

REGULAR MEETING
AUGUST 26, 2019
TIME: 8:00 PM

IN CITY COUNCIL
ABSENT
LOCATION: CITY HALL, 140 MAIN STREET, 2ND FLOOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 AUG 22 P 2:00

1. Minutes, City Council Meeting, July 22, 2019.
2. PUBLIC HEARING On the Petition from Massachusetts Electric and Verizon New England, to install a new Pole 8-5 at 150 Hayes Memorial Drive to service a new customer, Order No. 19-1007739.
3. PUBLIC HEARING On the Proposed Zoning Amendment as revised to Chapter 650 §12, Nonconforming Uses, Order No. 19-1007673B.
4. PUBLIC HEARING On the Proposed Zoning Map Amendment from Attorney Michael Norris on behalf of Renato Fontes, re: Rezoning of land off 269 Mechanic Street identified as Map 56, Parcel 125, Order No. 19-1007738.
5. Communication from the Mayor, re: Proposed increase in spending limit for the Parks & Recreation Revolving Fund for FY20 to \$800,000.00.
6. Communication from the Mayor, re: Transfer Request in the amount of \$30,000.00 from PEG Funds to Marlboro Cable Trust, to fund capital equipment purchases for WMCT.
7. Communication from the Mayor, re: Gift Acceptance in the amount of \$1,000.00 from DuPont Electronics & Imaging (formerly Dow Chemical Company) for the Conservation Maintenance Fund to support the annual Project Clean Sweep and other beautification efforts within the city.
8. Communication from the Mayor, re: Grant Acceptance in the amount of \$898.00 from FM Global Foundation awarded to the Fire Department to fund the purchase of two digital cameras for the Fire Investigation Unit.
9. Communication from the Mayor, re: Appointment of Nathan Boudreau to the position of Executive Aide to the Mayor, effective August 12, 2019.
10. Communication from the Mayor, re: Appointment of Jason (Jay) Piques to the position of Assistant City Solicitor for a term of three years effective on date of confirmation.
11. Communication from City Solicitor, Jason Grossfield, re: Proposed Grant of Easement to MA Electric for service to Marlborough High School, 431 Bolton Street, in proper legal form, Order No. 19-1007736.
12. Communication from City Solicitor, Jason Grossfield, re: Proposed License for Outdoor Seating requested by David Richardson of Flying Dreams Brewing Co., 277 Main Street in proper legal form, Order No. 19-1007737.
13. Communication from City Solicitor, Jason Grossfield on behalf of Councilor Delano, re: Proposed Zoning Amendment relative to the definition of Home Office/Home Occupation.

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.

14. Communication from Police Chief, David Giorgi, re: Detail officers pursuant to Special Permit condition for Garden Remedies, 416 Boston Post Road East, Order No. 18-1007318E.
15. Communication from DPW Commissioner John Ghiloni, re: Proposed Order relative to amending the purchase price for the acquisition of 49 West Main Street, Order No. 18-1007366A.
16. Application for Special Permit from Nicholas Masso of Indo Laboratories, to operate an independent Marijuana Testing Laboratory at 257 Simarano Drive.
17. Application for Fuel Storage License, Ambri, Inc., 53 Brigham Street.
18. Application for a Livery License from Snold Benjamin d/b/a Ben Transportation, to operate at 98 Bolton Street.
19. Communication from Central MA Mosquito Control Project re: Personnel being in the area responding to residents' concerns about mosquitos on various dates in September & October 2019.
20. Communication from Attorney Geoffrey Smith on behalf of Heritage Farm, LLC re: Notice pursuant to MGL, c 61A, §14 of intent to sell land and convert use, 339 Boston Post Road East, identified as Parcels 72-35, 73-26A, 73-28, 73-24 & 73-26 **(Document available for viewing in the Clerk's Office)**.
21. Application for Special Permit from Post Road Realty, LLC to construct a multi-family residential project known as the Green District in the Executive Residential Overlay District (EROD) which will consist of 475 units in two buildings at 107 Simarano Drive, Map 116, Parcels 5, 11 & 12 **(Materials and Plans are on file in the City Clerk's Office)**.
22. Application for Site Plan Approval from Post Road Realty, LLC for The Green District project to be built in the Executive Residential Overlay District (EROD), at 107 Simarano Drive **(Materials and Plans are on file in the Clerk's Office)**.
23. Communication from Pam Allinson, re: Dog Park in the City of Marlborough.
24. Minutes, Board of Health, April 8, 2019 & June 26, 2019.
25. Minutes, Conservation Commission, June 20, 2019.
26. Minutes, Historical Commission, June 6, 2019 & July 25, 2019.
27. Minutes, License Board, May 22, 2019, June 20, 2019 & June 26, 2019.
28. Minutes, Planning Board, June 17, 2019
29. Minutes, Traffic Commission, May 25, 2019 & June 26, 2019.
30. CLAIMS:
 - a) Audrey Allen, 41 Village Drive, pothole or other road defect.
 - b) Donald Avey, 103 Bolton Street, other property damage and/or personal injury.
 - c) Richard Girardi, 59 Francis Street, pothole or other road defect.

REPORTS OF COMMITTEES:

31. ORDERED: That Marlborough Police Chief David Giorgi discuss the city's contract with Critter Control and the department's Policy and Operating Procedures for Animal Control with the Operations and Oversight Committee in light of recent communications from residents about animals that have been found roaming the city.Submitted by Councilor Robey.

UNFINISHED BUSINESS:



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 JUL 30 A 7:55

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

JULY 22, 2019

Regular meeting of the City Council held on Monday, July 22, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juare, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 10:12 PM.

ORDERED: That the Mayor and Council President now present the City Scholarship Awards to the following students, **FILE**; adopted.

Brian Boxell
Advanced Math & Science Academy

Ashley LeConti
Assabet Valley Regional Technical High School

Andy Bonilla
Marlborough High School

Michael O'Donnell
Marlborough High School

Jack Tobin
Marlborough High School

ORDERED: That the Minutes of the City Council meeting, June 17, 2019 **FILE**; adopted.

Motion made by Councilor Ossing to move the Communication from the Mayor, re: New and Promoted Officers of the Police Department up on the agenda, **APPROVED**; adopted.

ORDERED: That the Communication from the Mayor, re: New and Promoted Officers of the Marlborough Police Department, **FILE**; adopted.

At this time President Clancy introduced the New and Promoted Officers present, they were Lieutenant Daniel Campbell, Sargent James O'Malley, Officer Kyle Skagerlind, and Officer Alexander Nevarez, he also recognized the new Officer David Tingloff and Sargent Scott Carey who were unable to attend.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Attorney Brian Falk, on behalf of St. Mary's Credit Union, for two drive-thru facilities associated with a bank and coffee shop building to be located at 133 South Bolton Street, Order No. 19-1007720, all were heard who wish to be heard, hearing closed at 8:53 PM; adopted.

Councilor Delano recused.

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

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Attorney Brian Blaesser, on behalf of Cameron General Contractors, to construct a Senior Independent Living Multifamily Community, pursuant to the provisions of the Retirement Community Multifamily Overlay District, 90 Crowley Drive, Order No. 19-1007703, all were heard who wish to be heard, hearing closed at 9:46 PM; adopted.

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

ORDERED: That the Transfer Request in the amount of \$220,000.00 from PEG Funds to IT Equipment, to fund upgrades throughout the city, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT: IT FISCAL YEAR: 2020

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$238,060.67</u>	<u>\$220,000.00</u>	<u>27000099</u>	<u>47750</u>	<u>Receipts Reserved-PEG Funds</u>	<u>\$220,000.00</u>	<u>19300006</u>	<u>58618</u>	<u>IT Equipment</u>	<u>\$0.00</u>

Reason: Use PEG funds for upcoming projects and various equipment purchases

\$220,000.00	Total	\$220,000.00	Total
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ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Reimbursement Acceptance for the Department of Public Works in the amount of \$218,904.38 from FEMA for storm expenditures from the snow event of March 13, 2018; adopted.

ORDERED: That the Transfer Request in the amount of \$200,000.00 from Economic Development to MEDC Funding for a City Shuttle Service for a one-year period, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT: Mayor

FISCAL YEAR: 2020

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$962,021.48</u>	<u>\$200,000.00</u>	<u>27000099</u>	<u>42440</u>	<u>Economic Development</u>	<u>\$200,000.00</u>	<u>11740006</u>	<u>53950</u>	<u>MEDC Funding</u>	<u>\$0.00</u>

Reason: To fund a City shuttle service

\$200,000.00 Total

\$200,000.00 Total

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$2,000.00 from Target Corporation awarded to the Police Department to fund the annual Heroes and Helpers program; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$1,108.80 from Attorney General Maura Healey awarded to the Board of Health to fund an additional summer intern; adopted.

ORDERED: That the Communication from the Mayor, re: Request for Revocation of License to Encroach, 26 Monument Avenue, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Suspension of the Rules requested – granted.

ORDERED: That the Communication from the Mayor, re: Veto of Council Order No. 17/19-1007055D, Petition of AT&T, Small Cell Site on Utility Pole 2-84 at 28 Concord Road, **FILE**; adopted.

ORDERED: That the Veto issued by the Mayor, of Council Order 17/18/19-1007055D, as set forth in his letter dated June 28, 2019, relative to the Petition of AT&T to place a small cell facility on utility pole 2-84 at 28 Concord Road, **WITHDRAWN**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Application for LED Sign Special Permit, Main Street Bank, 81 Granger Boulevard, in proper legal form, **MOVED TO REPORTS OF COMMITTEE**; adopted.

Councilor Delano recused.

ORDERED: That the Communication from City Solicitor, Jason Grossfield on behalf of Councilor Delano, re: Changes to Proposed Zoning Amendment to Chapter 650 §12, Nonconforming Uses, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A NEW PUBLIC HEARING FOR MONDAY, AUGUST 26, 2019**; adopted.

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

1. By amending § 650-12 (Nonconforming uses) as follows (new text shown as underlined, deleted text shown as ~~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. **Pre-existing nonconforming structures or uses may be extended or altered**, provided that 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~~ Any nonconforming use or structure which has ~~not~~ been abandoned, or not used for a period of two years or more, shall lose its protected status and be subject to this chapter, 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 that 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)(3)~~ shall not apply to a single-family dwelling.

ORDERED: That pursuant to Massachusetts General Laws c. 40, § 3, the City of Marlborough grants a permanent utility easement, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a "National Grid") as enclosed, constituting a Grant of Easement to Massachusetts Electric Company for electrical service to Marlborough High School at 431 Bolton Street, said grant of easement having been approved on _____ by vote of the Marlborough School Committee, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 55 Hanlon Drive, in proper legal form, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 263 Sudbury Street, in proper legal form, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 299 Sudbury Street, in proper legal form, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from David Richardson of Flying Dreams Brewing Co., 277 Main Street, to add outdoor seating on Rawlins Avenue for their establishment, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That, rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors Map 56, Parcel 125 presently zoned Limited Industrial "LI" be rezoned as Residential B as it is contiguous to the Assessors Map 56, Parcels 131, 130, 129, 128, 127, and 123, that are all currently zoned Residential B.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, AUGUST 26, 2019**; adopted.

ORDERED: That the Communication from Attorney Brian Falk, on behalf of Vincenza Sambataro, re: Request to Extend Time Limitations on the Application for Special Permit to construct a Mixed-Use Development in the Marlborough Village District consisting of both residential and commercial space, 161-175 Main Street, until 10:00 PM on September 24, 2019, **APPROVED**; adopted.

ORDERED: That there being no objection thereto set **MONDAY AUGUST 26, 2019** as the **DATE FOR PUBLIC HEARING** on the Petition from Massachusetts Electric and Verizon New England, to install a new Pole 8-5 at 150 Hayes Memorial Drive to service a new customer, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from various residents, re: Letter of Opposition to Proposed Zoning Amendment – Home Office and Contractor/Landscape Contractor Storage Yards, Order No. 18/19-1007500H, **FILE**; adopted.

ORDERED: That the Communication from Central MA Mosquito Control Project re: Responding to residents' concerns about mosquitos in their area on various dates in July 2019, **FILE AND PUBLISH ON CITY WEBSITE**; adopted.

ORDERED: That the Minutes, School Committee, June 11, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, June 5, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Commission on Disabilities, May 14, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, June 6, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, May 20, 2019 & June 3, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Retirement Board, April 30, 2019, **FILE**; adopted.

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

- a) Eden Beane, 325 Stone Road, Vassalboro, ME, other property damage and/or personal injury.
- b) Lisa McNally, 212 Glen Street, residential mailbox claim (2a).
- c) Joanis Nieves, 25 Ragina Avenue, Webster, other property damage and/or personal injury.
- d) Frank Sangiorgio, 42 Karopulios Drive, pothole or other road defect.

Reports of Committees:

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

City Council Legislative and Legal Affairs Committee
Tuesday, July 9, 2019 6:30 PM– In Council Chambers
Minutes and Report

Present: Chairman Katie Robey, Councilor Landers, and Councilor Delano. Other Councilors- Clancy and Ossing. Other attendees-City Solicitor Jason Grossfield and City Engineer Thomas DiPersio.

Order No. 19-1007717-Proposed Easement for Sudbury Street Sewer Project, Phase 4, 55 Hanlon Drive/Allen G. Supynuk and Wendy McDonald. This grant of a 30-foot wide sewer easement containing 11,496 +/- square ft. will go across the west side of their property. The grantee shall also construct a sewer connection stub and approximately 60 ft. of service piping for connection to existing house to new sewer line, remove a 24" diameter pine tree from property and remove and reset part of an existing fence within the easement. An updated copy of the Grant of Sewer Easement shall be signed after correcting the map scale and the year of execution of agreement. Owners have signed a grant of permission to enter property.

Order No. 19-1007718-Proposed Easement for Sudbury Street Sewer Project, Phase 4, 263 Sudbury St./Daniel and Kelly Sarazen. This grant of a 30-foot wide sewer easement containing 1,647 +/- square feet will go across a corner of their backyard. The grantee shall also construct a sewer connection stub and approximately 20 ft. of service piping for connection to existing house to new sewer line and remove 3 certain dead trees and a treehouse on the property. A signed copy of the Grant of Sewer Easement shall be provided. Owners shall sign a grant of permission to enter property.

Order No. 19-1007719-Proposed Easement for Sudbury Street Sewer Project, Phase 4, 299 Sudbury St./Fred Brewitt and Lee Ann Brewitt. This grant of a 30-foot wide sewer easement containing 2,847 +/- square feet will go across a corner of their backyard. The grantee shall also construct a sewer connection stub and approximately 25 ft. of service piping for connection to existing house to new sewer line. Mr. DiPersio provided a signed copy of the Grant of Sewer Easement. Owners have signed a grant of permission to enter property.

The project required a change of plan for the location of the sewer line, so it was necessary to work with these homeowners to secure the sewer easements.

Reports of Committee Continued:

Councilor Delano moved to accept the Grant of Easement for each of the orders under a separate vote for each order; motion was seconded. The votes all carried 3-0. The Solicitor will submit the updated, signed documents on the July 22, 2019 regular meeting agenda, and a Suspension of the Rules will be requested to adopt all three easements.

It was moved and seconded to adjourn; motion carried 3-0. The meeting adjourned at 6:45 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: July 9, 2019

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

Convened: 6:00 PM – Adjourned: 6:08 PM

Present: Chairman Juaire (Acting); Urban Affairs Committee Members Councilors Landers, Doucette, and Tunnera; Councilors Clancy and Ossing; Jason Grossfield (City Solicitor, City of Marlborough)

Absent: Chairman Delano (recused)

Order No. 18/19-1007423E (X18/19-1007461): Application for LED Sign Special Permit, Main Street Bank, 81 Granger Boulevard. The Urban Affairs Committee met with attorney Sem Aykanian regarding Main Street Bank's request for an LED Sign Special Permit. Mr. Aykanian explained it was a two-step process, the first which was to amend the existing special permit for Main Street Bank located at 81 Granger Boulevard to allow an LED sign and the second was to request the sign under the City's sign ordinance. There was a slight delay on the applicant's part to ensure their submission was complete and accurate and they were requesting a recommendation for approval to the full City Council. Chairman Juaire explained the City Solicitor approved of the application and there is one condition: "The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough." City Solicitor Grossfield stated the revised application addressed the former City Solicitor's concerns with the original application and is in proper form for the committee to report out to the City Council.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 55 Hanlon Drive, in proper legal form, **FILE**; adopted.

Suspension of the Rules requested – granted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent sewer easement shown as “Proposed Easement A”, constituting a portion of the “Proposed 30’ Wide Sewer Easement” as shown, more or less, on a plan entitled “Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1” = 50’; Date: June 10, 2019” (the “Plan”), containing 11,496+/- square feet, more or less, according to the Plan, be accepted as a municipal easement as shown on the Plan and as hereinafter described:

DESCRIPTION

The 30’-wide sewer easement shown as “Proposed Easement A”, constituting a portion of the “Proposed 30’ Wide Sewer Easement” as shown, more or less, on the Plan, to be recorded at the Middlesex County South Registry of Deeds. Containing 11,496+/- square feet, more or less, according to the Plan. The easement and Plan are attached hereto.

IT IS THEREFORE ORDERED THAT:

The 30’-wide sewer easement shown as “Proposed Easement A”, constituting a portion of the “Proposed 30’ Wide Sewer Easement” as shown, more or less, on the Plan, containing 11,496+/- square feet, more or less, being portions of the property owned by ALLEN G. SUPYNUK and WENDY MCDONALD and described in a deed recorded in the Middlesex South District Registry of Deeds, Book 42958 Page 450, be accepted as a municipal easement in the City of Marlborough.

APPROVED; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 263 Sudbury Street, in proper legal form, **FILE**; adopted.

Suspension of the Rules requested – granted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent sewer easement shown as “Proposed Easement E”, constituting a portion of the “Proposed 30’ Wide Sewer Easement” as shown, more or less, on a plan entitled “Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1” = 50’; Date: June 10, 2019” (the “Plan”), containing 1,647+/- square feet, more or less, according to the Plan, be accepted as a municipal easement as shown on the Plan and as hereinafter described:

DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement E", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on the Plan, to be recorded at the Middlesex County South Registry of Deeds. Containing 1,647+/- square feet, more or less, according to the Plan. The easement and Plan are attached hereto.

IT IS THEREFORE ORDERED THAT:

The 30'-wide sewer easement shown as "Proposed Easement E", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on the Plan, containing 1,647+/- square feet, more or less, being portions of the property owned by DANIEL A. SARAZEN and KELLY A. SARAZEN and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 49004 Page 82, be accepted as a municipal easement in the City of Marlborough.

APPROVED; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Proposed Easement for Sudbury Street Sewer Project, Phase 4, 299 Sudbury Street, in proper legal form, **FILE**; adopted.

Suspension of the Rules requested – granted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent sewer easement shown as "Proposed Easement C", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on a plan entitled "Easement Plan of Land in Marlborough, MA, Prepared By: City of Marlborough Department of Public Works, Engineering Division, 135 Neil Street, Marlborough, MA 01752, Scale: 1" = 50'; Date: June 10, 2019" (the "Plan"), containing 2,847+/- square feet, more or less, according to the Plan, be accepted as a municipal easement as shown on the Plan and as hereinafter described:

DESCRIPTION

The 30'-wide sewer easement shown as "Proposed Easement C", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on the Plan, to be recorded at the Middlesex County South Registry of Deeds. Containing 2,847+/- square feet, more or less, according to the Plan. The easement and Plan are attached hereto.

IT IS THEREFORE ORDERED THAT:

The 30'-wide sewer easement shown as "Proposed Easement C", constituting a portion of the "Proposed 30' Wide Sewer Easement" as shown, more or less, on the Plan, containing 2,847+/- square feet, more or less, being portions of the property owned by FRED B. BREWITT and LEE ANN A. BREWITT and described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 11198 Page 484, be accepted as a municipal easement in the City of Marlborough.

APPROVED; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re:
Application for LED Sign Special Permit, Main Street Bank, 81 Granger Boulevard,
in proper legal form, **FILE**; adopted.

Councilor Delano recused.

Suspension of the Rules requested – granted.

ORDERED:

**DECISION ON A LED SIGN SPECIAL PERMIT
IN CITY COUNCIL**

LED Sign Special Permit
Main Street Bank
Order No. 18/19-1007423E
X 18/19-1007461

**DECISION ON A LED SIGN SPECIAL PERMIT
CITY COUNCIL ORDER NO. 18/19-1007423B**

The City Council of the City of Marlborough hereby **GRANTS** the application for a Sign Ordinance Special Permit to Main Street Bank (the “Applicant”) for the property located at 81 Granger Boulevard, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts 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.
2. The Applicant seeks a LED Sign Special Permit, pursuant to Section 526-13 of the Code of the City of Marlborough entitled, “Electronic Message Center Signs and Digital Display Signs” (the “EMC and Digital Display Sign Ordinance”), to operate an electronic message center sign (the “Sign”) at the Site (the “Application”).
3. The Sign is a 2’ 6-15/16” by 5’ 5-3/8” double-faced monochrome electronic message center (EMC) sign, with a display area of 10.80 square feet (the product specifications are attached hereto as Exhibit A). The Sign is to be located below an internally-illuminated sign at the premises (as shown in Exhibit B).
4. In connection with the Application, the Applicant has submitted schematic designs of the Site and a sketch plan showing the location of the Sign on the Site (as shown in Exhibit C).
5. The Marlborough City Council held a public hearing on the Application on February 25, 2019.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.

**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 application for a special permit under the EMC and Digital Display Sign Ordinance.
- B. The City Council finds that the Sign complies with the standards set forth in Section 526-13.B of the EMC and Digital Display Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or the view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the EMC and Digital Display Sign Ordinance.
- D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby GRANTS the Applicant a special permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
 - 1. The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough.

APPROVED; adopted.

Yea: 10 – Nay: 0 – Abstain: 1

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

Abstain: Delano.

ORDERED: That the Mayor and City Council review the pros and cons of the establishment of an Alternative Energy Committee in the City of Marlborough to explore the availability of planning assistance, grants, and other funding sources to assist homeowners and members of the business community in converting to renewable and other alternative energy sources. The committee's charge will be to promote phasing out fossil fuels, refer to **WIRELESS COMMUNICATIONS COMMITTEE;** adopted.

ORDERED:

STREET CONSTRUCTION BOND

That the sum of \$4,000,000.00 (four million dollars) be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of \$4,000,000.00 under and pursuant to the provisions of Chapter 44, Section 7 (1) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

APPROVED; adopted.

Yea: 11 – Nay: 0

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:12 PM; adopted.



IN CITY COUNCIL

Marlborough, Mass., JULY 22, 2019

ORDERED:

That there being no objection thereto set **MONDAY AUGUST 26, 2019** as the **DATE FOR PUBLIC HEARING** on the Petition from Massachusetts Electric and Verizon New England, to install a new Pole 8-5 at 150 Hayes Memorial Drive to service a new customer, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 19-1007739



IN CITY COUNCIL

Marlborough, Mass., JULY 22, 2019

ORDERED:

PAGE 1

That the Communication from City Solicitor, Jason Grossfield on behalf of Councilor Delano, re: Changes to Proposed Zoning Amendment to Chapter 650 §12, Nonconforming Uses, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A NEW PUBLIC HEARING FOR MONDAY, AUGUST 26, 2019.**

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

1. By amending § 650-12 (Nonconforming uses) as follows (new text shown as underlined, deleted text shown as ~~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. **Pre-existing nonconforming structures or uses may be extended or altered**, provided that 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:



IN CITY COUNCIL

Marlborough, Mass., JULY 22, 2019
PAGE 2

ORDERED:

- (1) ~~Such~~ **Any nonconforming use or structure which** has ~~not~~ been abandoned, **or not used** for a period of two years or more, **shall lose its protected status and be subject to this chapter,** 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)(3)~~ shall not apply to a single-family dwelling.

ADOPTED

ORDER NO. 19-1007673B



IN CITY COUNCIL

Marlborough, Mass., JULY 22, 2019

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That, rear land at 269 Mechanic Street currently owned by Carmi Greb, LLC on Assessors Map 56, Parcel 125 presently zoned Limited Industrial "LI" be rezoned as Residential B as it is contiguous to the Assessors Map 56, Parcels 131, 130, 129, 128, 127, and 123, that are all currently zoned Residential B.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, AUGUST 26, 2019.**

ADOPTED

ORDER NO. 19-1007738



City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH

Nathan R. Boudreau
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

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

2019 AUG 22 A 10:05

August 22, 2019

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

Re: Parks and Recreation Revolving Fund - Fiscal Year 2020 Increase

Honorable President Clancy and Councilors:

Please find enclosed for your review an order to increase the spending limit for the Parks and Recreation Revolving Fund for the remainder of Fiscal Year 2020 to \$800,000.00.

Commissioner John Ghiloni requested this increase to fund improvements at Stevens Park and Ghiloni Park. This increase is in addition to a \$300,000.00 matching Federal Land and Water Grant. These investments will continue our community's commitment to recreation in the city. Please see the attached letter from Commissioner Ghiloni for a detailed breakdown of work to be done.

Commissioner John Ghiloni will be available to discuss the revolving fund increase and expenditures in detail at City Council.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

ORDERED:

That no more than eight hundred thousand dollars (\$800,000.00) shall be expended from the Parks and Recreation Revolving Fund during fiscal year 2020, unless otherwise authorized by City Council and Mayor. This increases the limit from three hundred and fifty thousand dollars (\$350,000.00) as approved by the City Council on June 17, 2019.

ADOPTED

In City Council
Order No 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Department of Public Works

135 NEIL STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. 508-624-6910
*TDD 508-460-3610

JOHN L. GHILONI
COMMISSIONER

August 19, 2019

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

Re: Parks and Recreation Revolving Fund

Dear Mayor Vigeant:

I am writing to request an increase in the Revolving Fund Spending Limit for Fiscal Year 2020 from \$350,000 to \$800,000 to complete 2 projects. The current balance in the account is \$745,378.37.

The funding from FY 2020 is for improvements to Stevens Park and Ghiloni Park in addition to a matching grant from the Federal Land and Water Grant in the amount of \$300,000 for Ghiloni Park that was previously accepted by the City Council.

The improvements to Stevens Park include the splash pad, restrooms and basketball court area.

The improvements to Ghiloni Park include improved pedestrian access to and around the splash pad, the reconfiguration of the entrance driveway and 43 additional parking spaces, drainage improvements and landscaping including planting of an additional 15 trees.

Please let me know if you require any additional information.

Sincerely,

John L. Ghiloni
Commissioner

CITY OF MARLBOROUGH

YEAR TO DATE BUDGET REPORT
AS OF 8/21/19

		ORIGINAL APPROP	TRANFRS/ADJSMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCE/REQ	AVAILABLE BUDGET
262 SRF/CITY REVOLVING							
4000 DEPARTMENT OF PUBLIC WORKS							
0444 PARK & RECREATIONAL MAINT							
26244401 - 52415	PROPERTY MAINTENANCE	693,640.30	439,155.83	1,132,796.13	4,237.00	383,180.76	745,378.37
TOTAL PARK & RECREATIONAL MAINT		693,640.30	439,155.83	1,132,796.13	4,237.00	383,180.76	745,378.37



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 AUG 22 A 10:05

Arthur G. Vigeant
MAYOR

Nathan R. Boudreau
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlbrough-ma.gov

Patricia Bernard
EXECUTIVE SECRETARY

August 22, 2019

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

Re: Transfer Request - WMCT

Honorable President Clancy and Councilors:

Please find enclosed for your review a transfer request in the amount of \$30,000.00 to fund studio equipment replacement for WMCT in Marlborough from the PEG Fund.

WMCT has submitted a transfer request to my office for the City Council's review to fund the replacement of a camera and teleprompter for their studio. I, as well as, WMCT Executive Director Dan Guindon will be available to meet with you at your convenience if you wish to discuss this in greater detail.

Thank you for your consideration,

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures



91 Main Street, Suite 201
Marlborough, MA 01752
August 13th, 2019

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

RE: FY20 Capital Transfer

Honorable President Clancy and Councilors:

At the June 20th meeting of the Marlborough Cable Trust, a vote to access \$30,000.00 of our capital funding for FY20 was approved. I am respectfully requesting City Council's approval for that amount in order to replace some failed equipment in our studio.

Thank you for your time and consideration. Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Dan Guindon
Executive Director
Marlborough Cable Trust

MINUTES

Present at meeting: Mayor Arthur Vigeant, Dan Guindon, Joseph Valarioti, Linda Ossing, and Greg Franks

Absent: Superintendent Michael Bergeron

Minutes taken by: Trish Bernard

Item 1 – Call to Order

Meeting was called to order by Mayor Arthur Vigeant at 2:04 PM

Item 2 – Acceptance of Minutes

Motion:

Motion was made, and the vote carried to accept and place on file the Cable Trust Meeting Minutes of April 4, 2019. Note: No May meeting.

Item 3 – Executive Director's Report

Executive Director's Report was presented by Dan Guindon. Please reference your copy of the Executive Director's Monthly Report.

A. Taxes

Mayor Vigeant asked Dan Guindon to double check on the 1099s and also speak to the accountant about expenses and staying under the cap to avoid an audit.

B. Employee Handbook

The Trust asked to have Legal review.

C. Equipment Purchase

Dan Guindon requested funds to replace equipment as follows; a \$23,000 camera and a \$6,500-\$7k teleprompter. Mayor Arthur Vigeant requested a balance sheet and income statement from Dan and indicated that he will need to do a transfer request for the July meeting to City Council to cover what is need.

Motion:

Motion was made by Linda Ossing and the vote carried to accept the Executive Director's Monthly report for April and May.

Item 4 – Old Business

None reported

Item 6 – New Business

None reported

Item 5 - Adjournment

Motion:

Motion was made by Joseph Valarioti and the vote carried to adjourn the Regular Cable Trust Meeting of June 20, 2019 at 2:16 PM.

Respectfully submitted,

Trish Bernard

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor

FISCAL YEAR: 2020

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$206,164.96	\$30,000.00	27000099	47750	Receipts Reserved-PEG Funds	\$30,000.00	89000	25581	Marlboro Cable Trust	\$0.00
	Reason:	To fund WMCT's capital request for FY20 with PEG fees							
	Reason:								
	Reason:								
	Reason:								
	\$30,000.00	Total			\$30,000.00	Total			

Department Head signature:

Auditor signature:

Comptroller signature:

Quinn D.
Bridges

PEG FEES

8/29/2017 Verizon	\$111,192.81
8/29/2017 Comcast	\$105,212.77
11/7/2017 Comcast	\$104,451.39
11/29/2017 Verizon	\$108,894.94
2/27/2018 Verizon	\$105,934.98
2/27/2018 Comcast	\$102,247.17
2/27/2018 Comcast-franchise	\$3,332.00
4/2/2018 Verizon-franchise	\$3,295.50
5/8/2018 Comcast	\$96,069.98
5/21/2018 Verizon	\$107,727.46
8/23/2018 Comcast	\$95,348.01
8/23/2018 Verizon	\$101,215.51
8/28/2018 Verizon-franchise	\$2,678.62
11/16/2018 Comcast	\$94,728.72
12/4/2018 Verizon	\$97,462.08
12/4/2018 Verizon-franchise	\$5,049.85
2/20/2019 Comcast	\$95,246.35
2/20/2019 Verizon	\$97,007.90
3/4/2019 Verizon-franchise	\$5,026.30
3/25/2019 Verizon-annual fee	\$2,997.00
3/25/2019 Comcast-annual	\$3,208.00
5/17/2019 Comcast	\$92,916.51
5/31/2019 Verizon	\$99,268.12
8/15/2019 Comcast	\$91,956.97
8/15/2019 Verizon	\$96,147.32
Total Funding	<u>\$1,828,616.26</u>

12/18/2017 co#17-1007095A	-\$282,100.00
5/21/2018 co# 18-1007263A	-\$355,519.00
10/15/2018 co# 18-1007352A	-\$254,000.00
3/11/2019 co# 19-1007565A	-\$510,832.30
pending	-\$220,000.00
Total Transfers	<u>-\$1,622,451.30</u>

Available for future transfers \$206,164.96



City of Marlborough
Office of the Mayor

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www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Patricia R. Boudreau
EXECUTIVE AIDE

2019 AUG 22 A 10:05

Patricia Bernard
EXECUTIVE SECRETARY

August 22, 2019

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

Re: Gift Acceptance - Marlborough Conservation Maintenance Fund

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a gift in the amount of \$1000.00 from DuPont Electronics and Imaging (formerly Dow Chemical Company) for the Marlborough Conservation Maintenance Fund.

On behalf of the Conservation Commission, Conservation Officer Ryder, and the members of the department, we would like to thank DuPont Electronics and Imaging for their gift and continued support. The gift will be used by the Department to help with Project Clean Sweep and other beautification efforts within the city.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough

Conservation Commission

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



August 6, 2019

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

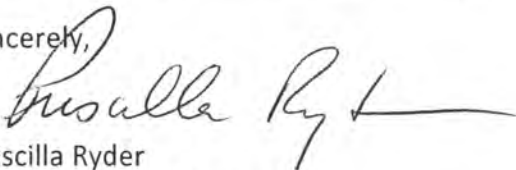
RE: Acceptance of Gift of \$1,000 to Conservation Maintenance Fund
DuPont Electronics & Imaging

Dear Mayor Vigeant,

Once again, the City of Marlborough has been given a gift of \$1,000 from Dupont Electronics Imaging (formerly Dow Chemical Company) to help with the maintenance and beautification of the city. The Dupont Company had 35 employees help this year with our city-wide Project Clean Sweep and offered this gift to help offset the costs of any city-wide beautification project. The letter from DuPont is attached. We are grateful for this support.

As required by MGL Ch. 44 Section 53A the acceptance and expenditure of this gift requires your approval as well as the approval of City Council. We request that these funds be accepted and placed in the Conservation Maintenance Fund account #845- 00005-54000 to be used for conservation land maintenance and city-wide beautification projects.

If you have any questions on the above, please let me know.

Sincerely,


Priscilla Ryder
Conservation Officer

Cc: Con. Com.
Diane Smith

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Conservation DATE: 7-8-19

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Priscilla Ryder

NAME OF GRANT: Gift

GRANTOR: DuPont Electronics and Imaging

GRANT AMOUNT: \$1,000

GRANT PERIOD: N/A

SCOPE OF GRANT/
ITEMS FUNDED Funds to be used for Project Clean Sweep and city beautification

IS A POSITION BEING
CREATED: no

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?

No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL None

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

Electronics & Imaging
455 Forest Street
Marlborough, MA 01752

(508) 229-7083
(800) 832-6200



June 20, 2019

Ms. Priscilla Ryder
Conservation Officer
City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Ms. Ryder:

It was nice speaking with you this morning. Please accept the enclosed check in the amount of \$1,000 as a donation from DuPont Marlborough to the City of Marlborough's Project Clean Sweep. We are pleased to continue our support as we've made the transition from being The Dow Chemical Company to the new DuPont. In addition to financial support, 35 employees participated in the clean-up of the Forest Street and Hayes Memorial Drive areas on April 25.

We hope that our donation will help to make Marlborough cleaner for all!

Sincerely,

A handwritten signature in cursive script that reads "Diane M. Ferro".

Diane M. Ferro
Administrative Specialist
Environmental, Health and Safety
diane.ferro@dupont.com

Enclosure

DuPont Services Company B.V., Hoek,
succursale du Grand-Saonnex (4518)
Att: Accounts Payable department
P.O. BOX 80040
WILMINGTON, DELAWARE 19880-0040

2100067 01 SD T 6082 CKMM -P00067

PAGE 1 OF 1

04/26/19



CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH MA 01752-381

YOUR INVOICE NO.	INVOICE AMOUNT	DISCOUNT / DEDUCTION	NET AMOUNT	INVOICE DATE	OUR DOCUMENT NO.	PAYMENT ON BEHALF OF
04221917091000 ATTN: Diano M. Ferro	\$1,000.00	\$0.00	\$1,000.00	04/11/2019	2200001340	ROHM & HAAS ELECTRONICMATERIAL
			TOTAL	\$1,000.00		

DETACH AND RETAIN THIS STUB FOR YOUR RECORDS

CHECK # 2200001340 ATTACHED

DuPont Services Company B.V., Hoek,
succursale du Grand-Saonnex (4518)
Att: Accounts Payable department
P.O. BOX 80040
WILMINGTON, DELAWARE 19880-0040

62-20
311

No. 2200001340

04/26/19

PAYMENT ON BEHALF OF: SEE ATTACHED REMITTANCE ADVICE

PAY TO THE
ORDER OF
CITY OF MARLBOROUGH
140 MAIN ST
MARLBOROUGH MA 01752-381

\$\$\$\$\$\$\$\$\$\$\$1,000.00

NOT VALID AFTER 1 YEAR

DuPont Services Company B.V., Hoek,
succursale du Grand-Saonnex
AUTHORIZED SIGNATURE

One Thousand and 00/100 Dollars

CITIBANK, N.A.
ONE PENN'S WAY, NEW CASTLE, DE 19720



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 AUG 22 A 10:05
Nathan G. Boudreau
EXECUTIVE AIDE
Patricia Bernard
EXECUTIVE SECRETARY

August 22, 2019

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

Re: Grant Acceptance – Marlborough Fire Department – FM Global Foundation

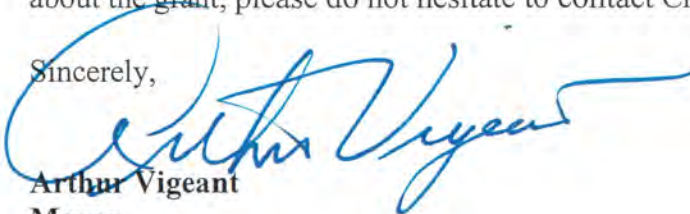
Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a grant for the Marlborough Fire Department from FM Global Foundation for \$898.00. This grant will be used by the Fire Department to purchase two digital cameras to enhance its Fire Investigation Unit.

I have also enclosed a letter, notification of grant award form, and a copy of the check from FM Global.

We thank them for their support of Marlborough's first responders. If you have any questions about the grant, please do not hesitate to contact Chief Kevin Breen or me.

Sincerely,


Arthur Vigeant
Mayor

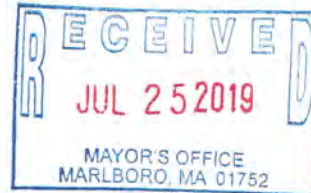
Enclosures



**City of Marlborough
FIRE DEPARTMENT
215 MAPLE STREET
MARLBOROUGH, MASSACHUSETTS 01752**

July 23, 2019

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



Dear Mayor Vigeant,

The Marlborough Fire Department has received a grant totaling \$898.00 from FM Global Foundation; this grant will be used to purchase two digital cameras for our Fire Investigation Unit.

Attached is a completed Notification of Grant Award form, a copy of their correspondence and check. I respectfully request that this be forwarded to the City Council for approval.

Please let me know if you have any questions.

Sincerely,

Kevin J. Breen
Fire Chief

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Fire DATE: 7/23/2019

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Kevin J. Breen, Fire Chief

NAME OF GRANT: FM GLOBAL FIRE PREVENTION GRANT

GRANTOR: FM GLOBAL FOUNDATION

GRANT AMOUNT: \$898.00

GRANT PERIOD: _____

SCOPE OF GRANT/
ITEMS FUNDED PURCHASE OF TWO DIGITAL CAMERAS

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: _____

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



June 17, 2019

Factory Mutual Insurance Company
1151 Boston-Providence Turnpike
P.O. Box 9102
Norwood, MA 02062 USA
T: 781 255 4000 F: 781 255 4024 www.fmglobal.com

Assistant Chief Flynn
Marlborough Fire Department
215 Maple St
Marlborough, Massachusetts 01752
United States

Dear Assistant Chief Flynn:

Congratulations. Your grant application for an FM Global fire prevention grant stood out among the hundreds we received, and we will be funding \$898 to purchase two digital cameras. We hope the additional funding will help to strengthen your efforts to ultimately, and more effectively prevent fire—the leading cause of property destruction worldwide.

In the coming weeks, you will be contacted by an FM Global representative to set up a formal presentation. In the meantime, award checks will be mailed in July to your attention at the address above. Please feel free to use the attached news release that we've prepared for you to promote news media interest—be it in advance of or after the formal presentation.

During the past 40 years, FM Global has awarded millions of dollars in funding to fire departments and related agencies worldwide. With a shared philosophy that the majority of property loss is preventable—not inevitable—we can make a difference in preventing the frequency and severity of fire...together.

Once again, congratulations on your recent fire prevention grant awarded by FM Global, one of the world's largest commercial property insurers.

If you have any questions regarding your award, please feel welcome to e-mail me.

Best wishes for continued success in your fire prevention endeavors.

A handwritten signature in black ink, appearing to read "Michael Spaziani".

Michael Spaziani
Assistant Vice President, Manager - Fire Service Programs

*CC: Ted Pisciotta - Boston Operations
19-110 - Marlborough Fire Department*

J.P.Morgan FM GLOBAL
ATTN: JULIANA REILLY
270 CENTRAL AVE.
JOHNSTON, RI 02919



00018 BPS0 XF 19172 - NNNNNNNNNNNN 004005FM1 MNRC 00010017

MARLBOROUGH FIRE DEPARTMENT
215 MAPLE ST
MARLBOROUGH MA 01752

FM GLOBAL FOUNDATION

Date	Payment Group	Check/Advice No.
06-24-2019	004005FM1	0029197404
Social Security No.	Participant's Name	Payment Amount
XXX-XX-XXXX	MARLBOROUGH FIRE DEPARTMENT	\$898.00

Please Detach Before Depositing Check

J.P.Morgan

FM GLOBAL FOUNDATION

616007019

1-2
210

0029197404

AMOUNT

****\$898.00****

**PAY
TO THE
ORDER OF**

MARLBOROUGH FIRE DEPARTMENT
215 MAPLE ST
MARLBOROUGH MA 01752

Not Payable Prior to:
06-24-2019

VOID AND WITHOUT RECOURSE
IF NOT PRESENTED WITHIN 180 DAYS
VOID AFTER 6 MONTHS
DO NOT ENDORSE OR DEPOSIT BEFORE
PAYABLE DATE

004005FM1



SECURITY FEATURES
INCLUDED:
SEE DETAILS ON BACK

***** EIGHT HUNDRED NINETY-EIGHT AND 00/100 DOLLARS *****

PAYEE MUST PERSONALLY ENDORSE EXACTLY AS DRAWN
CHECK DRAWN ON JPMORGAN CHASE BANK, N.A., NEW YORK, NY

Handwritten signature

Authorized Signature



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Arthur G. Vigeant
MAYOR

Nathan R. Boudreau
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

August 22, 2019

Council President Edward J. Clancy
Marlborough City Council
Marlborough City Hall – 2nd Floor
140 Main Street
Marlborough, MA 01752

Re: Executive Aide to the Mayor – Nathan Boudreau

Honorable President Clancy and Councilors:

This is to advise you that I have appointed Nathan Boudreau to the position of Executive Aide effective August 12, 2019. Mr. Boudreau joins us with both state and local government experience.

I respectfully request that this notice of appointment be formally recorded by the City Council. Please join me in welcoming Nathan to the City of Marlborough.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

William R. Boudreau
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 AUG 22 A 10:05

August 22, 2019

Council President Edward J. Clancy
Marlborough City Council
Marlborough City Hall – 2nd Floor
140 Main Street
Marlborough, MA 01752

Re: Assistant City Solicitor – Jason Piques

Honorable President Clancy and Councilors:

This letter serves to inform you that I am appointing Jason (Jay) Piques to the position of Assistant City Solicitor effective Monday, August 26, 2019.

Most recently, Mr. Piques has been employed as an Assistant Attorney General for the Commonwealth serving in the Abandoned Housing Initiative. Through this position, he has worked directly with several municipalities, their Mayors, City Councilors and local boards.

I have appointed Mr. Piques for sixty days and ask for your confirmation for a full three year appointment.

Sincerely,


Arthur G. Vigeant
Mayor



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

JASON D. GROSSFIELD
CITY SOLICITOR

August 5, 2019

Arthur G. Vigeant
Mayor
City of Marlborough
140 Main Street, 4th Floor
Marlborough, MA 01752

Re: Recommendation for Appointment of Jason Piques as Assistant City Solicitor

Dear Mayor Vigeant:

I write to recommend the appointment of Jason Piques to serve as Assistant City Solicitor for the City of Marlborough.

Mr. Piques serves as an Assistant Attorney General in the Massachusetts Attorney General's Abandoned Housing Initiative. Mr. Piques' experience includes working with municipal officials to enforce the State Sanitary Code, the use of receiverships, and litigation associated with addressing abandoned residential properties. I note that the City received a substantial number of highly-qualified applicants, and it is my honor to recommend Mr. Piques for appointment.

Thank you and please contact me if you have any questions.

Respectfully,



Jason D. Grossfield
City Solicitor

Enc.

cc: Human Resources Dept.

Jason Piques

Professional Affiliations

Member of the Bar, Commonwealth of Massachusetts, admitted 2013.

Education

New England School of Law | Boston, MA - Juris Doctor: 2013
Intern - City of Somerville Law Department | Somerville, MA 2010-2012

Suffolk University | Boston, MA - Bachelor of Science: Political Science and Philosophy, 2006

Professional Experience

May 2014 - Current

Office of the Attorney General | Boston, MA

Assistant Attorney General - Abandoned Housing Initiative

- Represent the Commonwealth in actions to enforce the State Sanitary Code and for Appointment of a Receiver for blighted and dilapidated properties in the Greater Boston region.
- Negotiated successful rehabilitation of 240 unit apartment complex with a large population of MRVP recipients. Settlement involved the ouster of prior management company, a reprieve on non-payment evictions, temporary re-housing of affected tenants, and restitution to the tenants and municipality.
- Organize, attend, and speak at tenant meetings. Apprise tenants of their rights under Massachusetts law.
- Meet with municipal staff and community leaders to promote and expand the program.
- Attend and speak at AGO and Housing Court outreach to educate health agents and potential receivers.
- Appear before Massachusetts Trial Courts including Housing, Superior, and District Courts.
- Write petitions, motions, memoranda, affidavits and other documents in support of enforcement actions.
- Monitor progress of receivers. Negotiate settlement agreements.
- Coordinate with municipalities to strategize and prioritize State Sanitary Code enforcement, including the creation of the first of its kind "Focused Community Partnership" with the City of Lowell and Centralville neighborhood.
- Negotiated informal resolution with owners or parties with an interest to bring properties back into compliance.
- Attended neighborhood "walk-throughs" and other code-enforcement inspections.

August 2012 - May 2014

Office of the Attorney General | Boston, MA

Paralegal - Abandoned Housing Initiative

- Worked directly with the Abandoned Housing Initiative - Providing day to day support for seven attorneys in four regional offices.
- Reviewed and prepared title examination material for attorneys.
- Created and maintained a case management and reporting system organizing properties referred to our office.
- Attended meetings with community leaders and potential receivers.
- Created maps to help assist target particular neighborhoods in communities where efforts could have greatest impact, used maps to highlight team efforts throughout the Commonwealth.
- Assisted on property inspections with local officials on abandoned and blighted properties, helping to coordinate code enforcement strategies.
- Provided assistance for attorneys in preparations for hearings, drafting, filing, and serving petitions.
- Screened and prepared mail, managed calendars, completed forms, and other administrative duties.

Press

- Boston Globe: "[Attorney General's program helps town clean up derelict buildings.](#)" December 20, 2015
- Patriot Ledger: "[Attorney General steps in to address Braintree apartment living conditions.](#)" November 12, 2017

Additional Employment History

March 2009 - August 2012: Ace Ticket Worldwide | Boston, MA, Senior Broker Relations Specialist

January 2009 - February 2009: Rasky Baerlein Strategic Communications | Boston, MA, Lobbying Intern (temp.)

January 2001 - November 2008: Jordan's Furniture | Reading, MA, Sales Representative

May 2007 - May 2008: City of Somerville | Somerville, MA, Constituent Services Representative

January 2005 - May 2005: The Center for Democracy and Technology | Washington, DC, Intern

Summers 1999 - 2001: Olympic Adhesives | Norwood, MA, Plant Employee

Certifications: Westlaw, LexisNexis, Maptitude

Other professional applications: Proficient in Microsoft Office Suite, Excel, Word, Powerpoint, Adobe Photoshop

References available upon request



City of Marlborough
Legal Department

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 AUG 12 4:14 PM
JASON D. GROSSFIELD
CITY SOLICITOR

August 12, 2019

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

RE: Proposed Grant of Easement to Massachusetts Electric Company for Electrical Service to Marlborough High School

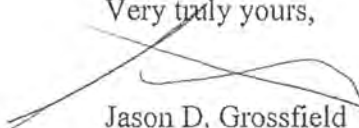
Dear Honorable President Clancy and Councilors:

Following consideration of this easement by the Committee on Legislative and Legal Affairs at its July 29, 2019 meeting, enclosed please find a revised proposed order concerning a grant of a deed of easement to the Massachusetts Electric Company for the purposes of providing service to Marlborough High School referencing that approval by the School Committee is still required, and a copy of the Grant of Easement and plan. The School Committee is scheduled to consider the matter at its August 27, 2019 meeting.

The proposed order and easement are in proper legal form.

Please contact me if you have any questions or concerns.

Very truly yours,


Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
John Ghiloni, DPW Commissioner

ORDERED:

That pursuant to Mass. Gen. Laws c. 40, § 3, the City of Marlborough grants a permanent utility easement, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a "National Grid") as enclosed, constituting a Grant of Easement to Massachusetts Electric Company for electrical service to Marlborough High School at 431 Bolton Street, subject to said grant of easement being approved by vote of the Marlborough School Committee.

ADOPTED

In City Council
Order No. 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Property Address: 431 Bolton Street, Marlborough, MA Middlesex
South County

GRANT OF EASEMENT

CITY OF MARLBOROUGH, a body politic duly organized under the laws of the Commonwealth of Massachusetts, of Marlborough, Massachusetts 01752 (hereinafter referred to as the Grantor), for consideration of One (\$1.00) Dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, two (2) poles, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Marlborough, Middlesex South County, Massachusetts consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and for the furnishing of electric service to the herein described premises and others, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are located in, through, under, over, across and upon a certain parcel of land situated on the easterly side of Bolton Street, being more particularly shown as Parcel 3 on a Plan of Land recorded with the Middlesex South District Registry of Deeds as Plan No. 1033 of 1973.

WR# 28134878

Address of Grantee:
Mass El. - 40 Sylvan Road, Waltham, Massachusetts 02451

After recording return to:
Carol Barrows
National Grid USA
Service Company, Inc.
40 Sylvan Road
Waltham, MA 02451

05 MARLMA GEN

And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "NationalGrid, Owner: City of Marlborough 431 Bolton St Marlborough, MA 01752," Date: October 23, 2018, Drawn By: D. Larson, Actrix Drawing Number: 28134878, a reduced copy of said sketch is attached hereto as "Exhibit A", copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Overhead System and Underground System may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's land an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence and for the purpose of supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

It is agreed that the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor's property and the further right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

For Grantor's title, see Order of Taking dated August 22, 1973 recorded with the Middlesex South County Registry of Deeds in Book 12507, Page 396.

IN WITNESS WHEREOF, City of Marlborough has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by Arthur G. Vigeant, Mayor being thereto duly authorized this _____ day of _____, 2019.

CITY OF MARLBOROUGH

By: ARTHUR G. VIGEANT
Its: Mayor

Commonwealth of Massachusetts

County of Middlesex} ss.

On this the _____ day of _____, 2019, before me, the undersigned
Day Month Year

Notary Public, personally appeared Arthur G. Vigeant, proved to me through satisfactory evidence of identity, which was

_____ ,
to be the person whose name is signed on the preceding Grant of Easement, and acknowledged to me that he signed it voluntarily for its stated purpose, as Mayor for City of Marlborough.

Signature of Notary Public

Printed Name of Notary

My Commission Expires _____

Place Notary Seal and/or Any Stamp Above

WR# 28134878

05 MARLMA GEN

CITY OF MARLBOROUGH

TO

MASSACHUSETTS
ELECTRIC COMPANY

GRANT OF EASEMENT

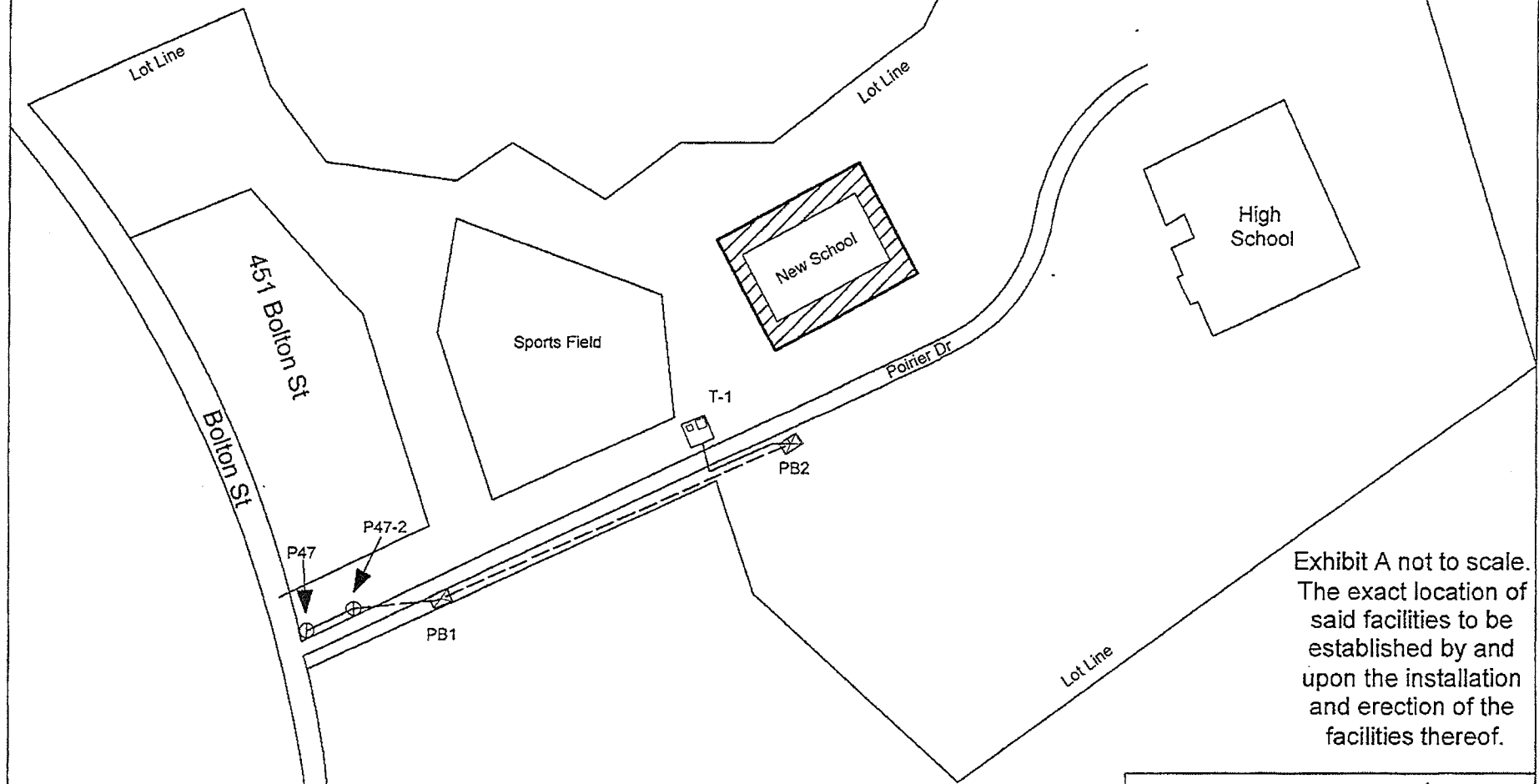
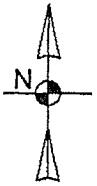
AFTER RECORDING RETURN TO:

CAROL BARROWS
NATIONAL GRID USA
SERVICE COMPANY, INC.
40 SYLVAN ROAD
WALTHAM, MA 02451





Approved By: _____

Customer to Install primary underground from PB2 to T-1

Install Transformer pad for a 75KVA padmount Transformer
44-113 (ref-44-113/UF8A) 81"x64"



Legend

-  Transformer
-  Underground Primary
-  Pull Box
-  Utility Pole

nationalgrid

City of Marlborough
431 Bolton St
Marlboro, Ma 01752

Scale: NONE
Date: 10-23-15
Drawn By: D. Larson

Actual Drawing Number

28134878

G.A



City of Marlborough

Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
JASON D. GROSSFIELD
CITY SOLICITOR
2019 AUG 21 P 4:50
HEATHER H. GUTIERREZ
PARALEGAL

August 22, 2019

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

Re: **City Council Order No. 19-1007737: Flying Dreams Brewing Company, LLC, License for Outdoor Seating**

Dear Honorable President Clancy and Councilors:

Enclosed please find a proposed License to Encroach on Public Sidewalk and Indemnification with respect to the above-referenced establishment, as recommended by the Legislative and Legal Affairs Committee at its meeting on July 29, 2019. I have reviewed the proposed license and it is in proper legal form.

Please contact me if you have any questions or concerns.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosures

cc: Arthur G. Vigeant, Mayor
Jeffrey Cooke, Building Commissioner

License to Encroach on Public Sidewalk and Indemnification

WHEREAS, Flying Dreams Brewing Co., LLC d/b/a Flying Dreams Brewing Co. (the "Licensee"), duly incorporated in the Commonwealth of Massachusetts with a principle place of business at 455B Park Ave., Worcester, MA 01610, operating a brewery including retail sales for serving the beer brewed on-site known as Flying Dreams Brewing Co. located at 277 Main Street, Marlborough, MA (being a portion of Assessors Map 69 Parcel 382) desires to use a portion of the sidewalk fronting said 277 Main Street, Marlborough, MA (on the Rawlins Avenue side) for table service of food and/or beverages (hereinafter, "License Area"); and

WHEREAS the City of Marlborough (hereinafter, the "City") wishes to allow the Flying Dreams Brewing Co. to use the License Area for table service of food and/or beverages;

WHEREAS the License Area is owned by and/or within the public way of the City;

NOW, THEREFORE, the City of Marlborough, by and through its City Council (hereinafter, "the City"), grants to the Licensee permission to use the License Area for the limited purpose of outdoor dining on food and/or beverages associated with the Licensee and to place tables and chairs thereon for said purpose, and for no other purpose, under the terms and conditions stated below (hereinafter, "the license" or "this license"):

1. The License Area is identified in its approximate location on the plan attached hereto as Exhibit "A," which exhibit is made a part hereof.
2. The license shall be effective from the date of approval by the City for a one (1) year term. Thereafter, subject to the terms and conditions of this license, this license shall run from year to year. Licensee shall be responsible for snow and/or ice removal, if Licensee places tables and/or chairs on the License Area when snow or ice is present.
3. Licensee shall not allow any use of the tables and chairs in the License Area after 10 PM.
4. Licensee acknowledges that this license is not a grant of interest in the License Area or in any other portion of City property.
5. Licensee acknowledge that this license is exclusive to Licensee and that no other person(s) or entity(ies) has the permission of the City to utilize the License Area for any purpose other than for dining on products purchased at the Flying Dreams Brewing Co. This License (including paragraphs 5 and 6) shall not prohibit dining on food from sources other than the Licensee so long as it is in conjunction with dining on beverages purchased at the Flying Dreams Brewing Co.
6. Licensee agrees that it shall not allow loitering or other use of the License Area which is not related to dining on products purchased at the Flying Dreams Brewing Co.
7. Licensee agrees to indemnify and hold harmless the City, their officers, employees and agents from and against all suits, actions or claims, civil or criminal, of any character brought because of any injury or damage received or sustained by any person, persons or property arising out of, or resulting from the existence of any obstruction or defect in the public way abutting the License Area or in the License Area, or arising out of, or resulting from any asserted negligent or intentional act, error or omission of Licensee or its agents, servants or employees, occurring in the performance of the Licensee to place tables and chairs upon License Area and to allow the utilization by third parties of said License Area. The

indemnification required hereunder shall not be limited by reason of the specifications of any particular insurance coverage of the Licensee.

8. The City's Building Commissioner or his agents may revoke the license for violation of the terms and conditions of this license.
9. Service of alcoholic beverages out-of-doors in the License Area shall require a separate license from the Licensing Board and any appropriate State approvals.
10. Said tables and chairs shall not interfere with accessible path of travel for handicapped individuals, per the Americans with Disabilities Act and all other applicable laws and regulations.
11. Signs shall not be permitted except in accordance with City's Sign Ordinance.
12. All applicable federal, state, and City policies, regulations and ordinances, as amended, shall remain in full force and effect, and Licensee shall comply with same.
13. Licensee agrees to abide by its terms and conditions, and acknowledges that said license may be revoked by the City of Marlborough for breach of any condition contained therein.

This is a legally binding document. By signing, Licensee acknowledges that it has had an opportunity to review with its Attorney.

IN WITNESS WHEREOF, Licensee has set its hand and seal this ____ day of _____, 2019.

LICENSEE

Flying Dreams Brewing Co., LLC d/b/a Flying Dreams Brewing Co.

By its Manager, duly authorized

DAVID RICHARDSON

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of ____ 2019, before me, the undersigned notary public, personally appeared DAVID RICHARDSON to be the person whose name is signed on the preceding or attached document as Manager of Flying Dreams Brewing Co., LLC and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:

My Commission Expires

EXHIBIT “A”



City of Marlborough Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
JASON D. GROSSFIELD
CITY SOLICITOR
2019 AUG 21 10:45
HEATHER B. GUTIERREZ
PARALEGAL

August 21, 2019

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

Re: Proposed Zoning Amendment – Home Office / Home Occupation

Dear Honorable President Clancy and Councilors:

At the request of Councilor Joseph Delano, enclosed please find a proposed zoning amendment to expand the definition of what constitutes a “home occupation” to include an office for an off-premises business on a residential property, subject to the requirements of the zoning ordinance.

It is my understanding that this amendment would provide legal authority for the Building Commissioner to determine that a qualifying office may constitute a “home office / home occupation” under the zoning ordinance, including when considering related applications for business certificates.

I have reviewed the proposed amendment and it is in proper legal form. Please contact me if you have any questions.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Jeffrey Cooke, Building Commissioner

ORDERED:

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

1. Section 650-5(B), entitled "Definitions; word usage," is hereby amended, as follows (new text shown as underlined, deleted text shown as ~~striketrough~~):

HOME OFFICE / HOME OCCUPATION

An occupation customarily conducted in the place of residence of the operator or of a professional person, or in a building accessory thereto, such as dressmaking, millinery, home cooking, handcraft, specialized cultivation and propagation of houseplants, insects, fish, birds and animals, limited to one litter at a time, or the offices of a physician, surgeon, dentist, real estate agent, teacher, clergyman, artist, lawyer, architect, musician, landscape architect, land surveyor, City planner, broker, engineer, beautician or member of any other recognized profession including an office for an off-premises business, provided that not more than three persons are engaged in the activity on the premises at any one time.

HOME OCCUPATION

See definition of "home office / home occupation."

ADOPTED

In City Council

Order No. 19-

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:



City of Marlborough

Police Department

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

David A. Giorgi
Chief of Police

355 Bolton Street, Marlborough, Massachusetts 01752
Tel. (508)-485-1212 Fax (508)-624-6938

2019 JUL 31 P 1:41

July 30, 2019

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

Re: Garden Remedies, Inc.
416 Boston Post Road east
Marlborough, MA 01752

Dear President Clancy and Councilors,

Pursuant to the provisions stipulated in Special Permit No. 18-1007318E pertaining to Garden Remedies, Inc. located at 416 Boston Post Road East, the Applicant has employed the Marlborough Police Department for detail officers at this Site during all operating hours commencing on June 1, 2019. As designated, the Marlborough Police detail will last for the first sixty (60) days of operation. Our officers have worked the designated hours of operation (Monday- Saturday 10:00am-8:00pm, Sunday 10:00pm-5:00pm). When we have been unable to fill the detail, the Department has notified Garden Remedies, Inc. that the detail will not be filled for that day and Garden Remedies, Inc. has obtained their own private detail for that detail period. Since its opening, there have been no calls for service, no reported parking issues and very little traffic congestion as vehicles both enter and exit Route 20. Therefore, it would be my opinion, that there is no need to continue the use of a Marlborough Police detail during the hours of operation of Garden Remedies, Inc. at 416 Boston Post Road east. At the conclusion of the 60 (sixty) day period, the provision requiring a police detail during hours of operation should expire as it is deemed to be no longer necessary. However, should the need arise in the future to have a Marlborough Police detail on Site, we will work with Garden Remedies, Inc. to establish a presence.

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

Respectfully,

David A. Giorgi

City Council

From: City Council
Sent: Wednesday, July 31, 2019 11:42 AM
To: Karen Boule
Subject: Police Detail Condition - Garden Remedies

14. Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. At the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns, shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail.



City of Marlborough
Department of Public Works

135 NEIL STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. 508-624-6910
*TDD 508-460-3610

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

JOHN L. GHILONI
COMMISSIONER

2019 AUG 22 A 10 05

August 21, 2019

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

Re: City Council Order No. 18-1007366: Acquisition of 49 West Main Street, Marlborough

Dear President Clancy and Councilors:

Enclosed please find a proposed order relative to an amended purchase price to acquire the above-referenced property relating to the library construction project. In 2018, the City Council authorized the acquisition of this property. Recent additional negotiations have resulted in certain amendments to the purchase and sale agreement, including modification to the sale price and terms.

I am available to answer any questions concerning this matter. Please contact me if you have any questions or concerns.

Sincerely,

John L. Ghiloni
Commissioner

Enclosure

cc: Arthur G. Vigeant, Mayor
Jason D. Grossfield, City Solicitor

DRAFT ONLY

*SUBJECT TO NEGOTIATION OF FIRST
AMENDMENT TO AGREEMENT*

ORDERED:

That by Order No. 18-1007366, the City Council of the City of Marlborough authorized the City to acquire 49 West Main Street, Marlborough, MA in the total amount of \$381,504.00 as provided in a Purchase and Sale Agreement ("Agreement") for the purchase of said property and appropriated from Account No. 19300006-58595 (City Hall Equipment) the then-balance due on said purchase in the amount of \$362,504.00, the Mayor, upon negotiation of a First Amendment to the Agreement modifying certain terms of the Agreement, the City Council hereby:

(1) Authorizes the City to acquire 49 West Main Street in the total amount of \$461,000.00 as provided in the First Amendment to the Purchase and Sale Agreement, to be funded from the above-referenced account; and

(2) Affirms its authorization for the Mayor to accept a deed pursuant to M.G.L. c. 40, § 3 for said property located at 49 West Main Street.

ADOPTED
In City Council
Order No. 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

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

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 AUG 13 A 11:17

1. Name and address of Petitioner or Applicant:

Nicholas Masso / 19 Old Andover Rd., North Reading, MA 01864

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

257 Simarano Drive, Suite 100 / Parcel ID#: 112-4

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

Eric O'Brien / 336 Baker Avenue, Concord, MA 01742

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

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

Article _____ Section 650-2B Paragraph _____ Sub-paragraph _____

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

I: Industrial

7. Specific reason(s) for seeking Special Permit

We are seeking a Special Permit to operate a Marijuana Independent Testing Laboratory. The "Table of Uses" states that our intended use requires a "Special Permit" (SP) / Zoning relief issued by the Marlborough City Council.

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

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

Nicholas Masso

Signature of Petitioner or Applicant

Address: 19 Old Andover Road

North Reading, MA 01864

Telephone No. 857-600-6713

Date: 8/2/19

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

Nicholas Masso (Aries Laboratories LLC)
(Name of Petitioner)

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

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

Abutters List 257 Simarano Dr 400 ft
MARLBOROUGH, MA

P	Block	Lot	Unit	Owner~s Name	Co Owner~s Name	Address	City	ST Zip	Parcel Location
1	2A			AVALON MARLBOROUGH LLC		ATTN AVALONBAY COMMUNITIE	ARLINGTON	VA 22203	1000 BAY DR
1	2B			ATLANTIC-MARLBORO REALTY III LLC		205 NEWBURY ST	FRAMINGHAM	MA 01701	2 RESULTS WAY
1.	1	1		HINES GLOBAL REIT MARLB CAMPUS I LL C/O HINES INTERESTS LP		100 CAMPUS DR #1	MARLBOROUGH	MA 01752	100 CAMPUS DR #1
2	3			JEREMIAH 29 LLC		336 BAKER AVENUE	CONCORD	MA 01742	215 SIMARANO DR
2	6			TJX COMPANIES INC		PO BOX 5369	COCHITUATE	MA 01778-6369	300-350 VALUE WAY
6	10			IPG PHOTONICS CORPORATION		50 OLD WEBSTER RD	OXFORD	MA 01540	377 SIMARANO DR

MARLBOROUGH ASSESSORS

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

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Nicholas Masso Address: 19 Old Andover Road, North Reading, MA 01861

Project Name: Indo Labs Address: 257 Simarano Drive, Suite 100

1. PROPOSED USE: (describe) Marijuana Independent Testing Laboratory

* No development will be done (occupying space "as-is") *

2. EXPANSION OR NEW: N/A

3. SIZE: floor area sq. ft. 10,565 1st floor _____ all floors _____

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

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

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

Normal: 6 Peak period: 6

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 6 Peak period: _____

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

N/A

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? N/A

8. NOISE:

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

No change

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

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

10. WATER AND SEWER: Describe any unusual generation of waste. Nothing unusual

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? N/A

*Attach additional sheets if necessary



CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752

City Hall
140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: 8/2/19

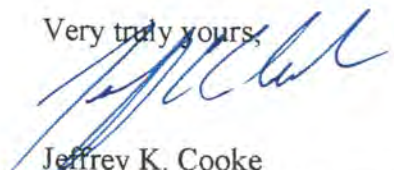
SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: Aries Laboratories LLC (dba "Indo Laboratories")
Project Use Summary: Marijuana Independent Testing Laboratory
Project Street Address: 257 Simarano Drive, Suite 160
Plate: _____ Parcel: 112-4
Applicant/Developer Name: Nicholas Masso
Plan Date: 8/2/19 Revision Date: _____

Dear President and Members:

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

Very truly yours,


Jeffrey K. Cooke
Acting Director of Planning

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

\$250.00



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

**Steven W. Kerrigan
City Clerk**

Dear Applicant,

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

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

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

Nicholas Marro
Signature

8/2/19
Date

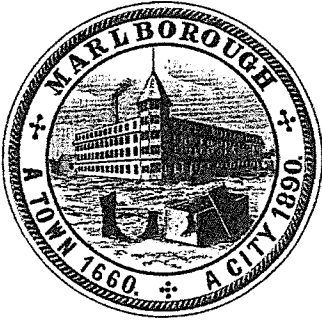
Thank you for your cooperation in this matter.

Sincerely,

Steven W. Kerrigan
City Clerk

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

**Steven W. Kerrigan
City Clerk**



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

Company Name

Aries Laboratories LLC

Owner Name/Officer Name of LLC or Corporation

Nicholas Masso

Owner/Officer Complete Address and Telephone Number

Nicholas Masso

19 Old Andover Road, North Reading, MA 01864

857-600-6713

Signature of Applicant

Nicholas Masso

Attorney on behalf of Applicant, if applicable

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

Eileen Bristol

Tax Collector



City of Marlborough
BUILDING DEPARTMENT

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

JEFFREY COOKE, C.B.O.
BUILDING COMMISSIONER

PATRICK DAHLGREN
ASSISTANT BUILDING
COMMISSIONER

WILLIAM PAYNTON
LOCAL BUILDING INSPECTOR

RICHARD DESIMONE
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

ZONING DENIAL

July 31, 2019

Applicant

Nicholas Masso
19 Old Andover Road
North Reading, MA 01864

Owner

257 Simarano LLC
Eric O'Brien, Resident Agent
336 Baker Avenue
Concord, MA 01742

Mr.Masso:

Your application to operate Marijuana Independent Testing Laboratory dba "Indo Laboratories" at 257 Simarano Drive, Suite 100, Marlborough, MA Parcel ID # 112-4, located in the Industrial zoning district (I) is denied as it does not comply with Chapter 650- 17 Table of Uses of City Code of Marlborough. The "Table of Uses" states that your use requested, requires a "Special Permit" (SP) issued by the Marlborough City Council.

Your use requested requires a Zoning relief issued by the Marlborough City Council.

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

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

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

Sincerely,

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



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Kate Managan
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

June 11, 2019

RE: Letter of Non-opposition

To Whom It May Concern:

I, Arthur G. Vigeant, Mayor of the City of Marlborough, do hereby provide non-opposition to Aries Laboratories LLC, to operate an Independent Testing Laboratory in the City of Marlborough.

I have verified with appropriate local officials that the proposed Independent Testing Laboratory is located in a zoning district that allows such use by right or pursuant to local permitting.

Sincerely,



Arthur G. Vigeant
Mayor

Date 7/22/19

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



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

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

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

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

257 Simarano Drive
No. / Street

112-4
Parcel ID#

51 INDUSTRIAL
Zoning District

Assessors Init: _____

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

Please attach a brief narrative, if necessary.

Testing Laboratory certified by Department of Public Health

If Residential, state # of units proposed _____

If Business, state exact type Analytical Laboratory Testing for Cannabis Industry

Present Use of Property, including any existing structures

Laboratory / Industrial

Applicant's Name Nicholas Masso

Applicant's Address

19 Old Andover Road
North Reading, MA 01864

Bldg Owner's Name Eric O'Brien

Owner's Address

336 Baker Avenue
Concord, MA 01742

Applicant's Phone 857-600-6713

Owners Phone 978-369-5500 Ext. 121

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

Nicholas A. Masso
Applicant's Signature

[Signature]
Owner's Signature

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

Tax Collector _____ Date _____

OVER ►

FOR ADMINISTRATION USE ONLY – DO NOT WRITE BELOW THIS LINE

APPROVE [Signature]
DENIED [Signature]

ZONING CODE

REASON FOR DENIAL

Requires Special Permit 650-18*47

31 July 2019

650-17 TABLE OF USES

ZONING AGENT

DATE

Page 1 of 2

Description of Business:

The Massachusetts Department of Public Health requires that anyone who has a license to grow or distribute cannabis or related products must send samples to a third party, licensed ISO accredited lab for analytical testing. This business is the laboratory that will do the aforementioned testing to assist the MDPH in certifying that all products meet regulatory compliance standards for pesticides, residual solvents, mycotoxins/bacteria, heavy metals and potency. The facility and all employees will be licensed by the MDPH and Cannabis Control Commission to operate.

Name and Address of all persons involved in proposed Business:

Nicholas Masso: 19 Old Andover Road, North Reading, MA 01864

Nicholas Bilotti: 432 Norfolk Street, Somerville, MA 02143

List all major equipment used in this business: Analytical Instruments: Mass Spectrometers (LC, GC, ICP), UPLC (Ultra Performance Liquid Chromatography)

What size vehicle will be involved with the business, if any: Van for sample pickup

Where on the premises will business be conducted? All business will be conducted in existing laboratory space

Will there be any exterior changes to this property including signs?
None

Will there be any noise, emissions, noticeable to persons adjacent to this property? None

Will customers visit the property? Yes (occasionally) If yes, how many people are expected at one time? 1-2

List materials sold or stored at the property: None. The business is a service and results are reported to clients on online system portal

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

Please provide any other information that would allow us to understand your proposed business that you feel is important: Samples will be immediately destroyed after analysis in compliance with ISO:17025 standards and Waste Management regulations. The quantity of samples stored will be a minimal quantity (no more than is allowed for any one medicinal marijuana patient). All samples awaiting analytical preparation will be stored securely in locked room. There will be no detectable smell and there is no shared space with any other building tenant.

Name of Business: Aries Laboratories LLC
(doing business as: Indo Laboratories)



Corporations Division

Business Entity Summary

ID Number: 061778739

[Request certificate](#)

[New search](#)

Summary for: 257 SIMARANO LLC

The exact name of the Domestic Limited Liability Company (LLC): 257 SIMARANO LLC

Entity type: Domestic Limited Liability Company (LLC)

Identification Number: 061778739

Old ID Number: 000925086

Date of Organization in Massachusetts:
05-24-2006

Last date certain:

The location or address where the records are maintained (A PO box is not a valid location or address):

Address: 336 BAKER AVE

City or town, State, Zip code, CONCORD, MA 01742 USA

Country:

The name and address of the Resident Agent:

Name: ERIC O'BRIEN

Address: 336 BAKER AVE

City or town, State, Zip code, CONCORD, MA 01742 USA

Country:

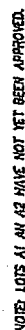
The name and business address of each Manager:

Title	Individual name	Address
MANAGER	DAVID STUBBLEBINE	1 CRANBERRY HILL #103 LEXINGTON, MA 02421 USA
MANAGER	ERIC O'BRIEN	336 BAKER AVE CONCORD, MA 01742 USA

In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:

Title	Individual name	Address
SOC SIGNATORY	DAVID STUBBLEINE	1 CRANBERRY HILL #103 LEXINGTON, MA 02421 USA
SOC SIGNATORY	ERIC O'BRIEN	336 BAKER AVE CONCORD, MA 01742 USA

DRIVE



20,000 sq. office space
requires 80 parking spaces

A detailed floor plan diagram of a building's interior. The plan shows various rooms and corridors. A large area at the top right is circled and labeled "10,565 SF OF LAB". At the bottom left, there is a section labeled "AVAILABLE SPACE COMMON AREA". Other labels include "RECEPTION AREA", "STORAGE AREA", "CORRIDOR", "ELEVATOR", and "RESTROOM". The plan also includes a grid system with letters A through J along the top edge and numbers 1 through 10 along the left edge.

257 Simarano - Suite 100

**AVAILABLE SPACE
COMMON AREA**

Aries Laboratories LLC

Cannabis Analytical Testing

Massachusetts Business Plan

Contact Information:

Nicholas Masso
nickmasso@gmail.com
(857) 600-6713

Executive Summary

Cannabis analytical testing is an essential part of the legal marijuana industry and now government mandated. Both grow facilities and dispensaries are required to test their products by an independent 3rd party laboratory for potency and purity. The testing industry is the next big market and is on track to be worth an estimated \$1.4 Billion by 2021. However, as the Cannabis industry continues to grow as a whole, the lab market is not evolving quickly enough to keep up with the rapid influx of products that will need to be tested. This bottleneck in the industry has created a significant challenge not only for the producers and distributors (by delaying production and sales), but also the ability of the state government to truly regulate the process to ensure that communities are receiving products that are accurately tested and safe to consume. A recent survey of growers and dispensary owners in Massachusetts and Pennsylvania expressed that there is already a significant gap in the analytics industry that is not being met, leading to long lead times and testing variability. The manual processes and primitive equipment utilized by current testing facilities will simply not have the scalable infrastructure to align with the high throughput demands of the rapidly growing client-base.

Alongside of the legal cannabis industry, the other rapidly market emerging market are CBD products derived from hemp. Last year, federal lawmakers passed the 2018 farm bill which separated hemp from the legal definition of marijuana, making it legal to manufacture and buy anywhere in the United States. In 2018, CBD was a \$619 million industry nationwide. By the end of 2019, it's expected to hit \$5.9 billion, according to researchers with Brightfield Group, a CBD marketing research firm. A major concern of this growing industry is that there is little to no regulation and no one is overseeing what is truly going into these products. CBD is not considered a food or dietary supplement, so there aren't strict regulations or testing requirements for the products. The FDA can only go as far as warning companies against making any type of marketing claims regarding what the product can do for a person's health. The fact that CBD product potency, efficacy and safety are already being acknowledged as an issue means that laboratory testing is not only becoming a benefit to refining product validation, but will soon become a requirement of state governments.

Given the sparse existence of cannabis analytical labs, there is an exceptional opportunity for a new testing company to thrive, especially one that has already developed the necessary platform and business model for success. We plan to achieve these results by sourcing a highly capable and talented staff, the most advanced/reliable analytical equipment and implementing automation at every possible point of the testing process. As we establish the set process that maximizes throughput and consistency with a first location in Massachusetts, we will plan a controlled expansion into Pennsylvania and any other states that we deem to be an equivalent or next emerging market. Right from the starting gate, we will immediately be on track as a major player within the cannabis testing industry, with the ultimate goal to create the standard for which all future analytical testing will be based.

Target Market

Market Size & Segments

The Massachusetts Department of Public Health requires that anyone who has a license to grow or distribute cannabis or related products must send samples to a third party ISO accredited lab for testing. The samples cannot be mailed and are required to be tested in the same state that they are grown or distributed. Marijuana sales in MA are estimated to be \$450M statewide in 2018 and predicted to reach \$1.2B by 2021. Recreational dispensaries will open in July 2018, which will create a simultaneous influx of grow facilities far beyond those already existing.

U.S. marijuana market projections through 2025

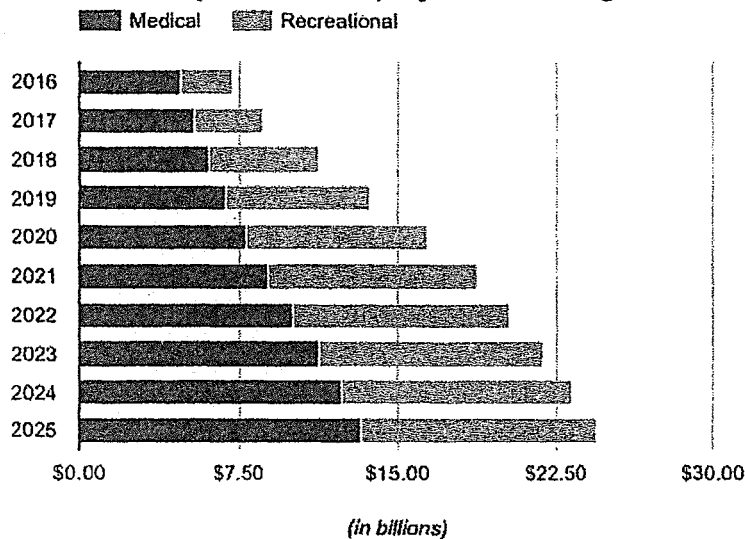
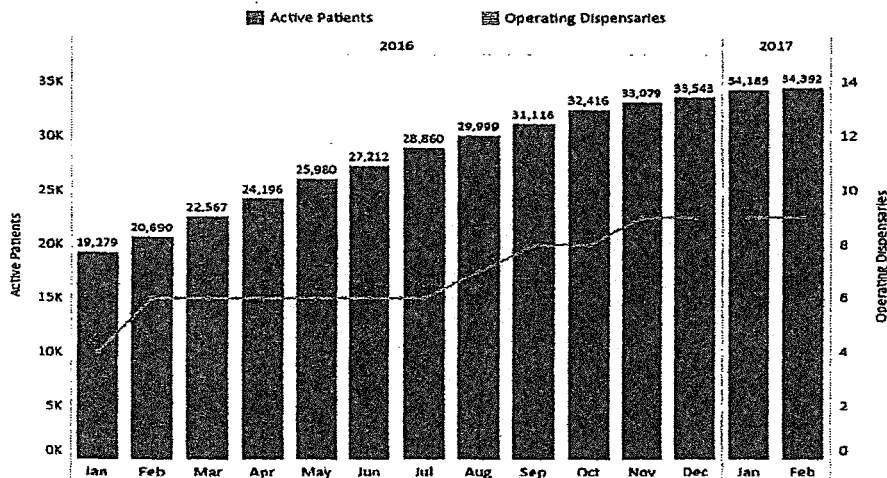


Chart of the Week

Marijuana Business Daily

Number of Medical Marijuana Patients & Operating Dispensaries in Massachusetts By Month

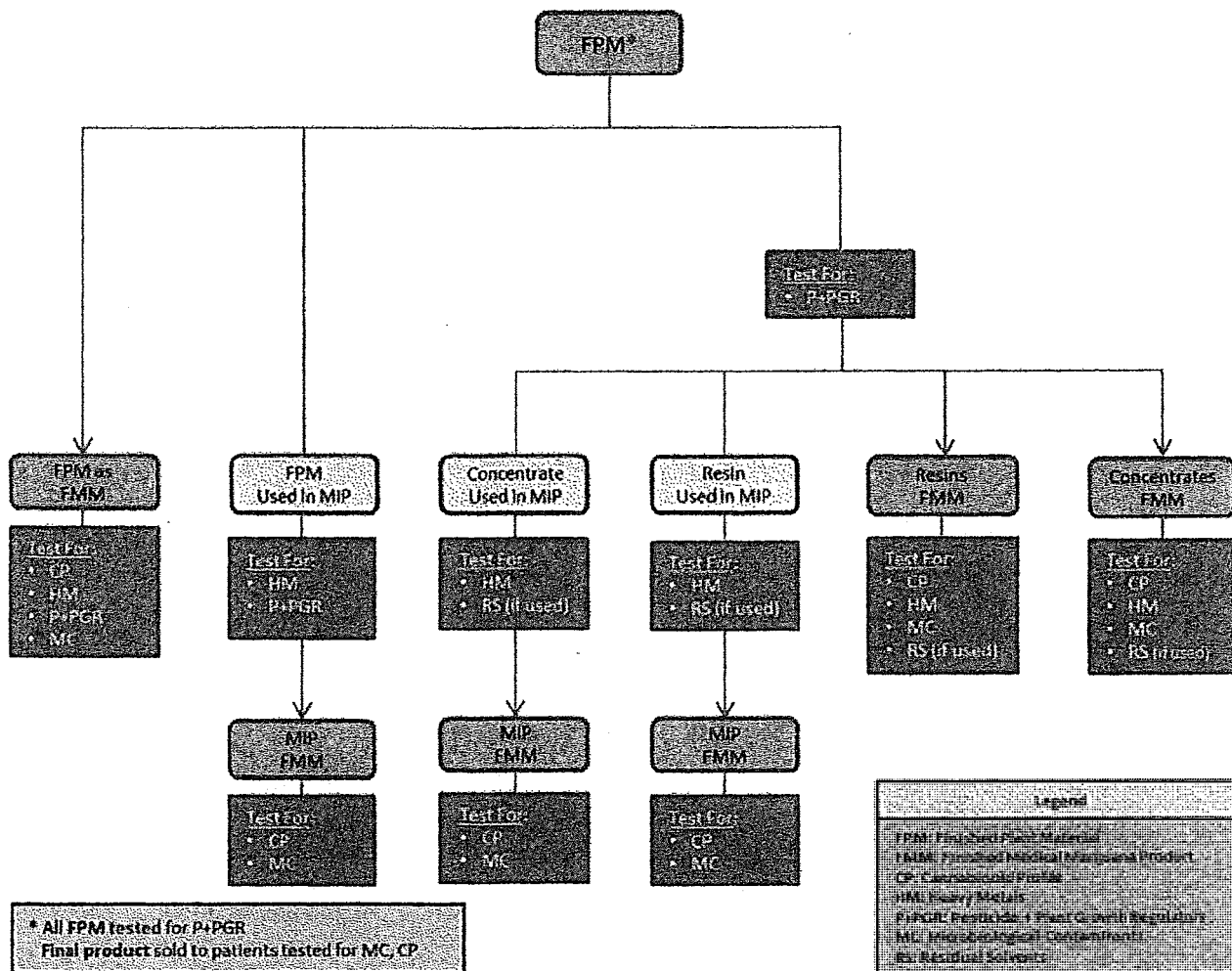


Source: Massachusetts Executive Office of Health and Human Services
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- Protocol for Sampling and Analysis of Finished Medical Marijuana Products and Marijuana-Infused Products for Massachusetts Registered Marijuana Dispensaries

Production Stage/Product	Contaminants of Concern	Required Testing
Finished Plant Material	<ul style="list-style-type: none"> • Contaminants remaining from cultivation • Fungal/microbial growth during finishing 	<p>All Production Batches:</p> <ul style="list-style-type: none"> • Pesticides and plant growth regulators <p>Production Batches to be Dispensed as Finished Medical Marijuana Product:</p> <ul style="list-style-type: none"> • Metals • Bacteria/fungi/mycotoxins • Cannabinoid profile
Cannabis Resin	<ul style="list-style-type: none"> • Contaminants remaining from cultivation • Solvents if used to extract resin • Fungal/microbial growth during production 	<p>All Production Batches:</p> <ul style="list-style-type: none"> • Solvents(if used) • Metals <p>Only Production Batches to be Dispensed as Medical Marijuana Product:</p> <ul style="list-style-type: none"> • Bacteria/fungi/mycotoxins • Cannabinoid profile
Cannabis Concentrates	<ul style="list-style-type: none"> • Contaminants remaining from cultivation • Solvents used to extract oil • Fungal/microbial growth during production 	<p>All Production Batches:</p> <ul style="list-style-type: none"> • Solvents • Metals <p>Only Production Batches to be Dispensed as Medical Marijuana Product:</p> <ul style="list-style-type: none"> • Bacteria/fungi/mycotoxins • Cannabinoid profile
MIPs	<ul style="list-style-type: none"> • Contaminants in finished marijuana ingredients • Fungal/microbial growth during production 	<p>All Production Batches:</p> <ul style="list-style-type: none"> • Bacteria/fungi/mycotoxins • Cannabinoid profile

Testing Requirements



Competition

Current Alternatives:

Company: MCR Labs

Start Date: 2013

Location: Framingham, MA

Claims/Selling Points:

Excerpt from MCR website: "The core of our experience comes from contract research organizations (CROs) in the pharmaceutical industry. This means that we are experts in:

- Regulatory compliance – cGMP (current good manufacturing practice) is the stringent regulatory framework used in the pharmaceutical industry and trusted by the FDA. We base our systems on this framework, adapted to the international ISO-17025 format. Therefore, we will be ready for any regulations that are placed on the industry going forward to assist our clients with a seamless transition into a federally regulated product when the time comes.
- Analytical method development – we can adapt to any new standards that are required now or in the future by regulatory agencies or is of interest for R&D purposes.
- Formulation and extraction – we have experience analyzing many molecules in a variety of different matrices."

Company: ProVerde Laboratories

Start Date: 2013

Location: Milford, MA, Portland, ME, Rhode Island

Claims/Selling Points:

- Invested \$2M in outfitting lab
- ISO 17025:2005 Accreditation
- Accredited to perform up to 44 different tests
- Recognition by Emerald Test for Potency and Safety w/ published test results
- Excerpt from Proverde website: "using a system called UPC2, which is Ultra Performance Convergence Chromatography. It is probably the most sophisticated testing technology in the world today. We use super critical carbon dioxide as the mobile phase in our testing, so that means we use 100 to 500 times less toxic waste compared to other testing technologies"

Company: CDX Analytics

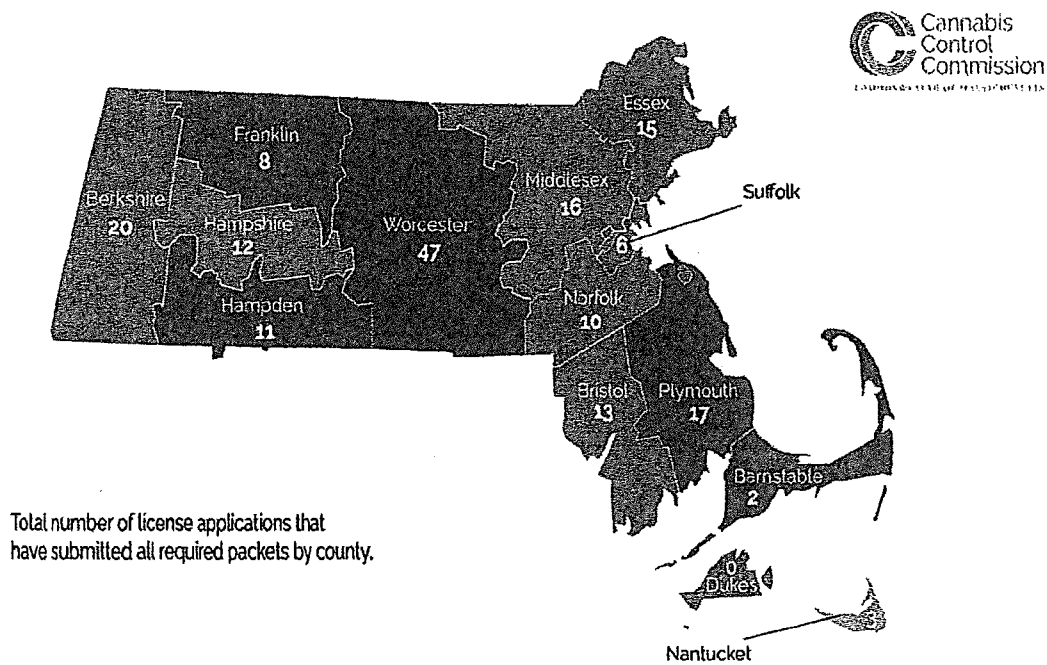
Start Date: 2015

Location: Salem, MA

Claims/Selling Points:

- On-time results reporting.
- The only Massachusetts laboratory that can test all analytes required by the MDPH (including all pesticides, negating your need to label each product as non-compliant).
- Daily collection service from your business, ensuring chain of custody at all times.
- On-line secure 24-hour access to your results across multiple platforms.
- Highly experienced analytical team and dedicated support staff.
- Transportation service available in compliance w/ CMR 725.000 (MA DPH)

Current MA License Map



List of MA Cultivation Facilities With Provisional License

Marijuana Cultivator	Location	Cultivation Square Footage
Alternative Therapies Group, Inc.- Amesbury	Amesbury	31,040
Cultivate Holdings LLC.	Leicester	22,400
I.N.S.A., Inc.	Easthampton	39,000
M3 Ventures, Inc.	Plymouth	10,000
New England Treatment Access, LLC.	Franklin	60,000
Northeast Alternatives, Inc.	Fall River	50,000
Patriot Care Corp	Lowell	40,000
SIRA NATURALS, INC.	Milford	20,000
1620 Labs, LLC	Athol	365,000
253 Organic, LLC	Montague	30,000
Ashlis Farm Inc.	Attleboro	15,000
Atlantic Medicinal Partners, Inc.	Fitchburg	50,000
BCWC, LLC	Attleboro	24,700
Berkshire Roots, Inc.	Pittsfield	2,400
Berkshire Welco LLC	Sheffield	40,000
CannAssist, LLC	Leicester	180,000
Cape Cod Grow Lab, LLC	Brewster	10,000
Central Ave Compassionate Care, Inc.	Ayer	8,500
Commonwealth Cultivation Inc.	Pittsfield	5,600
Curaleaf Massachusetts, Inc.	Webster	104,000
East Coast Organics, LLC	Leicester	100,000
Good Chemistry of Massachusetts, Inc	Bellingham	10,000
Green Gold Group, Inc	North Brookfield	153,000
Holyoke Gardens, LLC	Holyoke	150,000
In Good Health, Inc.	Brockton	7,000
Jolly Green LLC	Winchendon	100,000
JustinCredible Cultivations	Cummington	174,000
LDE Holdings, LLC.	Wareham	16,600
Mass Yield Cultivation LLC	Pittsfield	5,000
Massachusetts Patient Foundation, Inc	Fitchburg	102,000
MassGrow, LLC	Athol	360,000
New England Renewable Resources, LLC	Chester	16,500
Revolutionary Clinics II, Inc.	Fitchburg	75,900
Sanctuary Medicinals, LLC	Littleton	15,000
Silver Therapeutics, Inc.	Orange	92,128
Solar Therapeutics Inc.	Somerset	66,000

MA Site Plan

Location & Facility:

Prospective Location: The Boroughs (i.e. Marlborough, MA)

Size: 10,000 to 11,000 sq. ft.

Lease: ~\$18,000/month

Description: A location that already has all the necessary infrastructure and utilities for the intended business (lab benches, fume/exhaust hoods, office space, conference room, storage, break-room and loading dock). If minimal to no build-out is required, there will be substantial cost and time savings in getting the busy operational. Only new paint, signage, basic office furniture and the analytical testing equipment are required to get the facility up and running.

Operations: This site will serve as the initial headquarters for the entirety of the business servicing the medicinal and recreational cannabis market. This facility will also serve as the location where all new hires will be trained.

Security: Cameras and Keycard access are necessary for the location. If not already in place at facility, we will plan to install. Parking lot security surveillance would be helpful for additional peace of mind as well and hopefully part of the lease agreement.

*Two other locations in the same region are also being considered that have a similar lab infrastructure, but are slightly smaller and thereby more cost effective. The town of Marlborough is preferable because of its proximity to Boston, all major highways, existing medicinal dispensaries/grow facilities and prospective recreational dispensaries.

*Already received approval from Mayor of Marlborough, with Host Community Agreement in process. We will have no issues securing the approval or further licensing.

Potential Future Locations: PA, NY, NJ RI, ME

*As the business grows in MA, we will consider expansion into other surrounding states where marijuana has been legalized for recreational use

Team

Chief Executive Officer (CEO): Nicholas A. Masso

Nicholas graduated from College of the Holy Cross in Worcester, MA in 2004 with a Bachelor's Degree in Pre-medical studies. He performed his graduate studies at Harvard University in Biochemistry and Molecular Biology. Nick began his professional career as a molecular biologist researching Huntington's Disease at Massachusetts General Hospital. He currently works as a technical expert designing process development platforms for the regenerative medicine industry at Sartorius Stedim Biotech. He has also been working for the past two years as an Executive Partner for a California Cannabis Analytical Testing Lab in California. Once the start date for the Massachusetts marijuana testing laboratory becomes visible, Nick will be leaving his role at Sartorius to be the full-time CEO of Aries Laboratories. Nick currently resides with his wife and three-year-old daughter at their home in North Reading, MA.

<https://www.linkedin.com/in/nick-masso-7233695/>

Chief Operating Officer (COO): Nicholas D. Bilotti

Nick has over 10 years of experience in the biotech industry. He first started out in research and process development in a biofuels startup before moving to a product specialist role in upstream bioprocessing for Sartorius Stedim Biotech. His technical expertise in automation and analytics combined with his experience in project management make him uniquely capable of managing the heavy responsibility required of a testing facility. He has a BS in biology from UCLA and did graduate work in biochemistry and education at UC Berkeley. Nick currently resides in Somerville, MA.

<https://www.linkedin.com/in/nicholasbilotti/>

Additional Team

-Chief Technology Officer: Recent hire has been an analytical chemist for 20 years, focusing on MS and GCMS. Holds graduate degrees in biochemical engineering and analytical chemistry from Tufts and MIT.

-Lab Director: Recent hire has PhD in analytical chemistry from MIT with over 10 years of laboratory management experience.

-Lab Technicians: Two to three qualified candidates with extensive lab experience are being interviewed.

-Administrative Manager: Candidate being considered has a degree from Harvard Business School.

-Driver/Sample Technician: Role currently being scouted. Candidate must have at least a college degree and experience with sample inventory management.

*All employees will have full background checks and be required to be licensed by Massachusetts Department of Public Health.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 AUG 14 A 11:07

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

**Lisa M. Thomas
City Clerk**

FUEL STORAGE WORKSHEET TO BE COMPLETED BY APPLICANT

Company Name: Ambri Inc

Company Telephone Number: 617 714 5723

Officer's Name: Patrick Song

Officer's Telephone Number: 617 714 5723

Location of Land: 53 Brigham Street

Map & Parcel Number: map #104 Lot #2

Nearest Cross St.: mill Street South

Owner of Land: Ambri Inc.

Owner's Address: 53 Brigham Street Unit 8 Marlborough MA 01752

Number of buildings or other structures to which this application applies:

None

Occupancy or use of such buildings:

see Attached Code Summary H-3

Total capacity of tanks in gallons - Above Ground: N/A Underground: N/A

Kind of fluid to be stored in tanks: N/A

Solid Combustible Crystals 1000 pounds



City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

Lisa M. Thomas
City Clerk

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

AMBR, Inc

*Signature of Individual OR
Corporate Name (Mandatory)

Patricia Song

By: Corporate Officer
(Mandatory, if applicable)

**Social Security # (Voluntary) OR
Federal Identification Number

*This license will not be issued unless this certification clause is signed by the applicant.

**Your social Security Number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Mass. General Laws Chapter 62C §49A.



FP-2A
(Rev. 04-2010)

The Commonwealth of Massachusetts
City/Town of Marlborough

Application For License

Massachusetts General Law, Chapter 148 §13

☒ New License ☐ Amended License

GIS Coordinates

LAT.

LONG.

License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 53 Brigham Street Marlborough MA
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Ambri Inc

Address of Land Owner: 53 Brigham Street Unit 8 Marlborough MA 01752

Use and Occupancy of Buildings and Structures: Mixed Use H-3/F-1/B/S-1 (see attach summary)

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

Attach a copy of the current license

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 14;

Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, Cubic feet	CONTAINER UST, AST, IBC, drums
--------------	-------	------------------	-----------------------------------	--------------------------------------

Calcium Crystals	Flammable Solid	1000	lbs	5 gallon Containers

Total quantity of all flammable liquids to be stored: 40 gallons

Total quantity of all combustible liquids to be stored: 52 gallons

Total quantity of all flammable gases to be stored: None

Total quantity of all flammable solids to be stored: 1000 lbs

see attached
summary

LP-gas (Complete this section for the storage of LP-gas or propane) None

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 6)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: N/A

List sizes and capacities of all aboveground containers used for storage: N/A

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: N/A

List sizes and capacities of all underground containers used for storage: N/A

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks) None

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 2)

❖ Maximum amount (in pounds) of Class 1.3G: 0 Type/class of magazine used for storage: 0

❖ Maximum amount (in pounds) of Class 1.4G: 0 Type/class of magazine used for storage: 0

❖ Maximum amount (in pounds) of Class 1.4: 0 Type/class of magazine used for storage: 0

Total aggregate quantity of all classes of fireworks to be stored: 0

Explosives (Complete this section for the storage of explosives) None

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 13)

❖ Maximum amount (in pounds) of Class 1.1: 0 Number of magazines used for storage: 0

❖ Maximum amount (in pounds) of Class 1.2: 0 Number of magazines used for storage: 0

❖ Maximum amount (in pounds) of Class 1.3: 0 Number of magazines used for storage: 0

❖ Maximum amount (in pounds) of Class 1.4: 0 Number of magazines used for storage: 0

❖ Maximum amount (in pounds) of Class 1.5: 0 Number of magazines used for storage: 0

❖ Maximum amount (in pounds) of Class 1.6: 0 Number of magazines used for storage: 0

I, Robert B Cummings, hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Signature Robert B Cummings Date 8-13-19 Name Robert B Cummings

Fire Department Use Only

I, _____, Head of the _____ Fire Department endorse this application with my

☐ Approval ☐ Disapproval

Signature of Head of the Fire Department

Date

Recommendations: _____

Robert Cummings & Associates, PLLC

379 Amherst Street PMB 209
(603) 496-3933

Nashua, NH 03060
bobcfpe@comcast.net

Memo

To: Assistant Chief Fred Flynn
From: Bob Cummings
Date: August 8, 2019

RE: Ambri – Flammability Solids and Flammable/Combustible Liquids

This memo provides additional information with respect to the use and storage of flammable solids, flammable/combustible liquids by Ambri at their current site, 53 Brigham Street in Marlborough, MA.

The proposed quantities of materials are as follows:

<u>Material</u>	<u>Quantity – Container</u>	<u>Allowed Per IBC/IFC*</u>
Flammable Liquid Class IA	3.5 gallons – metal container	90 gallons
Flammable Liquid Class IB/C	33.5 gallons – metal container	360 gallons
Flammable Liquid Combined IA/B/C	40 gallons – metal container	360 gallons
Combustible Liquid Class II	5.0 gallons – metal container	360 gallons
Combustible Liquid Class IIIA	1.0 gallons – metal container	990 gallons
Combustible Liquid Class IIIB	46.2 gallons – metal container	Unlimited
Flammable Solid	1,000 pounds – sealed container	375 pounds
Water Reactive Class 1	1,000 pounds – sealed container	Unlimited

*Quantity shown is based upon storage in approved container/cabinet
and automatic sprinkler protection throughout the building
PER IBC 2015 Table 307.1(1) and
IFC 2015 chapter 50 and 59

Note the quantity of flammable solids exceeds the allowable quantity. A portion of the space will be reclassified to H-3 use to allow for unlimited quantity of the flammable solids. The remainder of the building will meet the limits as stated in IBC section 307.1(1). Refer to attached code analysis and plan showing are by use.

**Ambri
53 Brigham Street
Marlborough, MA**

H-3 Occupancy Classification

The existing building is:

- 1 story
- Type IIB, non-combustible unprotected construction
- Equipped with an automatic sprinkler system throughout
- 60,152 gross sq.ft.

The area of the building being considered for the change to an H-3 occupancy classification is 6,096 sq.ft. The perimeter of this space is 338 feet, of which 96 feet fronts on a public way or open space having a minimum distance of 20 feet.

The remaining portion of the building is mixed occupancies of Business (B), Storage (S-1) and Factory/ Industrial (F-1) and is 54,056 sq.ft. The perimeter of this portion of the building is 1,500 feet, of which 1,258 feet fronts on a public way or open space having a minimum distance of 20 feet.

Per Table 506.2, the H-3 occupancy has an allowable area of 14,000 sq.ft.

The remaining portion of the building of which the F-1 occupancy is the most restrictive has an allowable area of 62,000 sq.ft.

Section 506.3 allows for an area increase based on frontage.

- The H-3 occupancy is allowed an increase of 3.4% (96' open/338' total - .25).
- The resultant allowable area for the H-3 occupancy is 14,476 sq.ft.
- The remaining portion of the building, governed by the F-1 occupancy, is allowed an increase of 58.9% (1,258' open/ 1,500' total - .25).
- The resultant allowable area for the remaining portion of the building is 98,518 sq.ft.

The H-3 occupancy shall be separated from the remaining occupancies. Per table 508.4 the H-3 occupancy shall be separated from the B, F-1 & S-1 occupancies by a one hour rated separation.

Per section 508.4.2, the building area shall be such that the sum of the ratios of the actual building area of each separated occupancy divided by the allowable building area of each separated occupancy shall not exceed 1.

- The ratio of the H-3 occupancy is .42 (6,096 sq.ft./14,476 sq.ft.).
- The ratio of the remaining portion of the building is .55 (54,056 sq.ft./98,518 sq.ft.).
- The sum of these ratios is .97 which is less than 1, therefore the H-3 occupancy shall be considered as a separated occupancy from the remaining portion of the building.

Per table 508.4 there is no separation requirement between B, F-1 or S-1 occupancies.

Additional H-3 Area Requirements as stated in section 415:

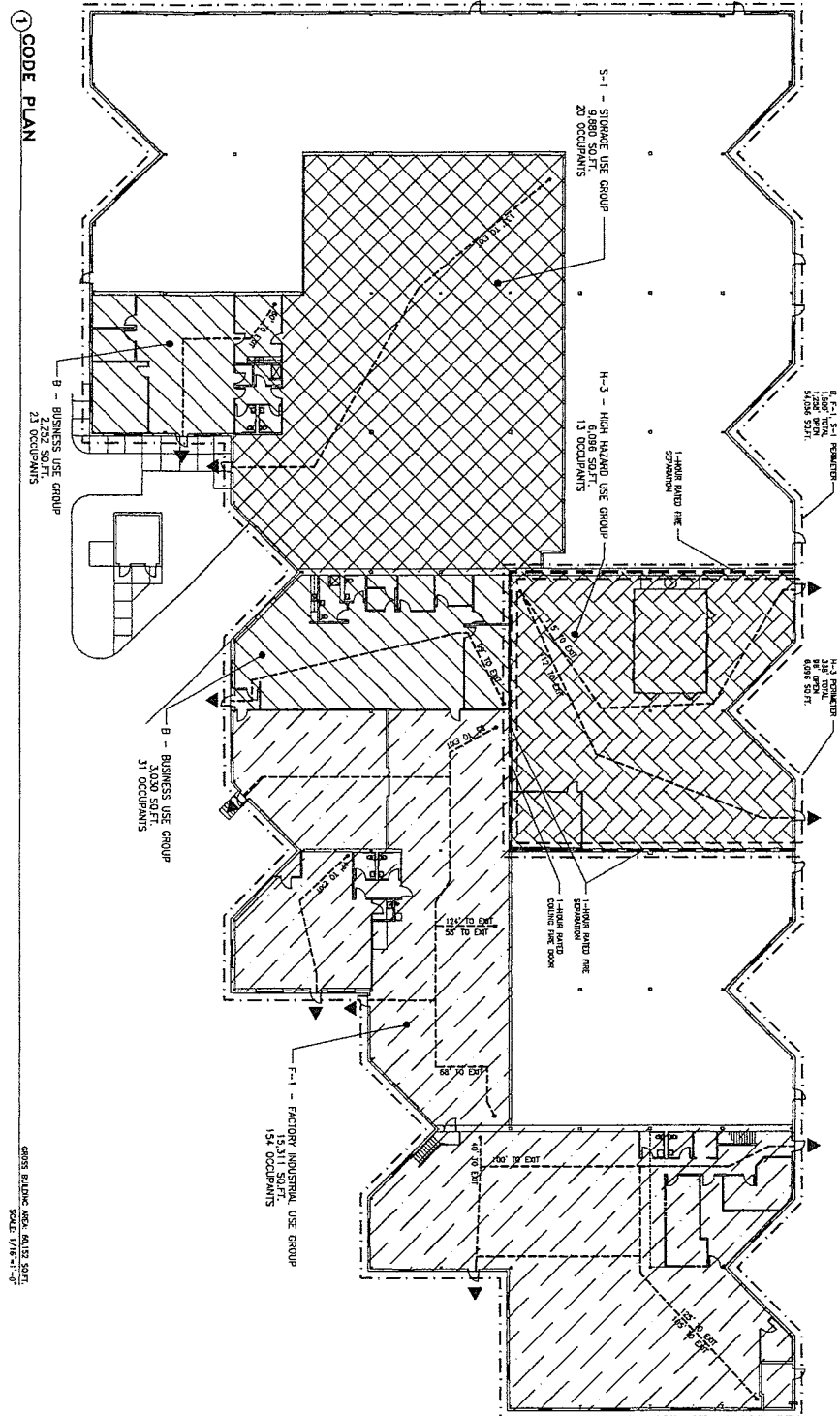
There are no explosives or explosive materials in the building.

There is no basement or crawl space under the H-3 portion of the building.

The floor in the H-3 space does not need to be liquid tight as no corrosive liquids or toxic materials are in use.

The quantity of calcium crystals (combustible solids) is not limited by the quantities stated in Table 307.1(1). A License stating the quantity in the space will be obtained by Ambri.

The quantity of all other hazardous materials in particular flammable and combustible liquids in the H-3 space and throughout the rest of the building will be maintained per the quantities listed in Table 307.1(1).



A1

SHEET NO.:

190

190

U **UDELSMAN**
ASSOCIATES
ARCHITECTURE • PLANNING • DESIGN

161 FEDERAL HILL ROAD
HOLLIS, NEW HAMPSHIRE 03049
603-465-6960

PROJECT: **AMBRI**
@ 53 BRIGHAM STREET
MARLBOROUGH, MASSACHUSETTS

SUBJECT: **CODE PLAN** DATE: 07/11/10

[illegible]



~~1-foot~~ Abutters List Report

Marlborough, MA
August 14, 2019

Direct + Across

Subject Property:

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

Mailing Address: SBLO BRIGHAM BUSINESS PARK LLC
C/O LINCOLN PROPERTY CO 534 KING
ST
LITTLETON, MA 01460

Abutters:

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

Mailing Address: SBLO BRIGHAM BUSINESS PARK LLC
C/O LINCOLN PROPERTY CO 534 KING
ST
LITTLETON, MA 01460

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

Mailing Address: EMPIRE MANAGEMENT CORPORATION
171 GREAT RD
ACTON, MA 01720

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

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

Parcel Number: 104-4
CAMA Number: 104-4
Property Address: 105 BRIGHAM ST

Mailing Address: GULBANKIAN EILEEN Y
1038 BROADMEADOW ST
MARLBOROUGH, MA 01752

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

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

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

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

Parcel Number: 104-63
CAMA Number: 104-63
Property Address: 39 DESIMONE DR

Mailing Address: TRAN DAN V
39 DESIMONE DR
MARLBOROUGH, MA 01752

Parcel Number: 93-14
CAMA Number: 93-14
Property Address: 413-417 SOUTH ST

Mailing Address: ICBP IV HOLDINGS 32 LLC
ONE SANSOME ST STE 1500
SAN FRANCISCO, CA 94104

Parcel Number: 93-15
CAMA Number: 93-15
Property Address: 35 MILL ST CENTRAL

Mailing Address: FLORIO JAMES D TR
63 SHERBURN CIR
WESTON, MA 02493

Parcel Number: 93-48
CAMA Number: 93-48
Property Address: 83 MILL ST CENTRAL

Mailing Address: SKB DEVELOPMENT LLC
103 MECHANIC ST UNIT E2
MARLBOROUGH, MA 01752



www.cai-tech.com

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



1 foot Abutters List Report

Marlborough, MA

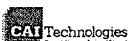
August 14, 2019

Parcel Number: 93-5C
CAMA Number: 93-5C
Property Address: SOUTH ST

Mailing Address: NEW ENGLAND POWER COMPANY
40 SYLVAN RD
WALTHAM, MA 02451-2286

MARLBOROUGH ASSESSORS

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



www.cai-tech.com

8/14/2019

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Page 2 of 2



City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 AUG 16 P 12:15

Steven W. Kerrigan
City Clerk

CITY OF MARLBOROUGH
TAXI AND/OR LIVERY SERVICE LICENSE APPLICATION

I. TYPE OF LICENSE: _____ TAXI _____ LIVERY

2. APPLICANT'S (LICENSEE) INFORMATION:

A. Name: Snodgrass Benjamin
B. Address: 98 Bolton St
C. Telephone Number: _____
D. Business Name: Ben Transportation
E. Business Address: SAME
F. Business Number: 617-510-1049

3. NUMBER OF VEHICLES: 1

APPLICANT'S SIGNATURE Snodgrass Benjamin

CITY OF MARLBOROUGH
TAXI/LIVERY LICENSE

is hereby granted a Taxi/Livery License as approved by the City Council of the City of Marlborough. In accordance with the Code of the City of Marlborough, Chapter 568, this License shall expire two (2) years from the date of issue. Application for renewal of said License shall be made to the City Council through the Office of the City Clerk.

EXPIRATION DATE: _____

A TRUE COPY

ATTEST:

City Clerk



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

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



COMMISSION CHAIRMAN
RICHARD DAY

EXECUTIVE DIRECTOR
TIMOTHY D. DESCHAMPS

August 19, 2019

City of Marlboro
Health Department
Marlboro, MA 01752

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

September 5, 11, 18, 25, October 2

All dates after Labor Day are tentative, and all dates are subject to change due to weather conditions, mosquito populations, mosquito virus activity and/or special event spraying. This program will shut down when cool night time temperatures become predominant in the area. A detailed notice about our spray schedule is posted on the CMMCP phone system after 3:30 p.m. each day, and it is also listed on our website at <http://www.cmmcp.org>, click the "2019 Spray Schedule" button on the right.

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

Per 333CMR13.03(1)(a): "Wide Area Applications of pesticides and mosquito control applications of pesticides approved by the State Reclamation and Mosquito Control Board shall not be made to private property which has been designated for exclusion from such application by a person living on or legally in control of said property." For more information please check: <http://www.cmmcp.org> and click the "No Spray Info" button on the right.

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

Sincerely,

Timothy D. Deschamps

Executive Director

cc: City/Town Clerk
Police Department

MEMO

Central Mass. Mosquito Control Project

www.cmmcp.org



DATE: Aug. 16, 2019
SUBJECT: Mosquito Control Update
TO: CMMCP member Boards of Health
FROM: Timothy Deschamps, Executive Director

The standard residential spraying program will cease after Labor Day, but we will have staff ready to respond to EEE or WNV situations as needed.

The EEE virus along with West Nile has been found in many areas in Mass. this year, with one EEE human cases to date. **We are entering into the highest risk part of the season, a time where spraying interventions may not always be possible.** Our surveillance staff will continue to trap, identify and test mosquitoes until MDPH ends the testing program, typically mid-October. Please continue to push the message of exercising caution when outside, using repellents and wearing long sleeved shirts and long pants whenever possible.

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

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

Thank you

cc: Member City/Town Clerks
Member Police Departments



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



<https://twitter.com/CMassMosquito>

August 19, 2019

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 AUG 20 P 1:35

Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752
Attn: Karen A. Boule, Council Secretary

RE: Notice of Intent Pursuant to MGL c. 61A, §14 to Sell Land and Convert Use

Dear City Councilors,

On October 30, 2018, Heritage Farm, LLC, owner of approximately 28.4 acres of land located in Marlborough, Massachusetts, Parcel ID Nos. 72-35, 73-26A, 73-28, 73-24, and 73-26 (the "Property"), entered into that certain Purchase and Sale Agreement attached hereto as Exhibit A (the "Agreement"), with Waypoint Residential Services, LLC ("Buyer"). Pursuant to the Agreement, Buyer intends to purchase the Property upon the terms and conditions set forth in the Agreement for purposes of constructing a mixed use structure including multifamily housing (apartments), accessory amenities and retail use. The Property is currently enrolled in the Massachusetts Chapter 61A program as agricultural land. Buyer intends to remove the Property from such classification and convert it to the above described intended use.

This letter serves as notice to you of the proposed sale, as required by M.G.L. ch. 61A. A sketch plan of the Property is attached hereto as Exhibit B. Should you have any questions regarding the proposed sale, please do not hesitate to contact us at the following address:

Heritage Farm, LLC
15149 Winesap Drive
North Potomac, MD 20878
Attention: Valthea M. Fry

Contact for the landowner's attorney is also provided below:

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center
Boston, MA 02111
Attention: Geoffrey H. Smith, Esq.
Telephone Number: 617-348-1767

Sincerely,

HERITAGE FARM, LLC

By: Valthea M. Fry
Name: Valthea McGee Fry
Title: Manager

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 AUG 22 A 10:49

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Post Road Realty LLC, 11 Unquowa Road, Fairfield, CT 06824

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

107 Simarano Drive; Parcels 116-5, 116-11, and 116-12

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

BP Crane Meadow, LLC, c/o Boston Properties, 800 Boylston Street, Suite 1900, Boston, MA 02199

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

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

Article VI Section 650 Paragraph 36 Sub-paragraph D.2

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

Executive Residential Overlay District

7. Specific reason(s) for seeking Special Permit

The Applicant proposes a multi-family residential project in the Executive Residential Overlay District to be known as "The Green District". The project will consist of 475 units in two buildings, with 766 parking spaces, open space, landscaping, and walking trails.

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

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



Signature of Petitioner or Applicant

Brian R. Falk, Attorney for Applicant

Address: Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street
Worcester, MA 01608

Telephone No. (508) 929-1678

Date: August 22, 2019

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

Post Road Realty LLC (The Green District)
(Name of Petitioner)

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

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

**Abutters List 107 Simarano Dr (116-5,11,12) 400 ft
MARLBOROUGH, MA**

p	Block	Lot	Unit	Owner~s Name	Co Owner~s Name	Address	City	ST Zip
2	6A			TJX COMPANIES INC		PO BOX 5369	COCHITUATE	MA 017
6	7			40 CEDAR HILL LLC		PO BOX 836	MARLBOROUGH	MA 017
6	9			CMJ REALTY TRUST LLC		72 CEDAR HILL ST #C	MARLBOROUGH	MA 017
6	11			BP CRANE MEADOW LLC		C/O MARVIN F POER & CO	ATLANTA	GA 303
6	3A			GS STONEGATE PROJECT OWNER LLC		18 BROAD ST STE 300	CHARLESTON	SC 294
8	2			LPCH DANGELO LP		C/O LINCOLN PROPERTY CO	FRAMINGHAM	MA 017
8	2A			24 ST MARTIN DRIVE LLC		C/O MILLER & BISSON	ANDOVER	MA 018

MARLBOROUGH ASSESSO

Anthony C. Amore Jr.
William K. Silvers Jr.
David May Jr.

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Post Road Realty LLC Address: 11 Unquowa Road, Fairfield, CT 06824

Project Name: The Green District Address: 107 Simarano Drive, Marlborough

1. PROPOSED USE: (describe) Multi-family residential

2. EXPANSION OR NEW: New

Bldg 1: 272,595

Bldg 1: 33,854

Bldg 1: 272,595

3. SIZE: floor area sq. ft. Bldg 2: 277,091 1st floor Bldg 2: 33,331 all floors Bldg 2: 277,091

buildings 2 # stories 6 lot area (s.f.) 1,873,840

4. LOT COVERAGE: 26 % Landscaped area: 74 %

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

Normal: Less than 713 Peak period: 713 (1.5 per unit)
(1.5 per unit)

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 179 Peak period: 718

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

Periodic rubbish and recycling removal, maintenance vehicles, deliveries, move-ins and outs, commensurate with a multi-family use.

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Standard downward facing light fixtures.

8. NOISE:

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

Typical residential noises.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Resident vehicles, delivery and service vehicles, use of exterior areas by residents.

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

Resident vehicles and delivery and service vehicles.

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

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

***Attach additional sheets if necessary**



CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752

City Hall

140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: _____

SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: The Green District

Project Use Summary: Multi-family residential

Project Street Address: 107 Simarano Drive

Plate: 116 Parcel: 5, 11, 12

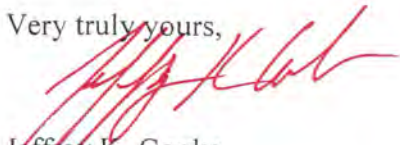
Applicant/Developer Name: Post Road Realty LLC

Plan Date: August 8, 2019 Revision Date: _____

Dear President and Members:

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

Very truly yours,


Jeffrey K. Cooke
Acting Director of Planning

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

\$12,100

Base Fee: \$300
\$25 per unit: \$11,800 (\$25 X472)
in excess of 3 \$12,100 ✓



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

**Steven W. Kerrigan
City Clerk**

Dear Applicant,

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

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

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

Devin McCay
Signature
Attorney for Applicant

8/22/2019
Date

Thank you for your cooperation in this matter.

Sincerely,

Steven W. Kerrigan
City Clerk



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

**Steven W. Kerrigan
City Clerk**

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

Company Name

Post Road Realty LLC

Owner Name/Officer Name of LLC or Corporation

BP Crane Meadow, LLC

Owner/Officer Complete Address and Telephone Number

c/o Boston Properties

800 Boylston Street, Suite 1900

Boston, MA 02199

Signature of Applicant

Attorney on behalf of Applicant, if applicable

Attorney Brian R. Falk

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

Tax Collector

August 5, 2019

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

Re: Special Permit and Site Plan Applications

Dear Councilor Clancy:

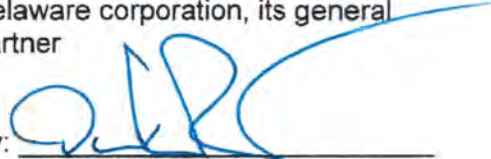
Please be advised that the undersigned, BP Crane Meadow, LLC, is the owner of certain properties located at 107 Simarano Drive and along Cedar Hill Street, shown on Assessors Map 116 as Parcels 5, 11, and 12, and does hereby authorize Mirick O'Connell, on behalf of Post Road Realty LLC, to submit to the City Council for consideration applications for a special permit and site plan approval for a 475 unit multi-family project in the City's new Executive Residential Overlay District.

Thank you for your time and attention to this matter.

BP Crane Meadow, LLC, a Delaware limited liability company

By: Boston Properties Limited Partnership,
a Delaware limited partnership, its sole member and manager

By: Boston Properties, Inc., a
Delaware corporation, its general partner

By: 
Name: David Provost
Title: Senior Vice President,
Development

Boston
Los Angeles
New York
San Francisco
Washington, DC



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

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

2019 AUG 22 A 10:49

Type of Hearing (check one)

☒ Major Renovation ☐ Minor Renovation

Please Print

DATE: August 8, 2019

PROJECT

Name of facility: The Green District

Address: 107 Simarano Drive

Assessor's Map No. 116-5, 116-11, 116-12 Parcel No. _____

APPLICANT

Name: Post Road Realty LLC

Address: 11 Unquowa Road, Fairfield, CT 06824

Telephone: 508-929-1678 Fax: 508-983-6256
Attorney Brian Falk

Email: bfalk@mirickoconnell.com

OWNER'S CONSENT

If applicant is not the owner, is written consent of the owner or owner's agent attached (see Section 270-2(B) (7))? ☒ YES ☐ NO

PROPERTY OWNER

Name: BP Crane Meadow, LLC

Address: c/o Boston Properties, 800 Boylston Street, Suite 1900, Boston, MA 02199

Telephone: (617) 236-3337 Fax: _____

Email: emo@bxp.com

APPLICANT'S ENGINEER (preparing site plan)

Name: Hancock Associates

Address: 315 Elm Street, Marlborough, MA 01752

Telephone: 508-460-1111 Fax: 508-460-1121

Email: jpeznola@hancockassociates.com

APPLICANT'S LANDSCAPE ARCHITECT

Name: Eric Rains Landscape Architecture

Address: 11a North Main Street, South Norwalk, CT 06854

Telephone: 203-354-6500 Fax: _____

Email: eric@ericrains.com

PROJECT INFO

PROPOSED USE (see Section 63-5(B) (1))

 Non-Residential X Residential

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

The Applicant proposes a multi-family residential project in the Executive Residential Overlay

District to be known as "The Green District". The project will consist of 475 units in two buildings,

with 766 parking spaces, open space, landscaping, and walking trails.

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

ZONING DISTRICT(S) Executive Residential Overlay District

WHAT OTHER PERMITS REQUIRED (check off which applies)

<input checked="" type="checkbox"/> City Council for Special Permit	<input type="checkbox"/> Blasting Permit (Fire Dept)
<input type="checkbox"/> ZBA Special Permit	<input type="checkbox"/> Title V Approval (Board of Health)
<input type="checkbox"/> ZBA Variance	<input type="checkbox"/> Food Permit (Board of Health)
<input checked="" type="checkbox"/> Wetlands Protection Act	<input checked="" type="checkbox"/> Building Permit (Building Dept)
<input type="checkbox"/> Section 404, Clean Water Act (Army Corps)	<input checked="" type="checkbox"/> Sign Permit (Building Dept)
<input type="checkbox"/> C 91 Waterways Permit	
<input type="checkbox"/> Subdivision Control Act (Planning Board)	
<input type="checkbox"/> State Curb Cut (MA Highway)	
<input type="checkbox"/> Indirect Access Permit (MA Highway)	
<input checked="" type="checkbox"/> MEPA ENF or EIR (EOEA)	
<input checked="" type="checkbox"/> Sewer Connection Permit (DPW, City Council, DEP)	
<input type="checkbox"/> Street Opening Permit (DPW, Engineering Dept)	
<input type="checkbox"/> Sewer Connection (DPW, City Council, DEP)	
<input type="checkbox"/> Other: _____	

WHAT IS THE FEDERAL FLOOD INSURANCE RATE ZONE? Zone X

SUBMITTED PLANS AND REPORTS

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

<u>Green District Special Permit and Site Plan Approval</u>	<u>8/8/19</u>	<u>Robert A. Chrusciel</u>
Title	Date	Stamped By

Fee

For Minor Site Plan without a building: \$750

For a Minor Site Plan (with a building under 8,000 square feet): \$1,000, plus \$0.03 a square foot of building gross floor area

For a Major Site Plan (with a building over 8,000 square feet): \$2,000, plus \$0.06 square feet per square feet of building gross floor area

Bldg 1 floor area: 272,595	\$ 2,000
Bldg 2 floor area: 277,091	+32,981
549,686 x .06 = <u>\$32,981</u>	\$34,981

PUBLIC NOTICE

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

Date of Publication: _____

Name of Newspaper: _____
(Form of notice attached)

HISTORIC BUILDING NOTICE

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

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

Chairman, Historic Commission
City Hall
Marlborough, MA 01752

APPLICANT'S SIGNATURE



Applicant or Representatives Signature

8/22/2019
Date

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

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

Office Use Only:

Date Received: _____

Site Plan Number: _____

SITE PLAN APPROVAL PUBLIC NOTICE FORM

Applicants for Site Plan Approval under Chap 270-2 of the Marlborough City Code must publish a public notice once in a newspaper of local circulation, using the format below at least once within two weeks of filing an application. A copy of the public notice must be submitted to the Building Dept with the application for Site Plan Approval.

Metrowest Daily News, Framingham 01701

Advertising: Fax: 1-781-453-6650

City of Marlborough Public Notice of Site Plan Submission

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

Project Name and Type or Use: _____

Project Street Address: _____

Applicant's Name: _____

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

August 5, 2019

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

Re: Special Permit and Site Plan Applications

Dear Councilor Clancy:

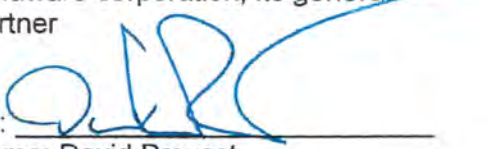
Please be advised that the undersigned, BP Crane Meadow, LLC, is the owner of certain properties located at 107 Simarano Drive and along Cedar Hill Street, shown on Assessors Map 116 as Parcels 5, 11, and 12, and does hereby authorize Mirick O'Connell, on behalf of Post Road Realty LLC, to submit to the City Council for consideration applications for a special permit and site plan approval for a 475 unit multi-family project in the City's new Executive Residential Overlay District.

Thank you for your time and attention to this matter.

BP Crane Meadow, LLC, a Delaware limited liability company

By: Boston Properties Limited Partnership,
a Delaware limited partnership, its sole member and manager

By: Boston Properties, Inc., a
Delaware corporation, its general partner

By: 
Name: David Provost
Title: Senior Vice President,
Development

Boston
Los Angeles
New York
San Francisco
Washington, DC

Pam Allinson

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 AUG 21 P 5:32

August 21, 2019

Dear City Council Members,

My name is Pamela Allinson.

I started a page on Facebook about 2 months ago, called, ***We Need a Dog Park in Marlborough.***

We have a total of 197 members so far so far.

Please click on link

(<https://www.facebook.com/groups/2271369552953139/permalink/2275241239232637>).

Residents signed a petition on Change.org (<http://chnng.it/dcqBYjHp>) for support of a dog park in Marlborough.

Some suggestions for possible park locations:

1. Gates Pond
2. Callahan State Park
3. Ghiloni Park
4. The old transfer station

We have put some thought in how to maintain the dog park by recruiting volunteers. These volunteers would assist by maintaining the supply of pick-up bags and organizing a spring and fall clean up. We are also hoping to recruit local business to assist in providing supplies.

Ideally, we would like to have a separate area for large and small dogs, and these areas would be mulched. The park would have a no tolerance policy for poorly behaved or aggressive dogs.

A Facebook page could provide a platform for information about the park and its policies, as well as weather or updates. We could also relay safety information there, such as bringing your pet's own water in order to prevent transmission of diseases such as kennel cough.

Thank you for your consideration. Please let me know the next steps that we could take to move this idea forward.

Best regards,

Pam Allinson



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 AUG -8 A 10:36

BOH MEETING MINUTES 4-8-19

Attending

Jim Griffin, Vice Chair
Robin Williams, Member

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

Meeting called to order 6:34 pm

REVIEW OF MEETING MINUTES

March minutes were reviewed and asked to be amended by Member Williams as the Marijuana Regulations were not noted as discussion in the minutes.

ADMINISTRATIVE

BOARD BUSINESS

Tobacco Regulations

Member Williams discussed with the board that other towns and cities are banning mint and menthol flavored tobacco to limit the sale of tobacco to minors. Member Williams also questioned if the city had a cap on tobacco permits and discussed the zoning of the tobacco retail stores. Member Williams requested that the Director or a representative of the health department attend the Metro West Tobacco Coalition meetings. Chair Griffin agreed that attending the meetings should be a high priority. The Director committed that she or a designee will attend the meetings.

Body Works Regulation

The Board likes the content of the Body Works regulation and Member Williams would like to implement them. Director Liberty will check with the legal department to make sure they are finalized.

Sun Relaxation Therapy

Director Liberty explained that the Department of Professional Licensure, Code Enforcement, Police Detective and the Health Department inspected massage facilities for violations. Sun Relaxation Therapy massage facility was cited for having staff living in the facility. This facility is not zoned for residential use and was closed until the violations were abated. The reinspection shows the violations were abated and the facility has been reopened.

Risk Based Inspections

Director Liberty discussed that the Food Protection Program approved the risk categorization of food establishments in the city. The Director explained what the categorization meant for food establishments and inspections.

PUBLIC HEALTH ISSUES

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

Member Williams noted the importance of having Adult Use and Medicinal Marijuana regulations implemented before Garden Remedies opens. Director Liberty stated that the Special Permit for Garden Remedies allows city employees to inspect the facility. The Director discussed the special permit with Chair Tennyson who noted this would suffice in lieu of regulations as it gives the Health Department access. Member Williams would like to have the Mayor come to a meeting so that the Board can voice their opinions on implementing Marijuana Regulations. Member Williams also requested that Cheryl Sbarra be invited to the same meeting as the Mayor to discuss the legalities of the Marijuana regulations. Vice Chair Griffin noted that they would then like to have a public hearing(s) on the regulations.

Vice Chair Griffin submitted questions that he would like the board to address and discuss in future meetings regarding Board direction, priorities and working.

The conversation arose about having a category called "Board Reports" on the agenda. These particular topics would be submitted by the board for discussion and presentation. Agenda items can be sent to Tina Nolin or Director Liberty.

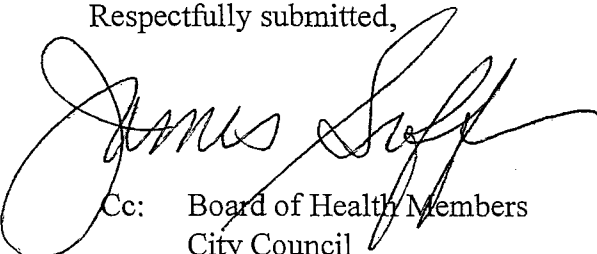
ADJOURN

Motion – to adjourn the meeting at 7:57 PM – Member Williams

Second – Vice Chair Griffin

Next Board of Health meeting will be on Monday, May 6, 2019.

Respectfully submitted,



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

8/5/19
Dated _____



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 AUG -8 A 10:36

BOH MEETING MINUTES 6-26-19

Attending

Joseph Tennyson, Chair
Jim Griffin, Vice Chair
Robin Williams, Member

Also, in attendance: Cathleen Liberty, Director of Public Health, Kate Flanagan, Mayor

Meeting called to order 6:30 pm

Public Hearing for the Marijuana Regulations

The Mayor delivered a letter to the Chair noting concern with Section J (2) of the draft regulations. After some discussion the board voted to remove the section and replace it with "Compliance with the City Ordinance.

Chair Tennyson motioned

Member Williams second

Vote 3-0

The Board also discussed fees for the permit and Vice Chair Griffin would like to know the fees in other cities and towns. Director Liberty will research the fees in other cities and towns and send them to the board.

ADJOURN

Motion – to adjourn the meeting at 6:50 PM – Chair Tennyson

Second – Vice Chair Griffin

Vote 3-0 to adjourn

Next Board of Health meeting will be on Monday, July 15, 2019.

Respectfully submitted,

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

Dated 8/5/19

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 JUL 30 P 3:51

**Minutes
June 20, 2019 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

Present: David Williams, acting Chairman, Allan White, Karin Paquin and William Dunbar. Also present was Priscilla Ryder-Conservation Officer.

Absent: Edward Clancy, John Skarin and Dennis Demers

Approval of Minutes: The minutes of June 6, 2019 were reviewed and unanimously approved.

Public Hearings:

Notice of Intent

159 Langelier Ln. - Wexirley DaSilva

Russ Waldron, wetland consultant was present to represent the owner Mr. DaSilva. He noted that the owner is interested in installing an in-ground pool, patios, walk, retaining walls, driveway columns and general landscaping within the 100 ft. buffer zone to Bordering Vegetated Wetland. He flagged the wetland which is a small stream behind the house and a larger wetland beside the house. Ms. Ryder noted that Ms. Paquin and Mr. Dunbar joined her in a site inspection and they found the wetland delineation to be accurate as shown on the plans. Ms. Ryder explained that work had begun prior to the permit and the Enforcement Order required filing this Notice of Intent (NOI) and also required the restoration of the disturbed 20 ft. buffer zone. Mr. Waldron explained that erosion controls will be installed as shown on the plans. A section of the 20 ft. no disturb buffer zone that has been disturbed will be restored with a native plant mix. The Commission discussed the process for restoration and agreed that it could be done once the patio and fire pit areas have been constructed, but no later than September 20, 2019 so it is stable before the winter months. All excess materials will be removed from the site. The existing shed that is in the 100 ft. buffer zone, right next to the brook will need to be removed outside of the 20 ft. buffer zone or removed all together.

Ms. Paquin had received a letter from an abutter Ms. Defalco from 127 Langelier Ln., she read the letter into the record. The letter indicated that they were concerned with any impact the pool might have to the stream and wanted to be sure it would not impact water flow or back up the stream flow. The Commission reviewed the plans and agreed that everything was far enough away from the

wetland not to be of concern. They did note that there are some invasive bittersweet vines that should be removed to allow for the native plants to take hold. This can be an ongoing condition. After further discussion the hearing was closed, and the Commission asked Ms. Ryder to draft conditions for the July 11th meeting.

Request for Determination of Applicability

313 Boston Post Rd. West - NV 313 BPR LLC

Carlton Quin, P.E, from Allen and Major was present representing the owners. He explained that the existing 2 story office building at this location has 231 parking stalls, however the property is being rented to a new tenant who needs additional parking spaces. They are expanding the parking lot, outside the 200 ft. Riverfront Area however, to meet the stormwater regulations, they are upgrading two catch basins that are near the wetlands. They will be retrofitting the existing basins to include water quality units in each basin to remove TSS and improve the existing site conditions. Ms. Ryder noted that because this property is older, there is no Operation and Maintenance Plan for this property, which will be required both for site plan review and for the Commission. The Commission noted this would be a condition. The property lies within the city's water supply protection district, so the stormwater improvements for the new parking area must meet the first 1" treatment of stormwater as required. After some discussion, the Commission noted that since they are not quite finished with engineering review, if the project doesn't get any bigger and stays within the footprint provided, this project could be approved. Any major changes that enlarge this proposal would require them to return to the Commission. The hearing was closed, and the Commission voted unanimously 4-0 to issue a negative determination with standard conditions and those noted above.

Certificates of Compliance:

- DEP 212-1178 74 Boivin Dr. (Lot 6) – full Certificate - Ms. Ryder noted that she has received all the documents required, the wetland markers have been installed, and the deed language has been provided. She is waiting for a signed letter from the new buyers acknowledging they understand the wetland restriction. The Commission voted 4-0 to issue a full Certificate of Compliance and to have Ms. Ryder hold it until the letter is provided.

Discussion:

- License Agreement renewal haying on the Felton Conservation Land – Donald Wright. Ms. Ryde noted that Mr. Wright would like to hay the Felton Conservation

Land again. The Commission voted 4-0 to approve the license agreement for this year from June 2019-June 2020.


Correspondence/Other Business

- Ms. Ryder noted that there was a breach of muddy water that entered the wetland off the Avalon Marlborough II site on Thursday June 20th in the morning during the down pour event. The Commission noted that they can assert jurisdiction if needed. They agreed that an enforcement letter should be sent noting the violation and noting that if it happens again the Commission will require them to file an Notice of Intent (NOI). Ms. Ryder will convey to City Engineer Tom DiPersio since he will be issuing the letter under the Stormwater regulations.

Adjournment

There being no further business, the meeting was adjourned at 7:52 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

Marlborough Historical Commission Meeting Minutes
June 6, 2019
City Hall 140 Main Street Council Committee Meeting Room

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 JUL 26 A 8:33

Attendees: Robert Fagone, Lee Wright, Melanie Whapham, Brendan Downey,
Andrea Bell Bergeron
Absent: Alan Slattery

Members of the Public Attending: Carol Ndegwa, Lucy Elpidio, Fernando Sousa

Meeting called to order 7:03PM

- 1.) Ken Feyl and Eric Baum presented their architectural renderings of "E on Main St" to the Committee. Committee placed emphasis on the current "look" of the architecture on the north side of Main Street. No attempt was made to imply 19th century look was the same as or better than a 21st Ken Feyl indicated that the current renderings were "classical" in inspiration. However, budget limits would always be a consideration. Style of bricks, nature of cornices etc. would always be limited by budget. Lee Wright felt the overall design was "disappointing." Feyl indicated that the owner of the project would be willing to consider minor changes to the architectural renderings.

The Committee agreed that seeing drawings sooner, or multiple drawings, would have been more beneficial for the future. Feyl indicated that the buildings contiguous to E on Main Street would actually help "soften" the modernity of the presentation.

Chair emphasized that the Committee must be involved sooner in "all" major proposals that affect historical settings.

- 2.) PUBLIC PARTICIPATION: Three members of the public attended the Committee Meeting. When called to speak, they all presented "negative" reactions to the E on Main Street Project in general.

Chair indicated to the attendees that the Commission was interested in addressing the historical significance of the design of the Project. Chair suggested that the attendees individually contact the President of the City Council or the members of the Urban Affairs Committee to address their individual concerns.

- 3.) Lee Wright verbally submitted his resignation to the Committee after 10+ years as a committee member citing personal and business needs. His resignation was accepted with regret by the members. Chair requested that he submit his resignation formally to the Mayor.
- 4.) Motion made and seconded to adjourn.

Respectfully submitted,

Brendan Downey

Marlborough Historical Commission Meeting Minutes
July 25, 2019
City Hall 140 Main Street Council Committee Meeting Room

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CITY OF MARLBOROUGH
2019 AUG -2 A 7:58

Attendees: Robert Fagone, Melanie Whapham, Brendan Downey, Andrea Bell Bergeron
Absent: Alan Slattery

Meeting called to order 7:08PM

- 1.) Before formal meeting began, Chair requested that the Committee skip the August meeting date. Next Committee meeting will be held September 19, 2019. Committee accepted the change without discussion.
- 2.) Review of previous minutes. Motion to accept as read, approved and seconded. So Moved.
- 3.) Communications and Correspondence. Chair set up a future meeting date with Jeffrey Cooke, Building Commissioner, to discuss Cooke's comments on the Demolition Delay proposal forwarded to him by Ed Clancy. Tentative meeting date July 29th. After reviewing Cooke's input, Commission will bring proposal to Ed Clancy as the next step.
--Museum in the Streets is set to launch 1st week in September. Commission to be notified as to actual roll-out date.
--Doug Rowe, President of the Historical Society and Margaret Cardello, Head Librarian Marlborough Public Library, met with Chair to discuss the progress of the Library renovation project. Margaret noted that there would be a "Marlborough History Room" (already with a Sponsor) in the new Library. Chair discussed opportunities for the Historical Commission, the Historical Society, and the Library to work together in servicing the Public in this new endeavor.
- 4.) Chair emphasized need to formalize a plan to ID preferred properties in order to pursue the Historic Homes Signage Project (now on hold). Start with a small scale List as an initial proposal. Also, this would tie in with a Commission project to build a local preservation website.
--Commission will work with GIS and the Conservation Commission to develop an overlay map of Historic Landscapes. Also, reference to the Peter Rice Homestead: discussion of the fact that the Historical Society owns the building, but does not own the property on which the building sits.
- 5.) New Business: we need to improve our social media presence. Twitter/Facebook efforts will be added to our September Meeting Agenda. Discussion of replacing Lee Wright with a new member. Need for outreach. Chair suggested contacting a Realtor and/or an Architect.
- 6.) Motion to adjourn. Seconded and so moved 7:55PM

Respectfully submitted,
Brendan Downey

Minutes of the Licensing Board Meeting

Held Wednesday, May 22, 2019

at 7:30 pm, City Hall, 1st floor, Council Committee Room.

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

2019 AUG -8 A 10:36

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

New Business

1. ONE DAY PERMITS

- **Immaculate Conception, 25 Washington Court**
Member Mitrakas motioned to approve, seconded by Member Bouvier,
Board vote: 3-0 approved
- **Masonic/Jacobs Hall, 8 Newton St.**
Member Mitrakas motioned to approve, seconded by Member Bouvier,
Board vote: 3-0 approved
- **Italian American Club, 111 Neil St.**
Member Mitrakas motioned to approve, seconded by Member Bouvier,
Board vote: 3-0 approved
- **Marlborough Lodge 1129, Loyal Order of Moose, 67 Fitchburg St.**
Member Mitrakas motioned to approve, seconded by Member Bouvier,
Board vote: 3-0 approved
- **Flying Dreams Brewery, 277 Main St.**
Member Mitrakas motioned to approve, seconded by Member Bouvier,
Board vote: 3-0 approved
- **American Cancer Society, 404 Robin Hill St. (event location)**
Member Mitrakas motioned to approve, seconded by Member Bouvier,
Board vote: 3-0 approved
- **Kennedy's Market / Rest., 247 Maple St.**
Member Mitrakas motioned to approve, seconded by Member Bouvier,
Board vote: 3-0 approved.

2. Application for Change of Officers & Change of Stockholders –

Monti's Mini Market, 274 Maple St. Bill Brewin, Atty. Presented application.
Louis Monti passed away and wife does not want to run the business, by virtue of Louis' will it is put into family trust and this application addresses this change.

Public meeting opened at 7:31 pm, closed at 7:39 pm, with no objections/comments

Member Bouvier motioned to approve, motion was seconded by Member Mitrakas,
Board vote: 3-0 approved

- 3. Application for Alteration of Premise – Magik Ventures, Inc., 197H Boston Post Rd W**
Owner Nitin Piyush presented
Public Meeting opened 7:43 pm, closed 7:44 pm – no opposition / comments

Owners leased the store property right next to their current location in the plaza so as to enlarge their venue and options.

Member Mitrakas motioned to approve, motion was seconded by Member Bouvier,
Board vote: 3-0 approved

- 4. Marlborough Country Club, 200 Concord Rd – Tasting on the golf course (Discussion)**
Country Club had several events coming up that they had been asked by companies to have some beer and wine tastings out on the putting green area and the course.

Board agreed that they could apply for one-day licenses to cover those events on the putting green.

- 5. Class II Dealership Application – license revision request, Braga Management (online dealership) 41 Brigham Street, Unit 18.**
Member Bouvier motioned to approve for Braga Management 5 cars, indoors only, no outdoor display at 41 Brigham Street location, seconded by Member Mitrakas, Board vote: 3-0 approved.

7. Reports from Chairman –

- Class II licenses – Chairman has made no headway with the building commissioner or the president of the city council, therefore requested the clerk to contact the applicant who had applied last fall and was told to wait until the situation could be worked out and have him in if he's still interested in obtaining the license.
- Chairman updated Board on question from Leanne Cordischi, coordinator for the Farmers Market regarding having Vin Bin sample and sell wine at the market. The ABCC does not allow that.

8. Misc. Correspondence and Open Issues

- There were no correspondence and open issues

- 9. Review minutes – April 24, 2019** Member Mitrakas motioned to approve, seconded by Member Bouvier, Board vote: 3-0 approved,

The next meeting of the Licensing Board is Thursday, June 20, 2019.
Meeting adjourned at 8:38 pm

Respectfully submitted,



Walter Bonin, Chairman

Minutes of the Licensing Board Meeting
Held Wednesday, June 20, 2019
at 7:30 pm, City Hall, 1st floor, Council Committee Room

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CITY OF MARLBOROUGH

Attending: Walter Bonin, Chairman; Gregory Mitrakas, Member; David Bouvier, Member; 2019 AUG -8 A IC

Absent: Tina Nolin, Clerk

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

New Business

1. ONE DAY PERMITS

- **Fraternal Order of Eagles, 56 Florence St. (1)**
Member Mitrakas motioned to approve, seconded by Member Bouvier,
Board vote: 3-0 approved
- **Masonic/Jacobs Hall, 8 Newton St. (2)**
Member Mitrakas motioned to approve, seconded by Member Bouvier,
Board vote: 3-0 approved
- **Marlborough Lodge 1129, Loyal Order of Moose, 67 Fitchburg St. (3)**
Member Mitrakas motioned to approve, seconded by Member Bouvier,
Board vote: 3-0 approved
- **Italian American Club, 111 Neil St. (1)**
Member Mitrakas motioned to approve, seconded by Member Bouvier,
Board vote: 3-0 approved
- **Kennedy's Market / Rest., 247 Maple St.**
Tabled – need applications to reflect the applicant for each batch 30 dates. Schedule
special meeting for next week and turn in new applications.
- **Marlborough Country Club, 200 Concord Rd. (1)**
Member Mitrakas motioned to approve, seconded by Member Bouvier,
Board vote: 3-0 approved
- **Sts. Anargyroi Greek Orthodox Church, 9 Central St. (1)**
Member Mitrakas motioned to approve, seconded by Member Bouvier,
Board vote: 3-0 approved

**2. Application for Alteration of Premise: Outside Sidewalk Seating – Lost Shoe
Brewing and Roasting Company, 19 Weed Street (Melynda and JP Gallagher)**
Melynda and JP Gallagher, owners present

Member Mitrakas motioned to approve the application, motion was seconded by Member
Bouvier, Board vote: 3-0 approved

3. Application for Class II Dealership – Kings Auto Sport, 103 Mechanic Street

Marlon R. Reis, Owner, present Due to ordinance never being enacted and after several attempts by the License Board Chairman to meet with the Building Inspector and City Council President to further explore a new ordinance, the efforts came to an end and the Board decided to hear applications under the same criteria as they have for the past many years. The current applicant's location has 1600 s.f. inside, with 3 spaces in front of bays and 2 spaces behind that, so plenty of room for a customer, owner's vehicle. Specifically, the location allows for 1 space for a customer vehicle, and 4 other vehicles.

Member Mitrakas motioned to approve the Class II Dealership for 4 vehicles for sale, motion was seconded by Member Bouvier, Board vote: 3-0 approved

4. Application for Lodging House – 8 Cotting Ave. Gary White, Owner was present

Location was purchased in 1992 by the applicant as a lodging house and had been permitted for that purpose for several years and then when a different direction, but now is looking to once again be permitted as a lodging house.

Motion by Member Mitrakas for clerk to review the Board records to see if the location held permits in the past. If so, the applicant will return to the Board next month to approve the current application, motion was seconded by Member Bouvier, Board vote: 3-0 approved.

5. Application for a Transfer of License from Ultima Marlborough, LLC to Marlborough Concessions, LLC, 75 Felton St.

Andrew Upton, Attorney present

Member Mitrakas motioned to approve, seconded by Member Bouvier, Board vote: 3-0 approved

7. Reports from Chairman –

- **History of Chairman's attempts to meet with Jeff Cooke, Building Inspector and City Council President, Edward Clancy regarding correcting issues related to commercial automotive regulations.** Despite efforts to meet with them things never got going.

- **Villatoro's Restaurant**

Request from Board to have the owner of the establishment appear at next month's meeting to discuss next steps regarding their liquor licenses now that the establishment has closed.

8. Misc. Correspondence and Open Issues

- There were no correspondence and open issues

The next meeting of the Licensing Board is Wednesday, July 31, 2019.

Respectfully submitted,



Walter Bonin, Chairman

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Minutes of the Licensing Board Meeting Held Wednesday, June 26, 2019

at 12:00 pm, City Hall, 1st floor, Council Committee Room.

2019 AUG -8 A 10:36

Attending: Gregory Mitrakas, Member David Bouvier, Member; Cathleen Liberty in for the Clerk,

Absent: Walter Bonin, Chairman; Tina Nolin, Clerk

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

New Business

1. ONE DAY PERMITS

• **Kennedy's Market and Restaurant**

Michael and Julie Kennedy attended

Member Bouvier motioned for approval, seconded by Member Mitrakas

Board vote: 2-0 approved

Adjourned 12:10 pm

Respectfully submitted,



Walter Bonin, Chairman

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

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CITY OF MARLBOROUGH
June 17, 2019
2019 AUG 19 P 1:50

Call to Order

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

Since Chair Fenby was away, Mr. LaVenture opened the meeting of the Planning Board.

Mr. LaVenture opened the floor to nominations for acting chairperson. Mr. Russ made a motion to nominate Sean Fay to serve as chair. The motion was seconded by Mr. Elder. No other nominations were received. Motion carried.

1. Meeting Minutes

A. June 03, 2019

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to approve and file the meeting minutes of June 03, 2019. Motion carried.

2. Chair's Business (None)

3. Approval Not Required

A. ANR APPLICATION – Charves Living Trust, #45 East Dudley St., Marlborough, MA 01752; Engineer, Hancock Associates, 315 Elm St.; Description of Property - Middlesex South Registry of Deeds, Book 65178, Page 503, Assessor's Map 66 Parcel 26.

J. Dan Bremser of Hancock Associates was present to represent the applicant. Mr. Bremser indicated that the applicant was aware of some encroachment into their lot from 25 East Dudley. The plan's intent is to create Parcel 5A that will be conveyed to the neighbor at 25 East Dudley. The resulting house lots will be compliant with existing zoning (A-2) and will eliminate the encroachment issue.

- i. Mr. LaVenture read the recommendation letter from Assistant City Engineer Collins into the record. Mr. Collins reviewed the zoning requirements for frontage, area, lot shape and present adequate access and included his favorable recommendation to the Board to endorse the plan. On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to accept and file the correspondence and endorse the referenced plan of land believed to be Approval Not Required under the subdivision control law. Motion carried.

Since the proponent for public hearing item 4A was not present, on a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to address the next agenda items. Motion carried.

5. Subdivision Progress Reports (Updates and Discussion)

A. Engineer's Report- Subdivision Status Report

City Engineer DiPersio said there are no significant updates. He did state that he received an inquiry regarding the Commonwealth Heights Subdivision on the corner of Ames Street and Glen Street. The developer was hoping to restart the project, but the subdivision approval (first approved on May 30, 2006) has expired. The developer will need to resubmit the subdivision application.

Mr. Fay asked for an update on Goodale Estates. Mr. DiPersio stated that work at the site is slow. Alan White is still working on the detention areas of the property. It is unlikely that the subdivision will meet scheduled subdivision completion date of 11-24-19.

6. Preliminary/Open Space /Limited Development Subdivision Submissions / Updates (None)

7. Definitive Subdivision Submissions / Updates (None)

8. Signs (None)

9. Informal Discussion (None)

10. Unfinished Business (None)

12. Public Notices of other Cities & Towns

A. City of Framingham – 5 Notices

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

4. Public Hearings

- A. Public Hearing:** Council Order 19-1007673 – Proposed Zoning Amendment to Section 650-12 Nonconforming uses. Arthur Bergeron, Mirick O’Connell, on behalf of David Skarin, 19 Ash St. Acting Chair Fay opened the public hearing. Mr. LaVenture read the public hearing notice into the record. Chairperson Fay provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

Presentation:

Attorney Arthur Bergeron of Mirick O’Connell explained that Mr. Skarin, owner of the property at 19 Ash Street in Marlborough, would like to covert the property from one preexisting nonconforming use (contractor’s yard) to another nonconforming use (a small townhouse condominium community). As detailed in his June 10, 2019 letter to City Council, Mr. Bergeron wishes to receive approval through MGL c 40A § 6 (“Section 6 finding”) and Section 650-12 of the Marlborough zoning ordinance. According to Mr. Bergeron, this process was used successfully in the rezoning of several projects in Marlborough, including Design Pak, the Howe Shoe Factory Condominiums, St. Mary’s Condominiums and the Corbin Plaza.

Mr. Bergeron believes that Section 650-12 of the zoning ordinance contains a drafting error by using the words “provided that” instead of the state’s use of the word “unless” from Section 6 of MGL Ch 40A. According to Mr. Bergeron, reading the words “provided that” in Section 650-12 to mean “unless” is the only way for this provision to make sense and be consistent with MGL C 40A, §6. Section 650-12. B has been interpreted this way for years, but to correct the language error that has been in place for decades, he has submitted the proposed zoning amendment to “provide the Building Commissioner clear authority to accommodate changes, alterations and extensions to preexisting, nonconforming uses and structures.”

On a motion by Mr. LaVenture, seconded by Mr. Elder, the Board voted to waive the reading of the enclosed letter, accept and file. Motion carried.

Speaking in Favor:

No person spoke in favor of the proposed amendment. Mr. Fay closed that portion of the hearing.

Speaking in Opposition:

No person spoke in opposition to the proposed amendment. Mr. Fay closed that portion of the hearing.

Questions and Comments from Board Members:

Mr. Elder thought the letter and explanation were straight forward. He doesn’t think there is a problem with the proposed zoning amendment. Mr. LaVenture would like to understand the broader implications of the proposed amendment.

Mr. LaVenture commented that conforming uses are not eligible for zoning changes under this provision, nor is a parcel of vacant land. Why should it be easier for nonconforming uses to change zoning to another nonconforming use?

Mr. Bergeron offered further details on the proposed Skarin project. He proposes submitting an ANR to carve the residential home off the parcel. The plan is to maintain the home's historic appearance and convert the property to a two-family residence. The contractor yard would occupy 100% of the remaining parcel. The condominium project is planned to replace the contractor yard on this parcel.

Mr. Fay stated the Board would like to hear from both the Building Department and Legal Department prior to the Board making its recommendation to the City Council. The Board wishes to avoid any unintended consequences. Mr. Fay stated that the hearing will remain open to allow further input from Commissioner Cooke and Solicitor Grossfield, and the matter was referred to both departments.

11. Calendar Updates

- A. July 22, 2019 (Continue public hearing – proposed zoning change CO 19-1007673 nonconforming uses)

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

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'G. LaVenture', written over a horizontal line.

George LaVenture/Clerk

/kih

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2019 JUL 31 P 1:18



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Wednesday, May 25, 2019 at 10:00 am in Memorial Hall, 3rd Floor, City Hall. Members present: Chairman - Police Chief David Giorgi, DPW Commissioner John Ghiloni, Fire Chief Kevin Breen and City Clerk Steve Kerrigan. Also present: Assistant City Engineer Tim Collins, City Councilor Christian Dumais, City Councilor Katie Robey, City Councilor Peter Juare, and Sgt. Dan Campbell and Officer Andy Larose of the MPD Traffic Services Unit. Minutes taken by Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, April 24, 2019.

MOTION was made, seconded, duly VOTED:

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

2 - New Business

2a) Traffic Concerns on Lincoln Street, especially at intersection of East Main St. & Stevens St.

Chief Giorgi received an email from a local resident on this issue. They have lived in the area since 2017 and have seen a dramatic increase in speeding and traffic over the past two years. They said, "it has become a totally bad situation, total disaster" and explained how difficult it is to get out of their driveway, especially during the am and pm rush hour. They also complained about the noise from the street at all hours and the truck traffic. They are asking if it would be possible to lower the speed limit, add additional signage and/or limit traffic for certain hours, like at night?

Sgt. Campbell advised that he has also spoken to the resident, as has the Mayor's Office. This is really more of an enforcement issue. Officer Larose put one of the electronic

speed signs out yesterday to gather accurate data. Brian, from the DPW, will move the speed limit sign up higher on the pole so it is more visible and doesn't get hit. The PD can also monitor the traffic and make sure that trucks are following the proper truck route.

MOTION was made, seconded, duly VOTED to the POLICE DEPARTMENT – Traffic Services Unit to continue with the study.

2b) Parking Issues on John Street around the playground area.

Councilor Juaire sent an email to the Chief on this issue. He has received complaints from a few residents. Parking is currently allowed on both sides of the street which makes it difficult to get through and dangerous for children crossing the street. It could also cause concerns for Fire Trucks coming up the street. He is looking for some type of relief down by the playground. He is suggesting No Parking on the opposite side of the street from where the 2 houses that St. Mary's is going to demolish to the corner of Maple Street. He has also asked Commissioner Ghiloni to install 2 signs that indicate a playground and children signs in the area.

All agreed that this is definitely "a situation". Tim Collins pulled up a photo of the area with the playground and the houses owned by St. Mary's Credit Union indicted. Mr. Collins also passed out a copy of a City Council Order from 1980 regarding the installation of "Slow Children – Playground Area" signs. He said that historically the Traffic Commission doesn't like to use "Slow – Children" signs because there are children everywhere, however, the MUTCD does have examples of Playground signs.

It was also discussed that there is talk that St. Mary's will be installing the sidewalk during their reconstruction project. If not, the sidewalk will be installed by the City. All agreed that it makes sense to restrict parking in front of the playground. This should not cause any issues with resident parking.

Mr. Collins said that John Street is close to 26 feet wide and that currently there are no parking restrictions in the area. Once the two houses across the street from the playground are taken down there will be no other homes near the playground. Residents are further up the street and they do park on both sides when they home. Councilor Juaire does not want to cause any inconvenience to the residents in the area because of the playground.

MOTION was made, seconded, duly VOTED to ENGINEERING to review for the next meeting.

3-Old Business

3a) Request for Parking Restriction on Howland Street.

Update: Tim Collins passed out a diagram of Howland Street with the number of parking spaces available on each side indicated. He found there are 27 spaced on the East Side and 34 spaces on the West side. He also indicated that the pavement width is 24 feet, average vehicle width is 6.5 feet and the available travel with is 11 feet. Mr.

Collins found that 178 parking spaces are needed for the number of residents in the area. On street parking is necessary here. He went by during the day and did not find an excessive number of cars on the street. He has not been there at night. It would make sense to choose No Parking on the East Side, however, this situation exists all over the City. If parking is restricted to one side here, other streets may then request the same. It would solve one issue but also take 27 spaces away from residents. It is common throughout the City to have to pull over to let another car pass. Fire Chief Breen has found that, for the most part, people try to alternate the cars when they park so others can get by. All agreed that it was better to leave parking the way it, i.e. on both sides, rather than lose 27 parking spots.

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

3b) Request for Parking Ban Exception on Monument Ave.

MOTION was made, seconded, duly VOTED to REMOVE this item from the Agenda. The City is currently dealing with this issue.

Chief Giorgi asked if any of the City Councilors in attendance had any other issues they would like to discuss. No other issues at this time.

Officer Larose asked to refer back to the Lincoln Street issue again. He thought that some of the truck exclusion signs might be missing. Mr. Collins advised that he would check on this. Officer Larose also had an update on his phone from the electronic speed sign. So far, the 85th percentile is 28 mph.

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, May 29, 2019, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, April 24, 2019.
- Email from Danute Butovskiene to the Police Dept., dated 5/17/19, re: Lincoln Street.
- Email from Councilor at Large Peter Juare to Chief Giorgi, dated 5/23/19, re: John Street.

Additional Handouts:

-Diagram of Howland Street with # of available parking spaces on East and West side indicated.

-Aerial photo of John Street in the area of St. Mary's Credit Union and Cpl. Christos Pappas Playground.

-Copy of City Council Order 20159, dated 3/24/80 regarding installation of "Slow Children – Playground Area" signs.

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2019 AUG -2 P 12:17



**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, June 26, 2019 at 10:00 am in Memorial Hall, 3rd Floor, City Hall. Members present: Chairman - Police Chief David Giorgi, DPW Commissioner John Ghiloni, Fire Chief Kevin Breen and City Clerk Steve Kerrigan. Also present: Assistant City Engineer Tim Collins and City Councilor Katie Robey. Minutes taken by Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, May 29, 2019.

Location of meeting needs to be revised. Draft copy states meeting was held in the City Council Committee Room. Meeting was actually held in Memorial Hall.

MOTION was made, seconded, duly VOTED:

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

2 - New Business

2a) Crosswalk Concerns on Stevens Street near Lodi Road.

Chief Giorgi received an email from Aimee (no last name given) stating that she “nearly witnessed a young boy get hit by a car in the crosswalk that crosses over Stevens at the bottom of Lodi Road”. She said that it is not the first “near miss” that she has witnessed. She talked about the speed of the cars in the area and the fact that the “crosswalk is nearly invisible”. She also said that sometimes a car stops in one direction to let children cross and then the car coming in the other direction doesn’t stop. She is asking what can be done to make the drivers aware that there is a crosswalk ahead. She mentioned flashing lights, orange cones or a raised crosswalk.

Chief Giorgi advised that he drove by this area before coming to the meeting. There is a crosswalk sign there but the road does peak and there is also a slight curve. Tim Collins advised that there should also be advance warning signs for the crosswalk. They were there before and possibly they got knocked down over the winter. He pulled up an aerial photo which indicated the location of the crosswalk and where the two advance warning signs should be and included a closeup photo of the crosswalk. There should also be an arrow on the crosswalk sign which points directly at the crosswalk. The current sign does not have the arrow. This should be added along with replacing the two advance warning signs.

Steve Kerrigan asked if the crosswalk could be painted another color. Mr. Collins advised that yes there are other colors available, as long as the outside lines are white. He noted that the crosswalk at the Rail Trail has a green center. Chief Giorgi said that the location of the crosswalk is more of the issue and due to the peak in the road he is not sure if the colored center would make a difference.

MOTION was made, seconded, duly VOTED to REFER to the DPW to add the two advance warning signs and the arrow.

2b) Hosmer Street Crosswalk / Traffic Complaints / Jaworek School.

Chief Giorgi advised that the new traffic pattern for the internal parking lot seems to be working, however, he has also received complaints/concerns regarding how it has impacted the traffic flow on Hosmer St. and the parents who are trying to enter and exit the school.

Tim Collins pulled up an aerial photo of the area for reference. He explained that there has been a lot of discussion as to the best location for the crosswalk. The crossing guard has called many times with complaints about the current situation. Someone traveling North on Hosmer Street can't turn left into the school so they turn onto Grace Circle and try to cut back into the line. Chief Giorgi said that letters were sent to all parents advising them to come from the South. The crossing guard is further up at the driveway entrance to the school. The crosswalk was not placed at Grace Circle because it would be too close to the other crosswalk near Stacy Road. The question was asked if there is any type of sign at the end of Grace Circle advising where to go. It was also discussed that people were crossing where there was no crosswalk and it is very dangerous.

Commissioner Ghiloni advised that this issue is being addressed and a new crosswalk will be ready for the start of the new school year. He asked to table this item for the next meeting so that he could confirm the exact location that was decided upon.

MOTION was made, seconded, duly VOTED to TABLE until the next meeting for an update from Commissioner Ghiloni.

2c) Beaman Lane Complaints

Sgt. Campbell received a call from a resident of Beaman Lane requesting a speed limit sign and a "Caution – Children at Play" sign.

Tim Collins pulled up 3 photos for reference: 1) Stow Rd. northbound approaching Beaman Lane 2) Beaman Lane @ Stow Road and 3) Stow Rd. southbound approaching Beaman Lane. He noted that a stop sign was added at the intersection of Beaman and Stow Rd. He said that this road would not qualify for "Thickly Settled" because it would not meet the requirement for average distance between houses due to the location of the golf course. Chief Giorgi felt that this may be more of an enforcement issue. He said that he would try to get a timeframe for the issues involved and something more specific.

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

3-Old Business

3a) Traffic Concerns on Lincoln Street, especially at intersection of East Main St. & Stevens St.

This issue was referred to the Police Department for enforcement at the last meeting. Officer Larose advised that he would put the electronic speed sign out to gather accurate data and that we would also monitor truck traffic in the area.

MOTION was made, seconded, duly VOTED to leave on the Agenda for the Traffic Services Unit to advise on their findings.

3b) Parking Issues on John Street around the playground area.

All agreed that the current parking situation here is dangerous. Tim Collins pulled up a diagram of this area which included a proposed 150 ft. safety zone in front of the playground, no parking signs and "Caution Playground Ahead Signs". There was also discussion as to whether the bank was going to allow cars to park in their lot to use the playground. Councilor Robey questioned whether there was possible liability for the bank if this occurred. Commissioner Ghiloni said that the sidewalk from Monnicks would also be extended up to the playground. This may already be included in the St. Mary's reconstruction plan.

MOTION was made, seconded, duly VOTED to hold off on any changes until the St. Mary's Plan was finalized.

Chief Giorgi asked to suspend the rules to bring up an item not on the agenda.

New Agenda Item – Warning Sign Permit Application.

A Warning Sign Permit Application was dropped off at the Police Station last night. It was for a "Slow – Deaf Child" sign on Lakeshore Drive. Tim Collins brought up an aerial photo of the area for reference. He reviewed the fact that this type of sign needs to be renewed annually on January 1st.

MOTION was made, seconded, duly VOTED to APPROVE the Warning Sign with the wording "Deaf Child Area".

Chief Giorgi asked if anyone had anything else they wanted to discuss.

Tim Collins mentioned a SeeClickFix item regarding speed issues on Prospect Street. Chief Giorgi passed out the speed study for Prospect Street that was compiled using the Electronic Speed Sign during the period of 5/28/19 to 5/30/19. Mr. Collins will reach out to the resident and have them send an email to the Chief so it can be added to the next Agenda.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:30 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, June 26, 2019, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, May 29, 2019.
- Email from Aimee (no last name given) to Chief Giorgi, dated 6/3/19, re: Stevens Street/Crosswalk.
- Email from Chief Giorgi, dated 6/19/19, re: Hosmer St Crosswalk/Jaworek School.
- Email from Sgt. Campbell, dated 6/21/19, re: Beaman Lane Complaint

Additional Handouts:

- Diagram of John Street around Playground area with proposed signage and safety zone indicated.
- Aerial Photos of Stevens Street area, specifically the crosswalk at Lodi Road.
- Aerial Photo of Hosmer Street in the area of Jaworek School
- 3 Photos of Stow Road and Beaman Lane area.
- Extended Speed Summary Report for Prospect Street from 5/28/19 to 5/30/19.
- Warning Sign Permit Application for 47 Lakeshore Drive "Deaf Child Area".