

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 NOV 15 P 2:15

1. Minutes, City Council Meeting, October 29, 2018, Order No. 18-1007450.
2. Minutes, City Council Meeting, November 5, 2018 – not completed.
3. PUBLIC HEARING On the Proposed Zoning Change, amending Chapter 650 §34 and §41 in the Marlborough Village District, Order No. 18-1007404B.
4. Communication from the Mayor re: Disposition of Surplus Property – 25 East Main Street.
5. Communication from City Solicitor Donald Rider on behalf of Councilor Delano, re: Proposed Zoning Amendment – Lawful Pre-Existing Nonconforming Single and Two-Family Residential Structures.
6. Communication from City Solicitor, Donald Rider, re: Special Permit for Raphael B. Fischetti, to build a 2-story single-family home, 89 Spring Street in proper legal form, Order No. 18-1007387C.
7. Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Proposed Zoning Amendment to Chapter 650, Neighborhood Business District, in proper form, Order No. 18-1007337C.
8. Communication from Building Commissioner, Jeffrey Cooke, re: Application for LED Sign Special Permit for Main Street Bank, 81 Granger Boulevard, Order No. 18-1007423.
9. Communication from DPW Commissioner John Ghiloni, re: Proposed Assignment of Retaining Wall Easement, 27 Jefferson LLC, Order No. 18-1007451, X18-1007245C.
10. Communication from Scott Dale on behalf of Avalon Marlborough II, re: Request to Extend Time Limitations on application for Special Permit to increase the number of units from 350 to 473 on a portion of 200 Forest Street within the Results Way Mixed Use Overlay District (RWMUOD), until 10:00 PM on January 29, 2019, Order No. 18-1007314C.
11. Communication from Christopher White, re: Request to Withdraw application for Special Permit to build a 24 x 26 garage on a non-conforming lot at 22 Brimsmead Street, Order No. 18-1007320B.
12. Application for Special Permit from Attorney Sem Aykanian to modify existing Special Permit issued to Main Street Bank, 81 Granger Boulevard on June 22, 2009, Order No. 09-1002152C, to modify permit to allow for an electronic digital display (electronic message board) sign.
13. Application for Special Permit from Melynda Gallagher on behalf of Lost Shoe Brewing and Roasting Company to allow for coffee roasting at their establishment within the Marlborough Village District, 19 Weed Street.
14. Petition from Massachusetts Electric and Verizon New England, Inc., to install new joint owned Pole #47-5, Bolton Street, to service new school at 441 Bolton Street.
15. Communication from Weston Solutions, Inc., re: Notification of Phase I Tier Classification Submittal relative to 33 Hayes Memorial Drive.
16. Notice of Filing and Public Hearing, Department of Public Utilities, NSTAR Gas Company d/b/a Eversource Energy, DPU 18-115.

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

17. Notice of Filing and Public Hearing, Department of Public Utilities, Massachusetts Electric d/b/a National Grid, DPU 18-118.
18. Communication from Cross Roads Industrial Park-Parcel G, re: Environmental Notification Form (EEA #15928) – Alternatives Analysis.
19. Minutes, Commission on Disabilities, July 3, 2018 & August 7, 2018.
20. Minutes, Planning Board, September 10, 2018, September 24, 2018, October 15, 2018 & October 29, 2018.
21. Minutes, Zoning Board of Appeals, October 31, 2018.
22. CLAIMS:
 - a) Christian Donaldson, 28 Waters Street, Millbury, pothole or other road defect.
 - b) John Barrington, 397 Bolton Street, #F6, pothole or other road defect.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

23. **Order No. 18-1007427: Petition from Eversource Energy to install 775' of 6" IP plastic gas main as a system improvement on Stow Road from the intersection of Simpson Road to the intersection of Fitzgerald Road.** Michael Sabatino an engineer from Eversource Energy appeared before the Public Services Committee and explained Eversource has a model that is reviewed yearly which depicts how projects are chosen. There is a significant pressure drop in this location as it is towards the end of the system. Along Stow Road on the Fitzgerald Road side there is better pressure than at the other end near Simpson Road and connecting those two systems would balance them out and provide better service to the affected customers on Simpson Road. There was a discussion regarding the timing of the project and Mr. Sabatino explained it was estimated to be a six-week project which would have its completion at mid-December and he understood if they requested it be delayed as it was not an emergency and could wait until the spring. City Engineer Tom DiPersio spoke about the road opening deadline of December 1st and how a road cannot be opened after that date unless it was an emergency and approved by the Commissioner of Public Works or the City Council, per city ordinance. Mr. DiPersio recommended, given the size of the project, the project be delayed until the following year. Chairman Landers read the project conditions as provided by the City Engineer:

If/when the Stow Road Project commences, it should be under the following conditions:

- The exact location of the new pipe in the roadway shall be pre-approved in the field by the Engineering Division prior to the start of work.
- A traffic management plan shall be submitted to the Engineering Division for approval prior to the start of work.
- Final trench/paving requirements will be set by the Engineering Division as conditions of the road opening permit.

Motion made by Councilor Irish, seconded by the Chair, to approve the petition with conditions from Eversource Energy to install 775' of 6" IP plastic gas main on Stow Road. The motion carried 3-0.

From Urban Affairs Committee

24. **Order No. 18-1007387: Application for Special Permit from Attorney Norris, on behalf of Raphael Fischetti, to construct a new single-family dwelling at 89 Spring Street.** The Urban Affairs Committee met with Attorney Michael Norris and applicant Raphael Fischetti for a discussion of their request for a special permit to construct a new single-family house at 89 Spring Street. The lot is small, the previous house was demolished by the City and the lot was sold to the applicant as a tax foreclosure property. The applicant wants to build a two-story house versus the previous one-and-a-half-story house which means exacerbating the pre-existing, non-conformity of the lot and requires a special permit by the City Council. Ward Councilor Irish was unable to attend the meeting but sent a letter to Chairman Delano explaining he had no objection to the project but asked about their plans for the driveway, landscaping, and stone wall. Mr. Fischetti explained the driveway will be repaved but no changes to its size or location are intended, the stone wall will be repaired, and the landscaping will be maintained in neat manner. The Councilors had no objections to the application as there was no opposition from the neighbors, but they required the following additional conditions as part of the special permit:

1. Repair and maintain the stone wall.
2. Driveway shall remain the same size.
3. The structure shall be limited to three-bedrooms and six rooms total.
4. No additions shall be allowed or other structures on the property.
5. Decks may only be attached on the rear side of the house.

Motion made by Councilor Doucette, seconded by the Chair to approve the Special Permit Conditions as amended. The motion carried 3-0 (Juaire and Tunnera absent).

Motion made by Councilor Doucette, seconded by the Chair to approve the Special Permit with Conditions as amended. The motion carried 3-0 (Juaire and Tunnera absent).

Motion made by Councilor Doucette, seconded by the Chair to request a Suspension of the Rules at the November 5, 2018 City Council Meeting to refer to the Legal Department to place in proper legal form. The motion carried 3-0 (Juaire and Tunnera absent).

25. **Order No. 18-1007337C – Proposed Zoning Amendment to Chapter 650, §7, §17, new §39 & §41 as it relates to Neighborhood Business District. ITEM WAS TABLED UNTIL THE NOVEMBER 19, 2018 CITY COUNCIL MEETING.**

From City Council

26. **Order No. 18-1007364B – Proposed Ordinance change to Chapter 551, §1, Public Library Naming Rights. Advertisement was published on October 31, 2018, therefore the 10-day advertising period prior to passage has been satisfied. ITEM WAS TABLED UNTIL THE NOVEMBER 19, 2018 CITY COUNCIL MEETING.**



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2018 NOV 15 A 10:47

**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

OCTOBER 29, 2018

Regular meeting of the City Council held on Monday, October 29, 2018 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Delano, Juaire, Oram, Ossing, Robey, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 8:48 PM.

ORDERED: That the Minutes of the City Council meeting OCTOBER 15, 2018, **TABLED UNTIL NOVEMBER 5, 2018**; adopted.

ORDERED: That the PUBLIC HEARING On the Petition from Eversource Energy to install 775' of 6" IP plastic gas main as a system improvement on Stow Road from the intersection of Simpson Road to the intersection of Fitzgerald Road, Order No. 18-1007247, all were heard who wish to be heard, hearing closed at 8:06 PM.

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

ORDERED: That the City of Marlborough, Massachusetts ("the City") appropriate the amount of \$23,780,902.00 (twenty-three million seven hundred eighty thousand nine hundred and two dollars) for the purpose of paying the costs of the renovation and construction project at the Marlborough Public Library located at 35 West Main Street. Costs shall include demolition, landscaping, paving, utility, and other site improvements incidental or directly related to such construction, renovation and expansion, architectural, engineering or other professional and legal expenses and fees associated with this project, temporary library operational space, storage and moving expenses, furnishings and equipment, and all other costs incidental or related to the Marlborough Public Library building.

To meet this appropriation, the Comptroller/Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, as amended and supplemented, or pursuant to any other enabling authority, and that the Mayor is authorized to contract for and expend any grants, aid, or gifts available for this project; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the City of Marlborough, Massachusetts (“the City”) appropriate the amount of \$10,000,000.00 (ten million dollars) for the purpose of paying the cost of building a new fire station in the City of Marlborough.

To meet this appropriation, the Comptroller/Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, as amended and supplemented, or pursuant to any other enabling authority, and that the Mayor is authorized to contract for and expend any grants, aid, or gifts available for this project; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **REFERS TO FINANCE COMMITTEE** the Workplace Charging Program grant in the amount of \$6,219.00 awarded to DPW to fund 50% of the cost to purchase two Level 2 Electric Vehicle Charging Stations; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: request for Executive Session to discuss litigation involving property off Williams Street, **MOVED TO END OF AGENDA**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, DECEMBER 3, 2018** as a **RESCHEDULED DATE FOR PUBLIC HEARING** On the Application for Special Permit from Marlborough TOTG, LLC, to increase lot coverage area of 80% to 84% for patio area of proposed mixed use 5-story building with office/retail/restaurant space and residential units at 57 Main Street, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Councilor Dumais recused.

ORDERED: That the Communication from City Clerk, Lisa Thomas re: November 6, 2018 State Election Call, **FILE**; adopted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require:

that NOLAN WAY be accepted as a public way

from COOK LANE to Terminus at Station 8+31.42,

that SPENSER CIRCLE be accepted as a public way

from NOLAN WAY to Terminus at Station 2+83.07, and

that REAGIN LANE be accepted as a public way

from COOK LANE to Terminus at Station 2+87.28,

and that their appurtenant easements be accepted as municipal easements,

as shown on plans thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Street Acceptance Plan of 'Nolan Way,' Mauro Farms, Marlborough, MA, prepared for: Capital Group Properties, 259 Turnpike Road, Suite 100, Southborough, Massachusetts (2 sheets), Dated: October 26, 2015, Scale: 1" = 20', Prepared by: Engineering Design Consultants, Inc., 32 Turnpike Road, Southborough, Massachusetts, which plan is to be recorded herewith;

Plan entitled, "Street Acceptance Plan of 'Spenser Circle,' Mauro Farms, Marlborough, MA, prepared for: Capital Group Properties, 259 Turnpike Road, Suite 100, Southborough, Massachusetts (1 sheet), Dated: October 26, 2015, Scale: 1" = 20', Prepared by: Engineering Design Consultants, Inc., 32 Turnpike Road, Southborough, Massachusetts, which plan is to be recorded herewith;

Plan entitled, "Street Acceptance Plan of 'Nolan Way & Spenser Circle,' Mauro Farms, Marlborough, MA, prepared for: Capital Group Properties, 259 Turnpike Road, Suite 100, Southborough, Massachusetts (2 sheets), Dated: October 26, 2015, Scale: 1" = 20', Prepared by: Engineering Design Consultants, Inc., 32 Turnpike Road, Southborough, Massachusetts, which plan is to be recorded herewith; and

Plan entitled, "Street Acceptance Plan of 'Reagin Lane,' Mauro Farms, Marlborough, MA, prepared for: Capital Group Properties, 259 Turnpike Road, Suite 100, Southborough, Massachusetts (3 sheets), Dated: October 26, 2015, Scale: 1" = 20', Prepared by: Engineering Design Consultants, Inc., 32 Turnpike Road, Southborough, Massachusetts, which plan is to be recorded herewith.

Title to the roadways shown as NOLAN WAY, SPENSER CIRCLE and REAGIN LANE on said plans, and title to all the municipal easements shown on said plans as:

Utility Easements:

- Utility Easement A, over Lot 13, containing 1,022 square feet
- Utility Easement B, over Parcel 21, containing 30,320 square feet
- Utility Easement C, over Lot 27, containing 0.04 acres
- Utility Easement D, over Lot 29, containing 0.03 acres
- Utility Easement E, over Parcel 30, containing 0.46 acres

Drain Easements:

- Drain Easement F, over Lot 29, containing 0.01 acres
- Drain Easement J, over Lot 29, containing 0.02 acres
- Drain Easement K, over Lot 28, containing 0.06 acres
- Drain Easement L, over Parcel 30, containing 0.19 acres
- Drain Easement N, over Lot 12, containing 1,782 square feet
- Drain Easement O, over Lot 10, containing 1,784 square feet

Sewer Easements:

- Sewer Easement G, over Lot 25, containing 0.03 acres
- Sewer Easement H, over Lot 28, containing 0.06 acres
- Sewer Easement I, over Lot 23, containing 0.05 acres

Water Easements:

- Water Easement P, over Lot 16, containing 2,195 square feet
- Water Easement Q, over Lot 18, containing 860 square feet

Landscape Easements:

- L-2, over Lot 2, containing 1,211 square feet
- L-3, over Lot 3, containing 1,227 square feet
- L-4, over Lot 4, containing 1,035 square feet
- L-5, over Lot 5, containing 1,085 square feet
- L-6, over Lot 6, containing 1,513 square feet
- L-7, over Lot 7, containing 1,401 square feet
- L-8, over Lot 8, containing 1,024 square feet
- L-9, over Lot 9, containing 1,570 square feet
- L-10, over Lot 10, containing 1,021 square feet
- L-11, over Lot 11, containing 1,358 square feet
- L-12, over Lot 12, containing 1,008 square feet
- L-13, over Lot 13, containing 1,395 square feet
- L-14, over Lot 14, containing 1,145 square feet
- L-15, over Lot 15, containing 1,963 square feet
- L-16, over Lot 16, containing 1,182 square feet
- L-17, over Lot 17, containing 1,151 square feet
- L-18, over Lot 18, containing 1,054 square feet
- L-19, over Lot 19, containing 1,028 square feet
- L-22, over Lot 22, containing 894 square feet
- L-25, over Lot 25, containing 1,661 square feet
- L-26, over Lot 26, containing 1,018 square feet
- L-27, over Lot 27, containing 1,026 square feet

- L-28, over Lot 28, containing 1,115 square feet
- L-29, over Lot 29, containing 1,086 square feet.

has been granted to the City of Marlborough in a quitclaim deed from Mauro Farms LLC, a Massachusetts limited liability company with a principal place of business at 259 Turnpike Road, Southborough, Massachusetts, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

NOLAN WAY, SPENSER CIRCLE and REAGIN LANE be accepted as public ways, and their appurtenant easements be accepted as municipal easements, in the City of Marlborough.

Refer to **PUBLIC SERVICES COMMITTEE AND PLANNING BOARD**; adopted.

ORDERED: That the City Council of the City of Marlborough, pursuant to the provisions and conditions of MGL c. 40, § 8C, does hereby accept from Mauro Farms LLC, a Massachusetts limited liability company, the attached deed of land in Marlborough, Middlesex County, Massachusetts shown and/or identified as Parcels 20, 21, 30, 31 and 32 on a plan entitled, "Definitive Subdivision Plan for Mauro Farm, Marlborough, Massachusetts," prepared by Tunison Smith, P.O. Box 73, 115 Main St., Suite 2B, Easton, Massachusetts 02356, dated April 20, 2007, last revised October 15, 2007, which plan is recorded in the Middlesex South District Registry of Deeds as Plan No. 75 of 2008 (the "Subdivision Plan") and to which Subdivision Plan reference is made for a more particular description of said Parcels 20, 21 and 30.

As only portions of Parcel 31 and Parcel 32 are shown on the Subdivision Plan, reference for a more particular description of said Parcels 31 and 32 is made to a plan entitled, "Plan of Land, Capital Group Properties, Lot 282 & 283, Map 71, City of Marlborough, Middlesex County, Commonwealth of Massachusetts, prepared by Control Point Associates, Inc., 352 Turnpike Road Southborough, MA 01772, dated October 26, 2017" (the "Land Plan").

Collectively, the Subdivision Plan and the Land Plan are referred to herein as the "Plans."

According to the Plans:

- Parcel 20 contains 42,296 square feet;
- Parcel 21 contains 46,129 square feet and a detention basin and a level spreader to be maintained by the Marlborough Department of Public Works;
- Parcel 30 contains 57,264 square feet and two detention basins to be maintained by the Marlborough Department of Public Works;
- Parcel 31 contains 22,974 square feet; and
- Parcel 32 contains 10,919 square feet.

These open space parcels are to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation and conservation.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED; That the favorable recommendation of the Planning Board re: Proposed Zoning Amendment, Section 650 §40 pertinent to Large Scale Ground Mounted Solar Photovoltaic Installation Overlay District, Order No. 18-1007338A, **FILE**; adopted.

ORDERED; That the favorable recommendation of the Planning Board re: Proposed Zoning Amendment, Section 650 §7, §17, new §39 & §41, pertinent to Neighborhood Business District, Order No. 18-1007337B, **FILE**; adopted.

ORDERED: That the Sign Special Permit Application for Venture X at the Apex Center, **APPROVED**; adopted.

ORDERED: That the Communication from Cross Roads Industrial Park-Parcel G, Hayes Memorial Drive, Northborough, MA re: Environmental Notification Form, **FILE**; adopted.

ORDERED: That the Communication from MA State Lottery Commission re: Keno to Go, Guatemala Market, 518 Lincoln Street, **FILE**; adopted.

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

- a) Nancy Ribot, 231 Elm Street, other property damage and/or personal injury.
- b) Raymond Carreira, 39 Old Charter Road, other property damage and/or personal injury.
- c) Matthew Monti, 21 Masciarelli Drive, pothole or other road defect.

Reports of Committees:

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

Meeting Name: City Council Urban Affairs Committee

Date: October 23, 2018

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 5:31 PM – Adjourned: 6:48 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors

Juaire, Landers, and Doucette; Councilors Clancy, Dumais, and Ossing;

Arthur Bergeron (Mirick O'Connell); Brian Falk (Mirick O'Connell); Marilyn

Green (Developer); Tim Burke (Architect, Timothy Burke Architecture,

Inc.); Vito Cologne (Engineer, Connorstone Engineering, Inc.)

Absent: Urban Affairs Committee Member Councilor Tunnera

Order No. 18-1007317: Site Plan Application from Attorney Falk, on behalf of M&E Ventures Corporation (Marilyn Green) for a mixed-use project at 28 South Bolton Street in the Marlborough Village District. The Urban Affairs Committee met with attorneys Arthur Bergeron and Brian Falk, Marilyn Green, owner and developer of 28 South Bolton Street, and the project architect and engineer for a discussion of the proposed mixed-use project. Atty. Bergeron gave a brief history of the project and how the project changed from the previous submission and the new building changed substantially with a contemporary look and lots of glass. Mr. Falk explained they met with the Site Plan Review Committee several times and they made changes based upon their requests and received a favorable recommendation from them along with a draft decision. The proposed structure will be thirty-six units, four one-bedroom and thirty-two two-bedroom units, with two retail and/or office spaces on the ground floor and an enclosed garage on the ground floor with twenty-nine spaces. They are short fourteen required parking spaces for the project and will pay the City a fee of \$140,000 in lieu of parking. The committee requested the applicant include a permit condition that a wireless tower will not be added to the site unless they come before City Council with a specific request for said use. Atty. Falk was requested to amend the draft Site Plan Approval with Conditions accordingly and to provide the revised decision to the Legal Department for their review.

Motion made by Councilor Juaire, seconded by the Chair to approve the Site Plan Approval with Conditions as amended. The motion carried 4-0 (Tunnera absent).

[Motion in order to suspend the rules to forward to the Legal Department requesting placement of the Site Plan Decision and documents, as revised, on the November 5, 2018 City Council agenda]

Reports of Committee Cont'd:

Order No. 18-1007420: Communication from Councilor Ossing regarding Funding for New School, Library Renovation and West Side Fire Station.

Councilor Ossing presented to the Urban Affairs Committee a review of the upcoming bonds for the school, library, and fire station and their impact on the City's taxes and the potential revenue from projects before the City Council. The library bond must be approved by January 2019 or lose the State's matching funds and the fire station bond request is in process. There is a need for housing across the City and Councilor Ossing presented a table of potential projects that could pay for the bonds. How can the projects be bonded while being fiscally responsible, managing the City's budget, and providing the lowest possible tax rates. The discussion focused on potential projects and they should each be taken on their own merits not only for the present but the future.

Motion made by Councilor Juaire, seconded by the Chair to accept and place on file. The motion carried 4-0 (Tunnera absent).

Motion made and seconded to adjourn. The motion carried 4-0 (Tunnera absent). The meeting adjourned at 6:48 PM.

Suspension of the Rules requested – granted

ORDERED: That the Site Plan Application from Attorney Falk, on behalf of M&E Ventures Corporation (Marilyn Green) for a mixed-use project at 28 South Bolton Street in the Marlborough Village District, refer **LEGAL DEPARTMENT TO PLACE IN PROPER LEGAL FORM**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the Communication from Attorney Bergeron re: Proposed Zoning Ordinance as it pertains to the Marlborough Village District, **RECHEDULE the PUBLIC HEARING for NOVEMBER 19, 2018 and READVERTISE**; 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, **APPROVED**; adopted.

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

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

ORDERED: That the Appointment of Melanie Whapham to the Marlborough Historical Commission for a term of three years to commence upon City Council approval, **APPROVED**; adopted.

ORDERED: That the Appointment of Monica Lucey to the Marlborough Cultural Council for a term to expire three years from date of confirmation, **APPROVED**; adopted.

ORDERED: That the Appointments of Samantha Perlman, Kathy Oliver Jones, & Gabriele Luzzi to the Cultural Council for terms expiring three years from date of confirmation, **APPROVED**; 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, **FILE**; adopted.

ORDERED: That the Police Department may, at its discretion, set up a Do Not Knock Registry, which allows Marlborough residents to submit to their Police Department their home addresses for inclusion on the Registry so that a vendor does not knock on or solicit at the residents' doors, **APPROVED**; adopted.

ORDERED: That the Proposed Zoning Amendment, to Chapter 650 §5, §22.A, C as it pertains to a Retirement Community Overlay District, 90 Crowley Drive which was denied and time for action has expired, **FILE**; adopted.

ORDERED: That the Application for Special Permit from Attorney Bergeron on behalf of Garden Remedies, Inc., for a Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment, 416 Boston Post Road East, refer to **LEGAL DEPARTMENT TO PLACE IN PROPER LEGAL FORM**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING § 551-1, ENTITLED "STREET NAMES," OF CHAPTER 551 AS FOLLOWS:

- I. Chapter 551 is hereby amended by deleting the title of § 551-1 in its entirety and inserting in place thereof the following title:

Names of public streets, highways, places, buildings, spaces and other public assets.

- II. Chapter 551 is hereby amended by inserting into § 551-1 the following new paragraph:

- C. The Board of Library Trustees, having care, custody, management and supervision of the Marlborough Public Library pursuant to § 11 of chapter 78 of the Massachusetts General Laws and § 28 of Division 3 of the Charter of the City of Marlborough may name public assets located in and at the Marlborough Public Library, including internal and external spaces, furnishings, collections, equipment or fixtures, under such terms and conditions as may be specified in a naming policy adopted by the Board of Library Trustees for said public assets which are not otherwise governed by paragraphs A. and B. herein. Said authority of the Board of Library Trustees is in addition to, and not in lieu of, such powers and authorities of the Board of Library Trustees as may be provided by statute, regulation, ordinance or law.

TABLED UNTIL NOVEMBER 19, 2018 CITY COUNCIL MEETING; adopted.

ORDERED: That the Proposed Zoning Amendment to Chapter 650, §7, §17, new §39 & §41 as it relates to Neighborhood Business District, **TABLED UNTIL NOVEMBER 19, 2018 CITY COUNCIL MEETING**; adopted.

ORDERED: It is moved, in conformance with MGL c. 30A, § 21(a)(3), that the Marlborough City Council conduct an executive session for the purpose of discussing strategy in litigation involving property off Williams Street, as an open meeting may have a detrimental effect on the litigating position of the City Council, and the chair hereby declares that an open meeting may have that effect.

It is further moved and stated that the City Council will re-convene in open session after the executive session.

APPROVED; adopted.

Yea: 11 – Nay: 0

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:48 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 29, 2018

ORDERED:

Suspension of the Rules requested - granted

That the Communication from Attorney Bergeron re: Proposed Zoning Ordinance as it pertains to the Marlborough Village District, be and is herewith **RECHEDULE the PUBLIC HEARING for NOVEMBER 19, 2018 and READVERTISE.**

ADOPTED

ORDER NO. 18-1007404B



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

Arthur G. Vigeant
MAYOR

Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

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November 15, 2018

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

Re: Disposition of Surplus Property – 25 East Main Street

Honorable President Clancy and Councilors:

Please find enclosed for your review an order to authorize the City of Marlborough to dispose of surplus property at 25 East Main Street. This property was acquired through the tax taking process in 2009.

25 East Main Street has been under the care and custody of the Department of Public Works. The City cleaned up the parcel and it has a clean bill of health environmentally. As you may recall, it was previously used as an auto repair location. The City and its contractors utilized the parcel throughout the East Main Street reconstruction project. With the project complete and Public Works no longer using the site for storage of equipment or materials, I recommend that the City sell the property through the Chapter 30B Real Estate Disposition process.

By using Chapter 30B, rather than the tax title auction process, we are better able to set re-use restrictions and select the best use proposal, rather than simply select the highest price. I do not believe it is in the long-term interests of the City to allow future auto sales or auto repair uses at this site.

This parcel's location should attract strong interest, and I anticipate an exciting, new use for this section of East Main Street. The order proposes that the City Council set a minimum price of \$202,200.00, which is the FY2019 proposed assessed value.

Thank you in advance for your consideration and please do not hesitate to contact me if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

ORDERED:

That the City Council of the City of Marlborough, having care, custody, management, and control of a certain parcel of land and the building thereon located at 25 East Main Street, Marlborough, MA, also identified as Assessors Map 70 Parcel 379 (the "Property"), said Property having been acquired by the City by foreclosure of tax title dated April 2, 2009 and recorded with the South Middlesex County Registry of Deeds at Book 52530 Page 243, does by 2/3rds vote hereby transfer pursuant to M.G. L. c. 40, § 15A the purpose of the land from general municipal purposes to the purpose of disposition by sale, and hereby declares, pursuant to M.G.L. c. 30B, § 16(a), that the Property is available for disposition by sale;

Further, by majority vote subsumed by said 2/3rds vote, a separate vote being unnecessary, the City Council of the City of Marlborough hereby declares pursuant to M.G.L. c. 30B, § 16(a) that the Property is available for disposition by sale, and requires that said sale be conducted in accordance with M.G.L. c. 30B subject, but not limited to, any terms and re-use restrictions as may be determined by the Mayor, as hereby authorized to so determine, which are in the best interests of the City of Marlborough; and

Further, that the City Council sets the price to be paid at not less than \$202,200.00, and thus authorizes the Mayor, by simple majority vote pursuant to Mass. Gen. Laws c. 40, § 3, which vote is subsumed by said 2/3rds vote, a separate vote being unnecessary, to execute a Deed of sale for said Property.

ADOPTED
In City Council
Order No. 18-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY

ATTEST:



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
DONALD V. RIDER, JR.
CITY SOLICITOR
2018 NOV 15 4:11:35
SYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

November 15, 2018

Edward Clancy
President
Marlborough City Council

RE: Proposed Zoning Amendment –
Lawful Pre-Existing Nonconforming Single and Two-Family Residential Structures

Dear President Clancy and Members:

In his capacity as chairman of the Urban Affairs Committee, Councilor Delano has requested that I place on the agenda a zoning amendment proposing to vest the ZBA with jurisdiction over applications for special permits that seek to increase or intensify the existing nonconforming nature of single or two-family residential structures. Currently, that jurisdiction rests with the City Council.

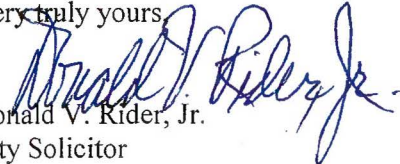
This proposed amendment is an effort to provide a more streamlined permitting process for homeowners who seek to 'upgrade' their single or two-family homes, as well as for members of the public who stand to be affected by the 'upgrade' project in question. Oftentimes, such homeowners may need to apply to the ZBA for a variance because the Building Commissioner has determined their project involves creating what would be a *new* nonconformity. At the same time, some of these homeowners may potentially be faced with also applying to the Council for a special permit seeking to allow the homeowner to increase or intensify an *existing* nonconformity.

Thus, the potential for inefficiency and inconvenience arises for a given homeowner who may need to obtain 2 separate forms of zoning relief with 2 separate processes involving 2 separate public hearings taking place on 2 different evenings before 2 separate public bodies – the ZBA for variances and the Council for special permits.

By vesting the ZBA with authority to act on special permit applications seeking to increase or intensify the existing nonconforming nature of single or two-family residential structures, the enclosed proposal is offered as a less inefficient and inconvenient, and thus more streamlined, approach to zoning relief for such residential structures.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Arthur Vigeant, Mayor
Jeffrey Cooke, Building Commissioner
Zoning Board of Appeals, c/o Susan Brown, Board Secretary

ORDERED:

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

1. Section 650-12, entitled "Nonconforming uses," is hereby amended by deleting the words "except that no special permit is needed if the alteration or expansion is to a nonconforming single- or two-family dwelling and said alteration or expansion does not increase the nonconforming nature of the dwelling," and inserting in place thereof the following words:-

except that an alteration, reconstruction, extension or structural change of or to a lawful pre-existing nonconforming single-family dwelling or two-family house shall be governed by Section 650-58B(3).

2. Section 650-58, entitled "Provisions for Board of Appeals," is hereby amended by adding to subsection B thereof, entitled "Powers and duties," after sub-subsection (2), entitled "Variances," the following new sub-subsection (3), entitled "Lawful pre-existing nonconforming single-family dwellings and two-family houses":

- (3) Lawful pre-existing nonconforming single-family dwellings and two-family houses.

- (a) As of right. Lawful pre-existing nonconforming single-family dwellings and two-family houses may be altered, reconstructed, extended or structurally changed as a matter of right upon a determination by the Building Commissioner that a proposed alteration, reconstruction, extension or change would not increase or intensify the existing nonconforming nature of the dwelling or house in question. Upon such a determination, an application to the Board of Appeals for a special permit need not be made, and the owner may apply to the Building Commissioner for a building permit.

- (b) By special permit. Upon a determination by the Building Commissioner that a proposed alteration, reconstruction, extension or structural change to a lawful pre-existing nonconforming single-family dwelling or two-family house would increase or intensify the existing nonconforming nature thereof, the owner of such dwelling or house shall be required to apply to the Board of Appeals for a special permit to allow such alteration, reconstruction, extension or structural change. The Board may grant a special permit to allow such alteration, reconstruction, extension or structural change; provided, however, that the Board determines, by a finding under M.G.L. c. 40A, § 6, that the proposed alteration, reconstruction, extension or structural change shall not be

substantially more detrimental to the neighborhood than the existing nonconforming structure or use; and provided, further, that any such special permit shall comply with the requirements of the Zoning Ordinance of the City of Marlborough, as may be amended from time to time, including but not limited to Section 650-12, entitled “Nonconforming uses,” as well as Section 650-59.A(1) pertaining to the powers and duties of special permit granting authorities. Application for a special permit to allow such alteration, reconstruction, extension or structural change shall be made to the Board pursuant to the procedures set forth in Subsection C(5) of this Section 650-58.

- (c) By variance. Upon the determination by the Building Commissioner that a proposed alteration, reconstruction, extension or structural change to a lawful pre-existing nonconforming single-family dwelling or two-family house would create a new nonconformity(ies), the owner of such dwelling or house shall be required to apply to the Board of Appeals for a variance to allow such alteration, reconstruction, extension or structural change; provided, however, that the Board shall decide upon a variance petition pursuant to the Board’s powers and duties set forth in Subsection B(2), and pursuant to the procedure set forth in Subsection C(1)-(4), of this Section 650-58.

- 3. Section 650-58, entitled “Provisions for Board of Appeals,” is hereby amended by adding to subsection C thereof, entitled “Procedure,” after sub-subsection (4), the following new sub-subsection (5), entitled “Special permit procedure”:

(5) Special permit procedure. Except as set forth below, the provisions set forth in Section 650-59.B and C, pertaining to the procedures and rules applicable to special permit granting authorities, as such provisions may be amended from time to time, shall, so far as apt, be applicable to the Board of Appeals acting upon an application for a special permit proposing an alteration, reconstruction, extension or structural change which, per the determination of the Building Commissioner, would increase or intensify the existing nonconforming nature of a lawful pre-existing nonconforming single-family dwelling or two-family house. In particular, each special permit application to the Board of Appeals filed under this subsection shall contain the information as itemized in Section 650-59.C(4), and shall be accompanied by a preliminary site plan which shall contain the information as itemized in Section 650-59.C(5).

Each application filed under this subsection shall be filed with the Office of the City Clerk in accordance with MGL Chapter 40A, on a form provided by that Office, and shall be accompanied by a filing fee in the amount calculated to be the same as for special permit applications submitted to the City Council under Section 650-59.C(3). The application for the special permit shall be made in writing by the applicant or its duly authorized agent, who shall file the following number of sets of application materials at the Office of the City Clerk, which shall keep the original and forward all copies to the Board of Appeals, which shall distribute those copies as follows:

Number of Sets	Office
8	Board of Appeals
1	Building Department
1	Office of the City Council
1	City Engineer
1	Legal Department
1	Conservation Officer (if wetlands are affected)

The Board of Appeals shall hold a public hearing on each special permit application filed under this subsection. The procedures for the public hearing and for the notice thereof to parties in interest shall be in conformance with M.G.L. c. 40A and the Zoning Ordinance of the City of Marlborough, as either or both may be amended from time to time; provided, however, that the Board shall hold the public hearing on a special permit application on the same evening as it would be holding the public hearing on any variance petition that may be associated with the same proposed work (alteration, reconstruction, extension or structural change) on the same dwelling or house.

Within 90 days after the close of the public hearing on the special permit application filed under this subsection, the Board of Appeals shall take final action on a decision to grant or deny the requested special permit; provided, however, that no special permit shall be granted by the Board under this subsection if any variance petition that may be associated with the same proposed work (alteration, reconstruction, extension or structural change) on the same dwelling or house is denied by the Board.

The Board may adopt rules and regulations for the issuance of special permits under this subsection in accordance with M.G.L. c. 40A and the Zoning Ordinance of the City of Marlborough, as either or both may be amended from time to time.

ADOPTED
In City Council
Order No. 18-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 NOV 15 A 11:35

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

November 15, 2018

Edward Clancy
President
Marlborough City Council

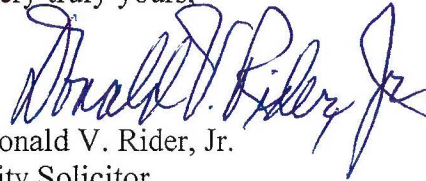
RE: Order No. 18-1007387C
Application for a Special Permit
Raphael B. Fischetti
89 Spring Street
Marlborough

Dear President Clancy and Members:

Pursuant to Chapter 650-59.C(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 Raphael B. Fischetti, seeking permission to build a 2-story single-family dwelling on the land located at 89 Spring Street. In particular, the applicant seeks relief to increase by an additional 1/2-story what had been the 1 1/2-story height of a previously demolished structure at that location, and thereby intensify the previous structure's side yard setback nonconformity.

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

Very truly yours,



Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Michael Norris, Esquire
Jeffrey Cooke, Building Commissioner

DECISION ON AN APPLICATION FOR SPECIAL PERMIT

RAPHAEL B. FISCHETTI

89 SPRING STREET, MARLBOROUGH, MA

CITY OF MARLBOROUGH

CITY COUNCIL ORDER NO: 18-1007387C

The City Council of the City of Marlborough hereby GRANTS the Application for Special Permit of Applicant (the “Application”), as provided in the Decision and SUBJECT TO THE FOLLOWING FINDINGS OF FACT AND CONDITIONS:

EVIDENCE

1. The Applicant, Raphael B. Fischetti is an individual with a principal address of 617 Pawtucket Boulevard, Unit 3, Lowell, MA 01834 (the “Applicant”).
2. The location of the proposed project is 89 Spring Street, Marlborough, MA and more particularly identified on the City of Marlborough Assessor’s Maps as Parcel 68 on Plate 316, and furthermore particularly described in deeds recorded with the Middlesex South District Registry of Deeds, Book 70255, Page 444 (the “Site”).
3. The owner of the Site is the Applicant. The Site is located in the Residence A-3 zoning district.
4. The single-family dwelling previously located on the Site was built in 1890 and updated in 1975. The house was built prior to the establishment of a residential zoning district. The property was subsequently taken by the city for non-payment of taxes, in 2012, the City demolished the existing house in 2013, the property as vacant land was sold at City of Marlborough Tax Title Auction and purchased by the Applicant on October 18, 2017.
5. The Applicant proposes to build a single-family dwelling on the Site consisting of a 30' x 24' two-story house. The Applicant plans to use the same driveway that currently exists on the property and the stone wall in the front of the property. The prior structure was 25' x 36', while the proposed structure will be 24' x 30'. The width of the proposed structure is one (1') foot narrower than the prior structure.

6. The Building Commissioner has determined the new structure seeks to expand a lawful pre-existing nonconforming structure. Based on a photo of the prior structure, the Building Commissioner has determined that the prior structure had approximately the same side yard setbacks as is now proposed for the new structure, namely, setbacks of 12.2' on the left side and 8.3' on the right side. However, Chapter 650-41 of the City Code of Marlborough, entitled "Table of Lot Area, Yards, and Height of Structures" (the "Table"), states that the minimum side yard setback in the Residence A-3 zoning district is 15'. Thus, the prior structure was non-conforming as to side yard setbacks. Since the Applicant proposes to increase the height of the prior structure from 1½ to 2 stories, the Applicant is proposing to intensify the pre-existing side yard setback nonconformity, as the proposed additional ½-story would be a further encroachment into the side yard setbacks. The Building Commissioner has determined that such intensification requires that the Applicant request zoning relief in the form of a special permit from the Marlborough City Council.
7. A public hearing was held on October 15, 2018, in compliance with the requirements of the City's Zoning Ordinance and the provisions of MGL Chapter 40A, as amended. All necessary abutters were provided notice as required by law, as certified by the Office of Marlborough Assessors office. The time for the City Council to take final action on the Application is January 13, 2019.
8. The Applicant presented oral testimony and demonstrative evidence at the public hearing and represented that the Project meets all applicable special permit criteria provided by MGL Chapter 40A, as amended, and the City's Zoning Ordinance.
9. The site plan submitted with the application is entitled, "Proposed Plot Plan # 3 of land in Marlborough, MA (Middlesex County); Prepared for Raphael B. Fischetti of 617 Pawtucket Boulevard, Unit 3, Lowell, MA 01834;" Prepared by Hancock Associates 315 Elm Street, Marlborough, MA 01752, scale 1" = 20', dated June 29, 2018 (the "Site Plan"), and is attached hereto as "Attachment A."
10. The architectural drawings submitted with the Application are labelled "89 Spring Street, Marlborough, MA," by Clark Architectural, North Chelmsford, MA, scale 1" = 10' (the "Architectural Plans") and are attached hereto as "Attachment B."

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

- A. The City Council finds that it may grant as Special Permit (Special Permit) subject to such terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough (als referenced herein as the "City").

- B. The City Council find the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough, or MGL c. 40A.
- C. The City Council find that the legally nonconforming residential use of the Site, as increased or intensified by the proposed construction of a single-family dwelling, is an appropriate use, and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough. The construction of the dwelling will complement the nature of the abutting properties and surround neighborhood.
- D. In particular, the proposed construction of the single-family dwelling, with sidelines of 12.2' on the left and 8.3' on the right is not more detrimental to the neighborhood than the prior existing dwelling.
- E. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough and Chapter 650 (Zoning Code) of the City of Marlborough and MGL Chapter 40A, Sections 9 and 11.

GRANT OF SPECIAL PERMIT WITH CONDITIONS

The City Council, pursuant to its authority under MGL Chapter 40 and the City of Marlborough Zoning Ordinance, Chapter 650, **GRANTS** the Applicant a special permit (the "Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS:**

- A. Construction of the building of a single-family residence is to be done in accordance with all applicable building codes in effect in the City of Marlborough as of the time when the building permit application is submitted to the Building Commissioner and in accordance with the proposed Site Plan and Architectural Plans submitted to the City Council.
- B. All work performed at the Site shall be in compliance with this Special Permit decision.
- C. The stone wall in the front of the lot shall be repaired and maintained by the Applicant.
- D. The driveway shall remain the same length as it currently is or smaller.
- E. The house shall contain no more than a total of six (6) finished rooms, including no more than three (3) bedrooms.
- F. No additions shall be added to the proposed house or the Site, and the deck shall be attached only in the rear of the house.

- G. In accordance with the provisions of MGL c. 40A, § 11, the Applicant at his expense shall record this Special Permit in 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 having been filed, and before the Applicant has applied to the Building Commissioner for a building permit concerning the proposed expansion. The Applicant shall provide a copy of the recorded Special Permit to the City Council's office, to the Building Department, and to the City Solicitor's office.

ADOPTED
In City Council
Order No. 18-1007387C
Adopted

A TRUE COPY
ATTEST:

NOTE:

1. THIS PLAN IS NOT TO BE CONSIDERED AN ALTA/ACSM LAND TITLE SURVEY, NOR IS IT TO BE USED FOR RETRACEMENT OF PROPERTY LINES.
2. DIMENSIONS DEPICTED ARE FROM PHYSICAL EVIDENCE AND BEST FITTING CENTER OF PAVEMENT TO RELATE 1929 UN-MONUMENTED ROAD LAYOUT AND 1940 TAKING.
3. CURRENT DEED CARRIES FORWARD A PROBABLE TYPOGRAPHICAL MADE IN THE BACK LINE OF THE LOT. IN DEED BOOK AND PAGE 2386/208 AND PRIOR, REAR LOT LINE WAS LISTED AS 45 FEET. IN 3-19-1898, IN DEED BOOK AND PAGE 2643/314 (AND FORWARD), THE DISTANCE WAS LISTED AS 40 FEET. PHYSICAL EVIDENCE AGREES BETTER WITH 45'.



John D. Bremser 622-18

LEGEND

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

MARLBOROUGH ZONING: RESIDENCE A-3

	REQUIRED
FRONT YARD SETBACK	20'
SIDE YARD SETBACK	15'
REAR YARD SETBACK	30'
MAXIMUM BUILDING HEIGHT	2.5 STORIES
MAXIMUM LOT COVERAGE	30%

	PROPOSED
FRONT YARD SETBACK	20'±
SIDE YARD SETBACK	12.2'± & 8.3'±
REAR YARD SETBACK	35.7'±
MAXIMUM BUILDING HEIGHT	2 STORIES
MAXIMUM LOT COVERAGE	28.5%

PROPOSED PLOT PLAN #3
OF LAND IN

MARLBOROUGH, MA

PREPARED FOR:

RAPHAEL B. FISCHETTI

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

HANCOCK
Associates

315 Elm Street, Marlborough, MA 01752
VOICE (508) 480-1111, FAX (508) 480-1121

SCALE: 1" = 20'
0 10 20 40

JOB	DATE:	CHK. BY:
20936	6/29/18	JDB

ASSESSORS:

MAP 68 LOT 316

ZONING:

RESIDENCE A-3

REFERENCES:

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

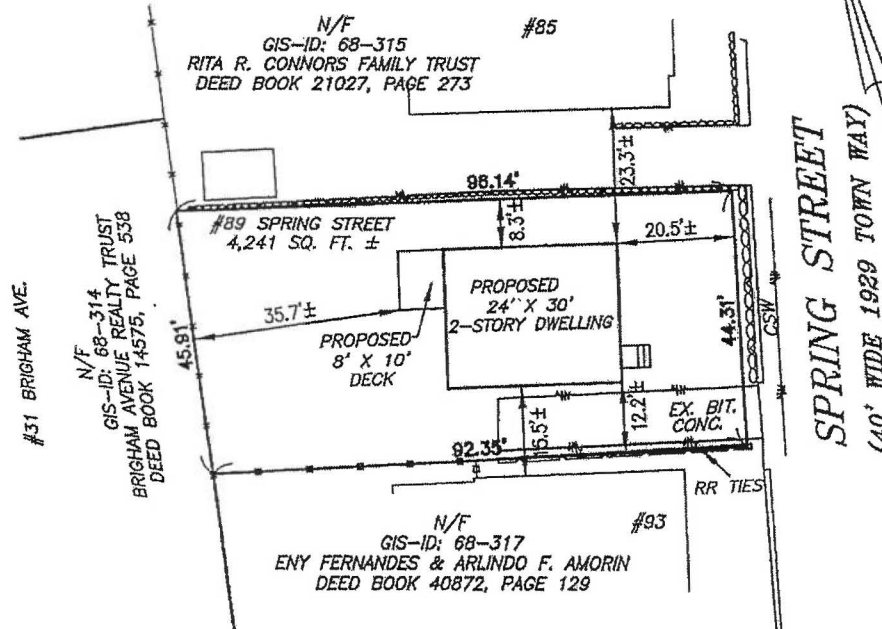
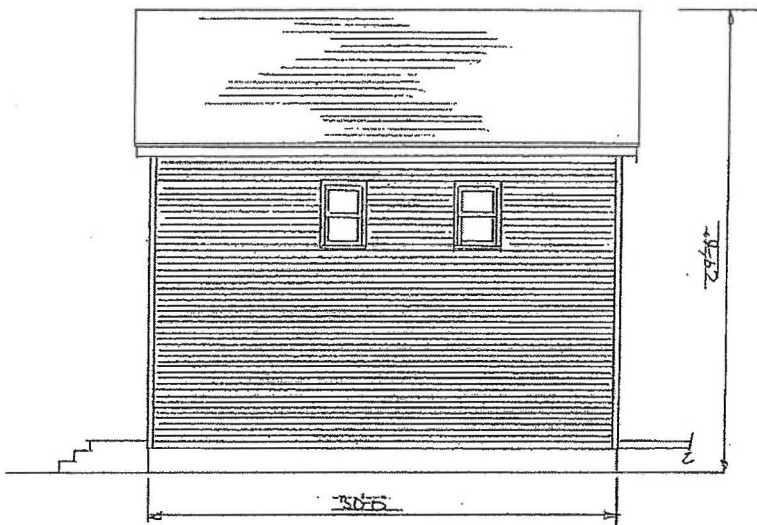
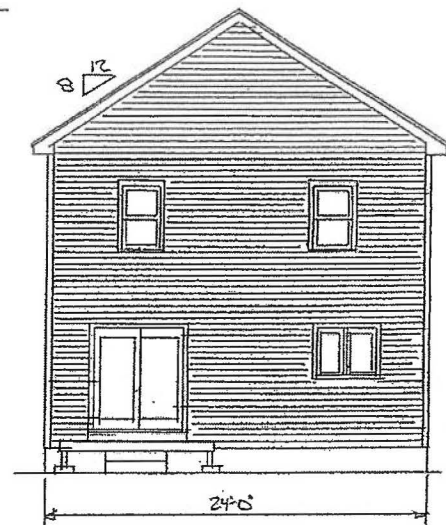


EXHIBIT B

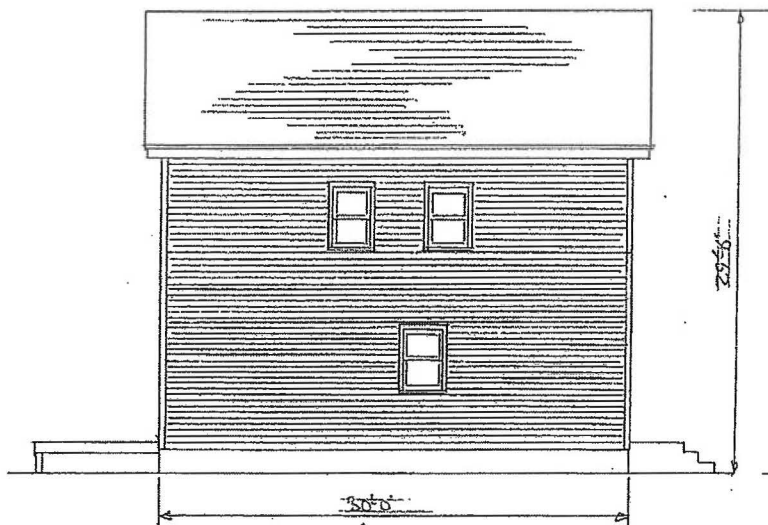


RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"

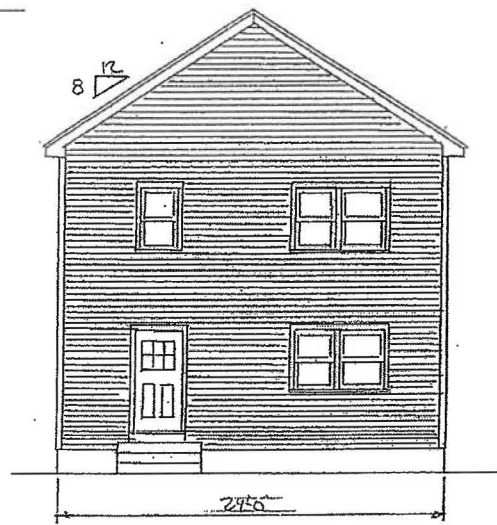


BACK ELEVATION
SCALE 1/4" = 1'-0"

89 SPRING ST
MARLBOROUGH MA



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



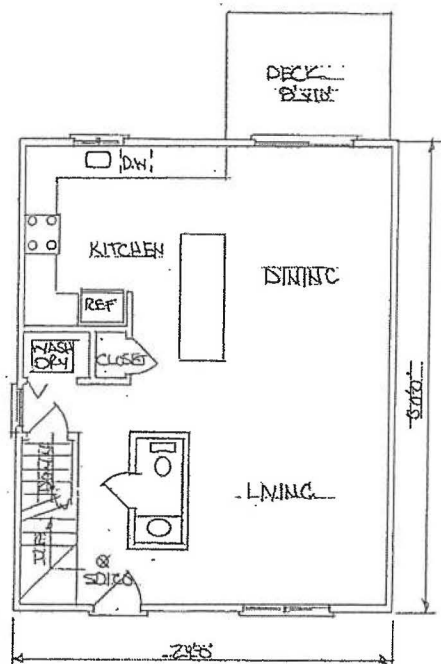
FRONT ELEVATION
SCALE 1/4" = 1'-0"

CLASCK ARCHITECTURAL
NO CHELSEA MA 978-251-7025

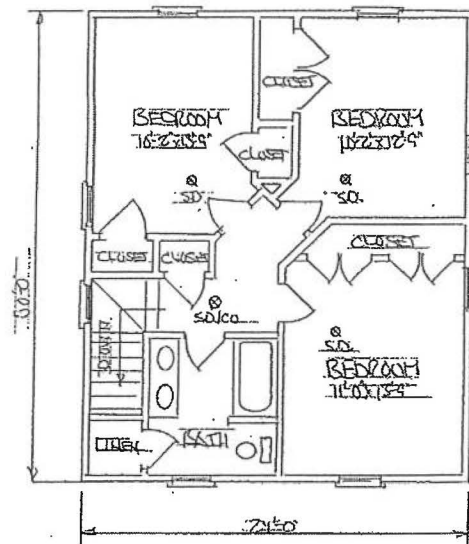
JUNE 23, 2018

89 SPRING ST.
MARLBOROUGH MA

1



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



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

89 SPRING ST
 MARLBOROUGH MA



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

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CITY OF MARLBOROUGH
2018 NOV 15 A 11:50
DONALD V. RIDER, JR.
SOLICITOR
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
ELLEN M. STAVROPOULOS
PARALEGAL

November 15, 2018

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

RE: Order No. 18-1007337B / Amendment to Chapter 650 (Zoning Ordinance) -
Neighborhood Business District

Dear President Clancy and Members of the City Council:

Attached for your consideration is the above captioned Order No. 18-1007337B. Said Order is in proper form for consideration by the body.

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

Very truly yours,

/s/ Cynthia Panagore Griffin

Cynthia Panagore Griffin
Assistant City Solicitor

Cc: Michael Ossing, Councilor-at-Large
John Irish, Ward 5 Councilor

ORDERED:

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

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

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

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

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

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

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

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

§ 650-39 NEIGHBORHOOD BUSINESS DISTRICT (NB)

A. Purposes and Objectives.

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

such as the Assabet River Rail Trail, and uses that take advantage of adjacent walkable, pedestrian-oriented neighborhoods.

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

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

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

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

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

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

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

part of Special Permit or Site Plan Review, may negotiate with the developer and may set other conditions of approval to ensure or encourage other open space benefits, or may waive strict adherence to this provision. Improvements to be made by the developer to an nearby existing public open space parcel or the Assabet River Rail Trail may be included in these negotiations.

D. Project Review.

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

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

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

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

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

Map 68, Parcels 115, 116, 118, 119, 121, 129, 130, 131, 132, 134, 135, 136, 154, 155, 156, 157, 158, 159, 160, 162, 163, 164, 166, 167, 168, 182, 183, 184, 185, 186, 188, 189, 190, 200, 201, 202, 203, 204, 205; and

Map 69, Parcels 19, 19B, 20, 21, 22, 23, 24, 25, 26, 27, 83, 84, 85, 86, 87, 88, 89, 90, 91, 94, 95, 96, 97, 98, 99, 106, 107, 108, 109, 239, 240, 241, 242, 243, 243A, 243B, 257, 258, 259, 260, 261, 262, 263, 265, 267, 268, 269, 271, 274, 275, 276, 280, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 336, 337, 338, 338A, 339, 339A, 340, 341, 342, 343, 345, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 357A, 357B, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 523, 523A, 528;

Map 56, Parcels 80, 81 and 85; and

The portions of Map 69 Parcel 334 and Map 56 Parcel 79 which are located within the B zoning district as of the day of these amendments. The portions of said parcels which are

located within the CA zoning district as of the day of these amendments shall remain in the CA district.

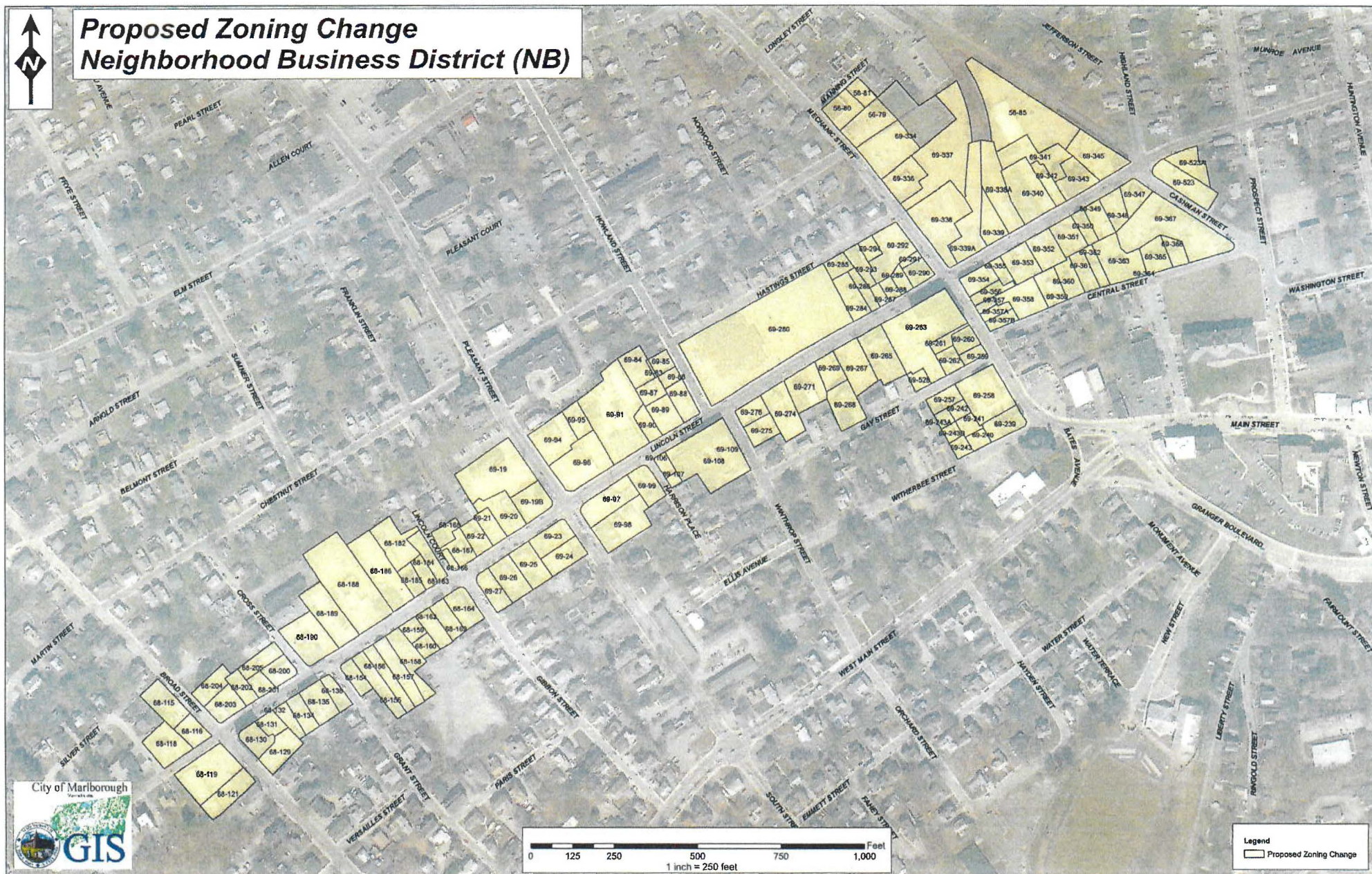
VI. The effective date of these amendments shall be the date of their passage.

ADOPTED

In City Council
Order No 18-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



650 Attachment1

City of Marlborough

Table of Use Regulations
(§ 650-17)

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

KEY:

All uses noted with "Y" are allowed as of right, subject to any referenced conditions.

All uses noted with "SP" are allowed by special permit, subject to any referenced conditions.

All uses noted with "N" are not permitted.

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

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

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

	Zoning District Abbreviations												
	RR	A-1	A-2	A-3	RB	RC	RCR	NB	B	CA	LI	I	MV
Consumer service establishments	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y
Salesroom	N	N	N	N	N	N	N	SP	N	Y	N	N	N
Wholesale office or showroom	N	N	N	N	N	N	N	N	N	Y	N	N	N
Wholesale sale and warehousing	N	N	N	N	N	N	N	N	N	Y	N	N	N
Commercial greenhouse	N	N	N	N	N	N	N	SP	Y	Y	Y	Y	N
Motels	N	N	N	N	N	N	N	N	SP	SP	SP	SP	N
Mixed use development (42)	N	N	N	N	N	N	N	SP	SP	N	N	N	Y
Brew pubs	N	N	N	N	N	N	N	Y	SP	N	N	N	Y
Copy shops, newspaper offices	N	N	N	N	N	N	N	Y	Y	N	N	N	Y
Place of repair for cars, boats, trucks and farm equipment (25)	N	N	N	N	N	N	N	N	N	Y	N	N	N
Places of assembly	N	N	N	N	N	N	N	SP	SP	SP	N	N	SP
Outdoor recreation uses	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP
Outdoor storage (26)	N	N	N	N	N	N	N	N	Y	Y	SP	SP	N
Car parking lots, garages (27)	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Gasoline filling stations (28)	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Auto service facilities for minor repairs, changing tires and lubrication (28)	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Auto sales and service (25)	N	N	N	N	N	N	N	N	N	Y	N	N	N
Car wash (28)	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Open air markets (29)	N	N	N	N	N	N	N	N	SP	SP	N	N	Y
Shopping malls	N	N	N	N	N	N	N	N	N	N	SP	SP	N
Soil removal (30)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Accessory uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Funeral homes, parlors and mortuaries	N	N	N	N	N	Y	N	Y	N	Y	N	N	N
Public, private or commercial recreation establishments, recreation grounds or places of amusement	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP
Restaurant, cafe	N	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y
Restaurant with drive-in or drive-thru facilities (31)	N	N	N	N	N	N	N	SP	SP	SP	N	N	N
Restaurants serving food outdoors (31)	N	N	N	N	N	N	N	Y	Y	Y	SP	SP	Y
Restaurants for employee use	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Drive-thru facilities	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Adult bookstore (32)	N	N	N	N	N	N	N	N	N	N	N	SP	N

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

EXHIBIT A

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

ZONING
650 Attachment 2

City of Marlborough

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

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

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Maximum Lot Coverage ⁷
Rural Residence RR	1 acre	180	25	40	50	2 ½ stories	20%
Residence A-1	22,500 square feet	150	20 ²	30	40	2 ½ stories	25%
Residence A-2	18,000 square feet	120	15 ²	30	40	2 ½ stories	30%
Residence A-3	12,500 square feet	100	15 ²	20	30	2 ½ stories	30%
Residence B	8,000 square feet, plus 4,000 square feet for each additional dwelling unit over 2	100	15 ²	20	30	2 ½ stories	30%
Residence C	10,000 square feet, plus 2,000 square feet for each additional dwelling unit over 3	90	10	20	25	3 stories	30%
Retirement Community Residence	15 acres	250 ⁷	25 ⁸	50 ⁸	— ⁸	2 ½ stories	50% ⁹
Neighborhood Business NB	5,000 square feet	50	10	15-25 ¹⁶	15-25 ¹⁶	2 ½ stories minimum; 52 ft. max	75%
Business B	5,000 square feet	50	25 ³	50	None	52 feet	30% for residential; 80% for all other uses
Commercial and Automotive CA	5,000 square feet	50	50 ³	50	None	2 stories (no limit where use is exclusively for industry)	80%
Marlborough Village District MV	5,000 square feet	25	10 ³	10 ¹⁴	10 ¹⁵	Minimum: 35 feet 6 stories: not to exceed a maximum of 70 feet ¹²	80% ¹³

MARLBOROUGH CODE

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

NOTES:

¹ Note deleted.

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

³ 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.

⁴ Except where abutting a residence district, shall be 50 feet.

⁵ Except for buildings extending through a block or to a railroad siding.

⁶ 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.

⁷ However, this frontage need not be contiguous.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ Maximum lot coverage for a Large Tract Development Lot shall be 50%.

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

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

¹⁴ 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.

¹⁵ 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.

¹⁶ 15 feet for structures under 35 feet; increases to 25 feet for structures 35 feet or taller.



City of Marlborough
BUILDING DEPARTMENT

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

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2018 NOV 15 A 10:48

JEFFREY COOKE, C.B.O.
BUILDING COMMISSIONER
PATRICK DAHLGREN
ASSISTANT BUILDING
COMMISSIONER

WILLIAM PAYNTON
LOCAL BUILDING INSPECTOR

RICHARD DESIMONE
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

November 14, 2018

Edward Clancy
City Council President
City Hall
Marlborough, MA 01752

RE: Order No.18-1007423: Application for LED Sign Special Permit for Main Street Bank, 81
Granger Boulevard

Dear President and Members:

Per Order of the City Council dated October 15, 2018, attached herein together with the EMB (electronic message board) sign special permit application, I have reviewed the original special permit decision for the drive through window at 81 Granger Boulevard and find a modification is required to move forward with the sign special permit application.

Toward that end, MSB has filed an application to amend the special permit decision by removing language that prohibits message board signs.

The Special Permit modification application is before you this evening and you may schedule both applications for advertisement and public hearings as required.

Sincerely,

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

JC/kb

Mission Statement

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



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 15, 2018

ORDERED:

That the Application for LED Sign Special Permit for Main Street Bank, 81 Granger Boulevard, be and is herewith refer to **BUILDING COMMISSIONER, AND TO AMEND THE SPECIAL PERMIT.**

Councilor Delano recused.

ADOPTED

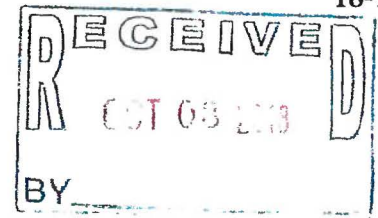
ORDER NO. 18-1007423
X12-1004081C



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CITY OF MARLBOROUGH

2018 OCT -3 A 10:00

City of Marlborough



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 Rylen 76" x 96" Internally illuminated
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:

Lane
 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: Lane Business: _____ Mobile: _____

Applicant.

E-mail: Lane 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

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



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

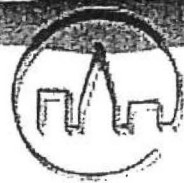


Single-face (SF)
Available in all sizes



Two-view (2V)
Available in all sizes

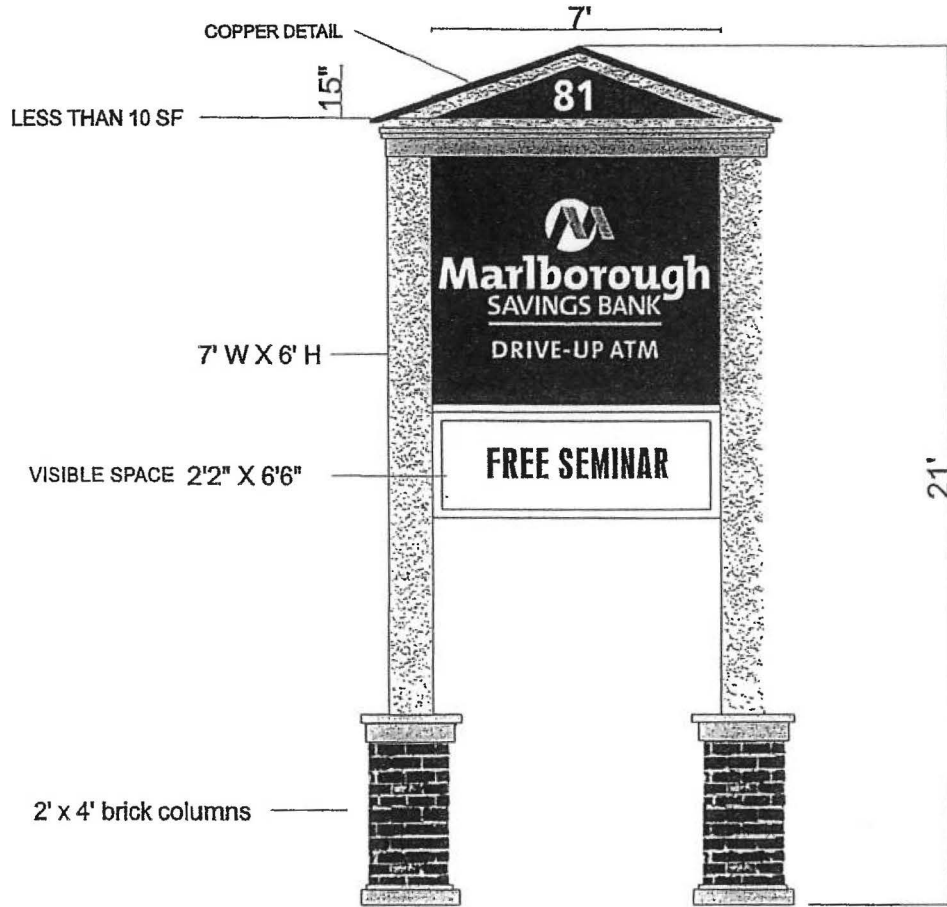
186



Main Street
BANK

Vote Today!





APPROVAL

SIGNATURE & DATE REQUIRED FOR PRODUCTION

Signature

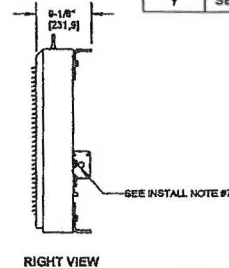
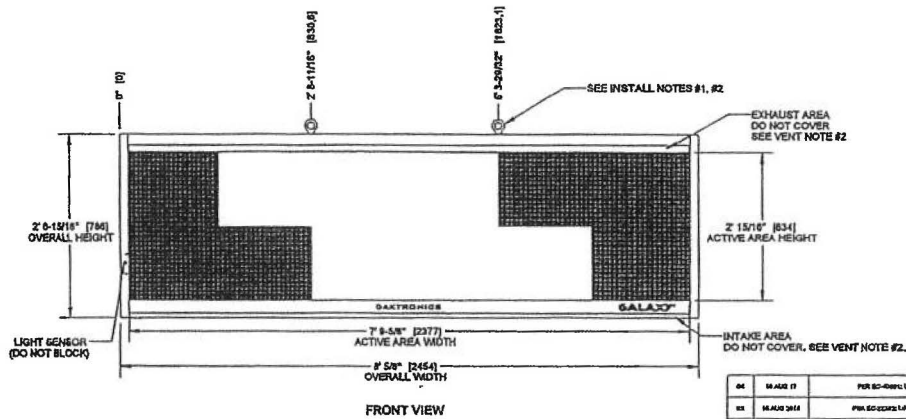
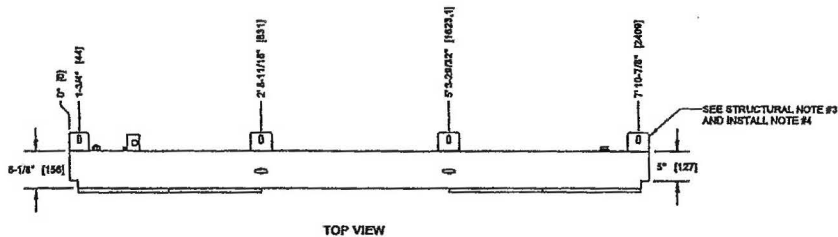
Date

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	558, 558S, 558SE/352 (SEE CHART ON TOP LEFT)
2	OVER COLOR	RED, AMBER, OR RGB
3	ACTIVE AREA	7" (180°) RADIUS (SEE CHART) (377)
4	EXTERNAL BUSH	2" X 1/32" (1/4" X 1/8" (204)
5	CABINET	ALUMINUM & STEEL
6	VENTILATION	FRONT
7	ACCESS	SERVICE FROM FRONT OF DISPLAY
8	HEIGHT	150 LBS (68 KG) (APPROX)
9	SHIPPING	SHIPPED AS A SINGLE UNIT
10	DIMENSIONS	FEET AND INCHES (MILLIMETERS)
11	PAINTED	SEMIGLOSS BLACK
STRUCTURAL MATING		
1	STANDARD WELDING PREPARE "F" (K&E)	MAX 100 FPF (ASD)
2	DESIGNER'S PREPARE "F" (K&E)	SEE 2030A/C27-08, USC 20120A/C27-08
3	ALL CLIP ANGLES MUST BE USED TO MOUNT DISPLAY	
POWER RATING PER SINGLE FACE; FOR 250MS BLUE/WHITE MAX REDD SHOWN		
TECHNOLOGY	COLOR	MAX WATTS
		120VAC 1PH 60HZ: 240VAC 1PH 50/60HZ
		(2 WATTS PER INCH DIAGONAL) (2 WATTS PER INCH DIAGONAL)
		LINE 1 (AMP) LINE 1 (AMP)
CGC	RED	434 3.42 1.81
	AMBER	434 3.62 1.81
	RGB	870 6.59 3.70
VENTILATION REQUIREMENTS		
1	DISPLAY RELIES ON VENTILATION TO FUNCTION PROPERLY. RETAINS, LOCATED AT THE FRONT OF THE DISPLAY, MUST BE ABLE TO DRAW IN AIR AT A TEMPERATURE NO GREATER THAN 125 F.	
2	IN ORDER TO MAINTAIN ADEQUATE TEMPERATURE AND WRITE 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 LIFTSET MUST BE MAINTAINED - USING THE 90° ANGLE. IF THE 90° ANGLE IS NOT MAINTAINED, THE LIFTSET MUST BE USED WHEN LIFTING.	
2	LIFT LIFTSET TO ASSIST WITH DISPLAY INSTALLATION. LIFTSET MAY NOT BE USED FOR PERMANENT INSTALLATION. LIFTSET MAY BE REMOVED.	
3	MECHANICAL AND SIGNAL CONNECTIONS OCCUR EXTERNAL TO DISPLAY.	
4	CLIP ANGLE FOR MOUNTING: CLIP ANGLES CAN BE ADJUSTED VERTICALLY 1° - 310° AS NEEDED DURING INSTALLATION. CLIP ANGLE CAN BE WELDED OR BOLTED TO PERMANENT INSTALLATION. CLIP ANGLE LOCATION MUST BE USED.	
5	DAUGHTERES IS NOT RESPONSIBLE FOR THE MOUNTING HARDWARE OR THE INTEGRITY OF THE MOUNTING STRUCTURE.	
6	DAUGHTERES IS NOT RESPONSIBLE FOR THE HARM ELECTRICAL CONNECTIONS. SEE POWER RATINGS ABOVE.	
7	SEE DWG-03097 583 FOR SIGNAL & MTG DETAILS	

04	HAJAZ 17	PUR ISO-CLASSIFIED POWER SPEC'S	ISS DATE:
05	HAJAZ 18	PUR ISO-CLASSIFIED CHANNEL LAYOUT	CLO DATE:
06	BY 0414	UPDATED SHAKY LANE.	DSS DATE:
REV	DATE:		BY:

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

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
Department of Public Works

135 NEIL STREET
MARLBOROUGH, MASSACHUSETTS 01752

TEL. 508-624-6910

*TDD 508-460-3610

JOHN L. GHILONI
COMMISSIONER

November 9, 2018

Edward Clancy, President
Kathleen Robey, Chairman, Legislative & Legal Affairs Committee
Marlborough City Council
City Hall
Marlborough, MA 01752

RE: Proposed Assignment of Retaining Wall Easement to 27 Jefferson LLC –
DPW Notice Pursuant to M.G.L. c. 40, § 15A

Dear President Clancy and Chairman Robey:

Since 1940, the City of Marlborough has held an easement interest in a 3'-wide strip of land located at 27 Jefferson Street, 23 Jefferson Street, and 30 Highland Street (respectively, Marlborough Assessors Map 56, Parcels 160, 161, and 162. This easement has been held for the purpose of constructing and maintaining a retaining wall on that strip of land.

Please let this letter serve as notice pursuant to M.G.L. c. 40, § 15A that the Department of Public Works, having been in charge of that strip of land, has determined that the City's easement interest is no longer needed by the City for that purpose.

This means the retaining wall easement is now available for transfer from the DPW to the City Council for another specific municipal purpose, namely, assignment of the easement to 27 Jefferson LLC, its successors and/or assigns (the "LLC").

If the Council votes to approve that assignment, it is DPW's understanding that the LLC, at its sole expense, will perform any and all work in the future for reconstructing, relocating, maintaining and/or repairing the retaining wall in question.

Thank you for your attention to this matter.

Sincerely,

John L. Ghiloni
Commissioner of Public Works

cc: Arthur Vigeant, Mayor
Thomas DiPersio, Jr., DPW
Donald V. Rider, Jr., Solicitor
Brian Falk, Esquire



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 NOV 14 A 10:00

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 **January 29, 2019**

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.

Christopher White
22 Brimsmead Street
Marlborough, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 NOV 14 P 3:13

To Whom It May Concern:

I Christopher White of 22 Brimsmead Street Marlborough hear-by request to withdraw my special permit application for a 24 x 26 ft garage.

Sincerely,

Christopher White

Signature: Christopher White Date: 11/13/18



SEM AYKANIAN

ATTORNEY AT LAW

74 Main Street
Marlborough, Massachusetts 01752
SemAykanian@aykanianlaw.com

t 508.485.4882
f 508.624.4110
c 508.667.9188

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

www.aykanianlaw.com

2018 NOV 14 P 12:57

November 14, 2018

Office of the City Clerk
Attn: Lisa M. Thomas, City Clerk
140 Main Street
Marlborough, MA 01752

RE: Main Street Bank, 81 Granger Boulevard

Dear Ms. Thomas,

As you know, I represent Main Street Bank relative to its operations at 81 Granger Boulevard and the enclosed Special Permit Amendment Application.

In June of 2009, the Marlborough City Council, by Order No. 09-1002152C, issued a Notice of Decision and Grant of Special Permit to my client for the construction and maintenance of a drive through teller line and ATM services at the above referenced location.

At this point in time, my client seeks to amend the Special Permit as it relates to the addition of an electronic digital display sign. Accordingly, I have enclosed the following items in connection with the same:

1. Filing Fee in the amount of \$250.00
2. Special Permit Application Certification executed by Jeffrey K. Cooke
3. Certification of Applicant and Tax Collector regarding municipal charges
4. Attorney's certification of service to City departments
5. Application for Special Permit (Amendment)
6. Certified list of abutters
7. Proposed digital sign and specs

It is my understanding that you will transmit this matter to the full City Council for their action.

If there are any questions or any further information needed, please do not hesitate to call.

Very truly yours,

Sem Aykanian, Esq.

SA/ek

Enc.

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

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 NOV 14 P 12:57

1. Name and address of Petitioner or Applicant:

Main Street Bank, 81 Granger Boulevard, Marlborough, MA

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

81 Granger Boulevard / Map 70 / Parcel 152

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

Fitzpatrick Family Investment Trust, 3 Reservoir Lane, Upton, MA

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

5. Specific Zoning Ordinance under which the Special Permit is sought: N/A - Petitioner seeks amendment to Special Permit allowed by City Council Order No. 09-1002152C,
Article Section Paragraph Sub-paragraph attached hereto.

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

Business Zone

7. Specific reason(s) for seeking Special Permit - Amendment

Petitioner seeks to amend the existing Special Permit by removing Condition #4

that prohibits signs on the Site, which have moving parts, message boards, LCD

or equiv. features; and in its place inserting a new Condition #4 comporting

with §526-13, entitled "Electronic Message Center Signs and Digital Display Sign",

see attached the proposed sign for this location.

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

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



Signature of Petitioner or Applicant

Address: 81 Granger Boulevard

Marlborough, MA

Telephone No. 508-460-4150

Date: 11/13/2018

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

Main Street Bank

(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**

ATTACHED HERETO



400 foot Abutters List Report

Marlborough, MA
November 05, 2018

MARLBOROUGH ASSESSORS

Anthony C. Amadio
Allen K. Silverstein
David May Jr.

Subject Properties:

Parcel Number: 70-152
CAMA Number: 70-152
Property Address: GRANGER BLVD

Mailing Address: FITZPATRICK STEPHEN M TR
PO BOX 19
MARLBOROUGH, MA 01752

Parcel Number: 70-152
CAMA Number: 70-152
Property Address: 81 GRANGER BLVD

Mailing Address: MARLBOROUGH SAVINGS BANK
166 MAIN ST
MARLBOROUGH, MA 01752

Parcel Number: 70-152
CAMA Number: 70-152
Property Address: GRANGER BLVD

Mailing Address: FITZPATRICK STEPHEN M TR
PO BOX 19
MARLBOROUGH, MA 01752

Parcel Number: 70-152
CAMA Number: 70-152
Property Address: 81 GRANGER BLVD

Mailing Address: MARLBOROUGH SAVINGS BANK
166 MAIN ST
MARLBOROUGH, MA 01752

Abutters:

Parcel Number: 70-104
CAMA Number: 70-104
Property Address: 56 FLORENCE ST

Mailing Address: FRATERNAL ORDER OF EAGLES
56 FLORENCE ST
MARLBOROUGH, MA 01752

Parcel Number: 70-105
CAMA Number: 70-105
Property Address: 64 FLORENCE ST

Mailing Address: HOLLIS JAMES E TR
56 FLORENCE ST
MARLBOROUGH, MA 01752

Parcel Number: 70-109
CAMA Number: 70-109
Property Address: 82 FLORENCE ST

Mailing Address: MASSACHUSETTS ELECTRIC COMPANY

40 SYLVAN RD
WALTHAM, MA 02451-2286

Parcel Number: 70-113
CAMA Number: 70-113
Property Address: 33 NEIL ST

Mailing Address: VELKY JANETE M
25 WHITNEY WAY
SHERBORN, MA 01770

Parcel Number: 70-114
CAMA Number: 70-114
Property Address: 31 NEIL ST

Mailing Address: OREGAN KATELIN M
31 NEIL ST
MARLBOROUGH, MA 01752

Parcel Number: 70-115
CAMA Number: 70-115
Property Address: 27 NEIL ST

Mailing Address: TRUDEAU LISA M TR
27 NEIL ST
MARLBOROUGH, MA 01752



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11/5/2018

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400 foot Abutters List Report

Marlborough, MA
November 05, 2018

Parcel Number: 70-116 CAMA Number: 70-116 Property Address: 25 NEIL ST	Mailing Address: GRAMAJO FEDERICO 25 NEIL ST MARLBOROUGH, MA 01752
Parcel Number: 70-116A CAMA Number: 70-116A Property Address: 21 NEIL ST	Mailing Address: ALDEN BEVERLY 21 NEIL ST MARLBOROUGH, MA 01752
Parcel Number: 70-117 CAMA Number: 70-117 Property Address: 1 DOW PL	Mailing Address: HOLLIS JAMES E TR C/O FRATERNAL ORDER OF EAGLES 56 FLORENCE ST MARLBOROUGH, MA 01752
Parcel Number: 70-118 CAMA Number: 70-118 Property Address: 3 DOW PL	Mailing Address: DELUCA WAYNE A 3 DOW PL MARLBOROUGH, MA 01752
Parcel Number: 70-119 CAMA Number: 70-119 Property Address: 5 DOW PL	Mailing Address: WEBBER RICHARD E 5 DOW PL MARLBOROUGH, MA 01752
Parcel Number: 70-120 CAMA Number: 70-120 Property Address: 19 NEIL ST	Mailing Address: DOWNEY RICHARD H TR 19 NEIL ST MARLBOROUGH, MA 01752
Parcel Number: 70-121 CAMA Number: 70-121 Property Address: 17 NEIL ST	Mailing Address: ESTES CHARLES TR 250 STOW RD MARLBOROUGH, MA 01752
Parcel Number: 70-122 CAMA Number: 70-122 Property Address: 11 NEIL ST	Mailing Address: PEDROLE MARY R LI EST 11 NEIL ST MARLBOROUGH, MA 01752
Parcel Number: 70-123 CAMA Number: 70-123 Property Address: 9 NEIL ST	Mailing Address: JAWOREK CHARLES M 9 NEIL ST MARLBOROUGH, MA 01752
Parcel Number: 70-124 CAMA Number: 70-124 Property Address: 7 NEIL ST	Mailing Address: TOMANEK RICHARD C 1 CORTLAND DR HUDSON, MA 01749
Parcel Number: 70-125 CAMA Number: 70-125 Property Address: OFF GRANGER BLVD	Mailing Address: CITY OF MARLBOROUGH 255 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-126 CAMA Number: 70-126 Property Address: 6 DOW PL	Mailing Address: BIRD & FISH REALTY LLC 374 RIVER RD ANDOVER, MA 01810



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11/5/2018

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400 foot Abutters List Report

Marlborough, MA
November 05, 2018

Parcel Number: 70-127 CAMA Number: 70-127 Property Address: 4 DOW PL	Mailing Address: SHERIDAN JAMES 4 DOW PL MARLBOROUGH, MA 01752
Parcel Number: 70-129 CAMA Number: 70-129 Property Address: 40 FLORENCE ST	Mailing Address: REP ENTERPRISES LP C/O MEGA-WATT 87 GRANGER BLVD MARLBOROUGH, MA 01752
Parcel Number: 70-130 CAMA Number: 70-130 Property Address: GRANGER BLVD	Mailing Address: CITY OF MARLBOROUGH 255 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-131 CAMA Number: 70-131 Property Address: WEED ST	Mailing Address: CITY OF MARLBOROUGH 140 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-131A CAMA Number: 70-131A Property Address: WEED ST	Mailing Address: CITY OF MARLBOROUGH 140 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-132 CAMA Number: 70-132 Property Address: 20 FLORENCE ST	Mailing Address: UNITED STATES POST OFFICE 20 FLORENCE ST MARLBOROUGH, MA 01752
Parcel Number: 70-133 CAMA Number: 70-133 Property Address: GRANGER BLVD	Mailing Address: CITY OF MARLBOROUGH 255 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-137 CAMA Number: 70-137-126-1 Property Address: 126 MAIN ST #1	Mailing Address: BABOLI LLC 7 ROCKLAWN RD WESTBOROUGH, MA 01581-3945
Parcel Number: 70-137 CAMA Number: 70-137-126-1 Property Address: 126 MAIN ST #1	Mailing Address: BABOLI LLC 7 ROCKLAWN RD WESTBOROUGH, MA 01581-3945
Parcel Number: 70-137 CAMA Number: 70-137-126-62 Property Address: 126-136 MAIN ST	Mailing Address: . . .
Parcel Number: 70-137 CAMA Number: 70-137-128-2 Property Address: 128 MAIN ST #2	Mailing Address: BABOLI LLC 7 ROCKLAWN RD WESTBOROUGH, MA 01581-3945
Parcel Number: 70-137 CAMA Number: 70-137-128-2 Property Address: 128 MAIN ST #2	Mailing Address: BABOLI LLC 7 ROCKLAWN RD WESTBOROUGH, MA 01581-3945



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11/5/2018

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400 foot Abutters List Report

Marlborough, MA
November 05, 2018

Parcel Number: 70-137 CAMA Number: 70-137-130-3 Property Address: 130 MAIN ST #3	Mailing Address: TSIANATELIS HARALAMBOS TR 15 FOWLER ST MARLBOROUGH, MA 01752
Parcel Number: 70-137 CAMA Number: 70-137-130-3 Property Address: 130 MAIN ST #3	Mailing Address: TSIANATELIS HARALAMBOS TR 15 FOWLER ST MARLBOROUGH, MA 01752
Parcel Number: 70-137 CAMA Number: 70-137-132-4 Property Address: 132 MAIN ST #4	Mailing Address: XANTHOPOULOS THEODOROS 28 PERRY HENDERSON DR FRAMINGHAM, MA 01701
Parcel Number: 70-137 CAMA Number: 70-137-132-4 Property Address: 132 MAIN ST #4	Mailing Address: XANTHOPOULOS THEODOROS 28 PERRY HENDERSON DR FRAMINGHAM, MA 01701
Parcel Number: 70-137 CAMA Number: 70-137-134-5 Property Address: 134 MAIN ST #5	Mailing Address: TSIANATELIS STEVE TR 15 FOWLER ST MARLBOROUGH, MA 01752
Parcel Number: 70-137 CAMA Number: 70-137-134-5 Property Address: 134 MAIN ST #5	Mailing Address: TSIANATELIS STEVE TR 15 FOWLER ST MARLBOROUGH, MA 01752
Parcel Number: 70-137 CAMA Number: 70-137-136-6 Property Address: 136 MAIN ST #6	Mailing Address: TSIANATELIS STEVE TR 15 FOWLER ST MARLBOROUGH, MA 01752
Parcel Number: 70-137 CAMA Number: 70-137-136-6 Property Address: 136 MAIN ST #6	Mailing Address: TSIANATELIS STEVE TR 15 FOWLER ST MARLBOROUGH, MA 01752
Parcel Number: 70-139 CAMA Number: 70-139 Property Address: 116 MAIN ST	Mailing Address: MOUNTZOURIS PETER TR 845 ELM ST MARLBOROUGH, MA 01752
Parcel Number: 70-140 CAMA Number: 70-140 Property Address: 106 MAIN ST	Mailing Address: MOUNTZOURIS PETER TR 845 ELM ST MARLBOROUGH, MA 01752
Parcel Number: 70-140A CAMA Number: 70-140A Property Address: MAIN ST	Mailing Address: MOUNTZOURIS PETER TR 845 ELM ST MARLBOROUGH, MA 01752
Parcel Number: 70-140B CAMA Number: 70-140B Property Address: MAIN ST	Mailing Address: MOUNTZOURIS PETER TR 845 ELM ST MARLBOROUGH, MA 01752



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400 foot Abutters List Report

Marlborough, MA
November 05, 2018

Parcel Number:	70-143	Mailing Address:	CITY OF MARLBOROUGH
CAMA Number:	70-143		255 MAIN ST
Property Address:	WEED ST		MARLBOROUGH, MA 01752
Parcel Number:	70-143A	Mailing Address:	CITY OF MARLBOROUGH
CAMA Number:	70-143A		255 MAIN ST
Property Address:	WEED ST		MARLBOROUGH, MA 01752
Parcel Number:	70-145	Mailing Address:	VOYIATZIS GEORGE TR
CAMA Number:	70-145		115 PLEASANT ST
Property Address:	29 SOUTH BOLTON ST		CAMBRIDGE, MA 02139
Parcel Number:	70-147	Mailing Address:	DOWNTOWN MARLBOROUGH LLC
CAMA Number:	70-147		11 COURT ST
Property Address:	17-21 WEED ST		MARLBOROUGH, MA 01752
Parcel Number:	70-150	Mailing Address:	LOPES KARINE S
CAMA Number:	70-150		4 NEIL ST
Property Address:	4 NEIL ST		MARLBOROUGH, MA 01752
Parcel Number:	70-151	Mailing Address:	NIELSEN LARS N
CAMA Number:	70-151		10 NEIL ST
Property Address:	10 NEIL ST		MARLBOROUGH, MA 01752
Parcel Number:	70-153	Mailing Address:	BARROS ALEXIMAR
CAMA Number:	70-153		14 NEIL ST
Property Address:	14 NEIL ST		MARLBOROUGH, MA 01752
Parcel Number:	70-154	Mailing Address:	CISEK MICHAEL F
CAMA Number:	70-154		22 NEIL ST
Property Address:	22 NEIL ST		MARLBOROUGH, MA 01752
Parcel Number:	70-155	Mailing Address:	SIMOPOULOS THOMAS T
CAMA Number:	70-155		C/O CHRISTHANTHY SIMOPOULOS 85
Property Address:	13 LAMBERT ST		UNION ST
			MARLBOROUGH, MA 01752
Parcel Number:	70-156	Mailing Address:	DESOUZA THIAGO AUGUSTO
CAMA Number:	70-156		7 LAMBERT ST
Property Address:	7 LAMBERT ST		MARLBOROUGH, MA 01752
Parcel Number:	70-158	Mailing Address:	DEJESUS MARCIO A
CAMA Number:	70-158		55 HOWE ST
Property Address:	55 HOWE ST		MARLBOROUGH, MA 01752
Parcel Number:	70-159	Mailing Address:	HASSAPES NICHOLAS TR
CAMA Number:	70-159		42 FRAMINGHAM RD
Property Address:	61 HOWE ST		MARLBOROUGH, MA 01752



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400 foot Abutters List Report

Marlborough, MA
November 05, 2018

Parcel Number: 70-160 CAMA Number: 70-160 Property Address: 8 LAMBERT ST	Mailing Address: TANNENBAUM GAIL M TR 42 LATISQUAMA RD SOUTHBOROUGH, MA 01772
Parcel Number: 70-161 CAMA Number: 70-161 Property Address: 10 LAMBERT ST	Mailing Address: DOUGLASS SUSAN E A 10 LAMBERT ST MARLBOROUGH, MA 01752
Parcel Number: 70-162 CAMA Number: 70-162 Property Address: 14 LAMBERT ST	Mailing Address: SUVANNAPONG SARAYUT 14 LAMBERT ST MARLBOROUGH, MA 01752
Parcel Number: 70-163 CAMA Number: 70-163 Property Address: 28 NEIL ST	Mailing Address: GARCIA DAVID 28 NEIL ST MARLBOROUGH, MA 01752
Parcel Number: 70-164 CAMA Number: 70-164 Property Address: 34 NEIL ST	Mailing Address: HACHE THOMAS J 12 MARYCHRIS DR HUDSON, MA 01749
Parcel Number: 70-165 CAMA Number: 70-165 Property Address: 65 HOWE ST	Mailing Address: VALARIOTI RICHARD R 4 WHISTLER LN SOUTHBOROUGH, MA 01772
Parcel Number: 70-166 CAMA Number: 70-166 Property Address: 69 HOWE ST	Mailing Address: TSAVIDIS KATHERINE M TR 15 GRACE CIR MARLBOROUGH, MA 01752
Parcel Number: 70-167 CAMA Number: 70-167 Property Address: 40 NEIL ST	Mailing Address: MABARDY STEVEN 40 NEIL ST APT 1 MARLBOROUGH, MA 01752
Parcel Number: 70-168 CAMA Number: 70-168 Property Address: 42-44 NEIL ST	Mailing Address: SMITH BARBARA 42 NEIL ST MARLBOROUGH, MA 01752
Parcel Number: 70-169 CAMA Number: 70-169 Property Address: 75 HOWE ST	Mailing Address: DEMELIA MARY LOU 75 HOWE ST MARLBOROUGH, MA 01752
Parcel Number: 70-170 CAMA Number: 70-170 Property Address: 48 NEIL ST	Mailing Address: DUNN BRETT 16 HOWE ST MEDWAY, MA 02053
Parcel Number: 70-172 CAMA Number: 70-172 Property Address: 79 HOWE ST	Mailing Address: CANCIO AIRES F 9 MARGARET CIR HUDSON, MA 01749



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400 foot Abutters List Report

Marlborough, MA
November 05, 2018

Parcel Number: 70-173 CAMA Number: 70-173 Property Address: 52 NEIL ST	Mailing Address: ORDONEZ WALTER 52 NEIL ST MARLBOROUGH, MA 01752
Parcel Number: 70-176 CAMA Number: 70-176 Property Address: 85 HOWE ST	Mailing Address: PITTOL VANDERLANDO 399 BERLIN RD MARLBOROUGH, MA 01752
Parcel Number: 70-204 CAMA Number: 70-204 Property Address: 75 SOUTH BOLTON ST	Mailing Address: ARAK II LLC PO BOX 3165 HARRISBURG, PA 17105
Parcel Number: 70-206 CAMA Number: 70-206 Property Address: 54 SOUTH BOLTON ST	Mailing Address: TWENTY NINE BRIDGE ST CORP 21 PARKER DRIVE AVON, MA 02322
Parcel Number: 70-212A CAMA Number: 70-212A Property Address: 0 GRANGER BLVD	Mailing Address: CITY OF MARLBOROUGH 140 MAIN ST MARLBOROUGH, MA 01752
Parcel Number: 70-213 CAMA Number: 70-213 Property Address: 28 SOUTH BOLTON ST	Mailing Address: M & E VENTURES CORPORATION 4 WATKINS LN SOUTHBOROUGH, MA 01772
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
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: M & E VENUTRES CORPORATION 4 WATKINS LN SOUTHBOROUGH, MA 01772



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400 foot Abutters List Report

Marlborough, MA
November 05, 2018

Parcel Number: 70-223A
CAMA Number: 70-223A
Property Address: 0 GRANGER BLVD

Mailing Address: CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH, MA 01752

Parcel Number: 70-224
CAMA Number: 70-224
Property Address: 0 GRANGER BLVD

Mailing Address: CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH, MA 01752

Parcel Number: 70-233
CAMA Number: 70-233
Property Address: 34-38 COTTING AVE

Mailing Address: RESNICK MARC TR
138 HARVARD AVE
ALLSTON, MA 02134

Parcel Number: 70-234
CAMA Number: 70-234
Property Address: 40 COTTING AVE

Mailing Address: MATSIKIS FEVRONIA
40 COTTING AVE 1ST FL
MARLBOROUGH, MA 01752

Parcel Number: 70-235
CAMA Number: 70-235
Property Address: MAPLE TER

Mailing Address: MATSIKIS FEVRONIA
40 COTTING AVE APT 1
MARLBOROUGH, MA 01752

Parcel Number: 70-236
CAMA Number: 70-236
Property Address: 50 COTTING AVE

Mailing Address: ROUSHANAEE BABAK
15 ROBERT RD
MARLBOROUGH, MA 01752

Parcel Number: 70-238
CAMA Number: 70-238
Property Address: 62 COTTING AVE

Mailing Address: MILLER HENRI M
62 COTTING AVE
MARLBOROUGH, MA 01752

Parcel Number: 70-239
CAMA Number: 70-239
Property Address: 66 COTTING AVE

Mailing Address: ES BIGHAM LLC
54 BOSTON RD UNIT #2
CHELMSFORD, MA 01824

Parcel Number: 70-251
CAMA Number: 70-251
Property Address: 55 MAPLE ST

Mailing Address: KANE MAPLE ST LLC
63 MAPLE ST
MARLBOROUGH, MA 01752

Parcel Number: 70-252
CAMA Number: 70-252
Property Address: 43 AMES PL

Mailing Address: MARLBORO ROCKIES REAL ESTATE
LLC
66 DRAPER RD
WAYLAND, MA 01778

Parcel Number: 70-253
CAMA Number: 70-253
Property Address: 31 AMES PL

Mailing Address: CAISSIE RAYMOND J
31 AMES PL
MARLBOROUGH, MA 01752



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SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Main Street Bank Address: 81 Granger Boulevard

Project Name: Main Street Bank Address: 81 Granger Boulevard

1. PROPOSED USE: (describe) Bank with drive-up window

2. EXPANSION OR NEW: Amendment to existing Special Permit - Digital Display Sign

3. SIZE: floor area sq. ft. 15,000 1st floor 5,000 all floors _____

buildings 1 # stories 3 lot area (s.f.) _____

4. LOT COVERAGE: N/A %Landscaped area: N/A %

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

Normal: 54 Peak period: 64

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 10 Peak period: 20

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

Two (2) vehicles at various times between 8:00 am and 5:00 pm

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Standard exterior lighting - no light leaves the property

8. NOISE:

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

Same

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

9. AIR: What sources of potential air pollution will exist at the development? None

10. WATER AND SEWER: Describe any unusual generation of waste. None

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? None

***Attach additional sheets if necessary**



CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752

City Hall
140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: 11/14/2018

SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: Main Street Bank Main Office

Project Use Summary: Bank with Drive-up window

Project Street Address: 81 Granger Boulevard, Marlborough

Plate: Map 70 Parcel: 152

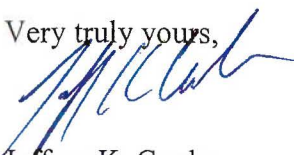
Applicant/Developer Name: Main Street Bank

Plan Date: N/A Revision Date: N/A

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
Building Commissioner

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

\$250.00



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

**Lisa M. Thomas
City Clerk**

Dear Applicant,

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

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

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

Signature *Sam A. Thomas*
Att. for Petitioner

11.14.13
Date

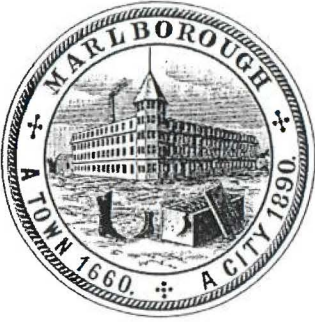
Thank you for your cooperation in this matter.

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

Main Street Bank (f/k/a Marlborough Savings Bank)

Owner Name/Officer Name of LLC or Corporation

Richard Bennett, CEO

Owner/Officer Complete Address and Telephone Number

81 Granger Boulevard, 0 Granger Boulevard

Marlborough, MA 01752

508-460-4150

Signature of Applicant

✓ *Sem Aykanian* *Sem Aykanian, Atty for Main Street Bank*

Attorney on behalf of Applicant, if applicable

Sem Aykanian, Esq., Atty for Main Street Bank

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

Brian P. Phery
Tax Collector *City Treasurer*



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass.,

ORDERED:

NOTICE OF DECISION GRANT OF SPECIAL PERMIT



2009 00196888

Bk: 53650 Pg: 542 Doc: DECIS
Page: 1 of 9 10/08/2009 10:20 AM

In City Council
Order No.09- 1002152C

Application of:
Marlborough Savings Bank
166 Main St.
Marlborough, MA 01752

Locus:
81 Granger Blvd. and 51 Howe St.
Map 70, Parcels 152, 157, 209

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Marlborough Savings Bank as provided in the DECISION and subject to the following FINDINGS OF FACTS AND CONDITIONS.

Decision filed: July 7, 2009.

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on July 7, 2009.

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.
Given at Marlborough this 28th day of July, 2009.

Given under Chapter 40A sec. 11 of the General Laws.

A TRUE COPY
ATTEST:

City Clerk

SEM AYKANIAN ESQ.
74 MAIN STREET
MARLBOROUGH, MA 01752



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass.,

PAGE 1

ORDERED:

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Marlborough Savings Bank, 166 Main Street, Marlborough, MA for ATM and banking services drive-through facilities, in connection with a proposed stand alone bank facility, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. Marlborough Savings Bank is hereinafter referred to as "Applicant".
2. Applicant is a party to contracts calling for the acquisition of the premises known and numbered as 81 Granger Boulevard and 51 Howe Street, Marlborough, Massachusetts described on Marlborough Assessor's Map 70, Parcels 152, 157 and 209 (hereinafter the "Site") and proposes to construct a stand alone bank facility with ATM and banking services drive-through.
3. Applicant, by and through its site engineer, Hancock Associates, has filed with City Clerk of the City of Marlborough an application for a Special Permit. Pursuant to Section 650-16 of the Zoning Ordinance of the City of Marlborough (2008 Code) Applicant is seeking permission for the drive-through facility.
4. The Site is located in a Business zone as determined by the Zoning Map of the City of Marlborough.
5. In connection with the Special Permit Application, Applicant has submitted a traffic impact and access study, certified list of abutters, filing fees, fire truck access, and a detailed site plan entitled "Permit Site Plan, Marlborough Savings Bank", prepared for Marlborough Savings Bank, drawn by Hancock Associates, 315 Elm Street, Marlborough, MA, scale 1"=20', dated March 5, 2009 and consisting of seven pages, with a final revision dated May 29, 2009 and consisting of eight pages.
6. The site plan was certified by the acting 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.
7. 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 public hearing on the application for a Special Permit 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.



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass.,

PAGE 2

ORDERED:

8. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on April 6, 2009.
9. Applicant presented testimony at the public hearing detailing the application, describing its impact upon municipal services, the neighborhood, and traffic.

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

- A. Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to the special permit application.
- 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 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 Applicant a Special Permit to construct and operate drive through banking services as shown on the plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on Applicant, its successors and/or assigns:
 1. 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 Commonwealth of Massachusetts and shall be built according the site plan entitled "Permit Site Plan, Marlborough Savings Bank", prepared for Marlborough Savings Bank, drawn by Hancock Associates, 315 Elm Street, Marlborough, MA, scale 1"=20', dated March 5, 2009 and consisting of seven pages, with a final revision dated May 29, 2009 and consisting of eight pages.



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass., PAGE 3

ORDERED:

2. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough 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 Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the Conditions of this Special Permit and Plans submitted, reviewed and approved by the City Council as the Special Permit granting authority. Any changes to the plans which alter the traffic patterns or landscaping, or reduce the overall green space of the Project, will require subsequent approval by the City Council.
3. Applicant agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of Applicant's facility.
4. The locations and design of signage shall be reviewed and approved by the City of Marlborough during Site Plan Review in accordance with the sign ordinance of the City of Marlborough without variance therefrom. Notwithstanding the foregoing, in no event shall the signage contain so-called message board or LCD components. It is a further condition that the location of the signage shall not be substantially different than that shown on the plans submitted herewith allowing, however, for minor changes in the field so as to avoid conflicts with existing City infrastructure.
5. The location and placement of pavement markings and traffic directional signage shall be reviewed and approved by the City of Marlborough during Site Plan Review in accordance with applicable rules and regulations of the City of Marlborough.
6. All illuminations of individual parking lot light fixtures shall not exceed 200 watt fixtures and shall be screened from abutting residential property. Deflectors shall be utilized and configured to mitigate light from entering abutting properties.



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass., PAGE 4

ORDERED:

7. Snow storage and removal is to be maintained and conducted on site by Applicant, its successors and/or assigns in accordance with the terms of snow removal plan as submitted with the Application for Special Permit. Applicant, its successors and/or assigns shall provide off-site snow removal as required and if deemed necessary by the City of Marlborough Commissioner of Public Works.
8. There shall be no overnight parking at the Site.
9. All catch basins shall be installed in accordance with the plans submitted to the City Council and/or the City Council's Urban Affairs Committee. The catch basins shall be monitored on a semi-annual basis with reports given to the City Engineer annually. The catch basins are to be cleaned by Applicant, its successors and/or assigns annually, or at more frequent intervals as determined necessary by the City Engineer.
10. Applicant, its successors and/or assigns agrees to plant and maintain the Project landscaping as shown on the Site Plan as submitted to the City Council and/or the City Council's Urban Affairs Committee as may be amended during Site Plan Review.
11. The drive-through teller window shall employ a pedestal speaker system of a quality that seeks to minimize the noise emanating from the speaker system and with full compliance of the noise ordinance of the City of Marlborough. The drive-through audio speakers also shall not produce noise at the property line greater than that which would be allowed at the property line in a Residential District in accordance with the noise ordinance of the City of Marlborough.
12. Applicant, its successors and/or assigns agrees to screen the Project's trash area by constructing a six foot (6') white vinyl fence screen. Applicant, its successors and/or assigns further agrees that the dumpsters located on Site will be covered. No trash pickup shall occur before 7:00 AM or after 6:00 PM or at any time during weekends.



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass.,

PAGE 5

ORDERED:

13. Applicant, its successors and/or assigns agrees that the Site will be subject to a review of the traffic configuration after one-year from the issuance of the Occupancy Permit to determine whether any alterations need to be made to the entrances and egresses to the Site to accommodate traffic flow and ensure public safety and agrees to make changes in compliance with the Marlborough Department of Public Works and Traffic Commission's recommendations.
14. (a.) All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of this Special Permit Application and as amended 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.

(b.) Notwithstanding condition (a.) hereof, engineering changes may be made to said plans by the Site Plan Review Committee so long as said changes do not change the use of the Project as approved herein, or materially increase the impervious area of the Project, reduce the green area, alter traffic flow or increase the size of the building shown on the plan.
15. In connection with the installation of improvements within public right-of-ways which requires a street opening permit, the City Engineer shall be provided with a schedule of work and the construction procedures to be utilized prior to the commencement of such work. To the extent a police detail is required for such improvements, the Applicant, its successors and/or assigns, and not the City of Marlborough, will bear the costs of any police detail for any work performed within the public way.
16. Parking areas will be swept and maintained by Applicant, its successors and/or assigns as necessary. Pursuant to the provisions of Massachusetts General Laws, Chapter 90 Sec. 18, Applicant, its successors and/or assigns shall submit a written request and grant of authority to the Marlborough Traffic Commission (the "Commission") to promulgate legally enforceable rules and regulations for the control of on-site and off-site traffic and parking. Applicant, its successors and/or assigns shall be responsible for providing, installing and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the standards of the Uniform Manual On Traffic Control Devices.



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass.,

PAGE 6

ORDERED:

17. The Police Chief or his designee, may, in the exercise of his professional discretion to protect public safety, order the temporary closure of the drive-through facilities.
18. In accordance with the recommendation of the Building Inspector, the three parcels which make up the site shall be shown as combined on a plan drafted and approved by the Planning Board of the City of Marlborough pursuant to Massachusetts General Laws, Chapter 41, Sec. 81X.
19.
 - a) The hours of operation for the drive-through teller operation shall not exceed the following times:
Monday through Friday, 8:00 AM to 6:00 PM; Saturday, 9:00 AM to 12:00 Noon.
 - b) The operation of the drive-through ATM at the site shall be suspended from 12: 00 Midnight to 5:00 AM; the City Council, after one (1) year from the date when the drive-through ATM commences operations, may review and amend the hours of operation for the drive-through ATM.
20. Applicant's Traffic Engineer will study and report to the Engineering Division of the City's Department of Public Works regarding recommendations for adjustment, if any, to the traffic signal timing on at the intersection of Granger Boulevard and South Bolton Street. Any such adjustments shall only be made with the approval of the said Engineering Division and, if needed, the Commonwealth of Massachusetts.
21. All work performed on Granger Boulevard and South Bolton Street shall be done during off peak hours and, prior to commencement of such work, Applicant, its successors and/or assigns shall provide a traffic management plan relating to the same for approval by the Engineering Division of the City's Department of Public Works.
22. Applicant, its successors and/or assigns will remove and cap existing water and sewer services to 51 Howe Street.



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass.,

PAGE 7

ORDERED:

23. Prior to construction, utility easements shall be established and granted to the City for construction, maintenance or repair of existing City infrastructure including, but not limited to, water, sewer, drain, and traffic control. Landscaping in the area of such easements shall be coordinated by the Applicant, its successors and/or assigns with the Engineering Division of the City's Department of Public Works in the field so as to avoid conflicts with existing infrastructure.
24. All trenching shall be in compliance with Massachusetts Law and pursuant to permits issued by the Engineering Division of the City's Department of Public Works.
25. The hand hole which is currently within the proposed driveway layout of Granger Boulevard shall be relocated by Applicant, its successors and/or assigns as approved by the City of Marlborough's Department of Public Work's Engineering Division. If the reinforced concrete sidewalk panels are impacted because of said work, Applicant, its successors and/or assigns shall replace the concrete panels to the limits indicated by the City Engineer.
26. Applicant, its successors and/or assigns shall erect and maintain fencing in accordance with the plans and the fence ordinance for the City of Marlborough.
27. During construction, all workers shall park their personal vehicles either on the Site or on the upper levels of the City's parking garages. Any construction vehicles shall be parked on Site.
28. During construction, no vehicles shall be staged on public ways.
29. Applicant, its successors and/or assigns shall utilize HVAC equipment and an emergency generator on the roof of the structure with advanced acoustical technology by which excessive sound emanating from said equipment will be substantially abated in accordance with the noise ordinance for the City of Marlborough and therefore protect the public health, welfare, safety and quality of life for abutting residential properties. Testing of the emergency generator shall be limited to Applicant, its successors and/or assigns' hours of operation as set forth in Condition 19(a) herein.



IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass.,

PAGE 8

ORDERED:

30. Applicant, its successors and/or assigns shall be required to hire a site engineer who shall be 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 stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan, the approved erosion control plan, and, if applicable, the Conservation Commission's Order of Conditions. The Applicant, its affiliates, successors and/or assigns shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

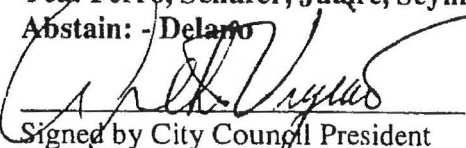
31. If the drainage system (during construction and post-construction) constructed by Applicant, its successors and/or assigns fails and the failure is the cause of damage to another's property, Applicant, its successors and/or assigns shall be responsible to pay the owner of said damaged property the full cost of the repair and or replacement of the damaged property. In the event Applicant, its successors and/or assigns does not pay for the damage, it shall be a violation of this Special Permit.

32. In accordance with the provisions of M.G.L. c.40A, Sec.11, 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 a Building Permit is issued. Applicant, its successors and/or assigns shall also furnish proof of recording to the City Solicitor's Office and the City Council immediately subsequent to recording.

Yea: 10 – Nay: 0

Yea: Ferro, Schafer, Juajre, Seymour, Clancy, Landers, Ossing, Pope Vigeant, Levy

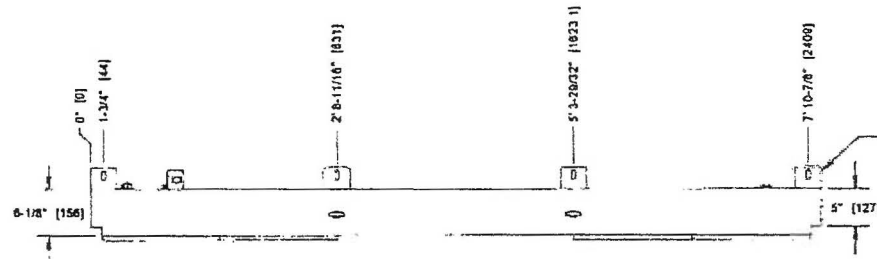
Abstain: - Delano


 Signed by City Council President
 Arthur G. Vigeant

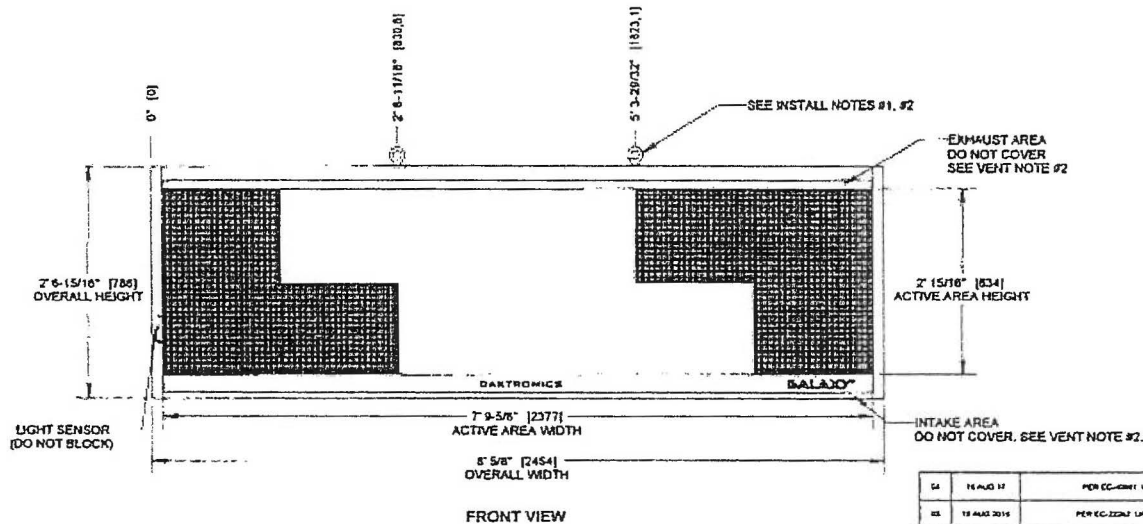
ADOPTED
 In City Council
 Order No. 09-1002152C



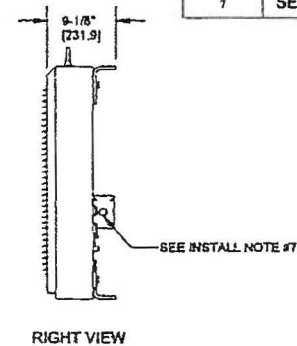
PIXELS HIGH (AAA)	PIXELS WIDE (BBB)	PIXEL SPACING (CC)
40	150	15.85mm
32	120	19.81mm
24	90	26.42mm



TOP VIEW



FRONT VIEW



RIGHT VIEW

#	DETAIL	DESCRIPTION
1	DISPLAY	G58-AAA-BBB-CC (SEE CHART ON TOP LEFT)
2	LED COLOR	RED, AMBER, OR RGB
3	ACTIVE AREA	2' 15 1/16\" [834] 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 [68 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 7\" [18.25] CASE A1	P=100 PSF (ASD)	
2	STANDARD CODE	IBC 2009/ASCE 7-05, IBC 2012/ASCE 7-10	
3	ALL CLIP ANGLES MUST BE USED TO MOUNT DISPLAY		

POWER RATING PER SINGLE FACE FOR 200V ELECTRIC SERVICE MAX REQ'D SHOWN			
TECHNOLOGY	COLOR	MAX WATTS	120VAC 1PH 50/60HZ (2 WIRES + GND)
			DOMESTIC
G58	RED	434	LINE 1 (AMPS)
	AMBER	434	LINE 1 (AMPS)
	RGB	872	5.58

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 LIFT EYES MUST BE MAINTAINED - USING A SPREADER BEAM IS SUGGESTED. ALL EYEBOLTS MUST BE USED WHEN LIFTING.
2	1/2\" LIFT EYES TO ASSIST WITH DISPLAY INSTALLATION. LIFT EYES MAY NOT BE USED FOR PERMANENT INSTALLATION. LIFT EYES 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 REQ'D 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 WARM ELECTRICAL DISCONNECT. SEE POWER RATINGS ABOVE.
7	SEE DWG-03097583 FOR SIGNAL & MTG DETAILS

NO.	DATE	DESCRIPTION	BY	CHKD
54	11 AUG 17	PER EC-22017: UPDATED POWER SPECS	RAB	18956
55	18 AUG 2015	PER EC-22017: UPDATED DRAWING LAYOUT	QAO	18434
57	08 MAY 14	UPDATED GALAXY LABEL	SAB	18438
REV	DATE		BY	

PROJECT: GALAXY G58 SERIES		TITLE: SHOP DWG, G58-R, 2' 7\" X 8' 1\" (2x8 MOOS)	
DATE: 14-AUG-17	DRAWN BY: TWHITEH	SCALE: 1/15	DO NOT SCALE DRAWING
DESIGN: TWHITEH	JOB NO: P1817	PLANT TYPE: BLDG	1 OF 1
DRAWN: DOSTRAA	E-07-B		3111193

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:

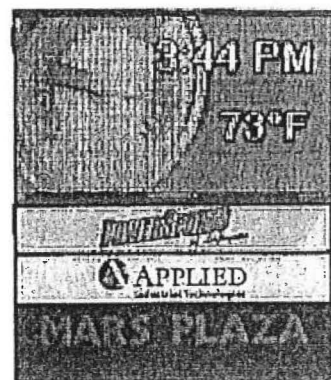
45'

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

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



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

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 NOV 14 P 4:01

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Melynda Gallagher

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

19 Weed Street 70-147

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

Basel Badawi - Downtown Marlborough LLC 63 Court Street, Boston, MA 02108

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

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

Article 5 Section 650-17 Paragraph Sub-paragraph Coffee Roasting

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

Marlborough Village District

7. Specific reason(s) for seeking Special Permit

Coffee Roasting - roasting green coffee beans into roasted coffee products

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.

Melynda Gallagher
Signature of Petitioner or Applicant

Address: 150 West Hill Road
Marlborough, MA

Telephone No. 508 479 8111

Date: 11/6/18

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

Melynda Gallagher
(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**

MARLBOROUGH ASSESSORS

Anthony C. Amato Jr.
William K. Silverstein
David May Jr.

ABUTTERS LISTING 19 Weed St 400 ft MARLBOROUGH, MA

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	ST Zip	Parcel Location
70	24			FIREHOUSE MANAGEMENT LLC		13 BRENT DR	HUDSON	MA 01749	91 MAIN ST
70	25			COMMUNITY DEVELOPMENT AUTHORITY OF	N/O CITY OF MARLBOROUGH	140 MAIN ST	MARLBOROUGH	MA 01752	MAIN ST
70	26			GROSSMAN ALAN TR	ALAN GROSSMAN TRUST	980 CAPE MARCO DR #1703	MARCO ISLAND	FL 34145	103-109 MAIN ST
70	28			DAURORA PETER V		121 MAIN ST	MARLBOROUGH	MA 01752	121 MAIN ST
70	30			COMMUNITY DEVELOPMENT AUTHORITY OF	N/O CITY OF MARLBOROUGH	140 MAIN ST	MARLBOROUGH	MA 01752	MAIN ST
70	31			COMMUNITY DEVELOPMENT AUTHORITY OF	N/O CITY OF MARLBOROUGH	140 MAIN ST	MARLBOROUGH	MA 01752	MAIN ST
70	32			149-155 MAIN STREET LJS LLC		60 LEO BIRMINGHAM PARKWAY	BRIGHTON	MA 02135	147-151 MAIN ST
70	33			149-155 MAIN STREET LJS LLC		60 LEO BIRMINGHAM PARKWAY	BRIGHTON	MA 02135	153-155 MAIN ST
70	34			COMMUNITY DEVELOPMENT AUTHORITY OF	N/O CITY OF MARLBOROUGH	140 MAIN ST	MARLBOROUGH	MA 01752	MAIN ST
70	36			149-155 MAIN STREET LJS LLC		60 LEO BIRMINGHAM PARKWAY	BRIGHTON	MA 02135	9 MCENELLY ST
70	37			149-155 MAIN STREET LJS LLC		60 LEO BIRMINGHAM PARKWAY	BRIGHTON	MA 02135	66 DEVENS ST
70	38			TEIXEIRA HERCULANO		60 DEVENS ST	MARLBOROUGH	MA 01752	60 DEVENS ST
70	39			CARPENTER ANNABELLY Y		471 HOSMER ST	MARLBOROUGH	MA 01752	56 DEVENS ST
70	40			52 DEVENS STREET LLC		52 DEVENS ST	MARLBOROUGH	MA 01752	52 DEVENS ST
70	41			MCANDREWS SHAUN		46 DEVENS ST	MARLBOROUGH	MA 01752	46 DEVENS ST
70	42			SOSA JUAN A		42 DEVENS ST	MARLBOROUGH	MA 01752	42 DEVENS ST
70	43			BAEZ RAMON VEGA	ELIDA BAEZ	74 BENT RD	SUDBURY	MA 01776	34 DEVENS ST
70	51			DICK DAVID A	BARBARA WECHTER	37 DEVENS ST	MARLBOROUGH	MA 01752	37 DEVENS ST
70	52			HODNICK MICHIO		45 DEVENS ST	MARLBOROUGH	MA 01752	45 DEVENS ST
70	53			CELIBASHI KLODIANA		49 DEVENS ST FL 1	MARLBOROUGH	MA 01752	49 DEVENS ST
70	58			TAYLOR PETER W	MARY E TAYLOR	53 DEVENS ST	MARLBOROUGH	MA 01752	53 DEVENS ST
70	59			LUGO DAYSI M	VICTOR LUGO	55 DEVENS ST	MARLBOROUGH	MA 01752	55 DEVENS ST
70	60			RABIDOU PAUL R	ROSEMARY M RABIDOU	67 DEVENS ST	MARLBOROUGH	MA 01752	67 DEVENS ST
70	61			RESNICK MARC TR	LOUIE REALTY TRUST	138 HARVARD AVE	ALLSTON	MA 02134	19 MCENELLY ST
70	76			149-155 MAIN STREET LJS LLC		60 LEO BIRMINGHAM PARKWAY	BRIGHTON	MA 02135	20 MCENELLY ST
70	77			SAMBATARO VINCENZA		20 INDIAN ROCK RD	WAYLAND	MA 01778	163-165 MAIN ST
70	78			SAMBATARO VINCENZA		20 INDIAN ROCK RD	WAYLAND	MA 01778	167-171 MAIN ST
70	122			PEDROLE MARY R LI EST		11 NEIL ST	MARLBOROUGH	MA 01752	11 NEIL ST
70	123			JAWOREK CHARLES M		9 NEIL ST	MARLBOROUGH	MA 01752	9 NEIL ST
70	124			TOMANEK RICHARD C		1 CORTLAND DR	HUDSON	MA 01749	7 NEIL ST
70	125			CITY OF MARLBOROUGH	COMMUNITY DEVELOPMENT AUTHORITY	255 MAIN ST	MARLBOROUGH	MA 01752	OFF GRANGER BLVD
70	126			BIRD & FISH REALTY LLC		374 RIVER RD	ANDOVER	MA 01810	6 DOW PL
70	128			COMMUNITY DEVELOPMENT AUTHORITY OF	N/O CITY OF MARLBOROUGH	140 MAIN ST	MARLBOROUGH	MA 01752	FLORENCE ST

**ABUTTERS LISTING 19 Weed St 400 ft
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	ST Zip	Parcel Location
70	130			CITY OF MARLBOROUGH	COMMUNITY DEVELOPMENT AUTHORITY	255 MAIN ST	MARLBOROUGH	MA 01752	GRANGER BLVD
70	131			COMMUNITY DEVELOPMENT AUTHORITY OF	N/O CITY OF MARLBOROUGH	140 MAIN ST	MARLBOROUGH	MA 01752	WEED ST
70	132			UNITED STATES POST OFFICE		20 FLORENCE ST	MARLBOROUGH	MA 01752	20 FLORENCE ST
70	133			CITY OF MARLBOROUGH	COMMUNITY DEVELOPMENT AUTHORITY	255 MAIN ST	MARLBOROUGH	MA 01752	GRANGER BLVD
70	134			THE DOCTORS OF MARLBOROUGH LLC		11 COURT ST	MARLBOROUGH	MA 01752	FLORENCE ST
70	135			THE DOCTORS OF MARLBOROUGH LLC		11 COURT ST	MARLBOROUGH	MA 01752	150 MAIN ST
70	136			CITY OF MARLBOROUGH	CITY HALL	140 MAIN ST	MARLBOROUGH	MA 01752	140 MAIN ST
70	137	126	1	BABOLI LLC	C/O SEYED ZAMIRI	7 ROCKLAWN RD	WESTBOROUGH	MA 01581-3945	126 MAIN ST #1
70	137	128	2	BABOLI LLC	C/O SEYED ZAMIRI	7 ROCKLAWN RD	WESTBOROUGH	MA 01581-3945	128 MAIN ST #2
70	137	130	3	TSIANATELIS HARALAMBOS TR	ALEXANDER TSIANATELIS TR	15 FOWLER ST	MARLBOROUGH	MA 01752	130 MAIN ST #3
70	137	132	4	XANTHOPOULOS THEODOROS	KATINA XANTHOPOULOS	28 PERRY HENDERSON DR	FRAMINGHAM	MA 01701	132 MAIN ST #4
70	137	134	5	TSIANATELIS STEVE TR	TSIANATELIS FIVE REALTY TRUST	15 FOWLER ST	MARLBOROUGH	MA 01752	134 MAIN ST #5
70	137	136	6	TSIANATELIS STEVE TR	TSIANATELIS SIX REALTY TRUST	15 FOWLER ST	MARLBOROUGH	MA 01752	136 MAIN ST #6
70	139			MOUNTZOURIS PETER TR	MOUNTZOURIS REALTY TRUST	845 ELM ST	MARLBOROUGH	MA 01752	116 MAIN ST
70	140			MOUNTZOURIS PETER TR	MOUNTZOURIS REALTY TRUST	845 ELM ST	MARLBOROUGH	MA 01752	106 MAIN ST
70	141			COMMUNITY DEVELOPMENT AUTHORITY OF	N/O CITY OF MARLBOROUGH	140 MAIN ST	MARLBOROUGH	MA 01752	WEED ST
70	142			COMMUNITY DEVELOPMENT AUTHORITY OF	N/O CITY OF MARLBOROUGH	140 MAIN ST	MARLBOROUGH	MA 01752	WEED ST
70	143			CITY OF MARLBOROUGH	COMMUNITY DEVELOPMENT AUTHORITY	255 MAIN ST	MARLBOROUGH	MA 01752	WEED ST
70	145			VOYIATZIS GEORGE TR	BOLTON GRANGER REALTY TRUST	115 PLEASANT ST	CAMBRIDGE	MA 02139	29 SOUTH BOLTON ST
70	149			GOLDEN JAMES III TR	MERCHANTS REALTY TRUST	186 MAIN ST	MARLBOROUGH	MA 01752	186 MAIN ST
70	150			LOPES KARINE S		4 NEIL ST	MARLBOROUGH	MA 01752	4 NEIL ST
70	151			NIELSEN LARS N	BETHANY J NIELSEN	10 NEIL ST	MARLBOROUGH	MA 01752	10 NEIL ST
70	152			FITZPATRICK STEPHEN M TR	C/O MARLBOROUGH SAVINGS BANK	PO BOX 19	MARLBOROUGH	MA 01752	GRANGER BLVD
70	152	1		MARLBOROUGH SAVINGS BANK		166 MAIN ST	MARLBOROUGH	MA 01752	81 GRANGER BLVD
70	153			BARROS ALEXIMAR		14 NEIL ST	MARLBOROUGH	MA 01752	14 NEIL ST
70	213			M & E VENTURES CORPORATION		4 WATKINS LN	SOUTHBOROUGH	MA 01772	28 SOUTH BOLTON ST
70	215			CITY OF MARLBOROUGH	COMMUNITY DEVELOPMENT AUTHORITY	255 MAIN ST	MARLBOROUGH	MA 01752	BOLTON ST EXT
70	216			CITY OF MARLBOROUGH	COMMUNITY DEVELOPMENT AUTHORITY	255 MAIN ST	MARLBOROUGH	MA 01752	BOLTON ST EXT
70	217			CITY OF MARLBOROUGH	COMMUNITY DEVELOPMENT AUTHORITY	255 MAIN ST	MARLBOROUGH	MA 01752	MAIN ST
70	29A			COMMUNITY DEVELOPMENT AUTHORITY OF	N/O CITY OF MARLBOROUGH	140 MAIN ST	MARLBOROUGH	MA 01752	MAIN ST
70	29B			DAURORA PETER V		121 MAIN ST	MARLBOROUGH	MA 01752	0 MAIN ST
70	30A			COMMUNITY DEVELOPMENT AUTHORITY OF	N/O CITY OF MARLBOROUGH	140 MAIN ST	MARLBOROUGH	MA 01752	MAIN ST
70	33A			COMMUNITY DEVELOPMENT AUTHORITY OF	N/O CITY OF MARLBOROUGH	140 MAIN ST	MARLBOROUGH	MA 01752	MAIN ST

**ABUTTERS LISTING 19 Weed St 400 ft
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	ST Zip	Parcel Location
70	527	1	101	BISSETTI JACIMAR TADEU	ELIANA BISSETTI	15 DICKENSON WAY #82L	MARLBOROUGH	MA 01752	100 GRANGER BLVD #101
70	527	1	102	BARONE JOSEPH A TR	JAJ REALTY TRUST	100 GRANGER BLVD #102	MARLBOROUGH	MA 01752	100 GRANGER BLVD #102
70	527	1	103	ALEXANDER SCOTT		172 PAR DR	ROYAL PALM BEAC	FL 33411	100 GRANGER BLVD #103
70	527	1	104	ARAUJO CELSO D		271 BOSTON POST RD EAST #	MARLBOROUGH	MA 01752	100 GRANGER BLVD #104
70	527	1	105	GIROUX SCOTT S		230 EVELINA DR	MARLBOROUGH	MA 01752	100 GRANGER BLVD #105
70	527	1	106	GRANGER BOULEVARD REALTY LLC		C/O JILL MCELROY	NEWTON	MA 02459	100 GRANGER BLVD #106
70	527	1	201	SANTOS ANA CELIA PINHEIRO		100 GRANGER BLVD #201	MARLBOROUGH	MA 01752	100 GRANGER BLVD #201
70	527	1	202	ARAUJO CELSO D		271 BOSTON POST RD EAST #	MARLBOROUGH	MA 01752	100 GRANGER BLVD #202
70	527	1	203	RIBEIRO ANGELICA	C/O ANGELICA ARAUJO	100 GRANGER BLVD #203	MARLBOROUGH	MA 01752	100 GRANGER BLVD #203
70	527	1	204	FLANNERY WILLIAM TR	SANDRA FLANNERY TR	945 LENOX RD	RICHMOND	MA 01254	100 GRANGER BLVD #204
70	527	1	205	GALVAO ROGERIO	PRICILA GALVAO	32 GIKAS LN	MARLBOROUGH	MA 01752	100 GRANGER BLVD #205
70	527	1	206	BASSETTI ADRIANO D	C/O ANGELITA JANEIRO	58 FORT MEADOW DR	HUDSON	MA 01749	100 GRANGER BLVD #206
70	527	1	301	DACOSTA ALMIR R	GERCIELE N SILVERIO DACOSTA	100 GRANGER BLVD #301	MARLBOROUGH	MA 01752	100 GRANGER BLVD #301
70	527	1	302	GARRON EILEEN E		100 GRANGER BLVD #302	MARLBOROUGH	MA 01752	100 GRANGER BLVD #302
70	527	1	303	LAGE RODRIGO C		100 GRANGER BLVD #303	MARLBOROUGH	MA 01752	100 GRANGER BLVD #303
70	527	1	304	HOUE ERNEST JR		322 FRAMINGHAM RD	MARLBOROUGH	MA 01752	100 GRANGER BLVD #304
70	527	1	305	SANTOS RAFAEL P		100 GRANGER BLVD #305	MARLBOROUGH	MA 01752	100 GRANGER BLVD #305
70	527	1	306	ARAUJO CELSO		271 BOSTON POST RD EAST #	MARLBOROUGH	MA 01752	100 GRANGER BLVD #306
70	527	1	401	ALDEN DOUGLAS K TR	DOUGLAS K ALDEN 2017 LIVING TRUST	5 FLOYD ST #2	WALTHAM	MA 02453	100 GRANGER BLVD #401
70	527	1	402	PATEL TATIANA H		100 GRANGER BLVD #402	MARLBOROUGH	MA 01752	100 GRANGER BLVD #402
70	527	1	403	PRIEST DOLORES A		100 GRANGER BLVD #403	MARLBOROUGH	MA 01752	100 GRANGER BLVD #403
70	527	1	404	BASSETTI ADRIANO	C/O ANGELITA JANEIRO	58 FORT MEADOW DR	HUDSON	MA 01749	100 GRANGER BLVD #404
70	527	1	405	SIWKO CHRISTOPHER	ALEXANDRIA E BARKER	100 GRANGER BLVD #405	MARLBOROUGH	MA 01752	100 GRANGER BLVD #405
70	527	1	406	MARRERO ANA R		22-26 OAKES ST #4	EVERETT	MA 02149	100 GRANGER BLVD #406
70	527	1	501	SULLIVAN JESSICA R		100 GRANGER BLVD #501	MARLBOROUGH	MA 01752	100 GRANGER BLVD #501
70	527	1	502	ARAUJO CELSO D		271 BOSTON POST RD EAST #	MARLBOROUGH	MA 01752	100 GRANGER BLVD #502
70	527	1	503	DEALMEIDA PAULO		100 GRANGER BLVD #503	MARLBOROUGH	MA 01752	100 GRANGER BLVD #503
70	527	1	504	ARAUJO CELSO D		271 BOSTON POST RD EAST #	MARLBOROUGH	MA 01752	100 GRANGER BLVD #504
70	527	1	505	LANES HARLEN		38 LEOLEIS DR	MARLBOROUGH	MA 01752	100 GRANGER BLVD #505
70	527	1	506	WALL DIANE P		100 GRANGER BLVD #506	MARLBOROUGH	MA 01752	100 GRANGER BLVD #506
70	60A			JEAN-PEIRRE DOMINIQUE		21 KEYNOLDS CT	MARLBOROUGH	MA 01752	59 DEVENS ST
70	77A			COMMUNITY DEVELOPMENT AUTHORITY OF	N/O CITY OF MARLBOROUGH	140 MAIN ST	MARLBOROUGH	MA 01752	MAIN ST
70	131A			COMMUNITY DEVELOPMENT AUTHORITY OF	N/O CITY OF MARLBOROUGH	140 MAIN ST	MARLBOROUGH	MA 01752	WEED ST

**ABUTTERS LISTING 19 Weed St 400 ft
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner's Name	Co_Owner's Name	Address	City	ST Zip	Parcel Location
70	140A			MOUNTZOURIS PETER TR	MOUNTZOURIS REALTY TRUST	845 ELM ST	MARLBOROUGH	MA 01752	MAIN ST
70	140B			MOUNTZOURIS PETER TR	MOUNTZOURIS REALTY TRUST	845 ELM ST	MARLBOROUGH	MA 01752	MAIN ST
70	143A			CITY OF MARLBOROUGH	COMMUNITY DEVELOPMENT AUTHORITY	255 MAIN ST	MARLBOROOGH	MA 01752	WEED ST
70	212A			CITY OF MARLBOROUGH		140 MAIN ST	MARLBOROUGH	MA 01752	0 GRANGER BLVD

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Melynda Gallagher Address: 150 West Hill Road, Marlborough, MA

Project Name: Lost Shoe Brewing and Roasting Company Address: 19 Weed Street, Marlborough, MA

1. PROPOSED USE: (describe) _____

Coffee roasting in Marlborough Village district

2. EXPANSION OR NEW: New business

3. SIZE: floor area sq. ft. 4,600 1st floor 4,600 all floors 4,600

buildings 1 # stories 1 lot area (s.f.) 4,600

4. LOT COVERAGE: 100 % Landscaped area: 0 %

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

Normal: 25-75 Peak period: 150-200

6. TRAFFIC:

(A) Number of vehicles parked on site: Municipal parking to be used

During regular hours: 20-50 Peak period: 40-90

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

Nothing unusual - monthly/quarterly delivery of 50lb sacks of green coffee beans

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? No change to exterior lighting except motion

lights by back doors. Interior lighting leaving property similar to typical restaurant.

8. NOISE:

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

No significant impact - similar to restaurant kitchen noise

(B) Describe any major sources of noise generation in the proposed development and include their usual times of operation. Not a major source of noise: Beans rotating in

drum, blower for roaster air flow, pump on ecofilter. Normal operation

not continuous - typical between 6am-9am, but could be other times during business hours.

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

is source of low gaseous pollutants - similar to oven. Low VOCs from roasting beans

10. WATER AND SEWER: Describe any unusual generation of waste. Small amount of

recycled water in Vortex ecofilter, 5 gallon bucket - should not be unusual but will

test TDS and PH to confirm.

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? None

*Attach additional sheets if necessary Diedrich IR-12 and Vortex ecofilter info attached



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: 11/6/18

SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: Lost Shoe Brewing and Roasting Company

Project Use Summary: Coffee Roasting in Marlborough Village district

Project Street Address: 19 Weed Street

Plate: 70 Parcel: 147

Applicant/Developer Name: Melynda Gallagher

Plan Date: _____ Revision Date: _____


Dear President and Members:

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

Very truly yours,


Jeffrey K. Cooke
Acting Director of Planning

Application Fee to submit to
City Clerk's office


250.00



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

**Lisa M. Thomas
City Clerk**

Dear Applicant,

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

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

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

[Signature]
Signature

11/14/18
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

Lost Shoe Brewing and Roasting Company LLC

Owner Name/Officer Name of LLC or Corporation

Melynda Gallagher and John Paul Gallagher

Owner/Officer Complete Address and Telephone Number

150 West Hill Road, Marlborough, MA

LLC: 19 Weed Street, Marlborough, MA

508 479 8111

Signature of Applicant

Melynda Gallagher

Attorney on behalf of Applicant, if applicable

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

Eileen Bristol

Tax Collector



City of Marlborough
BUILDING DEPARTMENT

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

JEFFREY COOKE, C.B.O.
BUILDING COMMISSIONER

PATRICK DAHLGREN
ASSISTANT BUILDING
COMMISSIONER

WILLIAM PAYNTON
LOCAL BUILDING INSPECTOR

RICHARD DESIMONE
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

ZONING DENIAL

November 14, 2018

OWNER

Basel Badawi
63 Court Street
Boston, MA 02108

APPLICANT

Melynda Gallagher
150 West Hill Road
Marlborough, MA 01752

Ms. Gallagher:

Your application to operate a Coffee Roastery at 19 Weed Street, Marlborough, MA Parcel ID #70-147, located in the Marlborough Village zoning district (MV) is denied as it does not comply with Chapter 650-17 of City Code of Marlborough. The "Table of Uses" states that your use requested, a coffee roastery requires a "Special Permit" (SP) issued by the Marlborough City Council.

Your use requested requires a Special Permit (SP) issued by the Marlborough City Council.

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

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

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

Sincerely,

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

Date 11/6/18



COPY

RECEIVED
NOV 08 2018
BY _____

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

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

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

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

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

19 Weed Street
No. / Street (17-21 Weed St)

70-147
Parcel ID#

MV
Zoning District

Assessors Init: LM

Description of Use Proposed (as written in Section 650-17 Table of Uses).

Please attach a brief narrative, if necessary.

Coffee Roastery - roasting green coffee beans into roasted Coffee products

If Residential, state # of units proposed _____

If Business, state exact type Coffee Roastery and Cafe

Present Use of Property, including any existing structures

Under construction, previously a Nightclub

Applicant's Name Melynda Gallagher

Applicant's Address

150 West Hill Road
Marlborough, MA 01752

Bldg Owner's Name Basel Badawi

Owner's Address

63 Court Street
Boston, MA 02108

Applicant's Phone 508 479 8111

Owners Phone 617 875 6884

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

Melynda Gallagher
Applicant's Signature

[Signature]
Owner's Signature

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

Tax Collector Eileen Brustle

Date 11/7/18

OVER ►

FOR ADMINISTRATION USE ONLY – DO NOT WRITE BELOW THIS LINE

APPROVE

DENIED

ZONING CODE 650-17 Table of Use

REASON FOR DENIAL Requires A special Permit

[Signature]
ZONING AGENT

14 NOV 2018
DATE

Page 1 of 2

Description of Business:

Roasting green coffee beans into roasted coffee products to be served on site and at retail to go. Wholesale roasted coffee possible.

Name and Address of all persons involved in proposed Business: Melynda + JP Gallagher
150 West Hill Road, Marlborough, MA 01752

List all major equipment used in this business: Coffee roaster and Vortx ecofilter

What size vehicle will be involved with the business, if any: N/A at this time. Small van in future.

Where on the premises will business be conducted? Front, right corner of site - visible to customers but separated by glass door/walls.

Will there be any exterior changes to this property including signs? New sign to be approved by city, new exterior paint, some roof penetrations for vents

Will there be any noise, emissions, noticeable to persons adjacent to this property? Minimal noise related to beans rotating in roasting drum and pump on ecofilter. Roasted coffee emissions to be treated by Vortx ecofilter producing sweet bread smell

Will customers visit the property? yes If yes, how many people are expected at one time? 25-200 between

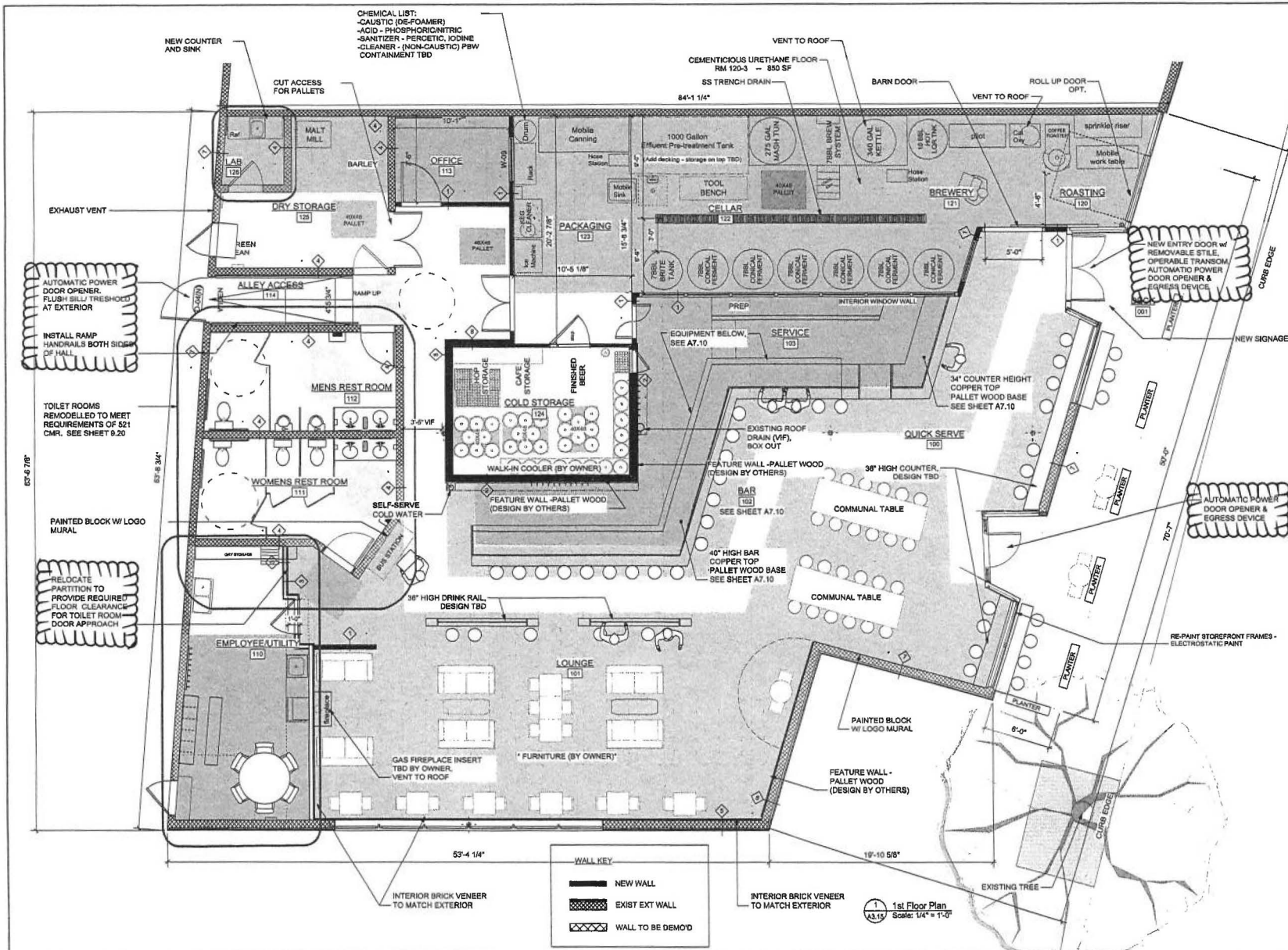
List materials sold or stored at the property: Green coffee beans and roasted coffee beans

Is this business solely a telephone or marketing business use? No

Please provide any other information that would allow us to understand your proposed business that you feel is important:

Roasting coffee on site provides customers with the unique experience of seeing their daily cup of coffee transform from green to roasted beans. This experience instills passion to support small, local businesses which benefits the entire community. The downtown Marlborough Village is an ideal location and highly accessible to both foot and vehicle traffic, inviting both residents and visitors to the downtown area.

Name of Business: Lost Shoe Brewing and Roasting Company



2 Mead St
Greenfield MA 01301
413 824 0666

187 Main St
Brattleboro VT 05301
802 451 9266

Lost Shoe Brewing & Roasting

19 Weed Street
Marlborough, MA 01752



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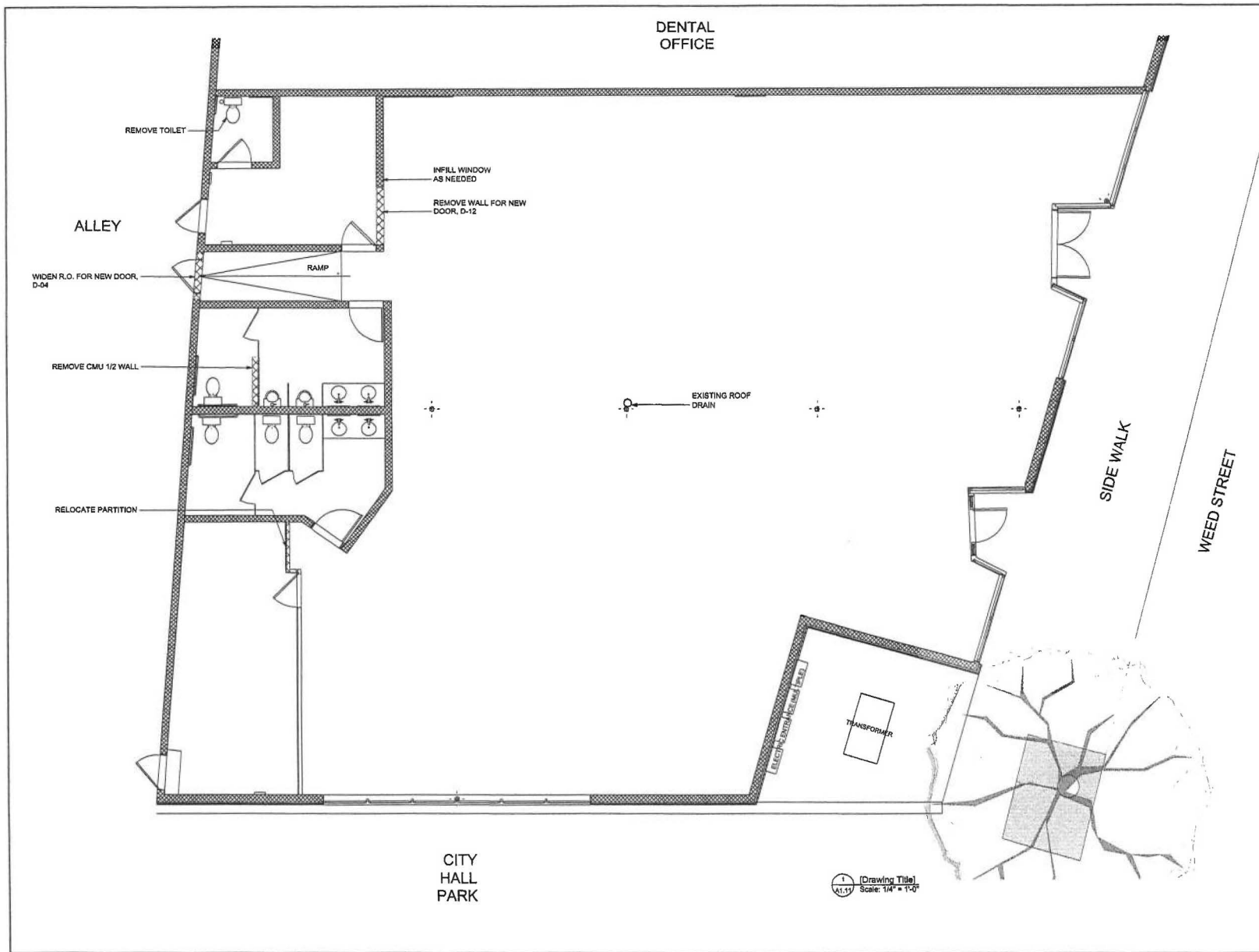
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AUSTIN DESIGN INC.
 ■ 2 Mead St
 Greenfield MA 01301
 413 624 9888
 ■ 167 Main St
 Braintree MA 01905
 617 451 5968

Lost Shoe Brewing & Roasting
 19 Weed Street
 Marlborough, MA 01752



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Date: 01 JUNE 2018

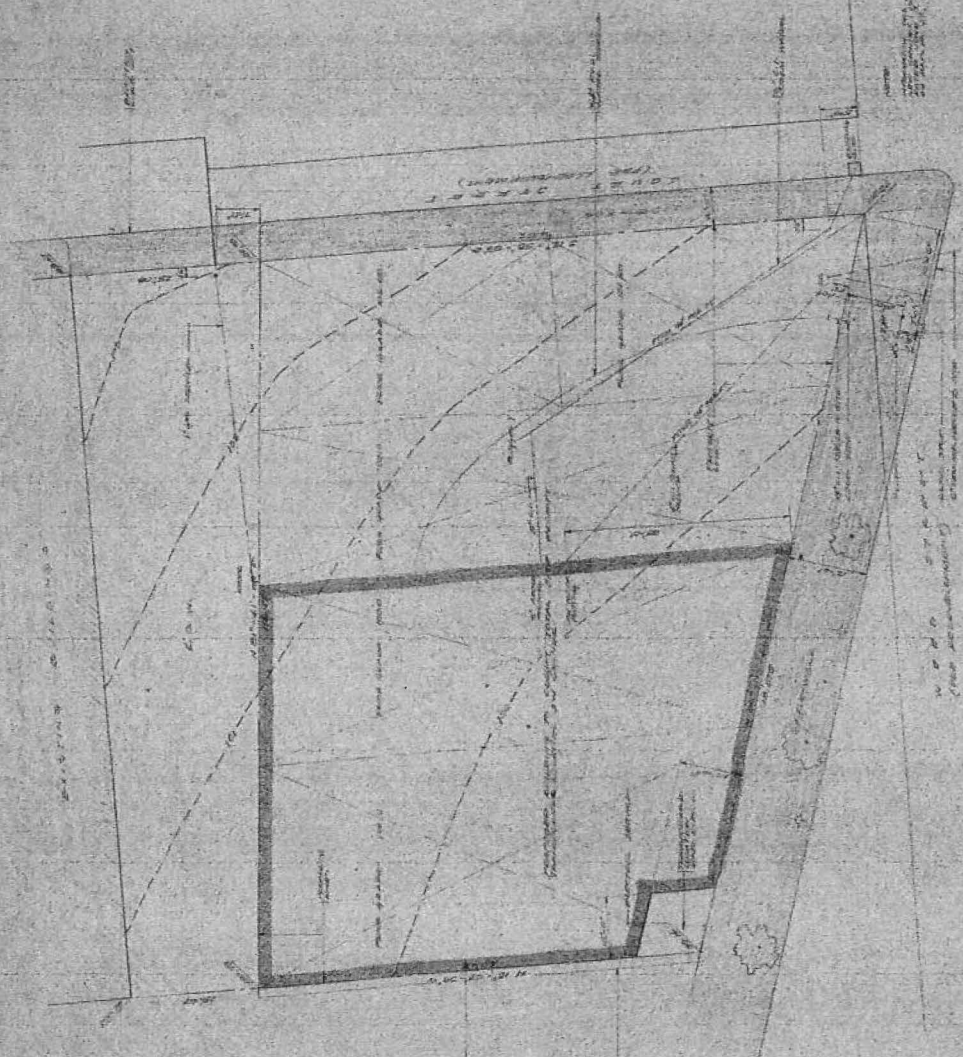
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As Built



SITE PLAN

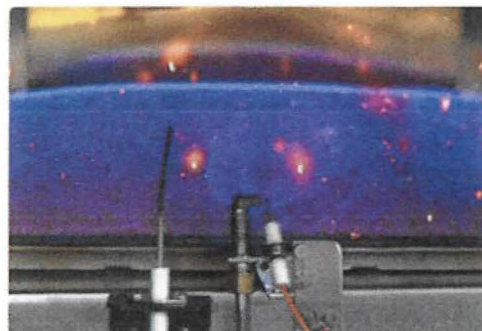
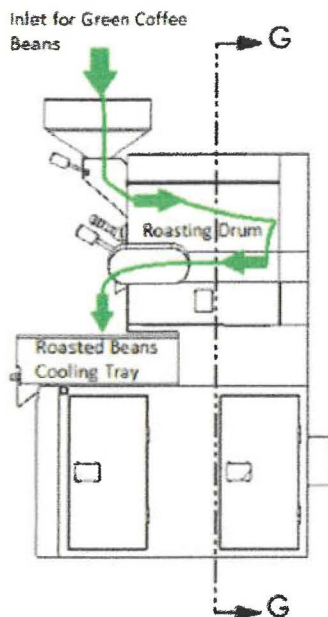
DETAILS FOR JOSEPH LEROY
BARTHOLOMEW, MASS.

MASS DESIGN CORPORATION
SOUTH BOSTON, MASS.

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IR-12



Infrared Clean Burn Technology

Roasting on a Diedrich is better for the earth and your coffee. Our infrared burners reduce noxious gas emissions. Efficient roaster design reduces operating costs. This cleaner roasting process allows you to bring out the true quality of the bean.



Made in U.S.A.

Hand built and individually tested



IR Burners

Reduce noxious gas emissions



Eco Friendly

Lower emissions, without an afterburner.



The Best Build Quality

Hand built and individually tested



Lower Operating Costs

50% less than other roasters



Low Maintenance

Lower emissions, without an afterburner.

Equipment Type:

Coffee Roasters can be categorized as Roasting Process Equipment, however some Regulatory Forms require a broader category of classification. If a broader category is needed then Coffee Roaster Systems are also categorized under Baking Process equipment.

Normal Operation Process Description:

Coffee Roasting is a Batch based Process with Normal Roasting temperatures averaging around 400 to 425 degrees Fahrenheit.



VortX Kleanair Ecofilters

VortX Specifications 1.2

September, 2018

INTRODUCTION

VortX KleanAir EcoFilters use the energy of a cyclone and the power of atomized water to remove dust, chaff, smoke and odors from coffee roasting exhaust.

VORTX SPECIFICATIONS BY MODEL

MODEL /MAX CFM	AMP	INLET O/D	INLET HEIGHT	MAX INLET TEMP	OUTLET O/D	OUTLET HEIGHT	OUTLET TEMP	VOLUME
450	8	6"	57"	500F	8"	64.5"	100F	31"W x 34"D x 64.5"H
800	8	8"	63"	500F	10"	71.5"	100F	33"W x 35"D x 72"H
1000	8	8"	71"	500F	12"	79.5"	100F	34"W x 40"D x 79.5"H

- All motors are single phase, 110-240V. Available in 60Hz and 50Hz.
- Inlet height is measured from floor to centerline of opening, outlet is measured from floor to top of outlet.
- Outlet temperature listed above is during normal operating conditions.

THE RIGHT VORTX FOR YOU

The maximum capacity of VortX KleanAir EcoFilters are based on the maximum CFMs of air entering the cyclone. This can be roaster exhaust or your roast and cooling exhaust combined if you plan to run them simultaneously.

INTERMEDIATE AND VENT DUCTING

Vent ducting for the VortX needs to be class A and rated for up to 500 degrees. You will need to source intermediate ducting to connect the VortX to the roaster or chaff cyclone. The average distance between the coffee roaster and the Vortex is between 24"-30", dependent upon ducting connection. Alliance Service Network is our authorized installation and vent ducting provider. For quotes on vent ducting kits and installation services please contact Alice Sloane:

Email: Alice@AllianceServiceNetwork.com PHONE: 1-888-448-8309 X. 701

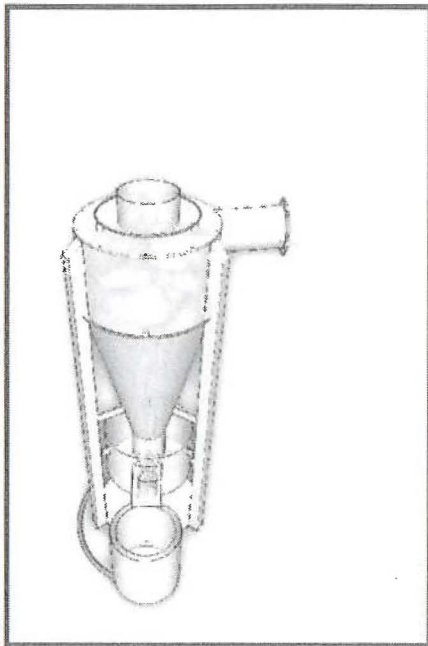
Rev. 9/6/18

INLET LAYOUT OPTIONS

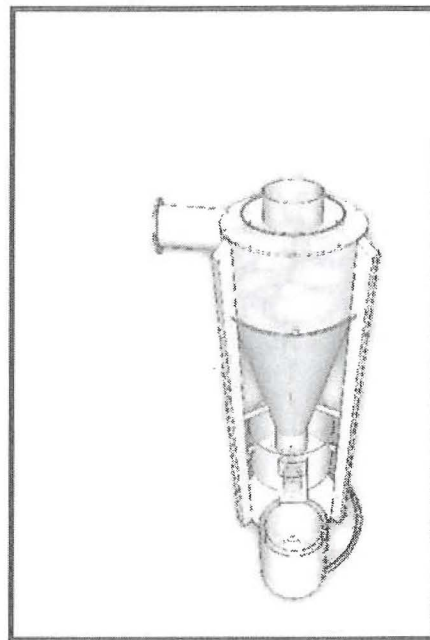
The inlet is the connection between the VortX and chaff collector or roaster exhaust. The VortX can be connected to either. It comes in a standard 6" or 8" diameter, depending on the model. Below are photos of the different layouts we offer: Right or Left.

Keep in mind you will need easy access to the bucket for emptying chaff and particles as well as changing the water periodically. Please use these photos as a guide when finalizing your layout and choosing a Right or Left inlet layout.

Right Inlet

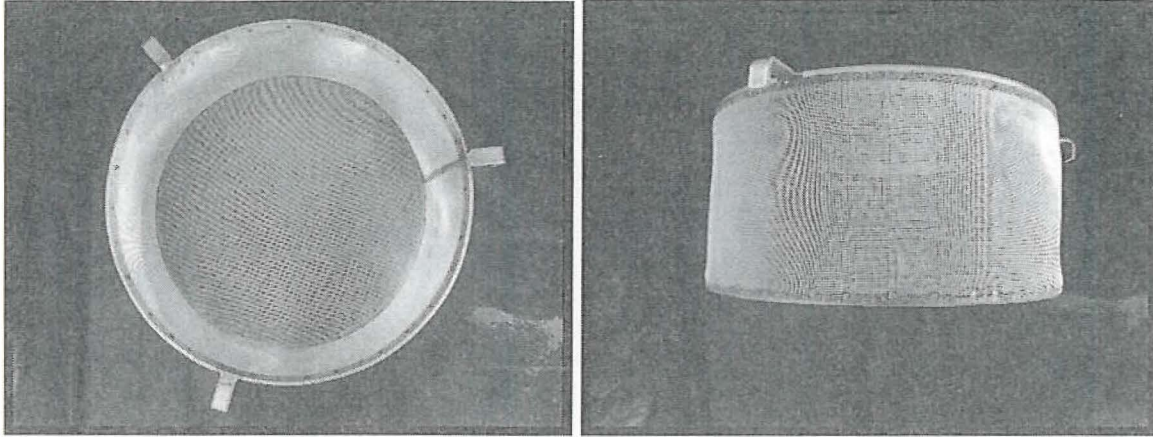


Left Inlet



* Your connection between the VortX and the roaster or chaff collector exhaust may need additional intermediate ducting and/or an adaptor to fit the standard diameters.

Filter Bucket



- 300 Micron: Everyday filter
- 400 Micron: Filter for large chaff and particles
- 74 Micron: Filter for fine particles and cleaning the water in between batches

	300 Micron	400 Micron	74 Micron	Cost
Option 1	X			\$0.00
Option 2	X	X		\$110.00
Option 3	X		X	\$110.00
Option 4	X	X	X	\$220.00

*One 300 Micron filter is included in the purchase price of your VortX EcoFilter.

INSTALLATION

1. Remove from crate, unwrap and set in place per necessary distance to intermediate ducting connection.
2. Connect intermediate and exhaust vent ducting.
3. Fill filter reservoir and lower catch basin with water so that there is water up to 2" from the top of the filter reservoir.
4. Place 300 Micron filter in bucket.
5. Prime the pump - instructions in pump manual.
 - a. Loosen the top vent plug on the back of the pump until water comes out and then retighten.



6. Plug in the VortX and turn on!
7. If an air bubble occurs turn off the unit and repeat step 5

****Make sure the filter reservoir never runs dry while operational.**

VORTX ECOFILTER™

CLEAN AIR INNOVATION IN THE COFFEE INDUSTRY

The EcoFilter uses the energy of a cyclone plus the power of atomized water to remove particulates from exhaust air, muting odors and reducing visible smoke up to 80%. The self-cleaning system recycles its water and requires less than 5 minutes of daily maintenance.



→ What is the difference between the VortX and an afterburner?

Afterburners incinerate the smoke at extremely high temperatures (up to 1400 degrees Fahrenheit | 760 degrees Celsius) while the VortX purifies the smoke with atomized micro-droplets of water.

NO MORE AFTERBURNERS

AIR CLEANING INNOVATION FOR COFFEE ROASTERS

VortX EcoFilter™ use the energy of a cyclone and the power of atomized water droplets to remove smoke, odors, dust and chaff from coffee roasting exhaust.

- ✓ Dramatically Reduces Smoke
- ✓ Significantly Mutes Odors
- ✓ Removes 100% of Chaff, Dust and Oils to Maintain Clean Cyclone & Stack
- ✓ Consumes ZERO Fossil Fuels
- ✓ Generates ZERO Greenhouse Gasses
- ✓ Generates ZERO NOx or VOCs

EXCEPTIONAL RELIABILITY

Stainless steel, powder coated, highest quality components. Backed by an industry-leading warranty.

No risk of fire: stack and cyclone remain clean;

No risk of injury: stack and cyclone are warm to the touch;

No need for insulated class-A stack or a guard around the cyclone

<https://vortxkleanair.com/> for more information and videos



2 Mead St
Greenfield MA 01301
413 634 9605
167 Main St
Brattleboro VT 05301
802 451 5966

Lost Shoe Brewing & Roasting

19 Weed Street
Marlborough, MA 01752



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Scale: NTS

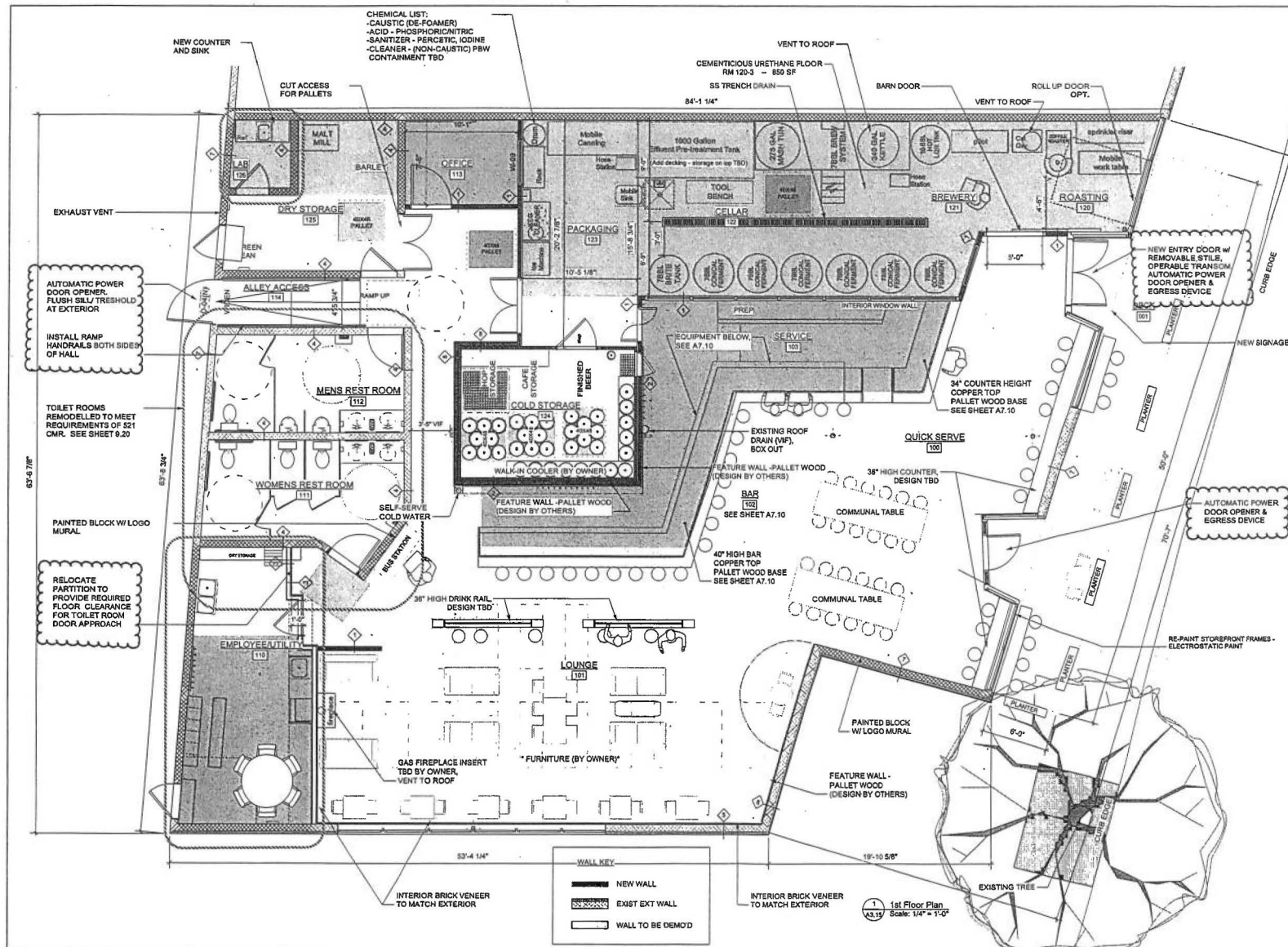
Date: 01 JUNE 2018

rev. 8/1/2018

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Sheet #:

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nationalgrid

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 NOV -9 P 2:42

November 9, 2018

City of Marlborough
City Clerk Office
140 Main Street
Marlborough, MA 01752

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole locations

If you have any questions regarding this permit please contact:

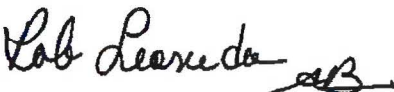
Angela Birch 401-784-7726

Please notify National Grid's Angela Birch of the hearing date / time at 401-784-7726 or
angela.birch@us.ngrid.com

If this petition meets with your approval, please return an executed copy to each of the above named Companies.

National Grid Contact: Angela Birch; 280 Melrose Street; Providence, RI 02907

Very truly yours,



Rob Leonida, Engineering
Supervisor, Distribution Design

Enclosures

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

November 9, 2018

To the City Clerk Office
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

request permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways:

Bolton Street Pole #47-5

National Grid request to install new joint owned pole #47-5 to service new school at 441 Bolton Street.

Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked: **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

Plan No. 26691854 Dated: 10/24/2018

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: Rob Leornado, AB
Manager of Distribution Design

VERIZON NEW ENGLAND, INC.

By: _____
Manager, R.O.W.

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

November 9, 2018

By the City Clerk Office
of the City of Marlborough, Massachusetts

Notice having been given and public hearing held, as provided by law, **IT IS HEREBY ORDERED:**
that MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC. be and
they are hereby granted joint or identical locations for and permission to erect and maintain poles and
wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies
may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said
Companies dated the
9th day of November, 2018

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points
indicated upon the plan marked--

Plan No. **26691854** Dated: **10/24/2018** filed with this order.

There may attached to said **MASSACHUSETTS ELECTRIC COMPANY** not to exceed twenty wires and
by said **VERIZON NEW ENGLAND, INC.** not to exceed forty wires and four aerial cables, and all of said
wires and cables shall be placed at a height of not less than eighteen feet from the ground.

The following are the public ways or parts of ways along which the poles above referred to may be erected,
and the number of poles which may be erected thereon under this order:--

Bolton Street Pole #47-5

**National Grid request to install new joint owned pole #47-5 to service
new school at 441 Bolton Street.**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting
public ways for the purpose of making connections with such poles and buildings as each of said petitioners
may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council
of the City of Marlborough, Massachusetts held on the _____ day of _____ 2018

Clerk of Council

Received and entered in the records of location orders
of the City of Marlborough, Massachusetts

Book: _____ Page: _____

City Clerk

We hereby certify that on _____ 2018 at _____ o'clock, _____ M.
at _____ a public hearing was held on the petition of the
MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, cables, fixtures and connections described in the order
herewith recorded, and that we mailed at least seven days before said hearing a written notice of the
time and place of said hearing to each the owners of real estate (as determined by the last preceding
assessment for taxation) along the ways or parts of ways upon which the Companies are permitted
to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said
order was duly adopted.

Council of the City of

Marlborough, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice
adopted by the City Council of the City of Marlborough, Massachusetts, on the _____ day of
_____ 2018 recorded with the records of location orders of said City,
Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto
or amendments thereof.

Attest: _____
City Clerk



National Grid to install new joint
owned pole #47-5 to service new
school at 441 Bolton St

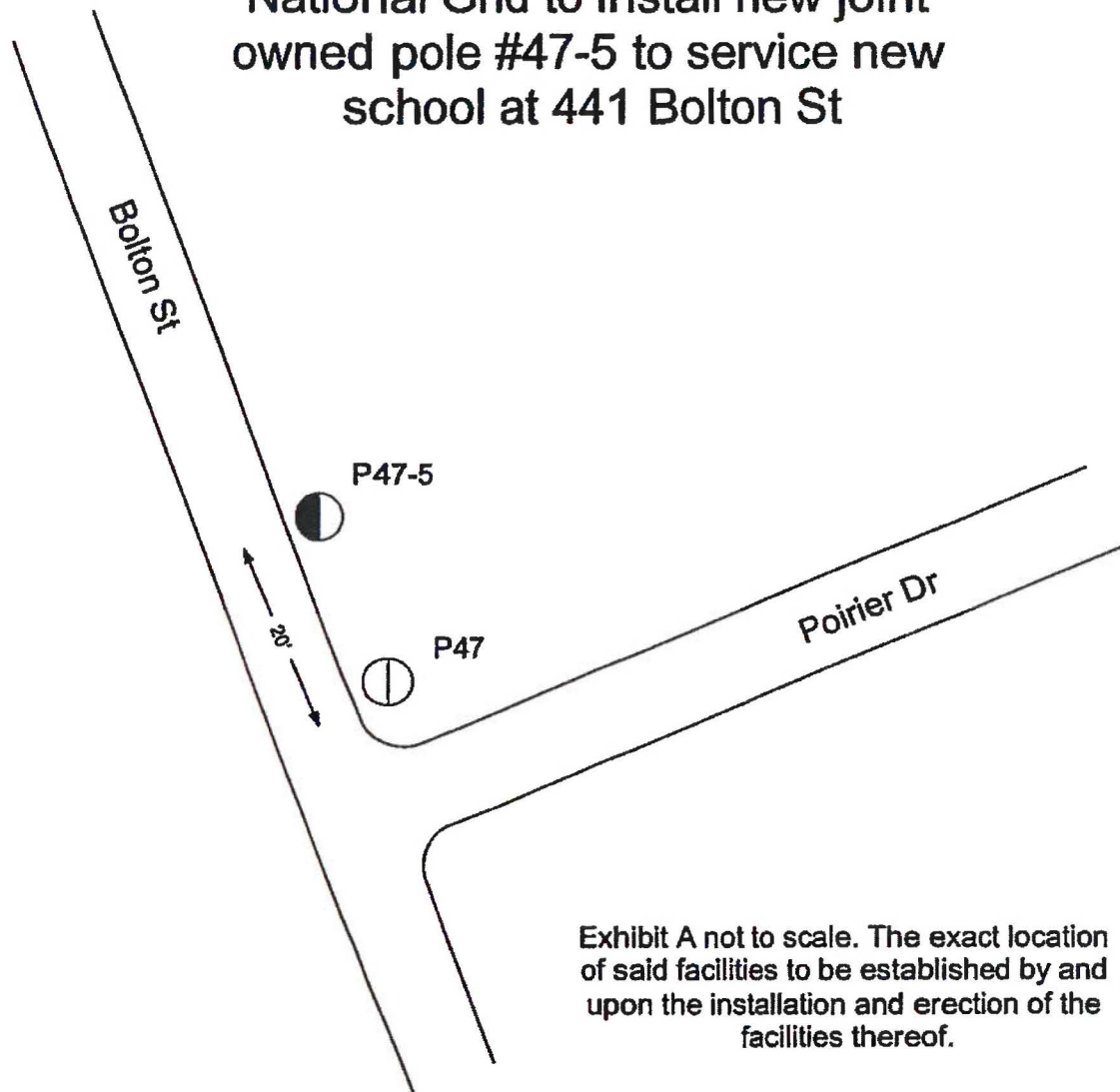


Exhibit A not to scale. The exact location
of said facilities to be established by and
upon the installation and erection of the
facilities thereof.

JOINT OWNED POLE PETITION

- ☒ Proposed NGRID Pole Locations
- ☐ Existing NGRID Pole Locations
- ☒ Proposed J.O. Pole Locations
- ☒ Existing J.O. Pole Locations
- ☒ Existing Telephone Co. Pole Locations
- ☒ Existing NGRID Pole Location To Be Made J.O.
- ☒ Existing Pole Locations To Be Removed

DISTANCES ARE APPROXIMATE

nationalgrid

And
Verizon New England, Inc.

Date: 10-24-18

Plan Number: 26691854

To Accompany Petition Dated:

To The: Town Of Marlboro

For Proposed: JO Pole: 47-5 Location: Bolton St

Date Of Original Grant:

**Abutters 451 Bolton St direct and across
MARLBOROUGH, MA**

Map	Block	Lot	Dist	Owner's Name	Co-Owner's Name	Address	City	ST Zip	Parcel Location
18	13			DEL MARLBOROUGH DEVELOPMENT LLC		201 JONES RD 3RD FL WEST	MALDEN	MA 02451	421 BOLTON ST
30	18			CCP BOLTON MANOR 0529 LLC		21001 N TATUM BLVD STE 16	PHOENIX	AZ 85050	BOLTON ST
30	11A			ST STEPHENS LUTHERAN CHURCH INC		517 BOLTON ST	MARLBOROUGH	MA 01752	517 BOLTON ST

MARLBOROUGH ASSESSORS

Anthony C. Amore Jr.
William K. Lyons Jr.
John May Jr.



Weston Solutions, Inc.
43 N. Main Street
Concord, NH 03301
www.westonsolutions.com

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 NOV 14 P 12:41

9 November 2018

Marlborough City Council
City of Marlborough
140 Main Street
Marlborough, Massachusetts 01752

Re: Phase I Tier Classification Submittal
RotaDyne
33 Hayes Memorial Drive
Marlborough, Massachusetts 01752
MassDEP RTN: 2-20384

To Whom It May Concern:

Weston Solutions, Inc. is notifying the Chief Municipal Officer that a Legal Notice regarding submittal of a Phase I Tier Classification to the Massachusetts Department of Environmental Protection (MassDEP) will be published in the 15 November 2018 edition of the Marlborough Enterprise for the RotaDyne facility located at 33 Hayes Memorial Drive. The Phase I Tier Classification will be filed with MassDEP by 12 November 2018.

The Disposal Site has been classified at Tier II due to the presence of chlorinated solvents including trichloroethylene (TCE) in groundwater, soil, and indoor air. A Comprehensive Site Assessment is currently ongoing at the site to determine the extent of the impacts and mitigate any potential health risks.

This notice is made pursuant to 310 Code of Massachusetts Regulation 40.1403. A copy of the Phase I Tier Classification is enclosed. If you have any questions, please call me or Jim Soukup at (603) 656-5400.

Very truly yours,

WESTON SOLUTIONS, INC.

A handwritten signature in black ink that reads "Lisa Kammer".

Lisa L. Kammer, P.G.
Project Manager

LLK:kmc

ec: M. Elliot, RotaDyne



The Commonwealth of Massachusetts

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CITY OF MARLBOROUGH
2018 NOV -8 A 11: 35

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 18-115

November 1, 2018

Petition of NSTAR Gas Company d/b/a Eversource Energy, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2019 through 2021.

On October 31, 2018, NSTAR Gas Company d/b/a Eversource Energy ("Company"), filed with the Department of Public Utilities ("Department"), a petition for approval of a three-year energy efficiency plan, covering calendar years 2019 through 2021 ("Three-Year Plan"). The Company filed its Three-Year Plan pursuant to An Act Relative to Green Communities, Acts of 2008, c. 169, § 11 ("Green Communities Act") and Investigation by the Department of Public Utilities on its own Motion into Updating its Energy Efficiency Guidelines Consistent with An Act Relative to Green Communities, D.P.U. 08-50 (2008); D.P.U. 08-50-A (2009); D.P.U. 08-50-B (2009); D.P.U. 08-50-C (2011); D.P.U. 08-50-D (2012). The Department has docketed this matter as D.P.U. 18-115.

The Green Communities Act requires the Commonwealth's electric and gas distribution companies, and municipal aggregators with certified efficiency plans, ("Program Administrators") to develop energy efficiency plans that provide for the acquisition of all available energy efficiency and demand reduction resources that are cost-effective or less expensive than supply. G.L. c. 25, § 21. To accomplish this goal, Program Administrators are required to develop three-year energy efficiency plans in consultation with the Energy Efficiency Advisory Council ("Council") and submit such plans to the Department for review. G.L. c. 25, § 21. The Green Communities Act requires the Department to: (1) consider the plan; (2) provide an opportunity for interested persons to be heard in a public hearing; and (3) within 90 days after the submission of the plan, issue a decision on the plan that ensures that all energy efficiency and demand reduction resources that are cost-effective or less expensive than supply have been identified and captured by the Program Administrator. G.L. c. 25, § 21.

The Company's proposed Three-Year Plan includes energy efficiency programs for residential, low-income, and commercial and industrial customers. The Plan also incorporates the Company's Residential Conservation Service filing pursuant to G.L. c. 164, App. § 2-7(h). The Company's proposed budget for the three-year period is \$181,098,271 (i.e., \$57,756,317 in 2019, \$60,521,019 in 2020, and \$62,820,935 in 2021) and includes a performance incentive.

If the Company's Three-Year Plan is approved as proposed, the Company states that customers could experience the following bill impacts:

- A residential heating customer (Rate R-3) using 128 therms per month could experience a monthly peak bill increase of \$1.75 or 1.0 percent in 2019; a monthly peak bill increase of \$3.19 or 1.8 percent in 2020; and a monthly peak bill increase of \$1.02 or 0.6 percent in 2021;
- A low-income residential heating customer (Rate R-4) using 120 therms per month could experience a monthly peak bill increase of \$1.23 or 1.0 percent in 2019; a monthly peak bill increase of \$2.25 or 1.8 percent in 2020; and a monthly peak bill increase of \$0.72 or 0.6 percent in 2021; and
- Bill impacts for commercial and industrial customers will vary. These customers should contact the Company for specific bill impact information.

Customers who participate in energy efficiency programs may experience a monthly bill decrease over the duration of the Three-Year Plan. For specific bill impacts, please contact the Company as indicated below.

A copy of the Company's Three-Year Plan is on file at the Department's offices, One South Station - 5th Floor, Boston, Massachusetts 02110 for public viewing during business hours and on the Department's website at <http://www.mass.gov/dpu>. Documents on the Department's website may be accessed either by browsing for documents by industry (e.g., Electric or Gas) at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/byindustry> or by looking up the docket by its number in the docket database at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/bynumber> (enter "18-115"). A copy is also on file for public view at the office of NSTAR Gas Company 800 Boylston Street, Boston, Massachusetts 02199 and on the Company's website. Any person desiring further information regarding the Three-Year Plan should contact counsel for the Company, John K. Habib, Esq., at (617) 951-1400. Any person desiring further information regarding this notice should contact Jessica Ellis, Hearing Officer, Department of Public Utilities, at (617) 305-3500.

The Department will conduct a public hearing to receive comments on the proposed Three-Year Plan. The hearing will take place on **Monday, December 3, 2018, 2:00 p.m.** at the Department's offices, One South Station - 5th Floor, Boston, Massachusetts 02110. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on **December 3, 2018**.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. The following persons/entities who desire to participate in the evidentiary phase of this proceeding

must file a written petition for leave to intervene with the Department not later than the close of business on **Thursday, November 1, 2018**: (1) voting and non-voting members of the Council; (2) any entity whose interests are represented on the Council; (3) any person/entity that has participated in the Council process; and (4) any person/entity that was previously granted intervention as a full party or limited participant in a three-year energy efficiency plan proceeding. All other persons/entities who desire to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Wednesday, November 14, 2018**. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business of the second business day after the petition to intervene was filed.

An original and one (1) copy of all written comments or petitions to intervene must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station - 5th Floor, Boston, Massachusetts 02110, not later than the close of business on the dates noted above. One copy of all written comments or petitions to intervene should also be sent to the Company's attorney, John K. Habib, Esq., Keegan Werlin, LLP, 99 High Street, 29th Floor, Boston, Massachusetts 02110-3113, and by email, jhabib@keeganwerlin.com.

All written comments or petitions to intervene should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@mass.gov and to the Hearing Officer, Jessica Ellis, jessica.ellis@mass.gov, or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 18-115); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. The electronic file name should identify the document, but should not exceed 50 characters in length. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

Reasonable accommodations at public or evidentiary hearings for people with disabilities are available upon request. Contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov or (617) 305-3642. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. In addition, to request materials in accessible formats (Braille, large print, electronic files, audio format), contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov or (617) 305-3642.



The Commonwealth of Massachusetts

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CITY OF MARLBOROUGH

2018 NOV 1 A 11:41

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 18-118

November 1, 2018

Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2019 through 2021.

On October 31, 2018, Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid ("Company"), filed with the Department of Public Utilities ("Department"), a petition for approval of a three-year energy efficiency plan, covering calendar years 2019 through 2021 ("Three-Year Plan"). The Company filed its Three-Year Plan pursuant to An Act Relative to Green Communities, Acts of 2008, c. 169, § 11 ("Green Communities Act") and Investigation by the Department of Public Utilities on its own Motion into Updating its Energy Efficiency Guidelines Consistent with An Act Relative to Green Communities, D.P.U. 08-50 (2008); D.P.U. 08-50-A (2009); D.P.U. 08-50-B (2009); D.P.U. 08-50-C (2011); D.P.U. 08-50-D (2012). The Department has docketed this matter as D.P.U. 18-118.

The Green Communities Act requires the Commonwealth's electric and gas distribution companies, and municipal aggregators with certified efficiency plans, ("Program Administrators") to develop energy efficiency plans that provide for the acquisition of all available energy efficiency and demand reduction resources that are cost-effective or less expensive than supply. G.L. c. 25, § 21. To accomplish this goal, Program Administrators are required to develop three-year energy efficiency plans in consultation with the Energy Efficiency Advisory Council ("Council") and submit such plans to the Department for review. G.L. c. 25, § 21. The Green Communities Act requires the Department to: (1) consider the plan; (2) provide an opportunity for interested persons to be heard in a public hearing; and (3) within 90 days after the submission of the plan, issue a decision on the plan that ensures that all energy efficiency and demand reduction resources that are cost-effective or less expensive than supply have been identified and captured by the Program Administrator. G.L. c. 25, § 21.

The Company's proposed Three-Year Plan includes energy efficiency programs for residential, low-income, and commercial and industrial customers. The Three-Year Plan also incorporates the Company's Residential Conservation Service filing pursuant to G.L. c. 164, App. § 2-7(h). The Company's proposed budget for the three-year period is \$927,422,002.

(i.e., \$314,215,689 in 2019, \$309,027,814 in 2020, and \$304,178,499 in 2021) and includes a performance incentive.

If the Company's Three-Year Plan is approved as proposed, the Company states that customers could experience the following bill impacts:

- A residential customer (R-1) using 600 kilowatt-hours per month could experience a monthly bill increase of \$0.28 or 0.2 percent in 2019; a monthly bill increase of \$0.54 or 0.4 percent in 2020; and a monthly bill decrease of \$0.07 or 0.0 percent in 2021;
- A low-income residential customer (R-2) using 600 kilowatt-hours per month could experience a monthly bill decrease of \$0.11 or 0.1 percent in 2019; a monthly bill increase of \$0.04 or 0.0 percent in 2020; and a monthly bill increase of \$0.04 or 0.0 percent in 2021; and
- Bill impacts for commercial and industrial customers will vary. These customers should contact the Company for specific bill impact information.

Customers who participate in energy efficiency programs may experience a monthly bill decrease over the duration of the Three-Year Plan. For specific bill impacts, please contact the Company as indicated below.

A copy of the Company's Three-Year Plan is on file at the Department's offices, One South Station - 5th Floor, Boston, Massachusetts 02110 for public viewing during business hours and on the Department's website at <http://www.mass.gov/dpu>. Documents on the Department's website may be accessed either by browsing for documents by industry (e.g., Electric or Gas) at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/byindustry> or by looking up the docket by its number in the docket database at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/bynumber> (enter "18-118"). A copy is also on file for public view at the office of National Grid, 40 Sylvan Road, Waltham, Massachusetts 02451 and on the Company's website. Any person desiring further information regarding the Three-Year Plan should contact counsel for the Company, Stacey M. Donnelly, Esq., at (781) 907-1833, or Diana Chiang, Esq., at (781) 907-3336. Any person desiring further information regarding this notice should contact Sarah A. Smegal, Hearing Officer, Department of Public Utilities, at (617) 305-3500.

The Department will conduct a public hearing to receive comments on the proposed Three-Year Plan. The hearing will take place on **Monday, December 3, 2018, 2:00 p.m.** at the Department's offices, One South Station - 5th Floor, Boston, Massachusetts 02110. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on **December 3, 2018**.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. The following persons/entities who desire to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Thursday, November 1, 2018**: (1) voting and non-voting members of the Council; (2) any entity whose interests are represented on the Council; (3) any person/entity that has participated in the Council process; and (4) any person/entity that was previously granted intervention as a full party or limited participant in a three-year energy efficiency plan proceeding. All other persons/entities who desire to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Wednesday, November 14, 2018**. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business of the second business day after the petition to intervene was filed.

An original and one (1) copy of all written comments or petitions to intervene must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station - 5th Floor, Boston, Massachusetts 02110, not later than the close of business on the dates noted above. One copy of all written comments or petitions to intervene should also be sent to the Company's attorneys, Stacey M. Donnelly, Esq. and Diana Chiang, Esq., 40 Sylvan Road, Waltham, Massachusetts 02451, and by email, stacey.donnelly@nationalgrid.com and diana.chiang@nationalgrid.com.

All written comments or petitions to intervene should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@mass.gov and to the Hearing Officer, Sarah.Smegal@mass.gov, or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 18-118); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. The electronic file name should identify the document, but should not exceed 50 characters in length. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

Reasonable accommodations at public or evidentiary hearings for people with disabilities are available upon request. Contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov or (617) 305-3642. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be

accommodated. In addition, to request materials in accessible formats (Braille, large print, electronic files, audio format), contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov or (617) 305-3642.

**Crossroads Industrial Park – Parcel G Environmental
Notification Form (EEA #15928) – Alternatives Analysis**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 NOV -2 P 1:47

TO: Page Czepiga, MEPA Office; ENF Circulation List
FROM: Briony Angus
COPY: Scott Weiss, The Gutierrez Company; Douglas Landry
DATE: October 30, 2018

This memorandum provides additional information regarding alternatives that were considered for the Crossroads at Industrial Park – Parcel G project (the Project). The Project is the subject of an Environmental Notification Form (ENF) currently under review by the Massachusetts Environmental Policy Act (MEPA) office (EEA File No. 15928). The Project as presented in the ENF proposes 167,400 square feet (sf) of warehouse/ distribution space at 0 Bartlett Street in Northborough, MA. The Project site is accessed from Hayes Memorial Drive in Marlborough, MA.

No Build Alternative

The no-build alternative would avoid impacts associated with land development, wetland resources, and rare species habitat. The no-build alternative would eliminate benefits associated with the proposed Project, in terms of job creation and tax revenue to the Town of Northborough. We note that a larger project could be built based on underlying zoning in terms of dimensions and use. The proposed Project includes a variety of environmental benefits, including stormwater management measures and permanent protection of open space through a Conservation Restriction, which would not be realized in the no-build alternative.

Warehouse Use Alternatives

A previous development at the site was presented to MEPA as part of the Hillside @ 495 filing (EEA File No. 12916) as discussed in the ENF. The Applicant was required by MEPA to use the Hillside @ 495 filings to present a Master Plan for the Crossroads Industrial Park development. In the Hillside @ 495 filing, the Applicant proposed 177,500 sf of warehouse development. Subsequently, during a later version of the Crossroads Industrial Master Plan from 2014, 194,200 sf of warehouse space was proposed. Impacts associated with the larger iterations of the warehouse use are presented on the summary table at the end of this memorandum. Note that the prior proposals were open to warehouse/distribution and/or other industrial/light manufacturing uses which typically have a greater number of employees (and therefore more traffic).

Office Use

The Proponent also evaluated development of the project site for office space, which is allowed under current zoning. Impacts associated with a proposed office development of a similar size as the current project (167,400 sf) are presented in the summary table. Compared to the proposed alternative, impacts associated with the office use are greater. Because of the larger footprint, this alternative would also reduce the size of the proposed Conservation Restriction.

Preferred Alternative

The preferred alternative as presented in the ENF proposes 167,400 sf of warehouse/ distribution space. The current project has a reduced footprint compared to previously

proposed iterations of the proposed warehouse use in order to minimize impacts to land, wetlands, and habitat. Compared to an office use, the preferred alternative has significantly fewer impacts associated with traffic, parking, water, and wastewater use. The Preferred Alternative is well suited to the other industrial uses in the project area, responds to a market need, and will result in fewer environmental impacts.

We note that based on Northborough zoning, the following uses are allowed in the Industrial Zoning District: hotel, professional office, medical/ dental office, industrial uses. Maximum lot coverage is 50%, and maximum floor area ratio (FAR) is 0.8. The currently proposed project has a FAR of 0.1 and a lot coverage of 10.2%.

J:\G\G5027\MEPA\Crossroads Parcel G Alternatives.docx

**Crossroads Industrial Park - Parcel G
Comparison of Alternatives**

	Hillside @ 495 Proposed Warehouse Use¹	2014 Crossroads Master Plan Proposed Warehouse²	Office Alternative³	Currently Proposed Warehouse/ Distribution Project⁴
Facility Type	Warehouse	Warehouse	Office	Warehouse/ Distribution
Facility Size (sf)	177,500	194,200	167,400	167,400
Land Alteration (Acres)	15	16	30	13
New Impervious Surface (Acres)	9	9.8	18.4	8
Parking Spaces	200	219	591	168
Average Daily Trips	2,990	3,271	1,479	478
Water Use (GPD)	3,905	4,272	17,298	2,722
Wastewater Generation	3,550	3,884	15,736	2,520

Assumptions:

- 1: Impacts from Hillside @ 495 MEPA submission.
- 2: Project as proposed in 2014 Crossroads Industrial Park Master Plan. Impacts scaled from Hillside @ 495 analysis.
- 3: Assumes proposed office use. Impacts derived from Devonshire @ 495 office space impacts in Hillside @ 495 MEPA filing and adjusted for building footprint and site conditions.
- 4: Impacts as presented in ENF.

Tighe&Bond
Engineers | Environmental Specialists

53 Southampton Road
Westfield, MA 01085

HARTFORD
CT 061
31 OCT '18
PM 6 L

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

01752-387199



MARLBOROUGH COMMISSION ON DISABILITIES

MINUTES FOR MEETING JULY 3, 2018

MAYOR'S CONFERENCE ROOM 4TH FLOOR

CITY HALL

RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH
2018 NOV -5 A 8:51

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

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

MINUTES ACCEPTED AS READ 0 TO 6.

TREASURERS REPORT

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

OLD BUSINESS

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

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

NEW BUSINESS

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

MOTION TO ADJOURN 4:42 PM PASSES UNANIMOUSLY

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

RESPECTFULLY SUBMITTED,
DEBRA MCMANUS
CHAIRPERSON

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2018 NOV -5 A 8:51

MARLBOROUGH COMMISSION ON DISABILITIES
MINUTES FOR MEETING AUGUST 7, 2018
MAYOR'S CONFERENCE ROOM 4TH FLOOR
CITY HALL

ATTENDANCE: JOHN USINAS, DEBRA MCMANUS,
DAVE DOUCETTE, DEREK CHAVES, LAURA KYLE,
PATTY CARLSON.

DEBRA MCMANUS CALLED THE MEETING TO ORDER
AT 4:01 PM.

MINUTES ACCEPTED AS READ 6 TO 0.

TREASURERS REPORT

MOTION TO ACCEPT PASSES UNANIMOUSLY, \$6,199.70.
6 TO 0.

OLD BUSINESS

- DOMINOS PIZZA'S PATIO: RAMP NOT IN CODE, NO RAILINGS. THEY ARE WORKING WITH AN ARCHITECT TO BRING IT UP TO CODE.
- 6 CAMP SCHOLARSHIPS HAVE BEEN AWARDED:
\$2,160.00

- MCDONALD HOTEL HAS BEEN GIVEN VARIOUS VARIANCES TO STRETCH OUT OVER MULTIPLE YEARS.

NEW BUSINESS

- LOST SHOE AND ROASTING COMPANY HAS APPLIED FOR VARIANCES CONCERNING THE FRONT & REAR ENTRANCES, MEN'S AND WOMEN'S RESTROOMS.
- PATTY CARLSON HAS INVITED A MEMBER OF THRIVE TO ATTEND A COMMISSION MEETING IN THE FUTURE.
- JOHN USINAS REPORTED THAT THE REGIONAL TRANSIT AUTHORITY BUDGET HAS BEEN INCREASED.

MOTION TO ADJOURN 4:59 PM PASSES UNANIMOUSLY

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

RESPECTFULLY SUBMITTED,
DEBRA MCMANUS
CHAIRPERSON

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2018 NOV -7 P 4:35

September 10, 2018

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, 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 1st floor retail and 2nd 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

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
September 24, 2018

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

1. Meeting Minutes

A. September 10, 2018

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the minutes of September 10, 2018; Hodge and Russ abstained. Motion carried.

2. Chair's Business

A. Planning Board Membership Update

The Board is seeking additional members following Mr. Gallagher's announcement that he will be moving from the area.

B. Tracking Spreadsheet

Due to the evening's busy schedule, Chairperson Fenby requested that this matter be addressed at another time. Motion to skip item by Sean Fay, second by Mr. LaVenture, Motion carried.

3. Approval Not Required (None)

4. Public Hearings (New)

- A. Council Order 18-1007337, Proposed Zoning Amendment Section 650, §7, §17, new §39 & §41 relating to the Neighborhood Business District (Lincoln St.) Sponsors -Councilors Ossing (speaking) and Irish with presentation by Cynthia Wall of the Metropolitan Area Planning Council (MAPC). Ms. Fenby opened the public hearing. Mr. LaVenture read the public hearing notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.**

Presentation:

Councilor Ossing of 43 Varley Rd. opened the presentation explaining that the proposed zoning amendment emerged from joint efforts of the French Hill neighborhood, the Marlborough Economic Development Corporation, MAPC and the City of Marlborough. The zoning amendment provides a framework for the reshaping and revitalization of the French Hill area. The current business district offset resulted in multiple parcels being bisected with different zoning classifications. Under the new Neighborhood Business District, parcels will be fully included within the district. Urban affairs is preparing recommendations for the table of uses. The proposed zoning amendment will enable comprehensive development by special permit. Cynthia Wall, Principal Planner at MAPC, joined the meeting via Skype. Ms. Wall described the City's project goal to ensure the health and vitality of the French Hill Neighborhood. With feedback from the working group, MAPC drafted zoning to achieve the vision – *Create a lively, active Lincoln Street business area that serves the French Hill Neighborhood.* The new proposed zoning creates a new Neighborhood Business Zone (NB) for Lincoln St. All parcels currently zoned business are proposed for the NB zone. Zoning covers the entire lot not just the Lincoln St. frontage. New zoning allows for artist studios, brew pubs and 2-family homes. Not permitted: drive-thrus and auto service facilities. Working group concerns included the former IGA, Armory and Johnson sites. The group supported mixed use and infrastructure improvements (crosswalks, decorative lighting, wayfinding) and connections and uses emphasizing the rail trail.

Speaking in Favor of the Amendment:

Arthur Bergeron, 27 Prospect St., spoke in favor of the proposed zoning amendment. As a French Hill neighbor, he is excited at the prospect of redevelopment in the area. If anything, he felt that the density could be increased at the IGA and Johnson-Claflin properties. Ms. Wall explained that densities were designed to fit into the existing neighborhood. Chairperson Fenby declared that portion of the hearing closed.

Speaking in Opposition to the Amendment:

No person spoke in opposition to the proposed zoning amendment. Chairperson Fenby declared that portion of the hearing closed.

Questions and Comments from the Planning Board:

Mr. Fay commented that he thought the Johnson-Claflin property was the perfect place for a downtown area hotel. Mr. DiPersio raised a concern about the boundaries. Based on Engineering's review, some parcels could be left with inconsistent zoning. (or inadvertently excluded from the new zone.) Councilor Ossing thought that the included parcels were reviewed closely, but he suggested Engineering share the specifics of the identified issues after the meeting. Mr. LaVenture sought clarification of some of the height and setback requirements. Ms. Wall addressed some of the amendment's language. The 52' maximum height equates to about 4 stories. There is a minimum height for the business district of 2.5 stories. Minimum rear-yard setbacks vary by the height of the structure, ranging from 15' to 25'.

Chairperson Fenby requested a motion to move item 5B up in the agenda. Motion by Sean Fay and seconded by Mr. LaVenture to move item 5B up. Motion carried.

5. Subdivision Progress Reports (Updates and Discussion)

- B. Attorney Galvani provided the Board with two updated documents: i) Extension of Performance Secured by Tripartite Agreement and ii) 4th Revision Performance Secured by Tripartite Agreement. The Board signed the updated agreements which reduce the bond securing the Howe's Landing subdivision from \$234,000 to a (1) year maintenance bond of \$70,000 expiring September 13, 2019. Attorney Galvani will provide proof of recording to the Board no later than October 9, 2018.

4. Public Hearings (New)

- B. Council Order 18-1007338, Proposed Zoning Amendment Section 650, new §40 relating to Large Scale Ground Mounted Solar Photovoltaic Installation Overlay District. Sponsor, Councilor Doucette.

Ms. Fenby opened the public hearing. Mr. LaVenture read the public hearing notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

Presentation:

Councilor Doucette opened the presentation describing the amendment which allows for the installation of free-standing solar panels in the City of Marlborough. The proposed zoning amendment creates an overlay district with As-of-Right Siting, subject to site plan review. The overlay district consists of various parcels, but the parcel planned for the installation is Assessor's Map 109, Parcel 1. Various additional parcels in the district are state owned and city owned.

Speaking in Favor of the Amendment:

Priscilla Ryder, Marlborough Conservation Officer, spoke in favor of the proposed zoning amendment. This amendment is the first to allow the installation of ground mounted solar panels in the City. She is in favor of the overlay district as it encourages the use of renewable energy sources in the City. Mayor Vigeant also spoke in favor of the proposed amendment. In addition to green energy production, there is an opportunity for an ancillary benefit allowing for the permanent preservation of the farm. Chair Fenby closed that portion of the hearing.

Speaking in Opposition to the Amendment:

No person spoke in opposition to the amendment. Chair Fenby closed that portion of the hearing.

Questions and Comments from Board Members:

Q: Board member Russ asked how the parcels were chosen for inclusion in the overlay district. **A:** Ms. Ryder explained that there is one primary parcel proposed for the installation. Additional parcels were added, but she was not concerned that the installation would encompass the entire district. **Q:** Mr. Russ asked about the proposed size of the installation. **A:** Councilor Doucette said that the ordinance is designed for installations greater than 250 Kw. He was not certain how that equated to physical size. Mr. Fay explained that when the Board evaluates proposed zoning amendments, it tries to apply consistency to its review process, i.e. What is the benefit to the City? How will the proposed amendment affect the existing neighborhood? Does it fit in? When he thinks of solar farms, he visualizes a vacant piece of land adjoining a highway. He wasn't certain that this was a good fit for the neighborhood.

To assist in the visualization of the proposed district, the area was displayed on the electronic screen. Mr. Fay said that viewing the area on the screen was much clearer than interpreting site location using the parcel map provided with the proposed amendment. He stated that the overlay district is not where he thought it was when he reviewed the paper map. **Q:** The Board asked who would determine when the installation would be decommissioned. **A:** Councilor Doucette indicated that the owner would determine the installation's life span. The proposed site is currently wooded. Mr. Russ questioned whether alternate open sites were considered for the installation. **A:** Councilor Doucette said "no" since the proposal initiated with the ownership of one of the proposed district parcels. **Q:** Mr. LaVenture stated that the burden is on the proponent to convince the Board of the amendment's value to the City. He is still questioning how the amendment benefits the public's health, wealth and safety. **A:** Mr. Doucette explained that there is a benefit to locally sourced, renewable power. He explained that the facility would generate net metering credits that could be sold in Marlborough.

4. Public Hearings (Continued)

- C.** Continued - 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. Brian Falk of Mirick O'Connell was in attendance along with Steve Yurewicz, a project team member of the proposed ancillary residential community on Williams Street. Mr. Falk summarized that the proposed amendment allows for one ancillary residential community (up to 30 units) on an adjacent parcel to the Villages at Crane Meadow. Mr. Falk explained that a "Memorandum of Agreement" (MOA) had been reached with the Villages for the purchase of a sewer easement connecting both properties. The sewer would tie into the city's sewer system. Mr. Falk explained that the connection will provide additional flow which will be beneficial to the Villages. Mr. Fay remains concerned about the potential unintended consequences of this zoning amendment in other parts of the city, particularly the airport property that was recently proposed for inclusion in the Retirement Community Overlay District. Mr. Bergeron said that that amendment has not passed, but he suggested that the Board's recommendation could be written to exclude the airport property. Mr. LaVenture asked for clarification on the definition of an adjacent parcel. **Q:** Could a parcel that is adjacent to an adjacent parcel be included? **A:** Mr. Falk explained "NO". The ancillary retirement community must be built on an area that was part of the original Retirement Community Overlay District or adjacent to the original district. **Q:** Mr. Russ asked the dimensions of the lot sizes. **A:** Mr. Falk explained that lot size is determined by the underlying zone.

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. 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), Chairperson Fenby's negative vote reflected her agreement with the expressed opposition to this zoning amendment by the most impacted residents.

4. Public Hearings (Continued)

D. Continued - Council Order 18-1007224A Proposed Zoning Amendment 650 § 5B & 650 § 17 Ancillary Auto Sales, Proponent Brian Falk, Mirick O'Connell and Jeff Batta, Owner Marlboro Nissan.

Mr. LaVenture began by offering this question - How does the proposal benefit the public health, wealth or safety in the City? He added- On the surface, this proposal is designed for the sole benefit of the proponent. Mr. Falk replied - Allowing a successful business to expand in Marlborough provides an economic development benefit to the City. Mr. Batta's business is locked in without the ability to expand. The zoning amendment revisions that were introduced by Mr. Falk limit the city-wide impact, which was a concern expressed by the Mayor. Mr. LaVenture and Mr. Fay said it is incumbent on the proponent to convince the Board that the zoning amendment is of benefit to the City. Mr. LaVenture questioned whether the proposed amendment could be considered spot zoning. Mr. Falk felt that recent cases prove that spot zoning is easier to defend. Mr. Batta reiterated his long-time commitment to the City explaining that his successful location in Marlborough is an anomaly in today's regionalized dealership environment. Mr. Falk and Mr. Batta encouraged the Board to consider the economic development benefit to the east side of the city. Mr. Batta shared the considerable restrictions on the parcel he wishes to utilize for certified used car sales. He feels that regardless of the future zoning overlay district that may be introduced, any tenant of that property will need to comply with the restrictions of the land owner, RK Development. He does not feel that any alternate use proposed under current or future zoning will be "better" than his proposed use. Despite the Board's appreciation for this dealership's community standing, the Board's majority was not comfortable making a favorable recommendation. (Member Hodge expressed his favorable view of the proponent's proposed use of the ancillary parcel.) The Board took the following vote:

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.**

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

C. Walker Brook Estates – **Vote on Engineering Recommendation Letter-** Request for Bond Reduction

Mr. LaVenture read the September 20, 2018 letter from City Engineer DiPersio into the record. The Engineering Division has reviewed the completion status of the subdivision and finds the subdivision construction satisfactorily completed.

Engineering recommends that the bond be reduced from \$63,000 to \$0. Engineering requested that the developer provide legal descriptions of the streets and municipal easements to draft a Council acceptance order. To date, they have not been received. On a motion by Mr. Fay, seconded by Mr.

LaVenture, the Board voted to conditionally reduce the bond from \$63,000 to zero, pending receipt of the legal descriptions of streets and municipal easements. Motion carried.

D. Goodale Estates

Solicitor Rider updated the Board regarding the bankruptcy status at Goodale Estates. Goodale has worked out a Settlement Agreement with its lender, Northborough Capital Partners (NCP), which would be effective only upon dismissal of this bankruptcy case. Solicitor Rider will be monitoring the case for relevant updates. On a motion by Mr. Fay and seconded by Mr. Russ, the Board voted to accept and file the correspondence related to this matter and to request that Solicitor Rider prepare a letter on behalf of the Board informing NCP and Goodale (Paul Ricciardi) of current subdivision deadlines and requirements. Motion carried.

6. Preliminary/Open Space/Limited Development Subdivisions

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

The proponent provided no further updates for the meeting. Chairperson Fenby declared the public hearing on the Hager St. open space special permit application closed. The Board's decision on the special permit is due 12-17-18 (Closest meeting date prior to December 23, 2018 deadline).

7. Definitive Subdivision Submission (Continued Discussion)

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

The Board requested the opinion of Solicitor Rider regarding the requested covenant prior to endorsement of the definitive subdivision at 215 Simarano. Can the Board rescind the approval if the applicant has no intention of completing the subdivision within the two-year period specified in the application? The City's subdivision regulations state:

Performance guarantee. Before endorsement of the Board's approval of a definitive plan of subdivision, the subdivider shall agree to complete the required improvements specified in Article V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written consent of the Planning Board. 1) Approval with bonds or Surety 2) Approval with covenant.

Solicitor Rider explained that despite the appearance that the subdivision application was filed in "bad faith", the applicant had full rights under the law, thereby securing the statutory zoning freeze. The courts have upheld that any remedy is through legislative action.

The applicant's counsel has indicated his willingness to appear at the Board's October 15, 2018 meeting to discuss the issue of security for a subdivision road the owner has no intention of building at this time.

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to defer discussion of item 2B. Tracking Spreadsheet to a future meeting. Motion carried.

8. Signs (None)

9. Informal Discussion (None)

10. Unfinished Business (None)

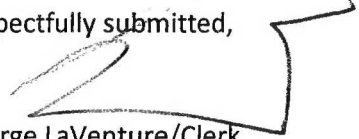
11. Correspondence (None)

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

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

/kih

Respectfully submitted,


George LaVenture/Clerk

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
October 15, 2018
2018 NOV 5 PM 11:23

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

1. Meeting Minutes

A. September 24, 2018

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to accept and file the minutes of September 24, 2018. Motion carried.

2. Chair's Business

- A. Set public hearing date: Council Order 18-1007404, Proposed Zoning Amendment to Sections 650 §34 & Section 650 §41 to amend certain provisions of the Marlborough Village District and Table of Lot Areas, Yards and Height of Structures (Main Street Area).** Mr. LaVenture read the September 20, 2018 letter from Brian Falk of Mirick O'Connell into the record. On behalf of his client, Enza Sambatara, he requests consideration of the referenced zoning amendment. On a motion by Mr. LaVenture, seconded by Mr. Fay, the Board voted to accept and file the correspondence. The public hearing is scheduled for November 5, 2018. Motion carried.
- B. How to use MAPC to assist in the evaluation of proposed zoning amendments.**
On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to address this matter under informal discussion later in the meeting. Motion carried.
- C. Due to early voting taking place in Memorial Hall over the next weeks, Chairperson Fenby informed the Board that the October 29th meeting of the Planning Board will be held in the 4th Floor Mayor's Conference Room beginning at 7:00 pm. The Board will resume meetings in Memorial Hall on Monday, November 5.**

3. Approval Not Required (None)

4. Public Hearings (Continued)

- A. Council Order 18-1007337, Proposed Zoning Amendment Section 650, §7, §17, new §39 & §41 relating to the Neighborhood Business District (Lincoln St.) Parcel Review - Engineering Recommendations.** Chair Fenby reopened the public hearing. Mr. LaVenture read into the record the City Engineer's October 11, 2018 letter RE: Proposed Zoning Change – New Neighborhood Business District (off Lincoln St.) Following its review of the proposed zoning amendment, Engineering recommends including a revised parcel list in the district and adherence (to the extent possible) to current parking and landscaping requirements within the new development district. Mr. Fay lead a brief discussion about parking in the area, noting the loss of a lot that was once under City control. He also expressed some concern that the current height restriction within the Neighborhood Business District could be an impediment to redevelopment of a "boutique-style" hotel in the area. On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to make a favorable recommendation to the City Council for the proposed zoning amendment with the following conditional recommendations:
 - That City Council allow Engineering to review the final list of parcels included within the proposed amendment. This review will ensure zoning consistency within the district.
 - That development within the Neighborhood Business District adhere, to the extent possible, to current parking and landscaping zoning requirements.
 - That the amendment allows for some flexibility in building height within the Neighborhood Business District, particularly the Johnson-Clafin property, to preserve the possibility for that parcel to be used for a downtown-area hotel. Motion carried.

- B. Public Hearing: Council Order 18-1007338, Proposed Zoning Amendment Section 650, new §40 - Large Scale Ground Mounted Solar Photovoltaic Installation Overlay District.

Chair Fenby reopened the public hearing. Conservation Officer Ryder reviewed the ***purpose and objectives*** of the installation, the ***general requirements*** for all large-scale ground mounted solar installations, the ***dimensional and density requirements*** and ***design standards*** as well as ***abandonment and decommissioning***. ***Purpose and Objectives:*** The City code currently only addresses roof-top and ground mounted installations that serve a building's energy needs. Large-scale installations are for "electricity production". Since Marlborough is already a Green Community, the district could be either as-of-right or by special permit. ***General Requirements:*** As written, the district would allow an as-of-right installation, but must still follow all existing laws, must obtain a building permit and is subject to site plan review. Large-scale installations have a minimum nameplate capacity of at least 250 kW DC. This planned project is 4 MW and would encompass approximately 20 acres. ***Dimension and Density Requirements and Design Standards:*** The district requires front, side and rear setbacks including 50 feet of no cut, and an additional 50 feet no build if near conservation, residential or a public way. Any site equipment must be shaded from view, adequate screening from abutters is required, top soil must be preserved to allow for restoration following decommissioning, and light pollution must be minimized at the site. ***Abandonment and Decommissioning:*** Installation timeframe is 20+ years, financial surety submitted and approved prior to any issuance of building permits. Surety held by Comptroller. Points yet to finalize include taxation approach (taxed as personal property or payment in lieu of taxes agreement -PILOT), setting of building permit fees and protection agreement of the O'Donnell land following decommissioning.

Mr. LaVenture asked for clarification on the land arrangement. Ms. Ryder said that the solar field would be leased by the producer for a 20 to 30-year lease. It is not a typical land bank arrangement. She has contacted several land trusts for feedback, since the more common location for these solar installations is a brownfield. Mr. Russ asked how the solar installation would be accessed. Ms. Ryder indicated that there would be an access roadway that would be 40' to 50'. Ms. Fenby closed the public hearing. On a motion by Mr. Hodge, seconded by Mr. Russ, the Board voted to make a favorable recommendation on the proposed zoning amendment. Motion carried.

5. Subdivision Progress Reports (Updates and Discussion)

A. Subdivision Status Report

Mauro Farm: Mr. DiPersio confirmed that the Conservation Commission issued a Certificate of Compliance. Legal is finalizing deed and municipal easement descriptions with the developer's attorney in preparation for acceptance.

Cider Mill: The subdivision expiration is January 19, 2019. Mr. DiPersio indicates that the subdivision road is complete and documentation for acceptance is prepared. He recommends that the subdivision maintenance period be shortened so that street acceptance may proceed prior to winter. Engineering will contact the developer to arrange for final inspection with recommendation for acceptance to follow.

Marlborough Hub: Mr. DiPersio informed the Board that Mirick O'Connell submitted an additional extension request on behalf of their client Marlborough Hub, LLC. (See Item 7B)

- B. Attorney Galvani provided the Board with proof of two recorded documents: i) Extension of Performance Secured by Tripartite Agreement and ii) 4th Revision Performance Secured by Tripartite Agreement. The \$70,000 maintenance bond is now in effect with a subdivision expiration of September 13, 2019.

- C. Goodale Estates: The developer and lending company responded to the Planning Board's October 9, 2018 letter regarding the approaching subdivision expiration date of November 14, 2018. Mr. Ricciardi and Northborough Capital Partners will attend the Planning Board meeting on October 29 to update the Board. Engineering requested a new construction schedule, Code Enforcement confirmation that the site is blight-free and a letter from the Collector's Office that all taxes have been paid. Assistant City Engineer Collins outlined numerous conditions of the Open Space Special Permit. Prior to the issuance of building permits, the open space parcel must be surveyed and marked out, the open space parcel must be inspected by the Marlborough Tree Warden to identify and remove potential "hazardous" trees, and the developer is required to deed over the open space parcel to the City.

6. Preliminary/Open Space/Limited Development Subdivisions

A. 72 Hager St. Open Space Special Permit

Mr. LaVenture read the October 10, 2018 initial review letter from City Engineer DiPersio into the record. While Engineering is in general agreement with the concept of the project, several details remain unresolved:

- 1) The total area of the project must be at least 5-acres to qualify for an open space development special permit. The land area in Marlborough is less than 5 Acres. The developer is considering acquiring land from a Marlborough abutter, or using land in Framingham to supplement the Marlborough development land area.
- 2) Lot 4 area is less than the required 43,560 sq. ft. and the lot shape rectangle is not aligned along the mean direction line of the frontage.
- 3) Parcel "A" use has not been clarified in the permit. Use should be defined in the special permit decision.

The Board's decision on the special permit is due 12-17-18 (Closest meeting date prior to December 23, 2018 deadline).

The developer's engineer, Engineering Design Consultants, has been informed of these issues. To date, Engineering has not received a revised plan set meeting the requirements for an open space development.

7. Definitive Subdivision Submission (Continued Discussion)

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

The Board previously requested the City's Legal Dept. opinion regarding their requirement that a covenant be in place prior to endorsement of the definitive subdivision at 215 Simarano. Mr. LaVenture read from an October 15 email from the Assistant City Solicitor which stated in part, "81U requires ("shall") security without regard to a developer's intent. Because there are no cases on point, it may not be in the Planning Board's, City, or public's best interests to disregard the requirements of 81U. Also, if the developer sold the property to a successor within the 2-year completion period, the successor, who could actually construct the approved subdivision plan, would also succeed to the developer's obligations under a covenant or bond." The Board maintains its position that a covenant or other acceptable form of surety be in place prior to endorsement.

B. Marlborough Hub – Request for Extension (Continued from 5A. Subdivision Updates)

Mr. LaVenture read the October 10, 2018 email from Attorney Bergeron of Mirick O'Connell on behalf of his client, Marlborough Hub, LLC. Copies of the emailed letter were distributed to members at the time of the meeting. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept and file the October 10, 2018 emailed correspondence. The Board further voted to grant the requested extension for discussion on the pending application until November 19, 2018, and with Attorney Bergeron's written consent, agreed to a modified date for the extension of time for a decision on the subdivision submission until January 31, 2019. Motion carried.

8. Signs

- ### **A. Application for Sign Appeal/Variance to Planning Board: Speedway LLC, 770 Boston Post Road East,**
- Applicant representative, Andrew Upton, Esq. and Cindy Lewis, Speedway District Manager attended. Mr. Upton addressed the Board on behalf of his client, Speedway LLC. Mr. Upton explained that his client requests a variance from the Board to install "GSTV" Point of Sale (POS) devices at gas pumps at 770 Boston Post Road East. The Building Department had rejected their sign application as these devices violated section 526-13 of the Marlborough City Code.

Mr. Upton informed the Board that the devices are used at 129 sites in New England and provide modern POS transactions that assist in preventing credit card fraud and credit card skimming as well as providing directed advertising, news and weather services.

Use of these devices, he explained, decreases the amount of signage required at sites, since each monitor replaces the need for additional “stand-alone” signs by consolidating messaging onto each small device. He understands the City’s intent in limiting electronic displays, but said these small devices are not distractions or nuisances to passing motorists or pedestrians. The displays provide each pump with information and transactional access without interference with adjacent pumps.

Questions and Comments from Board Members:

Chairperson Fenby noted that other Marlborough stations already have these displays, but this is the first time a variance has been before the Board. It was suggested that the installations predated the 2014 ordinance. She will reach out to Code Enforcement. Mr. Fay asked Ms. Lewis if her station at 770 Boston Post Road was otherwise compliant with the City’s sign ordinance. She stated that she could not say with complete surety, but it is Speedway’s practice to comply with local ordinances. Their POS display is integral to their transaction and business model. She requested the Board’s favorable vote on the variance. Mr. LaVenture likes to look at the bigger picture. Instead of dealing with each sign variance like this individually, he would prefer that the sign ordinance be reviewed for possible amendment. Long standing members explained that there have been past efforts to rewrite sections of the sign ordinance, and it may not be practical to wait until the ordinance was modified. While Mr. LaVenture leans toward a favorable vote on this variance, he prefers that applicants be forthcoming with requests prior to installation. A favorable vote could encourage non-compliance of future applicants. Ms. Fenby felt that the applicant had provided enough information to the Board to reach a decision at a future meeting. The applicant need not attend. The applicant representative will be informed of the Board’s vote once taken.

9. Informal Discussion

A. Tracking Spreadsheet

The Board feels that operationally the Board is working well. Incremental improvements to project management and calendar tracking was discussed. As a trial, the Board would like to add a discussion point to the agenda: Calendar Updates. The Board would review current business and note necessary calendar updates. Following each meeting, those calendar items would be updated for member access. Also, the tracking spreadsheet should provide a quick reference for board members. The Planning Board tracking spreadsheet could be set up to sort by either project or meeting date.

B. How to effectively use MAPC to assist in the evaluation of proposed zoning amendments (Item moved from Chair’s Business item 2B.)

Since the City does not have its own planner, the Board discussed how best to use MAPC as a resource for informed decision making. Zoning amendments are common agenda items in recent history, yet the Board often lacks a frame of reference or body of research to inform its decisions. Chair Fenby will revisit this issue with Mayor Vigeant and determine the best approach when seeking input for decision making.

10. Unfinished Business (None)

11. Correspondence (None)

12. Public Notices of other Cities & Towns

A. Town of Berlin Planning Board, 1 Notice

On a motion by Mr. Fay Seconded by Mr. LaVenture, the Board voted to accept and file the notice.
Motion carried.

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'G. LaVenture', written over the text 'Respectfully submitted,'.

George LaVenture/Clerk

/kih

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

October 29, 2018

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in the Mayor's Conference Room, 4th Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Phillip Hodge, Sean Fay, George LaVenture and Chris Russ. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider, and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. October 15, 2018

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to accept and file the minutes of October 15, 2018. Motion carried.

2. Chair's Business

A. Long-range Conservation/Recreation Plan Survey

Ms. Fenby indicated that the long-range conservation/recreation plan survey received a good public response with over 500 responses returned. The data will be placed into an informational report.

B. Meeting with Mayor – Update

Chair Fenby and Mr. Fay touched base with Mayor Vigeant prior to the board meeting. They had a general discussion of overlay districts in the City and specifically discussed the proposed boundaries of the ancillary auto sales zoning amendment. Mr. Fay indicated that he was surprised that the proposed zone contained irregular borders and was larger than he had been previously understood. The Board maintains its position that the proposed amendment should be viewed in the context of a broader development plan for the RT20 East corridor.

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports (Updates and Discussion)

A. Subdivision Status Report

Walker Brook Estates: Mr. DiPersio reported that late today (Oct. 29) Engineering received the deed and municipal easement descriptions from the developer. The department is reviewing the information and will confirm that the documents are in order. Once confirmed, Solicitor Rider will proceed with presenting a Council order for acceptance.

B. Goodale Estates: Subdivision Status Update – Paul Ricciardi, Developer; Kevin Gillis - Northborough Capital Partners, new owner; and property realtor, Dee Kerner of Black Horse Real Estate, were in attendance. Mr. Gillis was present to assure the Board he will take all steps necessary to satisfy the Board's requirements to obtain an extension of subdivision approval (that currently expires on November 14, 2018). A new construction schedule has been prepared, confirmation that the site is free of blight has been obtained from Code Enforcement and proof that the property taxes are paid will be submitted in time for an anticipated vote at the November 5, 2018 meeting. Mr. Gillis will also submit additional documents demonstrating their commitment to completing the project. He acknowledged the requirements of the open space subdivision special permit and is moving forward with meeting those requirements. The Forestry Department has visited the site (12 trees identified for removal within the open space) and water and sewer entrance fees have been paid for the development. Mr. Gillis has hired Quigley & Associates to oversee the project.

Mr. Fay asked for Legal clarification on the site's ownership. Mr. Fay noted that the original subdivision approval was granted to the applicant, Valre Realty Trust, yet the ownership was listed as Goodale Farms, Inc. Mr. Ricciardi and Mr. Gillis explained that it is not an uncommon practice for the applicant (and non-owner) to obtain subdivision approval. In this case, Goodale Farms, Inc. sold the property to Goodale Estates, LLC following the subdivision approval. Mr. Fay asked Mr. Gillis to obtain a legal determination on the issue. Mr. Gillis requested a one-year extension on the approval. He will send a written request for the Board's consideration at the next meeting. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to refer the extension request to Engineering for a recommendation. Motion carried.

C. Mauro Farm: On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to waive the readings and accept and file the two October 25, 2018 informational letters by Solicitor Rider 1) Mauro Farms acceptance documents for open space parcels and 2) acceptance of public ways (Nolan Way, Spenser Circle and Reagin Lane). Motion carried.

D. Cider Mill Estates: Mr. LaVenture read the October 25th letter from Paul Beattie, Attorney for the Cider Mill development. The letter states that a request for final inspection of the subdivision was made to enable their request for a reduction in the bond to zero and for the process of acceptance to commence. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to accept, file and refer to Engineering for recommendation. Motion carried.

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

7. Definitive Subdivision Submission (Continued Discussion)

A. 215 Simarano Dr.

Ch. 41 Section 81U requires surety prior to endorsement of the approved subdivision. Since the owner failed to provide the required covenant (surety), the Board contemplated rescinding its subdivision approval. Mr. DiPersio indicated that Engineering received a request for a street opening permit at 215 Simarano. The owner has an approved site plan for the same location as the subdivision approval. The owner has indicated they do not intend to construct a subdivision, but they do intend to build the approved plan for the storage facility on the site.

8. Signs

A. Application for Sign Appeal/Variance to Planning Board: Speedway LLC, 770 Boston Post Road East
The Board had additional questions about the variance referral to the Planning Board. Mr. Fay indicated the station has another non-compliant sign on premise. He stated the applicant should be informed that the site has a con-compliant portable sign. On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to invite Code Enforcement Wilderman to the November 5, 2018 meeting. Motion carried.

9. Informal Discussion

Attorney Bill Pezzoni of Day Pitney stopped in. He informed the Board that a material change was made to a previously submitted proposed zoning amendment. A new public hearing on the matter is required. He mentioned he will prepare a letter requesting that the Board schedule a public hearing on the matter. Chairperson Fenby indicated that the Board will schedule the public hearing when the matter is referred to the Board by the Marlborough City Council.

Mr. Fay and Mr. Hodge reminded the Board that they have schedule conflicts for the November 19th meeting. The Board will not have a quorum. The next meeting of the Planning Board will be Monday, December 3.

10. Unfinished Business (None)

11. Calendar Updates

A. Marlborough Hub

Continuation of the discussion on the subdivision application of Marlborough Hub. on Dec. 3

- B. Goodale Estates subdivision expiration is November 14, 2018. Vote on requested one-year extension on November 5, 2018.

12. Public Notices of other Cities & Towns

- A. Town of Southborough Planning Board, 1 Notice
B. Town of Hudson Planning Department, 1 Notice

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

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'G. LaVenture', written over the text 'Respectfully submitted,'.

George LaVenture/Clerk

/kih

City of Marlborough
Zoning Board of Appeals

Minutes

October 31, 2018

RECEIVED
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2018 NOV -9 P 3:46

Members Present: Ralph Loftin-Acting Chairman, Thomas Golden, Thomas Pope and Robert Levine

Zoning Board of Appeals Case # 1450-1018

Applicant: Colbea Enterprises, LLC

Location: 342 Boston Post Rd. East (Shell Station)

Representatives Present:

- Nicole M. Verdi, Attorney at Law – Adler Pollock & Sheehan P.C. One Citizen Plaza, 8th Floor, Providence RI 02903-1345
- Richard C. DeFusco, R.L.A. – Ayoub Engineering – 414 Benefit St., Pawtucket, RI 02861
- Dennis P. Darveau, Colbea Enterprises, LLC, 7 Starline Way, Cranston, RI 02921

Petition: Applicant - Colbea Enterprises, LLC proposes to demolish the existing structure and construct a 4000 sq. ft. building with 5 fuel dispensing station (10 pumps) at 342 Boston Post Rd. East. (Map 59 Parcel 11) located in Zoning District Business. Seeking variances on the propose deviations are as follows:

1. Section 650-41, Table of Lot Area, Yards and Height" a 50 ft. front yard setback is required vs. the proposed 32.3 ft. for the new canopy over the fuel dispensing area.
2. Section 650-47(D)(5)(a), requires the planting of 1 tree per 30 linear feet of street frontage planting within the front landscaped strip, as per 650-47E.
3. Section 650-47(E)(1)(b), landscaping requirements - requires a frontage landscaped strip of 25 ft. vs. the propose 10 ft. landscaped strip.

The hearing was opened with the reading of the legal ad by Thomas Golden. Acting Chairman, Ralph Loftin informed the applicant that there were 4 members present this evening, and to receive approval for requested variances, they must receive 4 affirmative votes.

Atty. Nicole Verdi gave a brief presentation of the lot in question. She stated that the use of the lot will remain as a gas station, located in a Business Zone. The existing car wash will be demolished. The applicant has met with city officials and gone before the Site Plan Review Committee for an informal meeting. Atty. Verdi went thru the Exhibit A within her packet to the Board. Within Exhibit A, it goes thru the criteria for a variance and their explanation of how they meet those criteria. (Exhibit A is in Board's file)

Richard DeFusco – Landscape Architect - Ayoub Engineering stated the following:

- The existing building is 3,000 sq. ft. They are proposing a 4,000 sq. ft. building
- They will be replacing the existing tanks and proposing 5 gas pumps
- They will have new utilities. They are serviced by sewer and water and gas.
- Landscaping – at the front of the lot, there will be a 10 ft. wide vs. 25 ft. required landscape strip at the front. The propose landscaping at the front yard setback will be planted, so not to block visibility of the pumps.
- The location of the proposed sign will be in the same location as the existing sign.
- The proposed canopy is for the protection of customers, the pumps and mate around the pumps. Existing canopy is 9.5 ft. from the front lot line vs. the propose 32 ft. The applicant stated they cannot met the 50 ft. front setback as required.
- Stormwater infiltration will be improved.
- The aisle spaces within the lot are kept at a certain width for better traffic flow.

Hardship:

- Cannot place the proposed canopy further back to meet the required 50 ft. front setback because of the propose layout and size of the structures.
- Stormwater system will be improved.
- With the proposed layout of the lot, it will be a convenience for their customers.
- With the constraints of trying to improve or meet the criterias of traffic flow and stormwater management, etc. they could not meet the Front Yard Setback requirements and Landscape requirements.
- Shape of lot and height of lot creates a hardship, because they had to stack structures into the lot. Because of the size and shape of the lot, this prevents them from meeting the city's zoning requirements with the design they have presented.
- As stated in their Exhibit A...Literal enforcement of the provisions of the City of Marlborough Zoning Ordinance would cause hardship to the Applicant in that Applicant seeks to update its facilities and provide a better (and safer) layout for the surrounding area as well as the convenience store and filling station. Additionally, if relief is not granted, the Applicant will suffer a hardship because due to the stormwater management and soil erosion control needed to ensure this Property complies with all Massachusetts rules and regulations, this layout and landscaping plan is necessary.

The Board kept reiterating what there "hardship" is. The Board stated "hardship" must be soil conditions, shape of the lot or the topography of the lot. The Board felt the applicant had no "hardship" to base their decision on. An inconvenience or financial hardship is not a "hardship". And just because one cannot build as designed on a plan, does not constitute a hardship. The applicant can currently use the lot as zoned, Business. Without a hardship, the Board cannot make an affirmative ruling.

Dennis Darveau, Colbea Enterprises – Director of Construction - stated the following:

1. The lot is shallow, not wide. They can only stack so much considering the depth of the lot.
2. The proposed lay out of the lot will create better circulation throughout the lot for customers and tanker trucks.

Board members asked if they can construct a smaller store? The applicant felt a smaller store is not functional for their needs.

The applicant requested a 5 min. recess in order to talk amongst themselves in the hallway.

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

At the request of the applicants, the public hearing was continued to November 27, 2018 at 7:00 PM

The Board asked the applicant to make sure they do not need a Special Permit because of the increase in the number of cars being served.

On a motion made by Robert Levine, seconded by Thomas Pope, the public hearing was continued to Nov. 27, 2018 at 7:00 PM.

Respectfully submitted,



Ralph Loftin
Acting Chairman