

REGULAR MEETING  
MAY 6, 2019  
TIME: 8:00 PM

IN CITY COUNCIL  
ABSENT  
LOCATION: CITY HALL, 140 MAIN STREET, 2<sup>ND</sup> FLOOR

CONVENED:  
ADJOURNED:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 MAY -2 P 1:25

1. Presentation Veteran of the Year.
2. Minutes, City Council Meeting, April 29, 2019.
3. Communication from the Mayor, re: FY20 Budget Recommendation in the amount of \$169,023,174.00 which represents a 3.8 % increase over last year's appropriation. (The Proposed FY20 Budget document is available for viewing in the Office of the City Clerk).
4. Communication from City Solicitor, Donald Rider, re: Acceptance of Deed Conveying 10.09 Acres of land located on Berlin Road identified as Map 41, Parcel 37B, Order No. 19-1007584C.
5. Communication from the Retirement Board re: Consideration of a cost of living increase (COLA) pursuant to MGL Chapter 32, §103(i).
6. Communication from the Planning Board, re: Favorable Recommendation and comments on the Proposed Zoning Ordinance Amendment, Chapter 650, §5, §17, §18 & §48 relative to adding Food Trucks to the Table of Uses, Order No. 19-1007543A.
7. Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Map Amendment, land at 31 and 35 John Street, Order No. 19-1007569A.
8. Application for LED Sign Special Permit from Attorney Elizabeth McDonough Noonan on behalf of Colbea Enterprises, LLC, 342 Boston Post Road East.
9. Communication from Melynda & JP Gallagher, of Lost Shoe Brewing and Roasting Company, 19 Weed Street, to add outdoor seating to their establishment.
10. Petition from TC Systems, Inc., on behalf of AT&T, to install new underground conduits with cable on Forest Street from Pole #24 To Verizon MH #516 for a distance of 65' within the Public Way.
11. Communication from Attorney Falk on behalf of David Skarin, re: Proposed Zoning Amendment, to Chapter 650 §12 Nonconforming Uses.
12. Minutes, School Committee, April 9, 2019.
13. Minutes, Board of Assessors, April 17, 2019.
14. Minutes, Board of Health, March 4, 2019.
15. Minutes, License Board, March 27, 2019.
16. Minutes, Traffic Commission, March 27, 2019.

**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.**

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From Finance Committee

17. **Order No. 19-1007624 – Transfer \$699,088.00 from the Economic Development Account to Fund the Marlboro Economic Development Corporation (MEDC) for FY20:** The Finance Committee reviewed the Mayor's letter dated April 4, 2019 requesting the transfer of \$699,088.00 from the Economic Development account to fund MEDC for FY20. The funds are from the local options hotel tax that has a current balance of \$1,661,109.48. **The Finance Committee voted 4 - 0 to approve the transfer.**

From Urban Affairs Committee

18. **Order No. 18/19-1007484C: Communication from Peter Bemis on behalf of Stephen Vigeant, Trustee 22 Englewood Trust, regarding Rezoning land off Mill Street South.** The Urban Affairs Committee met with Neil Vigeant for a discussion of the rezoning of land off Mill Street South by extending a zoning line. They are not creating new zoning language or requesting an overlay but seeking to extend the adjacent CA zoning line to include the Englewood Trust property now currently located in the I zone. The Councilors were in support of Mr. Vigeant's request and believed it would be a positive change for the property. **Motion made by Councilor Juairé, seconded by the Chair, to approve the zoning map change of the land off Mill Street South from I to CA. The motion carried 5-0.**
19. **Order No. 19-1007533B: Proposed Zoning Amendment, to add to Chapter 650 a new section §36, which will create an Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road Area.** The Urban Affairs Committee met with attorneys Arthur Bergeron and Brian Falk of Mirick O'Connell, Andy Montelli of Post Road Residential, and Mark Racicot of Metropolitan Area Planning Council (MAPC) on March 26<sup>th</sup> and April 22<sup>nd</sup> for a discussion of a proposed zoning amendment for an Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road Area. At the meeting on March 26<sup>th</sup>, their discussions centered on limiting the first two phases of the project to 475 units and all uses permitted by-right were to require a Special Permit except those uses allowed by the underlying zoning. On April 22<sup>nd</sup>, councilors reviewed Atty. Falk's proposed edits to the zoning petition and no further changes were recommended by the committee or other councilors present. **Motion made by Councilor Doucette, seconded by the Chair, to approve the proposed Executive Residential Overlay District (EROD) zoning petition, as amended. The motion carried 5-0.**

20. **Order No. 18/19-1007500C: Proposed Zoning Ordinance Amendment, Chapter 650, §15, §17, & §18 – Home Office & Contractor Yards.**

The Urban Affairs Committee met on February 26<sup>th</sup>, March 19<sup>th</sup>, March 26<sup>th</sup>, April 2<sup>nd</sup>, and April 9<sup>th</sup> to discuss the Proposed Zoning Ordinance Amendment to Chapter 650, §15, §17, & §18 – Home Office & Contractor Yards. The City currently has no ordinance for Home Offices and Contractor Yards, therefore according to regulations if there is no existing ordinance, then the use is not allowed in the community. The City Council must put reasonable rules in place which are fair to the business owners and residents affected by those same businesses. Over the course of those meetings, the Councilors made suggested changes to the proposed zoning ordinance amendment which was presented at a Public Hearing on February 11, 2019.

- The Home Office definition was updated.
- Table of Uses updated to allow Contractor's Storage Yard and Landscape Contractor's Storage Yard by right in Commercial Automotive and Limited Industrial zones.
- Condition for Uses – (47) Home Offices updated to allow no more than two employees at a home office, restrictions on use of an accessory building as a home office, prohibiting more than one commercial vehicle with restrictions on its size and weight, and restrictions on hours of operation.
- Condition for Uses – (48) Contractor's storage yards and landscape contractor's storage yards updated to remove the section titled (a) Applications and include the following:
  - (a) Design Standards.
    - (1) Proximity to existing residential zoning districts.
    - (2) Abutting residential lots.
    - (3) Screening.
    - (4) Minimum lot area.
    - (5) Maximum size of storage yard.
    - (6) Vehicles, Equipment and/or Materials.
  - (b) Grandfathering.
  - (c) Previous Special Permit or Site Plan Approval.
  - (d) All others.

The original proposed zoning amendment changed significantly during the course of the Urban Affairs Committee meetings, therefore the amended zoning amendment will appear on the April 29, 2019 City Council meeting where it will be ordered advertised and a new Public Hearing date will be set.

**Motion made by Councilor Juairé, seconded by the Chair, to approve as amended. The motion carried 5-0.**

From City Council

21. **Order No. 19-1007584C: Acceptance of Deed Conveying 10.09 Acres of land located on Berlin Road identified as Map 41, Parcel 37B. TABLED TO THE MAY 6, 2019 CITY COUNCIL MEETING.**



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 MAY -2 A 9:30

**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Steven W. Kerrigan  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**APRIL 29, 2019**

Regular meeting of the City Council held on Monday, April 29, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Doucette, Dumais, Tunnera, Irish and Landers. Absent: Delano. Meeting adjourned at 8:55 PM.

**ORDERED:** That the Minutes of the City Council meeting, APRIL 8, 2019 **FILE**; adopted.

**ORDERED:** That the PUBLIC On the Petition from Massachusetts Electric, to install a new pole 47-84 to use as a stub pole for poles 47 and 47-5 on Bolton Street, Order No. 19-1007629, all were heard who wish to be heard, hearing closed at 8:02 PM; adopted.

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

**Councilors Absent: Delano.**

**ORDERED:** That the PUBLIC HEARING On the Petition from Comcast, to install new underground 3" PVC conduit for approximately 1055 feet and (3) 2'x3' vaults starting at 46 Lizotte Drive to provide service to 130 Lizotte Drive, Order No. 19-1007611, all were heard who wish to be heard, hearing closed at 8:03 PM; adopted.

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

**Councilors Absent: Delano.**

**ORDERED:** That the PUBLIC HEARING On the Application for Special Permit from Thomas Coder, to demolish the existing single story home and construct a new two story home at 21 Patten Drive, Order No. 19-1007612, all were heard who wish to be heard, hearing closed at 8:06 PM; adopted.

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

**Councilors Absent: Delano.**

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Map Amendment from Councilor Clancy on behalf of the Mayor re: Proposed Rezoning of land off Williams Street, identified as Map 113, Parcels 5 & 6, Order No. 19-1007587, all were heard who wish to be heard, hearing closed at 8:14 PM; adopted.

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

**Councilors Absent: Delano.**

ORDERED: That the Transfer Request for the Department of Public Works in the amount of \$397,000.00 which moves funds from and to various accounts within Public Works to fund ongoing projects, step increases and overtime, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2019	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$295,449	\$59,300.00	61090001	50740	Equipment Operator	\$2,300.00	60085001	50850	Treat. Plant Op.	\$45,868
	Reason:	Excess due to vacancy					Due to step increase		
					\$7,000.00	60085001	50910	Chief Treat. Plant Op.	\$8,686
	Reason:						Due to step increase		
					\$3,000.00	60085003	51310	Overtime	\$0
	Reason:						Due to increased flow		
					\$40,000.00	60085006	55980	West Waste Water Tr.	\$29,782
	Reason:						Due to new permit from DEP / increased flow		
					\$7,000.00	14001303	51310	Overtime	\$3,112
	Reason:						Due to vacancy		
	\$59,300.00	Total			\$59,300.00	Total			

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2019	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$295,449	\$35,000.00	61090001	50740	Equipment Operator	\$50,000.00	60081006	55950	East Waste Water Tr.	\$9,522
	Reason:	Excess due to vacancy				Due to new permit from DEP / increased flow			
\$78,150	\$15,000.00	60081001	50850	Treatment Plant Op.					
	Reason:	Excess due to vacancy							
\$41,747	\$17,700.00	13032001	50690	Foreman	\$15,000.00	11920003	51300	Additional Gross-OT	\$0
	Reason:	Excess due to vacancy				Due to vacancies			
					\$2,700.00	14001403	51470	Interim Foreman	\$0
	Reason:					Due to medical leave			
\$295,449	\$45,000.00	61090001	50740	Equipment Operator	\$105,000.00	61090006	55710	Water Maintenance	\$37,899
	Reason:	Excess due to vacancy				Ongoing projects			
\$101,211	\$60,000.00	61090001	50690	Foreman					
	Reason:	Excess due to vacancy							
	\$172,700.00	Total			\$172,700.00	Total			

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Department of Public Works/Public Facilities				FISCAL YEAR:		2019	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$41,747	\$24,000.00	13032001	50690	Foreman	\$75,000.00	11920006	53999	Other Services	\$0
	Reason:	Excess due to vacancy				Ongoing projects			
\$40,079	\$20,000.00	13032001	50386	HVAC					
	Reason:	Excess due to vacancy							
\$43,082	\$16,000.00	13032001	50385	Electrician					
	Reason:	Excess due to medical leave							
\$26,564	\$15,000.00	60080001	50630	Asst. Comm. Utilities					
	Reason:	Excess due to vacancy							
\$221,032	\$50,000.00	14001503	50740	Equipment Operator	\$90,000.00	14001504	53140	Contract Services	\$473
	Reason:	Excess due to vacancy				Ongoing projects			
\$295,449	\$40,000.00	61090001	50740	Equipment Operator					
	Reason:	Excess due to vacancy							
	\$165,000.00	Total			\$165,000.00	Total			

**ORDERED:** That the Transfer Request for the Police Department in the amount of \$88,500.00 which moves funds from Reserved for Salaries to various accounts within the Police Department to fund the recently ratified 3-year contract with the Police Patrol Officers Association (MPPOA) through FY2021, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT:		Comptroller			FISCAL YEAR:		2019		
Available Balance		FROM ACCOUNT:			TO ACCOUNT:		Available Balance		
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance
\$680,632.65	\$88,500.00	11990006	57820	Reserve for Salaries	\$63,000.00	12100001	50420	Police Officers	\$753,091.08
	Reason:	Budgeted for contracts			Reason:	Contract			
	\$0.00				\$4,000.00	12100003	51360	Overtime - Training	\$8,905.21
	Reason:				Reason:	Contract			
	\$0.00				\$2,000.00	12100003	51310	Overtime - Regular	\$57,318.52
	Reason:				Reason:	Contract			
	\$0.00				\$6,000.00	12100003	51320	Overtime - Court	\$50,896.31
	Reason:				Reason:	Contract			
	\$0.00				\$3,000.00	12100003	51319	Overtime - Cell watch	\$1,259.66
	Reason:				Reason:	Contract			

CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT:	Comptroller			FISCAL YEAR:	2019		
	FROM ACCOUNT:			TO ACCOUNT:			
\$0.00			\$500.00	12100003	51329	On-Call Pay	\$3,279.74
Reason:			Reason:	Contract			
\$0.00			\$500.00	12100003	51920	Sick Leave Buy Back	\$7,314.95
Reason:			Reason:	Contract			
\$0.00			\$1,000.00	12100003	51490	Holiday	\$67,566.67
Reason:			Reason:	Contract			
\$0.00			\$4,000.00	12100003	51450	Night Shift Differential	\$28,114.55
Reason:			Reason:	Contract			
\$0.00			\$2,000.00	12100003	51440	Education Incentive	\$108,743.22
Reason:			Reason:	Contract			
\$0.00			\$1,500.00	12100003	51410	First Responder	\$13,888.89
Reason:			Reason:	Contract			
\$0.00			\$1,000.00	12100001	50435	Police Specialists	\$10,801.88
Reason:			Reason:	Contract			
\$88,500.00	Total		\$88,500.00	Total			

**ORDERED:** That the Transfer Request for the Police Department in the amount of \$59,300.00 which moves funds from Reserved for Salaries to various accounts within the Police Department to fund the recently ratified 3-year contract with the Police Command Officers Association (MPCOA) through FY2021, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS -										
DEPT:		Comptroller				FISCAL YEAR:		2019		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:		Balance
\$660,632.65	1199006	57820	Reserve for Salaries		\$34,000.00	12100001	50500	Police Captains		\$36,368.77
	Reason:	Budgeted for contracts				Reason:	Contract			
\$0.00					\$8,500.00	12100003	51440	Educational Incentive		\$108,743.22
	Reason:					Reason:	Contract			
\$0.00					\$500.00	12100001	50510	Police Lieutenants		\$63,584.51
	Reason:					Reason:	Contract			
\$0.00					\$500.00	12100001	50820	Sergeants		\$128,608.15
	Reason:					Reason:	Contract			
\$0.00					\$4,500.00	12100003	51920	Sick Leave Buy Back		\$7,314.95
	Reason:					Reason:	Contract			

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT:	Comptroller				FISCAL YEAR:	2019			
	FROM ACCOUNT:					TO ACCOUNT:			
\$0.00				\$200.00	12100003	51360	Overtime - Training		\$8,905.21
Reason:				Reason:	Contract				
\$0.00				\$5,500.00	12100003	51310	Overtime - Regular		\$57,318.52
Reason:				Reason:	Contract				
\$0.00				\$700.00	12100003	51320	Overtime - Court Time		\$50,896.31
Reason:				Reason:	Contract				
\$0.00				\$100.00	12100003	51319	Overtime - Cell Watch		\$1,259.66
Reason:				Reason:	Contract				
\$0.00				\$2,200.00	12100003	51490	Holiday		\$87,566.67
Reason:				Reason:	Contract				
\$0.00				\$1,800.00	12100003	51342	Longevity		\$30,726.90
Reason:				Reason:	Contract				
\$0.00				\$700.00	12100003	51450	Night Shift Differential		\$28,114.55
Reason:				Reason:	Contract				
\$0.00				\$100.00	12100003	51410	First Responder		\$13,888.89
Reason:				Reason:	Contract				
\$59,300.00	Total			\$59,300.00	Total				

ORDERED: That the Transfer Request for the Police Department in the amount of \$11,000.00 which moves funds from 2018 Multi-Purpose to City Hall Equipment to purchase a new K-9 Unit vehicle, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:	Comptroller				FISCAL YEAR:	2019				
Available Balance	FROM ACCOUNT:					TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description	Amount	Org Code	Object	Account Description			
\$1,065,000.00	17110006	59968	2018 Multi Purpose	\$11,000.00	19300006	58595	City Hall Equipment		\$49,953.74	
Reason:	Excess due to favorable interest rate			Reason:	For Police K-9 unit vehicle					
\$11,000.00	Total			\$11,000.00	Total					

**ORDERED:** That the Transfer Request for the Department of Public Works in the amount of \$27,250.00 which moves funds from Reserved for Salaries to DPW Sick Leave Buy Back to fund the retirement benefit of a recently retired member of DPW, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS -									
DEPT:		DPW		FISCAL YEAR:		2019			
FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$660,632.65	\$27,250.00	11990006	57820	Reserve for Salaries	\$27,250.00	14001503	51920	DPW-Sick Leave Buy Back	\$3.08
	Reason:	To fund sick leave buy back due to a retirement							
	\$27,250.00	Total			\$27,250.00	Total			

**Suspension of the Rules requested – granted**

**ORDERED:** That the follow up communication from the Mayor, re: Order Transferring Care, Custody, Management and Control of a portion of the Wilson Street Cemetery land for the purpose of obtaining a perpetual historic preservation restriction, **FILE**; adopted.

**Suspension of the Rules requested – granted to allow DPW Commissioner Ghiloni to speak.**

**ORDERED:** That the City Council by a two-thirds vote of all its members pursuant to MGL c. 40, §15A, the City council having received notice from the Commissioner of the Department of Public Works that the DPW, having charge of the Wilson Street Cemetery located on land bordering Wilson Street and identified on Marlborough Assessors Map 60 as Parcel 35 (the “Land”), has determined that it wishes to transfer the care, custody, management and control of the Land from the DPW for the purpose of a cemetery, to the City Council for the purpose of a cemetery and for the additional purpose of conveying to the Commonwealth of Massachusetts, acting by and through the Massachusetts Historical Commission (“MHC”), a perpetual historic preservation restriction encumbering the Land, does hereby transfer the Land to the City Council for such purposes.

Further, by a simple majority vote subsumed by the two-thirds vote above, a separate vote being unnecessary, the City Council hereby:

- a) Declares, pursuant to MGL c. 30B, §16(a), that the Land is available for disposition by conveyance of the said historic preservation restriction to MHC;

- b) Determines, pursuant to MGL c. 30B, §16(e)(2), that advertising for the proposed conveyance of the said historic preservation restriction to MHC will not benefit the City's interest because of the unique qualities and location of the Land, namely, that the Land has been used as a cemetery since at least 1844, will continue to be used for that purpose in perpetuity, and is in need of MHC grant monies that would be used to repair and restore a tomb and other grave markers, as well as to procure and install a wrought iron fence along the Land's perimeter with the abutting Evergreen Cemetery; and
- c) Authorizes the Mayor, pursuant to MGL c. 40, §3, to convey to the Commonwealth of Massachusetts, acting by and through the Massachusetts Historical Commission, a perpetual historic preservation restriction encumbering the Land, on such terms and conditions in the City's best interest as the Mayor deems appropriate.

**APPROVED;** adopted.

**Yea: 10 – Nay: 0 – Absent: 1**

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

**Absent: Delano**

**ORDERED:** Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$1,163.00 from the Massachusetts Board of Library Commissioners awarded to the Public Library to be used for a summer program at the library called Tween Arts Exploration for children ages 8-13; adopted.

**ORDERED:** That the City of Marlborough, acting by and through its City Council, does hereby accept from Ernest A. Houde, Jr., the deed of the fee interest in a parcel of land containing 10.09 acres and situated on the easterly side of Berlin Road, described as Map 41, Parcel 37B of the Marlborough Assessors Maps, and more particularly described as Lot 37-2B on a plan entitled "Plan of Land in Marlborough, Massachusetts; Owner: Ernest A. Houde, Jr., 399 Berlin Road, Marlborough, MA; Prepared by: Connorstone Consulting Civil Engineers and Land Surveyors, 276 West Main Street, Northborough, MA 01532; Scale: 1" = 50'; Dated: April 21, 2000, revised: May 1, 2000," and recorded at Middlesex South District Registry of Deeds as Book 31403, Page 364, Plan Book 2000, Plan 513, said plan attached hereto along with said deed.

The above-described parcel is conveyed to the City under the provisions of Massachusetts General Laws c. 40, § 8C and is 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 of open space, **TABLED UNTIL THE MAY 6, 2019 CITY COUNCIL MEETING;** adopted.

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

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

a. By amending the definition in subsection B of "HOME OCCUPATION," by inserting at the end thereof the following sentence:

A home occupation shall not include a home office, as defined in Section 650-5.

b. By amending the definition in subsection B of "OUTDOOR STORAGE," by inserting at the end thereof the following sentence:

Outdoor storage shall not include either a contractor's storage yard or a landscape contractor's storage yard, as defined in Section 650-5.

c. By inserting the following new definitions:

CONTRACTOR - Any person or firm engaged in construction, building trades, landscaping services or maintenance, on a contract basis, either licensed or unlicensed.

CONTRACTOR'S STORAGE YARD - An outdoor area used for the storage of equipment and/or materials used for providing contracting services, including but not limited to building construction, heating, plumbing, roofing, and excavation; but not including a landscape contractor's storage yard. A contractor's storage yard shall not include outdoor storage, as defined in Section 650-5.

HOME OFFICE - An office in a dwelling unit or accessory building within which ancillary activities are performed for a business whose primary services are conducted by the residents at offsite locations. Home offices are permitted if they conform to each of the conditions set forth in Section 650-18(47).

LANDSCAPE CONTRACTOR’S STORAGE YARD – An outdoor area used for the storage of equipment and/or materials used by a business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds, including the installation of hardscape such as stonework, patios, decks, arbors, and other decorative elements of the landscape. Such a business may engage in the installation and construction of underground improvements, but only to the extent that such improvements (e.g., irrigation or drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the grounds being otherwise landscaped. A landscape contractor’s storage yard shall not include outdoor storage, as defined in Section 650-5.

II. Section 650-17, entitled “Table of Uses,” is hereby amended by adding the following new uses:

	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I	MV	NB
Contractor’s													
Storage Yard (48)	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Home Office (47)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Landscape Contractor’s													
Storage Yard (48)	N	N	N	N	N	N	N	N	Y	Y	N	N	N

III. Section 650-18, entitled “Conditions for uses,” is hereby amended as follows:

a. By inserting in subsection A thereof a new paragraph (47), pertaining to home offices:

(47) Home offices.

Home offices are permitted if they conform to each of the following conditions:

- (a) The home office use must be secondary to the principal use of the property as a residence.
- (b) The proprietor of the home office, whether a contractor or otherwise, must reside in the dwelling unit comprising the principal building.
- (c) Anyone associated with the home office must reside in the dwelling unit comprising the principal building, except that not more than two (2) non-residents may be permitted when the home office is on a property principally used as a residence by the proprietor, whether a contractor or otherwise, unless it is located in the Commercial Automotive or Limited Industrial zoning districts, in which case three (3) non-residents may be permitted.

- (d) No more than 25% of the floor area of the residence or, if an accessory building is used, no more than 30% of the floor area of the accessory building and residence combined, is to be used for the purposes of the home office.
- (e) There shall be no external evidence of the home office except for a sign that conforms to the requirements for a home occupation sign set forth in City Code Section 526-8.A(2), and no major structural change shall be made to the exterior so as to alter the appearance and character of the residence or that of the accessory building if used for the home office.
- (f) The proprietor of a home office, whether a contractor or otherwise, shall be allowed to have not more than either i) one (1) commercial vehicle having a gross vehicle weight rating (GVWR) not exceeding 10,000 pounds or one (1) heavy-duty pickup truck having a GVWR not exceeding 14,000 pounds, or ii) one (1) commercial trailer not to exceed sixteen (16) feet in length, parked at the home office, whether that vehicle or that trailer, as the case may be, is used by the proprietor of the home office and/or by anyone associated with the home office, except that not more than three (3) commercial vehicles each having a GVWR not exceeding 10,000 pounds, or three (3) commercial trailers each not exceeding sixteen (16) feet in length, or any combination of such vehicles and trailers not to exceed three (3) in total number, may be permitted when the home office is on a property located in the Commercial Automotive or Limited Industrial zoning districts. No such vehicle or trailer shall be parked on the street(s) fronting the premises where the home office is located, but instead shall be parked on the premises. Vehicles and equipment must be parked and accessed on impervious surfaces such as concrete or asphalt (dust-free surfaces) and may never be parked on the lawn or other pervious parts of a property on which the home office is located.

- (g) A home office shall be permitted to store equipment and/or materials, but only indoors in the principal building or accessory building. In no event shall a home office, even when on a property located in the Commercial Automotive or Limited Industrial zoning districts be used for a contractor's storage yard or a landscape contractor's storage yard. No activity in conjunction with the business associated with the home office, including but not limited to loading and unloading of equipment and/or materials, is permitted Monday through Friday except from 7:00 a.m. until 7:00 p.m. and Saturday except from 7:00 a.m. until 5:00 p.m., and no such activity is permitted on Sunday at any hour; provided, however, that essential emergency services as reasonably needed may operate outside previously established hours. All such activity, when permitted, shall otherwise comply with Chapter 431 of the City Code, entitled "Noise."
  - (h) A home office shall not store excessive quantities of flammable, combustible or dangerous substances, and may be required to comply with the notification, reporting and permitting requirements set forth in SARA Title III (the Emergency Planning and Community Right-To-Know Act, or EPCRA) and/or MGL c. 148.
- b. By inserting in subsection A thereof a new paragraph (48), pertaining to contractor's storage yards and landscape contractor's storage yards:
- (48) Contractor's storage yards and landscape contractor's storage yards.
    - (a) Design Standards. Contractor's storage yards and landscape contractor's storage yards, as defined in Section 650-5, are allowed in the Commercial Automotive or Limited Industrial zoning districts only after having been granted site plan approval by the City of Marlborough Site Plan Review Committee, whose review shall include but not be limited to the following design standards.
      - (1) *Proximity to existing residential zoning districts*. A storage yard, if created after February 11, 2019, shall not be located on a lot less than two hundred (200) feet from a residential zoning district.
      - (2) *Abutting residential lots*. A storage yard, if created after February 11, 2019, shall not be located on any lot if a residential use is being made of any abutting lot(s).
      - (3) *Screening*. The proposed storage yard shall be adequately screened from the street and adjacent properties to obscure the vehicles parked thereon, and the equipment and/or materials stored therein.

- (4) *Minimum lot area.* The minimum area of the lot being proposed for the storage yard shall be 22,500 square feet.
- (5) *Maximum size of storage yard.* The maximum size of the storage yard, when combined with all structures, parking and driveways on the lot being proposed for the lot on which the storage yard is proposed to be located, shall not exceed the percentage of maximum lot coverage permitted under Section 650-41 for the zoning district in which the lot is located.
- (6) *Vehicles, Equipment and/or Materials.* All vehicles, equipment and/or materials associated with the storage yard must be stored on and accessed from impervious or otherwise dust-free surfaces.
- (7) *Flammable, Combustible or Dangerous Substances.* A storage yard shall not store excessive quantities of flammable, combustible or dangerous substances, and may be required to comply with the notification, reporting and permitting requirements set forth in SARA Title III (the Emergency Planning and Community Right-To-Know Act, or EPCRA) and/or MGL c. 148.
- (b) Grandfathering. All contractor storage yards and all landscape contractor storage yards, as defined in Section 650-5, that existed before the City of Marlborough Zoning Code was enacted on January 27, 1969, or that exist as legal pre-existing nonconforming uses or structures, shall not be required to submit to Site Plan Review; provided, however, that such yards shall not be permitted to expand or alter any legal pre-existing nonconforming use or structure, unless such expansion or alteration is otherwise authorized by zoning relief.
- (c) Previous Special Permit or Site Plan Approval. All contractor storage yards and all landscape contractor storage yards, as defined in Section 650-5, that are in compliance with a previously-granted special permit, or that are in compliance with a previously-granted site plan approval by the Site Plan Review Committee, shall not be required to submit to Site Plan Review, so long as such yards remain in compliance with the dimensional, landscaping and parking requirements of Chapter 650.
- (d) All others. All contractor storage yards and all landscape contractor storage yards, as defined in Section 650-5, that satisfy neither subsections (b) nor (c) of this section 650-18(48) shall be required to complete the Site Plan Review process within twelve (12) months of the effective date of approval of this zoning amendment.

Refer to **PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, JUNE 3, 2019**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Application for Special Permit by Main Street Bank, to further modify the Bank's original 2009 Special Permit by removing condition #4 which prohibits electronic signs, in proper legal form, Order No. 18/19-1007461C **MOVED TO ITEM 39**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re Application for LED Sign Special Permit by Main Street Bank, 81 Granger Boulevard, Order No. 18/19-1007423D, **MOVED TO ITEM 40**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re Proposed Open Space Covenant and Restriction for certain land on a plan entitled "Open Space Exhibit for Apex Center, 240 Boston Post Road West, Marlborough, in proper legal form, Order No. 16/17/18/19-1006443D-6, **MOVED TO ITEM 35**; adopted.

**President Clancy called a recess at 8:30 PM and returned to open meeting at 8:32 PM.**

ORDERED: That the Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Map Amendment, land off Mill Street South, Order No. 18/19-1007484B, **FILE**; adopted.

ORDERED: That the Communication from Ayoub Engineering on behalf of Colbea Enterprises, LLC, re: Removal of existing underground storage tanks (USTs) and installation of new underground storage tanks which will result in a decrease of storage capacity at 342 Boston Post Road East, **FILE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer/Second Hand Dealer License, Jean Rabelo, d/b/a Post Road Used Auto Parts, 785 Boston Post Road East, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer/Second Hand Dealer License, Gerald Dumais, d/b/a Dumais & Sons Second Hand Store, 65 Mechanic Street, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

**Councilor Dumais recused.**

ORDERED: That the Application for Renewal of Junk Dealer/Second Hand Dealer License, Best Buy Stores LP #820, d/b/a Best Buy, 769 Donald J. Lynch Boulevard, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication Department of Public Utilities, re: Condensed Financial Return for year-ending December 31, 2018, NStar Gas Company, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, February 26, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, April 3, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Commission on Disabilities, March 12, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, March 21, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Historical Commission, April 11, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Library Board of Trustees, February 5, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Municipal Aggregation Committee, March 21, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, March 25, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, March 26, 2019, **FILE**;

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

- a) Elaine Alden, 70 Kelleher Street, residential mailbox claim (2b).
- b) Raymond Degaetano, 153 Mechanic Street, pothole or other road defect.
- c) Bill Dehner, 89 Kelleher Street, residential mailbox claim (2a).
- d) Steven Kinz, 98 Kelleher Street, residential mailbox claim (2b).
- e) Frank Thetonia, 30 Johansen Drive, other property damage and/or personal injury.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee  
Monday April 22, 2019  
In Council Chambers**

Finance Committee Members Present: Chairman Ossing; Councilors Robey, Irish and Dumais.

Finance Committee Members Absent: Councilor Oram

Other Councilors in Attendance: Councilor Landers.

The meeting convened at 7:00 PM.

1. **Order No. 19-1007624 – Transfer \$699,088.00 from the Economic Development Account to Fund the Marlboro Economic Development Corporation (MEDC) for FY20:** The Finance Committee reviewed the Mayor's letter dated April 4, 2019 requesting the transfer of \$699,088.00 from the Economic Development account to fund MEDC for FY20. The funds are from the local options hotel tax that has a current balance of \$1,661,109.48. **The Finance Committee voted 4 - 0 to approve the transfer.**

**The Finance Committee adjourned at 7:20 PM.**

Reports of Committee Continued:

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

Meeting Name: City Council Urban Affairs Committee

Date: April 22, 2019

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

Convened: 5:33 PM – Adjourned: 6:26 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juaire, Landers, Doucette, and Tunnera; Councilors Dumais, Irish, Ossing, and Robey; Brian Falk (Mirick O’Connell); Arthur Bergeron (Mirick O’Connell); Andy Montelli (Post Road Residential); Mark Racicot (Metropolitan Area Planning Council (MAPC)); Neil Vigeant

**Order No. 19-1007533: Proposed Zoning Amendment, to add to Chapter 650 a new section §36, which will create an Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road Area.** The Urban Affairs Committee met with attorneys Arthur Bergeron and Brian Falk of Mirick O’Connell, Andy Montelli of Post Road Residential, and Mark Racicot of Metropolitan Area Planning Council (MAPC) on March 26<sup>th</sup> and April 22<sup>nd</sup> for a discussion of a proposed zoning amendment for an Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road Area. At the meeting on March 26<sup>th</sup>, their discussions centered on limiting the first two phases of the project to 475 units and all uses permitted by-right were to require a Special Permit except those uses allowed by the underlying zoning. On April 22<sup>nd</sup>, councilors reviewed Atty. Falk’s proposed edits to the zoning petition and no further changes were recommended by the committee or other councilors present. **Motion made by Councilor Doucette, seconded by the Chair, to approve the proposed Executive Residential Overlay District (EROD) zoning petition, as amended. The motion carried 5-0.**

**Order No. 18-1007484: Communication from Peter Bemis on behalf of Stephen Vigeant, Trustee 22 Englewood Trust, regarding Rezoning land off Mill Street South.** The Urban Affairs Committee met with Neil Vigeant for a discussion of the rezoning of land off Mill Street South by extending a zoning line. They are not creating new zoning language or requesting an overlay but seeking to extend the adjacent CA zoning line to include the Englewood Trust property now currently located in the I zone. The Councilors were in support of Mr. Vigeant’s request and believed it would be a positive change for the property. **Motion made by Councilor Juaire, seconded by the Chair, to approve the zoning map change of the land off Mill Street South from I to CA. The motion carried 5-0.**

**Motion made and seconded to adjourn. The motion carried 5-0. The meeting adjourned at 6:26 PM.**

## Reports of Committee Continued:

Meeting Name: City Council Urban Affairs Committee

Date: April 9, 2019

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

Convened: 5:31 PM – Adjourned: 7:37 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juairé, Landers, Doucette, and Tunnera; Councilors Clancy, Dumais, Irish, Ossing, and Robey; Mayor Arthur Vigeant; Pamela Wilderman (Code Enforcement Officer, City of Marlborough).

**Order No. 18/19-1007500: Proposed Zoning Ordinance Amendment, Chapter 650, §15, §17, & §18 – Home Office & Contractor Yards.**

The Urban Affairs Committee met on February 26<sup>th</sup>, March 19<sup>th</sup>, March 26<sup>th</sup>, April 2<sup>nd</sup>, and April 9<sup>th</sup> to discuss the Proposed Zoning Ordinance Amendment to Chapter 650, §15, §17, & §18 – Home Office & Contractor Yards. The City currently has no ordinance for Home Offices and Contractor Yards, therefore according to regulations if there is no existing ordinance, then the use is not allowed in the community. The City Council must put reasonable rules in place which are fair to the business owners and residents affected by those same businesses. Over the course of those meetings, the Councilors made suggested changes to the proposed zoning ordinance amendment which was presented at a Public Hearing on February 11, 2019.

- The Home Office definition was updated.
- Table of Uses updated to allow Contractor's Storage Yard and Landscape Contractor's Storage Yard by right in Commercial Automotive and Limited Industrial zones.
- Condition for Uses – (47) Home Offices updated to allow no more than two employees at a home office, restrictions on use of an accessory building as a home office, prohibiting more than one commercial vehicle with restrictions on its size and weight, and restrictions on hours of operation.
- Condition for Uses – (48) Contractor's storage yards and landscape contractor's storage yards updated to remove the section titled (a) Applications and include the following:
  - (a) Design Standards.
    - (1) Proximity to existing residential zoning districts.
    - (2) Abutting residential lots.
    - (3) Screening.
    - (4) Minimum lot area.
    - (5) Maximum size of storage yard.
    - (6) Vehicles, Equipment and/or Materials.
  - (b) Grandfathering.
  - (c) Previous Special Permit or Site Plan Approval.
  - (d) All others.

The original proposed zoning amendment changed significantly during the course of the Urban Affairs Committee meetings, therefore the amended zoning amendment will appear on the April 29, 2019 City Council meeting where it will be ordered advertised and a new Public Hearing date will be set.

Reports of Committee Continued:

**Motion made by Councilor Juaire, seconded by the Chair, to approve as amended. The motion carried 5-0.**

**Motion made and seconded to adjourn. The motion carried 5-0. The meeting adjourned at 7:37 PM.**

**Suspension of the Rules requested – granted to allow City Solicitor Rider to speak.**

**ORDERED:** That the Transfer Request for the Fire Department in the amount of \$60,000.00 which moves funds from various accounts within the Fire Department to Vehicle Repair and Maintenance, **APROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:		FIRE				FISCAL YEAR:		2019			
Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$8,960.00	\$7,000.00	12200001	51210	Civil Defense Director	\$7,000.00	12200006	52560	Vehicle Repair & Maint.	\$18,962.78		
	Reason:	Unfilled position						Unanticipated repairs on older fleet			
\$8,500.00	\$8,500.00	12200003	51412	HAZMAT PAY	\$8,500.00	12200006	52560	Vehicle Repair & Maint.	\$18,962.78		
	Reason:	Positions unfilled first half of fiscal year						Unanticipated repairs on older fleet			
\$73,461.84	\$10,000.00	12200003	51440	Educational Incentive	\$10,000.00	12200006	52560	Vehicle Repair & Maint.	\$18,962.78		
	Reason:	Positions unfilled first half of fiscal year						Unanticipated repairs on older fleet			
\$144,472.63	\$20,000.00	12200003	51490	Holiday	\$20,000.00	12200006	52560	Vehicle Repair & Maint.	\$18,962.78		
	Reason:	Retirements, positions unfilled first half of FY						Unanticipated repairs on older fleet			
\$72,535.54	\$14,500.00	12200003	51430	Longevity	\$14,500.00	12200006	52560	Vehicle Repair & Maint.	\$18,962.78		
	Reason:	Retirements						Unanticipated repairs on older fleet			
	\$60,000.00	Total			\$60,000.00	Total					

**ORDERED:** That the Communication from City Solicitor, Donald Rider, re Proposed Open Space Covenant and Restriction for certain land on a plan entitled "Open Space Exhibit for Apex Center, 240 Boston Post Road West, Marlborough, in proper legal form, Order No. 16/17/18/19-1006443D-6, **FILE**; adopted.

ORDERED: That the City of Marlborough does hereby approve, and accept the gift thereof, from Walker Realty LLC, Marlboro Hospitality LLC and 11 Apex LLC, of the Open Space Covenant and Restriction for the perpetual conservation and preservation of open space, passive recreation, and assurance that the subject land will be retained in perpetuity in its natural, scenic, wetlands and wooded conditions in accordance with the terms of said Open Space Covenant and Restriction, concerning that certain land designated and labeled as "Open Space" on a plan entitled "Open Space Exhibit, for Apex Center, 240 Boston Post Road W, Marlborough, MA, Prepared for: Walker Realty, LLC, 4 Lan Drive, Westford, MA, Scale 1' = 200", dated March 21, 2018, [Prepared by] Hancock Associates, 315 Elm Street, Marlborough, MA 01752," said Plan to be recorded as Exhibit A to the Open Space Covenant and Restriction, and this Order to be recorded as Exhibit B to the Open Space Covenant and Restriction, with the Middlesex County South Registry of Deeds.

This Order supersedes Order No. 16/17/18-1006443D-4, approved by vote of Council on October 15, 2018.

**APPROVED**; adopted.

ORDERED: That the Petition from Massachusetts Electric, to install 461 feet of underground primary from P13 on Framingham Road up to Pad 1-99 on Beverly Drive and to install 262 feet of underground secondary from Pad 1-99 to HH 0-2, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer/Second Hand Dealer License, Tony Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer/Second Hand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street, **APPROVED**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Application for Special Permit by Main Street Bank, to further modify the Bank's original 2009 Special Permit by removing condition #4 which prohibits electronic signs, in proper legal form, Order No. 18/19-1007461C, **FILE**; adopted.

ORDERED:

**DECISION ON AN APPLICATION TO FURTHER MODIFY A SPECIAL PERMIT**

**IN CITY COUNCIL**

---

Further Modified Special Permit  
Main Street Bank  
Order No. 18/19-1007461D  
X09-1002152C  
X12-1004081C

**DECISION ON AN APPLICATION TO FURTHER MODIFY A SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 18/19-1007461D**

The City Council of the City of Marlborough hereby GRANTS the application to further modify a previously modified special permit to Main Street Bank (the "Applicant") for the property located at 81 Granger Boulevard, Marlborough, Massachusetts, as provided in this decision ("Decision") and subject to the following Findings of Fact and Conditions.

**FINDINGS OF FACT AND RULING**

1. The Applicant is the lessee of the property located at 81 Granger Boulevard, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 70, Parcel 152 (the "Site"), and maintains a stand-alone bank facility with drive-through ATM and teller services. The Site's owner is Stephen M. Fitzpatrick, Trustee of Fitzgerald Family Investment Trust, u/d/t December 4, 2007 and recorded with the Middlesex South District Registry of Deeds in Book 50587, Page 296.
2. The Site is subject to a special permit issued by the City Council of the City of Marlborough dated June 22, 2009, Order No. 09-1002152C (the "Original Special Permit," attached hereto as Exhibit A), as modified by Council Order No. 12-1004081C (the "Modified Special Permit") attached hereto as Exhibit B.
3. In light of the amendment to the Marlborough City Code creating § 526-13 entitled, "Electronic message center signs; digital display signs," the Applicant seeks to amend the Original Special Permit, as modified by the Modified Special Permit, by removing Condition #4 which prohibits signs on the Site which have "so-called message board or LCD components" or equivalent features; and inserting in place thereof a new Condition #4 requiring that such signs comport with § 526-13 (the "Application").
4. In connection with the Application, the Applicant has submitted a certified list of abutters, filing fees, and the existing approved site plan for the Site 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, with a final revision date of May 29, 2009 (the "Plan").

5. The 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.
6. 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 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.
7. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on February 25, 2019.
8. The Applicant, through its representatives, presented testimony at the public hearing detailing the Application. No individual in attendance at the public hearing spoke in opposition to the Application.

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

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed further modified use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns, to the conditions more fully set forth herein.
- C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough, hereby GRANTS the Applicant a further modified special permit (the "Further Modified Special Permit"), SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
  1. The Original Special Permit, as modified by the Modified Special Permit, is further modified by removing Condition #4 in its entirety and inserting in place thereof the following:
    - 4) The location and design of any signage on the Site shall be reviewed and approved by the City of Marlborough in accordance with § 526-13 entitled, "Electronic message center signs; digital display signs," as set forth in the City Code of the City of Marlborough.

2. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant, its successors and/or assigns shall, at its expense, record this Further Amended Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Further Amended Special Permit has elapsed with no appeal having been filed, and before the Applicant, its successors and/or assigns, has applied to the Building Commissioner for any building permit that may be required concerning the Sign. The Applicant, its successors and/or assigns shall also furnish proof of the Further Amended Special Permit's recording to the City Solicitor's Office and the City Council immediately subsequent to recording.
3. Except as amended by this Decision, the Original Special Permit, as modified by the Modified Special Permit, remains in full force and effect.

**APPROVED;** adopted.

**Yea: 10 – Nay: 0 – Absent: 1**

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

**Absent: Delano.**

**ORDERED:** That the Communication from City Solicitor, Donald Rider, re Application for LED Sign Special Permit by Main Street Bank, 81 Granger Boulevard, Order No. 18/19-1007423D, **FILE;** adopted.

**ORDERED:** That the Application for LED Sign Special Permit, Main Street Bank, 81 Granger Boulevard, refer back to **URBAN AFFAIRS COMMITTEE;** adopted.

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 8:55 PM; adopted.



# City of Marlborough Office of the Mayor

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

*Arthur J. Vigeant*  
MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*Paula Managan*  
EXECUTIVE AIDE

2019 MAY -2 A 10:30

*Patricia Bernard*  
EXECUTIVE SECRETARY

May 2, 2019

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

## Re: Fiscal Year 2020 Budget Recommendation

Honorable President Clancy and Councilors:

I am pleased to submit for your consideration my budget recommendation for Fiscal Year 2020. Over the course of the past few months, City Department heads and I have worked together to develop a comprehensive budget that reflects our priorities as a community.

The FY20 budget totals \$169,023,174 and represents a 3.8 percent increase over last year's total operating appropriation and, as a result, we anticipate a real estate tax increase of under 3 percent next year.

### Health Insurance

Health insurance continues to be a major driver in our costs annually. We continue to reduce our OPEB obligation each year. The recommended medical plan increases are 5% for EPO Senior Plans, 7% PPO and 7% Dental.

We will continue to evaluate our health insurance costs while looking for creative ways to reduce costs and work effectively with our unions in the coming years.

### Department Enhancements & Projects

We have made significant investments in training across all departments and have ongoing training with online security for all employees.

Our Department of Public Works has continued roadway infrastructure projects all around the City and Maple Street and Route 85 is near completion this spring. The lead pipe replacement program continues and bids were received for Phase II of the project.

Our Fire Department has bolstered their department with newly hired trained firefighters, received their new fleet along with fire and safety equipment to continue providing our community with top notch public safety services.

The Inspectional Services increased staff has been effective in enforcing regulations and completing site inspections in a timely fashion for the ongoing growth our community is experiencing.

### Marlborough Public Schools

Superintendent Bergeron began on July 1, 2018 and hasn't missed a beat with his transition and continues to keep Marlborough Public Schools moving in a positive direction.

As mentioned in previous correspondence, we anticipate increased costs for student transportation. Our existing bus contract expires in 2020. At the same time, we will be opening a fourth elementary school that is on target to accept students in September 2020 which will add to our future operational costs.

My colleagues on the school committee and I approved an operating budget increase for MPS of 2.88% totaling \$63,531,849 for the coming fiscal year. The FY20 budget includes five new full-time educators.

I thank the collaborative efforts of the School Committee and administration for working together and approving an effective budget that does not constrain City resources. We should be very proud of the investments we have made in Marlborough Public Schools. Our students and teachers are accomplishing great things every day.

### State Aid, Revenue & Expenses

The current budget proposal uses the figures from the Fiscal Year 2019 actual assessments and receipts. Although not yet final, the FY20 budget figures indicate that Governor Baker and the Legislature are supportive of increased aid of \$1M to Marlborough which is not reflected in this budget.

### Capital Projects

I plan to send down a Capital Plan in the coming weeks that will not be as large as previous years due to the pending Library and Fire Station projects.

I look forward to working with you and answering any questions you may have on this proposal. Every department is available to appear before you and discuss their offices in greater depth.

Thank you in advance for your consideration.

Sincerely,



Arthur G. Vigeant  
Mayor

Enclosures



*City of Marlborough*  
**Legal Department**

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

*DONALD V. RIDER, JR.*  
CITY SOLICITOR

May 2, 2019

Mayor Arthur G. Vigeant  
City Hall, 4<sup>th</sup> Floor  
Marlborough, MA 01752

RE: City Council's Receipt of Mayor's Annual Budget

Dear Mayor Vigeant:

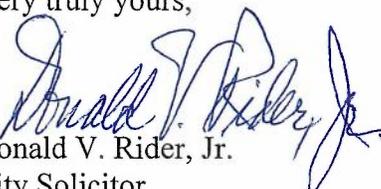
You have inquired as to how Massachusetts law determines the date of a city council's receipt of a mayor's annual budget.

In pertinent part, Mass. Gen. Laws c. 44, § 32 provides that a city council must take action, whether by approval, reduction or rejection, with respect to any amount recommended in a mayor's annual budget "within forty-five days after the receipt of the budget." Section 32 does not itself define how "the receipt of the budget" is determined, nor has there been occasion for a court to supply that definition. However, a proper reading of § 32 is that a city council receives the annual budget on the date when the mayor submits it to the city clerk on behalf of the city council.

Therefore, if you submit your annual budget to the Marlborough Acting City Clerk, in his capacity as Acting Clerk of the Marlborough City Council, on Thursday, May 2, 2019, that date would be the date of receipt by the Council. In turn, the Council would be required by § 32 to take action within 45 days of May 2, 2019, i.e., on or before June 16, 2019. However, since that date will be a Sunday, Mass. Gen. Laws c. 4, § 9 dictates that the Council's 45-day deadline would fall "on the next succeeding business day," i.e., Monday, June 17, 2019.

Thank you for your attention to this matter.

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor



*City of Marlborough*  
**Legal Department**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 MAY -2 A 11:35

DONALD V. RIDER, JR.  
CITY SOLICITOR

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

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

May 2, 2019

Edward Clancy  
President  
Marlborough City Council

RE: 0 Berlin Road – Acceptance of Deed Conveying 10.09 Acres  
Order No. 19-1007584C

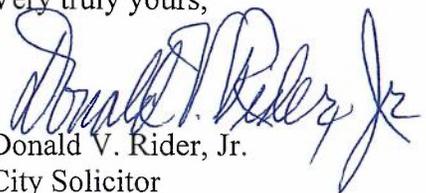
Dear President Clancy and Members:

As you recall, the City Council voted at its April 29, 2019 meeting to table, until the May 6 meeting, agenda item #13 regarding acceptance of a deed conveying 10.09 acres of land located on Berlin Road and identified as Map 41, Parcel 37B.

I am enclosing a copy of the signed deed for this property. For the Council's convenience, I also enclose the proposed acceptance order for your approval. Once approved, the signed deed and the acceptance order will then be recorded.

Thank you for your attention to this matter.

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

Enclosures

cc: Arthur Vigeant, Mayor  
Priscilla Ryder, Conservation Officer

ORDERED:

That the City of Marlborough, acting by and through its City Council, does hereby accept from Ernest A. Houde, Jr., the deed of the fee interest in a parcel of land containing 10.09 acres and situated on the easterly side of Berlin Road, described as Map 41, Parcel 37B of the Marlborough Assessors Maps, and more particularly described as Lot 37-2B on a plan entitled "Plan of Land in Marlborough, Massachusetts; Owner: Ernest A. Houde, Jr., 399 Berlin Road, Marlborough, MA; Prepared by: Connorstone Consulting Civil Engineers and Land Surveyors, 276 West Main Street, Northborough, MA 01532; Scale: 1" = 50'; Dated: April 21, 2000, revised: May 1, 2000," and recorded at Middlesex South District Registry of Deeds as Book 31403, Page 364, Plan Book 2000, Plan 513, said plan attached hereto along with said deed.

The above-described parcel is conveyed to the City under the provisions of Mass. Gen. Laws c. 40, § 8C and is 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 of open space.

ADOPTED

In City Council

Order No. 19-1007584C

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:

Property location: 0 Berlin Road, Marlborough, MA 01752

## QUITCLAIM DEED

**Ernest A. Houde, Jr.**, of 322 Framingham Road, Marlborough, MA 01752,

in consideration of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00),

grants to the **City of Marlborough**, a municipal corporation having a principal place of business at 140 Main Street, Marlborough, Massachusetts 01752,

with quitclaim covenants,

a certain parcel of land situated on the easterly side of Berlin Road in Marlborough, Middlesex County, Commonwealth of Massachusetts, described as Parcel 37B on Map 41 of the Marlborough Assessors Maps, and more particularly described as Lot 37-2B on a plan entitled "Plan of Land in Marlborough, Massachusetts; Owner: Ernest A. Houde, Jr., 399 Berlin Road, Marlborough, MA; Prepared by: Connorstone Consulting Civil Engineers and Land Surveyors, 276 West Main Street, Northborough, MA 01532; Scale: 1" = 50'; Dated: April 21, 2000, revised: May 1, 2000," and recorded at Middlesex South District Registry of Deeds as Book 31403, Page 364, Plan Book 2000, Plan 513.

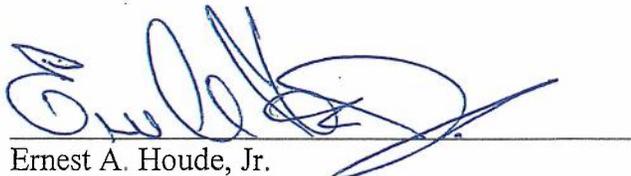
The above-described parcel contains 439,713 square feet, or 10.09 acres, more or less.

This conveyance is subject to any and all easements, rights, restrictions and encumbrances, insofar as the same affects title.

The above described parcel is conveyed to said City under the provisions of Mass. Gen. Laws c. 40, § 8C and is 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 of open space.

Being a portion of the premises conveyed to the grantor by deed from Ernest A. Houde, Sr. and Jane F. Houde, dated October 1, 1997, and recorded on October 20, 1997 at the Middlesex South District Registry of Deeds, Book 27781, Page 051.

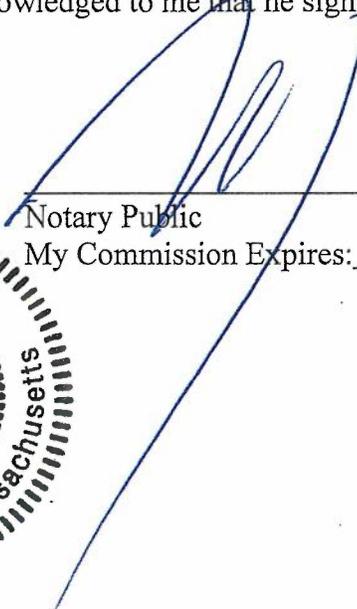
WITNESS my hand and seal this 2<sup>nd</sup> day of May, 2019.

  
Ernest A. Houde, Jr.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

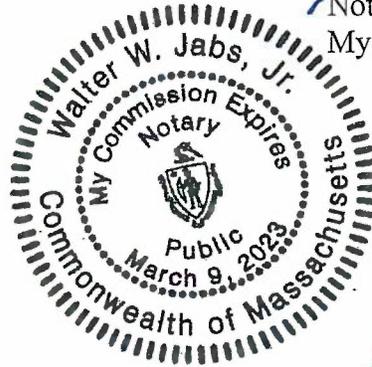
On this 2<sup>nd</sup> day of May, 2019, before me, the undersigned notary public, Ernest A. Houde, Jr. personally appeared, proved to me through satisfactory evidence of identification, which was Devin Laramie, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public

My Commission Expires:

3/9/23



# MARLBOROUGH RETIREMENT BOARD

289 Elm Street, Suite 111  
Marlborough, Massachusetts 01752-3812  
Telephone (508) 460-3760

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 APR 26 P 4:51

## Board Members

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

April 25, 2019

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

Dear President and Members:

Please be advised that the Marlborough Retirement Board will consider whether to grant an increased cost-of-living adjustment (COLA) pursuant to M.G.L. Chapter 32, Section 103(i) at its May meeting.

The meeting will be held on May 28th at 8:15 a.m. in the lobby conference room at 289 Elm Street, Marlborough.

Sincerely,



Margaret R. Shea  
Director



# City of Marlborough Planning Board

Administrative Offices  
135 Neil St.  
Marlborough, MA 01752

## PLANNING BOARD

Barbara L. Fenby, Chair  
Philip Hodge  
Sean N. Fay  
George LaVenture  
Christopher Russ  
Matthew Elder  
Krista Holmi, Administrator  
(508) 624-6910 x33200  
[kholmi@marlborough-ma.gov](mailto:kholmi@marlborough-ma.gov)

April 19, 2019

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

RE: City Council Order No. 19-1007543, Proposed Zoning Amendment to Section 650-5, Entitled "Definitions word usage" Mobile Food Truck; Section 650-18, entitled "Conditions for Uses"; Section 650-48, entitled Off-street Parking; and Section 650-17, entitled "Table of Uses".

Honorable President Clancy and Members:

At its regularly scheduled meeting on April 8, 2019, the Planning Board took the following action regarding the above-referenced Council order:

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to pass along their favorable recommendation and the following comments to the City Council. Motion carried.

- Include permanently parked food trucks, trailers, mobile and permanently installed carts adjacent to restaurants in the regulations.
- Include ice cream trucks in the regulations.
- Include language limiting the noise levels allowed from food trucks.
- Establish a permit or licensing fee for food trucks, particularly those that park on City property (For example, at parks or City beach locations)

Should you need further information, don't hesitate to contact me.

Sincerely,

Barbara L. Fenby  
Chairperson

City Clerk ✓

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 MAY -2 A 11:35



# City of Marlborough Planning Board

Administrative Offices  
135 Neil St.  
Marlborough, MA 01752

## PLANNING BOARD

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

Krista Holmi, Administrator  
(508) 624-6910 x33200  
[kholmi@marlborough-ma.gov](mailto:kholmi@marlborough-ma.gov)

April 30, 2019

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

RE: City Council Order No. 19-1007569, Section 650-8, "Boundaries Established" Proposed Rezoning of Map 82, Parcels 112 and 113, and adjacent portions of John Street to the center line in the Business District. (31 and 35 John Street) Mirick O'Connell Attorneys at Law on behalf of St. Mary's Credit Union.

Honorable President Clancy and Members:

At its regularly scheduled meeting on April 29, 2019, the Planning Board took the following action regarding the above-referenced Council order:

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to send a generally favorable recommendation with the following comments to the City Council. Motion carried.

- Reposition the property dumpsters to reduce potential impact on abutting neighbors.
- Reposition the proposed structure(s) closer to the Maple Street Business District to lessen impact on the surrounding residential neighborhood.
- Analyze traffic impacts to ensure safety at the John Street park and consider mitigating designs to facilitate left-hand turns at the John St. and South Bolton St. intersection.

Please accept our comments for consideration.

Should you need further information, don't hesitate to contact me.

Sincerely,

Barbara L. Fenby  
Chairperson

City Clerk

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 MAY -2 P 11:34

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 APR 26 P 12:55

One Citizens Plaza, 8th floor  
Providence, RI 02903-1345  
Telephone 401-274-7200  
Fax 401-751-0604 / 351-4607

175 Federal Street  
Boston, MA 02110-2210  
Telephone 617-482-0600  
Fax 617-482-0604

[www.apslaw.com](http://www.apslaw.com)

April 26, 2019

**VIA HAND DELIVERY**

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

**Re: Colbea Enterprises, LLC, 342 Boston Post Road East  
Assessor's Plat 59, Lot 11  
Sign Special Permit**

To Whom It May Concern:

With respect to the above-referenced matter, in accordance with the City of Marlborough's Sign Special Permit Application requirements, enclosed please find fifteen (15) copies of the following:

- 1) Application for Sign Special Permit and Exhibit A;
- 2) Site Plans, entitled "Seasons Corner Market – Sign Special Permit Set – 342 Boston Post Road East, Marlborough, Ma," prepared by Ayoub Engineering, dated April 24, 2019;
- 3) Zoning Board of Appeals Decision, dated January 2, 2019, granting the required variances;
- 4) Sign Permit Denial Letter from the Code Enforcement Officer, Pamela A. Wilderman, dated February 26, 2019;
- 5) Planning Board Decision, dated March 29, 2019, granting the required variances; and
- 6) 400' Abutters' List.

Please confirm when this matter will be scheduled for a hearing before the City Council.

Very truly yours,



ELIZABETH McDONOUGH NOONAN  
[enoonan@apslaw.com](mailto:enoonan@apslaw.com)

Enclosures

ADLER POLLOCK & SHEEHAN P.C.

City of Marlborough  
City Council – Sign Special Permit Request  
April 26, 2019  
Page 2

VIA HAND DELIVERY

cc: *(via e-mail; w/o encl.)*  
John Russell, Esq.  
Dennis Darveau  
Alan Micale, P.E.  
Richard DeFusco, R.L.A.



# 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:

342 Boston Post Road East, Marlborough, MA

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

Please see Existing and Proposed Sign Schedules, attached as Exhibit A.

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.

Please see Existing and Proposed Sign Schedules, attached as Exhibit A.

4. Names of business or activity applying for sign:

Seasons Corner Market

5. Applicant: Colbea Enterprises, LLC

Street/City/Zip Code:

7 Starline Way, Cranston, RI 02921

6. Building Owner:

Same as Applicant.

Street/City/Zip Code:

Same as Applicant.

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

Building Owner. Attorney for Owner and Applicant, Elizabeth M. Noonan, Esq.

E-mail: enoonan@apslaw.com Business: 401-274-7200 Mobile: 401-258-2977

Agent/Owner of Business where sign will be located. Dennis Darveau

E-mail: ddarveau@seasonscornermarket.com Business: 401-241-5008 Mobile: Same.

Applicant.

E-mail: See above. Business: \_\_\_\_\_ Mobile: \_\_\_\_\_

8. Applicant is (please check).

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

**Required Attachments & Copies**

Description of Sign and Plan: Please include letter from Building Commissioner noted above together with **15 copies** of completed application and plans and color renderings to assist the City Council in its deliberations on the application for a Special Permit for an LED Sign. 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 Application for an LED Sign. 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 LED Sign Special Permit Decision to the City Council, through the appropriate City Council Committee. A sample decision will be provided to Applicant upon request.

EM Noonan Applicant Signature Attorney for Applicant, Elizabeth M. Noonan, Esq. 4/24/19 Date

Same as Applicant. \_\_\_\_\_  
Property Owner Signature Date

**NOTE: New LED Sign(s) may not be erected until the City Council LED Sign Special Permit has been granted and building permit has been issued by the Building Department.**

## EXISTING SIGN SCHEDULE

MARK	DESCRIPTION	SIZE	AREA	QUAN.	SQUARE FT.	INT. ILLUM'D.	REMARKS
<b>FREESTANDING SIGNS</b>							
<b>A</b>	I.D. SIGN	6'-1" X 16'-8"	101.4 S.F.	1	101.4 S.F.	YES	TO BE REFACED
<b>TOTAL EXISTING FREESTANDING SIGNAGE:</b>					<b>101.4 S.F.</b>		
<b>WALL SIGNS</b>							
<b>B</b>	"SHELL" CANOPY SIGN	7'-6" x 1'-9"	13.2 S.F.	2	26.4 S.F.	YES	TO BE REMOVED
<b>C</b>	"FOOD MART" SIGN	5'-4" x 0'-9"	4.0 S.F.	1	4.0 S.F.	NO	TO BE REMOVED
<b>D</b>	"CAR WASH" SIGN	10'-6" X 0'-9"	7.9 S.F.	1	7.9 S.F.	NO	TO BE REMOVED
<b>TOTAL EXISTING WALL SIGNAGE:</b>					<b>38.3 S.F.</b>		
<b>DIRECTIONAL SIGNS</b>							
<b>E</b>	"P.O.S" SIGN	2'-6" X 4'-0"	10.0 S.F.	1	10.0 S.F.	NO	TO BE REMOVED
<b>F</b>	"CAR WASH" SIGN	2'-0" X 2'-0"	4.0 S.F.	1	4.0 S.F.	NO	TO BE REMOVED
<b>G</b>	"CAR WASH" SIGN	6'-0" X 0'-6"	3.0 S.F.	1	3.0 S.F.	NO	TO BE REMOVED
<b>H</b>	"ENTRANCE" SIGN	4'-6" X 0'-9"	3.4 S.F.	1	3.4 S.F.	NO	TO BE REMOVED
<b>I</b>	"CAR WASH" SIGN	3'-0" X 0'-9"	2.3 S.F.	1	2.3 S.F.	NO	TO BE REMOVED
<b>TOTAL EXISTING DIRECTIONAL SIGNAGE:</b>					<b>22.7 S.F.</b>		

## PROPOSED SIGN SCHEDULE

MARK	DESCRIPTION	SIZE	AREA (SF)	QUAN.	SIZE (SF)	ILLUMINATION	REMARKS	TYPE
<b>FREESTANDING SIGNS</b>								
<b>A</b>	I.D. SIGN	6'-1" X 16'-5¼"	100.0	1	100.0	INT	REFACED	GROUND
<b>TOTAL PROPOSED FREESTANDING SIGNAGE:</b>					<b>100.0 S.F.</b>			
<b>WALL SIGNS</b>								
<b>B</b>	"SEASONS" SIGN	18'-5¾" X 3'-0"	55.44	1	55.44	INT	NEW	WALL
<b>C</b>	"CORNER MARKET" SIGN	11'-9" X 0'-9"	8.81	1	8.81	EXT	NEW	WALL
<b>D</b>	CO-BRAND SIGN	7'-1" X 2'-6"	17.7	1	17.7	INT	NEW	WALL
<b>E</b>	CANOPY PECTEN SIGN	3'-0" X 3'-0"	9.0	2	18.0	INT	NEW	CANOPY
<b>TOTAL PROPOSED WALL SIGNAGE:</b>					<b>99.95 S.F.</b>			
<b>DIRECTIONAL SIGNS</b>								
<b>F</b>	"WELCOME"	4'-3" X 0'-6"	2.1	1	2.1	INT	NEW	AWNING
<b>G</b>	LED PRICES SIGN	2'-6" X 1'-0"	2.5	10	25.0	INT	NEW	AWNING
<b>H</b>	VIDEO SCREEN	0'-8½" X 0'-6½"	0.4	10	4.0	INT	NEW	AWNING
<b>I</b>	DISPENSER SIGN	4'-9" X 0'-7¾"	3.1	10	31.0	NON	NEW	AWNING
<b>TOTAL PROPOSED DIRECTIONAL SIGNAGE:</b>					<b>62.1 S.F.</b>			

# SEASONS CORNER MARKET SIGN SPECIAL PERMIT SET

342 BOSTON POST ROAD EAST  
MARLBOROUGH, MA

PREPARED FOR:  
**COLBEA ENTERPRISES, LLC**  
7 STARLINE WAY, CRANSTON, RI

SHEET	TITLE	DATE	REVISION
GENERAL			
0	COVER	4/24/19	
CIVIL			
1	SITE PLAN (SURVEY)	7/10/15	4/27/18
D-1	SITE DEMOLITION PLAN	2/2/18	5/1/18
C-1	SITE IMPROVEMENT PLAN	2/2/18	5/1/18
C-2	SITE GRADING PLAN	2/2/18	5/1/18
C-3	SITE UTILITY PLAN	2/2/18	5/1/18
L-1	SITE LANDSCAPE PLAN	2/2/18	5/1/18
1	LIGHTING PLAN	4/12/17	11/29/17
SG-1	EXISTING SIGNAGE PLAN	2/2/18	5/1/18
SG-2	PROPOSED SIGNAGE PLAN	2/2/18	4/8/19
ARCHITECTURAL			
A1.0	FLOOR PLAN & WALL TYPES	10/05/17	4/8/19
A2.0	EXTERIOR ELEVATIONS	2/5/18	4/8/19
A2.1	EXTERIOR ELEVATIONS	2/5/18	4/8/19

MAP 59, LOT 11

OWNER: COLBEA ENTERPRISES, LLC  
2050 PLAINFIELD PIKE CRANSTON, RI  
AYOUB ENGINEERING, INC  
414 BENEFIT ST. PAWTUCKET, RI  
PREPARED BY:  
CIVIL ENGINEER: ALAN J. MICALE, PE, LEED AP  
ARCHITECT: STEVE M. PEDRO, LEED AP  
LANDSCAPE ARCHITECT: RICHARD DEFUSCO, RLA, LEED AP



LOCUS MAP

### ZONING DATA

ZONING DISTRICT: BUSINESS B	REQUIRED:	PROVIDED:
MINIMUM LOT AREA	5,000 SF	33,000 SF
LOT FRONTAGE	50'	207.65'
FRONT YARD SETBACK	50'	104.8' BUILDING 32.2' CANOPY
*SIDE YARD SETBACK	25'	34.0' BUILDING 38.7' CANOPY
REAR YARD SETBACK	0'	5.0' BUILDING
MAXIMUM HEIGHT	52'	186' BUILDING 324' CANOPY
MINIMUM LOT COVERAGE	60%	74.0%
**PARKING: 1 SPACE/100 SF PUBLIC FLOOR SPACE	24 SPACES	25 SPACES
2,305/100 = 23.0%	PROXY PARKING YARD SETBACK	15'
PROXY PARKING YARD SETBACK	15'	15.7'
SIDE PARKING YARD SETBACK	5'	15.7'
REAR PARKING YARD SETBACK	5'	21.0'

ZONING INFORMATION WAS TAKEN FROM: ZONING BY-LAWS TOWN OF MARLBOROUGH, MASSACHUSETTS - ONLINE ACCESS ON MAY 16, 2015

\* WHERE ABUTTING A RESIDENTIAL DISTRICT.  
\*\* STORES AND SHOPS FOR THE CONDUCTING OF RETAIL BUSINESS SHALL PROVIDE ONE PARKING SPACE, 350 SQUARE FEET, FOR EACH 100 SQUARE FEET OF PUBLIC FLOOR SPACE OR AREA.  
\*\*\* 25 PARKING SPACES ARE PROVIDED CONSISTING OF 1 HANDICAP ACCESSIBLE STALL AND 24 STANDARD PARKING SPACES. NO COMPACT SPACES ARE BEING PROPOSED.  
SHE IS LOCATED APPROX. 90' FROM R04 RECREATION COMMUNITY RESIDENCE DISTRICT AND 355' FROM A-1 RESIDENCE DISTRICT.

ARCHITECTURAL & CIVIL PREPARED BY:

**AYOUB**  
ENGINEERING

ENGINEERS & ARCHITECTS

414 BENEFIT STREET  
PAWTUCKET, RHODE ISLAND 02861  
401-728-5533

### SITE PLAN REVIEW COMMITTEE REVIEW COMMITTEE SIGNATURE BLOCK

NAME _____	DATE _____

**SEASONS CORNER MARKET**  
SIGN SPECIAL PERMIT SET  
342 BOSTON POST ROAD EAST  
MARLBOROUGH, MA  
PREPARED FOR:  
**COLBEA ENTERPRISES, LLC**  
7 STARLINE WAY, CRANSTON, RI

PREPARED BY:  
**AYOUB**  
ENGINEERING  
ENGINEERS & ARCHITECTS

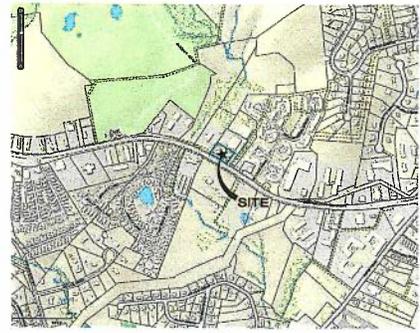
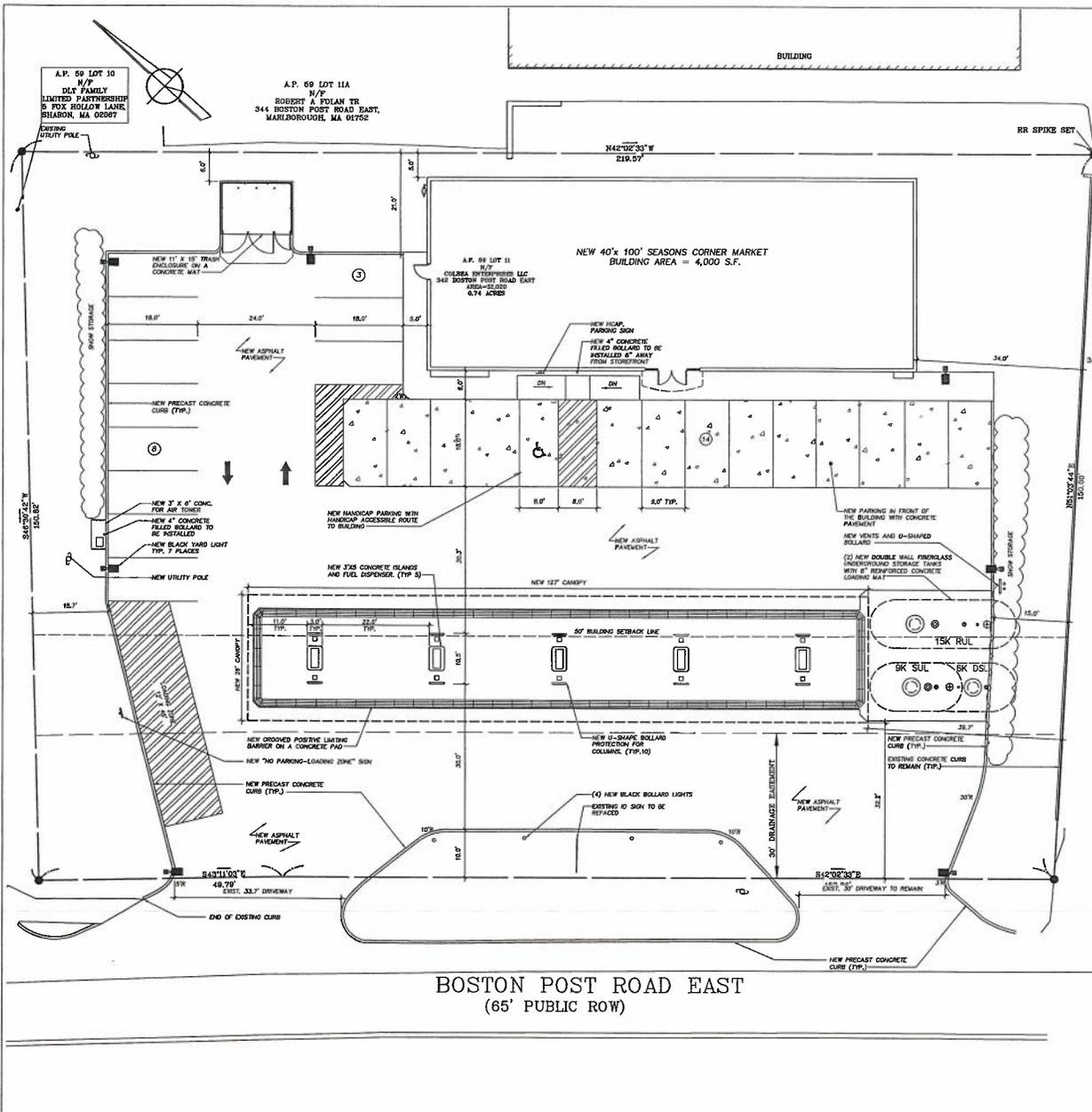
414 BENEFIT STREET  
PAWTUCKET, RHODE ISLAND 02861  
401-728-5533

PROJECT NO. 1728.215

DATE: 4/24/19







A.P. 58 LOT 11A  
N/F  
ROBERT A POLAN TR  
344 BOSTON POST ROAD EAST,  
MARLBOROUGH, MA 01752

ZONING DATA		
ZONING DISTRICT: BUSINESS B	REQUIRED:	PROVIDED:
MINIMUM LOT AREA	5,000 SF	32,020 SF
LOT FRONTAGE	50'	207.65'
FRONT YARD SETBACK	50'	81.8' BUILDING 9.7' CANOPY
SIDE YARD SETBACK	25'	68.4' BUILDING 34.0' CANOPY
REAR YARD SETBACK	0'	5.0' BUILDING 5.0' CANOPY
MAXIMUM HEIGHT	52'	188' BUILDING 258' CANOPY
BUILDING STORES	1	1
MAXIMUM LOT COVERAGE	80%	76.0%
PARKING: 1 SPACE/100 SF PUBLIC FLOOR SPACE	24 SPACES	10 SPACES
FRONT PARKING YARD SETBACK	15'	78.4'
SIDE PARKING YARD SETBACK	5'	11.8'
REAR PARKING YARD SETBACK	5'	31.8'

2006 INFORMATION WAS TAKEN FROM: TOWN OF MARLBOROUGH, MASSACHUSETTS - SHADE ACCESS ON MAY 18, 2015  
\* HINDK ABOUTING A RESIDENTIAL DISTRICT.  
\*\* STORES AND SHOPS FOR THE CONDUCTING OF RETAIL BUSINESS SHALL PROVIDE ONE PARKING SPACE 500 SQUARE FEET FOR EACH 100 SQUARE FEET OF PUBLIC FLOOR SPACE OR AREA.

- NOTES:**
1. THE SUBJECT PROPERTY IS LOCATED APPROXIMATELY 90' FROM A RESIDENTIAL DISTRICT.
  2. THE CONTRACTOR SHALL BE PROPERLY LICENSED AND BONDING WITH THE CITY PRIOR TO CONSTRUCTION.
  3. ANY AND ALL MODIFICATIONS (AS DETERMINED BY THE CITY ENGINEER) TO THE INFORMATION SHOWN ON THE APPROVED SITE PLANS SHALL BE SUBMITTED TO THE CITY ENGINEER AS A SEPARATE PLAN SUBMITTED FOR APPROVAL PRIOR TO THE WORK BEING PERFORMED.
  4. ANY SIGNS AND MATERIALS TO BE PLACED WITHIN THE CITY RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF MARLBOROUGH REQUIREMENTS.
  5. EASEMENTS OF PARALLEL DRIVEWAY AND ACCESS SHALL CONFORM TO 208 & 209A REQUIREMENTS.
  6. ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO CONSTRUCTION. EROSION CONTROL SHALL CONFORM TO THE CITY OF MARLBOROUGH CONSERVATION COMMISSION REQUIREMENTS AS STATED IN THE ORDER OF CONDITIONS (EXCEPT TO SOIL EROSION AND SEDIMENT CONTROL DRAWING ER-1).
  7. ALL PARKING SIGNAGES AND SIGNS SHALL CONFORM TO AUTO REQUIREMENTS.
  8. THE CONTRACTOR SHALL OBTAIN A STREET OPENING PERMIT PRIOR TO ANY CONSTRUCTION WITHIN THE CITY RIGHT-OF-WAY.

**REFERENCE:**  
PROPERTY LINES AND OTHER TOPOGRAPHIC INFORMATION SHOWN ON THIS DRAWING WERE TAKEN FROM A PLAN DATED: 'SITE PLAN FOR A.P. 58 LOT 11, 342 BOSTON POST ROAD IN MARLBOROUGH, MA', PREPARED BY COMMERCIAL LAND SURVEYORS, INC. SCALE: 1"=20' DATE: JULY 16, 2016.



ANY ENGINEERING DOCUMENTS OR OTHER INFORMATION PROVIDED BY ANOTHER PARTY TO THE CLIENT OR FOR THE PROJECTS ANY DESIGN PREPARED BY ANOTHER PARTY SHALL BE THE PROPERTY OF THAT PARTY AND NOT BE REPRODUCED OR USED FOR ANY OTHER PROJECTS WITHOUT THE WRITTEN PERMISSION OF THAT PARTY. THE CLIENT AGREES TO HOLD THE ENGINEER HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES OF ANY KIND, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST THE ENGINEER OR HIS FIRM IN CONNECTION WITH THE PROJECTS.



REV.	DATE	DESCRIPTION
1	05/18/2016	REVISED PER CITY ADMINISTRATION

**AYOUB ENGINEERING**  
ENGINEERS & ARCHITECTS  
ADDRESS:  
411 BENEFIT STREET  
PAYLCKETT, RHODE ISLAND 02861  
TEL: 782-3533

PREPARED FOR:  
**SEASONS CORNER MARKET**  
342 BOSTON POST ROAD EAST, MARLBOROUGH, MA

PROJECT ADDRESS:  
**COLBEA ENTERPRISES, LLC**  
7 STATELINE AVE., CRANSTON, RI

SHEET DESCRIPTION:  
**SITE IMPROVEMENT PLAN**

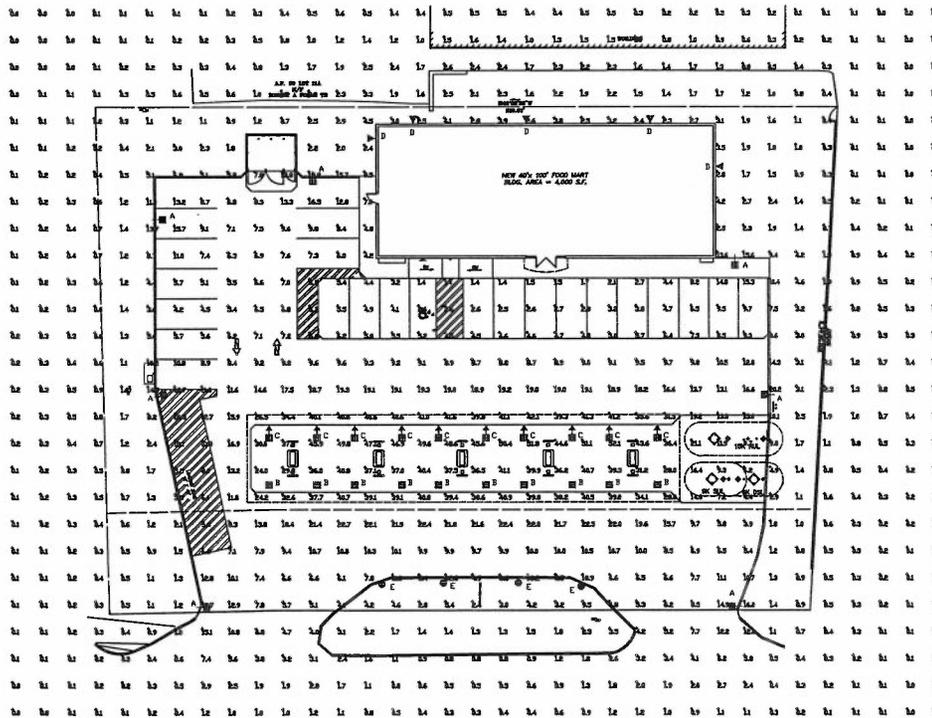
PROJECT NO. 1728.215  
SCALE: 1"=10'  
DRAWN BY: RCD  
DATE: 2016

SHEET NO. **C-1**

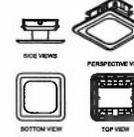




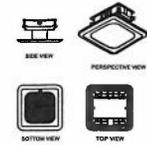




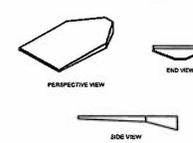
CRUS-SC-LED  
LED CANOPY LIGHT - LEGACY



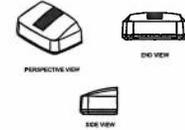
CRUS-AC-LED  
LED CANOPY LIGHT - LEGACY



XLCS  
LED Area Light



XPWS3  
LED Wall Mount Light



Drawing scaled or converted from PDF file or scanned / submitted image. Dimensions are approximate.

Luminaire Schedule								
Symbol	Qty	Label	Arrangement	Description	LLF	Lumens/Lamp	Arr. Lum. Lumens	Arr. Watts
	7	A	SINGLE	XLCS-FT-LED-HO-CV-SINGLE-18" HT HGT	1.000	N.A.	15535	138.6
	10	B	SINGLE	CRUS-SC-LED-SS-50 HTD @ 15'	1.000	N.A.	13954	114
	10	C	SINGLE	CRUS-AC-LED-SS-50 HTD @ 15'	1.000	N.A.	13118	111.8
	5	D	SINGLE	XPWS3-FT-LED-SS-350-CV-UE HTD @ 10'	1.000	N.A.	3056	34
	4	E	SINGLE	XBVR-ID-LED-24-400-CV-UE	1.000	N.A.	1338	38

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
ALL CALC POINTS	Illuminance	Fc	6.50	52.1	0.0	N.A.	N.A.
CANOPY	Illuminance	Fc	39.32	52.1	24.0	1.64	2.17
INSIDE CLRB	Illuminance	Fc	10.39	32.3	2.5	4.16	12.92

Based on the information provided, all dimensions and luminaire locations shown represent recommended positions. The engineer and/or architect must determine the applicability of the layout to existing or future field conditions.

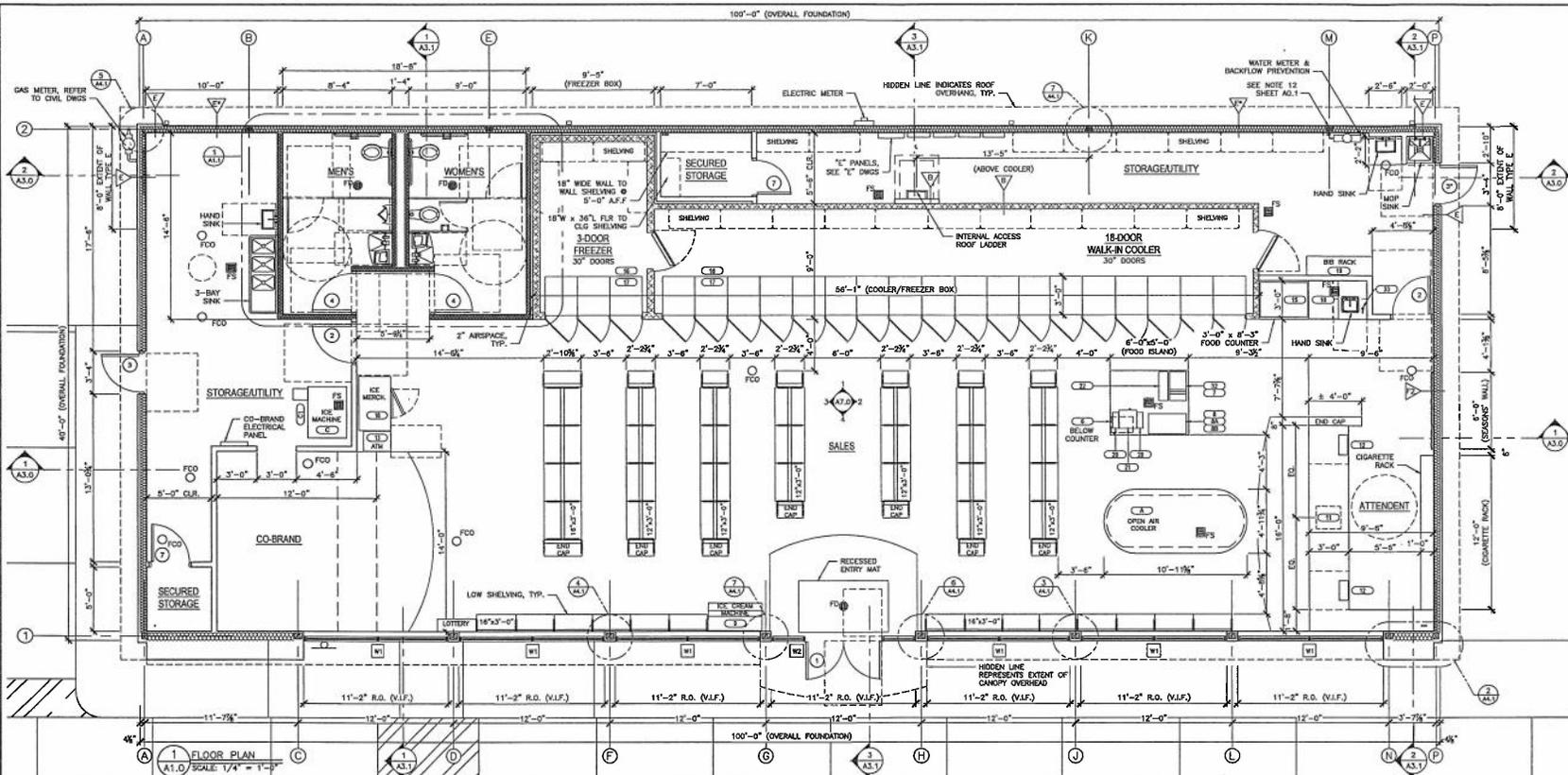
This lighting plan represents illumination levels calculated from laboratory data taken under controlled conditions in accordance with the Illuminating Engineering Society (IES) approved methods. Actual performance of any manufacturer's luminaires may vary due to changes in electrical voltage, tolerance in lamps/LEDs and other variable field conditions. Calculations do not include obstructions such as buildings, curbs, landscaping, or any other architectural elements unless noted.

Total Project Watts  
Total Watts = 2544399

LIGHTING PROPOSAL LD-137759-1  
 COLIJA  
 244 BOSTON POST ROAD  
 WALTHAM, MASSACHUSETTS 01981  
 SCALE: 1"=16'  
 SHEET 1 OF 1







SPEC #	PRODUCT	MAKE	MODEL ID/#	DIMENSIONS			VOLTS/Hz/PHASE	AMPS	COMMENTS
				W	D	H			
01	OPEN AIR COOLER	HUSSMAN	TY3-SK-1118-R	59-3/4"	131-5/8"	57-1/2"	REFER TO MANUFACTURER	REFER TO MANUFACTURER	PROVIDE POWER, WATER & DRAIN
02	ICE BIN / ICE MAKER	HOSHIZAKI	B-900SF / KM-1301SRH	52" / 48"	32.5" / 27.375"	46" / 27.375"	208-230V, 60Hz, Single Phase	13.5A	
03	ICE BRAGER	MANITOWOC	K-00148	10.25"	13"	28.75"			NEMA 5-15 (5 FT. POWER CORD)
04	MICROWAVE	ANAXIA COMMERCIAL	RMS100S	20"	18-1/2"	12-1/4"	120V, 60Hz, 15A Single Phase		
05	CHILL ALL	CREATIVE SERVING	CHN89	15"	27"	10-3/4"	120V, 60Hz, 300 WATTS	3 AMPS	
06	BUN CABINET	APW WYOTT	BC-50	34-11/16"	18-5/8"	6-3/8"			
07	SURFACE ROLLER GRILL	APW WYOTT	HR-50	34-3/4"	18-5/8"	6-1/2"	120V, 1320W, 11 Amps, 60Hz		NEMA 5-15P
08	SNEEZE GUARD	APW WYOTT	SG-50	35-1/2"	19-1/2"	9"			
09	ICE CREAM MERCHANTISER	GOOD HUMOR	RO S 125	49.21"	25.59"	30.18"			ENERGY CONSUMPTION: 4.2 kWh / 24 h
10	SODA FOUNTAIN	CORNELIUS	PB0175 (SPIRE 3.0)	28-13/16"	35-3/16"	40-1/2"			PROVIDE WATER SERVICE, COORDINATE WITH "P" DWGS
11	SAFE	TIDEL	TACC II	21"	21"	30-3/4"	120VAC/60Hz or 220VAC/50Hz	REFER TO MANUFACTURER	WEIGHT: 280 lbs
12	C-STORE POS	DELBARO VEEDER-ROOT	PASSPORT POINT OF SALE SYSTEM	18-3/8"	7-3/4"	16-3/4"	REFER TO MANUFACTURER	REFER TO MANUFACTURER	WEIGHT: 25 lbs
13	ATM MACHINE	TRITON	ARGO	44.5"	33.2"	56"			PROVIDE DATA & POWER
14	F'REAL BLENDING MACHINE	F'REAL	11-CSGF-X1-FRRL	44.5"	33.2"	56"		6.5 AMPS	WEIGHT: 245 LBS, SEE NOTE 3
15	INSUL. COOLER/FREEZER BOX			SEE PLAN	SEE PLAN				REFER TO COOLER/FREEZER NOTES FOR ADDITIONAL INFO.
16	COOLER/FREEZER DOOR	INFINITY							
17	ICE MERCHANTISER	LEER	MODEL 40	50-1/2"	30"	78-1/2"			
18	BIB RACK	PEPSICO		59"	18"	99"		DEDICATED 20 amp CIRCUIT	PROVIDE COLD WATER CONNECTION
19	DISPENSER	DelFoods	GEHLS 2.0 DISPENSER	5.25"	14.75"	21"	110V/2.5A/197W		MACHO CHILI & CHEESE DISPENSERS
20	THREE TIER CHIP PACK	DelFoods		14.125"	14.75"	27.25"			REFER TO EQUIPMENT CUTS
21	METCHUP/MUSTARD DISPENSERS	HEINZ	ITEM#s 172163 & 273292	6.98"	8.96"	5.52"			3. F'REAL DISPENSER TO INCLUDE A HENZ EASY PUMP MOUNTED ON "CHILL ALL"
22	CONDIMENT CASE	CREATIVE SERVING		15"	10"	12.5"			
23	SOAP DISPENSER	BOBRICK	B-822						

EQUIPMENT FURNISHED BY OWNER. SEE MANUFACTURER'S SPECIFICATIONS FOR REQUIRED CLEARANCES.

**WALL ASSEMBLIES:**

STUD WALL ASSEMBLY, SEE WALL TYPES

INSULATED STUD WALL ASSEMBLY, SEE WALL TYPES

COOLER/FREEZER WALL ASSEMBLY, BY OWNER

**COOLER/FREEZER NOTES:**

- COOLER/FREEZER DOORS:
  - HEATED DOORS (INFINITE, BLACK DOORS) - COOLER DOORS TO CLOSE AUTOMATICALLY
  - 7 SHELVES @ 30" DEEP (BLACK)
  - 30"X72" BLACK DOORS WITH LED LIGHTS
  - ANTI FOG DOORS
- MECHANICAL EQUIPMENT FURNISHED AND INSTALLED BY CONTRACTOR (INCLUDING REFRIGERATOR COMPONENTS) FOR COMPLETE SYSTEM.
- COOLER/FREEZER INTERIOR WORK LIGHTS - 15 MINUTE TIMER

**NOTES:**

- G.C. IS TO PROVIDE SHELF IN OFFICE FOR SECURITY CAMERAS (2 POWERS VMAX SECURITY MONITORS, 1 Control4x VPIV ROUTER AND UPS (REPAIR SETUP AND CABLE MANAGEMENT, NOT TO BE LOCATED ABOVE SEATING AREA).
- CAMERA WIRES ARE TO MATCH CAMERA NUMBERS.
- F'REAL MACHINE REQUIRES WATER AND DRAIN. G.C. IS TO COORDINATE REQUIREMENTS WITH MANUFACTURER.

OWNER AND CONTRACTOR SHALL DISCLOSE ANY RESPONSIBILITY FOR MANUFACTURING DEFECTS, DESIGN, OR CONSTRUCTION, AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, AND TESTING OF CONSTRUCTION FOR JOB SAFETY AND PROTECTION FROM THE PROJECT OFFICE BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, AND TESTING OF CONSTRUCTION FOR JOB SAFETY AND PROTECTION FROM THE PROJECT OFFICE BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, AND TESTING OF CONSTRUCTION FOR JOB SAFETY AND PROTECTION FROM THE PROJECT OFFICE BY THE CONTRACTOR.

REVISIONS

NO.	DATE	DESCRIPTION
1	10/20/18	REVISED PER CLIENT COMMENTS
2	10/20/18	REVISED PER CLIENT COMMENTS
3	10/20/18	REVISED PER CLIENT COMMENTS
4	10/20/18	REVISED PER CLIENT COMMENTS
5	10/20/18	REVISED PER CLIENT COMMENTS
6	10/20/18	REVISED PER CLIENT COMMENTS
7	10/20/18	REVISED PER CLIENT COMMENTS
8	10/20/18	REVISED PER CLIENT COMMENTS

NO.	DATE	DESCRIPTION
1	10/20/18	REVISED PER CLIENT COMMENTS
2	10/20/18	REVISED PER CLIENT COMMENTS
3	10/20/18	REVISED PER CLIENT COMMENTS
4	10/20/18	REVISED PER CLIENT COMMENTS
5	10/20/18	REVISED PER CLIENT COMMENTS
6	10/20/18	REVISED PER CLIENT COMMENTS
7	10/20/18	REVISED PER CLIENT COMMENTS
8	10/20/18	REVISED PER CLIENT COMMENTS

**AYOUB ENGINEERING**

ENGINEER: R. ABU-AMR

CORPORATE OFFICE:  
414 BEMBERT STREET  
PATERBOROUGH, NJ 08651  
PHONE: 201-228-5533

**COLBEA ENTERPRISES, LLC**  
7 STARLINE WAY, CRANSTON, RI

**SEASONS CORNER MARKET**  
342 BOSTON POST ROAD EAST, MARLBOROUGH, MA

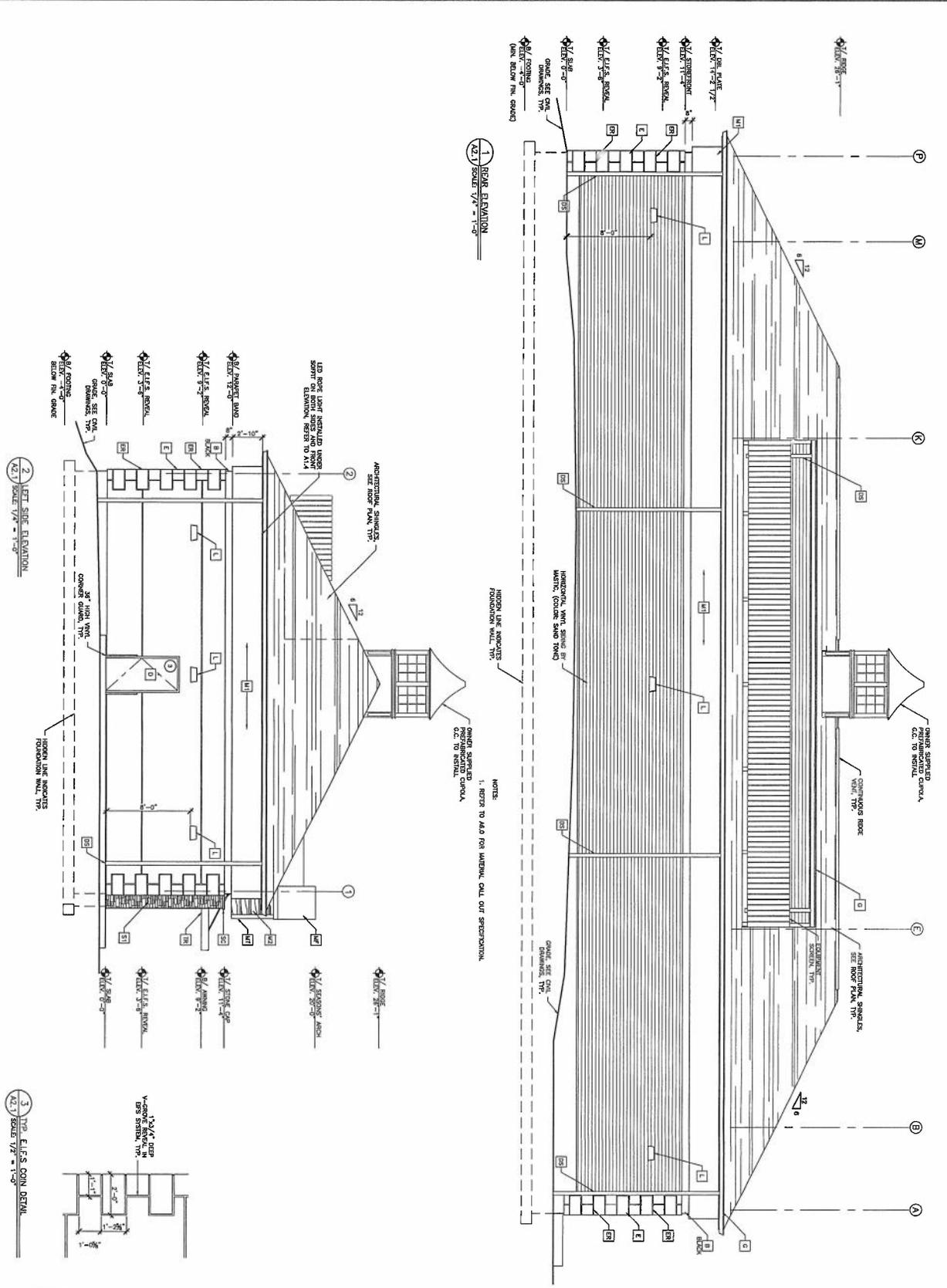
**FLOOR PLAN & EQUIPMENT SCHEDULE**

PROJECT NO. 1728215  
SCALE: AS NOTED  
DRAWN BY: JAC  
DATE: 10/20/2017

SHEET NO. **A1.0**

BID/CONSTRUCTION SET





<p>PREPARED FOR</p> <p><b>COLBEA ENTERPRISES, LLC</b> 7 STARLINE WAY, CRANSTON, RI</p>		<p><b>AYOUB ENGINEERING</b></p> <p>ENGINEERS &amp; ARCHITECTS</p> <p>CORPORATE OFFICE:</p> <p>414 BENEFIT STREET PAWTUCKET, RHODE ISLAND 02861 401-728-5533</p>																					
<p>PROJECT ADDRESS</p> <p><b>SEASONS CORNER MARKET</b> 342 BOSTON POST ROAD EAST, MARLBOROUGH, MA</p>		<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>REV</th> <th>PER</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>SMF</td> <td>08/07/2017</td> <td>REVISED PER UPDATED BUILDING FOOTPRINT</td> <td>HAL</td> </tr> <tr> <td>2</td> <td>SMF</td> <td>04/30/2018</td> <td>REVISED PER UPDATED SITE ADDRESS</td> <td>HAL</td> </tr> <tr> <td>3</td> <td>SMF</td> <td>04/08/2018</td> <td>BID - CONSTRUCTION DOCUMENT SET</td> <td>ZAG</td> </tr> </tbody> </table>		REV	PER	DATE	DESCRIPTION	BY	1	SMF	08/07/2017	REVISED PER UPDATED BUILDING FOOTPRINT	HAL	2	SMF	04/30/2018	REVISED PER UPDATED SITE ADDRESS	HAL	3	SMF	04/08/2018	BID - CONSTRUCTION DOCUMENT SET	ZAG
REV	PER	DATE	DESCRIPTION	BY																			
1	SMF	08/07/2017	REVISED PER UPDATED BUILDING FOOTPRINT	HAL																			
2	SMF	04/30/2018	REVISED PER UPDATED SITE ADDRESS	HAL																			
3	SMF	04/08/2018	BID - CONSTRUCTION DOCUMENT SET	ZAG																			
<p>SHEET NO.</p> <p><b>A.2.1</b></p>		<p>PROJECT NO.</p> <p>1728</p>																					
<p>SCALE</p> <p>AS NOTED</p>		<p>DRAWN BY</p> <p>HAL</p>																					
<p>DATE</p> <p>04/08/2018</p>		<p>CHECKED BY</p> <p>ZAG</p>																					



**City of Marlborough  
Zoning Board of Appeals**

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

**ZBA Case # 1450-2018**  
**Location: 342 Boston Post Rd. East (Shell Station)**

**Date: January 2, 2019**

**(General Laws Chapter 40A, Section 16)  
Grant of a Variance**

To: Colbea Enterprises, LLC (represented by: Elizabeth M. Noonan Esq. of Adler Pollock & Sheehan P.C.)

Address: One Citizens Plaza, 8<sup>th</sup> Floor

City: Providence, RI 02903

affecting the rights of the owner with respect to land or buildings at:

**342 Boston Post Rd. East (Shell Station) Map 59 Parcel 11**

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision and of all plans referred to in the decision, have been filed with the City Clerk.

Ralph Loftin – Acting Chairman

Susan Brown - Secretary

Submitted to the City Clerks' office on January 2, 2019.



## City of Marlborough Zoning Board of Appeals

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

ZBA Case # 1450-2019

Date: January 2, 2019

Name: Colbea Enterprises, LLC

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

### Zoning Board of Appeals Notice of Decision

The Zoning Board of Appeals, acting under the Zoning Ordinance of the City of Marlborough and the Zoning Enabling Act of the Commonwealth of Massachusetts, a public hearing held at the Marlborough City Hall, 140 Main St. on October 31, 2018 with continuation meetings on November 27, 2018 and December 19, 2018.

**Members Present:** Ralph Loftin – Acting Chairman, Thomas Pope, Thomas Golden and Robert Levine.

**Proposal:** Colbea Enterprises, LLC proposes to demolish the existing structure and construct a 4000 sq. ft. building with 5 fuel dispensing station (10 pumps) and replace the existing canopy with a new canopy located further back at 342 Boston Post Rd. East. (Map 59 Parcel 11) located in Zoning District Business.

After due consideration to the subject matter of the petition, the Board finds:

- The shape of the lot, which is rectangular, made it difficult for the applicant to find a new layout design for the lot without seeking variances.
- Granting the variances will not nullify or detract from the intent or purpose of the Zoning Ordinance. The improvements to the site will enhance safety in and out of the site. The "use" will remain as a gas station and convenient store as zoned, Business.
- The applicant will tear down what is existing on the site to create a new and improved site taking into consideration traffic circulation, landscape and safety for their customers.
- Granting the variances will not diminish the public welfare or well-being because, the applicant is making a 100% improvement to the site. In doing so, one must conform to all current city and state codes, i.e. the number of parking spaces required and ADA compliance outside and within the proposed new store. In order to meet all these codes, the site is designed as presented.
- The Board felt the lot conforms to lot area and the side and rear setbacks of the proposed building is conforming. The location of the new proposed canopy will be setback 32.2 ft. from the property line vs. the existing canopy being 9.7 ft. to

the property line, which will be an improvement to the site in terms of safety and traffic and pedestrian flow

**Vote:** The Board voted on the 3 requested variances 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. Vote: 4-0 to grant a variance for the proposed 32.3 ft. front yard setback.
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. Vote: 4-0 to grant a variance from the required planting of 1 tree per 20 linear feet of street frontage within the front landscape strip.
3. Section 650-47(E)(1)(b), landscaping requirements - requires a frontage landscaped strip of 25 ft. vs. the propose 10 ft. landscape strip. Vote: 4-0 to grant a variance for a 10 ft. landscape strip.

**Restrictions:** The variances are granted with the following restrictions:

1. The applicant will comply with the plans presented entitled: Seasons Corner Market, Site Improvement Plans, 342 Boston Post Road East, Prepared for: Colbea Enterprises, LLC, 2050 Plainfield Pike, Cranston, RI. Dated: 2/2/2018, Rev. 5/1/2018. Prepared by: Ayoub Engineering.
2. According to testimony, if the gas station plans to open 24/7, they may need to seek approval from the city in the form of a special permit from the city council.
3. The applicant will continue to work with the city’s Site Plan Review Committee to receive a permit for their project.
4. Before a Building Permit can be issued, the applicant must show proof to the Building Dept. that this variance was recorded at the Registry of Deeds.

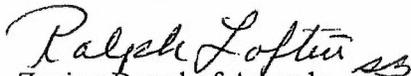
END

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section II (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the city clerk that twenty days have elapsed after the decision has been filed in the office of the city clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner

of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

If the rights authorized by a variance are not exercised within one (1) year of the date of grant of such variance, such rights shall lapse; provided however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six (6) months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period.

Respectfully submitted,

  
Zoning Board of Appeals  
Ralph Loftin – Acting Chairman

Submitted to the City Clerk's office on January 2, 2019.



# City of Marlborough Zoning Board of Appeals

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

ZBA Case # 1450-2018

Date: January 2, 2019

Name: Colbea Enterprises, LLC

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

## Zoning Board of Appeals Record

The Zoning Board of Appeals, acting under the Marlborough Zoning Ordinance and General Laws, Chapter 40A, as amended, a meeting was held on October 31, 2018 with continuation meetings on November 27, 2018 and December 19, 2018.

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

### Proceedings:

1. Date of Appeal: Sept. 24, 2018
2. Name and Address of Applicant: Colbea Enterprises, LLC (represented by Elizabeth M. Noonan Esq. of Adler Pollock & Sheehan P.C.) One Citizens Plaza, 8<sup>th</sup> Floor, Providence, RI 02903.
3. Administrative body from whose decision or order of appeal was taken: Building Dept.
4. Appeal filed with: Zoning Board of Appeals and City Clerks' Office.
5. **Nature & Basis of Appeal:** 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 variance 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 proposed 10 ft. landscaped strip.
6. Section of the Zoning Ordinance involved: As noted in Item #5.
7. Notice was sent by Certificate of Mailing to parties in interest, including the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within 300 feet of the property lines, including owners of land in another municipality, all as they appear on the most recent applicable tax lists.
8. Original documents are on file with the Board of Appeals and the City Clerks' Office.
9. **Findings:**
  - 1F. The property is located in Zoning District Business.
  - 2F. The lot contains 32,000 sq. ft. of area.
  - 3F. The shape of the lot is rectangular, and topography of the lot is fairly flat.
  - 4F. As noted on their plan, CP-1, the lot in question is located approximately 90 ft. ± from a Retirement Community Residence District (RCR) and residential districts. This lot is surrounded by other business. Other lots in the area vary in shapes and lot areas.
  - 5F. The applicants were represented by the following at the October 31, 2018 meeting:
    - Nicole M. Verdi, Attorney at Law – Adler Pollock & Sheehan P.C. One Citizen Plaza, 8<sup>th</sup> 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
  - 6F. **Plan:** The applicant provided a plan entitled: Seasons Corner Market, Site Improvement Plans, 342 Boston Post Road East,

Prepared for: Colbea Enterprises, LLC, 2050 Plainfield Pike,  
Cranston, RI. Dated: 2/2/2018, Rev. 5/1/2018. Prepared by:  
Ayoub Engineering.

- 7F. **Exhibits** - List of exhibits received prior to meeting:
1. An executed application form and Exhibit A
  2. Abutters' List certified by Assessor's Office
  3. Denial letter from building dept., dated August 27, 2018
  4. Site Plans, entitle "Seasons Corner Market – Site Improvement Plans" (includes site plan and architectural plans), prepared by Ayoub Engineering, dated Feb. 2, 2018, revised May 1, 2018 and
  5. Certified Plot Plan, prepared by Commonwealth Land Surveyors, dated Sept. 5, 21018.
- 8F. The Board reiterated that there are only 4 members present this evening; to receive approval for the variance requests, the applicant must receive 4 affirmative votes.
- 9F. The hearing was opened on Oct. 31, 2018, with continuation dates of November 27, 2018 and this evening December 19, 2018.
- 10F. The applicant was represented by Nicole M. Verdi, Attorney at Law – Adler Pollock & Sheehan P.C. One Citizen Plaza, 8<sup>th</sup> Floor, Providence RI 02903-1345 at the November 27, 2018 where they requested a continuation of the public hearing to December 19, 2018.
- 11F. The applicant was represented by the following at the December 19, 2018 meeting:
- .Atty. Elizabeth McDonough Noonan, of Adler Pollock & Sheehan p.c., One Citizens Plaza, 8<sup>th</sup> Floor, Providence, RI 02903-1345.
  - Alan J. Micale, P.E. of Ayoub Engineering, 414 Benefit Street, Pawtucket, RI 02861.
  - Andrew R. Delli Carpini, of Colbea Enterprises, OOC, East Side Enterprises, LLC, 2050 Plainfield Pike, Cranston, RI 02921
- 12F. Atty. Noonan started that her clients are requesting 3 variances this evening. The only other permit they may have to apply for is a "sign" permit.

- 13F. Atty. Noonan stated:
- The existing car wash will be removed.
  - The proposed petition will change the character of the area with a cleaner and more modern look.
  - The design for the lot is governed by the shape and topography of the lot.
  - The proposal will improve the site
  - Safety will be upgraded
  - They are currently working with the Site Plan Review Committee.
- 14F. Alan J. Micale, P.E., of Ayoub Engineering gave an over view of the lot in question:
- Landscaping was taken into consideration when designing the traffic pattern within the lot and of the pedestrian flow.
  - Traffic circulation will be improved.
  - There will be 10 fueling pumps.
  - No trees are proposed for the 10 ft. landscape strip at the front. Instead low growing materials will be planted to ensure better visibility of the pumps from the street.
  - Front yard setback - The canopy will be set back 32.2 ft. vs. the 50 ft. required front yard setback. Existing canopy is 9.7 ft. from the front lot line. (note: there is an old Zoning Board Case 1044-90 for the old canopy).
  - Storm water system will be upgraded.
  - The existing underground tanks which are about 29 yrs. old will be replaced.
  - Hours of operation will be opened 24/7.
- 15F. Andrew Delli, of Colbea Enterprises, LLC (Applicant) stated the following:
- He currently and will be operating the improved site.
  - He operates approximately 34 Seasons Corner Markets, which is the name of the proposed convenient store.
  - The proposed layout will be an improvement to the site as far as efficiency, visibility for the cashier who will be able see all the pumps if a problem arises, no traffic bottle necking as on the existing site, and of course improved safety.
  - They will work with the Site Plan Review Committee.

- They cannot push the proposed store back because, it already meets the rear setback requirement of the 5 ft. When they add all the equipment and utilities to satisfy all city and state codes, the store must be a certain size to accommodate these improvements.
- The proposed new building may act as a sound barrier for the abutting condos.
- The proposed required 13 trees will be planted within the perimeter of the lot. They will work with the Site Plan Review Committee.
- The proposed canopy will meet fire suppression codes.
- The storm water system will be improved
- Removal of 3 old tanks and replacing with 2 new improved tanks.
- Existing car wash will be removed.

16F. Ralph Loftin – Board member

- Asked if there will be trees planted in the 10 ft. front landscape strip? City code states 1 tree for every 30 ft. Answer-No. There will be no trees in the 10 ft. front landscaping strip. But, 13 trees will be planted within the perimeter of the lot.
- If there were to be trees in the 10 ft. landscape strip, how many trees would be planted. Answer: 2 or 3 trees would be planted in the front.
- Question the design of the structures on the site. Maybe there are other designs the applicant can go with.

17F. Robert Levine – Board member

- Asked the applicant if they can go with a smaller store. Answer: With all the new ADA restrictions (aisle spaces in the store, bathroom regulations) the store must be a certain size to accommodate with the new codes.

18F. **HARDSHIP:**

- Atty. Noonan stated – The “use” will remain the same. We are asking for a few variances which will not be a detriment to the public good. The existing car wash will be removed. They will have no drive thru. They have a limited area to develop; considering the proposed size and layout of the structures

(building and canopy). The improvement to the lot will enhance the "safety" for traffic and pedestrians.

- According to her letter dated November 17, 2018, the hardship is caused by the following:
  - Shape of the lot as well as the shape and location of the canopy has to do with the safety hazards that would result to people and the property if the canopy was not allowed to be built in the location proposed. Citing *Furlong v. Zoning Board of Appeals of Salem*.
  - Also, these variances diminish the risk of an existing harm and prevent even greater risk of harm that would result from complying with the ordinance.
  - Also, the proposal would diminish the risk of an existing harm as it moved the fueling pumps further from the road. Providing a much safer layout for the tanker truck, pedestrians and vehicles to traverse the site.
  - And the propose front 10 ft. landscaping strip will prevent the risk of harm of drivers having a difficult time viewing the property that could cause needless rubber necking or "eyes off the road" long gazes.

19F. The Board asked if anyone was present to speak in favor or in opposition to the petition. There were none.

20F. Paul Guinta – 25 Westminster Street, Marlborough, MA - had a few questions. He stated that he was speaking as a private citizen and an abutter to the site; and that he is the chairman of the Zoning Board of Appeals (ZBA). He recused himself from the matter and is not speaking as a ZBA chairman. Mr. Guinta's concerns were:

- The purpose of the loading zone on the left side of the pumps?  
Answer: The applicant stated it is for deliveries. The air pump and vacuum station will be in this area.
- The proposed store will be 5 ft. from the rear property line. Answer: Yes
- Parking spaces – they will have 24 parking spaces vs. the 25 required.  
Answer: Yes
- Mr. Guinta stated he lives in the condo complex next to the gas station and is involved with the City in the beautification of Rte. 20.

His concern was if the State decides to widen Rte. 20 would that affect the 10 ft. landscape strip? Would the State take some of proposed 10 ft. front landscape strip? Answer: This was recognized as a potential problem.

- Mr. Guinta was hoping that if improvements were to be done on Rte. 20, the improvements would be extended to Concord Rd (due to the number of accidents in that location) not just to the bank at the corner of Rte. 20 and Phelps St.

21F. With no other testimony taken or given the public hearing was closed.

22F. **The Board finds:**

- The lot is rectangular, with the length abutting Boston Post Rd. East
- To rebuild as proposed, the applicant will need 3 variances. This is a non-conforming structure. The improved site will make it less non-conforming.
- Granting the variances will not nullify or detract from the intent or purpose of the Zoning Ordinance. The "use" will remain as a gas station and convenient store as zoned, Business.
- The applicant will tear down what is existing on the site to create a new and improve site taking into consideration traffic circulation, landscape and safety for their customers.
- The applicant is making a 100% improvement to the site. In doing so, one must conform to all current city and state codes, i.e. the number of parking spaces required and ADA compliance outside and within the proposed new store. In order to meet all these codes, the site is designed as presented.
- The Board reviewed some of the cases Atty. Noonan provided in her December 17, 2018 letter. The Board felt the lot conformed to lot area and the setback of the proposed building is conforming. The location of the new proposed canopy will be setback 32.2 ft. from the property line...vs. the old canopy being 9.7 ft. to the property line, which will be an improvement to the site in terms of safety and traffic and pedestrian flow.

23F. **Vote:** Acting Chairman, Ralph Loftin, cited each variance requested and put it to a vote:

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. Vote: 4-0 to grant variance.

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. Vote: 4-0 to grant variance.

3. Section 650-47(E)(1)(b), landscaping requirements - requires a frontage landscaped strip of 25 ft. vs. the propose 10 ft. landscaped strip. Vote: 4-0 to grant variance.

24F. The hearing was adjourned.



**City of Marlborough  
Zoning Board of Appeals**  
140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3768

ZBA Case # 1450-2018

Applicant: Colbea Enterprises, LLC

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

VOTE OF THE BOARD  
Signature Sheet

**In Favor**

**In Opposition**

Paul Giunta

\_\_\_\_\_

Paul Giunta

\_\_\_\_\_

Ralph Loftin

*Ralph Loftin*  
\_\_\_\_\_

Ralph Loftin

\_\_\_\_\_

Thomas Golden

*Thomas Golden*  
\_\_\_\_\_

Thomas Golden

\_\_\_\_\_

Thomas Pope

*Thomas Pope*  
\_\_\_\_\_

Thomas Pope

\_\_\_\_\_

Robert Levine

*Robert Levine*  
\_\_\_\_\_

Robert Levine

\_\_\_\_\_

*City of Marlborough*  
*Commonwealth of Massachusetts*



**Pamela A. Wilderman**  
**Ethan Lippitt**  
**Code Enforcement**  
**140 Main Street**  
**Marlborough, MA 01752**  
**Phone: (508) 460-3776 (x30201)**  
**Fax: (508) 460-3736**  
**Email: pwilderman@marlborough-ma.gov**

February 26, 2019  
Nicole M. Verdi, Esq.  
Adler Pollack & Sheehan, P.C.  
One Citizens Plaza, 8<sup>th</sup> Floor  
Providence, RI 02903

RE: Sign Permit Application  
Colbea Enterprises, LLC  
342 Boston Post Road East  
Marlborough, MA 01752

Dear Attorney Verdi:

I have reviewed the application for freestanding and flat wall signs at the above referenced location and with the updated information I received last week can advise of the following:

- **Freestanding Sign:** Based upon the linear footage of the proposed building you are allowed a total of 100 square feet of signage on this sign. You have proposed the correct amount. However, Section 526-13 of the City Code (specific to digital display signs) requires "From sunrise to sunset, the background or field shall be a single color and the message shall be a single contrasting color. From sunset to sunrise, the background or field shall be a single dark color and the message shall be a single contrasting color." The sign proposes two separate colors for regular and diesel fuel. A variance will be required from the Planning Board to allow the difference.
- **Digital Display Signs:** Chapter 526.13 states; "EMC signs shall only be permitted as part of a freestanding sign and shall comply with all of the requirements of § 526-9. And There shall only be one EMC sign permitted on each nonresidential-zoned parcel." A variance will be required from the Planning Board to allow LED pricing signs and video displays on the pumps.
- **Flat wall Signs:** Again, based upon the linear footage of the proposed building you are allowed a total of 100 square feet of flat wall signage. You are proposing 150.1 square feet. A variance will be required from the Planning Board to allow the difference.

Please be advised that after the Planning Board makes its decision, a special permit will be required from the City Council for the digital display signs. An application can be found on the City of Marlborough's web site at the City Clerk's office.

Sincerely,

Pamela A. Wilderman  
Code Enforcement Officer

Cc: City Council  
Planning Board  
File



# City of Marlborough Planning Board

Administrative Offices  
135 Neil St.  
Marlborough, MA 01752

## PLANNING BOARD

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

Krista Holmi, Administrator  
(508) 624-6910 x33200  
[kholmi@marlborough-ma.gov](mailto:kholmi@marlborough-ma.gov)

March 29, 2019

Mr. James Hall, Esquire  
Adler Pollock & Sheehan P.C.  
One Citizens Plaza, 8th Floor  
Providence, RI 02903-1345

RE: Decision - Colbea Enterprises, LLC - Request for Sign Variances, 342 Boston Post Road East

Dear Attorney Hall:

At its regular meeting of the Planning Board on March 11, 2019, the Board took the following action regarding the application for sign appeal/variance of Colbea Enterprises, LLC at 342 Boston Post Rd. East:

- **Freestanding Sign: Section 526-13 of the City Code (specific to digital display signs) requires "From sunrise to sunset, the background or field shall be a single color and the message shall be a single contrasting color." Applicant proposes two separate colors for regular and diesel fuel.**

On a motion by Mr. Hodge, seconded by Mr. Russ, the Board voted to grant the variance allowing the display of red to represent regular gas pricing and green to represent diesel pricing. The variance is allowed on the requested free-standing sign and at individual pumps.

Motion carried. Mr. LaVenture opposed.

The applicant conveyed to the Board's satisfaction that the use of two colors identifying gas types on the free-standing sign and pumps maintains industry conventions and provides pricing clarity without substantially derogating from the intent and purpose of the chapter.

- **Electronic Message Center Signs (EMC); Digital Display Signs: Chapter 526.13 states: "EMC signs shall only be permitted as part of a freestanding sign and shall comply with all the requirements of Section 526-9. There shall only be one EMC sign permitted on each nonresidential-zoned parcel." Applicant proposes LED pricing signs and video display signs at each pump.**

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to grant the variance to allow both digital displays and pricing displays (one of each only) on each side of the five pumps, conditioned on the following restrictions:

- Audio shall be prohibited from the digital display signs or pricing display units.
- Digital Display Signs shall be utilized for informational and point of sale transactions only.
- Video and advertising shall be prohibited from the digital display signs and pricing display units.

Motion carried. Mr. LaVenture opposed.

The applicant conveyed to the Board's satisfaction that the installation of small pump displays for pricing and the installation of small video displays (with restricted use as detailed above) on each pump did not substantially derogate from the intent and purpose of the chapter.

- **Flat wall signs: Based on the linear footage of the proposed building, you are allowed a total of 100 square feet of flat wall signage. Applicant proposes 150.1 square feet.**

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to deny the requested variance for the Flat Wall Sign. Motion carried.

The applicant failed to convince the Board that granting of the variance would not substantially derogate from the intent and purpose of the chapter.

Please be advised that a permit under Section 526-13 will be required from the City Council for the digital display signs. A link, entitled "Sign Special Permit Application," can be found on the City of Marlborough's website by clicking on the "City Council Applications" tile under the City Clerk's office.

Sincerely,

Handwritten signature of Barbara L. Fenby in blue ink, including the initials KH.

Barbara L. Fenby  
Chairperson

cc: Pam Wilderman, Code Enforcement Officer  
Jeffrey Cooke, Building Commissioner  
City Council

*Anthony C. Amadio*  
*Steven K. Glawson*  
*David May De*

Abutter's List for 342 Boston Post Rd East 400 ft  
 MARLBOROUGH, MA

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST Zip	Parcel Location
59	9			DONNELLY MASS REALTY TRUST		20880 STONE OAK PKWY	SAN ANTONIO	TX 78258	BOSTON POST RD EAST
59	10			DLT FAMILY LIMITED PARTNERSHIP		5 FOX HOLLOW LN	SHARON	MA 02067	330 BOSTON POST RD EAST
59	12			329 BOSTON POST ROAD OWNER LLC		275 GROVE ST STE 2400	NEWTON	MA 02466	329 BOSTON POST RD EAST
59	14	302A	1	CROSSINGS AT 302 INC	DON FISHER C/O LIRON CO	19 BROOK RD STE 100	NEEDHAM	MA 02494	302-A BOSTON POST RD EAST #1
59	14	302A	2	PAGE THOMAS MICHAEL		50 PAGE RD	WESTON	MA 02493	302-A BOSTON POST RD EAST #2
59	14	302A	6	DETOMA DANIEL		302-A BOSTON POST RD EAST	MARLBOROUGH	MA 01752	302-A BOSTON POST RD EAST #6
59	14	302A	7	LONG RU REN TR	XING YAN SU TR	3 HAMPTON AVE	NEEDHAM	MA 02494	302-A BOSTON POST RD EAST #7
59	14	302A	12	ORSINI LESLIE		38 CURRIER AVE	PETERBOROUGH	NH 03458	302-A BOSTON POST RD EAST #12
59	14	302A	16	PEDONE LAURA A		65 FARRINGTON LN	MARLBOROUGH	MA 01752	302-A BOSTON POST RD EAST #16
59	14	302A	17	GOMEZ JONATHAN	JAHIR LOPEZ	35 1/2 WILSON ST	FRAMINGHAM	MA 01702	302-A BOSTON POST RD EAST #17
59	14	302A	18	SHERMAN CHARLES T		302-A BOSTON POST RD EAST	MARLBOROUGH	MA 01752	302-A BOSTON POST RD EAST #18
59	14	302B	1	DELVECCHIO EDWARD E III	MONICA J DELVECCHIO	302-B BOSTON POST RD EAST	MARLBOROUGH	MA 01752	302-B BOSTON POST RD EAST #1
59	14	302B	2	NASSAB ALI ALAVI TR	PARVIN D BAZZAZ TR	10 MEADE ST APT A	MILFORD	MA 01757	302-B BOSTON POST RD EAST #2
59	14	302B	3	LINDQUIST JOHN M		302-B BOSTON POST RD EAST	MARLBOROUGH	MA 01752	302-B BOSTON POST RD EAST #3
59	14	302B	4	DENUCCI ANTHONY M		302-B BOSTON POST RD EAST	MARLBOROUGH	MA 01752	302-B BOSTON POST RD EAST #4
59	14	302B	5	GLEASON CYNTHIA J		32 KNIGHT RD	FRAMINGHAM	MA 01701	302-B BOSTON POST RD EAST #5
59	14	302B	6	SCIMONE DAVID F		44 GLEN RD	HOPKINTON	MA 01748	302-B BOSTON POST RD EAST #6
59	14	302B	10	VAZ KAREN		3 LILLIAN RD	FRAMINGHAM	MA 01701	302-B BOSTON POST RD EAST #10
59	14	302B	15	STAYNER MICHELLE E		302-B BOSTON POST RD EAST	MARLBOROUGH	MA 01752	302-B BOSTON POST RD EAST #15
59	14	302B	16	JAMES TIMOTEO S JR		302-B BOSTON POST RD EAST	MARLBOROUGH	MA 01752	302-B BOSTON POST RD EAST #16
59	14	302C	1	DUESEL EARL	ELAINE DUESEL	104 EDINBORO ST	MARLBOROUGH	MA 01752	302-C BOSTON POST RD EAST #1
59	14	302C	3	DASILVA RAFAEL GONCALVES	JANAINA GONCALVES	302-C BOSTON POST RD EAST	MARLBOROUGH	MA 01752	302-C BOSTON POST RD EAST #3
59	14	302C	12A	LONG RU REN TR	XING YAN SU TR	3 HAMPTON AVE	NEEDHAM	MA 02494	302-C BOSTON POST RD EAST #12A
59	15			VALCHUIS ANTHONY J JR TR	HENRY G VALCHUIS TR	287 BOSTON POST RD EAST	MARLBOROUGH	MA 01752	295 BOSTON POST RD EAST
59	11A			FOLAN ROBERT A TR	344 BOSTON POST RD EAST REALTY TRUS	344 BOSTON POST RD EAST	MARLBOROUGH	MA 01752	344 BOSTON POST RD EAST
60	1			ISHKANIAN WILLIAM TR	ISHKANIAN NOMINEE TRUST	344 BOSTON POST RD EAST	MARLBOROUGH	MA 01752	362 BOSTON POST RD EAST
72	35			HERITAGE FARM LLC	C/O KURT STEINKRAUSS MINTZ LEVIN	ONE FINANCIAL CENTER	BOSTON	MA 02111	339 BOSTON POST RD EAST
73	29	1	1	HUGHES COLLEEN M	KAREN M HUGHES	70 VILLAGE DR #1	MARLBOROUGH	MA 01752	70 VILLAGE DR #1
73	29	1	2	CHEATHAM CATHERINE F		68 VILLAGE DR #2	MARLBOROUGH	MA 01752	68 VILLAGE DR #2
73	29	1	3	LEDUC MARIE E	ROBERT H LEDUC	101 EDINBORO ST	MARLBOROUGH	MA 01752	66 VILLAGE DR #3
73	29	1	4	EVANGELOUS MARK E		128 SOUTH BOLTON ST	MARLBOROUGH	MA 01752	64 VILLAGE DR #4
73	29	1	5	NAVISKY DAVID	ELSIE NAVISKY	62 VILLAGE DR #5	MARLBOROUGH	MA 01752	62 VILLAGE DR #5
73	29	1	6	FEEHERRY FLORENCE E	PETER D FEEHERRY	60 VILLAGE DR #6	MARLBOROUGH	MA 01752	60 VILLAGE DR #6
73	29	2	7	SPINELLI JAMES		56 VILLAGE DR #7	MARLBOROUGH	MA 01752	56 VILLAGE DR #7
73	29	2	8	SKURA CHERYL W	ARTHUR S SKURA	54 VILLAGE DR #8	MARLBOROUGH	MA 01752	54 VILLAGE DR #8
73	29	2	9	DONOGHUE JOHN P	ROSEMARY DONOGHUE	52 VILLAGE DR #9	MARLBOROUGH	MA 01752	52 VILLAGE DR #9
73	29	2	10	VODOKLYS JANE C TR	JANE C VODOKLYS REVOCABLE LIBING TR	50 VILLAGE DR #10	MARLBOROUGH	MA 01752	50 VILLAGE DR #10
73	29	2	11	HERMAN ROSANNE		48 VILLAGE DR #11	MARLBOROUGH	MA 01752	48 VILLAGE DR #11
73	29	2	12	JENNE SUZANNE M	JAMES B JOHNSON	46 VILLAGE DR #12	MARLBOROUGH	MA 01752	46 VILLAGE DR #12
73	29	3	25	DOHERTY ELEANOR B		22 VILLAGE DR #25	MARLBOROUGH	MA 01752	22 VILLAGE DR #25
73	29	3	26	RUSSELL MARY ELLEN TR	MARY ELLEN RUSSELL TRUST	20 VILLAGE DR #26	MARLBOROUGH	MA 01752	20 VILLAGE DR #26
73	29	3	27	ISABELLE WARREN J	DEBORAH H ISABELLE	18 VILLAGE DR #27	MARLBOROUGH	MA 01752	18 VILLAGE DR #27
73	29	3	28	ANGHINETTI MARY A TR	ANGHINETTI FAMILY TRUST	16 VILLAGE DR #28	MARLBOROUGH	MA 01752	16 VILLAGE DR #28
73	29	4	29	GATELY WILLIAM	MARIE-ALICE GATELY	12 VILLAGE DR #29	MARLBOROUGH	MA 01752	12 VILLAGE DR #29
73	29	4	30	LYDON JEAN D TR	JEAN D LYDON REVOCABLE TRUST	10 VILLAGE DR #30	MARLBOROUGH	MA 01752	10 VILLAGE DR #30
73	29	4	31	SARGENT MURRAY H TR	MARILYN W SARGENT TR	8 VILLAGE DR #31	MARLBOROUGH	MA 01752	8 VILLAGE DR #31

Abutter's List for 342 Boston Post Rd East 400 ft  
MARLBOROUGH, MA

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST Zip	Parcel Location
73	29	4	32	FRENIERE JOHN J	JUDITH A MILLER	6 VILLAGE DR #32	MARLBOROUGH	MA 01752	6 VILLAGE DR #32
73	29	4	33	SAVAGE PATRICIA A		4 VILLAGE DR #33	MARLBOROUGH	MA 01752	4 VILLAGE DR #33
73	29	5	19	DIDUCCA ANTHONY	DIANE M DIDUCCA	37 VILLAGE DR #19	MARLBOROUGH	MA 01752	37 VILLAGE DR #19
73	29	5	20	ADELSON PAULA E		39 VILLAGE DR #20	MARLBOROUGH	MA 01752	39 VILLAGE DR #20
73	29	5	21	ALLEN AUDREY G TR	AUDREY G ALLEN TRUST	41 VILLAGE DR #21	MARLBOROUGH	MA 01752	41 VILLAGE DR #21
73	29	5	22	MORGELLO JOHN J TR	MARILYN SHERRANE TR	43 VILLAGE DR #22	MARLBOROUGH	MA 01752	43 VILLAGE DR #22
73	29	5	23	RICHARDSON WALTER W TR	JANICE B RICHARDSON TR	45 VILLAGE DR #23	MARLBOROUGH	MA 01752	45 VILLAGE DR #23
73	29	5	24	LEVINSON HERBERT	LIBBY M LEVINSON	47 VILLAGE DR #24	MARLBOROUGH	MA 01752	47 VILLAGE DR #24
73	29	6	13	HOFFER NANCY J TR	NANCY J HOFFER REVOCABLE LIVING TRU	23 VILLAGE DR #13	MARLBOROUGH	MA 01752	23 VILLAGE DR #13
73	29	6	14	KRYSA JOHN W		25 VILLAGE DR #14	MARLBOROUGH	MA 01752	25 VILLAGE DR #14
73	29	6	15	HAGOPIAN RONALD R TR	CHARLES R HAGOPIAN TR	30 SHAY RD	HUDSON	MA 01749	27 VILLAGE DR #15
73	29	6	16	MORAN PATRICIA A		29 VILLAGE DR #16	MARLBOROUGH	MA 01752	29 VILLAGE DR #16
73	29	6	17	SEYMOUR GERALD	MARLENE SEYMOUR	31 VILLAGE DR #17	MARLBOROUGH	MA 01752	31 VILLAGE DR #17
73	29	6	18	ROWE MARY E		33 VILLAGE DR #18	MARLBOROUGH	MA 01752	33 VILLAGE DR #18
73	29	7	40	SALAFIA LEONARD J	THERESA S SALAFIA	94 WESTMINSTER DR #40	MARLBOROUGH	MA 01752	94 WESTMINSTER DR #40
73	29	7	41	HILLIARD LINDA		92 WESTMINSTER DR #41	MARLBOROUGH	MA 01752	92 WESTMINSTER DR #41
73	29	7	42	GARLISI ELEANOR M		90 WESTMINSTER DR #42	MARLBOROUGH	MA 01752	90 WESTMINSTER DR #42
73	29	8	34	MACAFEE LESLIE TR	LESLIE A MACAFEE FAMILY TRUST	83 WESTMINSTER DR #34	MARLBOROUGH	MA 01752	83 WESTMINSTER DR #34
73	29	8	35	WILSON PETER A TR	C/O GOULSTON AND STORRS	400 ATLANTIC AVE	BOSTON	MA 02110	85 WESTMINSTER DR #35
73	29	8	36	BARNETT RITA L LI EST	STEVEN M BARNETT LI EST	87 WESTMINSTER DR #36	MARLBOROUGH	MA 01752	87 WESTMINSTER DR #36
73	29	8	37	TAYLOR LORNA M		89 WESTMINSTER DR #37	MARLBOROUGH	MA 01752	89 WESTMINSTER DR #37
73	29	8	38	BELLIN RONALD H	BRENDA BELLIN	91 WESTMINSTER DR #38	MARLBOROUGH	MA 01752	91 WESTMINSTER DR #38
73	29	8	39	PRIEDE INDRA E		93 WESTMINSTER DR #39	MARLBOROUGH	MA 01752	93 WESTMINSTER DR #39
73	29	9	49	GAUDET LEO R	IRENE M GAUDET	104 WESTMINSTER DR #49	MARLBOROUGH	MA 01752	104 WESTMINSTER DR #49
73	29	9	50	DUFFY DEBRA		102 WESTMINSTER DR #50	MARLBOROUGH	MA 01752	102 WESTMINSTER DR #50
73	29	9	51	WALDMAN ROBERTA P		100 WESTMINSTER DR #51	MARLBOROUGH	MA 01752	100 WESTMINSTER DR #51
73	29	9	52	YALENEZIAN JOHN	ZARA YALENEZIAN	98 WESTMINSTER DR #52	MARLBOROUGH	MA 01752	98 WESTMINSTER DR #52
73	29	10	43	GALUSHA TODD	LESLEY HARRIES	99 WESTMINSTER DR #43	MARLBOROUGH	MA 01752	99 WESTMINSTER DR #43
73	29	10	44	LOWELL ALFRED E LI EST	VERLIE L LOWELL LI EST	101 WESTMINSTER DR #44	MARLBOROUGH	MA 01752	101 WESTMINSTER DR #44
73	29	10	45	JONES JAMES C LI EST	DEBORAH A JONES LI EST	103 WESTMINSTER DR #45	MARLBOROUGH	MA 01752	103 WESTMINSTER DR #45
73	29	10	46	WILSON PETER A TR	WESTMINSTER 105 REALTY TRUST	400 ATLANTIC AVE	BOSTON	MA 02110	105 WESTMINSTER DR #46
73	29	10	47	CUCCHI ROBERT J	KATHERINE M CUCCHI	107 WESTMINSTER DR #47	MARLBOROUGH	MA 01752	107 WESTMINSTER DR #47
73	29	10	48	MCCRANN BRENDA		109 WESTMINSTER DR #48	MARLBOROUGH	MA 01752	109 WESTMINSTER DR #48
73	29	11	59	DOLESH DALE W	SUSAN P DOLESH	120 WESTMINSTER DR #59	MARLBOROUGH	MA 01752	120 WESTMINSTER DR #59
73	29	11	60	PAOLELLA AYN TR	PAOLELLA FAMILY TRUST	118 WESTMINSTER DR #60	MARLBOROUGH	MA 01752	118 WESTMINSTER DR #60
73	29	11	61	MCGILFRAY SUZANNE M TR	116 WESTMINSTER DRIVE NOMINEE TRUST	116 WESTMINSTER DR #61	MARLBOROUGH	MA 01752	116 WESTMINSTER DR #61
73	29	11	62	CHERISH ALAN W		114 WESTMINSTER DR #62	MARLBOROUGH	MA 01752	114 WESTMINSTER DR #62
73	29	11	63	QUINN MARILYN L		112 WESTMINSTER DR #63	MARLBOROUGH	MA 01752	112 WESTMINSTER DR #63
73	29	11	64	VAFIDES HENRY	IRENE G VAFIDES	110 WESTMINSTER DR #64	MARLBOROUGH	MA 01752	110 WESTMINSTER DR #64
73	29	12	53	ASFAR FERIAL LEWIS TR	RAIED MATTI ALKASS TR	113 WESTMINSTER DR #53	MARLBOROUGH	MA 01752	113 WESTMINSTER DR #53
73	29	12	54	HARRIS ELEANOR S		115 WESTMINSTER DR #54	MARLBOROUGH	MA 01752	115 WESTMINSTER DR #54
73	29	12	55	KANE JOANNE B		117 WESTMINSTER DR #55	MARLBOROUGH	MA 01752	117 WESTMINSTER DR #55
73	29	12	56	WYNNE DONNA SOLARI TR	CHARLES AND JUDITH SOLARI IRREVOCAB	119 WESTMINSTER DR #56	MARLBOROUGH	MA 01752	119 WESTMINSTER DR #56
73	29	12	57	SUTHERLAND DEAN M	TERRY A SUTHERLAND	121 WESTMINSTER DR #57	MARLBOROUGH	MA 01752	121 WESTMINSTER DR #57
73	29	12	58	PULICE RICHARD T	MAUREEN J PULICE	123 WESTMINSTER DR #58	MARLBOROUGH	MA 01752	123 WESTMINSTER DR #58
73	29	13	65	VENTO RALPH P	JUNE A VENTO	21 WESTMINSTER DR #65	MARLBOROUGH	MA 01752	21 WESTMINSTER DR #65

Abutter's List for 342 Boston Post Rd East 400 ft  
MARLBOROUGH, MA

Map	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST Zip	Parcel Location
73	29	13	66	GIUNTA PAUL W TR	PAMEL R GIUNTA TR	25 WESTMINSTER DR #66	MARLBOROUGH	MA 01752	25 WESTMINSTER DR #66
73	29	13	67	CHANG MELISSA R TR	CHANG FAMILY FAMILY 2014 IRREVOCABL	29 WESTMINSTER DR #67	MARLBOROUGH	MA 01752	29 WESTMINSTER DR #67
73	29	13	68	SAINT-AMANT SHERRIE R TR	SSA REVOCABLE TRUST	33 WESTMINSTER DR #68	MARLBOROUGH	MA 01752	33 WESTMINSTER DR #68
73	29	13	69	OBERBECK ELEANOR M		37 WESTMINSTER DR #69	MARLBOROUGH	MA 01752	37 WESTMINSTER DR #69
73	29	14	70	BOUVIER PATRICIA C		43 WESTMINSTER DR #70	MARLBOROUGH	MA 01752	43 WESTMINSTER DR #70
73	29	14	71	TOSTI CHRISTINE M		4 GASLIGHT LN	FRAMINGHAM	MA 01702	47 WESTMINSTER DR #71
73	29	14	72	DALTON MAUREEN L		51 WESTMINSTER DR #72	MARLBOROUGH	MA 01752	51 WESTMINSTER DR #72
73	29	14	73	DENEEN JOSEPH J TR	DEBORAH A DENEEN TR	55 WESTMINSTER DR #73	MARLBOROUGH	MA 01752	55 WESTMINSTER DR #73
73	29	15	74	DUNCKLEE JOEL G		22 WESTMINSTER DR #74	MARLBOROUGH	MA 01752	22 WESTMINSTER DR #74
73	29	15	75	PEMBERTON WILLIAM C	BARBARA A PEMBERTON	20 WESTMINSTER DR #75	MARLBOROUGH	MA 01752	20 WESTMINSTER DR #75
73	29	15	76	ROBINSON ELINA Z TR	ZAK IRREVOCABLE TRUST	18 WESTMINSTER DR #76	MARLBOROUGH	MA 01752	18 WESTMINSTER DR #76
73	29	16	77	SIGNA SANTO S	ELEANOR J WELCH SIGNA	54 WESTMINSTER DR #77	MARLBOROUGH	MA 01752	54 WESTMINSTER DR #77
73	29	16	78	GANLEY PATRICIA A		52 WESTMINSTER DR #78	MARLBOROUGH	MA 01752	52 WESTMINSTER DR #78
73	29	16	79	LINNEHAN THOMAS F	MARTHA L LINNEHAN	50 WESTMINSTER DR #79	MARLBOROUGH	MA 01752	50 WESTMINSTER DR #79
73	29	17	86	GORMLEY ELIZABETH A		83 CARRIAGE WAY	SUDBURY	MA 01776	32 WESTMINSTER DR #86
73	29	17	87	SUTTON RIVELLE E		30 WESTMINSTER DR #87	MARLBOROUGH	MA 01752	30 WESTMINSTER DR #87
73	29	17	88	LETENDRE MAUREEN		28 WESTMINSTER DR #88	MARLBOROUGH	MA 01752	28 WESTMINSTER DR #88
73	29	17	89	LONGO MARTIN J	NANCIE J LONGO	26 WESTMINSTER DR #89	MARLBOROUGH	MA 01752	26 WESTMINSTER DR #89
73	29	18	80	BATTAGLINO ELIZABETH B		46 WESTMINSTER DR #80	MARLBOROUGH	MA 01752	46 WESTMINSTER DR #80
73	29	18	81	GAZZA GEORGE E TR	VERA R GAZZA TR	44 WESTMINSTER DR #81	MARLBOROUGH	MA 01752	44 WESTMINSTER DR #81
73	29	18	82	YOUNG JOHN W	CAROLYN J YOUNG	42 WESTMINSTER DR #82	MARLBOROUGH	MA 01752	42 WESTMINSTER DR #82
73	29	18	83	MORRIS LAURA B		40 WESTMINSTER DR #83	MARLBOROUGH	MA 01752	40 WESTMINSTER DR #83
73	29	18	84	BECKER KELLY A TR	TRACY L DURKIN TR	38 WESTMINSTER DR #84	MARLBOROUGH	MA 01752	38 WESTMINSTER DR #84
73	29	18	85	EL-BISI PENELOPE A TR	PENELOPE A EL-BISI 2009 IRREVOCABLE	36 WESTMINSTER DR #85	MARLBOROUGH	MA 01752	36 WESTMINSTER DR #85
73	29	19	90	RICEMAN RUTH S		14 WESTMINSTER DR #90	MARLBOROUGH	MA 01752	14 WESTMINSTER DR #90
73	29	19	91	KUTTICHERY JAMES S	ALICE J KUTTICHERY	12 WESTMINSTER DR #91	MARLBOROUGH	MA 01752	12 WESTMINSTER DR #91
73	29	19	92	SUTHERLAND ROBERT F	BARBARA L SUTHERLAND	10 WESTMINSTER DR #92	MARLBOROUGH	MA 01752	10 WESTMINSTER DR #92
73	29	19	93	VIVALDI JOSEPH P TR	ANNE SHEEHAN TR	8 WESTMINSTER DR #93	MARLBOROUGH	MA 01752	8 WESTMINSTER DR #93
73	29	20	94	SULLIVAN JOAN		1 WESTMINSTER DR #94	MARLBOROUGH	MA 01752	1 WESTMINSTER DR #94
73	29	20	95	DION CLAUDETTE J		3 WESTMINSTER DR #95	MARLBOROUGH	MA 01752	3 WESTMINSTER DR #95
73	29	21	96	LEE ANNA H		147 NOBSCOT RD	SUDBURY	MA 01776	5 WESTMINSTER DR #96
73	29	21	97	DEMARINIS ANNA LI EST		7 WESTMINSTER DR #97	MARLBOROUGH	MA 01752	7 WESTMINSTER DR #97
73	29	21	98	DRAGSTEDT CAROL P		9 WESTMINSTER DR #98	MARLBOROUGH	MA 01752	9 WESTMINSTER DR #98
73	29	21	99	CARTER ANTHONY	JEAN CARTER	11 WESTMINSTER DR #99	MARLBOROUGH	MA 01752	11 WESTMINSTER DR #99
73	29	21	100	CHANG MARY H TR	YUAN AND MARY H CHANG FAMILY TRUST	316 8TH ST	MANHATTAN BEACH CA	90266	13 WESTMINSTER DR #100
73	54			ABL PROPERTIES LLC		17 MEADOW PKWY	FRANKLIN	MA 02038	370 BOSTON POST RD EAST
73	54A			ABL PROPERTIES LLC		17 MEADOW PKWY	FRANKLIN	MA 02038	374 BOSTON POST RD EAST



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 APR 29 P 3:35

April 26, 2019

City Council  
140 Main Street  
Marlborough, MA 01752

Dear Marlborough City Council,

We are excited to be opening the doors of Lost Shoe Brewing and Roasting Company soon and with the return of warmer weather we would love to include outdoor sidewalk seating in front of our location at 19 Weed Street. Our short term goal is to rope off the area outlined in Figure 1 and use German style picnic tables for seating. Our long term goal is to define the same area shown in Figure 1 with planters and to adorn the area with string lighting for a warm and welcoming ambiance in the evening. We anticipate this area to seat approximately thirty people and be dog friendly as well.

While we will need to amend our state pouring permit we would like to utilize this space for coffee only upon opening and allow consumption of beer in the outdoor seating area once we receive state approval.

We thank you for your consideration and are happy to answer any questions you may have.

Best Regards,

  
Melynda and JP Gallagher  
Lost Shoe Brewing and Roasting Company  
19 Weed Street  
Marlborough, MA 01752

Proposed sidewalk seating area at 19 Weed Street = dotted line is main entrance = no alcohol beyond this point



Figure 1

**TC SYSTEMS, INC.**  
A Wholly Owned Subsidiary of  at&t

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 MAY -1 P 3:40

157 Green Street, Suite 2  
Foxboro, MA 02035

May 1, 2019  
To the City Council of Marlborough  
140 Main Street,  
Marlborough Massachusetts 01752

**Re: PETITION FOR GRANT OF LOCATION – FOREST STREET**

Dear Members of the City Council:

On behalf of TC Systems, Inc, a wholly owned subsidiary of AT&T Corp, Giomare Group LLC is hereby requesting from the City of Marlborough, permission to lay, maintain and operate underground conduits, with the cables to be placed therein, under the surface of the following way:

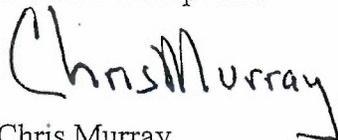
**Forest Street**, from utility pole #24 to Verizon MH #516 for a distance of approximately 65'.

All conduits to be placed at a depth of approximately 36" and in accordance with the requirements of the City's Department of Public Works.

Fourteen (14) sets of plans entitled "TC Systems, Inc. Proposed Conduit Placement Plan Forest Street, Marlborough, MA April 02, 2019" are filed herewith. Your consideration of this petition is greatly appreciated and we look forward to discussing the project with you at the next available public hearing.

Sincerely,

Giomare Group LLC



Chris Murray  
Engineering Manager

# TC SYSTEMS, INC.

A Wholly Owned Subsidiary of  at&t

157 Green Street, Suite 2  
Foxboro, MA 02035

## PETITION FOR GRANT OF LOCATION

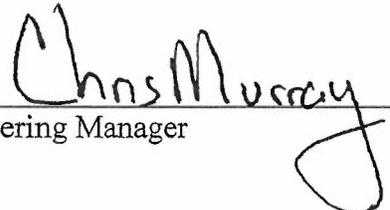
To the City Council of  
Marlborough, Massachusetts

TC Systems, Inc. requests permission to locate underground conduits, structures and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

TC Systems Inc proposes to construct (1) 4" PVC conduit approximately 65' from utility pole #24 to Verizon MH #516 at a depth of approximately 36" on Forest Street, Marlborough.

Location approximately as shown on plan attached entitled "TC Systems, Inc. Proposed Conduit Placement Plan Forest Street, Marlborough, MA April 02, 2019".

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.

BY   
Engineering Manager

®  
TC SYSTEMS, INC.

A Wholly Owned Subsidiary of  at&t

157 Green Street, Suite 2  
Foxboro, MA 02035

TC Systems Inc  
157 Green Street, Suite 2  
Foxboro, MA 02035  
Tel: 508.216.0033  
Fax: 508.216.0068

January 1,  
2019.

To: The Town of Marlborough, Massachusetts

RE: TC Systems, Inc., a Delaware corporation  
Letter of Agency  
On behalf of GioMare Group LLC  
51 Webb Place Dover NH, 03820

To whom it may concern:

On behalf of TC Systems, Inc., a wholly owned subsidiary of AT&T Corp., this letter shall serve as notice that TC Systems has retained the services of GioMare Group LLC (GioMare) to act on behalf of TC Systems in the conduct of various network projects in the New England area.

In that regard, TC Systems hereby authorizes employees of GioMare to act as TC Systems agent in the following capacity: all responsibilities needed to obtain permits, licenses and license agreements, both aerial and underground.

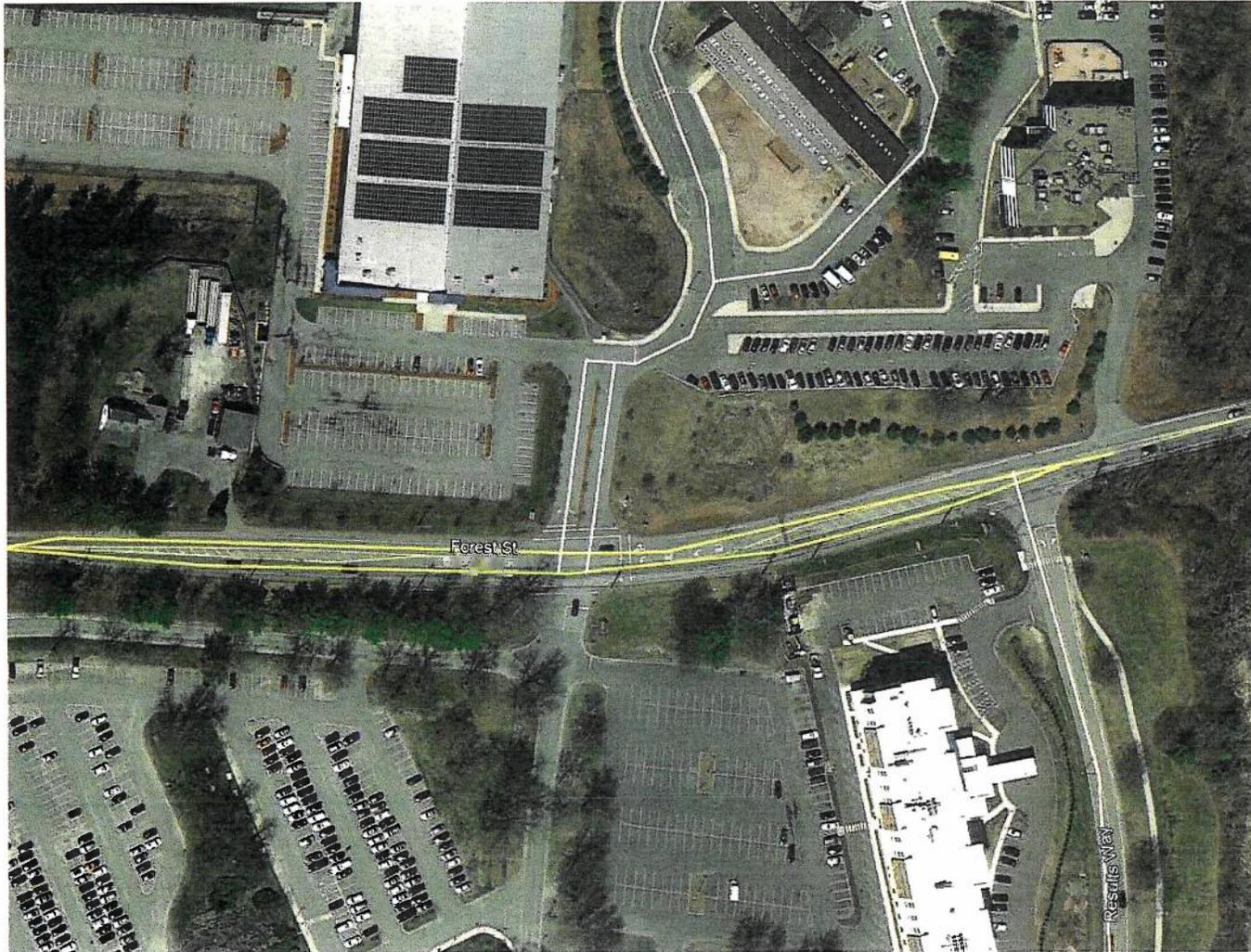
Should you have any concerns regarding this letter of the role GioMare Group, please contact me at (508) 216-0033 or [rs3757@att.com](mailto:rs3757@att.com).

Sincerely,



Richard Solitro  
OSP Manager  
TC Systems, Inc.

TC SYSTEMS INC.  
 PROPOSED CONDUIT PLACEMENT PLAN  
 FOREST STREET, MARLBOROUGH, MA  
 APRIL 02, 2019



PREPARED FOR

**TC SYSTEMS, INC.**

A Wholly Owned Subsidiary of  at&t

157 Green Street, Suite 2  
 Foxboro, MA 02035

SITE INDEX

- 1 - COVER SHEET
- 2 - LEGEND AND NOTES
- 3 - SITE PLAN
- 4 - DETAILS

CONTACTS

NAME: JEREMY LEAVITT  
 COMPANY: GIOMARE GROUP LLC  
 TITLE: OSP PROJECT MANAGER  
 PHONE: 603-970-0077

3				AS-BUILT
2				REVISION # 1
1	4-02-2019	JJL	NMT	ORIGINAL
NO.	DATE	ENG DESIGN	DRAFTING	COMMENT

GIOMARE GROUP, LLC



TELECOM CONSULTING & ENGINEERING

GIOMARE GROUP, LLC ENGINEER: JEREMY LEAVITT  
 CUSTOMER NAME: QUEST DIAGNOSTICS  
 PROJECT NUMBER: 2019-60501  
 LOCATION: 200 FOREST STREET  
 MARLBOROUGH, MA  
 DRAWING NAME: 200 Forest Street, Proposed Conduit Placement Plan  
 CONFIDENTIAL PROPERTY



Call Before You Dig  
 1-888-DIG-SAFE

**LEGEND**

B/P	BEANPOLE		UTILITY POLE	ASW	ASPHALT SIDEWALK
STK /TK	STAKE/TACK		TRAFFIC SIGNAL	BIP	BLACK IRON PIPE
PK	PK NAIL		TRAFFIC MAST ARM	BSP	BLACK STEEL PIPE
SB/DH	STONE BOUND/DRILL HOLE		MAILBOX	CSW	CONCRETE SIDEWALK
FND	FOUND		DECIDUOUS TREE, 4 IN. DIA (TYPICAL)	EOP	EDGE OF PAVEMENT
N/F	NOW OR FORMERLY		BICYCLE RACK	EOTW	EDGE OF TRAVEL WAY
W/	WITH		ABANDONED RECORD	FOC	FACE OF CURB
— X —	FENCE(TYPE)		CONCRETE	HDPE	HIGH DENSITY POLYETHYLENE
==== CLF	CHAIN LINK FENCE		SIDEWALK	HH	HANDHOLE
====	CURBING(TYPE)		HIGH PRESSURE FIRE SERVICE MANHOLE	JB	JUNCTION BOX
BIT CONC	BITUMINOUS CONCRETE		CAST IRON PIPE	MH	MANHOLE
GRAN	GRANITE		POLYVINYL CHLORIDE	MP	MILE POST
	GUARD POST (BOLLARD)		ELECTRIC	O/S	OFFSET
	SIGN		HANDICAP	PVC	POLY VINYL CHLORIDE
	PM		LANDSCAPE TIMBER	RGS	RIGID GALVANIZED STEEL CONDUIT
	GAS HANDHOLE		WATER LINE	ROW	RIGHT OF WAY
	ELECTRIC HANDHOLE		SEWER LINE	STA	STATION
	HANDHOLE		CABLE TELEVISION		
	LIGHT POLE		TELEPHONE LINE		
	DRAIN MANHOLE		ELECTRIC LINE		
	CATCH BASIN		DRAIN LINE		
	GAS GATE		GAS LINE		
	CABLE TELEVISION MANHOLE		COMBINED SEWER LINE		
	ELECTRIC MANHOLE		STEAM LINE		
	SEWER MANHOLE		LEVEL(3)		
	STEAM MANHOLE		RCN		
	TELEPHONE MANHOLE		MCI		
	GAS MANHOLE		MASSACHUSETTS BAY TRANSPORTATION AUTHORITY		
	WATER GATE		EDGE OF PAVEMENT		
	MONITORING WELL		TC SYSTEMS, INC. CONDUITS		
	HYDRANT				
	BOSTON WATER WORKS HANDHOLE				
	TRAFFIC SIGNAL CONTROL CABINET				

PREPARED FOR

**TC SYSTEMS, INC.**

A Wholly Owned Subsidiary of at&t

157 Green Street, Suite 2  
Foxboro, MA 02035

**CONTACTS**

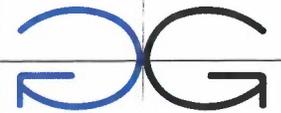
NAME: JEREMY LEAVITT  
COMPANY: GIOMARE GROUP LLC  
TITLE: OSP PROJECT MANAGER  
PHONE: 603-970-0077

**NOTES:**

- SUBSURFACE UTILITY LINES, AS SHOWN HEREON, WERE COMPILED ACCORDING TO AVAILABLE RECORD INFORMATION FROM THE REFERENCED COMPANIES AND PUBLIC AGENCIES, AND THEIR LOCATIONS ARE APPROXIMATE ONLY. ACTUAL LOCATIONS MUST BE DETERMINED IN THE FIELD. GIOMARE GROUP ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN.
- PROPERTY OWNERS AND PARCEL IDENTIFIERS ARE ACCORDING TO THE TOWN OF MARLBOROUGH ASSESSORS ON-LINE PARCEL DATA. [HTTPS://WWW.AXISGIS.COM/MARLBOROUGHMA/](https://www.axisgis.com/marlboroughma/)
- ALL WORK CONFORMED TO TOWN OF NEEDHAM SPECIFICATIONS, AS WELL AS, CONSTRUCTION DETAILS, INCLUDING MATERIALS AND CONSTRUCTION METHODS.
- ALL SURFACE FEATURES WERE RESTORED TO PRE CONSTRUCTION CONDITIONS.

3				AS-BUILT
2				REVISION # 1
1	4-02-2019	JJL	NMT	ORIGINAL
NO.	DATE	ENG DESIGN	DRAFTING	COMMENT

**GIOMARE GROUP, LLC**

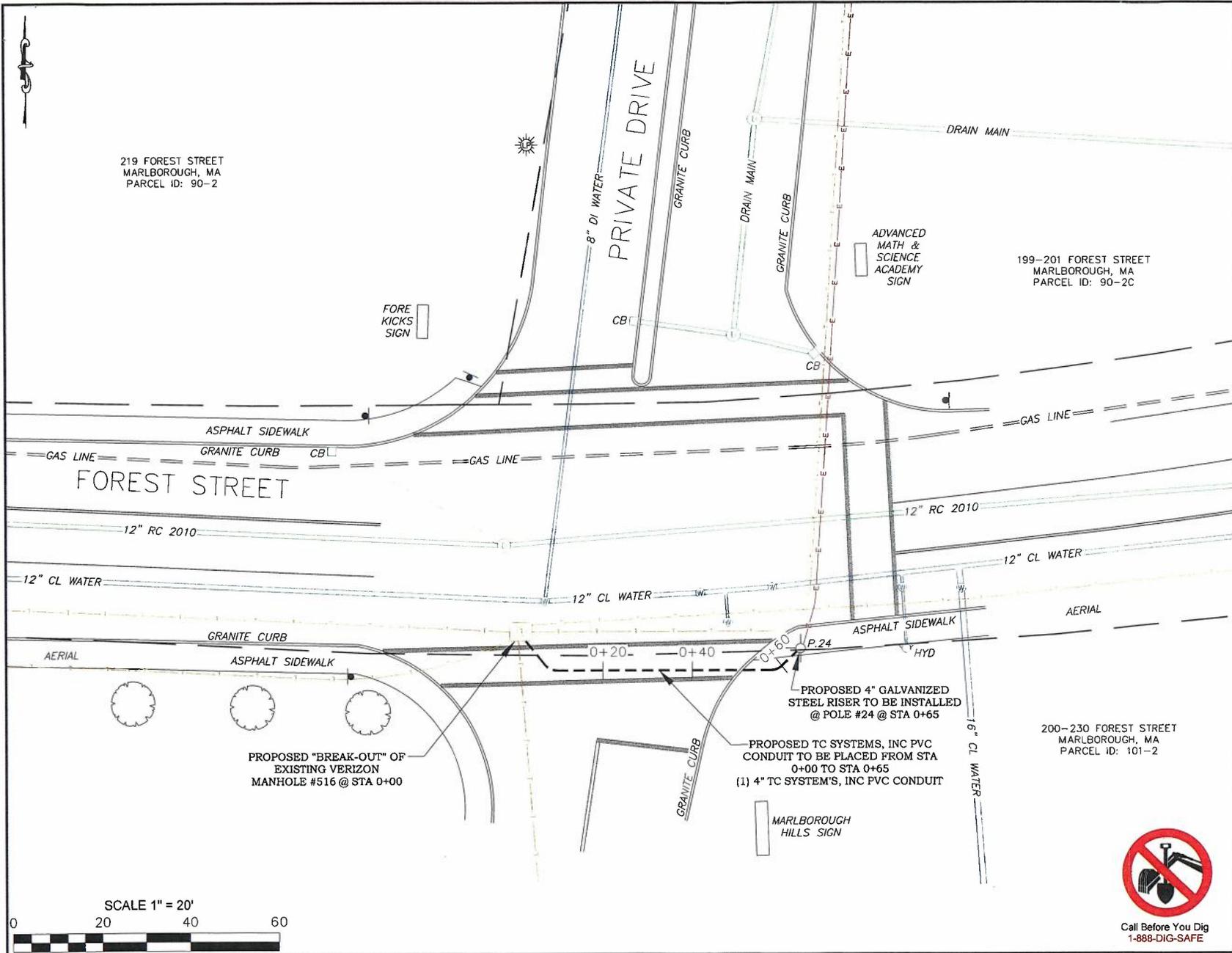


**TELECOM CONSULTING & ENGINEERING**

GIOMARE GROUP, LLC ENGINEER: JEREMY LEAVITT
CUSTOMER NAME: QUEST DIAGNOSTICS
PROJECT NUMBER: 2019-60501
LOCATION: 200 FOREST STREET MARLBOROUGH, MA
DRAWING NAME: 200 Forest Street, Proposed Conduit Placement Plan
CONFIDENTIAL/PROPRIETARY



Call Before You Dig  
1-888-DIG-SAFE



PREPARED FOR  
**TC SYSTEMS, INC.**  
A Wholly Owned Subsidiary of at&t  
157 Green Street, Suite 2  
Foxboro, MA 02035

CONTACTS  
NAME: JEREMY LEAVITT  
COMPANY: GIOMARE GROUP LLC  
TITLE: OSP PROJECT MANAGER  
PHONE: 603-970-0077

3					AS-BUILT
2					REVISION # 1
1	4-02-2019	JUL	NMT		ORIGINAL
NO.	DATE	ENG DESIGN	DRAFTING		COMMENT

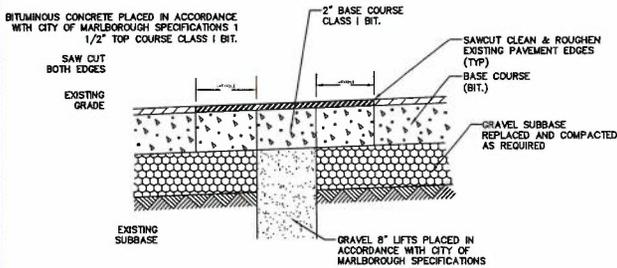
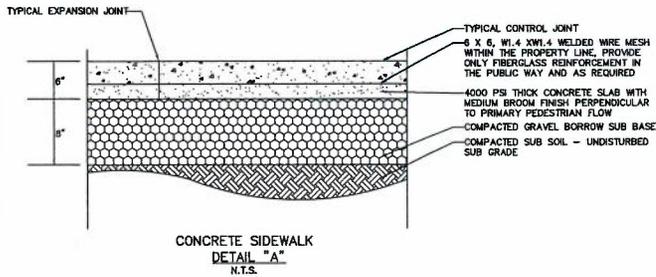
**GIOMARE GROUP, LLC**

TELECOM CONSULTING & ENGINEERING

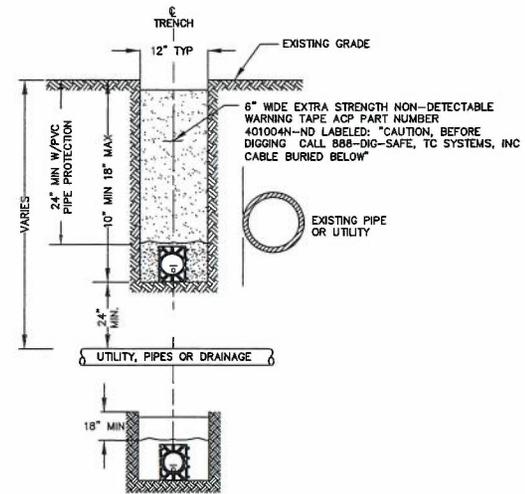
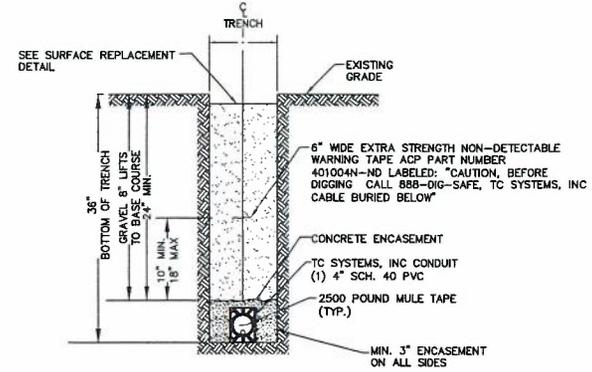
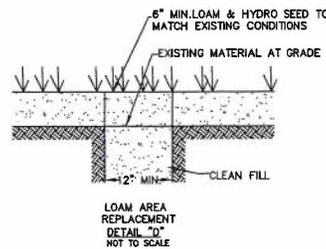
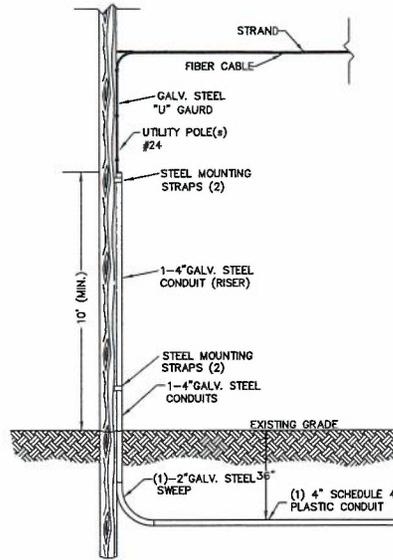
GIOMARE GROUP, LLC ENGINEER: JEREMY LEAVITT  
CUSTOMER NAME: QUEST DIAGNOSTICS  
PROJECT NUMBER: 2019-60501  
LOCATION: 200 FOREST STREET  
MARLBOROUGH, MA  
DRAWING NAME: 200 Forest Street, Proposed Conduit Placement Plan  
CONFIDENTIAL/PROPRIETARY



Call Before You Dig  
1-888-DIG-SAFE



TYPICAL BITUMINOUS CONCRETE  
ROADWAY & DRIVEWAY  
REPLACEMENT  
DETAIL "B"  
N.T.S.



PREPARED FOR

**TC SYSTEMS, INC.**

A Wholly Owned Subsidiary of at&t

157 Green Street, Suite 2  
Foxboro, MA 02035

3				AS-BUILT
2				REVISION # 1
1	4-02-2019	JJL	NMT	ORIGINAL
NO.	DATE	ENG DESIGN	DRAFTING	COMMENT

**GIOMARE GROUP, LLC**



TELECOM CONSULTING & ENGINEERING

GIOMARE GROUP, LLC ENGINEER: JEREMY LEAVITT  
CUSTOMER NAME: QUEST DIAGNOSTICS  
PROJECT NUMBER: 2019-60501  
LOCATION: 200 FOREST STREET  
MARLBOROUGH, MA  
DRAWING NAME: 200 Forest Street, Proposed Conduit Placement Plan  
CONFIDENTIAL/PROPRIETARY



Call Before You Dig  
1-888-DIG-SAFE

**RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH****2019 MAY -2 A 10: 06****Arthur P. Bergeron**  
Mirick O'Connell  
1800 West Park Drive, Suite 400  
Westborough, MA 01581-3926  
abergeron@mirickoconnell.com  
t 508.860.1470  
f 508.463.1385

May 2, 2019

Councilor Edward Clancy, President  
Marlborough City Council  
City Hall  
Marlborough, MA 01752Re: Proposed Zoning Amendment – Section 650-12 (Nonconforming Uses)

Dear Councilor Clancy:

I represent David Skarin, the owner of land located at 19 Ash Street, Assessors Map 43, Parcel 29. On behalf of Mr. Skarin, I respectfully request that the City Council consider amending Section 650-12 of the Zoning Ordinance of the City of Marlborough concerning nonconforming uses, as specified in the attached Proposed Order.

Section 650-12.B governs changes, alterations, and extensions to preexisting nonconforming uses and structures. Section 650-12.B largely tracks the language of M.G.L. c. 40A § 6 except that Section 650-12.B uses the words “provided that” in a key sentence where M.G.L. c. 40A § 6 uses the word “unless.” As a result, a literal reading of Section 650-12.B would preclude changes, alterations, and extensions to nonresidential preexisting nonconforming uses and structures in Marlborough.

Traditionally, Building Commissioners in Marlborough have interpreted Section 650-12.B as allowing changes, alterations, and extensions to preexisting nonconforming uses and structures, essentially reading the words “provided that” to mean “unless” in the context of the other provisions of Section 650-12. This interpretation has been used to allow numerous projects in Marlborough over the years. However, relying on an interpretation rather than clear language in the Zoning Ordinance poses risks to applicants. We believe the City should amend Section 650-12.B for consistency with M.G.L. c. 40A § 6.

The attached Proposed Order would simply change the words “provided that” to “unless” in Section 650-12.B. The change would clarify that the Zoning Ordinance allows changes, alterations, and extensions to preexisting nonconforming uses and structures by special permit, with no need for the Building Commissioner to allow such special permit applications by

MIRICK O'CONNELL

Marlborough City Council  
May 2, 2019  
Page 2

interpretation. This change would have no impact on the recent amendment to Section 650-12 concerning special permits by the Zoning Board of Appeals for preexisting nonconforming single family and two-family dwellings.

In accordance with M.G.L. c. 40A, § 5, Mr. Skarin is the owner of land to be affected by this proposed amendment. Please refer this matter to the Planning Board and take the appropriate steps for review by the City Council.

Very truly yours,



Arthur P. Bergeron

APB/

Encl.

cc: Client  
Brian R. Falk, Esq.

## PROPOSED CITY COUNCIL ORDER

### ORDERED:

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by amending certain provisions of (new text underlined, deleted text in strikethrough):

§ 650-12 Nonconforming uses.

- A. No building or other structure nor any land shall be used nor shall any building or other structure or part thereof be erected or altered except in conformity with the provisions of this chapter and any amendments thereof which apply to the district in which the building, structure or premises shall be located; provided, however, that this chapter shall not apply to the existing use of any building or structure or of land to the extent to which it was lawfully used at the time of the adoption of this chapter.
  
- B. This chapter shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent, ~~provided that~~ unless the City Council determines, by the grant of a special permit, that expansion or alteration of a nonconforming use or structure is not substantially more detrimental to the neighborhood than the existing nonconforming use, 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), and subject, however, to the following provisions:
  - (1) Such use has not been abandoned for a period of two years or more, except in the case of land used for agriculture, horticulture or floriculture for a period of less than five years.
  - (2) Such use is not enlarged to more than 25% of the floor and ground areas of use existing at the time of adoption of the original Zoning Ordinance, or any amendments thereto, except than any nonconforming farm may be enlarged up to the total area owned by the nonconforming farmer at the time of adoption of this chapter, and there shall be no limit as to the expansion of farm buildings.
  - (3) In case the use is destroyed or damaged by fire, explosion or other catastrophe to not greater than 75% of the fair market value of the building or structure, exclusive of foundation, based upon replacement cost immediately prior to such damage, the structure or use may be restored or rebuilt at the same location and used as previously, provided that:

- (a) The building, structure or use of land as restored or rebuilt shall be no greater in floor or land area than the maximum permitted under Subsection B(3)(b) of this section.
- (b) The restoration or rebuilding shall conform to this chapter so far as practicable and shall be completed within two years of the catastrophe, unless approved by the City Council in writing in accordance with Article VIII.
- (4) The building or structure is completed if a permit for construction was granted prior to the adoption of this chapter and construction is accomplished within two years after the date of adoption of this chapter.
- (5) The provisions of the above Subsection B(1), (2) and (4) shall not apply to a single-family dwelling.

ADOPTED  
In City Council  
Order No. 19-

Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



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

## Call to Order

April 9, 2019

1. Mrs. Bodin-Hettinger called the regular meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Mrs. Matthews, Mrs. Ryan, Mrs. Hennessy and Mr. Geary. Chairman Vigeant joined the meeting at 8:00.

Superintendent Michael Bergeron, Assistant Superintendent of Teaching and Learning, Mary Murphy, Director of Finance and Operations Douglas Dias were also present.

In attendance were Student Representative Timothy Goliger and Administrative Support Christine Martinelli.

This meeting was recorded by local cable WMCT-TV and is available for review.

2. **Pledge of Allegiance:** Mrs. Bodin-Hettinger led the Pledge of Allegiance.
3. **Presentation: None**
4. **Committee Discussion/Directives**
  - A. **Order of Business Discussion** – Mrs. Hennessy informed the SC members that the Policy Subcommittee is looking for input to discuss changes that need to be made to Policy #2.442 *Order of Business*. This policy was previously re-approved at the January 22, 2019 School Committee meeting, however, Mrs. Hennessy explained that in ongoing review and discussions of policies by the Subcommittee, they realized *Committee Discussions/Directives* was in an awkward placement, regarding the Superintendent's Report, Public Participation and Action Items/Reports. She asked the committee to review this and when the policy on *Committee Discussions and Directives* is brought forward, they will also bring back the order of business to discuss for changes.
5. **Communications: None**

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



# Marlborough Public Schools

---

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

## 6. Superintendents Report

**West Side Story:** Superintendent attended one of the West Side Show presentations over the weekend and praised all the hard work of the actors, musicians, set producers and behind the scenes workers, who put on an amazing show. He also thanked the countless volunteers who helped make it all come together. Student Representative, Timothy Goliger, who played Tony in West Side Story, shared with the committee how honored he was to have worked with everyone involved with the show and especially its positive message of acceptance.

**Art Show:** Superintendent Bergeron thanked Julie Baker and the entire Art team for working hard and transforming Whitcomb School into a gallery of artwork. This event allowed the whole community to walk through and see the creativity and imagination of the students through their artwork.

**Workshop:** Two dates for follow-up workshops have been suggested, May 21 and August 6, and will be scheduled after confirmation from Ms. Pressler. Mrs. Bodin-Hettinger informed the Superintendent that Ms. Pressler was available and holding both dates for them.

**Special Recognition:** Whitcomb student, Ella Hobin, was recognized for outstanding achievement for earning first place in the Will McDonough writing contest. Ella was awarded first place in the entire state for 6<sup>th</sup> graders. Ella addressed the committee briefly, sharing that her essay was about Aly Raisman and her public battle to combat sexual harassment and how she's making the gymnastics world safer for gymnasts like herself. After, Mrs. Bodin-Hettinger suggested her essay be put on the MPS website.

**Reminder** – April Vacation is April 15 through April 19.

**Reminder** – April 27 is annual Project Clean Sweep, from 9 am to 12 pm.

**Reminder** – May 3 is Special Olympics, Bowditch Field in Framingham, 10 am to 1 pm.

**Reminder** – May 1 is Day on the Hill. If you would like to attend, contact Patty Sibilio in the Superintendent's office.

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

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*



# Marlborough Public Schools

---

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

Last, the Superintendent was happy to report that with unexpected funds coming back to the district, the communications position can be funded for next year.

Superintendent Bergeron's complete report can be found on the MPS website in the School Committee meeting of April 9, 2019; Superintendent's Report.

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

**Music in Our Schools and National Youth Art Month at the Early Childhood Center** - Monday, March 11, was the kick off celebration of National Youth Art Month. Supervisor of Visual Arts, Julie Baker, planned an exciting day of art at the Early Childhood Center. All preschool students had an opportunity to explore a variety of art processes at five different Creation Stations. The following week, for 3 days, Supervisor of Music Jonathan Rosenthal taught students new songs, poems and rhymes that helped foster the natural wonder and joy in the students. Parents were invited to join students on the final day for an Art Show and musical demonstration.

**Civic-Related Events** – on April 1-3, approximately 190 sophomores in Civics/US History I classes went to the Edward M. Kennedy Institute in Boston. They participated in a Senate Immersion Module, playing the role of a senator and participating in various subcommittees. This gave them the opportunity to build on what they learned about the branches of government in Civics and apply their speaking and listening skills.

On April 5, Marlborough High sophomores Jack Badavas and Eli Plummer, accompanied by history teacher Sean Mahoney, participated in this year's annual Student Government Day at the State House in Boston. Along with student delegates from around the Commonwealth, they participated in a variety of activities to learn about the government.

**Closing the Achievement Gap** - Approximately 65 administrator and teachers participated in 3 two-hour sessions focused on addressing the achievement gap. From December 2018 – March 2019, Dr. Paul Ash led these sessions, focusing on proven strategies that have increased student achievement. The participants continued meeting at each of their schools over the three months, studying data and identifying current strategies that are working and those that are not.

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

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*



# Marlborough Public Schools

---

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

**Restructuring RTI to Meet All Learners** - Last summer Mrs. Murphy and Superintendent Bergeron attended the Massachusetts Superintendent's Executive Conference. They attended sessions on restructuring RTI. In December, Mrs. Murphy and four MPS administrators attended a two-day training regarding this RTI model. The goal is for 90% of all our students to reach benchmark by the end of the first grade.

All three elementary schools are currently piloting a grade-level RTI cycle in kindergarten. For one hour a day, students are assigned to these flexible instructional classes. Some of the next steps towards this model will be collecting data to measure growth and hosting a two-day training in June. It is the district's plan to continue this model into first grade.

Mrs. Murphy's complete report can be found on the MPS website in the School Committee meeting of April 9, 2019; Assistant Superintendent of Teaching and Learning Report.

Timothy Goliger asked Mrs. Murphy how restructuring RTI would affect Elementary School teachers.

## 7. Acceptance of Minutes:

### A. Minutes of March 26, 2019 School Committee Meeting

Motion was made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger, to approve as amended, the minutes of the March 26, 2019 School Committee meeting.  
Motion passed 5-0-0.

## 8. Public Participation: None

## 9. Action Items/Reports:

### A. Business Professionals of America National Leadership Conference

Jayne Haley, Advisor of Business Professional of America and teacher at MHS, asked the School Committee to approve three MHS Business Professionals of America students to compete at the BPA National Leadership Conference, May 1-5, 2019 in Anaheim, California. She also read the list of BPA participants in the State Leadership Conference. The list of names and awards can be found in the April 9, 2019 School Committee Packet; Agenda Item #9A. A motion was made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger, to approve the BPA National Leadership Conference for 3 students and 2 chaperones.  
Motion passed 5-0-0.

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



# Marlborough Public Schools

---

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

## **B. New MHS Scholarship**

Superintendent Bergeron asked that the School Committee approve the Walker Development & Construction Management offer of an annual award of \$1,000 to a graduating MHS senior pursuing the field of Business with Entrepreneurial interests.

A motion was made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger, to approve with gratitude the new MHS Scholarship from Walker Development & Construction.

Motion passed 5-0-0.

## **C. Marlborough School Administrative Office Support Association Collective Bargaining Agreement July 1, 2018 - June 30, 2021**

Superintendent Bergeron explained the Memorandum of Understanding has already been signed by the School Committee and the Administrative Office Support Association. He presented the Collective Bargaining Agreement that also needs to be signed by the negotiation subcommittee members and the Mayor. There is no action or vote on this.

## **D. Marlborough Behavior Technicians Collective Bargaining Agreement July 1, 2018 – June 30, 2021**

This also is a Memorandum of Understanding and has already been signed by the School Committee and the Behavior Technicians Association. Superintendent Bergeron also passed this to be signed. There is no action or vote on this.

## **E. Approval of Contract for Food Service Management Company**

Doug Dias, Director of Finance and Operations is recommending the School Committee approve awarding the FSMC 5-year contract to Aramark. Mrs. Matthews commented it was nice to see a new name in the bidding for the FSMC. Mrs. Hennessy discussed one of the ideas the subcommittee discussed, specifically what to do with the extra food left over and how it can be used to help our student population and not let it go to waste. Timothy Goliger recalled an article he read about a school that freezes their leftover cafeteria food for students who need a meal.

A motion was made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger, to approve awarding the FSMC, with one year and four renewable year options contract, to Aramark.

Motion passed 5-0-0.

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

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*



# Marlborough Public Schools

---

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

## F. Acceptance of Donations and Gifts

**Donor's Choose, Maker Space Classroom** donation of \$406.16 in merchandise to Whitcomb School, Mrs. Hall's classroom. A motion was made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger, to accept with gratitude the donation from Donor's Choose.  
Motion passed 5-0-0.

**Hannaford Supermarket's** made donations of \$81.00 to Whitcomb School, \$138.00 to Kane Elementary School, \$213.00 to Marlborough High School and \$180.00 to Richer Elementary School, with all donations going to student activities. A motion was made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger, to accept with gratitude the donations from Hannaford Supermarket.  
Motion passed 5-0-0.

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

Mrs. Matthews reported that negotiations are continuing with the Custodians Association and additional dates have been set.

## 11. Members' Forum:

Mrs. Hennessy congratulated the students who participated in the Massachusetts Instrumental and Choral Conductors Association (MICCA) and their great presentation. In addition, she wanted to inform the committee that the Senior All-Nighter offers many fun ways you can support the event, Flamingo Flocking and Senior Signs, being just two ways to support this event.

Mrs. Matthews has reviewed the warrant and will sign it.

Timothy Goliger shared some MHS updates; spring sports have started, the Music Department leaves for their trip to DC this Friday, April 12-16, where they will perform and compete against other schools from the nation, April 23 is the spring concert with all MHS ensembles performing, and May 3 is All City Jazz Night.

Marlborough Education Foundation is having a 5K Road Race on Sunday, April 28, to raise money for MPS.

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

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*



# Marlborough Public Schools

---

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

**12. Adjournment:**

Motion made by Chairman Vigeant, seconded by Mrs. Bodin-Hettinger to adjourn at 8:05pm.

Motion passed 6-0-0.

Respectfully submitted,

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

Heidi Matthews  
Secretary, Marlborough School Committee

HM/cm

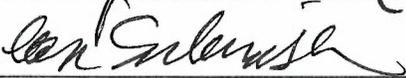
Approved April 23, 2019

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

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
CITY OF MARLBOROUGH BOARD OF ASSESSORS  
MEETING MINUTES: April 17, 2019  
2019 MAY -1 A 11:53

1. CALL TO ORDER: 9:00 am
2. MEMBERS PRESENT: Anthony Arruda, Ellen Silverstein, David Manzello  
Also in Attendance: Jonathan Frank, Nathaniel Cramer, Regional Assessors, Paula Murphy, Head Clerk
3. MOTION TO ACCEPT: Minutes of the April 3, 2019 meeting: Mr. Arruda, second Ms. Silverstein  
Vote 2-0
4. APPROVE & SIGN: State Tax Form 3ABC for Philadelphia Pentecostal Church
5. DISCUSS & VOTE: Commercial Real Estate Abatement Applications: 135-175 Ames St, 21 Austen Way, 41, 342 Boston Post Rd East, 33, 219-237 Boston Post Rd West, 65 Cedar Hill St, 87 Chestnut St, 627 Donald J Lynch Blvd, 82 Florence St, 170 Forest St, 31-35 Main St, 410 Maple St, 19 Northboro Rd East, 162 Pleasant St, 75 South Bolton St  
Motion to Deny: Mr. Arruda, second Ms. Silverstein  
Vote: 3-0
6. DISCUSS & VOTE: Commercial Real Estate Abatement Applications: 0 Boston Post Rd East ( 61-14), 67 Forest St, 876 Donald J Lynch Blvd, 2-4 Main St, 207 Main St units 5&6  
Motion to Grant: Mr. Arruda, second Ms. Silverstein  
Vote: 3-0
7. MOTION TO CONCLUDE – Mr. Arruda, second Ms. Silverstein  
Meeting Adjourned – 10:15 am

  
\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 APR 29 A 11:05

## **BOH MEETING MINUTES –3-4-19**

Attending

Joseph Tennyson, MD, Chair

Jim Griffin, Vice Chair

Robin Williams, Member

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

**Meeting called to order 6:30 pm**

### **REVIEW OF MEETING MINUTES**

February minutes were reviewed and accepted with amendments to Tina Nolin's last name and the addition of the names of the two guests at the meeting. Motion: Vice Chair Griffin/Second: Chair Tennyson

### **ADMINISTRATIVE**

### **BOARD BUSINESS**

#### **Special Commission Report Bill**

Member Williams discussed the importance of the Special Commission Report Bill to the Director and the Board.

### **PUBLIC HEALTH ISSUES**

#### **Norovirus Outbreaks**

Director Liberty updated the Board that there has been two facilities that had Norovirus outbreaks. The Board continued to discuss the issue of contracting Norovirus.

### **MONTHLY REPORTS**

- **Nurse's Report**

Director Liberty submitted the Public Health Nurse's report and accepted to be placed on file. Director Liberty also discussed with the board contents of the report.

- **Sanitarians' Reports**

Presented by Director Liberty - reports were submitted and accepted to be placed on file.

### **OTHER BUSINESS UNKNOWN AT TIME OF POSTING**

**ADJOURN**

Motion – to adjourn the meeting at 7:01 PM – Vice Chair, Griffin

Second – Member, Williams

**Next Board of Health meeting will be on Monday, April 8, 2019.**

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

\_\_\_\_\_  
April 8, 2019

Dated

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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 APR 29 A 11:05

**Minutes of the Licensing Board Meeting Held Wednesday, March 27, 2019**  
at 7:30 pm, City Hall, 1<sup>st</sup> floor, Council Committee Room

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

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

**New Business**

**1. ONE DAY PERMITS**

• **Masonic/Jacobs Hall – 8 Newton St. (7)**

Member Mitrakas motioned to table no representative present, seconded Member Bouvier Board vote: 3-0 approved

**2. Application for Transfer of All Alcohol Package Store License and Pledge Westside Convenience, 505 Boston Post Road W**

Matthew Porter, Atty and Hinaben Patel applicant present

Public meeting opened: 7:31

Matthew Porter presented the application which was a transfer of an all alcohol package store license from Zuriel LLC to Vivan Corporation, with Hinaben Patel as manager. The store DBA will remain Westside Convenience and no additional changes are planned.

No other comments for or in opposition, no questions

Public meeting closed: 7:34

Member Bouvier motioned for approval of the transfer of license, with Hinaben Patel as manager and of the pledge, seconded Member Mitrakas, Board vote: 3-0 approved

**3. Application Change of Manager – 110 Grill AC Marlborough LLC, 115 Apex Drive**

Items tabled until April Meeting

**4. Application Change of Category of License from Wine and Malt Beverages License to an All Alcohol On Premise Pouring License – Labaredas Churrasco & Buffet, 500 Boston Post Road E - Ronny Santos presented application**

Public Meeting Open 7:36 pm  
Ronny Santos Presented, application

No other comments for or in opposition, no questions

Public meeting closed: 7:41

Member Mitrakas motioned for approval of change of category license application, seconded Member Bouvier, Board vote: 3-0 approved

**5. Status Report from Allora Ristorante License Holder – 139 Lakeside Ave.**

\*\* Member Mitrakas abstained from the Allora proceedings and all voting related to this agenda item.

Attended: Doug Rowe, Esq. on behalf of Allora Ristorante; Robert Dionisi, Esq. on behalf of the landlord at 139 Lakeside Ave.; Jeremy Breazzano, Breazzano Properties Corporation, Landlord of 139 Lakeside Ave.

Attorney Rowe presented to the Board correspondence between himself and Attorney Dionisi in which Allora Ristorante agreed to surrender the license to the Licensing Board, thus giving back to the city. Attorney Dionisi spoke to recommend that the Board accept the surrendered license and cancel it. Board Chairman Walter Bonin agreed that Attorney Dionisi's suggestion seemed appropriate and would allow for a new license to be applied for on that property and would be in keeping with the Licensing Board's interest in moving such process along as quickly as possible.

Member Bouvier motioned for the Board to accept the surrender of the Allora Ristorante All Alcohol Liquor License, located at 139 Lakeside Ave. and to cancel the license. Chairman Bonin seconded. Board vote was 2 – 0 in favor of the motion with Member Mitrakas abstaining.

**6. Discussion of plans for package store all alcohol license - Kennedy's Market, 247 Maple St.**

Julie Kennedy, David Kennedy and Michael Kennedy attended and presented their idea for expanding their current restaurant liquor license to their outdoor deck and wanted to know what they needed to do regarding changing their license.

After a discussion about the plans they were told to fill out the Change of Premise application via the ABCC and present it to the Board when ready.

**7. Reports from Chairman –**

• **Class 2 licensing process/zoning change**

Chairman Bonin reported that he had met with City Council President Ed Clancy and Building Commissioner Jeff Cooke to go over the licensing procedure for car dealerships and see if a final process could be agreed upon. They have one more meeting coming up in the near future.

• **Westender**

Chairman Bonin reported getting several unsigned complaints against the Westender. After some discussion Member Bouvier motioned to accept and place the

correspondence on file, Member Mitrakas seconded, Vote: 3-0 in favor of accepting and placing the correspondence on file.

**8. Misc. Correspondence and Open Issues**

- There were no correspondence and open issues

**9. Review minutes –**

February 11, 2019 special meeting

February 27, 2019 meeting

March 21, 2019 special meeting

Member Mitrakas motioned to approve the meeting minutes for February 11<sup>th</sup> and March 21<sup>st</sup> and place on file and to accept as amended the minutes from February 27<sup>th</sup>, Member Bouvier seconded the motion; Board vote: 3 – 0 in favor of the acceptance of the minutes motion.

Member Bouvier motioned to adjourn the meeting at 8:25 pm. Member Mitrakas seconded; Board vote: 3-0 to adjourn the meeting.

The next meeting of the Licensing Board is Wednesday, April 24, 2019.

Respectfully submitted,



Walter Bonin, Chairman

2019 APR 26 A 9:53



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

**Traffic Commission Minutes**

The Regular Meeting of the Traffic Commission was held on Wednesday, March 27, 2019 at 10:00 am in Memorial Hall, 3<sup>rd</sup> Floor, City Hall. Members present: Chairman - Police Chief David Giorgi, DPW Commissioner John Ghiloni and Acting City Clerk Steve Kerrigan. Also present: Assistant City Engineer Tim Collins, City Councilor Katie Robey, City Councilor Christian Dumais and Sgt. Dan Campbell – MPD Traffic Services Unit. Minutes taken by Karen Lambert, MPD Records Clerk.

**1- Minutes**

The minutes of the Traffic Commission meeting of Wednesday, February 27, 2019.

MOTION was made, seconded, duly VOTED:

TO APPROVE – All in Favor - Accept and Place on File.

**2 - New Business**

**2a) Suggestions re: Parking on Short Street, Request for Left Turn Arrow @ Bolton Street & Lincoln Street, Request for Traffic Lights at intersection of Bolton Street & Reservoir Street.**

- 1) **Short Street** – Resident requesting that parking be restricted to one side as was done on Brimsmead Street. During the winter snowbanks narrow the roadway even more and it is difficult to get by when cars are parked on both sides.

Tim Collins passed out an aerial photo of the area with the pavement widths noted on different sections of Short Street. One section is 22 feet wide, one is 24 feet wide and two sections are 30 feet wide. There should be enough room to get by other parked cars. If snow banks are causing the issue, someone should call the city to advise so something can be done.

Chief Giorgi asked if cars can get by on the 22ft. wide section when cars are parked on both sides. Mr. Collins said yes, 1 car at a time can get through. He said that Short Street is not as busy as Brimsmead and the problem seems to be more of a winter issue with snow not being pushed back far enough. He can mention this to the plowing foreman for next year.

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

- 2) **Bolton & Lincoln** – Resident is requesting a left turn arrow on the corner of Bolton St. and Lincoln St. to allow cars on Bolton St. to have a few seconds to turn left onto Lincoln Street.

Tim Collins passed out a diagram of the traffic signal timing at this intersection and reviewed how the process works. He recently went out to study the intersection and spent an hour there observing. Currently the left turn does not have a “permissive movement”. Cars turning left have to wait their turn. When watching the intersection, he did note that there is a short time lapse when cars first get the green and movement forward so sometimes only 2 to 3 cars can make it through but there were plenty of cases when all the cars got through. During the hour that he was there no one had to wait through two light cycles.

Mr. Collins said that if we added a left turn sequence to the queue, the Bolton Street queue would then get held up which would be even worse. If you take time away from the other turn the backups would happen more. Sometimes with queued traffic you just have to wait your turn.

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

- 3) **Bolton & Reservoir** – Resident is requesting a traffic light at the intersection of Bolton Street and Reservoir Street. When traffic is heavy on Bolton it can be difficult to make a left turn at this intersection.

Tim Collins passed out a list of the 9 requirements, i.e. warrants, for a signalized intersection for review and discussion. The warrants refer to such things as 8-hour volume, 4-hour volume, peak hour volume, pedestrian volume etc. He noted that this intersection does not meet the volume requirements, mainly due to the volume on the “minor street”, Reservoir Street. If Reservoir was busier it could be a different scenario.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE. Chief Giorgi advised that we would also contact the resident and explain the discussion.

### 3-Old Business

#### 3a) **Request for Parking Ban Exception on Monument Ave.**

**Update:** Tim Collins advised they are still working on this issue. The residents at Lot #26 are not responding to the City’s requests. This may be best to table until next winter as it is really a winter parking ban issue.

MOTION was made, seconded, duly VOTED to TABLE.

**3b) Public safety issue at the Apex Center.**

**Update:** Chief Giorgi advised that these safety issues were discussed at Site Plan and all agreed (including Representatives from the Apex Center) to meet again in the Spring when all the snow is gone. There were many punch list items that still needed to be addressed.

MOTION was made, seconded, duly VOTED to TABLE.

**3c) Request for a crosswalk at John Street and Maple Street.**

**Update:** Tim Collins passed out a diagram of the “draft plan” for this area for review. The proposed island at the intersection will help by making a gap in traffic. The Traffic Commission can either write up something now with regard to crosswalks or wait until construction is done.

MOTION was made, seconded, duly VOTED to TABLE until construction is complete.

*Chief Giorgi asked to suspend the rules to discuss an additional item not on the agenda.*

**Parking issues on Howland Street**

Chief Giorgi passed out an email from Councilor Irish. The issues stem from allowing parking on both sides of the street. Residents have complained that large trucks have difficulty navigating the roadway with cars parked on both sides. This causes problems with home delivery of oversized items, trash and recycling pickup and concerns with emergency access being hindered. Residents would like to see traffic restricted to one side.

Commissioner Ghiloni advised that we have looked at this issue before. Tim Collins said that if remembers correctly, there was a 50-50 split with the number of spaces available on each side. The houses are close together and are mainly 2-3 family homes. The driveways are narrow and it is hard for residents to get out when the cars are stacked. This is why people use the street for parking. He can go out again and see how many cars seem to be parking there during the day. He said it is the same issue on Newton Street. Before the street was reconstructed there was more room to park. Now there is granite curbing on both sides which makes the roadway narrower.

Chief Giorgi asked if there were issues reported to the City on trash pick-up. Commissioner Ghiloni said that he is not aware of any issues.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to review and to the POLICE DEPARTMENT for enforcement.

Chief Giorgi asked if the Councilors had any additional items they would like to discuss. They mentioned:

**Parking Issues on Fairmont Street** – Councilor Dumais mentioned cars parking on the roadway, same issue of multi-family homes with residents parking on the street and also a No Parking sign that is missing which needs to be replaced. Tim Collins said he would take care of the missing sign.

**Parking Issues on Lincoln Street and Mechanic Street** – Councilor Robey mentioned similar issues in this area. Also, cars often park right up to the corner which makes turning onto Mechanic Street very difficult.

Tim Collins said that there are actually No Parking Signs here, however, they fall under the building canopy and that maybe people don't see the signs. It seems to be more of an enforcement issue. Sgt. Campbell will continue to monitor this area.

MOTION was made, seconded, duly VOTED to REFER to the TRAFFIC SERVICES UNIT of the POLICE DEPARTMENT for parking enforcement issues.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:25 am.

Respectfully submitted,

Karen L. Lambert  
Records Clerk  
Marlborough Police Department

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

- City of Marlborough Meeting Posting for Traffic Commission Meeting on Wednesday, March 27, 2019, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, February 27, 2019.
  
- Email from Barbara Nahoumi to Chief Giorgi, dated 3/11/19, re: Traffic Commission Suggestions.

**Additional Handouts:**

- Aerial photo of Short Street with width of roadway at different sections noted.
- Diagram of Traffic Signal Timing at Bolton Street & Lincoln Street.
- List of Traffic Signal Warrants for a signalized intersection.
- Diagram of intersection of Rte. 85, John Street and Maple Street – noted as “Draft Plan for Review 3-27-19”/
- Email from Councilor Irish to Chief Giorgi, dated 3/24/19, Re: Howland St./Parking.