback is provided. The Board will have the opportunity to provide formal comment in the future once the details are formalized and the Council refers the proposed overlay zoning to the Board.

**3. Approval Not Required (None)**

**4. Public Hearings (continued)**

- A. 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. Proponent, Brian Falk, Mirick O'Connell was present.

A request for extension on the discussion until September 24 was emailed to the Board after the agenda had closed. Mr. Falk indicated that they are in ongoing negotiations with the neighboring condominium association (related to sewer/water connections) and they wished to present the results of the negotiations at the next meeting. Chairperson Fenby reopened the hearing indicating the Board may have additional questions now. Mr. Fay failed to see how those negotiations directly related to the proposed zoning amendment. Mr. Fay asked whether the proposed amendment on the parcel adjacent to Crane Meadow also applied to the former Marlborough Airport property. Mr. Falk said only if the proposed ancillary residential community was part of a retirement community or located on a lot adjacent to a retirement community. (The Marlborough Airport property is not currently part of the Retirement Community Overlay District but was previously proposed for that purpose). Ms. Fenby indicated the hearing would be continued until September 24, 2018.

**B. Proposed Zoning Amendment 650 § 5B & 650 § 17 Ancillary Auto Sales, Council Order 18-1007224A**

On behalf of RK Centers and the Marlboro Nissan, Brian Falk of Mirick O'Connell returned to continue the discussion on the proposed amendment. Mr. Falk expressed that his client wished to expand operations across the street into the Joy Asia location. Mr. Falk provided a spreadsheet showing Class I, II and III auto sales locations potentially impacted by the proposed amendment. He noted that since expansion under the ancillary auto sales amendment would only apply to those currently in a business or commercial automotive zone, the number of properties affected would be less. Recognizing that the Mayor and Councilors had reservations about the city-wide impact, he presented two alternative proposals. Under the first alternative proposal, only those sites with a Class I (new car sales) designation would be included. This would reduce the potential impact to two locations in the City – Marlborough Nissan on RT 20 East and Colonial Ford on Maple Street. The second alternative would narrow the allowed locations to the business district east of Phelps St. This alternative would apply to three current locations. Both proposed alternatives remain beneficial to his client yet limit the potential impact in the city. Mr. Fay commented that he is having a hard time identifying the benefits of the zoning amendment to the City. He sees a benefit to his client, but the Planning Board must apply a set of standards to the decision. Mr. Falk indicated that his client's primary location is a pre-existing, non-conforming use and that other areas in the city are already spoken for or not viable. Since the City is actively exploring an overlay district in the RT 20 area affected by the proposed amendment, the Board questioned whether the Metropolitan Area Planning Council (MAPC) had weighed in on the proposed ancillary auto sales zoning amendment. On a motion by Mr. Fay and seconded by Mr. LaVenture the Board voted to ask MAPC whether they had contemplated the proposed auto ordinance and formulated an opinion. Motion carried.

**5. Pending Subdivision Plans: Updates and Discussion (Engineer's Report)**

- A. Goodale Estates: The developer has filed for bankruptcy. Mr. DiPersio said that Mr. White (contractor) has taken steps on his own to stabilize the drainage from the site. The subdivision approval expires on November 14, but Engineering has not received any communication from the developer on his plans for the property. On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to send a letter to the developer requesting an update on the project's status. Motion carried. Mauro Farms: Legal Dept. has reviewed plans and deeds prepared for acceptance. Mauro Farms must still request the Certificate of Compliance from the Conservation Commission. We are hopeful that the request will appear on the September 20 Conservation Commission agenda. Chairperson Fenby asked about acceptance of subdivisions such as Erin's Run. Response: A finalized Home Rule Petition will be required to address the acceptance of older subdivisions.

- B. Slocumb Lane (Blackhorse Farms): Request for bond reduction. On a motion by Mr. Fay, seconded by Mr. LaVenture, it was duly voted to accept and file the July 30, 2018 recommendation letter from Assistant City Engineer Timothy F. Collins and to reduce the bond securing the Blackhorse Farms – Slocumb Lane subdivision from \$101,000 to zero. Motion carried. The Board wishes to extend its appreciation to Attorney Beattie for his assistance in bringing the project to a successful conclusion and acceptance by the Marlborough City Council.
- C. Howe’s Landing Subdivision - Request for reduction in bond and initiation of maintenance period. On a motion by Mr. Fay, seconded by Mr. LaVenture, it was duly voted to accept and file the September 6, 2018 recommendation letter from Assistant City Engineer Timothy F. Collins and to reduce the bond securing the Howe’s Landing subdivision from \$234,000 to a (1) year maintenance bond of \$70,000. Motion carried. The following summarizes the remaining work items to be completed during the one-year maintenance period:
- Review of As-Built and Acceptance Plans (Engineering and Legal Dept.)
  - Obtain Certificate of Compliance from the Conservation Commission
  - Evaluate and replace street trees as necessary
  - Miscellaneous clean-up of the subdivision – final action before recommendation of street acceptance to the Marlborough City Council
- D. Walker Brook Estates – The Conservation Commission met on September 6 and voted to issue the Certificate of Compliance (pending a final inspection). Following a final inspection on September 10, the certificate was released to the developer. On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to refer the matter to Engineering for its recommendation on bond reduction and acceptance instructions.

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

##### A. 72 Hager St. (Open Space Special Permit continued discussion.)

Mr. LaVenture read the August 24, 2018 letter from Cathleen Liberty, Director of Public Health, into the record. The letter details that four lots in the proposed 72 Hager St. project have suitable soil to support subsurface soil absorption systems. The fifth lot had not been tested. (The proposed open space plan contains three house lots.) On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to accept and file the correspondence.

Mr. LaVenture read City Solicitor Rider’s September 6, 2018 letter RE: Question of Fee Interest vs. Easement Interest in Stanczak Land into the record. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence. In Solicitor Rider’s opinion, a fee interest in the abutting neighbor’s land is required to meet the 5-acre open space development requirement. Mr. Fay complimented the work of the City Solicitor, but reminded the applicant representative, Peter Bemis of Engineering Design Consultants, that the City should not be shouldering the burden of legal work on the project. Mr. Rider pointed out that the Stanczak property is under a mortgage and may need the consent of the lender. Mr. Fay offered that the consent should not be difficult to obtain from a lender.

Mr. LaVenture read the September 7, 2018 letter from Conservation Officer Ryder RE: Hager St. Open Space Development Concept Plan into the record. As required by the Open Space Development Ordinance (OSD) 650-28, the letter details the Commission’s written comments. Several issues need further applicant-provided detail including the following: Define the open space and adjacent wetland protection, define the Homeowner’s Association agreement ensuring the long-term maintenance of the open space, and provide details of the Conservation Restriction.

(Framingham should be consulted, as a portion of the land is in abutting Framingham.) Accept and file motion by Mr. Fay, seconded by Mr. LaVenture. Motion carried.

Mr. Bemis addressed the Board questioning how to best approach the issue of the land shortfall in Marlborough. The Wambolts have ample land in Framingham. Can't that land be included? Mr. Rider explained that he doesn't have the details of a previously written memorandum addressing that approach, but he summarized the concept of borrowing across municipal lines. You can "borrow" from the Framingham land, provided the active use proposed for the land is allowed in the abutting community's zoning.

**7. Definitive Subdivision Submission (Continued Discussion)**

**A. 215 Simarano Dr. – Decision on Definitive Subdivision Submission**

On a motion by Mr. Fay and seconded by Mr. LaVenture, it was duly voted:

To approve the May 25, 2018 definitive plan of a subdivision known as "215 Simarano Drive, Marlborough, MA", City Assessor's Map 112, Parcel 3, deed of property recorded in the Middlesex South Registry of Deeds Book 64769 Page 352, Name of Owner: Jeremiah 29, LLC, 336 Baker Avenue, Concord, MA 01742, Engineer: Stamski and McNary, Inc., 1000 Main Street, Acton, MA 01720, and prior to endorsement to require a covenant and a construction schedule submitted to the Planning Board at its September 24, 2018 meeting. (There were no requested waivers.) Motion carried.

- B. Marlborough Hub -** On a motion by Mr. Fay, seconded by LaVenture, the Board voted to accept and file the September 7, 2018 emailed correspondence from Attorney Arthur Bergeron on behalf of his client, Marlborough Hub, LLC. The Board further voted to grant the requested continuation of discussion on the pending application until October 15, 2018 and agreed to the request for the extension of time for a decision on the subdivision submission until November 7, 2018. Motion carried.

**8. Signs (None)**

**9. Informal Discussion (None)**

**10. Unfinished Business (None)**

**11. Correspondence (None)**

**12. Public Notices of other Cities & Towns (None)**

On a motion by Mr. Gallagher, seconded by Mr. LaVenture, the Board voted to adjourn the meeting of the Planning Board. Motion carried.

/kih

Respectfully submitted,



George LaVenture  
Clerk