REGULAR MEETING
SEPTEMBER 23, 2019
TIME: 8:00 PM

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

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 SEP 19 P 12: 10

1. Minutes, City Council Meeting, September 9, 2019.
2. PUBLIC HEARING On the Application for Special Permit from Nicholas Masso of Indo Laboratories, to operate an independent Marijuana Testing Laboratory at 257 Simarano Drive, Order No. 19-1007757.
3. Communication from the Mayor, re: Grant Acceptance in the amount of $7,000.00 from BayPath Elder Services for the Council on Aging to assist seniors with hoarding or other clutter situations.
4. Communication from the Mayor, re: Reappointment of Elizabeth Evangelous to the Board of Registrars for a term of three-years to expire on April 1, 2022.
5. Communication from the Mayor, re: Reappointment of Pamela Wilderman to the Historical Commission for a three-year term from date of confirmation.
6. Communication from City Solicitor, Jason Grossfield on behalf of Councilor Delano, re: Proposed Amendment to Chapter 526 "Signs", relative to electronic signage including, specific regulations for multi-product LED price pump topper and video graphics array (VGA) color screen signs at gasoline stations.
7. Communication from City Solicitor, Jason Grossfield, re: Proposed Acceptance of a Utility Easement, 34 St. Martin Drive.
8. Communication from City Clerk Steven Kerrigan, re: Preliminary Municipal Election Call.
9. Minutes, Conservation Commission, August 8, 2019 & August 22, 2019.
10. Minutes, Library Trustees, June 4, 2019.
11. Minutes, Planning Board, August 26, 2019.
12. Minutes, Traffic Commission, July 31, 2019.
13. Minutes, Zoning Board of Appeals, August 27, 2019.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

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.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 SEP 17 A 9:20

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

SEPTEMBER 9, 2019

Regular meeting of the City Council held on Monday, September 9, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Oram, Ossing, Robey, Delano, Doucette, Dumais, Tunnera, Irish and Landers. Meeting adjourned at 8:24 PM.

City Council President Clancy recognized new Police Officer Alex Sleeper who recently joined the department.

ORDERED: That the Minutes of the City Council meeting, AUGUST 26, 2019 **FILE**; adopted.

ORDERED: That the CONTINUED 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. 19-1007739A, all were heard who wish to be heard, hearing closed at 8:05 PM; adopted.

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

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of $7,500.00 from Digital Federal Credit Union (DCU) for the Police Department to assist community support initiatives like the Summer Youth Academy; adopted.

Councilor Delano recused.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of $20.00 from WAITT (We're All In This Together) on behalf of IC Federal Credit Union for the Police Department as a community donation; adopted.

ORDERED: That the Reappointments to the Commission on Disabilities of Debra McManus, Anne Ryan, and Laura Kyle, for three-year terms from date of confirmation, in addition to John Usinas and Cheryl Soucy for two-year terms from date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of John Welch, Jr. to the Parks & Recreation Commission for a three-year term from date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Application for Special Permit from St. Mary's Credit Union, to build and operate a drive-thru facility for a bank and a drive-thru facility for a coffee shop- restaurant at 133 South Bolton Street, in proper legal form, **MOVED TO REPORTS OF COMMITTEE**; adopted.

Councilor Delano recused.

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 November 19, 2019, **APPROVED**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 21, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Sign Special Permit, from Dan Corbin on behalf of Blue Hills Fuels LLC, (Gulf Station), 114 East Main Street, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 21, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Brian Falk, on behalf of One Energy, Inc., to authorize the alteration of a preexisting nonconforming gas station use, to a gas station, convenience store and restaurant/café use at 121 Bolton Street, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Minutes, School Committee, June 25, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Cultural Council, August 5, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Commission on Disabilities, June 4, 2019 & July 2, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, July 22, 2019, **FILE**; adopted.

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

a) Arnalda Ann Cross, 26 James Avenue, pothole or other road defect.
b) Patrick Holaday, 158 Albion Street, Somerville, other property damage and/or personal injury.
c) Elyse Probst, 22 Broad Street, #225, other property damage and/or personal injury.

Reports of Committees:

Councilor Tunnera reported the following out of the Personnel Committee:

City Council Personnel Committee
September 4, 2019
City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 6:00 PM – Adjourned: 6:17 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Irish and Landers; Councilors Clancy, Doucette, and Robey.

Also Present: City Solicitor Jason Grossfield

Order No. 19-1007755: Communication from the Mayor, regarding the appointment of Jason (Jay) Piques to the position of Assistant City Solicitor for a term of three years effective on the date of confirmation. Jason (Jay) Piques, for the past seven years, worked at the Office of the Attorney General, first as a paralegal and then eventually as Assistant Attorney General, in the abandoned housing initiative. The primary focus of that group was to work with municipalities across the Commonwealth dealing with longstanding vacant, blighted properties with code violations. Mr. Piques always had an interest in public service at both the state and municipal levels and would like to continue that service. His law interests have leaned towards housing, property, and zoning. He is looking forward to the fast pace of city government.

Motion made by Councilor Irish, seconded by Councilor Landers, to approve the appointment of Jason (Jay) Piques to the position of Assistant City Solicitor for a term of three years effective on the date of confirmation. The motion carried 3-0.

Motion made by Councilor Landers, seconded by Councilor Irish, to request a Suspension of the Rules at the September 9, 2019 City Council Meeting to vote on the appointment of Jason (Jay) Piques to the position of Assistant City Solicitor. The motion carried 3-0.

Motion made by Councilor Landers, seconded by the Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 6:17 PM.

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

City Council Urban Affairs Committee
August 27, 2019
City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 5:33 PM – Adjourned: 6:04 PM

Present: Chairman Juaire (Acting); Urban Affairs Committee Members Councilors Landers, Doucette, and Tunnera; Councilors Clancy, Dumais, and Ossing; Jeffrey Cooke (Building Commissioner, City of Marlborough); Thomas DiPersio (City Engineer, City of Marlborough); Brian Falk (Mirick O'Connell); Jim Petkewich (Senior Vice-President, St. Mary's Credit Union); Randy Miron (Bohler Engineering)

Absent: Councilor Delano (recused)

Reports of Committee Continued:

Order No. 19-1007720: Application for Special Permit from Attorney Brian Falk, on behalf of St. Mary's Credit Union, for two drive-through facilities associated with a bank and coffee shop building to be located at 133 South Bolton Street.

The Urban Affairs Committee met with attorney Brian Falk, Jim Petkewich, Senior Vice-President of St. Mary's Credit Union, and Randy Miron of Bohler Engineering to discuss St. Mary's Credit Union's application for a special permit for two drive-through facilities for a bank and coffee shop for their location at 133 South Bolton Street. They had previously met on August 13, 2019 where they discussed the width of the drive-through path as well its overhang, the appearance of their signage, overnight parking, pedestrian safety improvements, speaker system noise, drive-through hours, dumpster pick-up times and its screening, and lighting for the site. The applicant submitted a draft Special Permit Decision based upon those discussions and the following items summarize those to be included and updated from both meetings.

- The drive-through window lane widths shall be a minimum of 10 feet; bypass lanes shall have width of 12 feet whenever possible.
- One freestanding sign shall be utilized for the two (SMCU & Starbucks) businesses. A special permit is required for an Electronic Message Board (EMC) or Digital Display (DDS) Sign.
- The applicant shall not permit overnight parking at their site.
- The pedestrian safety improvements shall be addressed during the Site Plan Review process, subject to Traffic Commission review and approval.
- The drive-through speakers shall minimize the noise emanating from them and be in full compliance with the noise ordinance of the City of Marlborough.
- The drive-through hours of operation shall not exceed 5:00 a.m. to 11:00 p.m. but the ATM may operate 24-hours per day.
- There will be no trash pickup before 7:00 a.m. or after 6:00 p.m. Monday through Saturday with none on Sunday. They also agreed to screen the dumpster with cement blocks and landscaping.
- The lighting shall be downward facing and shielded to minimize the impacts on neighboring properties.

Motion made by Councilor Tunnera, seconded by the Chair, to approve as amended. The motion carried 4-0.

Motion made, seconded, to adjourn. The motion carried 4-0. The meeting adjourned at 6:04 PM.

Suspension of the Rules requested – granted.

ORDERED: That the Appointment of Jason (Jay) Piques to the position of Assistant City Solicitor for a term of three years effective on date of confirmation, **APPROVED,** adopted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Application for Special Permit from St. Mary's Credit Union, to build and operate a drive-thru facility for a bank and a drive-thru facility for a coffee shop- restaurant at 133 South Bolton Street, in proper legal form, **FILE**; adopted.

Councilor Delano recused.

Suspension of the Rules requested – granted.

ORDERED:

DECISION FOR SPECIAL PERMIT

ST. MARY'S CREDIT UNION
133 South Bolton Street
Marlborough, MA

CITY OF MARLBOROUGH
CITY COUNCIL ORDER NO. 19-1007720B

DECISION ON AN APPLICATION FOR SPECIAL PERMIT

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to St. Mary's Credit Union (the "Applicant") to build and operate a drive-thru facility for a bank and a drive-thru facility for a coffee shop restaurant at 133 South Bolton Street and 31 and 35 John Street, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, St. Mary's Credit Union, is a state-chartered credit union with a mailing address of 133 South Bolton Street, Marlborough, MA 01752.

2. The Applicant is the owner of the property located at 133 South Bolton Street and 31 and 35 John Street, Marlborough, MA, shown on Assessor's Map 70 as Parcel 242A and on Map 82 as Parcels 112 and 113 (collectively, the "Site").

3. In accordance with Article V, Sec. 650-14(B)(2), Sec. 650-17, and Sec. 650-18(31) of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to build and operate at the Site a drive-thru facility for a bank with two (2) service lanes, and a drive-thru facility for a coffee shop restaurant with one (1) service lane (the "Use"), which is permissible by special permit.

4. The Site is located in the Business District.

5. The Site has an area of 62,630 square feet +/- as per the Plans referenced in paragraph 7 below.

6. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use.

7. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a detailed site plan entitled "Special Permit Plans for St. Mary's Credit Union" by Bohler Engineering dated June 6, 2019 (the "Plans").

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

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

10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, July 22, 2019. The hearing was closed on that date.

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

12. At the public hearing, three (3) members of the public spoke in opposition to the Use.

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

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

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

C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to build and operate a drive-thru facility for a bank and a drive-thru facility for a coffee shop restaurant at the Site as shown on the Plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction; Compliance in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts, and shall be built according to the Plans as may be amended during Site Plan Review. The Applicant agrees to comply with all municipal, state, and federal rules, regulations, statutes, and ordinances as they may apply to the construction, maintenance, and operation of the Use.

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

3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the City Council or the Site Plan Review Committee may make engineering changes to the Plans, so long as said changes do not change the Use as approved herein, or materially increase the impervious area of the Use, reduce the green area, increase the size or shape of the building, or alter the fencing bordering the Site, all as shown on the Plans.

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

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

6. Parking. The Applicant shall not prohibit persons using the City's John Street Playground from parking at the Site subject to the reasonable rules and regulations of the Applicant. The Applicant shall not permit overnight parking at the Site.

7. Pedestrian Safety Improvements. The Applicant shall address pedestrian safety improvements within the right of way near the Site during the Site Plan Review process, subject to Traffic Commission review and approval where applicable.

8. Drive-Thru Speakers. The drive-thru facilities shall employ speaker systems of a quality that seeks to minimize the noise emanating from the speaker system and shall operate in full compliance with the Noise Ordinance of the City of Marlborough. The drive-thru speaker systems shall not produce noise at the property line greater than that which would be allowed at the property line in a residential zoning district, in accordance with the Noise Ordinance of the City of Marlborough.

9. Drive-Thru Hours of Operation. The hours of operation of the bank and coffee shop drive-thru facilities shall not exceed 5:00 a.m. to 11:00 p.m, except that an automated teller machine (ATM) within the bank drive-thru may operate 24 hours per day.

10. Trash Area. No trash pickup shall occur on Sunday. On Monday through Saturday, no trash pickup shall occur before 7:00 a.m. or after 6:00 p.m. The Applicant shall address the screening of the Site's trash area during the Site Plan Review process, provided that the trash area shall be concealed with concrete, cement, brick, or similar materials and landscaped to screen the trash area from neighboring properties.

11. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties, with a lighting plan for the Site to be reviewed and further conditioned during the Site Plan Review process.

12. Signs. The Site shall not contain more than one free-standing sign. This limitation shall not apply to on-premises directional and traffic safety signs.

13. Drive-Thru Lane Widths. The Site's drive-thru lanes shall have a width of at least ten (10) feet, including at the areas located adjacent to the drive-thru windows, and bypass lanes shall have a width of twelve (12) feet wherever possible.

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

APPROVED; adopted.

Yea: 9 – Nay: 1 – Abstain: 1
Yea: Doucette, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing & Robey.
Nay: Dumais
Abstain: Delano

Suspension of the Rules requested – granted.

ORDERED: That the Communication from City Clerk, Steven Kerrigan, re: Advertising Error – Public Hearing Home Office/Home Occupation, Order No. 19-1007756, **FILE**; adopted.

Suspension of the Rules requested – granted.

ORDERED: That the PUBLIC HEARING set for **SEPTEMBER 23, 2019,** On the Proposed Zoning Amendment relative to the definition of Home Office/Home Occupation, Order No. 19-1007756, **RESCHEULED TO OCTOBER 7, 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. Section 650-5(B), entitled "Definitions; word usage," is hereby amended, as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

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."

ORDERED: That the Transfer Request in the amount of $220,000.00 from PEG Funds to IT Equipment, to fund upgrades throughout the city, **APPROVED**; 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
$238,060.67	$220,000.00	27000099	47750	Receipts Reserved-PEG Funds	$220,000.00	19300006	58618	IT Equipment	$0.00
	Reason:	Use PEG funds for upcoming projects and various equipment purchases							
	$220,000.00	Total			$220,000.00	Total			

ORDERED: That the City Council for the City of Marlborough hereby revokes the License to Encroach, dated June 14, 1999 (Adopted by Order No. 99-8201), and any and all permission to use real property pursuant to said license, effective immediately; adopted.

Suspension of the Rules requested – granted.

ORDERED: That the Communication from City Solicitor, Jason Grossfield, re: Notice of Intent Pursuant to MGL, c 61A §14 to Sell Land and Convert Use, **FILE**; adopted.

ORDERED: That the 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, **FILE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:24 PM; adopted.

IN CITY COUNCIL

Marlborough, Mass., AUGUST 26, 2019

ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 23, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Nicholas Masso of Indo Laboratories, to operate an independent Marijuana Testing Laboratory at 257 Simarano Drive, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Ninety days after public hearing is 12/22/19 which falls on a Sunday, therefore 12/23/19 would be considered the 90th day.

ADOPTED

ORDER NO. 19-1007757

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

Nathan R. Boudreau
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 SEP 19 A 11:05

September 19, 2019

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

Re: Grant Acceptance – Marlborough Council On Aging

Honorable President Clancy and Councilors:

I am pleased to submit for your acceptance a grant in the amount of $7,000.00 for the Marlborough Council on Aging from BayPath Elder Services. We appreciate BayPath Elder Services support for our seniors, and these funds will be used to assist seniors in handling hoarding or clutter situations.

Thank you for your consideration and please do not hesitate to contact me or Executive Director Pope with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

The City of Marlborough does not discriminate on the basis of race, color, nation origin, sex, religion, age or disability in employment or the provisions of services.

City of Marlborough
Council on Aging and Senior Center
40 New Street
Marlborough, Massachusetts 01752
Telephone (508) 485-6492 Facsimile (508) 460-3726

Patricia A. Pope
EXECUTIVE DIRECTOR

September 12, 2019

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

Re: BayPath Title III Grant Award

Dear Mayor Vigeant;

I am pleased to submit to you a grant award in the amount of $7,000.00 for A Hoarding/Clutter Free Lifestyle Project. This grant will allow us to assist not only those seniors identified through our involvement with the Impact Team but also seniors that self-identify themselves as those in need of assistance to handling a hoarding or clutter situation.

I would like to thank BayPath Elder Services for the opportunity to allow us to put a new program in place to assist seniors living in our community.

I am available should you or the Councilors have any questions.

Sincerely,

Patricia A. Pope
Executive Director

The City of Marlborough does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services.

service • education • information

BayPath Elder Services, Inc.
33 Boston Post Road West
Marlborough, MA 01752-1853
508-573-7200 • Fax 508-573-7222 •TTY 508-573-7282

July 26, 2019

Patricia Pope, Executive Director
Marlborough Senior Center
40 New Street
Marlborough, MA 01752

Dear Trish,

The BayPath Board of Directors met on July 24, 2019 and voted on the funding of the Title III programs for the Federal Fiscal Year 2020. The Marlborough COA was awarded grant funding under Title IIIB for the amount of $7,000.00 for the A Hoarding/Clutter Free Lifestyle Project. **This is the requested amount; however a revised budget (Appendix D only) will need to be submitted to clarify the following and must be submitted, no later than August 30, 2019:**

1. Appendix C lists $3000 in Program Supplies funded by Title IIIB. Will need more detail in Appendix D listing what the funding will be used for.

The grant period of the award is from October 1, 2019 through September 30, 2020. Because of the uncertainty of what the actual funding will be from the Executive Office of Elder Affairs, this award is tentative and subject to change. Your notification of Grant Award documentation, along with other pertinent information regarding the grant, will be sent to you in September.

If you have any questions regarding the above, please call me at (508) 573-7346.

Sincerely,

Fran Bakstran
Assistant Director, Area Agency on Aging

Cc: Christine Alessandro, Executive Director

CITY OF MARLBOROUGH

NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: September 12, 2019

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia A. Pope

NAME OF GRANT: A Hoarding/Clutter Free Lifestyle

GRANTOR: BayPath Elder Services

GRANT AMOUNT: $7000.00

GRANT PERIOD: OCTOBER 1, 2019 – SEPTEMBER 30, 2020

SCOPE OF GRANT/ Programs, education, assessments, administration

ITEMS FUNDED cleaning supplies and dumpsters.

IS THERE A POSTION BEING CREATED: No

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

ARE CITY MATCHING FUNDS REQUIRED? No

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

_____

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

ANY OTHER EXPOSURE TO CITY? No

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

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Nathan R. Boudreau
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

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

September 19, 2019

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 SEP 19 A 11:05

Re: Re-appointment to the Board of Registrars

Honorable President Clancy and Councilors:

I am pleased to re-appoint Elizabeth Evangelous as the Democratic representative on the Marlborough Board of Registrars for a term of 3 years to expire on April 1st 2022.

Ms. Evangelous has been a member in good standing of the Board of Registrars since 2012. Her contributions to the board are valuable especially in preparation for upcoming municipal elections this year and the statewide elections next year.

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

Sincerely,

Arthur Vigeant
Mayor

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Thomas E. Boudreau
EXECUTIVE AIDE

Patricia A. Bernard
EXECUTIVE SECRETARY

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 SEP 19 A 10:28

September 19, 2019

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

Re: Re-Appointment to the Marlborough Historical Commission

Honorable President Clancy and Councilors:

I am pleased to submit for confirmation the re-appointment of Pamela Wilderman to the Marlborough Historical Commission for a term of three years to commence upon City Council approval. Ms. Wilderman is well-known to the entire Marlborough community for her years of volunteerism.

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

Sincerely,

Arthur Vigeant
Mayor

The City of Marlborough does not discriminate on the basis of race, color, nation origin, sex, religion, age or disability in employment or the provisions of services.

6-1

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

JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

September 17, 2019

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

Re: Proposed General Ordinance Amendment – Chapter 526 "Signs"

Dear Honorable President Clancy and Councilors:

At the request of Councilor Joseph Delano, enclosed please find a proposed non-zoning ordinance amendment relative to electronic signage including, specifically, regulations with respect to "multi-product LED price pump topper" and "video graphics array (VGA) color screen" signs at gasoline filling stations.

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 SEP 17 P 4:45

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 526, ENTITLED "SIGNS," AS FOLLOWS:

I. Chapter 526, entitled "SIGNS", is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

A. Section 526-2, entitled "Definitions," is amended by **inserting** the following definitions:

GAS STATION MULTI-PRODUCT LED PRICE PUMP TOPPER: An EMC sign that incorporates light emitting diode (LED) to display exclusively digital gasoline prices on the top of a gasoline filling station pump.

GAS STATION VIDEO GRAPHICS ARRAY (VGA) COLOR SCREEN: A digital screen that displays video content and is placed on a gasoline filling station pump.

B. Section 526-13(B), entitled "Standards," relative to Electronic Message Center and Digital Display Signs," stating an EMC sign or Digital Display sign shall be allowed by special permit, but only pursuant to the following standards, is **amended** as follows:

(8) Effects. The EMC message or the digital display shall not grow, melt, X-ray, scroll, write on, travel, inverse, roll, twinkle, snow, rotate, flash, blink, move, spin, wave, rumble or present pictorials or other animation and/or intermittent illumination. Subject to the foregoing restrictions, temperature and time may change as necessary. The message shall be limited to alphanumeric characters, one color per message. Displaying videos or simulated images is prohibited on a Digital Display sign or EMC sign.

(9) Operational limitations. Such EMC sign or Digital ~~d~~Display sign shall contain static messages only and shall not have movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the slashing, scintillating or varying of light intensity.

(a) Sequential messages are prohibited. Only complete messages shall be allowed.

C. Section 526-13, entitled Electronic message center signs; digital display signs, is **amended** by inserting the following new sub-section E:

E. Gasoline Filling Stations. Notwithstanding anything to the contrary in Chapter 526, the following signs may be placed at a gasoline filling station and are exempt from the special permit requirement in §526-13, provided that said signs comply with the following regulations:

(1) One (1) Gas Station Multi-Product LED Price Pump Topper shall be permitted to be installed on the top of each pump and oriented to face the fueling vehicle. The LED digits shall not exceed eight (8) inches in height. The color of the LED digits for the price numerals only may be either: one color for all prices, or one color for gasoline price and one color for diesel price to conform with industry standards. No audio component or audio is permitted.

(2) One (1) Gas Station Video Graphics Array (VGA) Color Screen shall be permitted to be installed on each pump and oriented to face the fueling vehicle. The screen size shall not exceed twelve (12) inches diagonally. The screen shall only be in use during point of sale transactions for fueling and shall be used for video display, public service announcements, and point of sale transactions only. A gasoline filling station electing to install one or more screens shall not be permitted to maintain window signs with an aggregate display surface covering more than ten percent (10%) of the window area at the gasoline filling station. The screen shall be turned off outside of posted business hours. No audio component or audio is permitted.

ADOPTED
In City Council
Order No. 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

7-1

City of Marlborough

Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610
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JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 SEP 18 P 4:47

September 18, 2019

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

RE: Proposed Acceptance of 22' Wide Utility Easement, 34 St. Martin Drive, Marlborough

Dear Honorable President Clancy and Councilors:

Upon the request of the Department of Public Works, enclosed please find a proposed order to accept the grant of a "22' Wide Utility Easement" to the City of Marlborough, along with a copy of the easement and plan, relating to the above-referenced real property. I have reviewed the order and easement, and both are in proper legal form.

City Engineer Thomas DiPersio is available to answer any questions concerning this matter. An executed easement is forthcoming and will be provided in committee. Please feel free to contact me as well if you have any questions or concerns.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
John L. Ghiloni, Commissioner of Public Works
Thomas DiPersio, City Engineer

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that the permanent utility easement shown as "Proposed 22' Wide Utility Easement", constituting a portion of land located at 34 St. Martin Drive, Marlborough, Middlesex County, Massachusetts, on a plan entitled "Easement Plan of Land in Marlborough, MA" as referenced below, containing 1,595+/- square feet, (0.04 acres, more or less), according to the plan, be accepted as a municipal easement as shown on the plan and as hereinafter described:

DESCRIPTION

The 22' wide utility easement shown as "Proposed 22' Wide Utility Easement", on a plan of land entitled "Easement Plan of Land in Marlborough, MA", Prepared by: Bruce Saluk & Associates, Inc. Civil Engineers & Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, Date: July 12, 2017, last revised September 17, 2019 (the "Plan"), said Plan to be recorded herewith. Easement containing 1,595+/- square feet (0.04 acres, more or less), according to the Plan. Being a portion of the property owned in Marlborough by the Grantor and described in a deed recorded in the Middlesex South District Registry of Deeds in Book 72843, Page 197.

IT IS THEREFORE ORDERED THAT:

The 22' wide utility easement shown as "Proposed 22' Wide Utility Easement" on the Plan, constituting a portion of land located at 34 St. Martin Drive, containing 1,595+/- square feet (0.04 acres, more or less), being a portion of the property owned by Marlborough Technology Partners, LLC, a Delaware limited liability company with the usual address of 2765 Sand Hill Road, Suite 200, Menlo Park, California 94025 and described in a deed recorded in the Middlesex South District Registry of Deeds in Book 72843, Page 197, be accepted as a municipal easement in the City of Marlborough.

ADOPTED
In City Council
Order No. 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

GRANT OF UTILITY EASEMENT

MARLBOROUGH TECHNOLOGY PARTNERS LLC, a Delaware limited liability company with a usual address of 2765 Sand Hill Road, Suite 200, Menlo Park, California 94025, hereinafter known as the Grantor, its successors and assigns, in consideration of the payment of One Dollar ($1.00) and other valuable consideration, receipt of which is hereby acknowledged,

Hereby grants to the CITY OF MARLBOROUGH, a municipal corporation formed under the laws of the Commonwealth of Massachusetts, and having an address at 140 Main Street, Marlborough, MA 01752 in Middlesex County, hereinafter referred to as the Grantee, its successors and assigns forever, with quitclaim covenants, a nonexclusive and perpetual right and easement to operate, construct, maintain, replace, repair, inspect, and improve municipal utilities, including but not limited to a water main and other appurtenances thereto consisting of but not limited to pipes, valves and fittings (hereinafter, collectively, the "Municipal Utilities") in and under a portion of land located at 34 St. Martin Drive, Marlborough, Middlesex County, Massachusetts and being more particularly described as follows:

DESCRIPTION

The 22′-wide utility easement shown as "Proposed 22′ Wide Utility Easement" on a plan of land entitled "Easement Plan of Land in Marlborough, MA", prepared by Bruce Saluk & Associates, Inc., dated July 12, 2017, last revised September 17, 2019 (the "Plan"), said Plan to be recorded herewith.

Containing 1,595± square feet (0.04 acres, more or less) (the "Easement Area"), according to said Plan.

Being a portion of the property owned in Marlborough by the Grantor and described in a deed recorded in the Middlesex South District Registry of Deeds in Book 72843, Page 197.

The above-granted rights being more particularly described as the nonexclusive and perpetual right and easement to lay, inspect, construct, reconstruct, relocate, operate, maintain, alter, renew, repair, replace, add to and remove municipal utilities including the necessary pipes, conduits, manholes, valves, fittings, vaults, castings and/or other appurtenances that are or shall be required to install and operate municipal utilities under the easement area and to do all other acts incidental to the foregoing, including the right to pass and repass over the land of the Grantor, its successors and assigns, with people, equipment, and supplies for access thereto for all of the above purposes.

Also granted is the perpetual right and easement at any time and from time to time to clear the Easement Area and to keep it cleared of trees, roots, branches, shrubs, brush, bushes, structures,

objects and surfaces as may, in the opinion of the Grantee, its successors and assigns, interfere with the safe and efficient operation and maintenance of said Municipal Utilities.

By acceptance of this easement, the Grantee, for itself, its successors and assigns, hereby agrees, now and in the future, to defend, indemnify, and hold the Grantor (including its successors, assigns, employees, tenants, invitees, agents, and licensees) (the "Indemnified Parties") harmless from and against any and all claims, liabilities, losses, damages, actions, suits, costs, expenses, and reasonable attorneys' fees, including any for injury or death to persons or damage to property, occurring in the Easement Area arising from or in connection with the Grantee's use thereof, or arising from or in connection with the negligent exercise of any right or easement granted to the Grantee hereunder or the breach of any covenant, obligation or agreement of the Grantee hereunder, or otherwise arising from or in connection with any negligent act(s) or omission(s) by the Grantee, its employees, agents, tenants, invitees, guests, licenses, successors or assigns; provided, however, that the obligation to indemnify and hold harmless the Indemnified Parties shall exclude such liabilities, losses and damages that result solely from the negligence or misconduct of any of the Indemnified Parties who may otherwise be entitled to indemnity rights hereunder. The indemnifications provision shall survive conveyance of the dominant and servient estates, and shall run in perpetuity for the benefit of the then-owner of the Grantor's property.

The Grantee, for itself, its successors and assigns, further agrees that, solely at its own cost, it will restore the surface disturbed by it in the exercise of the rights herein granted substantially to the same condition as existed prior to its being disturbed.

The Grantee further agrees it shall not impair or obstruct Grantor's access from St. Martin Drive to the Grantor's property adjacent to the Easement Area shown on said Plan, and the Grantor's egress to said St. Martin Drive from said property, during the course of installation and maintenance of the Municipal Utilities. Any relocation of the Easement Area shall require the express written consent of Grantor, which shall be given at Grantor's sole and absolute discretion.

The Grantor, its successors and assigns, agrees to refrain from placing any building or other permanent object or encroachment within the Easement Area which would affect and/or interfere with the purpose of the easement granted herein. Notwithstanding the foregoing, Grantor, its successors and assigns, reserves the right to use the surface of the Easement Area for any purpose not inconsistent with the rights hereby conveyed, including but not limited to installation and maintenance of signage, landscaping, paving, curbing, walkways, parking areas and access drives provided the same does not unreasonably interfere with the rights herein granted. The Grantor, its successors and assigns may grant to others, including utility companies, a right and easement to install utilities within the Easement Area provided same does not interfere with Grantee's rights or use of the Easement Area.

In witness whereof, this Grant of Utility Easement is executed under seal this_____ day of _____, 2019.

MARLBOROUGH TECHNOLOGY PARTNERS LLC,
a Delaware limited liability company

By: Menlo Equities V LLC,
a California limited liability company,
its manager

By: Menlo Legacy Holdings, L.P.,
a California limited partnership,
its managing member

By: _____
Name:
Title:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

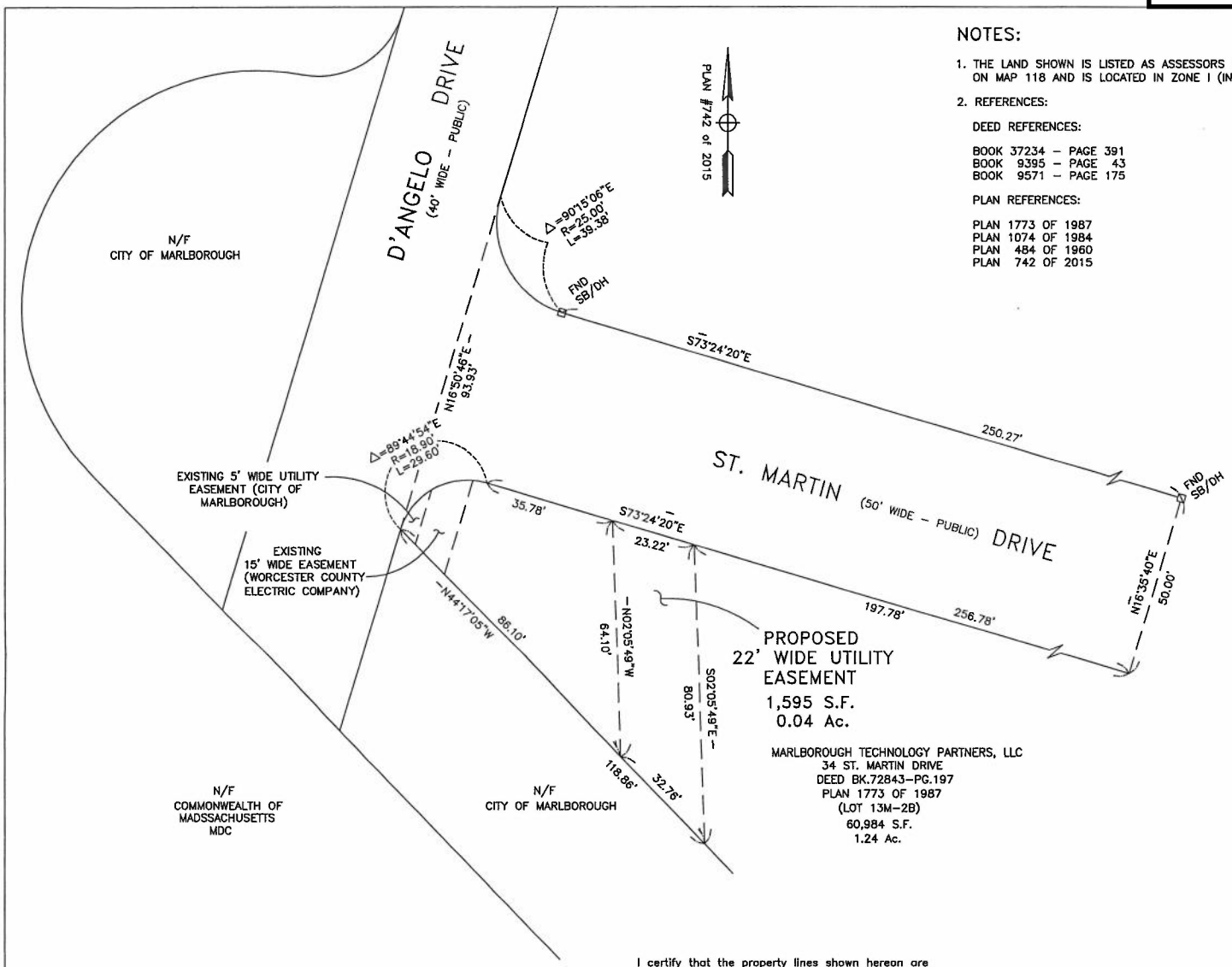
State of California)
County of)

On _____, 2019 before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
Signature:
My Commission Expires:



NOTES:

1. THE LAND SHOWN IS LISTED AS ASSESSORS LOT 2B ON MAP 118 AND IS LOCATED IN ZONE I (INDUSTRIAL).
2. REFERENCES:

DEED REFERENCES:

BOOK 37234 – PAGE 391
BOOK 9395 – PAGE 43
BOOK 9571 – PAGE 175

PLAN REFERENCES:

PLAN 1773 OF 1987
PLAN 1074 OF 1984
PLAN 484 OF 1960
PLAN 742 OF 2015

FOR REGISTRY USE

I certify that the property lines shown hereon are the lines dividing existing ownerships and the lines of streets and ways shown are those of public or private streets or ways already established, and that no new lines for division of existing ownership or for new ways are shown. The certification shown hereon is intended to meet Registry of Deeds requirements and is not a certification to the title or ownership of the properties shown.

I certify that this plan conforms to the rules and regulations of the Registry of Deeds of The Commonwealth of Massachusetts.

Bruce M. Saluk
Professional Land Surveyor
#35415

Date

0 20 FEET 40 60
GRAPHIC SCALE

EASEMENT PLAN OF LAND IN MARLBOROUGH, MA

PREPARED FOR:
CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH, MA 01752

PREPARED BY:
BRUCE SALUK & ASSOCIATES, INC.
CIVIL ENGINEERS & SURVEYORS
576 BOSTON POST ROAD EAST
MARLBOROUGH, MA 01752

DATE: JULY 12, 2017
REVISED 9/17/19

FILE: 2677–81X.dwg

City of Marlborough

Office of the City Clerk

140 Main Street
Marlborough, Massachusetts 01752
Telephone (508) 460-3775 Facsimile (508) 460-3723

Steven W. Kerrigan
City Clerk

Wilson Chu
Assistant City Clerk

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 SEP 17 P 3:30

The City Clerk be and is hereby authorized and directed to warn and notify the VOTERS of the City of Marlborough, duly qualified to vote in the **PRELIMINARY MUNICIPAL ELECTION**, to assemble in their respective polling place, as designated by the City Council as follows:

WARD 1: Precinct 1 and 2	Francis J. Kane School, 520 Farm Road
WARD 2: Precinct 1 and 2	Francis J. Kane School, 520 Farm Road
WARD 3: Precinct 1	Senior Center, 40 New Street
WARD 3: Precinct 2	Raymond J. Richer School, 80 Foley Road
WARD 4: Precinct 1 and 2	Senior Center, 40 New Street
WARD 5: Precinct 1 and 2	Senior Center, 40 New Street
WARD 6: Precinct 1 and 2	1LT Charles W. Whitcomb School, 25 Union Street
WARD 7: Precinct 1 and 2	Hildreth School, 85 Sawin Street

On **TUESDAY, OCTOBER 8, 2019** then and there, for the purpose of casting their votes for the candidates for the Office of Mayor who are as follows:

Arthur G. Vigeant, 650 Pleasant Street
David J. Garceau, 64 Lakeshore Drive
Keith R. St. John, 148 Stearns Road

It is further ordered that the polling place legally designated by the City Council be opened at 7:00 o'clock in the forenoon and be closed at 8:00 o'clock in the evening. The City Clerk be and hereby is authorized to cause notice to be given by publication of this Order in a local newspaper and by posting a copy of the same in a conspicuous place in the office of the City Clerk.

Per Order of the City Council

Attest:
Steven W. Kerrigan
City Clerk

The City of Marlborough does not discriminate on the basis of race, color, nation origin, sex, religion, age or disability in employment or the provisions of services.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 SEP -9 P 3:56

CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes
August 8, 2019 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM

Present: Edward Clancy- Chairman, David Williams, Allan White, Dennis Demers, John Skarin and Karin Paquin. Also present was Priscilla Ryder- Conservation Officer.

Absent: William Dunbar

Public Hearings:

Notice of Resource Area Delineation (Continuation)

Simarano Dr. (Property on Simarano Dr. Shown as Map 116 Parcels 5, 11 and 12 on the city's assessors maps) - Andrew Montelli

Scott Goddard of Goddard Consulting was present as was Joe Peznola of Hancock Associates both representing the owners. Mr. Goddard explained they have made some changes to the plans on a new plan dated revised 8/8/19 showing the flags that were changed in the field during the site inspection with Ms. Ryder, Ms. Paquin and Mr. Dunbar and the site wetland scientist Nicole M. Hayes of Goddard Consulting. Ms. Ryder indicated she has reviewed the changes to the plans in relation to her notes and the only change missing was that the plan was to eliminate B-146 and connect B-145 with B-147. She also noted that during the site walk they came across an area that had wetland soils that shows on the map as "dense trees". When inspected up the hill, it was a rather large area, that according to some of the spot elevation on the plan appears that it could possibly hold ¼ acre foot of water which is the threshold for Isolated Land Subject to Flooding (ILSF). Mr. Clancy noted that this should be reviewed in more detail to determine if it is in fact ILSF and meets the definition or not. Mr. Peznola suggested that because this area (which is north of flag B-123 through 128 is not currently being contemplated for anything, that this item not be decided during this review and only the BVW that has been shown on the plan be reviewed. After much discussion the Commission agreed to approve the BVW as shown with the change noted above by Ms. Ryder. Ms. Ryder also noted that there is a vernal pool on the plans that has been certified, this should be included in any NOI to be filed in the future, so this resource area is clearly called out. The Commission voted 6-0 to approve the BVW line only on this plan and to note that there may be ILSF that still needs to be investigated in the future on portions of the property to the south east of the gravel roadway.

Notice of Intent

200 Forest St. - AvalonBay Communities, Inc.

Luke Bouche and Eric Olson both from VHB were present representing AvalonBay. They noted that they have filed a formal Notice of Intent for work on a project to construct a 17 new professionally managed multi-family residential townhomes, amenity areas, parking areas,

access roads, stormwater management areas and retaining walls. The Notice of Intent is being filed as part of a remedy to two violation notices issued by the Conservation Commission for failure to control muddy water and sediment from entering the adjacent wetlands across the street and to Millham brook.

Mr. Bouche and Mr. Olson both presented a plan showing progress made since the last meeting on stabilization and reinforcements to detention areas. They have covered areas with construction soil to cover up the very silty native soil, they did have another wetland discharge since the last meeting which breeched one of the detention basins sending muddy water towards Forest St. which was picked up by the drainage system and discharging to Millham Brook at Glen St. Mr. Olson said the discharge at Glen St. was at 100 NTU's which is the threshold. Ms. Ryder noted that during her site visit she saw that the baker tank pipe was discharging muddy water into the catch basin, which leads to Forest St. This water was much siltier than the 100 NTU threshold.

The Commission discussed the entire site, the fact that too much of the site was opened at once, that all hands MUST be on deck when these events happen and remedied as soon as possible after the event. They noted that Lynch Co. and or Avalon should attend the next meeting since they are on site daily. The Commission expects daily monitoring and constant monitoring of all pumps when they are running, so that no muddy water leaves the site. When the filter system is at capacity and the water is no longer discharging clean, the pump must be turned off and the system cleaned. The Commission discussed the need for some significant fines for these violations. At least $600 if not more. They asked Ms. Ryder to inquire of the Engineering Dept. if a stormwater violation should also be issued for this event. Ms. Ryder will inquire and issue a fine accordingly.

After some discussion the Commission continued the hearing to the next meeting and asked that the contractors be present at the next meeting. Ms. Ryder will draft conditions for review. The hearing was continued to the August 22 meeting.

Notice of Intent (Continuation)
Lakeshore Dr. (Map 6 Parcel 81) – Regina Marksteiner

Gina Marksteiner, owner, and Seth Donohoe, Project Manager of Ducharme & Dillis were present. Mr. Donahoe explained that he had revised the plans to include the items requested at the last meeting. He provided a cross section of the building as it steps down the slope, the location of the patio, the limit of work was staked in the field (which several members reviewed); construction sequence notes were added. The Commission discussed, construction sequencing and the need for a shallow basin before the infiltration system is working to prevent washouts, the excavation machine to work from the top and not the downhill slopes; temporary stabilization as soon as feasible to keep the lot stable, use of woodchips as needed. All material

stockpiles to be located up front. A dock location was provided along the shoreline which will be anchored into the slope and will be a removable dock- to be removed in the winter to prevent ice damage. The plan shows slope stabilization plantings as well- including creeping juniper. The existing trees to stay shall have their dripline protected to ensure they survive. After further discussion about the timber retaining wall, the hearing was closed. Ms. Ryder was asked to draft some conditions for review at the next meeting.

85 Dufresne Dr. – Lot 12 – Amend Order of Conditions (212-1156)

West Hill LLC requests to amend the Order of Conditions 212-1156 to regrade the northern side yard and extend a drainage outfall pipe near wetlands. At the request of the applicant through an e-mail, this hearing was continued to the next meeting on August 22, 2019.

Certificates of Compliance:

- DEP 212-1030 58 Boivin Dr. (Lot 5) - Ms. Ryder has inspected the property and noted that all the conditions of the Order of Conditions have been met, however there is still some area of the lawn that is not stable, and the Planning Board is requiring the planting of a street tree. Therefore, the Commission voted unanimously 6-0 to issue a Full Certificate of Compliance for this project and asked that Ms. Ryder hold it until the above items have been properly completed.

Violations:

Ms. Ryder noted that the following location had wetland violations during the last rain event:

- 421 Bolton St. – mud on Poirier Dr. sidewalk and into catch basin
  Simarano Dr. – Self storage location
- Avalon Marlborough II – muddy water to Millham Brook (see above)
- 175 Maple St - some clearing of the wetland buffer zone occurred without a permit or an approved plan. Ms. Ryder will be meeting with the site owner to discuss and issue a violation notice. Mr. Dunbar had noticed the violation during the day and reported it.

Correspondence/Other Business:

- Letter from Goddard Consulting, Nicole Hayes, dated July 31, 2019 RE: "Crane Meadow" Second site walk for the ANRAD
- High School Ball Field – Mr. Clancy noted that the trenches in the new turf field under construction were full of water and wondered why. Ms. Ryder will convey to DPW to inquire.

Adjournment - There being no further business the meeting was adjourned at 8:50 PM.

Respectfully submitted,

Priscilla Ryder

Priscilla Ryder
Conservation Officer

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CITY OF MARLBOROUGH
2019 SEP -9 P 3:56

CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes
August 22, 2019 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM

Present: Edward Clancy-Chairman, Dennis Demers, William Dunbar and Karin Paquin. Also present was Priscilla Ryder-Conservation Officer

Absent: David Williams, Allan White and John Skarin

Public Hearings:

85 Dufresne Dr.— Lot 12 — Amend Order of Conditions (212-1156) (Continuation)

Elizabeth Mainini P.E. from Guerriere and Halnon was present she explained that after the last meeting they have revised the plan to reflect a cleared area that is closer to what the Commission originally approved, with some slight changes. The limit of work is the same as previously approved, the grading is slightly different to allow for a flatter yard next to the garage. This is shown on a revised design dated 8-22-19 which shows a retaining wall, and some fill over the drainage pipe. As noted, before, a new revised drainage easement will be needed to the city if this pipe is extended. After some discussion it was determined that the trees to be removed should be shown on the plans, and a discussion about the stumps is to be provided. Ms. Ryder will ask Engineering about the design and get comments and she will draft a set of conditions for the next meeting. The Commission continued the hearing to the next meeting on September 5th in order to allow the applicant time to provide the necessary information.

Notice of Intent (Continuation)

200 Forest St. AvalonBay Marlborough II - AvalonBay Communities, Inc.

Luke Bouche from VHB and Tom Rohan from Avalon were present. Mr. Bouche explained that since the last meeting, they have repaired and enlarged the detention basin that breached. He provided photos as shown in the SWPPP report of these improvements and of the improvements to the various slopes and swales around the property. The entrance off Simarano Dr. now is paved and the side slopes covered with plastic until such time they can be loamed and seeded to stabilize. This has helped a great deal during the last storm event.

They explained that the lower foundations are going in now, which will allow for the versa lock wall to be constructed and then the area stabilized. This will go a long way to preventing further issues and will direct water away from the larger basin. They are planning to seed as much of the site as they can this fall. They also noted that a lot of "clean" water was coming from the Quest parking lot into their site, they will work to divert that, so it doesn't have to mix with the muddy water, thus allowing for less treatment volumes. After some discussion the Commission was pleased with the

progress and noted that additional storms were coming so they needed to be prepared. The hearing was continued to the next meeting on September 5th. Ms. Ryder will draft a set of conditions for review at that meeting.

Draft Order of Conditions:

- DEP 212-1211 Lakeshore Dr. (Map 6 Parcel 81) - The Commission reviewed the draft conditions and provided some edits relative to the railroad tie retaining wall, if any work is needed on this they will need to come back to the Commission for review; since it's unclear what is buried on site, a condition is to be added to ensure that any hazardous or buried materials shall be properly removed; and that all trees are to be reviewed prior to cutting to determine what can be saved and protected and what cannot. The Commission voted unanimously 4-0 to approve the draft conditions as amended.

Certificates of Compliance:

- DEP 212-1034 55 Boivin Dr. (Lot 11) - Ms. Ryder noted that she has inspected the site and found everything to be in order. However, the Building and Engineering Dept. are waiting for one more tree to be installed and for the curb cut to be repaired. The Commission voted unanimously 4-0 to issue a Full Certificate of Compliance, but to have Ms. Ryder hold it until these items have been completed.

Violation Notices:

Ms. Ryder noted that due to the recent rain events the following violation notices are being issued (either have been or will be shortly)

- Avalon Marlborough II
- 175 Maple St. (to be issued) - the Commission noted that a $300 fine should be sent for this violation.
- Simarano Dr. — Self Storage (to be issued)
- 421 Bolton St. —212-1189 (to be issued)

Correspondence: The Commission reviewed the following correspondence and voted to place it on file.

- Letter from AvalonBay, dated August 7, 2019 RE: Notice of Transfer of Ownership of Property subject to the Order of Conditions (DEP 212-831)

Discussion:

- Open Space and Recreation Plan — Review maps and discuss Ms. Ryder noted that the Open Space and Recreation Committee is working on prioritizing open space parcels. She will provide some draft maps when ready for review and discussion.
- 159 Langelier Ln. — slight change to pool location (212-1210) - Ms. Ryder noted that a slight plan change to the pool shape has been provided,

however it does not extend the work beyond the proposed limits that were approved. The Commission noted this could be a minor change and no further review was needed.

- Boroughs Loop Trail – the Grand Opening of the trail will be on Oct. 4th for officials and volunteers and Oct. 5th to start the first official hikes on the trail. Location is at the Algonquin High School Upper parking lot. Invitation to follow shortly. Please plan to attend.
- DEP 212-1104 Sudbury St. Sewer – the cross-country portion of the sewer construction from Hanlon Dr. to Sudbury St. will begin next week. The turtle biologist is on board and will be doing the first sweep on Tuesday, Aug. 27th, Ms. Ryder informed the Commission.

Adjournment - There being no further business, the meeting was adjourned at 8:33 PM

Respectfully submitted,

Priscilla Ryder

Priscilla Ryder
Conservation Officer

Marlborough Public Library Board of Trustees
Meeting Minutes

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 SEP 17 A 7:51

June 4, 2019
Bigelow Auditorium, Marlborough Public Library

Meeting called to order by Tom Abel at 7:03pm

Board Members Present: Tom Abel, Bill Brewin, Robyn Ripley, Rustin Kyle, Nena Bloomquist, Fred Haas, Samantha Khosla, Karen Bento, Janice Merk

Also Present: Margaret Cardello, Library Director, and Dan Verrico, Vice President and Capital Campaign Chair of the Marlborough Public Library Foundation

Documents Reviewed/Referenced:
1. Agenda
2. Minutes from the May 7, 2019 meeting
3. Trust Fund/State Aid reports for June 2019
4. Director's Report

Proceedings:

1. **Minutes:** *A motion to approve the meeting minutes from the May 7, 2019 meeting was passed (Ripley/Kyle).*

2. *A motion to move the Marlborough Public Library Foundation (MPLF) presentation up to the second item on the agenda was passed. (Bento/Ripley).* Mr Verrico provided the trustees with an update on MPLF fundraising activities and discussed many ways that individuals and businesses can donate, including through legacy giving. He explained that the capital campaign is looking for referrals of individuals or businesses interested in becoming donors.

3. **Trust Fund Reports:** *A motion to approve the Trust Fund Reports for May 2019 was passed (Brewin/Khosla).*

4. **Director's Report**: (see attached for more details)

    - Margaret provided the following updates on the library renovation project:
        - Fee negotiations for the OPM contract with Daedalus has been completed. Daedalus is serving as the OPM for the City's new elementary school, and also has successfully completed several library projects.
        - The Walker Building is being evaluated as the temporary library location during the renovation. It would enable the library to continue operating downtown, which would be less disruptive to patrons. The City will conduct a structural assessment to determine if the building can support the weight of the library materials.

- Meetings are planned with several RFID vendors on the state bid list to learn what is required to prepare the collection for RFID tagging. This technology will facilitate greater security and inventory control in the new building, as well as allow self-check out by patrons.

- Margaret has interviewed two Marlborough residents for the open PT Clerk position. She expects to hire one and add the other to the library's temp pool.

- A no trespass order was issued to patron who was frequently intoxicated while in the library and became belligerent to staff. The police assisted Margaret on this issue.

- Spending remains on budget. Margaret will be using state aid to pay for an additional $20,040 in library materials in May and June. This expense was expected since the City's allocation for that purpose was depleted at the end of April. This spend is necessary as the minimum requirement to meet the state certification is 13% of our municipal appropriation, which for Marlborough is $126,040. The City allocated $106,000 in the 2019 budget.

- Seven members of the library staff attended the MLA conference in Framingham, and shared what they learned with others on the team. Margaret included written summaries of the attendees with the Trustees.

Committee Reports:

- Marlborough Public Library Foundation:
  - See the summary in Item 2 of these meeting minutes.

5. **Old Business**:

- Margaret reported that the Friends of Marlborough Public Library would be holding their annual meeting on June 5, at which time they hoped to bring in a new president and treasurer.

6. **New Business**:

- None to report

7. **Adjournment:** *A motion to adjourn passed at 8:01pm (Ripley/Bento)*

Minutes submitted by Janice Merk.

1A

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 SEP 11 A 11:34

Call to Order August 26, 2019

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

1. Meeting Minutes

A. July 22, 2019
On a motion by Mr. LaVenture, seconded by Mr. Fay, the Board voted to approve and file the meeting minutes of July 22, 2019 as amended. Small typographical revision to bullet 4, page 2. Mr. Elder abstained. Motion carried.

2. Chair's Business

A. Set public hearing date- Council Order 19-1007673B Proposed Zoning Amendment to Chapter 650 Section 12, Nonconforming Uses. (To readvertise with changes.) Monday, September 23, 2019 was chosen for the new public hearing.

B. Set public hearing date- Council Order 19-1007738 Proposed Zoning Amendment to Chapter 650 Section 8, Boundaries Established; Zoning Map. Rezoning of 269 Mechanic St., Assessor's Map 56-125. Monday, September 23, 2019 was chosen for the public hearing.

3. Approval Not Required

A. ANR 215 Sudbury St.: Applicants- Timothy and Jennifer Shannon, 150 Prides Crossing Sudbury and 60 Carver Hill Rd., Marlborough, MA 01752; Engineer- HS & T Group, 70 Hammond St., Worcester, MA 01610; Description of Property - Middlesex South Registry of Deeds, Book 72970, Page 178
Mr. Timothy Shannon presented the plan to the Board. A representative from HS & T was also in attendance. Mr. Shannon indicated that they had purchased the property at 215 Sudbury St. The ANR creates a new (roughly 1 acre) house lot for 215 Sudbury St., Lot 1R, and an unbuildable parcel of open land, Parcel 2. They plan to sell the house Lot 1R at 215 Sudbury St. The Shannon's will retain ownership of Parcel 2. Parcel 2 provides an open space "buffer" behind their property at 60 Carver Hill. Mr. Fay asked whether their intent was to file an 81X plan to combine the 60 Carver Hill lot with Parcel 2 from the ANR. The representative from HS & T said that was a likely later step. On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to refer the ANR plan to Engineering. Motion carried.

B. ANR 11 Paquin Dr.: Applicant- Estate of Richard C. Berte c/o Attorney John Gosselin, 635 Massachusetts Ave., Arlington, MA 02476; Engineer- Bruce Saluk Assoc., Inc., 576 Boston Post Road East, Marlborough, MA 01752; Description of Property – Middlesex South Registry of Deeds, Book 71938 page 338. (Assessor's Map 7, Parcel 99)

Mr. Saluk was not present when item 3B came up. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to table item 3B until Mr. Saluk arrived. Motion carried.

4. Public Hearings (None)

5. Subdivision Progress Reports (Updates and Discussion)

A. Goodale Estates Update Letter from Assistant City Engineer Collins
Mr. LaVenture read the August 21, 2019 letter from Assistant City Engineer Collins RE: Goodale Estates Open Space Parcel into the record. The letter details the developer's progress in deeding the open space parcel to the City. The developer has submitted the following items:

a. Open Space Tree Assessment – Chris White, Tree Warden
b. Environmental Site Assessment – Nover-Armstrong Associates, Inc.
c. Ownership Verification – Law Offices of Simeola and Simeola, P.C.
d. Draft Quitclaim Deed for Open Space Parcel

If these documents are found acceptable, the developer will move forward with the $5,000 Conservation Maintenance Fund deposit and petition the Marlborough City Council for acceptance of the deed for the open space parcel. On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board referred the matter to Engineering, Legal and Conservation for review and recommendation. Motion carried. Since the subdivision expiration is approaching in November, the Board further requested that the City invite the developer to update the Board on site progress and plans for the subdivision completion. Mr. DiPersio said Engineering would reach out to invite Mr. Kevin Gillis to the September 9, 2019 meeting of the Planning Board.

B. Howe's Landing Expiration – September 13, 2019. Landscaping communication.
Mr. LaVenture read from the email string between Assistant City Engineer Collins and David Cannon, President of Parsons Commercial Group. Mr. Collins had detailed several landscaping issues that needed resolving prior to releasing the maintenance bond ($70,000). Mr. Cannon will coordinate an on-site Engineering review of their response to these issues. The developer may request that the Planning Board release the bond and begin the acceptance process once Engineering confirms that the landscape work is complete. On a vote by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the correspondence. Motion carried.

3. Approval Not Required

B. ANR 11 Paquin Dr.: Applicant- Estate of Richard C. Berte c/o Attorney John Gosselin, 635 Massachusetts Ave., Arlington, MA 02476; Engineer- Bruce Saluk Assoc., Inc., 576 Boston Post Road East, Marlborough, MA 01752; Description of Property – Middlesex South Registry of Deeds, Book 71938 page 338. (Assessor's Map 7, Parcel 99)

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to take item 3B off the table. Motion carried.
Mr. Saluk presented the ANR to the Planning Board. Mr. Saluk represents the estate of Mr. Richard Berte. The purpose of this ANR plan is to divide the existing Lot #1 into two lots shown as Lot #1 and Lot #3. There was a discussion regarding the drainage easement on Lot #1 and the drainage easement on Lot #2. It was speculated that at one time, they thought they may have needed a drainage easement , but it was never used. Mr. Saluk discussed conveying the easement to the City if the City wanted it. On a motion by Mr. Fay, seconded by Mr. Hodge, the Board voted to refer the plan to Engineering. Motion carried.

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

7. Definitive Subdivision Submissions / Updates (None)

8. Signs (None)

9. Correspondence

A. MJ's Market – Informational
On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to accept and file the correspondence. Motion carried.

B. Heritage Farm LLC – Notice of Intent to Sell Land and Convert Use – Parcel IDs 72-35 (339 Boston Post Road East) , 73-26A,73-28, 73-24 and 73-26.
Pursuant to MGL C. 61A, §14 notice of the proposed sale of land was sent to the Planning Board. (The "Agreement") with Waypoint Residential Services, LLC ("Buyer"). Buyer intends to construct 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. The Buyer intends to remove the Property from such classification and convert it to the described intended use.

Mr. Fay noted that there was no set purchase price indicated in the agreement. He questioned whether the notification provided the necessary notice required in the statute. Councilor Ossing was present, and he also felt that there was insufficient information provided to the City. Mr. Russ indicated that he lives on Farm Rd. and wondered whether he would be considered an abutter. The Board felt he would not be considered an abutter based on the identified parcels included in the proposed sale.

Mr. Fay asked whether the entire agreement could be made available to the Board. Ms. Holmi indicated that since the full notice was very lengthy, an electronic copy of the agreement was sent to each member of the Board. The hardcopy version of the agenda packet contained an abbreviated version. Chair Fenby suggested moving the notice to unfinished business at the next meeting, allowing members time to access and review the full agreement prior to making any recommendations.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to move the matter to unfinished business on the September 09, 2019 Planning Board agenda.

10. Unfinished Business (None)

11. Calendar Updates

A. Public hearing - Council Order 19-1007673B Proposed Zoning Amendment to Chapter 650 Section 12, Nonconforming Uses. Monday, September 23, 2019.
B. Public hearing date- Council Order 19-1007738 Proposed Zoning Amendment to Chapter 650 Section 8, Boundaries Established; Zoning Map. 269 Mechanic St. Assessor's Map 56-125. Monday, September 23, 2019.
C. Vote ANR: 215 Sudbury St., September 09, 2019
D. Vote ANR: 11 Paquin Dr., September 09, 2019

12. Public Notices of other Cities & Towns (No current notices)

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

Respectfully submitted,

/kih

George LaVenture/Clerk

12-1

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2019 SEP -6 P 1:15

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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Wednesday, July 31, 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: Sgt. Zac Attaway and Officer Andy Larose of the MPD Traffic Services Unit, City Councilor Katie Robey, City Councilor Christian Dumais, City Councilor David Doucette and local residents David Naigles, Eunice Atwood, Leonard Solo and Bill Lane. Minutes taken by Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Wednesday, June 26, 2019.

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

2 - New Business

2a) Request for Pedestrian Crossing signs on Church Street.

This request was made due to the large number of children ranging from Elementary School through High School getting on and off the school bus at the intersection of Warren Ave. and Church St. Photos were submitted with the request which show the intersection from both the northbound and southbound directions. The request is for a crosswalk sign with an arrow and "crosswalk ahead" signs.

Commissioner Ghiloni advised that he will have Engineering take a look at this intersection and provide feedback at the next meeting.

MOTION was made, seconded, duly VOTED to REFER to ENEGINEERING for review.

Agenda items b through d were all submitted in an email from City Councilor Ducette to Chief Giorgi.

2b) Request to limit the use of air brakes for large vehicles.

Councilor Doucette is proposing that the use of air brakes be prohibited from 11pm – 7am (based on city sound ordinance) and residential zones. He would like to see signs to this effect posted on major city entrances (i.e. Rte. 20, Rte. 85, Forest St., Cedar Hill etc.) The noise made by these brakes is very loud and "unsettling" and can be heard throughout neighborhoods during quiet nights.

Officer Larose explained how a "Jake Brake" works and why it makes the loud sound. He described it as "like downshifting but with less wear and tear on the vehicle". It is another way of slowing the truck while also saving the brakes. Fire Chief Breen said that there are other alternatives to this type of braking. The Fire Department did not select jake brakes for the new fire truck. He said that he has seen "sign packages" for areas where jake brakes are not allowed.

Chief Giorgi said that he tried to do some research on this own and found that other Cities, North Hampton for example, include a restriction for these types of brakes in their City Code. The restriction states specific streets and times of day that these brakes are excluded. The Chief has also received complaints about this issue and has talked to Officer Larose regarding the difficulty of enforcement.

Commissioner Ghiloni said that this same issue came before the Traffic Commission a few years ago. If the restriction where to become part of a City Ordinance it would have to go before the City Council. The group went on to discuss the fact that it's actually a two-part issue. Do we want a restriction by street and specific location or a time period for the entire City?

Councilor Doucette said that it tends to be a "repeat pattern". He would think that if signs were posted restricting usage and they were ignored, someone could wait in the area and find a "repeat offender".

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for further review.

2c) Request for speed tables on Farm Road.

Councilor Doucette said that the traffic on Farm Road is "getting out of hand". The radar signs here do tend to slow traffic but the amount of traffic is traffic is terrible and it includes a lot of heavy truck traffic. He has seen speed tables used in Wayland and Framingham to slow traffic and feels they are a deterrent for large trucks taking this route. He said that most of the traffic complaints are involving trucks. He knows that the City doesn't like to use speed tables but he is asking for reconsideration.

Commissioner Ghiloni said that he is not necessarily against speed tables, however, if they were ever to consider them, very specific criteria would need to be established for use. If they were installed here, the City would receive many more requests from other areas for the same thing.

Chief Giorgi said he knows of another city that uses portable tables that can be removed in the winter for plowing. Officer Larose said that he has been looking into this issue and noted that local deliveries are allowed here but there already is an exclusion for bigger trucks. He said that signage in the area definitely needs to be improved. It's currently not clear so trucks go this way and then are unable to turn around. Councilor Doucette also said that when Route 85 was under construction for so long, Farm Road was used as an alternate route.

A resident in attendance suggested that rumble strips may be a better alternative to speed bumps as they cause you to slow down but won't affect the plows. Officer Larose said that speed tables, rumble strips and speed bumps all degrade the road.

All determined that more research is necessary.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for further research.

2d) Request for parking signs or lines on Decenzo Blvd.

Councilor Doucette said that there is an issue with cars parking so close to side street entrances that they create blind spots for vehicles trying to exit onto Dicenzo. He said that Settler's Lane is the worst situation. He has spoken to the driver of one specific vehicle and advised that he needed to find a better parking spot. The driver did move, however, is now just blocking another area. He would like to see the area near the intersections marked off and signed with "no parking here to corner" or "no parking between signs".

Commissioner Ghiloni advised that there is a City Ordinance that states there is no parking allowed within 20 feet of an intersection. The City doesn't paint this area or install signs as the situation exists at all intersections. It is really more of an enforcement issue.

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

Chief Giorgi took a moment to introduce Sgt. Attaway as the new supervisor in the Traffic Services Unit. The prior supervisor, Sgt. Campbell, has been promoted to Lt. and has moved to the midnight shift.

2e) Request for a Truck Exclusion on Stevens Street.

This request was submitted by Councilor Clancy. He noted that a truck exclusion was requested here several years ago but was denied by the State. He was asking if the request could be resubmitted.

Commissioner Ghiloni said that Engineering would have to look into the request. The Assistant City Engineer is currently on vacation. The State is currently working on a new design for this area but it will be several years out.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for review.

3-Old Business

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

Update: Commissioner Ghiloni advised that the "slow playground" signs were installed this week. They are now waiting to see what happens with the St. Mary's Credit Union project before doing anything else.

MOTION was made, seconded, duly VOTED to TABLE until the St. Mary's Plan is finalized.

3b) Crosswalk Concerns on Stevens Street near Lodi Road.

Update: Commissioner Ghiloni was not sure if the new crosswalk signs have been installed yet (2 advance warning signs and 1 arrow sign). He will check and advise at the next meeting.

3c) Hosmer Street Crosswalk / Traffic Complaints / Jaworek School

Update: Commissioner Ghiloni advised that the new crosswalk has not yet been installed but it will be all set before the start of school.

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

New Agenda Item – Concerns with the Crowley Drive Project (Senior Independent Living Multi-Family Community)

Local resident, Leonard Solo, expressed continued concerns in this area, especially with regard to the intersection of Crowley Drive and Fitchburg. Several other local residents were also in attendance for this issue. Mr. Solo said this intersection is "an accident waiting to happen" and that the majority of those living at Regency at Assabet Ridge would agree. He forwarded a very detailed email outlining his concerns. He talked about how busy the area is now and how traffic will increase even more when the two empty properties are up and running. It is also right near the entrance to Boston Scientific and the entrance to the Rail Trail, there is also a crosswalk for the Rail Trail.

He specifically mentioned that when you exit Crowley Drive and want to make a left, your view of traffic is blocked because the street curves before it gets to this intersection. He said it is incredibly dangerous to pull out, especially during rush hour. There is a 25-mph speed limit sign here but he noted that "it is a rarity that cars obey the speed limit". He also said that he and many others have witnessed cars not stopping when the yellow lights are flashing for the crosswalk. He is asking if there are any ways of "lessening the danger?" For example, with larger speed limit signs, reducing the speed limit to 20mph,

a flashing light on Fitchburg Street as it comes up the hill from Pleasant St. toward the connector and a greater police presence in the area.

He is also asking for posted speed limit signs (15 or 20mph) on Crowley with one side designated as no parking. He understands that Fitchburg is a State owned road and at the moment doesn't meet the warrants for traffic lights but something needs to be done before there is a serious accident.

It was also asked if a sign could be placed at Crowley stating that it is not a through way? Commissioner Ghiloni said Crowley is actually a private way. It is their road and he would assume they could do whatever they wanted. The City did install No Parking signs on one side of Crowley as a favor to the residents, due to congestion in the area during events. Crowley drive is maintained and plowed by residents.

It was discussed that when the developer first made his proposal the area was going to be a shopping center so the roadway was just an entrance to the shopping center. Now there are more facilities there, however, the road remained a private way. It's a little confusing because the City actually owns the land. Whatever is proposed would still need a safety review. Commissioner Ghiloni said that the City can ask the State to take a look at it again. He will talk to Engineering next week.

Councilor Doucette asked if it would be helpful for the State to hear complaints from more of the residents. Commissioner Ghiloni said he would talk to Tim Collins, Asst. City Engineer, when he gets back from vacation. He did suggest though that it would probably be helpful if more residents were to make complaints through SeeClickFix so they can be forwarded to the DOT. The State has final control over what will happen here but the City will try to help. The City can also cut back any trees or brush that are causing problems. He will have the Forestry Dept. take a look at the area.

More enforcement is definitely needed during high traffic time or when school gets out. Kids are trying to cross the street with their bikes, crosswalk lights are flashing but with the trees and bushes site distance is obstructed, people don't slow down. One resident said that when he slows down in the area, cars behind him are literally right up on his bumper and speed passed him when he makes his turn. Another said that he does a lot of cycling and even he is scared to cross here. He said one time he pressed the button for the pedestrian crossing in Hudson and 4 cars went through when he had the walk sign. Another resident, who works at Raytheon, knows that Fitchburg Street is also used by employees as a cut through to Rte. 495. He said, "They all go home this way."

All agreed that the real solution would be a traffic light but at a minimum, enforcement during high traffic times in the am and pm would be helpful. Chief Giorgi advised that he would refer the issue to the Traffic Unit. Councilor Robey asked if the area continues to be developed and eventually meets the warrants for a traffic light, who would be responsible for installing the lights? Commissioner Ghiloni advised that it should be a part of the special permit that the developer is responsible for the traffic lights. Fire Chief Breen said that he is a member of Site Plan and this concern has been raised before but it costs about $250,000 to signalize an intersection.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for further review, to the POLICE DEPARTMENT for enforcement and to the FORESTRY DEPARTMENT for tree and brush clean up.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:49 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-City of Marlborough Meeting Posting for Traffic Commission Meeting on Wednesday, July 31, 2019, including meeting agenda.

-Draft of Traffic Commission Minutes from Wednesday, June 26, 2019.

-Email from Jason Devane to Chief Giorgi, dated 7/17/19, re: Church Street signs (along with 2 photos).

-Email from City Councilor David Doucette to Chief Giorgi, dated 7/17/19, re: 3 items for 7/31 Traffic Commission Meeting (limit use of air brakes on large vehicles, speed tables on Farm Rd., parking signs or lines on Dicenzo Blvd.

-Email from City Councilor Ed Clancy to Chief Giorgi, dated 7/9/19, re: Truck Exclusion on Stevens St.

Additional Handouts:

-Email from City Councilor Katie Robey to Chief Giorgi, dated 7/26/19, re: Crowley Drive Project.

Zoning Board of Appeals
City of Marlborough
140 Main St.
Marlborough, MA 01752
Minutes
August 27, 2019

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 SEP -9 P 3:56

Members Present: Paul Giunta-Chairman, Ralph Loftin, Thomas Pope, Robert Levine and Thomas Golden.

Nature & Basis of Appeal: To remove existing garage and mudroom and construct a new 2 story addition and farmers porch in Zoning District A3. The required minimum side yard setback is 15 ft. vs. the proposed 5.2 ft. The existing mudroom and garage has a pre-existing non-conforming side setback of 5.2 ft. The proposed mudroom and garage expansion of the footprint and 2nd floor addition intensifies the non-conformity. Chapter 650-41 and Table of Lot Area, Yards and Height of Structures of the City Code of Marlborough. Property is located at 111 Brimsmead Street, Map 56, Parcel 293 of the Assessor's Maps.

Date of Appeal: July 9, 2019

Name and Address of Applicant: Christopher Amato, 111 Brimsmead Street, Marlborough, MA 01752

The property is located in Zoning District A3. Map 56, Parcel 293 of the Assessor's maps. Also, known as 111 Brimsmead Street.

The Building Dept. determined the following:

- The side yard setback is not in conformance with city Code of Marlborough 650-41. The required minimum side yard setback is 15 ft. Proposing and already existing is 5.2 ft. vs. the required minimum 15 ft.
- The proposed mudroom and garage expansion of the footprint and 2nd floor addition intensifies the non-conformity and requires relief.
- Existing Lot Coverage is 17.5 % . Proposed Lot Coverage is 18.7%

Lots in the area are similar in size, shape and topography. The majority makeup of the neighborhood are single family homes.

The applicant, Christopher Amato was present and represented himself. The applicant provided a plan entitled Certified Plot Plan, 111 Brimsmead St. Prepared by Odone Survey & Mapping, Stamped by Glenn Odone Jr. Dated: June 24, 2019. The applicant also submitted a set of plans entitled:

- Demolition Plan – D1
- Foundation Plan, layout of proposed structure and structural plans A1 thru A11

The applicant, Christopher Amato stated the following:

- House was built in 1949
- He has lived there for 13 years.
- He and his family hope to remain in Marlborough.

- The proposed structure will have the same roof line as the existing house. Structure will be 2 stories in height.

The Board asked the audience if there were any questions. Answer – None.
Speaking in **opposition: None**

Speaking in **favor**:

- Edward Clancy – Councilor of Ward 6 – He stated he has no opposition to this petition. He also stated that in conversation with Nancy Stevens of 107 Brimsmead St., the abutter to the right, Ms. Stevens has no opposition to the petition. It should be noted that in Board's file, an e-mail address to Susan Brown from Nancy Stevens, stating she has no opposition to the petition. (e-mail was read into the file and placed in Board's file)
- Wayne Simpson – 132 Prospect St. stated he is in favor of the petition. He has lived in this neighborhood for 50 yrs. The proposed improvement to 111 Brimsmead St. will be an asset to his lot and to the neighborhood.

With no other testimonies taken, the public portion of the public hearing was closed.

After some discussion the Board finds the following:

1. Compatibility of the size of the proposed structure with neighboring properties is in keeping with the neighborhood. The applicant has 15,561 sq. ft. in lot area. He has one of the largest lots in the neighborhood.
2. The petition is not substantially more detrimental than the existing non-conforming structure (being 5.2 ft. from the side lot line) or use to the neighborhood. The existing side setback is 5.2 ft. and it will remain 5.2 ft. with the new proposed garage with the added second floor. The expansion of height to structure will be in keeping with the same height as the existing house. The use of the structure will remain as residential.
3. In increasing the foot print of the foundation will not intensify the non-conformity or use. The enlarge footprint of the proposed addition will be within the existing driveway layout.
4. The proposed petition will be an improvement to the existing house and to the neighborhood.

Ralph Loftin made a motion to close the public hearing. Thomas Golden seconded that motion. The Board voted 5-0 to close the public hearing.

Respectfully submitted,

Paul Giunta
Chairman